



EXISTING PERMITS

In accordance with the State of Vermont Public Utility Commission' regulations, the local or state permits that relate to the facility at 1298 Machia Road, Sheldon, VT, are as follows:

Certificate of Public Good pursuant to Act 248a Case # 17-2673-PET issued April 24, 2017.

Copies are attached.

After a review of the above, there does not appear to be any conditions that in the applicant's opinion, that could affect the proposed development.

This filing will also act as a certification that the applicant has not obtained or been denied a permit or permit amendment under the provisions of Title 24 Chapter 151 of Title 10 for the same or substantially the same project.

Springer Law Office, PLLC
Attorneys for T-Mobile Northeast, LLC and
Smartlink Group

By: _____

A handwritten signature in blue ink, appearing to be "Jonathan S. Springer", written over a horizontal line.

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STATE OF VERMONT
PUBLIC SERVICE BOARD

Case No. 17-2673-PET

Application of Bell Atlantic Mobile Systems of Allentown, Inc. and Celco Partnership, for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a, authorizing the construction of wireless telecommunications facilities in Sheldon and Swanton, Vermont	
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Order entered: 4/24/2017

I. INTRODUCTION

In this Order, the Vermont Public Service Board (“Board”) approves the application filed by Bell Atlantic Mobile Systems of Allentown, Inc. and Celco Partnership, each d/b/a Verizon Wireless (the “Petitioners”), pursuant to 30 V.S.A. § 248a and the Board’s Procedures Order (“Procedures Order”),¹ and grants the Petitioners a certificate of public good (“CPG”) authorizing the installation of wireless telecommunications facilities in Sheldon and Swanton, Vermont (the proposed “Project”).

II. BACKGROUND

On March 10, 2017, the Petitioners filed a petition and prefiled testimony requesting that the Board issue a CPG.

On March 31, 2017, the Vermont Department of Public Service (“Department”) filed comments on the Project. The Department recommends that the Project be approved without further hearing or investigation.

No other comments on the application were received by the Board.

The Board has determined that the petition and prefiled testimony have effectively addressed the substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

¹ Fourth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a, Order issued August 12, 2016.

III. FINDINGS

1. The Project involves the construction of telecommunications facilities on two existing farm silos located at 445 Machia Road in Sheldon, Vermont and 54 Woods Hill Road in Swanton, Vermont, respectively. The objective of the Project is to expand and improve wireless broadband coverage in the surrounding area. AJ Lanpher ("Lanpher") pf. at 2-3.

2. The Machia Road portion of the Project includes the installation of 12 panel antennas, each measuring approximately 73" by 12", mounted at a centerline height of 64' on the 71' silo. The Project also includes the installation of a 9' by 15' raised equipment platform which will hold two equipment cabinets and an emergency generator. A 500-gallon propane tank will be mounted on a new concrete pad adjacent to the silo. The Project also involves the installation of ancillary operating equipment, cabling and conduit. Louis Hodgetts ("Hodgetts") pf. at 2-3.

3. The Woods Hill Road portion of the Project includes a ten-foot extension of the silo to approximately 70'. Three panel antennas each measuring approximately 73" by 12", mounted at a centerline height of 62' on the 70' silo. The Project also includes the installation of a 9' by 15' raised equipment platform which will hold two equipment cabinets and an emergency generator. A 500-gallon propane tank will be mounted on a new concrete pad adjacent to the silo. The Project also involves the installation of ancillary operating equipment, cabling and conduit. Hodgetts pf. at 3-4.

4. The Project will involve approximately 60 square feet of permanent earth disturbance at each site. All Project construction will conform to the *Low Risk Site Handbook for Erosion and Sediment Control*. Hodgetts pf. at 4; exh LH-1B.

5. The Project will not have an undue adverse impact on floodways, the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 6-9, below.

6. The Project involves the installation of equipment on two existing silos. The Machia Road silo is one of three existing silos on the property and will be screened on three sides by existing vegetation. The Woods Hill Road site involves an existing silo that already hosts telecommunications equipment from a different provider. The silo is located on a working farm that hosts several farm buildings and farm equipment which will minimize the visibility of the silo modifications. The Project will not appear shocking or offensive to the average viewer. The

Project will not violate any written community standards contained in the relevant town and regional plans. Accordingly, the Project will not have an undue adverse effect on aesthetics. Hodgetts pf. at 5; exhs. LH-4 and 5.

7. The Project will have no adverse impact on rare or irreplaceable natural areas, wildlife habitat, or endangered species because the Project is not located in a rare or irreplaceable natural area. Hodgetts pf. at 5; exhs. LH-6 and 7.

