

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 25-2931-PET

Petition of Bell Atlantic Mobile Systems, LLC and Vertex Towers, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, for the installation of wireless telecommunications equipment at 1030 Route 100 in Rochester, Vermont	
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Order entered: 02/17/2026

PROCEDURAL ORDER GRANTING MOTIONS TO INTERVENE AND REQUESTS FOR HEARING

I. INTRODUCTION

This case involves a petition filed by Bell Atlantic Mobile Systems, LLC and Vertex Towers, LLC (“Petitioners”) with the Vermont Public Utility Commission (“Commission”) requesting a certificate of public good (“CPG”), pursuant to 30 V.S.A. § 248a, for authorization to install wireless telecommunications equipment in Rochester, Vermont (the “Project”). In today’s Order, I grant the motions to intervene, in part, and also grant the requests for hearing filed in this case.

II. PROCEDURAL HISTORY

On January 7, 2026, the Town of Rochester Planning Commission filed a notice of intervention.

On January 8, 2026, the Town of Rochester Selectboard filed a notice of intervention.

On January 12, 2026, Jacob and Bonnie Wildwood, Bruce Jones, Richard and Debbie Mathiesen, Alvina Risinger-Harvey, Deborah Scherrer, Tara Murray and Russell Jaquith (together the “Intervenors”) filed separate motions to intervene and requests for a hearing. The intervenors seek intervention with regard to the Project’s impacts on aesthetics, property values, soil erosion, water supply, public health and safety, collocation, the natural environment, and compliance with the municipal plan.

On January 23, 2026, the Petitioners filed a response to the motions to intervene and requests for hearing.

On January 26, 2026, the Vermont Department of Public Service (“Department”) filed a response to the motions to intervene.

On January 28, 2026, the Petitioners filed a reply to the Department’s response.

On February 5, 2026, Alvina Risinger-Harvey, and Bruce Jones filed reply comments.

On February 6, 2026, Tara Murray and Russell Jaquith, and Richard and Debbie Mathiesen filed reply comments.

On February 9, 2026, Jacob and Bonnie Wildwood and Tara Murray and Russell Jaquith filed reply comments.

III. LEGAL STANDARD

Rule 2.209 governs intervention in proceedings before the Commission. Rule 2.209(A) provides that upon timely application a person is entitled to intervene in a proceeding:

- (1) when a statute or Commission rule confers an unconditional right to intervene; or
- (2) when the applicant claims an interest in the matters that must be resolved in the proceeding and the applicant is so situated that the disposition of the proceeding may as a practical matter impair or impede the applicant’s ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties.

In addition, Rule 2.209(B) reserves to the Commission the power to grant intervenor status on a permissive basis:

- (1) when a statute or Commission rule confers a conditional right to intervene; or
- (2) when an applicant’s claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding.

In exercising its discretion under Rule 2.209(B), the Commission must consider whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

Rule 2.209(C) further provides that the Commission may impose certain restrictions on an intervenor’s participation in a proceeding. Specifically, the Commission may restrict that party’s participation, may require that party to join with other parties with respect to appearance

by counsel, presentation of evidence, or other matters, and may otherwise limit that party's participation, all as the interests of justice and economy of adjudication require.¹

IV. POSITIONS OF THE PARTIES

The Intervenors argue that they will be negatively impacted both economically and aesthetically by the installation of the Project because they will be able to view the Project from their respective properties and other surrounding areas. The Intervenors also contend that the Project will conflict with provisions of the Rochester Town Plan and will negatively impact surrounding natural areas. The Intervenors also seek permissive intervention concerning property values, soil erosion, water supply, public health and safety, collocation, and the natural environment.

The Petitioners argue that the Intervenors have not demonstrated a particularized interest in this case. Further, the Petitioner maintains that all of the issues raised by the Intervenors have also been raised by the Town of Rochester Selectboard and Planning Commission (together the "Town") and will be adequately represented by the Town. Therefore, the Petitioner contends that the motions to intervene should be denied. However, the Petitioners also contend that, if intervention is granted, it should be limited to aesthetic impacts.

The Department has no objection to granting the Intervenors intervention with respect to aesthetic impacts and orderly development concerns. The Department recommends that the Intervenors not represented by counsel be required to coordinate their participation in the case.

V. DISCUSSION AND CONCLUSION

Commission Rule 2.209(A) allows intervention as of right when a statute confers an unconditional right to intervene. Under 30 V.S.A. § 248a(m), "[t]he legislative body . . . for the municipality in which a telecommunications facility is located shall have the right to appear and participate on any application under [Section 248a] seeking a certificate of public good for the facility." The Commission allows the use of a "notice of intervention" form for certain specified entities and people to intervene as of right in Section 248a cases. The Town has filed a notice of

¹ The Commission may not require a State agency to be represented jointly with any other party to a case.

intervention form during the 30-day period for requesting intervention. Accordingly, the Town has the right to appear in this case pursuant to 30 V.S.A. § 248a(m).

