

**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 on 402 VT Rt 140 in Tinmouth, Vermont.	
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**RESPONSE OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE TO THE
MOTION OF INDUSTRIAL TOWER AND WIRELESS, LLC FOR A NON-
SUBSTANTIAL CHANGE DETERMINATION**

On August 8, 2025, Industrial Tower and Wireless, LLC (“ITW” or “Petitioner”), filed a petition with the Vermont Public Utility Commission (“Commission”), under 30 V.S.A. § 248a, for approval to construct a telecommunications tower (“Project”) on a ± 32.35-acre parcel located at 402 VT Rt 140 in Tinmouth, Vermont (“Facility”). On April 8, 2026, ITW filed a motion for a non-substantial change determination (“NSCD”) with accompanying supplemental testimony and revised exhibits regarding its proposed amendment to the petition. The sole change to the Project that ITW proposes is to reduce the petitioned Tower height. Specifically, ITW’s original petition for the Project proposed a Tower 160’ above ground level (“AGL”) in height, with antennas on the top of the Tower reaching a height of 173’ AGL, and now ITW proposes to reduce the Tower’s height to 130’ AGL, with the antennas on the top of the Tower reaching a height of 143’ AGL.

The Vermont Department of Public Service (“Department”) has reviewed ITW’s motion for a NSCD and its accompanying supplemental testimony and revised exhibits and concludes that the reduction in Tower height from 160’ AGL (with antenna reaching 173’ AGL) to 130’ AGL (with antennas reaching 143’ AGL) is a non-substantial change.

Section III of the *Standards and Procedures Implementing 30 V.S.A. § 248a*¹ provides that “a substantial change is one that has the potential for significant impact with respect to any of the criteria applicable to the project” and requires the petitioner to provide fresh notice of any substantial change(s). The Department maintains that the modest reduction in Tower height proposed by ITW, with no other changes, will not result in a significant impact under any criteria applicable to the Project because the reduction is likely to reduce impacts or at most impose impacts that are comparable to the original petition. Indeed, the Commission has recently found that a similar reduction in another pending petition’s Tower height, with no other changes, was not substantial. *Petition of Rising Tide Towers II, LLC and Wireless Partners FN, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment at 127 Crow Hill Road in Pownal, Vermont*, Case No. 25-0257-PET, order of 08/14/2025 at 2 (finding 27’ reduction in proposed tower’s height as sole change to be non-substantial).

As such, the Department recommends that the Commission find the Project changes proposed by ITW by its April 8, 2026, filings to be non-substantial and ultimately resume this proceeding once the parties have submitted schedules for resumed process.

¹ VERMONT PUBLIC UTILITY COMMISSION, *Standards and Procedures Implementing 30 V.S.A.* (effective Jan. 18, 2023) at 3-4 available at https://puc.vermont.gov/sites/psbnew/files/doc_library/22-5122-inv-248a-standards-procedures-eff-01-18-23.pdf; see also, *Investigation into revised standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Case No. 22-5122-INV, Order of 01/18/2023 (adopting standards and procedures).

DATED at Montpelier, Vermont this 21st day of April 2026.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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cc: ePUC Service List