

BEFORE THE CONNECTICUT SITING COUNCIL

Docket No. 535

The Towers, LLC

Application for a Certificate of Environmental Compatibility and Public Need
Telecommunications Facility

835 Norwich Worcester Turnpike (Route 169), Woodstock, Connecticut

REQUEST FOR RECONSIDERATION

(Filed by Intervenor Paska Gjonaj Nayden)

I. INTRODUCTION

Pursuant to the Connecticut Siting Council's authority and applicable principles of Connecticut administrative law, Intervenor **Paska Gjonaj Nayden** respectfully submits this **Request for Reconsideration** of the Council's January 22, 2026 decision approving the above-referenced project.

This Request is filed **solely to address procedural and legal defects apparent on the face of the Council's Draft and Final Findings of Fact**, and to preserve issues previously raised on the administrative record under the **Connecticut Environmental Protection Act (CEPA)** and related authorities.

This Request **does not introduce new evidence**, does not seek to re-litigate the merits of the project, and is confined to matters already contained in the existing administrative record.

II. PROCEDURAL BACKGROUND

1. Intervenor was granted intervenor status in this proceeding and timely participated in accordance with Council procedures.
2. On **October 9, 2025**, Intervenor filed **Findings of Fact**, supported by citations to the record, identifying unresolved environmental and procedural deficiencies, including:
 - reliance on post-certification deferral of environmental impacts;
 - failure to evaluate cumulative impacts in conjunction with **CSC Docket 534**;
 - unassessed scenic and watershed impacts along the Route 169 corridor; and
 - absence of empirical verification of a claimed substantial service gap.
3. On **January 22, 2026**, the Council conducted its review of the Draft Findings of Fact dated January 16, 2026 and voted unanimously to approve the project **without public or intervenor comment**.
4. The Council's Draft and Final Findings of Fact **do not address, rebut, or explain the rejection of Intervenor's filed Findings of Fact**, despite their inclusion in the docket.

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5. On January 22, 2026, Intervenor submitted correspondence memorializing the proceeding and preserving the administrative record. That correspondence expressly stated it was **not intended to submit new evidence or argument** and did not waive any procedural rights, including the right to seek reconsideration.

III. GROUNDS FOR RECONSIDERATION

A. Failure to Address Intervenor Findings of Fact

The Council's Findings of Fact fail to acknowledge, analyze, or explain the rejection of Intervenor's **October 9, 2025 Findings of Fact**, which remain part of the administrative record.

Connecticut administrative law requires agencies to engage in **reasoned decision-making**, including addressing material evidence and contested factual assertions placed into the record by an intervenor. While the Council is not required to accept Intervenor's position, it is required to **explain its reasoning** when rejecting material evidence.

The complete absence of discussion or explanation regarding Intervenor's Findings constitutes a **procedural defect** warranting reconsideration.

B. CEPA Was Invoked but Not Substantively Adjudicated

Intervenor properly raised CEPA-based environmental concerns during the proceeding. However, the Council's Findings rely on **post-certification conditions and deferred development or management plans**, rather than meaningful pre-decisional environmental evaluation.

Connecticut courts have consistently held that **deferral of environmental analysis does not satisfy CEPA**, which requires consideration of environmental impacts **before approval**, not after.

The Findings do not demonstrate that CEPA obligations were substantively adjudicated on the record, nor do they explain how deferred analysis complies with CEPA's procedural mandate.

C. Failure to Evaluate Cumulative Impacts with CSC Docket 534

The Council did not conduct or document a cumulative-impact evaluation between **CSC Docket 535** and **CSC Docket 534**, despite clear indicators of connected and cumulative action, including:

- geographic proximity along the same Route 169 corridor;

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- shared watershed and scenic resources;
- overlapping service area and telecommunications function; and
- temporal and functional relatedness.

Failure to evaluate cumulative impacts constitutes a material omission under CEPA and established administrative-law standards, and independently warrants reconsideration.

D. Lack of Substantial Evidence Supporting a Claimed Service Gap

The Council's Findings rely on assertions of a "need for improved service" without identifying **substantial empirical evidence in the administrative record** demonstrating the existence of a verified substantial gap in service.

The record does not contain documented:

- drive-test data;
- dropped-call, blocked-call, or service-reliability statistics;
- customer complaint analyses tied to geographic location;
- analysis of tower sharing or co-location feasibility on existing towers, structures, or utility facilities, including an explanation of why such alternatives are unavailable or insufficient; or
- other objective, measurement-based evidence establishing a substantial coverage gap within the affected area.

While the Council is not required to conduct independent testing, it must identify and rely upon **substantial evidence in the record** to support its findings. The Findings do not explain what empirical data was credited, nor do they reconcile the absence of such data with the approval of the project.

This omission constitutes an additional **procedural defect** and undermines the reasoned basis for the Council's determination of need.

E. Absence of a Reasoned Explanation Supporting Approval

The Council's approval occurred without deliberation on the record and without discussion of the contested environmental and procedural issues raised by Intervenor.

Although unanimity is not improper, **reasoned decision-making requires explanation**, particularly where material evidence and CEPA-based objections were raised and preserved.

The Findings, as issued, do not provide a reasoned explanation addressing those contested issues.

IV. REQUESTED RELIEF

Intervenor respectfully requests that the Council:

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1. **Grant reconsideration** for the limited purpose of correcting the procedural defects identified herein;
2. **Issue supplemental findings** expressly addressing Intervenor's October 9, 2025 Findings of Fact, including a reasoned explanation for acceptance or rejection;
3. **Clarify CEPA compliance** by addressing environmental impacts on the record rather than deferring them to post-certification plans;
4. **Address cumulative impacts** in conjunction with CSC Docket 534;
5. **Identify the substantial evidence** relied upon to support any finding of a service gap or need for the facility; and
6. **Stay reliance on the Certificate**, or clarify that no irreversible actions shall proceed pending reconsideration.

V. PRESERVATION OF RIGHTS

This Request is submitted in good faith to exhaust administrative remedies and preserve issues previously raised on the record. Intervenor expressly reserves all rights under CEPA, Connecticut law, and applicable federal environmental statutes, including NEPA.

VI. CONCLUSION

Reconsideration is warranted to ensure procedural integrity, reasoned decision-making, and compliance with Connecticut environmental law. Granting this limited reconsideration would strengthen the administrative record and promote public confidence in the Council's process.

Respectfully submitted,

/s/ Paska Gjonaj Nayden
Paska Gjonaj Nayden
Intervenor, CSC Docket 535
Founder & Administrator
Connecticut for Responsible Technology
Private Membership Association

Date: February 1, 2026

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request for Reconsideration was served on all parties listed on the Connecticut Siting Council Service List for CSC Docket 535 by electronic mail on February 1, 2026 listed below:

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