

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

October 9, 2018

John Throckmorton
Vice President
Municipal Communications, LLC
3495 Piedmont Road NE
Eleven Piedmont Center
Suite 411
Atlanta, GA 30305

RE: **DOCKET NO. 399** – Bay Communications II LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 166 Pawcatuck Avenue, Stonington, Connecticut.

Dear Mr. Throckmorton:

On October 5, 2018, the Connecticut Siting Council (Council) received correspondence from Municipal Communications LLC (MMC) that the above-referenced telecommunications facility was transferred from Bay Communications II LLC (Bay) to MMC in December 2017 and then subsequently transferred from MMC to American Tower Corporation on September 20, 2018.

The Council issued a Certificate of Environmental Compatibility and Public Need (Certificate) for the above-referenced telecommunications facility to T-Mobile Northeast, LLC (T-Mobile) on September 1, 2010. On September 19, 2013, Bay requested the Council to approve the transfer of the Certificate from T-Mobile to Bay, which the Council approved on October 18, 2013.

An inspection of the Council's records reveals that no request to transfer the Certificate in connection with this site has been submitted to the Council since the transfer from T-Mobile to Bay in 2013.

Please be advised that Condition No. 14 of the September 1, 2010 Certificate explicitly states, "This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder \transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder \transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility."

Furthermore, Conn. Gen. Stat. §16-50k(b) states, "A certificate may be transferred, subject to the approval of the Council, to a person who agrees to comply with the terms, limitations and conditions contained therein."

To the extent that such transfer of ownership for this site has already occurred, the Council urges MMC and American Tower Corporation (ATC) to promptly submit a request for the transfer of the Certificate that complies with Condition No. 14 of the Council's September 1, 2010 Certificate and Conn. Gen. Stat. §16-50k(b).



I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Bachman', with a long horizontal flourish extending to the right.

Melanie Bachman
Executive Director

MAB/MP/laf

cc: Gregory Mercier, Esq., American Tower Corporation
Thomas Regan, Esq., Brown Rudnick LLP
Council Members

Municipal LLC Communications

October 5th, 2018

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

To Whom It May Concern,

ORIGINAL



This letter is in response to correspondence pertaining to Docket No. 339 that did not reach us until October 5th, 2018. A copy of the CSC letter is enclosed for reference. The telecommunications facility in question was transferred from its original owner, Bay Communications ("Bay"), in December, 2017, to our company, Municipal Bay LLC, and subsequently sold to American Tower Corporation on September 20th, 2018.

Based on documentation received from Bay in early 2018, it appears construction of this tower was started after issuance of a building permit from the Town of Stonington on December 5th, 2013, and completed prior to the issuance of a Certificate of Zoning Compliance from the Town of Stonington on October 31st, 2014. We did not receive documentation of the four items requested in the CSC letter: (1) notification of commencement of construction, (2) monthly progress reports, (3) notification of completion of construction and commencement of operation, and (4) final report.

If further information or action is required to remain in compliance with CSC regulations, the new owners can be contacted at:

American Tower
Attn: Regulatory
10 Presidential Way
Woburn, MA 01801

The point of contact is the undersigned at 404-995-1893 or jthrocmorton@municipalcom.com.

Regards,

A handwritten signature in blue ink, appearing to read "John Throckmorton".

John Throckmorton
Vice President



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VIA ELECTRONIC MAIL

August 8, 2018

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
CityPlace I
185 Asylum Street
Hartford, CT 06103

RE: DOCKET NO. 399 - Bay Communications II LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 166 Pawcatuck Avenue, Stonington, Connecticut. Non-Compliance with Development and Management (D&M) Plan Conditions

Dear Attorney Langer:

Pursuant to Connecticut General Statutes §16-50k, the Connecticut Siting Council (Council) issues Certificates of Environmental Compatibility and Public Need (Certificate) for the construction, operation and maintenance of telecommunications facilities. As a condition of project approval, the Council requires the submission of a full or partial Development and Management (D&M) Plan for Council review and approval prior to the commencement of facility construction pursuant to Sections 16-50j-75 to 16-50j-77 of the Regulations of Connecticut State Agencies (RCSA).

