

From: Fisher, Christopher <CFisher@CUDDYFEDER.COM>
Sent: Wednesday, December 15, 2021 11:20 AM
To: Forte, Christopher <Christopher.Forte@MiddletownCT.Gov>; Bachman, Melanie <Melanie.Bachman@ct.gov>
Cc: CSC-DL Siting Council <Siting.Council@ct.gov>; Mathews, Lisa A <Lisa.A.Mathews@ct.gov>; Persico, Moira <MPersico@cuddyfeder.com>; Motel, Kristen <KMotel@CUDDYFEDER.COM>
Subject: RE: Docket 506- 499 Mile Ln, Middletown- AT&T Supp'l Filing and Cont'd Hearing Submission

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you and no objection to Director Bartolotta's testimony being taken before continuation of cross examination of AT&T's witnesses.

From: Forte, Christopher <Christopher.Forte@MiddletownCT.Gov>
Sent: Wednesday, December 15, 2021 11:05 AM
To: 'Bachman, Melanie' <Melanie.Bachman@ct.gov>; Fisher, Christopher <CFisher@CUDDYFEDER.COM>
Cc: CSC-DL Siting Council <Siting.Council@ct.gov>; Mathews, Lisa A <Lisa.A.Mathews@ct.gov>; Persico, Moira <MPersico@cuddyfeder.com>; Motel, Kristen <KMotel@CUDDYFEDER.COM>
Subject: RE: Docket 506- 499 Mile Ln, Middletown- AT&T Supp'l Filing and Cont'd Hearing Submission

Thank you, Executive Director Bachman. The City will have no other exhibits aside from the pre-filed testimony of Director Bartolotta.

Christopher J. Forte
Assistant General Counsel
Office of the General Counsel
City of Middletown
245 deKoven Drive
Middletown, CT 06457
(860) 638-4820 tel
(860) 638-1920 fax
E-mail: Christopher.Forte@MiddletownCT.gov

pronouns: he, him, his



From: Bachman, Melanie <Melanie.Bachman@ct.gov>
Sent: Wednesday, December 15, 2021 10:59 AM
To: Forte, Christopher <Christopher.Forte@MiddletownCT.Gov>; 'Fisher, Christopher'

<CFisher@CUDDYFEDER.COM>

Cc: CSC-DL Siting Council <Siting.Council@ct.gov>; Mathews, Lisa A <Lisa.A.Mathews@ct.gov>; Persico, Moira <MPersico@cuddyfeder.com>; Motel, Kristen <KMotel@CUDDYFEDER.COM>

Subject: Re: Docket 506- 499 Mile Ln, Middletown- AT&T Supp'l Filing and Cont'd Hearing Submission

This email was sent by someone outside of the City of Middletown.

Good morning, Attorney Forte.

Thank you for your response. We will take up the City's party status at the commencement of the hearing on Tuesday and add you to the service list as the City's representative. If there is no objection from the applicant, the City could appear for cross examination before the applicant.

If there are any City exhibits aside from the pre-filed testimony of Mr. Bartolotta that was submitted by the applicant yesterday, please identify and provide them before noon on Friday so that we can mail them to the Council members for review in advance of the hearing on Tuesday.

Should you have any questions, please feel free to contact our office.

Thanks.

Melanie A. Bachman, Esq.

Executive Director/Staff Attorney

Connecticut Siting Council

10 Franklin Square

New Britain, CT 06051

860-827-2951



CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual(s) named above. Information in this e-mail or any attachment may be confidential or otherwise protected from disclosure by state or federal law. Any unauthorized use, dissemination, or copying of this message is prohibited. If you are not the intended recipient, please refrain from reading this e-mail or any attachments and notify the sender immediately. Please destroy all copies of this communication.

