

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

RE: APPLICATION OF SBA TOWERS II, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT ONE OF TWO ALTERNATE SITES AT
RABBIT HILL ROAD, WARREN, CONNECTICUT

DOCKET NO. 378

Date: May 14, 2009

APPLICANT'S RESPONSES
TO FIRST SET OF INTERROGATORIES FROM CROWW

Applicant SBA Towers II, LLC ("SBA") hereby submits the following responses to the Concerned Residents of Warren and Washington's ("CROWW") first set of pre-hearing interrogatories dated April 28, 2009.

Visual Impact [Application Exhibit L]

Q1. Please identify all photographs and provide any additional digital photos relevant to the following statement in the Consultant's Report (Exhibit L):

"Site A is visible from a small portion of the Macricostas Preserve and from 3 scenic roads. Site B is visible from 3 scenic roads."

A1. As shown in Exhibit L of the Application, photos 21 thru 26 represent views from the trails of the Macricostas Preserve. As can be seen, the proposed Facility at either site would not be visible from these trails. Also in Exhibit L, Photos 5, 6, 7, 8, 10, 11, 12, and 15 represent views from scenic roads for both sites A and B.

2. Please identify owner's names and addresses for all residences referred to in the following statement in the Consultant's Report (Exhibit L):

Most of the impact for both sites occurs within the surrounding residential

neighborhoods. For year round residential impact, Site A will impact one less home on Rabbit Hill Road. The same amount of residences will be impacted on Jack Corner Road. Site B will impact one less residence on Route 202. For seasonal visual impact, the same amount of residences will be impacted on Route 202, Rabbit Hill Road, Jack Corner Road and Wittlesley Road. The differences in residences impacted by either site are minimal and neither site is preferable to the other based on residential impact.

A2. The applicant does not have ownership information available on all parcels but all are indicated in the table below by street/house number.

Road	Site A Visible Year round	Site A Visible Seasonally (leaf off)	Site B Visible Year round	Site B Visible Seasonally (leaf off)
Jack Corner Road	67, 85	67, 85	67, 85	67, 85
Rabbit Hill Road	131	131, 83	131, 83	131, 83, 110
Whittlesey Road	None	30	None	30
Route 202	128, 158	128, 158, 91, 137, 141, 135, 147, 151, 171, 173 and 185	128	128, 91, 137, 141, 135, 147, 151, 171, 173 and 185

Q3. Please provide a full-size hard copy of the “2 Mile Viewshed Map, “including all descriptive legends.

A3. Full sized copies of both viewshed maps (Site A and Site B) were provided to all parties and intervenors in SBA’s responses to CSC interrogatories dated April 23, 2009 (Exhibit 1 to those interrogatories).

Q4. Please provide photographs showing the visual impact of the proposed utility and access easements for Site A and Site B.

A4. Photosimulations of the visual impact of the proposed access drives and utility easements are not available. At either site, SBA would install utilities underground and thus the utility installation would have no permanent visual impact, once installed. At Site B, SBA will be utilizing an existing access drive off of Rabbit Hill Road to the Site. The new portion of the

access drive to Site B will be installed behind the existing buildings on the Property and therefore will have no visual impact on the surrounding areas.

Arable Lands [Application Exhibit M]

Q5. What is the land capability class of the specific site location for Site A?

A5. As noted in the land capability class assessment included in the application at Exhibit M, the Site A location is classified as 6s, generally unsuitable for cultivation.

Q6. What is the land capability class of the specific site location for Site B?

A6. As noted in the application, Site B is located outside the area of the Property that is subject to the Conn. Gen. Stat. § 22-26cc and therefore irrelevant. However, SBA has determined that the mapped soil classification of Site B is 6s and is generally unsuitable for cultivation.

Q7. What is the land capability class of the proposed additional farmland to replace arable land lost to tower construction?

A7. The land capability class of the area proposed for additional farmland is currently mapped as 6s, generally unsuitable for cultivation.

