

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 PETITIONER’S OPPOSITION TO INTERVENORS’ REQUEST FOR HEARING

Dear Hearing Officer Faber,

I am writing to reply to the Petitioner’s September 16, 2025 “Opposition to Intervenors’ Request for Hearing.” Petitioner’s filing reinforces, rather than undermines, the need for a full evidentiary hearing and discovery in this matter.

1. Aesthetics and Impact

Under 30 V.S.A. § 248a, the Commission must determine whether a proposed Petitioner mischaracterizes my request for a hearing as a failure to provide evidence of views from my property, when the very reason I am requesting a hearing is to have the opportunity to present testimony and photographic evidence regarding those views.

In fact, Petitioner’s own filing admits that “portions of the tower may be visible from some areas of the Hart property” and that the project is only ~750 feet from my home. This admission underscores the need for a hearing where I can provide testimony and evidence about the extent and character of those views.

I have also repeatedly requested an updated balloon test so that I can gather and submit the most accurate evidence regarding the tower’s revised placement, the actual lines of sight from my property, and the undue adverse aesthetic impacts. To date, no such updated balloon test has been provided.

2. Alternative Site Offered

Petitioner dismisses my family’s offer of an alternative tower location on our property as “unsupported,” yet fails to acknowledge that we signed a valid Entry & Testing Agreement and

repeatedly offered the site in good faith. I am attaching email/text correspondence documenting those offers as Exhibit TJH-01. Petitioner's decision not to meaningfully explore that alternative goes directly to whether it took "reasonable mitigation measures" as required under 30 V.S.A. § 248a. I require the opportunity to present Exhibit TJH-01 as evidence with supporting testimony.

3. Procedural Fairness

Finally, the Petitioner's suggestion that I have not met a burden of proof on these issues is misplaced. The purpose of an evidentiary hearing is to allow intervenors to present sworn testimony and exhibits on precisely these disputed issues. Denying a hearing because that testimony has not yet been presented would invert the process and deny due process.

Request for Relief

For these reasons, I respectfully renew my request that the Commission schedule a full evidentiary hearing with discovery. I also ask that the Commission accept the attached email/text correspondence (Exhibit TJH-01) into the record to document my alternative site proposal.

Thank you for your attention to this matter.

Dated at Pownal, Vermont this 18th day of September, 2025.

Respectfully,

/s/ Tanya Hart

Tanya Hart
Intervenor