

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Case No. 25-1543-PET

**Limited Size and Scope Application** )  
of Bell Atlantic Mobile Systems, LLC d/b/a )  
Verizon Wireless and The Towers, LLC d/b/a )  
Vertical Bridge, for a Certificate of Public Good, )  
pursuant to 30 V.S.A. § 248a, authorizing the construction )  
of a telecommunications facility in Marshfield, Vermont )

**PETITIONER’S FIRST SET OF DISCOVERY REQUESTS TO THE INTERVENORS**

NOW COMES Petitioner by and through its undersigned counsel and hereby serves these Discovery Requests upon the Robert Buchanan, Weston Cate, Robin Gomez, Pam Quinn, and Micheal Xenakis (the “Intervenors”) in accordance with Public Utility Commission Rules 2.214 and 2.230. Petitioner is requested to provide a copy of its answers in electronic format on or before the deadline or responses as required under the applicable rules of procedure.

Petitioner requests that the Intervenors answer the Discovery Requests under oath and in accordance with the Definitions and Instructions set forth herein along with the Vermont Rules of Civil Procedure and as applicable, the rules of the Vermont Public Utilities Commission

Each document produced in compliance with these Discovery Requests shall be consecutively numbered and shall clearly identify the question or sub-question to which the document is responsive. Copies of all documents shall be legible in their entirety. Documents shall be produced in the form and manner in which they are stored. Electronically stored information should be produced in its native file format, preserving all metadata.

**DEFINITIONS**

1. The term “communication,” as used herein means any transmittal of information (in the form of facts, ideas, inquiries or otherwise), including, without limitation by means of documents (as defined herein).

2. The term “person,” as used herein is defined as any natural person or any business, legal, or governmental entity or association.

3. The term “concerning,” as used herein means referring to, relating, reflecting, describing, evidencing or constituting.

4. The word “relating” shall include, but not be limited to: concerning, referring to, embodying, containing, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, constituting, illustrating, depicting, summarizing, mentioning, recording, evidencing, supporting, contradicting or rebutting, directly or by inference.

5. The words “and” and “or” and the term “and/or” as used herein shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The use of the word “including” shall be construed without limitation.

6. Terms used in the singular shall be deemed to include plural and terms used in the masculine shall be deemed to include the feminine.

7. The term the “Intervenors” shall mean Robert Buchanan, Weston Cate, Robin Gomez, Pam Quinn, and Micheal Xenakis and any agents, consultants , or representatives working for or on behalf of the Intervenors, past and present. Each Intervenor shall sign these Responses in accordance with the Rules and it shall be understood that each Intervenor is bound by the Responses herein as if they were served on each separately and individually and responded to separately and individually.

8. The term “you” or “your” shall mean the Intervenors as defined herein.

9. The term “the Tower” shall mean the 140’ above ground level monopole communications tower disguised as proposed by petitioner in Docket No. 25-1543-PET located at 2264 U.S. Route 2, Marshfield, Vermont.

10. The term the “site” shall mean 2264 U.S. Route 2, Marshfield, Vermont.

11. A document is in your “possession, custody or control” if it is in your physical custody, or if it is in the physical custody of any other person and you (a) loaned such document in whole or in part; (b) have a right by contract, statute or otherwise to use, inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine or copy such document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you have sought to do so. Such document shall include, without limitation, documents that are in the custody of persons under your direct or indirect control, employees, attorney(s) or other agents.

12. The word “document” shall mean all written, printed, typed, transcribed, punched, taped, filmed, or other graphic matter of every kind and description whatsoever, however produced or reproduced, whether in hard-copy format or stored electronically on disk or magnetic media, including but not limited to:

(1) all correspondence, communications, statements, plans, drawings, designs, contracts, agreements, telegrams, maps, reports, memoranda (including written memoranda, records or logs of telephone conversations, other conversations, meetings, conferences, discussions, agreements, acts and activities), intra- and inter-office communications, minutes of meetings, agenda, transcripts, filings, opinions, calendar or diary entries, books, records, pamphlets, flyers, press-releases, lists, brochures, periodicals, articles, notes, bids, price lists, statistical tables, papers, manuscripts, emails, texts, commentaries, scrapbooks, notebooks, bulletins, circulars, accounts, ledgers, vouchers, invoices, charts, drafts, bills, checks, letters of credit or notes, computation reports, studies, assessments, appraisals, journals, analyses, computer printouts, or other statistical data or measurements or summaries prepared therefrom;

(2) all photographs, mechanical or electronic sound records or transcripts, movies or motion pictures, videotapes, cassettes, discs, microfilm, microfiche, tapes, computer cards, computer tapes, computer programs, all other recordings of any description;

(3) all drafts prepared in connection with such documents, whether used or not, and all facsimiles, microfilm, microfiche, photocopies, or other copies or reproductions of such documents in whatever form and by whatever means made, whether or not identical to the originals;

(4) any electronic versions of any of the foregoing, including, but not limited to, electronic files created or saved on any computer, hard drive, solid state drive, diskette, CD, DVD or other medium, including personal phones, computers, tablets, or other electronic devices used by you or any agent or representative, as well as electronic files created or saved on or through an internet based email service or cloud storage service.

