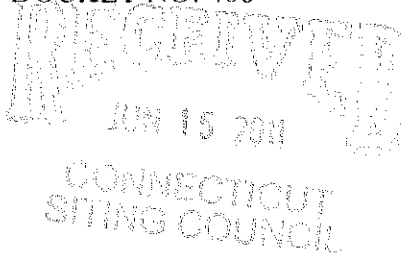


STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
10 Franklin Square, New Britain, CT 06051
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IN RE:

APPLICATION OF NEW CINGULAR
WIRELESS PCS, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT
95 BALANCE ROCK ROAD, HARTLAND,
CONNECTICUT

DOCKET NO. 408



June 13, 2011

Proposed Findings of Fact and Memorandum of Heike M Krauland

On October 13, 2010, AT&T filed an application for certificate of environmental compatibility and public need for the construction, maintenance and operation of a telecommunications tower facility at 95 Balance Rock Road in the Town of Hartland, Connecticut. Balance Rock Road, a cul-de-sac community, has twelve residential one family homes. Despite the impact of construction on the entire neighborhood, only two homes were notified in advance of AT&T's application submittal. This date marked the beginning of an eight month long process of defending our homes, rural town, community and the surrounding environment.

Members of the Connecticut Siting Council become mediators required in all disputes. As a party, it is my duty to file a post hearing finding of facts and conclusion of law. In accordance with that order I have prepared the following memorandum.

Stated on the "About Us" page of the Connecticut Siting Council's webpage the purpose of the Connecticut Siting Council includes the following responsibilities:

Responsibility 1:

Balancing the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic and recreational values.

Facts:

"The Department of Transportation estimates the Route 20 traffic through the Hollow at 400 cars per day. The Cellular Telecommunications Industry Association (CTIA) estimates that 91% of

Americans have cell phones. ComScore and various other sources state that AT&T has a 25% market share. Finally, the National Highway Traffic and Safety Administration estimate that 10% of drivers are using cell phones at any given time. This equates to 9 people impacted daily. How do 9 people measure up in terms of public demand? And furthermore, given that 100% of those people will be dropped anyway as the proposed tower does not cover the entire route I guess what is the point at all?" *(Data provide by Dietrich Krauland testimony during the public comment on January 13, 2011 CSC hearing).*

The environmental and ecological conditions of Balance Rock Road area are significant. Listed on the Department of Environmental Protection Natural Biodiversity Maps, it is home to the Saw Whet Owl, a species of special concern in Connecticut *(Owl Survey filed by AT&T 1/13/2011)*; Tunxis State Forest surrounds all borders of the property; as part of the Farmington River Watershed, these wetlands drain directly into Class I and II MDC watersheds; and the property itself contains large areas of wetlands which are protected by state and federal regulations. No studies have been conducted as to whether these wetlands may be home to any species of concern or endangered species listed in Connecticut, despite the fact that many of the fauna/flora and animal species listed on Connecticut's endangered species list are wetland species. *(Information obtained from State of Connecticut Department of Environmental Protection website.)*

The scenic areas impacted by this proposed tower include multiple vista points along Rte. 20 from East to West Hartland. These vista points overlook a pristine ridge line, the Barkhamsted Reservoir and its watersheds, which are protected by the MDC. Traversing the Barkhamsted Reservoir and abutting acreage is not permitted, leaving the area entirely natural and unspoiled. The tower will be visible from lookout points on the Tunxis Trail, which can be accessed from Rte. 20, along points of Pine Mountain cross country trails and again from the vista on Pine Mountain, which is also part of the Tunxis Trail system. In addition, the proposed tower will be visible from the Tunxis State Forest meadow located on Center Street in West Hartland. *(Transcript from May 6, 2011 Hearing pp 145-146.)* Lastly, the tower will be visible on the trailhead to the ski cabin which is on the National Register of Historic Places. When disturbing scenic values, one is also disturbing recreational values as many people utilize the Tunxis trail system. State forests exist to allow people to experience the rural and pristine beauty protected by the Department of Environmental Protection.

Conclusion:

When balancing the need between adequate public services and the protection of the environment and ecology of the state as well as minimizing damage to scenic, historic and recreational vistas, the reasonable conclusion is that the impact to the environment, ecology and scenic vistas cannot be justified based on the need of 10 plus people per day, when thousands enjoy the pristine beauty of Hartland yearly. *(Hartland Town Population 2,420 persons. Information obtained from Plan of Conservation bulk filing by AT&T, page 11.)*

Responsibility 2:

Providing environmental standards for the location, design, construction, operation of public utility facilities that are at least as stringent as federal environmental standards and that are sufficient to assure the welfare and protection of the people of Connecticut.

