NEW CINGULAR WIRELESS PCS, LLC (AT&T)

Application to the

State of Connecticut Siting Council

For a Certificate of

Environmental Compatibility and Public Need

—Southbury North Facility—

Docket No. ____

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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, New Cingular Wireless PCS, LLC ("AT&T"), the Applicant, hereby submits 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 wireless communications facility (the "Facility") on State of Connecticut property located at 257 Perkins Road, Southbury. The proposed Facility is a necessary component of AT&T's wireless network, in that it will enable AT&T to provide reliable personal wireless communication service in the northwestern portion of Southbury and southern Roxbury including South Street, West Purchase Road, Perkins Road, Brown Brook Road and other roads, properties and homes in this area of the state.

B. Executive Summary

AT&T is licensed by the Federal Communications Commission ("FCC") to provide wireless telecommunications services in the state of Connecticut, including the town of Southbury. In fulfilling its federal obligations, AT&T used data regarding its network to identify the area of northern Southbury and southern Roxbury as an area where wireless services are unreliable. As the Council is aware, a public need for a wireless facility to reliably serve this area of the State was established in Docket 383. In Docket 383, the Council determined a public need for a tower facility at 316 Perkins Road. Copies of the Docket 383 Findings of Fact; Opinion and Decision and Order are included in Attachment 1.

In accordance with the Docket 383 Certificate and Development & Management Plan approval, AT&T proceeded with the utility easements and other required activities for construction of the Docket 383 facility. However, prior to construction, the property was subject to a foreclosure action and eventually changed ownership. As a result of the foreclosure, AT&T's lease was no longer enforceable. In an effort to proceed with the Docket 383 facility, AT&T approached the new owner of 316 Perkins Road about leasing for the approved wireless facility. However, the new owner was not interested

in negotiating a lease with AT&T. Thus, the Docket 383 site was no longer available and AT&T had no choice but to let the Docket 383 Certificate lapse, despite significant investment in the planning and approval process.

Given that the Docket 383 site is not available and that a need to reliably serve this area of the State still existed, AT&T proceeded to re-evaluate the area to search for any other potential sites. AT&T's search included the scrap yard in neighboring Roxbury and re-evaluation of the Southbury Training School – neither of which is available for the siting of the needed facility. AT&T's search resulted in the proposed site located at 257 Perkins Road.

The proposed Facility at 257 Perkins Road consists of a new 170' stealth monopole and associated unmanned equipment shelter for AT&T to use in providing wireless services in this area of the State. AT&T will install panel antennas at a centerline height of 166' above ground level ("AGL") The tower compound will consist of a 41' x 60' fenced area with no tree clearing required to accommodate AT&T's radio equipment shelter and a 4' x 11' concrete pad for AT&T's emergency generator and additional space for co-location by other wireless carriers. Vehicular access to the facility will be provided from Perkins Road over the existing drive way with an additional gravel access drive extension.

Included in this Application and its accompanying Attachments are reports, plans and visual materials detailing the proposed Facility and the associated environmental effects. A copy of the Council's Community Antennas Television and Telecommunication Facilities Application Guide with page references from this Application is also included as Attachment 11.

C. 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 a "cellular system" within the meaning of C.G.S. § 16-50i(a)(6). AT&T will construct and maintain the proposed Facility and be the Certificate Holder. AT&T 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 Applicant:

Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300
Attention:
Daniel M. Laub, Esq.

A copy of all correspondence shall also be sent to:

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.

E. Compliance with C.G.S. § 16-50*l*(c)

AT&T does not generate electric power in the state of Connecticut. Accordingly, the proposed Facility is not subject to C.G.S. § 16-50r. Furthermore, the proposed Facility is not subject to C.G.S. § 16-50*l*(c) because it has not been identified in any annual forecast reports.

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

Pursuant to C.G.S. § 16-50*l*(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 9. Pursuant to C.G.S. § 16-50*l*(b), notice of the Applicant's intent to submit this Application was published on two occasions in Voices, the newspaper utilized for publication of planning and zoning notices in the town of

Southbury. A copy of the published legal notice is included as Attachment 10. The publishers' affidavits of service will be forwarded upon receipt. Furthermore, in compliance with C.G.S. §16-50l(b), notices were sent to each person appearing of record as owner of a property that abuts the parcels upon which Facility is proposed. Certification of such notice, a sample letter and accompanying notice, and the list of property owners to whom the notice was mailed are included in Attachment 10.

