



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
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VIA ELECTRONIC MAIL

November 9, 2020

Kristen Motel, Esq.
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
kmotel@cuddyfeder.com

RE: **PETITION NO. 1432** - New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility on a new approximately 30-foot privately-owned light pole to be located at the Goshen Fair Grounds, 116 Old Middle Street, Goshen, Connecticut.

Dear Attorney Motel:

At a public meeting held on November 5, 2020, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
3. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of Goshen;
4. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
5. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;

6. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
7. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
8. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated September 18, 2020, and additional information received October 15, 2020.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,

s/ Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/emr

Enclosure: Staff Report dated November 5, 2020

c: The Honorable Robert P. Valentine, First Selectman, Town of Goshen (1stselectman@goshenct.org)



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Petition No. 1432
New Cingular Wireless PCS, LLC
Small Cell Facility

116 Old Middle Street, Goshen, Connecticut
Staff Report
November 5, 2020

Introduction

On September 18, 2020, the Connecticut Siting Council (Council) received a petition (Petition) from New Cingular Wireless PCS, LLC (AT&T) for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility at the Goshen Fairgrounds at 116 Old Middle Street in Goshen. The small cell installation would be installed on a new wood pole adjacent to a show ring located within the fairgrounds. It would provide reliable wireless service to AT&T customers at the fairgrounds and surrounding area.

On September 15, 2020, AT&T notified the Town of Goshen (Town), state officials and agencies, and property abutters of the proposed project.

On September 21, 2020, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the municipality to contact the Council with any questions or comments by October 18, 2020. No comments from the Town were received.

The Council submitted interrogatories to AT&T on October 5, 2020. AT&T responded to the Council's interrogatories and submitted supplemental information on October 15, 2020.

Jurisdiction

Pursuant to CGS §16-50i(a)(6), the Council has exclusive jurisdiction over telecommunications towers, including associated equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system.

Under Regulations of Connecticut State Agencies §16-50j-2a (30), "Tower" means a structure, whether free standing or attached to a building or another structure, that has a height greater than its diameter and that is high relative to its surroundings, or that is used to support antennas for sending or receiving radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, which is or is to be:

- (A) **used principally to support one or more antennas** for receiving or sending radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, and
- (B) owned or operated by the state, a public service company as defined in Section 16-1 of the Connecticut General Statutes, or a certified telecommunications provider, or used in a cellular system, as defined in Section 16-50i(a) of the Connecticut General Statutes. (Emphasis added).

The proposed wood pole will be used principally to support the small cell facility. It will be owned and operated by AT&T, a certified telecommunications provider. Thus, the Council has jurisdiction over the proposed small cell facility.

Proposed Small Cell Facility

AT&T's proposed facility would provide network coverage and/or capacity relief at the Goshen Fairgrounds property and nearby roads in the 1900 MHz/2100 MHz/5200 MHz frequency range.

The proposed facility would be located on an 83.54-acre property in the RA-5 (Residential-Agricultural) zone. Land uses surrounding the property are a mix of residential and agricultural. The facility would be located next to a show ring approximately 60 feet from the eastern boundary of the property that fronts Route 63. The nearest residence would be approximately 640 feet east of the facility.

The proposed small cell facility consists of a 30-foot tall, 11.62-inch diameter wood pole. Three antennas would be installed at a centerline height of 27 feet above ground level (agl) and a whip antenna would be installed on the top of the pole with the top of the antenna extending to 32 feet agl. Associated communication equipment and a remote radio head would be installed in a 5.8-foot high, 1.7-foot wide enclosure attached to the pole with the bottom of the enclosure approximately 12 feet 6 inches agl. Electrical and telephone service would be provided by underground electric/fiber lines with exact routing to be determined by Eversource after all approvals and permits are issued. A light fixture would also be installed on the pole at a height of 24 feet agl that would serve to illuminate the show ring.

No backup power is proposed for this small cell facility. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the Federal Communications Commission (FCC). At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages.

Public Safety

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed wood pole would be structurally adequate to support the proposed loading.

The calculated power density would be 1.4 percent of the applicable limit using a -10 dB off-beam adjustment.

