STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. _____

Application of Vermont RSA Limited Partnership and Cellco	)
Partnership, each d/b/a Verizon Wireless, for a Certificate of	)
Public Good, pursuant to 30 V.S.A. § 248a, authorizing the	)
modification of an existing wireless telecommunications facility	)
located at 2382 Ridge Road in Brookfield, Vermont	)

Order entered:

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the application filed by Vermont RSA Limited Partnership and Cellco Partnership, each d/b/a Verizon Wireless, ("Verizon Wireless"), pursuant to 30 V.S.A. §248a, and the Board's Procedures Order ("Procedures Order"),[1] and grants Petitioner a certificate of public good ("CPG") authorizing the modification of a wireless telecommunications facility in Brookfield, Vermont (the "Project").

II. BACKGROUND

This case involves a petition and prefiled testimony filed by the Petitioner on October 26, 2015, requesting that the Board issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing the installation of a telecommunications facility in Brookfield, Vermont ("Project").

On_____, 2015, the Vermont Department of Public Service filed a letter with the Board recommending that the Board issue an order approving the petition without additional hearings or investigation. No other comments regarding the Project were filed with the Board.

[1] Amended Orders implementing standards and procedures for issuance of a Certificate of Public Good for telecommunications facilities pursuant to 30 V.S.A. 248a; Orders issued August 10, 2011, September 5, 2014 and August 19, 2015.

The Board has determined that the petition and prefiled testimony have effectively addressed the substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The objective of the Project is to provide improvements in service and coverage in the Town of Brookfield and along portions of Interstate 89 and Vermont Routes 12 and 14 located near the Project. Prefiled Testimony of AJ Lanpher ("Lanpher pf.) at 3.

2. The proposed Project involves modifications to an existing wireless telecommunication facility owned by American Tower Corp., LLC ("ATC"). The current facility consists of a 100' x 100' foot leased area containing an approximately 28' x 50' fenced compound ("Compound") with an approximately 85' above ground level ("AGL") monopole tower ("Monopole"), a small equipment cabinet belonging to T-Mobile, and a 12' x 20' equipment shelter belonging to AT&T. Prefiled Testimony of Louis Hodgetts ("Hodgetts pf.") at 2.

3. The telecommunications facility is located on approximately 71 acres of property owned by Douglas and Diane Haggett. ATC owns the monopole which currently has twelve (12) AT&T panel antennas mounted at 81'AGL and twelve (12) T-Mobile panel antennas mounted at 72' AGL. The site is accessed from the eastern side of Ridge Road and follows an approximately 1,000' gravel driveway. The coordinates of the Compound are latitude 44°-00'-38.69" North and longitude 72°-36'-58.37" West. Hodgetts pf. at 2 and Exhibit LH-1.

4. The Project involves the installation of a second 10' extension to the existing Monopole, raising its height to 95' AGL. Hodgetts pf at 2 . Verizon proposes to locate twelve (12) antennas and six Remote Radio Heads ("RRH") at the top of the tower extension. *Id.* A

structural analysis completed by ATC on June 3, 2015, confirmed that the tower meets the requirements of the Vermont State Building Code and TIA-222 with the proposed extension and addition of antennas and equipment. *Id.* at 3 and Exhibit LH-2.

5. Verizon Wireless proposes to extend the existing Compound by approximately 1000 square feet, from the existing 28' x 50' to 50' x 50', in order to accommodate its 12'x30' two-room equipment shelter within the Compound. Hodgetts pf. at 2. The shelter will contain the transmitting and receiving base station equipment and a diesel-fueled emergency generator that will provide back-up power if needed. *Id.* Co-axial and fiber optic cables from the mounted antennas will descend inside the hollow Monopole. *Id.* The cables will exit near the base of the Monopole and will connect with the equipment shelter via a cable bridge. *Id.*

6. There will be no changes to the existing access drive or the underground utilities, and requires only a minimal amount of clearing. *Id.* Access to the site will continue to be restricted through the use of a locked gate. *Id.*

7. The Project will involve permanent earth disturbance of approximately 891 square feet. Hodgetts pf. at 4.

8. The Project will not have an undue adverse impact on floodways, the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 9 -12, below.

9. The Project is not located in a floodway.

10. Visibility of the Project will be limited due to surrounding topography and tree cover. The Project is a co-location on an existing monopole that has existed since 2010. The facility is visually familiar to the community as a telecommunications site and Verizon Wireless is requesting the minimum height required to allow for the co-location of their antennas.

