

From: [Sampson, Douglas A.](#)
To: [Taylor, Katherine](#)
Cc: [Byrne, Kathleen E.](#); [Johnson, Nana](#); [Robeson Hannan, Lynn](#); [Alex Miller](#); [Samantha Twinam](#)
Subject: RE: CU 24-14; New Cingular Wireless, PCS
Date: Friday, April 12, 2024 5:57:38 PM
Attachments: [52084146-v1-2024_April 3_TFCG action notice.pdf](#)

[EXTERNAL EMAIL]

Examiner Taylor,

Thank you for your email. I am copying Alex Miller and Samantha Twinam from SmartLink who are working on the application with me.

Thank you for the clarification on the witness piece. I am happy to proffer any testimony to speed things along, but I am planning to run our witnesses through short examinations and they will be available to answer any questions you may have. I will serve as the attorney and representative, and not a witness.

I sent Nana Johnson an updated TFCG approval from April 3rd. I am attaching it here for your reference as well. It should be part of the final record headed into next week's hearing.

Thank you for pointing out the setback piece. We will have a representative from the engineering company who drafted the site plans who can either supplement the drawings or offer clarifying testimony on Thursday. We will prepare a revised site plan showing the site backs in advance of the hearing.

I appreciate you highlighting these issues in advance of the hearing so we can plan accordingly. I will be attending in person, but two of our witnesses will be remote. I look forward to seeing you Thursday. If you need any further information or documents in advance of the hearing, please let me know.

My best,
Doug Sampson

Douglas A. Sampson
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From: Taylor, Katherine <Katherine.Taylor@montgomerycountymd.gov>
Sent: Friday, April 12, 2024 5:25 PM
To: Sampson, Douglas A. <Douglas.Sampson@saul.com>
Cc: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>
Subject: CU 24-14; New Cingular Wireless, PCS

Exhibit 39
OZAH Case No: CU 24-14

****EXTERNAL EMAIL** - This message originates from outside our Firm. Please consider carefully before responding or clicking links/attachments.**

Dear Mr. Sampson,

I am the Contract Hearing Examiner assigned to hear the referenced case on Thursday, April 18, 2024.

In the Letter of Justification, Section VII, Anticipated Witness Testimony, you are listed as a potential witness. As you are counsel for the Applicant, please be informed that you cannot also be a witness for the Applicant.

Further, I wish to call your attention to the Transmission Facility Coordinating Group approval which the Applicant received on October 4, 2024. The application was accepted/certified on February 22, 2024, more than 90 days from the TFCG approval. Because the TFCG approval date cannot be more than 90 days prior to the application acceptance, any approval of the application issued by the hearing examiner will be conditioned on the Applicant obtaining an updated Transmission Facility Coordinating Group approval for the proposed use.

Last, please note that the Applicant's Statement of Justification states that the Applicant is requesting a setback reduction to a detached house from 300 feet to 188 feet from the nearest dwelling unit to the east. The the submitted Site Plan, however, does not show the setback distance from any dwelling unit, and does not indicate the applicable dwelling unit. The Staff Report, on the other hand, states that the pole's setback is "180 feet from the nearest existing dwelling to the south" (yet there does not appear to be a dwelling unit less than 300 feet to the south.) The Applicant will need to verify, by submitting a corrected site plan before or during the hearing, the actual setbacks and requested setback reductions along all property lines and from the nearest existing dwelling unit (which should be designated as such on the Site Plan).

Thank you for your attention to these matters.

Katherine Taylor

Katherine L. Taylor, Esq.

Contract Hearing Examiner

Office of Zoning and Administrative Hearings

100 Maryland Avenue, Room 200

Rockville, MD 20850



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<https://www.montgomerycountymd.gov/cybersecurity>

"Saul Ewing LLP (saul.com)" has made the following annotations:

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