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February 12, 2026

**Via e-mail and Fedex**

Attorney Melanie Bachman  
Executive Director  
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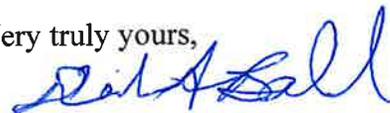
**Re: Docket No. 544– Arx Wireless Infrastructure, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 577 West Main Street, Norwich, Connecticut – Post-Hearing Brief**

Dear Attorney Bachman:

I've enclosed an original and fifteen (15) copies of the Applicant's Post-Hearing Brief.

Thank you.

Very truly yours,



David A. Ball

Enclosures  
Cc: Service List

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:	:	
	:	DOCKET NO. 544
ARX WIRELESS INFRASTRUCTURE, LLC	:	
APPLICATION FOR A CERTIFICATE OF	:	
ENVIRONMENTAL COMPATIBILITY AND	:	
PUBLIC NEED FOR THE	:	
CONSTRUCTION, MAINTENANCE AND	:	
OPERATION OF A	:	
TELECOMMUNICATIONS FACILITY AND	:	
ASSOCIATED EQUIPMENT LOCATED AT	:	FEBRUARY 12, 2026
577 WEST MAIN STREET (ROUTE 82),	:	
NORWICH, CONNECTICUT	:	

**APPLICANT’S POST-HEARING BRIEF**

Applicant ARX Wireless Infrastructure, LLC (“ARX”) respectfully submits this Post-Hearing Brief in support of the above-referenced Application.

**I. INTRODUCTION / EXECUTIVE SUMMARY**

On September 30, 2025, ARX (the “Applicant”) and New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”) filed an application (the “Application”) with the Connecticut Siting Council (the “Council”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance, and operation of a wireless telecommunications facility (“Facility”) on an approximately 0.76+/- acre parcel of property located at 577 West Main Street, Norwich, Connecticut (the “Property” or “Site”). A 20’ wide access easement originating off West Main Street would provide access to the Site for vehicles. A 15’ easement originating off West Main Street will be utilized for underground utilities.

The Site is approximately .96 miles northeast of Ct. Route 395N at exit 11 Downtown Norwich Rt 82, and approximately 1.82 miles north of the Mohegan Sun Resort and Casino. The Site is located along a 4-lane roadway, West Main Street, which is comprised of mostly Commercial/Retail use properties. The subject property currently contains an abandoned car wash. To the east of the Site is a gas station and convenience store, to the west is a restaurant, to the north is a retail florist and residence. Most of the site is developed, with an existing commercial structure that is no longer in use and a surrounding asphalt travel way.

**Need for the Facility:**

AT&T was initially a co-applicant in this docket, but prior to the hearing it withdrew because of its own internal business reasons. However, Cellco Partnership d/b/a Verizon Wireless ("Cellco") intervened because of its own need for the Facility at the Site.

Cellco's interrogatory responses and testimony at the hearing made clear that without the Facility, it will continue to have a coverage deficiency within the vicinity of the Site. In response to the Council's pre-hearing interrogatories, Cellco identified its objective and need for this Facility:

The primary objective of proposed facility is to provide coverage to Cellco customers along Route 82 (West Main Street), Dunham Street, Pine Street, and New London Turnpike in Norwich, including in-building coverage to various commercial and industrial uses in the area. To provide the in-building service needed, Cellco needs to increase its wireless signal strength in the area from Neg 95 dBm RSRP to Neg 85 dBm RSRP. The proposed tower site allows Cellco to achieve this objective. The proposed facility will also provide capacity relief to Cellco's existing Norwich West CT (Beta Sector) cell site which is currently operating in exhaust.

See, Cellco Response to Interrogatory No. 7.

Cellco also provided coverage plots demonstrating the coverage deficiency, and the dramatic improvement in coverage that the Facility would provide. See, Cellco Response to Interrogatory No. 10, Attachment 3.

In addition, the proposed Facility will provide some capacity relief to Cellco's facilities at the Norwich West CT Beta sector AWS/PCS 850 and 700 frequencies. See, Cellco Response to Interrogatory No. 13.

