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April 2, 2026

Via e-mail and Federal Express

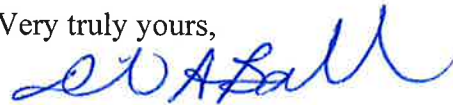
Attorney Melanie Bachman
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. 545 – Arx Wireless Infrastructure, LLC and New Cingular Wireless PCS, 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 306 Flanders Road, East Lyme, Connecticut

Dear Attorney Bachman:

On behalf of the Applicants, Arx Wireless Infrastructure, LLC and New Cingular Wireless PCS, LLC, I've enclosed an original and fifteen (15) copies of the Applicants' Post-Hearing Brief.

Very truly yours,



David A. Ball

cc: Service List

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

ARX WIRELESS INFRASTRUCTURE, LLC
AND NEW CINGULAR WIRELESS PCS,
LLC D/B/A AT&T 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
306 FLANDERS ROAD, EAST LYME,
CONNECTICUT

DOCKET NO. 545

April 2, 2026

APPLICANTS' POST-HEARING BRIEF

Applicants ARX Wireless Infrastructure, LLC ("ARX") and New Cingular Wireless PCS, LLC d/b/a AT&T ("AT&T") respectfully submit this Post-Hearing Brief in support of the above-referenced Application.

I. INTRODUCTION / EXECUTIVE SUMMARY

On October 15, 2025, ARX and AT&T (the "Applicants") 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 0.74+/- acre parcel of property located at 306 Flanders Road, East Lyme, Connecticut (the "Property" or "Site"). The Site is accessed from Flanders Road, across existing paved parking areas and driveways off of Flanders Road. A 25'-wide easement originating off Flanders Road would provide the Site with underground utilities and vehicular access.

The Site is approximately .18 miles north of CT Route 95 at exit 74 Flanders Road, Route 161. The Site is located within a mostly Commercial/Retail area with scattered mixed use residential properties and condominium complexes and farmland. The subject property currently contains a restaurant, Smoky O'Grady's Barbecue and Pub, and abuts Flanders Cemetery, Barry's Cleaners and Ace Hardware.

Need for the Facility:

AT&T will be decommissioning its existing facility at 269 Flanders Road in East Lyme. Once the existing site is decommissioned there will be a significant coverage deficiency in the existing AT&T wireless communications network, particularly along I-95 (Governor John Davis Lodge Tpke), Flanders Road (Route 161), Route 1 (Boston Post Road), and other roads in the area. Accordingly, in order to fill this coverage gap and to maintain reliable service in East Lyme, there is a need for the proposed facility at 306 Flanders Road in East Lyme. By constructing the proposed Facility, residential and commercial customers would have reliable coverage for their voice and data needs, as well as reliable coverage for E-911 services and emergency services communications through FirstNet, a nationwide broadband public safety network dedicated to the needs of first responders, even after the decommissioning of AT&T's existing facility at 269 Flanders Road.

Facility Description:

The Applicants are proposing to construct a telecommunications facility consisting of a 135-foot monopole structure (not to exceed 135' with antennas) within a 2,500 square-foot fenced equipment compound (within a 3,000 square-foot leased area). The tower would accommodate the antenna arrays of AT&T, Cellco Partnership d/b/a Verizon

Wireless (“Verizon”), two future wireless carriers, and if there is a need for public safety antennas at this site, ARX will accommodate the Town’s needs. The antennas initially affixed to the monopole will consist of AT&T panel antennas, mounted in three sectors, at a centerline height of 131’ (AGL), and Verizon panel antennas, mounted in three sectors, at a centerline height of 120’ (AGL).

The Applicants propose 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, AT&T, Verizon, and any future wireless carriers that would share the facility. There would be no climbing pegs on the first 10’ of the proposed tower. Should the Council require an anti-climb fence, the Applicants will install one. At the request of the Property owner and the owner’s tenant, the Applicants will install a light to illuminate the rear portion of the parking lot on the Site.

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 Applicants filed the Application with the Council on October 15, 2025, proposing to construct a 135-foot monopole tower (maximum height not to exceed 135' with antennas) with AT&T antennas, Verizon antennas, the equipment of two future additional wireless carriers, and public safety antennas if needed by the Town.

Notice of the Applicants' intent to file the Application was mailed to all abutting property owners on October 9, 2025, and the legal notice was published in *The Day* on October 9, 2025 and October 10, 2025. *Exhibits C and D to the Application, and Applicants' Exhibit 3.* On January 19, 2026, the Applicants posted a sign at the Site providing notice to the public of the application and hearing date and location. *Applicants' Exhibit 4.*

Verizon intervened in support of the Application. Wireless Solutions/Ancient Highway Towers, LLC ("Wireless Solutions") also intervened in the docket. The Town did not seek party status.

