

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 26, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 408** - 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 95 Balance Rock Road, Hartland, Connecticut.

By its Decision and Order dated September 22, 2011, the Connecticut Siting Council (Council) denied with prejudice a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut.

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

LR/RDM/laf

Enclosures (3)

c: State Documents Librarian

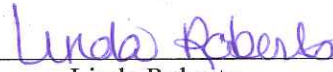
STATE OF CONNECTICUT)

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.

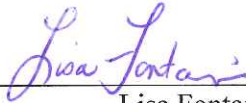
ATTEST:



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. 408 has been forwarded by Certified First Class Return Receipt Requested mail, on September 26, 2011, to all parties and intervenors of record as listed on the attached service list, dated January 13, 2011.

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 (AT&T)	<p>Lucia Chiochio, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 lchiochio@cuddyfeder.com cfisher@cuddyfeder.com</p> <p>Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067 Michele.g.briggs@cingular.com</p>
Party (granted on 11/18/10)	<input checked="" type="checkbox"/> E-Mail	Thomas H. Sirman	<p>David F. Sherwood, Esq. Moriarty, Paetzold & Sherwood 2230 Main Street, P.O. Box 1420 Glastonbury, CT 06033-6620 (860) 657-1010 (860) 657-1011 fax dfsherwood@gmail.com</p>
Party (granted on 01/06/11)	<input checked="" type="checkbox"/> U.S. Mail	Town of Hartland	<p>Margaret F. Rattigan Murphy, Laudati, Kiel, Buttler & Rattigan, LLC 10 Talcott Notch, Suite 210 Farmington, CT 06032 (860) 674-8292 (860) 674-0850 fax</p>
Party (granted on 01/13/11)		<p>Heike M. Krauland 64 Balance Rock Road East Hartland, CT 06027 (860) 413-9483 heiketavin@yahoo.com</p>	

DOCKET NO. 408 - 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 95 Balance Rock Road, }
Hartland, Connecticut. }

Connecticut

Siting

Council

September 22, 2011

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 October 13, 2010 for the construction, maintenance, and operation of a 190-foot wireless telecommunications facility located at 95 Balance Rock Road in Hartland, Connecticut. (AT&T 1, pp. 3-4)
2. The parties in the proceeding are AT&T, Thomas H. Sirman, Heike M. Krauland, and the Town of Hartland. (Record)
3. AT&T is a Delaware Partnership 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. (Cellco 1, p. 4)
4. Pursuant to CGS § 16-50m, the Council held a public hearing on January 13, 2011, at the Hartland Fire Department building, 34 South Road, East Hartland, Connecticut. The hearing was continued on March 1, 2011, and May 16, 2011 at the Council's office at 10 Franklin Square, New Britain, Connecticut. (Transcript 1 – 01/13/11, 3:10 p.m. [Tr. 1], p. 2; Transcript 2 – 01/13/11, 7:00 p.m. [Tr. 2], p. 3; Transcript 3 – 03/01/11, 11:25 a.m. [Tr. 3], p. 3; Transcript 4 – 05/16/11, 1:05 p.m. [Tr. 4], p. 3)
5. On July 28, 2011, the Council considered draft Findings of Fact, an Opinion, and a Decision and Order. Due to a tie vote, the motion to approve the Findings of Fact, Opinion, and Decision and Order did not pass, therefore, the application was denied by operation of law. (Record)
6. On August 18, 2011, AT&T submitted a Petition for Re-consideration pursuant to CGS §4- 181a(a) to the Council. Thomas H. Sirman, Heike M. Krauland, and the Town of Hartland objected to the Petition for Re-consideration. (Record)
7. On September 8, 2011, the Council approved the Petition for Re-consideration. (Record)
8. The application contained information regarding one site, referred to as Site A. After the application was filed and prior to the January 13, 2011 hearing, AT&T presented a second site on the property for Council consideration, referred to as Site B. After the March 1, 2011 hearing, AT&T presented a third potential site on the property for Council consideration, referred to as Site C (refer to Figure 1). (AT&T 1, Tab 3; AT&T 3, R. 8; AT&T 22, R. 9)
9. The Council and its staff conducted an inspection of the Site A and Site B on January 13, 2011 beginning at 2:00 p.m. The applicant attempted to fly balloons at both sites to simulate the heights of the proposed towers, but weather conditions were not favorable and the balloons were only flown between 8:00 a.m. and 10:00 a.m. (AT&T 17, R. 9; Tr. 2, pp. 4-5)

10. Notice of the application was sent to all abutting property owners by certified mail. All return receipts were received. (AT&T 1, Tab 11)
11. Public notice of the filing of the application with the Council was published in the Hartford Courant on October 7 and 11, 2010. (AT&T 2)
12. AT&T installed a sign along the entrance to the site property on December 29, 2010. The sign presented information regarding the project and public hearing. (AT&T 17, R. 10; Tr. 2, p. 5)
13. Pursuant to CGS § 16-501(b), AT&T provided notice of the application to all federal, state and local officials and agencies listed therein. (AT&T 1, Tab 10)

State Agency Comment

14. Pursuant to General Statutes § 16-50j(h), on November 22, 2010 and May 16, 2011, 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 (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), Department of Transportation (DOT), Department of Agriculture (DOAg), and Department of Emergency Management and Homeland Security (DEMHS). (Record)
15. On February 22, 2011, the Council received written comment from CEQ stating that further wildlife studies at the site should be conducted, that the site would affect scenic resources in the area, and that approval should not be given to impact wetland areas that may have been previously filled without proper permits. (Record)
16. No other state agencies commented on the proposal. (Record)

Municipal Consultation

17. On June 29, 2010, AT&T submitted a technical report to the Town of Hartland First Selectman Wade Cole. (AT&T 1, Tab 9)
18. On August 16, 2010, AT&T attended a public information session hosted by the Town of Hartland Planning and Zoning Commission. As a result of this meeting, AT&T revised the site plans prior to submission of the application to the Council to address some of the concerns expressed by some members of the Planning and Zoning Commission. (AT&T 1, Tab 9)
19. At the request of the Hartland Inland Wetlands & Watercourses Commission, site visits were conducted on November 8 and November 9, 2010. AT&T representatives Dean Gustafson and David Vivian, Sean Hayes of the Northwest Conservation District and members of the Inland Wetlands & Watercourses Commission attended the site visits. (AT&T 10)
20. A public information meeting held by the Inland Wetlands & Watercourses Commission was held on December 2, 2010. (AT&T 10)
21. The Town of Hartland became a party to the proceeding on January 6, 2011. (Record)

Public Need for Service

22. 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 8)
23. 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. Celco is licensed by the FCC to provide wireless service to Windham County. (Council Administrative Notice Item 8)
24. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item 8)
25. The Telecommunications Act of 1996 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 8)
26. 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. Congress further enacted the Enhanced 911 Act to facilitate emergency response capabilities. (Council Administrative Notice Items 9 & 10)

AT&T - Existing and Proposed Wireless Coverage

27. AT&T proposes to operate cellular (800 MHz), and personal communication service (PCS - 1900 MHz), equipment at the proposed site. The cellular system is used to design coverage needs for the site (refer to Figures 3, 4, 5 & 6). LTE services (700 MHz) are not part of the initial build out but may be installed in the future. (AT&T 3, R. 3)
28. AT&T's license restricts AT&T from transmitting PCS service to and from Massachusetts. No such restriction exists for cellular coverage. (Tr. 3, p. 189)
29. AT&T designs and operates its network at the following signal-level thresholds: -82 dBm for in-vehicle service and -74 dBm for in-building service. Even if a call is maintained at a signal level below these thresholds, service is still considered unreliable. (AT&T 3, R. 1; AT&T 17, R. 3)
30. AT&T seeks to provide coverage to Route 20 and surrounding areas in the north-central section of Hartland. Existing AT&T facilities at 22 Welsh Road, 350 Hartland Boulevard, Center Hill Road in Hartland, and on Sodom Road and North Lane in Granville Massachusetts do not provide adequate coverage to the area (refer to Figure 2). (AT&T 1, Tab 1, AT&T 3, R. 3; AT&T 17, R. 2; Tr. 1, p. 64)
31. The existing cellular signal level in the proposed service area ranges from -70 dBm to -105 dBm. (AT&T 3, R. 2)

32. Installing antennas at any of the three sites considered - A, B, C - would provide the following reliable coverage to the proposed service area:

Coverage Type	Approx. Linear Miles on Rt. 20	Approx. Square Miles
Cellular (-82 dBm)	2.8	17
Cellular (-74 dBm)	not quantified	10
PCS (-82 dBm)	2.6	10
PCS (-74 dBm)	not quantified	6

* Assuming antennas at Site A are at 190 feet above ground level (agl), antennas at Site B are at 160 feet agl, and antennas at Site C are at 190 feet agl. (AT&T 3, R. 4; AT&T 17, R. 5; AT&T 22, R. 9)

33. Although coverage objectives could generally be met at a height of 160 feet at Site B, AT&T requests approval to install antennas at 190 feet to increase coverage to the area, specifically where Route 20 traverses a deep valley north of the Barkhamsted Reservoir, also known as the "hollow", approximately 1.6 miles northwest of the site (refer to Figure 2). Due to the great elevation range between the proposed site and the bottom of the hollow, coverage along this section of Route 20 is particularly difficult to attain. (AT&T 17, R. 4, R. 5; Tr. 1, pp. 64-65, 82-83, 85-86; Tr. 2, p. 23)
34. Lowering the heights of the proposed facilities would reduce coverage in the Route 20 hollow. The table below presents an analysis of the changes in signal level at different antennas heights within the Route 20 hollow:

Route 20 north of Barkhamsted Reservoir		
Antenna height	Length of Coverage Gap	Weakest Signal
190 feet	900 feet	-99.6 dBm
170 feet	970 feet	-102.9 dBm
150 feet	1250 feet	-104.4 dBm

This analysis is based on propagation models for Site A. Coverage from Site B at 160 feet agl and Site C at 190 feet agl would be similar.

