

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC
(AT&T) FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS TOWER FACILITY AT A STATE OF
CONNECTICUT ARMORY SITE LOCATED AT 284 NEW
CANAAN AVENUE (STATE ROUTE 123) NEAR THE MERRITT
PARKWAY IN THE CITY OF NORWALK ALONG THE
BORDER WITH THE TOWN OF NEW CANAAN

DOCKET NO. 442

APRIL 8, 2014

PRE-FILED TESTIMONY OF MR. LIBERTINE

- 1) In response to the Council's reopening in Docket 442, please describe the nature of your follow up communications with AT&T regarding Section 106 of the National Historic Preservation Act and Connecticut's State Historic Preservation Officer consultations.

I noted for AT&T the prior 2011 conditional determination that had been issued by the State Historic Preservation Officer (SHPO) of "...no adverse effect on cultural resources given the limited visibility from the Parkway..." resulting from the proposed installation of two 140-foot tall brown poles ("unipoles"). The SHPO determination letter included the following condition: "the installation shall be designed and painted in a manner to be as non-obtrusive as possible." I further noted in response to Siting Council deliberations my opinion that a monopole tower with platforms was not likely permitted due to the prior rejection by SHPO of a 150-foot monopole in the same location with platforms. In consultation with AT&T and counsel, we assisted Attorney Chris Fisher in corresponding with SHPO to seek clarification of the conditions in the 2011 determination related to the project.

- 2) Did you have an opportunity to meet with SHPO in furtherance of AT&T's request for clarification on SHPO's 2011 "no adverse effect letter"?

Yes on March 20, 2014, I met with SHPO representatives Todd Levine and Daniel Forrest, along with Attorney Chris Fisher on behalf of AT&T at the SHPO offices in Hartford, Connecticut.

- 3) Did you discuss the prior history of SHPO's review of AT&T's project at the Norwalk Armory?

Yes. I provided the SHPO representatives with a summary of events that occurred between 2009 and 2011 with respect to consultations with the agency. In addition to evaluating the environmental considerations required for the project, I completed a visibility analysis for the initial design at the site, a single 150-foot tall monopole. The visibility analysis incorporated results of an October 2010 crane test at the site, where a crane boom was raised to 150 feet at the site location. As part of AT&T's compliance requirements with the National Environmental Policy Act, I submitted site plans, visibility maps and photo-simulations generated from the crane test to SHPO for the proposed installation, which resulted in an opinion from the agency of an adverse effect due to visual impacts from the Merritt Parkway, a National Scenic Byway listed in the National Register of Historic Places. I subsequently coordinated with AT&T in an effort to offer various alternate designs as a means to minimizing the visual effects. Photo-simulations of a tree-pole ("monopine") and flagpole were submitted to SHPO as potential stealth options however both were rejected at that time. Because of the perceived challenges at this site, AT&T requested that I arrange for a balloon float and site reconnaissance with SHPO. A SHPO representative met me, Attorney Chris Fisher, and Site Acquisition Agent David Vivian at the site in March 2011 to observe the balloon float. The balloon was raised to a height of 150 feet above ground level. We escorted the SHPO representative by car and drove the length of the Merritt Parkway between Exits 37 and 39 in both directions multiple times to observe the balloon. Based on the reconnaissance, the SHPO representative agreed that visibility of the proposed facility from the Merritt Parkway was brief and limited to the immediate area of Exit 38 as motorists

travel eastbound. We discussed optional design considerations and mutually determined that a 10-foot reduction (to 140 feet), internal antennas and brown painting of the pole would provide adequate visual mitigation. We discussed the limitations of the combination of reduced height and internal antennas and its technical impacts on coverage and collocation opportunities. Recognizing the importance of this location to service providers beyond AT&T, and in consultation with us at the site, the SHPO representative recommended a second unipole of similar design be incorporated into the proposal. I subsequently submitted a revised proposal to the SHPO, including photo-simulations depicting two brown unipoles at the site. This submission resulted in the April 2011 letter which was later confirmed in 2013, as referenced above. We further confirmed that the prior no adverse effect letter was final and binding in our March 2014 meeting with SHPO.

