

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC  
AND NEW CINGULAR WIRELESS PCS, LLC  
d/b/a AT&T FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE CONSTRUCTION,  
MAINTENANCE, AND OPERATION OF A  
TELECOMMUNICATIONS FACILITY AT ONE OF  
TWO SITES IN THE TOWN OF KENT,  
CONNECTICUT

DOCKET NO. 488

October 22, 2020

APPLICANTS' POST HEARING BRIEF

Respectfully Submitted,



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## PRELIMINARY STATEMENT

Homeland Towers, LLC (“Homeland”) and New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”) (together the “Applicants”), by their attorneys Cuddy & Feder LLP, respectfully submit this post-hearing brief in support of their application (“Application”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) in Docket No. 488. This Application addresses the long standing public need for a new tower facility in the central portion of Kent so that AT&T, FirstNet, and the Town of Kent’s Fire Department, Fire Dispatch, Emergency Services and Highway Departments may provide reliable communication services to residents and visitors in this area of the community. It’s been over thirty years since the advent of cellular services in the state and only now has the availability of properties, FCC carrier commitments and other conditions needed for the private sector to invest the time and capital required to support an application to the Siting Council been present for providing reliable wireless services to this part of Kent.

When the State of Connecticut opted into FirstNet and AT&T’s services in late 2017, various areas of the state were identified where gaps in network services would require new infrastructure. See generally, <https://portal.ct.gov/Malloy-Archive/Press-Room/Press-Releases/2017/12-2017/Gov-Malloy-Announces-Connecticut-Opts-into-FirstNet-Network> . AT&T thereafter issued its search ring for this part of Kent in 2018. This is the first new tower application filed with the Siting Council specifically for FirstNet’s nationwide broadband public safety network dedicated to the needs of first responders. The tower will also allow for commercial wireless services to the public from AT&T, Verizon Wireless and local public safety and municipal agencies.

All parties and intervenors, including opponents to the towers, acknowledge that there is a significant gap in service in this part of Kent due to the lack of communications infrastructure, a fact common to many rural parts of Litchfield County.

The opponents, whose consultant has never designed a network and has a penchant for armchair criticisms of network design standards, begrudgingly acknowledge there is a real gap in all networks in this part of Kent. That's why opponents spent an inordinate amount of time in this proceeding speculating, fishing for cracks in the Applicants' case, failing to prove the viability of small cell technology here and unwittingly confirming that a new tower is actually required. We respectfully submit that the question presented for the Siting Council's consideration in this proceeding is not whether there is a public need for a tower, but where can one be built for services in this part of Kent.

To help answer that question, the Applicants' professionals demonstrated with competent testimony and field studies that the location of the two tower sites proposed in this Docket do not present significant adverse environmental impacts on any federal or state resources identified in the Siting Council's enabling legislation. Indeed, the only identifiable effect of note for either tower site would be the tower's visibility above the tree line in some areas of local community character and importance to the Kent community. However, that visibility and the generalized opinions of a few residents and one local official simply do not give rise to an overall environmental effect that remotely outweighs the critical public need for a tower to provide reliable wireless service in this part of the state. As such, the Applicants submit that the project meets the statutory criteria set forth in Section 16-50p of the Connecticut General Statutes ("C.G.S.") for approval and the Siting Council has the opportunity to choose one of two sites and issue a Certificate for the location its members determine best balances the need for a tower to provide services in the community.

### **STATEMENT OF FACTS**

#### **I. AT&T's Consumer Mobile and Public Safety FirstNet Services**

There is a significant coverage deficiency in the existing AT&T wireless communications network in the central portion of Kent along Segar Mountain Road (Route 341), Richards Road

and the neighboring areas. Applicants' Ex. 1, Attachment 1; Applicants' Ex. 2, Attachment 10; Applicants' Ex. 6, Attachment 2. Indeed, the lack of reliable wireless service in this area of Kent is original, dates back to the 1G technologies of the 1980s and has been a known problem even at the FCC as part of its rural service objectives and wireless communications. *See generally* CSC and FCC mapping at <https://portal.ct.gov/-/media/CSC/telcomplan2012/2012TelcomPlanDraft4Webpdf.pdf> <https://www.fcc.gov/reports-research/maps/mobility-fund-ii-initial-eligible-areas-map/>. In 2018, AT&T's RF Engineers established a site search area for Kent based on this documented gap in coverage and part of its FirstNet efforts with the State of Connecticut. *Id.* AT&T's coverage gaps were specifically identified and documented by drive-test data and consistent with the public's experience. *Id.* The lack of service for all FCC and public safety agencies in this part of Kent is fundamentally due to the absence of any existing tower infrastructure or other wireless facility siting opportunities for an area characterized by significant changes in terrain elevation. *Id.*

## II. Site Searches

The lack of reliable wireless services in this specific area of Kent is well known and has been documented publicly by federal and state governmental agencies for the past decade. Homeland, through its in-state presence and relationship with various wireless carriers serving Connecticut, identified this part of the state as also lacking any suitable wireless infrastructure and began investigating potential sites for towers approximately eight years ago. Applicants' Ex. 15. Homeland's comprehensive investigation of 27 locations resulted in two proposed sites for consideration: Site A located at Bald Hill Road and Site B located at 93 Richards Road. Applicants' Ex. 1, Attachment 2. In the past two years, AT&T evaluated the area, came to the same conclusions and entered into an agreement with Homeland for use of one of two proposed tower sites to address significant coverage gaps in Kent. *Id.*

Notably, over the same two-year time period, AT&T has deployed hundreds of small cells in more urban and suburban parts of Connecticut where that technology is appropriate to address

principally network capacity. *See* PURA Docket No. 18-06-13. Additionally, both Homeland and AT&T studied tower alternatives presented to the companies after the Application was filed. Applicants' Ex. 15. The evidence in Docket 488 presents a full and complete picture for the Siting Council that a tower is needed for service and that the only practical and feasible alternatives are those as proposed by the Applicants in the Application.

### III. Technical Consultation with the Town of Kent

In October of 2019, the Applicants filed a Technical Report with the Town of Kent with details of the sites proposed in this proceeding. Applicants' Ex. 1, Attachment 12. A duly noticed public information meeting was conducted on December 13, 2019 to review details of the project and answer public questions related to both proposed sites. On January 18, 2020, Homeland conducted a publicly noticed balloon test at Site A and a crane test at Site B. Comment letters from the informational meeting were received and included in the Application. Notably, *no* alternatives were suggested by the Town or others during the municipal consultation process, despite that being one of state law's express purposes for conducting pre-application consultations locally. Id.