(AT&T 17, R. 3 AT&T 22, R. 9; Tr. 3, pp. 104-105)

35. Signal levels in the -94 dBm to -95 dBm range make the network unstable as it tries to maintain a call. A signal level that approaches -100 dBm would have difficulty maintaining a call. (Tr. 1, pp. 84-86; Tr. 3, pp. 52-56, 76-77)
36. Site B with antennas at 190 feet agl would increase the signal level within the Route 20 hollow to -97 dBm at its weakest point. (Tr. 3, p. 97)
37. Lowering the Site B antenna height to 140 feet would decrease the signal level within the Route 20 hollow to -103 dBm and increase the length of the gap from 900 feet to 1,500 feet. Although propagation modeling of 150 feet at Site B was not performed, the signal level would be between -103 dBm and -99.6 dBm within the Route 20 hollow. (Tr. 3, pp. 130-132)
38. A second gap on Route 20 approximately two miles west of the site where Falls Brook crosses the road would remain even with the proposed installation, due to local topography. Signal levels would be approximately -90 dBm for a length of 1,340 feet. Lowering the height of the antennas would not have an effect on this gap. (AT&T 17, R. 3; Tr. 3, pp. 10, 129)

39. The proposed site would not be able to provide coverage to Route 179 south of East Hartland village. This area has more traffic and development than the area to be served by the proposed tower. AT&T would issue a separate search ring to provide coverage to this area. (AT&T 1, Tab 1; AT&T 18, R. 3; Tr. 3, pp. 135-138)
40. AT&T would provide space on the tower for Town emergency service antennas. The Town has not responded to this offer. The Town acknowledges a lack of Fire Department communication services in the hollow. The Town has not studied in detail whether locating Fire Department emergency equipment on an existing Town-owned tower in West Hartland would provide service to the hollow area. (AT&T 1, p. 10; Tr. 4, pp. 135-138)

Site Selection

41. AT&T established a search ring for the proposed service area in December of 2008. The ring initially focused on an area along Route 20 west of the Barkhamsted Reservoir, but the unavailability of land in this area caused AT&T to look elsewhere. (AT&T 1, Tab 2; AT&T 3, R. 6; Tr. 1, pp. 64-65)
42. During the initial search, AT&T investigated 11 properties, eight of which were in DEP-owned state forest or owned by the Metropolitan District Commission (MDC) as Class I & II watershed land. DEP state forest property is not available for development in accordance with a directive from the DEP and Class I & II watersheds land are not available due to State statute. Two privately-owned parcels, one on Milo Coe Road, and one on Brook Drive, were examined but neither met coverage objectives. A third privately-owned parcel at 384 Center Street was not available. (AT&T 1, Tab 2; AT&T 3, R. 11; AT&T 4, R. 2; AT&T 8)
43. During the proceeding, AT&T was requested to examine the feasibility of installing a facility at a DOT salt garage located on Route 20 approximately 0.4 miles northeast of the site. A tower at this location would not be able to meet AT&T's coverage objectives in the Route 20 hollow area due to a prominent ridge directly to the northeast that would block coverage. Additionally, a new coverage gap of 0.1 mile would occur on Route 20 at the intersection with Milo Coe Road on the west side of the reservoir. The DOT responded to an inquiry from AT&T and stated the DOT property (approx. 0.25-acre) has limited space and a 75-foot by 75-foot compound area would hinder DOT operations. (AT&T 3, R. 9; AT&T 17, R. 1; AT&T 22, R. 5; Tr. 3, pp. 49-50; Tr. 4, pp. 20-21, 61-62)
44. During the proceeding, AT&T was requested to examine the feasibility of a facility at the Camp Alice Merritt property; 339 South Road; 55 Pell Road; and 150 East Pell Road. None of the four properties would meet coverage objectives. (AT&T 4, R. 3; AT&T 10; AT&T 18, R. 1, R. 2, AT&T 22, R. 8)
45. A property at 38 Pell Road was also examined but rejected because it is mostly cleared, contains a residence, is immediately adjacent to other residences, and is of relatively small size (3.8 acres). (AT&T 4, R. 3)
46. AT&T did not identify any existing structures in the search area that would be suitable for a telecommunications facility. (AT&T 1, Tab 2;)
47. AT&T examined locations and existing towers in Massachusetts north of Route 20 but determined this area to be too far from the proposed service area. AT&T is located on two towers in Granville Massachusetts. (AT&T 17, R. 2)

48. An existing SBA site in Tolland Massachusetts, approximately 4.5 to 5.0 miles northwest of the site, is too far from the proposed service area to provide adequate coverage. (AT&T 22, R. 10; Tr. 4, p. 18)

Property Description

49. The site property consists of a 12-acre parcel owned by the Ring Mountain Hunt Club. (AT&T 1, Tab 3)
50. The property is located near the end of Balance Rock Road and west of Route 20, at the north end of the East Hartland section of town. The property is approximately 1.8 miles south of the Massachusetts border. (AT&T 1, Tab 1)
51. The property is zoned residential, R-1. (AT&T 1, Tab 3)
52. The property is used as a gun club and improved with a shooting range, clubhouse and parking area, all of which are located in the southwest portion of the property. The remaining portion of the property is wooded. (AT&T 1, Tab 1)
53. The Tunxis State Forest abuts the property to the north, east and west. Two residential properties abut the site to the south (Sirman at 88 Balance Rock Road and Krauland at 72 Balance Rock Road). (AT&T 1, Tab 3)
54. Land use within a quarter-mile of the site includes low-density residential and state forest. (AT&T 1, p. 17, Tab 3)

Proposed Facility

55. AT&T proposes to construct a 190-foot monopole at one of the three alternative sites, capable of supporting four levels of platform-mounted antennas. The monopole would be constructed in accordance with the Electronic Industries Association standard ANSI/TIA-222-F. (AT&T 1, Tab 3; AT&T Tab D; AT&T 22, Tab 4)
56. AT&T proposes to install up to 12 panel antennas on a platform at a centerline height of 187 feet agl. (AT&T 1, Tab 3)
57. AT&T proposes to construct a compound within a 100-foot by 100-foot lease area at the site. Site A would have a 60-foot by 85-foot compound. Sites B and C would have a 75-foot by 75-foot compound. (AT&T 1, Tab 3; AT&T Tab D; AT&T 22, Tab 4)
58. A 12-foot by 20-foot equipment shelter would be installed within the compound, enclosed by an eight-foot high chain-link fence. An emergency diesel generator would be located within the shelter. (AT&T 1, Tab 3)
59. The estimated construction cost of the facility*, not including antennas or radio equipment, is:

Tower, and foundation	\$90,000.
Site development	9,100.
Utilities	11,600.
<u>Installation</u>	<u>93,000.</u>

Total estimated cost \$203,700.

* based on the development of Site A.
(AT&T 1, p. 19)

Alternate Site Descriptions

Site A

60. Proposed Site A is located in the southwest corner of the property, adjacent to the existing clubhouse (refer to Figure 7). (AT&T 1, Tab 3)
61. The proposed tower would be located at an elevation of 1100 feet above mean sea level (amsl). (AT&T 1, Tab 3)
62. The proposed tower would be approximately 190 feet north of the property line with Balance Rock Road and 165 feet east of the boundary with the Tunxis State Forest. The tower radius would extend onto the state forest property by 25 feet. (AT&T 1, Tab 3)
63. The nearest residence to the proposed tower is approximately 457 feet to the southeast at 72 Balance Rock Road (Krauland). (AT&T 1, Tab 3)
64. There are two residences within 1,000 feet of the tower site. (AT&T 1, Tab 3)
65. Access to the site would be along an existing driveway for 100 feet, and a new driveway for 72 feet. (AT&T 1, Tab 3)
66. Utilities would be installed by connecting an overhead line from a utility pole on Balance Rock Road to a new pole on the property. From the new pole, utilities would extend underground 100 feet to the compound. The utility route would initially follow an existing route that services the clubhouse. (AT&T 1, Tab 3; Tr. 1, p. 60)

Site B

67. Proposed Site B is located in the forested northeast portion of the property, approximately 500 feet northeast of proposed Site A (refer to Figure 8). (AT&T 4, R. 14)
68. The proposed tower would be located at an elevation of 1,135 feet amsl. (AT&T 7)
69. The proposed tower is approximately 475 feet north of Balance Rock Road and 165 feet south and 170 feet west of the Tunxis State Forest. The tower radius would extend onto the state forest property by 25 feet. If a 160-foot tower were constructed, the tower radius would be contained within the site parcel. (AT&T 4, Tab D)
70. The nearest residence to the proposed Site B tower is approximately 700 feet to the south at 72 Balance Rock Road (Krauland). (AT&T 4, Tab D)
71. There are three residences within 1,000 feet of the Proposed Site B tower. (AT&T 4, Tab D)
72. Access to the proposed tower would be from a new, 12-foot wide gravel road extending 475 feet north from Balance Rock Road. The road curves slightly near the compound area. AT&T could design the access road with a more pronounced curve near the middle to provide more screening of the tower from the road entrance on Balance Rock Road. (AT&T 4, Tab D; AT&T 22, R. 13)
73. Utilities would be installed underground along the access road. (AT&T 4, Tab D)

74. A culvert would be installed in the access road to cross over a drainage ditch along Balance Rock Road. Two additional culverts would be required along the access road to cross over an intermittent watercourse. (AT&T 4, Tab D, Tab E; Tr. 1, pp. 56-57)

Site C

75. Proposed Site C is located in the northeast corner of the parcel, 150 feet northeast of proposed Site B (refer to Figure 9). (AT&T 22, Tab 3, Tab 6)
76. The proposed tower would be located at an elevation of 1,148 feet amsl. (AT&T 22, Tab 3)
77. The proposed tower is approximately 590 feet north of Balance Rock Road and 100 feet south and 100 feet west of the Tunxis State Forest. The tower radius would extend onto the state forest property by 90 feet. (AT&T 22, Tab 3)
78. The nearest residence to the proposed Site C tower is approximately 740 feet to the south at 72 Balance Rock Road (Krauland). The number of residences within 1,000 feet was not quantified. (AT&T 22, Tab 6)
79. Access to the proposed tower would be from a new, 12-foot wide gravel road extending 770 feet northeast from the existing clubhouse on the property. The road would traverse the shooting range, then go through the forested area of the property to the compound. (AT&T 22, Tab 3)
80. Underground utilities would be installed along the access road. (AT&T 22, Tab 3)

