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June 18, 2010

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Mr. S. Derek Phelps
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

***Re: Docket No. 392 – Application of T-Mobile Northeast LLC,
For a Certificate of Environmental Compatibility and Public
Need for the Construction, Maintenance and Operation of a
Telecommunications Facility at 387 Shore Road in
the Town of Old Lyme, Connecticut***

Dear Mr. Phelps:

The Applicant, T-Mobile Northeast LLC (“T-Mobile”), provides the following response to the Supplemental Response to Questions Asked by T-Mobile and the Council During Cross-Examination, (“Response”) submitted by the Intervenor, Mary T. Staley, dated June 15, 2010.

I. Public Safety

In her Response, Ms. Staley states that “[a] suggestion was made at the hearing by the Council that public safety would be at risk if the applicant’s facility were not put in to place” She argues that the record is devoid of any evidence supporting such a statement. Ms. Staley’s argument is unavailing for several reasons.

First, Ms. Staley mischaracterizes the statements made during the hearing. The Council indicated that improved wireless service is a necessity as more residents (year-round and seasonal) rely exclusively on their cellular phones. (*Hearing Tr. 4.20.10, pp. 155-56.*)

Second, the Council’s statement is supported not only by anecdotal evidence, but by federal law. Congress enacted the Wireless Communications and Public Safety Act of 1999 (“911 Act”). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. As an outgrowth of the 911 Act, the Federal Communications Commission has mandated that wireless carriers provide enhanced emergency services as part of their networks.

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Third, the record is replete with evidence demonstrating that the proposed Facility would improve the nationwide emergency communications infrastructure. The lengthy testimony and voluminous documentation submitted by T-Mobile establishes that there is a coverage gap in the areas surrounding the proposed Facility and that the Facility would remedy that gap.¹ In doing so, the Facility would enhance the ability of Old Lyme residents to communicate with emergency services personnel. Without improved wireless coverage, there is a greater likelihood for dropped 911 calls.

II. Industrial Area

Ms. Staley also argues that T-Mobile characterized the site of the proposed Facility, at 387 Shore Road ("Property"), as an "industrial area." Further, Ms. Staley argues that T-Mobile provided photographs of the Property, particularly the Laundromat located on the Property, to mislead the Council and the public. This is incorrect and unsupported by the record.

First, T-Mobile provided the photographs of the area behind the Laundromat at the request of the Council. (*Hearing Tr. 3.2.10, p. 70.*) The photographs depict the current view of the Laundromat from nearby properties, which views would include an existing propane tank and boat storage area. (*Hearing Tr. 4.20.10, p. 142.*)

Second, T-Mobile did not characterize the Property as an "industrial area." Rather, counsel for T-Mobile asked Ms. Staley whether the Property, particularly the view of the Laundromat from Ms. Staley's property, looked more commercial or industrial than pastoral. (*Hearing Tr. 4.20.10, p. 142.*) This question challenged Ms. Staley's position that her view of the Property is pastoral. Moreover, the photographs belie Ms. Staley's statements that the area is exclusively pastoral, without any infrastructure.

Third, the Property is zoned C-30. This is a commercial designation; such properties may be used for, *inter alia*, telecommunications facilities, laundry establishments, storage facilities, business offices and retail. See Old Lyme Zoning Regs., § 5.10.

Finally, Ms. Staley included photographs with her Response. These photographs have not been admitted into evidence. They lack the necessary foundation. Additionally, to be admitted into evidence, Ms. Staley would have to be subject to cross-examination. See Regs.,

¹ It is worth noting that, contrary to Ms. Staley's statements, T-Mobile's Application for a Certificate of Environmental Compatibility and Public Need does address the need to enhance emergency services communications. (*Application, pp. 5-6.*)

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Conn. State Agencies § 16-50j-28. Unless Ms. Staley is present on June 23, 2010, to authenticate the photographs and submit to cross-examination, T-Mobile requests that the Council preclude the photographs.

III. Advice from Independent Experts

In her Response, Ms. Staley also argues that, as an intervenor, she does not (or should not) bear the burden of producing credible experts and evidence to counter T-Mobile's Application. Like any party to an administrative proceeding, Ms. Staley must submit credible evidence to support her position. T-Mobile has produced qualified and credible experts, each of whom have testified objectively and candidly about the proposed Facility.

Ms. Staley has offered no credible evidence, supported by expert testimony, that (1) there is no need for the Facility; (2) the Facility would adversely impact the environment; (3) T-Mobile's visibility analysis is inaccurate; and (4) property values would decrease because of the Facility. Further, Ms. Staley has not established that she is qualified to opine as to any of these issues.

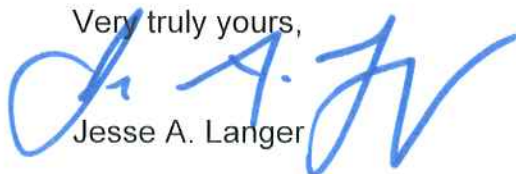
IV. Visibility of Proposed Facility

Finally, Ms. Staley makes various statements regarding the visibility of the proposed Facility. Each of these statements is nothing more than lay opinion. The Council should not consider these statements, including the diagram, as evidence (or at least as credible evidence) since Ms. Staley has not established herself as a professional visibility analyst. In contrast, T-Mobile has produced a credible and experienced visibility analyst, who has provided a detailed analysis of the visual impact of the proposed Facility.

V. Conclusion

Ms. Staley's Response is nothing more than lay opinion and conjecture. The record belies all of her contentions and amply supports T-Mobile's Application.

Very truly yours,



Jesse A. Langer

cc: Service List (Via Electronic Mail & First Class U.S. Mail)