

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-1679-PET

Petition of Industrial Tower and Wireless, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment on 402 VT Rt 140 in Tinmouth, Vermont.	
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**RESPONSE OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE RE THE
MOTION TO INTERVENE OF NELSON AND BEATRICE JAQUAY**

On August 8, 2025, Industrial Tower and Wireless, LLC (“ITW” or “Petitioner”), filed a petition with the Vermont Public Utility Commission (“Commission”), under 30 V.S.A. § 248a, for approval to construct a telecommunications tower (“Project”) on a ± 32.35-acre parcel located at 402 VT Rt 140 in Tinmouth, Vermont (“Facility”). On September 9, 2025, the Department of Public Service (“Department”) filed comments which requested additional information necessary for it to complete its review of the petition and highlighted other potential issues.

On September 9, 2025, Nelson and Beatrice Jaquay (the “Jaquays”) filed a timely motion to intervene form, which requested a hearing in this matter. The Jaquays are adjoining landowners, and their concerns include the Project’s impact on aesthetics, impacts on the environment, and their assertions that the Project is not consistent with the Town of Tinmouth (“Tinmouth”) municipal plan.

Commission Rule 2.209 governs intervention in Commission proceedings.¹ Rule 2.209’s subsections contain provisions regarding ‘intervention as of right’ under Rule 2.209(A), ‘permissive intervention’ under Rule 2.209(B), and Rule 2.209(C) provides that if a party is

¹ VERMONT PUBLIC UTILITY COMMISSION, *Rule 2.200: Procedures Generally Applicable – Rule 2.209, Intervention*, at 21-22 (effective Jan. 1, 2023), available at https://puc.vermont.gov/sites/psbnew/files/doc_library/2.000-rules-of-practice_0.pdf.

granted intervention, that such intervention can be subject to conditions such as limits regarding the scope of intervention and requiring joinder. As explained below, the Department supports the Jaquay's motion to intervene provided it is granted subject to conditions.

The Jaquays not only have subject matter interests that must be resolved in this proceeding, but they are also uniquely situated because the outcome of this proceeding could impact their personal rights as the owners of property which directly neighbors the Project. Thus, granting them intervention either as of right under Rule 2.209(A)(2), or permissively under Rule 2.209(B)(2), would be appropriate.

However, the Department maintains that the Jaquays should have conditional intervention. While the Jaquay's motion to intervene is timely, the scope of the concerns they provided include issues that are adequately, and perhaps more appropriately, addressed by other entities. For example, Tinmouth is better qualified to opine regarding the Project's consistency with its own Town plan than the Jaquays, Tinmouth is a statutory party as of right, and Tinmouth has intervened in this proceeding and filed comments.² Similarly, the Jaquays have not given any reasons, or stated any expertise, regarding their environmental impacts concerns which cannot be not adequately addressed by the Vermont Agency of Natural Resources (the Tinmouth Channel Wildlife Management Area is owned by the State of Vermont and managed by the Vermont Fish & Wildlife Department).

Therefore, the Department supports the Jaquay's motion to intervene but recommends that the scope of their participation be limited to aesthetic impacts pursuant to Rule 2.209(C).

² While the Jaquay's motion to intervene represents that Nelson worked on the Tinmouth Town Plan in the 1970s, they have not argued or demonstrated how this experience would contribute to resolving Town plan issues in this proceeding more meaningfully than Tinmouth can itself. The Jaquays have not provided any other experience or credentials regarding interpretation of the town plan.

DATED at Montpelier, Vermont this 23rd day of September 2025.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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cc: ePUC Service List