

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF SBA TOWERS II, LLC
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, WARREN, CONNECTICUT**

DOCKET NO. 378

Date: May 5, 2009

OBJECTION TO REQUEST FOR EXTENSION OF TIME

The applicant, SBA Towers II, LLC ("SBA") respectfully submits this objection to the request for postponement of the second hearing date on this docket currently scheduled for June 2, 2009 submitted by the Concerned Residents of Warren and Washington ("CROWW"). SBA objects to this request as follows:

1. On February 27, 2009, SBA Towers II, LLC ("SBA") filed this application for a certificate of environmental compatibility and public need in connection with the proposed construction and operation of a telecommunications facility located at one of two sites on Rabbit Hill Road in the Town of Warren (the "Property").
2. The Council scheduled the public hearing concerning this docket for May 21, 2009.
3. In accordance with pre-hearing procedures, the Council staff held a pre-hearing conference on this docket on April 22, 2009. Attorney Gabriel North Seymour, the legal representative of CROWW, was present during the pre-hearing conference. At that time, Council staff announced that, given the number of parties involved in this docket, that June 2, 2009 had been designated as the continuation date for this hearing. At that time, no party indicated any scheduling conflict with the June 2nd continuation date.

4. In fact, based upon the concerns raised by several parties, including CROWW, staff recommended and the Council voted to extend the pre-filing date for several parties, including CROWW, to May 26, 2009 in anticipation that CROWW's case would be presented on the June 2, 2009 hearing date. Again, no party or intervenor, including CROWW, objected to this proposed scheduling.

5. On April 28, 2009, CROWW filed a request to have a second attorney, Whitney North Seymour, Jr. admitted *pro hac vice* in this docket on behalf of CROWW. To date, no party has filed an objection to this motion.

6. On April 28, 2009, CROWW also filed a request to continue the June 2nd hearing date because of a scheduling conflict of Attorney Gabriel North Seymour.

7. CROWW provides no explanation as to why the June 2nd hearing could not be handled by its proposed second attorney, Whitney North Seymour, Jr.

8. SBA objects to the request to re-schedule June 2, 2009 continued hearing date filed by CROWW as it will unfairly prejudice SBA and unduly delay the proceedings in this docket.

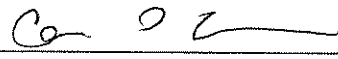
9. Assuming Attorney Whitney North Seymour, Jr. is admitted in this proceeding by the Council at its May 7, 2009, he is available to serve as the legal representative on the June 2nd hearing date. Therefore, CROWW will not be unduly prejudiced by maintaining the June 2, 2009 continued hearing date.

10. Unlike a court of law, the Council does not operate on a full time schedule and therefore does not have the liberty to reschedule hearing dates at will. Given the number of parties involved, this docket will likely require at least a third hearing date beyond the two scheduled.

CONCLUSION

Based on the foregoing, assuming that the Council approves CROWW's request to have Attorney Whitney North Seymour admitted *pro hac vice* in this docket, CROWW's request for a continuation of the June 2, 2009 continued hearing date should be denied.

Respectfully Submitted,

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Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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