



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

October 9, 2018

John Throckmorton, Vice President
Municipal Communications, LLC
3495 Piedmont Road NE
Eleven Piedmont Center, Suite 411
Atlanta, GA 30305

RE: **DOCKET NO. 393** – Bay Communications II LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 61-1 Buttonball Road, Old Lyme, Connecticut.

Dear Mr. Throckmorton:

On October 5, 2018, the Connecticut Siting Council (Council) received correspondence from Municipal Communications LLC (MMC) that the above-referenced telecommunications facility was transferred from Bay Communications II LLC (Bay) to MMC in December 2017 and then subsequently transferred from MMC to American Tower Corporation on September 20, 2018.

The Council issued a Certificate of Environmental Compatibility and Public Need (Certificate) for the above-referenced telecommunications facility to T-Mobile Northeast, LLC (T-Mobile) on September 23, 2010. On September 19, 2013, Bay requested the Council to approve the transfer of the Certificate from T-Mobile to Bay, which the Council approved on October 21, 2013.

An inspection of the Council's records reveals that no request to transfer the Certificate in connection with this site has been submitted to the Council since the transfer from T-Mobile to Bay in 2013.

Please be advised that Condition No. 13 of the September 23, 2010 Certificate explicitly states, "This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder\transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder\transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility."

Furthermore, Conn. Gen. Stat. §16-50k(b) states, "A certificate may be transferred, subject to the approval of the Council, to a person who agrees to comply with the terms, limitations and conditions contained therein."

To the extent that such transfer of ownership for this site has already occurred, the Council urges MMC and American Tower Corporation (ATC) to promptly submit a request for the transfer of the Certificate that complies with Condition No. 13 of the Council's September 23, 2010 Certificate and Conn. Gen. Stat. §16-50k(b).



I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Bachman". The signature is fluid and cursive, with the first name "Melanie" being more prominent than the last name "Bachman".

Melanie Bachman
Executive Director

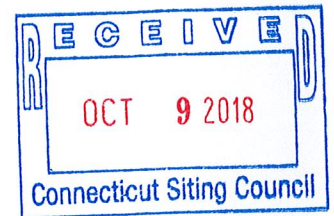
MAB/MP/laf

cc: Gregory Mercier, Esq., American Tower Corporation
Thomas Regan, Esq., Brown Rudnick LLP
Council Members

Municipal LLC Communications

October 5th, 2018

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051



ORIGINAL

To Whom It May Concern,

This letter is in response to correspondence pertaining to Docket No. 393 that did not reach us until October 5th, 2018. A copy of the CSC letter is enclosed for reference. The telecommunications facility in question was transferred from its original owner, Bay Communications ("Bay"), in December, 2017, to our company, Municipal Bay LLC, and subsequently sold to American Tower Corporation on September 20th, 2018.

Based on documentation received from Bay in early 2018, it appears construction of this tower was started after issuance of a building permit from the Town of Old Lyme on November 19th, 2013, and completed prior to the issuance of a Final Inspection from the Town of Old Lyme on January 5th, 2017. We did not receive documentation of the four items requested in the CSC letter: (1) notification of commencement of construction, (2) monthly progress reports, (3) notification of completion of construction and commencement of operation, and (4) final report.

If further information or action is required to remain in compliance with CSC regulations, the new owners can be contacted at:

American Tower
Attn: Regulatory
10 Presidential Way
Woburn, MA 01801

The point of contact is the undersigned at 404-995-1893 or jthrockmorton@municipalcom.com.

Regards,


John Throckmorton
Vice President



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VIA ELECTRONIC MAIL

August 8, 2018

Thomas J. Regan, Esq.
Brown Rudnick LLP
185 Asylum Street
Hartford, CT 06103

RE: DOCKET NO. 393 - Bay Communications II LLC 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. Non-Compliance with Development and Management (D&M) Plan Conditions

Dear Attorney Regan:

Pursuant to Connecticut General Statutes §16-50k, the Connecticut Siting Council (Council) issues Certificates of Environmental Compatibility and Public Need (Certificate) for the construction, operation and maintenance of telecommunications facilities. As a condition of project approval, the Council requires the submission of a full or partial Development and Management (D&M) Plan for Council review and approval prior to the commencement of facility construction pursuant to Sections 16-50j-75 to 16-50j-77 of the Regulations of Connecticut State Agencies (RCSA).

