

JESSE A. LANGER

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September 14, 2010

**VIA FEDERAL EXPRESS**  
**and ELECTRONIC MAIL**

Ms. Linda L. Roberts  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

***Re: Docket No. 391 – Application of T-Mobile Northeast 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***

Dear Ms. Roberts:

I write on behalf of the Applicant, T-Mobile Northeast LLC ("T-Mobile"), regarding the draft findings of fact issued by the Connecticut Siting Council ("Council") for the proposed telecommunications facility at 232 Shore Road, Old Lyme, Connecticut. T-Mobile respectfully submits the following proposed change to the findings of fact. Underlined portions include modified text.

**Draft Finding of Fact 18.** This finding addresses the Town's knowledge of the 170 foot telecommunications facility proposed by SBA Towers II LLC ("SBA") at 14 Cross Lane ("SBA Facility"). The Town's knowledge regarding the SBA Facility changed during the proceedings. As such, T-Mobile requests that the Town's beliefs be referenced in the past tense.

**Draft Finding of Fact 59.** This finding of fact addresses whether T-Mobile could modify the height of any of the telecommunications facilities proposed by T-Mobile in Old Lyme (Dockets 391, 392 & 393) and obviate the need for one or more these facilities. T-Mobile requests that this finding be included in the section of the findings of fact addressing T-Mobile's coverage.

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**Proposed Finding of Fact.** T-Mobile respectfully requests that the Council include the following finding of fact in the coverage portion:

A two tower scenario would not alleviate T-Mobile's existing coverage gap in the Town. Under such a scenario, gaps would exist in T-Mobile's network, which would result in network performance problems. Additionally, a two tower scenario would require taller facilities – much taller than those proposed by T-Mobile in this Docket and Dockets 392 and 393. T-Mobile requires a three tower scenario to provide effective wireless service to the areas of the Town covered by the Facility and those telecommunications facilities proposed in Dockets 392 and 393. (3.2.10 Tr., p. 113; 4.20.10 Tr., pp. 68-69, 71-74, 111.)

**Proposed Finding of Fact.** T-Mobile respectfully requests that the Council include the following finding of fact in the coverage portion:

The difficulties inherent in a two tower solution to the coverage gaps in the Town are compounded by the coverage needs of Verizon and AT&T. AT&T could not use either of the facilities proposed in Dockets 392 or 393 to alleviate its existing coverage gap. Although Verizon could use the facility proposed in Docket 392, Verizon could not alleviate its coverage gap with the facility proposed in Docket 393. (Verizon pre-hearing filing, April 26, 2010; AT&T filing, June 28, 2010; 4.20.10 Tr., pp. 168-70; 6.23.10 Tr., pp. 20, 31-32.)

**Draft Finding of Fact 82.** T-Mobile proposes the following modification: An outdoor Distributed Antenna System (DAS) would not be a feasible alternative to a tower because of the following reasons:

- a) The unavailability of a sufficient number of existing utility poles on which to string fiber-optic cable and install DAS nodes in the coverage area;
- b) The existing utility poles are generally low in height;
- c) The existing uneven terrain and mature vegetation would prevent DAS nodes from providing reliable coverage throughout the target area;
- d) The unavailability of unused fiber-optic cables to serve as the backbone for the DAS network in the area; and

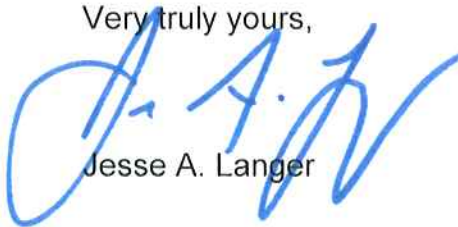
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- e) There would be a need to enter into access easements, enter pole attachment agreements, etc., which would be compounded by the large amount (roughly 45) of DAS nodes required to cover the total area to be served by the three tower proposed in Docket Nos. 391, 392 and 393.

**Draft Finding of Fact 124.** T-Mobile proposes the following modification: Development of the proposed facility would require the removal of approximately eight trees with a diameter of breast height of at least six inches.

Please let me know if you have any questions.

Very truly yours,



Jesse A. Langer

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cc: Service List (*Via First Class U.S. Mail*)