

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY CELLCO
PARTNERSHIP, d/b/a VERIZON WIRELESS,
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
AT 723 LEETES ISLAND ROAD, (MEDLYN
FARM), IN THE TOWN OF BRANFORD,
CONNECTICUT

DOCKET NO. 413

Date: April 19, 2011

OBJECTION TO MOTION TO COMPEL

The Intervenor, T-Mobile Northeast LLC ("T-Mobile"), through counsel, respectfully submits this Objection to Motion to Compel in response to the Motion to Compel T-Mobile to provide more complete responses to discovery requests, submitted by the Intervenor, the Town of Branford ("Town"), dated April 15, 2011.

On April 6, 2011, the Town submitted a single set of interrogatories ("Interrogatories") to the Applicant, Cellco Partnership d.b.a. Verizon Wireless ("Verizon") and to the Intervenors, T-Mobile and Cingular Wireless PCS, LLC ("AT&T"). The Town propounded 40 interrogatories. The instructions to the Interrogatories stated:

[t]he following Interrogatories are directed to the Applicant and the other carrier intervenors as appropriate by the Town of Branford. The Term "you" refers to the Applicant or Intervenors as may be applicable.

On April 13, 2011, T-Mobile submitted its responses to the Interrogatories. Many of the interrogatories are directed towards the Applicant as the questions specifically refer to "applicant." T-Mobile did not respond to these particular interrogatories in accordance with the instructions. T-Mobile, however, responded to those interrogatories referring to "you" per the instructions.

Many of the technical questions regarding coverage – particularly those referencing “applicant” – appear to address the height necessary for the proposed telecommunications facility at 723 Leetes Island Road, Branford (“Facility”). It is important to remember that T-Mobile would assume the lowest position on the Facility. In other words, T-Mobile is not driving the ultimate height of the Facility.

On April 15, 2011, the Town filed its Motion to Compel more complete responses to discovery requests. The Town argued that T-Mobile should have responded to several interrogatories addressed to the “applicant” and to several other interrogatories to which T-Mobile interposed objections. The Town further stated that Verizon and AT&T responded to the interrogatories in an appropriate (or “fair”) manner. (*Motion to Compel, p. 1.*) Each of the interrogatories raised by the Town is addressed in turn.

The Town argues that T-Mobile should have responded to interrogatories 1-5, 7, 19 and 26. Interrogatories 1 through 5 relate to the Applicant. Interrogatory 1 references the “applicant” and interrogatories 2 through 5 relate back to interrogatory 1. T-Mobile did not respond to these interrogatories as they were not directed to T-Mobile. It is not for the responding party to guess which interrogatories it should answer when those interrogatories are not clearly directed to that party. Nevertheless, since the Town has now requested that T-Mobile respond to these specific interrogatories, T-Mobile does so as follows:

1. What propagation model does the applicant employ to determine calculated coverage?
- A1 T-Mobile utilizes the Myriad propagation model, which is based upon ETSI COST 231 Okumura Hata model.**

2. What is the frequency band that is depicted in these plots?
- A2 The frequency depicted in T-Mobile's propagation plots is 1950.000 MHz.**
3. What clutter model and what terrain data base were utilized in these calculations?
- A3 Like Verizon and AT&T, T-Mobile objects to this interrogatory because it seeks proprietary information.**
4. What effective radiated power and antenna type along with beam tilt, if applicable, were utilized in these calculations?
- A4 T-Mobile objects to this interrogatory to the extent it seeks proprietary information. Without waiving this objection, T-Mobile provided information responsive to this interrogatory in its responses, dated April 13, 2011. T-Mobile provides the following supplemental information: the propagation plots incorporated an effective radiated power of 57.61 dBm.**
5. Were drive tests ("scan tests") that would verify the results of the calculated plots conducted? If so, please provide the data sets which were generated by the tests and note whether the data needs to be corrected for variables including, but not limited to, antenna position, gain and line loss.
- A5 Like Verizon and AT&T, T-Mobile objects to this interrogatory because it seeks proprietary information.**
7. In calculating the expected coverage from the proposed site, what antenna centerlines, antenna types and effective radiated power did the applicant assume would be put in use?
- A7 T-Mobile already provided information responsive to this interrogatory. T-Mobile provides the following supplemental information: the propagation plots incorporated an effective radiated power of 57.61 dBm.**
19. In any coverage simulations what angle of downtilt was assumed for each facility depicted in the coverage map generation?
- A19 T-Mobile objects to this interrogatory because it seeks proprietary information.**
26. In the proposed coverage maps submitted by the Applicant, what loss margin was assumed in the modeling?
- A26 T-Mobile designs for an average loss margin of 5 percent.**