Because Cellco is able to achieve its coverage objectives by installing antennas at the 120-foot level, and because AT&T is no longer an applicant, ARX has proposed lowering the tower height to 125', which is sufficient for Cellco's needs. See, Cellco Response to Interrogatory No. 14; and see ARX updated site plans, attached as Exhibit 23 in response to the Council's pre-hearing interrogatories directed to ARX.

**Facility Description:**

The Applicant is proposing to construct a telecommunications facility consisting of a 125-foot monopole structure (not to exceed 125' with antennas) within an 1,800 square foot fenced equipment compound (within a 2,600 square-foot leased area). The tower would accommodate the antenna arrays of Cellco and three additional future wireless carriers. The antennas initially affixed to the monopole will consist of Cellco panel antennas, mounted in three sectors, at a centerline height of 120' (AGL).

Cellco's ground equipment, consisting of radio and battery cabinets would be installed on a concrete pad within the facility compound. Specifications for the equipment and battery cabinets are included in Attachment 1 to Cellco's Response to Interrogatory No. 4. Cellco has determined that it will not be installing a generator at the Site. See, Cellco Supplemental Responses to Interrogatory Nos. 4, 15, 16, 18 and 23.

The Applicant proposes surrounding the compound with an eight foot (8') tall chain link security fence with a gate to be locked at all times, with access limited to ARX, Cellco, and any future wireless carriers that would share the facility, or City of Norwich emergency services if needed. There would be no climbing pegs on the first 10' of the proposed tower. Should the Council require an anti-climb fence, ARX will install one. See, ARX Response to Interrogatory No. 35.

**Nature of Probable Impacts:**

The Docket contains substantial evidence to support a finding by the Council that the Facility would not have a significant adverse impact on the environment as the location and development of the Site: (1) will not affect historic or archaeological resources in the area; (2) are not within the vicinity of national parks or forests; (3) are neither designated a wilderness area nor located in any areas identified as a wildlife area or preserve; (4) will not affect public health or safety; and (5) will not impact any wetlands.

**Conclusion:**

The evidence in the Docket clearly satisfies the criteria of Conn. Gen. Stat. § 16-50p(a)(3) because: (1) there is a need to maintain and improve upon wireless services in the area surrounding the proposed Facility; (2) the proposed Facility satisfies this need; (3) there are no other viable alternatives; and (4) the environmental impacts from the proposed Facility would be minimal when balanced against the well-established need.

## II. PROCEDURAL BACKGROUND

The Applicant filed the Application with the Council on September 30, 2025.

Notice of ARX's intent to file the Application was mailed to all abutting property owners on September 24, 2025, and the legal notice was published in *The Day* on September 24 and 25, 2025. See, *Exhibits C and D to the Application, and Applicant's Exhibit 2*. On January 2, 2026, the Applicant posted a sign at the Site providing notice to the public of the application and hearing date and location. *Applicant's Exhibit 3*.

Cellco intervened in support of the Application. There are no other intervenors, and the City did not seek party status.

On January 15, 2026, the Council conducted an evidentiary hearing and an evening public hearing on the Application (collectively hereinafter the "Hearing"). No members of the public spoke at the public hearing.

Pursuant to Council direction and Section 16-50j-31 of the Regulations of the Connecticut State Agencies, the Applicant files this post-hearing brief analyzing the criteria set forth in Conn. Gen. Stat. § 16-50p(a)(3) and addressing issues raised during this proceeding.

## III. FACTUAL BACKGROUND

### A. Site Selection Process.

ARX is a wireless infrastructure provider that uses its knowledge of the wireless carriers' networks and/or specific information from the individual carriers to develop new wireless facilities where a need has been demonstrated. *Applicant's Exhibit 1 ("Application") at p. 20*. When it is clear that a new tower facility will be required to provide coverage and reliable service, ARX pursues a site search for a new tower. *Id.* In

performing its site search, ARX consults with wireless carrier radio frequency engineers to identify geographic areas where a new tower facility will be required for the provision of coverage and/or capacity in the carriers' networks. *Id.*

In this case, AT&T initially identified a need for wireless coverage in this area of Norwich and agreed to be a co-applicant with ARX seeking to construct a new facility in this location to provide the coverage required. *Id.* Cellco intervened because it too identified a need for wireless coverage in this area. There are no known existing structures suitable for co-location and the provision of reliable service to the public. *Id.*

ARX and AT&T began a site search in March 2023. See, ARX Response to Interrogatory No. 3. Cellco had also established a search area in the vicinity of the proposed facility in 2018. Cellco was made aware of the ARX proposed tower shortly after the application in Docket No. 544 was filed with the Council, and determined that the proposed Site would satisfy its search area coverage objectives. See, Cellco Response to Interrogatory No. 1.

