



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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January 24, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 404** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut.

By its Decision and Order dated January 20, 2011, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

LR/RDM/laf

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

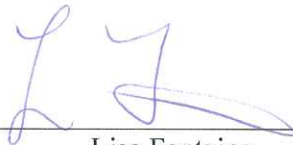
ATTEST:



Linda Roberts
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 404 has been forwarded by Certified First Class Return Receipt Requested mail, on January 25, 2011, to all parties and intervenors of record as listed on the attached service list, dated August 26, 2010.

ATTEST:



Lisa Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC	<p>Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com</p> <p>Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067-3900 michele.g.briggs@cingular.com</p>

<p>DOCKET NO. 404 - New Cingular Wireless PCS, LLC } application for a Certificate of Environmental Compatibility and } Public Need for the construction, maintenance and operation of a } telecommunications facility located at 28 Great Oak Lane, } Redding, Connecticut. }</p>	<p>Connecticut Siting Council</p> <p>January 20, 2011</p>
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Findings of Fact

Introduction

1. New Cingular Wireless PCS, LLC (AT&T), in accordance with the provisions of Connecticut General Statutes (CGS) §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on August 26, 2010 for the construction, maintenance, and operation of a 180-foot wireless telecommunications facility located at 28 Great Oak Lane in Redding, Connecticut (refer to Figure 1). (AT&T 1, p. 3)
2. AT&T is a Delaware corporation with an office in Rocky Hill, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless service system in Connecticut. (AT&T 1, p. 4)
3. The purpose of the proposed facility is to provide wireless service for AT&T to central Redding. (AT&T 1, pp. 6-7)
4. Pursuant to CGS § 16-50m, the Council, held a public hearing on November 23, 2010, beginning at 3:00 p.m. and continuing at 7:10 p.m. at the Redding Community Center, 37 Lonetown Road, Redding, Connecticut. (Transcript 1 – 11/23/10, 3:00 p.m. [Tr. 1], Tr. 1, p. 2; Transcript 2 – 11/23/10, 7:10 p.m. [Tr. 2], p. 2)
5. The Council and its staff conducted an inspection of the proposed site on November 23, 2010, beginning at 2:00 p.m. The applicant flew a four and a half foot diameter balloon at the site from 11:00 a.m. to 4:30 p.m. to simulate the height of the proposed tower. The balloon was flown at its intended height of 180 feet above ground level (agl) during the field review. (Tr. 1, pp. 25-26)
6. Notice of the application was sent to all abutting property owners by certified mail and all return receipts were received. Public notice of the application was published in The Redding Pilot on July 15 and July 22, 2010. (AT&T 1, Tab 10)
7. AT&T installed a four-foot by six-foot sign at the entrance to the property along Great Oak Lane on November 10, 2010. The sign presented information regarding the proposed project and Council’s public hearing. (Tr. 1, p. 25)
8. Pursuant to CGS § 16-50l(b), AT&T provided notice to all federal, state and local officials and agencies listed therein. (AT&T 1, Tab 9)

State Agency Comment

9. Pursuant to CGS § 16-50j(h), on September 29, 2010 and November 24, 2010, the following State agencies were solicited to submit written comments regarding the proposed facility: Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation, Department of Emergency Management and Homeland Security and the Department of Agriculture. (Record)
10. The Council received written comment from the DPH Drinking Water Section on October 5, 2010 stating that the site was within a public supply watershed and recommended that construction activities adhere to certain procedures. AT&T would comply with the recommendations. (Record; AT&T 2, Q. 5)
11. With the exception of the DPH, no other state agencies submitted comments in response to the Council's solicitation. (Record)

Municipal Consultation

12. AT&T began discussions with the Town regarding installation of a telecommunications facility at the Town Highway Department property at 28 Great Oak Lane in 2004. (AT&T 1, p. 2)
13. Ongoing discussions with the Town in 2009 resulted in several publicly noticed meetings and tower height simulations at both 150 feet and 180 feet, using a crane. (AT&T 1, p. 2)
14. The Town concluded a 180-foot flagpole style monopole would be in the best interests of the town given that the Town found a negligible difference in aesthetics between a 150 and 180-foot structure. Additionally, the Town found that the 180-foot tower would provide more co-location opportunities for other telecommunication carriers, lessening the need for another tower in this area of Redding. (AT&T 1, p. 3; Tr. 1, pp. 14-15)
15. Abutting residents preferred a flagpole style tower over a traditional monopole with platform mounted antennas. (Limited Appearance Statement by First Selectman Natalie Ketchum, Tr. 2, pp. 7-10)
16. AT&T and the Town executed a lease for the site in December of 2009. (AT&T 1, p. 3)

