



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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**VIA ELECTRONIC MAIL**

December 30, 2021

Christopher B. Fisher, Esq  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
[CFisher@cuddyfeder.com](mailto:CFisher@cuddyfeder.com)

RE: **DOCKET NO. 506** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a wireless telecommunications facility located at 499 Mile Lane, Middletown, Connecticut.

**FP-ATT-083-211214** - New Cingular Wireless PCS, LLC (AT&T) Request to Initiate Feasibility Proceeding for shared use of an existing facility located at 499 Mile Lane, Middletown, Connecticut.

Dear Attorney Fisher:

The Connecticut Siting Council (Council) is in receipt of your December 28, 2021 response to the Council's request for an extension of time to render a final decision on the above-referenced application. Thank you for consenting to an extension of time to April 4, 2022 for Docket No. 506.

The second paragraph of your December 28, 2021 correspondence references that "under federal regulations, the time for decisions by state or local agencies run concurrently when multiple requests and permit applications are pending and irrespective of state procedures and timelines." It references the request for a feasibility proceeding submitted to the Council by AT&T on December 14, 2021. Although related to the same tower site, Docket No. 506 and FP-ATT-083-211214 are separate proceedings that have different decision deadlines.

The Council received AT&T's application for a certificate of environmental compatibility and public need for a facility at 499 Mile Lane in Middletown on October 6, 2021. Pursuant to Connecticut General Statutes (CGS) §16-50p(a), the Council must render a decision "not later than one hundred eighty days after the filing of an application." The 180-day decision deadline for Docket No. 506 was March 5, 2022 prior to the applicant's consent to extend the deadline.

The Council received AT&T's request for a feasibility proceeding for shared use of the existing tower at 499 Mile Lane in Middletown on December 14, 2021. Pursuant to CGS §16-50aa(c)(2), the Council must render a decision "not later than one hundred eighty days following the Council's receipt of the written request for such a proceeding." The 180-day decision deadline for FP-ATT-083-211214 is June 12, 2022.

Contrary to the representation in the December 28, 2021 correspondence that the Council "elected" to open a separate feasibility proceeding, the feasibility proceeding statute specifically requires the Council to open a separate feasibility proceeding. Consistent with the requirements of CGS §16-50aa(c)(2), the Council will develop and approve a public hearing schedule for the feasibility

proceeding unless the request for the feasibility proceeding is withdrawn prior to the Council's January 13, 2022 regular meeting.

If the request for the feasibility proceeding is not withdrawn prior to the Council's January 13, 2022 regular meeting, a public hearing schedule will be developed specifically for the feasibility proceeding. It appears under the federal regulations referenced in the December 28, 2021 correspondence that the controlling deadline for decisions on the two proceedings would be the deadline for a decision on the feasibility proceeding, which is June 12, 2022.

Thank you for your attention to this very important matter.

Sincerely,

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

Melanie Bachman  
Executive Director

MAB/MP

c: Service List dated December 21, 2021  
Council Members