

Case No. 25-0257-PET

Petition of Rising Tide Towers II LLC and Wireless Partners FN, LLC pursuant to 30 V.S.A. § 248a requesting a Certificate of Public Good for installation of a wireless telecommunications facility in Pownal, Vermont

Dear Hearing Office Faber,

The proposed schedule filed by the Petitioner today, November 3, 2025, was emailed to me on Friday night. We did not have the chance to respond to the Petitioner before it was submitted to the PUC. In the interest of conserving the Hearing Officer's time and ensuring the parties have an opportunity to reach agreement first, I am submitting this response to the Petitioner's proposed schedule.

Respectfully, we do **not consent** to the proposed schedule. We request that discovery be included in the current schedule. The prior mutual waiver of discovery dated May 1, 2025, applied to the original petition. Since that time, the project has undergone a substantial amendment, including a change in tower height, location, and re-notification of abutters.

Given these material changes, the factual record has been reopened, and we have a right to conduct discovery relevant to the revised petition and accompanying evidence.

Additionally, in recognition that the proposed tower has undergone a substantial change in height and location, and given the centrality of visual and aesthetic impact to the § 248a process, I request that if a site visit is conducted, the following conditions be met:

1. A **balloon test or temporary height marker** must accompany the site visit, flown at the actual proposed height and location of the tower, so all parties can assess the true visual context and the updated placement.
2. The visit must include a vantage point from **my property at 316 Crow Hill Road**, which is directly adjacent and evidences the primary line-of-sight impact.
3. This approach is consistent with past PUC practice; see the Granville, Vermont case (AT&T Wireless Facility: Granville, Sept. 16, 2022) where a balloon test was used to substantiate visual impact considerations.

I submit these conditions to ensure the site visit serves its purpose of providing a meaningful, factual basis for assessing aesthetics and does not instead become a procedural check-box that short-circuits full discovery and testimony. This approach aligns with PUC precedent, including

the **Granville, VT (AT&T)** case, where a balloon test accompanied the official site visit and was accepted by the Commission as a fair means of evaluating aesthetic effects.

For efficiency, we propose that the schedule follow the model adopted by the Department of Public Service and approved by the PUC in the **Westmore, VT case (Case No. 24-1755-PET, Order of Dec. 16, 2024)**, which included two rounds of discovery before testimony. A similar structure here would allow all parties to develop a complete and accurate record before proceeding to hearing.

Lastly, due to the difficulty in traveling with my family, we respectfully request that the hearing be virtual so that my children do not have to attend in person.

Thank you for your consideration of these requests. See our proposed schedule below.

Respectfully submitted this 3rd Day of November, 2025 in Pownal, Vermont.

/s/ Tanya Hart

Tanya Hart
Intervenor

Friday November 21 2025	Site visit with balloon test or height marker
Tuesday December 5 2025	1st Round Discovery on Petitioner (2 WEEKS)
Tuesday December 22 2025	Petitioner response 1st Round Discovery (2.5 WEEKS)
Tuesday January 6 2026	2nd Round Discovery on Petitioner (2 WEEKS)
Tuesday January 20 2026	Petitioner response 2nd Round Discovery (2 WEEKS)
Friday February 6 2026	Nonpetitioner testimony/exhibits due (2.5 WEEKS)
Friday February 20 2026	Discovery served on nonpetitioners (2 WEEKS)
Friday March 6 2026	Nonpetitioners respond to Discovery (2 WEEKS)
Friday March 20 2026	Petitioner files rebuttal testimony (2 WEEKS)
Friday April 3 2026	All parties to submit list of stipulated exhibits, stipulated testimony, together with any objections to testimony and exhibits, and proposed witness

order and cross-examination times

Friday April 10 2026

Responses to objections filed (2 WEEKS)

Week of April 20 2026

Ruling on objections; Evidentiary hearing (**Virtual**)

Two weeks after receipt of transcript

All primary post-hearing briefs filed

Two weeks after primary briefs

All reply briefs filed