

From: Bachman, Melanie <Melanie.Bachman@ct.gov>
Sent: Friday, September 2, 2022 10:13 AM
To: don bergmann <donlbergmann@sbcglobal.net>
Cc: Ira Bloom <ibloom@berchemmoses.com>; Ball, David A. <DBall@cohenandwolf.com>;
ppires@cohenandwolf.com; Baldwin, Kenneth <KBALDWIN@RC.com>; Motel, Kristen
<KMotel@CUDDYFEDER.COM>; Nicholas R. Bamonte <nbamonte@berchemmoses.com>; Chiocchio,
Lucia <LChiocchio@CUDDYFEDER.COM>; CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: RE: Cell Tower #510 Siting Council

Good morning, Don.

Thanks for your email. Yes, please feel free to call me Melanie. I appreciate the courtesy. We do the best we can.

I copied the service list on this response so that the Applicants have notice that you may request access to the confidential information covered by the Protective Order and so that Attorney Bloom has notice that you may contact him about possibly coordinating efforts.

Answers to each of your questions are provided in red font below:

1. E Mail - may I send it by e mail, without 15 copies? **You may send links to administrative notice items (government publications, public documents, scientific journals, etc.) by email, but any exhibits (documents authored by you or any of your witnesses) must be submitted in 15 hard copies. The CSC members are per diem, so we physically mail documents to them every week from our office.**
2. Questions and Answers - Many items were not answered during the August 9th meeting, with many items to be responded to, including by follow up submissions. How does that impact the 30 timing period? **The 30-day public comment period starts running after the conclusion of the evidentiary hearings, so if we conclude the evidentiary session on 9/22, it would extend the 30-day public comment period to 10/22. If an additional evidentiary hearing is held, the 30-day public comment period would expire 30 days after that hearing. May I repeat some of the unanswered questions and hence expect an answer, particularly if the answers provided to the Siting Council are, in my view, inadequate? You may follow up on any exhibit in the record (application, interrogatory response, cross examination response from the transcript) May I generate my own questions and expect answers and, if so, in what format will the answers be provided? You may submit written questions/interrogatories to any party or intervenor no later than 9/8. Written responses to any interrogatories are due on 9/15. During the evidentiary hearing, you may cross examine each party and intervenor as they appear in the order on the hearing program on any exhibit in the record. Oral responses would be provided at the appropriate time. May I direct my questions to the Siting Council or do I have to determine who is most suited to provide an answer. You may not ask any questions of the Siting**

Council. You may ask questions of the entire witness panel for each party and intervenor during their appearance and the most qualified witness or witnesses would provide an answer. If the latter, I would simply direct my questions to all, e.g. Tarpon, Cingular, Verizon and their people. When each party appears, you may direct your questions to the entire witness panel and the most qualified witness or witnesses would provide an answer.

3. Statements versus Questions - Should I combine the two in one e mail" You may combine the two into one e-mail and the document would be posted on the Docket 510 webpage as both "Bergmann Interrogatories to Applicants" (questions) and "Bergmann Pre-Filed Testimony" (statements). Please be advised that we require 15 copies of Pre-Filed Testimony and that you will be cross examined on its contents.
4. Witnesses - Am I allowed to call witness, e.g. neighbors, First Selectwoman Tooker, Conservation Director Mozian? What is the process to do that and would you expect me to work with Ira Bloom on that to avoid duplication? You are required to submit a witness list for your case in advance of the public hearing along with any pre-filed testimony of those witnesses in writing by 9/15. You will have an opportunity to cross examine Director Mozian when the Town appears for its case. If Director Mozian is a witness for your case and the Town's case, you should work with Ira Bloom to see if you and the Town might appear together for cross examination, or ask to be grouped together, or otherwise coordinate efforts in order to avoid duplication.
5. Procedure - It is not clear to me where we are, i.e. will there be a continuation of the August 9th hearing, then the "Town" September hearing? Is it likely that the September hearing(s) will result in additional hearings and when will that be determined? During the 9/22 evidentiary hearing, we will pick up where we left off with cross examination of the applicants by Verizon, Town and you, in that order, to be followed by CSC cross examination of the applicants on the late-filed exhibits that are due on 9/15. If an additional evidentiary hearing session is necessary, the Presiding Officer will announce the date and time of the continuation at the conclusion of the 9/22 hearing. Here is a link to the CSC Memo Regarding the Continuation of the Evidentiary Hearing Session on 9/22: https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/1_MEDIA_DO500_600/DO510/Hearing/20220922/DO510-20220810-continuationmemoforSeptember22_2022.pdf
6. Conditions - The Siting Council could impose various conditions, e.g. construction oversight for the many environmental issues, access to electric power, gas powered generators or only one generator, height of tower among many. How do those firm up and are they conditions to any approval or simply ""details" to be implemented by the Applicant with Siting Council personnel oversight following approval? If the tower is approved by the CSC either as proposed or as modified, CSC would impose conditions of approval that include,

