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June 15, 2010

DELIVERY BY FEDEX
Connecticut Siting Council
State of Connecticut
Ten Franklin Square
New Britain, CT 06051

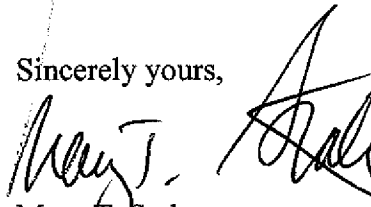
Attn: S. Derek Phelps, Executive Director

Re: 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

Dear Council Members:

As an interested party to this proceeding, and pursuant to the revised hearing schedule, I hereby submit these supplemental responses to questions asked by T-Mobile and the Counsel during cross-examination.

Sincerely yours,



Mary T. Staley

cc: Melanie A. Bachman, Staff Attorney (via email service)

Enclosures

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

RE: APPLICATION BY T-MOBILE NORTHEAST, LLC
FOR A CERTIFICATION OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
AT 387 SHORE ROAD IN THE TOWN OF
OLD LYME, CONNECTICUT

DOCKET NO. 392

Date: June 15, 2010

**SUPPLEMENTAL RESPONSE TO QUESTIONS
ASKED BY T-MOBILE AND THE COUNCIL
DURING CROSS-EXAMINATION**

At the hearing held on April 20, 2010, counsel for T-Mobile and members of the Council raised several issues that warrant supplemental responses as follows:

(1) PUBLIC SAFETY ISSUE

A suggestion was made at the hearing by the Council that public safety would be at risk if the applicant's facility were not put in to place at the 387 Shore Road location (the so-called "Laundromat facility").

First, contrary to the unsupported assertion, no evidence exists on the record of this proceeding that public safety would be at risk if this facility were not built. T-Mobile's application does not indicate that public safety is the principal or even a subsidiary reason for construction of this facility. The application makes clear that the principal reason for the construction of this facility was for the benefit of Am-Trak.

Second, public safety issues that have been raised by Old Lyme officials relate to other proposed facilities, not the Laundromat facility. The record of this docket should not be confused with statements or evidence in other dockets.

Third, if public safety were at issue, it would be expected that at least one individual or government entity would have expressed support for this facility. Not a single party has expressed support for this facility. More importantly, every member of the community that has expressed any opinion on this has been opposed to the construction of the Laundromat facility.

Fourth, if public safety were at issue, one would expect that other carriers would be interested in being added to this facility. No other carrier has asked to join in on the Laundromat facility.

In conclusion, public safety concerns are not at issue for this particular facility. If public safety were truly a concern, then certainly those issues should be publicly vetted and discussed. Public Safety should not, however, be used as a spectre or a McCarthy-style scare tactic to stop a debate on whether this facility is in the overall interest of the public or if it is simply a matter of ease and convenience for T-Mobile.

(2) INDUSTRIAL AREA

A claim was made at the hearing by Counsel for T-Mobile that the proposed location of the Laundromat facility is an industrial area. Photographs of the Laundromat were relied upon to support this claim.

First, the photographs that T-Mobile has placed on the record are at best misleading, if not purposefully distortive and prejudicial. These pictures were taken from a close-up perspective and obviously not taken from the view of the residences in the Point O' Woods community, that is, the community most directly impacted by this proposed facility.

Second, photographs taken of the area and proposed facility from the perspective of the residents make clear that the area as a whole is pastoral and rural. See Attachment (four photographs taken from the Point O' Woods community and one taken from the main road of the float balloon).

Third, the alleged "industrial" location contains a laundromat, an ice cream store and a convenience store. These type of operations are not industrial by nature. Moreover, these small commercial operations are extremely limited by nature, are there to serve the needs of local residents, and certainly do not dominate the overall landscape of the area.

Fourth, the Point O' Woods community itself is all residential. There are no commercial operations within the community. To claim that summer residents would buy or rent property in an area that is industrial suggests at best that T-Mobile is completely unfamiliar with the area or at worst suggests that T-Mobile is attempting to place misleading or prejudicial information on the record of this proceeding.

In sum, hundreds of residents and visitors come to Point O' Woods every summer as a retreat. People come because it is a bucolic, restful location on Long Island Sound away from the intrusions of urban chaos. The proposed facility would certainly be disruptive of this refuge and is not in keeping with the community as a whole, or even with the limited commercial operations in this discrete location.

(3) ADVICE FROM INDEPENDENT EXPERTS

A question was raised by Counsel for T-Mobile at the hearing whether experts, such as Radio-Frequency ("R-F") Engineers or real estate appraisers, had been hired to assess the effects of T-Mobile's application.

