



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

June 10, 2024

Catherine Conklin
Site Acquisition Specialist
General Dynamics Information Technology
4603 Kemper Street
Rockville, MD 20853
Catherine.Conklin@gdit.com

RE: **PETITION NO. 1625** – New Cingular Wireless PCS, LLC (AT&T) and Town of Wethersfield joint petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for proposed modifications to an existing telecommunications facility and associated equipment located at 23 Kelleher Court, Wethersfield, Connecticut. **Withdrawal of Petition.**

SUBPETITION NO. 1133-CING-20240605 - New Cingular Wireless PCS, LLC sub-petition for a declaratory ruling for an eligible facility request for modifications to an existing telecommunications facility located at 23 Kelleher Court, Wethersfield, Connecticut. **Re-Submission of Petition 1625 as Eligible Facility Request.**

PETITION NO. 1628 – New Cingular Wireless PCS, LLC (AT&T) and 48 Newtown Road Corporation c/o BRT Realty joint petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for proposed modifications to an existing telecommunications facility and associated equipment located at 48 Newtown Road, Danbury, Connecticut. **Withdrawal of Petition.**

SUBPETITION NO. 1133-CING-20240605 - New Cingular Wireless PCS, LLC sub-petition for a declaratory ruling for an eligible facility request for modifications to an existing telecommunications facility located at 48 Newtown Road, Danbury, Connecticut. **Re-Submission of Petition 1628 as Eligible Facility Request.**

Dear Catherine Conklin:

The Connecticut Siting Council (Council) is in receipt of correspondence, dated June 10, 2024, confirming withdrawal of the above-referenced petitions for declaratory rulings and re-submission of the above-referenced petitions for declaratory rulings as respective Eligible Facility Requests (EFRs) in accordance with the Council's March 6, 2015 Declaratory Ruling in Petition No. 1133.

The Council hereby acknowledges your withdrawal of the petitions for declaratory rulings and re-submission as EFRs as of **June 10, 2024**.

Please be advised that expenses associated with the EFRs will be directly invoiced.

Should you have any questions, please feel free to contact the Council office.

Sincerely,



Melanie A. Bachman
Executive Director

c: Council Members

Shea Shelton, Site Acquisition East Manager, General Dynamics
(shea.shelton@gdit.com)

For Petition 1625:

The Honorable Ken Lesser, Mayor, Town of Wethersfield (ken.lesser@wethersfield.gov)
Fred Presley, Town Manager, Town of Wethersfield (fred.presley@wethersfieldct.gov)
Service List, dated April 4, 2024

For Petition 1628:

The Honorable Roberto Alves, Mayor, City of Danbury (mayor@danbury-ct.gov)
Service List, dated April 15, 2024

From: Shelton, Shea <Shea.Shelton@GDIT.com>

Sent: Monday, June 10, 2024 10:46 AM

To: Bachman, Melanie <Melanie.Bachman@ct.gov>; Conklin, Catherine (NE) <Catherine.Conklin@gdit.com>; CSC-DL Siting Council <Siting.Council@ct.gov>

Cc: LANDRY, DAVID J <DL8732@att.com>; rb9471@att.com; Bumpus, John W <John.Bumpus@GDIT.com>; t.obrien@danbury-ct.gov; Tom <Bickelhaupt@danbury-ct.gov>; Jennifer Emminger <j.emminger@danbury-ct.gov>; Jessica Granger <jessicag@brt.com>; r.alves@danbury-ct.gov

Subject: RE: Eligible Facilities Request (Section 6409) - Proposed AT&T Generator at 48 Newtown Road, Danbury, CT 06810

Melanie,

Thank you for your correspondence. We did not misinterpret the ruling. I will again state that the petitions are being **withdrawn** to move forward with the **Eligible Facilities Request** as stated in my earlier email and as such the shot clock has begun as of June 5, 2024. This is at the advise of AT&T's legal counsel based off your original correspondence.

