

**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

September 5, 2008

RESPONSES TO CITY OF DANBURY
PRE-HEARING INTERROGATORIES
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.

Copies of the lease and some correspondence with the property owner's representatives regarding the site location are included in Section 5 of the Bulk Filed Exhibits. Please note that the City and other parties have no standing to challenge the terms or provisions of this private contractual agreement and the Siting Council has no jurisdiction to adjudicate the terms or conditions of Optasite's lease.

- 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.

To the extent deemed relevant to this proceeding by the Siting Council, we note that Section 3.E.6.c of the City of Danbury Zoning Regulations states general siting preferences and provides a hierarchy for siting as expressed by the City's Planning & Zoning Commission. This Section of the City's Zoning Regulations, a copy of which is attached as Exhibit A, does not, however, identify specific locations for investigation as suggested by the City's question. Indeed, we note that these types of preferences (i.e. shared use of towers and existing structures first prior to tower construction) are expressed in most local zoning regulations.

As it relates to Section 3.E.6.c of the City's Zoning Regulations in this particular case, the Application as whole along with numerous responses to interrogatories generally address the City's zoning preferences. See Attachments 1 and 3 and Section IV of the Certificate Application and Responses 3, 4 and 5 to Siting Council Interrogatories. As detailed therein, the search for a site begins with the search for use of existing structures and towers prior to construction of new towers. There are no existing towers in this area of the City. See Attachment 3 of the Certificate Application. Moreover, and as the City knows, the property owned by the United States which is also known as the Danbury Federal Correctional Facility is not available for use. The Federal Correctional Facility has rejected and/or not responded to requests to lease space on its property for wireless facilities dating back to 2000. Indeed, the City, with the help of Congressman Maloney at the time, tried to obtain such rights for Sprint and other carriers, which were rejected by the Federal Government.¹ The Applicants do not have correspondence regarding this information, but it is generally known in the industry and within the City and has been the subject of several news articles dating from 2000 to 2005.

With respect to the City owned water tank at the Sterling Woods Condominium complex, the City only owns the water tank structure as personal property. The underlying real property is owned by the condominium association and the City has a limited easement which specifically reserves to the condominium association any ground space rights. See Exhibit B for a copy of deed, access easement map and additional property information obtained through the City's website. Upon information and belief, in 2002 and 2003, AT&T investigated the use of the water tank for the installation of a wireless facility.² Given that the City does not own the underlying property, a lease from the condominium association for space at grade to install electronic equipment cabinets and/or shelters would be required. Access to the water tank site from the property would also be required. It is our understanding that the condominium association was not willing to lease space to AT&T for its equipment in order for it to also enter into an agreement with the City for space on the water tank for antennas. The Applicants do not have documentation from the condominium association in this regard, but it is believed that the Sterling Woods Condominium Board conducted meetings to consider the proposal in December of 2002 and possibly into the early months of 2003. In 2006, Optasite approached the condominium association and City about the potential for carriers leasing space on the property and the City owned water tank for the installation of wireless facility sites. Optasite did not receive any response from the condominium association which it believes to be a result of the association's prior rejection of AT&T for this same purpose. Given all of the above, the Applicants believe that the water tank site at the Sterling Woods Condominium Association, while an existing structure, is not available for use because the owner of the real property will not allow such uses of the premises. If the City of Danbury has a different understanding, it should be disclosed to the Applicants.

¹ There are no specific CSC records regarding the federal tower at Danbury FCI and to the extent a correction is required to the existing tower listing and map in attachment 3 to the Application, we note the City's understanding that such a tower exists in that location which is known to be unavailable for tower sharing.

² Item 11 of the Site Search Summary in Attachment 3 of the Application is corrected from 80' to 90'.

With respect to any other potential tower sites in this area of the City, we note that the City's Zoning Map, a copy of which is included in Section 2 of the Bulk Filed Exhibits, the relevant portion of which is also included in Exhibit A, indicates that all but one of the properties in the area where T-Mobile requires a wireless facility are residentially zoned by the City. This parcel is a small single parcel of land at 184 Great Plan Road that is classified in the CN-20 district and believed to be operated as a pizza parlor and deli. A copy of the property information available online through the City's website is attached in Exhibit A and shows that this is a .64 acre parcel of land. T-Mobile approached this property owner, but ultimately concluded a tower site in this specific location would be more obtrusive to the community than the one proposed in this Docket and abandoned any efforts to lease the property for purposes of constructing a tower. T-Mobile is searching for any files it has in this regard.