On January 29, 2026, the Council conducted an evidentiary hearing and an evening public hearing on the Application, and on March 3, 2026, the Council conducted a continued evidentiary hearing (collectively hereinafter the "Hearing").

Pursuant to Council direction and Section 16-50j-31 of the Regulations of the Connecticut State Agencies, the Applicants file 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. *Applicants' Exhibit 1 ("Application") at p. 21.* 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 identified a need for wireless coverage in this area of East Lyme due to the decommissioning of its existing facility at 269 Flanders Road, and Verizon also identified a service gap in this area. *Id.* In this area of East Lyme, there are no known existing structures suitable for co-location and the provision of reliable service to the public. *Id.*

ARX began a site search in April 2024. *Applicants' Exhibit 5, at Response No. 7.* As thoroughly explained in Exhibit F to the Application, ARX and AT&T evaluated a total of seventeen (17) 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.*

B. Consultation with Town of East Lyme.

The Applicants filed a Technical Report with the Town of East Lyme on June 23, 2025. *Exhibit L to the Application.* The Applicants also sent copies of the Technical Report to the East Lyme Board of Selectmen, Planning Commission, Zoning Commission, Inland Wetlands Agency, and to the State Representative and State Senator representing East Lyme's legislative district.

By letters dated June 23, 2025, and again on July 3, 2025, counsel for ARX reached out to the First Selectman of East Lyme asking to meet to review the proposed project, requesting that the Town provide alternate sites, if any, and offering to provide a public informational meeting in the Town. The First Selectman did not respond to these letters, did not have any comments on the proposed Facility, and did not provide alternative locations for the Facility. *Application at p. 34.* During the municipal consultation phase, the Town did not request a public informational meeting. Belatedly, after the municipal consultation period and before the first evidentiary hearing in this docket, the Town requested a public information session, which the Applicants accommodated. On November 19, 2025, the Applicants presented at a public information meeting held during a Board of Selectmen meeting in East Lyme Town Hall, even though the statutory deadline for the meeting had long since expired. At that public meeting, multiple representatives of the Applicants presented detailed information about the

project, and answered all questions. At no time did the Town suggest alternative locations to the proposed Site.

C. The Proposed Facility.

The Applicants are proposing to construct a telecommunications facility consisting of a 135-foot monopole structure (not to exceed 135' with antennas) within a 2,500 square-foot fenced equipment compound (within a 3,000 square-foot leased area). The tower would accommodate the antenna arrays of AT&T, Verizon, two future wireless carriers, and public safety antennas at this site, if needed. The antennas initially affixed to the monopole will consist of AT&T panel antennas, mounted in three sectors, at a centerline height of 131' (AGL), and Verizon panel antennas, mounted in three sectors, at a centerline height of 120' (AGL). *See, Applicants' Updated Site Plans attached as Response No. 13 to Exhibit 5.*

The Applicants propose 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, AT&T, Verizon, and any future wireless carriers that would share the facility. There would be no climbing pegs on the first 10' of the proposed tower. Should the Council require an anti-climb fence, the Applicants will install one. At the request of the Property owner and the owner's tenant, the Applicants will install a light to illuminate the rear portion of the parking lot on the Site.

The Site is accessed from Flanders Road, across existing paved parking areas and driveways off of Flanders Road. A 25'-wide easement originating off Flanders Road would provide the Site with underground utilities and vehicular access. *Application at p. 7.*

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 testimony offered by the Applicants and Verizon, 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.¹ 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.²

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.*

¹ WT Docket No. 17-79 – Declaratory Ruling and Third Report and Order, Accelerating Wireless Broadband Deployment⁵ by Removing Barriers to Infrastructure Investment.

² 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.³

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 2010⁴. An estimated 400.2 million individuals in the United States subscribed to a wireless provider, up from 128.3 million subscribers as of December 2011⁵. 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 2011⁶.

In 2023, demand for wireless data continued to skyrocket, with Americans using more than 100 trillion MBs.⁷ 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 2029.⁸ The total number of wireless connections has grown to 558 million, more than 1.6 wireless connections for every American.⁹ 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 2018.¹⁰ *See Application at pp. 15-18.*

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

⁴ 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.

⁵ *Id.*

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

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

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

3. The Proposed Facility Will Remedy Coverage Deficiencies upon AT&T's decommissioning of its existing facility at 269 Flanders Road, and will Provide Enhanced Wireless Services in East Lyme.