11. The monopole's slender silhouette and unobtrusive color make the tower and its antennas more compatible with the surrounding forested area and minimize their visual impact. From the few viewpoints where the tower may be seen, it would not be considered shocking or offensive to the average viewer. Therefore, the Project will not have an adverse effect on aesthetics. Hodgetts pf. at 6 ; Exhibit LH-8.

11. The Project will have no impact on historic resources, rare or irreplaceable natural areas, wildlife habitat, or endangered species within the vicinity of the Project as no such resources were found within the Project area.

12. The Project will not destroy or significantly imperil endangered species or necessary wildlife habitat as none were identified in the Project area. Hodgetts pf. at 7 and Exhibit LH-10

13. The Project will not have an undue adverse impact on wetlands. Hodgetts pf. at 7 and Exhibit LH-11.

14. The Project will not have an adverse impact on known historic sites. Exhibit LH-9

15. The Project is consistent with the applicable local and regional plans.

16. There are no existing local or state permits that would adversely impact the Project. The original permit issued by the Town of Brookfield in 2009 required co-location at this facility as a condition of the permit. Exhibit LH-16.

17. The Radio Frequency Radiation ("RFR") associated with the Project will meet all standards prescribed by the Federal Communications Commission ("FCC"). Lanpher pf. at 4; Exhibit AL-3.

IV. Discussion and Conclusion

The procedures governing Board approval of communications facilities are set forth in

30 V.S.A. § 248a. Section 248a(l) provides that the Board:

> may issue rules or orders implementing and interpreting this section. In developing such rules or orders, the board shall seek to simplify the application and review process as appropriate....

In order to implement the statute the Board adopted the Procedures Order. In accordance with § 248a(b)(3), the Procedures Order, at Section II, defines a project of "limited size and scope" as:

> a new telecommunications facility, including ancillary improvements, that does not exceed 140 feet in height; or an addition, modification, replacement, or removal of equipment at an existing telecommunications facility or support structure, and ancillary improvements, that would result in a total facility height of less than 200 feet and does not increase the width of the existing support structure by more than 20 feet. In order to qualify as a project of limited size and scope, construction of the project shall not result in earth disturbance of more than 10,000 square feet of earth, excluding temporary earth disturbance associated with construction activities.

As required by § 248a (c)(1), and set forth in Section IV(H) of the Procedures Order, in reviewing projects of limited size and scope the Board conditionally waives:

> all criteria under 30 V.S.A. § 248a (c)(1), with the exception of 10 V.S.A. §§ 6086(a)(1)(D) (floodways) and 6086(a)(8) (aesthetics, historic sites, rare and irreplaceable natural areas, endangered species, necessary wildlife).

The Project will be no more than 140' in height and will result in permanent earth disturbance of approximately 891 square feet. Therefore, the Project qualifies as a project of limited size and scope.

In order to allow the for the co-location of Verizon Wireless antennas, the proposed Project requires the addition of a 10' extension to an existing telecommunications facility and a 891 square foot increase in permanent earth disturbance. Based upon all of the above evidence, the application does not raise a significant issue with respect to the relevant substantive criteria

of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of communications facilities at the location specified in the above findings, by Vermont RSA Limited Partnership and Cellco Partnership, each d/b/a Verizon Wireless, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S. A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

DATED at Montpelier, Vermont, this ___ day of _____, 2015.

_____)	PUBLIC SERVICE
_____)	BOARD
_____)	OF VERMONT

OFFICE OF THE CLERK

Filed:_____, 2015

Attest:_____
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

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located at 2382 Ridge Road in Brookfield, Vermont	)

Entered:

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

IT IS HEREBY CERTIFIED that the Public Service Board of the State of Vermont ("Board") this day found and adjudged that the installation and operation of the wireless telecommunication facility proposed by Vermont RSA Limited Partnership and Cellco Partnership, each d/b/a Verizon Wireless, located in the Town of Brookfield, Vermont (the "Project") will promote the general good of the State, subject to the following conditions:

1. Operation and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material or substantial change in the Project is prohibited without prior Board approval.

2. The Project shall comply with all applicable existing statutory requirements and Board Rules and Orders.

3. The Certificate of Public Good shall not be transferred without approval of the Board.

Dated at Montpelier, Vermont, this ___ day of _____, 2015.

_____)	
)	PUBLIC SERVICE
)	
_____)	BOARD
)	
)	OF VERMONT
_____)	

A TRUE COPY
OFFICE OF THE CLERK

FILED:

ATTEST:_____
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.