Any other properties in the area are residentially zoned by the City and carry no greater preference for purposes of Section 3.E.6.c of the City's Zoning Regulations as compared with the tower proposed in this Docket.

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

An A-2 field survey is not required for submission of a Certificate Application to the Connecticut Siting Council. The A-2 survey which was prepared for the project is, however, attached in Exhibit C.

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

Drawings specifically signed and stamped by a Connecticut licensed engineer are not required for submission of a Certificate Application to the Connecticut Siting Council because the drawings are subject to verification and testimony of a licensed engineer at the public hearing. We have nevertheless had the site plan drawings stamped by a Connecticut licensed professional engineer and they are enclosed in Exhibit C.

- 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 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.

The location of the proposed tower in the southwest corner of the property is largely the result of existing onsite development and the existing and established usage of the parcel by the Church. The location of the tower site is also intended to balance many factors under the exclusive jurisdiction of the Siting Council some of which include overall visibility in the area of the project.

To our knowledge, there are no reports which would support the City's 165' setback requirement for tower collapse purposes. Rather the State Building Code governs and no such requirement exists within the State's Building Code. Clough Harbour & Associates will be available for cross-examination related to the safety of the tower. Additionally, Optasite would be willing to have the tower designed with a yielding point that would reduce the radius of the "fall zone" in the highly unlikely event of a failure.

The adjacent parcels in this area of the host property are used as a residence and another church. There are wooded buffers and wetlands that exist on the property and adjacent parcels which address the remainder of the City's comments above.

- 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.

Attachment 5 of the Certificate Application includes a comprehensive, detailed visual evaluation of the proposed Facility, including a Viewshed Map. The Viewshed Map provides detailed information regarding the potential seasonal visibility of the proposed Facility within an 8,042 acre study area, which include portions of Candlewood Lake. The Viewshed Map provides relevant and appropriate visual analyses including data regarding what "leaf off" conditions can be expected including the lack of visibility from 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.

As noted above in Response Number 6, the Viewshed Map included in Attachment 5 of the Certificate Application includes a visibility analysis that encompasses an area within a two mile radius of the proposed Facility - the Study Area. As shown in the Viewshed Map, the study area includes portions of Candlewood Lake. The Viewshed Map also clearly demonstrates that the proposed Facility will not be visible from Candlewood Lake, even in "leaf off" conditions.

- Q8. Please provide all technical documentation showing that all applicable State Building Code requirements for the foundation and structures have been met.

The foundation and tower structure will be fully engineered and designed post issuance of any Certificate and prior to submission of a Development and Management Plan. The final design will be completed in accordance with all applicable State and international building codes as indicated in Attachment 4 of the Certificate Application.

- 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.

A geotechnical investigation will be completed as part of the final design to be included in a Development and Management Plan.

- Q10. Please state whether blasting will be required and what impact it will have on all adjacent wells and other areas.

Please see Response Number 12 to the Siting Council's Interrogatories.

- Q11. Please explain why the application has not been forwarded to the Candlewood Lake Authority.

Copies of the Certificate Application were served on all Federal, State, Regional and Local agencies or departments in compliance with C.G.S. Section 16-50l(b). Of note, the City requested and received comments from the Candlewood Lake Authority in 2006, a copy of which the City has provided as an Exhibit in this Docket.

- 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.

As detailed in Section VIII of the Certificate Application and demonstrated in the NEPA Report included in Exhibit A of the Applicant's September 2, 2008 Supplemental

Submission, Optasite conducted a NEPA review for the Site and determined that the site meets all of the criteria for the FCC's regulatory exemption under NEPA. Part of that review included an analysis of any National Register sites or districts and consultation with the State of Connecticut Historic Preservation Officer ("SHPO"). Upon its review of the proposed Facility, SHPO did not identify any areas of concern regarding historic properties. Copies of SHPO's correspondence are included in Attachment 7 of the Certificate Application and Exhibit A of the September 2, 2008 Supplemental Submission. (Please note that VHB will adopt as its own those relevant portions of EBI's report and will be available for cross-examination).

- 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.

As discussed in Attachment 1 of the Certificate Application and Exhibit C of the September 2, 2008 Supplemental Submission, photosimulations of a stealth design with a religious theme were developed and presented to the property owner, Christ the Shepherd Church. The property owner rejected the stealth design as too obtrusive.