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 Sates 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.[1]

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.[2] In 2009, The Congress directed the FCC to develop a national broadband plan to ensure that every American would have access to "broadband capability" whether by wire or wireless. What resulted in 2010 is a document entitled "Connecting America: The National Broadband Plan" (the "Plan").[3] 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.[4] [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."[5] 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."[6] 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.[7] The public need for timely deployment of wireless infrastructure is

[1] Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).
[2] 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."
[3] Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* http://www.broadband.gov/plan/.
[4] Id. at XI.
[5] Id. at 76.
[6] Id. at 25.
[7] 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.

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.[8] 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, Section 6409, that preempts a discretionary review process for eligible modifications of existing wireless towers or base stations.[9]

2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play.[10] 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.[11] Wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year.[12] 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.[13] By 2011, that number grew exponentially to an astonishing 35.8% of all households.[14] Connecticut in contrast lags behind in this statistic with 18.7% wireless only households.[15]

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.[16]

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[8] 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").
[9] 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-112hrt399.pdf.
[10] See, generally, History of Wireless Communications, *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10388 (2011)
[11] 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.*
[12] Id.
[13] 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
[14] CTIA Fact Sheet
[15] CTIA Fact Sheet
[16] Wireless 911 Services, FCC, *available at* http://www.fcc.gov/guides/wireless-911-services

Parents and teens have also benefited from access to wireless service. In a 2010 study conducted by Pew Internet Research, 78% of teens responded that they felt safer when they had access to their cell phone.[17] 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.[18]

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.[19] 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.[20]

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 area of Northern Roxbury and Southern Roxbury. 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. This need was confirmed in the Docket 383 proceeding and included in the Siting Council's Findings of Fact, Opinion, and Decision and Order in Docket 383. (See Attachment 1.) The proposed Facility, in conjunction with other existing and approved facilities in and around Southbury is needed by AT&T to provide its wireless services to people living in and traveling through this area of the state.

Attachment 2 of this Application includes a Radio Frequency ("RF") Engineering Report with propagation plots and other information which identify and demonstrate the

[17] 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
[18] Id.
[19] Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015, February 1, 2011.
[20] Id.

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 AT&T authorize it to provide wireless services in this area of the state through deployment of a network of wireless transmitting sites. Repeaters, microcell transmitters, distributed antenna systems (DAS) and other types of transmitting technologies are not a practicable or feasible means to providing service within the service area for this site. These technologies are better suited for specifically defined areas where new coverage is necessary, such as commercial buildings, shopping malls, and tunnels, or to address capacity. Closing the coverage gaps and providing reliable wireless services in northwestern Southbury and Southern Roxbury requires a tower site that can provide reliable service over a footprint that spans several thousand acres. In accordance with the Findings of Fact in Docket 383, the Applicant submits that there are no equally effective technological alternatives to the construction of the proposed Facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection and Tower Sharing

A. Site Selection

When AT&T makes a determination that new wireless infrastructure is needed to improve its services in a given area, AT&T establishes a "site search area." The site search area is the general geographic location where the installation of a new wireless facility would address identified service deficiencies. Central to AT&T's goal of locating

a viable site or sites within the site search area is the need for the orderly integration of a new site into AT&T's network.

Once a site search area is established, AT&T real estate and radiofrequency engineering personnel utilize it as a guide in their search for site locations. In any site search area, AT&T seeks to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility, while at the same time seeking to ensure the quality of service provided to the users of its network.

As set forth herein, the site that was the subject of the Docket 383 proceeding is no longer available for the siting of the needed facility. The Site Search Summary, submitted as Attachment 3, details the other locations investigated by AT&T subsequent to the Docket 383 Certificate expiration. As indicated therein, all but the proposed site were rejected or determined to be unavailable for use as a wireless facility site.

B. Tower Sharing

To maximize co-location opportunities, as proposed the proposed Facility will be able to host up to three (3) additional carriers.