Environmental Considerations

81. Development of a tower facility would have no effect on historic or archeological resources listed in or eligible for the National Register of Historic Places. A historic cabin constructed by the Civilian Conservation Corps in 1937 is located at the west end of Balance Rock Road, within Tunxis State Forest. The tower would not be visible from the cabin. A local historic residence is located near the intersection of Balance Rock Road and Route 20. The tower would not be visible from the residence. (AT&T 1, Tab 6, Tab 7; Tr. 3, pp. 43-44, 226; Tr. 4, p. 25)
82. Although the subject property is not within any designated area indicating the presence of Federally threatened or endangered species or State endangered, threatened or special concern species, the property is near areas where records indicate the presence of the Saw-whet owl, a State species of special concern. (Council Administrative Notice Item 30; AT&T 1, Tab 7)
83. The owl regularly winters in the State and is considered an uncommon to rare breeder in Connecticut. A call back survey identified a Saw-whet owl southwest of the property on January 5, 2011. The owl prefers dense mixed forest for roosting and foraging and favors dense stands of mature evergreens as a daytime roost site. The site property and surrounding state forest areas contains suitable mixed forest habitat. (AT&T 1, Tab 7; AT&T 9)
84. Proposed Site A does not have any tree cavities that are suitable for nesting owls. The proposed Site B area and remaining wooded areas of the property contain stands of evergreens where some trees contain cavities that could be used for nesting. An examination of the trees in the Site B and Site C development areas did not find any evidence of owl nests. (AT&T 9; AT&T 22, Tab 9)

85. Although no owls were identified on the site property during owl surveys, it would be beneficial to restrict work from occurring between March 1 and July 1 to minimize any potential for disturbance to nesting owls. (AT&T 22, Tab 6)
86. Approximately 30 trees with a diameter of six inches or greater would be removed to develop Site A. Approximately 180 trees would be removed to develop Site B. A tree count for Site C is not in the record. It may be similar to that of Site B because the compound is also in a heavily wooded area and the proposed access road would pass through 380 feet of woodland. (AT&T 1, Tab 4; AT&T 4, Tab D; AT&T 22, Tab 3)
87. The proposed site is not located near any areas identified by the Connecticut Audubon Society as an Important Bird Area (IBA). The IBA designation refers to specific areas and properties owned by the State, local jurisdictions and conservation groups. (Council Administrative Notice No. 39)
88. The site is located at the edge of a major forest area designated as key bird habitat by the Connecticut Audubon Society. This is a large area covering portions of several towns. (Sirman 9; Tr. 4, pp. 72-73)
89. The site property and surrounding area is located along a north-south ridge that runs along the east side of the Barkhamsted Reservoir, and is in an area that contains large unfragmented forest tracts suitable to support fragmentation-sensitive Neotropical songbirds. (Sirman 9; Tr. 4, pp. 92-94)
90. Migratory birds use ridgelines as well as valleys during migration. Although the site is on a ridgeline, it is not considered to be in a major flyway where birds concentrate. Rather, it is in a diffuse flyway that spreads among portions of the eastern states. (Tr. 3, pp. 57-59; Tr. 4, pp. 98-102, 147-149)
91. Bird mortality caused by tower strikes occur generally where telecommunications towers are over 1,000 feet in height, are illuminated at night, have guy wires, are located near wetlands, are in major songbird migration pathways, and have frequent periods of poor weather during bird migration periods. (Sirman Administrative Notice 2)
92. 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. (Council Administrative Notice No. 39; AT&T 3, R. 15)
93. A few studies have been conducted for telecommunication towers below 200 feet. One of these studies examined a 100-foot tower for one year and found no bird mortality. Another examined a 197-foot tower for four years and attributed four bird deaths to tower collision. No studies referenced indicate any owl mortality from cell tower strikes. (AT&T 12; Tr. 4, pp. 41-42, 147)
94. Development of Site A does not directly affect any wetlands or watercourses. The nearest wetland to Site A is a forested swamp 40 feet from the north, south and east sides of the site. The swamp is dominated by eastern hemlock and drains to a drainage ditch along Balance Rock Road. The wetlands in this area are already located near existing development (e.g., the clubhouse, parking lot) and are already degraded. (AT&T 4, Tab E; AT&T 15, R. 9)
95. Development of the Site B access road would affect an intermittent watercourse. The watercourse, generally three feet wide and six inches deep, flows from wetlands within Tunxis State Forest to the wetland near Site A. The watercourse is seasonal and does not support fish. (AT&T 4, Tab 4; AT&T 22, R. 8)

96. The Site B access road crossing would utilize a natural stream-crossing design that recreates the streambed within a culvert. Approximately 45 feet of the watercourse would be permanently affected by the road crossing. Another 10 feet would be affected by temporary construction impacts. (AT&T 15; Tr. 1, pp. 57-58)
97. Stormwater discharge into the watercourse and downgradient wetlands could be a concern, and can be managed by adhering to the DEP's Stormwater Management Plan and 2004 DOT drainage manual. (AT&T 15, R. 8, R. 9)
98. No vernal pools were identified at the property, but wetland areas in and around the site could support amphibians. To prevent impacts on migrating amphibians, construction work should not occur between March 1 and May 15. (AT&T 15, R. 10)
99. Development of Site C would impact wetlands where the proposed access road passes through the shooting range. Construction of the road would impact approximately 1,900 square feet of this wetland which has already been disturbed and where disturbance continues due to maintenance of the shooting range. No wetlands are located within the Site C compound area. (Tr. 3, pp. 120-121; Tr. 4, pp. 21-22, 56, 116)
100. The Site B access road could be relocated to follow the proposed access road for Site C. This would prevent impacts to the intermittent watercourse and buffering forest along the original Site B access road, a more productive habitat than the already disturbed wetlands within the shooting range. (Tr. 3, pp. 123-125; Tr. 4, pp. 21-22, 56)
101. The subject property is within the watershed of the Barkhamsted Reservoir, a public water supply reservoir operated by the Metropolitan District Commission (MDC). The MDC commented on the proposal, their primary concern being the implementation and maintenance of proper erosion and sedimentation controls and the prevention of spills during construction. The MDC would also monitor construction activities during routine watershed inspections. (MDC letter of January 4, 2011)
102. Erosion and sedimentation controls and other best management practices would be established and maintained for the duration of site construction and would be consistent with MDC recommendations. A spill prevention program would also be established to protect watershed resources. (AT&T 15)
103. Aircraft hazard obstruction marking or lighting would not be required. (AT&T 1, p. 14)
104. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's antennas has been calculated to total 3.6 percent 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. (AT&T 3, Tab I)

Visibility

105. The projected visibility of the tower from each of the proposed sites within a two-mile radius of the subject property is as follows:

	Site A (190 feet agl)	Site B (160 feet agl)	Site C (190 feet agl)
Area of year-round visibility (not including water areas)	~ 2 acres	~ 1 acre	~ 2 acres
Area of seasonal visibility	~ 21 acres	~ 5 acres	~ 5 acres
48 Balance Rock Road	Upper 40 feet visible leaf-off from driveway area	Non-visible	Non-visible
64 Balance Rock Road	Upper 50 feet visible leaf-off from front deck and interior areas	Non-visible	Non-visible
72 Balance Rock Road	Upper 70 feet visible year-round from rear yard Upper 15 feet visible leaf-off from interior areas and front deck	Upper 20 feet visible leaf-off from front deck and rear yard	Upper 20 feet visible leaf-off from front deck, side and rear yards
88 Balance Rock Road	Upper 40 feet visible year-round from rear yard	Upper 15 feet visible leaf-off from front yard	Upper 75 feet visible leaf-off from front yard. Portion visible from kitchen window

The data in the table indicates Site B would be least visible from area residences with two residences having seasonal visibility of the upper 15-20 feet. (Refer to Figures 10, 11 & 12). (AT&T 1, Tab 5; AT&T 7; AT&T 22, Tab 6; Krauland 3; Tr. 4, pp. 90, 96, 141)

106. The projected visibility of the proposed towers from select roads and scenic resources is as follows:

Resource	Approximate Distance/Direction from Sites	Visibility of towers
Balance Rock Road	Adjacent to site	Seasonal visibility from select areas
Route 20 north and east of site	0.3 to 1.6 miles north and east	No
Route 20 west of site	1.4 to 1.9 miles west	Seasonal visibility from 0.8 mile segment for Site A. 0.1 mile for Sites B & C
Route 20 overlook	1.4 miles northwest	Yes (above 65-foot treeline)
Meadow along Route 20, part of Tunxis State Forest	2.5 miles west	Yes
CCC Ski Cabin	0.5 mile west	No
Tunxis hiking trail	0.1-0.2 mile west	Seasonal visibility in spot areas near state forest boundary
Falls Brook hiking trail	1.7 miles west	No
Pine Mountain Overlook (Tunxis Trail)	2.8 miles south	Yes
Indian Council Caves (Tunxis Trail)	4.3 miles south	No
Beach Rock	6.7 miles southwest	No
Saville Dam	7 miles southwest	No

(AT&T 1, Tab 5; AT&T 7; AT&T 22, R. 2, R. 7, Tab 6; Sirman 12, R. 7; Tr. 4, pp. 11-12, 87-88, 112)

107. AT&T would consider installing a monopine at the site to mitigate some of the near range views. The monopine would appear out of scale with the surrounding vegetation when viewed from the Route 20 overlook. (Tr. 4; pp. 30, 68, 142)
108. A telecommunications tower disguised as a fire tower would not be beneficial in this area because it would be a bulkier structure, increasing some of the near range visibility. (Tr. 4. pp. 43-44)
109. There are no state or local designated scenic roads in the Town of Hartland. (AT&T 22, Tab 6; Tr. 4, p. 126)



