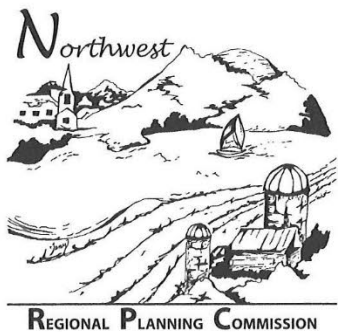




April 28, 2023

Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Re: ORDER REQUESTING CLARIFICATION in Case No. 22-2120-PET

To the Public Utility Commission,

To provide clarification, the NRPC Project Review Committee has found that the project, as proposed, is not in conformance with the Regional Plan. The Committee found that the project was not in conformance with the Regional Plan at its July 25th meeting and issued a comment letter stating that the project was not in conformance on July 26th.

The letter filed September 27th was in response to the Department of Public Service's letter dated August 26th. Specifically, the NRPC's September 27th letter stated that there was no evidence provided that the public safety benefit of the tower could not be achieved if the tower's height were to be reduced, therefore, the recommendations of the NRPC should be granted substantial deference. The September 27th letter was not intended to imply a change to NRPC's finding that the project is not in conformance with the Regional Plan.

The project is not in conformance with the plan due to the height of the tower. Specifically, the project fails to meet the following goals and policies of the project.

- Economic Infrastructure Chapter, Goal 3) "Develop and maintain a high-quality, affordable telecommunications infrastructure that provides the most efficient and effective as well as the least obtrusive system possible."
- Economic Infrastructure Chapter, Policy 4b) "Consolidation of new telecommunications facilities on existing sites is preferred over the development of new sites. New telecommunications equipment and towers shall be sited in the least obtrusive and least ecologically sensitive areas possible."
- Economic Infrastructure Chapter, Policy 4d) "Ensure that the telecommunications system and
- related infrastructure fit within the character of the area as defined by the local and regional plans."

- Natural & Cultural Resources Chapter, Goal 3: Protect and conserve historically significant buildings and locations, archaeological resources, and important scenic and aesthetic resources identified in local and regional plans.

The project's height is not compatible with the scenic rural character of the Bordoville hamlet and has a negative impact on the area's historic resources, such as the Bordoville Seven Day Adventist Church. As stated in Goal 3 and Policy 4b of the Economic Infrastructure chapter of the Regional Plan, telecommunications infrastructure must be "the least obtrusive system" and shall be "sited in the least obtrusive and least ecologically sensitive areas possible". The tower is not the least obtrusive possible system to provide the applicant's service due to its height. As shown in the permit drawings, the tower has co-location opportunities for 5 panel antennas, despite the applicant's service requiring only whip antennas. While the Regional Plan supports co-location, it does not support building a significantly taller and more obtrusive tower than necessary when the applicant has not provided evidence that there will be co-located panel antenna services on the tower.

The Committee notes that as stated in the letter from the St. Albans Police Department dated August 8, 2022, co-location for emergency services is to be provided on the tower. However, the Committee fails to find how this co-location justifies the height of the tower as the letter does not specify a specific height which is necessary for expanding emergency radio services. Additionally, emergency radio services generally do not require panel antennas, and would not occupy one of the five proposed locations for co-located panel antennas. Therefore, the NRPC Project Review Committee finds that the project is not in conformance with the Regional Plan.

Sincerely,

A handwritten signature in black ink that reads "Emily Klofft". The signature is written in a cursive, flowing style.

Sincerely,

Emily Klofft
Regional Planner