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| <p>DOCKET NO. 496 – Tarpon Towers II, LLC application } for a Certificate of Environmental Compatibility and } Public Need for the construction, maintenance, and } operation of a telecommunications facility located at 800 } Prospect Hill Road, Windsor, Connecticut. }</p> | <p>Connecticut Siting Council</p> |
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June 3, 2021

Findings of Fact

Introduction

1. Tarpon Towers II, LLC (Tarpon or Applicant), in accordance with provisions of Connecticut General Statutes (C.G.S.) §16-50g, et seq, applied to the Connecticut Siting Council (Council) on December 4, 2020 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 135-foot monopole wireless telecommunications facility at 800 Prospect Hill Road in Windsor, Connecticut (refer to Figure 1). (Tarpon 1, p. 1)
2. Tarpon is a Delaware Partnership with an administrative office located in Lakewood Ranch, Florida. Tarpon constructs and owns wireless telecommunications facilities throughout the United States, including Connecticut. Tarpon would construct, maintain and own the proposed facility and would be the Certificate Holder. (Tarpon 1, p 2)
3. The party in this proceeding is Tarpon. The Intervenor in this proceeding is T-Mobile Northeast LLC (T-Mobile). (Transcript 1- March 4, 2021, 2 p.m. [Tr. 1]. pp. 4-5)
4. T-Mobile is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in the State of Connecticut. (Tarpon 3)
5. The purpose of the proposed facility is to provide reliable wireless communications services for T-Mobile’s customers in the Day Hill Road area of Windsor, between Route 187 and Interstate 91. (Tarpon 1, p. iii)
6. Pursuant to C.G.S. §16-50l (b), the Applicant provided public notice of the filing of the application that was published in the Hartford Courant on November 5, and November 6, 2020. (Tarpon 1, Attachment 3)
7. Pursuant to C.G.S. §16-50l (b), notice of the application was provided to all abutting property owners by certified mail. All certified mail receipts from abutting property owners were received. (Applicant 1, p. 2, Attachment 4; Tarpon 4, response 1)
8. Pursuant to C.G.S. §16-50l (b), on November 12, 2020, the Applicant provided notice to all federal, state and local officials and agencies listed therein. (Tarpon 1, pp. 2-3, Attachment 2)

Procedural Matters

9. On March 10, 2020, Governor Lamont issued a Declaration of Public Health and Civil Preparedness Emergencies, proclaiming a state of emergency throughout the state as a result of the COVID-19 pandemic. (Council Administrative Notice Item No. 54)

10. On March 12, 2020, Governor Lamont issued Executive Order No. (EO) 7 ordering a prohibition of large gatherings, among other orders and directives. (Council Administrative Notice Item No. 54)
11. On March 14, 2020, and as subsequently extended, Governor Lamont issued EO 7B ordering suspension of in-person open meeting requirements of all public agencies under CGS §1-225. The Freedom of Information Act defines “meeting” in relevant part as “any hearing or other proceeding of a public agency.” (Council Administrative Notice Item No. 54, CGS §1-200, et seq. 2019)
12. EO 7B allows public agencies to hold remote meetings provided that:
 - a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
 - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency’s website within seven (7) days of the meeting or proceeding;
 - c) The required notice and agenda for each meeting or proceeding is posted on the agency’s website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency’s website for public inspection prior to, during and after the meeting; and
 - d) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.(Council Administrative Notice Item No. 54)
13. On March 25, 2020 and as subsequently extended, Governor Lamont issued EO 7M allowing for an extension of all statutory and regulatory deadlines of administrative agencies for a period of no longer than 90 days. (Executive Order No. EO 7M)
14. Upon receipt of the application, the Council sent a letter to the Town of Windsor (Town) on December 7, 2020, as notification that the application was received and is being processed, in accordance with C.G.S. §16-50gg. (Record)
15. On December 14, 2020, the Council requested an extension of time for a completeness review of the Application due to the statewide effort to prevent the spread of the Coronavirus that disrupted Council meetings and other business. On December 16, 2020, Tarpon granted the Council an extension of time to January 30, 2021. (Record)
16. During a regular Council meeting on January 14, 2021, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) §16-50l-1a and the public hearing schedule was approved by the Council. (Record)
17. On January 19, 2021, the Council issued a Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site, pursuant to C.G.S. §1-210(b) and consistent with the Conclusions of Law adopted in Docket 366. (Record)
18. Pursuant to Governor Lamont’s EO 7B, as extended, and C.G.S. §16-50m, the Council published legal notice of the date and time of the remote public hearing via Zoom conferencing in the Hartford Courant on January 21, 2021. A revised legal notice was published in the Hartford Courant on February 6, 2021. (Record)

19. Pursuant to Governor Lamont's EO 7B, as extended, and C.G.S. §16-50m, on January 19, 2021, the Council sent a letter to the Town to provide notification of the scheduled public hearing and to invite the Town to participate. (Record)
20. In compliance with Governor Lamont's EO 7 prohibition of large gatherings, the Council's Hearing Notice did not refer to a public field review of the proposed site. (Record)
21. Field reviews are not an integral part of the public hearing process. The purpose of a site visit is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council Administrative Notice Items No. 55 & No. 56)
22. On January 22, 2021, in lieu of an in-person field review of the proposed site, the Council requested that the Applicant submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On February 19, 2021, the Applicant submitted such information in response to the Council's interrogatories. (Record; Tarpon 4, response 34)
23. On February 10, 2021, the Council held a pre-hearing teleconference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists and filing of pre-hearing interrogatories. Procedures for the remote public hearing via Zoom conferencing were also discussed. (Council Pre-Hearing Conference and remote hearing procedure Memoranda, dated February 4, 2021 and February 10, 2021)
24. On February 16, 2021, in compliance with R.C.S.A. §16-50j-21, the Applicant installed a four-foot by six-foot sign at the proposed entrance to the subject property on Prospect Hill Road. The sign presented information regarding the project and the Council's public hearing. (Tarpon 5)
25. Pursuant to C.G.S. §16-50m, the Council, after giving due notice thereof, held a remote public hearing on March 4, 2021, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom conferencing. The Council provided access information for video/computer access or audio only telephone access. (Council's Hearing Notice dated February 5, 2021; Tr. 1, p. 1; Transcript 2 – March 4, 2021, 6:30 p.m. [Tr. 2], p. 1)
26. In compliance with Governor Lamont's EO 7B:
 - a) The public had the ability to view and listen to the remote public hearing in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearing was recorded and transcribed, and such recording and transcript were posted on the Council's website on March 4, 2021, and March 15, 2021, respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency's website;
 - d) The record of the proceeding is available on the Council's website for public inspection prior to, during and after the remote public hearing; and
 - e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearing.(Hearing Notice dated February 5, 2021; Tr. 1; Tr. 2; Record)

State Agency Comment

27. Pursuant to C.G.S. § 16-50j (g), on January 19, 2021, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Agriculture (DOAg); Department of Transportation (DOT); Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); and State Historic Preservation Office (SHPO). (Record)
28. The Council received comments from the DOT's Bureau of Engineering and Construction, the CAA and the DPH on December 18, 2020, January 25, 2021 and January 28, 2021, respectively. These comments are attached. (Record)
29. The following agencies did not respond with comment on the application: DEEP, CEQ, PURA, OPM, DECD, DOAg, DESPP, and SHPO. (Record)
30. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (*Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