First, T-Mobile's own paid experts are naturally biased in favor of the party that they are representing, as would any paid consultant, thereby limiting the credibility and the utility of the testimony. The more pertinent question is whether a private individual should be required to bear the burden of the significant expense involved in hiring engineers, appraisers or other experts to evaluate independently the merits of T-Mobile's application or whether the government agency that is in the position of representing the interests of the public at large as an independent fact-finding body is in a better position to secure the opinion of unbiased experts. As such, it should be the task of the Council to consult with independent engineers, appraisers or other relevant experts to assess independently the merits of T-Mobile's claims to determine whether T-Mobile's paid experts have accurately portrayed the need for this facility.

Second, in evaluating whether government agencies should accept without question the opinion of paid experts, the recent environmental disaster in the Gulf Coast serves as a relevant example. Should BP's own experts' opinions be the end to an investigation of the extent and nature of property loss? Should private individuals whose property has been devalued by BP's negligence be required to obtain the testimony of oil and gas engineers or other experts to evaluate whether BP should have been more diligent in its protection of the environment? The prominent role played by local, regional and federal officials in that disaster demonstrates that independent evaluation must be made to ascertain the extent and nature of the technical issues involved. Private citizens cannot be expected to bear the burden of refuting corporations who have significant assets at their disposal to procure favorable expert opinions.

In sum, the governmental role as in these regulatory proceedings should be designed to represent the interests of the community as a whole and not to promote the interests of T-Mobile and not to impose unreasonable burdens on the individual members of the community who have uniformly whole expressed their opposition to the Laundromat facility.

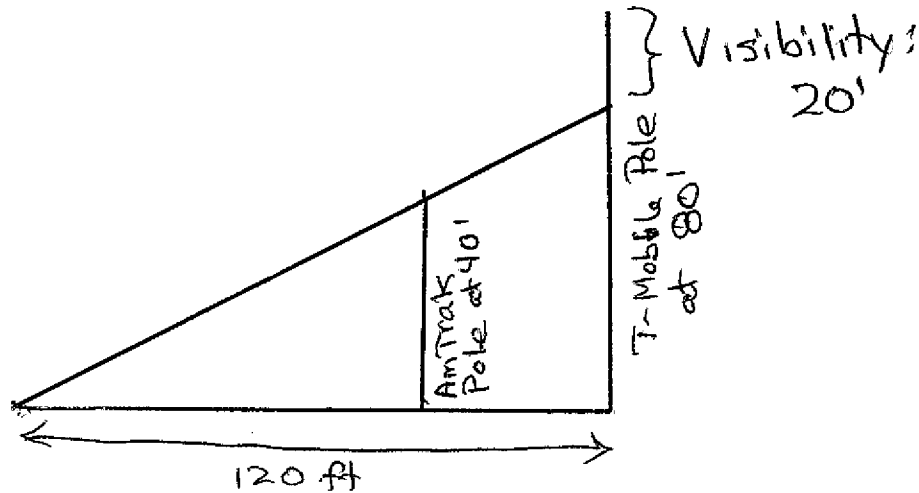
(4) VISIBILITY OF PROPOSED FACILITY

At the hearing, the suggestion was made that the proposed facility would not be particularly visible to property owners and that, as a mathematical principle, AmTrak poles impose the same visual impairment as the proposed 80-foot structure.

First, the Am-Trak poles have been in place for a relatively long period. Thus, current property values already take into account the fact that these slim, relatively unobtrusive poles have been in place for years. These poles are similar in structure and nature to other utility poles that are commonly placed throughout a residential community.

Second, to suggest that an 80-foot structure would not be noticeable from residences that are only relatively a short distance away is not credible. To be of any utility, and in direct contrast to the AmTrak poles, the proposed structure will tower above the tree line in the surrounding area. See Attachment at Photo 5. While the slender AmTrak poles blend in generally with the local trees of similar height and with other utility poles, the proposed facility will be significantly wider in diameter and will rise significantly above the tree line, making it highly visible.

Third, the following diagram depicts the mathematical reference discussed at the hearing. Generally, given that the proposed structure is less than 120 feet from the property at 3 North Road, even if it were assumed that the viewpoint is a regular right triangle, the location of 40-foot AmTrak poles at approximately 80 feet from the property line juxtaposed to the location of the 80 foot proposed facility, puts the line of sight of the proposed facility at approximately 20 feet above the line of site of the AmTrak pole.



