

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

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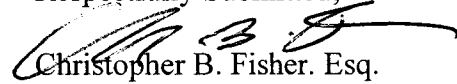
APPLICATION OF NEW CINGULAR WIRELESS
PCS, LLC (AT&T) FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF TWO
TELECOMMUNICATIONS TOWER FACILITIES
LOCATED OFF OF HAYWARDVILLE ROAD
(DEVIL'S HOPYARD NORTH) AND ED
WILLIAMS ROAD (DEVIL'S HOPYARD
SOUTH) IN THE TOWN OF EAST HADDAM

DOCKET NO. 395 (A & B)

May 10, 2010

NEW CINGULAR WIRELESS PCS, LLC ("AT&T")
POST HEARING BRIEF

Respectfully Submitted,



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PRELIMINARY STATEMENT

New Cingular Wireless PCS, LLC (“AT&T”), by its attorneys, Cuddy & Feder, LLP, respectfully submits this post hearing brief in support of its Application for Certificates of Environmental Compatibility and Public Need (“Certificates”) for two interrelated tower facilities in Docket No. 395 (A&B). AT&T’s Application addresses the public need for two new tower facilities to provide service to the eastern portion of East Haddam in and around Devil’s Hopyard State Park. The tower facilities are needed so that AT&T and other wireless carriers may extend coverage to residents, travelers along several State Routes and local roads and importantly in Devil’s Hopyard State Park which supports several trails, camping areas and scenic overlooks. Throughout the proceedings in this Docket, AT&T provided data, testimony and otherwise responded to interrogatories to give the Council a full and complete picture of the public need for reliable service in this part of East Haddam, the interrelationship between the two proposed towers, any possible siting alternatives including Town suggested alternatives, and the potential environmental effects associated with the proposed AT&T tower facilities. The process has revealed that two tower facilities are required to provide service in this area of East Haddam and that the only viable locations are to large undeveloped parcels of land along Haywardville Road and Ed Williams Road. Further, that the location and heights as proposed by AT&T do not present significant aesthetic or environmental impacts to this part of East Haddam, despite the presence of some significant visual resources. As such, AT&T is requesting Certificates for two new interrelated tower facilities to meet the public need for wireless services in this part of East Haddam.

STATEMENT OF FACTS

I. AT&T's Need & Comprehensive Site Search

AT&T's radiofrequency ("RF") engineers establish site search areas where new wireless facilities are needed to address the public's inability to access its wireless network. In this case, significantly sized coverage gaps exist in the eastern part of East Haddam in the vicinity of Devil's Hopyard State Park. Given the terrain and proximity of Devil's Hopyard State Park ("Park") to the area where service is needed, AT&T's RF engineers generated two search areas, one each to the north and south of the park. AT&T Ex. 1, pg. 8-9, Tab 2. For clarity, the sites were identified as "Devil's Hopyard North" and "Devil's Hopyard South" in the Application. AT&T Ex. 1, pg. 2.

AT&T began its initial search for sites in both search areas in early 2008. AT&T Ex. 1, pg. 8. To aid in the site search, AT&T's real estate consultants were provided with existing coverage maps that show all of the existing AT&T site locations in the area and as identified on the list of neighboring sites included in the Application. AT&T Ex. 1, Tab 1. AT&T critically evaluated the tower approved in Docket 198 and determined that it would not simply not provide acceptable levels of service to the coverage gaps south and west of the Park. AT&T Ex. 1, pg.9. Of note, of the seven existing tower sites miles north of the park, AT&T maintains facilities on five. Of the six surrounding existing tower sites miles south of the park, AT&T maintains facilities on five. Id. Unfortunately, no towers, tall buildings or other structures were identified by AT&T. AT&T Ex. 1, pgs. 8-9. The area is simply predominated by State parkland, private and public open space and low density rural residential or agricultural lands. AT&T Ex. 1, pg.9, Tab 2.

Once it was determined that a new tower facility was needed in each search area to provide coverage in this part of East Haddam, AT&T investigated numerous properties within the site search areas. AT&T Ex. 1., 7 Tab 2. As part of this investigation, AT&T met with Town officials in the fall of 2008 to discuss its coverage requirements in the area and receive input from the Town. A representative of the Eightmile River Wild and Scenic Coordinating Committee attended these initial Town meetings at which several environmental resources of importance were identified, including Devil's Hopyard State Park and its scenic views to the south and the Millington Green National Historic District to the west of AT&T's site search areas. AT&T Ex. 1, pg. 9. With this additional information, AT&T continued its search for sites and initially investigated a total of fourteen sites. AT&T Ex. 1, pg. 9; AT&T Bulk Filing, Technical Report. AT&T's search produced two initial candidates for the search area north of Devil's Hopyard State Park and one initial candidate south of Devil's Hopyard State Park. AT&T Ex. 1. pg.10-11; AT&T Bulk Filing Technical Report. The other sites investigated were either rejected by AT&T or not made available by the property owner. Id.