Public Need for Service

17. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 7)
18. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. (Council Administrative Notice Item No. 7)
19. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)

20. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)
21. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999. The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. The site would provide Enhanced 911 service to the proposed service area. (AT&T 1, pp. 7-8)

AT&T - Existing and Proposed Wireless Coverage

22. AT&T proposes to operate cellular (800 MHz), personal communication service (1900 MHz [PCS]), and long-term evolution (700 MHz [LTE]) equipment at the proposed site. (AT&T 1, Tab 1; Tr. 1, pp. 12-13)
23. AT&T designs and operates at the following signal-level thresholds: in-vehicle service is -82 dBm and in-building service is -74 dBm. AT&T is designing the site to the in-vehicle threshold. (AT&T 2, Q. 1, Q. 4)
24. AT&T currently experiences degraded coverage along Route 53 and Route 107 in the proposed service area with signal levels ranging from -80 dBm to -110 dBm (refer to Figure 6). The area is predominately residential with some municipal facilities near the town center. (AT&T 1, Tab 1; AT&T 2, Q. 2; Tr. 1, pp. 24-25)
25. Existing AT&T facilities at 4 Dittmar Road, approximately three miles north of the site, and 105 Wayside Lane, approximately 2.8 miles southwest of the site, cannot provide adequate coverage to the proposed service area. (AT&T 1, Tab 1)
26. Installing antennas at 167 feet and 177 feet agl would provide reliable PCS, cellular, and LTE service to the proposed service area. The site would provide a PCS coverage footprint of approximately 3.7 square miles at -82 dBm and a cellular coverage footprint of 4.2 square miles at -82 dBm (refer to Figure 7). LTE service is similar to that of cellular. (AT&T 1, Tab 1; AT&T 2, Q. 3; Tr. 1, p. 18)
27. AT&T requires a minimum tower height of 150 feet to meet coverage objectives. A 180-foot tower was requested by the Town to increase the possibility of tower sharing by other telecommunication providers. (AT&T 1, p. 10; Tr. 1, pp. 13-17)
28. The internal flush mount-design of the monopole requires AT&T to use two tower heights, rather than one, to accommodate their antennas since each level has a limited antenna capacity. If an antenna platform were used, AT&T would only need one tower height. Other carriers that may wish to co-locate on the tower may also need to occupy multiple tower heights to meet their antenna and service needs. (Tr. 1, pp. 14-19)

Site Selection

29. AT&T established a search ring for the proposed service area in 1999. (AT&T 2, Q. 7)
30. AT&T examined the possibility of developing a facility at the Redding Police Station at 96 Hill Road, where an approximately 100-foot light-duty tower already exists. The existing tower would need to be rebuilt and extended to meet AT&T's coverage objectives. The town opposes any extension of the tower due to visibility impacts to the adjacent Redding Center National Historic District. (AT&T 1, p. 9, Tab 2; Tr. 1, pp. 20-21)
31. AT&T identified a 120-foot former windmill at a residential property 80 Lonetown Road that currently accommodates Verizon Wireless. The property owners are not interested in further co-location at this site. (AT&T 1, p. 9, Tab 2)
32. AT&T examined and rejected three other locations due to insufficient coverage to the proposed service area. The three locations are: the Redding Fire Department at 186 Black Rock Turnpike, the First Church of Christ at 25 Cross Highway, and a residential property at 183 Black Rock Turnpike. (AT&T 1, Tab 2)

