



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL

October 3, 2016

Carol Karney
32 Bevin Boulevard
East Hampton, CT 06424
CKarney@orlcommercial.com

RE: **PETITION NO. 1252** - Eversource Energy petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed replacement of an existing 70-foot tall telecommunications facility with a new 120-foot tall telecommunications facility at property owned by Eversource Energy used as a service center and maintenance yard located at 22 East High Street, East Hampton, Connecticut.

Dear Ms. Karney:

The Connecticut Siting Council (Council) is in receipt of your letter of October 2, 2016, requesting Party status in Petition No. 1252.

Your request will be placed on the next meeting agenda, a copy of which will be sent to you. Your attendance is welcome, but is not required. You will be notified of the Council's determination immediately thereafter.

All documents filed to date are available at the Council's office or on our website under pending proceedings.

Please contact me if you have any questions.

Very truly yours,

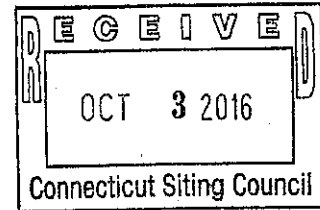
Melanie A. Bachman
Acting Executive Director

MB/RDM/lm

c: Council Members
Parties and Intervenors
Kathleen Shanley, Eversource Energy

Mathews, Lisa A

From: Carol Karney <CKarney@orlcommercial.com>
Sent: Sunday, October 02, 2016 12:52 PM
To: CSC-DL Siting Council
Subject: Petition No. 1252



Melanie Bachman;

RE:

"Eversource Energy petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed replacement of an existing 70-foot tall telecommunications facility with a new 120-foot tall telecommunications facility at property owned by Eversource Energy used as a service center and maintenance yard located at 22 East High Street, East Hampton, Connecticut."

I am writing as an abutter to Petition No. 1252 my contact information is as follows:

Carol Karney
32 Bevin Boulevard
East Hampton, CT 06424
Phone: 860-550-4744
Email: ckarney@orlcommercial.com

I request party status as an abutter.

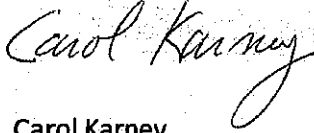
I request that the petition for a declaratory ruling be denied since there is no evidence of a municipal review or filing of a Certificate of Environmental Compatibility and Public Need was ever submitted for the existing facility as noted on page 2 of the petition as follows:

The existing antenna was installed to facilitate Eversource communications with its field personnel. Eversource has sought to verify that the antenna placement was approved by the Town of East Hampton, but the Town's records do not have any information regarding the antenna placement¹.

1. The Company's records indicate that the existing pole and radio communications equipment were installed in the early 1980s without Council review of the installation and issuance of a Certificate under C.G.S. § 16-50k. This circumstance was likely attributable to uncertainty at that time regarding whether the Council's jurisdiction included this type of radio communications equipment installation, which was not a component of a cellular system and would not be used to provide communications services to commercial customers, but instead would be used to maintain communications with the Company's field personnel in the surrounding area. See *Sprint Spectrum LP v. Connecticut Siting Council*, 274 F.3d 674 (2001). In that case, the U.S. Court of Appeals, 2nd Circuit, affirmed a 2001 ruling of U.S. District Court (Connecticut) that overturned the Council's ruling that "towers used to provide PCS [personal communications services] do not come within the scope of a fair interpretation of any of the categories in the statutory definition of 'facility.'" 274 F.3d 674 at 675. In its 1997 petition, Sprint Spectrum had requested that the Council rule on whether Sprint Spectrum's towers and associated equipment used for its PCS constitute "facilities" as defined in C.G.S. § 16-50i(a)(6). *Id.* See also *Town of Westport v. Connecticut Siting Council*, 47 Conn. Supp. 382 (2001), affirmed by *Town of Westport v. Connecticut Siting Council*, 260 Conn. 266 (2002), in which the Superior Court considered whether the Siting Council had exclusive jurisdiction over a tower to be built in Westport that would be shared by both cellular and

noncellular carriers, including Sprint Spectrum and Omipoint Communications, Inc. for their respective PCS equipment, and Nextel Communications of Mid-Atlantic for enhanced mobile radio service equipment . 47 Conn. Supp. at 385. The Superior Court ruled that the Council's jurisdiction was broad enough to cover such noncellular equipment placed on a cellular tower and the Council had exclusive jurisdiction to regulate such a tower. 47 Conn. Supp. at 396, 398-399

Sincerely,

A handwritten signature in cursive script that reads "Carol Karney". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Carol Karney