

CONNECTICUT SITING COUNCIL

A CERTIFICATE OF ENVIRONMENTAL )  
COMPATIBILITY AND PUBLIC NEED FOR THE )  
CONSTRUCTION, MAINTENANCE, AND ) DOCKET NO. 506  
OPERATION OF A WIRELESS )  
TELECOMMUNICATIONS FACILITY AT 499 ) MARCH 16, 2022  
MILE LANE, MIDDLETOWN, CONNECTICUT )  
)

MOTION TO REOPEN THE EVIDENTIARY HEARING IN DOCKET NO. 506

New Cingular Wireless PCS, LLC (“AT&T”) (the “Applicant”) hereby moves to reopen the evidentiary record of the Connecticut Siting Council (“Council”) in Docket No. 506 for the purpose of accepting additional evidence, testimony and information regarding alternative locations for the Proposed Facility.

I. Background

On September 30, 2021, AT&T submitted a petition to the Council for a declaratory ruling pursuant to C.G.S. § 4-176 and 16-50k (Petition 1465) for the proposed construction, maintenance and operation of a new 150-foot monopole wireless telecommunications facility at an existing municipal tower site located at 499 Mile Lane in Middletown, Connecticut (the “Site”). The Site is an approximately 23.72-acre parcel that is owned by the City of Middletown (the “City”) and currently improved with a City-owned 180’ light duty single purpose municipal lattice tower, which serves as the main hub site for all of the City’s public safety communications needs.

Subsequently, AT&T converted Petition 1465 into Docket 506 (“the Application”) to permit residents a full opportunity to participate in the proceedings and be heard by the Council. As part of AT&T’s conversion to a docket, and in light of the nature of the Proposed Facility involving an additional tower at an already developed tower site owned by the City, the Council granted waivers of some of its submission guidelines for new tower applications.

An evidentiary hearing was held by the Council on November 30, 2021, and continued on December 21, 2021 and February 3, 2022. The hearing was closed on February 3, 2022. At the March 10, 2022 Energy & Telecommunications Meeting, the Council indicated, by a non-binding straw poll vote, that it intended to deny the Application without prejudice, citing a lack of evidence regarding alternative locations for the Proposed Facility.

II. Request to Reopen to Provide Additional Evidence Regarding Alternatives

The comments during the March 10<sup>th</sup> Council discussion regarding Docket No. 506 centered on the Council’s desire for more information regarding the feasibility of potential alternatives within the Eversource power line right-of-way to the south and other locations within the City-owned parcel at 499 Mile Lane outside of the existing facility compound. While the record in this docket contains information regarding the feasibility of these alternatives, the Council’s discussion

during its March 10<sup>th</sup> meeting indicates that they have more questions regarding these alternatives. As such, AT&T is requesting this Motion to Reopen to provide responses to the Council's questions directly addressing both alternatives so that the Council has the information it needs for consideration in this proceeding.

As demonstrated in the record and noted by the Council at the March 10th meeting, it is undisputed that a public need for reliable wireless service exists in this area of Middletown. In fact, AT&T was recently contacted by Verizon regarding AT&T's proposed Facility as Verizon has confirmed a need for a facility in this area. Thus, re-opening the evidentiary hearing is limited to providing the information the Council seeks for the two potential alternative scenarios discussed by the Council.

Throughout the evidentiary hearing process, AT&T provided testimony regarding the institutional limitations and past experiences with collocating on existing Eversource transmission structures, installing replacement poles, and constructing a new monopole within the power line right-of-way. Several attempts were also made by AT&T's representatives to contact Eversource officials regarding the feasibility of installing a replacement pole or new monopole within the power line right-of-way. On March 14, 2022, AT&T filed an Eversource application for structure review of a proposed antenna collocation, a copy of that filing is enclosed herein for the Council's reference. Given the numerous comments from Council members citing a lack of information regarding collocation on transmission structures, AT&T respectfully requests that the record in this proceeding be reopened so that AT&T can further explore such alternatives with Eversource and provide details regarding the engineering and radiofrequency feasibility of a location within the power line right-of-way.