II. AT&T's Technical Consultation with the Town of East Haddam

AT&T filed a technical report with the Town of East Haddam in May of 2009 which included specifics about two proposed candidate sites for Devil's Hopyard North and one candidate site for Devil's Hopyard South. The technical report included more detailed information on the public need for two tower facilities in this part of the State, explained the site selection process and the environmental effects of the proposed facilities including visual reports. AT&T Ex. 1, pg 9-10; AT&T Bulk Filing, Technical Report. On June 13, 2009 and in response to a request from the Town, additional balloon floats on notice to the public were performed for the candidates presented in the technical report. AT&T Ex. 1, pg. 10, Tab 5. On

June 23, 2009, AT&T representatives then appeared before the East Haddam Planning and Zoning Commission ("P&Z") to discuss the details of the facilities presented in the technical report and receive comments from the Town and interested parties including the Eightmile River Wild and Scenic Coordinating Committee and the East Haddam Land Trust. AT&T Ex. 1, pg.10.

As a result of the balloon floats and the ongoing municipal consultation, the P&Z in conjunction with the Eightmile River Wild and Scenic Coordinating Committee ("Eight Mile Committee") and other local officials, indicated no objection to one of the Devil's Hopyard North candidates, specifically the site at the East Haddam Fish & Game Club. Several concerns were, however, voiced, over the other two candidates AT&T had identified in and around the Park. Id. Specifically, the alternative candidate proposed at the Hoteckey property and the only proposed Devil's Hopyard South candidate at the Bochain Family Trust property were both deemed to have a significant visual impact to Devil's Hopyard State Park at its main entrance, along a marked trail in the Park and from a documented scenic view that is referenced in Department of Environmental Protection ("DEP") literature. Id.

The P&Z did, to its credit, recommend an alternative to the Devil's Hopyard South proposed site and provided AT&T with detailed information supporting its recommendation. AT&T Ex. 1, pg.11. Indeed, the Town suggested alternative was located slightly east from the coverage objective but importantly beyond scenic views from the Park that extend over a panorama looking south. AT&T's radio frequency analysis indicated that a tower facility at the Town suggested alternative could provide comparable coverage in the area south of Devil's Hopyard State Park if properly sited. Id. Moreover, the owner of this suggested parcel, Andrew Tarpill, was willing to host a facility. Id. As such, based on all of the input received, AT&T spent the next several months securing the Tarpill property, modifying its project plans, shared those plans

with Town officials and ultimately incorporated the Town suggested site into its Application as the sole Devil's Hopyard South candidate. Id.

III. AT&T's Certificate Application, Parties & Intervenors & Pre-Hearing Filings

On November 25, 2009, AT&T submitted its application to the Siting Council for Certificates to construct, maintain and operate two cellular telecommunications facilities, one at the East Haddam Fish & Game Club, labeled the "Devil's Hopyard North" site and the other at the Tarpill property, labeled the "Devils' Hopyard South" site. Because network coverage from the two proposed tower sites would be interrelated, located in the same community and importantly that the two tower sites both implicated many of the same environmental resources (namely the State Park), AT&T presented both facilities as one project to the Siting Council. AT&T Ex. 1, pg. 2. The projects were subsequently identified by the Siting Council as Docket No. 395 A & B.

As set forth in the Application, the site of the proposed Devil's Hopyard North facility is the East Haddam Fish and Game Club located on Haywardville Road. The proposed Devil's Hopyard North facility would consist of a 180-foot tall monopole, antennas and associated equipment behind an eight-foot tall fence on a 100' by 100' leased parcel of the property. AT&T Ex. 1, Tab 3. The site of the proposed Devil's Hopyard South facility is the property of Andrew J. Tarpill located on Ed Williams Road. The proposed Devil's Hopyard South facility would consist of a 160-foot tall monopole, antennas and associated equipment behind an eight-foot tall fence on a 100' by 100' leased parcel of the property. AT&T Ex. 1, Tab 4.