### IV. Certificate Application, Parties & Intervenors & Pre-Hearing Filings

On February 28, 2020, the Applicants submitted an Application to the Siting Council for a Certificate to construct, maintain and operate a wireless facility at one of two sites: Kent Tax Assessor ID #M10, Block 22, Lot 38: Bald Hill Road or 93 Richards Road. The Bald Hill Road location is designated as Site A and the 93 Richards Road location is designated as Site B.

Site A is an approximately 1.99-acre parcel of land owned by InSite Wireless Group, LLC. The proposed Facility at Site A will be located in the southwest section of the parcel. The initial proposed self-supporting monopole height of 154' AGL was reduced to 135' AGL as the bare minimum tower height. Applicants' Ex. 1, Attachments 3 & 4; Applicants' Ex. 14. AT&T proposes to install up to nine (9) panel antennas and related equipment at a centerline height of 131' AGL. The Town of Kent also proposes to install six (6) omni antennas and one (1) microwave dish. The

tower base will be located within an approximately 3,950 s.f. equipment compound enclosed with an 8' high chain link fence. Landscaping is proposed on the east and south side of the equipment compound. The Facility would be designed for future use by other FCC licensed wireless carriers as well as the Town of Kent's Fire Department, Fire Dispatch, Emergency Services and Highway Department. Within the fenced equipment compound, AT&T proposes to install a walk-in equipment cabinet and an emergency back-up propane generator. The fenced equipment compound would also provide space for future shared use of the Facility by other carriers. The equipment compound will be accessed from Bald Hill Road over an approximately 300' existing abandoned driveway that will be upgraded to a 12' wide gravel access driveway. Utility connections would be routed underground along the access easement. Applicants' Ex. 1, Attachments 3 & 4; Applicants' Ex. 13; Applicants' Ex. 14.

Site B is an approximately 6.821-acre parcel of land owned by Jason and Jennifer Dubray. The proposed Facility at Site B will be located in the northeast section of the parcel and the initial proposed self-supporting monopole height of 154' AGL was reduced to 135' AGL as the bare minimum tower height. Applicants' Ex. 1; Attachments 5 & 6; Applicants' Ex. 14. AT&T proposes to install up to nine (9) panel antennas and related equipment at a centerline height of 131' AGL. The Town of Kent also proposes to install six (6) omni antennas and one (1) microwave dish. The tower base will be located within an approximately 3,600 s.f. equipment compound enclosed with an 8' high chain link fence. Landscaping is proposed on the north side of the equipment compound. The Facility would be designed for future use by other FCC licensed wireless carriers as well as the Town of Kent's Fire Department, Fire Dispatch, Emergency Services and Highway Department. Within the fenced equipment compound, AT&T proposes to install a walk-in equipment cabinet and an emergency back-up propane generator. The fenced equipment compound would also provide space for future shared use of the Facility by other carriers. The equipment compound will be accessed from Richards Road over an approximately 1,050' existing

driveway. Utility connections would be routed underground along the access easement.

Applicants' Ex. 1, Attachments 5 & 6; Applicants' Ex. 13; Applicants' Ex. 14.

On March 26, 2020, the Siting Council granted intervenor and CEPA intervenor status to the Planned Development Alliance of Northwest, CT ("PDA") and party status to the Bald Hill Road Neighbors ("BHRN"). On May 21, 2020, the Siting Council granted party status to the Town of Kent. At the July 23, 2020 public hearing for this proceeding, the Siting Council granted intervenor and CEPA intervenor status to Spectacle Ridge Association, Inc. (SRA) and the South Spectacle Lakeside Residents (Lakeside) and pursuant to Connecticut General Statutes § 16-50n(c), grouped SRA and Lakeside with the PDA.

#### V. Pre-Hearing Filings

The Applicants submitted responses to Siting Council Interrogatories on April 17, 2020 and July 16, 2020. On April 24, 2020, the Applicants issued interrogatories to the BHRN. On May 15, 2020, the Applicants submitted responses to the PDA and BHRN interrogatories. On July 16, 2020, the Applicants submitted responses to the Town of Kent interrogatories and set two of the BHRN interrogatories. The Applicants submitted supplemental information on July 16, 2020. All parties and intervenors were given a full and fair opportunity to obtain documentary evidence from one another as part of the proceeding.

#### VI. Public Hearings; Closed Evidentiary Hearing and Supplemental Submissions

Due to the pandemic, a remote public hearing via Zoom Conferencing was scheduled by the Siting Council for July 23, 2020 in accordance with Governor Lamont's March 14, 2020 Executive Order No. 7B. At the July 23, 2020 public evidentiary hearing, the Siting Council heard comprehensive testimony from the Applicants' panel of witnesses on the need for the Facility, the investigation of sites and any environmental effects associated with construction of a facility at either proposed site. A public hearing session was conducted via Zoom Conferencing on the evening of July 23, 2020.

The evidentiary hearing was adjourned to August 11, 2020. On August 4, 2020, the Applicants submitted testimony from retired Col. Daniel Stebbins, AT&T FirstNet Solutions Consultant and supplemental information. On August 6, 2020, the Applicants submitted responses to the Siting Council’s request for late-filed exhibits. At the August 11, 2020 continued evidentiary hearing, the Applicants’ panel of witnesses provided additional testimony and responded to questions regarding the need, including the need for public safety communications and lack of significant environmental impacts. At the August 11, 2020 hearing, the Siting Council scheduled a closed evidentiary hearing session for September 3, 2020, specifically limited to the full Phase I Environmental Site Assessment (“Phase I”) for Site A that was submitted under Protective Order, and only open to parties and intervenors that executed a Non-Disclosure Agreement.

The evidentiary hearing was also adjourned to September 3, 2020, after the closed evidentiary hearing on the Site A Phase I. On August 26, 2020, the Applicants submitted responses to the Siting Council’s request for late-filed exhibits, including information regarding the reduced tower heights at both proposed Sites.

The closed evidentiary hearing on the Phase I for Site A was held on September 3, 2020 and the continuation of the evidentiary hearing commenced after the closed hearing. The evidentiary hearing was adjourned to September 22, 2020. At the September 22, 2020 continued evidentiary hearing, the Applicants’ panel of witnesses provided additional testimony regarding the August 26, 2020 late-filed exhibits. The evidentiary hearing was closed on September 22, 2010 after all parties were given a full and fair opportunity to present evidence and cross-exam witnesses.