Facility Description

33. The proposed facility is located on a 6.5-acre parcel containing three buildings that serve the town highway department. (AT&T 1, Tab 3)
34. The parcel is zoned residential, R-2. (AT&T 1, Tab 3)
35. The tower site is located to the rear of the parcel, adjacent to a 35-foot high wood-frame storage building (refer to Figure 2). (AT&T 1, Tab 3; Tr. 1, p. 65)
36. The tower site is approximately 93 feet south of the nearest property line, (Redding Elementary School property). The nearest non town-owned property is approximately 175 feet to the east (Casazza property at 25 Lonetown Road). (AT&T 1, Tab 3)
37. The nearest residence is approximately 425 feet to the west at 36 Great Oak Lane (Brundage property). (AT&T 1, Tab 3)
38. There are 12 residences within 1,000 feet of the tower site. (AT&T 1, Tab 3)
39. AT&T proposes to construct a 180-foot flagpole-style monopole but with no flag. The antennas would be concealed within a radio-frequency transparent casing. The monopole would have a five-foot diameter, tapering to three feet at the top. Although a wider taper at the top may be necessary to accommodate other carriers based on their equipment needs, the monopole would still taper uniformly, not having abrupt changes in diameter from top to bottom. (AT&T 1, Tab 3; Tr. 1, pp. 9-11)
40. The tower would be designed to support five levels of antennas and would be constructed in accordance with the Electronic Industries Association Standard ANSI/TIA-222-F. (AT&T 1, Tab 3)
41. AT&T proposes to install three dual-band panel antennas at the 177-foot level to transmit PCS and cellular service and three panel antennas at the 167-foot level for LTE service. (AT&T 1, Tab 3; Tr. 1, pp. 30-31)

42. AT&T proposes to paint the tower white. (Tr. 1, p. 21)
43. AT&T proposes to construct a 33-foot by 73-foot equipment compound at the base of the tower, sufficient to accommodate ground equipment for four carriers. AT&T would install a 12-foot by 20-foot equipment shelter within the compound. (AT&T 1, Tab 3)
44. An eight-foot high chain link fence would enclose the compound. (AT&T 1, Tab 3)
45. Access to the compound would be from existing driveways and a parking lot on the property. (AT&T 1, Tab B)
46. Overhead utilities would service the compound from existing service on the property. A new pole would be installed immediately west of the compound. A diesel generator would provide emergency power to the site. (AT&T 1, Tab 3)
47. Surrounding properties within a quarter-mile of the site consist of residences, a public school, the town hall, and community center, recreation areas, and emergency response facilities. (AT&T 1, Tab 3)
48. The tower site is located at an elevation of 588 feet above mean sea level (amsl) at 41° 18' 24.5" north latitude and 73° 23' 10.7" west longitude. Surrounding terrain consists of numerous ridges and valleys ranging in elevation from 205 feet to 810 amsl. (AT&T 1, Tab 3)
49. The estimated construction cost of the facility, without AT&T's antennas and radio equipment, is:

Tower and foundation	\$120,000.
Site development	48,000.
Utility installation	42,000.
<u>Construction</u>	<u>93,000.</u>
<u>Total estimated cost</u>	<u>\$303,000.</u>

(AT&T 1, p. 17)

Environmental Concerns

50. The site is not within any designated area indicating the presence of Federally threatened or endangered species or State endangered, threatened or special concern species. (AT&T 1, p. 12)
51. The proposed site would be located approximately 2.2 miles from the northern edge of Devil's Den, a 1,750-acre preserve in Redding and Wilton identified by the Connecticut Audubon Society as an Important Bird Area. (Council Administrative Notice Item # 29)
52. The proposed tower would comply with recommended guidelines of the United States Fish and Wildlife Service for minimizing potential impact to bird species. The guidelines recommend that towers be less than 199 feet tall, avoid the use of aviation lighting, and avoid guy wires as tower supports. (AT&T 2, Q. 10)
53. No trees or vegetation would be removed to develop the site. (AT&T 1, Tab 3)

54. Development of the compound would not directly affect any wetlands or watercourses. The nearest wetland is approximately 67 feet southwest of the site, at the base of a large berm along the west property boundary and adjacent to an existing driveway. (AT&T 1, Tab 3)
55. The site is not within a 100-year or 500-year floodplain. (AT&T 1, p. 14)
56. Erosion and sedimentation controls and other best management practices would be established and maintained for the duration of site construction. (AT&T 1, p. 16)
57. The Redding Historic District is located immediately south of the site and several historic homes not in the district are east of the site along Lonetown Road. The State Historic Preservation Office reviewed the proposal and determined that the tower, as proposed, would have no effect on these cultural resources. (AT&T 1, Tabs 5, 6, 8)
58. Aircraft hazard obstruction marking or lighting of the tower is not required or proposed. (AT&T 1, pp. 13, 15)
59. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of the proposed AT&T antennas is calculated to be 4.3% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower base. (AT&T 1, Tab 5)

