

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

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Industrial Tower and Wireless, LLC  
248a at 160 Frog Hollow Lane in Westmore

Case No. 24-1755-PET

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**FIRST SET OF INFORMATION REQUESTS SERVED UPON PETITIONER BY NEIGHBOR  
INTERVENORS**

Neighbor Intervenors Ronald and Kathy Holmes, Elizabeth Tucker, Donna Dzugas-Smith, Andrew Zebrowski, Megan Patton, and Robert Fitzpatrick, *pro se*, hereby serve the following  
First Set of Information Requests upon Petitioner:

**DEFINITIONS**

The following definitions apply to the following discovery requests:

1. Reproduce the request being responded to before the response per V.R.C.P. 33.
2. Responses to any and all Neighbor Intervenors' requests that are contained herein or that may be filed later should be supplied to Neighbor Intervenors as soon as they become available to Petitioners. That is, Petitioner should not hold answers to any requests for which it has responsive data, documents, etc. until responses to any or all other requests are compiled.
3. V.R.C.P. 33 requires the response to each request to be made under oath by a Person competent to testify concerning the response and all documents and exhibits produced as part of the response. With respect to each request, please state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the administrative unit which maintains the records being produced or maintains the data from which the answer was prepared; and (3) the date on which each question was answered.
4. Where information requested is not available in the precise form described in the question or is not available for all years (or other periods or classifications) indicated in a series of years (or other periods or classifications), please provide all information with respect to the subject matter of the question that can be identified in Petitioner's work papers and files or that is otherwise available.
5. These requests shall be deemed continuing and must be supplemented in accordance with V.R.C.P. 26(e). Petitioner is directed to change, supplement and correct its answers to

conform to all information as it becomes available to Petitioner, including the substitution of actual data for estimated data. Responses to requests for information covering a period not entirely in the past (or for which complete actual data are not yet available) should include all actual data available at that time and supplementary data as it becomes available.

6. Wherever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.
7. Some of Neighbor Intervenors' requests may make particular reference to a portion of Petitioner's filing. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to Petitioner that is responsive to the questions stated.
8. "Identify," when used in connection with natural person(s) or legal entities, shall mean the full name and current business address of the person or entity.
9. "Document," as used herein, shall be construed as broadly as possible to include any and all means and media by which information can be recorded, transmitted, stored, retrieved or memorialized in any form, and shall also include all drafts, versions or copies which differ in any respect from the original. All spreadsheets provided must have all formulae intact and accessible.
10. "Petition," as used herein, means Petitioner's petition filed with the Vermont Public Utility Commission in this docket, unless the context indicates otherwise.
11. With respect to each document produced by Petitioner, identify the person(s) who prepared the document and the date on which the document was prepared.
12. If any interrogatory or request requires a response that Petitioner believes to be privileged, please state the complete legal and factual basis for the claim of privilege, provide the information required by the 5/16/95 order in Docket No. 5771 and respond to the parts of the interrogatory or request as to which no privilege is asserted.
13. If any interrogatory or request is objected to in whole or in part, please describe the complete legal and factual basis for the objection, and respond to all parts of the interrogatory or request to the extent it is not objected to. If an objection is interposed as to any requested documents, please identify the document by author, title, date and recipient(s), and generally describe the nature and subject-matter of the document as well as the complete legal and factual basis for the objection.

14. To expedite the discovery process and the resolution of this docket, Petitioner should contact Neighbor Intervenors as soon as possible, and prior to the deadline for response, if it seeks clarification on any of these information requests.

15. Neighbor Intervenors reserves the right to submit additional information requests to Petitioner.

#### **INTERROGATORIES, REQUESTS TO ADMIT, REQUESTS TO PRODUCE**

1. Identify each person you may use at trial to present expert testimony under Vermont Rules of Evidence 702, 703, or 705, whether or not the witness may also testify from personal knowledge as to any fact in issue in the case. For each person so identified:
  - a. Produce all communications and notes of communications between you and the expert and/or between your attorney and the expert which:
    - i. relate to compensation for said expert's study or testimony;
    - ii. identify facts or data that you and/or your counsel provided and that the expert considered in forming the opinions to be expressed (regardless of whether that information formed the basis for any such opinions); and
    - iii. identify assumptions that you and/or your counsel provided and that the expert relied on in forming the opinions to be expressed.
2. Produce all correspondence, contracts or agreements in relation to this Project among or between ITW and its agents or employees and any cellular antenna providers, including but not limited to cell phone companies such as AT&T, T-Mobile or Verizon, as well as including but not limited to public and emergency service providers, including the Orleans police department, Glover Ambulance and Westmore Fire Department
3. State with specificity whether ITW considered any site locations for this project other than the site for which it is proposed in this PUC case. If your response is affirmative, identify any and all such site locations, and produce correspondence, and documentation of alternative sites that ITW considered, or evaluated for this tower, including alternative sites on town owned land.
4. Provide details of other suitable locations for this tower on the current proposed property and explain why you are not willing to consider other sites you claim your acquisition team considered.
5. Admit that Vermont Route 5-A is a federally-designated scenic corridor.
6. Identify and produce all documents and other communications created by or on behalf of ITW, its employees, agents or contractors, comprising community outreach relative to

this project, including but not limited to site selection, and the “balloon test” simulation event.