Figure 1: Location of proposed Site A, Site B, and Site C at 95 Balance Rock Road.
(AT&T 1, AT&T 4, AT&T 22)

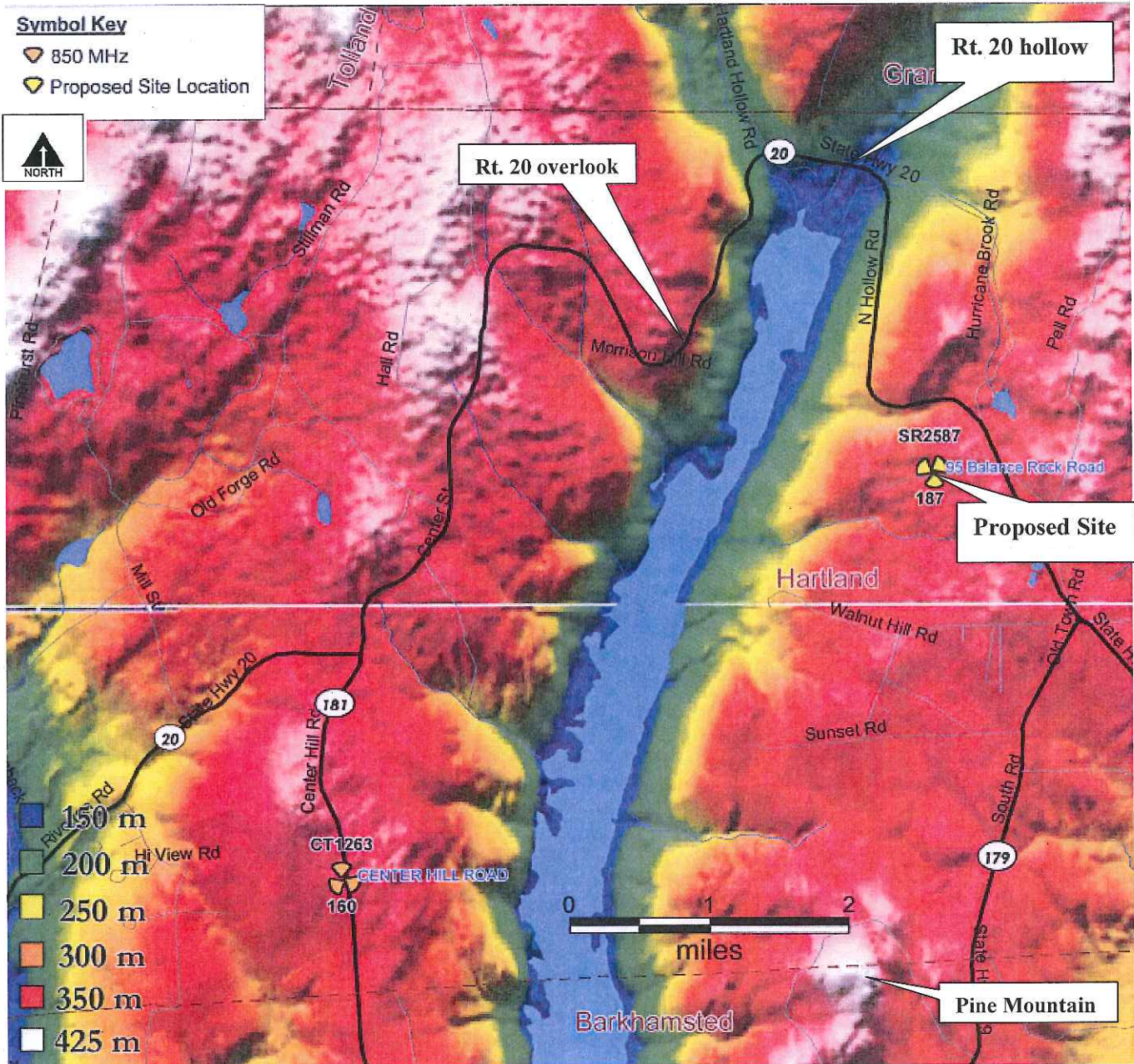


Figure 2: Terrain profile of surrounding area showing high elevation at proposed site and low elevation along Route 20 at north end of reservoir (“hollow”). (AT&T 3, Tab F; Council Administrative Notice 33)

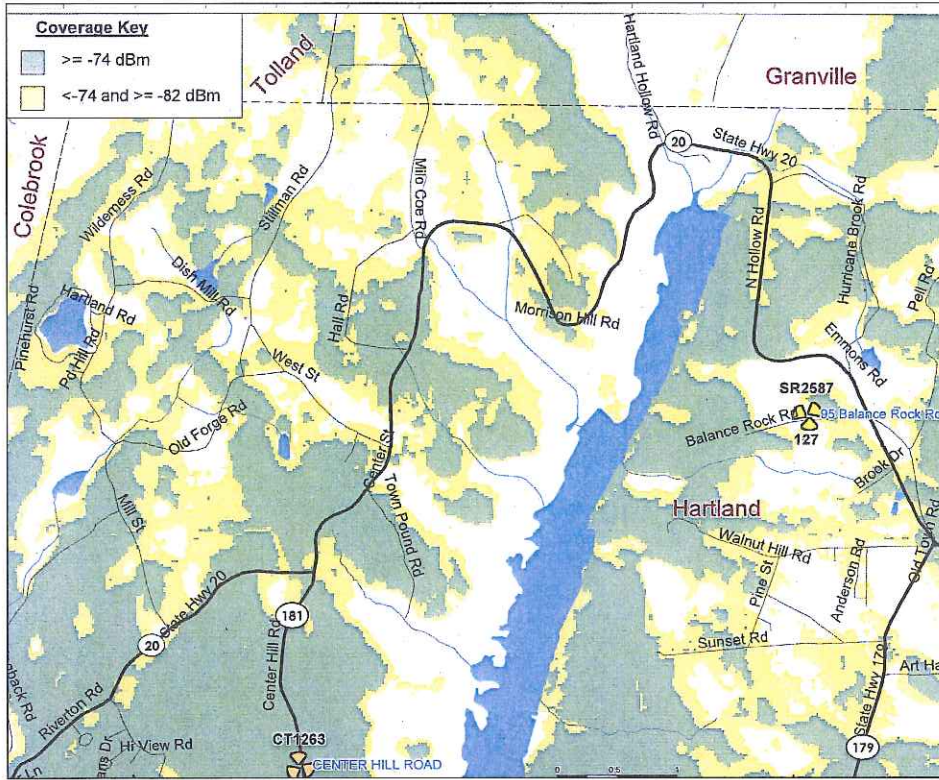


Figure 3: Existing cellular coverage. (AT&T 1)

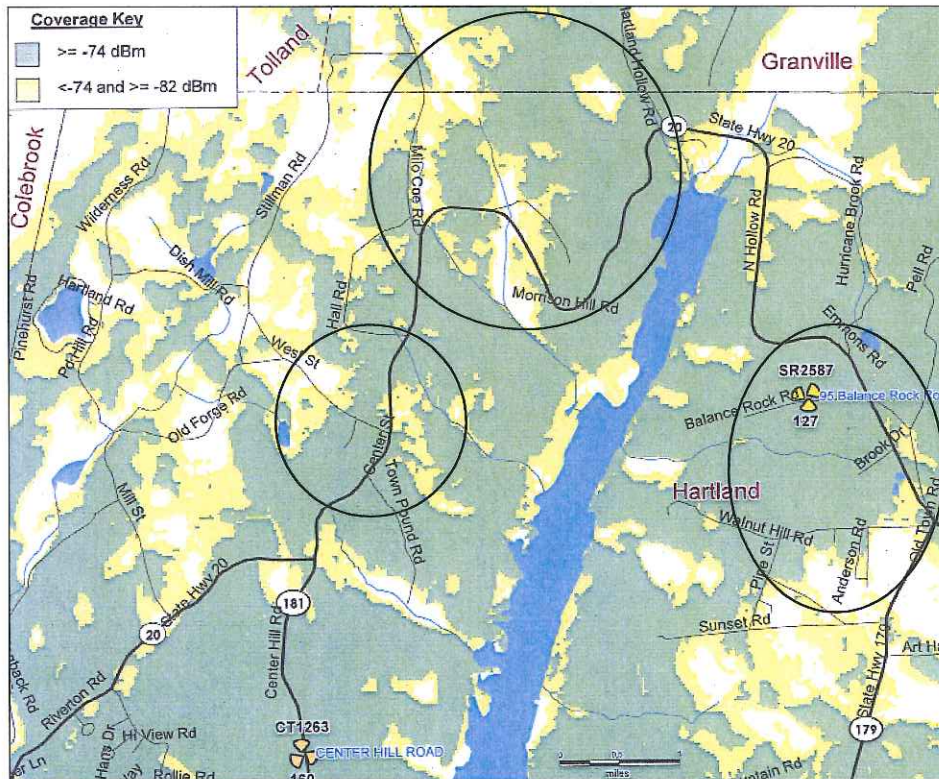


Figure 4: Existing and proposed cellular coverage (Site A). Circles denote main areas of proposed coverage. Coverage from Sites b & C is similar. (AT&T 1)