Visibility

60. The proposed tower would be visible year-round from approximately 43 acres and seasonally visible from approximately 56 acres within a half-mile of the proposed site (refer to Figure 3). (AT&T 1, Tab 4)
61. Visibility of the proposed tower from specific locations within a half-mile radius of the site is as follows:

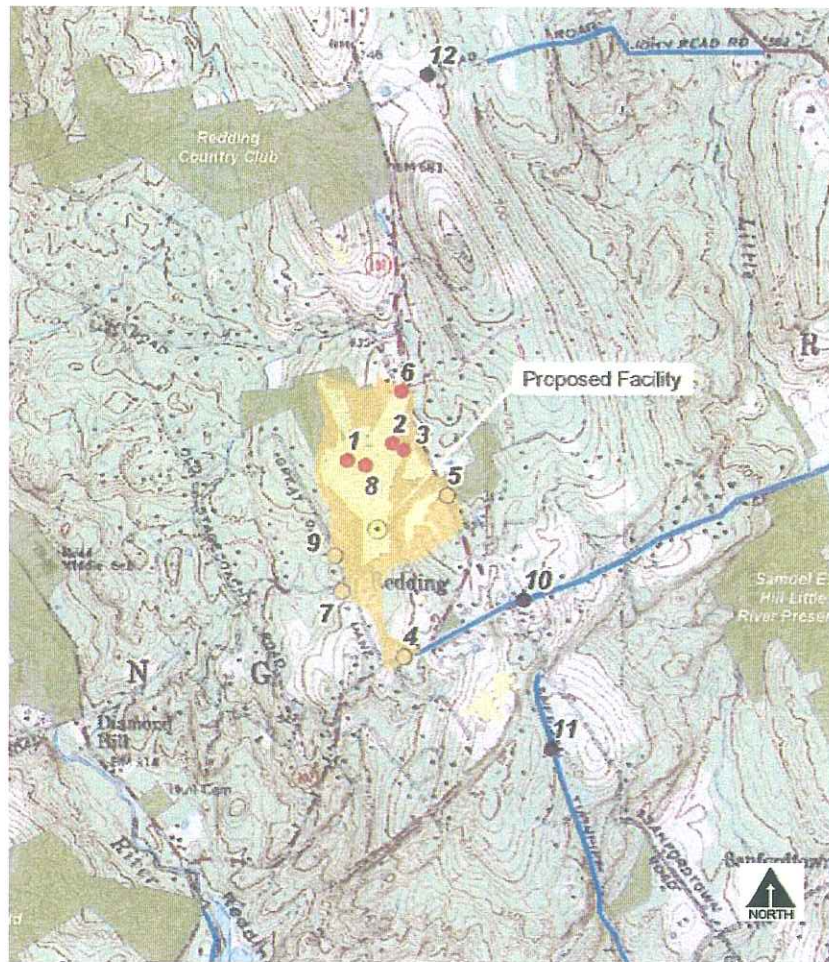
Specific Location (Corresponding Location # on Figure 3)	Visible	Approximate Portion of Tower Visible (from top)	Approx. Distance from Tower
Redding Community Center/Elementary School property (2, 3)	Yes	150 feet – unobstructed	0.18 mile north
Route 107, east of Great Oak Lane (4)	Yes	60 feet – through trees	0.3 mile south
Route 107, south of Redding Elementary School (5)	Yes	30 feet – through trees	0.2 mile southeast
Intersection of Route 107 and Gallows Hill Road Extension (6)	Yes	130 feet - unobstructed	0.35 mile northeast
Great Oak Lane at Highway Dept. Entrance (7)	Yes	130 feet- through trees	0.2 mile west
Great Oak Lane north of Highway Dept. Entrance (9)	Yes	150 feet – through trees	0.12 mile northwest

(AT&T 1, Tab 4)