### **INSTRUCTIONS**

1. If you are unable to provide a complete response to any interrogatory or request, please provide a partial response, including as much information as may be available to you and/or subject to your control. If you object or fail to respond to all or any part of any interrogatory or request contained herein, your response should set forth clearly for each such interrogatory or request, the specific portion of the interrogatory that you have not responded or objected to, the extent and the specific ground(s) for your objection and/or your failure to respond, and whether, in such case, there is responsive information that you have not provided.

2. If you fail to respond to any interrogatory or request on the basis of any claim of privilege or work product, please furnish a log that contains the following information:

- (a) type of communication (e.g., telephone call, letter, memorandum, etc.);
- (b) date of the communication;
- (c) author(s) or originator(s) of communication including identification of any person by organization or affiliation;
- (d) addressee(s) and additional recipient(s) of the document;
- (e) if a document, the title of document;
- (f) if a document, a summary of the subject matter of the document;
- (g) if a document, the number of pages in the document;
- (h) if a document, a list of attachments, if any, providing the information specified in subparagraphs (a) through (f) hereof, as to each such attachment; and

- (i) the basis for the claim of privilege and a statement as to whether the privilege is claimed as to the entire communication or only a portion thereof and, if so, what portion.

3. These Interrogatories and Requests to Produce are to be continuing to the full extent provided by the Vermont Rules of Civil Procedure and Rule 26(e) thereof and as applicable the rule of procedure for the Vermont Public Utilities Commission. Take notice that you have a continuing obligation to correct or supplement these responses under Vermont. R. Civ. P. 26(e) as information or documents are acquired by respondents, their agents, attorneys, or representatives.

4. When requested to identify a person, give, to the extent known, the person's full name, present or last known address, and, when referring to a natural person, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

5. When requested to identify documents, please give, to the extent known, the:

- (a) type of document;
- (b) general subject matter;
- (c) date of the document; and
- (d) author(s), addressee(s) and recipient(s).

6. When requested to identify communications, please give the:

- (a) type of communication;
- (b) general subject matter;
- (c) date of the communication;
- (d) author(s), addressee(s) and recipient(s); and
- (e) if the communication is a document, provide the information requested in Instructions Paragraph 4 above.

7. In the event that any interrogatory or request asks for information that you have provided in response to a prior interrogatory, please identify the response in which the information may be found.

8. To the extent any documents are to be produced in response to these interrogatories and requests they are to be produced in their native file format with all associated meta-data preserved.

9. To the extent any request seeks an admission, to the extent your answer is not a complete admission, state every reason your answer is not an admission, admitting no detail, and identify all facts and documents in your possession or known to you supporting your position.

10. To the extent a term in any request for admission is vague or undefined, it is to be accorded the normal and customary definition and you are instructed to respond applying such definition.

### **INTERROGATORIES**

1. Identify each person you consulted with or who otherwise provided information to help you answer these discovery requests.

2. Identify each person you plan to call as a witness at any hearing in the above-captioned matter and state the nature of their expected testimony.

3. Identify each expert you plan to call as a witness at any hearing and identify and produce: (i) their qualifications, (ii) their opinions, (iii) the basis for their opinions, and (iv) any and all documents and data that they relied on or considered for formulating their opinions.

4. Identify and produce each exhibit you plan to introduce at any hearing in this matter.

5. State whether you believe the Town of Marshfield Telecommunications Facilities Bylaw (the “Telecom Bylaw”) applies in this Petition matter. If your answer is in the affirmative, explain how it applies and the standards by which it is to be used by the Commission in determining whether or not to issue a Certificate of Public Good.

6. State whether you believe that the Tower satisfies Section 1.2 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.2 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

7. State whether you believe that the Tower satisfies Section 1.6 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.6 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

8. State whether you believe that the Tower satisfies Section 1.8 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.8 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

9. State whether you believe that the Tower satisfies Section 1.9 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.9 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

10. State whether you believe that the Tower satisfies Section 1.10 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.10 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

11. State whether you believe that the Tower satisfies Section 1.11 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section

1.11 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

12. State whether you believe that the Tower satisfies Section 1.12 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.12 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

13. State whether you believe that the Tower satisfies Section 1.14 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.14 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

14. State whether you believe that the Tower satisfies Section 1.17 of the Telecom Bylaw and all subparts therein. To the extent your answer is in the negative, state every section of Section 1.17 that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s).

15. State whether you believe that the Tower satisfies The Town of Marshfield Town Plan (2018) (“the Town Plan”). To the extent your answer is in the negative, state every Section of the Town Plan that the Tower does not satisfy and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s)?

16. State whether you believe that the Tower satisfies Section I.E of the Town Plan. To the extent your answer is in the negative, state why the Tower does not satisfy Section I.E. and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s)?

