

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-1679-PET

Petition of Industrial Tower and Wireless, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment at 402 VT Route 140 in Tinmouth, Vermont.	
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**MOTION FOR NON-SUBSTANTIAL AMENDMENT TO PETITION TO REDUCE
TOWER HEIGHT**

NOW COMES Petitioner Industrial Tower and Wireless, LLC, by and through its counsel and hereby files this Motion for Non-Substantial Change Determination to *reduce* the height of the proposed telecommunications tower from 160' AGL to 130' AGL.

The Petitioner has concurrently filed Supplemental Pre-Filed Testimony of Kevin Delaney and Louis Hodgets, along with supporting exhibits, documenting the change from 160' AGL (originally proposed) to 130' AGL (now proposed). The exhibits are as follows:

- LH-1 (Revised) - Permit Plans (Revised 130' AGL)
- LH-6 (Revised) - Photo-simulations (Revised 130' AGL)
- KD-1 (Revised) - Propagation Plots (Revised 130' AGL)

As this proceeding has progressed, the Petitioner determined that it's coverage objectives, and the good of the State can be met with a shorter tower. The Petitioner is reacting to feedback it has received and aims to mitigate some of the concerns expressed with respect to proposed facility by reducing the tower height. As the shorter tower will be less visible, it will generally have a lower aesthetic impact.

The change in height is the sole change. The lower tower retains the same lattice design and uses the same materials. The tower is in the same location. The tower's ancillary equipment

remains the same as does the compound size and orientation. There is no additional clearing.

There are no changes to the access. There are no changes to any wetland, stormwater, or runoff impacts. Thus, this change does not have the potential for any significant impact. *See e.g. Motion of New Cingular Wireless Pcs LLC for A Non-Substantial Change Determination.*, No. 21-1344-PET, 2021 WL 2695134, at *1 (June 24, 2021)(where increase in compound size was not found to be a substantial change and this Commission explained: “In this case, the proposed modifications, including the expansion of the existing facility by 135 square feet, will not substantially increase the footprint of the originally proposed Project. The expansion will take place in essentially the same footprint as the existing facility, will involve less than 300 square feet of earth disturbance, and will not involve any clearing.”); *Motion of New Cingular Wireless Pcs LLC for A Non-Substantial Change Determination.*, No. 21-1564-PET, 2021 WL 2352397, at *1 (June 4, 2021)(where Petitioner’s to reflect a decrease in the number of antennas to be installed at the facility, and minor changes to the dimensions of concrete pads that will support operating equipment and will be installed within the compound” occurring within “the footprint of the originally approved Project” was not a substantial change); *Motion of T-Mobile Ne., LLC for A Non-Substantial Change Determination.*, No. 21-2146-PET, 2021 WL 3774129, at *1 (Aug. 19, 2021)(“In this case, the proposed modifications will result in less equipment and antennas being installed on the new tower. The Commission concludes that the revisions do not constitute a substantial change to the originally approved Project and, accordingly, do not require further proceedings”); *Motion of Rising Tide Towers, LLC & Wireless Partners Fn, LLC for A Non-Substantial Change Determination.*, No. 21-2526-PET, 2021 WL 3884039, at *1 (Aug. 26, 2021)(“In this case, the proposed modifications will result in a slightly smaller footprint for the

Project and will not result in the potential for a significant impact with respect to any of the criteria applicable to the Project.”); *see c.f. Motion of New Cingular Wireless Pcs, LLC for A Non-Substantial Change Determination*, No. 22-2625-PET, 2022 WL 4011510, at *1 (Aug. 22, 2022)(where new access drive, additional wetland impacts, and rare animal habitat impacts were a substantial change.)

While having a lower aesthetic impact, the lowered tower still provides adequate coverage and co-location opportunities to fill a gap in service (for both ITW’s network and other national carriers’ networks). The coverage to be provided from the 130’ tower is shown in Exhibit KD-1 (Revised) which provides revised propagation plots for coverage from the 130’ tower. As shown, the coverage from the 130’ tower still addresses the balance of the area currently lacking in coverage in and around the Town of Tinmouth.

WHEREFORE the Petitioner seeks to document its change in proposed tower height with this supplemental pre-filed testimony and exhibits. It asks that the Commission document the filing of the attached supplemental pre-filed testimony as a non-substantial amendment to the existing filing.

Dated: April 8, 2026
Burlington, Vermont

Respectfully submitted,

By:



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