



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

VIA ELECTRONIC AND REGULAR MAIL

October 21, 2019

Heather M. Brown-Olsen
Legal Consulting Group, LLC
23 Old King's Highway South
Darien, CT 06820
heather@ctlegalgroup.com

RE: **DOCKET NO. 458** – Tarpon Towers II, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation, of a telecommunications facility at one of two locations at Bethel Tax Assessor's Map 65, Block 57, Lot 122, 62-64 Codfish Hill Road, Bethel, Connecticut.

Dear Ms. Brown:

The Connecticut Siting Council (Council) is in receipt of your e-mail of October 18, 2019, a copy of which is attached, claiming Julian Tetreault, Administrator of the Estate of Claudia Stone, deceased, filed a Petition to Intervene with the Council on July 19, 2019 for the above-referenced, closed matter. Curiously, three full months have passed since the alleged Petition to Intervene was supposedly filed with the Council.

The Council did not receive any Petition to Intervene on July 19, 2019, or on any other date, from Julian Tetreault. In fact, attached to the Petition to Intervene that was submitted with your October 18, 2019 e-mail are mail receipts for the service list of the matter, as defined under Regulations of Connecticut State Agencies (RCSA) §16-50j-12(e), consisting of Mr. Coppins, Attorney Ainsworth, Attorney Baldwin and Attorney Kohler, but there is no attached mail receipt for the Council.

The Council's filing requirements are specified under RCSA §16-50j-12, as well as in the Council's Information Guide to Party and Intervenor Status, both of which are posted on the Council's website. The regulations specify that an original, electronic and 20 copies of any papers shall be submitted to the Council at its office at 10 Franklin Square, New Britain, Connecticut. Furthermore, RCSA §16-50j-15a and Connecticut General Statutes (CGS) §4-177a require a Petition to Intervene to be submitted **at least five days prior to the public hearing**. The public hearings for this matter were held on June 2, 2015 and July 14, 2015.

Please be advised that the Council rendered a final decision to issue a Certificate of Environmental Compatibility and Public Need (Certificate) to North Atlantic Tower, LLC (NAT) for the construction, maintenance and operation of a telecommunications facility at 62-64 Codfish Hill Road, Bethel, Connecticut in Docket No. 458 on September 22, 2015. No timely appeals of the Council's final decision were filed by any party or intervenor. NAT met all of the conditions of the Certificate, including, but not limited to, submission of a Development and Management Plan on November 10, 2015, notification of commencement of construction on October 12, 2016 and notification of completion of construction on February 27, 2018.

Your October 18, 2019 e-mail complains that no notice of the April 23, 2019 request to transfer the Certificate from NAT to Tarpon Towers II, LLC (Tarpon) was provided to Julian Tetreault. However, CGS §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 therein." No notice of the request is required to be submitted to the service list of the matter, or any other person. On May 9, 2019, the Council granted the request to transfer the Certificate from NAT to an affiliate of NAT, Tarpon. In accordance with the provisions of CGS §16-50k(b), Tarpon agreed to comply with the terms, limitations and conditions of the Certificate issued by the Council in Docket No. 458.

Ironically, or perhaps conveniently, your October 18, 2019 e-mail makes absolutely no mention of Paragraphs 8 and 21(e) of the Land Lease Agreement executed by the decedent, Claudia Stone, on March 27, 2014, that is part of the Council's record of this Certificate application.

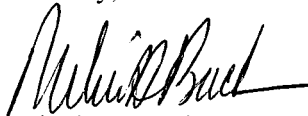
Paragraph 8 states, in pertinent part, "**Assignment.** Tenant shall have the right to freely assign or transfer its rights under this Agreement, in whole or in part, to its holding company or an affiliate, at any time, without Owner consent."

Paragraph 21(e) states, "The terms and conditions of this Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of Owner and Tenant."

The Council has no jurisdiction or authority to interpret or enforce the Land Lease Agreement. That jurisdiction and authority is squarely vested in the Superior Court.

