

**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 at 402 VT Route 140 in Tinmouth, Vermont.	
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**PETITIONER’S FIRST SET OF DISCOVERY REQUESTS TO THE DEPARTMENT
OF PUBLIC SERVICE**

NOW COMES Petitioner by and through its undersigned counsel and hereby serves these Discovery Requests upon the Department of Public Service (“DPS”) in accordance with Public Utility Commission Rules 2.214 and 2.230. DPS is requested to provide a copy of its answers in electronic format on or before the deadline for responses as required under the applicable rules of procedure.

Petitioner requests that DPS answer the Discovery Requests under oath and in accordance with the Definitions and Instructions set forth herein along with the Vermont Rules of Civil Procedure and as applicable, the rules of the Vermont Public Utility Commission

Each document produced in compliance with these Discovery Requests shall be consecutively numbered and shall clearly identify the question or sub-question to which the document is responsive. Copies of all documents shall be legible in their entirety. Documents shall be produced in the form and manner in which they are stored. Electronically stored information should be produced in its native file format, preserving all metadata.

DEFINITIONS

1. The term “communication,” as used herein means any transmittal of information (in the form of facts, ideas, inquiries or otherwise), including, without limitation by means of documents (as defined herein).

2. The term “person,” as used herein is defined as any natural person or any business, legal, or governmental entity or association.

3. The term “concerning,” as used herein means referring to, relating, reflecting, describing, evidencing or constituting.

4. The word “relating” shall include, but not be limited to: concerning, referring to, embodying, containing, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, constituting, illustrating, depicting, summarizing, mentioning, recording, evidencing, supporting, contradicting or rebutting, directly or by inference.

5. The words “and” and “or” and the term “and/or” as used herein shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The use of the word “including” shall be construed without limitation.

6. Terms used in the singular shall be deemed to include plural and terms used in the masculine shall be deemed to include the feminine.

7. The term the “DPS” shall mean the Department of Public Service, its counsel, and any agents, consultants, or representatives working for or on behalf of the DPS, past and present. The DPS shall sign these Responses in accordance with the Rules and it shall be understood that the DPS is bound by the Responses herein.

8. The term “you” or “your” shall mean the DPS as defined herein.

9. The term “the Tower” shall mean the 130’ above ground level lattice tower as proposed by Petitioner in Docket No. 25-1679-PET located at 402 VT Route 140, Tinmouth Vermont.

10. The term the “site” shall mean 402 VT Route 140, Tinmouth Vermont.

11. A document is in your “possession, custody or control” if it is in your physical custody, or if it is in the physical custody of any other person and you (a) loaned such document in whole or in part; (b) have a right by contract, statute or otherwise to use, inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine or copy such document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you have sought to do so. Such document shall include, without limitation, documents that are in the custody of persons under your direct or indirect control, employees, attorney(s) or other agents.

12. The word “document” shall mean all written, printed, typed, transcribed, punched, taped, filmed, or other graphic matter of every kind and description whatsoever, however produced or reproduced, whether in hard-copy format or stored electronically on disk or magnetic media, including but not limited to:

(1) all correspondence, communications, statements, plans, drawings, designs, contracts, agreements, telegrams, maps, reports, memoranda (including written memoranda, records or logs of telephone conversations, other conversations, meetings, conferences, discussions, agreements, acts and activities), intra- and inter-office communications, minutes of meetings, agenda, transcripts, filings, opinions, calendar or diary entries, books, records, pamphlets, flyers, press-releases, lists, brochures, periodicals, articles, notes, bids, price lists, statistical tables, papers, manuscripts, emails, texts, commentaries, scrapbooks, notebooks, bulletins, circulars, accounts, ledgers, vouchers, invoices, charts, drafts, bills, checks, letters of credit or notes, computation reports, studies, assessments, appraisals, journals, analyses, computer printouts, or other statistical data or measurements or summaries prepared therefrom;

- (2) all photographs, mechanical or electronic sound records or transcripts, movies or motion pictures, videotapes, cassettes, discs, microfilm, microfiche, tapes, computer cards, computer tapes, computer programs, all other recordings of any description;
- (3) all drafts prepared in connection with such documents, whether used or not, and all facsimiles, microfilm, microfiche, photocopies, or other copies or reproductions of such documents in whatever form and by whatever means made, whether or not identical to the originals;
- (4) any electronic versions of any of the foregoing, including, but not limited to, electronic files created or saved on any computer, hard drive, solid state drive, diskette, CD, DVD or other medium, including personal phones, computers, tablets, or other electronic devices used by you or any agent or representative, as well as electronic files created or saved on or through an internet based email service or cloud storage service.

INSTRUCTIONS

1. If you are unable to provide a complete response to any interrogatory or request, please provide a partial response, including as much information as may be available to you and/or subject to your control. If you object or fail to respond to all or any part of any interrogatory or request contained herein, your response should set forth clearly for each such interrogatory or request, the specific portion of the interrogatory that you have not responded or objected to, the extent and the specific ground(s) for your objection and/or your failure to respond, and whether, in such case, there is responsive information that you have not provided.

