

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:
APPLICATION OF MESSAGE CENTER
MANAGEMENT, INC. (MCM) AND NEW
CINGULAR WIRELESS PCS, LLC (AT&T) FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE
AND OPERATION OF A TELECOMMUNICATIONS
TOWER FACILITY AT BATES WOODS PARK IN THE
CITY OF NEW LONDON, CONNECTICUT

Docket No. _____

June 21, 2013

APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED



Message Center Management, Inc. ("MCM")
40 Woodland Street
Hartford, Connecticut 06105



New Cingular Wireless PCS, LLC (AT&T)
500 Enterprise Drive
Rocky Hill, CT 06067

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2. Summary of Site Search and Municipal Consultation¹
3. Description and Design of Proposed Facility
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7. Text of legal notice published in the The Day; Notice to Abutting Landowners; List of Abutting Landowners; Certification of Service
8. Connecticut Siting Council Application Guide

¹ A Copy of the Technical Report sent to New London and Waterford on January 25, 2013 is included in the Bulk Filing.

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APPLICATION OF MESSAGE CENTER
MANAGEMENT, INC. (MCM) AND NEW
CINGULAR WIRELESS PCS, LLC (AT&T)
FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION,
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REPLACEMENT TELECOMMUNICATIONS
TOWER FACILITY AT BATES WOODS
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CONNECTICUT

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**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, § 16-50g et seq. of the Connecticut General Statutes (C.G.S.), as amended, and § 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (R.C.S.A.), as amended, Message Center Management, Inc. (“MCM”) and New Cingular Wireless PCS, LLC (“AT&T”) (together the “Applicants”), hereby submit an application and supporting documentation (collectively, the “Application”) for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a replacement light pole and telecommunications tower facility (the “Facility”). The Facility is proposed at City owned property with athletic fields illuminated by numerous lighting poles and near the City’s dog pound. The construction of a replacement tower and compound as proposed for this Facility will permit AT&T, an FCC licensed wireless carrier, to provide services in the vicinity of Routes 1 and 85 as well as Interstate 95 as well as local roads, businesses, schools, and homes in the surrounding area in New London and Waterford.

B. Executive Summary

The Facility is proposed to be located on property owned by the City of New London and identified generally as Bates Woods Park. The Applicants propose to replace an existing 90' above grade level ("AGL") pole supporting field lights with a self-supporting 115' AGL monopole tower which in addition to lights can accommodate emergency/municipal communications and FCC wireless carrier antennas. AT&T would install up to twelve (12) panel antennas at a centerline height of approximately 111' AGL and some additional equipment on the tower. An associated 12' x 20' equipment shelter would be installed at the tower base on a concrete pad within a compound together with provisions for a back-up power generator. The compound will include equipment space for other carriers as well as municipal equipment and be enclosed by an eight (8) foot tall chain link fence. Vehicle access to the Facility would extend from Chester Street by a new easement over an existing traveled way approximately 1000' to the tower compound. Utility connections would be run underground from an off-site utility pole on Chester Street. All areas of Facility development have been previously disturbed and part of athletic facilities at New London High School and Bates Woods Park.

C. The Applicants

The Applicant, Message Center Management, Inc. ("MCM"), is a Connecticut corporation with offices at 40 Woodland Street, Hartford, Connecticut. MCM owns and/or operates numerous facilities in the state of Connecticut. MCM is a lessee pursuant to an agreement with the City of New London. MCM will construct, maintain and own the proposed Facility and would be the Certificate holder.

The Applicant, New Cingular Wireless PCS, LLC ("AT&T"), is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut 06067. The company's member corporation is licensed by the Federal Communications Commission

(“FCC”) to construct and operate a personal wireless services system, which has been interpreted as a “cellular system”, within the meaning of CGS Section 16-50i(a)(6). The company does not conduct any other business in the State of Connecticut other than the provision of personal wireless services under FCC rules and regulations.

