

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Industrial Tower and Wireless, LLC Requesting a certificate of public good pursuant to 30 VSA §248a authorizing the installation of wireless telecommunications equipment off of Bordoville Road in Enosburgh, Vermont	Case No. 26-0574-PET
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**FIRST SET OF INFORMATION REQUESTS SERVED UPON PETITIONER
BY NEIGHBOR INTERVENORS**

Neighbor Intervenor s Philip pa Dorfman and Charles Hungerford; Sandra and Chris Bruhn, Debra Knutson-Bezerra; Derek Jones and Colleen Sheppard; Victor Tirrito, *pro se*, hereby serve the following First Set of Information Requests upon Industrial Tower and Wireless PCS, LLC ("Petitioner") in this matter in accordance with Vermont Public Service Board Rule 2.214 and V.R.C.P. 33 and 34.

DEFINITIONS

The following definitions apply to the following discovery requests:

1. Reproduce the request being responded to before the response per V.R.C.P. 33.
2. Responses to any and all Neighbor Intervenor s' requests that are contained herein or that may be filed later should be supplied to Neighbor Intervenor s as soon as they become available to Petitioner s. That is, Petitioner should not hold answers to any requests for which it has responsive data, documents, etc. until responses to any or all other requests are compiled.
3. V.R.C.P. 33 requires the response to each request to be made under oath by a Person competent to testify concerning the response and all documents and exhibits produced as part of the response. With respect to each request, please state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the administrative unit which maintains the records being produced or maintains the data from which the answer was prepared; and (3) the date on which each question was answered.
4. Where information requested is not available in the precise form described in the question or is not available for all years (or other periods or classifications) indicated in a series of years (or other periods or classifications), please provide all information with respect to the subject matter of the question that can be identified in Petitioner's work papers and files or that is otherwise available.

5. These requests shall be deemed continuing and must be supplemented in accordance with V.R.C.P. 26(e). Petitioner is directed to change, supplement and correct its answers to conform to all information as it becomes available to Petitioner, including the substitution of actual data for estimated data. Responses to requests for information covering a period not entirely in the past (or for which complete actual data are not yet available) should include all actual data available at that time and supplementary data as it becomes available.

6. Wherever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.

7. Some of Neighbor Intervenors' requests may make particular reference to a portion of Petitioner's filing. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to Petitioner that is responsive to the questions stated.

8. "Identify," when used in connection with natural person(s) or legal entities, shall mean the full name and current business address of the person or entity.

9. "Document," as used herein, shall be construed as broadly as possible to include any and all means and media by which information can be recorded, transmitted, stored, retrieved or memorialized in any form, and shall also include all drafts, versions or copies which differ in any respect from the original. All spreadsheets provided must have all formulae intact and accessible.

10. "Petition," as used herein, means Petitioner's petition filed with the Vermont Public Utility Commission in this docket, unless the context indicates otherwise.

11. With respect to each document produced by Petitioner, identify the person(s) who prepared the document and the date on which the document was prepared.

12. If any interrogatory or request requires a response that Petitioner believes to be privileged, please state the complete legal and factual basis for the claim of privilege, provide the information required by the 5/16/95 order in Docket No. 5771 and respond to the parts of the interrogatory or request as to which no privilege is asserted.

13. If any interrogatory or request is objected to in whole or in part, please describe the complete legal and factual basis for the objection, and respond to all parts of the interrogatory or request to the extent it is not objected to. If an objection is interposed as to any requested documents, please identify the document by author, title, date and recipient(s), and generally describe the nature and subject-matter of the document as well as the complete legal and factual basis for the objection.

14. To expedite the discovery process and the resolution of this docket, Petitioner should contact Neighbor Intervenors as soon as possible, and prior to the deadline for response, if it seeks clarification on any of these information requests.

15. Neighbor Intervenors reserves the right to submit additional information requests to Petitioner.

INTERROGATORIES, REQUESTS TO ADMIT, REQUESTS TO PRODUCE

Q.NI 1: Identify each person you may use at trial to present expert testimony under Vermont Rules of Evidence 702, 703, or 705, whether or not the witness may also testify from personal knowledge as to any fact in issue in the case.