These regulations require certain written notifications and reports before, during and after facility construction. On April 27, 2018, the Council issued a memorandum regarding compliance with the D&M Plan regulations, which may be accessed at the following link: http://www.ct.gov/csc/lib/csc/guides/2018_guides/20180427-industrymemo-dandm.pdf.

The D&M Plan for the above-referenced facility was approved by the Council on April 29, 2011. However, the Council is not in receipt of the following required written notifications and reports:

- 1. Notification of commencement of construction per RCSA §16-50j-77(b);
2. Monthly progress reports per RCSA §16-50j-77(b);
3. Notification of completion of construction and commencement of operation per RCSA §16-50j-77(b); and
4. Final report per RCSA §16-50j-77(c).

Please be advised that the Council has a responsibility under the Public Utility Environmental Standards Act to take all reasonable steps to insure that each facility is constructed, maintained and operated in compliance with the Certificate issued by the Council and may exercise enforcement authority pursuant to Connecticut General Statutes §16-50u.

The Council hereby requests compliance on these matters no later than October 1, 2018. If additional time is needed to gather the requested information, please notify the Council in writing on or before October 1, 2018.

If you have any questions or concerns, please call the Council office at 860-827-2935.

Thank you for your attention to this matter.

Sincerely,

Melanie A. Bachman
Executive Director

MAB/laf



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer



Building Permit Application

TOWN OF OLD LYME
52 Lyme Street
Old Lyme, CT 06371

Phone: (860) 434-1605 (X230)
Fax: (860) 434-4135

Property Address: 61-1 Buttonball Road Map: 8 Lot: 11-1

Owner of Record: Ron Swaney, LLC Phone: 860-434-7224

Mailing Address: 59 Buttonball Road, Old Lyme, CT 06371

- Type of Improvement: 1. new building, 2. pool, 3. addition, 4. alteration, 5. repair/replace
Proposed Use: 1. single family residence, 2. other, describe Tower and related equipment
Demolition checkbox

Selected Characteristics of New Building and/or Addition

dimensions of new structure: 50' wide 50' long 100' AGL high

stories: total square feet floor area (all floors):

Principal type of frame:

- masonry, wood frame, structural steel, reinforced concrete, other
bedrooms, jacuzzi/hot tub, full baths, pool: inground/above ground, partial baths, offices (commercial)

attached garage, detached garage, outdoor parking spaces (commercial), open deck, enclosed porch

Alterations and Repairs to Existing Structure

Describe: Civil work to area shown in plans. Construct 100' AGL unipole and related equipment and utilities.

Contractor Name: Old Colony Construction LLC Address: 10 Bluff Ave., Ste. 121
Telephone: 860-664-8042 License: MCO 0902545

Total Cost of Improvement: \$105,000. PERMIT VALID SIX (6) MONTHS

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS AUTHORIZED AGENT AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS JURISDICTION.

Signature of applicant, Mailing address: Ron Swaney, LLC 59 Buttonball Road, Old Lyme, CT 06371, application date: 11/18/13

Handwritten initials and date: PJ C 11/19/13

FOUNDATION

Plans have been reviewed and found to generally be in compliance with Connecticut Codes which are made a part of this permit and shall take precedence over the drawings.

Permit Number, Date

STRUCTURE

Plans have been reviewed and found to generally be in compliance with Connecticut Codes which are made a part of this permit and shall take precedence over the drawings.

Permit Number 17152, Date 11-19-13

Permit Fee \$1055.00
C/O Fee \$10.00
Educa Fee \$27.30
Total Fees \$1092.30
FEES NOT REFUNDABLE

Building Official signatures and titles for Foundation and Structure sections

TOWN OF OLD LYME
— Inspection Request —

Permit # _____ Owner Swarney LLC

Location 61-1 Buttonball Rd

_____ Tel# _____

When Needed 1/5/17 Time 2:00

Footing _____ Insulation _____

Foundation Coating _____ Fireplace Throat _____

Foundation Drains _____ Sheet Rock _____

Framing _____ House Sewer Line _____

Rough Electric _____ Electrical Trench _____

Rough Heat & Test _____ Temp Electric _____

Rough Plg & Test _____ Perm Service _____

Gas Piping Test _____ (Final CO) Call James - OKV

Generator _____ Wood Stove _____

Other _____ A/C _____

Other _____ Solar _____

Inspected by J. Flower Phone (860) 434-1605 / x 230

Comments _____

This building **MUST NOT** be OCCUPIED in whole, or in part, until a
CERTIFICATE OF OCCUPANCY has been obtained from the Building Inspector.
Violators will be subject to a \$500 per day fine.