62. Year-round visibility of the proposed tower includes five residential properties on Route 107 immediately north and south of the facility. These residences, #'s 25, 30, 40, 50 and 55, would have views of the upper half of the facility. Other residential properties with year-round views of portions of the facility include one residence on Longwood Lane, approximately 0.6 miles to the north, and one residence on Diamond Hill Road, approximately one mile to the southwest. (AT&T 1, Tab 4; Tr. 1, pp. 21-22)
63. The proposed tower would be seasonally visible from nine residential properties on Route 107 within 0.4 miles of the site and seven residential properties on Great Oak Lane, 0.1 mile west of the site. (AT&T 1, Tab 4)
64. The upper 130 feet of the proposed tower would be visible year-round from the Daniel and Esther Bartlett House, an historic property owned by the Redding Historical Society, approximately 0.35 mile northeast of the site. (AT&T 1, Tab 4; Tr. 1, pp. 23-24)
65. The Redding Center National Historic District, a 55-acre area encompassing portions of Lonetown Road, Hill Road, Sanford Town Road, Cross Highway and Great Oak Lane, is located 0.2 mile south of the proposed site. The tower would be seasonally visible from the northern edge of the district, an area containing several historic properties along Great Oak Lane and Lonetown Road. (AT&T 1, Tab 4, Tab 6)
66. The tower would not be visible from any known hiking trails maintained by the DEP or the Connecticut Forest and Parks Association. The tower would be seasonally visible from a trailhead that serves the Lonetown Marsh preserve, located on Route 107, 0.2 mile east of the site. (AT&T 1, Tab 4; Tr. 1, pp. 32-33; Tr. 2, p. 12)
67. The tower would not be visible from any scenic roads within two miles of the site. (AT&T 1, Tab 4)



Figure 1: Location of site at 28 Great Oak Lane, Redding. (AT&T 1, Tab 3)



Legend

● Tower Location

Photographs - January 11, 2009

● Balloon is not visible

● Balloon visible through trees

● Balloon visible above trees

■ Year-Round Visibility
(Approximately 43 acres)

■ Seasonal Visibility
(Approximately 56 acres)

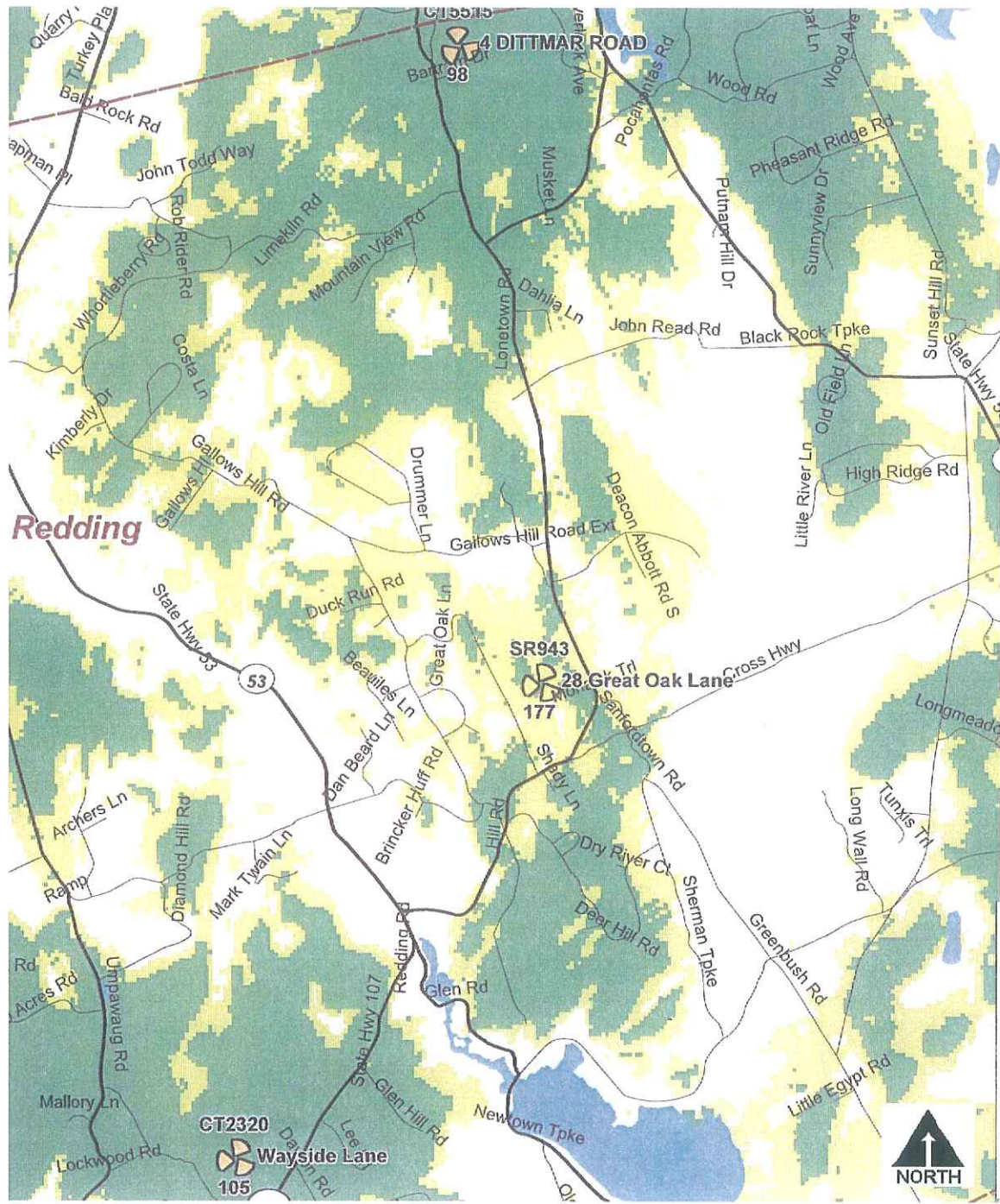
Figure 3: Projected visibility of proposed site. (AT&T 1, Tab 4)