For each person so identified:

Pursuant to Commission Rule 2.230(A)(5), produce all communications and notes of communications between you and the expert and/or between your attorney and the expert which:

- (i) relate to compensation for said expert's study or testimony;
- (ii) identify facts or data that you and/or your counsel provided and that the expert considered in forming the opinions to be expressed (regardless of whether that information formed the basis for any such opinions); and
- (iii) identify assumptions that you and/or your counsel provided and that the expert relied on in forming the opinions to be expressed.

Q.NI 2: Admit that you will permit entry upon designated land in possession or control of the applicant for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 26(b).

Q.NI 3: Produce all correspondence, contracts for antennas, or agreements made with cellular antenna providers, including major cell phone companies (AT&T, T Mobile, Verizon), public and emergency service providers, including the St. Alban's police department.

Q.NI 4: Produce all locations with maps, correspondence, and documentation of alternative sites that Industrial considered, or evaluated for this tower, including alternative sites on Matthew Hull's land and any potential sites on other properties.

Q. NI 5: During the "motion to dismiss" alternative location options and suggestions within the current landowner's property were provided. Was the landowner ever formally approached, presented with these options, and asked for his input or views? If so what was his response? If not, why?

Q.NI 6: Admit that Industrial conducted propagation analyses for radio receptivity with differing heights at alternative sites on the Hull property: e.g., (i) less visible but higher topographical elevations with lower tower heights; (ii) alternative locations closer to Route 108 with lower height; (iii) lower tower height set back another 1000-2000 feet from Bordoville Road; and (iv) lower tower heights near or on current proposed site; (e.g., 50, 75, 100 ft towers)? If answered in the affirmative, produce documentation on the alternative sites on Hull property and the results.

Q.NI 7: Admit there are other locations in the area that would have a less negative aesthetic impact but have not been researched by ITW. If answered in the affirmative, provide the location expressed in Latitude/Longitude. .

Q.NI 8: Admit that the proposed tower site had nothing to do with optimal placement for tower function and everything to do with cost and convenience.

Q.NI 9: Produce all conversations with the landowner regarding alternative locations on their property to mitigate the aesthetic impact and proximity of Chester Arthur Rd, Bordoville Rd, and the Seventh-Day Adventist historical church. Specifically, produce conversations with the landowner about the alternative siting suggestions from Sandra and Chris Bruhn sent in July 2026.

Q.NI 10: Produce all research and studies conducted to evaluate an alternative site for the 2026 current proposed tower. Identify who conducted these studies and when they were completed.

Q.NI 11: Since the 140-foot proposed tower was not granted a permit, has there been any discussion with different landowners for potential different siting options to mitigate the impact on aesthetics? Produce documentation on any communications with other landowners who might be able to offer a better location for the tower and who personally support the project (as several landowners expressed support for the ITW tower during the April 2026 Regional Meeting and on the PUC Public Comments site). If not, why?

Q.NI 12: How much would it cost to move the tower 1,100 feet to ensure a greater distance from residential homes on Bordoville Road?

Q.NI 13: Produce all ITW tower locations in Vermont that are within 650 feet of a home or neighborhood and less than 1/2 mile from a historic site.

Q. NI 14: Other than the reduction of height on the tower, what other steps have you taken to mitigate the impact on aesthetics not only for the general public but for the those living in the neighborhood and in close proximity to the site?

Q. NI 15: Have there been any “new” studies and work completed specific to the proposed 120-foot tower to: A. provide the “stated services” promised; B. advance the public good; C. reduce the aesthetic impact on the surrounding area and neighborhood in close proximity to the site? If so please produce these studies.

Q.NI 16: Admit that Louis Hodgetts and Kevin Delaney have already testified that a 120-foot tower would not meet the stated objectives on providing adequate promised services.

Q.NI 17: Admit that you are now changing your position from your earlier argument that a 120-foot tower would not meet the project objectives or advance the Public Good.

