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June 10, 2015

***VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL***

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

Re: Docket No. 454 – Application by Tower Holdings, LLC for A Certificate of Environmental Compatibility and Public Need for A Telecommunications Facility at 199 Brickyard Road, Farmington, Connecticut

Dear Attorney Bachman:

This office represents Tower Holdings, LLC (“Tower Holdings”), the applicant in the above-captioned docket. Tower Holdings respectfully submits this reply to the Town of Farmington’s “Objection to Tower Holding’s Factual Additions,” filed by the Town of Farmington (“Town”) on June 9, 2015.

The Town objected to Tower Holdings’ suggested clarifications to the Connecticut Siting Council’s (“Council”) Draft Findings of Fact Nos. 21, 65(c) and 69 on the ground that Tower Holdings has offered “new facts” and “new information” or argument. The suggested clarifications are neither “new facts,” “new information” nor argument.

Finding of Fact No. 21.

Tower Holdings’ proposed clarification to this finding is supported by evidence proffered by both Tower Holdings and New Cingular Wireless PCS, LLC (“AT&T”). Both Tower Holdings and AT&T provided testimony and evidence supporting the fact that AT&T had expressed its interest in locating on the proposed telecommunications facility at 199 Brickyard Road (“Facility”) in early March 2013. The evidence demonstrates that Tower Holdings and AT&T were discussing site development as early as January 2013. (*AT&T 6, response 13; Tr. 1, pp. 34-35, 81-82, 90-92; Tr. 3, pp. 227-230.*)

Although not cited in support of this finding, Tower Holdings submitted a timeline at the request of the Council; (*Applicant 11, part 4*); which was corroborated by the testimony at the

hearing and by AT&T's response to the Town's interrogatories. AT&T's response to the Town's interrogatories stated that:

Mr. Regalbuto met with AT&T in **January of 2013** to discuss his general plans for facility development. Approximately two months later in **mid-March of 2013**, Mr. Regalbuto provided AT&T's representatives with details regarding the proposal at the subject site. AT&T's RF engineers reviewed this information and determined that a facility on Tower Holdings proposed tower would meet AT&T's coverage objectives for its search ring (S3393) in this area of Farmington.

(AT&T 6, response 13; emphasis added.)

This finding states in part that "[t]he Applicant also withdrew after determining AT&T was interested in locating on the facility." For that to be true, then AT&T, and thus a "cellular component," had to be involved with the proposed Facility prior to April 9, 2013.

Additionally, the conceptual photo-simulations referenced in this finding were prepared by All-Points Technology Corporation, P.C. and dated April 8, 2013. *(Town 4.)* Thus, Tower Holdings could not have provided the photo-simulations to the Town in March of 2013.

Finally, the Town contradicts itself by first concluding that the Council must have determined that the timing of AT&T's involvement was irrelevant to the Council's decision but then arguing that Tower Holdings' proposed clarification of the sequence of events would prejudice the Town. The Town cannot have it both ways.

Finding of Fact No. 65(c).

Tower Holdings is not offering new evidence or argument concerning the height needed by radio station "Soft Rock" 106.5 WBMW ("WBMW"). The Application, specifically the site plan, provides that WBMW required a location near the top of the proposed Facility, specifically 175 feet above ground level ("AGL"). *(Applicant 1, Tab 1.)* Unfortunately, the hearing transcript is inaccurate. Additionally, the citation for this finding referred to Tower Holdings' supplemental filing *(Applicant 11, part 3)*, which relates to Marcus Communications, LLC ("Marcus"), a different telecommunications operator. As discussed during the hearing, Marcus offered propagation plots reflecting coverage at 100 feet AGL and 180 feet AGL. Accordingly, Tower Holdings' suggested revision is an attempt to address this inconsistency.

Finding of Fact No. 69.

The proposed clarification is not "new information." The record, specifically the testimony, supports the proposed clarification. Mr. Savino testified that Northeast Towers, Inc. ("NET") could use gin poles of different sizes. *(Tr. 1, pp. 18-19, 58-59.)* NET could also



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employ a vertical or tilted configuration when using a gin pole for training purposes. (*Applicant 9.*) Additionally, the alternatives concerning both the overall facility configuration and the gin pole configuration were included in Tower Holdings' post-hearing brief, which is also a part of the record.

Because Tower Holdings has not offered "new information, evidence, argument, or reply briefs," the Council may consider the proposed clarifications, including those subject to the Town's objection. The suggested revisions are, therefore, appropriate and permissible.

In accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, I have enclosed an original and fifteen (15) copies of Tower Holdings' written comments.

If you have any questions concerning this filing, please do not hesitate to contact me.

Very truly yours,



Jesse A. Langer

cc: *Service List (via electronic mail)*