



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

December 31, 2009

The Honorable Timothy C. Griswold
First Selectman
Town of Old Lyme
Town Office Building
52 Lyme Street
Old Lyme, CT 06371

RE: **DOCKET NO. 391** - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 232 Shore Road, Old Lyme, Connecticut.

DOCKET NO. 392 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 387 Shore Road, Old Lyme, Connecticut.

DOCKET NO. 393 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 61-1 Buttonball Road, Old Lyme, Connecticut.

Dear First Selectman Griswold:

In response to your request of December 16, 2009, please be advised that on December 18, 2009, the Connecticut Siting Council (Council) granted party status in Docket Nos. 391, D392, and D393 to the Town of Old Lyme.

Please note that the Telecommunications Act of 1996, a law passed by Congress, restricts this Council's actions. For example, this Act prohibits any state or local government agency, including this Council, from regulating telecommunication towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the FCC's regulations concerning such emissions. Also, this Act blocks state and local government agencies, such as this Council, from prohibiting personal wireless services for any town or area. Finally, this Act prohibits such state and local government agencies from unreasonably discriminating among wireless service providers. We ask that you please keep these in mind when preparing your case.

All filings submitted to the Council must consist of an original and 15 copies with the docket number(s) to which the evidence refers, properly collated and paginated, and bound. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings



be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

With respect to your request that the Council delay the hearings on these T-Mobile dockets in anticipation of a subsequent application to be filed by SBA Towers II, LLC (SBA) in March 2010, please be advised that a recent FCC decision in Wireless Telecommunications Docket 08-165 dated November 18, 2009 requires that Council make a final decision on all new tower applications within 150 days of receipt of an application. If the Council fails to act on any application within the 150 day period, the applicant may seek redress through a court-ordered injunction.

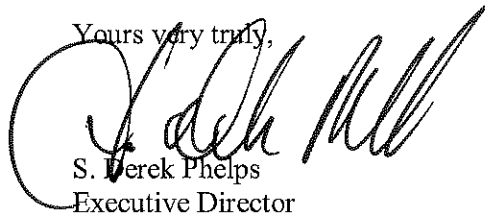
These T-Mobile applications were received on October 15, 2009. According to the provisions of the FCC decision, absent written consent from the applicant to extend the date for Council decision, the Council is bound by the FCC decision to proceed in a manner that displays a good-faith attempt to decide these matters according to the required 150 day schedule. Therefore, with respect to your request, dated December 16, 2009, to request additional time for decision from the applicant, the Council on December 3, 2009, inquired of T-Mobile as to whether it would be willing to grant the Council an extension of time in order to hold a joint hearing on the three T-Mobile applications and the forthcoming SBA application to which your letter referred.

T-Mobile indicated that it did not wish to subject any of the three dockets to an extension and requested the Council to assign the first available hearing date. Unfortunately, without written consent from the applicant, the Council is preempted by the FCC decision in this regard.

Therefore, in light of the above, and as indicated in my letter to you of last week, the Council is proceeding with plans to hold a hearing on Thursday, February 4, 2010, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Old Lyme Meeting Hall, Town Hall, 52 Lyme Street, Old Lyme, CT, and thereafter as necessary. The Council will conduct a public field review of the proposed sites on Thursday, February 4, 2010 beginning at 1:00 p.m. at 387 Shore Road and continuing to 232 Shore Road and then 61-1 Buttonball Road. The applicant will fly balloons at each site to simulate the heights of the proposed facilities.

Finally, let me please he Council will hold a pre-hearing conference on procedural matters on Wednesday, January 6, 2010, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut. Given your status as a party to these proceedings, you are asked to attend this conference or have someone present on your behalf. Thank you for your attention to these matters.

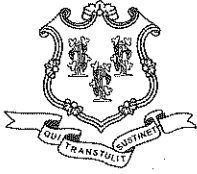
Yours very truly,



S. Derek Phelps
Executive Director

SDP/MB/jbw
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c: Council Members
Parties and Intervenors



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TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 391** - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 232 Shore Road, Old Lyme, Connecticut.

At a meeting of the Connecticut Siting Council held on December 18, 2009, the following was made a party to this proceeding:

PARTY

Town of Old Lyme

ITS REPRESENTATIVE

The Honorable Timothy C. Griswold
First Selectman
Town of Old Lyme
Town Office Building
52 Lyme Street
Old Lyme, CT 06371

INTERVENOR

Cellco Partnership d/b/a Verizon Wireless

ITS REPRESENTATIVE

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

INTERVENOR

New Cingular Wireless PCS, LLC (AT&T)

ITS REPRESENTATIVE

Daniel M. Laub, Esq.
Christopher B Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Please forward a copy of all filings to date in this proceeding to the new intervenor, unless service has been waived. A revised service list dated December 23, 2009, is enclosed for your reference.

SDP/MP/jbw

Enclosure

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	T-Mobile Northeast, LLC	Julie D. Kohler, Esq. Monte E. Frank, Esq. Jesse A. Langer, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax jkohler@cohenandwolf.com mfrank@cohenandwolf.com jlanger@cohenandwolf.com
Intervenor <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Intervenor <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com
Party <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Old Lyme	The Honorable Timothy C. Griswold Office of the Selectmen Town of Old Lyme 52 Lyme Street Old Lyme, CT 06371