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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

August 29, 2008

PRE-HEARING INTERROGATORIES OF CITY OF DANBURY TO
OPTASITE TOWERS LLC ("OPTASITE") AND
OMNIPOINT COMMUNICATIONS, INC. ("T-MOBILE")

Questions for Optasite and T-Mobile:

- Q1. Please provide the lease agreement for the site that gives the lessee the rights to relocate the leased area to accommodate the cell tower at the proposed location.

- Q2. Pursuant to Section 3.E.6.c of the City of Danbury Zoning Regulations please provide documentation to demonstrate why this location was chosen over the five preferred locations set forth in the regulations. The documentation should include copies of all correspondence from and to the applicants to owners of the specific locations that are among the five preferred locations.

- Q3. Please indicate why the applicant has failed to provide a certified A-2 field survey.

- Q4. Please indicate why the applicant has failed to provide complete site plan drawings stamped by a Connecticut licensed professional engineer.

- Q5. As stated in the August 26, 2008, report from the Department of Planning and Zoning Section 3.E.6.d.(2) of the City of Danbury Zoning Regulations provides minimum yard setback requirements for proposed towers. These were promulgated to protect public safety in the event of a tower collapse and to ensure a minimum setback distances between potentially conflicting land uses. Based on the proposed tower height, the minimum yard setback would be 165 feet. The tower location and radius as noted on Sheet A02 fails to meet the Zoning Regulations. More than one-half of the area of the "tower radius" is located on adjacent property and within what appears to be only a few feet from an adjacent residential building. The applicant fails to discuss safety implications in the fall zone area. Based on the information submitted, it has not been substantiated that the public safety will not be compromised based on the proposed tower location. Please provide all expert testimony and other pertinent evidence documenting the applicant's position that public safety will not be compromised. Please indicate why the tower radius does not meet the minimum standards determined by the City and included in the Zoning Regulations to be necessary to protect the public interest.
- Q6. As stated in the August 26, 2008 report from the Department of Planning and Zoning the department has concerns regarding the visibility of the tower and appurtenant structures from adjacent properties and within view corridors. Even if the average 65 foot high tree canopy was accepted (this was the "average" as determined by VHB, Inc. as noted in Attachment F of the application), the tower would rise 75 feet above the average tree canopy. Additionally, as noted by the applicant, almost 10% of the study area is surface water of Candlewood Lake and most of the tree canopy is comprised of deciduous trees. Based on tree type, it is expected that leaf cover will be absent almost six months of the year. Considering the tree canopy comprises almost 50% of the study area and the Lake comprises 10% of the study area, one could expect the tower to be visible for longer time periods and from distant locations. Please provide a more thorough evaluation of the visual impacts and why other less visually intrusive alternatives were not chosen or explored. Please indicate why the visual analysis has not been prepared in sufficient detail and scope considering the height of the tower, nature of tree cover and extent of visibility from the surface water of Candlewood Lake.
- Q7. Please provide documentation to support the applicant's position that the proposed facility will not substantially affect the scenic quality of the area surrounding the facility, including views from Candlewood Lake. In addressing this question please make specific reference to the fact that the facility will be visible from Candlewood Lake.

- Q8. Please provide all technical documentation showing that all applicable State Building Code requirements for the foundation and structures have been met.
- Q9. Please address why the applicant failed to provide specific site geotechnical data necessary to evaluate the potential construction of a 140 foot high tower on the site.
- Q10. Please state whether blasting will be required and what impact it will have on all adjacent wells and other areas.
- Q11. Please explain why the application has not been forwarded to the Candlewood Lake Authority.
- Q12. As stated in the August 26, 2008 report from the Department of Planning and Zoning the tower will be located within the viewshed of six historic properties that would qualify for the National Register of Historic Places. Pursuant to C.G.S. Section 16-50p (a)(3)(B), please address the potential impact of the facility on these properties.
- Q13. Please address why your current application does not contain a proposal to provide service within a complete stealth pole rather than a monopole. If the owner of the property has objected please provide all documentation supporting such objection including correspondence to and from the owner.