but are not limited to, a condition to submit a Development and Management (D&M) Plan for the approved facility prior to commencement of construction that must be approved by CSC to ensure the final construction plans are consistent with the conditions of the final decision on the application. After the D&M Plan is approved, CSC staff monitors and oversees compliance with the final decision and D&M Plan approval.

7. Recent Legislation - I read of proposed or adopted changes to the relevant law, e.g. standards applicable to approvals and repayments by the Applicant incurred by participants such as Westport and any intervenor? Have those been adopted and, if so, kindly provide the statutory reference if you may? **Proposed changes to the relevant law would not apply. The relevant law is the Public Utility Environmental Standards Act (CGS section 16-50g, et seq.) The provision about repayment by the applicant you may be referring to is addressed in section 16-50p(j) - (j) Upon a motion of a party or intervenor or a council determination that any party or intervenor relating to a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i has intentionally omitted or misrepresented a material fact in the course of a council proceeding, the council may, by majority vote, request the Attorney General to bring a civil action against such party or intervenor. In any such action, the Attorney General may seek any legal or equitable relief the Superior Court deems appropriate, including, but not limited to, injunctive relief or a civil penalty of not more than ten thousand dollars and reasonable attorney fees and related costs.**
8. Lease Payments - What is the process for me to read the redacted portions of the lease, including of course the confidentiality commitment? May I share the redacted information with my CT counsel on this matter, even if that counsel has already spoken as a member of the public at the August 9th meeting?. **As an intervenor to the proceeding, you may view the unredacted lease agreement that is subject to a Protective Order at the CSC office upon submission of a written Request for Access (this could be an e-mail) and execution of a Non-Disclosure Agreement (wet signature required). Under the provisions of the CSC Protective Order, the confidential information shall not be disclosed to any other person or for any other purpose other than the proceedings held on this application. Since your CT counsel has not filed an appearance in the proceeding on your behalf and is otherwise not a party or intervenor to this proceeding, you may not share the confidential information with this person. Please be advised that we require notice for any appointment to view records at the CSC office • For any person seeking access to the Council's records, please email siting.council@ct.gov at least 24 hours in advance for an appointment.**
9. Past Decisions - How would you advise me, i.e. where to look, if I wanted to learn of prior Siting Council decisions involving private home sites? **Prior CSC decisions, and their related records, involving cell tower sites on private property are posted on our website. In the gray box on the left-hand side of the homepage, you can search prior decisions by town, docket number or use the search box with a key word. Here is the link: <https://portal.ct.gov/CSC>**

Thanks. Have a nice holiday weekend.

Melanie

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From: don bergmann <donbergmann@sbcglobal.net>
Sent: Thursday, September 1, 2022 10:35 AM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Subject: Cell Tower #510 Siting Council

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Greetings Melanie,
By the way, I am particularly comfortable being called Don. If you prefer Atty. Bachman, let me know.

First, I am very impressed with the file and records you maintain and so quickly include in the Siting Council file on this matter. You run a fine operation, even though I do not like the CT and Federal Law which directs much of your work. Thank you. All of us who appreciate the work of fine government agencies are thankful for the work of your team.

I believe I have until September 8th to submit my follow up as an intervenor to the August 9th meeting. Some questions;

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Thank you so very much, Don Bergmann 32 Sherwood Dr. Westport CT 06880 (203) 226 8712