The Docket contains extensive written evidence and testimony regarding the need for coverage in this area of East Lyme upon AT&T's decommissioning of its existing facility at 269 Flanders Road, and the Applicants have demonstrated that the new Facility at 306 Flanders Road will provide this needed coverage. The RF Report commissioned by AT&T confirmed that AT&T will have a gap in coverage in East Lyme and that the Facility will provide AT&T with needed coverage in that coverage gap. *See Exhibit E to Application.* As shown in the plots included as attachments to Exhibit E, there are deficient areas of 700 MHz coverage, which are defined by the unshaded or "white" areas. The surrounding AT&T sites are unable to provide adequate coverage to East Lyme once the existing facility is decommissioned. Without the installation of the proposed site, AT&T will be unable to maintain its existing wireless communication services in this area of East Lyme. *See Exhibit E at pp. 2-7.* In addition, the proposed Facility will enhance public safety with the provision of emergency services communications through FirstNet, a nationwide broadband public safety network dedicated to the needs of first responders, in this area of East Lyme. Without the installation of the proposed site, AT&T will be unable to maintain its existing wireless communication services in this area of East Lyme. *Id.*

Similarly, Verizon's propagation modeling has identified a service gap in this area of East Lyme, which will be enhanced by the new Facility. *See Verizon propagation maps, Exhibit E.*

There is no dispute as to the benefits of the proposed Facility to meet AT&T's and Verizon's wireless service objectives. The record as to the need for the Facility is uncontroverted.

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

There are no viable alternatives to the proposed Facility. ARX and AT&T analyzed all other potential options in the area, and none are viable either because the sites do not meet AT&T's coverage objectives or because of the lack of interest of the property owners. See *Site Search Summary attached to the Application as Exhibit F; and Applicants' Exhibit 5, at Response Nos. 8 and 9.*

DAS systems or small cells are not a practical or feasible alternative for addressing the coverage gap in East Lyme. The RF maps included in Exhibit E to the Application clearly demonstrate that a significant coverage gap in this area of East Lyme will result with the decommissioning of AT&T's existing site at 269 Flanders Road. In addition to providing reliable wireless services to AT&T's customers, the proposed Facility is being built as part of the AT&T's FirstNet public safety network, where wide area coverage is of paramount importance. DAS or small cells cannot technologically provide reliable wireless service to cover this area of need. Small cells and DAS are best suited for specifically defined areas where capacity is necessary, such as more urban environments, shopping malls, stadiums and other densely populated areas. *Applicants' Exhibit 5, at Response No. 11.*

Significantly, the Town chose not to participate as a party in this docket nor to recommend any alternative site. Wireless Solutions intervened in the docket, in a self-serving effort to offer its own tower as an alternative site. However, AT&T and Verizon

engaged in thorough RF analyses which demonstrated that the Ancient Highway site could not satisfy the carriers' coverage objectives. Martin Lavin, AT&T's and Verizon's RF expert, testified that the analyses performed for AT&T and Verizon took into account not just the elevation, but also the location of the Ancient Highway site, and the results were unacceptable. Indeed, Mr. Lavin assumed a 195' tower height in his analyses, even though Mr. Drabik admitted that a 195' tower would violate the terms of a Stipulated Judgment he entered into with the Town, limiting any tower at the Ancient Highway site to 155'.

Regardless, even assuming a 195' tower, the result would be a loss in coverage along I-95 of approximately 0.5 miles once the existing AT&T facility was decommissioned. *See, Applicants' Exhibit 7, at Response No. 62, and Attachment 1.* Mr. Lavin explained that there is a hill to the southeast of the Ancient Highway location that would prevent this coverage. *Id.*

In addition, Mr. Lavin testified that a facility at the Ancient Highway site would be redundant with coverage already provided by AT&T site CT1345:

Redundant coverage wastes network resources by adding additional service to an area that is already covered. This results in higher noise levels due to the redundant signal in the area and also causes unnecessary load on system overhead as users switch between the redundant signals. Both of these consequences of redundant coverage result in lower throughput speeds and reduced system capacity. For these reasons, the tower at 30-1 Ancient Highway is not a viable alternative.

See, Applicants' Exhibit 7, at Response Nos. 62 and 63.

Neither Mr. Thomas nor Mr. Drabik are RF engineers, and they offered no RF analysis to rebut Mr. Lavin's uncontroverted testimony. *See also, Applicants' Exhibit 8,*

at Response Nos. 2 and 4, and Attachments 1 and 2. The Ancient Highway location is not a viable alternative to the proposed Site.