8. The Project will not have an adverse effect on historic sites. Hodgetts pf. at 5; exhs. LH-8 and 9.

9. The Project will have no adverse effect on floodplains. Hodgetts pf. at 4.

10. The Project is not subject to existing land use and zoning permits. Hodgetts pf. at 7.

11. The Project is consistent with the land conservation measures in the Sheldon Town Plan, the Swanton Town and Village Municipal Plan, and the Northwest Regional Plan. Hodgetts pf. at 6-7.

IV. DISCUSSION

The procedures governing Board approval of telecommunications facilities are set forth in 30 V.S.A. § 248a. Section 248a(1) provides that the Board:

may issue rules or orders implementing and interpreting this section. In developing such rules or orders, the board shall seek to simplify the application and review process as appropriate

In order to implement the statute the Board adopted the Procedures Order. In accordance with § 248a(b)(3), the Procedures Order, at Section II, defines a project of “limited size and scope” as:

a new telecommunications facility, including ancillary improvements, that does not exceed 140 feet in height; or an addition, modification, replacement, or removal of equipment at an existing telecommunications facility or support structure, and ancillary improvements, that would result in a total facility height of less than 200 feet and does not increase the width of the existing support structure by more than 20 feet. In order to qualify as a project of limited size and scope, construction of the project shall not result in earth disturbance of more than 10,000 square feet of earth, excluding temporary earth disturbance associated with construction activities.

As required by § 248a(c)(1) and set forth in Section IV(H) of the Procedures Order, in reviewing projects of limited size and scope the Board conditionally waives:

all criteria under 30 V.S.A. § 248a(c)(1), with the exception of 10 V.S.A. §§ 6086(a)(1)(D) (floodways) and 6086(a)(8) (aesthetics, historic sites, rare and irreplaceable natural areas, endangered species, necessary wildlife).

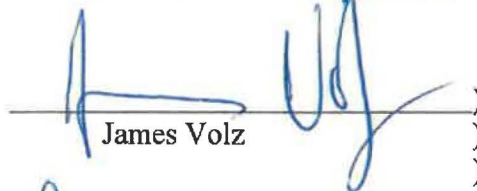
The Project will not exceed 140' in height and will result in less than 10,000 square feet of additional permanent earth disturbance. Therefore, the Project qualifies as a project of limited size and scope.

Accordingly, based upon all of the above evidence, we conclude that the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

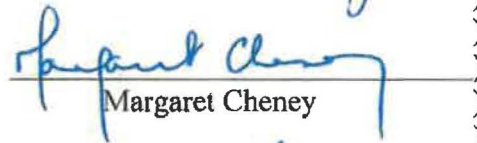
V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of wireless telecommunications facilities at the locations specified in the above findings, by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 24th day of April, 2017.


James Volz

PUBLIC SERVICE


Margaret Cheney

BOARD


Sarah Hofmann

OF VERMONT

OFFICE OF THE CLERK

Filed: April 24, 2017

Attest: 
Clerk of the Board

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

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.

PSB Case No. 17-2673-PET - SERVICE LIST

Parties:

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(for Bell Atlantic Mobile Systems of
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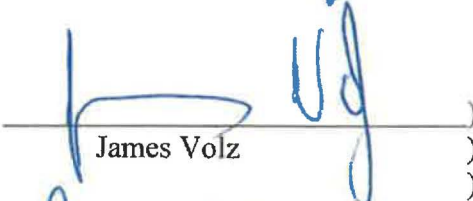
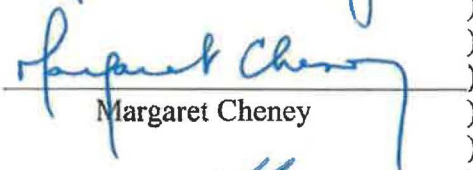
Order entered: 4/24/2017

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

IT IS HEREBY CERTIFIED that the Vermont Public Service Board ("Board") this day found and adjudged that the proposed installation of telecommunications equipment (the "Project") by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless at 445 Machia Road in Sheldon, Vermont and 54 Woods Hill Road in Swanton, Vermont, will promote the general good of the State, subject to the following conditions:

1. Operation and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Board approval. Failure to obtain advance approval from the Board for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with applicable existing and future statutory requirements and Board Rules and Orders.
3. This Certificate of Public Good shall not be transferred without prior approval of the Board.

Dated at Montpelier, Vermont, this 20th day of April, 2017.

	)	
James Volz	)	PUBLIC SERVICE
	)	
Margaret Cheney	)	BOARD
	)	
Sarah Hofmann	)	OF VERMONT

OFFICE OF THE CLERK

Filed: April 24, 2017

Attest: Judith C. Whitney
Clerk of the Board

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

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