2. If you fail to respond to any interrogatory or request on the basis of any claim of privilege or work product, please furnish a log that contains the following information:

- (a) type of communication (e.g., telephone call, letter, memorandum, etc.);
- (b) date of the communication;
- (c) author(s) or originator(s) of communication including identification of any person by organization or affiliation;
- (d) addressee(s) and additional recipient(s) of the document;
- (e) if a document, the title of document;
- (f) if a document, a summary of the subject matter of the document;
- (g) if a document, the number of pages in the document;
- (h) if a document, a list of attachments, if any, providing the information specified in subparagraphs (a) through (f) hereof, as to each such attachment; and

- (i) the basis for the claim of privilege and a statement as to whether the privilege is claimed as to the entire communication or only a portion thereof and, if so, what portion.

3. These Interrogatories and Requests to Produce are to be continuing to the full extent provided by the Vermont Rules of Civil Procedure and Rule 26(e) thereof and as applicable the rules of procedure for the Vermont Public Utility Commission. Take notice that you have a continuing obligation to correct or supplement these responses under Vermont. R. Civ. P. 26(e) as information or documents are acquired by respondents, their agents, attorneys, or representatives.

4. When requested to identify a person, give, to the extent known, the person's full name, present or last known address, and, when referring to a natural person, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

5. When requested to identify documents, please give, to the extent known, the:

- (a) type of document;
- (b) general subject matter;
- (c) date of the document; and
- (d) author(s), addressee(s) and recipient(s).

6. When requested to identify communications, please give the:

- (a) type of communication;
- (b) general subject matter;
- (c) date of the communication;
- (d) author(s), addressee(s) and recipient(s); and
- (e) if the communication is a document, provide the information requested in Instructions Paragraph 4 above.

7. In the event that any interrogatory or request asks for information that you have provided in response to a prior interrogatory, please identify the response in which the information may be found.

8. To the extent any documents are to be produced in response to these interrogatories and requests they are to be produced in their native file format with all associated meta-data preserved.

9. To the extent any request seeks an admission, to the extent your answer is not a complete admission, state every reason your answer is not an admission, admitting no detail, and identify all facts and documents in your possession or known to you supporting your position.

10. To the extent a term in any request for admission is vague or undefined, it is to be accorded the normal and customary definition and you are instructed to respond applying such definition.

INTERROGATORIES

1. Identify each person you consulted with or who otherwise provided information to help you answer these discovery requests.

2. Identify each person you plan to call as a witness at any hearing in the above-captioned matter and state the nature of their expected testimony.

3. Identify each expert you plan to call as a witness at any hearing and identify and produce: (i) their qualifications, (ii) their opinions, (iii) the basis for their opinions, and (iv) any and all documents and data that they relied on or considered for formulating their opinions.

4. Identify and produce each exhibit you plan to introduce at any hearing in this matter.

5. To the extent the DPS contends the project is not in the public good, and should not be granted a Certificate of Public Good, state every basis for such position and all identify all facts and evidence supporting its belief.

6. To the extent that the DPS contends that there is not “good cause” to construct this project over the objection of the Town of Tinmouth, state every basis for such position and all identify all facts and evidence supporting its belief.
7. To the extent that the DPS contends that good cause does not exist, state what it believes constitutes a “a substantial shortcoming detrimental to the public good or the State’s interests [as set forth in] 202c” as such phrase is applied to the determination of good cause.
8. Identify what other telecommunication services are available in Tinmouth, if any.
9. Identify what other telecommunications facilities can be used to provide wireless coverage to Tinmouth.
10. Identify what other tall structures exist that could be used to provide wireless coverage to the Town of Tinmouth.
11. Identify all communications with the Town of Tinmouth.
12. Identify all communications with the Intervenors.

REQUESTS TO PRODUCE

1. Produce all documents identified in response to the above Interrogatories.
2. Produce all documents relied on, referenced, or considered in responding to the above Interrogatories.
3. To the extent not produced in response to Request No. 1 or 2, please produce all documents, exhibits and materials you plan on introducing at any hearing in this matter.

REQUESTS TO ADMIT

1. Admit that the Petitioner’s mobile network does not currently provide coverage to the Town of Tinmouth.

2. Admit that the 2024/2025 Mobile Wireless Drive Test Map indicates that there is a gap in coverage in T-Mobile's cellular network in the location of the site.
3. Admit that the 2024/2025 Mobile Wireless Drive Test Map indicates that there is a gap in coverage in Verizon Wireless's cellular network in the location of the site.
4. Admit that the 2024/2025 Mobile Wireless Drive Test Map indicates that there is a gap in coverage in AT&T's cellular network in the location of the site.

Respectfully submitted this 2nd day of September, 2026

MSK ATTORNEYS

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