

December 1, 2008

BY OVERNIGHT MAIL

Hon. Daniel F. Caruso, Chairman
and Members of the Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 366

Dear Chairman Caruso and Members of the Council:

We are in receipt of the City of Danbury's November 20th correspondence requesting an additional balloon float and that its new witness, Mr. Richard Comi, be permitted to elaborate on his direct testimony at the December 8th continued hearing. On behalf of the Applicants and for the reasons set forth herein, we respectfully object to both requests by the City.

Request by the City for an Additional Balloon Float

With regard to the request for an additional balloon float, it is respectfully submitted that the record in this proceeding, along with the balloon float conducted on September 9th provides comprehensive accurate data to evaluate the year-round visual impact of the proposed Facility. On the day of September 9th hearing, the balloon float started at 7:45 a.m. and but for a short period between 11:00 a.m. and noon due to the weather, the balloon remained in the air all afternoon. Indeed, as the Council is aware from the September 9th site visit, the balloon was in the air fully during the entire field review by the Council, parties and intervenors. Moreover, as demonstrated in the Applicant's Supplemental Submission dated December 1, 2008, post-construction field data has confirmed the accuracy of the visual impact analyses prepared by VHB in several proceedings, including data regarding seasonal effects. Given the successful balloon float for the September 9th hearing and accurate, comprehensive visual evaluation materials in the record in this proceeding, it is respectfully submitted that an additional balloon float is not needed and will serve to only to delay and waste resources and time in this Docket.

Request by the City for Direct Testimony by its Witness at the Continued Hearing

With respect to the City's request that its new witness, Mr. Comi, be permitted to explain his direct testimony at the continued hearing prior to cross examination, we respectfully submit that it would be inequitable and prejudicial to allow such a presentation. The Council does not generally permit an explanation of a party's position at evidentiary hearings as part of a direct case. Direct testimony if provided, is done so in pre-filed submissions in writing and subject to cross-examination as a matter of fairness. The Council hearing procedures are clear, in writing, provided well prior to public hearings and should be equally applied to all parties and intervenors. Indeed, in this matter, the Applicants should not be prejudiced in this proceeding any further by the City's desire to hire a new consultant which has effectively elicited a whole new set of questions and interrogatories to the Applicants. As such, it is respectfully submitted

that a presentation by Mr. Comi at the continued hearing would be unfair, potentially prejudicial to the Applicants' right of cross-examination and should not be permitted.

Cross- Exam by Mr. Comi


The City has requested that Mr. Comi be allowed to ask questions of T-Mobile's radiofrequency engineer on cross examination at the continued hearing. While it would be unusual to allow such examination, we noted previously that we know of no prohibition regarding same. As such and as noted at the prior hearing, if the Council allows such cross-examination, our clients reserve the right to cross-examine Mr. Comi similarly.

Supplemental Submission in Support of the Applicants' Certificate Application

Enclosed with this letter is a Supplemental Submission dated December 1, 2008 prepared in response to information requested by the Council at the October 28th hearing. As the Council is aware, the City recently served the Applicants with an additional 66 interrogatories. The Applicants are endeavoring to respond and serve responses to these additional interrogatories by December 4th and prior to the continued hearing on December 8th. To the extent an extension of time is required to respond to the City's interrogatories, the Applicants respectfully request one.

Thank you for your consideration in this regard.

Very truly yours,



Christopher B. Fisher

cc: Derek Phelps, CSC Executive Director
Charles Regulbuto, Optasite
Hans Fiedler, T-Mobile
Lucia Chiochio, Esq.
Service List

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF OPTASITE TOWERS LLC
AND OMNIPOINT COMMUNICATIONS, INC.
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 52 STADLEY ROUGH ROAD,
DANBURY, CONNECTICUT

DOCKET NO. 366

December 1, 2008

APPLICANTS' SUBMISSION OF SUPPLEMENTAL INFORMATION

Optasite Towers LLC and Omnipoint Communications (T-Mobile) (the "Applicants") respectfully submit this supplemental information in furtherance of the Applicants' Certificate Application and in response to the Siting Council's request for additional information at the October 28, 2008 hearing.