31. Tarpon submitted a technical report to Town officials on November 6, 2019. (Tarpon 1, p. 21; Tarpon 4, response 2)
32. The Town requested a public informational meeting that was subsequently held on January 30, 2020. Public notice of the meeting was published in the Hartford Courant. (Tarpon 1, p. 21, Attachment 19)
33. The meeting was attended by several residents and Town representatives. (Tarpon 1, p. 21; Tarpon 4, response 3)
34. After the close of the evidentiary record, on March 5, 2021, the Windsor Town Planner submitted a written limited appearance statement regarding a master-planned mixed-use village west of the site that is partially constructed. (Windsor Town Planner correspondence dated March 5, 2021)

Public Need for Service

35. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
36. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states and has established design standards to ensure technical integrity and nationwide compatibility among all systems. T-Mobile is licensed by the FCC to provide personal wireless communication service to Connecticut. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996; Tarpon 3)

37. Section 253 of the Telecommunications Act of 1996 prohibits any state or local statute or regulation, or other state or local legal requirement from prohibiting or having the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
38. Section 704 of the Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services and from prohibiting or having the effect of prohibiting the provision of personal wireless services. This section also requires state or local governments to act on applications within a reasonable period of time and to make any denial of an application in writing supported by substantial evidence in a written record. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
39. Section 704 of the Telecommunications Act of 1996 also prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions, which include effects on human health and wildlife, to the extent that such towers and equipment comply with FCC’s regulations concerning such emissions. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
40. Section 706 of the Telecommunications Act of 1996 requires each state commission with regulatory jurisdiction over telecommunications services to encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans, including elementary and secondary schools, by utilizing regulating methods that promote competition in the local telecommunications market and remove barriers to infrastructure investment. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
41. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. The Department of Homeland Security, in collaboration with other federal stakeholders, state, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing resources and maintaining resilience from all hazards during an event or emergency. (Council Administrative Notice Item No. 11–Presidential Proclamation 8460, Critical Infrastructure Protection)
42. In February 2012, Congress adopted the Middle Class Tax Relief and Job Creation Act (also referred to as the Spectrum Act) to advance wireless broadband service for both public safety and commercial users. The Act established the First Responder Network Authority to oversee the construction and operation of a nationwide public safety wireless broadband network. Section 6409 of the Act contributes to the twin goals of commercial and public safety wireless broadband deployment through several measures that promote rapid deployment of the network facilities needed for the provision of broadband wireless services. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012)
43. In June 2012, President Barack Obama issued an Executive Order to accelerate broadband infrastructure deployment declaring that broadband access is a crucial resource essential to the nation’s global competitiveness, driving job creation, promoting innovation, expanding markets for American businesses and affording public safety agencies the opportunity for greater levels of effectiveness and interoperability. (Council Administrative Notice Item No. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)

44. Pursuant to Section 6409(a) of the Spectrum Act, a state or local government may not deny and shall approve any request for collocation, removal or replacement of equipment on an existing wireless tower provided that this does not constitute a substantial change in the physical dimensions of the tower. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)
45. According to state policy, if the Council finds that a request for shared use of a facility by a municipality or other person, firm, corporation or public agency is technically, legally, environmentally and economically feasible, and the Council finds that the request for shared use of a facility meets public safety concerns, the Council shall issue an order approving such shared use to avoid the unnecessary proliferation of towers in the state. (Conn. Gen. Stat. §16-50aa)
46. On January 19, 2021, the Council sent correspondence to other telecommunications carriers requesting that carriers interested in locating on the proposed facility in the foreseeable future to notify the Council by February 25, 2021. T-Mobile submitted a request for intervenor status on February 12, 2021 that was granted by the Council on February 12, 2021. No other carriers responded to the Council’s solicitation. (Record)
47. The Town did not express an interest in using the proposed facility. (Tr. 1, pp. 60-61)
48. Besides T-Mobile, the facility is designed to accommodate three other wireless carriers and emergency communication antennas. The facility would be designed to support a 30-foot extension to promote tower sharing. (Tarpon 1, Attachment 1; Tr. 1, pp. 16, 80-81)

T-Mobile Existing and Proposed Wireless Services

49. T-Mobile’s proposed facility would provide the following wireless services:

| Technology | Service: |
|-------------------------------------|--------------------------------------|
| T-Mobile 1900 MHz (PCS) LTE | Voice and Data |
| T-Mobile 1900 MHz (PCS) GSM | Voice and Data |
| T-Mobile 2100 MHz (AWS) LTE | Voice and Data |
| T-Mobile 600 MHz LTE / 5G NR | LTE -Voice and Data; 5G NR only Data |
| T-Mobile 700 MHz LTE | Voice and Data |
| T-Mobile 1900 MHz (PCS) LTE | Voice and Data |
| T-Mobile 2500 MHz (BRS) LTE / 5G NR | LTE -Voice and Data; 5G NR only Data |

(Tarpon 4, response 13)

50. T-Mobile designs its Long-Term Evolution (LTE) network using a -114 dB Reference Signal Received Power (RSRP) standard for reliable in-vehicle service and -97 RSRP standard for reliable in-building residential service. (Tarpon 1, Attachment 5)
51. T-Mobile proposes to locate at the 130-foot level of the tower to provide reliable in-vehicle and in-building service to the Day Hill Road area. The area is largely commercial interspersed with residential and undeveloped areas. Specifically, service (1900 MHz) provided by the site includes, but is not limited to, the following;
 - a) 2.2 miles on Day Hill Road;
 - b) 1.0 mile on Prospect Hill Road;
 - c) 1.1 miles in Goodwin Drive/ Phoenix Crossing/Old Iron Ore Road area.

Refer to Figures 2 and 3. (Tarpon 1, p. 5, Attachment 5; Tarpon 4, response 15, response 16)

52. The proposed site would also provide capacity relief to T-Mobile’s existing CTHA068A and CT11227D facilities, located west and southeast of the proposed site, respectively. T-Mobile anticipates enough capacity relief for at least a period of 2 to 3 years (refer to Figure 3). T-Mobile did not perform capacity projections beyond that timeframe. (Tarpon 4, response 21)
53. Capacity metrics are based on the number of users in a particular sector during the busiest time of the day. Congestion results when the capacity to handle customers during the busiest time is exceeded. (Tr. 1, pp. 78-80)
54. T-Mobile’s proposed antenna installation at 130 feet above ground level (agl) is the minimum height required to achieve its coverage and capacity objectives as well as provide connectivity to T-Mobile’s adjacent sites to the west and east. (Tarpon 4, response 18; Tr. 1, p. 78)
55. T-Mobile would provide 5G data services once the site is activated. 5G voice services would be deployed within 9 to 12 months. T-Mobile would only need to upgrade software to activate the 5G voice network. (Tr. 1, pp. 23, 63, 82)
56. T-Mobile’s proposed facility would interact with surrounding existing facilities as shown in the following table:

| Site: | Street address | City | State | Zip Code | Tower type | Centerline Height (FT) | Direction from proposed | Distance from Proposed (Miles) |
|----------|--------------------------|------------|-------|----------|--------------------|------------------------|-------------------------|--------------------------------|
| CTHA501A | 22 East Dudley Town Road | Bloomfield | CT | 06002 | Watertank | 125 | South | 2.07 |
| CT11227D | 482 Pigeon Hill Road | Windsor | CT | 06095 | Self Support Tower | 145 | South East | 2.06 |
| CT11000A | 100 Filley St. | Bloomfield | CT | 06002 | Monopole | 95 | South | 2.14 |
| CTHA068A | 2627 Day Hill Road | Bloomfield | CT | 06002 | Monopole | 100 | West | 1.75 |
| CTHA142G | 7 Hoskins Rd | Bloomfield | CT | 06002 | Self Support Tower | 140 | North West | 3 |
| CTHA508A | 1760 Poquonock Avenue | Windsor | CT | 06095 | Rooftop Structure | 55 | North East | 2.18 |

