

October 22, 2008

**BY FACSIMILE & REGULAR MAIL**

Hon. Daniel F. Caruso, Chairman  
and Members of the Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: Docket No. 366 - Response to City's Request for a Continuance

Dear Chairman Caruso and Members of the Council:

We are in receipt of the City of Danbury's October 20th correspondence and its October 22, 2008 Expedited Request for a Continuance. It is our understanding that the City seeks confirmation in advance of the October 28th continued public hearing in this Docket that the hearing process will be left open and not scheduled to recommence for at least another thirty days (i.e. in December after the Thanksgiving Holidays). The basis of the City's request is an "irreconcilable difference" with its own consulting radiofrequency engineer and the desire to retain someone else.

We understand that the Siting Council will consider the City's request tomorrow. As such, we are writing to provide you with our clients' position on the continuance request. In this regard, we suspect that the Council will allow the City time to retain another consultant more to its liking and grant some form of continuance as part of the public hearing process. While our clients are not objecting to the concept of a continuance after the October 28<sup>th</sup> public hearing, we do wish to bring other procedural matters to the Council's attention in considering how long of a continuance to grant and under what conditions such a continuance might be granted.

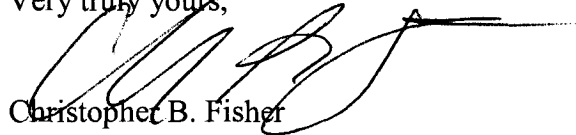
The deadline for a decision in this Docket is December 29, 2008. While the Council may ask the applicants for consent for further time to reach a decision, we believe it would be inequitable to do so based on the City's inability to present their case. Further, we are concerned that without some limitation here, the City may delay in retaining a consultant and seek further continuances.

As such, we believe all parties should use their efforts to be efficient at next Tuesday's hearing to get through as much of the Applicants' and City's cases as is possible. Further, that the hearing be continued to a date certain the week of November 24<sup>th</sup> just prior to the Thanksgiving Holiday which gives the City more than 30 days from the date they parted ways with their consultant to find another and prepare for the continued hearing. Presuming the hearing process can be completed at a third hearing and the Council provides its customary 30 day post close of hearing comment period, that would still bring us nearly to the end of the timeline for a decision under Statute.

Given all of the above, we recognize that some form of extension of time will likely be requested by the Council in order for it to render a decision in this Docket. Our clients nevertheless rightfully believe that the City should be compelled to put on and complete their case by year end with or without another consultant who may be prepared to testify at the "level and substance" that the City desires in opposing this project. This in order to minimize the time needed for the Council to reach a decision in the Docket. As such, we are requesting that the Council, in granting any continuance to the City, specifically continue the hearing to a date certain that will allow for the public hearing and comment period (which can be shorter than 30 days) to be completed by year end regardless of whether or not the City successfully retains another consulting engineer.

Thank you for your consideration in this regard.

Very truly yours,



Christopher B. Fisher

cc: Derek Phelps, CSC Executive Director  
Charles Regulbuto, Optasite  
Hans Fiedler, T-Mobile  
Lucia Chiochio, Esq.  
Service List