

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

RESPONSE TO ORDER RE MOTION TO INTERVENE AND REQUEST FOR COMMENT ORDERED AUGUST 14, 2025

REQUEST FOR EVIDENTIARY HEARING

Dear Hearing Officer Faber,

Pursuant to your August 14, 2025 Order and the Petitioner's revised filing on August 22, I submit the following comments, in addition to all comments and filings previously submitted by me in this matter, which I incorporate herein by reference and respectfully request that the Commission schedule an evidentiary hearing with discovery in this matter.

I. Legal Standard

Under 30 V.S.A. § 248a, the Commission must determine whether a proposed telecommunications project promotes the general good of the state, considering factors including aesthetics, public safety, environmental impacts, compliance with the Town Plan, and whether the project provides a substantial public or **societal benefit**. An evidentiary hearing is appropriate where material facts are in dispute and cannot be resolved on the written record.

II. Material Facts in Dispute

1. RF Propagation and Coverage Claims

The Petitioner's revised propagation maps are modeled at a 93-foot antenna height but the actual antenna centerline is 89 feet according to their revised site plans. This discrepancy may overstate coverage. Moreover, the Petitioner previously stated publicly at a Town of Pownal Meeting that a tower at this lower height would not provide adequate service. Whether the project delivers the promised societal and coverage benefit is a central disputed fact.

2. Visual and Aesthetic Impacts

The revised filings state there is no view from my property, which is factually untrue. Both my family and visitors can see the proposed site. Additionally, no balloon test has been conducted after moving the tower, or at the revised 93-foot height, depriving abutters of a fair assessment of visual impacts.

3. Abutter Notice and Participation

The Wilkerson/Brown family, direct abutters, were not notified for over eight months and missed the December 2024 balloon test. Whether their late notice and inability to participate fully can be cured without re-notice and new balloon testing is a material dispute.

4. Consideration of Alternatives

The Petitioner claims to have explored alternative sites but failed to consider my family's offered property, despite a signed Entry & Testing Agreement signed 11/21/24. Whether the Petitioner reasonably considered alternatives is disputed and directly relevant to aesthetics, siting, and whether the project offers the greatest societal benefit.

5. FirstNet Public Safety Benefits

The Petitioner emphasizes FirstNet as a benefit, but fails to disclose that municipalities must pay subscription fees to access the system. Whether FirstNet offers an actual benefit to Pownal's first responders, and thus a societal benefit, is disputed.

III. Need for Discovery

To fully test these disputed issues, discovery is necessary. Specific information needed includes raw RF modeling data, site selection evaluations, and details regarding FirstNet subscription costs. Without discovery, the Commission cannot ensure a complete and accurate record on whether this project offers a substantial public or societal benefit.

IV. Relief Requested

For these reasons, I respectfully request that the Commission:

1. Schedule an evidentiary hearing;
2. Permit discovery prior to the hearing; and
3. Require a new balloon test at the revised height and location with proper notice to all abutters.

V. Conclusion

There are multiple material facts in dispute that go to the core of the Commission's § 248a analysis, including whether the project delivers any true societal benefit. These cannot be resolved on the written record alone. A full evidentiary process is necessary to ensure a fair and informed decision.

In order to save time for any scheduling orders, please note that I will be out of town beginning September 5th through September 17th, 2025, with limited internet access.

Thank you for your consideration.

Dated at Pownal, Vermont this 4th day of September, 2025.

Respectfully,

/s/ Tanya Hart

Tanya Hart
Intervenor