As thoroughly explained in *Exhibit F* to the Application, ARX and AT&T evaluated a total of twelve (12) potential sites within their search area, and all but the proposed Site were not feasible for a variety of reasons, including but not limited to radio frequency capabilities which caused AT&T to determine that the site would not meet its coverage objectives, and property owners' unwillingness to make their properties available for telecommunications development. *Exhibit F to the Application.*

Cellco reviewed two rooftop installation candidates, alternate locations identified by AT&T in its site search summary, and five locations identified by the City of Norwich. Except for the locations where ARX/AT&T indicated the property owner did not have an

interest, Cellco reviewed the locations from an RF perspective. Two locations proposed by the City had coverage objectives comparable to the proposed site. Of the two locations with comparable coverage, the Ann Avenue location was rejected due to lack of interest from the City, and the 10 Westwood location could only achieve comparable coverage at a height of 160 feet, which would necessitate a taller tower (and which was therefore not acceptable to the City). The remaining locations were ruled out by Cellco for RF reasons. See, Cellco Supplemental Response to Interrogatory No. 1; and ARX Response to Interrogatory No. 6.

**B. Consultation with City of Norwich.**

The Applicant filed a Technical Report with the City of Norwich on May 9, 2025. *Exhibit L to the Application*. The Applicant also sent copies of the Technical Report to the Norwich City Council, Norwich Commission on the City Plan, Norwich Inland Wetlands and Watercourses & Conservation Commission, and to the State Representatives and State Senator representing Norwich's legislative district.

On June 2, 2025, ARX participated in a Zoom meeting with multiple representatives of the City. At that meeting, the City asked ARX to analyze the feasibility of five (5) additional sites. AT&T performed RF analyses on each of the sites as requested, and none of the sites were suitable to meet the carriers' coverage objectives. The only site that could have been feasible was 10 Westwood Park, but that would have required a tower height of 160'. See, e-mail Correspondence from ARX counsel to City of Norwich Representatives dated June 26, 2025, and included in *Exhibit L to the Application*. The City expressed opposition to the site at 10 Westwood Park because it was not City-owned property and therefore a tower would not benefit the City, and

because it opposed a 160-foot tower in a residential area. See, ARX Response to Interrogatory No. 6.

On July 10, 2025, at another Zoom meeting with ARX, AT&T and City representatives, ARX reported back to the City that aside from a 160' tower at 10 Westwood Park, none of the five additional sites examined were feasible from an RF standpoint.

After AT&T withdrew from the docket, Cellco also performed RF analyses on each of the five (5) additional sites identified by the City. Other than Ann Avenue, which was rejected due to lack of interest from the City, and 10 Westwood Park, which the City opposed because of the need for a 160' tower and because it was not City-owned property, none of the additional sites identified by the City satisfied Cellco's coverage objectives. See, Cellco Supplemental Response to Interrogatory No. 1.

At the City's request, ARX conducted a balloon test, for the second time, on August 11, 2025. The City also asked ARX to convene an informational meeting before the City Council, which was duly noticed and held at Norwich City Hall on August 18, 2025. Representatives of ARX and AT&T presented to the public the plans for this Facility and answered questions posed by City Council members.

### **C. The Proposed Facility.**

ARX is proposing to construct a telecommunications facility consisting of a 125-foot monopole structure (not to exceed 125' with antennas) within an 1,800 square foot fenced equipment compound (within a 2,600 square-foot leased area). The tower would accommodate the antenna arrays of Cellco, and three future wireless carriers. The antennas initially affixed to the monopole will consist of Cellco panel antennas, mounted

in three sectors, at a centerline height of 120' (AGL). Cellco's ground equipment, consisting of radio and battery cabinets would be installed on a concrete pad within the facility compound. Specification for the equipment and battery cabinets are included in Attachment 1 in Response to Interrogatory No. 4. Cellco has determined that it will not be installing a generator at the Site. See, Cellco Supplemental Responses to Interrogatory Nos. 4, 15, 16, 18 and 23.

