

CONNECTICUT SITING COUNCIL

APPLICATION OF AMERICAN TOWER)
CORPORATION AND NEW CINGULAR) DOCKET NO. 453
WIRELESS PCS, LLC TO THE)
CONNECTICUT SITING COUNCIL FOR)
A CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AND PUBLIC NEED) January 16, 2015
FOR THE CONSTRUCTION,)
MAINTENANCE,)
AND OPERATION OF A TELE-)
COMMUNICATIONS FACILITY LOCATED)
AT MANCHESTER TAX ASSESSOR MAP 133,))
BLOCK 3700, LOT 701, 701 LYDALL)
STREET, MANCHESTER, CT)

APPLICATION OF STATE REPRESENTATIVE KELLY LUXENBERG AND STATE SENATOR STEVE CASSANO TO INTERVENE UNDER C.G.S. §§ 4-177a(b), 16-50n, 16-50o AND 22a-120

Pursuant to Connecticut General Statutes §§ 4-177a(b), 16-50n, 16-50o and 22a-120, State Representative Kelly Luxenberg of 45 Chatham Drive, Manchester, CT and State Senator Steve Cassano of 1109 Middle Turnpike East, Manchester, CT (hereinafter the "Proposed Intervenors") hereby move and petition the Connecticut Siting Council to be party intervenors in the above application by American Tower Corporation ("ATC") and New Cingular Wireless PCS, LLC ("AT&T") for a certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Manchester Tax Assessor Map 133, Block 3700, Lot 701, 701 Lydall Street, Manchester, CT (hereinafter the "Application"). The Proposed Intervenors represent that their participation is in the interests of justice and the environment and that their participation will not impair the orderly conduct of the proceeding.

In support of this request, the Proposed Intervenors state the following:

1. The names and addresses of the Proposed Intervenors are as follows:

State Representative Kelly Luxenberg
Legislative Office Building
Room 4200
Hartford, CT 06106
Kelly.Luxenberg@cga.ct.gov

State Senator Steve Cassano
Legislative Office Building
Room 2200
Hartford, CT 06106
Steve.Cassano@cga.ct.gov

2. The Proposed Intervenors have concerns for the public need to construct a telecommunications facility at property located at Manchester Tax Assessor Map 133, Block 3700, Lot 701, 701 Lydall Street, Manchester, CT (hereinafter the "Property"). The Property consists of approximately 64 acres of land which includes hay fields and a small quarry operation. The telecommunications facility, which American Tower Corporation proposes in the Application, consists of a 104-foot self-supporting monopole telecommunications tower with up to fifteen (15) panel-type antennas, and a 2,500 square foot shelter near the base of the tower to enclose a diesel-fueled back-up generator (hereinafter the "Cell Tower").

3. The construction and existence of ATC's Cell Tower will have a negative impact on this environmental area, scenic vistas, neighboring property values and the general character and harmony of the surrounding conservation land and residential neighborhood. Pursuant to C.G.S. §§ 4-177a(b), 16-50n, 16-50o and 22a-120, the Proposed Intervenors have a direct interest in the proceedings that will be specifically and substantially affected as they live in close proximity to the Property. The Proposed Intervenors seek to intervene in the above proceedings for the purpose of potentially submitting testimony, briefs and other evidence relevant to the Siting Council's consideration of Docket 453.

4. The Proposed Intervenors hereby present this verified pleading, pursuant to C.G.S. § 16-50n, for the purpose of asserting that evidence and testimony shall be presented in order to demonstrate that the activity proposed by ATC for the Property is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut because, if granted, ATC's Cell Tower will unreasonably impact inland wetlands, public water sources, neighboring property values and the visual quality of the environment in a residential area.

5. The Proposed Intervenors seek to present evidence and testimony that will demonstrate that the environmental impact from ATC's Cell Tower could be reasonably mitigated by the use of alternate locations.

6. The Proposed Intervenors seek to present evidence and testimony that will demonstrate that there are reasonable and prudent alternatives to the ATC Cell Tower, such as other telecommunications equipment and technology, which ATC could implement in the area to achieve their reasonable coverage needs instead of the construction and maintenance of the proposed Cell Tower.

7. The Proposed Intervenors seek to present evidence and testimony that will demonstrate that pursuant to C.G.S. § 16-50n, any need for adequate and reliable public utility service that will be fulfilled by the ATC Cell Tower will be significantly outweighed by the need to protect the environment and health of the State and to minimize damage to scenic, historic and recreational values.

For the above stated reasons, the Proposed Intervenors respectfully request that their application for intervenor status, pursuant to C.G.S. §§ 4-177a(b), 16-50n, 16-50o and 22a -120, be granted by this Honorable Connecticut Siting Council.

RESPECTFULLY SUBMITTED BY:


STATE REPRESENTATIVE KELLY LUXENBERG


STATE SENATOR STEVE CASSANO

The Proposed Intervenors request copies of all filings made in the course of this Petition 1010 to date and from this date forward via regular U.S. Mail.

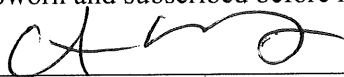
VERIFICATION

I, STATE REPRESENTATIVE KELLY LUXENBERG, duly sworn, hereby verify that the above application is true and accurate to the best of my knowledge and belief.



STATE REPRESENTATIVE KELLY LUXENBERG

Sworn and subscribed before me this 16th day of January, 2015.



Commissioner of Superior Court / ~~Notary Public~~
Christy Scott

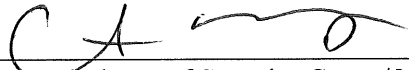
VERIFICATION

I, STATE SENATOR STEVE CASSANO, duly sworn, hereby verify that the above application is true and accurate to the best of my knowledge and belief.



STATE SENATOR STEVE CASSANO

Sworn and subscribed before me this 16th day of January, 2015.



Commissioner of Superior Court / ~~Notary Public~~
Christy Scott

CERTIFICATE OF SERVICE

This is to certify that on January 16, 2014 a true copy of the foregoing has been sent by U.S.


Mail, first-class, postage pre-paid, to the following parties of record:

Melanie Bachman, Esq., Acting Executive Director, Connecticut Siting Council, 10 Franklin Sq.,
New Britain, CT 06051 (1 original, 15 copies, plus 1 electronic)

American Tower Corp. and New Cingular Wireless PCS, LLC, Lucia Chiocchio, Esq., Cuddy & Feder
LLP, 445 Hamilton Avenue, 14th Floor, White Plains, New York 10601

Michele Briggs, AT&T, 500 Enterprise Drive, Rocky Hill, CT 06067-3900

Blake Paynter, American Tower Corporation, 10 Presidential Way, Woburn, MA 01801


State Representative Kelly Luxenberg