

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF NEW CINGULAR WIRELESS
PCS, LLC (AT&T) FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS TOWER FACILITY
AT ST. MATTHEW LUTHERAN CHURCH AT
224 LOVELY STREET IN THE TOWN OF AVON

DOCKET NO. 373

August 21, 2009

NEW CINGULAR WIRELESS PCS, LLC ("AT&T")
POST HEARING BRIEF

Respectfully Submitted,



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PRELIMINARY STATEMENT

New Cingular Wireless PCS, LLC (“AT&T”), by its attorneys, Cuddy & Feder, LLP, respectfully submits this post hearing brief in support of its application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) in Docket No. 373. AT&T’s Application addresses the public need for a new tower facility so that wireless carriers may provide their services to residents, travelers along State Route 177 (Lovely Street) and local roads, visitors to Town owned open spaces and the Roaring Brook Elementary School. Throughout the proceedings in this Docket, AT&T provided data, testimony and otherwise responded to matters raised by the Town and other parties to give the Council a full and complete picture of the public need for reliable service in this part of Avon, possible siting alternatives and the potential environmental effects associated with the proposed AT&T tower facility. The process has revealed that a proposed tower at St. Matthew Lutheran Church is the only known viable location to meet the public’s need for service in this area of Avon. Further, that while a few residents are understandably concerned about potential visibility of a new structure, the location, height and alternative designs as proposed by AT&T do not present significant aesthetic impacts to this part of Avon or such residents. As such, AT&T is requesting a Certificate for a new 100' tower facility to meet the public need for wireless services in this part of Avon.

STATEMENT OF FACTS

I. AT&T's Need & Comprehensive Site Search

AT&T's radiofrequency ("RF") engineers establish site search areas where new wireless facilities are needed to address the public's inability to access its wireless network. In this case, AT&T's gap in coverage in western Avon is within an area bounded by two significant ridgelines and along the valley through which State Route 177 traverses. Thus, a site search area (#2013) was established by AT&T's RF engineers based on this documented gap in coverage. AT&T Ex. 1, pg. 4-5, Tab 2 (See Town Tax Map - red dot is center of search area).

In 2007, AT&T began its initial search for sites. AT&T Ex. 1, P. 6. To aid in the site search, AT&T's real estate consultants noted all of the existing AT&T site locations in Avon and surrounding towns as shown on the existing coverage map and in the list of neighboring sites included in the Application. AT&T Ex. 1, Tab 1. Of note, AT&T maintains facilities on all known surrounding wireless sites in close proximity to this site search area in Avon. Id.

Within the site search area, no tall buildings or structures were identified by AT&T. AT&T Ex. 1, pp. 6-7. The area is predominately open space land and single family residential homes as shown on Town tax maps and the Town's existing land use plan, copies of which are included behind Tab 2 of the Application. Indeed, the modest steeple at St. Matthew Lutheran Church was the only structure identified by AT&T of more than average height in the area (i.e. above approximately 30' in height). Nevertheless, AT&T's further investigation of the steeple revealed that, at an overall height of 65', antennas could not be installed on or within a rebuilt steeple at St. Matthews Lutheran Church let alone provide reliable service to the area at that height. AT&T Ex. 1, Tab 2.

Once it was determined that a new tower facility was needed to provide coverage in this part of Avon, AT&T investigated numerous properties within the site search area. AT&T P. 7 Tab 2. As part of this investigation, AT&T's real estate consultants met informally with Town of Avon officials including the Town Director of Planning & Community Development, Mr. Steven Kushner. 3/31/09 Hr. Tr. (7:30pm), pg. 45. As set forth in the Application itself, AT&T initially investigated a total of eleven locations based on their large parcel sizes in relation to other parcels which were mostly single family residences as shown on the Town tax maps behind Tab 2 of the Application.

All but one of these locations were either rejected by AT&T or not made available by the property owner and included Town of Avon property at the Roaring Brook Elementary School. Id. Some of the reasons for rejection of sites by AT&T included the inability to provide adequate coverage from the property, on-site environmental conditions, or identification of the parcel as open space. Id. As a result of its site search process AT&T was able to reach an agreement with St. Matthew Lutheran Church which became the proposed site in this proceeding. AT&T Ex. 1, P. 7.