Cellco would install nine (9) panel antennas and six (6) remote radio heads ("RRHs") on a platform at the 120-foot level on the ARX tower. Specifications for the Cellco antennas and RRHs are included in Attachment 2 in Response to Interrogatory No. 5.

The Applicant proposes surrounding the compound with an eight foot (8') tall chain link security fence with a gate to be locked at all times, with access limited to ARX, Cellco, and any future wireless carriers that would share the facility, or City of Norwich emergency services if needed. There would be no climbing pegs on the first 10' of the proposed tower. Should the Council require an anti-climb fence, ARX will install one. See, ARX Response to Interrogatory No. 35.

A 20' wide access easement originating off West Main Street would provide access to the Site for vehicles. A 15' easement originating off West Main Street will be utilized for underground utilities. *Application* at p. 2.

#### **IV. ANALYSIS**

To issue a certificate of environmental compatibility and public need (a "Certificate"), the Council must determine that: (1) there is a demonstrated need for the proposed facility; and (2) any probable environmental impacts are insufficient to preclude

granting the application for the proposed facility. Conn. Gen. Stat. § 16-50p(a)(3). The unrefuted testimony offered by ARX and Cellco, as well as the submissions filed in support of this Application, unequivocally satisfy these criteria, thereby warranting the issuance of a Certificate.

**A. There is a Demonstrated Public Need for the proposed Facility, as Recognized by Federal Law and Established by the Evidence Offered at the Hearing.**

**1. Federal Law Seeks to Maximize Wireless Access.**

Federal law and policy seeks to maximize nationwide wireless access and foster wireless network growth, as promulgated in multiple federal acts and orders.

First, the Telecommunications Act of 1996 (the “Telecommunications Act”) substantially increased public access to wireless services by removing barriers to provider-competition, promoting universal service at affordable rates and in all areas of the United States, and enhancing the interconnectivity of users and vendors in light of the Telecommunications Act’s proposed changes.

Second, the Wireless Communications and Public Safety Act of 1999 (the “Public Safety Act”), which designated 9-1-1 as the universal emergency assistance number for both landline and wireless telephone service, emphasized the importance of wireless communication access to improve public safety and generally reflected the federal government’s ongoing commitment to maximizing the vast potential of wireless services.

Third, the New and Emerging Technologies 911 Improvement Act of 2008 (the “NET 911 Act”), which sought to accelerate a country-wide transition to a national IP-enabled emergency network and improve existing emergency services for individuals with

disabilities, demonstrated the economic and safety benefits that the federal government anticipated from broadened wireless communications.

Fourth, the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”) recognized the importance of maximizing access to wireless services by: (1) providing \$7.2 billion to increase broadband access throughout the United States; (2) establishing the Broadband Technology Opportunities Program, awarding grants for the purposes of enhancing community broadband infrastructure, upgrading or constructing public computer centers, and increasing broadband access in areas that traditionally underutilized broadband services; and (3) developing a National Broadband Plan outlining strategic initiatives for the purpose of maximizing broadband access for every American.

Fifth, in June 2012, President Obama signed an executive order recognizing the need for improved broadband access across the United States, as well as seeking to accelerate the deployment of broadband on federal lands and reiterating the importance of uniform access to broadband and other wireless services.

Sixth, Section 6409 of the Middle Class Tax Relief Act, issued in February 2012, recognized the importance of promoting enhanced wireless services by requiring any state or local government to approve replacement or collation of equipment on an existing tower, so long as the physical dimensions of that existing tower were not substantially changed. By report issued on October 17, 2014 to clarify Section 6409, the FCC took “important steps...to promote the deployment of wireless infrastructure” by substantially reforming its rules to “make thousands of additional towers available for collocation, resulting in an enormous expansion in deployment opportunities for public safety

operations and commercial wireless offerings.” FCC Wireless Infrastructure Report and Order issued October 17, 2014 at 2.

