

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 25-2931-PET

Petition of Bell Atlantic Mobile Systems, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment at 1030 Route 100 in Rochester, Vermont	
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Order entered: 07/06/2026

ORDER DENYING MOTION FOR RECONSIDERATION

On February 17, 2026, I issued an order granting the motions to intervene filed by Jacob and Bonnie Wildwood, Bruce Jones, Richard and Debbie Mathiesen, Alvina Risinger-Harvey, Deborah Scherrer, Tara Murray and Russell Jaquith (together the “Intervenors”). In the order, I limited the Intervenors’ participation to addressing aesthetic issues in the case. I also required the Intervenors to coordinate their activities through a single representative.

On March 17, 2026, the Intervenors filed a motion (“Motion”) requesting that I reconsider my determination to limit their participation to aesthetic issues.

On March 27, 2026, Bell Atlantic Mobile Systems, LLC (“Petitioner”) filed comments in opposition to the Motion.

In today’s order, I deny the Intervenors’ motion for reconsideration.

The Commission reviews motions to alter or amend pursuant to Commission Rule 2.221, which incorporates the language of Vermont Rule of Civil Procedure 59 without modification. Reconsideration under Commission Rule 2.221 is appropriate only to avoid an unjust result due to “mistake or inadvertence of the [Commission], and not the fault or neglect of a party.”¹ A Vermont Rule of Civil Procedure “59(e) motion ‘must clearly establish either a manifest error of law or fact or must present newly discovered evidence.’”² The disposition of a Rule 2.221 motion rests with the discretion of the Commission.³

¹ *Rubin v. Sterling Enterprises, Inc.*, 164 Vt. 582, 588, 674 A.2d 782 (1996) (citing *In re Kostenblatt*, 161 Vt. 292, 302, 640 A.2d 39, 45 (1994)).

² *Sutton v. Purzycki*, 2022 VT 56, ¶ 67, 217 Vt. 326, 295 A.3d 377 (quoting *N. Sec. Ins. Co. v. Mitec Elec., Ltd.*, 2008 VT 96, ¶ 34, 184 Vt. 303, 965 A.2d 447).

³ *Alden v. Alden*, 2010 VT 3, ¶ 7, 187 Vt. 591, 992 A.2d 298.

Granting reconsideration is an extraordinary remedy to be used with great caution.⁴ Rule 2.221 does not permit parties to relitigate issues or correct previous tactical decisions.⁵ It is not a vehicle to introduce new evidence or advance arguments that could have been made previously.⁶ The Commission also retains “discretion to deny consideration of discrete issues not raised prior to entry of judgment.”⁷

The Intervenor argue that I should reconsider my decision to limit the permissive intervention of the Intervenor to aesthetic issues. The Intervenor maintain that they have a particularized interest with respect to the town plan and zoning, public health and safety, collocation, wetlands, and the natural environment.⁸ Therefore, the Intervenor contend, they should be granted intervention with respect to all issues they raised in their respective motions to intervene.

As stated above, a motion for reconsideration is not an opportunity to advance arguments that could have been made previously. The bulk of the Motion simply restates the arguments the Intervenor made in their respective motions to intervene in an attempt to relitigate the issues. The Motion does not allege a manifest error of law or fact in the February 17 order granting intervention that would support reconsideration now.

The Intervenor also argue that they should not be required to consolidate their participation in the case because this will infringe on their constitutional right to free speech.⁹ I find this argument unpersuasive. Pursuant to Rule 2.209(C), when the Commission grants intervention it may require parties to coordinate efforts “as the interests of justice and economy of adjudication require.” In this case, I am requiring the Intervenor to coordinate their efforts

⁴ *Petition of Vermont Gas Systems, Inc. for authority to condemn easement rights in property interests of the Town of Hinesburg, Vermont, at Shelburne Falls Road, Hinesburg, Vermont, for the purpose of constructing the pipeline authorized in Docket 7970, Docket 8643, Order of 11/3/16 at 2.*

⁵ *Id.*

⁶ *See, e.g., In re B.K.*, 2017 VT 105, ¶ 13, 206 Vt. 110, 179 A.3d 758 (“While the trial court has broad power under Rule 59(e) to reconsider issues previously presented, the rule does not contemplate reopening the evidence or creating a new record.”).

⁷ *Everbank v. Marini*, 2015 VT 131, ¶ 34, 200 Vt. 490, 134 A.3d 189; *see also* 11 C. Wright, Miller & Kane, Federal Practice and Procedure § 2810.1 (3d ed.) (2022 Update) (“The Rule 59(e) motion may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.”).

⁸ Intervenor Motion at 4-6.

⁹ *Id.* at 7.

through a single representative in the interests of judicial economy. I am not restricting them from speaking freely with respect to issues on which they have been granted standing.

The Intervenor has not presented a manifest error of fact or law in the order. The Intervenor also has not presented any new factual information that could not have been presented previously. Therefore, the Motion does not meet the standard for relief under Rule 2.221 and is denied.

SO ORDERED.

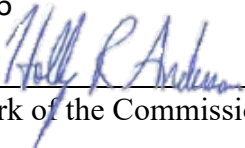
Dated at Montpelier, Vermont, this 6th day of July, 2026.



Gregg Faber
Hearing Officer

OFFICE OF THE CLERK

Filed: July 6, 2026

Attest: 

Clerk of the Commission

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

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*Notice of appearance to be filed.