

**DOCKET NO. 414** - Cellco Partnership d/b/a Verizon Wireless } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility located at 36 Ritch Avenue, } Council  
Greenwich, Connecticut. }

December 5, 2024

### **Modified Decision and Order per Consent Order**

Pursuant to an Enforcement Action initiated under Connecticut General Statutes (CGS) §16-50u, the Connecticut Siting Council (Council) issued a Consent Order for the above-referenced certificated telecommunications facility on December 5, 2024, and hereby rescinds the Decision and Order issued by the Council in Docket No. 414 on July 14, 2011 and issues this new Decision and Order for the certificated telecommunications facility located at 36 Ritch Avenue, Greenwich, 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 77-foot monopole, designed as a simulated pine tree. Simulated branches shall not extend higher than 84 feet above ground level. The tower shall be no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of Cellco, T-Mobile, AT&T and other entities, both public and private.
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 Greenwich 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.
  - c) simulated pine tree tower designs and photographs of actual installations from various manufacturers.
  - d) construction schedule.
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, and at the nearest point of abutting property lines consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. Additionally, 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 Greenwich 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 Greenwich. 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 the Development and Management Plan approved by the Council on October 20, 2011.

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.
16. The Certificate Holder shall provide the Council with written notice of any management agreement, a copy of any management agreement and contact information for the entity responsible for management of the facility site.
17. The Certificate Holder or Tower Manager, as applicable, shall comply with the October 29, 2024 maintenance plan submitted into the record of the Council's October 2, 2024 Enforcement Action related to the facility site.
18. This Certificate may be surrendered by the Certificate Holder upon written notification and acknowledgment by the Council.
19. Deployment of any 5G services must comply with Federal Communications Commission and Federal Aviation Administration guidance relative to air navigation, as applicable.
20. Radio frequency access restriction and caution signage shall be installed at the site in compliance with FCC guidance.
21. The Certificate Holder or Tower Manager shall submit a Maintenance Plan Inspection Report every 6 months for the first year beginning in 2025 and annually thereafter that shall identify who conducted the inspection, the date of the inspection, and the maintenance actions taken, including photographic documentation.

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 and CGS §16-50u.