

William J. Dodge, Esq.  
Tel: (802) 846-8395  
[wdodge@drm.com](mailto:wdodge@drm.com)

March 15, 2021  
*[Revised March 16, 2021, posted to web only]*

To: Parties Entitled to Notice Pursuant to 30 V.S.A. § 248a(e) and Procedures Order

Re: AT&T: Wireless Communications Facility at 1190 Hopkins Hill Road, Hardwick, Vermont  
AT&T Site Name: Hardwick (Hopkins Hill Rd, VT1061)  
**60-DAY ADVANCE NOTICE (TOWER EXTENSION / COLLOCATION) [REVISED]**

Dear Recipient:

New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”) proposes to extend an existing communications support structure and to collocate a wireless communications facility (as described below, the “Facility” or “Project”) on property located at 1190 Hopkins Hill Road, Hardwick, Vermont (the “Property” or “Site”), on land owned by Mayo Joint Revocable Trust, managed by Cloud Alliance LLC (“Cloud Alliance”). Downs Rachlin Martin PLLC (“DRM”) represents AT&T in connection with the Project. Pursuant to 30 V.S.A. § 248a, this letter is intended to provide 60 days advance notice that AT&T intends to submit to the Vermont Public Utility Commission (“PUC”) a petition for approval to construct the Facility at the Site.

Exhibit A to this notice is a statement that itemizes the rights and opportunities available to municipal representatives and planning officials pursuant to 30 V.S.A. §§ 248a(c)(2), (e)(2), (m), (n), (o), and (p). This notice is being filed electronically with the PUC via its ePUC system to distribute to the Vermont Agency of Natural Resources, the Vermont Department of Public Service, the Vermont Division for Historic Preservation, and the Vermont Agency of Transportation.

In addition to the above-mentioned provisions, Section 3 of Act 125 of 2020 provides that a municipal legislative body or a planning commission may request a 30-day extension to the original notice period for a total 90-day advance notice period, provided that the notice is filed during the state of emergency due to the COVID-19 pandemic.

Several other exhibits referenced in this narrative can be found for viewing and downloading at the following Project website: <https://www.drm.com/news/hardwick-vt-hopkinshillrd-att-telecom>. Paper copies of these materials are available from our office upon request.

AT&T’s petition will be filed pursuant to the PUC’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”). The Procedures Order, as well as more information concerning review of communications projects under 30 V.S.A. § 248a, is available at the PUC’s office in Montpelier and on its website: <http://puc.vermont.gov/>.

I. Background re: FirstNet

The Project is primarily being undertaken for improvement of AT&T service for its customers and for subscribers to the federal First Responder Network Authority (“FirstNet”). FirstNet is a federal agency with responsibility for creating and optimizing the NPSBN—a nationwide, interoperable public safety

broadband network for first responders. First responders across the country currently rely on more than 10,000 separate radio networks which often times do not interoperate with one another. By deploying the NPSBN built specifically to meet the communications needs of first responders, the FirstNet network will provide a solution to the decades-long interoperability and communications challenges first responders have experienced, all of which was highlighted by the 9/11 Commission's Report.

AT&T is now using \$25 million in federal funds, together with its own funds, to achieve the goals of a public-private partnership. AT&T will construct the NPSBN using FirstNet's Band 14 high-quality spectrum, together with AT&T's own wireless network. The Band 14 signal covers large geographic areas with less infrastructure to better support rural communities, while providing improved in-building coverage in more urban areas as compared to higher-MHz spectrum. Through a combination of new and existing wireless facilities, AT&T will provide prioritized, preemptive wireless services for first responders across Vermont, New England and nationwide, while also improving LTE coverage for AT&T customers.

The Project at the existing Cloud Alliance facility at Hopkins Hill Road will allow AT&T to improve its coverage and capacity along VT Route 15 in Hardwick and Walden, as well as portions of VT Route 14 in Hardwick and Woodbury, while also supporting AT&T's deployment of the NPSBN for public safety. Propagation maps showing existing outdoor (-108 dbM) AT&T coverage in portions of Hardwick, Walden, Woodbury, Cabot and Woodford before and after the proposed Project is activated are included as Exhibit B on the Project website. The new proposed facility in Hardwick is shown on the maps as VT1061SU. Other existing AT&T sites include VTL06445 (Hardwick Bridgman Hill Road), VTL06443 (Cabot Bothfeld Silo), and VLT00538 (Cabot Sousa Silo).

