

DRAFT

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. **Enforcement Action.**

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. **Enforcement Action.**

Staff Report October 24, 2025

Existing Certificated and Temporary Telecommunications Facilities

On April 26, 2021, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Cellco Partnership d/b/a Verizon Wireless (Cellco or Certificate Holder) for the construction, maintenance and operation of a 130-foot monopole telecommunications facility at the Sacred Heart University (SHU) campus located at 5151 Park Avenue in Fairfield (Docket No. 495).¹ The facility was designed to accommodate a minimum of four wireless carriers and emergency communications antennas.

On December 21, 2021, the Council issued a Declaratory Ruling to Cellco, New Cingular Wireless 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 at SHU to maintain continuity of service while Cellco completes construction of the permanent Docket No. 495 facility at the SHU campus (Petition No. 1470).² The temporary tower was installed on February 1, 2022.

Condition No. 3 of the Petition No. 1470 Declaratory Ruling states: “Approval of the installation of this temporary facility is valid for two years from the date of this decision.” The Council issued the Declaratory Ruling on December 21, 2021. Therefore, the approval for the temporary tower expired on December 21, 2023.

Condition No. 5 of the Petition No. 1470 Declaratory Ruling states, “Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be service on all parties and intervenors, if applicable, and the Town of Fairfield.” Any requests for extension of the deadline were to be submitted by October 22, 2023. No requests for extension of the deadline were submitted.

On February 11, 2022, Cellco submitted a Motion to Reopen and Modify the Docket No. 495 Certificate based on a request from SHU to relocate the approved facility site to a different location on the SHU campus (Docket No. 495A).³ The Council issued a Certificate for the relocated telecommunications facility on June 10, 2022.

¹ Council Docket No. 495 Record, available at https://portal.ct.gov/csc/1_applications-and-other-pending-matters/applications/3_docketnos400s/docket-no-495-verizon-fairfield

² Council Petition No. 1470, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1461-1470/pe1470_ver_att_t-mobile_temp_fairfield

³ Council Docket No. 495A, available at https://portal.ct.gov/csc/1_applications-and-other-pending-matters/applications/3_docketnos400s/docket-no-495a-verizon-fairfield

According to the Final Report, construction of the Docket No. 495A facility was completed on or about November 11, 2024. At that time, the Petition No. 1470 temporary tower should no longer have been needed for continuity of service.

Council Jurisdiction

Pursuant to CGS §16-50i(a)(6) of the Public Utility Environmental Standards Act (PUESA), the Council has jurisdiction over “*facilities*,” such as “telecommunication towers, including associated telecommunications equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended,” throughout the state. (Emphasis added). The existing telecommunications facility and the temporary telecommunications facility located at the SHU campus at 5151 Park Avenue in Fairfield are subject to the Council’s jurisdiction under CGS §16-50i(a)(6) because both facilities are used in a cellular system and both facilities were approved by the Council with conditions.

Under CGS §16-50u, “If the council finds that any person... has failed to comply with any certificate..., the council shall fine such person, order such person to pay restitution or order such person to pay a combination of a fine and restitution. The council may assess civil penalties in an amount not less than one thousand dollars per day for each day of... operation in material violation of... any certificate...”

“If the council has reason to believe that a violation has occurred for which a civil penalty is authorized ..., the council shall notify the alleged violator by certified mail, return receipt requested, or by personal service. The notice shall include: (1) A reference to ... any condition or requirement of such certificate; (2) A short and plain statement of the matter asserted or charged; (3) A statement of the prescribed civil penalty for the violation; and (4) A statement of the person's right to a hearing.”

“The person to whom the notice is addressed shall have twenty days from the date of receipt of the notice in which to deliver to the council a written application for a hearing. If a hearing is requested, then, after a hearing and upon a finding that a violation has occurred, the council may issue a final order If a hearing is not requested, or if such a request is later withdrawn, then the notice shall, on the first day after the expiration of the twenty-day period or on the first day after the withdrawal of the request for hearing, whichever is later, become a final order of the council and the matters asserted or charged in the notice shall be deemed admitted, unless the notice is modified by a consent order before it becomes a final order. A consent order shall be deemed a final order.”

Enforcement Action

On September 10, 2025, a Fairfield resident, Nancy Halpert, the owner of property at 344 Autumn Ridge Road, submitted correspondence to the Council expressing concerns related to the construction progress of the new Council-certificated telecommunications facility and the status of the associated temporary telecommunications facility that was installed to provide continuity of service during construction of the new facility. On September 10, 2024, the Council provided Ms. Halpert with a copy of the most recent quarterly construction progress report for the Docket 495A telecommunications facility.

On September 24, 2025, Ms. Halpert submitted additional correspondence to the Council expressing concerns related to the simultaneous installation of the new Council-certificated telecommunications facility and the associated temporary telecommunications facility at the SHU campus.

