

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
 :
 APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 502
 D/B/A VERIZON WIRELESS FOR A :
 CERTIFICATE OF ENVIRONMENTAL :
 COMPATIBILITY AND PUBLIC NEED FOR :
 THE CONSTRUCTION, MAINTENANCE :
 AND OPERATION OF A WIRELESS :
 TELECOMMUNICATIONS FACILITY AT :
 118 NEWTON ROAD IN WOODBRIDGE, :
 CONNECTICUT : OCTOBER 15, 2021

OBJECTION TO WNNET’S MOTION TO DISMISS

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) hereby objects to the Intervenor, Woodbridge Newton Neighborhood Environmental Trust’s (“WNNET”) motion to dismiss the Docket No. 502 proceedings for failure to provide adequate notice of the public hearing (the “Motion”).

Factual Background

Cellco commenced the Docket No. 502 application process in the typical fashion. On July 17, 2020, Cellco filed a Technical Report with officials in the Town of Woodbridge outlining its plans to construct a new wireless telecommunications facility (the “Facility”) at 118 Newton Road in Woodbridge (the “Property”). On October 22, 2020, at the request of local officials, Cellco hosted a Virtual Public Information Meeting (“VPIM”). Cellco provided notice of the VPIM to abutting landowners on October 6, 2020 and published notice of the VPIM in the *New Haven Register* on October 7, 2020. The VPIM was attended by more than 70 individuals including abutters, other Woodbridge residents and public officials.

On May 11, 2021, Cellco provided notice to abutting property owners of its intent to file the Facility application on May 13, 2021. Notice of its intent to file the Docket No. 502 application was also published in the *New Haven Register* on May 11 and May 12, 2021.¹ Citing its opposition to the Facility proposal, the Council granted WNNET intervenor status in Docket No. 502 on June 17, 2021. WNNET has been an active participant in Docket No. 502, received all Council notices and participated in pre-hearing discovery.

On June 10, 2021, legal notice of the first Council hearing was published in the *New Haven Register* by the Council (the “June Notice”). At least seven (7) days prior to the Council’s first hearing, two signs, one located in front of the subject parcel at 118 Newton Road and a second installed near the proposed site access driveway off Soundview Drive, were posted on the Property.² The first hearing on the application was held on July 13, 2021 (“July 13 Hearing”). Forty-one (41) members of the public provided comments during the July 13 Hearing.³ The Docket No. 502 hearing was continued to August 31, 2021 and September 21, 2021, and an additional hearing is scheduled for October 19, 2021. At the close of the July 13 Hearing, the Council’s presiding officer announced that written comments may be submitted by any person within 30 days of the July 13 Hearing and stated that such written comments would be given the same weight as if spoken at the hearing session.⁴

¹ Applicant’s Affidavit of Publication, 05/24/21.

² Applicant’s Sign Posting Affidavit, 7/12/21 and August 31, 2021 Hearing Transcript (Tr.) pp 12-13.

³ See generally, Public Session Transcript 6:30 p.m., 07/13/21.

⁴ Instruction for Public Access to Remote Public Hearing; Public Session Transcript 6:30 p.m., 07/13/21.

The Council's Process Provided Members of the General Public and WNNET with Ample Notice of Its Pre-Application and Hearing Processes

As stated above, Cellco has provided local officials and members of the Woodbridge community with ample and adequate notice of its plans to construct the proposed Facility. Members of WNNET and other members of the general public participated in the pre-application VPIM. After the VPIM, Cellco spent months speaking with neighbors about alternative Facility locations.⁵ Notice of the filing of the application was provided to the adjoining owners via certified mail⁶ and the general public via publication in the *New Haven Register*.⁷

The Council also provided notice to the general public of the date and time of the July 13 Hearing through publication in the *New Haven Register*.⁸ This notice included the instructions not only that individuals wishing to speak must sign up in advance of the public comment session in order to participate, but also noted that public comments could be submitted to the Council via email or regular mail if members of the public could not attend the hearing.⁹ Therefore, even those members of the general public who did not participate in the July 13 Hearing still had the ample opportunity to submit written comments to the Council for up to 30 days after the July 13 Hearing.

⁵ See Docket No. 502 Application, Attachment 8 listing 25 alternative locations investigated.

⁶ See Docket No. 502 Application, Attachment 4.

⁷ See Docket No. 502 Application, Attachment 3 and Cellco Exh. 2 Affidavit of Publication.

⁸ Public Hearing Notice (Jun. 4, 2021); Instruction for Public Access to Remote Public Hearing; July 13, 2021 Hearing Documents, 06/04/21.

⁹ See Instruction for Public Access to Remote Public Hearing.

In addition, as discussed at the August 13, 2021 hearing, public notice signs were posted at least seven (7) days prior to the July 13 Hearing¹⁰ and have been posted at the Property since that time. These public notice signs were clearly posted more than ten (10) days prior to any of the three subsequent hearings held by the Council in Docket No. 502.

The claim now that members of the public and WNNET were somehow prejudiced by the 3-day delay in the posting of the public notice signs is not supported by the substantial evidence in the Docket No. 502 record and is simply an effort by WNNET to further delay this proceeding. As evidenced by the comments that the Council has received to date, members of the public have clearly availed themselves of all of these opportunities to comment on and participate in Docket No. 502.

Finally, WNNET's reliance on zoning case law in support of its Motion is misplaced. The Council and parties appearing before the Council are subject to very different statutory and regulatory requirements than those imposed upon municipal zoning agencies. The Council's entire process provides for open and regular public participation and involvement and provides those wishing to intervene with even more opportunities to participate in the proceeding.

For all of the reasons stated above, WNNET's Motion should be denied.

¹⁰ Applicant's Sign Posting Affidavit, 7/12/21 and August 31, 2021 Hearing Transcript (Tr.) pp 12-13.

Respectfully submitted,

CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS

A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

By: _____

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CERTIFICATION OF SERVICE

I hereby certify that on this 15th day of October 2021, a copy of the foregoing was sent,
via electronic mail, to the following:

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