Figure 4: Photo-simulation of proposed tower from Great Oak Lane (location 7 on Figure 3). (T-Mobile 1, Tab M)



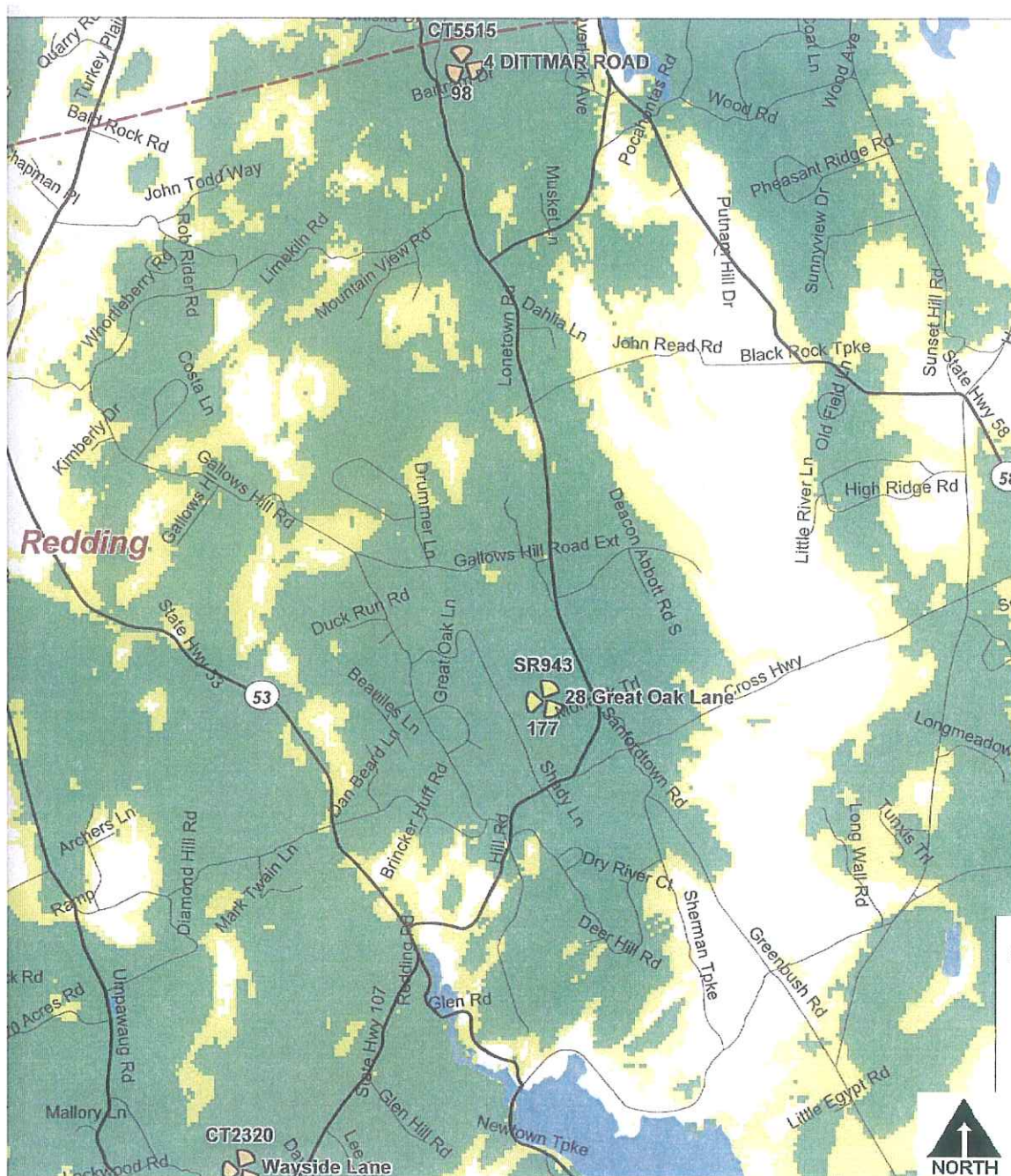
Figure 5: Photo-simulation of proposed tower from intersection of Lonetown Road and Gallows Hill Road Ext. (location 6 on Figure 3). (AT&T 1, Tab 4)