INFORMATION REGARDING A TWO SITE DESIGN INVOLVING
A LOWER TOWER AT THE PROPOSED SITE AND A CHURCH TO THE WEST

At the October 28th evidentiary hearing, the Siting Council requested that T-Mobile investigate the radio frequency feasibility of a two site solution with a lower tower at the proposed site at 52 Stadley Rough Road and another site at one of the churches located to the southwest of the proposed site. Two churches are located in this area - the St. Nicholas Byzantine Catholic Church at 13 Pembroke Road and the Northeast Baptist Church at 101 East Pembroke Road. Attached as Exhibit A are two propagation plots depicting service from the Applicants' proposed site at a lower antenna centerline mounting height of 97 feet AGL in combination with a theoretical site at each church. Topography in the area targeted for service presents challenges to designing a wireless network in this area. Specifically, an existing ridgeline excludes most locations from consideration for providing service within the search ring. The two site design shown in the attached plots provides a similar result - the ridgeline in the vicinity of the Applicants' proposed site and areas northeast of same would not be covered by a two site design involving a lower tower and a site at one of the churches. Of note, in referring back to the plots of T-Mobile's existing network behind Tab 2 of the application, it should be noted that the churches are in close proximity to two existing T-Mobile sites along State Route 39 and Padanaram Road. As such, a two site alternative with the proposed site at a lower tower height and a site at one of the churches southwest of the site is not a feasible replacement to the proposed site at 52 Stadley Rough Road at T-Mobile's minimum height.

TWO TOWER SITE DESIGN?

The Siting Council also requested that T-Mobile investigate the radiofrequency issues associated with other hypothetical two site alternatives without specifying the exact location of sites. In addressing any two site design, it is important to identify the general geographic area where a site is needed to better understand the potential viability of other site locations or even a two site design. As discussed in prior hearings and above, one of the key factors associated with the location and need for a T-Mobile site in this area of the City of Danbury is the significant terrain. Ridge lines generally run north and south in this area which are apparent when looking at the topographic maps in the Docket filings. Candlewood Lake and associated valleys at the southerly terminus of the lake in Danbury form the low lying areas with ridges that roll up and down on either side of the lake's fingers. That coupled with T-Mobile's existing network design in other areas of the City dictates the siting of a wireless facility on the "peninsula" that is basically a ridge extending north into the lake with Great Plain Road running on the west and Stadley Rough Road running on the east. It is the proposed location at 52 Stadley Rough Road that is sufficiently south of the ridge that enables a tower with a minimum height of 127' AGL to "see" north both up Stadley Rough Road and the surrounding areas to the east of the ridge and up Great Plain Road on the west side of the ridge. Any hypothetical two site design would require two towers further north on both sides of the ridge that would not be significantly different in height. As is evident from the zoning map, aerials, visuals and other filings in this Docket that would involve locations with a greater density of residential development than in the immediate vicinity of the proposed site at 52 Stadley Rough Road. It should also be noted that prior to and throughout this proceeding, the Applicants have investigated the viability of various sites including sites at the locations suggested in public comments submitted by the City of Danbury, some of which are in these areas. Locations which were presented by neighbors that are opposed to the proposed site or the City are unavailable for real property reasons, technically deficient, were the subject of prior tower site applications and City zoning denials or simply involve greater environmental impacts to State resources and would impact more residents in the City. As such, the Applicants are skeptical that any of the City or neighbors' suggested alternatives are real and that rather these efforts have been intended to simply suggest that some hypothetical alternative exists as opposed to a real and appropriate alternative that would be preferred by the City and all its residents and approvable under State standards set forth in Section 16-50p of the Connecticut General Statutes.

RELOCATING THE PROPOSED MONOPOLE WITHIN THE LEASE AREA

At the October 28th hearing, the Siting Council requested that Optasite investigate the feasibility of relocating the proposed monopole approximately 40 feet to the north and east. There is sufficient room within the lease area to shift the proposed monopole as suggested. At this location, the monopole would be located within an isolated wetland that is small and associated with manmade features such as the stone wall. The wetlands are low quality and as such, the proposed Facility and any relocation into this area is not expected to have a significant adverse environmental effect. Relocation of the monopole would also change the view of the monopole from the adjacent property to the east.