Q.NI 18: Admit ITW provided testimony in the previous case, with the exact location and same parties, that a 120 foot tower would not suffice and then admit ITW is re-applying for that same tower, which it previously claimed before would not suffice.

Q.NI 19: Explain what has changed that now justifies your submission that a 120-foot tower meet the objectives of providing cell service and public good?

Q.NI 20: Regarding the Bordoville Road leading into the current proposed site, what work is required and planned pursuant to § 248a(c)(1), health and safety, and Criterion 5, transportation? Has ITW obtained a road permit, requested a permit, or requested winter plowing for the section of the Bordoville Road that leads to the site that is not open in the winter? Produce all correspondence and documentation of authorization, with the Town of Enosburgh regarding the Bordoville Road.

Q. NI 21: Produce all documentation detailing the aesthetic impact to Bordoville Road and specifically the impact of utility updates to provide power to the site. Admit that you have to cut down trees and widen the Bordoville Road.

Q.NI 22: Admit that there are other locations where the tower could have been located that would be more or as effective in terms of radio transmission.

Q.NI 23: Provide the evidence you relied on regarding current coverage gaps affecting EMS in Enosburgh and Bakersfield.

Q.NI 24: Produce the evidence that, despite repeaters in the area, a tower is still needed for coverage and provide pictures and coordinates of all repeaters? Provide evidence of the exact distance needed between towers and how many repeaters are required. Could a repeater rather than a tower suffice at the proposed location?

Q.NI 25: In addition to the St Alban's police antennae, will the proposed tower provide colocation space for one or two cellular colocations? Is there room for one or two extra antennae, other than the "St. Albans Police"?

Q. NI 26: Admit that a monopole could be used instead of an aesthetically adverse lattice tower.

Q. NI 27: Produce all public outreach efforts with the new proposed 120' tower in regards to educating the community on aesthetic impact of the tower (balloon test and impact on Bordoville Rd), enumerate any societal benefits (specifically the timeframe for societal benefits after the tower is built), and where community members might purchase the equipment needed to use the radio tower.

Q.NI 28: Admit that no off-road locations were tested to measure aesthetic impact in the balloon test, such as the historic Seventh Day Adventist Church cemetery site, and locations not accessible by car.

Q.NI 29: Admit that this tower impacts the aesthetic beauty from at least 40% of the roadside locations tested as part of the balloon test. Produce all photos and

documentation regarding the balloon test. (where did you get the 40% number?)

Q.NI 30: Admit that a large tower project size and scope of 120', 80 x 80 square footcompound and the disruption of 25,000 square feet of earth is normally placed nearerto a large metropolitan area, closer to a busy highway, or away from homes.

Q.NI 31: Explain how you can claim no aesthetic impact to the area within an enclave of Enosburgh called Bordoville, named after the original family, that built one of the oldest Seventh Day Adventist churches in the country, on a small unpaved road, close to a road designated as the scenic Chester Arthur Road, as well as historic +100-year-old homes within the area.

Q.NI 32: Admit that the posting of the original tower project by Dubois and King in the local newspaper's classified ads was misleading and negligent in providing information to the public. The tower's location was given by longitude and latitude coordinates, stating it was "near 4756 W. Enosburg Rd". Provide documentation of the posting of information for the second tower proposal.

Q.NI 33: Admit that the proposed tower site is in a rural residential neighborhood pursuant to the Enosburgh Town Plan.

Q.NI 34: Admit that in the mock-up of the drawing of the tower (exhibit C-3), the scale and proportion are misleading in regard to a 58' tree shown in the document.

Q.NI 35: Admit that there has been only 1 actual balloon test and that it was done during the first application for a tower height of 140' with no partnership with the community. Admit that any other "balloon tests" to evaluate the aesthetic impact of the proposed location were assimilated using technology/computers. Why have you not conducted a new balloon test specifically for this second application?

Q.NI 36: Admit that satellite (starlink) technology can be used for emergency services and calling 911.

