

July 29, 2010

**BY ELECTRONIC AND OVERNIGHT DELIVERY**

Hon. Daniel F. Caruso, Chairman  
and Members of the Connecticut Siting Council  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: Docket No. 388  
AT&T Application for Certificate of Environmental Compatibility and Public Need  
1990 Litchfield Turnpike, Woodbridge, Connecticut

Dear Chairman Caruso and Members of the Council:

Unfortunately, counsel for the Conservation Commission has made this last minute procedural request to intervene into a letter writing campaign. Our final response on behalf of the Applicant to the most recent "Reply to Objection to CEPA Intervention" is as follows:

1. As noted in our letter of approximately an hour ago, there are no formal minutes or resolutions from last night's Board of Selectmen's meeting. Attorney Ainsworth's allegation of a misstatement of fact which was conveyed to us by a member of the public is not accompanied by any independently verifiable facts of his own (i.e. based on discussions with the Town's Board of Selectmen). As such, the Council may want to call the First Selectman directly to ascertain what if any formal action the Board of Selectmen did or did not take last night. Regardless, and irrespective of any Board of Selectmen "support" for actions by the Conservation Commission, this is not the main thrust of the objection to the request to intervene.

2. As noted previously, the request submitted by Attorney Ainsworth lacks a resolution from the Conservation Commission adopted at a duly noticed public meeting of its own authorizing such action to seek intervenor status in Docket 388. In the absence of such a resolution, the request to intervene is procedurally defective as a matter of law. A public entity such as a Conservation Commission can only act officially at public meetings and by resolution of the full Commission.

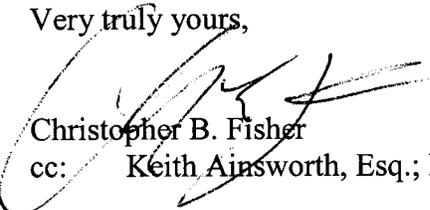
3. The prejudice to the Applicant is self-evident, the Conservation Commission through its Chairwoman already gave limited appearance testimony and submitted letters all without the right of cross-examination by AT&T all with knowledge of the potential opportunity to intervene.

4. As counsel for AT&T, we reasonably believe that the Chairwoman of the Conservation Commission, Attorney Ainsworth and others have informally discussed this Docket going back to a time when they gave testimony before the State Legislature on various bills seeking to overturn Siting Council jurisdiction.

5. The December 2009 official meeting minutes of the Conservation Commission specifically state that the Commission evaluated its procedural opportunity to intervene in this

Docket. Clearly, the Commission did not seek to do so for the past 7-8 months. This completely belies Attorney Ainsworth's self serving statement that they needed his "assistance" to better understand the Council's procedures.

Very truly yours,



Christopher B. Fisher

cc: Keith Ainsworth, Esq.; Michele Briggs, AT&T; Daniel Laub, Esq.