



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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April 22, 2019

Gordon M. Ridgway
First Selectman
Town of Cornwall
P.O. Box 97
Cornwall, CT 06753

RE: **DOCKET NO. 402** – Blue Sky Tower Partners, LLC Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 16 Bell Road Extension, Cornwall, Connecticut.

Dear First Selectman Ridgway:

The Connecticut Siting Council (Council) is in receipt of your correspondence, dated April 1, 2019, expressing disappointment that another extension of construction was granted to Blue Sky Tower Partners, LLC (Blue Sky) for the above-referenced telecommunications facility. In the April correspondence, the extension of construction time is characterized as “postponing activation of this facility.” This is inaccurate. Activation of a facility requires the equipment of a licensed telecommunications carrier to be installed on the tower to provide cellular service. The Council cannot force a telecommunications carrier to install equipment on a tower.

Cellco Partnership d/b/a Verizon Wireless (Verizon) submitted an application for a Certificate of Environmental Compatibility and Public Need (Certificate) for the above-referenced telecommunications facility on May 6, 2010. The Council held a public hearing on the application on July 20, 2010 and rendered a decision to grant Verizon a Certificate to construct the tower and install equipment on the tower to provide cellular service on October 25, 2010. Due to changes in its tower construction program and budget, on January 6, 2012, Verizon requested an 18-month extension for construction that was granted by the Council.

On September 6, 2012, Verizon submitted a Development and Management Plan (D&M Plan), or construction plans, consistent with the Council’s final decision for the facility. The Council approved the D&M Plan on October 18, 2012. Due to changes in its tower construction program and budget, on July 23, 2013, Verizon requested a second 18-month extension for construction that was granted by the Council.

On September 18, 2014, Verizon requested a transfer of the Certificate to Construction Services of Branford, LLC (CSB) and an extension for construction, which were approved by the Council on September 19, 2014. CSB commenced construction of the tower. On December 9, 2014, Blue Sky requested a transfer of the Certificate from CSB to Blue Sky, which was approved by the Council on January 23, 2015. Despite the transfer of Certificate to another entity, Verizon remained authorized to install its equipment on the tower to provide cellular service. There is no correspondence in the record of this matter from Verizon indicating it abandoned its plans to install equipment on the tower to provide cellular service.

Unlike Verizon, which is a licensed telecommunications carrier that provides cellular service, CSB and Blue Sky are tower building companies. CSB and Blue Sky are not licensed telecommunications carriers that provide cellular service. CSB and Blue Sky market their tower assets to licensed telecommunications providers, among other entities such as emergency communications, radio communications or commercial communications, for installation of equipment on the tower to provide cellular and other types of communications services.

In its two requests for extension of construction, Blue Sky affirmatively states, "We are mindful of the preferences of the Town of Cornwall with respect to provision of wireless services in the area, and we are working diligently to fulfill the promise of same afforded by the completion of the project." **Unfortunately, as indicated earlier in this correspondence, neither Blue Sky nor the Council can force Verizon to install their equipment on the tower as originally planned when Verizon submitted the application to the Council for a Certificate in 2010.**

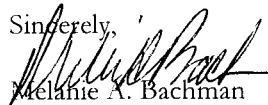
Please be advised that had the most recent extension for construction not been granted, in accordance with the Council's final decision to grant Verizon a Certificate for the facility, Blue Sky would be required to dismantle the tower facility and remove all associated equipment or reapply to the Council for any continued or new use.

Condition No. 8 of the Council's Decision and Order for this facility states:

Unless otherwise approved by the Council, **if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier** providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), **this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council** before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable. (Emphasis added).

Counsel for Blue Sky and Verizon are copied on this correspondence in the event that these entities intend to directly address the Town of Cornwall's concerns or provide a more detailed response as to the status of this facility. However, should a renewed request for extension of construction be submitted by Blue Sky within the next 18 months, at that time, it may be prudent to allow the Certificate to expire and require Blue Sky to dismantle the tower. Certainly, the Town of Cornwall will be notified and kept apprised of any future request for extension or any request from another entity to install equipment on the tower, as well as the Council's decisions thereon.

Thank you for your interest and concern in this important matter.

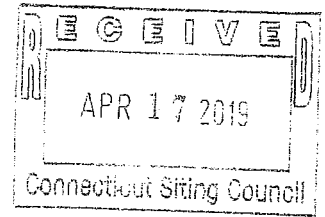
Sincerely,

Melanie A. Bachman
Executive Director

Cc: Kenneth Baldwin, Esq., Verizon Wireless
James Rech, President, Blue Sky Towers

00402

TOWN OF CORNWALL

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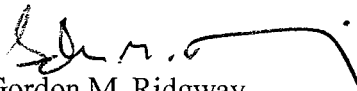
April 1, 2019

Ms. Melanie A. Bachman, Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Dear Ms. Bachman:

The Cornwall Board of Selectmen is disappointed that another extension was granted to Blue Sky Tower Properties LLC postponing activation of its facility on Bell Road in Cornwall, CT. It is the Board's belief that activation of the tower will be of public benefit and should be enforced by the Siting Council.

Sincerely,


Gordon M. Ridgway
First Selectman

GMR/lis