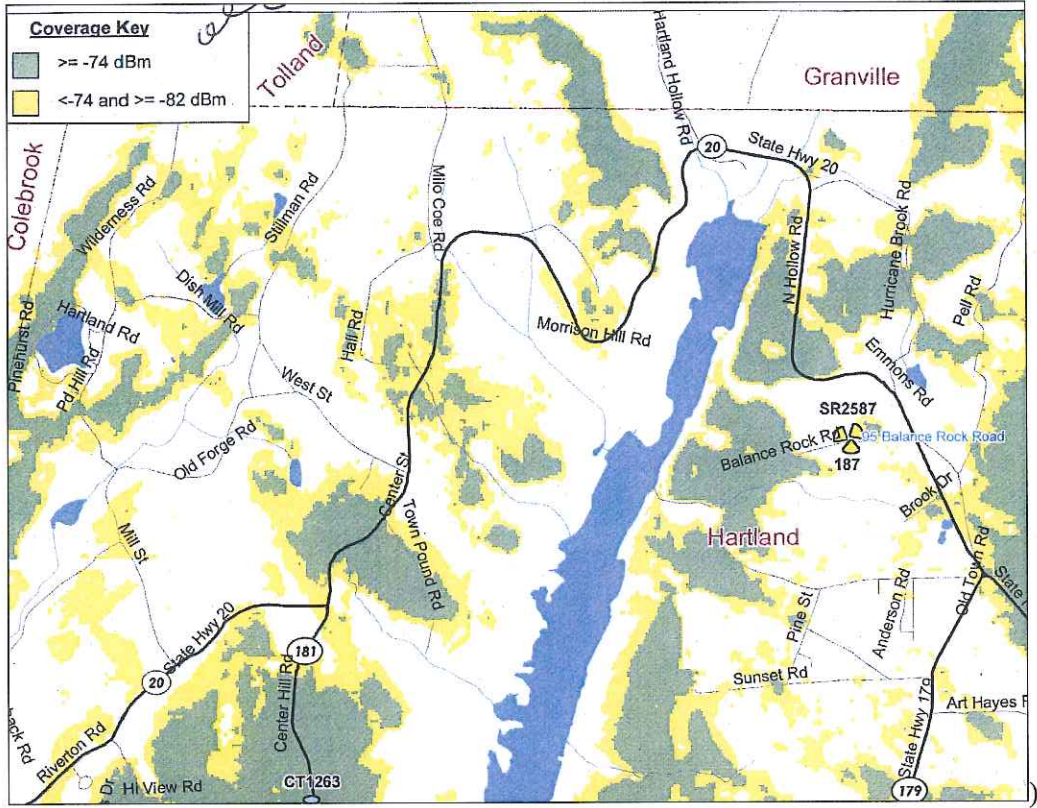


Figure 5: Existing PCS coverage. (AT&T 3)

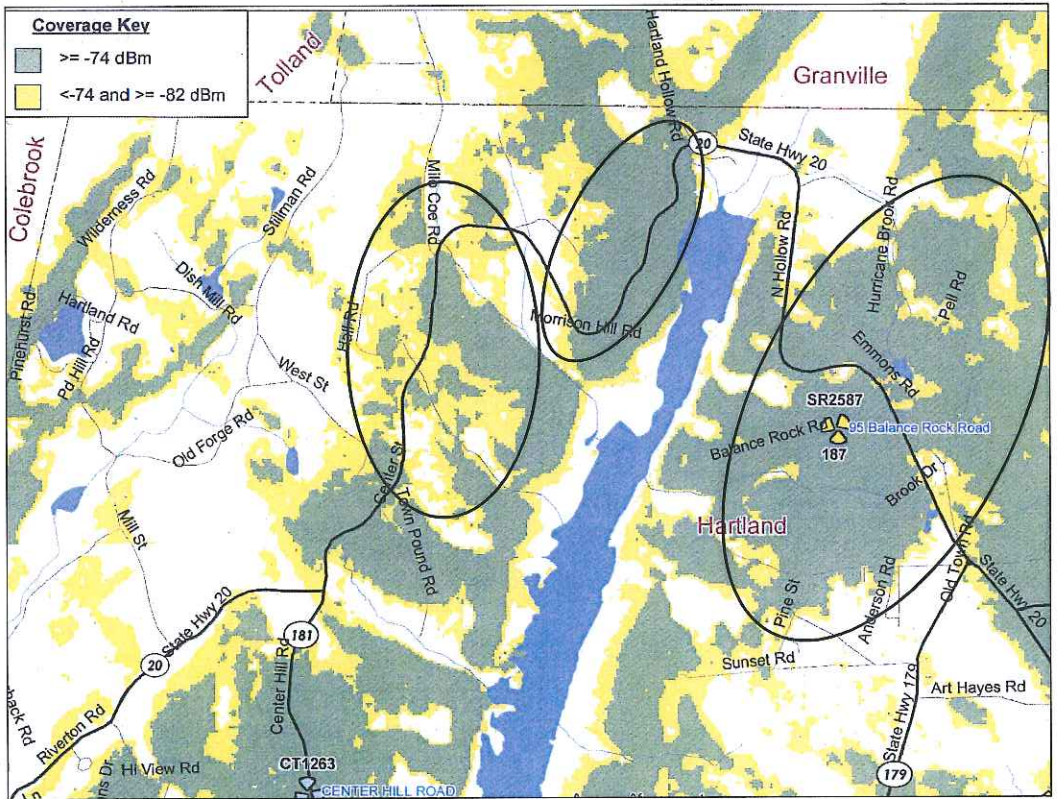


Figure 6: Existing and proposed PCS coverage (site A). Ovals denote main areas of coverage. (AT&T 3)

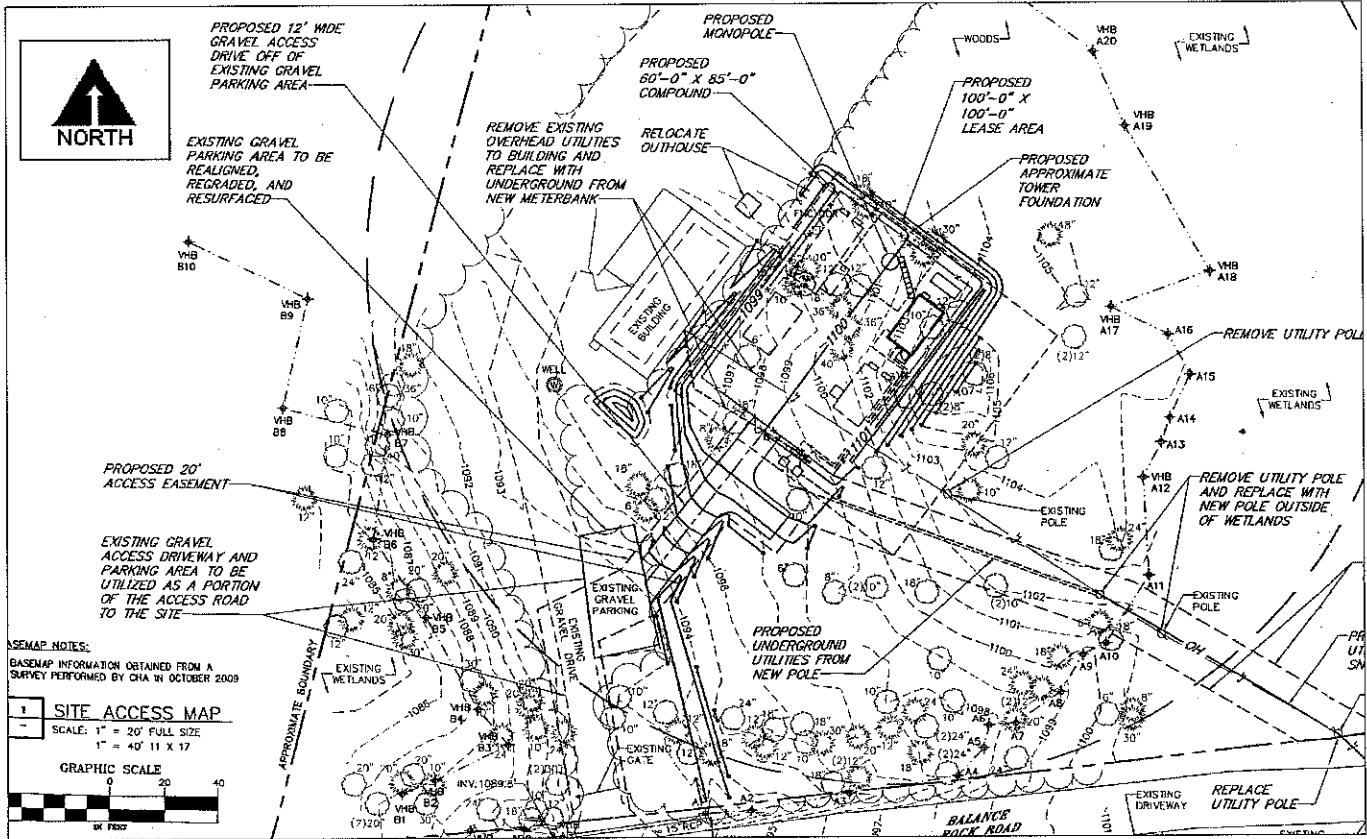


Figure 7: Proposed Site A development plan. (AT&T 1)

