

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

RECEIVED  
JUL - 6 2010  
CONNECTICUT  
SITING COUNCIL

IN RE: :  
: :  
APPLICATION OF T-MOBILE NORTHEAST, : DOCKET NO. 391  
LLC FOR A CERTIFICATE OF :  
ENVIRONMENTAL COMPATIBILITY AND :  
PUBLIC NEED FOR THE CONSTRUCTION, :  
MAINTENANCE AND OPERATION OF A :  
TELECOMMUNICATIONS FACILITY AT :  
232 SHORE ROAD IN THE TOWN OF OLD :  
LYME, CONNECTICUT : JULY 2, 2010

**POST-HEARING BRIEF OF INTERVENOR  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) hereby submits its post-hearing brief in connection with the above-referenced proceeding.

**I. BACKGROUND**

On October 13, 2009, T-Mobile Northeast, LLC (“T-Mobile”) submitted an application (“Application”) to the Connecticut Siting Council (“Council”) for a certificate of environmental compatibility and public need (“Certificate”) for the construction, maintenance and operation of a 100-foot telecommunications tower at 232 Shore Road, Old Lyme, Connecticut (“Property”). (T-Mobile Exhibit (“Exh.”) 1.)

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) has identified a need for wireless service in southerly portions of Old Lyme and identified the proposed T-Mobile facility as a structure that could help satisfy that need. Consequently, on October 26, 2009, Cellco filed a

petition to intervene in Docket No. 391 (“Petition”). (Cellco Exh. 1.) On December 18, 2009, the Council granted Cellco intervenor status.<sup>1</sup>

The Council conducted combined evidentiary and public hearing on the Docket Nos. 391, 392 and 393 applications on February 4, 2010. The hearing was continued on March 2, 2010, April 20, 2010 and June 23, 2010. This post-hearing brief is filed on behalf of Cellco pursuant to Section 16-50j-31 of the Regulations of Connecticut State Agencies (“R.C.S.A.”) and the Council’s directives.

## **II. THE CELLCO INSTALLATION**

The Cellco installation would consist of twelve (12) panel-type antennas at the 90-foot level on the proposed tower at 232 Shore Road in Old Lyme. (Cellco Exh. 2, Response (“Resp.”) 4). Cellco’s equipment and a diesel-fueled back-up generator would be located in a 12’ x 30’ single-story equipment shelter installed near the base of the tower. (Cellco Exh. 2, Resp. 14 and 15). The generator would be used during power outages and periodically for maintenance purposes. (Cellco Exh. 2, Resp. 15).

## **III. CELLCO’S NEED**

The record contains ample written evidence and testimony that Cellco’s antennas at the 90-foot level on the proposed 100-foot tower would provide quality wireless service and satisfy Cellco’s coverage needs in southerly portions of Old Lyme. Cellco’s network in Old Lyme currently experiences gaps in coverage along portions of Route 156 and the Acela rail line, as well as local roads and summer beach communities in the area. Cellco’s existing Old Lyme and Old Lyme South cell sites can not provide service to these areas. (Cellco Exh. 2, Resp. 9).

---

<sup>1</sup> T-Mobile filed three Old Lyme tower applications simultaneously with the Council, Docket Nos. 391, 392, and 393. Cellco intervened in Docket No. 391, but did not intervene in Docket Nos. 392 or 393.

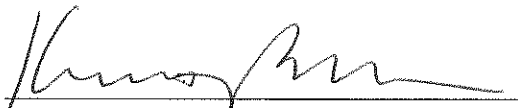
From the proposed 232 Shore Road cell site, with antennas at the 90-foot level on the tower, Cellco would provide coverage to a 2.34 mile portion of Route 156 and a 2.10 mile portion of the Acela rail line at PCS frequencies and a 2.41 mile portion of Route 156 and a 2.94 mile portion of the Acela rail line at cellular frequencies. (Cellco Exh. 2, Resp. 10 and 11). Cellco would not be able to satisfy its coverage objective with antennas mounted ten or twenty feet lower on the proposed tower. (Cellco Exh. 2, Resp. 10 and 11). The evidence of Cellco's need for the T-Mobile facility at 232 Shore Road remains unrefuted.

Cellco determined that it could also satisfy its coverage objectives in the southern Old Lyme area by installing antenna at the 140 foot level on a tower at 387 Shore Road, the tower proposed in Docket No. 392. In its Docket No. 392 application, however, T-Mobile proposes to construct only an 80-foot tower at 387 Shore Road (Cellco Exh. 4.).

#### **IV. CONCLUSION**

The evidence in the Docket No. 391 record supports Cellco's need for the installation of antennas on the proposed T-Mobile facility at 232 Shore Road. The installation of Cellco's antennas at the facility will fill significant coverage gaps in southerly portions of Old Lyme area, particularly along portions of Route 156 and the Acela rail line. Cellco, therefore, respectfully requests that the Council approve T-Mobile's Application and issue a Certificate for the Facility.

Respectfully submitted,  
CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS

By   
Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597  
Its Attorneys

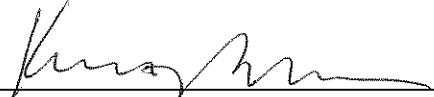
**CERTIFICATION**

I hereby certify that on this 2<sup>nd</sup> day of July, 2010, a copy of the foregoing was sent,  
postage prepaid, to the following parties and intervenors:

Julie Donaldson Kohler, Esq.  
Jesse A. Langer, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
P.O. Box 1821  
Bridgeport, CT 06604-4247

Daniel M. Laub, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

The Honorable Timothy C. Griswold  
First Selectman  
Town of Old Lyme  
52 Lyme Street  
Old Lyme, CT 06371

  
\_\_\_\_\_  
Kenneth C. Baldwin