

January 29, 2010

BY EMAIL & FIRST CLASS MAIL

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

Re: AT&T - Docket 383
Application for Certificate of Environmental Compatibility and Public Need
316 Perkins Road, Southbury, Connecticut

Dear Chairman and Members of the Council:

On behalf of New Cingular Wireless PCS, LLC ("AT&T") enclosed please find its motion to reopen the evidentiary hearing in Docket 383. Additionally, and pursuant to Section 16-50p(a) of the General Statutes, our client hereby grants an extension of time for a decision in this Docket to July 19, 2010. Thank you for your consideration of the enclosed and continued review in this Docket.

Very truly yours,



Christopher B. Fisher

cc: Daniel Laub, Esq.
Michele Briggs, AT&T

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR
WIRELESS PCS, LLC (AT&T) FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE
AND OPERATION OF A
TELECOMMUNICATIONS TOWER
FACILITY AT 316 PERKINS ROAD IN THE
TOWN OF SOUTHURY

DOCKET NO. 383

January 29, 2010

MOTION TO REOPEN EVIDENTIARY HEARING
BY APPLICANT NEW CINGULAR WIRELESS PCS, LLC ("AT&T")

The Applicant AT&T hereby moves the Siting Council to reopen the evidentiary hearing on captioned Docket 383. During the proceedings, AT&T demonstrated a need for a new facility in this area of State. Further, that no existing towers, alone or in combination with a new tower site, could meet this need. Additionally, AT&T demonstrated a comprehensive site search for appropriate tower site locations in this area of Southbury near the Roxbury town line. AT&T also conducted analyses of properties as requested by a few members of the public in limited appearances as part of the public hearing process. At this point in time, the record reflects no known alternative sites that are available and which would meet the coverage requirements for a facility to meet the public need for service and which can be incorporated into AT&T's network.

At the Council's initial deliberation on this Docket in early January, some members indicated a desire to learn more information regarding another AT&T proposal in Roxbury Connecticut, a tower site which will be the subject of a Siting Council application in 2010. Additionally, some members questioned whether or not two towers in completely different geographic areas from that of the proposed facility could be a possible coverage solution and one

which would meet the criteria in Section 16-50p of the Connecticut General Statutes. As such, we understand that some consideration was given to "deny without prejudice" the Application.

Our client's preference would be to answer these and any other follow up questions the Council may have as part of a reopened evidentiary hearing in this pending Docket. As the Council is aware, questions related to AT&T's tower proposal in Roxbury and/or a hypothetical two tower site solution for the coverage gap intended to be served by a site in Southbury simply did not come up as part of the evidentiary record in this Docket. Thus, we believe it appropriate and equitable to the Applicant to allow it to develop a full and complete factual record now and prior to any decision by the Council, even one without prejudice.

While a denial without prejudice would procedurally allow AT&T to refile an application for the proposed tower site in this Docket (presumably after addressing points that would be highlighted in an accompanying opinion from the Council), it would not address the time and economic impacts associated with any such refiling. In contrast, reopening the evidentiary component of the Docket now (one in which there are no other parties or intervenors) would ensure a timely discussion and otherwise economically efficient process for both the Applicant and the Council in order to address questions related to the project that were not asked as part of the hearing. While AT&T fundamentally believes the tower as proposed in this Docket is needed for service to the public and does not involve significant adverse environmental effects, it recognizes there are some additional questions that were not raised as part of the hearing process and would like the opportunity to answer them in a reopened Docket.

Given all of the above, AT&T is moving to reopen the evidentiary portion of Docket 383 so that: (1) Council staff may issue additional interrogatories to AT&T, (2) AT&T may submit supplemental information in support of its Application and (3) the Council may be permitted

further cross-examination of AT&T's witnesses prior to any final decision in the Docket. To effectuate the purposes of this motion, AT&T has also consented to an extension of time for a decision in this Docket through the full 360 day time period provided for by State statute. Thank you for your consideration of this motion.



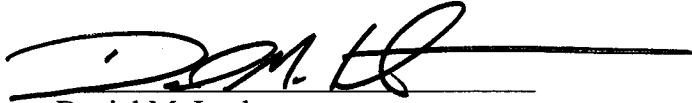
Christopher B. Fisher, Esq.
Daniel M. Laub, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty (20) copies of the foregoing and attached was served on the Connecticut Siting Council by first-class mail with copy also sent via electronic mail.

Dated: January 28, 2010

A handwritten signature in black ink, appearing to read "D. M. Laub", is written over a horizontal line.

Daniel M. Laub
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Attorneys for:
AT&T

cc: Michele Briggs, AT&T