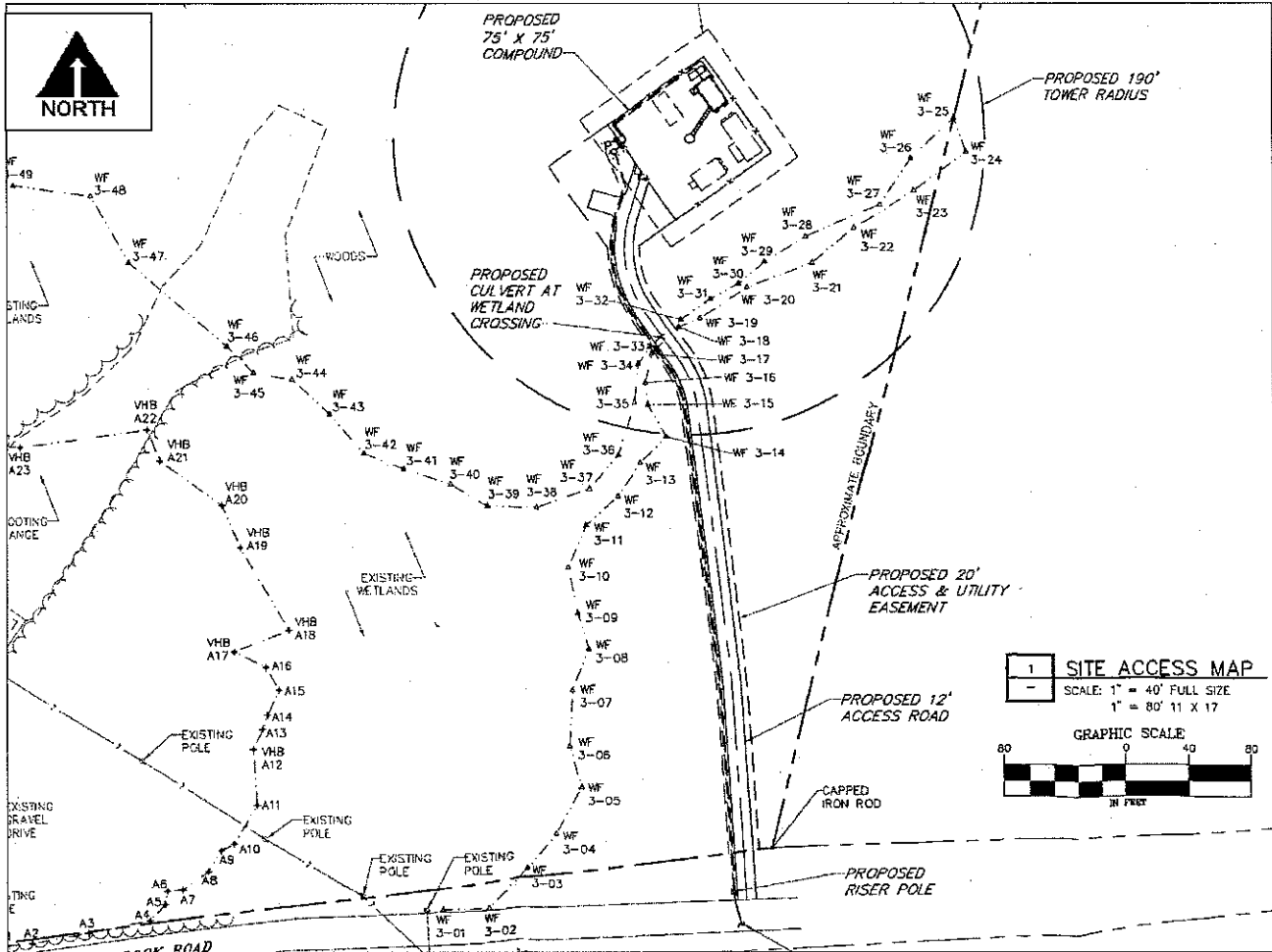


Figure 8: Proposed Site B development plan. (AT&T 3)

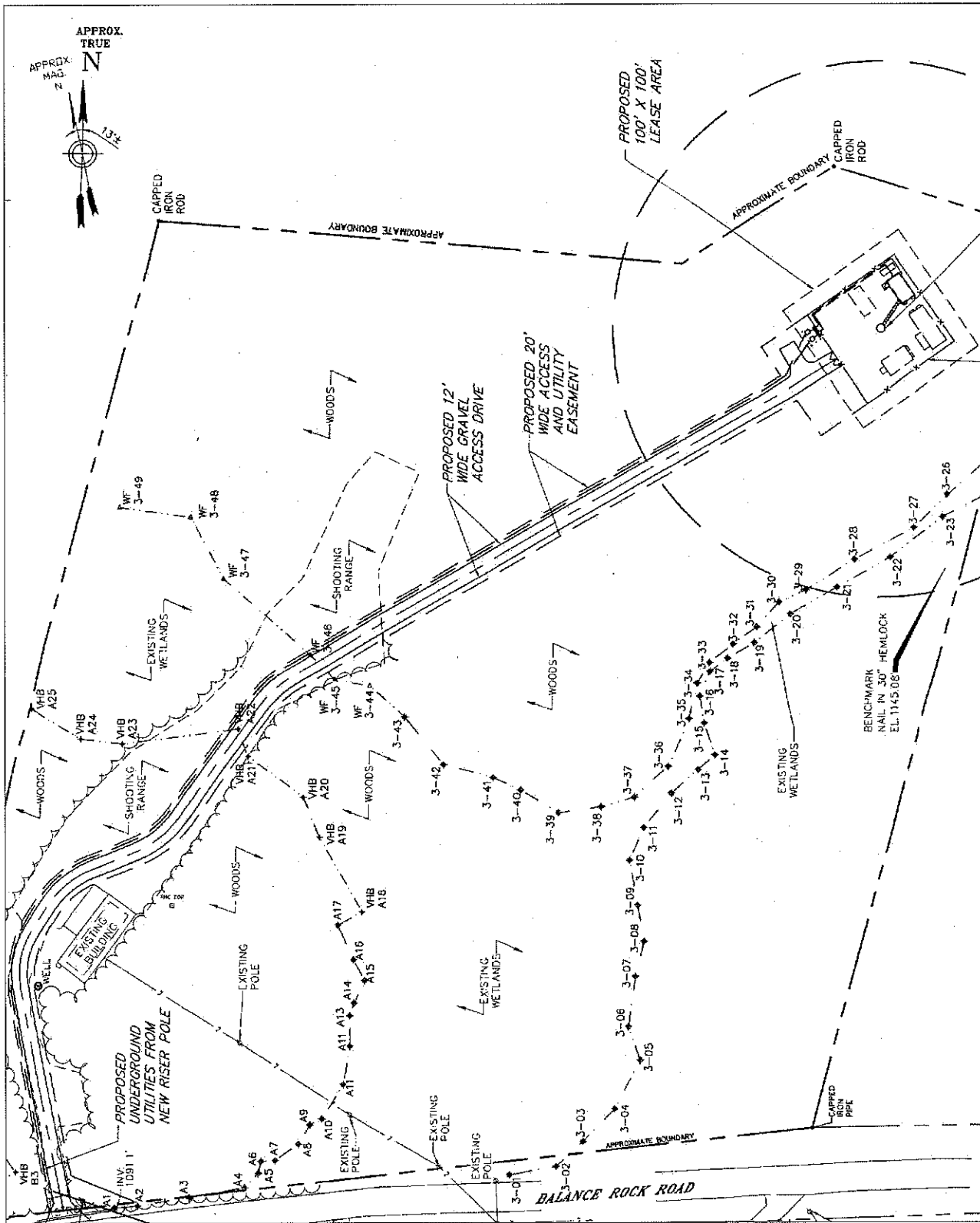


Figure 9: Proposed Site C development plan (AT&T 22)

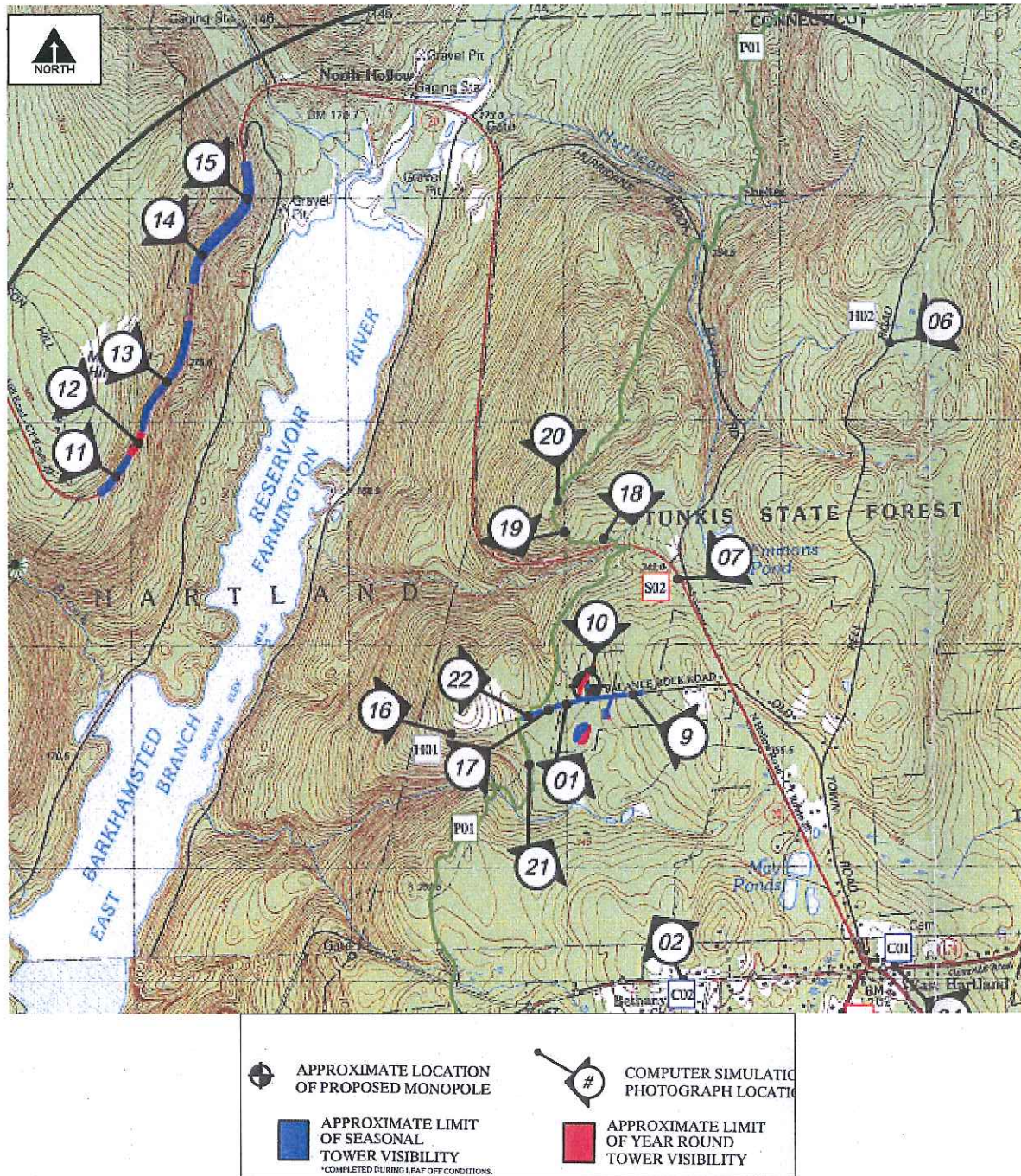


Figure 10: Projected visibility of Site A. Location 12 is Route 20 overlook. (AT&T 1)

