

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
 :
 APPLICATION OF HOMELAND : DOCKET NO. 509
 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, : JUNE 23, 2022
 CONNECTICUT :

New Canaan Neighbors (“NCN”) Motion to Compel Applicant Responses to Interrogatories

NCN respectfully requests for the Connecticut Siting Council to compel Applicant to answer NCN interrogatories 14 and 20. Answers to these interrogatories will assist in the Council’s determination of whether the proposed facility is the most cost-effective means of achieving cell coverage needs in New Canaan, whether the proposed cell compound poses a significant environmental risk to vital drinking water sources, and furthermore, ensures that all possible conflicts of interest are identified and addressed.

CSC Authority

The *Siting Council Information Guide to Party and Intervenor Status* is instructive. It states that the “applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant, and any party in the proceeding in accordance with the schedule

announced by Council.” (*Ibid.*) This language establishes the Council’s expectation that Applicants will fully participate in the proceedings in good faith.

Other provisions in the Connecticut General Statutes are consistent with this language. Section 16-50o(a) states that “every party or group of parties . . . shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.”

Nonresponsive Interrogatories

NCN Interrogatory 14:

NCN interrogatory 14 requests a “thorough itemized breakdown” of information supporting the Applicant’s statements made in its response to Question 18 of the CSC interrogatories. However, in its response to NCN’s request for *additional* information concerning Applicant’s response to Question 18 of the CSC interrogatories, applicant simply directs NCN back to its response to Question 18 of the CSC interrogatories.

In order for the Siting Council, and parties, to determine the “need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state,” a thorough breakdown of the small cell costs is necessary, along with all other information requested by NCN pursuant to this interrogatory. (C.G.S. § 16-50g.)

Several sources online indicate that the Applicants alleged costs of installing small cells is exaggerated. (See, Cabling, Installation & Maintenance Magazine, 'With 5G deployments underway, challenges and opportunities will come,' Conroy, Betsy, March 17, 2022, <https://www.cablinginstall.com/wireless-5g/article/14248129/with-5g-deployments-underway-challenges-and-opportunities-will-come>, last visited June 22, 2022- "a macrocell deployment typically costs about 20 times more than a microcell."); RCR Wireless News, 'Why small cells are a big part of 5G capacity,' May 13, 2020, <https://rcrwireless.com/20200513/5g/why-small-cells-are-a-big-part-of-5g-capacity-reader-forum>, last visited June 22, 2022- "The dark green curve shows that small cells with a lower site cost (in this case \$30k/site) produce a lower overall cost with a shorter distance between sites."; Fierce Wireless, 'Small cells: Still plenty of potential despite big challenges,' Gibbs, Colin, September 1, 2016, <https://www.fiercewireless.com/wireless/small-cells-still-plenty-potential-despite-big-challenges>, last visited on June 22, 2022- "The total price of an average small cell is in the neighborhood of \$35,000, although some can cost as much as \$65,000. Prices continue to fall . . .".) Most sources suggest that the entire cost of installing a small cell onto a utility pole (including fiber, installation, equipment, lease fees, local franchise fees, and testing costs), is under \$60,000.

If indeed the costs of installing small cells onto utility poles in New Canaan is \$110,000 as purported by the Applicant, then a thorough breakdown of costs may indicate the basis for the heightened costs, and help the Council identify possible superfluous costs and areas of cost savings.

NCN Interrogatory 20:

The Siting Council, and parties, are entitled to information that will assist in discouraging the “unnecessary proliferation of towers in the state particularly where installation of such towers would adversely impact class I and II watershed lands.” (C.G. S. 16-50g.) Applicant refuses to provide an answer to NCN Interrogatory 20 on the basis of relevance. However, the residents living on the proposed site, who live adjacent to a reservoir serving drinking water to 120,000 people, can have a significant impact to the watersheds abutting the parcel, and can provide information to assist the Council’s determination.

The identity of the residents of 1837 Ponus Ridge Road allow the parties to reach out to persons who may have unique information about the proposed cell tower site. The lessees may have evidence concerning species that live on the parcel, such as state-listed birds, bats, and reptiles. The people who reside on the proposed site may also know about contaminants, runoff patterns, activity and uses of the driveway, the dangers posed by ingress and egress into the property, ice and snow conditions on the parcel, geological hazards, and other information relevant to the proceedings.

Lastly, a conflicts check cannot be properly performed by the Siting Council without the Applicant providing the identities of all persons leasing the property. The identities of persons involved in and around the proposed site matter. (*See*, CSC Interrogatory to NCN, Question 6.) Such names and persons responsive to NCN Interrogatory 20 allow Siting Council members to perform conflict checks, and also

consider and appropriately weigh any public comments proffered by the residents living on the proposed site.

Conclusion

Entities best positioned to assess the environmental threat posed by the proposed cell facility have determined that harm to the reservoir is imminent. Applicant's refusal to provide answers to NCN's interrogatories frustrates investigation into the significant impacts this parcel will have on the drinking water of hundreds of thousands of people, and discourages exploration of better, and more cost-effective, telecommunications solutions.

Thus, NCN respectfully requests that the Applicant be compelled to provide information pursuant to the aforementioned interrogatories in accordance with the mandates promulgated by the Council.

RESPECTFULLY SUBMITTED,
NEW CANAAN NEIGHBORS,

By /s/Justin Nishioka
Justin Nishioka, NCN Representative

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on June 23, 2022.

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