

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

APPLICATION BY TOWER HOLDINGS, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION MAINTENANCE
AND OPERATION OF A WIRELESS
TELECOMMUNICATIONS FACILITY AT
199 BRICKYARD ROAD, FARMINGTON, CONNECTICUT

DOCKET NO. 454

April 15, 2015

INTERVENOR NEW CINGULAR WIRELESS PCS, LLC (AT&T)
POST HEARING BRIEF

Respectfully Submitted,

Lucia Chiocchio, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue
14th Floor
White Plains, NY 10601
(914)-761-1300

EXECUTIVE SUMMARY

Intervenor, New Cingular Wireless PCS, LLC ("AT&T"), by its attorneys, Cuddy & Feder LLP, respectfully submits this post-hearing brief in support of Tower Holdings LLC ("Tower Holdings") application for a Certificate of Environmental Compatibility and Public Need ("Application") in Docket No. 454. AT&T's evidence in this proceeding demonstrates a public need for a new tower facility so that AT&T and other wireless carriers may provide reliable wireless services to the residents, visitors and travelers in the north-central part of Farmington along Brickyard Road, Harris Road, Wildwood Road and other local roads, homes and businesses in the surrounding area. Throughout this proceeding, AT&T provided data, testimony and otherwise responded to matters raised by the Siting Council and parties in this proceeding to provide a full and complete record of the public need for reliable service and a new tower facility in this part of Farmington. The record in this proceeding reveals that a minimum antenna centerline height of 140' above grade level ("AGL") is needed by AT&T to provide reliable wireless to this area of Farmington. The record also demonstrates that the proposed facility is needed in conjunction with AT&T's existing and proposed facilities to meet the public need for reliable wireless service. Thus, Intervenor AT&T respectfully submits that a public need for the issuance of a Certificate for Tower Holding's proposed Facility to serve the public in this area of the State was established.

STATEMENT OF FACTS

I. AT&T's Need

AT&T's radiofrequency ("RF") engineers establish site search areas where new wireless facilities are needed to address the public's inability to reliably access its wireless network. In this case, AT&T experiences a gap in reliable service in the north-central part of Farmington along Brickyard Road, Harris Road, Wildwood Road and other local roads, homes and businesses in the surrounding area. AT&T Ex. 2; TH Ex. 1, pp. 5-6, Tab 5.

In January of 2013, a representative of the Applicant met with AT&T's representatives to discuss infrastructure development in the State, including the facility proposed in this docket. Upon review of the information provided by Tower Holding's representative, AT&T determined that the proposed facility would address a documented gap in its network. Tr. 2/3/15, pp. 81-82.; TH Ex. 11. AT&T's RF engineers established a site search area (SR3445) based on this gap in service. AT&T Ex. 2, A. 2.

AT&T's RF engineers collaborated with representatives of Tower Holdings on its search for sites within AT&T's search area, including RF review of potential locations/sites that Tower Holdings identified in the search area. TR. 3/17/15, 1pm, pp.266-267. Ultimately, Tower Holdings identified the site located at 199 Brickyard Road as the most appropriate site. Tower Holdings Ex. 1, pp. 11-12, Tab 9.

II. Intervenor AT&T's Filings

AT&T was granted intervenor status in this proceeding on December 11, 2014. The Town of Farmington is a party in this proceeding. AT&T submitted responses to Siting Council pre-hearing interrogatories on January 7, 2015 and submitted responses to the Town of

Farmington Interrogatories on January 26, 2015. AT&T's Ex. 2 & 3. Supplemental information regarding AT&T's FCC licenses was submitted on January 26, 2015. AT&T Ex. 4.

A field visit, balloon float and public hearing were scheduled by the Council and held in the Town of Farmington on February 3, 2015. The evidentiary hearing was continued to March 17, 2015 in New Britain. On March 9, 2015, AT&T submitted responses to the Town of Farmington Set II and Set III Interrogatories.

III. Public Hearing

At the March 17, 2015 continued hearing, the Siting Council heard comprehensive testimony from AT&T's witnesses on the public need for the facility. AT&T's witnesses answered questions from the Applicant and the Town of Farmington. The evidentiary hearing was closed on March 17, 2015.

POINT I

A PUBLIC NEED CLEARLY EXISTS FOR A NEW TOWER FACILITY IN FARMINGTON

Pursuant to Connecticut General Statutes ("CGS") Section 16-50p, the Council is required to find and determine as part of any Certificate application, "a public need for the proposed facility and the basis for that need." CGS §16-50p(a)(1). In this docket, AT&T provided coverage analyses, empirical data and expert testimony that clearly demonstrate the need for a new tower facility to provide reliable wireless services to residents and the traveling public in the north-central portion of Farmington in the vicinity of the intersection of Brickyard Road and Harris Road. Indeed, the application materials provided by AT&T fully establish that a

tower is needed in this area and that the minimum antenna centerline height required by AT&T to meet the demand for reliable wireless service is 140' AGL. TH Ex. 1, Tab 5. AT&T Ex. 2 & 3; AT&T Ex. 6, A19, Tab 1. The evidence shows that the proposed facility is needed to fulfill a gap in wireless service for any technology that AT&T deploys –UMTS and eventually LTE – using all of its available frequencies. AT&T Ex. 2.

The evidence in this proceeding also establishes that there are no existing structures or facilities that could be used by AT&T to meet the public demand for reliable wireless service in this area. TH Ex. 1, Tab 9, AT&T Ex. 4, A5, Tab 1. AT&T also demonstrated that its other proposed facilities in Farmington cannot be used to fill its gap in this part of Farmington. TH Ex. 1, Tab 5. AT&T Ex. 4.

It is important to note that there is no evidence or testimony in the record that rebuts AT&T's testimony on the subject of public need for a new tower in this part of Farmington.

Based on AT&T's evidence, knowledge of the existing wireless network infrastructure in this part of the State and the lack of any evidence to the contrary, AT&T submits that the public need for a new tower facility in this area of Farmington to provide adequate and reliable coverage is simply not an issue in this Docket.

CONCLUSION

AT&T demonstrated a public need for a tower facility in this part of Farmington to meet the public demand for reliable wireless services. AT&T's evidence and testimony established a public need for a proposed tower facility and the record in this proceeding does not include any evidence challenging the public's need for a tower to provide reliable wireless services.

Thus, for the reasons set forth herein, AT&T respectfully submits that a public need for reliable wireless services in this area of the State is demonstrated for the issuance of a Certificate for Tower Holding's proposed Facility.

Respectfully Submitted

A handwritten signature in cursive script that reads "Lucia Chiochio". The signature is written in black ink and is positioned above a horizontal line.

Lucia Chiochio, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue
14th Floor
White Plains, NY 10601
(914)-761-1300

CERTIFICATE OF SERVICE

I hereby certify that on this day, fifteen copies of the foregoing were sent electronically and by overnight mail to the Connecticut Siting Council and:

Jesse A. Langer, Esq.
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510
(203) 786-8317
JLanger@uks.com

Kenneth R. Slater, Jr., Esq.
Duncan F. Forsyth, Esq.
Kelly C. McKeon
Halloran & Sage, LLP
One Goodwin Square
225 Asylum Street
Hartford, CT 06106
Forsyth@halloransage.com
Slater@halloransage.com
mckeon@halloransage.com

Dated: April 15, 2015


Lucia Chiochio

cc: Jessica Rincon, AT&T
Adam Brillard, Smartlink
David Archambault, Smartlink
Martin Lavin, C Squared Systems
Christopher B. Fisher, Esq.