

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 13, 2025, Tanya and Jesse Hart (“Harts”) filed a Motion to Dismiss Petition for Failure to Provide Required Notice (“Motion”) in the above captioned case. The Harts request dismissal based on Rising Tide Towers II, LLC’s (“Petitioner”) failure to provide notice to Four Directions LLC (Ashley Benson) and David Wilkerson.¹ On August 14, 2025, the Vermont Public Utility Commission (“Commission”) requested responses to the Motion by August 29, 2025.

Based on Petitioner’s substantially complete notice and precedents recognizing the Commission’s discretion in relation to notice, the Vermont Department of Public Service (“Department”) recommends that the Commission deny the Harts’ Motion to Dismiss. Dismissal is not appropriate in cases where a petitioner made good faith efforts to provide notice, where notice was cured with sufficient time for late-noticed parties to meaningfully participate, and where curative notice does not unduly delay a proceeding or interfere with the ability of parties to negotiate disputed issues.² Wilkerson, the late-noticed party, has not requested that the petition be dismissed, instead requesting an opportunity to participate. Based on the foregoing, the

¹ 30 V.S.A. § 248a(e) requires petitioners to provide a 60-day advanced notice of forthcoming petitions to landowners of record of properties adjoining the project site, among others. Order Adopting Revised Standards and Procedures Implementing 30 V.S.A. § 248a, Case No. 22-5122-INV, Order of 01/18/2023, Sections IV requires petitioners to provide a 30-day notice of administratively complete petitions to adjoining landowners.

² See Order Denying Motion to Dismiss, Docket No. 8816, Order of 03/02/2017, 3; See also Procedural Order, Docket no. 7867, Order of 08/15/2012, 5 See also *In re Stowe Cady hill Solar, LLC*, 206 Vt. 430, ¶¶ 9-10, 13-14, 22-27 (2018).

Department respectfully recommends that the Commission ensure Wilkerson has a meaningful opportunity to participate and that the Commission deny the Hart's Motion to Dismiss.

Dated at Montpelier, Vermont this 29th Day of August 2025.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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