Given that litigation is currently pending in the Superior Court, it is quite plausible that the intent of submitting this alleged Petition to Intervene in a closed administrative matter is a litigation tactic. Certainly, the intent could not have been to knowingly make a false statement of material fact to a third person in the course of representing a client in violation of Rule 4.1 of the Rules of Professional Conduct.

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/lm

cc with Enclosures: Council Members
Docket No. 458 Service List

Bachman, Melanie

From: Heather Brown <heather@ctlegalgroup.com>
Sent: Friday, October 18, 2019 2:32 PM
To: Bachman, Melanie
Cc: Amelia Pelton
Subject: RE: Petition to Intervene Docket 458
Attachments: 2019-07-19 Petition to Intervene.pdf

Dear Ms. Bachman-

On July 19, 2019 Julian Tetreault, Administrator of the Estate of Claudia Stone, deceased, filed a Petition to Intervene with the Connecticut Siting Council. A copy is attached with the certificate of service. To date, no acknowledgement of this filing has been had and none appears on the docket sheet.

We gave notice in the attached petition regarding the pendency of a civil action DBD CV 19 6031137 and have been waiting for disposition on our application for intervenor status before formally requesting that the Connecticut Siting Council consider the allegations as set forth in the complaint as same pertain to issues regarding the applicant's compliance with the Certificate of Environmental Compatibility.

Kindly advise at your earliest with regard to the status of the intervenor's petition.

*******ATTENTION WIRE FRAUD IS REAL. PLEASE DO NOT INITIATE A WIRE TRANSFER TO MY OFFICE OR FOLLOW A WIRE TRANSFER DIRECTIVE FROM MY OFFICE WITHOUT CALLING AND VERIFYING VERBALLY THE WIRE INSTRUCTIONS WITH ME*******

**Heather M. Brown-Olsen Esq.
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Amelia@ctlegalgroup.com**

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APPLICATION OF FLORIDA TOWER :
PARTNERS LLC, D/B/A NORTH ATLANTIC :
TOWERS FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND :
PUBLIC NEED FOR THE CONSTRUCTION, :
MAINTENANCE, AND OPERATION, OF :
A TELECOMMUNICATIONS FACILITY AT :
62-64 CODFISH HILL ROAD, BETHEL, :
CONNECTICUT : July 19, 2019

PETITION TO INTERVENE

Pursuant to Connecticut General Statutes (“C.G.S.”) Section 16-50n and Regulations of Connecticut State Agencies (“R.C.S.A.”) Section 16-50j-15a, Julian Tetreault, Administrator, Estate of Claudia Stone, deceased hereby requests permission of the Siting Council (“Council”) to participate as an intervenor in any matters that are brought to the Connecticut Siting Council regarding the terms, limitations, and conditions contained in the Certificate of Environmental Compatibility and Public need as set forth in Docket 458.

The petitioner is the administrator of his late mother’s estate. The real property in the intestate estate is the site of the telecommunications facility at 62-64 Codfish Hill Road, Bethel, CT. The petitioner is also the plaintiff in an action now pending in the Superior Court for the Judicial District of Danbury bearing Docket No. DBD-CV19-6031137-S, which action alleges facts that, if proven, may have the effect of constituting a breach of the terms, limitations and conditions contained in the Certificate of Environmental Compatibility and Public need which certificate was transferred to Tarpon Towers II upon application made after the attached lawsuit was served on the defendants. ¹ No notice of the application to transfer the certificate was

¹ By order of the Court, the pending action has been amended to add Verizon to the suit.

given to the petitioner. The petitioner, as representative of the owner of the real property to which the certificate attaches, has a direct interest in receiving notice of any actions that may be taken with regard to applicant's use of, and compliance with, the terms and conditions of the Certificate of Environmental Compatibility and Public need as set forth in Docket 458.

A copy of the pending cause of action is attached to this petition.

For the above-stated reasons, Julian Tetreault, Administrator seeks permission to participate in this docket as an intervenor.

