

June 10, 2026

Via Electronic Mail and Federal Express

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

Re: **Docket No. 545 – Arx Wireless Infrastructure, LLC and New Cingular Wireless PCS, LLC Application for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance, and Operation of a Telecommunications Facility and Associated Equipment located at 306 Flanders Road, East Lyme, Connecticut**

Statement of Position on Request to Initiate Preliminary Investigation by Mostow Towers, LLC

Dear Attorney Bachman:

On behalf of intervenor Cellco Partnership d/b/a Verizon Wireless (“Cellco”), Cellco submits this response to the Connecticut Siting Council’s (“Council”) request for comments or statements of position regarding whether the request for preliminary investigation (“Request”) of Mostow Towers, LLC (“Mostow”) should be granted or denied and whether a certificate review proceeding should be held in connection with the Request.

For the following reasons, Cellco respectfully submits that the Request should be denied and that the Council should decline to commence a certificate review proceeding. First, Mostow seeks relief that is not authorized by Connecticut General Statutes (“Conn. Gen. Stat.”) § 16-50p(b)(2). That statute provides a mechanism for the Council to review compliance with an existing certificate and enforcing conditions related to shared use of approved facilities. The statute does not provide a mechanism for the Council to reopen a siting determination, require the certificate holder to evaluate an alternative location, or stop the construction of an approved tower after the evidentiary record has closed and the Council has voted to issue the Certificate.

Second, the Request does not identify any failure by the certificate holder to comply with the Certificate. Nor does Mostow allege that the certificate holder has failed to cooperate with any condition imposed by the Council concerning shared use of the approved facility. Those are the types of issues that fall within the certificate review mechanism under § 16-50p(b)(2).

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Instead, Mostowy asks the Council to require the certificate holder to consider using the tower located at 6 Mostowy Road as an alternative to the approved facility. That request is outside the scope of § 16-50p(b)(2).

The text and purpose of § 16-50p(b)(2) confirm this conclusion. The statute authorizes the Council to “impose such reasonable conditions as it deems necessary to promote immediate and future shared use of such facilities and avoid the unnecessary proliferation of such facilities in the state.” The preliminary investigation and certificate review proceeding mechanism exists to allow the Council to enforce those types of conditions after a certificate is issued. It is not a post-decision vehicle for requiring a certificate holder to relinquish its right to construct an approved facility or to relocate its equipment to a different site that was not placed into the evidentiary record before the Council completed its review.

For that reason alone, the Request should be denied. The Request is not a request for compliance review within the meaning of § 16-50p(b)(2). It is, in substance, an untimely request to reopen the siting analysis and substitute a different location for the facility already approved by the Council. Nothing in § 16-50p(b)(2) authorizes that relief.

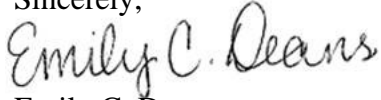
Finally, the Request should also be denied because it is untimely and prejudicial. Arx Wireless Infrastructure, LLC (“Arx”) and New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”) (collectively, the “Applicants”) filed the Application for a Certificate of Environmental Compatibility and Public Need in this proceeding on October 15, 2025. The proceeding included interrogatories issued by the Council and a third-party intervenor, Wireless Solutions LLC/Ancient Highway Towers, LLC. It also included evidentiary hearings on January 29, 2026, and March 3, 2026, at which witnesses for the Applicants and Cellco testified and were subject to cross-examination.

The Council closed the evidentiary record on March 3, 2026. Mostowy had the opportunity to participate in the proceeding before the record closed but chose not to do so. The Request states that the tower located at 6 Mostowy Road in East Lyme is a joint venture between Mostowy and the Town of East Lyme (the “Town”). The Town submitted municipal comments on January 21, 2026, but did not identify the tower located at 6 Mostowy Road in those comments, despite having information regarding that tower at the time.

Allowing Mostowy to inject this issue now would be unfair to the parties and inconsistent with the orderly conduct of the Council’s proceedings. The evidentiary record has been closed for more than two months. The Council has already deliberated and voted to issue the Certificate. Reopening the record at this stage to consider information that could have been submitted before the close of evidence would prejudice the Applicants, delay the construction of the approved facility, and waste the Council’s limited time and resources.

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Accordingly, the Council should deny Mostowy's Request and decline to hold a certificate review proceeding in connection with the Request.

Sincerely,

Emily C. Deans

CERTIFICATION OF SERVICE

I hereby certify that a copy of the forgoing was sent electronically to the following:

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