

November 20, 2020

Elizabeth Kohler
Tel: (802) 846-8382
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Via email

Shaun Fielder, Town Manager
Hardwick Select Board and Planning Commission
20 Church Street, PO Box 523
Hardwick VT 05843
Email: shaun.fielder@hardwickvt.org

Re: AT&T Tolling Agreement for Hardwick Wireless Communications Facility

Dear Shaun:

I am writing to confirm that, subject to the conditions set forth below, New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”) agrees to toll certain state and federal review periods for the proposed wireless communications facility at 283 Cooper Brook Road, Hardwick, Vermont (the “Project”). AT&T is entering into this tolling agreement in order to accommodate ongoing review of the Project by the Town of Hardwick (the “Town”). The Town’s ability to hold a public meeting to review the Project has been impaired by the ongoing COVID-19 pandemic. The Town is seeking additional time to hold a public meeting that provides for community participation , and to permit ongoing review of the Project.

AT&T provided the municipal and regional representatives, adjoining landowners and State officials with advance notice of its intent to petition the Vermont Public Utility Commission (“PUC”) for approval to construct the Project on April 28, 2020, and followed with filing the petition with the PUC on October 21, 2020 (the “Petition”).

AT&T would like to ensure that Hardwick residents are afforded a fair and full opportunity to consider the Project at the Town’s public hearing on the Project.

Accordingly, AT&T agrees to file with the PUC a motion for extension of comment period expiration date to January 13, 2021. It is anticipated that the Town will provide its recommendations to AT&T prior to January 13, 2021 unless otherwise mutually agreed. AT&T further agrees to toll the federal review period established under Section 332(c)(7) of the Communications Act of 1934, as interpreted by the Federal Communications Commission.¹

If the tolling arrangement set forth in this letter is agreeable to the Town, please indicate your acknowledgement and agreement in the space indicated below on behalf of the Town.

¹ See *In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(b)*, 24 F.C.C. Rcd. 13994, 14021 (2009) (establishing presumptive deadlines by which a State or local government must act on a personal wireless facility siting application).

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AT&T looks forward to working with the Town to ensure that it has sufficient information to make an informed recommendation to the PUC.

Sincerely,



Elizabeth Kohler

ELK

Cc: Jennille Smith and Jeffrey DelliColli, Centerline Communications (agents for AT&T)

Acknowledged and Agreed to by:

Town of Hardwick, Vermont

By: Shaun Fielder electronic signature 11-20-20 SRF.
Shaun Fielder
Hardwick Town Manager

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