**POINT I**

**A PUBLIC NEED CLEARLY EXISTS**

**FOR A NEW TOWER FACILITY IN CENTRAL KENT**



**I. AT&T Established A Public Need for a New Tower With Expert Testimony, Data And Analysis**

Pursuant to C.G.S. Section 16-50p, the Siting Council is required to find and determine as part of any Certificate application, “a public need for the proposed facility and the basis for that need.” C.G.S. §16-50p(a)(1). In this Docket, AT&T provided coverage analyses, data and expert testimony that clearly demonstrate the need for a new tower facility to provide reliable wireless services in central Kent to homes, commercial uses, public safety agencies and the traveling public. Applicants’ Ex. 1, Attachment 1; Applicants’ Ex. 6. Indeed, the Application materials and AT&T’s expert witness testimony demonstrate that a new tower facility at a minimum height of 135’ AGL is required at Site A or Site B to provide reliable wireless telecommunications services to the public as well as a broadband public safety network dedicated to first responders through FirstNet services. Applicants’ Ex. 14; Applicants’ Ex. 15; 7/23/20 Tr. Pgs. 63, 79, 81, 105. In addition to expert testimony, AT&T’s analysis includes modeling, drive data and statistical analyses to show that a new tower facility is needed to provide wireless services to an area of the state that has never benefitted from access to reliable wireless service. Applicants’ Ex. 1, Attachment 1; Applicants’ Ex. 2, Attachment 10.

AT&T’s evidence and expert testimony in this proceeding clearly establish that no other alternative technologies, such as distributed antenna systems (“DAS”) or small cells would reliably address the coverage needs in this area of Kent given that the identified coverage gap spans several square miles and these alternative technologies would only provide service to limited, specifically defined areas leaving major holes in network services. Applicants’ Ex. 7, A46, Attachment 2; 7/23/20 Tr. Pg. 86-87; 113-115; 121-122. AT&T proved that DAS or small cells cannot technologically provide reliable wireless service to cover the significant coverage gap in this area of Kent. Id. AT&T confirmed that it does deploy small cells in Connecticut to provide capacity relief and very limited coverage in targeted areas and is a leader in using such technology

where appropriate. Indeed, since 2018, AT&T has obtained approvals for over 200 small cells for deployment in urban and more densely populated areas of the state. *See* PURA Docket No. 18-06-13. This area of Kent is, however, rural and simply does not have the same density, usage patterns and geography like Bridgeport, New Britain, Waterbury, Danbury, New London and Greenwich. AT&T established that it appropriately designed its network in Kent to provide reliable wireless service over a wide geographic area based on the characteristics of where services are needed. Applicants' Ex. 1, Attachment 2; Applicants' Ex. 7, A46, Attachment 2; 7/23/20 Tr. Pg. 86-87, 113-115, 121-122.

## **II. The Intervenor PDA Hypothetical DAS Is Not an Alternative**

The record in this proceeding also demonstrates that the hypothetical DAS design submitted by PDA and relied on by the Town of Kent in its testimony is not a viable alternative for providing reliable wireless services in this area of Kent. Simply put, the PDA's hypothetical is nothing more than unsupported opinion that lacks any credible scientific or technical support. The PDA's witness couldn't even cite one case study to support the discussion let alone warrant credible conversation about DAS and small cells in Kent.

David Maxson, the author of the PDA hypothetical DAS, is not qualified with the credentials required to give his testimony any authoritative weight related to the design and operation of commercial wireless networks. Mr. Maxson admittedly has no experience or training with respect to the design, placement, construction or modification of personal wireless facilities. Mr. Maxson does not hold a degree in engineering. 8/11/20 Tr. Pg. 334-335. In fact, his position in this Docket is the same one that has been dismissed by the Siting Council in numerous other proceedings involving rural tower siting. *See* CSC Petition No. 1010; Docket No. 427. Mr. Maxson is at best familiar with MPE studies and has access to a tool that helps him ask questions of the wireless network design engineers when he represents municipalities reviewing zoning

applications, versus actually designing a network and being qualified as an expert to comment on such designs.

Mr. Maxson's lack of expertise became apparent the more he was asked questions and given his answers. When asked for an example of a DAS that was deployed in Connecticut in an area with similar characteristics as this area of Kent, Mr. Maxson could not provide one. 8/11/20 Tr. Pg. 296. The example he cited as somehow relevant was a DAS or small cells in Chilmark, Massachusetts on Martha's Vineyard, where he admitted under cross examination that the terrain, tree cover and other characteristics of the area were not at all comparable to this area of Kent. 8/11/20 Tr. Pg. 319. Cross-examination of Mr. Maxson further revealed that he had no role at all in designing the Chilmark DAS or knowledge of its effectiveness in providing reliable wireless service since he didn't even review it as a municipal consultant. Mr. Maxson also admitted that he had no information regarding the provision of FirstNet on the Chilmark DAS or any experience regarding the deployment of emergency back-up generators for a DAS system and that all of his information was based on one phone call to a town manager. 9/22/20 Tr. Pg. 578-586.

Glaringly, the PDA hypothetical DAS is not supported by any real-world analysis to show that it could be viewed as a possible alternative to the proposed tower Facility in Docket 488. The Isotope report accompanying the PDA hypothetical DAS does not provide any data or analysis to realistically evaluate the hypothetical DAS and is really just an "idea" thrown out by opponents of towers. The Isotope report's unsupported opinions, many of which are belied by the record, include:

- Mr. Maxson opined that Site A was the result of real estate speculation and not good engineering practice whereas the evidence in the record clearly shows that the proposed sites were the result of strategic long term planning based on actual coverage analysis and mapping of gaps in wireless networks. Applicants' Ex. 1, Attachments 1 & 2; 7/23/20 Tr. Pg. 91-92.