(Tarpon 4, response 17)

Site Selection

57. Existing facilities surrounding the site are not able to provide adequate service to the proposed service area. The nearest towers and suitable structures are already in use by T-Mobile. (Tarpon 1, Attachment 5, Attachment 8)
58. T-Mobile established a search ring for the proposed service area on March 28, 2020. The search area was generally a half-mile ring in the area of the proposed site. (Tarpon 1, Attachment 8; Tarpon 4, response 6, response 7)
59. After determining there were no suitable structures that could provide adequate service for T-Mobile to the area, Tarpon searched for properties suitable for tower development. In addition to the selected site, Tarpon investigated 6 other properties for potential tower development but ultimately rejected for the following reasons;
 - a) **825 Prospect Hill Road** –11-acre residential property. The property owner was not interested in a potential lease;

- b) **740 Prospect Hill Road** – 7-acre parcel hosting a farm. The property owner was not interested in a potential lease;
- c) **630 Prospect Hill Road** – 30-acre residential property. The property owner was not interested in a potential lease;
- d) **903 Day Hill Road** – 49-acre parcel rejected because it was too close to an existing T-Mobile facility, and thus, coverage would be duplicative;
- e) **35 Great Pond Drive** - 28 acre undeveloped parcel. The property owner was not interested in a potential lease; and
- f) **2000 Day Hill Road** – 360-acre parcel. The property owner was not interested in a potential lease.

(Tarpon 1, Late-file Exhibit B)

60. Although it is technically possible to provide wireless service to the target service area using numerous small cells, the actual number of small cells necessary would be significant due to the large size of the service area to be covered. The use of a macro-cell at the proposed site is the most efficient and cost effective method for providing a large coverage footprint and tower sharing. (Tarpon 1, p. 6)

Facility Description

61. The proposed site is located on an approximately 5.76-acre parcel at 800 Prospect Hill Road in Windsor. The proposed site location is depicted on Figure 2. (Tarpon 1, pp. 8-9)
62. The subject property is zoned Industrial and is developed with four office/industrial buildings with associated parking and loading areas. (Tarpon 1, p. iii)
63. Land use immediately surrounding the subject parcel consists of industrial to the south and west, and agricultural and residential to the north and east. (Tarpon 1, p. 16)
64. The proposed tower site is located in a landscaped area adjacent to a building and parking lot in the northern portion of the property. (Tarpon 1, Attachment 1)
65. The tower is at an elevation of approximately 174 feet above mean sea level (amsl). (Tarpon 1, Attachment 1)
66. The proposed facility would consist of a 135-foot monopole within a 50-foot by 50-foot leased area. The tower would be designed to support a minimum of four levels of platform-mounted antennas as well as municipal emergency services antennas. (Tarpon 1, Attachment 1)
67. The tower would be designed to be expandable in height by up to 30 feet. (Tr. 1, p. 16)
68. The monopole would have a grey, galvanized steel finish. (Tarpon 1, p. 19)
69. T-Mobile would install 15 panel antennas, a microwave dish and 9 remote radio heads on an antenna platform at a centerline height of 130 feet agl. The total height of the facility with T-Mobile's antennas would be 135 feet agl. (Tarpon 1, Attachment 1)
70. A 48-foot by 48-foot fenced equipment compound would be established at the base of the tower. The size of the equipment compound would be able to accommodate the equipment of T-Mobile and would have enough space for three other tower users. Refer to Figure 5. (Tarpon 1, Attachment 1; Tr. 1, pp. 28-29)

71. T-Mobile would install equipment cabinets and a 25-kilowatt diesel fueled emergency backup generator on a 10-foot by 20-foot concrete pad within the compound. (Tarpon 1, Attachment 1)
72. The proposed equipment compound would be surrounded by an eight-foot high chain-link fence with a vehicle access gate. (Tarpon 1, Attachment 1; Tarpon 4, response 10)
73. Access to the site would use a portion of existing paved driveway (360 feet) that extends from Prospect Hill Road along the north side of the property. Tarpon would construct a 20-foot long, 12-foot wide gravel drive/parking area on the north side of the compound. (Tarpon 1, Attachment 1)
74. Utilities would extend underground from the west side of the compound and along a grassy area north of the existing driveway/parking area to an existing utility pole on Prospect Hill Road. (Tarpon 1, Attachment 1)
75. The nearest property boundary from the proposed tower is approximately 93 feet to the north, abutting Jefferson Street. (Tarpon 1, Attachment 1)
76. There are approximately 13 residential structures within 1,000 feet of the proposed tower site. The nearest residence is located approximately 620 feet east-northeast of the tower site. (Tarpon 4, Visibility Analysis- Mapping pp. 4-5)
77. Site construction would commence following Council approval of a Development and Management Plan (D&M Plan) and is expected take 12 weeks. After T-Mobile's equipment installation, cell site integration and system testing would require two additional weeks. (Tarpon 1, p. 22)
78. The estimated cost of the proposed facility is:

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| Tower/foundation | 110,000 |
| Site Development | 109,000 |
| Utilities | 38,000 |
| T-Mobile's Antennas and Equipment | 250,000 |
| Total Estimated Costs | \$507,000 |

(Tarpon 1, p. 22; Tarpon 4, response 5)

79. Tarpon would recover construction costs associated with the facility by the revenue generated from leasing space on the facility to other wireless providers. T-Mobile would recover the costs of its equipment through customer subscriptions. (Tarpon 4, response 4, response 5)

Public Safety

80. The Wireless Communications and Public Safety Act of 1999 (911 Act) was enacted by Congress to promote and enhance public safety by making 9-1-1 the universal emergency assistance number, by furthering deployment of wireless 9-1-1 capabilities, and by encouraging construction and operation of seamless ubiquitous and reliable networks for wireless services. (Council Administrative Notice Item No. 6 - Wireless Communications and Public Safety Act of 1999)
81. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Tarpon 4, response 26)

82. Wireless carriers have voluntarily begun supporting text-to-911 services nationwide in areas where municipal Public Safety Answering Points (PSAP) support text-to-911 technology. Text-to-911 will extend emergency services to those who are deaf, hard of hearing, have a speech disability, or are in situations where a voice call to 911 may be dangerous or impossible. However, even after a carrier upgrades its network, a user's ability to text-to-911 is limited by the ability of the local 911 call center to accept a text message. The FCC does not have the authority to regulate 911 call centers; therefore, it cannot require them to accept text messages. (Council Administrative Notice Item No. 22 – FCC Text-to-911: Quick Facts & FAQs)
83. The proposed facility would be capable of supporting text-to-911 service. (Tarpon 4, response 25)
84. Pursuant to the Warning, Alert and Response Network Act of 2006, "Wireless Emergency Alerts" (WEA) is a public safety system that allows customers who own enabled mobile devices to receive geographically-targeted, text messages alerting them of imminent threats to safety in their area. WEA complements the existing Emergency Alert System that is implemented by the FCC and FEMA at the federal level through broadcasters and other media service providers, including wireless carriers. The facility would support the WARN alert system. (Council Administrative Notice No. 5 – FCC WARN Act; Tarpon 4, response 27)
85. Pursuant to C.G.S. §16-50p(a)(3)(G), the tower would be constructed in accordance with the current governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code. (Tarpon 1, Attachment 1; Tarpon 4, response 11)
86. The proposed tower would not be an obstruction or hazard to air navigation and would not require obstruction marking or lighting. (Tarpon 1, Attachment 12)
87. The compound would be enclosed by an eight-foot fence with locked, gated access. T-Mobile's equipment cabinets would be vandal resistant. (Tarpon 4, response 10)
88. The tower setback radius* would extend on the property to the north by 42 feet. Tarpon would design a tower yield point on the tower, if requested, to ensure any tower collapse remains within the boundaries of the subject property. (Tarpon 1, Attachment 1; Tarpon 4, response 12) *the horizontal distance equal to the tower height that extends radially from the center of the tower.
89. Noise from facility operation would not be significant and would be partially blocked by on-site buildings. Construction noise is exempt from the DEEP Noise Control Regulations §22a-69-1.8(g), which includes, but is not limited to, "physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property." (R.C.S.A. §22a-69-1.8(g); Tarpon 1, response 28; Tr. 1, p. 57)
90. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of T-Mobile's proposed antennas is 10.6 percent of the standard* for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas in a sector would be pointed at the base of the tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower.