II. AT&T's Technical Consultation with the Town of Avon

In October of 2008, AT&T filed a technical report with the Town of Avon which included specifics about the proposed site, the public need for the facility, the site selection process and the environmental effects of the proposed facility including a visual report. AT&T Ex. 1, P. 7, See also, Technical Report bulk filed with Siting Council. Shortly after the technical report was filed, AT&T was asked to appear before the Town of Avon Planning and Zoning Commission at its November 18, 2008 meeting. 3/31/09 Hr. Tr. (7:30pm), pg. 46. AT&T representatives attended the meeting, discussed the proposed facility and requested comments on any possible

alternative sites or designs. Id. at 47; AT&T Ex. 1, P. 8, Tab 5 P&Z minutes and municipal correspondence. As part of this formal technical consultation pursuant to Section 16-501 of the General Statutes, the Planning and Zoning Commission provided no information on alternative locations or design preferences for the proposed Facility. Id. Of note, consultations with various other Town officials took place over an extended period of time including discussions with the Town Manager and Town Director of Planning well prior to filing a technical report pursuant to CGS Section 16-501. Indeed, AT&T received specific letters of support from the Town Manager and Superintendent of Schools both of which noted the need for improved wireless communications in this part of Avon. AT&T Ex. 1, Tab 5.

III. AT&T's Certificate Application, Parties & Intervenors & Pre-Hearing Filings

On January 9, 2009, AT&T submitted its application to the Siting Council for a Certificate to construct, maintain and operate a cellular telecommunications facility at St. Matthew Lutheran Church. As set forth in the Application, the proposed facility would consist of a 100 foot tall monopole, antennas and associated equipment behind a stockade fence on a leased parcel of the land located at 224 Lovely Street (Route 177) in Avon. AT&T Ex. 1, Tab 3. Thereafter, parties and intervenors admitted to the proceeding were Mr. Juan Fernandez, The Town of Avon represented by Andrew Lord, Esq. and Loni S. Gardner, Esq., Ms. Jane Garrett, Ms. Mary Ann Keenan, Mr. David Lampert, Youghioghny Communications-Northeast LLC (d/b/a/ Pocket Wireless) represented by Carrie L. Larson, Esq., Mr. Thomas and Mrs. Patricia McMahon, Mr. Stuart Noyes, Mr. Michael Pastore, Mr. Mark and Mrs. Sheridan Toomey and Hon. Peter Emmett Wiese. On February 27, 2009 and March 24, 2009, AT&T submitted responses to Siting Council pre-hearing interrogatories. On March 24, 2009 AT&T also submitted responses

to Town of Avon interrogatories and included pre-filed testimony from two of its witnesses. A public hearing was scheduled by the Council for March 31, 2009.

IV. Public Hearings and AT&T Supplemental Submissions

On March 31, 2009, AT&T raised balloons at the site and the Siting Council conducted an official site visit touring the proposed location of the tower, the steeple and interior of the Church, the overall property at 224 Lovely Street and viewing surrounding properties. At that day's public hearing, the Siting Council heard comprehensive testimony from AT&T's panel of witnesses on the need for the facility, lack of alternative sites and any environmental effects associated with construction of a tower at the site. Thereafter, the public hearing was adjourned to April 29, 2009. Tr. 3/31/09 (7:30 PM), p 91. AT&T subsequently responded to a third set of Council interrogatories on April 22, 2009 and at the April 29, 2009 continued public hearing, the Siting Council heard additional testimony from AT&T's panel of witnesses on the need for the facility, lack of alternatives and environmental effects of the proposed Site. The public hearing was once again continued to July 7, 2009. In the interim the Town of Avon and AT&T conducted further due diligence on a potential tower site on Town owned land known as the Huckleberry Hill Open Space which was subsequently rejected by the Town Council as a possible alternative site. The public hearing was closed on July 7, 2009 after all of the parties and intervenors were given a full and fair opportunity to present their direct cases and the Applicant rebutted same.