Q8. What is the present farm usage of the areas of the property in Land Capability Class 7s and 6s?

A8. SBA has not undertaken a land capability assessment of the entire 106 acre Property. As noted in the application and the land capability assessment included therein, the location of Site A is wooded and not used for any farm purposes. As discussed in response to interrogatory #5, the land in the vicinity of Site A is classified as 6s, unsuitable for cultivation.

Q9. What percentage of the property is presently used for cow pasture?

A9. SBA does not have a percentage of the Property as a whole that is currently used for cow pasture. However, as demonstrated in the application, the construction of Site A would not result in a decrease to the amount of land used for cow pasture due to SBA's creation of additional pasture land.

Q10. Will the same percentage of the property continue to be used for cow pasture after the installation of the tower?

A10. See response to interrogatory #9. Given the size of the Property, the percentage will remain the same but will actually increase slightly due to the pasture land that will be created, if Site A is approved. If Site B is approved, the percentage will remain the same as Site B will have no impact on cow pasture areas.

Q11. What effect will the construction and operation of a proposed cell phone tower on either Site A or Site B have on the productivity of the Tanner Farm Property in comparison to the agricultural products produced on the farm during the last calendar year?

A11. The construction of the proposed Facility at either Site A or Site B will have no impact on the productivity of the Tanner Farm. Obviously, the number or volume of farm products produced in any given year depend on a whole host of factors, some of which are controlled by the owners or some of which are not. Due to the placement of the proposed Facility at either Site, neither Site will have an impact on farming operations in any way.

Q12. Please identify (and provide copies of) all scientific studies reviewed by you or your consultants in connection with your response to interrogatories numbers 10 and 11.

A12. Not applicable. SBA consulted with the owners of the Property, who have owned and farmed the Property.

Power Density [Application Exhibit Q]

Q13. Please provide cumulative worst-case power density calculations (assuming all channels working simultaneously at full power) and also projected average power density calculations for each frequency range for each provider at each of the following residences and any other residences located within 1500 feet of the proposed Site A and Site B.

Town of Washington, CT 06777

**Hart, John, 55 Rabbit Hill Road
Zimmerman, Federico & Amelia Sosa, 50 Rabbit Hill
Chapin, Jean, 42 Rabbit Hill, 42 Rabbit Hill Road
Sivick, Michael & Leah, 40 Rabbit Hill**

Collins, Ryan & Chadwick, Meredith, 141 Rabbit Hill Road
Tanner, Lewis and Truda,, 131 Rabbit Hill Road
Coleman, Bruce & Judith, 158 Rabbit Hill Road
Tanner, Jann & Cal, 85 Jack Corner Road
Lethbridge, Howard & Loreen, 67 Jack Corner Road
Niemann, George, 110 Rabbit Hill Road

A13. SBA objects to this interrogatory on the basis that the information sought is outside the jurisdiction of the Council. The Telecommunications Act of 1996, codified at 47 U.S.C. § 332 (c)(7)(B)(iv), the Council is preempted from regulating the placement, construction or modification of telecommunications facilities on the basis of concerns for the environmental effects of radio frequency emissions to the extent that such emissions comply with FCC guidelines for such emissions. Subject to this objection and without waiving the same, SBA responds as follows: See spreadsheet attached hereto as Exhibit 1, which includes worst-case power density calculations from both Site A and Site B to these properties, broken down by frequency utilized. Since the proposed Facility at either Site will be in compliance with FCC regulations utilizing the worst-case scenario calculations, average power density calculations are not included but are expected to be approximately 1/3 of the worst-case scenario calculations.