AT&T also requests the record be reopened so the Council can request additional information on the feasibility of other locations on the Site. While the Council did not inquire about specific alternative locations on the Site, AT&T intends to investigate the engineering and radiofrequency feasibility as well as the potential environmental impacts of specific locations on the City-owned parcel as compared to the proposed location within the existing facility compound. In addition, AT&T will collaborate with the City regarding feasible alternative locations.

It is respectfully submitted that reopening the evidentiary hearing is procedurally appropriate given that it is limited to supplementing the record with the information the Council seeks regarding the feasibility of the two potential alternative scenarios as noted above. A decision to deny without prejudice based solely on a request for more information on the feasibility of two identified potential alternatives may result in additional proceedings, which would require significant Council time and resources. The reopening of the evidentiary hearing to allow the limited supplemental information will complete the record and allow the Council to render a fully informed decision in this Docket.<sup>1</sup>

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<sup>1</sup> If it is determined that an alternative is feasible, AT&T can amend its Application for the Council's consideration or withdraw its Application without prejudice and resubmit with the feasible alternative information and seek administrative notice of the record in this Docket.

III. Consent to Extension of Time for Decision

The 180-day decision deadline for the Council to render a decision in Docket 506 is set to expire on April 4, 2022. Given this request to reopen the evidentiary hearing, the Applicant hereby grants the Council a 60-day extension/tolling of time to render a decision in Docket 506 to June 3, 2022.

IV. Conclusion

For all the foregoing reasons, AT&T respectfully requests that the Council reopen the Docket No. 506 record for the purpose of accepting additional evidence, testimony and information regarding the feasibility of the alternative locations discussed herein for the Proposed Facility.

Respectfully Submitted,



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

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day an electronic copy and one original and fifteen (15) hard copies of the foregoing was sent via overnight mail to the Connecticut Siting Council with an electronic copy sent to:

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March 16, 2022



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**Eversource Wireless Antenna Collocation Project**

**Structure Review Requirements**

Type of Request

Date	<input type="text" value="3/14/2022"/>
Company name	<input type="text" value="AT&amp;T"/>
Contact name	<input type="text" value="David Walsh"/>
E-mail address	<input type="text" value="david.walsh@smartlinkgroup.com"/>
Job number (CT No.)	<input type="text"/>

Existing carrier on Structure?	<input type="text" value="No"/>
If Yes, then whom?	<input type="text"/>
Type of structure	<input type="text" value="Wood Pole"/>
Structure number	<input type="text" value="TBD, access not currently avail"/>
Circuit number(s)	<input type="text"/>
Structure address	
Street	<input type="text" value="Ridgewood Rd"/>
Town	<input type="text" value="Middletown"/>
State	<input type="text" value="CT"/>
ZIP	<input type="text" value="06457"/>
Which side of road is the structure on (N,S,E,W)	<input type="text" value="East"/>
Coordinates	
Latitude	<input type="text" value="41.575472"/>
Longitude	<input type="text" value="-72.637472"/>

* Please provide antenna cut sheet depicting information including size & weight	
Number of antennas to be installed	<input type="text" value="9 Panels, 15 Radios"/>
Antenna style	<input type="text" value="Panel Antenna"/>
Model No.	<input type="text" value="(3) TPA65R-BU8D, (3) HPA65R-BU8A and (3)"/>
Number and size of cables to be installed	<input type="text" value="1 Fiber, 6 DC lines"/>
Desired antenna height	<input type="text" value="100'"/>
Number of tower mount amplifiers to be installed	<input type="text" value="N/A"/>
Ground Space requirements	<input type="text" value="Shelter"/>
Sq. Footage	<input type="text" value="200"/>