

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY T-MOBILE
NORTHEAST LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
AT 123 PINE ORCHARD ROAD IN THE TOWN
OF BRANFORD, CONNECTICUT

DOCKET NO. 386

Date: January 12, 2010

AFFIDAVIT OF RAYMOND M. VERGATI

I, Raymond M. Vergati, do hereby declare and state:

1. I am over the age of 18 years, and believe in the obligation of an oath.
2. I am the vice president of operations of HPC Development, LLC ("HPC")

with respect to projects in New England.

3. HPC has overseen the development of the telecommunications facility proposed by T-Mobile Northeast, LLC ("T-Mobile") at 123 Pine Orchard Road, Branford, Connecticut (the "Facility"). I assisted in all facets of the site acquisition and have personal knowledge of the development of the Facility including the specific contents of this affidavit.

4. I communicated with representatives of the National Railroad Passenger Corporation ("Amtrak") on several occasions about the possibility of co-locating T-Mobile's wireless equipment on the catenaries along the Amtrak rail line right of way in Connecticut.

5. On or about August 1, 2008, I spoke to Brian S. Webster, Project Director with Amtrak Real Estate Development, via telephone to discuss the possibility of T-

Mobile co-locating its equipment and antennae on Amtrak's catenaries in Connecticut, including the Town of Branford.

6. Amtrak maintains a policy in which it prohibits wireless providers from co-locating their equipment and antennae on Amtrak catenaries along the northeast corridor, north of New York City. This policy is based upon structural and safety concerns. *(Please see Webster email attached hereto as Exhibit A.)*

7. Because of Amtrak's policy, co-locating on the Amtrak catenaries is not a viable alternative to the proposed Facility.

8. I have also spoken with representatives of Clearwire Communications ("Clearwire"). Clearwire is also interested in co-locating on the Facility at a height of 92'9" above grade level ("AGL"). *(Please see Clearwire email attached hereto as Exhibit B.)*

9. I have also spoken with representatives of Youghiogheny Communications Northeast, LLC d/b/a Pocket Wireless ("Pocket"). Pocket is interested in co-locating on the Facility at a height of 102'9" AGL.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of
January, 2010.


Raymond M. Vergati

Subscribed and sworn to before me this 12th day of January, 2010.



Notary Public

My Commission Expires: 06-30-2010

ERIKA M. MAGNUSSEN
Notary Public
My Commission Expires 06/30/2010

EXHIBIT A

From: Webster, Brian [WEBSTEB@amtrak.com]
Sent: Monday, August 25, 2008 8:07 AM
To: Ray Vergati
Cc: Lo, Emily
Subject: RE: T-Mobile and Amtrak safety training schedule
Attachments: designatedcontractertmobileprospectpark.doc; Form_Contractor Safety_Security Training Authorization.rtf

Ray

Attached please find an Amtrak contractor safety training application. Please complete and fax it to the number provided. Follow up with Dawn Bey 215-349-1553.

Per my follow-up voice mail regarding our 8/1 phone conversation, catenary installations will not be permitted above New York City.

As we discussed, please provide a list of sites that T-Mobile would like to survey and the contractor information (company name, address, state incorporated, contact person, contact persons phone number and e-mail address). All contractors will be required to enter a permit to enter agreement and provide proof of insurance as specified in the permit. T-Mobile will have to provide a contractor designation letter (draft attached; revised T-Mobile billing address: T-Mobile, PO Box 52690, Bellevue, WA 98015-2690, Attention: Northeast Engineering Region).

Thanks,

Brian S. Webster
Project Director
Amtrak Real Estate Development
30th and Market Streets
Box 25, 5S-031
Philadelphia, PA 19104
Phone: 215-349-3901
Fax: 215-349-1983

From: Ray Vergati [mailto:rvergati@hpcdevelop.com]
Sent: Sunday, August 24, 2008 11:57 PM
To: Webster, Brian
Subject: T-Mobile and Amtrak safety training schedule

Brian,

Following up on our conversation regarding the process of T-Mobile working with Amtrak on wireless installations on Amtrak property/Right of Ways. Please let me know first available date/time when we can attend the Amtrak Safety training course. I would foresee at least 10 people attending the class as some of the T-Mobile employee's training has expired.

It is my expectation to attend the training class soon and then to identify various areas along the Amtrak rails from Westport, CT to Stonington, CT so we may complete site visits, possibly 10 or so sites. Lastly, you had expressed that we could not attach to existing catenary (from NYC north), please confirm this for me.

Regards,

Ray

Raymond Vergati
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EXHIBIT B

From: Charles Regulbuto <charles.regulbuto@clearwire.com>

To: Ray Vergati

Sent: Tue Jan 12 11:09:59 2010

Subject: CT-NHN0106 TMO

Ray, please be advised that at this time Clearwire does indeed intend to collocate on T-Mobile's proposed tower in Branford at 123 Pine Orchard Road if approved. Of course as always, due to budgetary issues that might arise, as well as, network deployment advances within the timeframe of approval, Clearwire reserves the right to review this site at such time approval is granted to re-evaluate their need.

Thank you,

Chuck Regulbuto

The logo for Clearwire, featuring the word "clearwire" in a lowercase, sans-serif font. The "clear" is in blue, the "w" is in green, and the "ire" is in blue.

Network Deployment Project Manager

(860)394-7021