

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

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	
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**VERMONT DEPARTMENT OF PUBLIC SERVICE RESPONSE TO
MOTION TO INTERVENE**

On August 11, 2025, Terry Brown and Jane Wilkerson (“Movants”) filed a Motion to Intervene in the above captioned case (“Motion”). Movants are the owners of a parcel adjacent to the parcel (See Hart Motion to Dismiss, August 13, 2025, at 7-8) on which Rising Tide Towers II, LLC (“Petitioner”) seeks a certificate of public good to build a telecommunications facility pursuant to 30 V.S.A. § 248a (“Petition”). Movants assert that they were not provided with notice of this case or its corresponding advanced notice and request an extension of all deadlines prior to their intervention to allow them an opportunity to participate in this case. Movants do not assert an interest in this case other than being adjoining landowners. On August 13, 2025, the Public Utility Commission (“Commission”) issued a Memorandum requesting comments on the Motion by August 20, 2025.

The record in this case and the advanced notice supports Movants’ claimed lack of notice.¹ The lack of notice provided to Movants appears to be the result of an oversight. The Vermont Parcel Viewer SPAN:495-156-10731 (the second span of the southern parcel to the east of the

¹ The Department notes Ashley Benson was included in Petitioner’s Entities and Individuals to be Served Following Completeness Determination. Ashley P. Benson is listed as the Resident Agent for Four Directions, LLC, the owner of the northern parcel to the east of the parcel which is the subject of this petition. Massachusetts Secretary of State, *Corporations*, <https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?sysvalue=D9TLs6114BLURtgXMhtpKnNx Fz8bbfn.uFSJfnOsmvs->

subject property) includes a May 24, 2024, “property transfer since annual grand list” showing David Wilkerson as the buyer.² Pursuant to 30 V.S.A. § 248a(e) and the Commission’s Standards and Procedures Implementing 30 V.S.A. § 248a (2023), Movants were entitled to both the 60-day advanced notice and 30-day notice of the Petition. While the 30-day comment and intervention deadline has passed, Movants did not receive notice, thus their opportunity to intervene has not tolled.³

The Department supports Movants’ intervention conditioned on Movants identifying their interest in this proceeding common to issues in this case subject to the Commission’s jurisdiction, distinct from the interests already represented by existing parties (Hart(s): public safety, aesthetics; Town of Pownal: orderly development/conformance with bylaws), limited to issues where supported by evidence of Movants’ particular interests and any corresponding expertise.

Petitioner’s full amended filings are anticipated August 22, 2025, per the Commission’s August 16, 2025, Order in this case. Petitioner states the amended filing will “ideally [be followed by] a status conference” (See Petitioner’s August 11, 2025, Reply to Intervenor (Hart(s)) at 4). At the April 28, 2025, scheduling conference, the parties tentatively agreed to waive discovery and a schedule which included 30 days for parties to respond to Petitioner’s first amended petition (with testimony, comments, etc.), followed by an evidentiary hearing approximately two and a half weeks later, briefs two weeks after that, with two additional weeks for reply briefs. Petitioner’s revised proposed Joint Scheduling Order (filed May 9, 2025) asserts that intervenor Hart(s) have

² Vermont Parcel Viewer accessible here, use of the Microsoft Edge web browser to navigate the Parcel Viewer is not recommended,
https://experience.arcgis.com/experience/b5a5cc7663c84761a305f70b913e1a60#widget_23=active_datasource_id:datasource_1,center:-8154299.375303369%2C5275072.92574868%2C102100,scale:6437.441446080707.

³ S&P, VII (comments and motions to intervene are due “within 30 calendar days of the date that the application was served on all required recipients.”).

withdrawn their request for an evidentiary hearing with corresponding signatures from intervenors. Should Movants be permitted to intervene, the structure of the previously proposed schedule can likely be maintained, subject to modification at an anticipated status conference while providing Movants at least 30 days to comment on the second amended petition. Consequently, the Department does not anticipate that Movants' intervention will cause an undue delay in this proceeding.

Based on the foregoing, the Department respectfully recommends that the Movants be required to identify their interests in the substantive issues in this case and any expertise they have relevant to those interests. If Movants' interests in this case are distinct from those already represented by existing parties and would have entitled them to intervention on timely motion, the Department recommends that the Commission exercise its discretion in granting Movants limited intervention as the Commission deems appropriate.

Dated at Montpelier, Vermont this 20th Day of August 2025.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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