- Mr. Maxson opined that Site A does not provide overlap to adjacent sites to the east and does not meet the criterion for handoff whereas the record is replete with expert RF testimony and evidence that the size of the coverage gap in this area of Kent will require more than one tower site for the provision of reliable wireless services such that hand-off to areas deeper into this large gap is irrelevant and if anything, supports a taller tower technically. Applicants' Ex. 1, Attachment 1; Applicants' Ex. 6; 7/23/20 Tr. Pg. 79-81, 122.
- Mr. Maxson stated that AT&T has a "stock protest against the deployment of small cells" which is simply absurd given the hundreds of small cells deployed by AT&T in the state. *See* PURA Docket No. 18-06-13.
- Mr. Maxson stated that Site A is "excessively tall" and can be 80' in height without any credible data, which is both understandable given his lack of design experience and completely inconsistent with his comment about hand-off and he simply ignored the record evidence on Town's Public Safety (Litchfield County Dispatch) minimum height of 125' at either proposed Site, and AT&T's provision of reliable wireless services at a height of 135' AGL. Applicants' Ex. 14; Applicants' Ex. 15; 7/23/20 Tr. Pg. 63, 64.
- Mr. Maxson stated his belief that Site A is not part of any strategic plan for Kent public safety, another ridiculous statement given the Kent Volunteer Fire Department's testimony regarding their need for either of the proposed Sites, the proposed use by Kent for emergency communication services as well as the site fulfilling AT&T's FirstNet obligations in the state. Applicants' Ex. 1, Attachments 1 & 12; 7/23/20 Tr. Pg. 152-155.

What is clear is that Mr. Maxson has no knowledge of what it really takes to build small cell networks and is fixated on outcomes based on his client's wishes when he criticizes applicants and testifies before agencies. Here he gave short shrift to PURA regulations, utility safety

requirements regarding utility pole attachments in Connecticut and other real world factors which make his DAS assumptions illusory. Applicants' Ex. 2, A46; 8/11/20 Tr. Pg. 334-335. Perhaps most telling was his false testimony that all carriers were using a DAS network to serve the Merritt Parkway in Connecticut, a project proposed by a neutral host company over a decade ago and never built. 9/22/20 Tr. Pgs. 606, 618.

In this proceeding, it was PDA's burden of proof to demonstrate that its proposed alternative was technically viable and feasible for the industry to implement, not the Applicants'. Given the lack of quality of Mr. Maxson's analysis, AT&T nevertheless elected to provide its own analysis of the PDA hypothetical DAS with actual supporting data, both showing that the hypothetical 7-node DAS would provide very limited service and certainly would not remedy the significant coverage gap in this area of Kent. AT&T's analysis demonstrated that a DAS would provide poor roadway centric service at best. Applicants' Ex. 2, A46, Attachment 2. When faced with facts from AT&T, Mr. Maxson tried to again switch the narrative and erroneously testified about a loss factor, from a report he did not prepare that was not administratively noticed by PDA or provided, and which regardless failed to support his position. Mr. Maxson apparently did not realize that the model AT&T used in its study **includes** the loss factor he wrongly suggested was omitted. 8/11/20 Tr. Pg. 379.

The record in this proceeding clearly demonstrates through AT&T's expert analyses, data and testimony that a public need exists for a new tower facility for AT&T, other wireless carriers and emergency service providers including FirstNet to provide reliable wireless service to an area of Kent that has not had the benefit of wireless service. Indeed, Verizon Wireless indicated their need for one of the proposed Facilities and their intent to seek Siting Council approval to locate a facility at 121' AGL. The record also shows that DAS or small cells are not a viable technological alternative here. It's clear from Mr. Maxson's own reports, which are littered with irrelevant industry commentary throughout, that Mr. Maxson has a bias against the wireless

communications infrastructure sector that colors his opinions which are not supported by valid engineering principles, but outcome based and when tested, not backed up by credible facts.

## POINT II

### **THERE ARE NO EXISTING STRUCTURES OR OTHER VIABLE ALTERNATIVE SITES FOR SITING THE PROPOSED WIRELESS FACILITY**

#### **I. The Applicants' Exhausted All Potential Alternatives**

No party or intervenor submitted any evidence that there are any existing towers or other tall structures for providing reliable wireless service to this area of Kent. Applicants' Ex. 1, Attachment 2. AT&T is currently located on the two existing towers in town that provide service down along Route 7, the downtown and other areas of Kent. Applicants' Ex. 1, Attachments 1 & 2. The area of Kent proposed for service in Docket 488 is characterized by significant changes in terrain elevation and dense tree cover, which makes it a challenge to locate a suitable site. Homeland's search for sites, which was conducted over several years, included a comprehensive investigation of 27 locations prior to the submission of the Application resulting in two potential sites – Site A and Site B – for the Siting Council's consideration. Applicants' Ex. 1, Attachment 2; Applicants' Ex. 2, A34 & A35. Moreover, no alternatives were offered at all by the Town or others during the municipal consultation process despite Section 16-501's purpose in affording municipalities and the public pre-application consultations. Applicants Ex. 1, Attachment 12.

As part of the Application process, the Applicants even analyzed a site in the Town of Warren located off Carter Road and Laurel Mountain Road where Homeland has a lease with the Town of Warren. The analysis demonstrated that the Warren site is located too far east to provide service to this area of Kent. 7/23/20 Tr. Pg. 81-82. After the Application submission, the owner of 50 Upper Kent Hollow Road expressed interest in leasing space for a wireless tower facility which Homeland and AT&T also reviewed as a 28<sup>th</sup> location and rejected due to signal blocking from a

ridgeline and its distance too far east of the coverage objective. Applicants' Ex. 15. There simply are no known alternative tower sites in the search area other than the two locations presented in this Application.

**II. The Town's New Post Consultation Arguments Are Unsupported By Any Credible Evidence**

The record in this proceeding demonstrates a purposeful and wholistic analysis of this area of Kent by both Homeland and AT&T, conducted over several years in accordance with both the law and the Siting Council's expectations before tower applications are filed. The unfounded speculation and efforts by opponents' counsel to obfuscate issues, and even imply something other than a good faith effort by the private sector to secure a tower site needed to provide services to the public and first responders, is disappointing to say the least. That kind of approach in opposition to tower sites is simply diversionary, wastes resources and avoids the question at hand – how can the wireless industry provide services to this community and the Siting Council balance the need for new infrastructure with any environmental effects as part of its decision-making and authority under state law.

The Town of Kent's position that DAS is an alternative to the proposed tower facility is fundamentally flawed and was motivated to make a show of support for residents opposed to a tower. If the Town had really thought it was an alternative and wanted a meaningful dialogue with the Applicants regarding DAS, their opportunity to do so occurred during the municipal consultation process a year ago. That process, which is unique to Connecticut and the statutory requirements of the Siting Council, is intended to give a municipality the ability to suggest tower alternatives *before* an application is filed. C.G.S. §16-50l(f)(3) even requires that thirty days after the start of the municipal consultation, the municipality must present the applicant with proposed alternative sites for consideration if it so chooses.

