

STATE OF CONNECTICUT
SITING COUNCIL

IN RE: NEW CINGULAR WIRELESS PCS, LLC : DOCKET #388
APPLICATION FOR CERTIFICATE :
OF ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR A :
TELECOMMUNICATIONS FACILITY :
AT 1990 Litchfield Turnpike
Woodbridge, Connecticut.

: JULY 29, 2010

REPLY TO OBJECTION TO CEPA INTERVENTION

The Woodbridge Conservation Commission finds that it must correct at least one of the misstatements in AT&T's objection to the Commission's intervention.

1. The Conservation Commission was authorized to take action to file the intervention before the Siting Council and expend town funds in doing so by the Board of Selectmen last evening. AT&T represented falsely that selectmen had failed to act on the request.
2. While the Siting Council has its own rules for interventions limiting the timing for such interventions, CEPA contains no such limitation, and as such an intervention at any time prior to the final decision of an administrative body may be considered sufficient to allow an intervenor to advocate for the conservation of natural resources. This is especially so in light of the strong public policy behind the protection of natural resources.
3. AT&T's initial objection claims, but provides no evidence of, prejudice from the intervention. The intervention is based upon narrowly defined issues for which there is sufficient time to resolve.
4. There is a suggestion that the Commission intentionally waited to file its

intervention. The Commission retained the undersigned counsel on the morning of July 27 and "requisitioned" the report from its consulting engineer and filed the intervention at the earliest possible moment following its receipt. The delay in participating in these proceedings as a formal intervenor under CEPA was occasioned by the fact that there were post hearing materials submitted regarding the co-location which, upon review, appeared to omit reasonable feasible alternatives.

The Conservation Commission is generally less familiar with the intricacies of the matters handled by the Siting Council and once they sought legal counsel received advice that allowed them to move swiftly to attempt to ensure that the record in these proceedings was complete so that any decision reached by the Council would be based upon a full and well-considered record.

The issues raised in the intervention application are of significant public importance to the Town of Woodbridge which requests the Council's due consideration of the materials submitted; materials which are technical and expert in nature and of the kind which the Commission feels the Council would find of interest.

Respectfully Submitted,

The Woodbridge Conservation Commission

By 

Keith R. Ainsworth, Esq.

Evans Feldman & Ainsworth, L.L.C. #101240

261 Bradley Street

P.O. Box 1694

New Haven, CT 06507-1694

(203)772-4900

(203)782-1356 fax

krainsworth@snet.net

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 29th day of July, 2010 and addressed to:

Mr. S. Derek Phelps, Executive Director, Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051 (1 orig, 15 copies, plus 1 electronic) Hand delivered.

New Cingular Wireless, LLC (AT&T) c/o Daniel Laub, Esq., Cuddy & Feder, LLP, 445 Hamilton Avenue, 14th Floor, White Plains, NY 10601 (electronic and US Mail)



Keith R. Ainsworth, Esq.