

**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 387 SHORE ROAD IN THE TOWN
OF OLD LYME, CONNECTICUT

DOCKET NO. 392

Date: July 23, 2010

THE APPLICANT'S PROPOSED FINDINGS OF FACT

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, T-Mobile Northeast LLC ("T-Mobile") submits these proposed findings of fact.

Introduction

1. On October 15, 2010, T-Mobile filed with the Connecticut Siting Council ("Council") an application for Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of an 80 foot monopole wireless telecommunications facility ("Facility") at 387 Shore Road, Old Lyme, Connecticut ("Property"), pursuant to General Statutes § 16-50aa and § 16-50j-34 of the Regulations of Connecticut State Agencies ("Application"). (*Hearing Exhibit 1, Application, p. 1.*)¹

2. The Facility would sit within a 2,400 square foot area leased by T-Mobile, located in the southeastern portion of the Property, which is a 2.11 acre parcel owned by Gregory Benoit ("Site"). (*App., pp. 2, 9; App. Ex. B.*)

3. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on February 4, 2010, beginning at 3:00p.m., and

¹ For the Council's convenience, all subsequent page references to Hearing Exhibit 1, which is T-Mobile's Application, shall be made as "App., p. ___." All subsequent references to exhibits attached to the Application shall be made as "App. Ex. ___."

continued to 7:00p.m., at the Stonington Community Center, 28 Cutler Street, Stonington, Connecticut. The Council closed the public comment portion of the hearing on February 4, 2010; however, the Council continued the evidentiary portion of the hearing to March 2, 2010, April 20, 2010, and June 23, 2010. The hearing addressed the Application, as well as the applications for Certificate of Environmental Compatibility and Public Need regarding proposed telecommunications facilities in Dockets 391 and 393. (*Hearing Notice; Council Memoranda Regarding Continued Hearing, dated February 26, 2010, March 10, 2010 and June 1, 2010; February 4, 2010 3:00p.m. Transcript ["2.4.10 3:00p.m. Tr.,"] p. 3.*)

4. The Council and its staff conducted a field review of the Site on February 4, 2010, at 1:00p.m. The Council also inspected the proposed sites of the telecommunications facilities in Dockets 391 and 393. (*Hearing Notice.*)

5. On February 4, 2010, T-Mobile conducted a balloon float, with a balloon 4 feet in diameter, at a height of 80 feet, at the Site from 7:00a.m. to 10:00a.m. and from 1:00p.m. to 2:15p.m., at which time an Amtrak representative required T-Mobile to terminate the balloon float. T-Mobile also conducted balloon floats at the proposed sites of the telecommunications facilities proposed in Dockets 391 and 393. Those balloon floats were also terminated by Amtrak representatives. (*Pre-Hearing Conference Notice; Balloon Float Affidavits filed in Dockets 391, 392 and 393, dated February 22, 2010; 2.4.10 3:00p.m. Tr., pp. 24-25; March 2, 2010 Transcript ["3.2.10 Tr.,"] p. 132.*)

Need

6. In amending the Communications Act of 1934 with the Telecommunications Act of 1996, the United States Congress recognized the important

public need for high quality telecommunications services throughout the United States. The purpose of the Telecommunications Act of 1996 was to “provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans.” H.R. Conf. Rep. No. 104-458, 206, 104th Cong., Sess. 1 (1996). The Telecommunications Act of 1996 expressly preserved State and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of that authority, and preempted State or local regulatory oversight of radio frequency emissions as set forth in 47 U.S.C. § 332(c)(7). In doing so, Congress sought a balance between the public interest in deployment of wireless services and legitimate areas of State and/or local regulatory control over wireless infrastructure. (*App.*, p. 4; *2.4.10 3:00p.m. Tr.*, pp. 4-6; *February 4, 2010 7:00p.m. Transcript* [“*2.4.10 7:00p.m. Tr.*,”] pp. 5-6.)

7. There is a coverage gap in T-Mobile's network in the areas surrounding the Site. (*App.*, pp. 4-5; *App. Ex. H, J; Pre-Filed Testimony of Scott Heffernan* [“*Heffernan*,”] pp. 3-4; *3.2.10 Tr.*, pp. 102-03.)

