

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE:

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:

APPLICATION OF HOMELAND TOWERS,  
LLC FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE  
CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A  
TELECOMMUNICATIONS FACILITY AT  
1837 PONUS RIDGE ROAD, NEW  
CANAAN, CONNECTICUT

DOCKET NO. 509

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JUNE 27, 2022

MOTION IN LIMINE OF PARTIES MARK BUSCHMANN, TRUSTEE AND JAMIE  
BUSCHMANN, TRUSTEE, AND MARK BUSCHMANN, INTERVENOR

Parties Mark Buschmann, Trustee and Jamie Buschmann, Trustee, and Mark Buschmann, intervenor under C.G.S. § 22a-19, move, pursuant to the Uniform Administrative Procedure Act, General Statutes §§ 4-166 et seq., General Statutes §§ 16-50g et seq., Regs., Conn. State Agencies §§ 16-50j-1 et seq. and applicable law to preclude the introduction of the following exhibits offered by the applicants, Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT&T), into the public hearing record on the captioned matter.

1. Attachment 4, page 5 of 18, Tree Survey Table, Sheet EX-2, prepared by Michael Rozeski
2. Attachment 4, page 6 of 18, Site Survey, Sheet EX-1, prepared by Earle C.

Newman, L.S.

3. Attachment 6, pages 6-10, Wetlands Inspection, prepared by Matthew Gustafson, Registered Soil Scientist
4. Attachment 9, pages 5-42, USFWS & NDDDB Compliance Report, prepared by Deborah Gustafson

At the scheduling conference held on June 8, 2022 on Docket No. 509, the parties were instructed to pre-file all testimony and exhibits with the Connecticut Siting Council by June 21, 2022. Applicants Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT&T) have filed no objection to this scheduling order.

The individuals who prepared or assisted in the preparation of the exhibits listed above, all of which are part of the applicants' Application for a Certificate of Environmental Compatibility and Public Need filed on April 12, 2022, are not on the list of witnesses submitted by the applicants on June 21, 2022. As described by the Siting Council, the purpose of the public hearing is to "provide the applicant, parties, and intervenors an opportunity to present exhibits and witnesses, and cross examine positions." This purpose cannot be fulfilled if the individuals who prepared the exhibits offered are not available for cross-examination.

For the foregoing reasons, parties Mark Buschmann, Trustee and Jamie Buschmann, Trustee, and Mark Buschmann, intervenor, move to preclude the introduction of the four exhibits listed above into the record of the public hearing on the captioned matter by the

applicants, Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT&T), or, in the alternative, request that the Siting Council compel the appearance of these witnesses so that they may be available for cross-examination.

PARTIES MARK BUSCHMANN, TRUSTEE AND  
JAMIE BUSCHMANN, TRUSTEE, AND MARK  
BUSCHMANN, INTERVENOR

By s/ David F. Sherwood

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this motion in limine was electronically mailed to the following service list on June 27, 2022.

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s/ David F. Sherwood  
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Commissioner of the Superior Court