

To: Ms. Linda Roberts,

RE: Docket No 414 - Cellco Partnership d/b/a/ Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 36 Ritch Avenue, Greenwich, Connecticut.

Dear Ms. Roberts,

I would like to include the following comments in the discussion of this application specifically regarding the legal settlement prohibiting additional carriers.

There is no question there is a legal settlement which should be honored. This settlement has been referenced numerous times in correspondence from the Town of Greenwich which have been submitted to the Siting Council. One example is the letter included in my Interrogatories dated September 18, 2008 from the Town of Greenwich which stated "It should be noted that the court settlement for the tower restricted the tower to one carrier only" Diane Fox, the Greenwich Town Planner also said at the Planning and Zoning commission meeting on October 26, 2010 " it's a legal issue, there's no question about that" There is also numerous other correspondence sent to the Siting Council in my Interrogatories dated March 14th, 2011 referencing this legal settlement.

Cellco has tried to circumvent this by saying 1) "The PZC comments and restrictions were never part of any formal stipulation or final judgement by the Federal Court" and 2) "The Cellco project is separate and distinct from the AT&T facility and is not tied in any way to previous agreements or understandings between the Town and AT&T"

Addressing number 1 this is part of a settlement and therefore there would not be any formal stipulation or final judgement. Addressing number 2 the Cellco project is clearly not separate and distinct from the AT&T facility. First of all the proposed tower is 15 feet away for the existing tower and most important AT&T in its Limited Appearance Statement dated March 24, 2011 has stated the conditions for the removal of the existing tower and the conditions for inclusion in the proposed tower. To say this new tower is separate and distinct from the AT&T facility and not tied to previous agreements couldn't be farther from the truth. In a document dated September 18, 2008 which I submitted to the Siting Council, Diane Fox, Director of Planning and Zoning for the Town of Greenwich, stated "It should be noted that the court settlement for the tower restricted the tower to one carrier only" Cellco as well as T Mobile are clearly additional carriers and are in violation of this court settlement.

Therefore, I am asking the Siting Council to be sure this legal agreement which residents have depended upon be honored and reject this application.

Sincerely,

John M. Hartwell
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