8. The Town of Old Lyme (“Town”) recognizes that it needs enhanced wireless coverage for its residents, businesses and emergency services, specifically in the areas that would be addressed by the Facility and the telecommunications facilities proposed in Dockets 391 and 393. (*2.4.10 3:00p.m. Tr.*, pp. 10-11; *2.4.10 7:00p.m. Tr.*, pp. 12-13; *April 20, 2010 Transcript* [“*4.20.10 Tr.*,”] pp. 90, 105; *June 23, 2010 Transcript* [“*6.23.10 Tr.*,”] pp. 121-22.)

9. The coverage gap requires the installation of a telecommunications facility in the Town. (*Heffernan*, pp. 3-5; *4.20.10 Tr.*, p. 118.)

10. The Facility would be an integral component of T-Mobile's wireless network in the Town. The Facility would remedy the existing coverage gap in this area of the Town, specifically along Route 156, Connecticut Road; Oak Ridge Drive and Hatchetts Point Road, just south of Interstate 95, as well as the surrounding areas and the Amtrak rail line that passes through the area. (*App.*, pp. 4-5; *App. Ex. H, J*; *Heffernan*, pp. 3-4; *T-Mobile's Responses to the Council's First Set of Interrogatories* ["*T-Mobile First Interrog. Resp.*"]; *T-Mobile's Response to the Town's First Set of Interrogatories*; *3.2.10 Tr.*, pp. 109-10.)

Coverage

11. To provide effective coverage in the area of the proposed Facility, T-Mobile would need to mount its antenna array at 77'9" above grade level ("AGL"). This position would allow T-Mobile to minimize the number and height of future telecommunications facilities in this area of the Town. (*App.*, pp. 4-5, 9; *App Ex. B, H*; *Heffernan*, p. 5.)

12. An antenna array at 77'9" AGL would allow T-Mobile to overcome the mature vegetation and topography in the area, and achieve the coverage objective. (*App.*, pp. 4-5, 9; *App. Ex. B, H*; *Heffernan*, pp. 4-5.)

13. SBA Towers II LLC ("SBA") proposed a telecommunications facility, consisting of a 170 foot monopole structure, on property owned by the Town, located at 14 Cross Lane ("SBA Facility"). The Town, however, rejected the proposed SBA Facility and did not to lease its property to SBA. (*2.4.10 3:00p.m. Tr.*, pp 10-11; *4.20.10*

Tr., p. 84; T-Mobile's Responses to the Council's Second Set of Interrogatories ["T-Mobile Second Interrog. Resp."])

14. Increasing the height of the Facility or the telecommunications facility proposed in Docket 393 would not obviate the need for the telecommunications facility in Docket 391. *(4.20.10 Tr., pp. 67-68.)*

15. Increasing the height of the telecommunications facility proposed in Docket 391 would not obviate the need for the Facility or the telecommunications facility proposed in Docket 393. *(Docket 391 Supplemental Pre-Filed Testimony of Scott Heffernan, dated February 24, 2010; 4.20.10 Tr., p. 67.)*

16. Increasing the height of any of the telecommunications facilities proposed in the Town would not obviate the need for any of the facilities or allow T-Mobile to reduce the height of any of the facilities. *(3.2.10 Tr., pp. 246-47.)*

17. 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 as well as Dockets 391 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 391 and 392. *(3.2.10 Tr., p. 113; 4.20.10 Tr., pp. 68-69, 71-74, 111.)*

18. 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. Both wireless providers have established that coverage gaps exist in their respective networks in the

area of the Town that would be covered by the telecommunications facility proposed in Docket 391. AT&T could not use the Facility or the telecommunications facility proposed in Docket 392 to alleviate its existing coverage gap. Although Verizon could use the Facility, Verizon could not alleviate its coverage gap with the facility proposed in Docket 393. (*Docket 391 Verizon pre-hearing filing, April 26, 2010; Docket 391 AT&T filing, June 28, 2010; 4.20.10 Tr., p. 168-70; 6.23.10 Tr., pp. 20, 31-32.*)

19. An outdoor Distributed Antenna System is not an alternative, feasible deployment technology. (*Supplemental Pre-Filed Testimony of Scott Heffernan, dated April 12, 2010 and May 10, 2010; 3.2.10 Tr., pp. 73-75, 78-80, 82-83, 88-89.*)

20. Repeaters, microcell transmitters and other types of deployment technologies are not alternative, feasible deployment technologies. (*App., p. 7; T-Mobile First Interrog. Resp.*)