From: Forte, Christopher <Christopher.Forte@MiddletownCT.Gov>
Sent: Wednesday, December 15, 2021 10:46 AM
To: 'Fisher, Christopher' <CFisher@CUDDYFEDER.COM>; Bachman, Melanie <Melanie.Bachman@ct.gov>
Cc: CSC-DL Siting Council <Siting.Council@ct.gov>; Mathews, Lisa A <Lisa.A.Mathews@ct.gov>; Persico, Moira <MPersico@cuddyfeder.com>; Motel, Kristen <KMotel@CUDDYFEDER.COM>
Subject: RE: Docket 506- 499 Mile Ln, Middletown- AT&T Supp'l Filing and Cont'd Hearing Submission

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning, Executive Director Bachman and Attorney Fisher:

Director Bartolotta will appear as a city witness and provide testimony on December 21, 2021. I will also be in attendance as attorney for the City of Middletown.

If there is any additional documentation I need to file to that effect prior to the hearing date, please let me know. Thank you.

Christopher J. Forte
Assistant General Counsel
Office of the General Counsel
City of Middletown
245 deKoven Drive
Middletown, CT 06457
(860) 638-4820 tel
(860) 638-1920 fax
E-mail: Christopher.Forte@MiddletownCT.gov

pronouns: he, him, his



From: Fisher, Christopher <CFisher@CUDDYFEDER.COM>
Sent: Wednesday, December 15, 2021 8:42 AM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Cc: Forte, Christopher <Christopher.Forte@MiddletownCT.Gov>; CSC-DL Siting Council <Siting.Council@ct.gov>; Mathews, Lisa A <Lisa.A.Mathews@ct.gov>; Persico, Moira <MPersico@cuddyfeder.com>; Motel, Kristen <KMotel@CUDDYFEDER.COM>
Subject: Re: Docket 506- 499 Mile Ln, Middletown- AT&T Supp'l Filing and Cont'd Hearing Submission

This email was sent by someone outside of the City of Middletown.

Thank you Executive Director Bachman.

I look forward to speaking with you further on procedure given the two proceedings are interrelated on the facts and law.

In the meantime, Attorney Forte and I will plan to have Director Bartolotta appear as a city witness on 12/21.

Sent from my iPhone

On Dec 15, 2021, at 8:10 AM, Bachman, Melanie <Melanie.Bachman@ct.gov> wrote:

Good morning, Attorney Fisher.

Thank you for submission of the late-filed exhibits requested by the Council for Docket 506.

Given Attachment 1 to the Supplemental Submission is a Request to Initiate a Feasibility Proceeding pursuant to Connecticut General Statutes §16-50aa(c)(2), the Council must initiate a feasibility proceeding and must schedule a public hearing on the request within 90 days of receipt. This is not discretionary under the statute. The Council must also provide notice of the hearing to the owner of the facility, the requesting entity and the municipality where the facility is located not later than 30 days preceding the hearing. A schedule will be developed and placed on the Council's January 13, 2022 regular meeting for approval of the feasibility proceeding schedule.

In the meantime, given that a feasibility proceeding has been commenced by AT&T as of December 14, 2021 that is separate and distinct from the proceedings on the application in Docket 506, if Mr. Bartolotta plans to appear as a witness in Docket 506, the City will be named as a party to Docket 506 and Mr. Bartolotta will be listed as the City representative absent any written submission from the City indicating otherwise.

Please be advised that the Council's hearing procedure for Docket 506 was discussed at length during the November 3, 2021 pre-hearing conference and is posted in a memorandum on the project webpage at the following link: https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/1_MEDIA_DO500_600/DO506/ProceduralCorrespondence/DO506-RemotePHC.pdf

The Request to Initiate a Feasibility Proceeding (Attachment 1 to the Supplemental Submission) is posted on a new webpage specific to the Feasibility Proceeding pursuant to the requirements of Connecticut General Statutes §16-50aa(c)(2).

Should you have any questions, please feel free to contact our office.

Thank you.

Melanie A. Bachman, Esq.