C. Facility Design

AT&T will install panel antennas at a centerline height of 166' above ground level ("AGL") on the 170' tower. The tower compound will consist of a 41' x 60' fenced area with no tree clearing required to accommodate AT&T's radio equipment shelter and a 4' x 11' concrete pad for AT&T's emergency generator and additional space for co-location by other wireless carriers. Vehicular access to the facility will be provided from Perkins Road over the existing drive way with an additional gravel access drive extension. Attachment 4 contains the specifications for the proposed Facility including site access drive plans, a compound plan, tower elevation, and other relevant details of the proposed Facility. Also included is information related to the environmental impact of the proposed Facility (Attachment 5) as well as a Visibility Analysis (Attachment 6). Some of the relevant information included in Attachments 4, 5 and 6 reveals that:

- The property is classified locally in the "R-80" zoning district;
- Some limited grading of the compound area will be required for the construction of the proposed Facility;
- The proposed Facility will have no significant impact on water flow, water quality, or air quality;
- Topography and vegetation screen visibility of the tower(s) from a large portion of the viewshed study area;
- Year-round visibility of the proposed tower is limited to less than 1% of the 8,042- acre study area, mostly limited to an area within approximately .25 miles of the host property; and
- No direct impact to wetlands are anticipated, tlthough portions of the proposed gravel access are located in proximity to wetland resources (approximately 150 feet).

V. Environmental Compatibility

Pursuant to C.G.S. §16-50p(a)(3)(B), the Council is required to find and to determine as part of the Application process any probable impact of the proposed 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 so as to ensure that the construction of the proposed Facility will not have a significant adverse environmental impact. Furthermore, the regular operation and monthly maintenance of the Facility is not anticipated to have any environmental impact.

A. Visual Assessment

A Visibility Analysis is included as Attachment 6, which contains a viewshed map and photographs and photo simulations of the proposed Facility from the surrounding area. It is anticipated that less than 1% of the 8,042-acre study area will have at least partial year-round visibility of the proposed Facility above the tree canopy. It is further

anticipated that visibility of the structure will be principally limited to areas located within a one-quarter mile radius of the host parcel.

The Visibility Analysis concludes that fewer than five residential structures will have partial year-round visibility above the tree canopy, and that approximately twenty-six residential structures will have will have at least a partial year-round views of the proposed Facility. Notably, the proposed Facility will not be visible from any locally-designated historic district, property or road. No locations along the trail systems within the Ivers Nature Preserve or Paradise Hill Nature preserve are expected to have views of the Facility.

Weather permitting, AT&T will raise a balloon with a diameter of at least three (3) feet at the proposed Site on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

B. Wetlands

No direct impact to wetlands is anticipated. Although portions of the proposed gravel access are located in proximity to wetland resources (approximately 150 feet to the southwest), no temporary impacts associated with construction activities are anticipated provided sedimentation and erosion controls are designed, installed and maintained during construction in accordance with the 2002 Connecticut Guidelines For Soil Erosion and Sediment Control.

C. Solicitation of State and Federal Agency Comments

Consultations with municipal, state and federal governmental entities and AT&T's consultant reviews for potential environmental impacts are summarized and included in Attachments 5 and 7. AT&T's consultants submitted requests for review from federal, state and tribal entities including the Connecticut State Historic Preservation Officer (SHPO). SHPO issued a determination that the proposed Facility will have no effect on historical, architectural or archeological resources. State of Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDB) records indicate sightings of the eastern box turtle (a State Special Concern Species) in the vicinity of the proposed Facility. Consultants for AT&T have developed protective measures which AT&T is committed to implementing in order to avoid mortality to the box turtle in connection with the construction of the Facility.

Information regarding these measures is included in Attachment 5. Notably, these same protective measures have been successfully implemented at numerous tower facilities approved in other Siting Council Dockets.

Additionally, the federally-listed bog turtle is also known to occur in the Town of Southbury and is also classified by the State of Connecticut as a State Endangered Species. A request for rare species review through Connecticut DEEP did not reveal any known occurrences of bog turtle in the area. As documented in Attachment 5, on-site inspections and research of the area revealed that the appropriate bedrock/soil geology for bog turtle habitat is not supported by the host parcel or surrounding areas. Procedurally, this means that no further consultation with U.S. Fish & Wildlife (USFW) is warranted. As a practical matter, in the unlikely event that bog turtles were to enter into the area, despite the lack of suitable habitat, the above mentioned protective measures for the eastern box turtle would be equally protective for bog turtles.

As required, this Application is being served on state and local agencies that may choose to comment on the Application prior to the close of the Siting Council's proceeding on this application.

D. 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 AT&T's equipment at the proposed Facility are 7.71% of the MPE standard.