Correspondence and/or communications regarding this Application shall be addressed to the attorneys for the Applicants:

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

A copy of all correspondence shall also be sent to:

Message Center Management, Inc.
40 Woodland Street
Hartford, Connecticut 06105
Attention: Virginia King

AT&T
500 Enterprise Drive
Rocky Hill, Connecticut
Attention: Michele Briggs

D. Application Fee

Pursuant to R.C.S.A. § 16-50v-1a (b), a check made payable to the Siting Council in the amount of \$1,250 accompanies this Application. Included in this Application and its accompanying attachments are reports, plans and visual materials detailing the design and location for the proposed Facility and the environmental effects associated therewith. A copy of the Siting Council’s Community Antennas Television and Telecommunication Facilities Application Guide with page references from this Application is also included in Attachment 8.

E. Compliance with C.G.S. §16-50l (c)

Neither of the Applicants is engaged in generating electric power in the State of Connecticut. Therefore, the Facility is not subject to C.G.S. § 16-50r. Furthermore, the proposed Facility has not been identified in any annual forecast reports. Accordingly, the proposed Facility is not subject to § 16-50l (c).

II. Service and Notice Required by C.G.S. § 16-50l (b)

Pursuant to C.G.S. § 16-50l (b), copies of this Application have been sent by certified mail, return receipt requested, to municipal, regional, state, and federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is included in Attachment 7. Pursuant to C.G.S. § 16-50l (b), notice of the Applicant's intent to submit this application was published on two occasions in The Day, a paper of wide circulation in the area. The text of the published legal notice is also included in Attachment 7. The original publisher's affidavits of publication will be provided to the Siting Council once received from the publisher. Furthermore, in compliance with C.G.S. § 16-50l (b), notices were sent to each person or entity appearing of record as the owner of a property which abuts the premises on which the Facility is proposed. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are also included in Attachment 7.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law

United States policy and laws continue to support the growth of wireless networks. In 1996, the United States Congress recognized the important public need for high quality wireless communications service throughout the United States in part through adoption of the Telecommunications Act (the "Act"). A core purpose of the Act was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector

deployment of advanced telecommunications and information technologies to all Americans.” H.R. Rep. No. 104-458, at 206 (1996) (Conf. Rep.). With respect to wireless communications services, the Act expressly preserved state and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of such authority, and preempted state or local regulatory oversight in the area of emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In essence, Congress struck a balance between legitimate areas of state and/or local regulatory control over wireless infrastructure and the public’s interest in its timely deployment to meet the public need for wireless services.

Sixteen years later, it remains clear that the current White House administration, The Congress and the FCC continue to take a strong stance and act in favor of the provision of wireless service to all Americans. In December 2009, President Obama issued Proclamation 8460 which included wireless facilities within his definition of the nation’s critical infrastructure and declared in part:

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters.²

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.³ In 2009, The Congress directed the FCC to develop a national broadband plan to ensure that every American would have access to “broadband capability”

² Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

³ Cong. Rec. H459 (Jan. 25, 2011), also *available at* <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>. Specifically the President stressed that in order “[t]o attract new businesses to our shores, we need the fastest, most reliable ways to move people, goods, and information—from high-speed rail to high-speed Internet.”

whether by wire or wireless. What resulted in 2010 is a document entitled “Connecting America: The National Broadband Plan” (the “Plan”).⁴ Although broad in scope, the Plan’s goal is undeniably clear:

[A]dvance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.⁵ [internal quotes omitted]

The Plan notes that wireless broadband access is growing rapidly with “the emergence of broad new classes of connected devices and the rollout of fourth-generation (4G) wireless technologies such as Long Term Evolution (LTE) and WiMAX.”⁶ A specific goal of the Plan is that “[t]he United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁷ In April 2011, the FCC issued a Notice of Inquiry concerning the best practices available to achieve wide-reaching broadband capabilities across the nation including better wireless access for the public.⁸ The public need for timely deployment of wireless infrastructure is further supported by the FCC’s Declaratory Ruling interpreting § 332(c)(7)(B) of the Telecommunications Act and establishing specific time limits for decisions on land use and zoning permit applications.⁹ More recently, the critical importance of timely deployment of wireless infrastructure to American safety and economy was confirmed in the Middle Class Tax Relief and Job Creation Act of 2012, which included a provision,

⁴ Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

⁵ *Id.* at XI.

