



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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June 11, 2015

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

RE: **PETITION NO. 1152** - New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a temporary telecommunications facility located at East Lyme Tax Assessor Map 30, Lot 1, Ancient Highway, East Lyme, Connecticut.

Dear Attorney Fisher:

The Connecticut Siting Council (Council) is in receipt of your letter dated June 8, 2015 requesting withdrawal of the above-referenced petition without prejudice. The Council hereby acknowledges your request to withdraw the petition without prejudice.

The Council declares this matter to no longer be pending before this agency. Please note that if you decide to present an amended petition to the Council in the future for a temporary facility at the above referenced site on Ancient Highway in East Lyme, that such a request will need to be submitted as a new petition that must follow the applicable statutory and regulatory requirements for a new petition for a declaratory ruling.

Should you have any questions, please feel free to contact the Council office.

Very truly yours,

Melanie A. Bachman  
Acting Executive Director

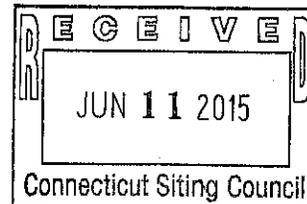
MAB/RM/lm

cc: Council Members  
Keith R. Ainsworth, Esq., Evans, Feldman & Ainsworth, LLC  
Tracy Collins, Esq., Waller, Smith & Palmer, P.C.  
Timothy J. Highman  
Michelle Briggs, AT&T  
Sam Simons, T-Mobile

June 8, 2015

**VIA EMAIL & FIRST CLASS MAIL**

Hon. Robert Stein, Chairman  
and Members of the Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051



Re: Petition No. 1152 & Docket 67  
New Cingular Wireless PCS, LLC ("AT&T")  
East Lyme, Connecticut

Dear Chairman Stein and Members of the Siting Council:

On behalf of our client New Cingular Wireless PCS, LLC (AT&T) (the "Petitioner"), we are writing to withdraw AT&T's request for a declaratory ruling in Petition No. 1152 without prejudice. AT&T was able to secure one additional year of term for the existing tower site from the lessor of the East Lyme facility which was issued a Certificate in Docket 67. The existing tower will now need to be decommissioned in late 2016 when the lease, as just amended, terminates.

While the more immediate need to permit and deploy a temporary tower in this part of East Lyme has abated, there is still a need for AT&T and T-Mobile to relocate to a permanent tower facility in 2016 for continuity of services. As such and as noted in our recent filings with the Council in Petition 1152, AT&T has been coordinating with two tower companies that control by lease, separate and alternative tower sites for consideration in this area of East Lyme. We are pleased to advise the Council that this past Friday, our office filed technical reports with Town of East Lyme officials pursuant to Section 16-501 of state law. A copy of our letter to First Selectman Nickerson is enclosed for your files.

Over the course of the next ninety days, we anticipate meeting with First Selectman Nickerson, coordinating further visual studies of the proposed tower sites and exploring recommendations or preferences Town of East Lyme officials may have, related to this project. We have also asked the Town to hold a public information session as permitted by Section 16-501(g) of state law sometime in late July. We do not anticipate filing a formal application with the Siting Council until September 2015 at the earliest.

CUDDY &  
FEDER<sup>LLP</sup>

Should you or staff have any questions regarding the foregoing, please do not hesitate to contact me. Thank you for your consideration in this matter.

Very truly yours,



Christopher B. Fisher

cc: Executive Director Bachman  
Keith Ainsworth, Esq.  
Timothy J. Highman  
Tracy Collins, Esq.  
Michele Briggs, AT&T  
Sam Simons, T-Mobile

# CUDDY & FEDER<sup>LLP</sup>

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June 5, 2015

## VIA FEDERAL EXPRESS

First Selectman Mark C. Nickerson  
Town of East Lyme  
P.O. Box 519  
108 Pennsylvania Avenue  
Niantic, Connecticut 06357

Re: American Tower Company & Ancient Highway Towers, LLC  
AT&T & T-Mobile Wireless Services  
One Proposed Wireless Telecommunications Tower Facility  
Site A: Ancient Highway, East Lyme, Connecticut, or  
Site B: 351 Boston Post Road, East Lyme, Connecticut

Dear First Selectman Nickerson:

We are writing to you on behalf of our client New Cingular Wireless PCS, LLC ("AT&T") and American Tower Company, Ancient Highway Towers, LLC and T-Mobile with respect to the above captioned matter. This project involves a proposed wireless telecommunications tower facility at one of two locations and would replace service from an existing tower site located in The Orchards development. The purpose of our letter is to formally commence a municipal consultation process prior to an application being filed with the State Siting Council in accordance with state statutes.