A radio frequency (RF) safety sign would be placed on opposite sides of the equipment cabinet. The sign would include an emergency contact number that must be visible from the ground. Additionally, two RF notice stickers would be placed opposite each other on the proposed antennas.

Environmental

The proposed facility is not within a Department of Energy and Environmental Protection Natural Diversity Database buffered area. Development of the proposed facility would not require tree removal and would result in minimal ground disturbance.

The nearest wetland is located off-site across Old Middle Street approximately 679 feet east of the proposed facility. No impact to the wetland area is expected.

Visual impact of the proposed facility is not expected to be significant due to the existing development at the property, including existing above-ground utility poles along the fairgrounds frontage and existing poles with street lights within the fairgrounds to illuminate show rings and thoroughfares.

Facility Construction

Construction of the proposed small cell facility is anticipated to take 5 days with work hours during normal business hours, Monday through Friday.

Conclusion

AT&T contends that this proposed project would not have a substantial adverse environmental impact.

If approved, staff recommends the following condition:

1. Approval of any project changes be delegated to Council staff.

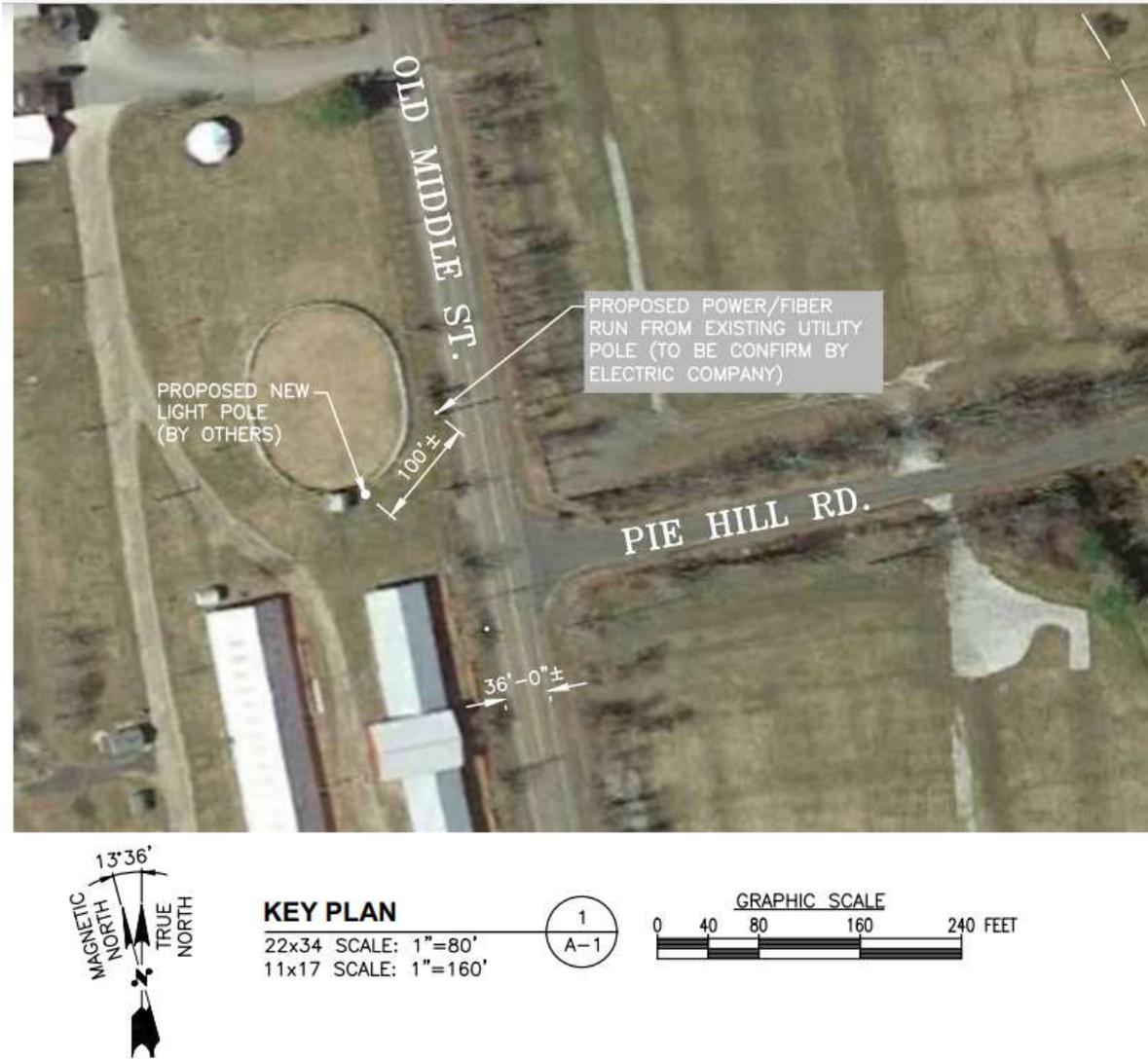


Figure 1. Proposed Site Location

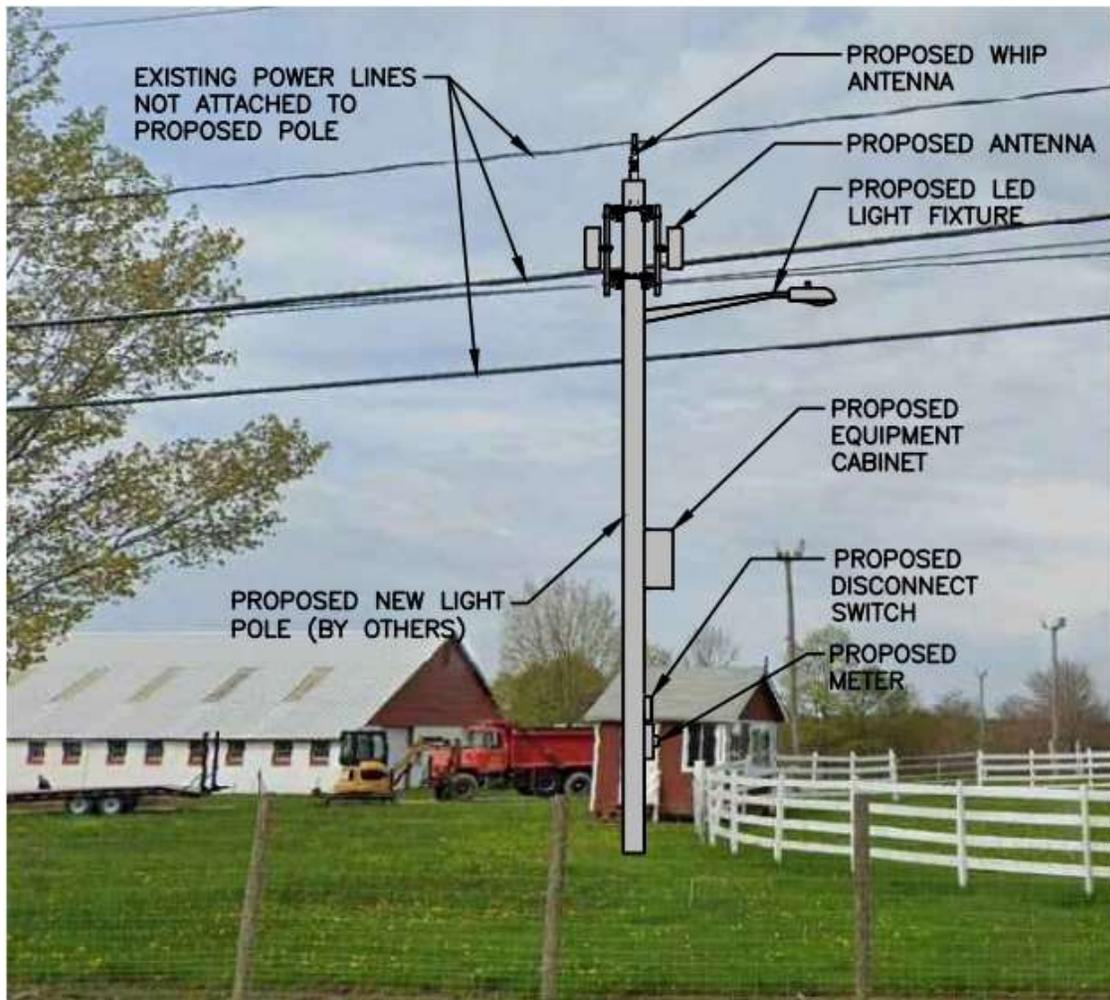


Figure 2. Proposed Small Cell Facility Simulation

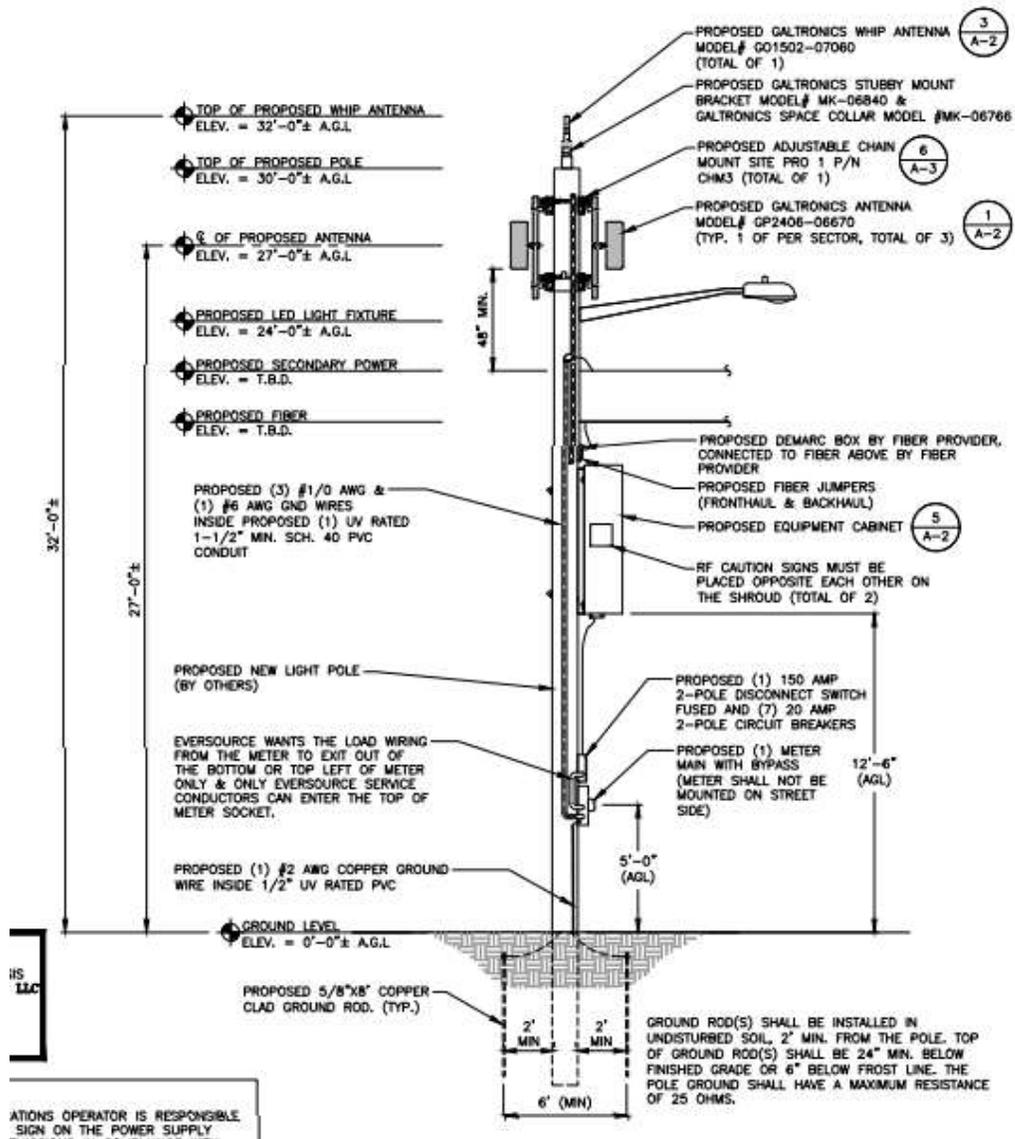


Figure 3. Facility Elevation Site Plan