In sum, this proposed facility will be clearly and distinctly visible from the Point O'Woods community given that it will be significantly taller than the AmTrak poles, it will be significantly taller than any other structure in the surrounding community, and given that it will be significantly taller than the tree line. As such, it would impose a significant visible impairment and detriment to the community.

Respectfully submitted:


MARY T. STALEY

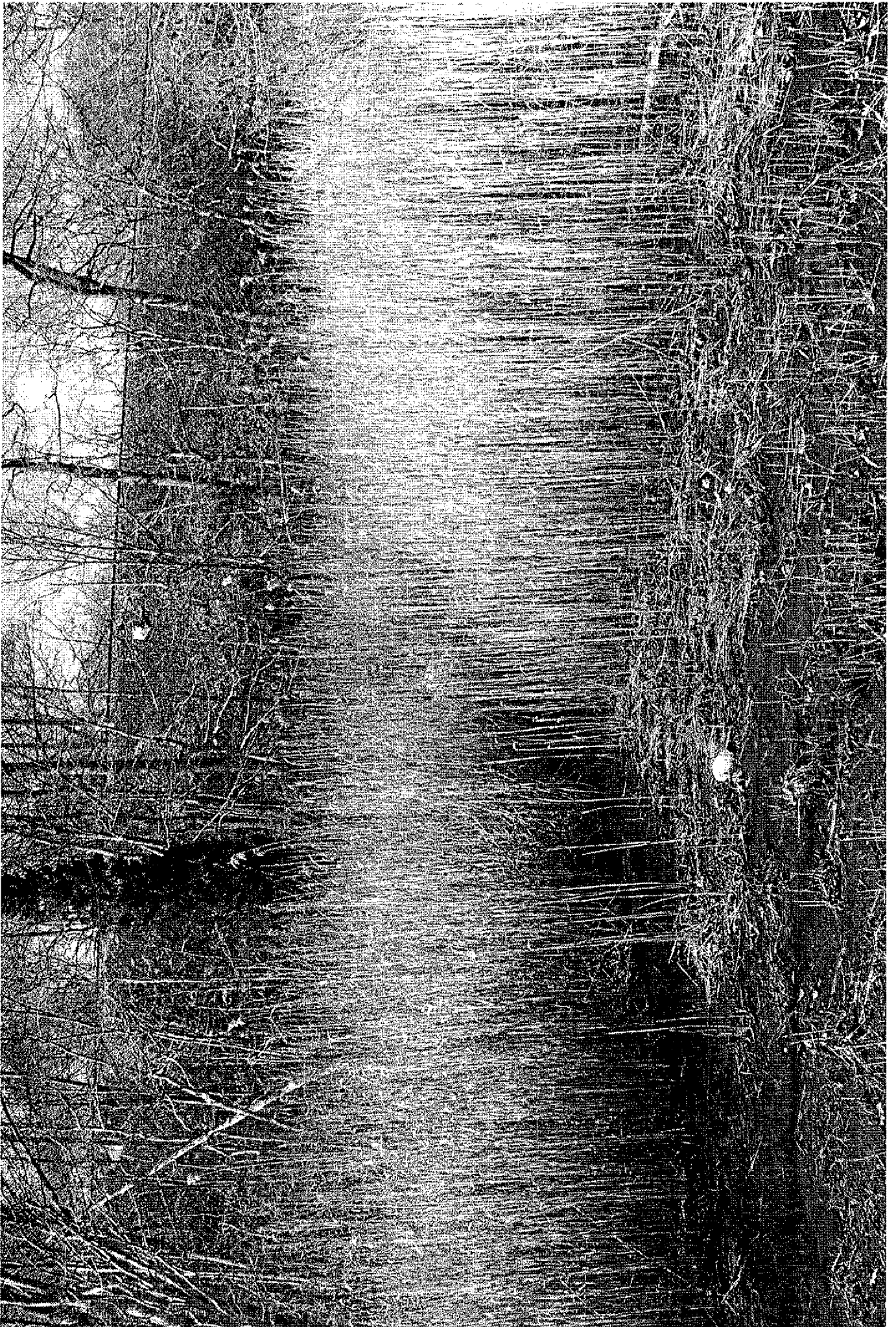
Interested Party to this Proceeding