Site Search

21. There are no existing towers, transmission line structures or other structures of a suitable height or location in this area of the Town that would be suitable to remedy the existing coverage gap. (*App., pp. 7-8; App. Ex. J; Pre-filed Testimony of Raymond Vergati ["Vergati,"] pp. 2-6; 3.2.10 Tr., pp. 110-12.*)

22. Amtrak adheres to a policy prohibiting wireless carriers such as T-Mobile from locating wireless telecommunications equipment on any Amtrak catenaries. (*3.2.10 Tr., pp. 239-40; 4.20.10 Tr., p. 32.*)

23. After determining that there were no existing structures suitable for co-location, T-Mobile conducted a site analysis of properties within the area to identify the

best possible location to address T-Mobile's coverage needs. (*App.*, pp. 7-8; *App. Ex. J; Vergati*, pp. 2-5; *Heffernan*, pp. 4-5; 3.2.10 *Tr.*, pp. 110-12.)

24. When selecting a site, T-Mobile considered which properties would address its coverage needs and minimize environmental impacts. (*App.*, pp. 7-8; *App. Ex. J; Vergati*, pp. 2-3; 3.2.10 *Tr.*, pp. 110-12.)

25. T-Mobile conducted a site analysis of properties within the area to identify the best possible location to address T-Mobile's coverage needs. None of the parcels, other than the Property, considered by T-Mobile were suitable sites. (*App.*, pp. 7-8; *App. Ex. I, J; Vergati*, pp. 3-6; 3.2.10 *Tr.*, pp. 110-12.)

26. The Site would address T-Mobile's coverage objective, including along Route 156, Connecticut Road, Oak Ridge Drive and Hatchetts Point Road, south of Interstate 95, as well as the surrounding area and the Amtrak rail line that passes through the area. (*App.*, pp. 1, 4-5; *App. Ex. H, J; Heffernan*, pp. 3-5; *Vergati*, pp. 4-5; *T-Mobile First Interrog. Resp.*)

27. The Property is superior to other parcels in the area. The Property is zoned for commercial uses and currently serves as a Laundromat. The Facility would not impact any wetlands or coastal resources as there are no such natural resources within the vicinity of the proposed Facility. (*App.*, pp. 1, 9-10; *App. Ex. J, K; Vergati*, pp. 4-5; *Pre-filed Testimony of Scott Chasse ["Chasse,"]* pp. 2, 4; *Pre-Filed Testimony of Dean Gustafson ["Gustafson,"]* pp. 3-4.)

The Site

28. T-Mobile proposes to construct the Facility at the Site located in the southeastern portion of the Property, which is a 2.11 acre parcel of land commonly

known as 387 Shore Road and is identified as Assessors Tax Map 10, Lot 8. The Property is zoned for commercial uses and currently serves as a Laundromat. (*App.*, pp. 1-2; *App. Ex. B*; *Chasse*, p. 2.)

29. The Facility would accommodate T-Mobile and the Town's public safety wireless equipment, if requested. The Facility foundation could be designed to accommodate more height and additional carriers. (*App.*, pp. 8-9; *App. Ex. B*; *Chasse*, p. 3; *3.2.10 Tr.*, p. 37.)

30. T-Mobile has offered the Town space on the Facility at no charge. (*App.*, pp. 8-9; *Vergati*, pp. 5-6; *Supplemental Pre-Filed Testimony of Raymond M. Vergati*, pp. 1-2; *3.2.10 Tr.*, p. 25.)

31. The Town has indicated an interest to locate its public safety communication systems on the telecommunications facility proposed in Docket 391. The Town is not interested at this time in locating its public safety communications systems on the Facility. (*2.4.10 3:00p.m. Tr.*, p. 11; *4.20.10 Tr.*, pp. 39-40, 74-80, 129-31; *6.23.10 Tr.*, pp. 105-08, 122.)

32. The Facility would accommodate the antennae and equipment of T-Mobile at an antenna centerline of 77'9" AGL, mounted to the tower by T-arms. (*App. Ex. B*; *Chasse*, p. 3; *6.23.10 Tr.*, pp. 48-49.)

33. The Facility would consist of an 800 square foot fenced compound area, set within a 2,400 square foot area leased to T-Mobile. (*App.*, pp. 2, 9; *App. Ex. B*; *Chasse*, p. 3.)

