

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 25-1543-PET

Petition of Bell Atlantic Mobile Systems, LLC and The Towers, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of telecommunications equipment at 2264 U.S. Route 2 in Marshfield, Vermont	
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Order entered: 05/01/2026

ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. INTRODUCTION

In this Proposal for Decision, I recommend that the Vermont Public Utility Commission (“Commission”) approve the application filed by Bell Atlantic Mobile Systems LLC and The Towers, LLC (the “Petitioners”), pursuant to 30 V.S.A. § 248a and the Commission’s Standards and Procedures Implementing 30 V.S.A. § 248a (“Standards and Procedures”),¹ and grant the Petitioners a certificate of public good (“CPG”) authorizing the installation of a wireless telecommunications facility of limited size and scope in Marshfield, Vermont (the proposed “Project”).

II. BACKGROUND

On July 29, 2025, the Petitioners filed a petition and prefiled testimony requesting that the Commission issue a CPG. A copy of the petition was filed with all required State agencies and the host municipality pursuant to § 248a(e). Notice of the filing of the petition was provided to all adjoining landowners of record.

On September 5, 2025, Robin Gomez, Robert Buchanan, Pam Quinn, Weston Cate, and

¹ Case No. 22-5122-INV, *Investigation into revised standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Attachment to Order issued January 18, 2023.

Michael Xenakis (together, the “Intervenors”) each filed a separate motion to intervene.

On September 5, 2025, the Vermont Department of Public Service (“Department”) filed comments on the Project. The Department recommends that the Commission approve the petition without further hearings or investigation.

On September 30, 2025, I issued an order granting the Intervenors’ motions to intervene and requests for hearing.

On April 22, 2026, the Intervenors filed a joint stipulation with the Petitioners withdrawing their objections or opposition to the Project provided the certificate of public good issued for the Project contain certain conditions. The Intervenors also state that no further hearings are required. I find the conditions requested by the Intervenors to be reasonable and recommend that the Commission include them in the CPG.

On April 24, 2026, the Department filed comments in support of the stipulation.

No other comments on the application were received by the Commission.

No party is requesting an evidentiary hearing or has objected to the prefiled testimony and exhibits. I recommend that the Commission determine that the petition and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, I recommend that the Commission find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: the prefiled testimony of Michael Xenakis; the prefiled testimony of Robin Gomez; the prefiled testimony of Alice Peal and exhibits 1-4; the prefiled testimony and affidavit of Michael Buscher and exhibits 1-5; the prefiled testimony and affidavit of Louis Hodgetts and exhibits 1-8; and the prefiled testimony and affidavit of Martin Lavin and exhibits 1-5.

III. PUBLIC COMMENTS

The Commission received public comments from eight individuals opposed to the Project on grounds including aesthetic impacts, radiofrequency emissions, environmental impacts, and consistency with the Marshfield Town Plan. I considered the concerns expressed by the public as I reviewed the Project’s potential for impact under the relevant statutory criteria. As discussed

below, I recommend that the Commission find that the Project satisfies the criteria of Section 248a.

IV. FINDINGS

Pursuant to 30 V.S.A. § 8(c), and based on the record and evidence before me, I present the following proposed findings of fact to the Commission.

The Project involves the construction of a telecommunications facility at 2264 U.S. Route 2 in Marshfield, Vermont. The objective of the Project is to expand and improve wireless coverage in the surrounding area. Lavin pf. at 3-4; exh. ML-2.

1. The Project includes the installation of a 140' monopole tower with 9 panel antennas of various dimensions, mounted at a centerline height of 137'. The Project also includes the installation of a 12' by 20' equipment shed and a generator within a 50' by 50' fenced compound, and operating and ancillary equipment. The Project will be accessed over an existing driveway, a woods road and a logging road extending approximately 900' from Route 2 to the facility. Hodgetts pf. at 3-4.

2. The Project will involve approximately 2,500 square feet of permanent earth disturbance. All Project construction will conform to the *Low Risk Site Handbook for Erosion Prevention and Sediment Control*. Hodgetts pf. at 4-5.

3. The Project will not have an undue adverse impact on floodways, the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 5-8, below.

4. The monopole tower will be 140 feet high and located in a forested area with an average tree height of approximately 77 feet. Views of the Project from the surrounding area will be very limited due to terrain and forest cover. The Project tower will be visible from some locations along Route 2. Given the industrial appearance of the Project and the lack of other similar facilities in the immediate area, it will not fit within the context of the wooded area. Accordingly, the Project will have an adverse impact on aesthetics. However, based on the findings below, that impact will not be undue. Buscher pf. at 5; exh. MB-2.

5. The Project is consistent with the goals of the Marshfield Town Plan and the Central Vermont Regional Plan and does not violate any clearly identified community standards

contained in the town or regional plan. Buscher pf. at 6-7; Hodgetts pf. 10-17; exhs. MB-2 and LH-7 and 8.

