

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
 :
 :
 APPLICATION OF NEW CINGULAR : DOCKET NO. 408
 WIRELESS PCS, LLC FOR A :
 CERTIFICATE OF ENVIRONMENTAL :
 COMPATIBILITY AND PUBLIC NEED :
 FOR THE CONSTRUCTION, :
 MAINTENANCE AND OPERATION OF A :
 TELECOMMUNICATIONS FACILITY AT :
 95 BALANCE ROCK ROAD, HARTLAND, :
 CONNECTICUT : MAY 12, 2011

MOTION IN LIMINE

Party Thomas H. Sirman moves, pursuant to the Uniform Administrative Procedure Act, General Statutes §§ 4-166 et seq., General Statutes §§ 16-50g et seq., Regs., Conn. State Agencies §§ 16-50j-1 et seq. and applicable law to preclude the introduction of any testimony from Daniel L. Goulet at the public hearing on the captioned matter.

In the scheduling order dated April 4, 2011 on Docket No. 408, a copy of which is attached hereto, the parties were instructed to pre-file all testimony and exhibits with the Connecticut Siting Council by May 9, 2011. Applicant, New Cingular Wireless PCS, LLC has filed no objection to this scheduling order. Applicant, New Cingular Wireless PCS, LLC, did pre-file an "update to witness list" identifying Mr. Goulet, but has not pre-filed his direct testimony.

As described by the Siting Council, the purpose of the public hearing is to "provide the

applicant, parties, and intervenors an opportunity to present exhibits and witnesses, and cross examine positions.” This purpose cannot be fulfilled without the pre-filing of testimony. Meaningful cross-examination of the applicant’s witnesses can only proceed if the participants in the hearing are apprised in advance of the education, background and experience of the witness, and the content of his or her direct testimony.

For the foregoing reasons, Party Thomas H. Sirman, moves to preclude the introduction of any testimony or other evidence from Daniel L. Goulet into the record of the public hearing on the captioned matter by the applicant, New Cingular Wireless PCS, LLC.

Respectfully submitted,
THOMAS H. SIRMAN

By 
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CERTIFICATE OF SERVICE

I hereby certify that on the 13TH day of May, 2011, a copy of the foregoing document

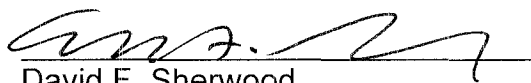
and attachments was sent, first class U.S. mail, postage prepaid, to:

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David F. Sherwood
Commissioner of the Superior Court

DATE: April 4, 2011

RE: **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut.

I. Introduction

The application is from New Cingular Wireless PCS, LLC for the construction, maintenance, and operation of a 190-foot telecommunications facility and associated equipment at 95 Balance Rock Road in the Town of Hartland, Connecticut.

III. Revised Schedule

Application received	10/13/2010
Completeness review	11/05/2010
Pre-hearing conference	12/08/2010
Field review of site	01/13/2011
Previous hearing dates	01/13/2011, 03/01/2011
Continued Hearing in New Britain (1 pm)	05/16/2011
Deadline for exchange of Interrogatories	05/02/2011
Pre-filed testimony and all other filings due	05/09/2011
Close of Record	06/16/2011
Draft Findings of Fact	06/23/2011
Draft Findings of Fact, Opinion & Decision & Order	07/14/2011
Deadline for Decision	7/29/2011

Robert D. Mercier
Siting Analyst