

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 25-0943-PET

Petition of New Cingular Wireless PCS, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment at 79 Walnut Street in St. Albans, Vermont	
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Order entered: 06/23/2025

ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) approves the application filed on May 12, 2025, by New Cingular Wireless PCS, LLC, d/b/a AT&T (the “Petitioner”), pursuant to 30 V.S.A. § 248a and the Commission’s Standards and Procedures Implementing 30 V.S.A. § 248a (“Standards and Procedures”),¹ and grants the Petitioner a certificate of public good (“CPG”) authorizing modifications to a wireless telecommunications facility in Saint Albans, Vermont (the proposed “Project”).

II. BACKGROUND

This case involves a petition and prefiled testimony filed on May 12, 2025, requesting that the Commission issue a CPG approving *de minimis* modifications to the existing facility, pursuant to 30 V.S.A. § 248a(b)(2). Pursuant to § 248a(k), notice of the Project was provided to the host property owner, the Vermont Department of Public Service (“Department”), and the legislative body of the host municipality.

On June 11, 2025, the Department filed comments on the Project. The Department recommends that the Commission approve the petition without further hearings or investigation.

No other comments on the application were received by the Commission.

¹ Case No. 22-5122-INV, *Investigation into revised standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Attachment to Order issued January 18, 2023.

No party has requested an evidentiary hearing or objected to the project narrative and exhibits. The Commission has determined that the petition and supporting materials have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required. Accordingly, the following are admitted as if presented at a hearing: the affidavit of Warren Kelleher (exh. A) and exhs. 1-5.

III. FINDINGS

Based upon the application and its accompanying documents, the Commission makes the following findings in this matter.

1. The Project involves modifications to an existing telecommunications facility located on a building at 79 Walnut Street in Saint Albans, Vermont. Petition at Section B.

2. The Project involves the replacement of nine existing panel antennas with nine new panel antennas of varying sizes mounted at a centerline height of 82' on the existing 139' building. The Project also involves the installation of associated operating and ancillary equipment. Petition at exhs. A and 2.

3. The antennas and equipment will not extend above or horizontally from the building. The net increase in aggregate surface area of the faces of the antennas and equipment to be attached to the building is approximately 1 square foot. Petition at exh. A.

4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will not increase the amount of impervious surface at the existing facility site. Findings No. 2 and 3, above, and Petition at exh. A.

IV. DISCUSSION AND CONCLUSION

Pursuant to 30 V.S.A. § 248a(b)(2), *de minimis* modification means:

The addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure . . . , or the reconstruction of such facility or support structure, provided:

- (A) the height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;
- (B) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;
- (C) the addition, modification, or replacement of an antenna, or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;
- (D) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Pursuant to the Standards and Procedures at Section II:

For purposes of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Standards and Procedures, regarding *de minimis* modifications:

If no objections to the classification of the project are timely filed with the Commission, the Commission shall issue a CPG without further proceedings.

The proposed Project will consist of modifications to an existing telecommunications facility that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the facility, and will not create impervious surfaces surrounding the facility. The net increase in aggregate surface area of the faces of the antennas attached to the existing structure will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the structure by more than 10 feet. Therefore, the Project qualifies as “*de minimis* modifications” to an existing facility pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as *de minimis* modifications has been filed with the Commission.

Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

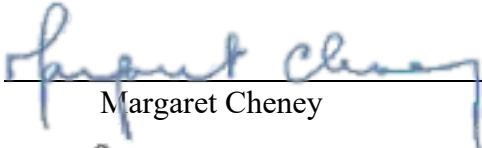
V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission of the State of Vermont that:

1. The modifications to the wireless telecommunications facility at the location specified in the above findings, by New Cingular Wireless PCS, LLC, d/b/a AT&T, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

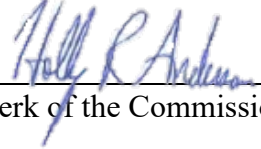
2. As a condition of this Order, the Petitioner must comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 23rd day of June, 2025.

 _____)	)	
Edward McNamara	)	PUBLIC UTILITY
	)	
 _____)	)	COMMISSION
Margaret Cheney	)	
	)	
 _____)	)	OF VERMONT
J. Riley Allen	)	

OFFICE OF THE CLERK

Filed: June 23, 2025

Attest: 

Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 25-0943-PET - SERVICE LIST

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