The state mandated municipal consultation process is intended to give municipalities an opportunity to engage early and also allow applicants to conduct any further diligence prior to

filing applications with the Siting Council. It represents a balance of state and local interests and serves to streamline alternatives discussions at the application phase before the Siting Council, or actually yield an alternative so that an applicant might change course prior to filing its original proposal. Here, the Town did not suggest or ask about a DAS or small cell alternative during the municipal consultation process. Applicants' Ex. 1, Attachment 12. Only after the intervenor PDA submitted its hypothetical DAS did the Town seek party status, and attorneys for such parties and intervenors seek to expound a theory of siting that revealed itself when the Town submitted pre-filed testimony, one week before the first evidentiary hearing.

Having forgone the method as *required* by state law when it comes to suggesting alternatives, the burden has now shifted to the Town and others to prove their alternatives are technically viable and practical to implement. Yet, here, as revealed in cross-examination and AT&T's own rebuttals with actual evidence, it is clear that seven (7) new DAS/small cell poles up to 50' in height along streets will not provide reliable wireless service to this area of Kent. Applicants' Ex. 2, A46, Attachment 2; 7/23/20 Tr. Pg. 122. As such, there is no need for the Siting Council to further inquire about the Town and PDA's purported DAS alternative, let alone analyze the tower opponents lack of actual information on construction, visibility and other environmental effects such a deployment would have.

In addition to submitting a disingenuous "offer" of an alternative, the Town of Kent's attempt to suggest that the proposed tower Sites are speculative and not part of a comprehensive plan to provide wireless service is simply wrong. The Town's attorneys repeatedly tried to distort the testimony of Mr. Vergati regarding Homeland's site search history and unsuccessfully conflated it with Mr. Lavin's testimony at a later hearing. At the July 23, 2020 hearing, Mr. Vergati testified that Homeland's search for sites in this area of Kent dated back to about 2012. 7/23/20 Tr. Pg. 91-92 (at about the same time the Siting Council published a statewide "master plan" with maps of then existing sites). At the August 11, 2020 hearing and cross-examination of Mr. Lavin, the Town's attorneys confused themselves wrongly suggesting that AT&T issued a



search ring eight years ago which Mr. Lavin corrected them on. 8/11/20 Tr. Pg. 262-264. In its August 26, 2020 late-filed exhibit, AT&T responded that it issued a search ring in 2018, which is factually consistent with the State of Connecticut's approval of FirstNet in late 2017 and that this is a "FirstNet Site". Applicants' Ex. 15. At the September 22, 2020 hearing, the Town's attorneys, despite objections and requests for relevancy, made motions and objected for some reason they would not reveal to even the 2018 date being in the record. 9/22/20 Tr. Pgs. 678-680.

Beyond being irrelevant both legally or factually to any state siting criteria listed in Section 16-50p of the statute, it is pretty absurd that the Town thinks there is something at issue with tower companies and wireless carriers collaborating to build infrastructure in Connecticut to fill a known gap in consumer and public safety wireless services that is well known, publicly mapped and dates back to the origins of cellular service. Moreover, any suggestion that AT&T, which is working on FirstNet in the State, a service overseen by the Connecticut Division of Emergency Management and Homeland Security <https://portal.ct.gov/DEMHS/Emergency-Management/Resources-For-Officials/Interoperable-Communications/FirstNet>, would not fully evaluate options in the area including Homeland's sites is preposterous. AT&T simply would not have entered into an agreement with Homeland if the proposed tower Sites would not remedy a gap in AT&T's networks. Applicants' Ex. 1, Attachment 1.

The reality is that infrastructure companies and wireless carriers issue search rings at different times and make siting decisions independent of one another. Its nonsensical and fictional for the Town and consultants of opponents to read into such facts any meaning whatsoever. Most importantly though, the statutory criteria for siting new wireless tower infrastructure in Connecticut precludes any application getting past the Siting Council for a "speculative site" and the agency requires the demonstration of public need from a carrier. C.G.S. §16-50p. Thus, pursuant to statutory criteria administered by the Siting Council, no application for a new tower facility could ever be speculative and, where interests align, tower companies and carriers collaborate to ensure new infrastructure is proposed and built to meet the need for

services and avoid the proliferation of towers in the state. The Town’s narrative suggesting anything else is absurd.

### POINT III

#### **THE PROPOSED TOWER FACILITY PRESENTS NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS LISTED IN THE STATE STATUTE**

##### **I. Potential Visual Effects**

Potential visibility of each proposed Site was expertly assessed within an approximately two (2) mile radius of each location (“Study Area”). A sophisticated computer based, predictive viewshed model coupled with in-field analysis and photographic simulations of a tower at each location as well as a comparative visual assessment of the two proposed Sites was prepared. Neither proposed Site is located within 250’ of a school or day care center. Applicants’ Ex. 1, Attachment 10. Most importantly, there will be no visibility from federal or state scenic resources as listed in Section 16-50p of the statute. Visibility is not expected from any state forest or park, local hiking trails or protected open space areas. Id.

##### **a. Site A Bald Hill Road**

At the originally proposed height of 154’ AGL, the Applicants’ visual assessment revealed that the predicted year-round visibility of the proposed Site A Facility includes approximately 131 acres or 1.62% of the 8,042 acre Study Area with approximately 109 acres occurring over open water on North Spectacle and South Spectacle Ponds. Predicted seasonal visibility of proposed Site A at 154’ AGL is estimated to include an additional 55 acres, or 0.68% of the Study Area. Applicants’ Ex. 1, Attachment 10. The viewshed maps for Site A show that the most prominent views are limited to select locations along Richards Road and North Spectacle and South Spectacle Ponds. In general, the combination of topography and the presence of mature trees in the immediate area of Site A serve to minimize the extent of year-round visibility. Id.

Within 0.5 miles of the Site, approximately three (3) residences will have year-round views and thirteen (13) residences will have seasonal views of the proposed Site A Facility. Applicants' Ex. 2, A21. The proposed Site A Facility will not be visible from any Town of Kent Scenic Roads. Applicants' Ex. 2, A45.