The Town also seeks a supplemental response to interrogatory 23. That interrogatory and T-Mobile's initial response are as follows:

23. Have you employed stealth technology including flush mounting, combined antenna arrays (single antennas which will serve LTE, PCS and 850Mhz), and close centerline to centerline antennas (close meaning < 8ft)? If so, which of these technologies and where?

A23 T-Mobile objects to this Interrogatory because it is unlimited in scope – the existing facilities nationwide that employ such technologies are too numerous to list. Additionally, T-Mobile notes that the Facility would employ stealth technology.

The scope of this interrogatory is unlimited. This interrogatory calls for each wireless carrier to provide each and every instance of stealth technology employed anywhere. In its Motion to Compel, the Town indicated that Verizon's response, providing some representative examples, was sufficient for purposes of this proceeding. (*Motion to Compel, p. 1.*) T-Mobile will do the same.

T-Mobile has utilized stealth technology on several occasions in Connecticut. Some examples include flag poles (Milford) and flush mounted antennas (Old Lyme, Branford and Stratford). T-Mobile has employed close centerline configurations most recently outside of Connecticut.

The Town seeks a supplemental response to interrogatory 31. That interrogatory and T-Mobile's response are as follows:

31. What is the percentage of dropped calls and ineffective attempts, as compared to the remainder of the Market Trading Area for Branford?

A31 T-Mobile objects to this interrogatory because it is overbroad and unduly burdensome. A "Market Trading Area" may include a large geographic area covering several States. Without waiving this objection, please see T-Mobile's responses to the Council's First Set of Interrogatories, dated February 4, 2011.

T-Mobile provided the pertinent information in response to the Council's First Set of Interrogatories. Dropped call statistics for a "Market Trading Area" would include a large geographic area, over several states, with a vast number of telecommunications facilities. Moreover, Verizon and AT&T did not produce dropped call statistics for the "Market Trading Area" and, as Verizon stated in its response, such information is irrelevant to this proceeding. The Town stated that Verizon and AT&T's responses were acceptable. (*Motion to Compel, p. 1.*) Accordingly, T-Mobile stands by its objection to disclose information *beyond the information already produced*.

In interrogatories 33 and 37, the Town has requested that T-Mobile provide propagation plots in addition to those disclosed in response to the Council's First Set of Interrogatories. Those interrogatories and T-Mobile's responses are as follows:

33. Can you provide separate proposed and existing coverage maps depicting the coverage from the target levels up to -88dBm with the levels at -3dBm intervals (e.g.: -74 to -77dBm, -77dBm to -80dBm, etc)?

A33 T-Mobile declines to produce an additional set of propagation plots. T-Mobile already provided propagation plots to the Council in response to the Council's First Set of Interrogatories, dated February 4, 2011.

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

A37 T-Mobile declines to produce an additional and enhanced set of propagation plots. T-Mobile already provided propagation plots to the Council in response to the Council's First Set of Interrogatories, dated February 4, 2011.

T-Mobile has provided the propagation plots necessary for the Council and the Town to assess T-Mobile's coverage needs in the areas surrounding the proposed telecommunications facility. Like Verizon, T-Mobile provided the Council with propagation plots based upon a design threshold for coverage. As stated in the Town's

Motion to Compel, Verizon's response in this manner was acceptable. (*Motion to Compel, p. 1.*) Moreover, in interrogatory 37, the Town requested propagation plots on clear plastic overlays, which is an expensive request that would unduly burden T-Mobile as an intervenor. Accordingly, T-Mobile stands by its response.

Finally, the Town seeks a supplemental response to interrogatory 39. The interrogatory and T-Mobile's response are as follows:

39. What are the coordinates, antenna heights, antenna types, orientations, tilt, EIRP for all of your existing wireless facilities in Branford and adjacent towns which are directed into Branford?