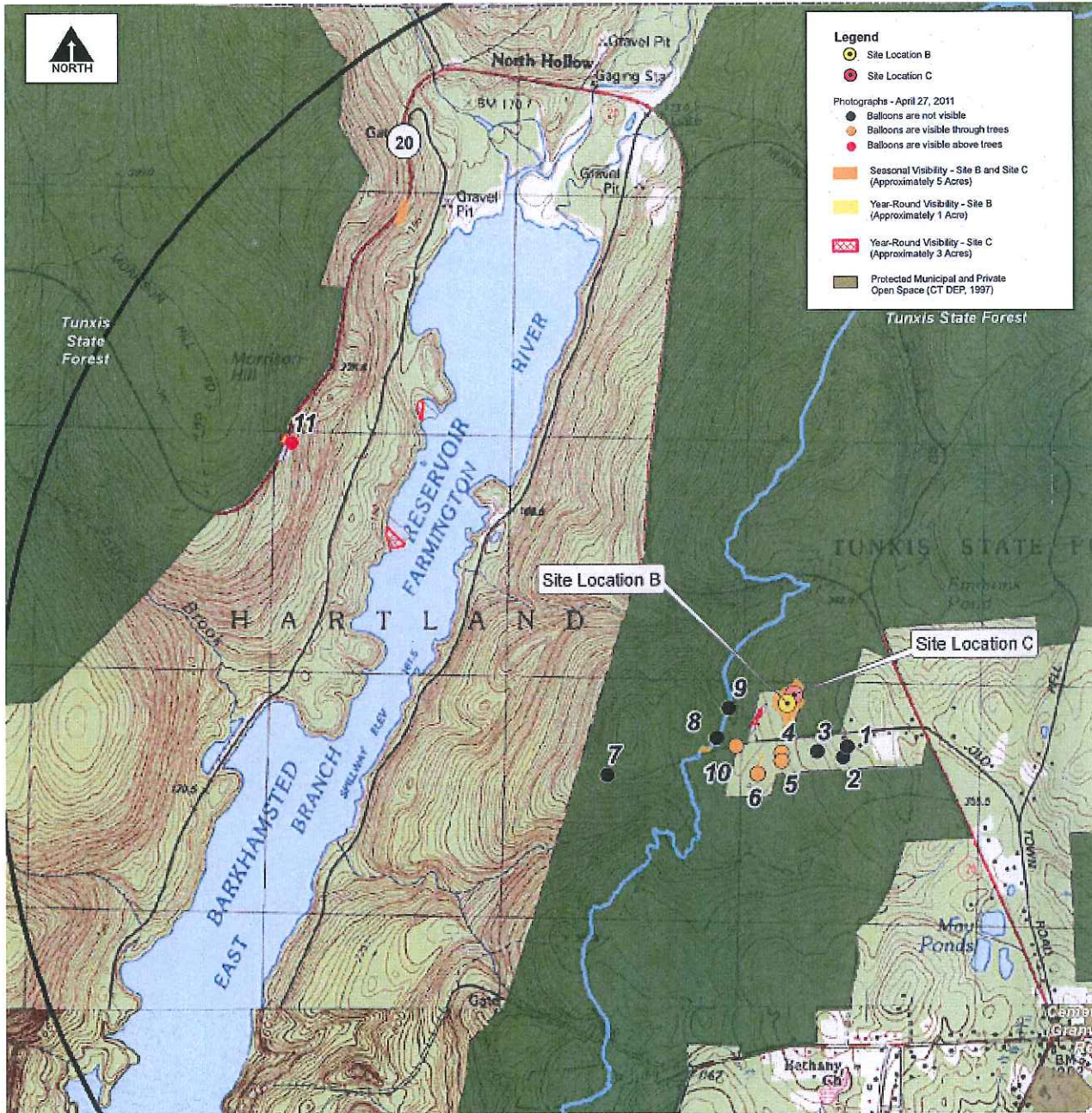


Figure 11: Projected visibility of Sites B & C. (AT&T 22)

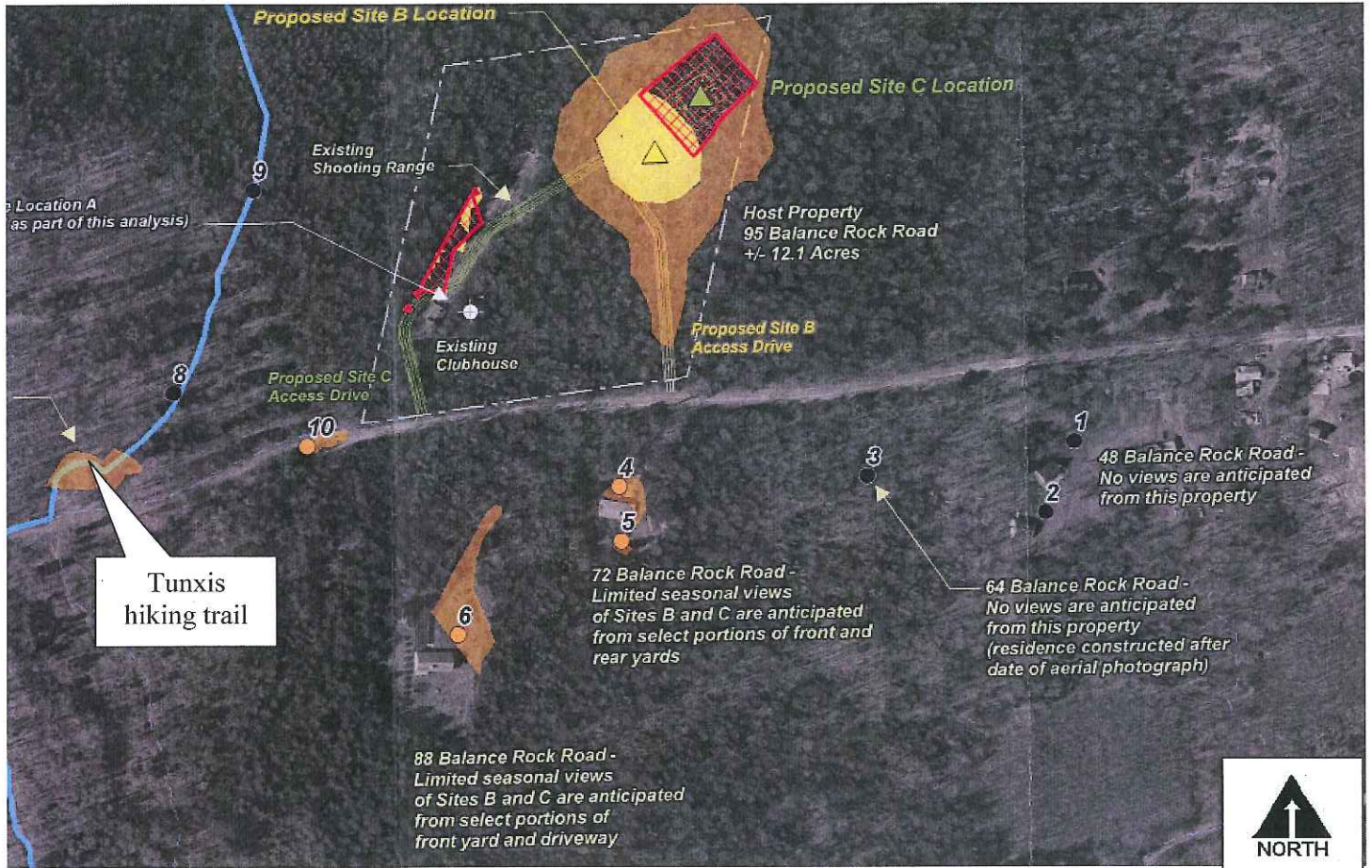


Figure 12: Projected visibility of Sites B & C from Balance Rock Road area. (AT&T 22)



Figure 13: Visibility of Site B & C from rear yard of 72 Balance Rock Road. (AT&T 4)



Figure 14: Visibility of Sites B & C from front yard of 88 Balance Rock Road. (AT&T 22)



Figure 15: Photosimulation of 190-foot tower at Site C from Route 20 overlook. (AT&T 22)



Figure 16: Photosimulation of 160-foot tower at Site B from Route 20 overlook. (AT&T 22)

DOCKET NO. 408 - 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 95 Balance Rock Road, }
Hartland, Connecticut. } Council

September 22, 2011

Opinion

On October 13, 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 wireless telecommunications facility located at 95 Balance Rock Road in Hartland, Connecticut. The proposed facility would provide wireless service for AT&T to the northern portion of Hartland, including the Route 20 corridor and adjacent areas.

The property consists of a 12-acre, residentially zoned parcel owned by the Ring Mountain Hunt Club. The parcel is located in the northern portion of the East Hartland section of town. The property is improved with a wood-frame lodge, a shooting range, and associated parking areas, all of which are located in the southwest portion of the parcel. The remaining property is heavily wooded. The parcel abuts state forest to the north, east and west. Developed residential properties abut the site to the south, across Balance Rock Road.

AT&T is requesting a 190-foot monopole at one of the three proposed sites. AT&T initially proposed to locate a tower adjacent to the lodge, referred to as Site A. During the proceeding, two other locations were proposed in the forested, northeastern portion of the property, referred to as Site B and Site C. Site B is approximately 165 feet south and 170 feet west of Tunxis State Forest. Site C is approximately 150 feet northeast of Site B, close to the northeast corner of the property.

Access to Site A would be from the existing driveway extending from Balance Rock Road that services the shooting range and lodge. Access to Site B would be from a new, 475-foot gravel drive that would extend through forest from a new opening on Balance Rock Road. Access to Site C would be from a new gravel drive that would extend through the shooting range, then through 380 feet of forest.

Notwithstanding that the 1996 Telecommunications Act pre-empts the Council from determining the need for telecommunication facilities, the Act does not preempt states from determining whether a particular tower is needed in the location where proposed, and if needed, whether it should be sited at the proposed location. Not every tower that marginally decreases a coverage gap or improves service to a limited number of users must be approved. Against the magnitude of the need for a particular tower, namely the size of the coverage gaps, and the number of calls that are impeded, the Council must balance the adverse environmental impacts created by that tower.