Seventh, in 2018, the FCC adopted two separate orders incorporating several declaratory rulings and a set of new regulations to specifically address various areas of state and municipal oversight of wireless facility siting including towers and small cells.<sup>1</sup> The first order prohibits any actual or de facto moratoria on the siting of wireless facilities. The second, intended to streamline the siting of 4G LTE and future 5G wireless infrastructure, addressed numerous provisions of the Telecommunications Act and focused on any state or local siting requirements that might materially inhibit the deployment of wireless facilities including small cells. The Trump administration further developed a national strategy for the United States to win the 5G global race and continue American leadership in wireless technology.<sup>2</sup>

Collectively, this federal law and policy reflects a demonstrated need to maximize national wireless access and foster network growth – objectives furthered by the proposed Facility. *See Application at pp. 10-15.*

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<sup>1</sup> WT Docket No. 17-79 – Declaratory Ruling and Third Report and Order, Accelerating Wireless Broadband Deployment<sup>5</sup> by Removing Barriers to Infrastructure Investment.

<sup>2</sup> See <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-developing-sustainable-spectrum-strategy-americas-future/> and <https://www.whitehouse.gov/articles/america-will-win-global-race-5g/>

## **2. Wireless Usage Statistics Demonstrate a Public Need to Maximize Wireless Access.**

As wireless subscribers have exponentially increased, wireless data traffic has similarly expanded, thereby heightening the public need for optimal wireless access.<sup>3</sup>

For example, according to the CTIA's Annual Survey, Americans used a record 15.7 trillion megabytes of mobile data in 2017, nearly quadrupling since 2014 and representing 40 times the volume used in 2010<sup>4</sup>. An estimated 400.2 million individuals in the United States subscribed to a wireless provider, up from 128.3 million subscribers as of December 2011<sup>5</sup>. In a February 5, 2018 report, Pew Research Center found that 95% of all Americans owned a cellphone, with 77% of Americans owning smartphones, compared to just 35% owning smartphones in 2011<sup>6</sup>.

In 2023, demand for wireless data continued to skyrocket, with Americans using more than 100 trillion MBs.<sup>7</sup> It is predicted that with the increasingly central role 5G plays in day-to-day life, Americans' data use will increase by more than triple by 2029.<sup>8</sup> The total number of wireless connections has grown to 558 million, more than 1.6 wireless connections for every American.<sup>9</sup> To meet the skyrocketing demand for 5G, the wireless industry continues to build out more cell sites. By the end of 2023, there were 432,469 operational cell sites across the U.S. -- a 24% increase since wireless siting reforms were enacted in 2018.<sup>10</sup>

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<sup>3</sup> These statistics are summarized herein and discussed in detail in the Application at pp.15-17.

<sup>4</sup> CTIA Annual "The State of Wireless 2018" available at <https://www.ctia.org/news/the-state-of-wireless-2018>; see also [https://api.ctia.org/wp-content/uploads/2018/07/CTIA\\_ToplineWirelessIndustrySurvey.pdf](https://api.ctia.org/wp-content/uploads/2018/07/CTIA_ToplineWirelessIndustrySurvey.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> See <https://www.pewinternet.org/fact-sheet/mobile/>

<sup>7</sup> CTIA 2024 "Annual Survey Highlights" available at <https://api.ctia.org/wp-content/uploads/2024/09/2024-Annual-Survey-Highlights.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup>*Id.*

**3. The Proposed Facility Will Remedy Coverage Deficiencies and Provide Enhanced Wireless Services in Norwich.**

The Docket contains extensive written evidence and testimony regarding the need for improved coverage in this area of Norwich, and ARX and Cellco have demonstrated that the new Facility at 577 West Main Street will provide this needed coverage.

Cellco's interrogatory responses and testimony at the hearing made clear that without the Facility, it will continue to have a coverage deficiency within the vicinity of the Site.

