

September 3, 2025

William J. Dodge
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Via ePUC

Holly Anderson, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Re: ePUC Case No. 25-0257-PET: Rising Tide Towers II, LLC and Wireless Partners FN, LLC
Clarification Regarding Brown / Wilkerson Participation

Dear Holly:

In connection with Petitioner's Opposition to Brown / Wilkerson Motion to Intervene filed August 11, 2025 (the "**Opposition**"), and based upon the Department of Public Service's Response to Motion to Intervene dated August 20, 2025 ("**DPS Response**") as well as Petitioner's Opposition to Intervenors' Motion to Dismiss filed August 29, 2025 ("**Dismissal Response**"), the undersigned submits this letter to clarify for the Hearing Officer and the parties Petitioner's position regarding the status of Terry Brown, Jane Wilkerson, and David Wilkerson ("**Brown / Wilkerson**") in this proceeding:

1. Petitioner accepts for purposes of this proceeding that Brown / Wilkerson own the property at 718 Montgomery Road, notwithstanding certain inconsistencies on both the Vermont Parcel Viewer and in Brown / Wilkerson's Motion to Intervene, filed August 10, 2025 (the "**Intervention Motion**"). Opposition at 5-6; Dismissal Response at 7-9.
2. Petitioner maintains its position from the Opposition that the Intervention Motion does not expressly state a basis for intervention in the proceeding as required by Public Utility Commission ("**PUC**" or "**Commission**") Rule 2.209, nor has Brown Wilkerson articulated a basis since the Department took its position regarding the possibility of conditional intervention. Opposition at 4-5; DPS Response at 2.
3. Petitioner maintains that the Intervention Motion, as filed, lacks alleged facts sufficient to establish that it was timely submitted per the "excusable neglect" standards applied by the Commission in construing PUC Rule 2.206(A). Opposition at 3-4.
4. Petitioner has no objection to Brown / Wilkerson submitting comments to its Second Amended Petition, including if the Hearing Officer determines that additional time is needed. That said, Petitioner does not support the Department in finding that an extra 30 days is needed to provide comments under these circumstances – September 22 would be

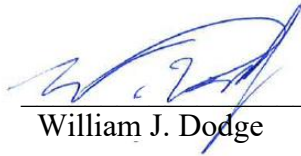
more than sufficient as an outside date for comments. Dismissal Response at 10-11; DPS Response at 3.

5. In the event that the hearing request from Intervenors Tanya and Jesse Hart is granted, Brown / Wilkerson could participate by and through the Harts as representatives, a practice that has often been done in other Section 248a proceedings to consolidate the interests of pro se parties. *See, e.g., Petition of New Cingular Wireless PCS, LLC (Granville)*, Case No. 23-4087-PET, Order of 02/23/2024 at 5.

Sincerely,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Petitioners

By:



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