

JULIE D. KOHLER

PLEASE REPLY TO: Bridgeport
E-Mail Address: jkohler@cohenandwolf.com

July 28, 2010

VIA E-MAIL AND FEDERAL EXPRESS

Mr. S. Derek Phelps
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: T-Mobile Pending Matters / Fees

Dear Mr. Phelps:

I write in response to your letter, dated July 23, 2010, regarding the outstanding fees for certain T-Mobile matters that were pending before the Connecticut Siting Council ("Council"). The Council has taken the position that it will not act on those matters currently pending before it until T-Mobile has paid all outstanding fees. Although the Council may levy such fees, there is no legal authority to stay T-Mobile's matters pending before the Council.

Pursuant to General Statutes § 16-50v (d), the Council may assess fees to process an application for certificate. If there is a hearing on such an application, the Council may assess an applicant during the proceeding or thereafter for all expenses of the Council in connection with the review of, hearing on and decision on such application, including the expenses of any consultant employed by the Council pursuant to General Statutes § 16-50n (d).

The statutory provisions governing the Council also afford the Council certain powers when such fees are unpaid. According to General Statutes § 16-50v (i), the Council may charge late fees or penalties at the rate of one and one-half per cent per month against invoiced amounts not received by the Council within 30 days after the due date shown on the Council's invoice.

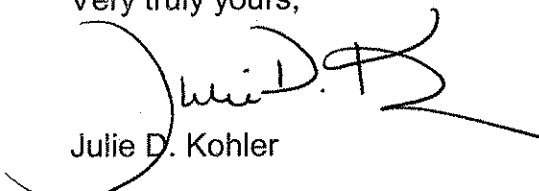
Section 16-50v does not afford the Council any other powers, particularly the extraordinary authority to table all pending T-Mobile matters. Nor does the Administrative Procedure Act afford the Council any such authority. Moreover, as you recognized in your letter, such action would directly contravene the Council's obligations to abide by the "shot clock" pursuant to 47 U.S.C. § 332 (c)(7)(B) and the Declaratory Ruling issued by the Federal Communications Commission in Wireless Telecommunications Docket 08-165.

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Accordingly, T-Mobile requests that the Council take up T-Mobile's pending matters during the Council's next agenda on July 29, 2010. Although T-Mobile endeavors to cooperate with the Council in each and every docket, and has done so, T-Mobile cannot grant the Council the 90 day extension of time it has requested to issue a decision in Docket 399.

T-Mobile assumes its obligations with the utmost sincerity and commitment. It has already paid most of the outstanding fee, and the remaining amount will be tendered shortly.

Very truly yours,


Julie D. Kohler