*This includes a 10 dB off-beam pattern loss for directional panel antennas and a 20 dB off-beam pattern loss for the highly focused parabolic microwave dish to account for the lower relative gain below the antennas. (Tarpon 1, Attachment 16; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

91. In response to two significant storm events in 2011, Governor Malloy formed a Two Storm Panel (Panel) that was charged with an objective review and evaluation of Connecticut’s approach to the prevention, planning and mitigation of impacts associated with emergencies and natural disasters that can reasonably be anticipated to impact the state. (Final Report of the Two Storm Panel, Council Administrative Notice Item No. 50)
92. Consistent with the findings and recommendations of the Panel, and in accordance with C.G.S. §16-50*ll*, the Council, in consultation and coordination with DEEP, DESPP and PURA, studied the feasibility of requiring backup power for telecommunications towers and antennas as the reliability of such telecommunications service is considered to be in the public interest and necessary for the public health and safety. (Council Administrative Notice Item No. 33 – Council Docket No. 432)
93. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the FCC. At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, Sprint/T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages. (Council Administrative Notice Item No. 33 – Council Docket No. 432)
94. For emergency power, T-Mobile proposes a 25-kilowatt diesel-fueled generator for its own use. It could run for approximately 2 days before refueling is necessary. (Tarpon 1, response 22; Tr. 1, p. 10)
95. Although natural gas is available on-site, a connection would have to be extended to the compound area to serve as a generator fuel source. As a business practice, T-Mobile prefers to use diesel generators at their facilities. (Tarpon 4, response 23, response 24; Tr. 1, pp. 52-53)
96. Tarpon has a small battery system that could provide about 15 minutes of power that is integrated into its equipment cabinet in order to avoid a “re-boot” condition if there is a slight delay in the generator start-up delay period. (Tr. 1, pp. 61-62)
97. The generator would be remotely tested periodically to ensure proper operation. (Tr. 1, p. 57)
98. According to R.C.S.A. §22a-69-1.8, noise created as a result of, or relating to, an emergency, such as an emergency backup generator, is exempt from the DEEP Noise Control Regulations. (R.C.S.A. §22a-69-1.8)
99. The generator would comply with all applicable DEEP regulations (Tarpon 1, p. 13)

Environmental Considerations

100. Approximately 0.08 acres of prime farmland soil would be disturbed to develop the facility. (Tarpon 4, response 29)
101. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.*)
102. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a)
103. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41)
104. The site property does not contain any wetlands or watercourses. The nearest wetland is located approximately 971 feet to the northwest of the site on a separate property. (Tarpon 1, p. 8)
105. The proposed compound site is generally level and would not require extensive grading. (Tarpon 1, Attachment 1)
106. The proposed project would be constructed consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*. (Tarpon 1, Attachment 1)
107. The site is located in the Federal Emergency Management Agency Zone unshaded zone X, an area outside of the 100-year and 500-year flood zones. (Tarpon 1, Attachment 14)
108. The proposed facility is not located within a DEEP Natural Diversity Database buffer area. (Tarpon 1, Attachment 10)
109. Connecticut is within the range of the northern long-eared bat (NLEB), a federally-listed threatened species and state-listed endangered species. There are no known NLEB hibernacula or known maternity roost trees within 0.25 miles and 150-feet, respectively, of the proposed site. Tarpon consulted with the U.S. Fish and Wildlife Service and determined that the proposed facility would not have an impact on the NLEB. (Tarpon 1, Attachment 10)
110. The site is not located within a state-designated aquifer protection area. (Tarpon 1, p. 20)
111. The proposed compound is located in a landscape area adjacent to a building and paved areas area. Three landscape trees would be removed to develop the site. (Tarpon 1, Attachment 1)
112. The proposed facility is not located adjacent to an Important Bird Area (IBA), as designated by the National Audubon Society. The nearest IBA to the proposed site is Northwest Park in Windsor located approximately 1.0 mile to the north/northeast. The proposed facility would not affect the IBA. (Tarpon 1, Attachment 15)

113. The proposed facility would comply with the United States Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species. (Tarpon 1, Attachment 15)
114. SHPO submitted correspondence to Tarpon stating that several historic tobacco barns that are eligible for listing in the National Register of Historic Places are located within a half-mile of the site on Old Iron Ore Road. SHPO stated that the proposed facility would have no adverse effect on these structures with the condition that the antennas, cables, and associated equipment be designed, painted to match adjacent materials, and installed as non-visible as possible. SHPO did not indicate what painting scheme would be acceptable. (Tarpon 1, Attachment 11; Tr. 1 pp. 16-17)
115. Tarpon does not anticipate the need to blast in order to construct the site. Blasting would only occur if ledge is encountered during excavation. (Tarpon 4, response 9)

Visibility

116. Tarpon used a combination of predictive computer model, in-field analysis, and review of various data sources to evaluate the visibility of the proposed facility on both a quantitative and qualitative basis. (Tarpon 4, response 32)
117. On March 3, 2019, Tarpon conducted an in-field visibility analysis of the proposed tower by flying a 3-foot diameter balloon to a height of 135 feet agl at the site. An in-field reconnaissance was then performed from publicly accessible locations in the surrounding area to determine where the proposed tower would be visible. (Tarpon 4, response 32, Attachment 4)
118. Information obtained during the field reconnaissance was incorporated into mapping data layers, including observations of the field reconnaissance, photo-simulation locations, areas that experienced land use changes, and places where the initial modeling was found to over- or under-predict visibility to produce a predictive viewshed map for areas within a two-mile radius of the site (Study Area). (Tarpon 4, response 32; Tarpon Late-file Exhibit A; Tr. 1, pp. 76-77)
119. Based on the final viewshed analysis, the proposed tower would be visible year-round from approximately 179 acres (2.2 %) within the Study Area (refer to Figure 6). The tower would be seasonally visible (leaf-off conditions) from approximately 199 acres (2.5%) of the Study Area. (Tarpon 4, response 32)
120. Generally, year-round and seasonal views of portions of the facility would be limited to areas within an approximate 0.35-mile radius of the site, consisting of a mix of commercial, industrial, agricultural and residential areas. (Tarpon 4, response 32)
121. The site property contains buildings and wooded vegetation along the property line that would provide screening of the compound and lower part of the tower from open areas. (Tarpon 4, response 32)
122. The majority of year-round views (127 acres) of the tower occur from a farmland/industrial/commercial area to the south of the proposed site and along Day Hill Road. Year-round views of the uppermost portion of the tower would also occur from an additional 21.2 acres southwest of the site along Day Hill Road that is a mix of commercial and farmland use. (Tarpon 4, response 32)