RECONSIDERATION OF THE PROPOSED STEALTH DESIGN
OR OTHER LOCATIONS ON THE PROPERTY

Applicants' Exhibit 4 included a photosimulation of a stealth design for the proposed Facility that was ultimately rejected by the property owner. Subsequent to the October 28th hearing, Optasite reached out to the property owner, Christ the Sheppard Church, and asked them to review again the proposed stealth design or some other design that might reflect the architecture of the existing church building. After further consideration, Christ the Sheppard Church confirmed that any stealth design with a religious theme or iconography was unacceptable as, in their opinion, the monopole should remain free of religious symbols. Additionally, the Church cited future expansion of its own facilities as a basis not to enter into an amended agreement with Optasite for any revision to the tower location including the possibility of a bell tower addition to the building.

ANALYSIS AND REPORT OF POTENTIAL VISUAL IMPACTS


Attached hereto in Exhibit B is a detailed analysis and report by VHB, Inc. regarding its visual impact assessment methodology. As demonstrated therein, post construction field evaluations indicate that VHB's predicted visibility of telecommunications facilities are consistent with post-construction conditions. This confirmation demonstrates that VHB's methodology and predictive evaluations are accurate and in some cases, more conservative than actual in-field conditions.

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty copies of Optasite's and T-Mobile's supplemental submission were served on the Connecticut Siting Council by overnight mail and an electronic copy sent via email with a copy via overnight mail and electronic mail to:

City of Danbury
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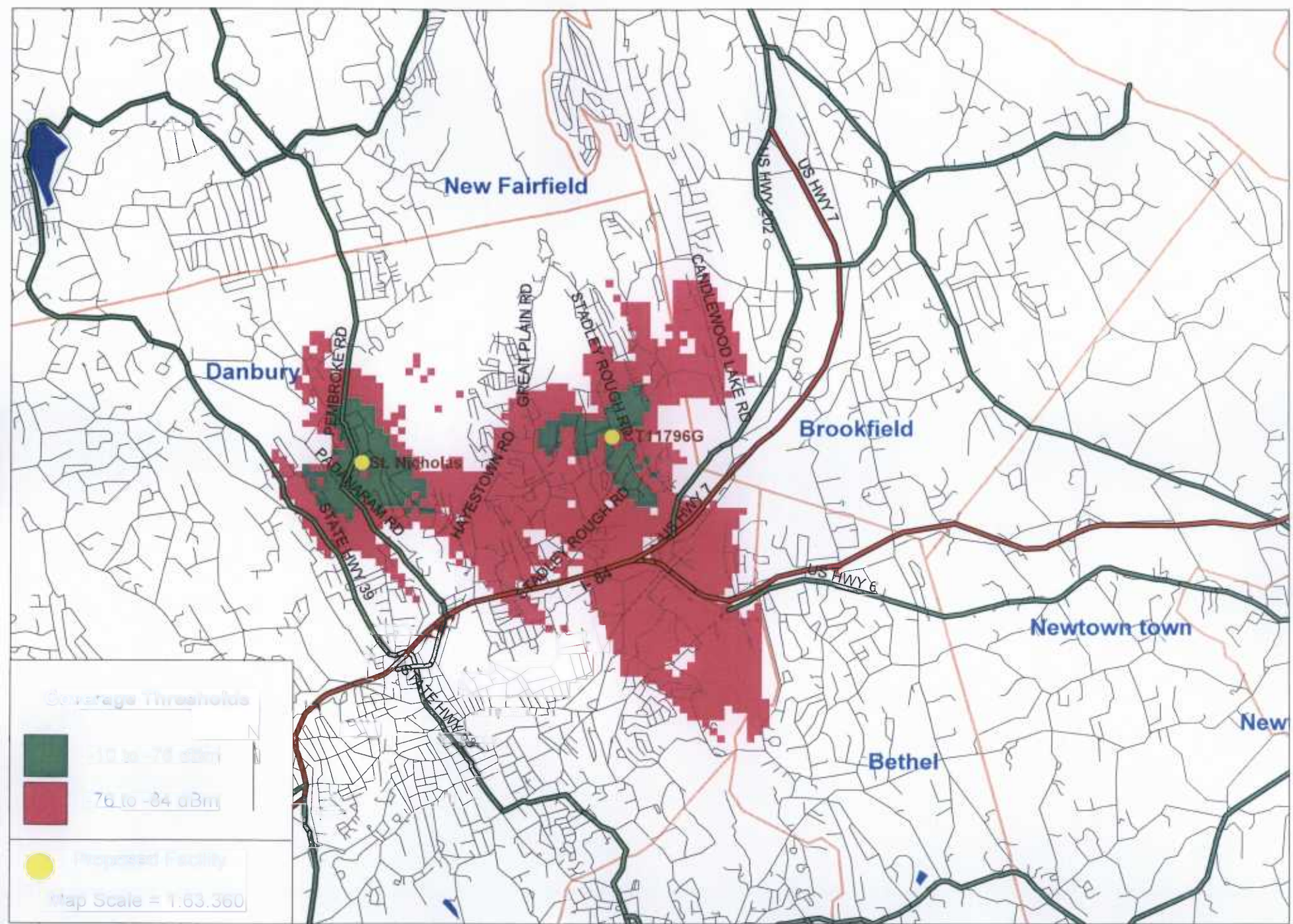
Dated: December 1, 2008