- 4) At the March 2014 meeting, did you discuss with SHPO options it might consider in lieu of the two 140-foot tall brown unipoles and if so what was SHPO's position?

Yes. Based on questioning from Council, and in furtherance of Attorney Fisher's February 12, 2014 letter to SHPO, we discussed whether or not the 2011 conditional "no adverse effect" letter could be interpreted to permit a 130-foot tall monopole with 12 to 14-foot wide platforms and painted. SHPO stated that the Merritt Parkway, as a linear historic resource on the National Register, is uniquely viewed in that context with an effort to avoid many visual changes along the corridor that extends well beyond communications facilities and includes DOT improvements and other manmade developments. In reviewing the site again in response to the request for clarification, SHPO confirmed that it would not issue a "no adverse effect" letter for a monopole with platforms and that two 140-foot tall brown unipoles (with internally mounted antennas) were required by its office in order for the project to proceed in furtherance of its authority under Section 106 of the National Historic Preservation Act and Federal Communication Commission rules and regulations including the Nationwide Programmatic Agreement.

- 5) Provide an opinion on the visual massing comparing a 130-foot tall monopole with four platforms and current antenna configurations of AT&T, Verizon, Sprint and T-Mobile with

that of the two 140-foot unipoles even if constructed to 52" diameter as requested by Verizon.

A 10-foot height differential does not substantially change the visibility "footprint" of the facility in terms of total acreage or specific locations where it might be seen above or through the trees. However, incorporating internally mounted antennas will reduce the horizontal "girth" of the facility, particularly if multiple arrays were affixed. The brown unipole design allows for a relatively narrow profile with no external appurtenances and, when viewed briefly from the Merritt Parkway at speeds in excess of 50 mile per hour, would be almost unrecognizable as a telecommunications facility. Either facility would not have significant adverse visual impacts on the few residences that would have a view above or through the tree line.

- 6) Please describe in detail your perspective on the SHPO's conclusion in this particular Docket as it relates to the Council's jurisdiction over towers.

This particular tower site is ideally situated in that it is a military facility, adjacent to a highway and well buffered from residences. In fact, a 10-year plus record of review of this area, by not only AT&T, has continually identified this State property as the sole, realistic location for a tower site and one which has no significant adverse impacts under Section 16-50p. SHPO's conclusion is that in this specific instance, due to its proximity to the Merritt Parkway, twin 140-foot brown unipoles are much preferred over a single tower with external platforms. SHPO believes the visual massing of such a design is the key element that avoids an adverse effect on the Merritt Parkway historic resources because it does not have the horizontal element of platforms and antennas that would extend out to at least 12 feet. I believe the SHPO's conclusion is based on the "clean" lines of the two poles that even together do not equal the massing and width of one traditional monopole with external antenna arrays.

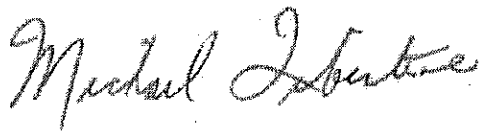
- 7) Compare this proposed site to other sites approved in the past by the Council including AT&T's facility in Redding near the town's historic green which led to the installation of one

180-foot tall unipole and Verizon's two unipole towers in Greenwich at a church on Round Hill Road.

Similar in design to the unipoles proposed in this Docket, both projects incorporated original designs of approximately 36" to 46" diameters at their top heights. Because of changing technological needs, the final dimensions of these unipoles are closer to 48", about what is proposed here. What is most comparable among these facilities is their effectiveness in minimizing visual effects by eliminating the external horizontal antenna arrays which would provide greater mass. In all cases, the settings also play a key role as each has sufficient surrounding tree cover which serve to limit the overall visibility footprints to a very small area.

- 8) Is it your opinion that the project as presented by AT&T has no significant adverse visual impact on any scenic resource or the surrounding neighborhood?

Yes. The SHPO determination is a legally binding conclusion that the project has no adverse impacts to historic resources (i.e., the Merritt Parkway). Further, views of the two unipoles are limited solely to a few hundred feet surrounding a highly traveled intersection and would be seen year-round from only four (4) homes.



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CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing was sent electronically and by overnight mail to the Connecticut Siting Council with copy to:

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Dated: April 9, 2014



Christopher B. Fisher