## II. Project Description

The proposed Facility at the Property will generally consist of the following components:

- A. A 10' foot extension to the existing 130' guyed lattice telecommunications tower, resulting in a total height of 140' above ground level ("AGL") (the "Tower");
- B. Six (6) panel antennas (2 per sector), each measuring approximately 96" x 21", all to be installed at a centerline height of 176' AGL, with nine (9) remote radio head units ("RRUs") and one (1) surge arrestors to be installed behind the panel antennas;
- C. A walk-in operating equipment cabinet measuring 6' x 6', mounted on a 8' 6" x 8' 6" concrete pad (the "WIC");
- D. A 15-kilowatt diesel emergency backup generator with self-contained diesel fuel source to be located on a 5' x 4' concrete pad near the WIC (the "Generator");
- E. A 20' x 20' fenced compound with a 12'-wide double swing access gate and a 4' wide pedestrian access gate, all to enclose the Tower, WIC, and Generator, while providing space for future wireless telecommunications installations (the "Compound");
- F. Utilities (power and telephone lines) running underground from an existing utility pole on the Property (Hardwick Electric Pole #18B) along the existing access road to the Compound; and

- G. Ancillary improvements consisting of an ice bridge, a GPS antenna, a utility backboard, cabling and other equipment and appurtenances located within and around the Compound, all to be used in connection with operation of the Facility.

Each feature of the Facility is described and depicted in more detail on the preliminary Site Plan included as Exhibit C on the Project website. A viewshed and photo simulations showing the anticipated visual impact of the Facility is found as Exhibit D on the Project website. A letter of authorization from Cloud Alliance as the Tower manager is shown on Exhibit E.

The Project is expected to result in less than 10,000 square feet of permanent earth disturbance, and no tree clearing of any kind. Given the height of the Tower associated with the Project, the Project qualifies as a “project of limited size and scope” for purposes of Section 248a. 30 V.S.A. §248a(b)(4)(A).

### III. Process for Review of Communications Facilities under 30 V.S.A. § 248a

Pursuant to 30 V.S.A. § 248a, the PUC may grant a certificate of public good for construction or installation of one or more telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence if, after review of the project, the PUC finds that the facilities will promote the general good of the state consistent with the policies aimed at providing improved telecommunications technology to all Vermonters articulated by 30 V.S.A. § 202c(b).

Among the criteria considered by the PUC in evaluating each facility under 30 V.S.A. § 248a is whether the project is consistent with the recommendations of selectboards, municipal planning commissions and regional planning commissions. In turn, those recommendations can be based on municipal / regional plans, as well as telecommunications provisions in local zoning bylaws or a stand-alone ordinance. 30 V.S.A. § 248a(c)(2). Based on a review of the relevant municipal and regional planning documents, the Facility is consistent with the applicable substantive criteria.

#### *A. Hardwick Town Plan.*

The Town of Hardwick Municipal Plan, adopted on November 6, 2019 (the “Town Plan”), recognizes Hardwick has broadband access for the internet in the villages and in some rural locations, but the rural spaces are still lacking in full coverage. Town Plan at 17. While the Town Plan recognizes the need to expand broadband internet service, it establishes a policy that towers and other large obvious structures should be carefully sited to minimize impacts on scenic resources. Plan at 12.

The AT&T Project is generally consistent with the Town Plan insofar as expanding wireless broadband service into areas of Hardwick and surrounding towns with poor service quality, while minimizing and mitigating adverse impacts to historic districts or public parks, necessary wildlife habitats, special flood hazard areas, primary agricultural soils, or along designated scenic roadways through collocation.

#### *B. Unified Development Bylaws.*

Section 4.17 of the Hardwick Unified Development Bylaws amended September 26, 2019 (“Bylaws”) allow for new wireless telecommunications facilities in the **Rural Residential District**, where the Property is located, as conditional uses. Bylaws at 4.17 (C). Section 4.17 (H) contains substantive requirements for new facilities, which are addressed below:

1. The facility cannot be built on speculation.

RESPONSE: Because AT&T is an FCC-licensed carrier, and is building out the NPSBN / Band 14 spectrum for FirstNet, this criteria is satisfied.

2. The facility will not project more than 20 feet above the average tree line measured within 50 feet of the highest vertical element of the Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.

RESPONSE: The Facility meets this requirement insofar as the ten foot extension to the Tower is needed to meet the AT&T and FirstNet coverage objectives in the area. A propagation map depicting existing AT&T coverage, and proposed coverage from the Project—shown based on relative signal strengths for outdoor coverage—is included as Exhibit B on the Project website: <https://www.drm.com/news/hardwick-vt-hopkinshillrd-att-telecom>.

3. No wireless telecommunication facility shall be located within 500 feet of an existing residence.

RESPONSE: The Project is not located within 500 feet of an existing residence.

