

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-1679-PET

Application of	)
Industrial Tower and Wireless, LLC	)
for a Certificate of Public Good,	)
pursuant to 30 V.S.A. § 248a, authorizing	)
the construction of a wireless telecommunications	)
facility in Tinmouth, Vermont.	)

**RESPONSE TO OCTOBER 13, 2025 COMMENTS OF THE VERMONT
DEPARTMENT OF PUBLIC SERVICE REGARDING THE VERMONT PUBLIC
UTILITY COMMISSION’S PROPOSAL FOR DECISION**

NOW COMES Industrial Tower and Wireless, the Petitioner in this docket (“ITW” or “Petitioner”), by and through its counsel MSK Attorneys, and hereby files this Response to October 13, 2025 Comments of the Department of Public Service regarding the Vermont Public Utility Commission Hearing Officer’s Proposal for Decision (“PFD”).

On October 13, 2025, the Vermont Department of Public Service (“DPS”) filed comments with the Public Utility Commission (“PUC”) in response to the September 29, 2025 PFD in the above referenced matter. ITW maintains that there is no statutory or procedural deadline set by the PUC for a Petitioner to respond to comments (*See* ITW’s Objection and Response in Opposition to a Proposal for Decision dated September 29, 2025), however, without waiver of the foregoing, ITW provides as follows with respect to the clear error perpetuated by the DPS’s October 13, 2025 comments.

In the October 13, 2025 comments responding to the PFD, the DPS stated as follows:
“The Department of Public Service (“Department”) supports the PFD’s denial of ITW’s request for a CPG. The Department does not seek an oral argument regarding the PFD.”
(*See* DPS October 13, 2025 Comments).

The initial comments of DPS filed on September 9, 2025 and the PFD in turn, rest on a mistake of fact by the DPS. The PFD stated in the relevant part:

“On September 9, 2025, the Vermont Department of Public Service (“Department”) filed comments on the Project stating that the petition does not contain sufficient information upon which to make a recommendation regarding its approval (Department’s Comments”).” (PFD at Page 2).

...

“The Department maintains that the Petitioner has not provided the necessary information regarding whether the Project can be reasonably collocated at an existing facility as required under 30 V.S.A. § 202c. Accordingly, the Department states that it “cannot recommend approval” of the petition.” (Id. at Page 5).

On September 9, 2025, the DPS filed comments stating as follows:

“ITW’s colocation evidence has an inadequate level of detail for the Department to make a conclusion regarding whether the Project can be reasonably co-located at or on an existing telecommunications facility. Because the Tower is 160’ AGL and the Tower’s highest appurtenance is 173’, the application is subject to the filing requirements of 30 V.S.A. § 248a(c)(3). These requirements have not been met. As such, the Department requests that ITW file additional information and exhibits which satisfy 30 V.S.A. § 248a(c)(3), including but not limited to: **propagation maps, identification of existing telecommunications facilities in the area, coverage projections, and the required analysis, comparison, and explanation.** Without this information, the Department cannot complete its analysis.” (DPS September 9, 2025 Comments at Pages 2-3; emphasis added).

The “additional” information requested by DPS was incorporated in ITW’s petition, pre-filed testimony, and supporting affidavits, all filed on August 8, 2025. With respect to the following: propagation maps (*See* Exhibit KD-1, with respect to the proposed facility; *See* Exhibit KD-3 at Pages 2-7, with respect to alternative sites), identification of existing telecommunications facilities in the area (*See* Exhibit KD-3 at Page 1), coverage projections (*See* Exhibit KD-1, with respect to the proposed facility; *See* Exhibit KD-3 at Page 2-7 with respect to alternative sites), and the required analysis, comparison, and explanation (*See* Pre-filed Testimony of Kevin Delaney, pages 4-6). This was expressly re-stated in Petitioner’s October 13, 2025 filing objecting to the proposal for decision. The DPS appears to have ignored or failed to read the petition and application packets in full.

As DPS did not acknowledge its error in its October 13, 2025 Comments. As such, ITW responds to the DPS's October 13, 2025 comments with reference to ITW's prior filing and its Petition and supporting documents which establish that there is no way to co-locate the proposed facility. The DPS cites no evidence to support its position and no basis to ignore the evidence in the record. There is thus good cause to set aside the PFD for the reasons set forth in ITW's Objection and Response in Opposition to a Proposal for Decision.

Dated in Burlington, Vermont this 27th day of October, 2025.

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