On February 12, 2010, AT&T submitted responses to Siting Council pre-hearing interrogatories. On March 24, 2009 AT&T submitted pre-filed testimony from two of its

witnesses and a resume for another witness. A public hearing was scheduled by the Council for March 4, 2010. There were no parties or intervenors to the proceeding.

IV. Public Hearing and AT&T Supplemental Submission

On March 4, 2010, AT&T raised balloons at the two proposed sites and the Siting Council conducted an official site visit touring each of the proposed locations of the towers, proposed equipment compound areas and viewed the surrounding properties. At that day's public evidentiary hearing, the Siting Council heard comprehensive testimony from AT&T's panel of witnesses on the need for two proposed facilities, the investigation of alternative sites and any environmental effects associated with construction of a tower at each proposed site. At the evidentiary hearing, the East Haddam First Selectman made a statement in which he noted that wireless service is lacking in this part of East Haddam. Tr. 3/4/10 3:30PM, pg.8. At the evening portion of the proceeding, the Siting Council heard favorable testimony from a representative of the Eightmile River Wild and Scenic Coordinating Committee who acknowledged AT&T's willingness to work with the Town and respond to concerns by modifying its proposal. Tr. 3/4/10 7:00 PM, pg. 16. Only a handful of resident's expressed concerns with emissions and other environmental effects associated with the tower proposal for the Tarpill property. No one objected to the tower proposal at the Fish and Game Club.

The public hearing was, adjourned on March 4, 2010. Tr. 3/4/10 7:00 PM, pg. 50. AT&T subsequently responded to a second set of Council post hearing interrogatories on March 23, 2010 addressing on-site wetlands, alternative tower site development scenarios and other construction related measures associated with the proposed projects. At its meeting on April 8, 2010, the Siting Council determined that a continued hearing was not required and closed the

public hearing. All interested persons have been given a full and fair opportunity to present their comments to the Council as part of the hearing and Application process.

POINT I

A PUBLIC NEED CLEARLY EXISTS FOR TWO NEW TOWER FACILITIES IN EAST HADDAM

Pursuant to Connecticut General Statutes (“CGS”) Section 16-50p, the Council is required to find and determine as part of any Certificate application, “a public need for the proposed facility and the basis for that need”. CGS § 16-50p(a)(1). In this Docket, AT&T provided coverage analyses and expert testimony that clearly demonstrates the need for two new tower facilities to provide reliable wireless services to residents and the traveling public in the eastern portion of the Town of East Haddam and in and around Devil's Hopyard State Park. AT&T Ex. 1., Tab 1 coverage plots; Blevins Pre-Filed Testimony; Wells Pre-Filed Testimony. A significant coverage gap (blue) exists in the AT&T network and radiates out to include lack of reliable in-vehicle (yellow) and in-building (green) service in a wide area of East Haddam in and around Devil's Hopyard State Park. AT&T Ex. 1, Tab 1. The testimony and evidence also demonstrate that the significant gaps, terrain and size of the State Park require two new tower facilities to address the public need for service. Id.

Youghioghny Communications Northeast LLC ("Pocket Wireless") has concurred also indicated that they have a need for both facilities. Tr. 3/4/09 3:30PM, pg. 21; 2/24/10 letter. Importantly, no competent evidence or testimony was offered by others to rebut AT&T's testimony on the subject of a public need for two new towers in this part of East Haddam. Indeed, commentary from the First Selectman using various wireless carriers' services as a reference point is in fact consistent with the AT&T expert testimony regarding an overall lack of service in this part of East Haddam. Tr. 3/4/10 3:30PM, pg. 8. As such, based on the AT&T

evidence, knowledge of the existing wireless network infrastructure in this part of the State for all the carriers, and the statement from Pocket Wireless' representative about their need for the proposed facilities, AT&T submits that there is fundamentally a public need for two new tower facilities in this area of East Haddam to provide coverage where adequate and reliable coverage does not exist.

POINT II

THERE ARE NO EXISTING STRUCTURES OR OTHER MORE VIABLE ALTERNATIVE PROPERTIES FOR SITING THE PROPOSED TOWER FACILITIES

AT&T submitted significant evidence demonstrating its comprehensive search for sites both north and south of Devil's Hopyard State Park. AT&T Ex. 1, pg. 8-9, Tab 2. AT&T identified and investigated all existing tower structures within four miles of both the Devil's Hopyard North and Devil's Hopyard South site search areas. AT&T Ex. 1, Tab 1, Tab 2. Of note, AT&T is currently using most of the existing tower sites to provide coverage to other areas of the State. AT&T Ex.1, Tab 1. Of those AT&T is not using, all are too remote from the intended areas of new coverage as to be used within AT&T's network. Additionally, there are no other "tall" structures in this area of the State.