17. State whether you believe that the Tower satisfies Section II.C of the Town Plan. To the extent your answer is in the negative, state why the Tower does not satisfy Section II.C and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s)?
18. State whether you believe that the Tower satisfies Section IV of the Town Plan. To the extent your answer is in the negative, state why the Tower does not satisfy Section IV and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s)?
19. State whether you believe that the Tower satisfies Chapter 9 including Sections III and IV therein of the Town Plan. To the extent your answer is in the negative, state why the Tower does not satisfy Chapter 9 including Sections III and IV therein and identify all facts, documents and reasons as to why the Tower does not satisfy said section(s)?
20. With specific reference to the Marshfield Town Plan 20177 Viewshed Areas from Route 2 and 232 Map provided in the Town Plan, state whether you believe the Tower causes an undue adverse impact on any Viewshed so identified in the map. To the extent your answer is affirmative, state all facts, documents and reasons as to why such undue adverse impact exists.
21. With specific reference to the Marshfield, Vermont Highest Priority Landscape Scale Elements and Wildlife Connectivity Map provided in the Town Plan, state whether you believe the Tower causes an undue adverse impact on any Landscape Scale Elements and Wildlife Connectivity areas so identified in the map. To the extent your answer is affirmative, state all facts, documents and reasons as to why such undue adverse impact exists.
22. State whether you believe the Town of Marshfield Zoning Ordinance applies in this proceeding.

23. State whether you believe the Tower satisfies the Town of Marshfield Zoning Ordinance. If your answer is negative, then identify every section of the Town of Marshfield Zoning Ordinance that the Tower does not satisfy and state the basis and facts supporting your belief.

24. State whether you believe the Tower satisfies the Central Vermont Regional Plan. If your answer is negative, then identify every section of the Central Vermont Regional Plan that the Tower does not satisfy and state the basis and facts supporting your belief.

25. To the extent not identified in response to any prior interrogatory, state whether you believe the Tower will have an undue and adverse impact on any wetland. If your answer is affirmative identify the wetland, state whether it is Class I, II, or III and provide a citation to any legal authority controlling the Tower's impact on wetlands upon which you base your statement (i.e. the Town Plan, Vermont Wetland Rules, or other authority).

26. To the extent not identified in response to any prior interrogatory, state whether you believe the Tower will have an undue and adverse impact on any scenic resource or aesthetics. If your answer is affirmative identify the following:

- a. Whether there is a clearly written community standard that the Tower violates.
- b. Whether and how the Tower is shocking and offensive to an objective person.
- c. Whether and what reasonable mitigation measures have not been employed to mitigate any adverse visual impacts.

27. To the extent not identified in response to any prior interrogatory, state whether you believe this facility could be co-located on another existing tower or tall structure and still meet the coverage objectives. If your answer is affirmative and it could be co-located, identify the tower or structure, the resulting coverage, and all structural changes required in order to co-locate on the existing tower or structure.

28. Identify any communications between yourselves and Erik Van Hauer.
29. Identify any communications with any third party as concerns the Tower and your concerns therewith.
30. Identify all photos of the Tower and/or the site.

### **REQUESTS TO PRODUCE**

1. Produce all documents identified in response to the above Interrogatories.
2. Produce all documents relied on, referenced, or considered in responding to the above Interrogatories.
3. Produce all photos (including simulations) you have of the Tower.
4. Produce all photos (including simulations) you have of the site.
5. Produce all maps and plans you have of the Tower.
6. Produce all maps and plans you have of the site including any alleged wetlands or scenic areas.
7. To the extent not produced in response to Request No. 1 or 2, please produce all documents, exhibits and materials you plan on introducing at any hearing in this matter.
8. To the extent not produced in response to Request No. 1 or 2, please provide all reports prepared by any expert identified in response to Interrogatory No. 3 above.
9. To the extent not produced in response to Request No. 1 or 2, please provide all documents supporting, referenced, or relied on by any expert in preparing a report in this matter.
10. To the extent not produced in response to Request No. 1 or 2, please provide all communications between the Intervenors and any expert so described above.

11. To the extent not produced in response to Request No. 1 or 2, please provide a copy of all communications with the landowner of any alternative location supporting an assertion that co-location is feasible so identified in response to the above Interrogatories.
12. Produce the informational packet referenced in A5 of the pre-filed testimony of Robin Gomez
13. Produce evidence supporting the statements in Robin Gomez testimony that the tower will be visible from her property located at 92 Gilman Street, Marshfield.
14. Produce all documents and evidence supporting the statement the Tower being “three times the height of the surrounding tree height” is “outrageous.”
15. Produce all documents and evidence supporting the statement that the Tower is a “looking reminder of a shift away from our shared value of protecting natural beauty in our town.”
16. Produce all documents and evidence supporting the statement that the Tower does not uphold the integrity of the Town Plan and Telecom Bylaw.
17. Produce all documents and evidence establishing that the Tower would “fracture” the “small and tight knit community.”

Respectfully submitted this February 6, 2026

MSK ATTORNEYS

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