

STATE OF CONNECTICUT
SITING COUNCIL

IN RE: SBA TOWERS II, LLC : DOCKET #396
APPLICATION FOR CERTIFICATE FOR :
TELECOMMUNICATIONS FACILITY AT 49 :
BRAINERD ROAD IN THE TOWN OF EAST LYME : MARCH 1, 2010

**FRIENDS OF THE PATTAGANSETT TRUST'S REQUEST FOR ADMINISTRATIVE
NOTICE**


The following are items found in the public record or in the Siting Council's own records which the FOPT requests that the Siting Council take administrative notice.

1. "The Impact of Wireless Towers on Residential Property Values", Carol C. McDonough, PhD, Assessment Journal, Summer 2003, pp. 25-32.
http://www.broadbandwirelessreports.com/uploads/1/Appraisal_Journal_-_Cell_towers_bad_for_home_prices.pdf
2. "The Impact of Cellular Phone Base Station Towers On Property Values", Sandy Bond, PhD, Ninth Pacific-Rim Real Estate Society Conference, January, 2003.
http://www.prrs.net/Papers/Bond_The_Impact_Of_Cellular_Phone_Base_Station_Towers_On_Property_Values.pdf
3. Connecticut Siting Council Docket 393, Letter from Connecticut Council on Environmental Quality, January 27, 2010.
http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_393/d391392393ceqcommentsdatedjanuary272010.pdf
4. Omnipoint Holdings v. City of Cranston, 1st Circuit Court of Appeals, November 2009. <http://legal.iml.org/files/pages/3894/08-2491.pdf>.
5. Federal regulations contemplate that areas enjoying adequate coverage will still include spots without reliable service. See 360 Degrees Communications Co., 211 F.3d at 87; 47 C.F.R. §22.911(b) (2001); see also id. §22.99 (defining dead

spots as "[s]mall areas within a service area where the field strength is lower than the minimum level for reliable service").

6. Town of Amherst v. Omnipoint Communications Enters., Inc., 173 F.3d 9, 12 (1st Cir. 1999).
<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=1st&navby=case&no=982061>
7. Connecticut Siting Council proceedings in Docket 309, Reopening Findings of Fact, Opinion, Decision and Order, February 2007.
8. Other Siting Council dockets for towers in the coastal area evidencing nearly 9,000 acres of cumulative visual impact to the scenic views of the shoreline from Long Island Sound.
 - a. Docket #333- Viewshed map Attachment A to Application(2700 acres of LI Sound)
 - b. Docket 392 – Viewshed Analysis and Map Exhibits N1 and N2 (679 acres)
 - c. Docket 391- Viewshed Analysis and Map Ex. N1 and N2 (1,773 acres)
 - d. Docket 390 Viewshed Analysis and Map Ex M1 and M2 (690 acres of marsh and LI Sound)
 - e. Docket# 393 Viewshed Analysis and Map Ex M1and M2(263 acres marsh/Sound)
 - f. Docket# 386- Viewshed Analysis and Map Ex M1 and M2 (633 acres of Branford Harbor/Sound)

Friends of the Pattagansett Trust

By 
Keith R. Ainsworth, Esq.
Evans Feldman & Ainsworth, L.L.C. #101240
261 Bradley Street
P.O. Box 1694
New Haven, CT 06507-1694
(203)772-4900
(203)782-1356 fax
krainsworth@snet.net

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 4th day of March, 2010 and addressed to all parties and intervenors on the attached service list and as noted below.

Mr. S. Derek Phelps, Executive Director, Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051.

Mail- SBA Towers, LLC c/o Carrie Larson, Esq., Pullman & Comley, LLP, 90 Statehouse Square, Hartford, CT 06103-3702 (860) 424-4312/(860) 424-4370 fax

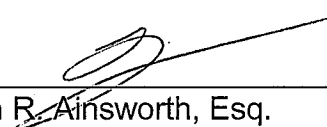
E-mail -- Cellco d/b/a Verizon c/o Kenneth Baldwin, Esq., Robinson & Cole, 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200/ (860) 275-8299 fax
kbaldwin@rc.com

E-mail- Russell Brown, 41 Brainerd Road, Niantic, CT 06357 (860) 739-5984/ (860) 691-1145 Fax rds@businessbookpress.com

Mail - Town of East Lyme c/o Edward O'Connell, Esq., Waller, Smith & Palmer, PC, 52 Eugene O'Neill Drive, P.O. Box 88, New London, CT 06320 (860) 442-0367/(860) 447-9915 eboconnell@wallersmithpalmer.com

Mail --New Cingular Wireless c/o Christopher Fischer, Esq., Cuddy & Feder, LLP, 90 Maple Avenue, White Plains, NY 10601 (914)761-1300/(914)761-5372fax

Mail - Joseph Raia, 97 West Main Street, Unit 9, East Lyme, CT 06357
raia.joseph@sbcglobal.net (860) 691-1005/ (860) 739-0036 fax



Keith R. Ainsworth, Esq.