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

To issue a Certificate, the Council must determine that probable environmental impacts – 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 – will have no significant environmental effects. Conn. Gen. Stat. § 16-50p(a)(3). The testimony offered by the Applicants 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 Applicants' 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 0.74+/- acre parcel within a commercial area, with a designated land use as "CA" (Commercial). The Site is approximately .18 miles north of CT Route 95 at exit 74 Flanders Road, Route 161. The Site is located within a mostly Commercial/Retail area with scattered mixed use residential properties and condominium complexes and farmland. The subject property currently contains a restaurant, Smoky O'Grady's Barbecue and Pub, and abuts Flanders Cemetery, Barry's Cleaners and Ace Hardware. *Application at pp. 1-2.*

The predicted estimate of year-round views (summer, leaf-on condition) of the Facility would be primarily limited to approximately 58.8 acres, or approximately 2.90% of the one-mile Study Area. See *Exhibit H of Application, and Application at p. 23*. The predicted seasonal visibility (Winter, leaf-off condition) are approximately 102.9 acres, or approximately 5.12% of the one-mile Study Area. *Id.*

There are no schools or daycare centers located within 250 feet of the Site. The East Lyme High School is located approximately 0.4 miles to the north and is the closest school to the proposed facility. The Camelot Children's Center is approximately 600 feet to the northeast of the Site, and is the closest licensed daycare facility. See *Exhibit H of Application at p. 2 and Exhibit P, Schools & Daycares Package prepared by Virtual Site Simulations, LLC dated December 19, 2024*.

The Applicants' 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 – 6.57% 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 pp. 26-27.*

In response to Council interrogatories, the Applicants identified the multitude of safety standards and codes that would govern the operation of the Facility. *Applicants' Exhibit 5, at Response No. 43.* In addition, the compound would be surrounded by an eight foot (8') tall chain link security fence with a gate to be locked at all times, with access limited to ARX, AT&T, Verizon, and any future wireless carriers. 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. Additionally, ARX will install a light at the request of the owner and the owner's tenant to illuminate the rear portion of the parking lot. *Applicants' Exhibit 5, at Response No. 41.*

These security measures unequivocally satisfy the public health and safety considerations established by Conn. Gen. Stat. § 16-50p(a)(3).

3. The operation of the tower will comply with Connecticut's noise regulations.

At the Council's request, the Applicants submitted as a late-filed exhibit a Noise Study prepared by Noise Control Engineering dated February 23, 2026. See *Applicants' Exhibit 9, Attachment 1.* The Noise Study took into account all equipment and backup generators for both AT&T and Verizon and evaluated the maximum possible noise against the noise regulations in Conn. Gen. Stat. § 22a-69. As explained in the Noise Study, by adding an 8-foot absorptive barrier wall around the site, noise levels would be sufficiently attenuated to comply with Connecticut's noise regulations. *Exhibit 9, Attachment 1 at p. 12.* The Applicants will of course comply with this recommendation.

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

The Applicants have 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 pp. 24-25; Exhibit I to the Application, FCC NEPA Environmental Checklist Report dated April 18, 2025.* On February 18, 2025, the State Historic Preservation Office (“SHPO”) issued a letter confirming that the proposed Facility will have no adverse effects on historic properties. SHPO stated that the subject property does not appear to be eligible for listing on the National Register of Historic Places (NR), and that no properties listed or determined eligible for listing on either the State or National Register of Historic Places are located within 0.5 miles of the project area. *See Letter from SHPO dated February 18, 2025 contained in Appendix D to Exhibit I.* With respect to one previously identified archaeological site located within 0.5 miles of the project area, SHPO concluded that it will not be impacted by the proposed project. SHPO further noted that soil profiles within the project area are categorized as well drained and no to low sloped, and that a pedestrian survey revealed that the majority of the project area has been previously disturbed, making it unlikely to contain significant intact archaeological deposits. SHPO also noted that a cemetery is located to the north of the subject property; however, the closest burials are far enough away and not anticipated to be impacted by the proposed installation. SHPO concluded: “Based on the information provided, this office concurs

that no additional archaeological investigations are warranted and no historic properties will be affected.” *Application at pp. 24-25; Letter from SHPO dated February 18, 2025 contained in Appendix D to Exhibit I.*

The Facility will not affect an Indian religious site. Five 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 January 17, 2025. In response, the tribes either concurred with the project or expressed no further interest. *See Application at p. 28, and Appendix E to Exhibit I.*

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, and Appendix F to 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). Specifically, jurisdictional waters or wetlands will not be impacted. *Id., and see Appendix G to Exhibit I.* Moreover, in light of the fact that the Site is within a DEEP-designated Aquifer Protection Area, AT&T has committed to using natural gas for its emergency backup generator. *See, 1/29/26 Hearing Transcript at p. 72.*

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. 28, and Exhibit I.*

The Applicants 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 to the Application 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. 35.*

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.

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. 15-16. There are also limited distant views. These limited aesthetic impacts are unquestionably outweighed by the public benefit derived from the Facility – specifically the coverage benefits, including emergency services, to East Lyme. See supra at p. 12. These views can be ameliorated by the design of the Facility, should the Council determine that this is an appropriate docket in which to order visual mitigation.

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 and uncontroverted evidence in the record, the Applicants have 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 Applicants therefore respectfully request that a Certificate issue for the proposed Facility.


RESPECTFULLY SUBMITTED,

ARX WIRELESS INFRASTRUCTURE, LLC,

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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail on this 2nd day of April, 2026, to the following:

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