

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF SBA TOWERS II LLC  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT 49 BRAINERD ROAD,  
NIANTIC (EAST LYME), CONNECTICUT**

**DOCKET NO. 396**

**Date: March 16, 2010**

**OBJECTION TO REQUESTS FOR ADMINISTRATIVE NOTICE**

On March 1, 2010, party Friends of Pattagansett Trust (“FOPT”) submitted 8 items to the Siting Council for consideration as items to be administratively noticed. Applicant SBA Towers II, LLC (“SBA”) respectfully objects to the FOPT requests for administrative notice of items 1-3 and 8 as more specifically detailed below.

**Item #1 and #2:**

FOPT requests that two articles, “The Impact of Wireless Towers on Residential Property Values” and “The Impact of Cellular Phone based Station Towers on Property Values” be included in the list of administratively noticed items for this docket. SBA objects to the inclusion of both of these articles as administratively noticed documents.

First, SBA objects to the inclusion of these two items because administratively noticed items typically include government publications, codes or building standards. Both of these items are simply published articles discussing property values and therefore are not appropriately included as administratively noticed items.

Second, SBA objects to the inclusion of these two items because they discuss topics outside the scope of the Siting Council’s jurisdiction. Specifically, economic impacts, such as impacts on property values, are not part of the statutory criteria the Siting Council are

permitted to consider when making a determination on a certificate application, as contained in Connecticut General Statutes § 16-50p. Therefore, the subject matter of these articles is irrelevant to this proceeding.

Finally, even if the subject matter of these two items were relevant to the Siting Council's determination of this application, these two items should nonetheless be excluded from the administrative notice list because they have no scientific value. SBA notes that neither of these articles are peer-reviewed, scientific studies but simply summarize other studies. In addition, both articles were published in 2003 and review studies or opinion surveys pre-dating the publication. Therefore, the information contained therein is outdated. The first article mainly discusses results of studies of stigma claims associated with proximity to power lines and then merely hypothesizes that similar issues may arise with telecommunications towers. Therefore, this article is of no scientific value to the issues pending for the Siting Council in this docket. The second article discusses an opinion poll that was conducted outside of the United States, focuses mainly on health effects of telecommunications towers—a subject matter on which the Siting Council has been pre-empted by the FCC. Therefore, both of these articles are irrelevant to the present application and should not be included in the list of items administratively noticed.

**Item #3:**

FOPT requests that a letter sent by the Council on Environmental Quality (“CEQ”) to the Siting Council in Docket 393 be included in the administrative notice items for this docket. SBA objects to the inclusion of this letter. Specifically, the letter referenced was sent by CEQ to the Siting Council discussing a specific application pending before the Siting Council and makes no reference to this pending docket. Indeed, CEQ is included on


the certification of service list and thereby has received a copy of this application. In addition, CEQ is included in the numerous mailings the Siting Council sends requesting comment from state agencies. CEQ has ample opportunity to comment on this pending application and has chosen not to do so. CEQ's specific comments about a separate application are therefore irrelevant and should not be included in the list of items administratively noticed in this docket.

**Item #8:**

FOPT requests inclusions of specific items from dockets 333, 392, 391, 390, 393 and 386 and includes characterizations about these dockets in its request. SBA objects to the inclusion of these characterizations made by FOPT. Specifically, any characterization of an item included in the list of items administratively noticed is not appropriate. In addition, these characterizations are even more inappropriate because they are not accurate. FOPT misstates the findings of visibility over the waters of Long Island sound as calculated for Docket 333 and 392 and also miscalculates, by more than 3,000 acres, the total cumulative acreage of visibility over the waters of Long Island sound as calculated by the various applicants in the referenced dockets. Finally, SBA further objects to the inclusion of any items from dockets 390, 391, 392 and 393 as the dockets either still have open records or have not been decided by the Siting Council. Therefore, since no decision has been rendered, inclusion of items from the record from these docket is premature.

For the reasons set forth above, SBA objects to the inclusion of items 1-3 and 8 in the list of documents administratively noticed and respectfully requests that the Siting Council decline inclusion of these documents therein.

Respectfully Submitted,

By:   
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**Certification**

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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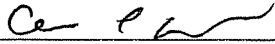
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