A39 T-Mobile objects to this interrogatory to the extent it seeks information irrelevant to the proceedings, specifically information about facilities located in Branford and adjacent towns that are not adjacent to the proposed Facility. T-Mobile also objects to this interrogatory to the extent it seeks proprietary information and otherwise privileged information. Notwithstanding this objection, T-Mobile provides the information contained in Attachment A appended hereto, which includes information regarding facilities adjacent to the proposed Facility.

Like Verizon, T-Mobile provided information regarding the telecommunications facilities adjacent to the proposed Facility. T-Mobile, however, did object to the disclosure of some of the requested information on the ground that the information sought is proprietary. Although T-Mobile stands by this objection, it provides additional information which is appended hereto as Attachment A.

Overall, T-Mobile has provided a significant amount of information regarding an application to which it is an intervenor – including the supplemental responses contained in this Objection. Much of the information requested is not pertinent to the Council's task in determining whether the proposed facility should be sited at the proposed location. Those objections that remain pertain to the disclosure of proprietary information or information wholly irrelevant to the proceedings.

WHEREFORE, T-Mobile respectfully requests that the Council deny the Town's motion to compel.

Respectfully submitted,

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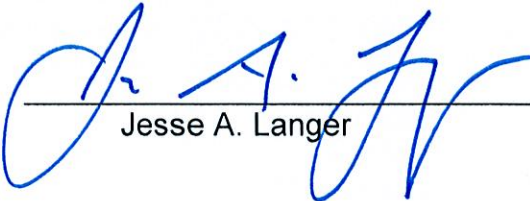
CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was delivered by electronic mail and regular mail, postage prepaid, to all parties and intervenors of record, as follows:

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ATTACHMENT A

SITEID	LATITUDE	LONGITUDE	CELL	ERP (dBm)
CTNH801B	41.2746	-72.7932	CTNH801A	57
CTNH801B	41.2746	-72.7932	CTNH801B	57
CTNH801B	41.2746	-72.7932	CTNH801C	57
CT11328F	41.2742	-72.8137	CT11328A	58
CT11328F	41.2742	-72.8137	CT11328B	58
CT11328F	41.2742	-72.8137	CT11328C	58
CTNH101A	41.2777	-72.8369	CTNH101A	59
CTNH101A	41.2777	-72.8369	CTNH101B	59
CTNH101A	41.2777	-72.8369	CTNH101C	59
CT11024B	41.2833	-72.8494	CT11024A	56
CT11024B	41.2833	-72.8494	CT11024B	56
CT11024B	41.2833	-72.8494	CT11024C	56
CT11301B	41.2791	-72.8681	CT11301A	58
CT11301B	41.2791	-72.8681	CT11301B	59
CT11301B	41.2791	-72.8681	CT11301C	59
CT11623B	41.2562	-72.8757	CT11623A	59
CT11623B	41.2562	-72.8757	CT11623B	59
CT11623B	41.2562	-72.8757	CT11623C	59
CTNH102C	41.3168	-72.8196	CTNH102A	58
CTNH102C	41.3168	-72.8196	CTNH102B	58
CTNH102C	41.3168	-72.8196	CTNH102C	58
CT11302C	41.3283	-72.8191	CT11302A	56
CT11302C	41.3283	-72.8191	CT11302B	56
CT11302C	41.3283	-72.8191	CT11302C	56
CT11390G	41.3222	-72.7733	CT11390A	57
CT11390G	41.3222	-72.7733	CT11390B	57
CT11390G	41.3222	-72.7733	CT11390C	57
CTNH107A	41.2885	-72.8138	CTNH107A	58
CTNH107A	41.2885	-72.8138	CTNH107B	58
CTNH107A	41.2885	-72.8138	CTNH107C	58
CT11025B	41.2939	-72.7857	CT11025A	59
CT11025B	41.2939	-72.7857	CT11025B	57
CT11025B	41.2939	-72.7857	CT11025C	57
CTNH806A	41.2643	-72.6952	CTNH806A	58
CTNH806A	41.2643	-72.6952	CTNH806B	58
CTNH806A	41.2643	-72.6952	CTNH806C	58
CT11027D	41.3004	-72.7077	CT11027A	56
CT11027D	41.3004	-72.7077	CT11027B	56
CT11027D	41.3004	-72.7077	CT11027C	56
CT11026C	41.3151	-72.7497	CT11026A	57
CT11026C	41.3151	-72.7497	CT11026B	57
CT11026C	41.3151	-72.7497	CT11026C	57