⁶ *Id.* at 76.

⁷ *Id.* at 25.

⁸ FCC 11-51: Notice of Inquiry, In the Matter of Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0407/FCC-11-51A1.pdf.

⁹ WT Docket No. 08-165- Declaratory Ruling on Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance (“Declaratory Ruling”).

Section 6409, that preempts a discretionary review process for eligible modifications of existing wireless towers or base stations.¹⁰

2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play.¹¹ The ability to connect with one another in a mobile environment has proven essential to the public's health, safety and welfare. As of June 2012, there were an estimated 321.7 million wireless subscribers in the United States.¹² Wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year.¹³ Other statistics provide an important sociological understanding of how critical access to wireless services has become. In 2005, 8.4% of households in the United States had cut the cord and were wireless only.¹⁴ By 2011, that number grew exponentially to an astonishing 35.8% of all households.¹⁵ Connecticut in contrast lags behind in this statistic with 18.7% wireless only households.¹⁶

Wireless access has also provided individuals a newfound form of safety. Today, approximately 70% of *all* 9-1-1 calls made each year come from a wireless device.¹⁷ Parents and teens have also benefited from access to wireless service. In a 2010 study conducted by Pew Internet

¹⁰ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 (2012), available at <http://gpo.gov/fdsys/pkg/BILLS-112hr3630enr/pdf/BILLS-112hr3630enr.pdf>; see also H.R. Rep. No. 112-399 at 132-33 (2012)(Conf. Rep.), available at <http://www.gpo.gov/fdsys/pkg/CRPT-112hrpt399/pdf/CRPT-112hrpt399.pdf>.

¹¹ See, generally, History of Wireless Communications, *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10388 (2011)

¹² CTIA's Wireless Industry Indices: Semi-Annual Data Survey Results, A Comprehensive Report from CTIA Analyzing the U.S. Wireless Industry, Mid-Year 2012 Results (Semi-Annual Data Survey Results). See also, "CTIA-The Wireless Association Semi-Annual Survey Reveals Historical Wireless Trend" *available at* <http://www.ctia.org/media/press/body.cfm/prid/2133>.

¹³ Id.

¹⁴ CTIA Fact Sheet (2010), *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10323 *citing* Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January - June 2010, National Center for Health Statistics, December 2010Fact Sheet

¹⁵ CTIA Fact Sheet

¹⁶ CTIA Fact Sheet

¹⁷ Wireless 911 Services, FCC, *available at* <http://www.fcc.gov/guides/wireless-911-services>

Research, 78% of teens responded that they felt safer when they had access to their cell phone.¹⁸ In the same study, 98% of parents of children who owned cell phones stated that the main reason they have allowed their children access to a wireless device is for the safety and protection that these devices offer.¹⁹

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco reported in 2011 that global mobile data traffic grew in 2010 at a rate faster than anticipated and nearly tripling again for the third year in a row.²⁰ It was noted in 2010, mobile data traffic alone was three times greater than all global Internet traffic in 2000. Indeed, with the recent introduction of tablets and netbooks to the marketplace, this type of growth is expected to persist with Cisco projecting that mobile data traffic will grow at a compound annual growth rate (CAGR) of 92% from 2010 to 2015.²¹

3. Site Specific Public Need

The facility proposed in this Application is an integral component of AT&T’s network in its FCC licensed areas throughout the state. There is a significant coverage deficiency in the existing AT&T wireless communications network in the vicinity of Routes 1 and 85 and Interstate 95 as well as local roads, businesses, schools, and homes in the surrounding area in New London and Waterford. A deficiency in coverage is evidenced by the inability to adequately and reliably transmit/receive quality calls and/or utilize data services offered by the network. The proposed Facility, in conjunction with other existing and approved facilities in and around New London is needed by AT&T to provide its wireless services to people living in and traveling through this area of the state. Attachment 1 of this Application includes a Radio

¹⁸ Amanda Lenhart, *Attitudes Towards Cell Phones*, Pew Research, available at <http://www.pewinternet.org/Reports/2010/Teens-and-Mobile-Phones/Chapter-3/Overall-assessment-of-the-role-of-cell-phones.aspx>

¹⁹ Id.

