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11/3/2022

**BY FEDEX**

Melanie Bachman, Esq.  
Executive Director and Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: Docket 511 – Application of Barrett Outdoor Communications Inc. For A Certificate of Environmental Compatibility And Public Need For The Construction, Maintenance, And Operation Of A Telecommunications Facility At 200 East Main Street (Rear), Stratford, Connecticut  
DISH Wireless, LLC – Post-Hearing Letter Brief

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Dear Attorney Bachman:

On behalf of DISH Wireless, LLC (“DISH”), the Intervenor in the above referenced Docket, please accept this letter brief in support of the above-referenced Application submitted by Barrett Outdoor Communication, Inc. (“Applicant”) for construction, operation, and maintenance of a new telecommunications facility at 200 East Main Street (Rear) in Stratford, Connecticut. This letter brief is submitted in accordance with the 30-day post hearing time frame established by the Council for the receipt of written comments. Set forth below is a summary of the reasons we believe the record in the proceeding supports a finding of public need and approval of a Certificate for the proposed replacement tower facility at the above captioned property.

**Service Objectives and Public Need**

DISH is a nationwide wireless carrier licensed by the FCC to provide services.<sup>1</sup> Under FCC requirements, DISH must deploy its wireless service to at least 70% of the U.S. population no later

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<sup>1</sup> *Applications of T-Mobile US, Inc., and Sprint Corporation, For Consent To Transfer Control of Licenses and Authorizations, WT Docket No. 18-197, Applications of American H Block Wireless L.L.C., DBSD Corporation, Gamma Acquisition L.L.C., and Manifest Wireless L.L.C. for Extension of Time, ULS File Nos. 0008741236, 0008741420, 0008741603, and 0008741789 et al., WT Docket No. 18-197,*



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than June 14, 2023.<sup>2</sup> DISH is actively working towards meeting these federal obligations by installing new facilities across the country, principally through collocation at existing or proposed wireless sites.

In addition to the forgoing, DISH respectfully submits that it has entered sufficient evidence into the record in Docket 511 which demonstrates that there exists a specific public need for DISH's proposed facility to provide new and improved wireless services in the immediate vicinity.<sup>3</sup> DISH's coverage objectives for its facility includes enhancing highway coverage continuity on I-95 which includes a coverage area of approximately 3.32 and 3.36 miles in Mid band and Low band, respectively.<sup>4</sup> The total coverage areas are approximately 12.06 square miles of Mid band coverage and 12.27 square miles of Low band coverage.<sup>5</sup> This enhanced coverage will help DISH achieve its federal mandate and materially grow its service area.

DISH's federal mandate to provide wireless services and the specific service goals for this area of Connecticut clearly demonstrate and support the public need for the facility proposed by the Applicant.

### **Potential Environmental Impacts and Back-up Power Capabilities**

DISH's proposed facility would consist of its wireless antennas and related equipment attached at the centerline height of 91' above grade level (AGL) upon the proposed tower structure along with its unmanned equipment cabinets within DISH's 10'x15' lease area upon the elevated equipment compound.<sup>6</sup> DISH's proposed installation will have a *de minimis* visual impact due to its low centerline height on the tower and DISH's deployment will not require any additional site disturbance beyond what is proposed by the Applicant for its tower facility.<sup>7</sup> The record contains

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Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification, 34 FCC Rcd 10578 (2019) ("*T-Mobile/Sprint-DISH Order*").

<sup>2</sup> *United States et al. v. Deutsche Telekom AG, T-Mobile US, Inc., SoftBank Group Corp., Sprint Corp., and DISH Network Corp.*, Stipulation and Order, No. 1:19-cv-02232 (D.D.C.) (filed July 26, 2019) ("*DOJ Stipulation and Order*").

<sup>3</sup> See DISH Ex. 2: Responses of DISH Wireless, LLC to Connecticut Siting Council Pre-Hearing Interrogatories dated September 23, 2022 ("DISH Interrogatory Responses"), Attachment 1.

<sup>4</sup> See DISH Ex. 2: Interrogatory Response A7.

<sup>5</sup> See DISH Ex. 2: Interrogatory Response A7.

<sup>6</sup> See DISH Ex. 2: Interrogatory Response A1.

<sup>7</sup> See Applicant's Ex. 1: Application for a Certificate of Environmental Compatibility and Public Need submitted by Barrett Outdoor Communications, Inc. dated July 22, 2022, Section V.A, Attachment 1, and Attachment 6.



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sufficient information pertaining to DISH's proposed collocation and the Applicant's proposed wireless telecommunications monopole to support the Council's determination of no significant adverse environmental impacts.

DISH also does not anticipate any adverse impacts related to noise or emissions from its equipment since a permanent generator is not proposed. DISH's back-up power sources will be its battery back-up equipment installed within DISH's equipment compound which, depending on usage, provides at least 4 hours of emergency power to each facility to ensure that continued reliable service is provided in the event of a power outage.<sup>8</sup> The 4 hours of emergency back-up power is standard for DISH's deployment in this market given the typical commercial power outage is of limited duration. As a new entrant to the wireless telecommunications market, DISH's customer base also requires less energy storage capacity to maintain services and DISH's services will be augmented by the additional facilities being contemplated or proposed as part of DISH's pursuit to comply with its federal mandates. DISH's proposed battery back-up generation is thus suitable for continuity of service in typical outages.<sup>9</sup>

DISH also has several additional measures in place to supplement its on-site power generation in the event of longer or more widespread outages. Specifically, its facility is constructed with a connection for a mobile generator that can be deployed during extended outages.<sup>10</sup>

DISH's proposed back-up power solutions are reasonable given its growing customer base and are sufficient to provide adequate continuity of services for DISH's wireless communications services in the event of a power outage.

### **Conclusion**

The record before the Council demonstrates a public need for the facility by DISH. No competent evidence challenging the public's need for the facility to provide reliable wireless services is contained in the record. The record also demonstrates a lack of any significant adverse environmental effects associated with the proposed replacement tower facility.

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<sup>8</sup> See DISH Ex. 2: Interrogatory Responses, A11 - A14.

<sup>9</sup> See DISH Ex. 2: Interrogatory Responses, A11 - A14; *see also* Transcript of October 6, 2022 Hearing, Pages 73-75.

<sup>10</sup> See DISH Ex. 2: Interrogatory Responses, A14.



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Accordingly, for the reasons set forth herein and as more fully evidenced by the record in this Docket, a Certificate should be issued for the proposed facility.

We thank you for your time and consideration in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "DP", is written over the typed name "Daniel Patrick".

Daniel Patrick

cc: Service List