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*Via E-Mail*

February 9, 2010

Daniel F. Caruso, Chairman  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**RE: Docket No. 384 – Application by Phoenix Partnership, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 50 Devine Street, North Haven, Connecticut. Response to Applicant’s Draft Findings of Fact.**

Dear Mr. Caruso:

We are writing on behalf of Clear Wireless, LLC (“Clearwire”), regarding Docket No. 384 in response to Phoenix Partnership, LLC’s (the “Applicant”) Draft Findings of Fact dated December 30, 2009. During the public hearing held by the Connecticut Siting Council (“Council”) on December 1, 2009, for Docket No. 384 statements concerning Clearwire’s interest in the proposed tower (the “Proposed Facility”) were made into the record.

Specifically, the Draft Findings of Fact submitted by the Applicant on December 30, 2009 state Clearwire’s interest in the Proposed Facility as follows:

“Clearwire Communications has indicated an interest in the Facility. (3:00p.m. Tr. at 20)”

Draft Findings of Fact submitted by the Applicant, Line 10.

The Applicant’s Draft Findings of Fact do not accurately reflect Clearwire’s interest in the Proposed Facility. Clearwire did not have plans to locate its equipment on the Proposed




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Facility at the time of the public hearing, nor does it have such plans presently. Clearwire respectfully requests the Council clarify the record to reflect Clearwire's interest in the Proposed Facility.

If you have any questions, please feel free to contact me.

Very truly yours,

**BROWN RUDNICK LLP**

By:  \_\_\_\_\_  
Thomas J. Regan

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