Moreover, land uses in the area consist of Devil's Hopyard State Park and significant tracts of deeded open space which are not legally available for tower siting. AT&T Ex. 1, Tab 2. Prior to submission of its technical report to the Town, AT&T did nevertheless identify and investigate a total of thirteen privately owned properties for the location of a tower facility. AT&T Bulk Filing, Technical Report. Despite the challenges of locating tower sites within this area of the State, AT&T did initially secure three sites for presentation to the Town in a technical report. Id. Thereafter and as a result of municipal consultation with the Town and other interested parties,

AT&T investigated one additional Town recommended property which was identified for the Devil's Hopyard South facility. AT&T Ex. 1, Tab 2.

In response to the strong recommendations of the Town's P&Z, comments of the Eight Mile Committee and AT&T's own assessment that two of its candidate sites would in fact be visible from State Park resources including the northerly entrance to the Park, a trail head and a documented scenic overlook to the south, AT&T did not apply for two of the originally proposed tower site candidates. AT&T Ex.1, pg. 11-12. Rather, AT&T appropriately proceeded with an Application for the one site in the Devil's Hopyard North search area that had no objections and limited impacts if any and the Town preferred site location for Devil's Hopyard South search area.

The record in this proceeding demonstrates that there are no existing towers, structures or other more viable alternative properties for the siting of the two proposed facilities in this Docket. AT&T Ex. 1, Tab 1, Tab 2. Indeed, Town officials have specifically stated to the Siting Council that these are the best sites given all the facts and circumstances presented in this proceeding. As such, AT&T respectfully submits that its two year history of working with the Town of East Haddam, Eight Mile Committee and others in this part of the State are in and of itself, evidence, of its commitment to come up with the best sites and the lack of true alternatives for wireless siting in this area of the State.

POINT III

AT&T'S PROPOSED TOWER FACILITIES PRESENT NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS

Pursuant to CGS Section 16-50p, the Council is required to find and determine as part of a Certificate application any probable environmental impact of a facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational

values, forest and parks, air and water purity and fish and wildlife. AT&T respectfully submits that the facilities as proposed in this Docket will have no significant adverse environmental effects on the resources listed in Section 16-50p of the General Statutes. Further, that any localized impacts are not significant and can be managed through appropriate engineering controls and site modifications.

1. Potential Visual Effects

A. Devil's Hopyard North

The record in this Docket demonstrates that the proposed Devil's Hopyard North tower facility at the East Haddam Fish and Game Club will have no visual impact on any scenic, historic or recreational resources that are specifically listed or identified as of significant State, regional or local importance, including the National Historic District at Millington Green and Devil's Hopyard State Park. AT&T Ex. 1, Tab 3C. The State Historic Preservation Officer ("SHPO") determined that the proposed facility will not have any visual impact on historic resources. AT&T Ex. 1, Tab 6. In fact, visibility of the proposed tower is very limited to a few areas for short distances primarily along Haywardville Road and Hopyard Road. AT&T Ex. 1, pg. 16, Tab 3C. Of the 2000 acres studied within a 1-mile radius of the tower, year-round visibility will be limited to merely 10 acres (or 0.1%) of that area. AT&T Ex. 1, Tab 3C.

As the Council is aware from reference to other dockets, this represents a very low viewshed area for a tower site and supports that the project has a low visual impact. With respect to residential visibility, a resource not specifically listed in CGS Section 16-50p, views are extremely limited. The uppermost portion of the tower will be seasonally visible from properties along Haywardville Road and Hopyard Road with some properties on Salem Road with year round visibility. Id. In all cases, the rolling hills and heavy mature vegetation will help obscure

and limit visibility of the tower. Id. As such, despite the presence of some significant visual resources in the area, no visual impacts have been identified for the proposed Devil's Hopyard North site.