On September 26, 2025, pursuant to CGS §16-50u, the Council initiated an Enforcement Action and provided notice via certified mail, return receipt requested to Cellco’s counsel of record. See Attachment 1.

The Council's September 26, 2025 notice to the Certificate Holder included: (1) A reference to the April 26, 2021 Certificate and Condition Nos. 3 and 5 of the December 21, 2021 Declaratory Ruling; (2) A short and plain statement of the history related to the installation of both facilities at the site; (3) A statement of the assessment of civil penalties in an amount not less than one thousand dollars per day; and (4) A statement of the Certificate Holder's right to a hearing.

The Certificate Holder received notice of the Council's Enforcement Action by certified mail on September 29, 2025. See Attachment 2.

On October 15, 2025, prior to the expiration of the statutory deadline to request a hearing, the Certificate Holder submitted a written request to the Council for modification of its enforcement action notice. The correspondence received from the Certificate Holder did not request a hearing.

In its October 15, 2025 correspondence, Cellco acknowledges its failure to submit timely requests for an extension of time for the installation of the temporary tower due to limitations on access to the temporary tower site imposed by SHU and delays associated with AT&T's equipment installation on the new facility. AT&T completed its equipment installation on the new facility on October 1, 2025. See Attachment 3.

Cellco began to remove the temporary tower and associated equipment on October 14, 2025; however, SHU has prohibited the use of a crane or other construction equipment necessary to complete the temporary tower removal until after December 13, 2025, when SHU commences its semester break. Cellco agreed to this schedule and engaged its contractor to complete the temporary tower removal during the week of December 15, 2025 with a completion date of no later than December 19, 2025.

Cellco requests the Council to modify its September 26, 2025 Enforcement Action 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.

Conclusion

Staff recommends the Council vote to approve an extension of time to remove the temporary telecommunications facility and associated equipment until December 19, 2025, and to approve a consent order **for Docket No. 495A and Petition No. 1470** as follows:

1. Add **Condition No. 17** to the June 9, 2022 Decision & Order (D&O) in Docket No. 495A and **Condition No. 11** to the December 21, 2021 Declaratory Ruling in Petition No. 1470 – "The Certificate Holder shall remove the temporary facility and associated equipment from the SHU campus site no later than December 19, 2025;"
2. Add **Condition No. 18** to the June 9, 2022 D&O in Docket No. 495A and **Condition No. 12** to the December 21, 2021 Declaratory Ruling in Petition No. 1470 – "The Certificate Holder shall notify the Council immediately after the temporary facility and associated equipment is removed from the SHU campus site and provide photographic evidence of such removal;"

3. Add **Condition No. 19** to the June 9, 2022 D&O in Docket No. 495A and **Condition No. 13** to the December 21, 2021 Declaratory Ruling in Petition No. 1470 – “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;” and
4. No fines shall be imposed if the Certificate Holder complies with Item Nos. 1 and 2 above. If Cellco does not comply with Item Nos. 1 and 2 above, the Council shall reopen and modify this consent order in accordance with the provisions of CGS §16-50u, which include, but are not limited to, imposition of fines.

Nothing in the consent order impacts Cellco’s existing right to request a transfer of its Certificate pursuant to CGS §16-50k(b) and Condition No. 13 of the Council’s June 9, 2022 D&O if it opts to exercise its rights under the statute and Certificate condition in the future.

Nothing in the consent order impacts Cellco’s existing right to surrender its Certificate upon written notification and acknowledgment by the Council.

Attachment 1 – Council September 26, 2025 Enforcement Action Correspondence



**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 & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

September 26, 2025

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
One State Street
Hartford, CT 06103
kbaldwin@rc.com

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. **Enforcement Action.**

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. **Enforcement Action.**

Dear Attorney Baldwin:

The Connecticut Siting Council (Council) is in receipt of email correspondence, dated September 24, 2025, from Fairfield resident, Nancy Halpert, the owner of property at 344 Autumn Ridge Road, concerning the above-referenced Council-certificated telecommunications facility site and the associated temporary facility for which a declaratory ruling was issued to maintain continuity of wireless service while the permanent facility was under construction.

Please be advised that under Connecticut General Statutes (CGS) §16-50u, "If the council finds that any person... has failed to comply with any certificate..., the council shall fine such person, order such person to pay restitution or order such person to pay a combination of a fine and restitution. The council may assess civil penalties in an amount not less than one thousand dollars per day for each day of... operation in material violation of... any certificate..."

Pursuant to CGS §16-50u, the Council hereby provides notice of a reason to believe that a violation of the conditions for the Docket No. 495A facility and the Petition No. 1470 facility has occurred.

On April 21, 2021, the Council issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Cellco Partnership d/b/a Verizon Wireless (Cellco) for the construction, maintenance and operation of a 130-foot monopole telecommunications facility at the Sacred Heart University campus located at 5151 Park Avenue in Fairfield (Docket No. 495).

