

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

**IN RE:**

APPLICATION OF NEW CINGULAR  
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

DOCKET NO. 408

September 1, 2011

APPLICANT NEW CINGULAR WIRELESS PCS, LLC ("AT&T")  
REPLY TO PARTY SIRMAN'S STATEMENT IN OPPOSITION TO  
AT&T'S PETITION FOR RECONSIDERATION OF THE SITING COUNCIL DECISION

New Cingular Wireless, PCS, LLC ("AT&T") by its attorneys, Cuddy & Feder LLP, respectfully submits this reply to Party Sirman's statement in opposition to AT&T's petition for reconsideration of the Siting Council's tie vote decision in this proceeding.


Party's Sirman's statement in opposition to AT&T's motion for reconsideration of the Siting Council's tie vote alleges that AT&T is seeking reconsideration "on the chance that more members in favor of the application might show up at the meeting." That assertion is misplaced.

The good cause shown for reconsideration of the Siting Council tie vote is that the "decision" fails to comply with the legal requirement for a written final decision as a matter of law. As set forth in AT&T's petition for reconsideration, Section 16-50(p)(a)(3) of the Connecticut General Statutes (CGS); Section 4-180(c) of the UAPA and Section 16-50j-32 of the Regulations of Connecticut State Agencies (RCSA) all require that any final decision in a contested case, if adverse to a party, shall include the agency's findings of fact and opinion stating its full reasons for the decision. In Docket 408, these legal requirements have not been met and there have simply been no written Findings of Fact, Opinion and Decision and Order

adopted by the Siting Council in support of either an approval or a denial. As such, the basis for AT&T's petition for reconsideration is to allow the Siting Council to formally adopt a written decision that complies with the legal requirements of CGS §16-50(p)(a)(3); UAPA §4-180(c) and RCSA §16-50j-32 whether that decision is to approve or deny a Certificate. Once these legal requirements for a final agency decision are met, it would in turn permit the Applicant and other parties and intervenors in this proceeding to review and assess the written decision and take any subsequent steps such parties deem advisable.

Accordingly, it is respectfully submitted that good cause has been shown for reconsideration in this proceeding as procedural matter to allow the Siting Council to comply with the legal requirements associated its adoption of a final appealable written decision. As such, AT&T respectfully petitions the Siting Council to reconsider its tie vote decision in this proceeding and adopt a new decision with written findings and an opinion in accordance with law.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was submitted electronically and by hand to the Connecticut Siting Council and to:

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Dated: September 1, 2011



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cc: Jay Perez, AT&T  
Michele Briggs, AT&T  
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