123. To the north of the site, year-round visibility would occur from a 30.6 acre area that is a mix of residential development and agricultural land. (Tarpon 4, response 32)
124. The most significant views from residential areas would occur from a subdivision located along Huckleberry Road and Morello Circle approximately 0.2 miles north of the proposed tower. It appears the subdivision was constructed on former agricultural land, and as such, contains few mature trees that would provide screening of the facility from residences as well as the roads. (Tarpon 4, response 32)
125. Six single family homes on the south side of Huckleberry Road and the first two homes at the intersection of Huckleberry Road and Morello Circle would have the most significant views of the tower (+/-70 feet). (Tarpon 4, response 32)
126. No significant year-round views are predicted from the residential area to the west-northwest, beyond 0.5-mile from the site. (Tarpon 4, response 32)
127. Pursuant to CGS §16-50p(a)(3)(F), no public schools or commercial child day care facilities are located within 250 feet of the site. The nearest school or daycare is over a mile away. (Tarpon 4, response 32)
128. There are no state or local scenic roads within two-miles of the site. (Tarpon 4, response 32; Tarpon 1d)
129. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within two-miles of the site. (Tarpon 4, response 32)
130. The compound area would be screened by an existing building to the east, woodland along the north line and by existing shrubs outside the limit of construction to the west and south. (Tr. 1. pp. 90-91)
131. Due to the height above treeline of the proposed facility when viewed from nearby areas, a two-tone tower painting scheme (blue upper half - brown lower half), would not be effective as the tower would stand out when compared to a tower with a galvanized steel finish. (Tr. 1, p. 16)
132. Installing antennas in a flush-mount configuration on the tower to reduce the visual profile of an antenna platform would limit the number of antennas at each tower level, thus requiring a taller tower to accommodate all of the proposed antennas. (Tarpon 4, response 19)

Figure 1: Site Location on Aerial Image

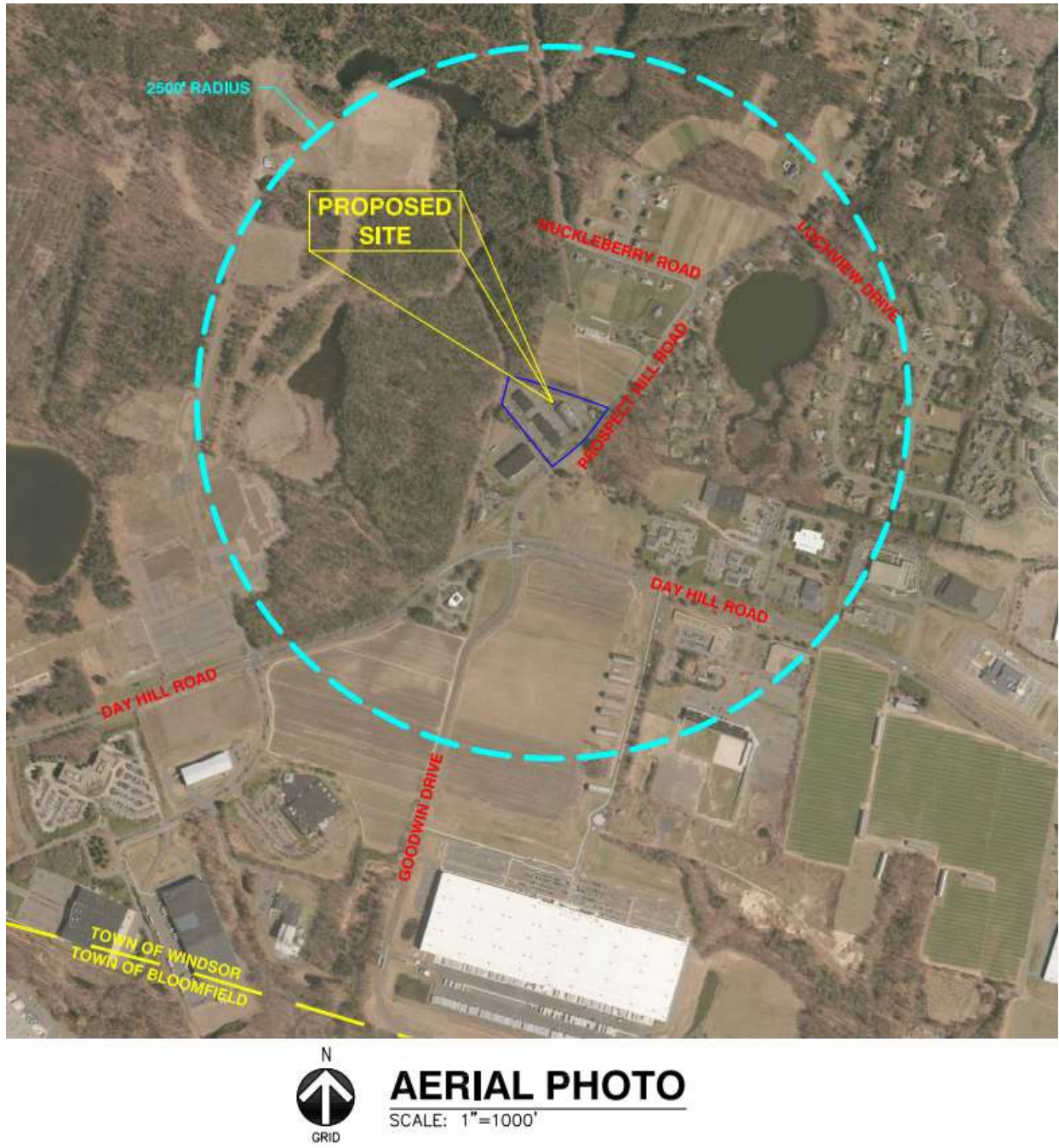
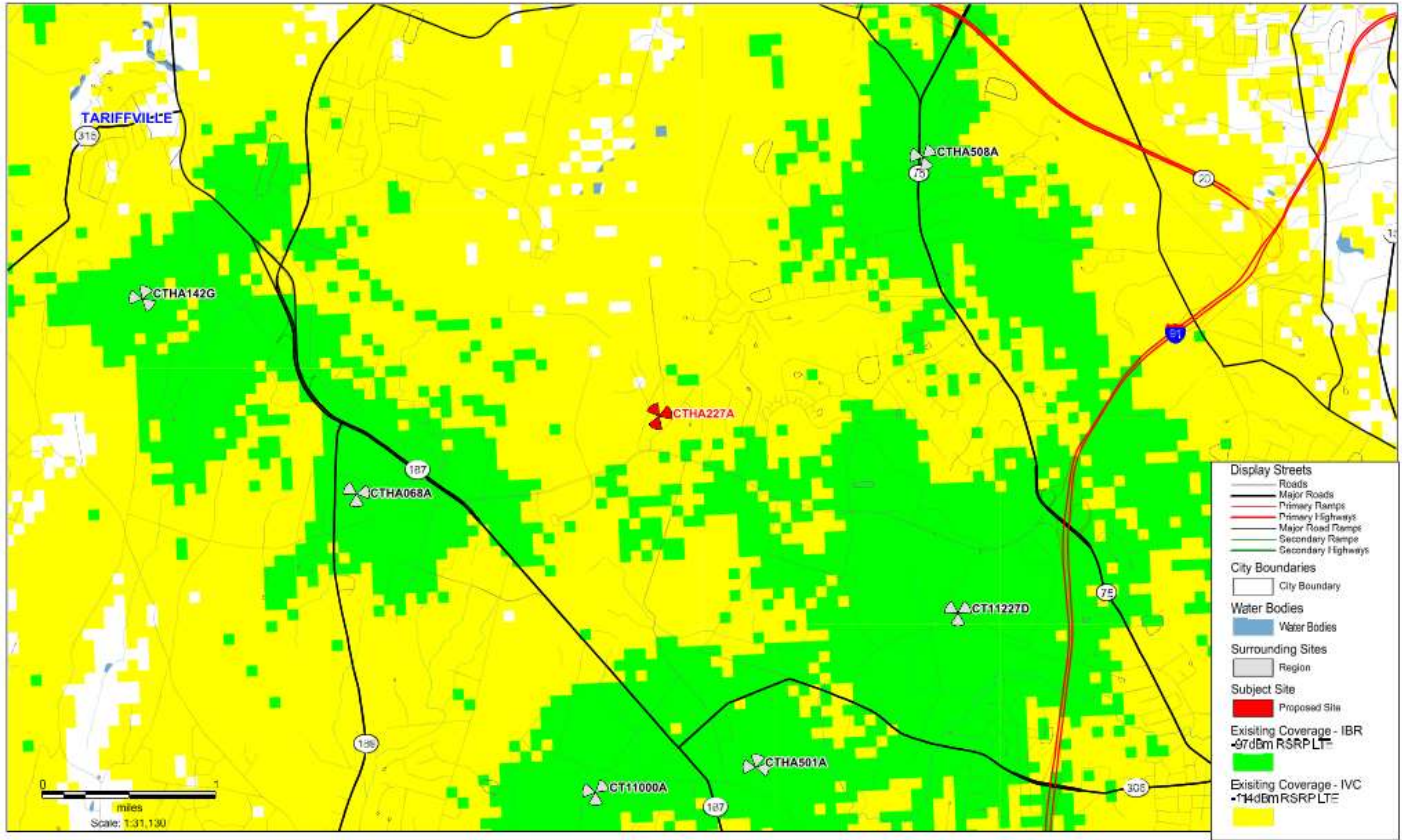