**b. Site B 93 Richards Road**

At the originally proposed height of 154' AGL, the Applicants' visual assessment revealed that the predicted year-round visibility of the proposed Site B Facility includes approximately 205 acres or 2.55% of the 8,042 acre Study Area with approximately 54 acres occurring over open water on South Spectacle Pond. Predicted seasonal visibility of proposed Site B at 154' AGL is estimated to include an additional 96 acres, or 1.19% of the Study Area. Applicants' Ex. 1, Attachment 10. The viewshed maps for Site B reveal that the most prominent views at 154' AGL would occur in areas approximately 0.5 mile to 1 mile north of the Site, including portions of Richards Road, northern portions of South Spectacle Pond, and Upper Kent Hollow Road to the east. Id.

Within 0.5 miles of the Site, approximately four (4) residences will have year-round views and twelve (12) residences will have seasonal views of the proposed Site B Facility. Applicants' Ex. 2, A22. Visibility of the proposed Site B Facility from the Town of Kent scenic roads is limited to spot year-round visibility along Geer Mountain Road and a small area of seasonal visibility along the northern extent of Treasure Hill Road. Applicants' Ex. 2, A45; 7/23/20 Tr. Pg. 50-51.

**c. Overall Visibility**

The Applicants' expert visual assessment, which as noted above included in-field reconnaissance, confirmed that neither proposed Facility will be visible from local hiking trails including: The West Aspetuck Scenic Wetlands Preserve Hiking Trail, the East Kent Hamlet Nature Preserve Hiking Trail, Iron Mountain Preserve Hiking Trail and the Emery Park Hiking Trail. Applicants' Ex. 2, A20 & A23. No views are anticipated from the western portion of Lake Waramaug and potential visibility from the Waramaug Rock is very limited given its distance of

approximately five (5) miles from the proposed Sites. 7/23/20 Tr. Pg. 52, 123. Neither proposed Facility will be visible from the boat launch on South Spectacle Pond. Applicants' Ex. 5, A18. Essentially, visibility is limited and where visible, it is in rural areas that contribute to some of the community character in Kent.

As shown in the photosimulations of the reduced facility height, the proposed 135' height will significantly reduce potential visibility in some locations. 8/11/20 Tr. Pg. 222-223. The views of either Facility can be further addressed by painting the tower a two-tone with a gray/brown lower portion within the tree line area and a sky blue color upper portion. 7/23/20 Tr. Pg. 55, 60. Expert testimony indicated that other stealth techniques, such as a "monopine", at either location would not be appropriate to reduce visibility. 8/11/20 Tr. Pg. 222-223.

**d. The PDA Visual Information Is Inaccurate and Does Not Meet the Scientific Requirements for Visibility Assessments**

The visual materials submitted by intervenor PDA are inaccurate, misleading and do not meet the scientific standards for visual assessments required in applications as set forth in the Siting Council's tower application guidelines. *See* R.C.S.A. §16-50j-74 and Connecticut Siting Council Application Guide for Community Antenna Television and Telecommunication Facilities, July 2012. As such, the PDA visual information must be disregarded by the Siting Council as unreliable for purposes of evaluating visual effects of the proposed tower sites in this proceeding. At the August 11, 2020 evidentiary hearing, Mr. Powell could not even provide details or information when asked about the coordinates or locations of the PDA balloon floats; the elevations at each balloon float location, the duration of the PDA balloon float, the locations and distances of the photos submitted from the balloon float locations; and the specific lens used for each photo. 8/11/20 Tr. Pg. 282-287. When asked about the location and photo lens for the photo in Exhibit G, Mr. Powell could not provide a specific location and admitted that the photo was taken with a zoom lens accentuating the image. 8/11/20 Tr. Pg. 285-287. The additional

information provided by PDA in a late-filed exhibit was insufficient to cure these major defects in the photos and lack of any scientifically recognized methodology for visual assessments.

In fact, Mr. Powell admitted that Photo G, the view from Lake Waramaug is misleading as it was taken with a 300mm lens, which magnifies the view by a factor of six. 8/11/20 Tr. Pg. 286; PDA Ex. 9. The overwhelming insufficiency of the PDA visual information might be explained by that fact that Mr. Powell relied on the advice of the PDA consultant, David Maxson, who also has no experience or expertise in conducting visual analyses. PDA Ex. 7 & 8. The PDA visual information does not in any way accurately depict the visibility of either Site proposed in this proceeding and fails to meet the visibility analysis content requirements for applications. *See* R.C.S.A. §16-50j-74 and Connecticut Siting Council Application Guide for Community Antenna Television and Telecommunication Facilities, July 2012. Thus, it is untrustworthy and must be disregarded. Additionally, given that the testimonies of intervenor PDA witness Paul Elconin and intervenor SSLR witness Marleen Donnefield were based on the PDA visual information, not the Applicants', their respective testimonies regarding purported visual impacts are similarly biased by erroneous information and should be heavily discounted if considered at all by the Siting Council.

**e. The Intervenor PDA and Town of Kent Witnesses Disregarded Material Facts from Prior Siting Council Decisions in Their Testimony**

In his pre-filed testimony, intervenor PDA witness Todd Powell referenced Docket No. 355 as “evidence” that the Siting Council “previously denied similarly situated towers in the northwest hills” due to visual impacts of such proposals. PDA Ex. 3. However, Mr. Powell failed to note that the tower that was the subject of Docket No. 355 was considered in conjunction with the tower facility proposed in Docket No. 342 because both proposed towers were located in the same area of New Milford. A simple reading of the Docket No. 355 Opinion readily reveals that the Docket No. 355 tower proposal was denied, and the Docket No. 342 tower was approved to provide service to that area of New Milford. CSC Docket No. 342 and 355; 8/11/20 Tr. Pg. 343. The

Docket No. 355 denial in no way supports Mr. Powell's supposition and in fact supports the conclusion that the Siting Council carefully reviews alternatives and approves towers needed to serve the public which minimize environmental effects to the extent practicable.

PDA witness David Maxson later testified falsely in relation to other prior Siting Council decisions. Intervenor PDA requested administrative notice of Siting Council Petition No. 809, where a DAS proposed by ExteNet along the Merritt Parkway involved a new pole set approved by the Siting Council. When asked about Siting Council Petition No. 809 by the Town's attorneys, Mr. Maxson testified that the DAS was built and being used by wireless carriers including AT&T. 9/22/20 Tr. Pg. 606. It was confirmed by Siting Council Staff that the DAS approved in Petition No. 809 was never constructed. 9/22/20 Tr. Pg. 618.

