

STATE OF CONNECTICUT  
CONNECTICUT SITTING COUNCIL

IN RE: Optasite Towers LLC and Omnipoint : Docket No. 359  
Communications, Inc. Application for a :  
Certificate of Environmental Compatibility and :  
Public Need for the Construction, Maintenance :  
and Operation of a Telecommunications Facility :  
Located at 58 Montano Road/618 Neipsic Road, :  
Glastonbury, Connecticut. : JUNE 12, 2008

**PRE-FILED TESTIMONY OF IMTIAZ N. WAHLA**

My name is **IMTIAZ N. WAHLA** and I am the owner in fee simple absolute of a property of 461 Wickham Road, Glastonbury, Connecticut, a property abutting one of the two alternative sites listed in the application submitted to the Connecticut Sitting Council (hereinafter Council) by Optasite Towers LLC and Omnipoint Communications, Inc. (hereinafter “Co-Applicants”) on or about March 17<sup>th</sup>, 2008 (hereinafter “Application”). On or about June 10<sup>th</sup>, 2008, pursuant to my direction, my attorney filed on my behalf a notice/request for party status in these proceedings.

I respectfully submit this testimony to **OPPOSE** the Co-Applicants assertion that the Selection of Site B is in the public need and that it will have significant adverse environmental effect for the reasons more thoroughly stated below:

1. Site B is located at 497A Wickham Road (618 Neipsic Road). Co-Applicants in both their Application and Pre-Filed testimony assert that in addition to construction of a 130-foot monopole and associated equipment compound, they will need to construct an access gravel driveway which will extend from Wickham Road Extension 1,412 feet into the proposed compound.
2. That this construction will require them to cut and destroy Fifty Three (53) trees which are bigger than Six (6) inches in diameter. There is no documentation as to how much other vegetation, soil, bacterial, or other biomass may be displaced as a result of such construction or removal in either the Application, Exhibits, or Interrogatories.
3. That the estimated total cost of construction for Site B is \$268,800.00.
4. That the purported public need advanced in the Application is to fill a “gap in coverage [that] exists in T-Mobile’s network in the Glastonbury area, specifically along Route 2 and in adjacent areas.” Application, Narrative p. 5. The facility is “needed to allow T-Mobile to provide its wireless services to people living in and traveling through this area of the State.” *Id.* Co-Applicants also submit that “there are no equally effective technological alternatives to construction of a new tower.”

Id. at p. 7-8. But T-Mobile's own foray into alternative low-cost technologies such as Unlicensed Mobile Access (or UMA or GAN as the standard is now known) undermines this position. Instead of erecting expensive base stations such as those advanced in the Application to cover every nook and cranny of a neighborhood, UMA/GAN allows carriers to add coverage using low cost 802.11 access points. T-Mobile's own HotSpot network is just such a collection of low cost 802.11 access points throughout the State of Connecticut. In fact, T-Mobile is actively advertising and promoting this technology solution through its affiliates, partners, and retail locations throughout the State of Connecticut. This system is available and operative today. However, Co-Applicants do not consider any other technology or alternative at all. It would be one thing to acknowledge alternative technologies but then explain why they should not be favored. The fact that they summarily ignore alternative technologies in whole should give this Council pause and place the Application in a skeptical light.

5. Co-Applicants have been hunting for a "suitable" site since 2006. As they admit in Exhibit J of the Application, the problem has been one, primarily, of their own design. Alternative sites in the search area were rejected by T-Mobile because the location was "too close to an existing tower that T-Mobile utilizes." Exhibit J to Application, page 2 (unnumbered). Co-Applicants do not describe why, if there are additional tower facilities within Glastonbury, there were no negotiations or other efforts to discuss alternative agreements without developing new infrastructure. Pursuant to the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, "incumbent local exchange carriers (ILECs) must provide equal access to infrastructure for competitors - known as Competitive Local Exchange Carriers (CLECs). T-Mobile USA, Inc. as a Competitive Local Exchange Carrier ("CLEC") and could enter into arrangements with ILECs for access. But there is no such discussion. In fact, the Application instead goes on to discuss how once the facility is in place the tower will be "shared." Application, Narrative p. 9. Perhaps this is because Optasite Towers, LLC and Optasite, Inc. are in the commercial enterprise of developing and maintaining a portfolio of towers and assets. Revenue for 2004 was between \$5 million and \$10 million; the company is cash flow positive. Despite the limited number of employees it has, the company raised \$10 million in a Series A round, \$25 million in Series B financing, and a \$15 million credit facility in 2004. The company is funded by numerous venture firms including TSG Equities, Mass Ventures and Berkshire Capital Ventures. Thus, it is in their profit interest to continue to build as many of them as possible, without serious exploration of alternatives even if those alternatives would be more cost effective and less environmentally damaging. There are currently no fewer Four (4) applications docketed with the Council in which Optasite is an applicant Docket Nos. 342, 351, 359, and 365. Again, the Council should re-examine the claims made in the Application with close scrutiny to determine if indeed there are no alternative sites prior to approving the construction of this new facility.

6. As the Application acknowledges, a mere Twenty Two (22) feet from the proposed site of the facility is a wetlands area. Application, Narrative p. 11. Moreover, “[i]n total, the crossing will impact 2,852 square [feet] of the existing wetland.” Id. Unlike the Six (6) and/or Four (4) residences that will have a view of the facility if Site A is chosen, “[f]or site B, nine (9) residences will have partial year round views of Site B and an additional six (6) residences will have partial, seasonal views.” Id. at 13. Therefore, unlike the visitors to J.B. Williams park, those unfortunate enough to live next to Site B, such as myself and my neighbors, shall be treated to a view of the facility year round in its abundant steel glory. Co-Applicants claims that the tower will be “unobtrusive” have not been substantiated through any report or documentation. Moreover, Co-Applicants do not engage in any detailed analysis of the significant loss of property value that the residences next to the facility will suffer not only when it is fully erected, but throughout the indeterminate amount of time it will take to actually build the thing. With the decline in the real estate market already as precipitous as anyone can recall, the existence of the facility will hurt the owners of adjacent properties such as myself. My life savings, limited as they are, are tied up into this great house I’ve spent so many good years in. With the prospect of them diminishing, the future remains even more uncertain for me.
  
7. But most importantly, the Application does not seriously consider the adverse effect on the environment, especially the flora and fauna indigenous to the wetland area of Site B. My history and experience is that of a Registered Nurse for more than twenty years. I have three grown children and a wonderful husband. I came to Glastonbury to enjoy nature. That is why I chose to live where I do, on Wickham Road. The construction of this facility on Site B will undoubtedly have a significant and adverse impact on the environment in the area. There are more qualified people than I who can provide details to the Council. All I can provide is the view of a retired woman who wants to live quietly in her home and not have to worry about the harm to the birds and the trees that this tower will bring. I strongly and fiercely urge this Council to reject the application as to Site B.

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Imtiaz N. Wahla

Subscribed and sworn to me this 12<sup>th</sup> day of June, 2008.

By

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Sarosh N.Wahla, Esq.  
Commissioner of the Superior Court