Symbol Key
 ◊ 850 MHz Existing Site
 ◊ Proposed Site Location

Coverage Key
 Dark Green: $\geq -74\text{dBm}$
 Light Green/Yellow: $< -74\text{dBm} \ \& \ \geq -82\text{dBm}$

Figure 6: AT&T's existing cellular coverage. (AT&T 1, Tab 1)



Symbol Key

-  850 MHz Existing Site
-  Proposed Site Location

Coverage Key

-  $\geq -74\text{dBm}$
-  $< -74\text{dBm} \ \& \ \geq -82\text{dBm}$

Figure 7: AT&T's proposed cellular coverage with antennas mounted at 177 feet agl. (AT&T 1, Tab 1)

DOCKET NO. 404 - New Cingular Wireless PCS, LLC } Connecticut
application for a Certificate of Environmental Compatibility and }
Public Need for the construction, maintenance and operation of a } Siting
telecommunications facility located at 28 Great Oak Lane, }
Redding, Connecticut. } Council

January 20, 2011

Opinion

On August 26, 2010, New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a 180-foot wireless telecommunications facility located at 28 Great Oak Lane in Redding, Connecticut. The proposed facility would provide wireless service for AT&T to the central area of Redding.

AT&T currently has no reliable, continuous in-building or in-vehicle coverage along Route 53 and Route 107 and surrounding areas in Redding. The proposed service area is predominately residential with municipal uses along Route 107 in Redding town center. Existing facilities at 4 Ditmar Road and 22 Wayside Lane in Redding do not provide adequate coverage to the proposed service area. The Council finds a need for a tower to adequately serve this area and the proposed site would provide AT&T wireless cellular, personal communication, and long-term evolution service to the area.

AT&T proposes to construct the facility on a 6.5-acre parcel owned by the Town of Redding and used as the Town Highway Department facility. The parcel abuts town-owned school property to the north and is developed with several buildings. The tower site would be located adjacent to the north side a 35-foot high wood maintenance shed. The nearest non town-owned property is located approximately 175 feet east of the site.

The facility would consist of a 180-foot monopole with flush mounted antennas concealed within a radio frequency transparent casing. As proposed, the tower would be five feet wide at the bottom tapering to 3.5 feet at the top. AT&T proposes to install three panel antennas at both the 177-foot and 167-foot levels of the tower, leaving three additional tower levels for other telecommunication carriers that may co-locate on the facility in the future. To accommodate potential future telecommunications providers and to maintain a sleek shape, AT&T may be required to increase the top width of the monopole to four feet to allow for large antennas to fit within the transparent casing, contingent upon specific needs of telecommunications carriers that may co-locate of the facility in the future. A 33-foot by 70-foot equipment compound would be constructed at the base of the tower.

During the proceeding, AT&T stated a tower height of 150 feet could accommodate their coverage needs but proposed a 180-foot tower at the request of the town. The additional height would enable co-location opportunities for other carriers, minimizing the need for another tower elsewhere in town. The town determined a 180-foot tower was appropriate after analyzing the results of a visibility analysis involving a crane placed at the site simulating a 150-foot and 180-foot tower. Upon reviewing the results of the visibility analysis and listening to the concerns of area residents, the town found there was a negligible difference in visibility between the two heights and therefore requested that AT&T proceed with a 180-foot monopole with internal flush mount antennas.

