

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE: :

:

APPLICATION OF HOMELAND TOWERS, : DOCKET NO. 509  
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 : JUNE 27, 2022  
CANAAAN, CONNECTICUT :

PARTY MARK BUSCHMANN, TRUSTEE'S MOTION TO COMPEL

Party Mark Buschmann, Trustee, moves, 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 compel the applicants, Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT&T), to respond to interrogatories no. 1, 2 and 25 of his interrogatories to the applicants dated June 14, 2022.

The applicants objected to interrogatory no. 1, which requests the names and addresses of the members of 1837 LLC, owner of 1837 Ponus Ridge Road, New Canaan, Connecticut, on the basis that information regarding property ownership is not relevant to the Siting Council's review. Mr. Buschmann submits that this information is necessary in

order for the members of the Siting Council to determine whether they have a conflict of interest sitting in judgment on an application relating to land owned by an entity the members of which may have a personal or financial connection to one or more of them.

The applicants objected to Interrogatory no. 2, which requests a copy of the deed by which 1837, LLC acquired title to 1837 Ponus Ridge, on the basis that “[t]his information is not included in the legal criteria for the Siting Council to consider in a certificate proceeding as set forth in Connecticut General Statutes (‘C.G.S’) Section 16-50p. C.G.S. Section 16-50p requires the Siting Council to balance the public need for facilities with their probable environmental impacts and does not allow for Siting Council consideration of historical property ownership.” First, the deed is cited by the applicants in attachment 3 to the application at page 5 of 8 (the “Site Evaluation Report”). Further, the deed of acquisition contains the record description of the property which is the subject of the application, a matter which is certainly relevant to this proceeding to determine whether the location selected is appropriate for the facility.

The applicants have not fully responded to Interrogatory no. 25, which requests resumes for (or summaries of the professional qualifications of) Dean Gustafson, Deborah Gustafson, Brian Gaudet, and Michael Libertine. Resumes of Deborah Gustafson and Michael Libertine have not been provided. Mr. Libertine is on the applicants’ witness list and Ms. Gustafson prepared the applicants’ USFWS & NDDB Compliance Report, attachment 9 to the application.

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.” Meaningful cross-examination of the applicants’ witnesses can only proceed if the participants in the hearing are apprised in advance of the education, background and experience of the witness, which would be offered in an expert’s direct testimony as a matter of course.

For the foregoing reasons, party Mark Buschmann, Trustee moves to compel the applicants, Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT&T), to respond to his interrogatories nos. 1, 2 and 25.

PARTY MARK BUSCHMANN, TRUSTEE

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## **CERTIFICATE OF SERVICE**

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

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s/ David F. Sherwood  
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