

**STATE OF CONNECTICUT**  
**CONNECTICUT SITING COUNCIL**

IN RE: :  
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 :  
 APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 356  
 D/B/A VERIZON WIRELESS FOR A :  
 CERTIFICATE OF ENVIRONMENTAL :  
 COMPATIBILITY AND PUBLIC NEED FOR :  
 THE CONSTRUCTION, MAINTENANCE :  
 AND OPERATION OF A WIRELESS :  
 TELECOMMUNICATIONS FACILITY AT 199 :  
 TOWN FARM ROAD, FARMINGTON, :  
 CONNECTICUT : APRIL 9, 2008

**OBJECTION TO MOTION  
FOR PARTY STATUS**

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) hereby objects to the request of David R. Edelson to be designated as a party to this proceeding.<sup>1</sup> As discussed more fully below, Mr. Edelson has failed to meet the statutory criteria for party status pursuant to the Connecticut General Statutes and the Regulations of Connecticut State Agencies. Accordingly, his request should be denied.

**BACKGROUND**

On February 1, 2008, Cellco filed an Application with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a wireless telecommunications facility located at 199 Town Farm Road in Farmington, Connecticut (“Property”). On April 3, 2008, Mr. Edelson

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<sup>1</sup> Although David Edelson filed the Request for Party Status, the assessor’s records indicate that Susan Edelson is the owner of record of the property located at 11 Belgravia Terrace in Farmington, Connecticut. In addition, on April 8, 2008, Attorney Richard P. Weinstein filed an Appearance and Opposition to Approval of Facility on behalf of Susan Edelson. Before acting upon Mr. Edelson’s Request for Party Status, Cellco requests that the Council clarify who is seeking party status in this proceeding.

submitted a Party Status Request Form to the Council requesting to be designated as a party in this docket (“Request for Party Status”). For the reasons set forth below, the Request for Party Status should be denied.

### ARGUMENT

#### **I. Mr. Edelson Does Not Satisfy The Statutory Criteria To Be Designated A Party.**

Section 4-177a of the Connecticut General Statutes requires that applications for designation as a party in a contested case state “facts that demonstrate that the petitioner’s legal rights, duties or privileges shall be specifically affected by the agency’s decision in the contested case.” Conn. Gen. Stat. § 4-177a(a). Mr. Edelson has failed to satisfy this criteria.

In support of his Request for Party Status, Mr. Edelson claims that he will be “substantially and specifically affected” due to: (a) the close proximity and visibility of the facility; (b) the scenic and historic value of the Simmons Farm, which is located on the Property; and (c) the use of taxpayer purchased “open space” for the facility. However, none of these claims are sufficient to support a claim for party status.

First and foremost, the proximity of the facility, in and of itself, does not establish that Mr. Edelson’s legal rights, duties or privileges will be affected by the Council’s decision. Moreover, the visibility of the tower does not establish that Mr. Edelson’s legal rights, duties or privileges will be affected by the Council’s decision. Indeed, “[q]uite often the view available to a residential lot is transitory or incidental to the overall development of the land and in such cases although a person has enjoyed a view for some time, it is always with knowledge that when other houses are built, that view will be blocked in whole or in part.” Castonguay v. Plourde, No. CV-96-0561430-S, 1996 Conn. Super. LEXIS 1887 at \*11, *aff’d*, 46 Conn. App. 251, *appeal denied*, 243 Conn. 931 (1997).

Lastly, Mr. Edelson's claims that the facility will affect the purported historic and scenic value of the Simmons Family Farm and the use of taxpayer purchased "open space" are issues common to the general public. Accordingly, those claims are not specific to Mr. Edelson and cannot support a finding that Mr. Edelson's legal rights, duties or privileges will be affected by the Council's decision in this proceeding. Therefore, Mr. Edelson's Request for Party Status should be denied.

Instead, Mr. Edelson, if permitted to participate, should be limited to "intervenor" status. Pursuant to § 16-50j-15a of the Connecticut Regulations of State Agencies, "any person may ask the council for permission to participate as an intervenor." Regs. Conn. State Agencies § 16-40j-15a (emphasis added). As an intervenor, Mr. Edelson could still participate fully in this proceeding and "assist the Council in resolving the issues in the case." Id.

### CONCLUSION

For all of these reasons, Cellco respectfully requests that the Council deny Mr. Edelson's Request for Party Status.

Respectfully submitted,

CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS

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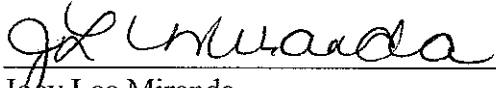
Its Attorneys

**CERTIFICATION**

I hereby certify that on the 9<sup>th</sup> day of April 2008, a copy of the foregoing was sent via electronic mail and mailed, postage prepaid, to:

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