

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-2931-PET

Limited Size and Scope Application)
of Vertex Towers, LLC and Bell Atlantic Mobile)
Systems, LLC d/b/a Verizon Wireless, for a Certificate)
of Public Good, pursuant to 30 V.S.A. § 248a,)
Authorizing the construction of a Telecommunications)
Facility in Rochester, Vermont)

RESPONSE OF PETITIONER TO THE DEPARTMENT OF PUBLIC SERVICE
RESPONSE TO MOTIONS TO INTERVENE

Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless (“Verizon”) and Vertex Towers, LLC (“Vertex”) (together, “Petitioner”), by its counsel, MSK Attorneys, hereby submits this short comment in response to the Department of Public Service (“DPS”) Response to Motions to Intervene. To the extent that the DPS supports intervention to address “orderly development,” and the “public use and enjoyment of scenic byways.” The Petitioner does not believe those apply in the context of this limited size and scope application.

Pursuant to 30 V.S.A. § 248a(c)(1), with respect to telecommunications facilities of limited size and scope, “the Commission shall waive all criteria of this subdivision other than 10 V.S.A. § 6086(a)(1)(D) (floodways) and (a)(8) (aesthetics, scenic beauty, historic sites, rare and irreplaceable natural areas; endangered species; necessary wildlife habitat).” This statement is then modified such that the Commission may nevertheless find that a petition raises a significant issue on any waived criteria. *Id.*

The Commission has made no determination that the Project raises a significant issue with respect to orderly development and public use and enjoyment of scenic byways. The members of the public who moved for intervention failed to raise a significant issue or assert a particularized interest with respect to the question of “orderly development” and it is hard to see how it is

applicable here. Even were the Commission to determine a significant issue exists with respect to orderly development, these interests would be better protected by the Two Rivers-Ottawaquechee Regional Planning Commission, which has already filed comments, and Town of Rochester, which has filed comments and moved to intervene. Accordingly, the Petitioner reiterates its request that the motions to intervene be denied as no significant issue was raised and the Movants did not establish the required standing. The Petitioner respectfully requests if the Commission elects to grant intervention, that the members of the public's intervention rights be limited to aesthetics and that the Movant's be required to join together and select one representative for the purpose of judicial economy.

Dated: January 28, 2026
Burlington, Vermont

Respectfully submitted,

By:



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