The primary objective of proposed facility is to provide coverage to Cellco customers along Route 82 (West Main Street), Dunham Street, Pine Street, and New London Turnpike in Norwich, including in-building coverage to various commercial and industrial uses in the area. To provide the in-building service needed, Cellco needs to increase its wireless signal strength in the area from Neg 95 dBm RSRP to Neg 85 dBm RSRP. The proposed tower site allows Cellco to achieve this objective. The proposed facility will also provide capacity relief to Cellco's existing Norwich West CT (Beta Sector) cell site which is currently operating in exhaust.

See, Cellco Response to Interrogatory No. 7.

Cellco also provided coverage plots demonstrating the enhanced coverage that the Facility would provide. See, Cellco Response to Interrogatory No. 10, Attachment 3. As shown in the plots, there are deficient areas of 700 MHz coverage, which are defined by the unshaded or "white" areas. The surrounding Cellco sites are unable to provide adequate coverage to Norwich. The proposed Facility will provide improved coverage, along with improvements to the surrounding roads, neighborhoods, and business areas within the proximity of the proposed Site and key traffic corridors in the City. In addition, the proposed Facility will provide some capacity relief to Cellco's facilities at the Norwich West CT Beta sector AWS/PCS 850 and 700 frequencies. See, Cellco Response to Interrogatory No. 13.

There is no dispute as to the benefits of the proposed Facility to meet Cellco's wireless service objectives. The record as to the need for the Facility and the fact that it will allow Cellco to provide enhanced coverage is uncontroverted.

**4. There Are No Viable Alternatives to the Proposed Facility.**

There are no viable alternatives to the proposed Facility. ARX and Cellco analyzed all other potential options in the area, and none are viable either because the sites do not meet the carriers' coverage objectives, because of the lack of interest of the property owners, or because the site necessitated a much taller tower. *See Site Search Summary attached to the Application as Exhibit F; ARX's Response to Interrogatory Nos. 4 - 6.* ARX and Cellco also analyzed the five additional sites requested by the City, none of which were viable. See, Cellco Supplemental Response to Interrogatory No. 1. Significantly, the City chose not to participate as a party in this docket, nor did it introduce into the record any evidence suggesting that any other site could be viable.

DAS systems or small cells are not a practical or feasible alternative for addressing the coverage gap in Norwich. As Cellco explained:

Small cells utilize existing infrastructure (i.e., electric distribution poles) along public rights of way in areas where coverage and/or capacity problems exist. These existing utility poles are often encumbered by other electric or communications equipment (i.e., transformers, streetlights, CATV boxes, risers, primary power lines). Pole attachment rules, established by the pole owners (e.g. Eversource, Frontier) limit or restrict Cellco's use these encumbered poles. Structural limitations of the existing poles could also limit Cellco's ability to deploy all the equipment needed to provide service in all of its operating frequencies. Providing some form of back-up power to small cells or DAS nodes is also very difficult and, in many cases, impossible, making the service even more vulnerable to power outages caused by storms or traffic accidents. In areas where existing utility poles are not available, for example, along private roads, in 3 State Parks, on private and municipal properties, or in public and private nature preserves, property rights would need to be acquired, and new utility poles would need to be installed. The actual number of small cell facilities that

would be needed to provide service comparable to that from the proposed Norwich 3 Facility tower site is not known but would be significant given the overall size of the area that Cellco is attempting to serve with the proposed Norwich 3 Facility. Individual small cells would be capable of providing service in some but not all of Cellco's operating frequencies, further limiting network capacity in the area around the proposed Norwich 3 Facility. Cellco estimates the cost for each small cell installation to be approximately \$75,000 to \$80,000. Typically, a small cell installation would include a cannister antenna attached to a utility pole 25 to 35 feet above grade, and a radio head attached to the pole approximately 8-10 feet above grade.

See, Cellco Response to Interrogatory No. 2.

In short, utilizing DAS or small cells "is not practically nor economically feasible and is not consistent with good RF Engineering practice." *Id.*

**B. The Proposed Facility Will Have No Significant Environmental Effects.**

To issue a Certificate, the Council must determine that the nature of the probable environmental impacts of the facility – including the natural environment, ecological balance, public health and safety, forests and parks, air and water purity, historic and recreational values, and fish, aquaculture, and wildlife – are not a sufficient reason to deny the application. Conn. Gen. Stat. § 16-50p(a)(3). The testimony offered by the Applicant unequivocally satisfies these statutory criteria, thereby warranting a Certificate.

