

DRAFT

**Docket No. 307A
71 Pleasant View Road, Derby**

**Connecticut Siting Council Motion to Reopen Certificate to eliminate Condition No. 3 of the
December 19, 2024 Modified Decision and Order**

**Staff Report
June 5, 2026**

Notice

On April 27, 2006, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to National Grid Communications, Inc. d/b/a Gridcom (Gridcom) for the construction, maintenance and operation of a 120-foot flagpole telecommunications facility at 71 Pleasant View Road in Derby, Connecticut.¹ During the proceedings held on the application, the City of Derby (City) participated as a party and the Pleasant View Hilltop Committee (Marrens) participated as an intervenor.

Condition No. 3 of the Council's April 27, 2006 Decision and Order (D&O) required Gridcom to discuss a tower design with the City and agree upon a tower design prior to the submission of a Development and Management (D&M) Plan. The tower design agreed upon by the City was a flagpole structure with internally mounted antennas capable of flying a national flag with a light at the base of the structure. The Council approved the D&M Plan for the flagpole design facility on September 5, 2006 with the condition that an American flag be flown on the structure consistent with The Flag Code, Title 4, United States Code, Chapter 1.

On December 19, 2024, pursuant to an Enforcement Action under CGS §16-50u, the Council issued a Modified D&O for the facility. Condition No. 3 of the Modified D&O requires: "An American flag shall be flown on the structure consistent with The Flag Code, Title 4, United States Code, Chapter 1. The Certificate Holder shall install and maintain a sign, in legible condition, at a location common to all tower tenants, such as the utility meter or other conspicuous location, that instructs tower tenants and/or tower technicians to 'REPLACE FLAG UPON COMPLETION OF EQUIPMENT INSTALLATION,' for the life of the facility."

During a regular meeting held on April 16, 2026, on its own motion, the Council voted to reopen the Certificate for this facility to eliminate Condition No. 3 of the December 19, 2024 Modified D&O based on changed conditions, pursuant to CGS §4-181a(b).

Existing Facility

On December 15, 2008, in compliance with CGS §16-50k(b), SBA Infrastructure, LLC (SBA or Certificate Holder) requested a transfer of the Certificate for this facility from Gridcom to SBA. The Council approved the transfer of the Certificate to SBA on January 8, 2009.

Before the Council issued the December 19, 2024 Modified D&O, between January 14, 2020 and October 2, 2024, the Marrens submitted correspondence to the Council expressing concerns with the absence of an American flag on the facility and lack of compliance with design requirements at the facility site. SBA complied with Condition No. 3 of the Modified D&O on February 21, 2025 by replacing the American flag

¹ Council Docket No. 307 Record, Final Decision and Enforcement Action, *available at* https://portal.ct.gov/csc/1_applications-and-other-pending-matters/applications/2_docketnos200-399/docket-307

at the facility in accordance with the Flag Code and installing a sign on the entrance gate to the facility directing all tenants to replace the flag upon completion of equipment installation.

After the Council issued the December 19, 2024 Modified D&O, on April 6, 2026, the Marrens submitted correspondence to the Council expressing concerns with the absence of an American flag on the facility and evidencing the American flag was stuck in nearby trees.

Currently, the facility hosts T-Mobile, Cellco Partnership d/b/a Verizon Wireless and Boost Mobile f/k/a Dish, who implement periodic maintenance and equipment upgrades that necessitate removal of the American flag from the facility while work is in process until after work is completed, which could take up to a year or beyond in accordance with the Council's approvals.

Twenty years ago, the facility was designed to aesthetically resemble a flagpole. However, its principal use is for telecommunications purposes. The facility was not designed to be principally used as a flagpole.

Council Motion to Reopen and Modify Certificate

On April 9, 2026, the Council provided notice that a Motion to Reopen the Docket No. 307 Certificate would be taken up as an agenda item during the Council's regular meeting scheduled for April 16, 2026. During the regular meeting held on April 16, 2026, the Council voted to reopen the Certificate on its own motion based on changed conditions specifically limited to the consideration of eliminating Modified D&O Condition No. 3.

On April 17, 2026, the Council provided notice to the service list for Docket No. 307 that during a regular meeting of the Council held on April 16, 2026, the Council reopened the Certificate on its own motion based on changed conditions specifically limited to the consideration of eliminating Modified D&O Condition No. 3 and requested the submission of comments or statements of position in writing related to the elimination of Condition No. 3 and whether a public hearing should be held before the close of business on May 29, 2026.

No comments or requests for a public hearing were received from the parties and intervenors on the service list for Docket No. 307.

Conclusion

If approved, staff recommends the Council modify and reissue the Certificate to eliminate Condition No. 3 based on changed conditions, pursuant to CGS §4-181a(b).

Existing Facility Site