E. Other Environmental Factors

The proposed Facility would be unmanned, requiring monthly maintenance visits, each approximately one hour long. AT&T's equipment at the Facility would be monitored 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, nor other air contaminants, noise, odors, nor vibrations other than those created by installed heating and ventilation equipment. Temporary

power outages could require the limited use of an on-site diesel-fueled generator. Overall, the construction and operation of AT&T's proposed Facility will not have a significant impact on the air, water, or noise quality of the area.

AT&T utilized the FCC's TOWAIR program to determine whether the proposed Facility would require registration with the Federal Aviation Administration (FAA). The TOWAIR program results for the proposed Facility, a copy of which is included in Attachment 4, indicate that the proposed Facility will not need to be registered with the FAA, and that the FAA will not need to review the proposed Facility as a potential hazard to air navigation. Accordingly, no FAA lighting or marking would be required for the Facility proposed in this Application.

AT&T has evaluated the site in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 (NEPA). The proposed 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. Further, and as noted above, 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.

VI. Consistency with the Town of Southbury's Land Use Regulations

Pursuant to the Council's Application Guide, included in this section is a narrative summary of the consistency of the proposed Facility with the local municipality's zoning and wetland regulations and plan of conservation and development.

A. Southbury's Plan of Conservation and Development

The Town of Southbury Plan of Conservation & Development ("Plan"), effective December 31, 2012 is included in Section 1 of the Bulk Filing. The Plan anticipates the expansion of telecommunications services and seeks generally to allow a wide range of wired and wireless utilities to add technological advances to both the business areas and community residences while striving to improve the appearance of the community. Plan Section 2-4. The Plan notes that access to the latest communication technologies and services provides a high quality of life for residents and can help retain and attract businesses that depend on quick and reliable communication. The Plan does seek to balance this need with the appearance of the

community and supports the location and design of facilities to have a minimal visual and aesthetic impact. Plan Section 16-6. The Plan also identifies the overall land use patterns in the area as open space and low-density residential development which highlights the siting limitations in this area of Southbury. It should also be noted that the Plan also identifies nearby Brown Brook Road, West Purchase Road, and Purchase Brook Road, which would be served by the facility, as local collector routes.

B. Local Zoning Standards and Dimensional Requirements

The Site is classified in the Town of Southbury's R-80 Zoning District where Wireless Telecommunications Facilities including towers are permitted by Special Permit. (See Town of Southbury Zoning Regulations Applicant's Bulk Filing, Section 6.10 and Schedule of Permitted Uses). Section 6.10.1 of the Zoning Regulations set forth the standards for antennas and towers and the consistency of the proposed Facility with these standards is illustrated in the table below. The first two columns identify the requirements of the Zoning Regulations and the third column applies these standards to the proposed monopole Facility.

Section from the Zoning Regulations	**Standard or Preference**	**Proposed Facility**
6.10.1	Locational Preferences - new towers 60 feet or greater in height located in residential zones is the 6th preferred location	There are no existing non-residential, tall structures in the area which could host a facility to serve the coverage area targeted. A tower less than 60 feet in height would not serve the target area to be served.
6.10.2	No tower shall be located within 200 feet of a residence	The closest off-site residence is greater than 200 feet away.
6.10.3	No tower above 60 feet in height shall be located within 1,000' of a historic district.	The nearest historic resource, the Southbury Training School, which is on the National Register of Historic Places is over 1000' from the site.
6.10.4	Towers in a residential zone	The proposed tower is a monopole

	shall be of a monopole design	design.
6.10.5	When possible, towers shall be sited where their visible impact is least detrimental to areas that possess scenic qualities of local, regional or statewide interests.	Vegetation and topography will significantly limit visibility of the tower and any potential impacts. The majority of visibility occurs within ¼ mile of the host parcel and is not anticipated to impact scenic resources of local, regional or statewide importance
6.10.6	No lights shall be mounted on towers unless required by the FAA	No need for illumination is anticipated and none is proposed.
6.10.7	Antennas and towers not requiring special FAA painting shall be a non-contrasting blue, gray or black.	The proposed monopole will be a galvanized steel which will present a matte gray finish.
6.10.8	Towers may not be used to exhibit any signage or advertising	No advertising signs are proposed and any other signage would be minimal in scale and nature and be limited to no trespassing, warning and ownership signs.
6.10.9	Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least five additional users.	The proposed tower is designed for use by up to three additional carriers and could be designed for more if required by the Siting Council.
6.10.10	Towers shall be set back from all property lines a distance equal to their height plus 20 feet.	Tower height (170') plus 20' is 190'. The distances from the centerline of the monopole to the property lines will be less than that however a yield point in the tower structure can be incorporated into the design.

