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Via Electronic Mail and Hand Delivery

August 6, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051


Re: **Docket No. 374 - Application of Celco Partnership 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**

Dear Mr. Phelps:

Enclosed are an original and twenty (20) copies of Celco Partnership d/b/a Verizon
Wireless' Objection to Party Susan Edelson Comments on the Draft Findings of Fact
in connection with the above-referenced proceeding.

Please feel free to contact me if you have any questions or require additional
information. Thank you.

Sincerely,



Joey Lee Miranda

Enclosure

Copy to: Parties and Intervenors of Record
Sandy M. Carter



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STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

IN RE: :
: :
APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 374
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 : AUGUST 6, 2009

**APPLICANT'S OBJECTION TO PARTY SUSAN EDELSON COMMENTS
ON THE DRAFT FINDINGS OF FACT**

Cellco Partnership d/b/a Verizon Wireless ("Cellco" or "Applicant") hereby objects to Party Susan Edelson Comments on the Draft Findings of Fact in connection with the above-referenced proceeding. As set forth more fully below, Ms. Edelson's comments, in part, submit new information and raise new issues in direct contravention of the Connecticut Siting Council's ("Council") directives and, in other circumstances, are not supported by the record. Therefore, Cellco objects to the requested findings.

BACKGROUND

On January 23, 2009, Cellco filed an Application ("Application") with the 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 ("Farmington N2 Facility").¹ The Council conducted an evidentiary and public hearing on the Application on May 14, 2009. (May 14, 2009 Transcript (afternoon) ("TR1") at 3; May 14, 2009 Transcript (evening) ("TR2") at 3). At the conclusion of

¹ The Facility proposed in the Application is the same Facility that was the subject of Docket No. 356, which was withdrawn.

the hearing, the Council informed those present, including Ms. Edelson, that:

The Council will issue draft findings of facts. And thereafter, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of facts and the record; *however, no new information, no new evidence, no argument, and no reply briefs without the Council's permission will be considered* by the Council.

TR. 2 at 122-23 (emphasis added).

By memo, dated July 20, 2009, the Council issued its Draft Findings of Fact, to each of the participants in this proceeding and notified participants that the Draft Findings were being issued to "identify errors or inconsistencies between the Council's draft findings of fact and the record; however, *no new information, evidence, argument, or reply briefs will be considered* by the Council." Memo, dated July 20, 2009, from S. Derek Phelps to Parties and Intervenors (emphasis added). On or about July 24, 2009, Ms. Edelson submitted her comments on the Draft Findings of Fact ("Edelson Comments"). For the reasons set forth more fully below, Celco hereby objects to the admission of certain of the requested findings.

ARGUMENT

I. Ms. Edelson Seeks To Introduce New Information/Evidence In Contravention Of The Council's Directives.

Despite having been informed on *two* separate occasions that she was not permitted to introduce new information/evidence when commenting on the Council's Draft Findings of Fact, Ms. Edelson submitted a new argument and supporting exhibit for the Council's consideration. *See* Edelson Comments ¶ 9 and Exhibit D. Ms. Edelson includes Exhibit D in her comments to support her position that the Fisher Family Farm (n/k/a the Simmons Family Farm) is listed as a historic resource with the Town of Avon. *See* Edelson Comments ¶ 9. Although Ms. Edelson fully participated in this proceeding, including submitted pre-filed testimony and exhibits and participating in the Council's hearing, Ms. Edelson never asserted that the Simmons Family

Farm was listed as a historic resource in the Town of Avon. Moreover, although Ms. Edelson submitted more than 35 exhibits into the record, she never sought to admit Exhibit D to the Edelson Comments.

The evidentiary record in this proceeding closed on May 14, 2009. Nevertheless, this is the *third* time that Ms. Edelson has sought to introduce new evidence into the record after the close of the hearing. Although the Council has previously admitted Ms. Edelson's untimely materials, in this case, the new information is not only untimely but also directly contravenes the Council's directives. Accordingly, Cellco objects to its admission and consideration by the Council. Moreover, since there is no evidence in the record to support Ms. Edelson's requested finding, Cellco objects to such a finding.

II. Ms. Edelson Seeks To Make Revisions That Have Absolutely No Evidentiary Support In The Record And That, In Some Cases, Are Inaccurate.

Ms. Edelson also seeks to make revisions to the Council's draft Findings of Fact without *any supporting evidence* in the record. For instance, Ms. Edelson seeks to modify draft Finding of Fact 12 to indicate the direction of the public notice sign posted at the Simmons Family Farm prior to the hearing. *See* Edelson Comments ¶ 2. No evidence was submitted into the record to support such a finding. Accordingly, Cellco objects to the requested finding.

Ms. Edelson also seeks to alter draft Finding of Fact 17 to indicate that the Department of Environmental Protection only provided comments on the Docket No. 356 application after she personally solicited such comments. *See* Edelson Comments ¶ 3. First and foremost, this is inaccurate. *See* Docket No. 356, Memo from S. Derek Phelps to State Agencies requesting comments on Application; Docket No. 374, Memo from S. Derek Phelps to State Agencies requesting comments on Application. In addition, there is absolutely *no evidence* in the record to support such a finding. Accordingly, Cellco objects to the requested finding.

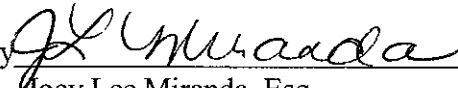
Ms. Edelson also seeks to revise draft Finding of Fact 46 to provide further detail regarding the Farmington Polo Ground property and to indicate that a monopole or facility camouflaged as a flag pole would blend well in the area of the Farmington Polo Grounds. See Edelson Comments ¶ 6. Once again, there is absolutely *no evidence* in the record to support such a finding. Accordingly, Cellco objects to the requested finding.

Ms. Edelson also seeks to change draft Finding of Fact 50 to indicate that future tenants at the Simmons Family Farm property may not wish to have a telecommunications facility present on the property. See Edelson Comments ¶ 8. Again, there is absolutely *no evidence* in the record to support such a finding. Accordingly, Cellco objects to the requested finding.

CONCLUSION

For all the foregoing reasons, Cellco hereby objects to Party Susan Edelson Comments on the Draft Findings of Fact in connection with the above-referenced proceeding.

Respectfully submitted,
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

By 
Joey Lee Miranda, Esq.
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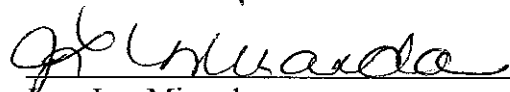
Its Attorneys

CERTIFICATION

I hereby certify that on the 6th day of August 2009, a copy of the foregoing was sent via electronic mail and mailed, postage prepaid, to:

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Joey Lee Miranda