

**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

**APPLICANT'S RESPONSES TO FIRST SET OF INTERROGATORIES FROM THE
FRIENDS OF PATTAGANSETT TRUST**

Applicant SBA Towers II, LLC ("SBA") hereby submits the following responses to the Friends of Pattagansett Trust's ("FOPT") first set of pre-hearing interrogatories dated March 1, 2010¹:

Q1. Have you or your corporate predecessors or affiliates installed a micro-cell wireless communications facility in New York or New England?

A1. SBA has not installed micro-cell communications.

Q2. If so, how many times and in what locations?

A2. Not applicable.

Q3. How many times have you successfully installed a micro-cell wireless communications facilities outside of Connecticut?

A3. No applicable.

Q4. Are there other sites in East Lyme that you are considering developing wireless communications facilities? Please describe.

A4. SBA does not have any other sites in the Town of East Lyme that it is pursuing at this time.

¹ As noted in the interrogatories as issued by FOPT, these interrogatories were issued to SBA as well as intervenors Cellco Partnership d/b/a Verizon Wireless and New Cingular Wireless PCS, LLC (AT&T). SBA has provided responses to all interrogatories that it is able to address. For those interrogatories that are more appropriately responded to by either Verizon Wireless or AT&T, SBA has indicated a response of "not applicable."

Q5. Please name all carriers with whom you have reason to believe will co-locate on the proposed facility.

A5. There are three wireless carriers active in New London county other than the three that have already expressed interest in the proposed Facility (intervenors AT&T and Verizon and T-Mobile): Sprint/Nextel Corporation, Clearwire Corporation and Metro PCS. SBA has contacted those three carriers. Clearwire has indicated that it has not commenced its build-out of New London county yet and does not have a schedule for when such build-out will proceed. Sprint/Nextel corporation has indicated an interest in the proposed Facility but did not articulate any specific height requirements. SBA has not heard back from Metro PCS as of today's date.

Q6. Did you consider locating at the site located off Rte 156 in East Lyme at Latitude 41 18 57.48 Longitude 72 13 58.4 (Indian Woods Road)? Were you aware that this site has been leased by T-Mobile to provide coverage to the same area as the SBA proposed site? If so, explain why this site cannot provide adequate coverage to the target area with less visual impact.

A6. SBA did not consider this location during its initial site search for a variety of reasons. First, as noted in SBA's interrogatory responses dated February 16, 2010, the initial search ring was located to the west of the site at 49 Brainerd Road (the "Site"). Therefore, as an initial matter, the Indian Woods Road parcel was approximately .75 miles out of the target coverage area. In addition, the Indian Woods Road parcel has several limitations including: 1) it does not have frontage on a public road but rather has a right-of way, with limited use, over an adjoining parcel; 2) there are wetlands on the property and development of a proposed facility on this property would require a wetlands crossing; and 3) there are many more residences within close proximity to this parcel as opposed to the Site on Brainerd Rd.

In this proceeding, since T-Mobile has leased the parcel, SBA cannot lease the parcel and therefore it is not a viable alternative since it is not available. Notwithstanding, SBA understands that this location would not fulfill AT&T's coverage objectives in this area of East Lyme.

Therefore, the Indian Woods Road parcel is not an alternative site location.

Q7. Please provide coverage and visual impact maps (existing, proposed and combined) for the location identified above in Int #6. For the coverage maps please use the same coverage modeling program with the same inputs (other than those that are site specific), power assumptions, antenna configuration, loss ratios and scale as the proposed site and present the results on a clear plastic overlay for comparison purposes.

A7. As discussed in response to interrogatory #6, the Indian Woods Road parcel is not a viable alternative since it does not satisfy AT&T's coverage objectives. Therefore, SBA has not produced a visual impact maps associated with that parcel.

Q8. Please identify the size of the search ring and explain why that radius was chosen.