POINT I

A PUBLIC NEED CLEARLY EXISTS FOR A NEW TOWER FACILITY IN AVON IN THE VICINITY OF STATE ROUTE 177

Pursuant to Connecticut General Statutes (“CGS”) Section 16-50p, the Council is required to find and determine as part of any Certificate application, “a public need for the proposed facility and the basis for that need”. CGS § 16-50p(a)(1). In this Docket, FCC licensed carriers have provided coverage analyses and expert testimony that clearly demonstrates the need for a new tower facility to provide reliable wireless services to residents and the traveling public in the vicinity of State Route 177. Indeed, the application materials provided by AT&T fully demonstrate that a tower is needed in this area for antennas and equipment that is required to provide reliable wireless telecommunications service to the public. See Ex. 1., Tab 1 coverage plots; Blevins Pre-Filed Testimony. T-Mobile and Verizon and now Clearwire have also indicated to representatives of AT&T that they have a need for a facility in this area of Avon. Tr. 3/31/09 (3:00), p 40; 8/20/09 Letter attached. Moreover, Pocket Wireless has intervened in the Docket and testified regarding its need for a new tower facility in this area of Avon. Based on the AT&T evidence, State knowledge of the existing wireless network infrastructure in this part of the State for all the carriers, the support from other wireless carriers in this Docket such as Pocket Wireless and the statements from three other carrier representatives about prospective facilities, AT&T submits that the public need for a new tower facility in this area of Avon to provide coverage where adequate and reliable coverage does not exist today is simply not at issue in this Docket.

Importantly, it should be noted that no competent evidence or testimony was offered by other parties or intervenors to rebut AT&T’s testimony on the subject of a public need for a new tower in this part of Avon. A significant coverage gap (blue) exists in the AT&T network and radiates

out to include lack of reliable in-vehicle (yellow) and in-building (green) service in a wide area of Avon in and around State Route 177. AT&T Ex. 1, Tab 1. Indeed, lay testimony from residents using various wireless carriers' services as a reference point is consistent with the AT&T expert testimony and coverage plots which show that some outdoor levels of service exist in the area near St. Matthew Lutheran Church and their homes on Greenwood Drive (areas shown in red on AT&T plots) and that indoor coverage is otherwise unreliable. See 7/7/09 Hr. Tr, pgs. 111, 179, Wiese and Toomey testimony. Thus, lay testimony from a few members of the public in fact verifies the public need for a new facility to serve the public in Avon.

POINT II

THERE ARE NO EXISTING STRUCTURES OR OTHER MORE VIABLE ALTERNATIVE PROPERTIES FOR SITING THE PROPOSED WIRELESS FACILITY

AT&T submitted significant evidence that utilizing or replacing the existing church steeple was not viable due to structural considerations, AT&T height requirements and property owner restrictions. Tr. 7/7/09, P. 202; AT&T Ex. 4, A5; AT&T Ex. 4 A13. Indeed, despite Town and party protestations to the contrary, a site specific analysis of the steeple was in fact completed and overseen by a professional engineer. Ex. 4, Tab B. Moreover, site visits were conducted with Town representatives in attendance to confirm that use of or replacement of the existing steeple was simply not possible in this case as an alternative to a new free-standing structure. *Id.* As such, the record clearly reflects that the existing steeple is not a viable siting alternative.

With respect to potential alternative tower sites, AT&T identified and investigated eleven properties for the location of a tower facility prior to submission of its technical report and Application. AT&T Ex. 1, Tab 2. As detailed from the Town tax map itself, this search was comprehensive from the outset and geared towards larger parcels of land where a tower might be viable. Moreover, additional properties identified by neighbors and the Town post filing of the Application in Docket 373 were all reviewed by AT&T. Tr. 7/7/09 pp. 194.

Indeed, the Siting Council will recall that as part of a CGS Section 16-50gg submittal, the Town identified four potential alternative tower site locations for investigation by AT&T. Town Interrogatories to AT&T 8 and 9. Subsequently, the Town indicated that two properties they had initially identified as possible alternatives including the “Pond Ledge” area and the “Found Land” properties were deed restricted and could not be used for the siting of a tower facility. Town Response to Siting Council Interrogatories A3. AT&T rejected another location which was a single family residence with an existing sub-grade water tank owned by a local water

company and where even a 200' lighted tower could not provide reliable service to areas in need including the Roaring Brook Elementary School. The only other potential location identified by the Town as possibly viable for AT&T was the Huckleberry Hill Open Space (“HHOS”). Id.