These regulations require certain written notifications and reports before, during and after facility construction. On April 27, 2018, the Council issued a memorandum regarding compliance with the D&M Plan regulations, which may be accessed at the following link: http://www.ct.gov/csc/lib/csc/guides/2018_guides/20180427-industrymemo-dandm.pdf.

The D&M Plan for the above-referenced facility was approved by the Council on January 13, 2011. However, the Council is not in receipt of the following required written notifications and reports:

- 1. Notification of commencement of construction per RCSA §16-50j-77(b);
2. Monthly progress reports per RCSA §16-50j-77(b);
3. Notification of completion of construction and commencement of operation per RCSA §16-50j-77(b); and
4. Final report per RCSA §16-50j-77(c).

Please be advised that the Council has a responsibility under the Public Utility Environmental Standards Act to take all reasonable steps to insure that each facility is constructed, maintained and operated in compliance with the Certificate issued by the Council and may exercise enforcement authority pursuant to Connecticut General Statutes §16-50u.

The Council hereby requests compliance on these matters no later than October 1, 2018. If additional time is needed to gather the requested information, please notify the Council in writing on or before October 1, 2018.

If you have any questions or concerns, please call the Council office at 860-827-2935.

Thank you for your attention to this matter.

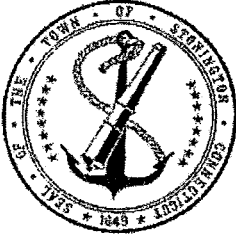
Sincerely,

Melanie A. Bachman
Executive Director

MAB/lm



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer



Town of Stonington Building Permit

Permit Number: **B-2013-595**

Permit Date: 12/5/2013

This permit is hereby granted to: **Warren & Patricia Main - owners; Bay Communications II LLC/ Old**
Of: 10 Bluff Ave., Suite 121
Clinton CT 06002

For the purpose of: **construct a 120' AGL monopole, all related equipment; fenced area; and access way**


In compliance with the state provisions of the Basic Building Code of the State of Connecticut

Property Location **166 Pawcatuck Avenue** **Pawcatuck**

Assessor's Map: 26 Block: 2 Lot: 1

Special Conditions or Stipulations:

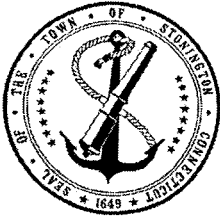
In accordance with the application dated: 11/27/2013



Building Official
Date: 12/5/2013

Building Fee: \$1462.00

Paid:



OFFICE OF THE BUILDING OFFICIAL

Town Of Stonington
152 Elm Street
Stonington, Connecticut 06378
(860) 535-5075 • Fax (860) 535 - 1023

Date of Final Inspection: October 23, 2014

CERTIFICATE OF USE AND OCCUPANCY

This is to certify that the building located on:

166 Pawcatuck Avenue, Pawcatuck

constructed as a 120' AGL monopole, all related equipment;
fenced area and access way

for Warren & Patricia Main – property owners
Bay Communications II LLC – applicant
Old Construction LLC – contractor

under Building Permit No. B-2013-595 dated 12/5/2013

conforms substantially to the requirements of the 2003 edition of the International Building Code and the 2005 Connecticut Supplement, the State of Connecticut Public Health Code and is hereby approved for use and/or occupancy as indicated below:

Temporary Occupancy in accordance with Section 110.3

Permanent Occupancy in accordance with Section 110.1 X

Use Group (Article 3) U/Construction Type 5B

Any additional work, structural, plumbing, heating or electrical will require new permits and a new certificate of occupancy. The above captioned structure may not be occupied for a period of more than thirty days from time of completion of such new work without a new certificate of occupancy.

Wayne James
Building Official

10/31/14
Date



TOWN OF STONINGTON

CERTIFICATE OF ZONING COMPLIANCE

October 31, 2014

Permit No. 13-267 ZON

This Certificate is hereby granted

To: Warren & Patricia Main / Bay Communications

For: Construction of a cell tower, support equipment, 8-ft high fence, and access driveway.

This is to certify that the property listed below has been inspected and substantially complies with the Town of Stonington Zoning Regulations.

Location: 166 Pawcatuck Ave., Pawcatuck, CT 06379

Assessor's Map 26 Block 2 Lot 1 Zone: RR-80

Comments:

Candace J. Palmer
Zoning Official

October 31, 2014
Date