



**PHILIP C. PIRES, ESQ.**

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September 10, 2021

**VIA E-MAIL AND FEDERAL EXPRESS**

Attorney Melanie Bachman  
Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

**Re: Docket No. 503 – ARX Wireless Infrastructure, LLC’s Application for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance, and Operation of a Telecommunications Facility Located at 43 Osgood Avenue, New Britain, Connecticut**

Dear Attorney Bachman:

On behalf of the applicant, Arx Wireless Infrastructure, LLC, I have enclosed an original and fifteen (15) copies of ARX’s Objection to the City of New Britain’s Request for Extension of Time.

Thank you.

Very truly yours,

Philip C. Pires

Enclosures

cc: Service List

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:	:	
	:	DOCKET NO. 503
ARX WIRELESS INFRASTRUCTURE, LLC	:	
APPLICATION FOR A CERTIFICATE OF	:	
ENVIRONMENTAL COMPATIBILITY AND	:	
PUBLIC NEED FOR THE	:	
CONSTRUCTION, MAINTENANCE, AND	:	
OPERATION OF A	:	
TELECOMMUNICATIONS FACILITY	:	
LOCATED AT 43 OSGOOD AVENUE,	:	SEPTEMBER 10, 2021
NEW BRITAIN, CONNECTICUT	:	

**ARX WIRELESS INFRASTRUCTURE, LLC’S OBJECTION TO THE CITY OF  
NEW BRITAIN’S REQUEST FOR EXTENSION OF TIME**

The applicant, ARX Wireless Infrastructure, LLC, (“ARX”) objects to the City of New Britain’s Request for Extension of Time dated September 10, 2021 (the “Request for Extension of Time”). The Council should deny the Request for Extension of Time because it is procedurally improper and would prejudice ARX and the intervenor, New Cingular Wireless PCS, LLC (“AT&T”).

In support hereof, ARX states the following:

1. As part of ARX’s municipal consultation with the City, on November 14, 2020, ARX filed a Technical Report with the City. As set forth in ARX’s cover letter to Mayor Stewart dated November 13, 2020, ARX offered to meet with her or her designee to review the proposed project. ARX also advised the City in that same letter that if the City had any proposed alternative sites, it must provide them to ARX within 30 days of the initial meeting. *See Exhibit M to the Application, Applicant’s Exhibit 1.*

2. On November 17, 2020, City Attorney Joseph E. Skelly, Jr. wrote to ARX's counsel that he had reviewed ARX's letter to Mayor Stewart dated November 13, 2020 and the City objected to the site because it was in a residential neighborhood. Attorney Skelly proposed two alternative sites in his letter: i) "a radio facility on a water tank on Elam Street" and ii) Osgood Park, a City-owned public park. See *Exhibit M to the Application, Applicant's Exhibit 1*.

3. On March 5, 2021, counsel for ARX wrote back to Attorney Skelly that ARX had evaluated the two proposed alternative sites and they were not viable. The water tank on Elam Street was only 0.4 miles away from an existing AT&T site (CT5419) and 1.1 miles away from the search ring. As a result, AT&T rejected the Elam Street site. Osgood Park was only 0.2 miles from the existing AT&T site (CT5419) and 1.2 miles away from the search ring. AT&T rejected Osgood Park as well. In addition, both Elam Street and Osgood Park would locate the proposed facility in residential neighborhoods. Therefore, they would just move the proposed facility from one residential neighborhood to another and would do nothing to alleviate the City's concerns. See *Exhibit M to the Application, Applicant's Exhibit 1*.

4. Also, on March 5, 2021 in multiple emails to Attorney Skelly, counsel for ARX offered to meet with the City to discuss ARX's proposed site. The City refused to meet with ARX despite ARX's multiple offers to meet. See *Exhibit M to the Application, Applicant's Exhibit 1*.

5. In addition to refusing to meet with ARX, the City failed to request a public hearing with ARX in New Britain to discuss the site as part of the municipal consultation process.

6. At no time during the municipal consultation process (or since), did the City ever suggest evaluating the two parcels now raised in the City's Request for Extension of Time.

7. On May 14, 2021, over two months after ARX's repeated offers to meet with the City, ARX filed this Application with the Council. Notably, in the two months after ARX's repeated offers to meet with the City, the City failed to communicate with ARX, remained unwilling to meet with ARX, and did not propose any additional alternative sites for ARX to consider.

8. On May 28, 2021, the City provided comments to the Council, and on July 1, 2021, the City asked to be made a party to the proceeding. In neither filing did the City offer any potential alternative sites for ARX to consider.

9. The Council held evidentiary hearings on July 20, 2021 and September 2, 2021. The City had every opportunity to offer evidence into the record in those public hearings and failed to offer such evidence.

10. The evidentiary record in this matter was closed on September 2, 2021. Remarkably, the City has not even sought to reopen the evidentiary record. Instead, the City seeks permission to offer evidence in its Post-Hearing filings and an extension of time through November 5, 2021 to make such filings. It would be procedurally improper to allow the City to offer evidence after the close of the public hearing. It also would prejudice ARX and AT&T for the City to offer evidence in this fashion, as it would deprive them of any ability to respond to the post-hearing evidence submitted by the City.

11. Although not requested by the City, it also would be prejudicial to ARX to reopen the evidentiary hearing, particularly where the City has failed and

refused to cooperate with ARX at all during this process. Time and time again, the City had the opportunity to propose alternative sites, meet with ARX's representatives, and offer evidence to the Council. At every turn, the City failed to participate in the process in any meaningful way. Now, after the close of the evidentiary record, the City is attempting to derail months of work of ARX, AT&T, and the Council and delay the construction of this critical infrastructure for the City.

12. Finally, the two sites that the City has suggested in its Request for Extension of Time are also in residential neighborhoods. Thus, those new sites would likely be met with the same objections from residents – albeit possibly different residents in New Britain.

For the above reasons, the Council should deny the City's Request for Extension of Time.

RESPECTFULLY SUBMITTED,

**ARX WIRELESS INFRASTRUCTURE, LLC,**

By:  \_\_\_\_\_

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**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing was sent via electronic mail on this 10th day of September 2021, to the following:

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