

STATE OF VERMONT

PUBLIC UTILITY COMMISSION

Case No. 25-2931-PET

Limited Size and Scope Application)
of Vertex Towers, LLC and Bell Atlantic Mobile)
Systems, LLC d/b/a Verizon Wireless, for a Certificate)
of Public Good, pursuant to 30 V.S.A. § 248a,)
Authorizing the construction of a Telecommunications)
Facility in Rochester, Vermont)

Motion for Withdrawal of Petition

NOW COMES Petitioner Vertex Towers, LLC and Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless and hereby files for the withdrawal and dismissal of this petition. In response to the Hearing Officer's Notice at the Scheduling Conference on August 20, 2026, the Petitioner informs the Hearing Officer and this Commission that it does not intend to proceed with the current application before the Commission.

On May 29, 2025, the Petitioner filed Advanced Notice of this Application. On November 24, 2025, the Petitioner filed the Application, which was deemed completed by the Commission on December 12, 2025. Filed with the Petition were a set of permit plans (see Exhibit LH-1) that depicted the access road running over the lands of abutting property owner Alvina Risinger-Harvey. The Petitioner believed that the landowner upon whose land this project sits, held a valid easement allowing Petitioner the right to travel over the lands of Risinger-Harvey. On March 16, 2026 the Petitioner received a letter from Risinger-Harvey's counsel demanding that the access to this site be removed from her property because there was no deeded right for such travel. On April 2, 2026 the Petitioner informed Risinger-Harvey's counsel, counsel for the Town of Rochester, and the Department of Public Service that it would be relocating and redesigning the access as requested by Ms. Risinger-Harvey. Petitioner communicated this to counsel for the Town again on April 16, 2026 and May 26, 2026. Petitioner also communicated this to the Town, the Department, and the Intervenors on July 8, 2026. This change rendered/renders moot the current application as the plans attached thereto depict an access way that is no longer valid.

As was discussed at the August 20, 2026 conference, after the Petitioner agreed to revise the access roadway serving this project to accommodate the objection, it set about obtaining engineered plans for the substantially revised access. With the redesign, the original plans proposed are no longer viable, nor what the Petitioner seeks to construct. Unfortunately, the engineering for the revision is not yet complete and there is no clear understanding of when they will be complete.

The Petitioner believes that a significant change in access (here it is shifting several hundred feet) is a "substantial change" under the procedures governing 30 V.S.A. §248a and this

Commissions' prior decisions. Thus, to affect the access change requires the re-filing of an application with new advance notice and a new petition rendering the current petition moot and superseded as well.

Given that engineering is not complete, and that this application contains a design that the Petitioner no longer seeks to construct, it is not reasonable to continue to hold this petition active. Accordingly, the Petitioner withdraws its pending petition and moves for the dismissal of this petition and this docket without prejudice to file a new application (and new advanced notice) with revised access if and when the engineering is complete and ready to be reviewed under 30 V.S.A. §248a.

The Hearing Officer has not adopted a schedule for the proceeding and discovery has not commenced, accordingly, there is no prejudice to the parties to the proceeding.

The Applicants will provide a new advance notice for this Project to the relevant parties and will subsequently file a new application for the Project consistent with the provisions of 30 V.S.A. § 248a at such time as the Project plans have been finalized.

Dated in Burlington, Vermont this 4th day of September, 2026

Vertex Towers, LLC and Bell Atlantic Mobile
Systems, LLC, d/b/a Verizon Wireless

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