

JESSE A. LANGER

PLEASE REPLY TO: Bridgeport  
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February 11, 2010

**VIA FEDERAL EXPRESS**

Mr. S. Derek Phelps  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: Docket No. 384 – Application by Phoenix Partnership LLC,  
For a Certificate of Environmental Compatibility and Public  
Need for a Telecommunications Facility at 50 Devine Street,  
North Haven, Connecticut**

Dear Mr. Phelps:

We received a copy of a letter from Attorney Thomas J. Regan, on behalf of Clear Wireless, LLC ("Clearwire"), dated February 9, 2010. In that letter, Attorney Regan refutes a Draft Finding of Fact submitted in this docket on December 30, 2009. Draft Finding of Fact Number 10 states "Clearwire Communications has indicated an interest in the Facility. (3:00 p.m. Tr. at 20)." Attorney Regan notes that Clearwire "did not have plans to locate its equipment on the Proposed Facility at the time of the public hearing, nor does it have such plans presently."

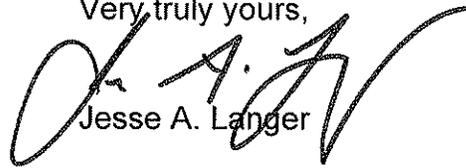
These two statements are not inconsistent. During the hearing on December 1, 2009, the witness for the Applicant, Keith Coppins, represented that he had spoken to Clearwire representatives. His contact at Clearwire told him that Clearwire was in the initial stages of development and "didn't know exactly when they would be jumping on", but had indicated an interest in the Facility. (3:00 Tr. at 20, lines 12-16). The Applicant did not indicate that Clearwire intended to locate on the Facility at the present time, or at any specific time in the future.

The Applicant has provided uncontroverted evidence as to the need and limited environmental impact of the proposed Facility (including supportive comments from the Town regarding the suitability of this site for a Facility). The Applicant in no way relied on Clearwire's interest in the Facility to substantiate the need for the Facility, and does not object to the Council removing any reference to Clearwire from the Findings of Fact in this docket.

Mr. S. Derek Phelps  
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Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jesse A. Langer', written over the typed name.

Jesse A. Langer

cc: Service List  
Thomas J. Regan, Esq.