A8. As the Council is aware, in general, the further a site is moved away from a target coverage area, the less likely the chances are that the site will fulfill the coverage objectives and, similarly, the chances are greater that, in order to provide coverage to the target area, the proposed Facility would need to be higher in height. Obviously, there are exceptions to that rule. However, based on that and on SBA's desire to provide a site with the least amount of environmental impact, including visual impact, while still fulfilling the coverage objectives of the wireless carriers, SBA typically begins with a search ring of approximately ¼ mile and, as the site search progresses; SBA works out from that initial search area. During that process and continuing along through the municipal consultation process and application process, SBA always reviews and considers any alternative sites regardless of the proximity to the initial search ring.

Q9. What is the percent of dropped calls in the target area?

A9. Not applicable.

Q10. Are you aware of the build out notification required of spectrum license holders filed with the FCC by any of the potential tenants on the proposed tower for the Basic Trading Area which includes East Lyme? Can you provide a copy of your 5 and 10 year build out notifications and any technical justification and/or coverage maps filed in conjunction therewith?

A10. Not applicable.

Q11. Have you performed drive tests to determine the need for coverage? If so, what methods were used and what data was gathered from the drive test?

A11. Not applicable.

Q12. In what way have you determined the public need for this particular facility?

A12. As noted by the Siting Council in its opening statement, the Federal Communications Commission (the "FCC") has preempted the determination of a public need for cellular services. While SBA does not provide wireless service, it submits that, based on the evidence submitted in the record by AT&T, Verizon and interest expressed from T-Mobile and Sprint/Nextel Corporation, a public need for this particular facility has been established.

Q13. Specifically what data do you have evidencing this public need?

A13. Not applicable.

Q14. How many residential wireless customers will this facility serve?

A14. Not applicable.

Q15. Are emergency communications for the Town of East Lyme being served adequately at the present time?

A15. SBA cannot respond about the adequacy of the Town's emergency services. The Town of East Lyme is a party to this proceeding and this question is more appropriately addressed to the Town.

Q16. Please produce any data or engineering reports which proves that the tower and its 'fail points' as designed will collapse into itself and not the neighbors' residential yards or the adjacent public trail head?

A16. The proposed Facility, at its current location, is 170 feet in height and more than 240 feet away from the nearest property line. Therefore, a yield point of break point is simply unnecessary and unwarranted.

Q17. What surety does SBA propose to do to ensure the proper decommissioning of the facility once it is no longer needed or in use? And will SBA provide a bond to ensure decommissioning?

A17. Assuming the proposed Facility is approved, SBA will adhere to all requirements contained in its approval from the Siting Council, which typically includes a requirement to remove the Facility if it is not in use for a specified amount of time.

Q18. What percentage of the proposed screening trees for the facility will be guaranteed to survive five years?

A18. Given that the proposed Facility is more than 300 feet away from the nearest residence and that virtually all of that distance is wooded, undeveloped area, SBA does not believe that screening trees are necessary. However, SBA has stated on the record that it would plant screening trees, if required by the Siting Council approval and will comply with any additional requirements imposed by the Siting Council concerning those screening trees.

Q19. Please describe the methods used by your visual impact consultant to calculate seasonal visibility.

A19. Areas of potential seasonal, or "leaf-off", visibility are determined based upon a combination of in-field observations made during the conduct of a balloon float and desktop information including; various computer modeling techniques similar to those used to identify areas of year-round visibility (but with lower tree heights and/or an omission of the tree canopy); a review of recent (2008), high-resolution aerial photography; and a review of available topographic data. Since VHB staff generally does not have access to private properties, in-field observations are typically limited to publically accessible locations. Given this restriction, VHB incorporates the data sources listed above in order to as accurately as possible depict those areas where the potential for seasonal views may exist.

Q20. How many audible decibels will the associated equipment produce at the nearest points of the property line for the proposed Brainerd Road site?

A20. SBA does not place any equipment within the proposed equipment compound that creates any noise.

Q21. Do you have any data on the expected frequency of power outages requiring use of a backup ?

A21. SBA does not have any such data.

Q22. What computer software (name, producer, version) did you use in confirming the allegedly significant gap in coverage surrounding the site?