4. The minimum distance from the base of any tower to any property line is not less than 100% of the total elevation of the tower, including antenna or equipment.

RESPONSE: Though in the process of being verified, the existing Tower meets this criterion, and the 10 foot extension to the Tower will not result in non-compliance.

5. The tower including attached antennas does not exceed a height of 180 feet.

RESPONSE: The total Tower height with antennas mounted will be 140' AGL; consequently, the Facility complies with this criterion.

6. The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, this bylaw, or as needed for the safe operation of the facility.

RESPONSE: The Project meets this criterion, as no lighting is proposed or required by FAA regulations for the Tower.

7. The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Development Review Board to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.

RESPONSE: Based on the lease agreement with Cloud Alliance, AT&T will be required to remove its Facility upon the end of the lease term.

8. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.

RESPONSE: AT&T will be providing documentation with the petition to the PUC demonstrating the Facility's compliance with the FCC Guidelines on radiofrequency emissions. Typically a tower of this height will see a maximum permissible exposure limit of less than 5% of the FCC safety threshold for members of the general public.

9. The applicant will maintain adequate insurance on the Facility.

RESPONSE: The proposed AT&T lease with Cloud Alliance requires provision of sufficient insurance in connection with the construction, operation, maintenance, and removal of the Facility.

10. The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Development Review Board may condition a permit on the provision of appropriate fencing.

RESPONSE: The compound fence will contain the required radiofrequency emission warnings consistent with FCC requirements.

11. The proposed equipment cannot be reasonably collocated at an existing Telecommunication Facility.

RESPONSE: AT&T has worked closely with Cloud Alliance to confirm that the Tower can be strengthened and extended to accommodate collocation, in lieu of the previous facility proposed for Buffalo Mountain.

12. The Facility provides reasonable opportunity for collocation of other equipment.

RESPONSE: The Compound will have sufficient room for future collocations, and the existing Tower still has unleased vertical space for future use.

13. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

RESPONSE: The Facility will not unreasonably interfere with views from VT Route 15. The existing Tower is visible along VT Route 15 only for short intervals and from a distance. *See Exhibit D (Photos 1 & 2)*. The Tower's additional visibility due to the extension (as shown on page 6 of the viewshed analysis) does not occur on any of the state highways near the site.

14. The Facility will not have an undue adverse aesthetic impact.

RESPONSE: The Facility will not have an undue adverse aesthetic effect for purposes of Section 248a and the Bylaws. As shown on page 6 of the viewshed analysis (*Exhibit D*), the additional visibility from the extension amounts to 8.7 acres, and is mostly concentrated on the Property itself, and at points west of the site (shown in green). Given

use of the same lattice design for the extension, the Facility will not appear substantially different from the existing PUC-approved Cloud Alliance facility.

15. The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

RESPONSE: No necessary wildlife habitat is located on the Property, nor have any locations of rare, threatened, or endangered species been identified to date.

16. The Facility will not generate undue noise.

The Generator will feature a ½ hour start test once a week, with the timer to be set during weekdays during regular hours (i.e., not at night or on weekends). The heating and cooling equipment at the WIC emits noise comparable to an indoor fan, substantially quieter than fans used in a conventional (12' x 20') equipment shelter.

17. The extent to which utility lines (e.g. power) serving telecommunications facilities follow access roads and does not involve extensive clearing; the Development Review Board may require that such utilities be buried where they are likely to otherwise have an adverse visual impact.

RESPONSE: All utilities associated with the Project will be buried from the existing pole on the Property and under the existing access road.

#### *C. Regional Plan for the Northeast Kingdom.*

The Regional Plan for the Northeast Kingdom 2015-2023, adopted August 27, 2015 and amended April 26, 2018 (the "Regional Plan"), states that "[t]he region can gain many economic, social, safety and cultural benefits with a strong telecommunications infrastructure." Regional Plan, Utilities & Facilities at 21. The Regional Plan acknowledges that many areas in the Northeast Kingdom do not have access to reliable broadband services. *Id.* at 22-23. The Regional Plan recognizes that land conservation measures and protection of scenic resources identified in local and regional plans will be given substantial deference when telecommunications projects are under review. *Id.* at 26.

Siting the proposed Facility will advance the goals set forth in the Regional Plan by improving public access to reliable, high quality broadband internet service without adversely impacting the County's scenic and environmental qualities. The Project will promote the general good of the state, consistent with 30 V.S.A. § 202c(b), insofar as the Project will improve its wireless service and capacity in Hardwick, while making available the FirstNet network to Caledonia County's first responders.