Figure 2: Existing T-Mobile 1900 MHz Coverage

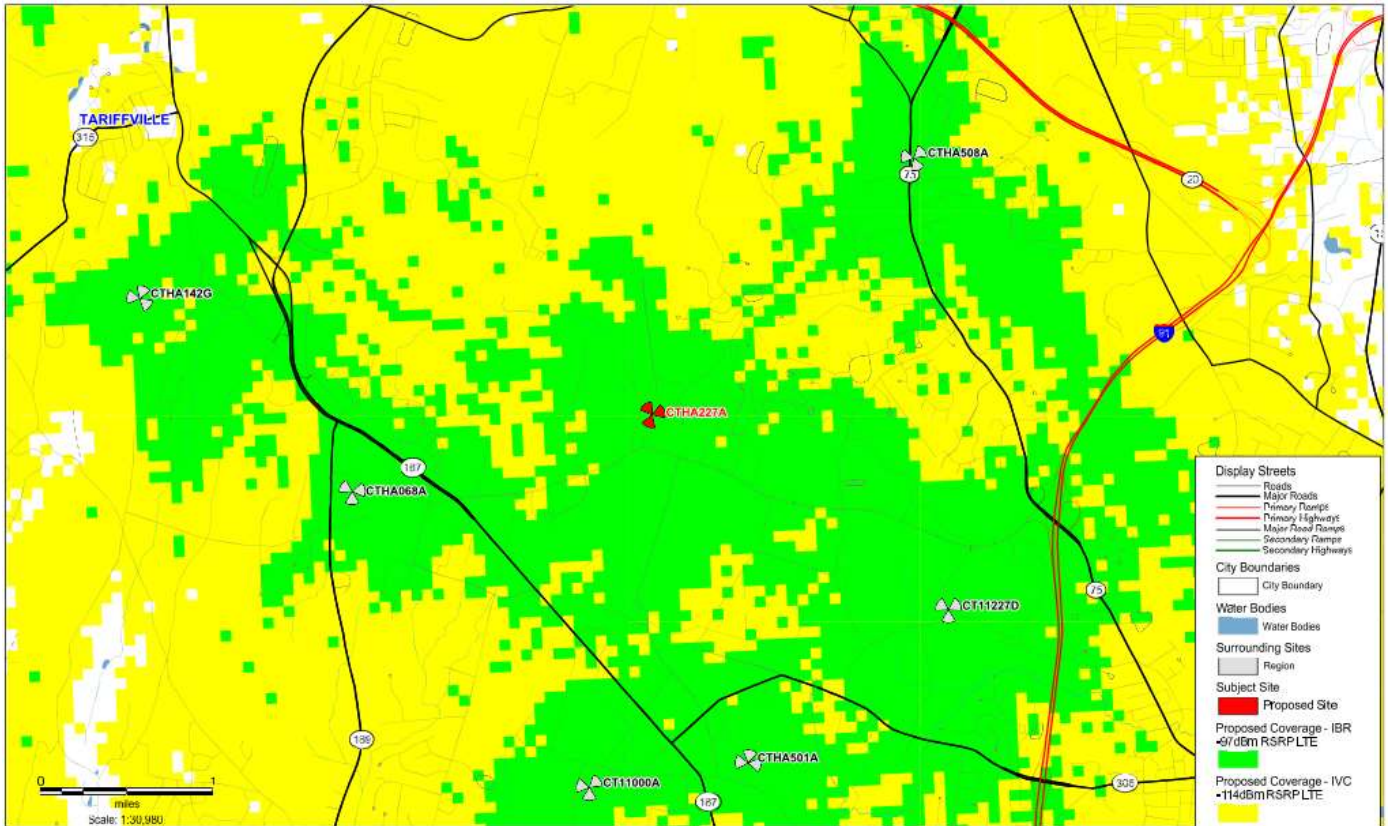
CTHA227A - Existing Coverage



(Tarpon 1, Attachment 5; Tarpon 4, response 15)

Figure 3: Proposed T-Mobile 1900 MHz Coverage with Existing Coverage from Surrounding Sites.

