

August 8, 2025

Case No. 25-0257-PET

Petition of Rising Tide Towers II, LLC pursuant to 30 V.S.A. § 248a requesting a Certificate of Public Good for an installation of a wireless telecommunications facility in Pownal, Vermont

Reply to Petitioner's Leave to Amend Petition Submitted July 21, 2025

We, Tanya and Jesse Hart, submit this letter in response to Rising Tide Towers II, LLC's Second Motion for Leave to Amend its Petition dated July 21, 2025.

We object to the implication that this change to the tower height (now 93') sufficiently addresses the core concerns we've raised since the outset of this proceeding.

1. Delay Does Not Equate to Good Faith

We are dismayed that it has taken the Petitioner more than eight months, and multiple rounds of amendment, to even begin to address the concerns of the Town and my family (the adjoining neighbors). This delay has created unnecessary strain for our family and others affected by the project, and it highlights the reactive, rather than collaborative, nature of the Petitioner's process.

2. Aesthetic and Visual Impacts Remain

The newly proposed 93' monopole remains a significant visual intrusion from our property, which directly abuts the project site. The reduction in height does not materially change the impact to our viewshed and property aesthetics. The Petitioner claims that this amendment will have a "minor positive aesthetic impact" and that the project will be "less visible," but no balloon test has been performed at this location/height, and no updated visual impact analysis or photo simulations have been provided yet to substantiate that claim under the new design.

3. Community Benefit Still Questionable

The Petitioner notes that the reduction in height will eliminate the potential for future antenna collocations below the 89' RAD center. This calls into question the long-term viability and scalability of the tower and whether the public benefits of the project truly outweigh the burden placed on directly affected neighbors, particularly when we are being asked to bear 100% of the visual and property impacts with no mitigation.

4. Ongoing Concerns Under 30 V.S.A. § 248a(c)(2)

As previously stated in our Motion to Intervene, we maintain that the project still fails to meet the requirements of 30 V.S.A. § 248a(c)(2), especially in regard to aesthetics and public good. The latest design change does not alter this conclusion, and the Petitioner's continued minimization of these concerns only underscores the need for closer scrutiny of their assertions.

Conclusion

The Harts respectfully object to the Commission granting leave to amend before the second amended petition is submitted in full. Without access to updated site plans, visual simulations, and coverage maps, the public and intervenors cannot meaningfully evaluate the amended proposal or verify that it addresses the concerns previously raised. We request that the Commission defer ruling on the motion until the Petitioner has submitted all relevant materials for review. After reviewing the documents, we can better determine the need for a hearing.

We respectfully request that the Commission not grant leave to amend without first requiring the Petitioner to:

- Provide updated balloon tests or photographic simulations of the 93' tower;
- Submit a new coverage analysis to demonstrate that the reduced-height tower achieves its stated goals without undermining service quality;
- Address the adverse impacts on our family and property in a meaningful way, not simply through attempts at procedural compliance.

/s/ Tanya Hart

/s/ Jesse Hart

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