Q14. Please identify (and provide copies of) all scientific studies reviewed by you in connection with possible harmful environmental impacts from future tower operations at Sites A and B on:

- **wildlife**
- **domestic animals (including farm animals and pets)**
- **human beings**

A14. SBA objects to this interrogatory on the basis that the information sought is outside the jurisdiction of the Council. The Telecommunications Act of 1996, codified at 47 U.S.C. § 332 (c)(7)(B)(iv), the Council is preempted from regulating the placement, construction or modification of telecommunications facilities on the basis of concerns for the environmental effects of radio frequency emissions to the extent that such emissions comply with FCC guidelines for such emissions.

To the extent this interrogatory seeks information outside the effects of RF emissions, SBA submits that, once constructed, the proposed Facility at either Site will have virtually no environmental impact. SBA refers to the application and additional materials it has filed in this docket.

Q15. Please identify (and provide copies of) all scientific studies reviewed by your consultants in connection with possible harmful environmental impacts from future tower operations at Sites A and B on:

- **wildlife**
- **domestic animals (including farm animals and pets)**
- **human beings**

A15. SBA objects to this interrogatory on the basis that the information sought is outside the jurisdiction of the Council. The Telecommunications Act of 1996, codified at 47 U.S.C. § 332 (c)(7)(B)(iv), the Council is preempted from regulating the placement, construction or modification of telecommunications facilities on the basis of concerns for the environmental effects of radio frequency emissions to the extent that such emissions comply with FCC guidelines for such emissions.

To the extent this interrogatory seeks information outside the effects of RF emissions, SBA submits that, once constructed, the proposed Facility at either Site will have virtually no environmental impact. SBA refers to the application and additional materials it has filed in this docket.

Q16. Please describe services to be supplied by AT&T at AT&T GSM- 1900 Band; AT&T GSM- 880-894; AT&T UMTS- 880-894.

A16. SBA objects to this interrogatory. SBA does not represent AT&T. AT&T is an intervenor in this docket and, as such, all interrogatories concerning AT&T should be directed to AT&T through its legal representative in this docket.

Q17. Please describe all frequencies and services to be supplied by Verizon from the proposed SBA tower.

A17. SBA objects to this interrogatory. SBA does not represent Verizon. Verizon is an intervenor in this docket and, as such, all interrogatories concerning Verizon should be directed to Verizon through its legal representative in this docket.

Q18. Please describe all frequencies and services to be supplied by T-Mobile from the proposed SBA tower.

A18. SBA objects to this interrogatory. SBA does not represent T-Mobile or its interests in this docket and therefore cannot supply responses on T-Mobile's behalf.

Q19. Please identify and describe FCC safety standards for each of the foregoing frequencies referred to in interrogatories 16, 17, and 18.

A19. See objections to interrogatories #16, 17 and 18. Subject to these objections and without waiving the same, SBA responds as follows: The FCC standard for evaluating compliance with FCC guidelines for human exposure to radiofrequency electromagnetic fields is the Office of Engineering and Technology OET Bulletin 65, Edition 97-01, August 1997.


In 1985, the FCC established rules to regulate radio frequency (RF) exposure from FCC licensed antenna facilities. In 1996, the FCC updated these rules, which were further amended in August 1997 by OET Bulletin 65 Edition 97-01. These new rules include limits for Maximum Permissible Exposure (MPE) for transmitters operating between 300 kHz and 100 GHz. The FCC MPE limits are based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP), the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI).

Public Need

Q20. Please provide details of the present networks for AT&T, T-Mobile and Verizon describing and showing the exact areas where “gaps” presently exist to be filled by the proposed tower. Please also provide information as to all telecommunications providers who presently supply service in the “gap” areas.

A20. SBA objects to this interrogatory. SBA does not represent AT&T, Verizon or T-Mobile. Both AT&T and Verizon are intervenors in this docket and, as such, all interrogatories concerning AT&T and Verizon should be directed to them through their legal representatives in this docket.