**1. The Facility Will Not Result in a Significant Adverse Visual Impact nor have a Substantial Effect on the Scenic Quality of the Surrounding Area.**

The Applicant's visibility analyses and expert testimony demonstrate that the visibility of the proposed Facility will neither result in a significant adverse visual impact nor have a substantial adverse effect on the aesthetics or scenic quality of the area surrounding the proposed Facility.

The Facility would be located on an approximately 0.76+/- acre parcel of property located at 577 West Main Street. The Site is approximately .96 miles northeast of Ct. Route 395N at exit 11 Downtown Norwich Rt 82, and approximately 1.82 miles north of the Mohegan Sun Resort and Casino. The Site is located along a 4-lane roadway, West Main Street, which is comprised of mostly Commercial/Retail use properties. The subject property currently contains an abandoned car wash. To the east of the Site is a gas station and convenience store, to the west is a restaurant, to the north is a retail florist and residence. Most of the site is developed, with an existing commercial structure that is no longer in use and a surrounding asphalt travel way. *Application at pp. 1-2.*

ARX submitted a Visibility Analysis attached to the Application as *Exhibit H*, which was prepared when AT&T was a co-applicant and the proposed tower height was 135'. As presented in the viewshed maps attached to the Visibility Analysis, with a 135' tower, year-round views of the Facility (Summer, leaf-on condition) would be primarily limited to approximately 37.4 acres, or approximately 1.86% of the one-mile Study Area. The majority of these views (21.7 acres, 1.08%) would be of the upper most portion of the proposed tower. Total predicted seasonal views (Winter, leaf-off condition) of a 135' tower are approximately 55.7 acres, or approximately 2.77% of the one-mile Study Area. *See Exhibit H at pp. 8-9.*

Prior to the Hearing, ARX submitted updated Site Plans attached as Exhibit 23 in response to Interrogatory No. 23, depicting the tower at a reduced height of 125'. Accordingly, the seasonal and year-round views set forth in *Exhibit H* to the Application – which were based on a 135' tower – will be reduced accordingly. ARX also submitted

an updated Photographic Simulation depicting the reduced visibility of a 125' tower. See, ARX Response to Interrogatory No. 46, and attached Exhibit 46.

There are no schools or daycare centers located within 250 feet of the Site. The John B. Stanton Elementary School is located approximately .38 miles to the north and is the closest school to the proposed facility. Kids World Childcare, LLC is approximately 1600 feet to the northeast of the site, along West Main Street, and is the closest licensed daycare facility. *See Exhibit H at pp. 2, 8, and Exhibit P, Schools & Daycares Map Package prepared by Virtual Site Simulations, LLC dated April 29, 2025.*

The Applicant's extensive testimony and expert analysis establish that the proposed Facility will not significantly affect the scenic quality of the surrounding area or have a significant adverse environmental impact.

## **2. The Facility Will Not Significantly Affect Public Health and Safety.**

The Docket contains uncontested evidence that the proposed Facility will not significantly affect public health and safety. The worst-case potential exposure would be well below the established FCC standards – 4.29% of the applicable Maximum Permissible Exposure (MPE). *Exhibit J to the Application*. This calculation does not take into account obstructions, such as trees and buildings, that would normally attenuate the signal. The calculations assume even terrain in the area of study and do not consider actual terrain elevations which also could attenuate the signal. As a result, the predicted signal levels reported in *Exhibit J* to the Application are much higher than the actual signal levels of the Facility will be. The Facility is compliant with FCC/ANSI standards. *See Exhibit J; Application at p. 27.*

In response to Council interrogatories, ARX identified the multitude of safety standards and codes that would govern the operation of the Facility. See, ARX Response to Interrogatory No. 37. Moreover, the Site would be monitored 24 hours a day, 7 days per week from a remote location. *Application at p. 28.* These security measures unequivocally satisfy the public health and safety considerations established by Conn. Gen. Stat. § 16-50p(a)(3).

**3. The Facility Will Not Significantly Affect the Natural Environment in the Area.**

The Applicant has offered extensive evidence demonstrating that the proposed Facility will not significantly affect the natural environment factors described in Conn. Gen. Stat. § 16-50p(a)(3).

