

EVANS, FELDMAN & AINSWORTH, L.L.C.
Attorneys at Law

Jack H. Evans (1937-2004)
Richard C. Feldman

Keith R. Ainsworth

261 Bradley Street
P.O. Box 1694
New Haven, CT 06507-1694

telephone: (203)772-4900
facsimile: (203)782-1356
internet: krainsworth@snet.net

Ms. Linda Roberts, Exec. Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

December 15, 2011

RE: Docket 421, Trumbull, Edison Road
T-Mobile Continuance Request

Ms. Roberts:

Please let this serve as CATT's objection to the continuance request made by T-Mobile for December 20th due to the alleged unavailability of their RF witness. While normally I do not recommend opposing a reasonable continuance request, in this instance CATT objects on the following understandable grounds:

1. This is the second such request made by T-Mobile for this same reason (see October 20th letter attached).
2. The basis of the unavailability is unstated as is the identity of the witness.
3. The request is made only 5 days before the hearing without regard for the impact on the other party to this action making the re-scheduling of CATT's witnesses very difficult (see more below).
4. CATT's own RF witness appeared at the December 6th hearing and is prepared to attend the Dec. 20th hearing even though he has made arrangements twice at some expense to his professional schedule to be present.
5. T-Mobile's RF engineer was present at the Dec. 6th hearing when the continuation date was set and did not raise a scheduling problem. The alleged scheduling conflict of the RF engineer conveniently was made only after the supplemental filing of the intervenor's RF witness.
6. The effect of the request is such that if CATT is required to put on its direct testimony and be cross examined on Dec. 20th and T-Mobile is allowed to postpone the testimony and cross of its RF engineer, it is not lost upon the Intervenor that a strategic advantage could be gained for T-Mobile. Normally, the Applicant, who has the burden of proving their application merits approval, proceeds first with intervening parties able to cross examine and cross afterward in rebuttal. The requested continuance would reverse this order, thereby making the

citizen intervenor's position even more difficult than it already is given their limited resources.

7. CATT's citizen witnesses, Lois Gillern and Hank Lefcort, each have made extraordinary efforts to make time to be present. Hank Lefcort's wife is going in for surgery in late January and will need his care into early February, the proposed continuation date. Lois Gillern's elderly mother is disabled and requires care which Ms. Gillern had to reschedule for Dec 20.
8. The Council should take into account whether this type of request in this and other dockets by this Applicant involves a pattern, signifying strategic rather than actual motivations.

Wherefore, CATT opposes the continuance request to avoid the unreasonable impacts to its ability to participate in these proceedings.

Very truly yours,

Keith R. Ainsworth