²⁰ Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015, February 1, 2011.

²¹ Id.

Frequency (“RF”) Engineering Report with propagation plots and other information which identify and demonstrate the specific need for a facility in this area of the State to serve the public and meet its need and demand for wireless services.

B. Statement of Benefits

Carriers have seen the public’s demand for traditional cellular telephone services in a mobile setting develop into a requirement for anytime-anywhere wireless connectivity with critical reliance placed on the ability to send and receive, voice, text, image and video. Provided that network service is available, modern devices allow for interpersonal and internet connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage of the population to rely on their wireless devices as their primary form of communication for personal, business and emergency needs. The proposed facility would allow AT&T and other carriers to provide these benefits to the public that are not offered by any other form of communication system.

Moreover, AT&T will provide “Enhanced 911” services from the Facility, as required by the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (codified in relevant part at 47 U.S.C. § 222) (“911 Act”). The purpose of this federal legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks that provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care with reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill, or injured individuals, such as motorists and hikers. Carriers are able to help 911 public safety dispatchers identify wireless callers’ geographical locations within several hundred feet, a significant benefit to the community associated with any new wireless site.

In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies, including potential terrorist attacks, Amber Alerts and natural disasters. Pursuant to the Warning, Alert and Response Network Act, Pub. L. No. 109-437, 120 Stat. 1936 (2006) (codified at 47 U.S.C. § 332(d)(1) (WARN), the FCC has established the Personal Localized Alerting Network (PLAN). PLAN will require wireless service providers to issue text message alerts from the President of the United States, the U.S. Department of Homeland Security, the Federal Emergency Management Agency and the National Weather Service using their networks that include facilities such as the one proposed in this Application. Telecommunications facilities like the one proposed in this Application enable the public to receive e-mails and text messages from the CT Alert ENS system on their mobile devices. The ability of the public to receive targeted alerts based on their geographic location at any given time represents the next evolution in public safety, which will adapt to unanticipated conditions to save lives.

C. Technological Alternatives

The FCC licenses granted to wireless carriers operating in Connecticut authorize them to provide wireless services in this area of the state through deployment of a network of wireless transmitting sites. The areas of inadequate service to be addressed in this Application include portions of Route 1, Route 85 and Interstate 95 as well as many local roads, homes and businesses. Sections 16-50aa and 16-50p of the Connecticut General Statutes establish a statutory preference for siting new facilities at existing sites. In this instance, the City of New London previously allowed a carrier to locate on the roof of the adjacent New London High School building. This rooftop location is no longer being made available by the City of New

London for additional wireless facilities and accordingly is not an available siting option. In addition, repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to providing service within the target area for this site, which contains a significant wide area coverage gap and terrain challenges. The Applicants submit that there are no equally effective, feasible technological alternatives to the replacement of an existing light pole Facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection and Tower Sharing

A. Site Selection

AT&T's network lacks reliable radiofrequency coverage in this area of New London and Waterford. From the outset, AT&T was aware of the existing T-Mobile facility at the New London High School adjacent to Bates Woods Park. The City of New London advised AT&T that due to its own priorities regarding future use of the school, it would not make the rooftop available for an AT&T wireless facility. Subsequently AT&T and representatives of the City of New London discussed a potential installation of a replacement light pole tower Facility in Bates Woods Park adjacent to the school as an alternative. AT&T's representatives subsequently worked with MCM on the proposal to develop a tower Facility at Bates Woods Park on city-owned land.