Responsibility 3:

Encouraging research to develop new and improved methods of generating, storing, and transmitting electricity and fuel and of transmitting and receiving television and telecommunications signals with minimal damage to the environment;

Facts:

Throughout the proceedings AT&T was questioned regarding the use of repeaters alone or in conjunction with smaller towers or other technologies. These requests were not considered as viable alternatives or flat out rejected. At no point did AT&T provide documentation or studies to show that alternative technology would not provide coverage to the area in question.

Conclusion:

As telecommunications companies expand their networks, they will be increasingly vying for locations within the last rural communities of Connecticut - the remaining pristine ridgelines and last untouched natural marvels Connecticut has to offer. The major cities and towns have already been proliferated with towers and the expansion of the communications systems now revolves around the smaller less populated towns and communities. Now is the time to put serious consideration into the development and experimentation of new and improved methods of transmitting and receiving telecommunications signals so that the last remaining natural lands of Connecticut can remain protected. The town of Hartland deserves an alternative or at least the reasonable consideration of alternatives.

Responsibility 4:

Promoting the sharing of telecommunications towers in order to avoid their unnecessary proliferation

Facts:

AT&T was asked to do their "homework" regarding the SBA tower located in Tolland, MA. When Mr. Vivian was asked how far away the tower was located, he stated that it was about 5 miles away. However, when I asked him to clarify the distance, it became apparent that the Tolland, MA tower is only about 2.5 miles from the stretch of Rte. 20 where AT&T claims the public need lies. This tower would be about the same distance from the stretch of Rte. 20 as the proposed new tower would be on 95 Balance Rock Road. When I asked why AT&T wouldn't utilize this SBA tower, Attorney Lucia Chiochio stated in the May hearing that AT&T does not place towers so closely together. I would like to point out that the distance between the Rte. 57 Tower and Wendy Road Tower in Granville, MA are of equal distance to the Tolland Tower as the 95 Balance Rock Road Tower would be to the Dump Tower in Hartland, CT. The distance is about 2.5 miles apart. RF maps showing coverage from this SBA tower in Tolland, MA were never provided. Additionally, another future tower site has been indicated on Rte. 179 East Hartland, CT to provide coverage for the homes in the area. The Town of Hartland testified to a potential new location closer to the center of Hartland that would not only provide revenues for a bedroom community but may potentially provide coverage for both the targeted area on Rte. 20 and the additional area that needs coverage on Rte. 179. Despite requests for information regarding the compatibility in Heike Krauland's May interrogatories, RF maps were never provided by AT&T indicating whether or not the SBA tower alone would provide coverage on

Rte. 20 or the SBA tower in conjunction to a Town tower on Rte 179 would provide coverage on Rte. 20.

Conclusion:

With the lack of research and RF maps, we cannot be assured that proliferation of towers will not occur. If the RF data shows the necessity for only one tower in Hartland, conveniently hidden from view and enabling the Town government to receive revenue, this alternative would be less intrusive than two new towers in Hartland, especially since the one on 95 Balance Rock Road would be invasive to the rural landscape, scenic vistas and culture of the town and would provide service to an uninhabited road, state forest, MDC watershed and secondary roads, most of which are not accessible by vehicle. To avoid proliferation, AT&T should at a minimum provide RF maps showing feasibility as was requested by the parties and members of the CSC for the tower located in Tolland, MA and the potential tower the Town of Hartland is considering on Rte. 179.

Responsibility 5

Requiring annual forecasts of the demand for electricity together with the planning for facilities needed to supply the predicted demand.

Facts:

When members of the Siting Council asked members of AT&T regarding their future plans, the answers were always vague. AT&T did not provide any facts regarding their future plans or the necessity of more towers in the area, which would enable AT&T to continue to upgrade their network. No evidence was provided that one tower on 95 Balance Rock Road would ensure that additional towers wouldn't be required in West Hartland, East Hartland or Riverton in order to bounce the signal across rural Connecticut. Evidence was provided that a future site on Rte. 179 has already been selected. (*AT&T Pre-filed testimony of David Vivian; Exhibit A Existing and Proposed Coverage –Site B map.*)

Conclusion:

It appears that town residents and the CSC are the last to find out what the future plans of tower locations are. Proliferation of towers can not be avoided if the telecommunications companies are not required to provide information about future plans of tower placement or network demands. Perhaps mapping out the remainder of Connecticut's network needs and producing a 5 or 10 year plan for additional towers in the rural portions of the state would be a better approach for the residents of the small rural communities, for the surrounding environment, for the State of Connecticut and for the telecommunications companies.