6.10.12(iv)	Directional or panel antennas shall not exceed 6' in height or 2' in width	Antennas will be up to eight (8) feet in height.
6.10.13	One accessory building may be permitted for a wireless communication facility site and it shall be not smaller than 600 square feet nor larger than 1,200 square feet in area. The building may be built in phases to accommodate additional users on the site. The Board may permit a larger building when the requirements of multiple users of the facility require it. The building shall have a gabled roof and be architecturally designed to blend into the neighborhood.	The proposed equipment shelter is approximately 240 square feet in gross floor area and would be located within the proposed fenced compound. Additional carriers would use separate shelters or outdoor cabinets. No special treatment of the building or gabled roof is proposed given the location on the property.
6.10.14	A fence of appropriate design 8' in height shall enclose the facility. The site shall be landscaped so as to screen the tower base and the fence…Existing vegetation may be used to implement the screening.	An 8' chain link fence is proposed. No landscaping is proposed given the secluded nature of the property generally.
6.10.15	No proposed wireless communications facility shall be designed, located or operated so as to interfere with existing or proposed public safety communications.	Interference with public safety communications equipment is not expected and would be unlikely in light of technical differences between AT&T's equipment and that of emergency communications services.

6.10.17	The design of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions.	The proposed facility will comply with the FCC promulgated standards as it will be only 7.71% of the regulatory limit.
6.10.18	All utilities to serve the facility shall be installed underground unless otherwise approved by the Board.	The proposed utilities will be underground.
6.10.19	Emergency backup generators shall comply with all state and local noise regulations.	A generator would be used only in emergencies and will be enclosed within sound attenuation materials to comply with noise regulations.

The proposed facility is a new tower in the R-80 residential Zoning District which would be the 6th most preferred type of facility pursuant to the Town's Zoning Regulations. The Town's location preferences were reviewed by AT&T both as part of the Docket 383 proceeding and as part of its reevaluation of sites after the Docket 383 site became unavailable, but higher priority sites are not available or technically viable in this area of Southbury to serve the target area. The search area is predominantly defined by open space and residential land. The owners of the scrap yard site in neighboring Roxbury were unwilling to lease space to AT&T for a tower facility. Thus, higher priority sites as listed in the Town's Zoning Regulations are unavailable or would not meet AT&T's coverage objectives.

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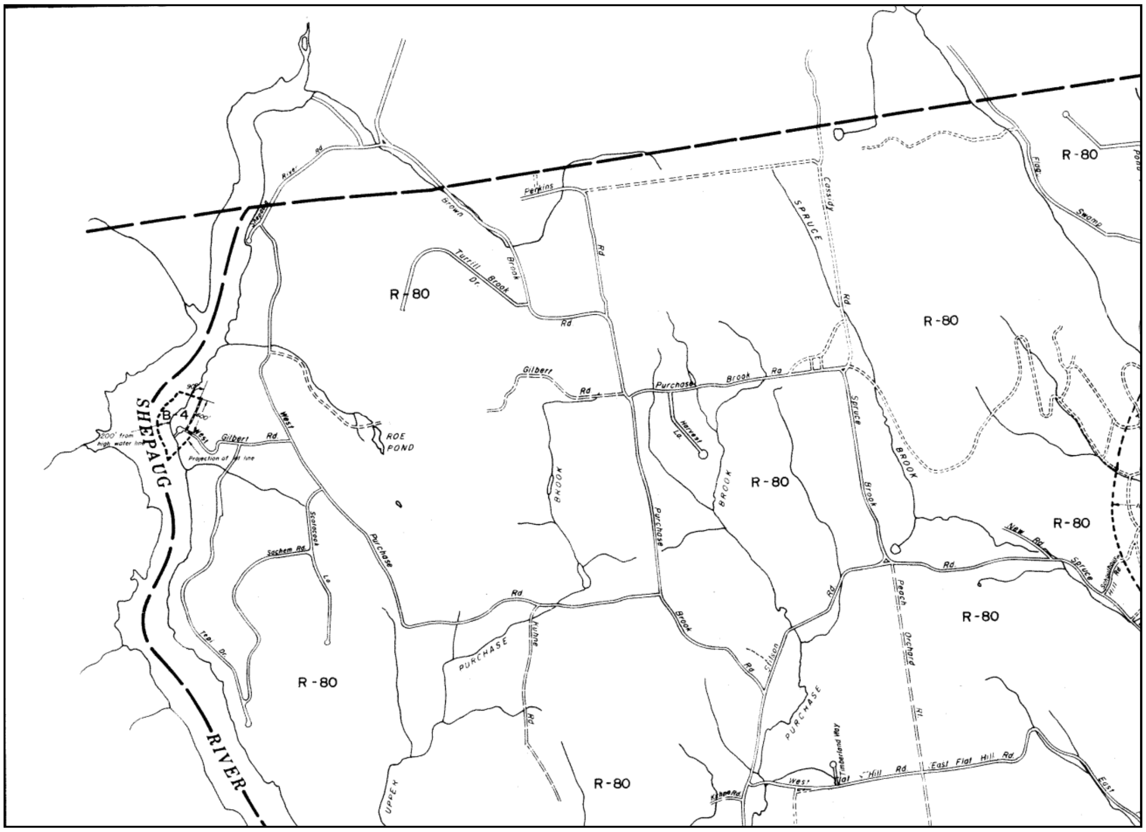