7. Admit that no notification of the balloon test was given to abutters or to non-abutters, whose properties are in the vicinity (within 1 mile) of the proposed tower.
8. Admit that ITW, its agents, contractors and employees created no simulations from the perspective of private property locations during the balloon test.
9. Admit Lake Willoughby Area is a Federally Designated Natural National Landmark (NNL).
10. Produce all photos, videos, field notes and documentation including communications and analysis regarding the balloon test(s).
11. Describe with specificity the maximum antenna capacity of the proposed tower, including in your response the maximum number of cell and radio partner antennas which could potentially be installed on the tower.
12. Admit that the proposed tower site will be accessed over a private ROW easement.
13. Admit not all statutory parties received the information packets within the timeline required by PUC rule.
14. State whether ITW, its agents, contractors or employees conducted tests for radio receptivity with differing heights at alternative sites in Westmore. If so, identify and produce any and all documentation if these test results.
15. Identify and produce any and all communications or documentation comprising lease agreement or contract between ITW and the landowner for the tower site, including but not limited to the terms of site access and right-of-way maintenance, financial payments, and assignment of liabilities.
16. Produce insurance contracts in the event of a tower collapse, fire, unsafe radiation emissions.
17. Produce all correspondence and documentation, if any, by and between ITW, its agents, contractors and employees, and the Town of Westmore regarding Westside Lane and Peene Hill Road, including but not limited to regarding access, weight limits, and road maintenance.
18. Describe with specificity the steps ITW will take to ensure that mud and water run-off resulting from the project construction, operation or maintenance will not flow onto the surface of the public roadways used for access.

19. Describe with specificity ITW's plan for maintenance, upkeep and plowing of the private right-of-way by which it will access this project site during both construction and operation. Include in your response any and all communications, agreements or other documents by and between ITW, its agents, employees and contractors, and the landowner, and the easement owner.
20. Describe with specificity how ITW will ensure that access over the private right-of-way will remain open to passage by the easement holder at all times and dates during construction and operation of the project.
21. Identify and provide all communications and documents by, among, and between ITW, its agents, contractors and employees, and David Anderson, the owner of the ROW easement which ITW intends to use for access to its project.
22. State with specificity why David Anderson's deeded 75' right of way is not depicted on Petitioner's LH-1 Site Plans (particularly on sheet C-8).
23. In regard to the Direct Prefiled Testimony of Kevin Delaney, p. 5 lines 3-8, state with specificity what Mr. Delaney estimates the RF emission levels will be at the residence of David Anderson (the nearest residential neighbor).
24. In reference to *Petitioner's Exhibit LH 1, C-9*, ADMIT that the proposed project will, at its apex, be 100 feet tall or higher.
25. In reference to *Petitioner's Exhibit LH 6*, ADMIT that the proposed project, once built, can be viewed from points within the NNL including from Lake Willoughby and several locations on its shores.
26. Admit that Louis Hodgetts is not an aesthetics expert.
27. Admit that Louis Hodgetts is not a landscape architect.
28. Admit that Louis Hodgetts is not a land use planner.
29. Admit that Louis Hodgetts is not a biologist or ecologist.
30. In regard to the Direct Prefiled Testimony of Louis Hodgett at pages 8 through 9 regarding Criterion 8:
  - A. Identify each and every person, including by name, title, relevant experience or qualifications, and employer, by whom the "visibility analysis was conducted" (Direct Prefiled Testimony of Louis Hodgett p. 9 line 3). Specifically include in your response whether Louise Hodgett was present at the visibility analysis.

B. Identify each and every person, including by name, title, relevant experience or qualifications, and employer, comprising “our staff” as referenced in the Direct Prefiled Testimony of Louis Hodgett p. 9 line 7.

C. Describe with particularity the exact route(s) driven by each and every person referenced by the phrase, “our staff drove the primary public roads within a two-mile radius of the project location” in the Direct Prefiled Testimony of Louis Hodgett p. 9 line 7-8.

D. Identify and produce any and all documentation relevant to this visibility analysis including but not limited to field notes and internal memoranda created by any person identified in subpart A and B of this request.

E. Identify and produce all photographs and video relevant to this visibility analysis created by any person identified in subpart A and B of this request, including but not limited to all photographs taken at the ten locations referenced in the Direct Prefiled Testimony of Louis Hodgett p. 9 lines 10-11.

32. Identify by whom Exhibit LH-6 was created, and describe with specificity the method by which it was created, including the identification of any and all modeling and AI software utilized to create the image.