The Intervenors seek permissive intervention through Commission Rule 2.209(B). Commission Rule 2.209(B) gives the Commission discretion to allow intervention when an intervenor's claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding. In a Section 248a case, the Commission must determine that the proposed project "will not have an undue adverse impact on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety."² In rendering a decision to grant a CPG, the Commission must also give substantial deference to the relevant municipal and regional plans and recommendations of the municipal legislative body and planning commission. I conclude that the Intervenors have adequately demonstrated through the allegations in their motions to intervene that their claimed interest in the Project's aesthetic impact shares a question of law or fact in common with the applicable criteria included in 30 V.S.A. § 248a(c)(1), which must be resolved in this proceeding. I also find that intervention on this basis will not unduly delay the proceeding or prejudice the interests of existing parties or of the public. Therefore, I grant the Intervenors permissive intervention with respect to the Project's aesthetic impact under Section 248a(c)(1), pursuant to Rule 2.209(B)(2).

I deny the Intervenors request for intervention on the Project's impact on the compliance with the municipal plan, property values, property rights, soil erosion, water supply, public health and safety, collocation, wetlands, and the natural environment. The Intervenors raise only generalized arguments with respect to these issues.³ The Intervenors have not demonstrated a personal, particular interest with respect to these issues, or explained why other parties in the case, such as the Department, Town and the Vermont Agency for Natural Resources, will not adequately protect these interests. In such a situation, granting intervention risks undue delay of

² 30 V.S.A. § 248a(c)(1).

³ *Cf.* Case No. 18-1633-PET, Order of 9/24/18 at 3 ("In applying Rule 2.209, the Commission has consistently held that an intervenor's interests must be sufficiently 'particularized,' meaning that an intervenor must demonstrate that his or her interest in a proceeding is different from the general interests of other retail ratepayers represented by the Department."); *In re Petition of Green Mountain Power Corporation*, 2018 VT 97, ¶ 16 (holding that a person's "interests as a ratepayer did not constitute a substantial, particularized interest, because [the person's] position was not distinct from that of any other generic, individual ratepayer.").

the proceeding. Based on these considerations, I decline to grant permissive intervention to the Intervenor under Rule 2.209(B) for these issues.

The Commission has previously concluded that impacts on individual property rights and property values are outside the scope of the Commission's jurisdiction in Section 248a proceedings.⁴ Therefore, I deny the Intervenor's motions to the extent the Intervenor seeks to intervene on the basis of the Project's impact on the Intervenor's respective property rights or property values.⁵

Therefore, the scope of the Intervenor's intervention in this proceeding is limited to aesthetics.

With respect to the request for an evidentiary hearing, Section VII of the Commission's Section 248a *Procedures Order* provides that "[i]n order to request an evidentiary hearing, commenters must make a showing that the application raises a significant issue regarding one or more of the substantive criteria applicable to the proposed project."⁶ In this case, the Intervenor's motions contain evidence that suggests that the Project has at least the potential to raise a significant issue with respect to aesthetics, which is applicable to this case under Sections 248a(c)(1). Accordingly, the request for an evidentiary hearing is granted.

I also agree with the Department that the Intervenor should coordinate their activities through a single representative for the remainder of this proceeding. Accordingly, the Intervenor are required to coordinate their members' participation in discovery, in the presentation of evidence, in cross-examination, and in briefing.

Finally, the Petitioner must file a response to the Town's recommendation regarding the Project's compliance with the Town Plan within two weeks of the issuance of this order.


⁴ See, e.g., *Petition of VTel Wireless, Inc.*, Docket No. 8352, Order of 11/24/14 at 7-8 ("The [Commission's] review of petitions filed pursuant to § 248a is required to consider several criteria enumerated in the statute. However, the statute does not require that the Commission consider private property interests of neighboring landowners; see also *Petition of Danyow Road Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, for a 5 MW ground-mounted solar array located in Sheldon, Vermont*, Case No. 22-3427-PET, Order of 10/3/22 at 3 ("the Commission has long held that concerns over individual property values are not within the scope of a Section 248 proceeding.")).

⁵ To the extent that Intervenor has stated "economics" as a grounds for intervention, there is nothing distinct and specific they have alleged to support another independent reason apart from individual property rights and property values that would support intervention on this basis.

⁶ *Sixth amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Case No. 18-2940-INV, Order of 9/21/18.

SO ORDERED.

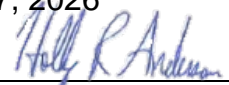
Dated at Montpelier, Vermont, this 17th day of February, 2026.



Gregg Faber
Hearing Officer

OFFICE OF THE CLERK

Filed: February 17, 2026

Attest: 

Clerk of the Commission

PUC Case No. 25-2931-PET - SERVICE LIST

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*Notice of appearance to be filed.

^Motion to Intervene pending.