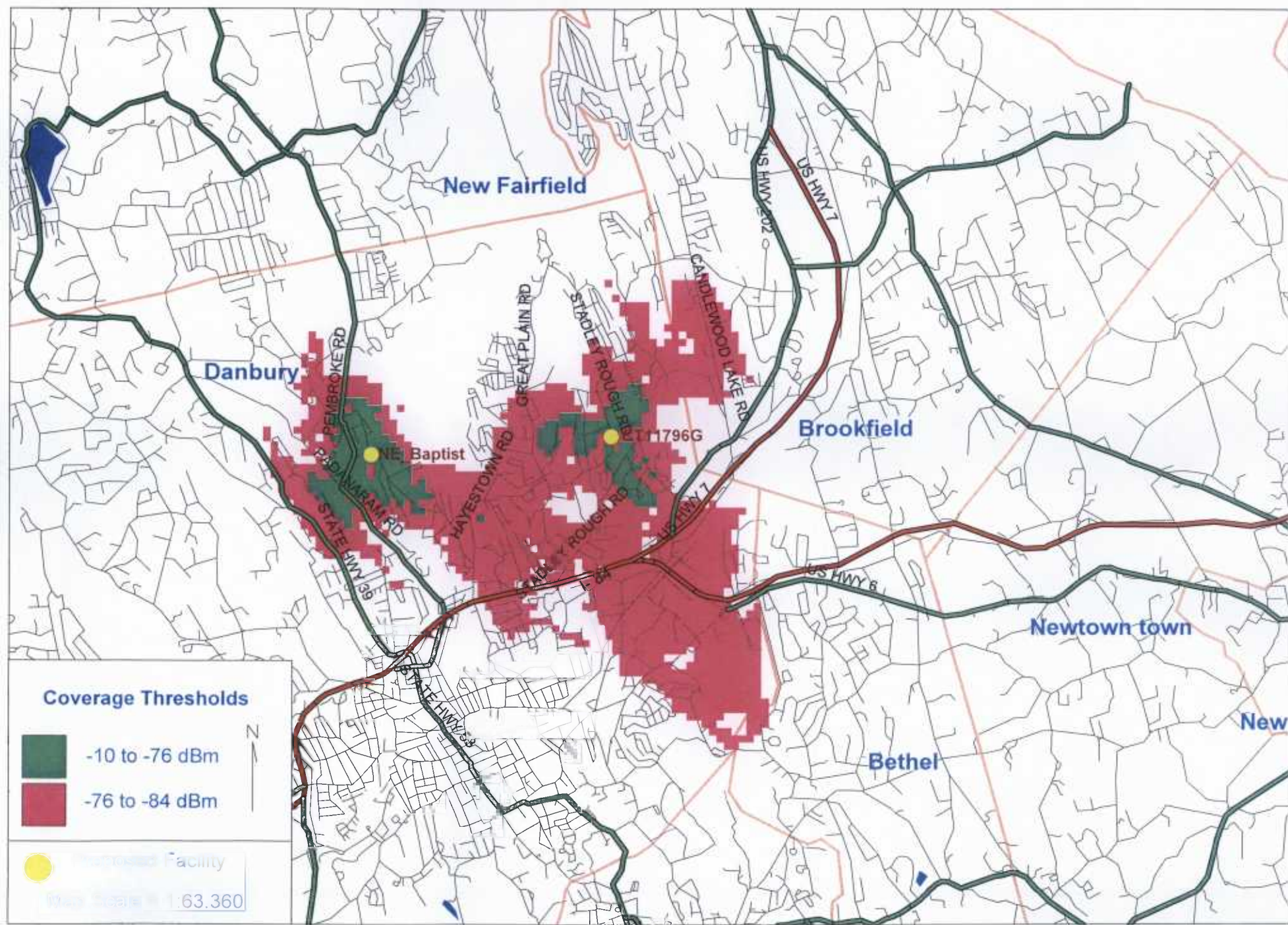
Christopher B. Fisher

cc: Charles Regulbuto
Hans Fiedler
Hollis Redding
Christopher B. Fisher, Esq.
Paul Lusitani
Michael Libertine

EXHIBIT A



Danbury - St. Nicholas Church @ 97' AGL with CT11796G @ 97 feet AGL



Coverage Thresholds

- 10 to -76 dBm
- 76 to -84 dBm

Increased Facility

Map Scale = 1:63,360

Danbury - Northeast Baptist Church @ 97' AGL with CT11796G @ 97 feet AGL

EXHIBIT B



Vanasse Hangen Brustlin, Inc.

To: Charles Regulbuto
Project Director New Tower Builds
SBA Network Services, Inc.
One Research Parkway
Suite 200C
Westborough, MA 01581

Date: November 19, 2008

Project No.: 40999.03

From: Vanasse Hangen Brustlin, Inc.

Re: Evaluation of Existing
Telecommunications Facilities

Beginning in the late 1990's, Vanasse Hangen Brustlin, Inc. (VHB) has worked diligently on behalf of our many wireless telecommunications clients to provide various environmental and regulatory permitting services throughout the New York/New England region. VHB is often tasked with providing a comprehensive evaluation of the likely viewshed associated with the development of various types of proposed wireless telecommunications facilities. Since 1998, VHB has conducted hundreds of visual assessments. As such, VHB has worked in close cooperation with numerous local and state agencies during the successful permitting of several hundred telecommunications facilities ranging from co-locations on existing structures/buildings to the construction of new towers on previously undeveloped land.