First Selectman Speck in her pre-filed testimony stated that Docket No. 473 is a prior Siting Council decision where a small cell alternative was outweighed by "the unknown quantity of small cells necessary to meet the applicants' broader coverage objectives." Kent Ex. 2. In fairness to First Selectman Speck, that statement was likely drafted by her counsel which she adopted without fully knowing the facts in Docket 473. Regardless, the only reference to small cells in Docket No. 473 is Siting Council Finding of Fact number 57, which states: "Additional small cell facilities are being evaluated to provide additional capacity relief to sectors approaching capacity limits." Clearly, the Siting Council's approval of the tower proposed in Docket No. 473 was not based on the fact that there was an unknown quantity of small cells to achieve the tower's coverage objectives, rather a tacit understanding that small cells were not an alternative to the tower and will be needed in addition to a tower in that region of the state.

The Siting Council and its staff are certainly in the best position to interpret prior decisions, but having been involved in many of these matters as counsel, we recognize this tactic was nothing more than a coordinated effort to try to mine prior Siting Council decisions out of context and something that was a legal approach based on a lack of actual knowledge of the facts by those testifying which should be dismissed.

**f. The Town of Kent Visual Concerns Are Not Supported by the Facts in the Record**

Testimony in correspondence from the Town of Kent Planning and Zoning Commission Chairman, Mathew Winter and Conservation Commission Chair, Connie Manes, are both dated December 2019, **prior** to the submission of this Application to the Siting Council. Their commentary regarding the potential visual impacts of the proposed tower Facilities as contained in their letters is *not*, however, based on the latest and most comprehensive visual data and analysis provided in the Application, some of which was prepared in 2020 after the date of their letters as a matter of fact. Applicants' Ex. 1, Attachment 10.

The Applicants' conducted a publicly noticed balloon float at Site A and crane test at Site B on Saturday, January 18, 2020. This date was coordinated between Homeland and the Town in an effort to afford "weekend" residents the opportunity to be present for the crane test and balloon float. The Applicants then submitted comprehensive visual assessments for both proposed Facilities in February. This field work, which was noted in process as part of the municipal consultation, factually disproves specific impacts claimed in such December 2019 visual comments by Mr. Winter and Ms. Manes. On cross examination, it is clear that their opinions were formed early on without being open to the facts as they were developed and as witnesses they refused to acknowledge same or deviate from their points of view. Indeed, when asked by the Siting Council if the Conservation Commission considered the alternative Sites to identify a preference for one or the other, Ms. Manes responded that they did not evaluate them that way and were relying on their prior statements and overall opposition to towers. 9/22/20 Tr. Pgs. 632-633.

**II. Potential Impacts to the Natural Environment**

As clearly demonstrated in this Docket, potential impacts to the natural environment from a facility at either Site A or Site B are not significant.

**a. Wetlands, Watercourses and Floodplains**

No wetlands or watercourses were delineated in or immediately adjacent to the proposed access drives or Facilities at Site A or Site B. The nearest wetland to Site A is located off-site approximately 580' west of the proposed Site A Facility. The nearest wetland to Site B is located off-site approximately 500' north of the proposed Site B Facility. Applicants' Ex. 1, Attachment 8. The development of either proposed Sites will not cause any adverse impacts to wetlands resources. Id. Utilization of proper soil erosion and sedimentation controls will be implemented. Id.

**b. Habitat Assessment and Wildlife**

The Department of Energy & Environmental Protection ("DEEP") determined that a facility at either Site A or Site B will not impact any extant populations of State Endangered, Threatened or Special Concern Species. Applicants' Ex.1, Attachment 7. The record shows that neither proposed Site is located proximate to an Important Bird Area and as such, no migratory bird species will be impacted by the development of either proposed Facility. In addition, the proposed Site A and Site B Facilities will comply with the U.S. Fish and Wildlife Service ("USFWS") guideline for minimizing impacts to bird species. Applicants' Ex.2, A18 & A19, Attachment 7.

Homeland determined that one federally-listed threatened species, the northern long-eared bat, may occur in the vicinity of the proposed Sites. Consultation of the DEEP Natural Diversity Database ("NDDB") confirmed that neither proposed Site is located within 0.25 mile of a known northern long-eared bat hibernaculum. While no impacts to the northern long-eared bat are anticipated from construction, Homeland will voluntarily implement additional protection measures simply as a form of prudence. Applicants' Ex. 1, Attachment 11.

**c. Clearing, Grading and Drainage Assessment**

At Site A, the total area of disturbance, including grading and clearing required for the Facility, is approximately 15,500 s.f. and approximately twenty-two (22) trees will need to be



removed, ten (10) of which are 14” or greater dbh. Sixteen (16) emerald green abortive trees approximately 6’ tall at planting will be installed along the southern and eastern equipment compound boundaries. Applicants’ Ex. 1, Attachments 3 & 4. Approximately 210 cubic yards of broken stone is required for the compound and driveway construction. Applicants’ Ex.1, Attachment 4.

At Site B, the total area of disturbance, including grading and clearing required for the Facility, is approximately 16,025 s.f. and approximately seven (7) trees will need to be removed, none of which are 14” or greater dbh. Applicants’ Ex. 1, Attachments 5 & 6. Approximately 100 cubic yards of broken stone is required for the compound and driveway construction. Applicants’ Ex.1, Attachment 6.

None of these clearing activities are significant, on a scale that are less than single family home construction, and as noted in Section II(a) above, the proposed Facility design at both Sites will incorporate all appropriate sediment and erosion control measures.

### **III. Other Environmental & Neighborhood Considerations**

A tower facility at either proposed Site will comply with all public health and safety requirements. Applicants’ Ex.1, Attachments 3, 4, 5 & 6; Applicants’ Ex. 2, A26. Additionally, since the proposed Facility will be unmanned, there will be no substantial impacts from traffic on area roadways, sanitary waste or material impact on air emissions.

Consultation with the State Historic Preservation Office (“SHPO”) confirmed that no historic resources will be impacted by the development of either proposed Facility. Applicants’ Ex. 1, Attachment 11; Applicants’ Ex. 2, Attachment 6. In addition, the proposed Facilities at Site A and Site B will have no adverse impacts to Connecticut Prime Farmland and/or Important Agricultural Soils. Applicants Ex. 2, Attachment 5.

