

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-0257-PET

Second Amended Petition of Rising Tide Towers II, LLC pursuant to 30 V.S.A. § 248a requesting a Certificate of Public Good for an installation of a wireless telecommunications facility in Pownal, Vermont	
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**PETITIONER’S REPLY TO INTERVENOR’S RESPONSE TO
OPPOSITION TO REQUEST FOR HEARING**

NOW COMES Rising Tide Towers II, LLC (“RTT”), together with Wireless Partners FN, LLC (“WP”, and together with RTT, “Rising Tide” or “Petitioner”), and replies as follows to the document filed by Tanya Hart (the “Intervenor” or “Ms. Hart”) on September 19, 2025, and entitled “Response to Petitioner’s Opposition to Intervenor’s Request for Hearing” (the “Response”). The Response pertains to Intervenor’s Request for Hearing, filed September 4, 2025 (the “Hearing Request”).

The Response restates Intervenor’s request for a hearing on the grounds of aesthetics, Petitioner’s alleged failure to consider siting the Project on the Intervenor’s property, and procedural fairness. In support of the Intervenor’s Response, and without any request for leave, Intervenor submitted new evidence in the form of phone, text message, and email records (collectively, the “New Evidence”), all purporting to show an alternative site on Intervenor’s property that Intervenor allege Rising Tide failed to consider.

The Hearing Officer should not consider the New Evidence in connection with the Hearing Request. Specifically, the New Evidence should be disregarded as untimely submitted, in light of the schedule. The Hearing Officer issued the Order Re: Motions and Substantial Change Determination on August 14, 2025, which set September 5, 2025, as the deadline for the

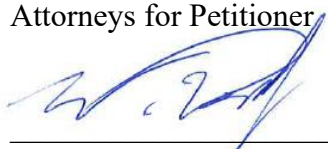
parties to file comments and requests for hearing on the revised Project. Intervenor submitted none of the New Evidence with her September 4 submission, nor provided any prefiled testimony to substantiate the New Evidence's import for this proceeding (as would be required per Commission Rule 2.213). In the Response, Intervenor provides no justification for failing to have submitted the New Evidence before September 5, nor a request for leave to file the New Evidence.

Commission procedure is clear that absent a valid explanation for Intervenor's delay, the Hearing Officer should not consider the New Evidence in connection with the Hearing Request. *See, e.g., Petition of Industrial Tower and Wireless LLC, Case 24-1755-PET, Order of 4/24/25* (declining to consider comments filed after public comment deadline without basis to ignore deadline). The Hearing Officer should instead disregard the New Evidence and deny the Harts' hearing request, together with their accompanying request for discovery and a Commission-ordered site visit / balloon test, for the reasons set forth in Petitioner's Opposition.

DATED at Burlington, Vermont, this 26th day of September, 2025.

Respectfully submitted,

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