As the Council will recall, rather than attempt to rush to a conclusion of the Docket citing the HHOS property as open space, AT&T agreed to an adjournment of the public hearing process to allow for further consideration of the HHOS site and despite it being rejected by Pocket Wireless' RF engineers as a possible location. Indeed, AT&T took the time, effort and expense to identify an area within the HHOS parcel which could be used to provide its service, developed preliminary plans, conducted a balloon float from the location on notice to the Town, invited the Town Planning Director and others to attend the site visit, and prepared additional information and visual reports for the Town Council to use in determining whether or not to lease a portion of the HHOS parcel to AT&T for a tower site. After further review and deliberations, the Town Council nevertheless determined that “the location of a telecommunications facility at the HHOS site is inappropriate” thus eliminating that location as a possible alternative site. See June 15, 2009 Letter to the Connecticut Siting Council from Attorney Loni S. Gardner, Esq., Counsel to the Town of Avon.

No other properties within the site search area have been identified by the Town or other parties and intervenors as possible alternative tower sites to be evaluated. Notwithstanding the lack of alternative properties, AT&T did identify two potential alternate tower site locations on the St. Matthew Lutheran Church property where a tower could be located. See AT&T Post Hearing Supplemental Submission of Requested Information, Tab 1. If the tower site was shifted 60 feet to the east-northeast, the proposed tower would be more centered on the host parcel, but closer to adjoining properties to the rear and north and involve additional tree

clearing. Id. A third option would be to place the tower at the extreme rear of the host parcel approximately 130' east (and slightly north) of the proposed location. Id. This location would place the facility within 90' of properties to the rear of the host parcel, immediately adjacent to the flood plain of Roaring Brook and in a wetland review area and potential nesting habitat for the box turtle (i.e. the sand pit). Additionally, the tower height would have to be adjusted upward to compensate for the approximately 10' lower ground elevation. Id. As such, in comparing potential environmental effects, AT&T submits that this third option should be rejected by the Council.

POINT III

AT&T'S PROPOSED TOWER FACILITY AT THE CHURCH PRESENTS NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS

Pursuant to CGS Section 16-50p, the Council is required to find and determine as part of a Certificate application any probable environmental impact of a facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. AT&T respectfully submits that the facility as proposed in this Docket will have no significant environmental effects on the resources listed in Section 16-50p of the General Statutes.

1. Potential Visual Effects

The record in this Docket demonstrates that the proposed tower facility at St. Matthews Lutheran Church will have no visual impact on any scenic, historic or recreational resources that are specifically listed or identified as of significant State, regional or local importance. The State Historic Preservation Officer (SHPO) determined that the proposed facility will not have any visual impact on historic resources. AT&T Ex. 1, Tab 7. In fact, visibility of the proposed tower is very limited to a few areas immediately surrounding the site with the predominance being views of the very top of the tower. Of the 2000 acres studied within a 1-mile radius of the tower, visibility will be limited to well under 100 acres (or less than 5%) of that area. Tr. 7/7/09 pp. 190-193. Indeed, in field verification of the extent of the proposed tower's visibility confirmed that only an area of approximately 30 acres surrounding the Site would have views of the top of the tower and that another 20 acre area near Bridgewater Drive would have views down towards the tower. Id. As the Council is aware from reference to other dockets, this represents a very low viewshed area for a tower site and supports that the project has a low visual impact.

With respect to residential visibility, a resource not specifically listed in CGS Section 16-50p, views are extremely limited. The uppermost portion of the tower will be partially visible from abutting properties on Greenwood Drive, properties immediately to the north of the Church and properties across Lovely Street at higher elevations. In all cases, tall white pine trees approximately 80' in height and the surrounding ridgelines at significantly higher elevation will help obscure and limit visibility of the tower. AT&T Ex. 1, Tab 4; Ex. 5, Tab E.

Notwithstanding the low overall visibility, AT&T is also willing to implement a number of design alternatives to the standard monopole including an evergreen tree ("monopine"), a brown or laminated pole with exterior flush mounted antennas ("brown stick"), a flagpole or a weathered steel monopole to the extent deemed warranted by the Council. Tr. 7/7/09, P. 216-217. Additionally, while the associated equipment is already proposed behind an 8' stockade fence, additional equipment designs such as an expandable sided and pitched roof equipment shelter can be incorporated into any approved plan if ordered by the Council. Tr. 7/7/09 pp. 210-211. All of these tower and compound designs could serve to blend the tower further into the existing landscape and minimize residential visibility which is already significantly limited by existing conditions in the area surrounding St. Matthews Lutheran Church.