The proposed Facility at Site A will be designed with a hinge point at an elevation of 91' and can be relocated on the property if desired by the Siting Council. Applicants' Ex. 4; 7/23/20 Tr. Pg. 116.

The Applicants' Environmental Sound Assessment concluded that at either proposed Site, the noise associated with the operation of AT&T's proposed Facility in conjunction with the Town of Kent's emergency communications equipment will remain well below the DEEP and Kent standards. The sound assessment demonstrated that under worst-case conditions, which include the operation of the cooling equipment and the emergency back-up generator simultaneously, the noise level will also comply with the sound level standards. Applicants' Ex. 6.

With respect to Site A, despite the repeated unsupported allegations to the contrary by intervenor BHRN, the record is devoid of any evidence of contamination or hazardous substances on the Site A property. Homeland's professionally conducted Phase I Environmental Site Assessment indicated there were no Recognized Environmental Conditions ("RECs") on the property and therefore, no further action was needed, and a Phase II Environmental Site Assessment was not recommended. Applicants' Ex. 4. The intervenor BHRN's allegations that hazardous substances are located on Site A are not supported by an environmental professional or any other credible evidence. Their unsubstantiated allegations are merely a ploy to advance their opposition to the proposed Site A Facility and their numerous motions on this point served only to unnecessarily delay the proceedings.

Given the foregoing, the Siting Council should find and determine that the proposed Facilities at Site A or Site B will not have any significant environmental, historic, cultural or visual impacts on the neighborhood.

#### **POINT IV**

### **PROPERTY VALUES ARE NOT RELEVANT TO THE SITING COUNCIL'S CONSIDERATION IN THIS PROCEEDING**

Section 16-50g of the Connecticut General Statutes sets forth the specific purpose of the Public Utility Environmental Standards Act (“PUESA”) as a statute intended to regulate public utility infrastructure and provide for a balance between the public need for such infrastructure with any environmental effects associated therewith. As such, in enacting PUESA, the General Assembly established the Siting Council and authorized it to grant a “Certificate of Environmental Compatibility and Public Need” to applicants seeking to build such utility infrastructure. The name of the Statute itself, the legislative purpose behind it and even the name of an approval issued by the Siting Council all specifically use the term “environmental” not “economic”. As such, PUESA is at its core an environmental siting statute and the Siting Council’s authority as an administrative agency is related only to such purposes expressly set forth therein.

Indeed, Section 16-50p of PUESA, specifically lists the Siting Council’s obligation to consider potential significant adverse effects from a tower facility on “the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife.” Property values or other off-site economic factors are not even mentioned in the Statute. In fact, PUESA's reference to the term “values” in Section 16-50p omits any mention of property or real estate values. Had the General Assembly intended for the Siting Council to consider such values, it would have inserted the word “property” as a term modifying “values” as language directly within the ambit of Section 16-50p, something it did not do in enacting PUESA. As such, the Siting Council has no legal authority to consider real estate values as part of any specific application for a certificate.

This is evident by the dozens of Opinions issued by the Siting Council in which the statutory criteria are cited to support its decision and none of the Opinions include consideration of property values. Moreover, this exact issue was addressed by the State Supreme Court in *Town of Westport v. Conn. Siting Council*, 47 Conn. Supp. 382 (2001), affirmed 260 Conn. 266 (2002). In *Westport*, the town argued that the Siting Council was required to consider surrounding property values as part of a tower application on a residential lot. The Supreme Court held that

“under section 16-50p . . . the council is not obliged to take into account the status of property values directly.” *Westport* at 407. As such, the Court reiterated that the Siting Council’s obligation as part of a tower proceeding was to consider “environmental, scenic, historical and recreational values” and not property values.

Given all the foregoing, there simply is no authority for the Siting Council to take into consideration property values in this proceeding and as such, the conclusory information provided by intervenor BHRN’s witness R. Bruce Hunter is irrelevant to this proceeding.

### **CONCLUSION**

The Applicants demonstrated a critical public need for and lack of any significant adverse environmental effects associated with a tower facility at either Site A or Site B. The Applicants demonstrated the importance of this proposed tower Facility needed to serve the public and provide reliable emergency communications through FirstNet in an area which has experienced gaps in reliable services since the advent of modern-day wireless communications. The Applicants’ evidence, based on data and expert analyses and testimony, reveals that there are no known practical or feasible alternatives to a tower at either Site A or Site B to remedy long-standing gaps in wireless service and provide wireless services to the public.

While there are some limited visual effects in the community associated with a facility at either proposed Site, none are in areas of federal or state listed scenic resources. Given the undulating terrain and coverage objectives, siting a tower on property at some of the higher elevations in the area is required if reliable services are to be provided. The Applicants respectfully submit that any localized effects are unavoidable in meeting the public’s need for reliable commercial and public safety emergency communications services in this part of the state.

The record also demonstrates that intervenors and other parties in this proceeding offered non-expert opinions that were unsupported by any credible data or analysis. This based on legal theories that have been proven wrong or are immaterial to the Siting Council's jurisdiction. We respectfully submit that these efforts, in the absence of solid facts, were actually intended to muddy the record and unnecessarily delay the proceedings with the hope that the Applicants might withdraw or the Siting Council deny this Application given the costs incurred to defend the project.

We submit that when the Siting Council cuts through the hyperbole and reviews the facts, this Docket is actually very straight forward:

- It's a rural part of the state where a tower is needed.
- A comprehensive site search over years yielded two tower alternatives for Siting Council's consideration.
- No other rational alternatives exist for providing critical public safety and mobile communications services to the public.
- The environmental effects are limited to localized visibility of a tower above the tree line.

Based on all of the foregoing, and upon balancing of the probable environmental effects associated with the proposed facility at either Site as required by statute, the Applicants respectfully submit the public need for the tower facility for reliable communications far outweighs any adverse environmental effects associated with the project. For the reasons set forth in this brief and as more fully evidenced by the record in this Docket, the Applicants submit that the standards and criteria set forth in C.G.S. Section 16-50p for approval of tower facilities by the Siting Council have been met and fully warrant issuance of a Certificate for the facility at one of the proposed Sites in Docket No. 488.

**CERTIFICATE OF SERVICE**

I hereby certify that on this day the foregoing was sent electronically to the Connecticut Siting Council and to the service list below with one hard copy sent to the Connecticut Siting Council via first class mail in accordance with Connecticut Siting Council directives:

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