

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF 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 IN ROXBURY, CONNECTICUT

DOCKET NO. 428

October 23, 2012

RESPONSES TO INTERROGATORIES OF BRONSON MOUNTAIN
FARM HOMEOWNERS' ASSOCIATION SET TWO

Q1. The response to Question 6 of the Association's pre-Hearing Interrogatories, which sought specific details of the proposed road to Candidate A and the road's environmental impacts, provides that, because "AT&T does not have control over the development of [the proposed road] and has not developed plans for the access drive..., AT&T's project engineers do not have the data or information requested." Please provide any provisions included in the lease between AT&T and the property owner, or any other contract, that precludes AT&T from obtaining that information from the property owner.

A1. The details regarding the road and approved crossing were developed by the land owner and it's Connecticut Professional Engineer as part of an application to the Town of Roxbury which was approved. The road as evidenced by its approval was designed in accordance with and meets Town standards for a road and wetlands/watercourse permits. As evidenced by Question 2 below, the Bronson Mountain Homeowner's Association is aware of these local permits and approvals.

AT&T proposes to use the road to be built by the land owner and AT&T has confirmed with the land owner that all approvals are in place and up to date. AT&T's engineers, having not designed the road, are not in a position to provide specific engineering details, though they have shown the road location on drawings supplied as part of AT&T's application to the Siting Council. AT&T's lease agreement with the property owner is being supplied to the Siting Council contemporaneous with this response and includes provisions regarding construction of the road by the land owner.

Q2. To the extent that AT&T's failure to provide details regarding the proposed road to Candidate A is premised upon its belief that the Council does not have jurisdiction over the road, please state so explicitly and provide the legal and factual basis for that conclusion. In responding, please reference the documents included in Roxbury Inland Wetland Commission Application No. 04-10#1, which the Association has requested to be made an exhibit to this Docket, pursuant to a Request to File Added Exhibits, of even date.

A2. AT&T has not "failed" to provide details regarding the road. Further, as the Association notes through the question, the design details for the road and crossing are readily

available through the Town of Roxbury to the extent the Association seeks to refer to same.

As previously indicated in AT&T's Responses To Interrogatories of Bronson Mountain Farm Homeowner's Association Set One, the land owner has independently obtained approvals for the road and can build it irrespective of AT&T's application and proposed tower facility. The road and crossing into the parcel are not part of the proposed AT&T "facility" within the meaning of Connecticut General Statutes (CGS) Section 16-50i. Rather, the proposed AT&T facility is the access drive extending from the approved road and the balance of the proposed tower site and improvements.

This is not the first time the Siting Council has addressed approval for a facility access drive to be connected to a locally approved, but unbuilt road. See for example Siting Council Docket 314, Finding of Fact 33 (Finding that access to the site would be from a gravel road of new construction extending from the end of the approved (but unbuilt) subdivision road to serve the property)

Supplemental Information Regarding Prior Interrogatory

Q4 of the Interrogatories of Bronson Mountain Farm Homeowners' Association Set One asked if additional locations were available on the Southbury Road parcel. The land owner has now offered to AT&T the ability to shift the tower location 100 feet to the north.

CERTIFICATE OF SERVICE

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

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