Finally, the Town and a few neighbors have suggested a self-supporting new steeple as a possible alternative tower configuration in this case without really knowing what that would look like. AT&T internally evaluated such a design during the proceedings and concluded that it would not propose or construct such a facility given its size and associated costs. At the request of the Council, a drawing and photo simulations were submitted as part of AT&T's post hearing exhibits for visual comparison of a free standing steeple with a monopine structure.

As noted from the post hearing filing, a new steeple would require an approximately 120' structure with a 25' x 25' base and be approximately 20' taller than the proposed tower. The mass and height of such a design would have greater residential visibility than any of the proposed tower designs and be out of scale with the existing one story church. AT&T Post-Hearing Supplemental Submission Tabs 3 and 4. Additionally, the Council heard testimony from Mr. Richard Hines of St. Matthew Lutheran Church indicating that such a design would be worse than one of the alternative tower designs and that it was his opinion the Church would not approve of such a structure. Tr. 7/7/09, P. 223

Perhaps more importantly, a steeple would be of extremely limited utility to all but possibly the two carriers currently involved in this Docket. Co-location opportunities would be highly limited given the unique antenna requirements such a structure would compel. Further, a free standing steeple would practically preclude emergency communications use as previously requested by the Town of Avon. This as compared with the flexibility available to wireless carriers with a monopine or brown stick where the Council could order that an expandable tower be built by AT&T or it could even require a second such tower on the parcel in the future if the additional height of one tower is of concern to the Council. See e.g. Docket 309 in Greenwich approving 2 flagpole designs. However, none of these co-location opportunities reasonably exist with steeple designs that were blindly suggested by the Town and neighbors. Indeed, AT&T respectfully submits that a steeple design would fail to meet State policies and the approval criteria for any new tower as set forth in CGS Sections 16-50p(b)(1)(B) and 16-50p(b)(2) which specifically mandate the Council to evaluate and consider whether future tower sharing of any new tower structure approved by the Council would be "technically, legally, environmentally and economically feasible."

2. Potential Impacts to the Natural Environment

As clearly demonstrated in this Docket, impacts to the natural environment from AT&T's proposed facility are minimal.

a. Wetlands, Watercourses, and Floodplains

The proposed facility site is not located in a wetland and is well removed from Roaring Brook and the associated floodplain which forms the eastern boundary of the St. Matthew Lutheran Church property. AT&T Ex 1., Tab 3.

b. Wildlife

By correspondence dated September 16, 2008 and September 19, 2008, the State Department of Environmental Protection ("DEP") indicated that there are records of the eastern box turtle, a state species of special concern, in the general vicinity of the property. AT&T Ex. 1, Tab 7. A professional herpetologist, Charles H. Annicelli III with the firm of Herpetological Surveys, LLC conducted an on-site assessment of the tower site location and determined that the proposed tower site would not impact the habitat of the eastern box turtle. AT&T Ex. 4, Tab D; Hr. Tr. 7/7/09, pp 188-189; 193. No other wildlife issues have been identified in the course of AT&T investigations and as such, AT&T respectfully submits that the proposed facility will not significantly impact wildlife or any ecological balance in this area of Avon.

c. Clearing, Grading and Root System of Existing White Pines to Remain

The proposed tower site is currently a lawn area behind St. Matthew Lutheran Church. AT&T Ex. 1, Tab 3. Moreover, unlike most tower sites, no new vehicle access to the facility is proposed given the existing access and parking areas on-site which adequately serve that purpose. Tree removal associated with the facility is limited to a few smaller trees that had been

planted on-site and relocation of a shed. AT&T Ex. 1, Tab 3. As such there are relatively no clearing and grading impacts associated with the tower.

At the Council's request, consultants for AT&T reviewed the proposed location of the tower facility in relation to the on-site 80' white pines. It was determined that moving the tower 10' feet further northeast would eliminate any concerns over damage to the root system of the existing white pines. 7/7/09 Hr. Tr., pg. 215-16. These existing white pines in fact form a reliable method of screening the tower facility. Id.