B. Tower Sharing

The proposed Facility is designed to accommodate the antennas and equipment of AT&T, and will support the antennas and equipment of other carriers including a T-Mobile relocation from the High School building which may be necessary in the future as communicated in correspondence from T-Mobile included in Attachment 1.

V. Facility Design

The proposed Facility a self-supporting 115' AGL monopole tower will, in addition to lighting, accommodate emergency/municipal communications antennas as well as those belonging to federally licensed wireless carriers. AT&T would install up to twelve (12) panel antennas at a centerline height of approximately 111' AGL and some additional equipment on the tower. An associated 12' x 20' equipment shelter would be installed at the tower base on a concrete pad within a compound together with provisions for a back-up power generator. The compound will include space for equipment of other carriers as well as municipal equipment and be enclosed by an eight (8) foot tall chain link fence. Vehicle access to the Facility would extend from Chester Street through an existing parking lot and existing access drive for 845', then along a new gravel access drive a distance of approximately 195' to the tower compound. Utility connections would be run underground from an off-site utility pole on Chester Street.

Attachment 3 contains the specifications for the proposed Facility, including an abutters map, site access maps, a compound plan, tower elevation, and other relevant details of the proposed Facility. Also included as Attachment 4 is a comparative Visual Resource Evaluation Report. Some of the relevant information included in Attachments 3 and 4 reveals that:

- Minimal grading and clearing of the compound area would be required for the construction of the proposed Facility;
- The proposed Facility will have no impact on water flow, water quality, or air quality;
- Year-round visibility within a two-mile radius is limited to approximately 2.8% (or 228 acres), of the total study area;

- The modest height increase of 25' in tower height, topography and vegetation will serve to screen or otherwise limit visibility of the new tower from a large portion of the view shed; and
- The proposed tower will not be seen from any of the historic or scenic visual resources listed on the view shed map of the Visual Analysis report provided in Attachment 5.

VI. Environmental Compatibility

Pursuant to C.G.S. §16-50p (a) (3) (B), the Siting Council is required to find and determine as part of the Application process any probable impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity, and fish and wildlife. As demonstrated in this Application, the proposed Facility will be constructed in compliance with applicable regulations and guidelines, and best practices will be followed to ensure that the construction of the proposed Facility will not have a significant adverse environmental impact. In addition, the regular operation and monthly maintenance of the Facility will not have a significant environmental impact.

A. Visual Assessment

Included in Attachment 5 is a visual assessment which contains a view shed map and photo simulations of off-site views. It is anticipated that approximately only 2.8% of the 8,042-acre study area will have visibility of the proposed Facility, and only 120 acres of visibility is expected year round. Topography, vegetation and existing buildings would obscure, partially or totally, views of the 115' tower from several locations. It is also anticipated that visibility of the

structure will be principally limited to areas located within a one-half-mile radius of the proposed Facility; and many of these areas already have views of the existing field lights.

Weather permitting, the Applicants will raise a balloon with a diameter of at least three (3) feet at the proposed site on the day of the Siting Council's first hearing session on this Application, or at a time otherwise specified by the Siting Council.

B. Solicitation of State and Federal Agency Comments

Various consultations and analyses for potential environmental impacts are summarized and included in Attachment 4. Representatives of the Applicants submitted requests for review from federal and state entities including the Connecticut Department of Energy and Environmental Protection (CTDEEP) and the Connecticut State Historic Preservation Officer (SHPO). CTDEEP has confirmed that there are no records of threatened or special concern species in the area as provided in correspondence included in Attachment 4. Correspondence from SHPO will be forwarded to the Siting Council once received. As required by statute, this Application is being served on state and local agencies, which may choose to comment on the Application prior to the close of the Siting Council's public hearing.