Respectfully Submitted,

By: 
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Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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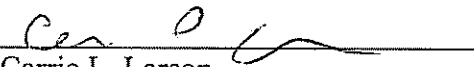
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Hartford/72517.5/CLARSON/369184v1

EXHIBIT 1

Site A

Summary by Cellular / PCS/ LTE	Frequency Group	% MPE by Frequency - Summed for all Operators
Site A at Ground Level	Cellular	17.24%
Site A at Ground Level	PCS	12.41%
Site A at Ground Level	LTE	3.03%
55 Rabbit Hill	Cellular	0.02%
55 Rabbit Hill	PCS	0.01%
55 Rabbit Hill	LTE	0.003%
50 Rabbit Hill	Cellular	0.02%
50 Rabbit Hill	PCS	0.01%
50 Rabbit Hill	LTE	0.00%
42 Rabbit Hill	Cellular	0.02%
42 Rabbit Hill	PCS	0.02%
42 Rabbit Hill	LTE	0.004%
40 Rabbit Hill	Cellular	0.02%
40 Rabbit Hill	PCS	0.01%
40 Rabbit Hill	LTE	0.003%
141 Rabbit Hill	Cellular	1.04%
141 Rabbit Hill	PCS	0.72%
141 Rabbit Hill	LTE	0.17%
131 Rabbit Hill	Cellular	0.27%
131 Rabbit Hill	PCS	0.19%
131 Rabbit Hill	LTE	0.05%
158 Rabbit Hill	Cellular	1.34%
158 Rabbit Hill	PCS	0.92%
158 Rabbit Hill	LTE	0.22%
85 Jack Corner	Cellular	0.10%
85 Jack Corner	PCS	0.07%
85 Jack Corner	LTE	0.02%
67 Jack Corner	Cellular	0.09%
67 Jack Corner	PCS	0.06%
67 Jack Corner	LTE	0.01%
110 Rabbit Hill	Cellular	0.09%
110 Rabbit Hill	PCS	0.06%
110 Rabbit Hill	LTE	0.01%
Washington Montessori	Cellular	0.01%

Washington Montessori	PCS	0.01%
Washington Montessori	LTE	0.003%

Site B

Summary by Cellular / PCS/ LTE	Frequency Group	% MPE by Frequency - Summed for All Operators
Site B at Ground Level	Cellular	20.63%
Site B at Ground Level	PCS	20.18%
Site B at Ground Level	LTE	4.11%
55 Rabbit Hill	Cellular	0.03%
55 Rabbit Hill	PCS	0.02%
55 Rabbit Hill	LTE	0.005%
50 Rabbit Hill	Cellular	0.03%
50 Rabbit Hill	PCS	0.02%
50 Rabbit Hill	LTE	0.005%
42 Rabbit Hill	Cellular	0.03%
42 Rabbit Hill	PCS	0.03%
42 Rabbit Hill	LTE	0.01%
40 Rabbit Hill	Cellular	0.02%
40 Rabbit Hill	PCS	0.02%
40 Rabbit Hill	LTE	0.004%
141 Rabbit Hill	Cellular	3.94%
141 Rabbit Hill	PCS	3.69%
141 Rabbit Hill	LTE	0.72%
131 Rabbit Hill	Cellular	1.68%
131 Rabbit Hill	PCS	1.58%
131 Rabbit Hill	LTE	0.31%
158 Rabbit Hill	Cellular	0.25%
158 Rabbit Hill	PCS	0.24%
158 Rabbit Hill	LTE	0.05%
85 Jack Corner	Cellular	0.26%
85 Jack Corner	PCS	0.24%
85 Jack Corner	LTE	0.05%
67 Jack Corner	Cellular	0.16%
67 Jack Corner	PCS	0.15%
67 Jack Corner	LTE	0.03%
110 Rabbit Hill	Cellular	0.18%
110 Rabbit Hill	PCS	0.17%
110 Rabbit Hill	LTE	0.03%
Washington Montessori	Cellular	0.01%

Washington Montessori	PCS	0.01%
Washington Montessori	LTE	0.003%