Executive Director/Staff Attorney

Connecticut Siting Council

10 Franklin Square

New Britain, CT 06051

860-827-2951



CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual(s) named above. Information in this e-mail or any attachment may be confidential or otherwise protected from disclosure by state or federal law. Any unauthorized use, dissemination, or copying of this message is prohibited. If you are not the intended recipient, please refrain from reading this e-mail or any attachments and notify the sender immediately. Please destroy all copies of this communication.

From: Fisher, Christopher <CFisher@CUDDYFEDER.COM>
Sent: Tuesday, December 14, 2021 11:59 AM
To: Christopher.Forte@middletownct.gov <Christopher.Forte@middletownct.gov>; CSC-DL Siting Council <Siting.Council@ct.gov>; Bachman, Melanie <Melanie.Bachman@ct.gov>; Mathews, Lisa A <Lisa.A.Mathews@ct.gov>
Cc: Persico, Moira <MPersico@cuddyfeder.com>; Motel, Kristen <KMotel@CUDDYFEDER.COM>
Subject: RE: Docket 506- 499 Mile Ln, Middletown- AT&T Supp'l Filing and Cont'd Hearing Submission

Attorney Forte,

Thank you for your assistance in preparing the testimony of Director Bartolotta for the Council's consideration and the City's consent to having him be a witness at the continued 12/21 evidentiary hearing in Docket 506. His testimony is included in the pre-hearing filing.

Additionally, as we discussed, and as set forth in the notice we included in AT&T's supplemental filing with the Council (our legal memorandum in Exhibit 1), AT&T has invoked collaboratively Section 16-50aa(c)(2) for purposes of the Council's jurisdiction in Docket 506 and tower site sharing options.

We anticipate Executive Director Bachman will set the schedule for next week and let you know how the Council wants to proceed on 12/21 with Director Bartolotta's testimony, as a witness on the Applicant's panel or for the City independent thereof.

In advance thereof, AT&T consents to either option and on AT&T's behalf we thank you and the Council for coordinating your appearance in Docket 506.

Attorney Fisher



Christopher B. Fisher, Esq.
Managing Partner
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300 | F 914 761 5372 | M 203 918 2676
CFisher@cuddyfeder.com
cuddyfeder.com

NOTE: The information in this e-mail message and any attachments thereto have been sent by an attorney or his/her agent, and is or are intended to be confidential and for the use of only the individual or entity named above. The information may be protected by attorney/client privilege, work product immunity or other legal rules. If the reader of this message and any attachments thereto is not the intended recipient, you are notified that retention, dissemination, distribution or copying of this e-mail message and any attachments is strictly prohibited. Although this e-mail message (and any attachments) is believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, the intended recipient is responsible to ensure that it is virus free. The sender and Cuddy & Feder LLP shall not have any responsibility for any loss occasioned in any manner by the receipt and use of this e-mail message and any attachments.

Pursuant to Treasury Regulations, any U.S. federal tax advice contained in this communication, unless otherwise stated, is not intended and cannot be used for the purpose of avoiding tax-related penalties.

From: Motel, Kristen <KMotel@CUDDYFEDER.COM>
Sent: Tuesday, December 14, 2021 11:35 AM
To: CSC-DL Siting Council <Siting.Council@ct.gov>; Melanie Bachman (melanie.bachman@ct.gov)
<melanie.bachman@ct.gov>; Mathews, Lisa A <Lisa.A.Mathews@ct.gov>
Cc: Christopher.Forte@middletownct.gov; Fisher, Christopher <CFisher@CUDDYFEDER.COM>; Persico, Moira <MPersico@cuddyfeder.com>
Subject: Docket 506- 499 Mile Ln, Middletown- AT&T Supp'l Filing and Cont'd Hearing Submission

Good morning,
On behalf of our client, New Cingular Wireless PCS, LLC (AT&T), we respectfully submit the attached Supplemental Filing and Continued-Hearing Submission for Docket 506. Hard copies were overnighted yesterday to your office for delivery this morning.

Please confirm receipt of these materials.

Best,
Kristen