A22. Not applicable.

Q23. Is this software available for inspection so that others may make independent confirmation of its accuracy?

A23. Not applicable.

Q24. In generating the proposed coverage maps, what average tree height and leaf coverage was assumed in the model?

A24. Not applicable.

25. How was the height of 170 feet determined for the tower?

A25. SBA submitted this application for the proposed Facility at 170 feet based on the height requirements it received from intervenors AT&T and Verizon as well as T-Mobile.

Q26. How are "repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies" not feasible in the proposed area of East Lyme?

A26. SBA determined that the identified size of the coverage gap/proposed coverage area was too large and therefore repeaters, microcell transmitters, DAS or other alternative technologies would not be feasible solutions.

Q27. Why are such technologies not feasible?

A27. See response to interrogatory #26.

Q28. What studies did you undertake to eliminate alternate technologies from consideration given that they are of lesser impact to surrounding property uses?

A28. Not applicable.

Q29. Who conducted the feasibility studies on alternate technologies?

A29. Not applicable.

Q30. Please provide the feasibility studies or data by which you determined the lack of feasibility?

A30. Not applicable.

Q31. Have you considered using a combination of DAS or leaky coax along the rail lines in conjunction with a shorter tower to cover the target area?

A31. Not applicable.

Q32. Is there a particular standard or decibel signal strength which you believe is necessary for adequate coverage for PCS (1900MHz) service in the East Lyme area? For 850MHz service? For 700 MHz

A32. Not applicable.

Q33. What particular dBm signal strength do you believe is necessary for in-vehicle coverage for PCS (1900MHz), 700 MHz and 850MHz in the target area?

A33. Not applicable.

Q34. In the proposed coverage maps submitted by the Applicant, what loss margin was assumed in the modeling?

A34. Not applicable.

Q35. For any signal strength predicted by your coverage modeling, what percent-of-locations is assumed for reliability? (e.g: 85% of locations, 95%?)

A35. Not applicable.

Q36. Are you assuming that your target coverage is 'reliable service' or "adequate coverage"? Do these two terms differ? How do you define these two terms for the purposes of meeting the goals of the Telecommunications Act of 1996?

A36. Not applicable.

Q37. Please describe what a P.02 level of service is and what is required by the FCC.

A37. Not applicable.

Q38. If the proposed tower structure will have a diameter of 2 to 3 feet and antenna structures over 10 feet across, how does a balloon of 3 feet diameter to sufficiently place area residents on notice as to the true visual impacts of the proposed facility?

A38. The intent of a public balloon float using an approximate three-foot diameter balloon is to provide a reference location and height of the proposed facility. A three-foot diameter balloon flown at the site to the height of the proposed facility provides an accurate representation of the locations from where the tower may be visible and the degree to which it would extend above the surrounding vegetation. The *Visual Resource Evaluation Report (November, 2009)* submitted as part of this application (at Exhibit I) should be reviewed by residents interested in assessing the potential visual impacts associated with the installation of the proposed Facility. The *Visual Resource Evaluation Report* contains balloon float photographs; photographic simulations depicting a to-scale representation of the proposed facility; results of a computer-based predictive model that identifies areas of potential year-round and seasonal visibility; and narrative text that explains the methodologies used in the evaluation.

Q39. What number of residential homes are located on the road where the tower is proposed?

A39. There are approximately 20 residential homes located on Brainerd Road.

Q40. Do you have or have you conducted any studies regarding the impact of real estate property values by nearby cell towers?

A40. In context of this application, economic impacts, such as property values, are not part of the statutory criteria that the Siting Council is permitted to consider when considering this application. Although it is not a consideration for the Siting Council, SBA has previously conducted studies concerning the impact, if any, on property values. A copy of such a report, establishing that a telecommunications facility in a residential area does not have an impact on property values, is attached hereto as Exhibit 1.

Q41. Have you performed an analysis of the likely impact on real property values of the residences in the immediate vicinity of the proposed facility on Brainerd Road?

