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MAY 26 2009

Fontaine, Lisa

CONNECTICUT
SITING COUNCIL

From: diane dupuis [Dd9art@sbcglobal.net]
Sent: Tuesday, May 26, 2009 10:21 PM
To: CSC-DL Siting Council; robert.marconi@po.state.ct.us; Mark Lyon; Susan Payne; Carrie L. Larson; cfisher@CUDDYFEDER.com; ken baldwin; David H. Wrinn; selectman@warren.org; Ray Furse; gabriel seymour Seymour; Bachman, Melanie; Shannon, Lance
Subject: Docket 378

Washington Conservation Commission's Objection and Motion to Deny Request by SBA to Postpone the Docket 378 Hearing

The Town of Washington Conservation Commission [WCC] objects to the request made by applicant SBA through its attorney, Carrie Larson, by letter under date of May 26, 2009, and moves the Council to deny the request for the following reasons:

The CSC was previously solicited for postponement of the June 2 hearing date, which request was roundly denied at Ms. Larson's insistence. If the Council should now reverse itself on the same request, this time made by a telecom industry member, the Council would be exercising its discretion unequally to the parties appearing before it, in gross violation of guarantees of equal protection.

In reliance on the CSC's previous resounding refusal to re-schedule the June 2 hearing date, the WCC has made arrangements to present witnesses on its direct case who have no flexibility in their schedules. One witness, Mr. John McNeely, will not be available again during this summer, and has made special arrangements to be available to WCC on June 2 in New Britain. If the hearing on June 2 is postponed, the loss of this essential witness will materially prejudice the WCC and its direct case. Mr. McNeely, an expert ornithologist, is the principal witness on the adverse impact of the proposed towers on migratory birds.

WCC's other witness, Ms. Elizabeth Corrigan, likewise has scheduling restraints that make it difficult to arrange another date to come to New Britain to testify. She has cleared June 2 to appear before the Council on WCC's direct case, and loss of this witness will also materially prejudice the WCC's direct case. Ms. Corrigan, a professional biologist who is a consultant to the Connecticut DEP, is the principal witness on the adverse impact of the proposed towers on the biodiversity and ecology of this ecosystem.

The WCC has expended hundreds of hours and over a thousand dollars in preparation for the hearing on June 2 including all pre-filing and mailings and service. The privilege of applying to the Siting Council for a site for a cell tower in Connecticut does not include schemes of land speculation. If SBA is not in earnest in its pursuit of the proposed sites A and B under Docket 378, it should withdraw its application with prejudice and with costs awarded to all objecting parties -- which is now the only proper mechanism for it to avoid the continued hearing on Tuesday June 2, 2009 in New Britain for which all parties have conscientiously prepared at great time, expenditure of human energy and financial resources.

If the Siting Council should agree to Ms. Larson's request, it will be engaging in a double standard -- one for Connecticut's citizens, and one more favorable to industry. Effecting a postponement so that industry may consider alternate sites at its convenience, without regard to the prejudice or injury to

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others -- a site that was readily available for SBA's consideration prior to the initiation of this hearing -- is tantamount to land speculation at the expense of embroiling citizens in defending their property rights, and public officials expending time to deflect a phantom application.

The Siting Council should not countenance such abuse of its jurisdiction, and WCC therefore moves the Council to deny the request.

Diane Dupuis
Washington Conservation Commission

diane dupuis
studio in the woods

"The most common way people give up their power is by thinking they don't have any."
—Alice Walker