

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC AND  
NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T FOR  
A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR THE  
CONSTRUCTION, MAINTENANCE, AND OPERATION  
OF A TELECOMMUNICATIONS FACILITY AT 16 COOTE  
HILL ROAD, TOWN OF SHERMAN, CONNECTICUT

DOCKET NO. 499

May 18, 2021

APPLICANTS' RESPONSE TO STAN GREENBAUM'S ADJOURNMENT REQUEST  
AND RELATED COMMENTS

Applicants Homeland Towers, LLC and New Cingular Wireless PCS LLC d/b/a AT&T hereby submit this response to the May 13, 2021 Request and Comments submitted by Mr. Stan Greenbaum ("Greenbaum") in connection with the above referenced proceeding.

Neither Mr. Greenbaum, nor the organization he formed, had sought party or intervenor status in this proceeding. Therefore, they had no standing to request a hearing extension in this contested case.<sup>1</sup> Moreover, the Governor's Executive Order No. 9L (the "Executive Order") does not apply to Siting Council hearing schedules, and as such, cannot be invoked to seek an adjournment of the Docket No. 499 hearing. Regardless, as noted in the Siting Council's May 14, 2021 response to Mr. Greenbaum's request for a 90-day continuance of the hearing in this proceeding, the Executive Order does apply to various statutory administrative deadlines and was already incorporated into the schedule for this Docket, which schedule is available on the Siting Council website as last updated on April 8<sup>th</sup>, five weeks ago.

Notably, and as detailed in the Application, the Applicants conducted a municipal consultation with Sherman that included a Technical Report filed October 13, 2020, a duly noticed information hearing on November 21, 2020 and a noticed balloon float on January 31, 2021. The Certificate application was then filed on March 12, 2021, five months after the Technical Report. If members

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<sup>1</sup> R.C.S.A. §16-50j-22a(b): Any party or intervenor may request that the Council take any action by filing a motion which clearly states the action sought and the grounds therefor.

of the public were interested in collaborating with the Applicants, they certainly have had ample notice and time to do so over the past seven months.

Mr. Greenbaum's submission of a request for a hearing continuation less than two weeks before the Council's public hearing in Docket 499 was even opened is nothing more than an attempt to unnecessarily delay these proceedings. Mr. Greenbaum's own comments in fact note his personal participation in this project dating back to 2013 and AT&T's prior technical consultation with Sherman. Given that Mr. Greenbaum has just now requested intervenor status on the last day to do so under the Council's schedule, we respectfully request that Mr. Greenbaum's comments simply be included in the hearing record as his testimony.

We do wish to note though that the 2013 RCC Consultants presentations prepared for the Town of Sherman and attached to Mr. Greenbaum's comment letter actually support this application and the need for a new tower in southern Sherman. The main purpose for RCC being retained by the Town in 2013 was a Town evaluation of major gaps in its town-wide public safety communications system. That study was commissioned after voters rejected a tall tower in the center of Town that had been proposed by LCD for Town public safety purposes. The recommendation by RCC to improve public safety communications services at that time was with the addition of two tower sites consisting of at least 60' tall poles with a 20' whip antennas on top and at relatively high ground elevations in the north and southern areas of the Town. In RCC's opinion that would have met the needs of the Sherman Volunteer Fire Department and other first responder agencies serving the Town at that time.

AT&T, prior to deferring the site, was actually collaborating with the Town and RCC to ensure any cellular tower site AT&T proposed could accommodate the Town and LCD's public safety equipment. The site at 16 Coote Hill Road actually met those objectives for the Town. The Town and RCC were also exploring various other sites and AT&T and RCC's engineers discussed them in 2013. Those discussions also included AT&T's RF rejection of RCC's perspective that a tower that met the Town's needs would somehow work for commercial wireless services in southern Sherman. AT&T noted that a taller tower facility would be required for cellular services based on surrounding wireless network locations, topography and spectrum used in such networks.

Regardless, we are not aware of the Town formally adopting any of the recommendations in the RCC Consultants' report or pursuing and building a Town tower of their own since 2013. In fact, we have continued to hear that both public safety and commercial wireless networks have major gaps in southern Sherman that only a tower can solve. Moreover, Mr. Greenbaum in his letter and

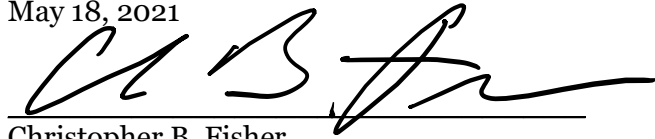
intervention request is not proposing to present RCC to the Council as a consultant. As such, it's not possible for the Council or the Applicants to cross-examine RCC on its power point presentations to the Town in 2013 and they simply cannot be relied on for evidentiary purposes in this proceeding.

Finally, the Applicants are concerned that the request for even more consultation by some in the community is not based on a factual underpinning central to this application - that a tower is needed in southern Sherman to serve the community. The need for a tower in this area of Sherman was documented years ago, an extraordinary site search process undertaken twice over a period of years, the Town and numerous stakeholders and property owners engaged throughout, no new infrastructure constructed and still a major gap in communications exists to the detriment of the community. Homeland itself searched for alternatives to 16 Coote Hill Road since 2015 and an exhaustive investigation of 42 sites/properties. If there was an alternative site, surely it would have materialized by now. Delays in these proceedings on the stated effort by Mr. Greenbaum who himself has participated from the beginning eight years ago, to do a third search for an alternative site, would actually be counter to the public interest at this point in time.

**CERTIFICATE OF SERVICE**

I hereby certify that on this day the foregoing was sent electronically to the Connecticut Siting Council with one hard copy sent to the Connecticut Siting Council, in accordance with Connecticut Siting Council directives.

May 18, 2021

A handwritten signature in black ink, appearing to read 'C B Fisher', written over a horizontal line.

Christopher B. Fisher  
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