C. Power Density

In August of 1996, the FCC adopted a standard for Maximum Permissible Exposure (MPE) for RF emissions from telecommunications facilities like the one proposed in this Application. To ensure compliance with the applicable standards, a maximum power density report is included herein as part of Attachment 4. The report concludes that the calculated worst-case emissions from the proposed Facility are 11.2% of the MPE standard.

D. Other Environmental Factors

The proposed Facility would be unmanned, requiring monthly maintenance visits approximately one hour long. Carriers that maintain antennas and equipment at an approved

Facility monitor same 24 hours a day, seven days a week from a remote location. The proposed Facility does not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Furthermore, the proposed Facility will neither create nor emit any smoke, gas, dust, other air contaminants, noise, odors, nor vibrations other than those created by any heating and ventilation equipment installed by carriers. During power outages an emergency generator would be utilized from which some emissions and noise would be produced. Overall, the construction and operation of the proposed Facility will not have a significant impact on the air, water, or noise quality of the area.

E. National Environmental Policy Act Review

The Applicants have evaluated the project in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852(codified in relevant part at 42 U.S.C § 4321 et seq.) (NEPA). The existing site was not identified as a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River or State Gameland. Furthermore, according to the site survey and field investigations, no federally regulated wetlands or watercourses or threatened or endangered species will be impacted by the proposed Facility.

F. Air Navigation

Information regarding the proposed Facility was analyzed using the Notice Criteria tool of the Federal Aviation Administration (FAA). The FAA has issued a Determination of No Hazard to air navigation which is provided in Attachment 4.

VII. Consistency with the City of New London's Land Use Regulations

Pursuant to the Siting Council's Application Guide, a narrative summary of the consistency of the project with the local municipality's zoning and wetland regulations and plan

of conservation and development is included in this section. A description of the zoning classification of the site and the planned and existing uses of the proposed site location are also detailed in this section.

A. New London's Plan of Conservation and Development

The New London Plan of Conservation & Development ("Plan"), effective September 27, 2007, is included in the Bulk Filing. The Plan does not directly address wireless telecommunication facilities. Section 9.3, however, sets forth a policy to "[i]mprove, maintain, and expand, where appropriate, all public and private utility services to accommodate present and future development in order to maintain and protect a healthful living environment, a viable economic base and the natural environment." This section of the Plan goes on to note that utility infrastructure and the service that it provides "requires a continual ongoing investment to insure the safe and efficient delivery of the service."

B. New London's Zoning Regulations and Zoning Classification

The City of New London Zoning Regulations do not set forth specific requirements for communications tower siting but do provide some general guidance regulating public utility facilities. The Facility site is classified in the OS (Open Space) zoning district. Section 580.7 (*sic*)²² of the New London Zoning Regulations classifies "Public utility installations" as an "Accessory Use" in the OS zoning district. Zoning Code Section 210 defines Accessory Use as "A use which is subordinate and incidental to the main or principal use of a lot."

The New London Zoning Code does not provide any universal setback requirements for the OS Zoning District. See, Zoning Code Section 330.1 – Summary of Lot and Bulk

²² The specific code reference is 580.7. However, read in the sequence of Section 580, this provision falls between 580.3 and 580.5 and appears more accurately to be Section 580.4.

Requirements. Zoning Code Section 580.5(4) notes that the “Minimum required yards (for buildings only)” are 40 feet for the front and rear yards and 25 feet for the side yards.

Section 580.5(5) indicates that “Maximum height” in the OS Zoning District is “5 stories or 60 feet” whichever is less. However, a notable exception is provided in Section 608(A)(2) which provides that:

Public utilities, gas and electric transmission lines, towers and poles adjacent thereto, may be allowed in all districts to greater heights than established for the district in which the structures are located without the securing of a special permit therefore, provided that all routes of transmission lines shall be submitted to the Planning and Zoning Commission prior to installation of such routes.

As noted, the host parcel is municipally owned and this project has undergone review by the City Council, the Planning Zoning Commission, planning staff and other officials and agencies in the City of New London as part of the leasing process and technical consultation.