Figure 1 Southbury Zoning Map of the Area Around the Host Parcel

C. Planned and Existing Land Uses

Properties immediately surrounding the subject site include low-density single family residential homes, a nearby scrap yard and open space. Consultation with municipal officials did not indicate any planned changes to the existing or surrounding land uses. Copies of the Town of Southbury’s Zoning, Inland Wetlands Regulations, Wetland Soils Map and Zoning Map are included in the AT&T’s Bulk Filing.

D. Southbury’s Inland Wetlands and Watercourses Regulations

The Town of Southbury’s Inland Wetlands Regulations (“Local Wetlands Regulations”) regulate certain activities conducted in “Wetlands” and “Watercourses” as defined therein. Based on the Wetlands Inspection Report included in Attachment 5, no wetlands or watercourses are located within the proposed development area or within 200 feet of the proposed development area. The nearest wetland was identified

approximately 150 feet to the southwest. Thus, the proposed Facility will not result in any direct impacts to wetlands or watercourses.

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. No adverse impact to wetland and water resources is anticipated, but as noted, erosion control measures and other best management practices will be implemented.

VII. Consultation with Municipal Officials

C.G.S. § 16-50/ requires the Applicant to consult with the municipality in which the proposed Facility may be located, and with any adjoining municipality having a boundary within 2,500 feet of the proposed Facility. The Applicant submitted a Technical Report to the Town of Southbury on July 12, 2013. Since the proposed Facility would be located less than 2,500 feet from the town of Roxbury, the Applicant also submitted a Technical Report to the Town of Roxbury at the same time. Neither community sought further consultation in furtherance of the Technical consultation. Attachment 7 includes the correspondence with the Towns of Southbury and Roxbury.

VIII. Estimated Cost and Schedule

A. Overall Estimated Cost

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

Requisite Component:	Cost (USD)
Tower & Foundation	100,000
Site Development	60,000
Utility Installation	80,000
Facility Installation	70,000
Antennas and Equipment	250,000
Total Estimated Cost	560,000

Figure 2 Estimated Costs

B. Overall Scheduling

Site preparation work would commence immediately following Council approval of a Development and Management ("D&M") Plan, the issuance of a Building Permit by the Town of Southbury and final utility arrangements with CL&P. The site preparation phase for the proposed Facility is expected to be completed within three (3) to four (4) weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional two (2) weeks. The duration of the total construction schedule is approximately six (6) weeks. Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed.

IX. Conclusion

This Application and the accompanying materials and documentation demonstrate clearly that a public need exists in the northwest portion of Southbury and Southern Roxbury for a new tower for the provision of wireless services to the public. The foregoing information and attachments also demonstrate that the proposed Facility will not have any substantial adverse environmental effects and there are no practical alternatives. The Applicant respectfully submits that the public need for the proposed Facility outweighs any potential environmental effects resulting from the construction of the proposed Facility at the site. Accordingly, the Applicant respectfully request that the Council grant its Application for a Certificate of Environmental Compatibility and Public Need for the proposed wireless telecommunications Facility at 257 Perkins Road in Southbury.

Respectfully Submitted,

By: _____

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