

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 25-1543-PET

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Petition of Bell Atlantic Mobile Systems, LLC and The Towers, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, for the installation of wireless telecommunications equipment at 2264 Route 2 in Marshfield, Vermont	
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Order entered: 09/30/2025

**PROCEDURAL ORDER RE MOTIONS TO INTERVENE AND REQUESTS FOR HEARING**

**I. INTRODUCTION**

This case involves a petition filed by Industrial Tower and Wireless LLC (“Petitioner”) requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, for authorization to install wireless telecommunications equipment in Marshfield, Vermont (the “Project”). In today’s Order, I grant the motions to intervene and requests for hearing that have been filed in this case.

**II. PROCEDURAL HISTORY**

On September 5, 2025, Robin Gomez, Robert Buchanan, Pam Quinn, Weston Cate, and Michael Xenakis (together, the “Intervenors”) each filed a separate motion to intervene. Several of the Intervenors also filed requests for an evidentiary hearing to be held in this proceeding.

On July 31, 2024, the Vermont Department of Public Service (“Department”) filed a response to the motions to intervene.

**III. LEGAL STANDARD**

Rule 2.209 governs intervention in proceedings before the Commission. Rule 2.209(A) provides that upon timely application a person is entitled to intervene in a proceeding:

- (1) when a statute or Commission rule confers an unconditional right to intervene; or
- (2) when the applicant claims an interest in the matters that must be resolved in the proceeding and the applicant is so situated that the disposition of the proceeding may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

In addition, Rule 2.209(B) reserves to the Commission the power to grant intervenor status on a permissive basis:

- (1) when a statute or Commission rule confers a conditional right to intervene; or
- (2) when an applicant'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 under Rule 2.209(B), the Commission must consider whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

Rule 2.209(C) further provides that the Commission may impose certain restrictions on an intervenor's participation in a proceeding. Specifically, the Commission may restrict that party's participation, may require that party to join with other parties with respect to appearance by counsel, presentation of evidence, or other matters, and may otherwise limit that party's participation, all as the interests of justice and economy of adjudication require.<sup>1</sup>

#### **IV. POSITIONS OF THE PARTIES**

The Intervenors all argue that they will be negatively impacted aesthetically by the installation of the Project because they will be able to view the Project from their respective properties. The Intervenors also contend that the Project will conflict with provisions of the Marshfield Town Plan and will negatively impact surrounding natural areas.

The Department has no objection to granting the Intervenors intervention with respect to aesthetic impacts and town plan compliance.

#### **V. DISCUSSION AND CONCLUSION**

All Intervenors seek permissive intervention through Commission Rule 2.209(B).

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<sup>1</sup> The Commission may not require a State agency to be represented jointly with any other party to a case.

The Intervenors have adequately demonstrated through the visual-aesthetics allegations in their motions to intervene that their claimed interest in the Project's aesthetic impact shares a question of law or fact in common with the applicable criteria included in 30 V.S.A. § 248a(c)(1), which must be resolved in this proceeding. I also find that intervention on the basis of aesthetics will not unduly delay the proceeding or prejudice the interests of existing parties or of the public. Therefore, I grant the Intervenors permissive intervention with respect to the Project's aesthetic impact under Section 248a(c)(1), pursuant to Rule 2.209(B)(2).

The Intervenors also allege that the Project will conflict with the goals of the Marshfield Town Plan. Accordingly, I grant the Intervenors permissive intervention regarding compliance with the municipal plan under Section 248a(c)(2) as well.

Therefore, the scope of the Intervenors' intervention in this proceeding is limited to aesthetic issues and compliance with the municipal plan.

With respect to the request for an evidentiary hearing, Section VII of the Commission's Section 248a *Procedures Order* provides that "[i]n order to request an evidentiary hearing, commenters must make a showing that the application raises a significant issue regarding one or more of the substantive criteria applicable to the proposed project."<sup>2</sup> In this case, the Intervenors' motions contain evidence that suggests that the Project has at least the potential to raise a significant issue with respect to aesthetics and the municipal plan, which are applicable to this case under Sections 248a(c)(1) and (2). Accordingly, the request for an evidentiary hearing is granted.


I also conclude that the Intervenors should coordinate their activities through a single representative for the remainder of this proceeding. Accordingly, the Intervenors are required to coordinate their members' participation in discovery, in the presentation of evidence, in cross-examination, and in briefing.

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<sup>2</sup> *Sixth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Case No. 18-2940-INV, Order of 9/21/18.

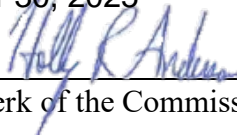
**SO ORDERED.**

Dated at Montpelier, Vermont, this 30th day of September, 2025.

  
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Gregg Faber  
Hearing Officer

OFFICE OF THE CLERK

Filed: September 30, 2025

Attest:   
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Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*

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\*Notice of appearance to be filed.

^Motion to Intervene pending.