As you know from the proceedings in Petition 1152 before the State Siting Council, the existing tower in The Orchards is slated for decommissioning when the lease term expires. It is our understanding that the property owners in The Orchards have elected not to enter into long term renewal of the lease necessitating removal of this existing tower site.<sup>1</sup> AT&T and T-Mobile both provide services to the public from this existing tower site location and are pursuing long term replacement facilities to avoid interruptions in service and continue to provide reliable mobile connectivity in this part of East Lyme.

Enclosed you will find two (2) detailed Technical Reports for two alternative tower site locations. The first involves a tower site located off of Ancient Highway on a parcel of land that is undeveloped and controlled by Ancient Highway Towers, LLC ("Site A"). The second is located on a residential parcel of land along Boston Post Road and controlled by American Tower Company ("Site B"). AT&T and T-Mobile would both locate wireless facilities at either Site A or Site B to provide services to the public in this area of East Lyme, Connecticut.

The Technical Reports contain detailed information on the wireless services that would be provided by a replacement tower at either Site A or Site B, the approximately 30 sites evaluated as part of the siting process to date, a process which was undertaken by several different companies. Additionally, the Technical Reports contain plans, preliminary viewshed maps,

<sup>1</sup> The lease as just recently amended provides for 1 additional year of term and expires in 2016.

June 5, 2015

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wetland reports and other information on the environmental effects of the tower sites. As noted therein, other state and federal environmental consultations are ongoing.

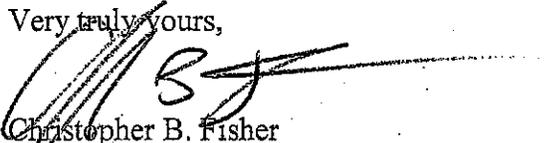
The enclosed Technical Reports are being filed in accordance with Section 16-501 of the Connecticut General Statutes, which requires consultation with a municipality in which a tower facility is proposed. State law also requires our correspondence be sent directly to your office and several municipal agencies that are copied on this letter. We have also copied the Town's counsel as well.

The purpose of local consultation is to give the municipality in which a facility has been proposed an opportunity to provide the prospective applicants with information it may have prior to the filing of an application with the Siting Council. Consultation also affords an opportunity for public input. Because jurisdiction over any proposed cellular tower facility ultimately rests exclusively with the Connecticut Siting Council and would be in lieu of local zoning, wetlands and other types of municipal land use review and approvals, the consultation process is also intended to facilitate discussion of any municipal recommendations or siting preferences before a State application is filed.

To start off the consultation process, the project team would like to schedule a meeting in East Lyme with you and/or other municipal officials to discuss procedural next steps. Ideally, we would meet in the next two weeks, coordinate a date for a publicly noticed balloon test and also discuss a time and location for a public information session sometime in July as permitted by Section 16-501(g) of state statutes. Since there are certain timing requirements related to municipal consultations, I will follow this submission with a phone call to your counsel in an effort to coordinate further including our request to meet with you and other Town officials.

In the interim, thank you for your consideration of this letter and its enclosures.

Very truly yours,



Christopher B. Fisher

Enclosures

cc: Tracy Collins, Esq., Town Attorney  
Planning Commission, Town of East Lyme  
Zoning Commission, Town of East Lyme  
Inland Wetlands Commission, Town of East Lyme  
Conservation and Natural Resources Commission, Town of East Lyme  
American Tower Company  
Ancient Highway Tower, LLC  
AT&T  
T-Mobile