6. The Town Plan consistently encourages the protection of scenic quality and the maintenance of the Town's rural character. However, the Plan does not identify the Project site as a scenic resource, nor does it establish specific, mandatory standards for protecting scenic resources at this location. Exh. MB-2.

7. Photographic simulations of the Project from the surrounding area show that distance significantly decreases the visibility of the Project. Given the Project's limited visibility, it will not reach a level of visual impact such that it could be considered offensive or shocking to the average viewer. Exh. MB-2, MB-3, MB-4, MB-5, and LH-4.

8. The Petitioner has taken generally available mitigating steps to improve the harmony of the Project with its surroundings by siting the Project in an area of limited visibility. The Project will not be sited on a ridgeline and will be located in a forested area. Exhs. MB-2.

Discussion

The Intervenors have requested certain conditions related to minimizing the aesthetic impact of the Project regarding lighting, tower color, and types of equipment on the tower. I find these conditions to be reasonable and recommend the Commission include them in the CPG.

9. The Project will have no adverse impact on rare or irreplaceable natural areas, wildlife habitat, or endangered species because the Project is not located in a rare or irreplaceable natural area. Hodgetts pf. at 4-5; exh. LH-5.

10. There are three wetlands located near the Project. However, the Project has been designed so that it will not impact the wetlands or the wetland buffer zones. Hodgetts pf. at 9; exhs. LH-1 and LH-5.

11. The Project will not have an adverse effect on historic sites because there are none in the Project vicinity. Hodgetts pf. at 9-10; exh. LH-6.

12. The Project will have no adverse effect on floodplains because there are no floodplains in the area. Hodgetts pf. at 6.

13. The Project is not subject to existing land use and zoning permits. Hodgetts pf. at 17.

14. As part of the design for the Project, the Petitioners evaluated existing telecommunications facilities for possible collocation opportunities. However, no such opportunities exist within the area to be served by the Project. Lavin pf. at 3-4.

V. DISCUSSION

The procedures governing Commission approval of telecommunications facilities are set forth in 30 V.S.A. § 248a. Section 248a(1) provides that the Commission:

may issue rules or orders implementing and interpreting this section. In developing such rules and orders, the Commission shall seek to simplify the application and review process as appropriate. . . .

In order to implement the statute the Commission adopted the Standards and Procedures. In accordance with § 248a(b)(4), the Standards and Procedures, at Section II, defines a project of “limited size and scope” as:

a new telecommunications facility, including ancillary improvements, that does not exceed 140 feet in height; or an addition, modification, replacement, or removal of equipment at an existing telecommunications facility or support structure, and ancillary improvements, that would result in a total facility height of less than 200 feet and does not increase the width of the existing support structure by more than 20 feet. To qualify as a project of limited size and scope, construction of the project must not result in earth disturbance of more than 10,000 square feet of earth, excluding temporary earth disturbance associated with construction activities.

As required by § 248a(c)(1) and set forth in Section IV(H) of the Standards and Procedures, in reviewing projects of limited size and scope the Commission conditionally waives:

all criteria under 30 V.S.A. § 248a(c)(1), except for 10 V.S.A. §§ 6086(a)(1)(D) (floodways) and 6086(a)(8) (aesthetics, historic sites, rare and irreplaceable natural areas, endangered species, necessary wildlife).

The Project will not exceed 140' in height and will result in less than 10,000 square feet of additional permanent earth disturbance. Therefore, I recommend that the Commission determine that the Project qualifies as a project of limited size and scope.

Accordingly, based upon all of the above evidence, I recommend that the Commission determine that the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures

authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

This Proposal for Decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.

Date: May 1, 2026



Gregg Faber
Hearing Officer

VI. ORDER


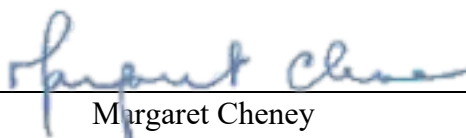
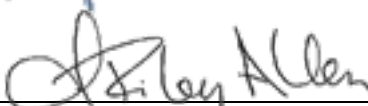
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission of the State of Vermont that:

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted. All findings proposed by parties that were not adopted in this Order are expressly rejected.

2. The installation and operation of a wireless telecommunications facility at the location specified in the above findings, by Bell Atlantic Mobile Systems LLC and The Towers, LLC, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

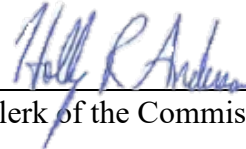
3. As a condition of this Order, the Petitioners must comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 1st day of May, 2026.

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Edward McNamara)	PUBLIC UTILITY
)	
 _____))	
Margaret Cheney)	COMMISSION
)	
 _____))	
J. Riley Allen)	OF VERMONT

OFFICE OF THE CLERK

Filed: May 1, 2026

Attest: 

Clerk of the Commission

Notice to Parties: Appeal of this decision to the Supreme Court of Vermont must be filed with the Commission within 30 days. Appeal will not stay the effect of this order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Commission within 28 days of the date of this order.

PUC Case No. 25-1543-PET - SERVICE LIST

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*Notice of appearance to be filed.