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*Via Federal Express and Electronic Mail*

October 15, 2025

Melanie Bachman, Esq.  
Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

RE: **DOCKET NO. 495A** - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located 5151 Park Avenue, Fairfield, Connecticut.

**PETITION NO. 1470** –Cellco Partnership d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC and T-Mobile Northeast, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the installation of a temporary telecommunications facility and associated equipment located at Sacred Heart University, 5151 Park Avenue, Fairfield, Connecticut.

**Request to Modify the Siting Council's September 26, 2025 Notice of Enforcement Action**

Dear Attorney Bachman:

Cellco Partnership d/b/a Verizon Wireless ("Cellco") provides the following response to the Connecticut Siting Council's ("Council") September 26, 2025 notice of enforcement action ("Enforcement Action") related to Docket No. 495A and Petition No. 1470 and respectfully requests that the Council modify the Enforcement Action as detailed herein.

On April 22, 2021, the Council issued a Certificate of Environmental Compatibility and Public Need in Docket No. 495 (the "Docket No. 495 Certificate") to Cellco for the construction, maintenance and operation of a telecommunications facility in the northwest corner of the Sacred Heart University ("SHU") campus located at 5151 Park Avenue in Fairfield, Connecticut. The

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approved facility would replace Cellco's existing wireless facility on the roof of Pierre Toussaint Hall at SHU.<sup>1</sup>

On December 20, 2021, the Council issued a Declaratory Ruling in Petition No. 1470 ("Petition No. 1470") to Cellco, New Cingular Wireless PCS, LLC ("AT&T") and T-Mobile Northeast, LLC ("T-Mobile") as joint petitioners for the installation of a 125-foot temporary tower adjacent to the Valentine Health and Recreation Hall in the westerly portion of the SHU campus. As described in Petition No. 1470, the temporary tower would be used by Cellco, AT&T and T-Mobile, would allow for the prompt removal of wireless equipment from the roof of Pierre Toussaint Hall and would allow the carriers to maintain wireless service on the SHU Campus and the surrounding area while Cellco completed construction of the permanent tower approved in Docket No. 495. Construction of the temporary tower was completed on or about February 1, 2022.

After Cellco received Council approval of the Docket No. 495 Certificate, SHU notified Cellco that the approved tower would need to be relocated. After an extensive review of alternative locations on the SHU campus, the area adjacent to the Pitt Athletic Center in the southwest portion of the SHU campus was selected as an alternative tower location.

On February 11, 2022, Cellco submitted a Motion to Reopen and Modify the Docket No. 495 Certificate in response to SHU's demand that the tower be relocated. The Council agreed to reopen the proceeding as Docket No. 495A and issued a new Certificate (the "495A Certificate") for the relocated telecommunications facility on June 9, 2022. Notice of the issuance of the 495A Certificate was sent to the Applicant and parties and intervenors on June 10, 2022. Construction of the Docket No. 495A tower was completed in November 2024.

Cellco respectfully submits that it is fully compliant with the conditions of approval ("Conditions") of the Docket No. 495A Certificate. Cellco prepared and submitted a Development & Management ("D&M") Plan.<sup>2</sup> The D&M Plan was approved by the Council<sup>3</sup> prior to the commencement of construction. Cellco submitted a request for extension of time to complete construction<sup>4</sup> in accordance with Condition No. 7, and Condition No. 8, after experiencing construction delays due to site access restrictions on construction activity imposed

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<sup>1</sup> Pierre Toussaint Hall also supported wireless facilities owned and operated by AT&T Wireless and T-Mobile. SHU insisted that all carriers remove their wireless equipment from the building prompting Cellco's pursuit of a new tower site.

<sup>2</sup> See Development and Management Plan Submission (Nov. 1, 2022).

<sup>3</sup> See Council Approval of Development and Management Plan (Dec. 22, 2022).

<sup>4</sup> See Request for Extension of Construction Time (Oct. 4, 2023) and Council Extension Decision (Oct. 4, 2023).

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by SHU<sup>5</sup>. Cellco provided notices of commencement of construction,<sup>6</sup> notice of completion of construction and commencement of commercial operation<sup>7</sup> in accordance with Condition No. 11 of the Docket 495A Certificate. Cellco is also fully compliant with the requirements of the Council's December 22, 2022 D&M Plan, including the reporting requirements under Regulations of Connecticut State Agencies ("R.C.S.A.") § 16-50j-77(b). Cellco provided contact information for the personnel of the contractor assigned to the project,<sup>8</sup> notice of commencement of construction,<sup>9</sup> quarterly construction progress reports,<sup>10</sup> and notification of completion of construction and commencement of operation by at least one carrier and the submission of a final report.<sup>11</sup>

Condition 3 of the Council's Declaratory Ruling in Petition No. 1470 states, "Approval of the installation of this temporary facility is valid for two years from the date of this decision." Cellco did not submit a timely request for an extension of this approval. Due to issues outside of Cellco's control, including limitations on access to the temporary tower site imposed by SHU and delays in the installation and activation of AT&T's antennas and equipment on the Docket No. 495A tower, active use of the Petition No. 1470 temporary tower continued until October 1, 2025 when AT&T completed its installation and activated its equipment on the Docket No. 495A tower.

Immediately following the activation of the AT&T equipment on the Docket No. 495A tower, Cellco reached out to SHU and proposed a schedule for the removal of the temporary tower and related equipment. As of October 14, 2025, Cellco's contractor has started removing certain antennas and radio equipment from the temporary tower site. This work can be completed without the need for a crane. SHU, however, has now placed additional restrictions on Cellco and will not permit the use of a crane or other heavy construction equipment needed to complete the temporary tower removal prior to the start of SHU's semester break on December 13, 2025. Cellco has, therefore, scheduled its contractor to remove the temporary tower during

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<sup>5</sup> SHU restricted Cellco's construction access to the campus to avoid conflict and potential interference with student activities.

<sup>6</sup> See Notice of Construction Commencement (Feb. 2, 2023) and Notice of Construction Commencement (May 23, 2023).

<sup>7</sup> See Final Construction Report (Nov. 11, 2024).

<sup>8</sup> See Notice of Construction Commencement (Feb. 2, 2023) and Notice of Construction Commencement (May 23, 2023).

<sup>9</sup> *Id.*

<sup>10</sup> See First and Second Quarterly Construction Progress Report (Jan. 18, 2024), Third Quarterly Construction Progress Report (Apr. 22, 2024), and Fourth Quarterly Construction Progress Report (Sept. 9, 2024).

<sup>11</sup> See Final Construction Report (Nov. 11, 2024).

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the week of December 15, 2025. Cellco's contractor is obligated to complete the tower removal by December 19, 2025.

In light of the restriction imposed by SHU and Cellco's commitment to complete removal of the temporary tower, Cellco respectfully requests that the Council's September 26, 2025 Enforcement Action be modified as follows:

1. Due to on-going student activity at the SHU campus, Cellco will commence work to dismantle and remove the temporary tower and any remaining telecommunications equipment on December 15, 2025 and complete the work by December 19, 2025.
2. Cellco requests the Council issue an extension to the deadline to remove the temporary tower until December 19, 2025.
3. Cellco will notify the Council immediately after the temporary tower is removed and provide photographic evidence of such removal.
4. Upon receipt of notice from Cellco that the temporary tower has been removed, the Council's enforcement action shall be deemed terminated and the imposition of fines and potential penalties shall be suspended.

Thank you in advance for your consideration of this request.

Sincerely,



Kenneth C. Baldwin

Copy to:

Lucia Chiocchio, Esq

Kristen Motel, Esq.