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7/25/24

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: Docket 509R - Homeland Towers, LLC & New Cingular Wireless PCS, LLC d/b/a AT&T Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 1837 Ponus Ridge Road, New Canaan, CT

Dear Executive Director Bachman:

On behalf of Homeland Towers, LLC (“Homeland”) and New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”), we respectfully submit the following comments regarding the Council’s Draft Remand Findings of Fact in Docket No. 509R, dated July 12, 2024.

#### Council Membership & Voting

- We suggest the following additions/modifications be made to Finding of Facts 353 & 354:
  - That they read:
    - “Council Member Chance Carter affirmed that he read the record of the proceeding on May 20, 2024.”
    - “Council Member Khristine Hall affirmed that she read the record of the proceeding on May 20, 2024.”
  - That a citation be added to UAPA Section 4-179 which confirms that, prior to a final decision in agency proceedings, members of the agency may read the record and vote thereon, even if they did not hear the matter directly at hearings.
- We suggest a finding be added that the current Council Membership is properly constituted under C.G.S. §16-50j(b)(2023).



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### Development and Management Plan

- We suggest a finding be added that a D&M Plan was prepared and approved in accordance with UAPA and the Council's Regulations and citing *Town of Westport v. Conn. Siting Council*, 260 Conn. 266 (2002); *Town of Middlebury v. Conn. Siting Council*, 2002 Conn. Super. LEXIS 610 (Conn. Super. 2002).
- We suggest a finding be added that the Council's membership at the time of the November 9, 2023 decision on the D&M Plan was properly constituted under C.G.S. §16-50j(b)(2023).

### Comments in Response to Buschmann's July 24, 2024 Comments

Despite the suggestion of the intervenors, given that this proceeding is on remand after a UAPA Appeal under UAPA §4-183, it would be inappropriate for the Council to not update its Findings of Fact and D&O to reflect the D&M Plan facts as part of the overall proceeding in Docket 509R as proposed. Moreover, contrary to the intervenors' suggestion, the Court did not order the Council to take any specific action on remand as it might have otherwise pursuant to UAPA §4-183(k). This fact was properly captured in Finding of Fact 344 which notes denial of the intervenors' motion for clarification and the June 18, 2024 Order of the Court. While not stated as such, to the extent that the intervenors' comments dated July 24, 2024 might be considered a motion to reopen the contested case pursuant to UAPA or other legal principles and hold new hearings, the Council should rule on same within its discretion as part of rendering any final decision and adopting an Opinion and D&O in Docket 509R.

Thank you for your consideration of this information.

Very truly yours,

A handwritten signature in blue ink that reads "Lucia Chiochio". The signature is written in a cursive, flowing style.

Lucia Chiochio

cc: Homeland Towers, LLC; AT&T; Service List