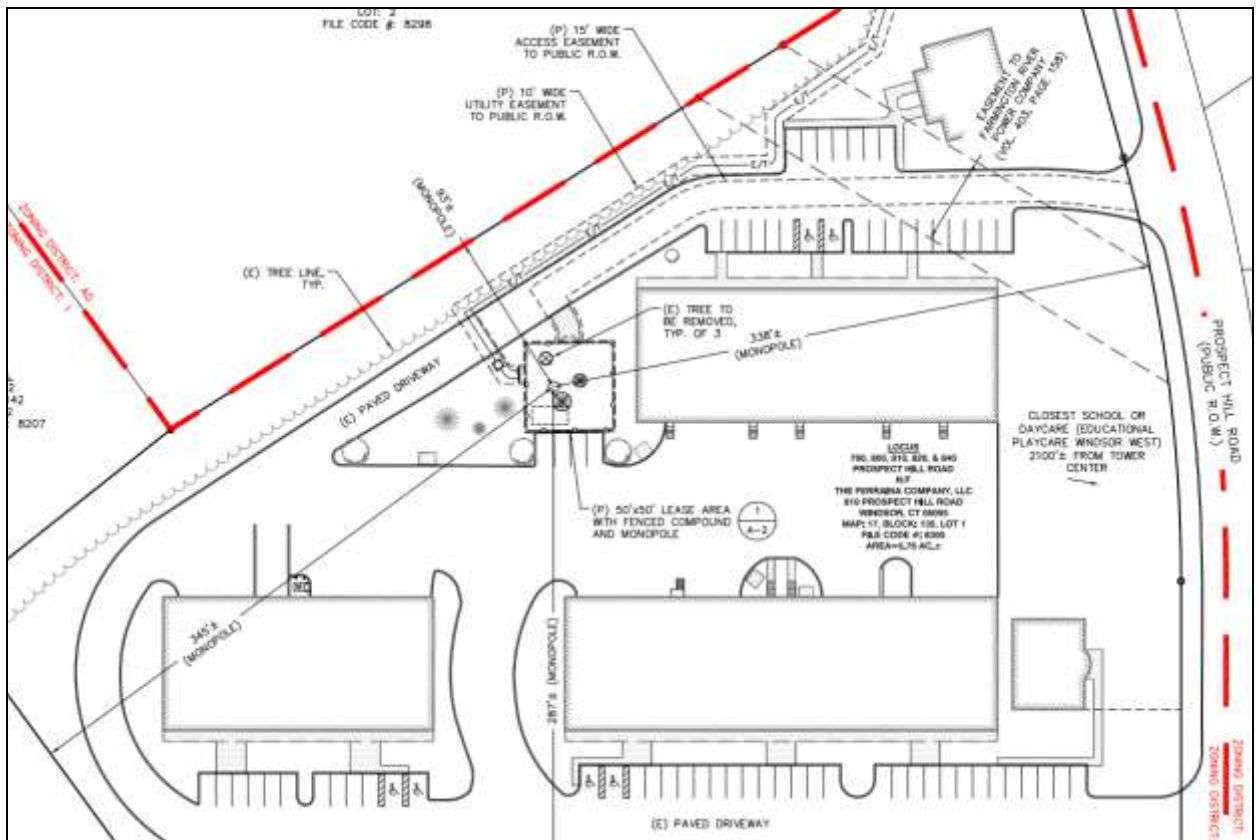
CTHA227A - Proposed Coverage





In addition to providing reliable in-vehicle and in-building services, the site would relieve capacity on adjacent T-Mobile sites CTHA068A and CT11227D.

(Tarpon 1, Attachment 5; Tarpon 4, response 15)