3. Other Environmental Considerations

There are no other relevant or disputed environmental factors for consideration by the Council in this Docket. The tower facility will comply with all public health and safety requirements. Additionally, since the facility is unmanned with few vehicle trips and would utilize existing site access, there will be no impacts to traffic, air or water. As such, the Council should find and determine that the facility proposed by AT&T has few if any environmental effects.

POINT IV

THE COUNCIL SHOULD NOT RELY HEAVILY ON THE TOWN'S 16-50gg COMMENTS OR OTHER LOCAL REGULATIONS IN ITS DELIBERATIONS

CGS Section 16-50p establishes the legally applicable criteria for Siting Council deliberation in a certificate proceeding. Other considerations including local zoning regulations or municipal siting preferences are simply advisory as set forth in CGS Sections 16-50x and 16-50gg. Moreover, to be considered, any such regulations or preferences must first be deemed relevant by the Siting Council and even then could not be considered in a manner that would conflict with Section 16-50p. To hold otherwise would be in contravention of the legislative purpose behind the Public Utility Environmental Standards Act and the General Assembly's delegation of specific discretion to the Siting Council to issue certificates based on the public need and environmental criteria outlined in Section 16-50p.

In this particular case, the Town of Avon does not allow new towers in its community. Nevertheless, local zoning regulations for existing towers are being complied with to the extent practicable by AT&T as part of this project. AT&T Ex. 1, pgs. 13-15. Additionally, the Town's 16-50gg comments which were proffered in response to political pressure from a few of the parties and intervenors have all been addressed by the Applicant throughout the hearing process and through supplemental submissions. As such, other than referring to same as part of its deliberations, the Council should be guided by the evidence in this Docket, CGS Section 16-50p and its prior decisions in similar Dockets all of which point to the issuance of a Certificate for a 100' tower facility at St. Matthew Lutheran Church.

CONCLUSION

AT&T has demonstrated a public need for and lack of any significant adverse environmental effects associated with its proposed 100' tower facility at St. Matthew Lutheran Church. Opposition to the project is highly localized. The evidentiary record was largely presented by AT&T and no competent evidence challenging the public's need for the tower to provide reliable wireless services was presented by any party or intervenor. In a show of support for its residents, the Town did enter the proceedings as a party withdrew some prior support for this project, and identified some specific siting preferences most of which were not concluded not to be viable for one reason or another. Indeed, the Town Council rejected the opportunity to lease a portion of its own properties at HHOS or Roaring Brook Elementary School and no other recommended alternative sites have been identified. Additionally, while AT&T respectfully submits that the visual effects of the proposed facility at St. Matthew Lutheran Church are not significant, any visual mitigation for residential views could simply be incorporated into an evergreen "tree" if required by the Council. This would best balance carrier operational use (i.e. platforms) with visibility in this location and enhance the potential for tower sharing or allow for a second "tree" of similar height at one site location in this part of Avon. AT&T Ex. 5. As such, for the reasons set forth in this legal brief and as more fully evidenced by the record in this Docket, a Certificate should be issued for the proposed facility at St. Matthew Lutheran Church.



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August 20, 2009

To: Kevin Dey
SAI Communications

In Regards to: New Tower Application In Avon CT.

Dear Mr. Dey,

My Name is Steven Milana and I am currently working on the Clearwire Build in New Haven and Hartford County Connecticut. Clearwire offers state of the art WI-FI technology to residential homes and businesses. Clearwire is actively seeking a potential Co-Location in Avon. It is my understanding that you are in the process of applying to the Connecticut Siting Council for permission to build a site at St. Matthews Church. Clearwire has been looking at this location as well and would like to apply for a Co-Location spot on the proposed tower. Please forward me any information that we need in order to do so. As you know siting in the area is extremely limited and this proposed site would be a great benefit to Telecommunications as well as Clearwire's presence in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven T. Milana".

Steven T. Milana
Site Acquisition Leasing & Zoning Specialist
Maxton Technology for Clearwire

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing was served on the Connecticut Siting Council electronically and by first class mail and a copy of it was sent to all other parties and intervenors:

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Dated: August 21, 2009



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