**a. Historic Properties, Structures, and Buildings.**

The proposed Facility will not impact historic properties, structures, buildings, or objects, and no archaeological sites or archaeological cultural artifacts were discovered. *Application at p. 25; Exhibit I to the Application.* On May 19, 2025, the State Historic Preservation Office (“SHPO”) issued a letter confirming that the proposed Facility will have no adverse effects to sites listed or eligible for listing on the National Register of Historic Places. *Application at p. 25; Exhibit I, Appendix B.*

The Facility will not affect an Indian religious site. The following Native American Indian tribes were consulted: the Mashantucket Pequot Tribe, Mohegan Indian Tribe, Bad River Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, and Narragansett Indian Tribe. Each tribe received initial notification from the FCC by April 11, 2025. In response, the tribes either concurred with the project or expressed no further interest. *See Exhibit I, Appendix B.*

**b. Protected Land and Designated Environments.**

The proposed Facility will not be located in a Special Flood Hazard Area of the 100-year floodplain. See *Application at p. 28-29, and National Environmental Policy Act Screening Report dated June 30, 2025, attached to Application as Exhibit I.*

The construction and operation of the Facility will not cause a substantial change in the character of surface features or the land use (e.g., wetlands fill, water diversion, or deforestation). *Id.* No wetlands or watercourses were identified or delineated within 100 feet of the Site and the access to the Site. See *Exhibit K to Application, and Application at p. 35.*

**c. Wildlife and Wilderness.**

The proposed Facility will not be located in an area designated as a wilderness area or a wildlife preserve. See *Application at p. 24, and Exhibit I, Appendix A at p. 3.*

ARX evaluated the project to determine whether it fell within any of the “listed” categories requiring review under NEPA. The “listed” categories, included in 47 C.F.R. § 1.1307, are activities that may affect wilderness areas; wilderness preserves; endangered or threatened species; critical habitats; National Register historic districts, sites, buildings, structures, or objects; Indian religious sites; flood plains; and wetlands. The resulting report, included in the NEPA Report attached hereto as *Exhibit I*, confirms that the Property does not fall under any of the NEPA “listed” categories of 47 C.F.R. §1.1307. Therefore, the proposed Facility does not require review by the FCC pursuant to NEPA. See *Application at p. 37, and Exhibit I.*

The Site is not located within any Important Bird Areas and there are no critical habitats in the vicinity of the proposed tower. The Facility will not adversely impact

migratory birds, raptor species, bald eagles, or waterfowl, and any impacts to potential nesting habitat for landbird species is anticipated to be minimal. *See Application at p. 29, and Exhibit I to Application.*

In sum, there is no evidence that adverse environmental impacts or effects would result from the proposed project, as defined in FCC Rules contained in 47 CFR Sections 1.1301 through 1.1320. *Id.*

**C. The Benefits of the Proposed Facility Far Exceed Any Potential Impact, Thereby Warranting Application Approval.**

Pursuant to Conn. Gen. Stat. § 16-50p(a)(3), the evidence in the Docket clearly establishes that any probable environmental impacts resulting from the proposed Facility are insufficient to deny the Application. Any limited impacts associated with the Application are outweighed by its substantial public benefits, thereby warranting Council approval.

As demonstrated above, occasional and limited views in the immediate area are the primary potential adverse impacts resulting from the proposed Facility. See supra at pp. 16-18. There are also limited distant views. Moreover, any visual impacts are reduced by ARX's proposal to lower the tower height to 125'. These limited aesthetic impacts are unquestionably outweighed by the public benefit derived from the Facility – specifically the coverage benefits to Norwich.

Accordingly, the potential benefits of the proposed Facility far exceed any potential aesthetic impact, thereby justifying the issuance of a Certificate.

## V. CONCLUSION

Based on the overwhelming uncontroverted evidence in the record, the Applicant has established that there is a demonstrated need for the Facility and that the limited environmental impacts associated with the Application are outweighed by the public benefits. The Applicant therefore respectfully requests that a Certificate issue for the proposed Facility.

RESPECTFULLY SUBMITTED,

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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail on this 12<sup>th</sup> day of February, 2026, to the following:

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