



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

December 9, 2019

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

RE: **DOCKET NO. 451** – InSite Towers Development, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at the Cheshire Wastewater Treatment Plant, Cheshire Tax Assessor Map 38, Lot 180, 1325 Cheshire Street, Cheshire, Connecticut.

Dear Attorney Fisher:

The Connecticut Siting Council (Council) is in receipt of correspondence, dated December 5, 2019 a copy of which is attached for your convenience, from Mr. Larry Ruddy, a property owner in the neighborhood of the above-referenced site, expressing disappointment that “since the tower was built 3 years ago, no cell service has been added.”

Homeland Towers, LLC (HT) and New Cingular Wireless, PCS, LLC (AT&T) submitted an application for a Certificate of Environmental Compatibility and Public Need (Certificate) for the above-referenced telecommunications facility on August 5, 2014. The Council held a public hearing on the application on October 9, 2014 and rendered a decision to grant HT a Certificate to construct the tower and for AT&T to install equipment on the tower to provide cellular service on January 14, 2015. On June 1, 2015, HT submitted a Development and Management Plan (D&M Plan) for the subject facility that was approved by the Council on June 26, 2015.

Due to the failure of AT&T to make timely arrangements for installation of their equipment on the tower to provide cellular service, on May 12, 2016, in compliance with Condition No. 7 of the Council’s Decision & Order, HT requested an eighteen-month extension that was granted by the Council. As of May 12, 2016, the tower was constructed and the Town of Cheshire’s public safety equipment was installed.

On August 28, 2016, HT requested to transfer the Certificate to InSite Towers Development, LLC (InSite) and the Council granted the request to transfer the Certificate on September 30, 2016. Again, due to the failure of AT&T to make timely arrangements for installation of their equipment on the tower to provide cellular service, on November 6, 2017, in compliance with Condition No. 7 of the Council’s Decision & Order, InSite requested a second eighteen-month extension that was granted by the Council.

On April 18, 2019, in compliance with Condition No. 7 of the Council’s Decision & Order, InSite requested a third eighteen-month extension that was granted by the Council. The same reason was provided for the request – AT&T failed to make timely arrangements for installation of their equipment on the tower to provide cellular service. **However, 72 months amounts to 6 years.** Activation of a facility requires the equipment of a licensed telecommunications carrier to be installed on the tower to provide cellular service. Neither the Council nor InSite can force AT&T

to install equipment on the tower. This has a detrimental impact on AT&T subscribers, particularly subscribers within the neighborhood where the tower is located, such as Mr. Ruddy, who affirmatively states in his correspondence, "The cell service in this area is intermittent at best and at times non-existent. If the company cannot be required to add the promised cell service in a timely manner, it should be required to dismantle and remove the tower as stated in the Decision and Order for Docket 451 item #6. **We have waited almost 10 years for cell service, they have not provided the service they promised, they should be held accountable.**" (Emphasis added).

Please be advised that had the most recent request for an extension not been granted, in accordance with the Council's final decision to grant InSite, as successor to HT, a Certificate for the facility, InSite would be required to dismantle the tower facility and remove all associated equipment or reapply to the Council for any continued or new use. This jeopardizes the continued operation of the emergency communications equipment installed on the tower that has been providing emergency services from this location for at least 3 years.

Condition No. 7 of the Council's Decision and Order for this facility states:

Unless otherwise approved by the Council, **if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier** providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), **this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council** before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable. (Emphasis added).

The Council requests AT&T to provide a detailed response as to the status of its planned installation for this facility by close of business on **December 31, 2019**. If AT&T fails to address the matter in a timely manner or if another request for extension of construction is submitted prior to the January 14, 2021 deadline, the Council will deny the request and require the facility to be dismantled in accordance with Condition No. 7 of the Certificate.

Thank you for your interest and concern in this important matter.

Sincerely,



Melanie A. Bachman
Executive Director

cc: Raymond Vergati, Homeland Towers, LLC
Lance C. Cawley, InSite Wireless
Laura A. Wakefield, InSite Wireless
Jessica Rincon, AT&T
Alfred E. Smith, Esq., Murtha Cullina LLP
Sean Kimball, Town of Cheshire Manager
Neil Dryfe, Town of Cheshire Chief of Police
Larry Ruddy
Lucia Chiochio, Esq., Cuddy & Feder

From: Larry Ruddy [mailto:lruddy@cox.net]
Sent: Thursday, December 05, 2019 11:41 AM
To: CSC-DL Siting Council
Subject: Lack of progress by InSite Wireless Group, LLC (Docket 451)

CT Siting Council Members,

I am writing this message to you in the hopes you can urge InSite Wireless Group to complete the cell tower at the Cheshire Wastewater Treatment Plant in Cheshire. When the tower was proposed in 2010 and finally approved in 2015 we were told it would be operational by July 2016. The the company was given extensions by your group which enabled them to avoid finishing the project to provide the cell service quality they promised us. The last completion date we heard about was for July 2019. It is now December 2019 and nothing has changed or progressed with the project.

Many people in the neighborhood were opposed to the cell tower because it can be an eyesore and may reduce property values. The promise of good cell service persuaded enough support to get the tower approved after years of debate. Since the tower was built 3 years ago, no cell service has been added. It is now an eyesore with no benefit to the neighborhood. The cell service in this area is intermittent at best and at times non existent. If the company can not be required to add the promised cell service in a timely manner, it should be required to dismantle and remove the tower as stated in the Decision and Order for docket 451 item #6. We have waited almost 10 years for cell service, they have not provided the service they promised, they should be held accountable.

Thank-you,

Larry Ruddy
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