Also, as evidenced by the City's comments included in Attachment 8 of the Certificate Application, the stealth designs that included a flagpole facility were rejected by the residents and Planning Commission as too visible and obtrusive. Accordingly, Optasite did not pursue a tower design that was not acceptable to the City.

Optasite did redesign the proposed tower to include flush mounted antennas and a brown monopole to reduce visual impacts to the greatest extent practicable, while respecting the property owner's and City's preferences.

- Q14. Please address why the application did not consider additional and taller plantings around the facility to buffer it from adjacent properties.

Optasite is willing to comply with a condition of Siting Council approval to provide additional landscaping to the extent deemed reasonably necessary to screen the compound from off-site views.

- 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.

The proposed Facility is not expected to have any noise impact to surrounding properties. The Applicants do not believe an acoustical study is warranted given the limited sound produced by T-Mobile's equipment. Optasite is willing to comply with a

condition of Siting Council approval to enclose the equipment area with noise dampening materials if deemed necessary.

- 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.

See Response Number 2 above and the information contained in Attachments 1 and 3 and Sections IV and VI of the Certificate Application for information regarding site selection and investigation and environmental compatibility. See also the visual report prepared by VHB, Inc. in Attachment 5 of the Certificate Application which describes surrounding land uses and provides photo documentary evidence.

- 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.

See Response Number 2 above and the information contained in Attachments 1 and 3 and Sections IV and VI of the Certificate Application for information regarding site selection and investigation and environmental compatibility. See also the visual report prepared by VHB, Inc. in Attachment 5 of the Certificate Application which describes surrounding land uses and provides photo documentary evidence.

- 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.

See Response Number 2 above and the detailed information and reports provided in Section IV, Attachments 1, 2 and 3 of the Certificate Application and Siting Council Interrogatory Response Numbers 8, 9 and 19 that provide substantial evidence, including technical support, that tower sharing on any existing towers is not feasible for providing service to this area of Danbury. As noted in Response Number 2 above, there are no existing tower structures within this specific area of the City.

- 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.

Exhibit B of the September 2, 2008 Supplemental Submission includes a Wetland and Watercourse Delineation Report in support of the position that the proposed Facility is not a "regulated activity" within the definition of the City's Inland Wetlands and Watercourses Regulations.

- 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.

As noted in Response Number 19 above, Exhibit B of the September 2, 2008 Supplemental Submission provides evidence that the proposed Facility is not a regulated activity and that there will be no adverse impacts on wetlands in the area such that there is no need to study alternatives. Additionally, the State of Connecticut Siting Council's jurisdiction as set forth in the Public Utility Environmental Standards Act ("PUESA"), Connecticut General Statutes ("C.G.S.") §§ 16-50g - 16-50aa, provides for its exclusive jurisdiction over "facilities" as defined in Section 16-50i(a) of PUESA, which includes wireless telecommunication towers and associated improvements, such as the Facility proposed in this Docket. Based on judicial decisions of the United States Second Circuit Court of Appeals and the Courts of the State of Connecticut, no local zoning, wetlands or other land use permits are required for such telecommunication tower facilities. See C.G.S. § 16-50x.

- 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.

See Exhibit B of the September 2, 2008 Supplemental Submission for the Wetland and Watercourse Delineation Report and the wetland flag survey included in Exhibit C.

- 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.

Attached hereto in Exhibit C is a signed wetland flag survey which as indicated therein conforms to Class A-2 accuracy.

- Q23. Please indicate whether the application has submitted topography mapping based on an actual field survey. Please provide all maps and/or other related testimony in your custody.

Topographic information shown on the Site Access Map included in Attachment 4 of the Certificate Application and in Exhibit C attached hereto are based on the survey also provided in Exhibit C.

- 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.

Soil testing and percolation tests were not conducted as the proposed Facility does not require water or septic facilities.

- 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.

The City was contacted for its records regarding the existing septic system. The City has no record or map of the existing septic system. The proposed Facility will be located in the southwest corner of the site and based on discussions with the former owner, the Applicants' understand the septic system is not located in this area of the site and no impacts are anticipated. The well is shown on drawing A02 behind Tab 4 of the Application adjacent to the existing building. As such, no impact on the on-site water supply system is anticipated as a result of the project.

- 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.

See survey included in Exhibit C and Response Number 25 above and information provided in Response to Question 25 above. The Applicants will endeavor to obtain additional information on the exact location of the septic system which is known to be elsewhere on the site and have that available for the public hearing. At this time, the Applicants do not believe additional surveying or mapping is required in order to evaluate the project as proposed in this Docket.

