

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

In Re:

SBA TOWERS III/NEW CINGULAR
WIRELESS PCS, LLC APPLICATION FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
LOCATED AT WEWAKA BROOK ROAD
BRIDGEWATER, CONNECTICUT

DOCKET NO. 412

March 30, 2011

AT&T'S OBJECTION TO CERTAIN TESTIMONY OFFERED
AND LEGAL ARGUMENTS ADVANCED BY THE TOWN OF BRIDGEWATER

The Applicants are in receipt of the Town's pre-hearing interrogatories and the Pre-Filed Testimony of Ronald E. Graiff, P.E.. Town Interrogatory 28 to the Applicants and significant portions of the testimony proffered by Mr. Graiff seek to address and compare AT&T's FCC license obligations and associated regulations with how AT&T designs and builds a reliable network in the State of Connecticut.

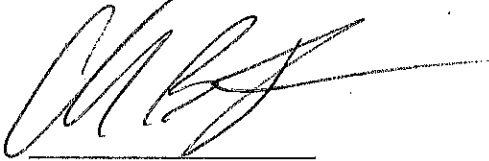
To the extent the Town through its counsel and consultants seek to inquire or introduce testimony and legal argument regarding same, we refer the Council to its prior rejection of such efforts in Docket No. 255 and the court's subsequent decision that dismissed an appeal thereof. See Goldfisher v. Connecticut Siting Council, 2005 WL 589811 (Conn. Super 2005), aff'd, 895 A.2d 286 (2006). As the Council will recall, this exact same technical and legal effort was advanced by Intervenor Goldfisher in Docket 255 with respect to AT&T. That effort was soundly rejected by the Council and noted to be irrelevant to assessing the public need for facilities for purposes of the Siting Council's jurisdiction as set forth in its enabling legislation, the Public Utility Environmental Standards Act, C.G.S. § 16-50i, et. seq.

As such, AT&T objects specifically to Town interrogatory 28 and Mr. Graiff's testimony to the extent it seeks to compare minimum federal licensing standards with wireless carriers' rights to build facilities in the Town of Bridgewater to reliably serve the public. That type of apples to oranges comparison is simply irrelevant for purposes of the Council's review and consideration of the public need for new wireless infrastructure in accordance with Connecticut law. Indeed, we note that such analysis and argument would be completely out of context with U.S. Policy. In his recent State of the Union address, President Obama made bringing the benefits of next generation wireless services to all Americans a national priority and set the goal of "deploy[ing] the next generation of high-speed wireless coverage to 98% of all Americans within the next five years."

AT&T's radiofrequency engineers and counsel will be prepared to address the remaining aspects of Mr. Graiff's pre-filed testimony through cross-examination and we note that the Applicants responses to interrogatories address many if not all of Mr. Graiff's alleged deficiencies.

This is to certify that a true copy of the foregoing was sent electronically and by overnight delivery to the Connecticut Siting Council on this 30th day of March, 2011 with copy to:

Keith R. Ainsworth, Esq.
for Town of Bridgewater
Evans Feldman & Ainsworth, LLC
261 Bradley Street
P.O. Box 1694
New Haven, CT 06507-1594
krainsworth@snet.net

A handwritten signature in black ink, appearing to read 'C. Fisher', written over a horizontal line.

Christopher B. Fisher

cc: Hollis Redding, SBA
Michele Briggs, AT&T