On December 21, 2021, the Council issued a Declaratory Ruling to Cellco, New Cingular Wireless 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 at SHU to maintain continuity of service while Cellco completes construction of the permanent Docket No.

DOCKET NO. 495A
PETITION NO. 1470
Enforcement Letter
Page 2

495 facility at the SHU campus. (Petition No. 1470). The temporary tower was installed on February 1, 2022.

On February 11, 2022, Cellco submitted a Motion to Reopen and Modify the Docket No. 495 Certificate based on a request from SHU to relocate the approved facility site to a different location on the SHU campus (Docket No. 495A). The Council issued a Certificate for the relocated telecommunications facility on June 10, 2022.

Condition No. 3 of the Petition No. 1470 Declaratory Ruling states: "Approval of the installation of this temporary facility is valid for two years from the date of this decision." The Council issued the Petition No. 1470 Declaratory Ruling on December 21, 2021. Therefore, the approval for the temporary tower expired on December 21, 2023.

Condition No. 5 of the Petition No. 1470 Declaratory Ruling states, "Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be service on all parties and intervenors, if applicable, and the Town of Fairfield." Any requests for extension of the deadline were to be submitted by October 22, 2023. No requests for extension of the deadline were submitted.

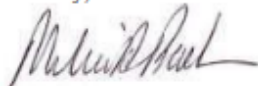
According to the Final Report, construction of the Docket No. 495A facility was completed on or about November 11, 2024. At that time, the Petition No. 1470 temporary tower should no longer have been needed for continuity of service. Therefore, the facility is not in compliance with the Council's Docket No. 495A Certificate and is not in compliance with the Council's Petition No. 1470 Declaratory Ruling.

In accordance with CGS §16-50u, the Council shall fine the Certificate Holder \$1,000/day commencing with the date of this notice letter.

Please be advised that pursuant to CGS §16-50u, the Certificate Holder shall have **20 days** from the date of receipt of this notice to submit a written application for a hearing or a written request for modification of this notice to the Council.

Thank you for your attention in this very important matter.

Sincerely,




Melanie A. Bachman, Esq.
Executive Director

Enclosures: Halpert Correspondence dated September 24, 2025

c: Petition No. 1470 Service List, dated December 3, 2021
Docket No. 495A Service List, dated September 12, 2024
Nancy Halpert (nahalpert@gmail.com)
Council Members

MAB/RDM/laf

Attachment 2 – Council Certified Mail Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature X <i>Roberta Rerzon</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Roberta Rerzon</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <p style="text-align: right;">DO495A/PE1470</p> <p>Kenneth C. Baldwin, Esq. Robinson & Cole LLP One State Street Hartford, CT 06103</p>																	
 9590 9402 7548 2098 0872 48	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input checked="" type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Collect on Delivery Restricted Delivery																	
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label)</p> <p>7003 2240 0005 1268 0295</p>																	
PS Form 3811, July 2020 PSN 7530-02-000-9053																	
Domestic Return Receipt																	

Attachment 3 – Cellco Response to Enforcement Action



KENNETH C. BALDWIN

One State Street
Hartford, CT 06103
Main (860) 275-8200
Fax (860) 275-8299
kbaldwin@rc.com
Direct (860) 275-8345

Also admitted in Massachusetts
and New York

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

33042290-v2

Boston | Hartford | New York | Washington, DC | Providence | Miami | Austin | Stamford | Wilmington | Philadelphia | Los Angeles | Albany

rc.com | Robinson & Cole LLP



Melanie Bachman, Esq.
October 15, 2025
Page 2

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

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.² The D&M Plan was approved by the Council³ prior to the commencement of construction. Cellco submitted a request for extension of time to complete construction⁴ in accordance with Condition No. 7, and Condition No. 8, after experiencing construction delays due to site access restrictions on construction activity imposed

¹ 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.

² See Development and Management Plan Submission (Nov. 1, 2022).

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

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



Melanie Bachman, Esq.
October 15, 2025
Page 3

by SHU⁵. Cellco provided notices of commencement of construction,⁶ notice of completion of construction and commencement of commercial operation⁷ 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,⁸ notice of commencement of construction,⁹ quarterly construction progress reports,¹⁰ and notification of completion of construction and commencement of operation by at least one carrier and the submission of a final report.¹¹

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

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

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

⁷ See Final Construction Report (Nov. 11, 2024).

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

⁹ *Id.*

¹⁰ 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).

¹¹ See Final Construction Report (Nov. 11, 2024).



Melanie Bachman, Esq.
October 15, 2025
Page 4

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,

A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin".

Kenneth C. Baldwin

Copy to:

Lucia Chiochio, Esq
Kristen Motel, Esq.