

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE: :  
: :  
APPLICATION OF NEW CINGULAR : DOCKET NO. 408  
WIRELESS PCS, LLC FOR A :  
CERTIFICATE OF ENVIRONMENTAL :  
COMPATIBILITY AND PUBLIC NEED :  
FOR THE CONSTRUCTION, :  
MAINTENANCE AND OPERATION OF A :  
TELECOMMUNICATIONS FACILITY AT :  
95 BALANCE ROCK ROAD, HARTLAND, :  
CONNECTICUT : JANUARY 11, 2011

MOTION IN LIMINE

Party Thomas H. Sirman moves, pursuant to the Uniform Administrative Procedure Act, General Statutes §§ 4-166 et seq., General Statutes §§ 16-50g et seq., Regs., Conn. State Agencies §§ 16-50j-1 et seq. and applicable law to preclude the introduction of any additional testimony or other evidence into the record of the public hearing on the captioned matter by the applicant, New Cingular Wireless PCS, LLC.

At the pre-hearing conference held on December 8, 2010 on Docket No. 408, as set forth in the pre-hearing conference memorandum, the parties were instructed to pre-file all testimony and exhibits with the Connecticut Siting Council by January 6, 2011. AT&T attended the pre-hearing conference by its counsel, Cuddy & Feder LLP and voiced no objection to this scheduling order. Party Thomas H. Sirman complied with this direction. Applicant, New Cingular Wireless PCS, LLC, did not, and has failed to pre-file anything

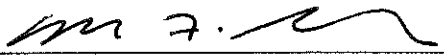
other than a list of five witnesses and five exhibits. The list of witnesses provides the names of the witnesses but no pre-filed testimony has been filed. With respect to the list of exhibits, the first exhibit listed is the application, which has been pre-filed but which fails to contain critical information relating to an alternate location recently proposed by AT&T. The second exhibit listed, described as "AT&T Bulk Filing dated October 10, 2010," has not been pre-filed, but apparently has been in existence for at least three months. The third through fifth exhibits listed are the AT&T responses to the interrogatories filed by the Siting Council, Party Sirman, and Party Town of Hartland, which have been pre-filed but which are of limited utility in preparing for cross-examination because AT&T does not disclose the witnesses or sources of information it used in formulating its responses.

As described by the Siting Council, the purpose of the public hearing is to "provide the applicant, parties, and intervenors an opportunity to present exhibits and witnesses, and cross examine positions." This purpose cannot be fulfilled without the pre-filing of testimony and exhibits. Meaningful cross-examination of the applicant's witnesses can only proceed if the participants in the hearing are apprised in advance of the education, background and experience of the witness, and the content of his or her direct testimony. Meaningful evaluation of the applicant's exhibits and the formulation of objections to them can only occur if the exhibits are available for review and the content of each exhibit is attributed to a witness or a source in advance of the hearing.

For the foregoing reasons, Party Thomas H. Sirman, moves to preclude the introduction

of any additional testimony or other evidence into the record of the public hearing on the captioned matter by the applicant, New Cingular Wireless PCS, LLC.

Respectfully submitted,  
THOMAS H. SIRMAN

By   
David F. Sherwood  
Moriarty, Paetzold & Sherwood  
2230 Main Street, P.O. Box 1420  
Glastonbury, CT 06033-6620  
Tel. (860) 657-1010  
Fax (860) 657-1011  
dfsherwood@gmail.com  
Juris No. 412152  
His Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of January, 2011, a copy of the foregoing document and attachments was sent, first class U.S. mail, postage prepaid, to:

Attorney Lucia Chiocchio  
Attorney Christopher B. Fisher  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601  
lchiocchio@cuddyfeder.com  
cfisher@cuddyfeder.com

Michele Briggs  
AT&T  
500 Enterprise Drive  
Rocky Hill, CT 06067  
Michele.g.briggs@cingular.com

Margaret F. Rattigan  
Murphy, Laudati, Kiel, Buttler &  
Rattigan, LLC  
10 Talcott Notch, Suite 210  
Farmington, CT 06032

Heike Krauland  
64 Balance Rock Road  
East Hartland, CT 06027



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David F. Sherwood  
Commissioner of the Superior Court