During this time, VHB has developed specific methodologies whereby the likely areas of visibility of a given telecommunications facility are accurately represented. To achieve these results, VHB's methodology utilizes a two-fold approach incorporating both a predictive computer-based model and in-field analysis. The predictive model is employed to assess potential visibility throughout a pre-defined area (typically a two mile radius surrounding the proposed facility), including private property and/or otherwise inaccessible areas for field verification. Areas of likely visibility are calculated based on information entered into the predictive computer model that includes the height of the facility, its ground elevation, the surrounding topography, existing vegetation and any significant structures/objects that may act to obstruct potential views such as tall buildings and/or elevated roadway infrastructure. Data incorporated into the predictive model includes a digital elevation model (DEM) and a digital forest layer for the Study Area. The DEM is derived from several publically available sources such as the United States Geological Survey (USGS), University of Connecticut Center for Land Use Education and Research (CLEAR) or MassGIS. In order to create the forest layer, high-resolution digital aerial photographs are incorporated into the computer model. The mature trees and woodland areas depicted on the aerial photos are manually traced in ArcView® GIS and then converted into a geographic data layer. The aerial photographs utilized by VHB were produced between 2000 and 2006. A "balloon float" and Study Area drive-through reconnaissance are also conducted to back-check the initial computer model results and provide documentation from publicly accessible areas. The results of these activities are presented in a

report document that includes narrative text, photographs, photographic simulations and a viewshed map depicting areas of anticipated year-round and seasonal visibility.