Q.NI 37: Admit that a number of ITW's experts (Keven Delaney, Brian Sullivan, Gordan Perkins) have already testified that a 120' tower would not meet the stated objectives of ITW's proposal and the required "societal benefits" in order to comply with the town and regional plan and fulfill "public good". Admit what has changed from that testimony to now that makes it possible for ITW to maintain that it will be able to now meet all the objectives and provide cell service, 911 calling, emergency services and connectivity to other tower sites (Fairfield and Eden).

Q.NI 38: Admit any new tower proposals planned for the Rt 108 corridor in the future and what new technology will be installed to now make a 120' tower viable for this location?

Q. NI 39: Admit that the tower height of 120' is less optimal than 140' to attract co-locators of cell providers to fulfill wireless service to the community and therefore would not resolve the 911 coverage gap.

Q.NI 40: Produce the propagation maps showing the coverage gap that will be fixed with the proposed 120' tower.

Q.NI 41: Did ITW test the feasibility of collocating, with corresponding coverage impact, its technologies on Mt Mansfield, Smugglers Notch or other like location?

Q.NI 42: Indicate how many square miles of two-way radio coverage the proposed tower will provide and indicate how much of this area (in terms of square miles) is not currently covered by other facilities.

Q.NI 43: Produce the documentation of how the general public would sign up for the proposed radio service from ITW? Provide documentation on what additional equipment the general public would need to purchase to benefit from the radio service. Provide documentation of the differences of the radio service vs. cell.

Q.NI 44: Produce documentation of which businesses have been contacted (and when), all correspondence, and contracts regarding the proposed radio service.

Q.NI 45: How many other landowners have you asked in this general area to install a radio tower like the one in the current application in the past 10 years? How many declined your offer? How many landowners in this historic neighborhood reached out to you to install this tower?

Q.NI 46: Produce the written leasing agreement (contract) between Industrial the landowner, Hull for the tower site. Provide documentation of the proposed financial benefit of the tower project to ITW and the landowner.

Q.NI 47: Provide information on what property rights and entitlements ITW has secured or will have if the proposed tower is built. Provide all documentation regarding the leasing or property agreements.

Q.NI 48: If you succeed in this current proposal for a tower of a height that you previously claimed was not sufficient for your purposes, do you intend to apply for a revision to add an additional extra 20 feet in height? If so, when?

Q.NI 49: Admit you intend to apply to extend the height of the tower if you are issued a permit to install a 120' tower.

Q.NI 50: What is ITW's business model and how much income will be generated from this tower? Given the low density population in the area of the proposed tower, with room for only one antenna, how does this tower advance your business model?

Q.NI 51: The ITW website states that you provide a "forward-thinking approach to wireless communications." Explain how radio towers are "forward-thinking" when fiber optics infrastructure provides the same forms of EMS communication solutions.

Q.NI 52: The ITW website states that you provide "expertise, transparency and trust."

Explain to us why there have been inconsistencies in your claims of spaces for colocation, what you plan to do with a 120' tower that you previously maintained was inadequate, and whether you plan to subsequently seek a higher addition to the proposed tower.

Q.NI 53: How long do you plan to use this Tower? Have you submitted a Tower decommission plan? Have you formalized a plan to dismantle and decommission the Tower with specific timelines, resources, and community notices?

Q.NI 54: What is the term, conditions, insurance, maintenance, radio frequency radiation coverage/non-coverage/ liability, and land lease remuneration provisions of the Industrial Hull Tower siting and use agreement?

Q.NI 55: Produce insurance contracts you have in the event of a tower collapse, fire, unsafe radiation emissions.

Q.NI 56: Admit that Bordoville is an historic community within Enosburgh with historic properties, homes, and aesthetic views.

Dated at Enosburgh, Vermont this 28th day of August, 2026 on behalf of Intervenors Victor Torrito, Charles Hungerford Fourie, Derek Jones and Colleen Sheppard, Bordoville SDA Church/Debra Knutson-Bezerra,

By:

/s/ Philippa C. Dorfman

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