AT&T requests a tower to meet two particular coverage goals: (1) to provide service along portions of Route 20 which has coverage gaps; and (2) to provide service along smaller roads with a few residences in the surrounding area. More generally, the proposed site aims to upgrade the network's future connectivity across the difficult terrain in this area of the State. AT&T also argues that the tower is necessary for public safety and collocation.

Coverage maps were offered by AT&T as evidence for claims that the proposed tower would fill gaps in service along Route 20 and certain smaller roads in the vicinity. The maps demonstrate that existing AT&T coverage in the area is unreliable and the gaps cannot be covered from existing structures. Concerning Route 20, the main challenge is serving this corridor as it traverses Hartland at the north end of the Barkhamsted Reservoir. This area is referred to as the "hollow" since it lies in a deep valley with high elevation ridges to the east and west. The coverage maps for all three proposed sites demonstrate that the coverage gap in the hollow would remain largely unfilled. As to coverage of the smaller roads, no facts were offered by AT&T to refute the intervenors' evidence that these are mostly gated, serving state forest or protected watershed land not open to the public. As to in-building coverage, various types of maps in the record show that no significant number of commercial buildings or residences currently exist in this area or can be foreseen anytime in the future, due to the predominance of watershed properties and state forest, both of which are restricted from development by State statute.

The claim that this tower would upgrade network connectivity is not sufficiently supported. Connectivity would only be at issue for cellular frequencies, since LTE was not proposed for this tower, and PCS service is restricted by the Federal Communications Commission from transmitting north into Massachusetts; also, regardless of direction, PCS frequencies are more constrained by terrain than cellular ones. In regards to cellular connectivity to adjacent facilities, the proposed tower appears isolated. No coverage maps were provided to show connectivity with existing or planned facilities to the north, in Massachusetts. The various coverage maps in the record do not show connectivity between the proposed tower and existing or planned facilities in Connecticut to the west or east, which are over two miles away. The maps do imply connectivity with a planned facility to the south that would be needed to provide coverage along Route 179, but at the same time beg the question why that facility would not be more connective in any broad network design than the site proposed.

As to the public safety need, Town public safety officials did not request space on the proposed tower. Although a study has not yet been performed, the Town believes coverage in the hollow area for emergency communications can be met through the use of existing telecommunication sites. As to collocation, the record does not show other carriers have an interest in the proposed tower.

The Council has reviewed the record and concludes that AT&T has failed to fully establish the need for a tower in the proposed location. The Council finds either insufficient or conflicting evidence regarding claims that the proposed tower will satisfy either of the two particular coverage goals or the general goal of connectivity, that the proposed tower satisfies a public safety need, or that the proposed tower is needed for collocation.

The tower as proposed at any of the three sites would have limited adverse environmental impacts except for its intrusion on scenic and recreational values and the fragmentation of forested bird habitat. While some impacts, such as to wetlands, can be mitigated, the scenic and visual impacts, as well as loss of forested bird habitat, are significant and permanent.

The property is at the edge of an extensive forested area designated by the Connecticut Audubon Society as a key bird habitat. The site is within the range of the Saw-whet owl, a State species of special concern. The densely forested portion of the property contains suitable habitat to support foraging and nesting for the owl. Although no owls or nests were identified on the site property during owl surveys, the Council is concerned about the permanent loss and fragmentation of potential habitat for this sensitive species.

The Council considered the visibility impacts of all three sites, both from near view and far view. As to the near view, and with particular attention to the adjacent properties on Balance Rock Road, any of the three towers would be minimally visible, with only one or two acres of year-round visibility from surrounding areas. The Site B tower at a height of 160 feet would have the least adverse visual impact. It is not anticipated to be visible year-round from any of the residences on Balance Rock Road, whereas the upper portion of the Site A tower would be visible year-round from two residences. As for seasonal visibility, the upper 20 feet of the Site B tower would be visible from two residences. The upper 75 feet of the Site C tower would be seasonally visible from one residence and the upper 20 feet would be seasonally visible from a second residence.

Far and near views from scenic and recreational sites would not be possible to mitigate. Any of the three towers would be visible from an overlook along Route 20, approximately 1.4 miles northwest of the sites, although the 160-foot tower at Site B would be the least visually obtrusive. There would be seasonal visibility from spot locations along the Tunxis hiking trail, approximately 0.1 mile west of the site. Although there would be year-round visibility from the summit of Pine Mountain approximately three miles south of the site, views from this distance would have negligible impacts.

The Council is concerned about the potential degradation of the scenic quality of this location. The view from the vista along Route 20 over the Barkhamsted Reservoir is outstanding. The tower is also visible from other valuable recreational assets, such as portions of the Tunxis hiking trail, which is part of the statewide Blue-Blazed Trails system, as well as the regionally significant view from the summit of Pine Mountain. The Council has considered various "stealth" tower designs for this site and determined the mass of these structures would be out of scale with the surroundings, extending up to 95 feet above the tree-line for a 160-foot tower.

After considering all of the relevant concerns in this docket, pursuant to CGS § 16-50p(b)(1), the Council finds that the construction, maintenance, and operation of the proposed tower would substantially and adversely affect the scenic quality of its location and no public safety concerns require that the proposed facility be constructed in such a location. The Council acknowledges that AT&T was thorough in its examination of potential properties in the area, and acknowledges further that AT&T has mitigated wetland concerns at any of its proposed three sites to the greatest extent possible. Furthermore, on balance, the evidence presented is too limited to demonstrate that the proposed project will achieve AT&T's coverage goals, or satisfy a need for public safety or collocation.

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 any of the three proposed sites, 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 disproportionate either alone or cumulatively with other effects when compared to need, are in conflict with policies of the State concerning such effects, and are sufficient reason to deny this application with prejudice. Therefore, the Council will not issue a Certificate for the construction, maintenance, and operation of a monopole telecommunications facility at 95 Balance Rock Road in Hartland, Connecticut.

DOCKET NO. 408 - 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 95 Balance Rock Road, }
Hartland, Connecticut. } Council

September 22, 2011

Decision and Order

Based on the record in this proceeding, we find that the nature of the probable cumulative environmental impacts associated with the construction, operation, and maintenance of a proposed telecommunication facility at any of the three proposed sites, 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 significant; are in conflict with the policies of the State concerning such effects; are not adequately balanced by the site-specific need for the proposed facilities; and therefore, are sufficient reason to deny certification of the proposed facilities with prejudice.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of the decision published in *The Hartford Courant*.

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 in this proceeding are:

Applicant

New Cingular Wireless PCS, LLC

Its Representative

Lucia Chiocchio, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th floor
White Plains, NY 10601

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

Party

Thomas H. Sirman

Its Representative

David F. Sherwood, Esq.
Moriarty, Paetzold & Sherwood
2230 Main Street, P.O. Box 1420
Glastonbury, CT 06033-6620

Party

Town of Hartland

Party

Heike M. Krauland
64 Balance Rock Road
East Hartland, CT 06027

Its Representative

Margaret F. Rattigan
Murphy, Laudati, Kiel, Butler &
Rattigan, LLC
10 Talcott Notch, Suite 210
Farmington, CT 06032

CERTIFICATION

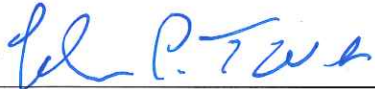
The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut, and voted as follows to deny the proposed telecommunications facility with prejudice:

Council Members

Vote Cast

Robert Stein, Chairman

Absent



Colin C. Tait, Vice Chairman

Yes



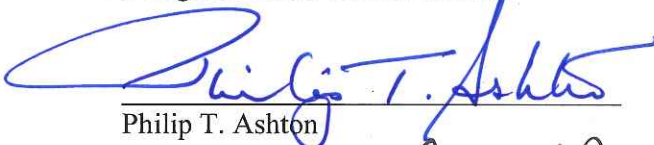
Chairman Kevin M. DelGobbo
Designee: Larry P. Levesque

Yes



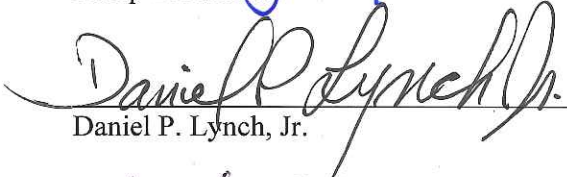
Commissioner Dan Esty
Designee: Brian Golembiewski

No



Philip T. Ashton

No



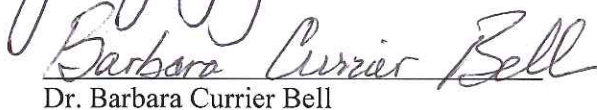
Daniel P. Lynch, Jr.

Yes



James J. Murphy, Jr.

No



Dr. Barbara Currier Bell

Yes



Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, September 22, 2011.



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

www.ct.gov/csc

September 26, 2011

TO: Classified/Legal Supervisor
408110113
The Hartford Courant
285 Broad St.
Hartford, CT 06115

FROM: Lisa A. Fontaine, *LAF* Fiscal Administrative Officer

RE: **DOCKET NO. 408** - 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 95 Balance Rock Road, Hartland, 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



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

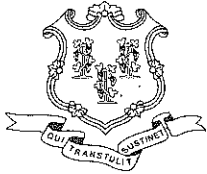
Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on September 22, 2011, the Council issued Findings of Fact, an Opinion, and a Decision and Order denying with prejudice 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 95 Balance Rock Road, Hartland, Connecticut. The record of this proceeding is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.



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

www.ct.gov/csc

September 26, 2011

Lucia Chiochio, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th floor
White Plains, NY 10601

RE: **DOCKET NO. 408** - 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 95 Balance Rock Road, Hartland, Connecticut.

Dear Attorney Chiochio and Attorney Fisher:

By its Decision and Order dated September 22, 2011, the Connecticut Siting Council (Council) denied with prejudice a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut.

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

Very truly yours,

Linda Roberts
Executive Director

LR/RDM/laf

Enclosures (3)

c: Michele Briggs, AT&T