I am of the opinion, supported by evidence, that a tower built at 95 Balance Rock Road, East Hartland, CT is inappropriate. Public need has not been demonstrated by AT&T throughout the last eight months of testimony and hearings. The Town, state police and fire departments have their emergency needs met with the existing towers in Hartland and stranded motorists have their needs met by dialing 911 which will be relayed by any company that has coverage in the area. Construction of homes or businesses in this area will not occur as the area is comprised of

Facts:

The Ring Mountain Hunt Club, 95 Balance Rock Road, has been under investigation for potential violations of wetlands regulations and potential contamination of soil. On June 1, 2011 the Hartland Inland Wetlands Commission voted unanimously to issue a Cease and Desist Order for a show cause hearing concerning violations of wetlands regulations by the Ring Mountain Hunt Club, 95 Balance Rock Road. (*See attached minutes from Hartland Inland Wetlands meeting held on June 1, 2011.*) Furthermore, on February 22, 2011 Karl Wagener, Executive Director of the Council of Environmental Quality stated in his letter to the Siting Council: "The CEQ recommends that the CSC consider the implications of approval of the location if it was the site of illegal wetlands filling." (*State Agency Comments; Council of Environmental Quality February 22, 2011.*)

Residents of Hartland strongly oppose construction of the tower on 95 Balance Rock Road, especially when it will not provide service to Hartland homes presently without coverage. For Hartland residents, our "welfare" is closely tied to the rural nature of our town and thus maintaining the town's rural character is of utmost importance. A petition with over 350 adult signatures, approximately 25% of Hartland's voting population, was submitted to the CSC. (*Town of Hartland pre-filed testimony for Wade Cole January 13, 2011.*) During the January 13, 2011 hearing in Hartland conducted by the CSC, only one person of approximately 70 in attendance stood up in support of the tower. However, numerous individuals stood up in opposition to this tower. (*January 13, 2011 public forum of the CSC hearing*). The Town of Hartland has become a party in this matter to oppose the location of this tower and support the majority of its residence and their opinions of keeping Hartland rural as demonstrated through the petition and Plan of Conservation and Development. In pre-filed testimony, Hartland's first selectman, Wade Cole, testified to the lack of public need for this tower and that "protection" of Hartland's residents and visitors has already been secured.

Conclusion:

Approving a tower in this area may be sending the wrong message to the residents of Connecticut, if a location with potential environmental violations is approved for a communications tower. Not only are there potential violations, but again Balance Rock Road is listed in the Natural Biodiversity Database and has confirmed Connecticut species of special concern. The Department of Environmental Protection is Connecticut's forerunner in providing environmental standards, and biodiversity databases are maintained to uphold environmental standards thus demonstrating the important ecological values of this area since it is listed on the database, abutting Tunxis State Forest, and in a wetland sensitive area. The "welfare and protection" of people in Connecticut includes maintaining peoples' ways of life and choices and small, rural, uncontaminated towns are the choice of many Connecticut residents. Lastly, when ensuring the "welfare and protection of people in Connecticut" it is important that the voices of opposition are heard and when communities use their best efforts and meager resources to try and help major corporations find alternatives to appease all parties involved, these efforts should be commended and given the utmost consideration.

Connecticut state forest and/or MDC watershed, so future coverage for this area is currently not required. The parties in opposition to the tower located at 95 Balance Rock Road have provided substantial evidence, public support and good alternatives. Most of all, the parties have shown that the impact on the environment, ecology, scenic, historic and recreational sites far out-weighs the public need. I respectfully urge the Connecticut Siting Council to take another look at many of the alternatives the parties suggested and provided, many of which will provide equal coverage with less damaging effects on the community, town and Connecticut's natural resources.

I have enclosed a letter signed by the homeowners of Balance Rock Road to again express their concerns regarding the proposed telecommunications tower at the Ring Mountain Hunt Club. The homeowners/residents of this road unanimously oppose this tower in their cul-de-sac community and would appreciate that their opposition be considered when the members of the Connecticut Siting Council make their decision.

Respectfully submitted,

By Heike M. Krauland
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CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of January, 2011, a copy of the foregoing was sent, first class

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