BY:



Heather M. Brown-Olsen
Legal Consulting Group, LLC
23 Old Kings Highway South
Darien, CT 06820
Phone: 203-655-1900
Fax: 203-655-2210
Juris No. 429659

Served on Parties and Intervenors

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Certificate Holder As of 5/9/19	<input checked="" type="checkbox"/> E-Mail	Tarpon Towers II, LLC	Keith Coppins Tarpon Towers 1001 3rd Ave. West, Suite 420 Bradenton, FL 34205 kcoppins@phoenixprts.com
Applicant	<input checked="" type="checkbox"/> E-Mail	Florida Tower Partners LLC d/b/a North Atlantic Towers	Julie D. Kohler, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 203-368-0211 jkohler@cohenandwolf.com
Intervenor (Approved on April 30, 2015)	<input checked="" type="checkbox"/> E-Mail	Codfish Hill Environmental Trust	Keith R. Ainsworth, Esq. Evans Feldman & Ainsworth, L.L.C. 261 Bradley Street P.O. Box 1694 New Haven, CT 06507-1694 (203) 772-4900 (203) 782-1356 fax kainsworth@snet.net
Intervenor (Approved May 28, 2015)	<input checked="" type="checkbox"/> E-Mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com

USPS Transaction Details

Return Address: Heather M. Brown
Legal Consulting Group
LLC
23 Old Kings Hwy South
Ground Floor
Darien, CT 06820
US

Print Date: July 19, 2019 - 05:27:10 PM
Ship Date: July 19, 2019
User: LCG-Stamps
Weight: 0 lbs 7 oz
Refund Type: E-refund
Printed Msg:

Delivery Address: Kenneth C. Baldwin
Esq
Robinson & Cole
LLP
280 Trumbull Street
Hartford, CT 06103-3597

Cost Code:

Class/Service: First Class ®

\$1.90

Special Services:

Insurance: N/A

TOTAL COST:

\$1.90

USPS Transaction Details

Return Address: Heather M. Brown
Legal Consulting Group
LLC
23 Old Kings Hwy South
Ground Floor
Darlen, CT 06820
US

Print Date: July 19, 2019 - 05:26:23 PM
Ship Date: July 19, 2019
User: LCG-Stamps
Weight: 0 lbs 7 oz
Refund Type: E-refund
Printed Msg:

Delivery Address: Kevin R. Ainsworth
Esq
Evans
Feldman & Ainsworth
LLC
261 Bradley St.
PO Box 1694
New Haven, CT 06507-1694

Cost Code:

Class/Service: First Class ®

\$1.90

Special Services:

Insurance: N/A

TOTAL COST:

\$1.90

USPS Transaction Details

Return Address: Heather M. Brown
Legal Consulting Group
LLC
23 Old Kings Hwy South
Ground Floor
Darien, CT 06820
US

Print Date: July 19, 2019 - 05:25:37 PM
Ship Date: July 19, 2019
User: LCG-Stamps
Weight: 0 lbs 7 oz
Refund Type: E-refund
Printed Mag:

Delivery Address: Julie D. Kohler
Esq
Cohen and Wolf
PC
1115 Broad Street
Bridgeport, CT 06604-4247

Cost Code:

Class/Service: First Class ®

\$1.90

Special Services:

Insurance: N/A

TOTAL COST:

\$1.90

USPS Transaction Details

Return Address: Heather M. Brown
Legal Consulting Group
LLC
23 Old Kings Hwy South
Ground Floor
Darien, CT 06820
US

Print Date: July 19, 2019 - 05:24:43 PM
Ship Date: July 19, 2019
User: LCG-Stamps
Weight: 0 lbs 7 oz
Refund Type: E-refund
Printed Msg:

Delivery Address: Keith Coppins
Tarpon Towers
1001 3rd Ave. West
Suite 420
Bradenton, FL 34205-7873

Cost Code:

Class/Service: First Class ®

\$1.90

Special Services:

Insurance: N/A

TOTAL COST:

\$1.90