Thanks,

Shea Shelton
Site Acquisition East Manager

770-225-1577 Office
www.gdit.com

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Information Technology

From: Bachman, Melanie <Melanie.Bachman@ct.gov>

Sent: Wednesday, June 5, 2024 3:53 PM

To: Shelton, Shea <Shea.Shelton@GDIT.com>; Conklin, Catherine (NE) <Catherine.Conklin@gdit.com>; CSC-DL Siting Council <Siting.Council@ct.gov>

Cc: LANDRY, DAVID J <DL8732@att.com>; rb9471@att.com; Bumpus, John W <John.Bumpus@GDIT.com>; t.obrien@danbury-ct.gov; Tom <Bickelhaupt@danbury-ct.gov>; Jennifer Emminger <j.emminger@danbury-ct.gov>; Jessica Granger <jessicag@brt.com>; r.alves@danbury-ct.gov

Subject: RE: Eligible Facilities Request (Section 6409) - Proposed AT&T Generator at 48 Newtown Road, Danbury, CT 06810

Good afternoon.

There appears to be confusion about the Siting Council vote to **set the date by which to render a decision** in Petition 1625 as no later than September 1, 2024 consistent with state statute related to petitions for declaratory rulings. Correspondence describing the Siting Council's action and citing to the state statute was sent to the service list for Petition 1625 on May 23, 2024. A copy is attached for your convenience. AT&T's local counsel is very familiar with this legal requirement.

Unfortunately, the date that was set by which to render a decision on Petition 1625 was possibly misinterpreted as the date the Siting Council would render a decision. September 1, 2024 is a Sunday. After receipt of the Siting Council correspondence, EFRs were submitted for the two sites in Danbury and Wethersfield. Petition 1628 is on our meeting agenda for tomorrow **to set the date by which to render a decision** as required by state statute. Unless the pending petitions are withdrawn, we will not process EFRs for the same modification request at the same site. The petitions will be decided before September 1. There are four regular meetings scheduled in the interim.

Here are links to our filing guides for each type of request for your convenience:

- For an exempt modification request: [Modification of Existing Telecommunications Facilities Filing Guide, dated April 2013](#)
- For an EFR: [PETITION NO. 1133 - Eligible Facilities Requests under the October 21, 2014 FCC Wireless Infrastructure Report and Order, dated March 2015](#)
- For a petition for a declaratory ruling: [Petition for a Declaratory Ruling, dated September 2012](#)

If you have any further questions, please feel free to contact our office or AT&T's local counsel.

Thank you.

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

From: Shelton, Shea <Shea.Shelton@GDIT.com>

Sent: Wednesday, June 5, 2024 1:00 PM

To: Conklin, Catherine (NE) <Catherine.Conklin@gdit.com>; Bachman, Melanie <Melanie.Bachman@ct.gov>

Cc: LANDRY, DAVID J <DL8732@att.com>; rb9471@att.com; Bumpus, John W <John.Bumpus@GDIT.com>; t.obrien@danbury-ct.gov; Tom <Bickelhaupt@danbury-ct.gov>; Jennifer Emminger <j.emminger@danbury-ct.gov>; Jessica Granger <jessicag@brt.com>; r.alves@danbury-ct.gov

Subject: RE: Eligible Facilities Request (Section 6409) - Proposed AT&T Generator at 48 Newtown Road, Danbury, CT 06810

Ms. Bachman,

We are in receipt of your response to our Eligible Facilities Request under Section 6409 attached. I understand that the petitions are currently deemed complete and in review. We also are aware that we received a ruling for a declaration hearing on one of the sites by September 1, 2024.

Unfortunately, that timeline does not allow us enough time to complete the site per our contract with AT&T to be built and on-air this year. We would prefer to work with you to bring in that timeline for review as we have multiple other sites that petitions will need to be submitted on for this year vs. forcing the 30 day review by Eligible Facilities Request. **If** that is not a possible request then, yes we formally withdraw the petitions Nos. 1625 and 1628 and move to have the site reviewed under the Eligible Facilities Request.

We do understand that there may be additional charges in relation to the review of the site under the Eligible Facilities Request and will agree to take care of the fees, but hope that your jurisdiction would be reasonable with the fees and potentially use the fees submitted for the petition review without additional charges since your staff has just issued that a decision for ruling on one of the sites less than 2 weeks ago and has not on the other. The same information would be reviewed under either requests and potentially the same amount of time and therefore we shouldn't be charged twice for the same review.

Thanks,

Shea Shelton
Site Acquisition East Manager

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