A41. SBA has not conducted a study specific to this application.

Q42. When was the real estate value analysis conducted?

A42. Not applicable.

Q43. By whom was the real estate value analysis conducted?

A43. Not applicable.

Q44. Will you provide a copy of the real property value analysis performed by the Applicant?

A44. Not applicable.

Q45. Before making the current application, did you consider locating the tower closer to

the lessor's house which is further away from the residences on Brainerd Road and is this a feasible alternative?

A45. The Facility location, as depicted in the Application, was selected based on a variety of factors. However, as discussed during the hearing on February 23, 2010, it is feasible to re-locate the Facility to the south on the Property and SBA has already indicated its willingness to do so.

Q46. Has the Applicant explored either as a matter of general business policy or as a matter of formal planning with the Siting Council, the use of less-intrusive technologies for the provision of service in residential areas?

A46. Up until the end of January 2010, SBA's parent company, SBA Communications Corporation, owned a subsidiary called SBA Advanced Wireless Networks, LLC. This subsidiary owned, developed and operated outdoor distributed antenna systems ("DAS"). In January, 2010, SBA sold its DAS subsidiary to ExteNet Systems, Inc. as part of a larger investment by SBA in ExteNet. SBA, through this relationship and as a general business policy, considers alternative technologies, such as DAS, as an important option to providing coverage solutions for wireless carriers in the appropriate context. As stated previously, given the size of the existing coverage gaps identified in this area of East Lyme, it was determined that DAS has not a viable alternative.

Q47. What was the result of any such planning identified in the previous interrogatory?

A47. See response to interrogatory #46.

Q48. The Application targets coverage for mobile traffic on Route 156, Rte 95 and the Amtrak corridor. What data do you have indicating customer complaints or demands for service in these areas?

A48. Not applicable.

Q49. How many residences (as opposed to acres) will have year round views of the proposed towers? Seasonal views?

A49. As stated in the *Visual Resource Evaluation Report*, included in the application at Exhibit I, VHB estimates that at least partial year-round views of the proposed Facility may be achieved from portions of approximately 53 residential properties located within the Study Area. Seasonal views of the proposed Facility may be achieved from portions of approximately 20 additional residential properties located within the Study Area.

Q50. Your visual impact analysis indicates that 97% of the visibility of the tower will occur over open water. Did you simulate any of the views from open water or in any way determine the impact to the scenic views of tourists and residents using the open water for recreation?

A50. No photographs from open water were obtained during VHB's October 22, 2009 balloon float. However, Views 1, 3, 4 and 5 contained within the *Visual Resource Evaluation Report* are

comparable to the potential views one may achieve from open water at similar distances. The results of the predictive computer model provide a comprehensive representation of the anticipated areas of visibility over open water. In combination with the photographs provided, the reader is provided sufficient information with which to determine the effects of views from open water and their potential impacts.

Q51. How many wireless customers of the Applicant have residences in the proposed coverage area? How many of those have complained about inadequate technical service (as opposed to customer service, billing questions, etc.)?

A51. Not applicable.

Q52. What is the percentage of dropped calls and ineffective attempts, as compared to the remainder of the Market Trading Area in East Lyme?

A52. Not applicable.

Q53. What is the lowest height you can construct a tower to improve coverage (with and without co-located carriers)?

A53. SBA has proposed the Facility at 170 feet based on the minimum height requirements expressed by AT&T, Verizon as well as T-Mobile.

Q54. Please identify all properties listed on the National Register of Historic places within the viewshed of the proposed tower?

A54. There are no properties listed on the National Register of Historic places within the viewshed of the proposed tower. The closest property listed on the National Register of Historic Places is the Thomas Lee House, located approximately 1 mile to the northwest of the proposed Facility. As shown in the Visual Resource Evaluation Report, at Exhibit I of the Application, no visibility is anticipated from this location. As part of its NEPA compliance documentation, SBA consulted via written correspondence (dated September 23, 2009) with the Town of East Lyme and the East Lyme Historical Society regarding the project. SBA also provided public notice of the project in The Day on September 29, 2009, with an invitation for public comment. In addition, the proposed project has been reviewed by the State of Connecticut Historic Preservation Office (SHPO) and has received a determination of "no effect" on historical, architectural or archeological resources listed on or eligible for the National Register of Historic Places.