34. The Facility compound area would host T-Mobile's equipment and would be enclosed by an 8 foot high chain-link fence. (*App.*, pp. 2, 9; *App. Ex. B*; *Chasse*, p. 3.)

35. Vehicular access to the Facility would extend from Shore Road along an existing bituminous driveway and parking area and along an existing dirt road. T-Mobile would improve the dirt road with gravel. (*App.*, pp. 2, 9; *App. Ex. B*; *Chasse*, p. 3; *3.2.10 Tr.*, p. 22.)

36. Utility service would extend underground from a new utility pole placed along the existing overhead utility distribution lines along the south side of Shore Road. No water or sanitary facilities would be required and, once built, the Facility would generate minimal traffic because T-Mobile, or any other carrier, would only need to visit the Site approximately once a month to perform routine maintenance and inspection. (*App.*, p. 13; *App. Ex. B*; *Chasse*, p. 3.)

37. The Facility compound area would require approximately 70 cubic yards of cut and 30 cubic yards of fill. The utility trench would require approximately 35 cubic yards of cut and 35 cubic yards of fill. (*Chasse*, p. 4; *T-Mobile First Interrog. Resp.*)

38. The estimated cost of the proposed Facility is approximately \$185,000. The duration of the construction would be approximately thirteen weeks, with an additional two weeks for Facility integration and system testing. The estimated cost of the antennae and related equipment for T-Mobile would be approximately \$45,000. (*App.*, pp. 18-19; *T-Mobile Second Interrog. Resp.*)

39. T-Mobile could design the Facility with a yield point so that the tower radius remains on the Property. (*3.2.10 Tr.*, p. 24.)

Municipal Consultation

40. On May 28, 2009, T-Mobile submitted a technical report to the Town regarding the Facility pursuant to General Statutes § 16-50I (e). The technical report, a copy of which is included in the bulk filing accompanying the Application, included specifics about the Property, the Facility, the site selection process and the environmental effects of the Facility. (*App.*, pp. 16-17; *App. Ex. R; Bulk Filing; Vergati*, p. 5.)

41. On June 25, 2009 and December 1, 2009, representatives of T-Mobile met with the First Selectman, the Honorable Timothy Griswold; the Fire Chief; and the Town Zoning Enforcement Officer to discuss the proposed Facility. (*App.*, pp. 16-17; *Vergati*, p. 5.)

Environmental Considerations

42. The Property is not designated as a wilderness area and it is not located in any areas identified as a wildlife preserve or in a U.S. Fish and Wildlife Service National Wildlife Refuge. (*App.*, p. 13; *App. Ex. Q; Pre-Filed Testimony of Michael Chun* ["Chun,"] p. 3.)

43. The Facility would not affect threatened or endangered species or designated critical habitats. (*App.*, p. 13; *App. Ex. Q; Chun*, p. 3.)

44. The Facility would be designed to minimize any impact on migratory bird species. The Facility would comply with the United States Fish and Wildlife Service interim guidelines because the Facility would be well under 200 feet and without guy wires. (*App. Ex. B, Q; Pre-Filed Testimony of Ashley Bonavenia* ["Bonavenia,"] p. 3; *2.4.10 3:00p.m. Tr.*, p. 62.)

45. The Facility would not be located in a nominated or existing “important bird area.” (*Bonavenia*, p. 2.)

46. There are no known instances of bird strikes and/or bird carcasses at any existing T-Mobile telecommunications facility. (*Bonavenia*, p. 3; *4.20.10 Tr.*, pp. 60-61.)

47. The Facility is located in an avian flyway designated by the Audubon Society. (*Bonavenia*, p. 2.)

48. The Facility would not endanger osprey. T-Mobile has protocol in place to avoid disturbing any osprey that use T-Mobile telecommunications facilities for nesting. (*4.20.10 Tr.*, pp. 62-64.)

49. The proposed Facility would not affect any National Parks, National Forests, National Parkways or Scenic Rivers, State Forest, State Designated Scenic Rivers or State Game lands. (*App.*, p. 13; *App. Ex. Q*; *Chun*, p. 3.)