B. Devil's Hopyard South

The visual impacts of the Devil's Hopyard South facility are similarly not substantial. The record in this Docket demonstrates that the proposed Devil's Hopyard South tower facility at the Tarpill property will have no visual impact on any scenic, historic or recreational resources that are specifically listed or identified as of significant State, regional or local importance, including Devil's Hopyard State Park and Nature Conservancy preserves to the south. AT&T Ex. 1, Tab 4C; SHPO Correspondence, Hearing Ex. Visibility of the Devil's Hopyard South facility will be limited to portions of private lands in close proximity to the facility. AT&T Ex. 1, pg. 17, Tab 4C. Of the 2000 acres studied within a 1-mile radius of the tower, year-round visibility will be limited to only 4 acres - less than one tenth of one percent of that area. AT&T Ex. 1, Tab 4C. This is clearly an extremely low viewshed area for a tower site and supports the position that the Devil's Hopyard South facility will have no significant visual impacts.

With respect to residential visibility, a resource not specifically listed in CGS Section 16-50p, views are extremely limited. The uppermost portion of the tower will be seasonally visible from only a couple of properties along Foxtown Road and West Street. Id. In all cases, the rolling hills and heavy mature vegetation will help obscure and limit visibility of the tower from the few homes in this area of the State. Id. As such, despite the presence of some significant visual resources in the area, no adverse visual impacts have been identified for the Devil's Hopyard South site.

2. Potential Impacts to the Natural Environment

As clearly demonstrated in this Docket, impacts to the natural environment from AT&T's proposed facilities are not significant and can be addressed through proper construction techniques and facility modifications overseen by the Siting Council.

A. Devil's Hopyard North

i. Wetlands, Watercourses, and Floodplains

Localized wetland/watercourses were delineated in the vicinity of the proposed Devil's Hopyard North Facility. The project is located in a locally defined upland review area. However, due to the nature of the tower use itself with limited traffic, minimal impervious surfaces and no sanitary facilities, no direct or significant adverse wetlands impacts were identified for the project. Impacts would be essentially limited to upland disturbances associated with the gravel compound and driveway extension. To address these disturbances and potential for impacts to the on-site wetlands, AT&T's wetland consultant recommended diversion swales along the access drive, level spreaders, hay bales and silt fencing during construction with seeding and stabilization thereafter. AT&T Ex. 1, pg. 25; AT&T Post Hearing Interrogatory Responses, A2, Attachment A. AT&T would incorporate these engineered improvements into the overall design of the facility should it be approved by the Council. Id.

The specific location of the tower and access drive was selected because it utilizes an existing curb cut and woods road with moderate grades and the remote location internal to the property ensures low visibility. Of note, when designing the Devil's Hopyard North facility, AT&T did investigate alternative locations on the property and other East Haddam Fish and Game Club properties to identify if there were any locations where potential impacts to wetlands could be further minimized. AT&T Post Hearing Interrogatory Responses, A1, Attachment A.

Other parcels owned by the East Haddam Fish and Game Club were, however, rejected due to visibility from Millington Green which is on the National Register of Historic Places and no other viable locations were located that best balanced all environmental considerations including wetlands. Id. AT&T respectfully submits that the location of the tower facility and driveway minimizes impacts on wetlands/watercourse to the greatest extent possible and no adverse impacts to the wetlands are expected with the implementation of engineered drainage controls identified and typical best management practices. Id.

ii. Wildlife

DEP Natural Diversity Database maps were reviewed for the proposed site and it is not located within or near areas identified as Listed Species or Natural Communities. No other wildlife issues have been identified in the course of AT&T investigations and as such, AT&T respectfully submits that the proposed facility will not significantly impact wildlife or any ecological balance in this area of East Haddam. AT&T Ex. 1, Tab 3B.

iii. Clearing and Grading

The proposed Devil's Hopyard North facility will require some modest grading and fill. AT&T Pre-Hearing Interrogatory Responses, A3. Approximately 24 trees with a diameter at breast height of six inches or larger will be removed. AT&T Ex. 1, Tab 3. The location of the facility on the East Haddam Fish and Game Club property was sited to minimize all impacts by utilizing an existing curb cut and woods road. AT&T Post Hearing Interrogatory Responses, A1, Attachment A. While shortening the proposed access drive would reduce the amount of clearing and disturbances, it would require a taller tower due to the difference in elevation and the result would be greater visibility of the tower site itself along Haywardville Road. AT&T Post Hearing Interrogatory Responses, A20. As such, it is respectfully submitted that the location of the

Devil's Hopyard North tower site is optimized to provide needed service while minimizing impacts including grading and clearing.

