

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

In Re:

APPLICATION OF SBA TOWERS II, LLC ("SBA") FOR A
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT ONE OF TWO
ALTERNATE SITES AT RABBIT HILL ROAD IN
WARREN, CONNECTICUT

DOCKET: 378

June 9, 2009

**MOTION BY CROWW TO REJECT SBA'S VOLUNTARY WITHDRAWAL
AND TO DISMISS SBA'S APPLICATION WITH PREJUDICE**

The letter from SBA's legal counsel of June 8, 2009 summarily withdrawing its certification application abuses the jurisdiction and process of the Connecticut Siting Council and the rights of all parties and intervenors who have participated in good faith in this proceeding, in order to further its own land speculation activities without any regard for the injury and costs to other participants in Docket 378. This conduct and strategy should not be tolerated.

CROWW now moves the Siting Council to dismiss SBA's pending application in Docket 378 with prejudice on grounds of bad faith and unclean hands, in light of its earlier insistence that the hearing not be postponed, and with a direction to SBA to reimburse all other parties and intervenors for their reasonable out-of-pocket costs and legal expenses.

In addition to the bad faith of SBA's sudden about-face in the middle of a pending hearing, CROWW refers the Council to the additional grounds to dismiss set forth in its

accompanying Brief of CROWW in Further Support of its Motion to Dismiss,
incorporated herein by reference.

Respectfully submitted,

_____/s/_____
Gabriel North Seymour
Juris No. 424367
200 Route 126
Falls Village, CT 06031
Tel: 860-824-1412
Fax: 860-824-1210
Email: certiorari@earthlink.net

_____/s/_____
Whitney North Seymour, Jr.
Counsel *pro hac vice*
425 Lexington Avenue, Room 1721
New York, NY 10017
Tel: 212-455-7640
Fax: 212-455-2502
Email: wseymour@stblaw.com

Counsel to CROWW

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing Motion by CROWW to Reject SBA's Voluntary Withdrawal and to Dismiss SBA's Application With Prejudice was served on the Connecticut Siting Council by first class mail and copy of same was sent postage prepaid to:

Carrie L. Larson, Esq., Pullman & Comley, LLC
90 State House Square, Hartford, CT 06103-3702

Christopher B. Fisher, Esq., Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor, White Plains, NY 10601

Kenneth Baldwin, Esq., Robinson & Cole LLP
280 Trumbull Street, Hartford, CT 06103-3597

Hon. Mark E. Lyon, First Selectman, Bryan Memorial Town Hall
P.O. Box 383, Washington Depot, CT 06794

Hon. Jack Travers, First Selectman
Warren Town Hall, 7 Sackett Hill Road, Warren, CT 06754

Ray and Mary Ellen Furse, 26 Jack Corner Road
Warren, CT 06777

Hon. F. Philip Prelli, Commissioner, Department of Agriculture
165 Capitol Avenue, Hartford, CT 06106

David H. Wrinn, Esq., Assistant Attorney General
55 Elm Street, P.O. Box 120, Hartford, CT 06141-0120

Susan Payne, Chairperson, Conservation Commission
Town of Washington, Bryan Memorial Town Hall
P. O. Box 383, Washington Depot, CT 06794

Diane Dupuis, Chair, Cell Tower Committee
Conservation Commission, Bryan Town Hall
P. O. Box 383, Washington Depot, CT 06794-0383

_____/s/_____
Gabriel North Seymour
June 9, 2009