C. Planned and Existing Land Uses

The Facility is proposed on a City owned parcel with a park, recreational facilities, dog pound and other infrastructure. Properties immediately surrounding the subject site include athletic fields, the New London High School, single family residential homes and open space. Consultation with municipal officials did not indicate any planned changes to the existing or surrounding land uses. Copies of the City of New London Zoning Code, Inland Wetlands Regulations, Zoning Map and Plan of Conservation and Development are included in the Bulk Filing.

D. New London’s Inland Wetlands and Watercourses Regulations

The New London Inland Wetlands Regulations (“Local Wetlands Regulations”) regulate certain activities conducted in “Wetlands” and “Watercourses” as defined therein. In this case, a

review of available information regarding the site through federal, state and local databases and a field survey did not indicate any impacts to any nearby wetlands. All appropriate sediment and erosion control measures will be designed and employed in accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation. Soil erosion control measures and other best management practices will be established and maintained throughout the construction of the proposed Facility. Therefore, the Applicant does not anticipate an adverse impact on any wetland or water resource.

VIII. Consultations with Local Officials

C.G.S. § 16-50l (e) requires an applicant to consult about any proposed facility with the municipality in which a proposed Facility may be located and with any adjoining municipality having a boundary of 2,500 feet from the proposed Facility. As noted, the Applicants consulted with the City of New London on the use of its land for a wireless site from the earliest stages of its site search. AT&T first sought to utilize the existing high school building which was not available for leasing. Discussions regarding replacing an existing light pole with a wireless Facility, with lights, ensued. MCM, working together with AT&T, subsequently pursued a lease with the City which was approved after review by the City of New London including the Planning Commission and other Agencies as part of a C.G.S. Sec. 8-24 referral process.

After approval of the lease, the Applicants submitted a Technical Report to the City of New London and as well as the Town of Waterford on January 25, 2013. In follow up communications, the Applicants confirmed the receipt of the Technical Report by the Town of Waterford but no further consultation was sought. The City of New London requested a public information meeting to review the Technical Report. This meeting was publically noticed in The Day and a copy of that notice was also sent to abutting property owners and municipal agencies

as well as the Town of Waterford. At a March 20, 2013 public information meeting, the Applicants’ representatives provided an overview of AT&T’s need in the area and details of the proposed Facility to two attending property owners. No further consultation or information was requested from the public, New London or Waterford.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

The total estimated cost of construction for the proposed Facility is represented in the table below.

Requisite Component:	Cost (USD)
Tower & Foundation	125,000
Site Development	24,000
Utility Installation	23,500
Facility Installation	30,000
Subtotal MCM Cost	202,500
Antennas and Equipment	250,000
Subtotal AT&T Cost	250,000
Total Estimated Costs	452,500

B. Overall Scheduling

Site preparation work would commence following Siting Council approval of a Development and Management (“D&M”) Plan and the issuance of a Building Permit by the City of New London. The site preparation phase is expected to be completed within approximately 4 weeks including the removal of the existing light pole and excavation. Installation of the tower, compound and utilities is expected to take an additional two weeks. It is anticipated that installation of carrier antennas and equipment as needed will be approximately another two weeks making the duration of the total construction schedule is approximately 8 weeks. Carriers

typically require an additional two weeks post-construction for Facility integration and system testing.

X. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need for the provision of wireless services to the public exists in eastern portion of New London and the western portions of Waterford, including along Routes 1 and 85 as well as Interstate 95 in addition to local roads, businesses, schools, and homes in the surrounding area. AT&T has gaps in reliable wireless service in and around this area of the state. The Applicants respectfully submit that the public need for the proposed Facility outweighs any potential environmental effects resulting from the replacement of the existing facility at the site, which this Application demonstrates is insubstantial. Accordingly, the Applicants respectfully requests that the Siting Council grant a Certificate of Environmental Compatibility and Public Need to MCM for a new wireless telecommunications Facility at Bates Woods Park in New London.

Respectfully Submitted,

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