Figure 4: Site Location on property

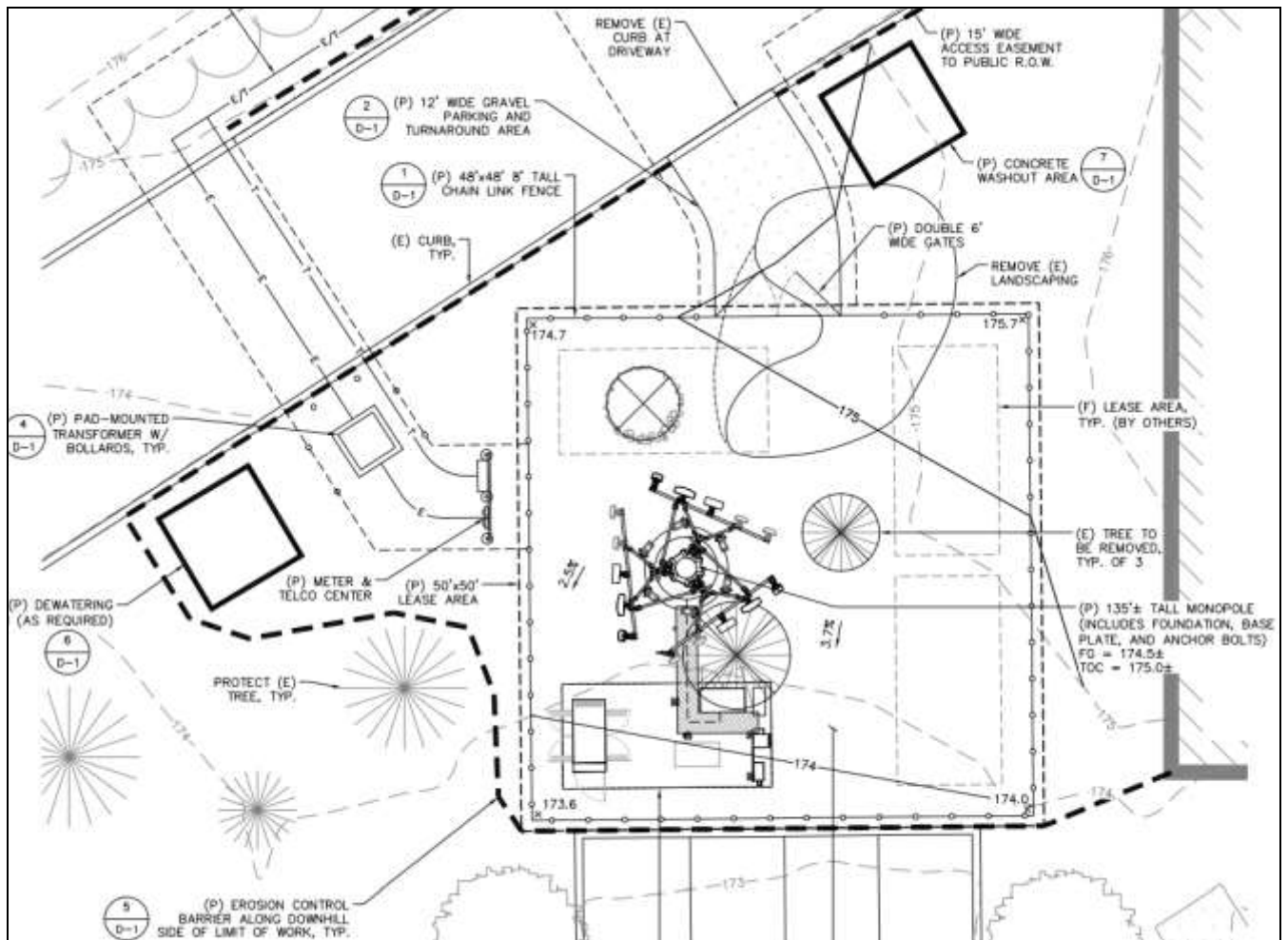


 **COMPILED PLOT PLAN**
SCALE: 1"=40' (22x34)
1"=80' (11x17)



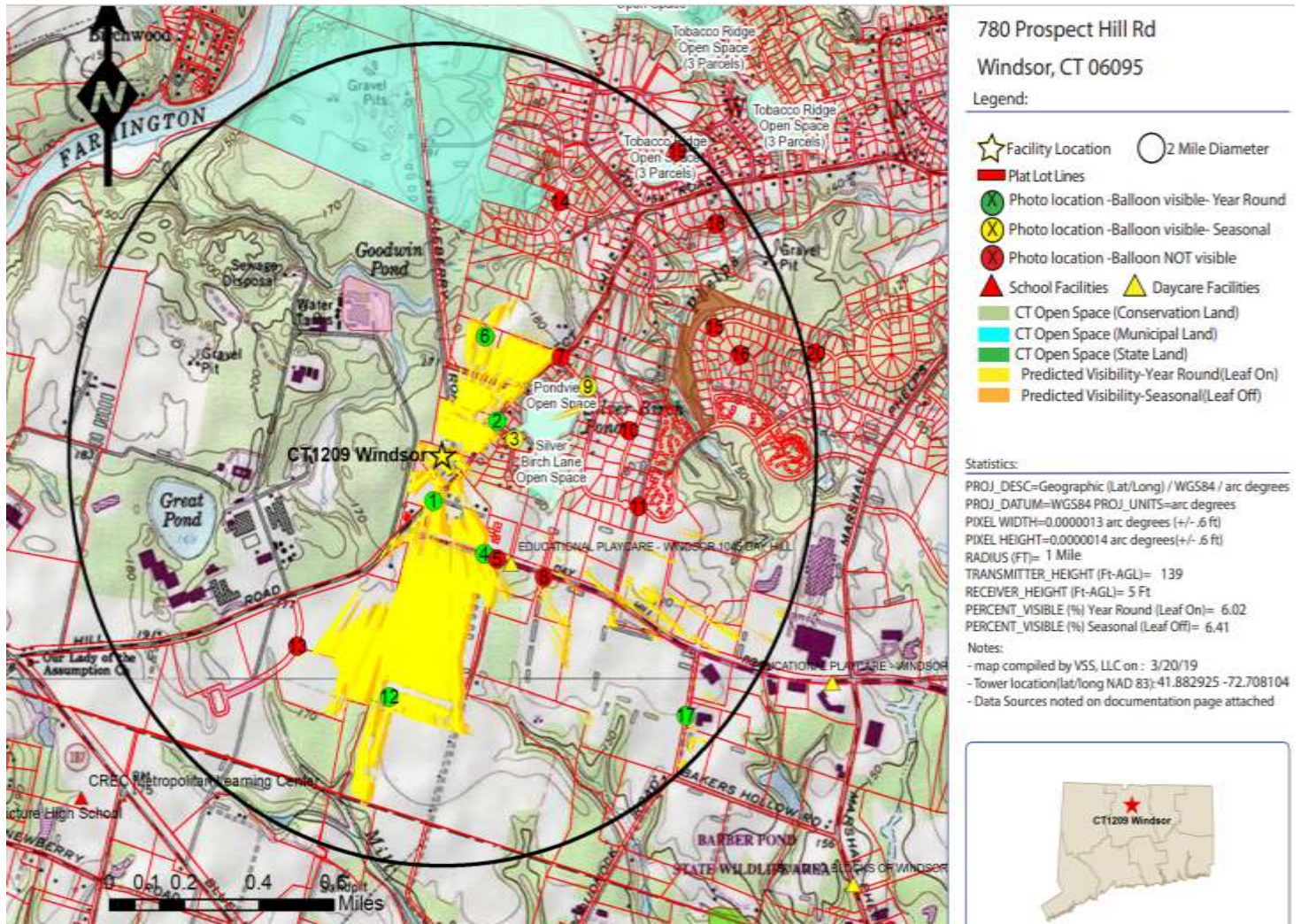
(Tarpon 1, Attachment 1)

Figure 5: Compound Site Plan



(Tarpon 1, Attachment 1)

Figure 6: Visibility Map and Photolog



| Image No | Address | Distance | Orientation | Visibility | Visibility FT |
|----------|-----------------------------------|------------|-------------|-------------|---------------|
| 1 | 850 Prospect Hill Rd | 0.11 Miles | South | Year Round | 91 |
| 2 | 725 Prospect Hill Rd | 0.17 Miles | North-East | Year Round | 52 |
| 3 | 25 Silver Birch Ln | 0.2 Miles | East | Obscured | NA |
| 4 | 1080 Day Hill Rd | 0.27 Miles | South-East | Year Round | 52 |
| 5 | Day Hill Rd and Old Iron Ore Rd | 0.29 Miles | South-East | Not Visible | NA |
| 6 | 98 Morello Cir | 0.31 Miles | North | Year Round | 72 |
| 7 | 2 Lochview Dr | 0.4 Miles | North-East | Not Visible | NA |
| 8 | Day Hill Rd and Opp Motortown USA | 0.4 Miles | South-East | Not Visible | NA |
| 9 | 1 Lochview Dr | 0.42 Miles | North-East | Obscured | NA |
| 10 | 9 Little Loch Way | 0.5 Miles | East | Not Visible | NA |
| 11 | 136 Morning Glory Ct | 0.54 Miles | East | Not Visible | NA |
| 12 | 111 Great Pond Dr | 0.61 Miles | South-West | Not Visible | NA |
| 13 | Goodwin Drive | 0.61 Miles | South | Year Round | 91 |
| 14 | 410 Lantern Way | 0.69 Miles | North-East | Not Visible | NA |
| 15 | 104 Pierce Blvd | 0.79 Miles | North-East | Not Visible | NA |
| 16 | 626 Thoreau Cir | 0.83 Miles | East | Not Visible | NA |
| 17 | 50 Baker Hollow Rd | 0.91 Miles | South-East | Year Round | 15 |

(Tarpon 4, response 32; Tarpon Late File 1, Exhibit A)

ATTACHMENTS

Department of Transportation comments, dated December 18, 2020

Connecticut Airport Authority comments, dated January 25, 2021

Department of Public Health comments, January 28, 2021



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

December 18, 2020

Ms. Melanie Bachman
Acting Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Dear Ms. Bachman:

Subject: Docket 496
Telecommunications Facility
800 Prospect Road
Town of Windsor

The Department of Transportation (CTDOT) has reviewed the above-mentioned Docket and offers the following comments.

- Although, plan sheets A2 & D1 did notate E&S measures; the docket/plans did not specify which guideline they would follow for the construction of the telecommunication facility.
 - It is recommended that adherence to the **2002 Connecticut Guidelines for Soil Erosion and Sediment Control** be followed throughout the project's life cycle with special attention to environmentally sensitive areas and construction ingress/egress access areas.
- The docket did not discuss stormwater management nor quantified the total disturbed area amount.
 - If required, conformance to the **2004 Connecticut Stormwater Quality Manual** is recommended.
- In the area of the 10' Utility Easement to public R.O.W., how will the site be stabilized if the area is disturbed for utility trenching?

It is recommended that the applicant provide the pertinent information/plan(s) details to ensure compliance to the aforementioned CT standards.

Should you have any questions, please contact Ms. Latoya Smith, Utility Engineer (Utilities) at Latoya.Smith@ct.gov.

Very truly yours,

Andrzej Mysliwicz



Andrzej Mysliwicz
Transportation Supervising Engineer
Division of Facilities and Transit
Bureau of Engineering and Construction



TO: Robert J. Hannon, Connecticut Siting Council
Linda Guliuzza, Connecticut Siting Council
Daniel P. Lynch, Jr., Connecticut Siting Council
John Morissette, Connecticut Siting Council
Michael Harder, Connecticut Siting Council
Edward Edelson, Connecticut Siting Council
Robert Silvestri, Connecticut Siting Council
Executive Director Melanie Bachman, Connecticut Siting Council

FROM: Kevin A. Dillon, A.A.E., Executive Director, Connecticut Airport Authority

DATE: January 25, 2021

RE: **DOCKET NO. 496** - Tarpon Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 800 Prospect Hill Road, Windsor, Connecticut.

Dear Distinguished Members of the Connecticut Siting Council and Executive Director Bachman,

Thank you for the opportunity to provide comments regarding Docket No. 496.

Due to this proposed project's proximity to Bradley International Airport, the CAA requests that the proponents file Form FAA 7460, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration. This is a necessary step so the FAA can determine if the project will result in a hazard to air navigation. We respectfully request that the proponents initiate the formal 7460 process to ensure the safety of aviation in the area.

Please feel free to contact me directly at 860-292-2054 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Kevin A. Dillon".

Kevin A. Dillon, A.A.E.
Executive Director
Connecticut Airport Authority

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

Drinking Water Section

January 28, 2021

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

RE: **DOCKET NO. 496** - Tarpon Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 800 Prospect Hill Road, Windsor, Connecticut. DPH Project # 2021-0022

Dear Ms. Bachman:

The Drinking Water Section of the Department of Public Health has reviewed the application associated with the above noted Docket for potential impacts to any sources of public drinking water supply. This project does not appear to be in a public water supply source water area; therefore, the Drinking Water Section has no comments at this time.

Sincerely,

A handwritten signature in blue ink that reads "Lori J. Mathieu '21".

Lori J. Mathieu
Public Health Branch Chief
Environmental Health and Drinking Water Branch

c: Jim Vannoy, MPH., Chief, Environmental Health Section, Department of Public Health
Heather Aaron, MPH, LHNA, Deputy Commissioner, DPH