



February 22, 2010

The Honorable John W. Fonfara
The Honorable Vickie Orsini Nardello
Co-Chairs, Energy and Technology Committee
Room 3900, Legislative Office Building
Hartford, CT 06106

RE: **RB 5213 Concerning the Siting Council**

VIA E-MAIL

Dear Senator Fonfara and Representative Nardello:

PCIA—The Wireless Infrastructure Association, the national trade association dedicated to the wireless infrastructure industry, writes in reference to Raised Bill 5213 (“Bill”). The Bill would authorize the Connecticut Siting Council to impose fines, costs and fees to opposing parties when it determines that applicants that have been found to misrepresent or omit material facts. As this Bill will be heard in the Energy and Technology Committee on February 23, we urge you to vote against this bill.

As a practical matter, the Bill is unnecessary. Statements made by applicants before the Siting Council are already sworn under the penalty of perjury. This fact creates both provides a strong incentive for an applicant to be truthful in all representations and also the remedy for any such violation already exists in the State’s perjury laws. The law therefore is unnecessarily duplicative of other established law that already applies to applications before the Council.

Further, the Bill is fundamentally unfair in that it applies only to siting applicants, but not to other participants in a proceeding before the Siting Council. Under this law, an objector to an application, also a party to the proceeding, would not similarly face the additional specter of civil penalties, costs and fees if he or she misrepresented or omitted material facts. This would create a double standard that may not survive judicial due process scrutiny.

Accordingly, PCIA respectfully requests that the Committee votes against this piece of legislation, which is objectionable on both policy and legal grounds. Please contact me with any further questions.

Best regards,

Michael D. Saperstein, Jr., Esq.
Director of Government Affairs
PCIA—The Wireless Infrastructure Association