50. The proposed Facility would not impact any recognized districts, sites, buildings, structures or objects of significance in American history, architecture, archeology, engineering or culture as listed on the National Register of Historic Places. On June 17, 2009, the State Historic Preservation Officer (“SHPO”) determined that the Facility would not have an adverse impact on any such resources. (*App.*, p. 14; *App. Ex. O, Q*; *Chun*, p. 4; *Supplemental Pre-Filed Testimony of Michael Chun.*)

51. The proposed Facility would not affect any Native American religious sites. T-Mobile consulted with three Native American tribes – the Mashantucket Pequot Tribe, the Mohegan Indian Tribe and the Narragansett Indian Tribe – because they might have had interests impacted by the construction, operation and maintenance of the Facility.

None of the Tribes responded that they have any interests that would be impacted by the Facility. (*App.*, pp. 13-14; *App. Ex. Q*; *Chun*, p. 4.)

52. The construction, maintenance and operation of the Facility would not have an adverse impact on any wetland system. There is a wetland located on the Property approximately 250 feet west of the Site. This wetland system consists of forested wetlands and a small pond which drains into a larger pond associated with an impoundment of the Threemile River located on the Property approximately 500 feet west of the Site. These wetland systems are too far from the Site to be directly or indirectly impacted by the Facility. (*App.*, p. 16; *App. Ex. B, K*; *Gustafson*, pp. 2-3.)

53. The Facility would have no impact on water flow, water quality, or air quality and would comply with relevant noise regulations. (*App.*, p. 13; *Gustafson*, pp. 3-5.)

54. The proposed access and utility routing for the proposed Facility would not impact any wetland system. (*App. Ex. B, K*; *Gustafson*, p. 4; *Chasse*, p. 4.)

55. The Facility would not impact any coastal resources. There are no coastal resources located on or near the Property. The nearest coastal resource consists of tidal wetlands associated with the Threemile River located 500 feet southwest of the proposed Facility on the other side of the Amtrak right-of-way. (*App.*, p. 14; *App. Ex. O*; *Gustafson*, p. 4.)

56. The Facility would not be located within a flood plain. (*App.*, p. 13; *App. Ex. Q*; *Chun*, p. 4.)

57. According to an aeronautical study conducted by T-Mobile, in accordance with the regulations promulgated by the Federal Aviation Administration, the proposed Facility would not require marking or lighting. (*App.*, p. 17; *App. Ex. S, Revised Ex. S.*)

58. The Facility's maximum emissions levels would be approximately 21.3254 percent of the safety criteria adopted by the Federal Communications Commission. (*App.*, p. 12, *App. Ex. P.*)

Visibility

59. Existing topography and mature vegetation would reduce some of the potential visual impacts of the proposed Facility on the surrounding areas. The average height of the tree canopy within a two mile radius of the Facility ("Study Area") is approximately 60 feet. The tree canopy covers nearly 2,964 acres of the 8,042 acre study area – with 3,579 acres of the Study Area consisting of surface water, mainly portions of the Long Island Sound. (*App.*, pp. 10-12; *App. Ex. N; Pre-Filed Testimony of Michael P. Libertine ["Libertine,"] p. 6.*)

60. The areas from which the Facility would be at least partially visible year round comprise approximately 679 acres. Approximately 97 percent of this area consists of open water on the Long Island Sound to the south. Aside from these more distant, open water views, some areas near the Facility would have year round partial views, including select portions of Route 156 and the Amtrak right-of-way. (*App.*, pp. 10-12; *App. Ex. N; Libertine, p. 5.*)

61. The Facility would be visible to some properties in the Point-O-Woods residential development. The majority of these views would be limited to the upper

portions of the Facility. Most of the dwellings in the development are not winterized. (*Supplemental Pre-Filed Testimony of Michael P. Libertine, p. 2.*)

62. The open water views on the Long Island Sound would have a minimal visual impact on the shoreline and the Facility would not impact any coastal resources. These views would be distant and would be limited to the very upper portion of the Facility, which would be difficult to discern above the tree canopy. The vegetative backdrop coupled with the rising topography as one moves inland from the shoreline would further limit the views of the Facility from the Long Island Sound. The existing development along the immediate shoreline would provide more prominent views than the proposed Facility. (*App. Ex. N; Libertine, p. 5; 2.4.10 3:00p.m. Tr., pp. 64-68; 3.2.10 Tr., pp. 51, 72; 4.20.10 Tr., pp. 56-57.*)

