

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

(Filed by Intervenor Paska Gjonaj Nayden)

REQUEST FOR RECONSIDERATION

Pursuant to Conn. Gen. Stat. §4-181a

I. Introduction

Pursuant to Conn. Gen. Stat. §4-181a(a)(1), Intervenor respectfully moves the Council to reconsider its February 5, 2026, Final Decision in Docket No. 535.

This request is grounded in:

- Material issues raised in the record but not addressed in the Final Findings of Fact;
- Errors of law in the application of the “feasible and prudent alternative” standard under CGS §16-50p and CEPA; and
- Incomplete factual findings regarding the existence of a substantial service gap.

This request relies exclusively on evidence and arguments already contained in the administrative record.

II. Standard for Reconsideration

Under §4-181a(a)(1), reconsideration is appropriate where:

- (A) An error of fact or law has occurred; or
- (B) A material issue was raised but not addressed.

Connecticut administrative law requires reasoned decision-making sufficient to permit meaningful judicial review. See *Huck v. Inland Wetlands & Watercourses Agency*, 203 Conn. 525 (1987).

III. Failure to Address Intervenor’s Filed Findings of Fact

Intervenor filed Findings of Fact on October 9, 2025, identifying:

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- Reliance on post-certification environmental deferral;
- Failure to evaluate cumulative impacts with CSC Docket 534;
- Unassessed scenic and watershed impacts along Route 169;
- Absence of empirical verification of a legally significant service gap.

The Final Findings do not acknowledge, analyze, or explain rejection of those filed Findings.

While the Council is not required to adopt Intervenor’s position, it is required to provide a reasoned explanation when rejecting material evidence placed into the record.

The absence of such explanation constitutes a material issue not addressed.

IV. Substantial Gap Determination Is Incomplete

The Findings state:

- Average signal level of -114 dB (Findings ¶72);
- Approximately 5% dropped/ineffective attempts (¶72);
- Corporate “market goal” of 0.6% (¶72).

However, the Findings do not identify:

- Independent drive-test validation;
- Geographic mapping of verified coverage unavailability;
- Emergency reliability failure evidence;
- Public complaint data tied to specific service failures.

Reliance on internal business performance targets does not, standing alone, constitute substantial evidence of a legally significant service gap.

The Findings do not articulate why a 5% drop rate meets the statutory threshold of necessity rather than representing service optimization.

This omission impairs meaningful review.

V. Misapplication of the “Feasible and Prudent Alternative” Standard

The Findings state that for an alternative site to be feasible and prudent, it must be available for lease, citing *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007) (Findings ¶83–84).

While *Corcoran* confirms that the Council cannot compel a landowner to lease property, it does not eliminate the statutory duty under CGS §16-50p(a)(1) and CEPA (CGS §22a-19) to evaluate feasible and prudent alternatives that reduce environmental impact.

The record reflects evaluation primarily of alternative parcels, but does not document meaningful evaluation of:

- Height minimization modeling;
- Sector re-aiming or load redistribution;
- Capacity reconfiguration of existing sites;
- Hybrid or partial co-location strategies;
- Technical footprint reduction alternatives.

Limiting the analysis solely to landowner lease availability narrows the statutory standard.

VI. Cumulative Impacts with CSC Docket 534

Intervenor raised cumulative impacts between Docket 535 and Docket 534, including:

- Geographic proximity along Route 169;
- Shared watershed resources;
- Functional telecommunications interaction (Findings ¶80);
- Scenic corridor effects.

The Final Findings do not document a cumulative environmental analysis under CEPA.

Failure to evaluate cumulative impacts constitutes a material omission.

VII. Scenic Corridor Balancing Under CGS §16-50p(b)

The Findings acknowledge:

- Route 169 is a designated National Scenic Highway;
- 198 acres of year-round visibility (¶185);
- 13 residential properties with year-round views;
- 11 properties with seasonal views.

CGS §16-50p(b) authorizes denial where scenic quality would be substantially affected and no public safety necessity requires the location.

The Findings conclude that galvanized steel would “minimize visual disruption” (¶188) but do not perform an articulated balancing analysis under §16-50p(b).

If the substantial gap determination is incomplete, scenic authority remains central and requires fuller statutory analysis.

VIII. Deferral of Environmental Determinations to D&M Plan

The Findings repeatedly reference post-certification Development & Management Plan review.
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While engineering details may be addressed in a D&M Plan (CGS §16-50p; RCSA §16-50j-75), core environmental determinations required under CEPA must be resolved prior to certification.

The Findings do not clarify which determinations were conclusively made versus deferred.

IX. Relief Requested

Intervenor respectfully requests that the Council:

1. Reopen the record for limited clarification of the issues identified above;
2. Issue supplemental findings addressing Intervenor's October 9, 2025 Findings of Fact; or
3. Modify the decision as appropriate.

This request is submitted in good faith to exhaust administrative remedies and preserve issues for judicial review.

Respectfully submitted,

/s/ Paska Gjonaj Nayden

Paska Gjonaj Nayden

Intervenor, CSC Docket 535

Date: February 20, 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 20, 2026 listed below:

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