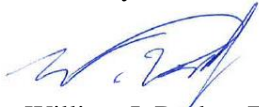
#### IV. Opportunity to Comment; Contact for More Information

As a recipient of this notice, you or your organization will be notified when the petition is filed with the PUC, which will be at least 60 days and no longer than 180 days from the date the PUC receives this notice. During the advance notice period, should you have any questions relating to the Project, please direct all inquiries and/or comments to Jeffrey DelliColli at (603) 560-5020 or email to [jdellicolli@clinellc.com](mailto:jdellicolli@clinellc.com). I can be reached at the telephone number and/or email provided in the letterhead above.

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Once AT&T's petition has been accepted for filing by with the PUC, any interested person may submit comments and/or seek to intervene in the proceeding within 30 days of the receipt of the notification that the petition has been filed, as further outlined in the links to the PUC siting guidance referenced on Exhibit A. Thank you in advance for your attention to this important project.

Sincerely,



William J. Dodge, Esq.  
Enclosures

cc: Service List  
Jennille Smith and Jeff DelliColli Centerline Communications (via electronic mail)  
Michael Birnbaum, President, Cloud Alliance (via electronic mail)

Project Website for Exhibits: <https://www.drm.com/news/hardwick-vt-hopkinshillrd-att-telecom>

**MUNICIPAL AND REGIONAL REPRESENTATIVES / OFFICIALS**

<p><b><i>Via Email</i></b>          Hardwick Selectboard          Attn: Eric Remick, Chair          c/o Shaun Fielder, Town Manager          20 Church Street          P.O. Box 523          Hardwick, VT 05843          Email: <a href="mailto:eric.remick@hardwickvt.org">eric.remick@hardwickvt.org</a>          Email: <a href="mailto:shaun.fielder@hardwickvt.org">shaun.fielder@hardwickvt.org</a></p>	<p><b><i>Via Email</i></b>          Hardwick Planning Commission          Attn: Dave Gross, Chair          c/o Kristen Leahy, Zoning Administrator          20 Church Street          P.O. Box 523          Hardwick, VT 05843          Email: <a href="mailto:zoning.administrator@hardwickvt.org">zoning.administrator@hardwickvt.org</a></p>
<p><b><i>Via Email</i></b>          Northeastern Vermont Development Association          Attn: Alison Low, AICP, Senior Planner          P.O. Box 630, 36 Eastern Avenue, Suite 1          St. Johnsbury, VT 05819          Email: <a href="mailto:alison@nvda.net">alison@nvda.net</a></p>	

**LANDOWNER AND ADJOINING LANDOWNERS (VIA U.S. MAIL ONLY)**

<p>Site Parcel Number: 10068-00040           Mayo Joint Revocable Trust          Claire &amp; Roderick Mayo Trustee          1190 Hopkins Hill Road          Hardwick, VT 05843</p>	<p>Tower Manager <b><i>Via Email only</i></b>           Cloud Alliance          Attn: Michael Birnbaum          571 S Main Street          Stowe, VT 05672          Email: <a href="mailto:mbirnbaum@cloudalliance.com">mbirnbaum@cloudalliance.com</a></p>
<p>Parcel Number: 10068-00010           Tondu Life Estate          Anne S Sauer-Nina Tondu          1165 Hopkins Hill Road          Hardwick, VT 05843</p>	<p>Parcel Number: 10068-00030           Donald J Sauer Life Estate          Frank J Sauer          1152 Hopkins Hill Road          Hardwick, VT 05843</p>
<p>Parcel Number: 10068-00050           Michael &amp; Jodi Lew-Smith          1315 Hopkins Hill Road          Hardwick, VT 05843</p>	<p>Parcel Number: 10086-00010           George &amp; Daphne Kalmar          PO Box 415          Hardwick, VT 05843</p>
<p>Parcel Number: 10086-00020           Eric Remick &amp; Sarah Morgan          PO Box 627          Hardwick, VT 05843</p>	<p>Parcel Number: 10086-00021           David Kreindler          PO Box 533          Montpelier, VT 05601-0533</p>



Parcel Number: 10086-00040  Kelly Hopkins et al c/o Roy Hopkins PO Box 1294 Hardwick, VT 05843	Parcel Number: 13010-00000  Benjamin E Patoine 940 Dutton Road Hardwick, VT 05843
Parcel Number: 10068-00000  Sharon Faylor 1413 Hopkins Hill Road Hardwick, VT 05843	

**STATE OFFICIALS**

Vermont Public Utility Commission (via ePUC)	Vermont Agency of Transportation (via ePUC)
Vermont Agency of Natural Resources (via ePUC)	Vermont Division for Historic Preservation (via ePUC)
Vermont Department of Public Service (via ePUC)	

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