VHB has confidence in the methodologies used to achieve the results and conclusions presented in our analyses. However, given the heightened sensitivity to aesthetic concerns and the ever increasing demands of the regulatory environment in which we operate, VHB recognizes that it is in our collective interest to continually attempt to identify and incorporate practices that allow us to refine and improve upon our work product. To that end, beginning in 2002, VHB periodically began back-checking the results of its analyses against "real-life" conditions once a tower facility had been erected. Typically, this involves field reconnaissance conducted for in-house purposes to verify that the constructed tower is visible from the areas indicated by both the viewshed map and to evaluate the accuracy of the balloon float reconnaissance and photographic simulations presented in our report. VHB staff has re-visited existing facilities in a number of municipalities in Connecticut and Massachusetts including Colebrook, Andover, Greenwich, Franklin, Plainfield, Lebanon, Barkhamsted, Litchfield, Ledyard, Marlborough, Meriden, Waterbury, Middletown, Groton, Norfolk, Erving (MA), Wilbraham (MA) and Athol (MA), among others. Based on the results of these efforts, it is our experience that our analyses accurately depicted the locations and extent of visibility in comparison to the constructed towers. In fact, we have found that the viewshed model often slightly over-predicts visibility, particularly from vantage points beyond one mile.

Recently, VHB conducted comparative, in-field reconnaissance for two newly constructed telecommunications facilities. This reconnaissance took place on November 16, 2008 and included Verizon's Washington, Connecticut facility located off Mountain Road (Connecticut Siting Council Docket No. 332) and SBA's (formerly Optasite) facility located off Route 202 in New Milford, Connecticut (Connecticut Siting Council Docket No. 342). VHB conducted the balloon floats for these locations in March of 2007 and June of 2007, respectively. The Verizon facility was originally proposed as a monopine, but was subsequently approved and constructed as a brown, flush-mounted monopole.

VHB's original balloon float and viewshed model for Verizon's Washington, Connecticut facility indicated that areas of year-round visibility would generally be limited to the Route 202 traffic corridor within the immediate vicinity of the tower, select portions of Mygatt Road and select portions of New Preston Hill Road. Areas of anticipated visibility depicted in VHB's Visual Resource Evaluation report for the SBA New Milford facility included select portions of Route 202, Sandpit Road, Sandy Acres Lane, Wheaton Road, Hillendale Drive/Hillendale Drive Extension, Hearthstone Terrace and Upland Road.

During the recent field reconnaissance (November of 2008), VHB staff evaluated the areas of visibility listed above for both site locations. Based on observations made during this reconnaissance, VHB's original analysis accurately depicted the height and physical location of the existing towers prior to their construction. Photographs of the existing towers were taken from several representative locations in order to compare the results of VHB's initial balloon float against actual conditions observed in the field (Attached). As evidenced by the attached photographs, the results of VHB's original analyses for these locations appear to be consistent with post-construction conditions.

PHOTOGRAPHIC DOCUMENTATION



PHOTOGRAPHIC DOCUMENTATION - PHOTOGRAPHIC DOCUMENTATION - PHOTOGRAPHIC DOCUMENTATION

BALLOON FLOAT PHOTOGRAPH (CONDUCTED IN MARCH 2007), PROPOSED TELECOMMUNICATIONS FACILITY, WASHINGTON, CT

PHOTOGRAPHIC DOCUMENTATION



EXISTING 150 - FOOT TALL MONOPOLE WITH FLUSH-MOUNTED ANTENNAS (PHOTOGRAPHED NOVEMBER 2008), WASHINGTON, CT

PHOTOGRAPHIC DOCUMENTATION



BALLOON FLOAT PHOTOGRAPH (CONDUCTED IN MARCH 2007), PROPOSED TELECOMMUNICATIONS FACILITY, WASHINGTON, CT

PHOTOGRAPHIC DOCUMENTATION



EXISTING 150 - FOOT TALL MONOPOLE WITH FLUSH-MOUNTED ANTENNAS (PHOTOGRAPHED NOVEMBER 2008), WASHINGTON, CT

PHOTOGRAPHIC DOCUMENTATION



EXISTING 140 - FOOT TALL MONOPOLE (PHOTOGRAPHED NOVEMBER 2008 - ANTENNAS NOT INSTALLED AT THIS TIME), NEW MILFORD, CT

PHOTOGRAPHIC DOCUMENTATION



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BALLOON FLOAT PHOTOGRAPH (CONDUCTED IN JUNE 2007), PROPOSED TELECOMMUNICATIONS FACILITY, NEW MILFORD, CT

