

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 26-0574-PET

Petition of Industrial Tower and Wireless PCS, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, for the installation of wireless telecommunications equipment off Bordoville Road in Enosburgh, Vermont	
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Order entered: 06/17/2026

PROCEDURAL ORDER GRANTING MOTIONS TO INTERVENE AND REQUESTS FOR HEARING

I. INTRODUCTION

This case involves a petition filed by Industrial Tower and Wireless, LLC (“Petitioner”) requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, for authorization to install wireless telecommunications equipment in Enosburgh, Vermont (the “Project”). In today’s Order, I grant the intervention requests and requests for hearing filed, respectively, by Victor Tirrito, Sandra and Chris Bruhn, Philippa Dorfman, Colleen Sheppard and Derek Jones, and the Bordoville SDA Church.

II. PROCEDURAL HISTORY

On April 30, 2026, Victor Tirrito, Sandra and Chris Bruhn, Philippa Dorfman, Colleen Sheppard and Derek Jones, and the Bordoville SDA Church (together the “Intervenors”) filed motions to intervene and requests for a hearing to be held in this proceeding.

On May 13, 2026, the Petitioner filed a response to the motions to intervene stating that it had no objection to granting the Intervenors permissive intervention with respect to aesthetics and historic resources.

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

In this case, the Intervenors cite concerns related to the aesthetic impact of the Project on the surrounding area, including historic resources, and the Project's compliance with the municipal and regional plan. The Intervenors have also requested a hearing in this proceeding. I find that the Intervenors' concerns related to historic resources will be adequately represented by other parties, specifically the Vermont Department for Historic Preservation, in this proceeding.

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I grant the Intervenors permissive intervention with respect to the aesthetic impacts of the Project and the Project's compliance with the municipal and regional plan. Therefore, the scope

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

² The Intervenors also request a "balloon test" be conducted. However, a balloon test is not required under 30 V.S.A. § 248a. The Petitioner also notes that it has previously conducted multiple balloon tests at the proposed site. Therefore, I decline to require a balloon test.

of the Intervenor's' intervention in this proceeding is limited to aesthetic and orderly development issues only.³ I also conclude that the Intervenor's should coordinate their activities through a single representative for the remainder of this proceeding.

Pursuant to Section VII of the Procedures Order, [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."⁴ 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 the applicable Section 248a criteria. Accordingly, the Intervenor's' request for an evidentiary hearing is granted.

SO ORDERED.

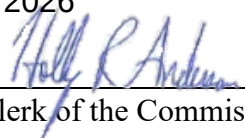
Dated at Montpelier, Vermont, this 17th day of June, 2026.



Gregg Faber
Hearing Officer

OFFICE OF THE CLERK

Filed: June 17, 2026

Attest: 

Clerk of the Commission

³ *Vermont Electric Power Co. v. Bandel*, 135 Vt. 141, 145 (1977).

⁴ *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*, Order issued September 21, 2018.

PUC Case No. 26-0574-PET - SERVICE LIST

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*Notice of appearance to be filed.

^Motion to Intervene pending.