

R. Keller Staley
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January 27, 2010

DELIVERY BY FEDEX

Connecticut Siting Council
State of Connecticut
Ten Franklin Square
New Britain, CT 06051

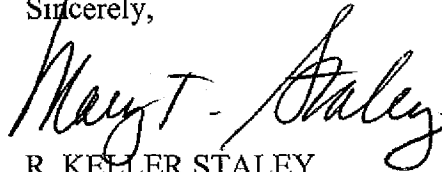
Attn: S. Derek Phelps, Executive Director

Re: **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**

Dear Council Members:

As property owners in the area of the proposed telecommunications facility referenced above, we hereby submit the attached Party Status Request Form. Our property is located at 3 North Road, South Lyme, CT 06376. In addition, I, Mary Staley, request that I be permitted to appear at the hearing on February 4, 2010. My proposed testimony and exhibit is also attached.

Sincerely,



R. KELLER STALEY
MARY T. STALEY

cc: Melanie A. Bachman, Staff Attorney (via email service)

Enclosures



Ten Franklin Square, New Britain, CT 06051 • Phone: (860) 827-2935 Fax: (860) 827-2950
siting.council@ct.gov

CONNECTICUT SITING COUNCIL
PARTY STATUS REQUEST FORM

Docket/Petition No. 392

Town/City: Old Lyme, CT

Name: Mary Staley

Address: 5805 Ogden Road

City: Bethesda

State: MD

Zip: 20816

Phone: 301-263-0223

Fax: 202-342-8451

E-Mail: mstaley@kelleydrye.com

1. Manner in which petitioner claims to be substantially and specifically affected:

My husband and I own property at 3 North Road, South Lyme, Connecticut 06376. Based on the picture provided by T-Mobile of the project site (see attached), our property is within 40 yards of the facility proposed by T-Mobile. Accordingly, this proposed facility will be clearly visible from our property. In fact, if constructed, it appears that a cell tower would likely be the most prominent visible feature of the property. Not only will this facility have a direct and significant adverse environmental impact on our property by impairing the pastoral setting of our property which is located in a residential area, but we will also be substantially and specifically affected because our property value will almost certainly decline if a cell tower is located so close to our property and it would place a major restraint on our ability to sell the property.

2. Contention of the petitioner:

In the first instance, T-Mobile has failed to demonstrate a valid public need for this facility in the face of the obvious adverse affect that this facility would have not only on the year-round residents, but on the summer residents and future residents (such as us) and recreational visitors to this location. The proposed location of 387 Short Road is in the heart of a pastoral, residential community. Nevertheless, T-Mobile has failed to provide sufficient evidence that it has considered other locations that might serve the same purpose but that would not so directly affect the residents of this community. While claiming that only a limited number of residents would be affected by its proposed facility, T-Mobile has failed to acknowledge that the population of Point O' Woods grows significantly in the summer. T-Mobile has also failed to consider future residents, such as ourselves, who are property owners in this area.

T-Mobile has also failed to take into account the full impact of this facility on the local environment. Not only will the tower be located near Long Island Sound, but it will also be within sight of other wetland areas used for recreation by area residents. These wetlands are home to a wide variety of wildlife whose habitats may well be disturbed by the construction of this facility. The waterways areas surrounding this area, including Three Mile River, are used for kayaking, canoeing and other recreational uses. These users will have a clear line of sight to this proposed cell tower.

Moreover, before any further consideration is made of T-Mobile's application, apparent errors in T-Mobile's application should be corrected. T-Mobile's written application indicates that the location of the facility will be at the Laundromat located at 387 Short Road. Yet the figures and photos that T-Mobile have provided show the location to be in the middle of a wooded area, in fact a wooded area that is directly in line with our property (see attached). Before this Council can make any reasoned assessment of the merits of T-Mobile's application, proper diagrams and pictures should be required.

Furthermore, other than referencing potential short interruptions in service that might be experienced by Am-Trak passengers (and only those Am-Trak passengers that have T-Mobile service), T-Mobile has failed to explain any other legitimate public need for this additional facility. Stated differently, other than to forestall potential gaps in service, T-Mobile has referenced no direct public need for this facility.

At the bare minimum, T-Mobile should be required to explain how long it believes this facility would need to be in service, given imminent technological advances that will likely make this facility obsolete in the next few years. Further, T-Mobile should be required to explain whether its proposal represents the least intrusive structure that would be required to satisfy the apparent needs of the Am-Trak passengers. Finally, T-Mobile should be required to guarantee in writing that it will monitor the use of this facility on a periodic basis so that in the very strong likelihood that this facility is no longer necessary in the near future, it will take all steps to remove this structure as soon as possible.

3. Relief sought by the petitioner:

I respectfully request that T-Mobile's application (Docket No. 392) be denied.

4. Statutory or other authority therefore; and

Although I am not familiar with Connecticut law, my understanding is that T-Mobile bears a heavy burden of demonstrating a strong public need for this facility that would outweigh adverse environmental effects from this structure. For the reasons outlined in paragraph 2, T-Mobile has failed to meet this burden.



5. Nature of evidence that the petitioner intends to present:

I would plan on providing direct testimony and will discuss the photos that indicate that T-Mobile has not correctly identify the proposed site.