Q55. Has the Applicant determined whether the area of the proposed facility is served by fiber optic cable?

A55. Because it was determined that DAS is not a viable alternative in this area of East Lyme, the presence of fiber optic cable was not investigated.

Q56. Please identify how many other future sites will be necessary, at a minimum to accomplish adequate coverage for East Lyme.

A56. Not applicable.

Q57. Please identify any sites in addition to the Proposed Facility on which the Applicant intends to seek permission from the Siting Council to construct or modify a facility in the subject area?

A57. SBA cannot provide an answer to this interrogatory since "the subject area" is not defined. However, SBA is not currently pursuing any other sites in the Town of East Lyme.

Q58. Is the ability to send text, image and video necessary for public safety? If so, how?

A58. While SBA cannot determine what is "necessary for public safety," the State of Connecticut has certainly made some indications that it believes these functions are an important part in effective public safety. The ability to send text, image and video is necessary for public safety, especially in a time when many people only have access to a cell phone versus a land line to call 911. In a time of crisis the ability to send text, photos or video to emergency personnel and police can greatly enhance the ability of the emergency personnel to provide assistance as events unfold. The Connecticut Department of Public Safety is actively working on a new 911 system that will support text, photo and video in the near future. The Connecticut State Police currently offer a Text-A-Tip system to assist them in their investigations and help solve crimes. The ability to utilize the current technology will enhance the ways the public asks for assistance along with the ability to provide information to Police and emergency personnel.

Q59. Will changes in traffic usage necessitate heightening the tower beyond 170 feet, or contradict the need to install a 170-foot tower in the first place?

A59. As stated, SBA has proposed the Facility at 170 feet based on the expressed needs of AT&T, Verizon and T-Mobile. SBA typically builds its towers to be expandable in order to permit future expansion, if necessary, in compliance with the Siting Council's statutory mandate to avoid the proliferation of towers. As the Siting Council is aware, the Federal Aviation Administration ("FAA") typically requires all structures over 200 feet tall to be lit. Therefore, if approved, SBA will construct its foundation to permit an additional 20 feet of expansion, in the event such an extension is necessary.

Q60. Other than an inquiry into the DEP Natural Diversity Database, has the Applicant conducted any review of endangered or threatened species in the area of the Site?

A60. Several site inspections were conducted during an initial design visit and subsequent wetland delineation during July 2009 by a VHB Senior Wetland Scientist. No rare flora or fauna were observed in proximity to the proposed SBA facility. Following receipt of a September 30, 2009 determination by the DEP Natural Diversity Database that "there are no known extant populations of Federal or State Endangered, Threatened or Special Concern species that occur at the site in question" it was determined that a field review specifically for rare species was not required.

Q61. Will any blasting be necessary to complete construction of the facility? If so, what notice and in what form will be given to nearby property owners?

A61. No. As indicated in SBA's interrogatory responses to the Siting Council dated February 16, 2010, the presence of ledge has not yet been determined. However, if necessary, SBA will employ chipping rather than blasting.

Q62. Will construction practices conform to local building and zoning ordinances and regulations?

A62. SBA will comply with all applicable building codes. Of note, because the proposed Facility is under the exclusive jurisdiction of the Siting Council, the proposed Facility does not need to comply with local zoning ordinances.

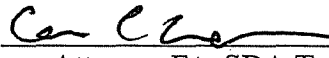
Q63. Can you provide coverage propagation maps and isolated propagation maps for the proposed facility on clear plastic overlays using a scale that matches that of the Application?

A63. Not applicable.

Q64. What is the minimum dBm signal strength to accomplish hand off of a call to an adjacent cell for 700Mhz, 850 MHz and 1900 Mhz?

A64. Not applicable.

Respectfully Submitted,

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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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