- 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.

The neighbor's septic system is obviously not in the location of the proposed tower site and construction activities would not impact same. Additionally, a review of aerial photographs suggest that the abutting residence to the west has its septic system located in the front yard well removed from the proposed tower Facility site.

- Q28. Please indicate whether the neighbor's drainage easement has been identified in the field with marking/flags.

The drainage easement is not marked with flags in the field, but is shown on the drawings in the Application.

- 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.

As noted above in Response Number 25 and based on information provided by the Church in the field, we understand its septic system is not located in an area of the site where tower construction activities are proposed.

- 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?

The existing drainage pattern to the southwest of the site will be maintained. There will be no significant increase in runoff as the proposed gravel access drive and equipment compound surface will promote water filtration. If necessary, water diversion, storage or infiltration methods can be implemented around the south and west areas of the proposed Facility and on-site in order to prevent any increase in off-site stormwater runoff.

- Q31. Please indicate whether there are any oil tanks, chemical storage areas, dumpsters, etc. located on the church property inside or out.

The proposed Facility lease area does not contain any oil tanks, chemical storage areas or dumpsters and to the extent the Church maintains such items within its building or on-site, they will not be impacted by the Facility.

- 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.

See Response Number 2 above regarding the attempts by Optasite and by AT&T in 2002 and 2006 to negotiate and obtain leases and/or agreements with the City and the Sterling Woods Condominium association. As noted above, the condominium association owns the property on which the City owned water tank is located. The condominium association, not the City, must grant lease space for equipment or equipment shelters and access to the water tank area. It is understood at this time that the association is unwilling to provide such legal rights to wireless carriers.

- 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.

This information is not relevant to the evaluation of the Facility proposed in this Docket.

- 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.

We assume this question relates to questions 32 and 33 above. Please see Response Numbers 2, 33, 42 and 6 to T-Mobile as to why the Applicants' believe towers at these sites are not viable alternatives to providing coverage in the area of the City to be served by the tower in this Docket

- 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.

The information requested is not relevant to the Siting Council's evaluation of the public need and environmental compatibility of the proposed Facility. Agreements to the extent required by statute are already on file with the Siting Council in Bulk Filed Exhibit 5, a copy of which was provided to the City.

- 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.

The information requested is not relevant to the Siting Council's evaluation of the public need and environmental compatibility of the proposed Facility.

- 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 the (Optasite's) legal or statutory standing in the petition?

As described in Section I of the Certificate Application, Optasite, as owner of the tower facility will construct and maintain the facility. T-Mobile is committed to use the proposed Facility as the anchor tenant. The Certificate will be issued to Optasite as owner of the Facility.

- 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.

Property values are not among the factors that the Siting Council considers when reviewing a Certificate Application. Indeed, there is no statutory requirement or regulation requiring submission of such information for a Certificate proceeding. Further, none of the criteria for review and consideration by the Siting Council as set forth in State statutes address property values. Nevertheless, attached hereto in Exhibit D is a report with supporting documentation prepared by Edward Ferrarone, MAI, President of Lane Appraisals, Inc. the Applicants have had prepared and which concludes that residential property values are not negatively impacted by the siting of wireless telecommunication facilities. As detailed therein, the data compiled included residential neighborhoods comparable to the area surrounding the proposed Facility.

- 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.

As noted in Response Number 38 above, property values are not among the considerations of a Certificate proceeding for a wireless telecommunications facility. Nevertheless, the report and supporting analyses prepared by Edward Ferrarone, MAI, President of Land Appraisals, Inc. included in Exhibit D, indicates that tower facilities do not negatively impact residential property values.

- 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 (\$2.1 M) as opposed to the sales price in 2007 of \$450K?

The sales price of the property from one church to another is simply not relevant to the Siting Council's evaluation of the public need and environmental compatibility of the proposed Facility.

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

See Response Number 40.

- 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.

This question is vague and requires further explanation in order for the Applicants to respond to the extent relevant in this Docket. If the question relates to other residentially zoned properties in this area of Danbury, we note that VHB, Inc. has prepared numerous studies and/or evaluated properties proposed for tower siting over the course of the past 8 years. These include studies of the following residentially zoned properties:

- The proposed Sprint site at 193-207 Great Plain Road which was denied by the City's Planning & Zoning Commission (property card attached in Exhibit E);
- A site on the "Johnson" property next to Danbury FCI ;
- The proposed Wireless Edge site at the City's Water Filtration Plant on Peck Road which was the subject Siting Council Docket 357 (administrative notice of entire Docket materials).