- Q14. Please address why the applicant did not consider additional and taller plantings around the facility to buffer it from adjacent properties.
- Q15. Please address why the applicant failed to provide a noise and vibration analysis. Please address why the applicant has failed to evaluate potential noise and vibration impacts from the facility considering the proximity of adjacent single family dwellings, and considering that the application indicates the facility will have heating, air conditioning and ventilation equipment.
- Q16. Please indicate why the applicants have not more fully described or evaluated the surrounding land uses and commented on the compatibility of a 140 foot high tower in a predominantly single family residential neighborhood.
- Q17. Please explain the basis for your position that the facility is not inconsistent with the policies of the City of Danbury Plan of Conservation and Development related to the protection of single family neighborhoods from intrusions of incompatible uses.
- Q18. Pursuant to C.G. S. Section 16-50p (b)(1)(A) please provide all documents and other support for your position that sharing an existing facility is not feasible.
- Q19. Please provide all documentation and other proof supporting your position that the facility will not involve a "regulated activity" within the meaning of the Inland Wetlands and Watercourses Regulations of the City of Danbury. Please also provide documentation to support your position, if any, that wetlands mitigation is not necessary.

- Q20. Please address all factors required for consideration of regulated wetlands activities pursuant to Section 9 of the Inland Wetlands and Watercourses Regulations of the City of Danbury, including but not limited to the existence of feasible and prudent alternatives within the meaning of said regulations.
- Q21. Please indicate whether a soil scientist has delineated the wetland boundaries using field on-site soil identification methods. Please provide all soil scientist reports and/or other soil scientist testimony in your custody.
- Q22. Please indicate whether the wetland boundaries have been mapped by a licensed land surveyor according to A2 survey standards. Please provide all maps and/or other surveyor testimony in your custody.
- Q23. Please indicate whether the applicant has submitted topography mapping based on an actual field survey. Please provide all maps and/or other related testimony in your custody.
- Q24. Please indicate whether the applicant has conducted soil testing and percolation tests and analyzed the church site to determine the placement and location of the reserve septic area as required by the State of Connecticut Public Health Code. Please provide copies of all reports and tests.
- Q25. Please describe the affect that the proposed facility will have on the existing septic system and water supply system on the property and on the adjacent properties.

- Q26. Please provide an existing conditions map prepared by a licensed land surveyor depicting the location of the existing septic system, reserve area and the well, with notations on the separation distance on the subject site.
- Q27. Please explain whether the construction methods to be utilized impact the proper operation and maintenance of the septic system of the adjacent neighbor's property, which neighbor has granted a drainage easement by the church. Said drainage easement is depicted in the application.
- Q28. Please indicate whether the neighbor's drainage easement has been identified in the field with marking/flags.
- Q29. Please indicate what methods will be taken to protect the church's septic system from potential impacts due to the proposed site construction activity.
- Q30. Please indicate how the proposed grading will impact the down stream properties. Will you be able to secure an easement, if needed, for such additional runoff.
- Q31. Please indicate whether there are any oil tanks, chemical storage areas, dumpsters, etc. located on the church property inside or out.

- Q32. Indicate whether the applicant would agree to avail itself of the water tank either by negotiation with the City of Danbury or others, at the location off Nabby Road for coverage over the same area, were rights of access and use granted, and what direct efforts have been made by the applicant to gain such access. Please provide copies of all correspondence regarding this matter.
- Q33. Indicate the impact on the relationship between Optasite and Omnipoint/T-Mobile in the event the applicant were to obtain use of said Nabby Road facility as indicated in number 31 above.
- Q34. Provide the same answers for the site at the Federal Correctional Institution at Bear Mountain and the adjacent site owned by Johnson, as requested in numbers 31 and 32.
- Q35. Provide the details of all financial arrangements made by the applicant with prior and present land owners of 52 Stadley Rough Road with respect to options, leases and any and all other documented or undocumented uses intended by Optasite and by Omnipoint/T-Mobile. Please provide copies of all correspondence and documentation regarding this matter.
- Q36. Please indicate and provide any appraisals or other evaluations of property at 52 Stadley Rough Road that assisted or formed the basis of any leases or related agreements between applicant and any prior or present owner of subject property.
- Q37. Please specify why Optasite is a party and applicant in this process, given that Omnipoint/T-Mobile is the intended cell service provider and antenna site occupant. What is their (Optasite's) legal or statutory standing in the petition?

Q38. Have you ever prepared an appraisal(s), either individually or collectively by area(s) on adjacent or surrounding properties to determine the value impact of a large cell tower in close proximity? If so, please provide copies of all such appraisals.

