

STATE OF CONNECTICUT
SITING COUNCIL

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IN RE: T-MOBILE NORTHEAST, LLC : DOCKET #393
APPLICATION FOR CERTIFICATE :
OF ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR A :
TELECOMMUNICATIONS FACILITY :
AT Buttonball Road, Old Lyme, Connecticut.

CONNECTICUT
SITING COUNCIL

: FEBRUARY 19, 2010

APPLICATION TO INTERVENE

The undersigned, collectively as a Connecticut corporation known as the Black Hall Club, Inc. hereby move and petition the Connecticut Siting Council to become a intervenor in the above application by T-Mobile Northeast, LLC, ("T-Mobile"), for a certificate of environmental compatibility and public need for a telecommunications facility at Buttonball Road, Old Lyme, Connecticut.

Pursuant to Conn.Gen.Stat. §22a-19 ("CEPA"), §16-50n and §4-177a, the Black Hall Club ("Black Hall"), is an entity which has a direct interest in the proceedings which will be specifically and substantially affected as it is a corporation owning the abutting land to the proposed facility and within the line of sight and fall zone of Applicant's proposed facility. Black Hall seeks to intervene in the above proceedings for the purpose of submitting testimony, briefs and other evidence relevant to the consideration of the application under consideration.

Black Hall's participation will be in the interests of justice and is proper under CEPA in that the evidence and testimony to be given will tend to show that the proposed activity for which Applicant seeks a certificate is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut in that, if granted, the proposed facility will, inter alia, unreasonably impair the visual quality of the environment in and about Buttonball Road; and is reasonably likely to cause viewshed

deterioration.

In support of this application, the movant states the following:

1. Black Hall Club, Inc. is a Connecticut corporation consisting, inter alia, of Old Lyme-area residents and members who enjoy the scenic values of the Buttonball area while attending recreational opportunities provided at the Black Hall Club which abuts the proposed facility to the south.
2. Black Hall's members will have a direct line-of-sight view of the proposed tower and the area near the third tee is within the fall zone of the proposed tower.
3. The proposed communications tower is proposed to be located in a residential zone which does not allow for structures in the configuration proposed.
4. Property values in the surrounding neighborhood to the proposed location are closely related to the unspoiled, natural state of the land into which residential homes are interspersed.
5. The height requested is excessive and unnecessary to meet the public need.
6. The design does not incorporate the best available technology for reducing the visual impacts of the facility.
7. There is no need for this facility in that effective wireless communication does exist in the vicinity of the proposed facility and in any event there is no significant gap in coverage necessitating this facility.
8. There exist alternative technology combinations which would better serve any legitimate public need.

Black Hall's application for intervenor status should be granted so that it may

participate and meaningfully assist the Siting Council in its deliberations.

Respectfully Submitted,

Keith R. Ainsworth, Esq.

VERIFICATION

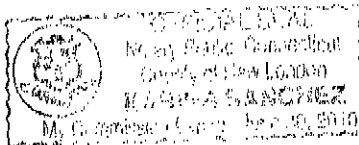
The undersigned, duly authorized, on behalf of the Black Hall Club as a landowner in the vicinity of Buttonball Road in the Town of Old Lyme, duly sworn, hereby verifies that the above application is true and accurate to the best of his knowledge and belief.

John Opoka its President, duly authorized.
John Opoka

Sworn and subscribed before me this 18th day of February, 2010.

KS

Commissioner of the Superior Court KS
Notary Public



Respectfully Submitted,

Black Hall Club

By Keith R. Ainsworth, Esq.
Keith R. Ainsworth, Esq.
Evans Feldman & Ainsworth, L.L.C. #101240
261 Bradley Street
P.O. Box 1694
New Haven, CT 06507-1694
(203)772-4900
(203)782-1356 fax
krainsworth@snet.net

The intervenor requests copies of all filings made in the course of this docket to date and from this date forward and agrees to accept electronic service.

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 19th day of February, 2010 and addressed to:

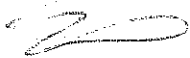
Mr. S. Derek Phelps, Executive Director, Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051 (1 orig, 15 copies, plus 1 electronic).

T-Mobile Northeast, LLC c/o Julie Kohler, Esq., Cohen & Wolf, LLP, 1115 Broad Street, Bridgeport, CT 06604 (203) 368-0211/(203) 394-9901 fax jkohler@cohenandwolf.com

Town of Old Lyme c/o The Hon. Tim Griswold, 52 Lyme Street, Old Lyme, CT 06371

CellcoPartnership - Verizon c/o Kenneth C. Baldwin, Robinson & Cole, LLP, 280 Trumbull Street, Hartford, CT 06103-3597

New Cingular (AT&T) c/o Daniel Laub, Esq., Cuddy & Feder, LLP, 445 Hamilton Avenue, 14th Floor, White Plains, NY 10601



Keith R. Ainsworth, Esq.