In this particular instance, given that the Town over several years conducted its own search for suitable property, conducted a field review with a crane simulation of various tower heights, held numerous public meetings and consulted with area residents, the Council will approve a 180-foot flagpole style monopole at the site. This design and height determination is specifically based on the extensive Town review of the proposal, the existing coverage needs in the area, and the accommodations for tower sharing. The Council finds that the proposed tower at 180 feet will take into the account the request of the Town and will satisfy the needs of the community.

The site would be accessed by an existing driveway and building access ways on the property. There would be no clearing or wetland impacts associated with the site's development. The site is not within any known habitat of federally threatened or endangered species or State endangered, threatened or special concern species. Although the site is immediately north of the Redding Historic District, the State Historic Preservation Office determined the 180-foot tower, as proposed, would have no effect on this cultural resource area.

Visibility of the site would be primarily from the area immediately surrounding the tower site including year-round views from open fields of the school/community center complex and year-round views from five residential properties on Route 107 north and south of the site where the upper half of the facility would be visible. Seasonal views would also be possible from an additional nine residential properties on Route 107 and seven residential properties on Great Oak Lane, all within half-mile of the tower. The Council finds the tower's visibility from these locations as non-obtrusive given the lack of platform mounted antennas.

According to a methodology prescribed by the Federal Communications Commission (FCC), Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of AT&T's antennas proposed to be installed on the tower have been calculated to amount to 4.3% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of a telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 180-foot monopole telecommunications facility at 28 Great Oak Lane in Redding, Connecticut.

<p>DOCKET NO. 404 - New Cingular Wireless PCS, LLC } application for a Certificate of Environmental Compatibility and } Public Need for the construction, maintenance and operation of a } telecommunications facility located at 28 Great Oak Lane, } Redding, Connecticut. }</p>	<p>Connecticut Siting Council January 20, 2011</p>
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Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to New Cingular Wireless PCS, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 28 Great Oak Lane, Redding, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole with internal flush mounted panel antennas, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of the Certificate Holder and other entities, both public and private, but such tower shall not exceed a height of 180 feet above ground level.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Redding for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
3. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Redding public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Redding. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
12. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
13. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

14. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
15. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Redding Pilot.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

New Cingular Wireless PCS, LLC

Its Representative

Christopher B Fisher, Esq.
Daniel M. Laub, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Michele Briggs
AT&T
500 Enterprise Drive
Rocky Hill, CT 06067-3900

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 404** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut, and voted as follows to approve the proposed telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut:

Council Members

Vote Cast




Daniel F. Caruso, Chairman

Yes




Colin C. Tait, Vice Chairman

Yes



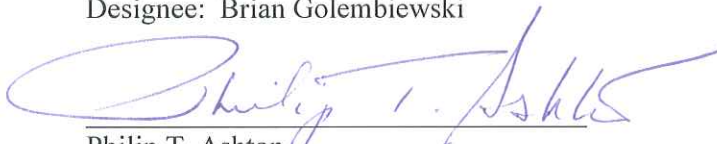
Commissioner Kevin M. DelGobbo
Designee: Larry P. Levesque

Yes



Commissioner Amey Marrella
Designee: Brian Golembiewski

Yes



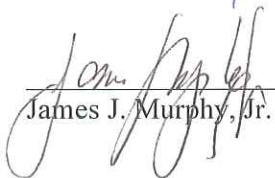
Philip T. Ashton

Yes



Daniel P. Lynch, Jr.

Yes



James J. Murphy, Jr.

Yes

Dr. Barbara Currier Bell

Absent



Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, January 20, 2011.



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

January 24, 2011

Christopher B Fisher, Esq.
Daniel M. Laub, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: **DOCKET NO. 404** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut.

Dear Attorney Fisher and Attorney Laub:

By its Decision and Order dated January 20, 2011, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

Linda Roberts
Executive Director

LR/RDM/laf

Enclosures (4)

c: Michele Briggs, AT&T



Daniel F. Caruso
Chairman

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CERTIFICATE

OF

ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

DOCKET NO. 404

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to New Cingular Wireless PCS, LLC for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on January 20, 2011.

By order of the Council,

Daniel F. Caruso, Chairman

January 20, 2011



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051


Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

January 24, 2011

TO: Classified/Legal Supervisor
404101123
Redding Pilot
P.O. Box 389
Georgetown, CT 06829

FROM: Lisa A. Fontaine, Fiscal Administrative Officer 

RE: **DOCKET NO. 404** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LAF



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

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NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on January 20, 2011, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from New Cingular Wireless PCS, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 28 Great Oak Lane, Redding, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.