6. Other comments for the Siting Council's consideration:

I strongly urge the Siting Council to reject this application. At a minimum, T-Mobile should have set forth a more detailed, complete analysis of the benefits of this particular location and should have provided a more detailed, complete analysis of the methods it used to decide that other, less residential areas were not suitable. This analysis is important given that the principal (if not only) beneficiaries of this proposed location are Am-Trak passengers who would only be inconvenienced at all for a matter of minutes as opposed to the burden imposed on the residents who would be adverse affected at all times while this facility remains standing.

I hereby certify that copies of this request have been mailed to the following participants on January 27, 2010 -- five (5) business days before the date of the hearing.

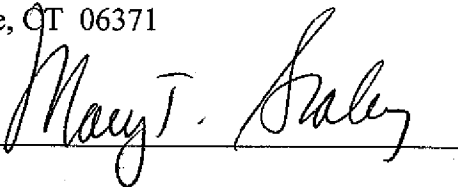
To: T-Mobile Northeast, LLC:

Julie D. Kohler, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

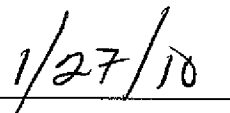
To: Town of Old Lyme:

The Honorable Timothy C. Griswold
Office of the Selectmen
Town of Old Lyme
52 Lyme Street
Old Lyme, CT 06371

Signed



Date:



ATTACHMENT



Figure 8 2009 Bing Maps Bird's-Eye Image

TESTIMONY IN OPPOSITION TO T-MOBILE'S APPLICATION
DOCKET NO. 392

My name is Mary Staley. My husband and I own property located at 3 North Road. We respectfully request that this Council reject T-Mobile's application for a variety of reasons.

Based on the picture provided by T-Mobile of the project site (see Exhibit), our property is within 40 yards of the facility proposed by T-Mobile. Accordingly, this proposed facility will be clearly visible from our property. In fact, if constructed, it appears that a cell tower would likely be the most prominent visible feature of the property. Not only will this facility have a direct and significant adverse environmental impact on our property by impairing the pastoral setting of our property which is located in a residential area, but we will also be substantially and specifically affected because our property value will almost certainly decline if a cell tower is located so close to our property and it would place a major restraint on our ability to sell the property.

In the first instance, T-Mobile has failed to demonstrate a valid public need for this facility in the face of the obvious adverse affect that this facility would have not only on the year-round residents, but on the summer residents and future residents (such as us) and recreational visitors to this location. The proposed location of 387 Short Road is in the heart of a pastoral, residential community. Nevertheless, T-Mobile has failed to provide sufficient evidence that it has considered other locations that might serve the same purpose but that would not so directly affect the residents of this community. While claiming that only a limited number of residents would be affected by its proposed facility, T-Mobile has failed to acknowledge that the population of Point O' Woods grows significantly in the summer. T-Mobile has also failed to consider future residents, such as ourselves, who are property owners in this area.

T-Mobile has also failed to take into account the full impact of this facility on the local environment. Not only will the tower be located near Long Island Sound, but it will also be within sight of other wetland areas used for recreation by area residents. These wetlands are home to a wide variety of wildlife whose habitats may well be disturbed by the construction of this facility. The waterways areas surrounding this area, including Three Mile River, are used for kayaking, canoeing and other recreational uses. These users will have a clear line of sight to this proposed cell tower.

Moreover, before any further consideration is made of T-Mobile's application, apparent errors in T-Mobile's application should be corrected. T-Mobile's written application indicates that the location of the facility will be at the Laundromat located at 387 Short Road. Yet the figures and photos that T-Mobile have provided show the location to be in the middle of a wooded area, in fact a wooded area that is directly in line with our property (see attached). Before this Council can make any reasoned assessment of the merits of T-Mobile's application, proper diagrams and pictures should be required.

Furthermore, other than referencing potential short interruptions in service that might be experienced by Am-Trak passengers (and only those Am-Trak passengers that have T-Mobile service), T-Mobile has failed to explain any other legitimate public need for this additional facility. Stated differently, other than to forestall potential gaps in service, T-Mobile has referenced no direct public need for this facility.

At the bare minimum, T-Mobile should be required to explain how long it believes this facility would need to be in service, given imminent technological advances that will likely make this facility obsolete in the next few years. Further, T-Mobile should be required to explain whether its proposal represents the least intrusive structure that would be required to satisfy the apparent needs of the Am-Trak passengers. Finally, T-Mobile should be required to guarantee in writing that it will monitor the use of this facility on a periodic basis so that in the very strong likelihood that this facility is no longer necessary in the near future, it will take all steps to remove this structure as soon as possible.

In conclusion, I strongly urge the Siting Council to reject this application. At a minimum, T-Mobile should have set forth a more detailed, complete analysis of the benefits of this particular location and should have provided a more detailed, complete analysis of the methods it used to decide that other, less residential areas were not suitable. This analysis is important given that the principal (if not only) beneficiaries of this proposed location are Am-Trak passengers who would only be inconvenienced at all for a matter of minutes as opposed to the burden imposed on the residents who would be adversely affected at all times while this facility remains standing.

EXHIBIT



Figure 8 2009 Bing Maps Bird's-Eye Image