B. Devil's Hopyard South

i. Wetlands, Watercourses, and Floodplains

Wetlands were delineated in the vicinity of the proposed Devil's Hopyard South facility, however no significant adverse impacts are anticipated. This even if some of the wetlands pockets are in fact vernal pools. AT&T Ex. 1, pg. 25, Tab 4A. AT&T's soil scientist conservatively assumed that such wetlands were vernal pools as part of initial investigations which were done at a time of year when such conclusions could not be factually made. As such, AT&T in turn took that into consideration as part of design of the access road over 100' away from such features. AT&T Post Hearing Interrogatory Responses, A8, Attachment B. As requested by the Siting Council, AT&T did present an alternative access drive located partly along the existing unimproved woods road, which would be approximately 220 feet from the identified pools. This alternative driveway could be developed to further minimize any potential impacts to wetlands and possible vernal pools on-site. Id.

ii. Wildlife

DEP has reviewed its Natural Diversity Database maps and determined that no known populations of endangered, threatened or species of special concern occur in the vicinity of the project site. AT&T Ex. 1, Tab 6. Given the nature of facility and extremely limited use of the driveway, no long-term impacts to any wildlife using wetlands and potential vernal pools in the area are anticipated. As such, AT&T respectfully submits that the proposed facility will not significantly impact wildlife or any ecological balance in this area of East Haddam and no mitigation measures are required.

iii. Clearing and Grading

The proposed Devil's Hopyard South facility will require some grading and no fill is required. AT&T Pre-Hearing Interrogatory Responses, A3. Approximately 64 trees with a diameter at breast height of six inches or larger will be removed due largely to the length of the proposed access road. AT&T Ex. 1, Tab 4. To further reduce those impacts, an alternative access road was developed that would utilize part of the existing unimproved woods road and widen it for access solely on the leased parcel of property. AT&T Post Hearing Interrogatory Responses, A12. The alternative access has the advantage of less tree removal and further distance from on-site wetlands and potential vernal pools. Id.

While shortening the proposed access drive would reduce the amount of clearing and disturbances, it would increase localized visibility of the tower to abutters and such a location would be closer to open fields and neighboring properties. AT&T Post Hearing Interrogatories, A21, Attachment A. Moreover, such a location would not provide adequate service due to signal blocking from higher elevations to the west. AT&T Post Hearing Interrogatories, A21, Attachment A; Tr. 3:30PM, pg. 44-45. As such, it is respectfully submitted that the location of the Devil's Hopyard South tower and a relocated access drive are optimal to provide needed service while minimizing impacts to the greatest extent feasible.

3. Other Environmental Considerations

There are no other relevant or disputed environmental factors for consideration by the Council in this Docket. The tower facilities will comply with all public health and safety requirements. Additionally, since the facilities are unmanned with few vehicle trips, there will be no impacts to traffic. Emergency generators will comply with all air and noise requirements.

As such, the Council should find and determine that the facilities proposed by AT&T do not implicate any other environmental resources identified in Connecticut Statutes.

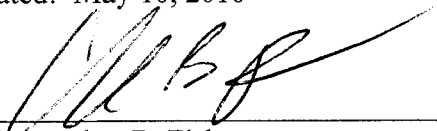
CONCLUSION

AT&T has demonstrated a public need for and lack of any significant adverse environmental effects associated with its proposed Devil's Hopyard North and Devil's Hopyard South tower facilities. The evidentiary record contains no competent evidence challenging the public's need for the towers to provide reliable wireless services in and around Devil's Hopyard State Park and this part of the State. Moreover, the record demonstrates that the proposed facilities will not have any significant adverse environmental effects, particularly on a National Register Historic District in the area and State Scenic Views that are documented in this part of the State. Indeed, any environmental effects have been minimized through careful siting and on-site engineering controls for drainage at the northerly site and relocation of a driveway for the southerly site can be implemented to further reduce any potential impacts. Additionally, these proposed sites specifically meet the Town's Section 16-50gg preferences and the recommendations and comments of the Eight Mile Committee as stewards for a watershed that has national recognition. For the reasons set forth in this legal brief and as more fully evidenced by the record in this Docket, Certificates should be issued for the Devil's Hopyard North and the Devil's Hopyard South proposed facilities.

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing was served on the Connecticut Siting Council electronically and by first class mail

Dated: May 10, 2010



Christopher B. Fisher

cc: Michele Briggs, AT&T
John Blevins, AT&T
David Vivian, SAI
Anthony Wells, C Squared
Peter Perkins, CHA