VHB, Inc. representatives will be at the public hearing and are prepared to testify that the tower site proposed in this Docket has significantly less overall visibility and impact than towers that have been discussed or proposed in these other residentially zoned locations.

- 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.

See Response Number 40.

- 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 land 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.

Copies of the lease and some of the subsequent correspondence with the property owner's representatives regarding the site location are included in Section 5 of the Bulk Filed Exhibits. As noted above, the City and other parties have no standing to challenge the terms or provisions of this private contractual agreement and the information sought is not relevant to this Docket and the Siting Council's jurisdiction.

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?

No modifications to the search ring map were made other than the revision to the date. The revised date represents the date that the search ring was assigned to a site development vendor.

- 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?

Yes.

- Q3. Is the City of Danbury water tank in the search ring?

Yes. However, the search ring encompasses a broad area and not all locations within the ring would provide adequate coverage.

- Q4. Is the previously identified site #12 in the original application (the DOT garage on Rockwell Avenue) in the search ring?

No.

- Q5. Is the existing tower at the Federal Correction Institution in the search ring?

Yes.

- 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?

Annexed hereto in Exhibit F are RF propagation plots for the water tank site, the tower that is the subject of Docket No. 357 which is on City owned property near Danbury FCI and the DOT garage on Rockwell Avenue.³ As discussed in Response Number 2 above, the Federal Correctional Institute property is known to be an unavailable site. Moreover, the location of the City site in Docket 357 is on the edge of T-Mobile's search ring and as such, a facility at this property would not provide coverage within this entire area of the City. Indeed, this property is more suited to provide service within the adjacent area on the eastern side of Candlewood Lake along State Route 37. Of note, we understand the time for a decision in Docket 357 has expired and the status of that Docket is unclear.

- 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?

Attached hereto as Exhibit G are the results of drive test data of the current network through August 2008. As clearly shown in the attached drive test data maps, the area targeted for service by the proposed Facility does not have adequate signal strength for providing service.

- Q8. The claimed signal strength in the document is -110dBm, 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?

See the maps included in Exhibit G and Response Number 7 above.

- Q9. The application contains coverage maps that demonstrate existing and proposed coverage maps. Were 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?

T-Mobile uses the software tool, "Asset v6.0" produced by Aircom International Inc.

Model characteristics below:

Terrain Database – 82ft accuracy

Clutter Database – 82ft accuracy

³ Please note that the plot labeled "Correctional Facility Site" is mislabeled. It is a plot of the proposed tower at Peck Road, the subject of Docket No. 357.

Leaf attenuation is not a defined variable in the model. Foliage losses are accounted for based on the clutter database.

Model Parameters: k1: 161.10, k2: 33.20, k3: -2.55, k4: 0, k5: -13.82, k6: -6.55, k7: 0.32
Path Loss (dB) = k1 + k2 log(d) + k3 Hms + k4 log (Hms) + k5 log(Heff) + k6 log(Heff) log(d) + k7 (Diffraction Loss) + Clutter Loss

- 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?

The model was designed and tested at sites with similar terrain and characteristics within Connecticut.

- Q11. Have you performed any Continuous Wave (CW) drive tests of the proposed location to verify calculated expected coverage? If so, could you supply the drive test results to verify the model?

Continuous Wave drive tests were performed at this site to fine-tune the modeling characteristics. The results and analyses are included in Exhibit I attached hereto.

- Q12. You state in the application that a water tank approximately 0.7 miles to the east of the proposed site “as 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?

Yes. The propagation plots provided in Response Number 6 includes the plot for the water tank. As noted in this propagation plot, the water tank site does not provide the same coverage as the proposed Facility.

- 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?

Yes. The propagation plots provided in Response Number 6 includes the plot for the DOT garage.

- 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?

Attached hereto in Exhibit H are drive test results and propagation plots for the proposed Facility at heights on 97', 107', 117', 127' and 147' AGL.

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?


T-Mobile's standard is to design and install antennas that are separated 10' vertically from center-line to center-line from other carriers. Ten-foot separations are also wireless industry standard for various reasons. It ensures ease of maintenance and operation for current and future installations, as well as reducing any potential interference and performance issues. T-Mobile would be willing to install antennas at 127'. There are occurrences of smaller separation distances, but is not typical and is not industry standard.

CERTIFICATE OF SERVICE

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

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Dated: September 5, 2008


Lucia Chiocchio

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