

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
: :
APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 416
D/B/A VERIZON WIRELESS FOR A :
CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR :
THE CONSTRUCTION, MAINTENANCE :
AND OPERATION OF A WIRELESS :
TELECOMMUNICATIONS FACILITY AT :
OFF DAY HILL ROAD, BLOOMFIELD, :
CONNECTICUT : AUGUST 25, 2011

APPLICANT’S OBJECTION TO SITING COUNCIL INTERROGATORIES

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) hereby objects to the Connecticut Siting Council’s (“Council”) Pre-Hearing Interrogatories Set 2. As discussed more fully below, the Council’s request for information regarding a parcel leased by Message Center Management (“MCM”) is outside the limited scope of the reopened hearing, which is to evaluate an alternative facility location within the limits of the 10-acre subject parcel. Further, there is no evidence in the Docket No. 416 record that would allow Cellco or the Council to evaluate the MCM alternative parcel, and such an inquiry at this late stage of the Docket No. 416 proceeding is inappropriate. MCM had ample opportunity to present information on its leased parcel to the Council and participate in the Docket No. 416 proceeding, but chose not to do so. Cellco, therefore, respectfully requests that the Council disregard any discussion or evaluation of the MCM leased parcel.

BACKGROUND

On February 11, 2011, Cellco filed an application with the Council for the construction,

maintenance and operation of a wireless telecommunications facility in the southerly portion of a 10-acre parcel south of Day Hill Road in the northern portion of the Town of Bloomfield (the "Property"). Cellco's "North Bloomfield Facility" would consist of a 110-foot monopole tower within a 46' x 76' fenced compound. Cellco would install fifteen (15) antennas at the top of the tower and a 12' x 24' shelter on the ground near the base of the tower. Other than Cellco, no other person or entity sought to intervene in Docket No. 416.

The Council held a duly noticed public hearing on the Docket No. 416 application on June 7, 2011 and closed the hearing that same day. Following the public comment session of the hearing, Council-member Brian Golembiewski asked Cellco to explore with its landlord, River Bend Associates, Inc., whether an alternative cell site location on the Property, further from the residences along Adams Road and Tunxis Avenue might be available for the Council's consideration. Cellco complied with this request and, on July 14, 2011, presented the Council with additional information on an alternative site on the Property, approximately 350 feet north of the original cell site location. On July 14, 2011, Cellco also filed a motion with the Council to reopen the Docket No. 416 hearing for the limited purpose of admitting this additional information into the record and evaluating the proposed alternative site location on the Property.

On or about August 10, 2011, Cellco received a letter from MCM, dated August 9, 2011, regarding a parcel it had leased at 22 Griffin Road South in Bloomfield. MCM attached to this letter limited and very general information on the Griffin Road parcel and the area around the parcel attempting to support its claim that the Griffin Road parcel was a suitable alternative worthy of Cellco's consideration. Rather than making a thorough and complete filing with the Council and seeking intervenor or party status in Docket No. 416, MCM simply sent a copy of its August 9, 2011 letter to the Council's Executive Director, Linda Roberts. On August 16, 2011,

Cellco received Council Pre-hearing Interrogatories Set 2 asking Cellco to evaluate the Griffin Road parcel.

ARGUMENT

I. The Council's Pre-Hearing Interrogatories (Set 2) seeking an evaluation of the MCM leased parcel go beyond the limited scope and purpose of the re-opened hearing on Docket No. 416.

Prior to the close of the Council's June 7, 2011 hearing, Mr. Golembiewski asked Cellco to explore with its landlord whether the Council could consider an alternative cell site location on the Property further from residences along Adams Road to the south and Tunxis Avenue to the west. The property owner agreed to an alternative location approximately 350 feet north of the proposed cell site. Consistent with the Council's authority and evaluation criteria, on July 14, 2011, Cellco filed additional information with the Council, including detailed project plans, a site specific wetlands evaluation and a visibility analysis for the alternative location. Cellco asked the Council to re-open the Docket No. 416 hearing for the limited purpose of evaluating this new information and discussing, with its witness panel, the alternative location presented. The Council's Set 2 interrogatories, seeking the evaluation of an MCM parcel in Bloomfield, go beyond the limited scope and purpose of the reopened hearing.

II. There is no evidence in the Docket No. 416 Record regarding an MCM alternative location that would allow the Council and Cellco to properly and adequately evaluate such an alternative.

The Docket No. 416 record contains no evidence regarding the MCM leased parcel mentioned in the Council's Set 2 interrogatories. For this reason alone, neither Cellco nor the Council can, with any confidence or certainty, determine whether the MCM site actually presents a viable alternative to the two alternative cell site locations on the Property currently under consideration by the Council. With the exception of Interrogatory (Set 2) No. 1 regarding the

location of the Griffin Road parcel within Cellco's search area, it is difficult for Cellco to accurately respond to the Council's Set 2 interrogatories without more precise information. For example, MCM did not produce, in its August 9, 2011 packet, a 2-C Certified Topographic Survey verifying the ground elevation at the MCM leased parcel. Without this information, Cellco cannot accurately prepare propagation maps to determine if a facility at the Griffin Road parcel would satisfy its coverage objectives as it can only rely on publicly available topographic information that may or may not be accurate.

Moreover, satisfying Cellco's RF requirements is only one factor in the review and analysis of potential alternative cell site locations. However, information needed to conduct a more thorough review of environmental effects associated with the Griffin Road parcel, including but not limited to, impacts on water quality, historical resources, and fish and wildlife, as required by statute, simply does not exist. If MCM wanted to have the Griffin Road parcel seriously considered as an alternative in this proceeding, it had an obligation to produce evidence and information sufficient to allow the Council to adequately consider the parcel, to subject that evidence and information to pre-hearing review and scrutiny by the Council and the applicant and, most importantly, to openly participate in the Council's proceeding. MCM chose, however, to do nothing. The Griffin Road parcel therefore deserves no further attention from the Council.

For these reasons, Cellco objects to the Council's Pre-hearing Interrogatories (Set 2) and seeks to have any information regarding the alleged availability of the MCM leased parcel stricken from the Docket No. 416 record.

Respectfully submitted,

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

By: _____

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