63. The combined total acreage of these distant open water views of the Facility, along with the other telecommunications facilities proposed in Dockets 391 and 393, on the Long Island Sound would be approximately 2,555 acres, a very small percentage of the total acreage of the Long Island Sound. The total acreage of the Long Island Sound (within the Connecticut Coastal Management Zone) is approximately 334,350 acres. (*Docket 393 Supplemental Pre-Filed Testimony of Michael P. Libertine, p. 3.*)

64. The Facility, along with the other telecommunications facilities proposed in Dockets 391 and 393, would not have a detrimental, cumulative impact on the shoreline. The relatively low height of the facilities and the existing mature vegetation would limit the views of the Facility from the shoreline. (*3.2.10 Tr., pp. 59, 216.*)

65. Areas of seasonal visibility would include approximately 31 additional acres, limited to locations within 0.25 miles of the proposed Facility. (*App.*, pp. 10-12; *App. Ex. N; Libertine*, p. 5.)

66. The Facility would not have an adverse visual effect on historic, architectural, or archeological resources listed on or eligible for the National Register of Historic Places. This determination is consistent with SHPO's conclusion. (*App. Ex. N; Libertine*, p. 6.)

67. The Facility would not be visible from any hiking trails. (*App. Ex. M; Libertine* p. 6.)

68. There is some development in the immediate area of the Property. The Amtrak right-of-way, with its catenaries, abuts the Property. The Property hosts a Laundromat, which includes an existing propane tank and boat storage area. (*App. Ex. B; photographs filed April 12, 2010; 4.20.10 Tr.*, p. 142.)

69. A monopine stealth design would not mitigate the visibility of the Facility based upon the surrounding vegetation and development in the area. (*3.2.10 Tr.*, pp. 26-29, 39-41, 47-48; *4.20.10 Tr.*, p. 148; *6.23.10 Tr.*, p. 86.)

70. An eight foot high fence would conceal the Facility compound adequately. A taller fence would risk being a spectacle. (*3.2.10 Tr.*, pp. 56-57.)

71. At the request of the Council, T-Mobile considered an alternative layout for the Facility compound on the Property. The alternative layout shifts the Facility compound to the north approximately 7 feet on the Property. (*Alternative Layout*, filed April 12, 2010; *6.23.10 Tr.*, p. 60.)

72. The alternative layout would provide sufficient space between the Facility compound and the Amtrak rail line to include evergreen plantings, which would replace the three trees removed near the southern boundary of the Property. The trees to be removed are in poor condition. (*Alternative Layout, filed April 12, 2010; 3.2.10 Tr., p. 44; 6.23.10 Tr., p. 60.*)

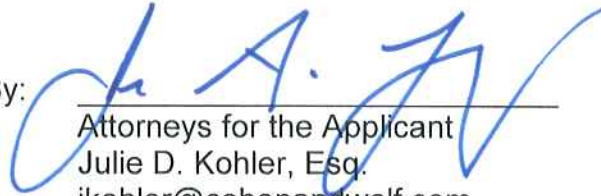
73. T-Mobile cannot shift the Facility compound any further away from the Amtrak rail line as proposed in the alternative layout without having to remove other mature trees and large rock outcroppings. (*3.2.10 Tr., p. 45.*)

74. Under the initial layout for the Facility compound, T-Mobile would not have sufficient space to replace the removed trees with evergreen plantings. The removal of the three trees would not alter the visual impact of the proposed Facility on the surrounding area. (*App. Ex. N; 3.2.10 Tr., p. 47.*)

Dated at Bridgeport, Connecticut this 23rd day of July, 2010.

**THE APPLICANT,
T-MOBILE NORTHEAST LLC**

By:



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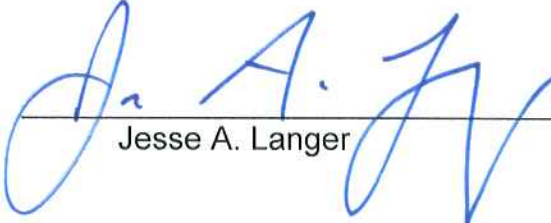
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CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was delivered by Electronic Mail and regular mail, postage prepaid, to all parties and intervenors of record, as follows:

The Honorable Timothy C. Griswold
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Jesse A. Langer