Q39. Please provide support for your position if any, that the location of the facility will not depreciate values of property in the vicinity. Please provide all appraisal reports and/or other appraisal testimony in your custody.

Q40. Have you ever prepared or received an appraisal or value analysis of the subject site to determine and explain the wide variation between the City Assessor's valuation (\$2.1M) as opposed to the sales price in 2007 of \$450K?

Q41. Please explain in detail the wide price disparity indicated in Q40 above?

Q42. Please provide supporting and comparative documentation or analysis regarding the generic effect of installation of such sized cell towers on adjacent or surrounding residential properties from the Danbury area of other jurisdictions?

Q43. Please explain in detail, and in financial terms, the relationship between the lease agreements and other related arrangements between the subject property owners and Optasite/T-Mobile and the price disparity that appears to exist, as identified in Q40 and Q41, specifically as to whether the low purchase price is reflected in said financial arrangements?

- Q44. Please provide all financial information, including but not limited to lease value, rent paid or anticipated from Applicant to Church, good faith funds placed prior to or at closing, insurance provisions and amounts and any and all other financial remuneration, including mortgages paid or obtained, involved in the lease and sale of the subject from 2005 forward.

Questions for T-Mobile:

In your most recent submission to the Connecticut Siting Council ("CSC") on August 25, you attach a search ring for a possible site that was created in October of 2000. (a copy of the search ring map included in that submission is attached to this document) The following seven (7) questions relate to that submission.

- Q1. The document appears to have been created on 10/18/2000 and was later modified on 8/15/2007. Can you describe the modification made to the document and supply the document as it existed previously?
- Q2. It is indicated on the submission that a potential candidate is a water tank. Is that the water tank owned by the City of Danbury on Beaver Brook Mountain?
- Q3. Is the City of Danbury water tank in the search ring?
- Q4. Is the previously identified site #12 in the original application (the DOT garage on Rockwell Avenue) in the search ring?
- Q5. Is the existing tower at the Federal Correction Institution in the search ring?

- Q6. Have you done any propagation analysis of these sites, either by computer model or drive test? If so, could you supply those model or test results?
- Q7. You justify the search ring by noting that the current (2000) signal strength is -110 dBm. Was that level determined by calculation model or measurement? Can you supply the documents, whether computer model or drive test, that demonstrated that signal strength?
- Q8. The claimed signal strength in the document is -110 dBm, but that appears to be in the year 2000 when the search ring analysis was prepared. Can you provide information, whether by computer model or drive test that demonstrates the signal level today? Do you know what the signal level is today?
- Q9. The application contains coverage maps that demonstrate existing and proposed coverage maps. Where these maps prepared by a computer model? What model was utilized? Specifically with the model, if used, what were the variable values of: slope; leaf attenuation; clutter; path loss per mile? What was the accuracy of the underlying terrain data used by the model?
- Q10. Was or has the model been verified in this area by drive testing? If so could you supply the drive test results used to verify the model?
- Q11. Have you performed any Continuous Wave (CW) drive tests of the proposed location to verify calculated expected coverage? Is so could you supply the drive test results to verify the model?

Q12. You state in the application that a water tank approximately 0.7 miles to the east of the proposed site “was analyzed and ultimately rejected by T-Mobile Radio Frequency engineers...” Did you perform computer propagation models for this site? If so could you supply the propagation plots?

Q13. You state in the application that the Department of Public works garage (in fact the State DOT garage) identified as site #12 is “too far south to provide coverage to the target area.” Did you perform computer propagation models for this site? If so could you supply the propagation plots?

Q14. You state in the application or responses to interrogatories that the minimum height required at the proposed site for your operation is 127 feet above ground. Have you done any computer propagation models or drive tests at any height less than 127 feet above ground to demonstrate that claim? If so could you supply the propagation plots or drive test results?


Q15. You claim in the application or responses to interrogatories that your antenna array and that of a co-locator must be separated by 10 feet. Do you have any technical information or actual results from system operation that demonstrate such spacing is the minimum required? Are you aware of any installation where the spacing between antenna centers of radiation is less than 10 feet?

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty (20) copies of the City of Danbury's pre-hearing interrogatories were served on the Connecticut Siting Council by Federal Express mail with an electronic copy sent via email, and one (1) original copy was served on the Applicant's legal counsel by Federal Express with an electronic copy sent via email, as follows:

Christopher Fisher, Esq.
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Dated: August 29, 2008


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