



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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February 11, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 391** - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 232 Shore Drive, Old Lyme, Connecticut.

DOCKET NO. 392 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 387 Shore Road, Old Lyme, Connecticut.

DOCKET NO. 393 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 61-1 Buttonball Road, Old Lyme, Connecticut.

On February 4, 2010, the Connecticut Siting Council (Council) held a public field review of all three sites, an evidentiary hearing for the Docket No. 391 (Self-storage) site, and a public comment session for all three sites. However, the evidentiary record for the Docket 391 self-storage tower proposal remains open for consideration of additional information associated with the height of the tower. Currently, the proposed height of the tower is 100 feet. T-Mobile (Applicant) would locate its antennas at 100 feet, and intervenor Verizon Wireless would locate its antennas at 90 feet.

According to the record for Docket 391, 90 feet is the minimum height that would be feasible for intervenor AT&T. Since the 90-foot and 100-foot positions are not available, AT&T seeks 110 feet for its antenna height. In addition, the Town of Old Lyme seeks to install its municipal antennas at 160 feet according to a Memorandum dated February 2, 2010 that was submitted by the Town at the Docket 391 evidentiary hearing held on February 4, 2010.

Given that the tower proposal has only been noticed for 100 feet, the Council notes that if the Applicant wishes to pursue a taller tower proposal (e.g. 110 feet or 160 feet), adequate notice must be provided and sufficient evidence needs to be submitted into the record to verify its need for such height. In addition, a taller tower will require that additional evidence regarding the environmental impacts be submitted to the Council. In any event, the applicant is asked to clarify the height for which it seeks Council approval, and to ensure sufficient notice is undertaken to facilitate Council consideration of that height.

The Council also requests that T-Mobile provide affidavits regarding the three balloon flights to certify the dates, times and most importantly, the heights at which the balloons were flown. Also, the Council requests that additional information and documentation specifically pertaining to Docket 391 that was requested by the Council during the February 4, 2010 evidentiary hearing be submitted on or before March 4, 2010.

February 16, 2010

The Council will continue the evidentiary portion of this public hearing on March 2, 2010 at 11:00 a.m. in Hearing Room 1 at 10 Franklin Square, New Britain. Please note that this continued evidentiary hearing will begin with Docket No. 392. To accommodate this continued hearing date, the pre-file deadlines for Dockets 391 and 392 are hereby revised from the original date of January 28, 2010 to a new date of February 23, 2010. Revised schedules are attached for your convenience.

SDP/MP

Attachments: Revised Schedules



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DATE: February 16, 2010

TO: Council Members

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Revised Schedule

Application received	10/15/2009
Completeness review	12/18/2009
Pre-hearing Questions	
• Set-One Filed	12/22/2009
• Set-One responses due	01/05/2010
• Set-Two Filed	01/12/2010
• Set-Two responses due	01/26/2010
Joint Pre-hearing Conference D391, D392, D393(10 a.m.)	01/06/2010
Interrogatory Exchange between Participants	01/21/2010
Pre-filed testimony due	01/28/2010
Deadline to request Party/Intervenor status	02/23/2010
Joint Field Reviews D391, D392, D393 (begin 1:00 p.m.)	02/04/2010
Joint Hearing D391, D392, D393 (3:00 p.m. & 7:00 p.m.)	02/04/2010
Pre-filed testimony due	02/23/2010
Continued Hearing D391 and D392	03/02/2010
Close of Record	TBD
Draft Findings of Fact	TBD
Draft Findings of Fact, Opinion & Decision & Order	TBD
Deadline for Decision	04/13/2010
180-day extension date	10/11/2010

Michael Perrone
Siting Analyst

c: Lisa Fontaine, Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	T-Mobile Northeast, LLC	Julie D. Kohler, Esq. Monte E. Frank, Esq. Jesse A. Langer, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax jkohler@cohenandwolf.com mfrank@cohenandwolf.com jlanger@cohenandwolf.com
Intervenor <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Intervenor <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com
Party <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Old Lyme	The Honorable Timothy C. Griswold Office of the Selectmen Town of Old Lyme 52 Lyme Street Old Lyme, CT 06371 firstselectman@oldlyme-ct.gov