

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

In Re:

APPLICATION OF NORTH ATLANTIC TOWERS, LLC  
and NEW CINGULAR WIRELESS PCS, LLC (AT&T)  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR THE  
CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
TOWER FACILITY AT 655 BASSET ROAD IN THE  
TOWN OF WATERTOWN

DOCKET NO. 422

APRIL 5, 2012

APPLICANTS

NORTH ATLANTIC TOWERS, LLC and NEW CINGULAR WIRELESS PCS, LLC (AT&T)  
OBJECTION TO ADMISSION BY THE SITING COUNCIL OF  
THE POST HEARING EXHIBIT OF INTERVENOR ROBERT AND CATHLEEN ALEX

North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC (“AT&T”) (the “Applicants”) by its attorneys, Cuddy & Feder LLP, respectfully submit this objection to the admission by the Siting Council of the post hearing submission dated March 30, 2012 by Intervenor Robert and Cathleen Alex and hereby moves the Siting Council under its authority pursuant to Section 4-178(1) of the Uniform Administrative Procedures Act (UAPA) to exclude this exhibit offered by the Intervenor for the reasons fully set forth below.

**Irrelevant and Immaterial Evidence Should Be Excluded**

The post hearing submission offered by the Intervenor includes a copy of the Applicant’s Federal Communications Commission (FCC) Form 620 submitted to the Connecticut State Historic Preservation Officer (SHPO) on January 8, 2010. This Form 620 was submitted as one part the Applicant’s review in accordance with the FCC’s regulations implementing the National Environmental Policy Act of 1969 (NEPA) and Section 106 of the National Preservation Act of 1966 (the “Section 106 Process”).

The Intervenor does not state the purpose or relevance for admission by the Siting Council of the Applicant’s FCC Form 620. The submission included a circle around the date and the site address on

the subject line of the cover letter forwarding the completed FCC Form 620 to the SHPO. No explanation of the relevance of this document or the circling of the date and site address is provided.

As clearly stated in the SHPO's March 25, 2010 response to the Applicant's consultation conducted in 2010, the site address was subsequently corrected by the Applicant during the SHPO consultation process. Indeed, the subject line of the March 25, 2010 SHPO no adverse effect determination includes the 655 Bassett Road address. (See Applicants' Ex. 1, Attachment 6: March 25, 2010 SHPO determination). In addition, the January 31, 2012 SHPO no adverse effect determination was clearly based on the 655 Bassett Road location.

The Intervenor's submission of this Form 620, which represents only a portion of the information provided to the SHPO for the proposed facility, without any reason for its submission, can only be viewed as another unsuccessful attempt by the Intervenor to use this Siting Council proceeding to allege that the Applicant's consultation with the SHPO as part of the NEPA review was somehow flawed. Indeed, it is evident from the record in this proceeding that the SHPO's December 2011 post review field visit that resulted in additional SHPO consultation by the Applicant was prompted by the Intervenor. It is also apparent that the Intervenor does not agree with the SHPO's January 31, 2012 no adverse effect determination that resulted from the Applicant's additional consultation with the SHPO as they attempted to raise their perceived inconsistencies with the SHPO consultation process at the March 6, 2012 hearing. However, as noted by the Siting Council at the March 6, 2012 hearing, the Siting Council proceeding is not the proper forum to question the SHPO determination. Accordingly, the post hearing submission by the Intervenor is simply not relevant to this proceeding and should not be admitted.

As such, the Applicants object to the admission by the Siting Council in this proceeding of the Intervenor's post hearing document under its authority to exclude irrelevant and immaterial evidence under Section 4-178(1) of the UAPA.

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was sent by electronic mail and overnight mail to the Connecticut Siting Council and:

Charles Frigon  
Town Manager  
Town of Watertown  
424 Main Street  
Watertown, CT 06795  
(860) 945-5255  
[frigon@watertownct.org](mailto:frigon@watertownct.org)

Paul R. Jessel, Esq.  
Slavin, Stauffacher & Scott, LLC  
27 Siemon Company Drive, Suite 300W  
Watertown, CT 06795  
(860)-274-2511  
[pjessell@sssattorneys.com](mailto:pjessell@sssattorneys.com)

Robert and Cathleen Alex  
435 Bassett Road  
Watertown, CT 06795  
(860)-274-7920  
[bobcat230@gmail.com](mailto:bobcat230@gmail.com)

Dated: April 5, 2012

  
Lucia Chiochio  
Lucia Chiochio

cc: Randy Howse, North Atlantic Towers, LLC  
John Stevens, Infinigy Engineering  
Michele Briggs, AT&T  
John Favreau, Infinigy Engineering  
Mike Doiron, SAI  
David Vivian, SAI