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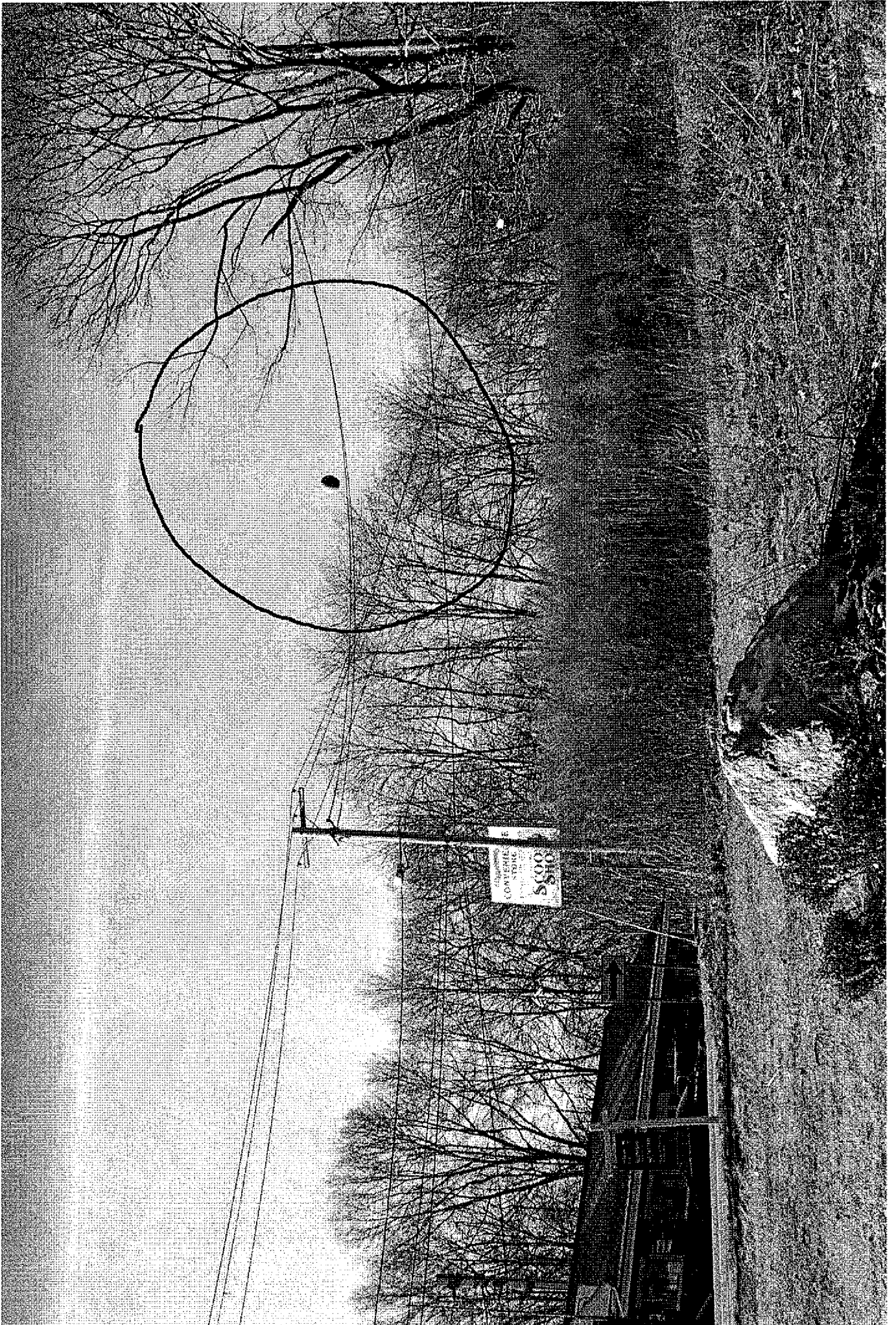
ATTACHMENT











CERTIFICATE OF SERVICE

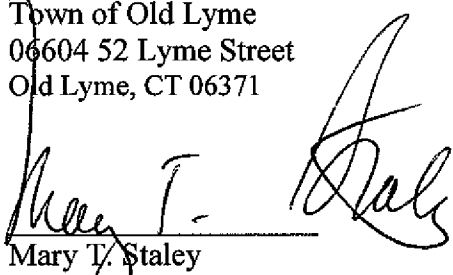
Docket No, 392

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I hereby certify that on June 15, 2010 a copy of the foregoing document was served upon the following by first-class mail, postage prepaid:

Julie D. Kohler, Esq.
Cohen & Wolf, P.C.
1115 Broad Street
Bridgeport, CT

The Honorable Timothy C. Griswold
Office of the Selectmen
Town of Old Lyme
06604 52 Lyme Street
Old Lyme, CT 06371


Mary T. Staley