

**CONNECTICUT SITING COUNCIL**

|                                              |   |                          |
|----------------------------------------------|---|--------------------------|
| <b>PETITION OF NEW CINGULAR</b>              | ) |                          |
| <b>WIRELESS PCS, LLC (“AT&amp;T”) TO THE</b> | ) |                          |
| <b>CONNECTICUT SITING COUNCIL FOR A</b>      | ) | <b>PETITION NO. 1010</b> |
| <b>DECLARATORY RULING THAT NO</b>            | ) |                          |
| <b>CERTIFICATE OF ENVIRONMENTAL</b>          | ) | <b>FEBRUARY 13, 2012</b> |
| <b>COMPATIBILITY AND PUBLIC NEED IS</b>      | ) |                          |
| <b>REQUIRED FOR THE PROPOSED</b>             | ) |                          |
| <b>INSTALLATION OF A CONCEALED</b>           | ) |                          |
| <b>TOWER ON A WATER TANK AND</b>             | ) |                          |
| <b>RELATED FACILITIES LOCATED AT A</b>       | ) |                          |
| <b>WATER TREATMENT PLANT AT 455</b>          | ) |                          |
| <b>VALLEY RD., GREENWICH, CT</b>             | ) |                          |

**MOTION FOR CONTINUANCE AND ORDER**

The Intervenors, LEE HIGGINS, KAORI HIGGINS, PETER JANIS, ELIZABETH JANIS, RICHARD KOSINSKI and SUSAN KOSINSKI (hereinafter the “Intervenors”), hereby state the following in support of this Motion:

1. On February 9, 2012, the Connecticut Siting Council (hereinafter “Siting Council”) and the Intervenors cross examined witnesses from New Cingular Wireless PCS, LLC (hereinafter “AT&T”) and during said cross examination the parties discovered new information of serious concern regarding the potential negative environmental impact from the construction and existence of AT&T’s proposed telecommunications tower on the subject location at 455 Valley Road, Greenwich, CT (hereinafter “Proposed Site”) including but not limited: the use of a backup fuel powered generator in close vicinity to a public water source; the potential for there to be a contamination of public water sources adjacent to or near the Proposed Site by a fuel

spill; the limited structural capacity of the water tank to contain the construction, existence and future service of the proposed telecommunications tower; and the potential for AT&T's use of the Proposed Site conflicting with Aquarion's use in a way that negatively impacts the environment since AT&T's expert panel testified that they do not know the manner in which Aquarion uses the Proposed Site, including the manner in which Aquarion uses the water tank where AT&T seeks to construct and use its proposed telecommunications tower.

2. The Intervenors respectfully request a twelve (12) day extension of the February 15, 2012 deadline for filing pre-file testimony and a twelve (12) day postponement of the hearing which is scheduled to take place on February 22, 2012 in order to obtain an expert(s) to review and potentially provide pre-file testimony regarding the new information that was discovered during the evidentiary hearing on February 9, 2012.

3. Counsel for the Intervenors did make said request for an extension and postponement to counsel for AT&T and AT&T refused to consent to any extension of the Siting Council's deadlines and or postponement of the hearing date(s).


4. There is no reason why AT&T will be substantially prejudiced by a mere twelve (12) day extension/postponement. To date, AT&T has not presented any evidence whatsoever which demonstrates that it would be prejudiced by the reasonable extension being requested hereby this Motion. However, a denial of this Motion would be a clear violation of the guiding principles set forth in C.G.S. § 16-50g, which provide for a balancing of the need for adequate and reliable public utility services with the need to protect the environment and ecology of the State and to minimize damage to scenic, historic and recreational values. A denial of this Motion would also violate the due process rights of the Intervenors.

Wherefore, the Proposed Intervenors hereby request that:

1. the February 15, 2012 deadline for submitting pre-file testimony be extended for at least twelve (12) days;
2. the February 22, 2012 hearing be postponed for at least twelve (12) days; and
3. any other deadlines set forth by the Council be extended for at least twelve (12) days.

**RESPECTFULLY SUBMITTED BY:**

**LEE HIGGINS, KAORI HIGGINS,  
PETER JANIS, ELIZABETH JANIS,  
RICHARD KOSINSKI & SUSAN KOSINSKI**

BY:   
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Mario F. Coppola, Esq.  
Berchem, Moses, and Devlin, P.C.  
27 Imperial Avenue  
Westport, CT 06880  
Tel: 203-227-9545; Fax: 203-226-1641  
Email: [mcoppola@bmdlaw.com](mailto:mcoppola@bmdlaw.com)  
Their Attorneys

**CERTIFICATE OF SERVICE**

This is to certify that on the above date a true copy of the foregoing has been sent both electronically and by U.S. Mail, first-class, postage pre-paid, to the following parties of record:

Ms. Linda Roberts, Executive Director, Connecticut Siting Council, 10 Franklin Sq., New Britain, CT 06051 (1 original, 15 copies, plus 1 electronic)

New Cingular Wireless, PCS, LLC (AKA – AT&T), Christopher Fisher, Esq. Cuddy & Feder, LLP, 445 Hamilton Avenue, 14<sup>th</sup> Fl., White Plains, NY 10601

  
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Mario F. Coppola, Esq.