

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 18-_____-PET

Petition of Vermont Transco LLC and)
Vermont Electric Power Company, Inc.)
pursuant to 30 V.S.A. § 248a(k), requesting)
a Certificate of Public Good for a de)
minimis modification to a wireless)
telecommunications facility located at)
Springside Drive, Middlebury, Vermont)

Order Entered: _____

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) issues a Certificate of Public Good (“CPG”) to Vermont Transco LLC and Vermont Electric Power Company, Inc. (“VELCO” or the “Petitioner”), pursuant to 30 V.S.A. § 248a(k), and the Commission’s “Sixth Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a” dated September 21, 2018 (the “Procedures Order”), authorizing the modification of telecommunications antennas and equipment at an existing wireless telecommunications facility located at 717 Springside Drive, Middlebury, Vermont (the “Facility”).

II. BACKGROUND

This case involves a petition for de minimis modification, supported by a certification of compliance, affidavit and exhibits submitted by the Petitioner on September 25, 2018, requesting that the Commission issue a certificate of public good, in order to allow for the modification of telecommunications antennas and equipment at the location identified above, consisting of relocating two existing dipole antennas and one

existing dish antenna to, and installing one new dish antenna on, the tower recently constructed by Verizon Wireless (the “New Tower”) and installing ancillary improvements and appurtenances consisting of conduits and hardware necessary for the operation of the Facility.

No objections regarding the classification of the Project as a de minimis modification have been filed with the Commission.

The Commission has determined that the petition and supporting materials, as filed, have effectively addressed the issues raised with respect to the applicable substantive criteria of 30 V.S.A. § 248a and the procedural requirements of the Procedures Order. Consequently, we find that the procedure authorized by Section 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. There is an existing telecommunications facility managed by Verizon Wireless and located at 717 Springside Drive in Middlebury, Vermont. The existing facility consists of a 163’ guyed lattice tower (the “Existing Tower”), together with an equipment shelter and various equipment and appurtenances, located within an existing fenced-in compound. VELCO currently has two dipole antennas and one dish antenna mounted on the Existing Tower, together with equipment and appurtenances located within an equipment room inside the equipment shelter. Affidavit.

2. The Project involves the relocation of the two existing dipole antennas, each measuring approximately 86.8” x 3”, and the one existing two-foot diameter dish antenna to the New Tower at a centerline height of approximately 120’ aboveground level (“AGL”), the installation of one new six-foot diameter dish antenna on the New Tower at

a centerline height of approximately 120' AGL, and the installation of ancillary improvements and appurtenances consisting of conduits and hardware necessary for the operation of the Facility. Affidavit.

3. The Project is part of VELCO's Statewide Radio Project ("SRP"), a private mobile communications network consisting of multiple wireless communications facilities. The SRP network is intended to improve worker safety and power outage recovery time by providing a means of communications among VELCO, utilities and third party contractors. Affidavit.

4. Excluding equipment, antennas, and ancillary improvements, the Project will not result in an increase to the height or width of the existing tower or compound. Affidavit.

5. The addition of the microwave dish antenna and associated equipment will not add impervious surface at the site. Affidavit.

6. The microwave dish antenna and equipment being installed on the New Tower will not extend vertically above the New Tower. The maximum distance that any antennas and equipment will extend horizontally from the New Tower is approximately 5' 6". Affidavit.

7. The Project will result in an increase in the aggregate surface area of the faces of antennas and equipment on the support structure by approximately 30.52 square feet. Affidavit.

8. The Project qualifies as a de minimis modification insofar as it involves the installation of telecommunications equipment and antennas at an existing telecommunications facility that will not increase the height or width of the existing support structure, will not increase the total amount of impervious surface more than 300

square feet, will not result in any single antenna extending vertically or horizontally more than 10' from the support structure, and will not increase the aggregate surface area of the faces of equipment and antennas on the support structure by more than 75 square feet.

Affidavit.

9. VELCO has not obtained or been denied a permit or permit amendment for the Project as modified. Certification of Compliance.

10. The Project is consistent with the conditions in the existing permits and Certificates of Public Good that have been issued for the Facility. Certification of Compliance; Affidavit.

IV. DISCUSSION AND CONCLUSION

Pursuant to 30 V.S.A. § 248a(a), the Commission may grant a Certificate of Public Good for the construction or installation of a telecommunications facility that is to be interconnected with other telecommunications facilities if the Commission finds that the Facility will promote the general good of the state consistent with subsection 202c(b) of this title. 30 V.S.A. § 248a(a).

Pursuant to 30 V.S.A. § 248a(k), a petitioner may request a Certificate of Public Good upon written notice of its intent to proceed with a de minimis modification, and unless the Commission receives within 30 days of such notice an objection to the classification of a proposed project as a de minimis modification, a Certificate of Public Good shall be issued. 30 V.S.A. § 248a(k).

Based upon the record evidence, the Project involves a de minimis modification, as defined in 30 V.S.A. § 248a(b)(2). Moreover, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, provided that the conditions imposed in the

Certificate are followed. We find that the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the State of Vermont Public Utility Commission that the installation and operation of a communications facility at the location specified in the above findings, by Vermont Transco LLC and Vermont Electric Power Company, Inc., 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, and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this ____ day of _____, 2018.

_____)
_____) PUBLIC UTILITY
_____) COMMISSION
_____) OF VERMONT
_____)
_____)

A TRUE COPY:
OFFICE OF THE CLERK

Filed:
Attest: _____
Clerk of the Commission

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 18-_____-PET

Petition of Vermont Transco LLC and)
Vermont Electric Power Company, Inc.)
pursuant to 30 V.S.A. § 248a(k),)
requesting a Certificate of Public Good for)
a de minimis modification to a wireless)
telecommunications facility located at)
Springside Drive, Middlebury, Vermont)

Entered: _____

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

IT IS HEREBY CERTIFIED that the Public Utility Commission of the State of Vermont (“Commission”) this day found and adjudged that the proposal by Vermont Transco LLC and Vermont Electric Power Company, Inc. (“VELCO”) for a de minimis modification to an existing wireless telecommunications facility located at Springside Drive, Middlebury, Vermont, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a, subject to the following terms and 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 Commission approval. Failure to obtain advance approval from the Commission for a material deviation from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with applicable existing and future statutory requirements and Commission Rules and Orders.

3. This Certificate of Public Good shall not be transferred without prior approval of the Commission.

DATED at Montpelier, Vermont, this ___ day of _____, 2018.

_____))
_____)) PUBLIC UTILITY
_____)) COMMISSION
_____))
_____)) OF VERMONT
_____))

A TRUE COPY:
OFFICE OF THE CLERK

Filed:

Attest: _____
Clerk of the Commission

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

18593599.1