

Planning Commission Meeting
April 14, 2011
Verbatim Excerpt

2232-P10-10 – NEWPATH NETWORKS, LLC & NEW CINGULAR WIRELESS PCS, LLC

Deferral of Decision Only on Nodes 5, 8, and 9, scheduled for April 28, 2011
(Public Hearing held on December 9, 2010)

Commissioner Lawrence: Thank you, Mr. Chairman. We were to have on April the 28th, a decision only on 2232-P10-10, which is the application in Providence District for some Distributed Antenna System nodes. To refresh Commissioners' memories, we did approve two of the nodes that they had proposed without prejudice or other indications to the other three and they are still pending. The decision only was to be on those, subject to the submittal of new material. And I have - - today I've received, dated April 7th, a letter from Mr. Donohue requesting extension of the 2232 period for this application to the end of June, I believe it was. We have, however, some scheduling problems, and then another problem with respect to the new materials that we need to receive. Here's what it is. We - - first of all, I want to thank the applicant for their request of extension as it solves a problem that I would have with some long-planned travel on the day of April 28th, so now that's not going to happen and I'm thankful for that. On the other hand, we can't set a specific date for the new public hearing on this application as we do not have the new materials. We had asked for them at a date needed to allow for a notice period and staff analysis and report and community outreach and response, but they were not provided. Thus, the only materials we have are those of the original application. The community had and has concerns over the original proposed nodes, as does this Planning Commissioner. So, we reserve the right to move for a decision only on the present application at a date in May to be determined by the likelihood of having the new materials. On receipt of new materials or a definite date on which we will have them, we will set a date for a new public hearing at the Planning Commission on this application. Thank you, Mr. Chairman. I MOVE TO DEFER THE DECISION ON APRIL 28TH TO A DATE TO BE DETERMINED.

Chairman Murphy: Thank you very much. WITHOUT OBJECTION, I MOVE THE CONSENT AGENDA ITEM. Mr. Hart? Did you have something?

Commissioner Hart: Well, Mr. Chairman, I think we have to vote on - -

Chairman Murphy: We have to vote?

Commissioner Lawrence: Yes, I MOVED TO DEFER THE DECISION ONLY TO A DATE TO BE DETERMINED.

Chairman Murphy: I'm sorry. Second - -

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I will abstain and have not participated in this case up until now and will not going forward.

Chairman Murphy: Okay. Mr. Sargeant abstains. I'm sorry. I thought it was an information item and I was talking.

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(The motion carried by a vote of 8-0-1 with Commissioner Sargeant abstaining; Commissioner Alcorn not present for the vote; Commissioners Flanagan and Hall absent from the meeting.)

KAD