

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Case No. 25-1679-PET

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| 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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**RESPONSES OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE RE THE  
MOTIONS TO INTERVENE OF CRIS CARABEAU AND ADAM GUETTEL**

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, Adam Guettel and Cris Carabeau each filed a timely motion to intervene form, and each requested a hearing. Neither Adam Guettel nor Cris Carabeau are adjoining landowners, though each have asserted that their property is within the Project’s viewshed and have expressed concerns regarding the Project’s impact on aesthetics. Each has also asserted that the Project is not consistent with the Town of Tinmouth (“Tinmouth”) municipal plan and/or Tinmouth’s bylaws.

Commission Rule 2.209 governs intervention in Commission proceedings.<sup>1</sup> Rule 2.209’s subsections contain provisions regarding ‘intervention as of right’ under Rule 2.209(A),

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<sup>1</sup> 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](https://puc.vermont.gov/sites/psbnew/files/doc_library/2.000-rules-of-practice_0.pdf).

‘permissive intervention’ under Rule 2.209(B), and Rule 2.209(C) provides that if a party is 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 has no objection to either Cris Carabeau’s or Adam Guettel’s motion to intervene but if intervention is granted, the Department recommends that their intervention be conditional.

While Cris Carabeau and Adam Guettel have stated concerns regarding subject matters that must be resolved in this proceeding, neither have provided information indicating an unconditional legal right to intervene or stated a particularized interest warranting intervention as of right under Rule 2.209(A)(2). Because each has claimed interest in questions of law and fact at issue in this case, permissive intervention under Rule 2.209(B)(2) might be appropriate. Rule 2.209(B)(2) provides that permissive intervention may be granted when the movant’s “claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding. In exercising its discretion, the Commission must consider whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.”

Neither Cris Carabeau nor Adam Guettel have stated reasons or credentials indicating that their intervention would not unduly delay this proceeding regarding, or add perspective in resolving, questions about the Project’s consistency with the Tinnmouth town plan or bylaws. Therefore, Tinnmouth is better qualified to opine regarding the Project’s consistency with its own town plan than either, Tinnmouth is a statutory party as of right, and Tinnmouth has intervened in this proceeding and filed comments. As such, the Department maintains that neither should be granted intervention as to the Project’s consistency with Tinnmouth’s town plan or bylaws.

However, Cris Carabeau and Adam Guettel each asserted that the Project would be visible from their respective properties, though neither is an adjoining landowner. As such, each can offer a similar perspective regarding the Project's aesthetics from the viewpoint of members of the community that are nearby, but not adjoining, landowners. Such an interest has not been advanced by another intervenor nor is it fully represented by any current party.<sup>2</sup>

Therefore, the Department has no objection to the Commission permissively granting the motion to intervene filed by either Adam Guettel or Cris Carabeau but recommends that, if intervention is granted to them, that the scope of their participation be limited to aesthetic impacts pursuant to Rule 2.209(C). Moreover, because both Cris Carabeau and Adam Guettel are nearby, but not adjoining, property owners – their motions to intervene express similar interests to the other. As such, if each are granted intervention, the Department recommends that the Commission join them together “with respect to appearance by counsel, presentation of evidence, or other matters . . . as the interests of justice and economy of adjudication require.”<sup>3</sup>

DATED at Montpelier, Vermont this 23<sup>rd</sup> day of September 2025.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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<sup>2</sup> Please note the Department has supported a limited scope intervention regarding Project aesthetics for directly adjoining property owners in a separate filing it submitted on this date.

<sup>3</sup> Rule 2.209(C).