STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Daniel F. Caruso
Chairman

November 6, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 340** - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut.

As stated at the hearing in Ansonia on September 18, 2007, after the Council issues its draft findings of fact, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of fact and the record; however, no new information, evidence, argument, or reply briefs will be considered by the Council.

Parties and Intervenors may file written comments with the Connecticut Siting Council on the Draft Findings of Fact issued on this docket by November 21, 2007.

SDP/MP/laf

Enclosure

Date: September 19, 2007

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Optasite Towers LLC and Omnipoint Communications, Inc.	Julie Kohler, Esq. Carrie L. Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-1821 (203) 394-9901 jkohler@cohenandwolf.com clarson@cohenandwolf.com
Intervenor (approved 08/29/07)	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Intervenor (approved 08/29/07)	Osborne Lane Associates, LLC	William Fieber Keith A. Russo c/o The Fieber Group 47 Elm Street New Canaan, CT 06840 (203) 972-4975 (203) 972-4977 fax krusso@fiebergroup.com
Intervenor (approved 09/18/07)	Gennaro Savino	Gennaro Savino 128 Ford Road Woodbridge, CT 06525 (203) 387-1573 savinovineyards@sbcglobal.net
Intervenor (approved 09/18/07)	Brian Freeman	Brian Freeman 5 Hampton Trail Wallingford, CT 06492 (203) 793-7505 Brian@sparc.us

DOCKET NO. 340 - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut.	Connecticut Siting Council November 1, 2007

DRAFT Findings of Fact
Introduction

1. Optasite Towers LLC (Optasite) and Ominipoint Communications, Inc. (T-Mobile) (collectively, the Applicant), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on June 7, 2007 for the construction, operation, and maintenance of a wireless telecommunications facility at 1 Deerfield Lane, Ansonia, Connecticut. (Applicant 1, p. 1)

2. Optasite is a Delaware limited liability company with offices in Westborough, Massachusetts. Optasite would construct and maintain the proposed facility. T-Mobile is a Delaware corporation with an office in Bloomfield, Connecticut. T-Mobile and its affiliated entities are licensed by the Federal Communications Commission to construct and operate a personal wireless services system in Connecticut. (Applicant 1, pp. 3-4)

3. The party in this proceeding is the Applicant. The intervenors in this proceeding are Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless), Osbourne Lane Associates (Osbourne), Gennaro Savino, and Brian Freeman. (Transcript 1- 3:00 p.m. [Tr. 1], pp. 5-7)

4. The purpose of the proposed facility is to provide service to coverage gaps identified by T-Mobile in the City of Ansonia (City) and the Town of Woodbridge (Town) along Route 313, Peck Hill Road, and surrounding areas. (Applicant 1, p. 1)

5. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on September 18, 2007, beginning at 3:10 p.m. and continuing at 7:00 p.m. at the Ansonia City Hall, 253 Main Street, Ansonia, Connecticut. (Council's Hearing Notice dated August 9, 2007; Tr. 1, pp. 1 and 3; Transcript 2 – 7:00 p.m. [Tr. 2], p. 3)

6. The Council and its staff conducted an inspection of the proposed site on September 18, 2007, beginning at 2:00 p.m. During the field inspection, the Applicant flew a black balloon at proposed site to simulate the height of the proposed tower. Weather conditions during the field review were generally favorable, with winds calm in the morning but increasing after noon. During the field review, the balloon reached a height of 180 feet above ground level (agl). The balloon had to be offset by about 30 feet from the actual location of the tower due because of its location on a horse farm and the presence of horses. The balloon was aloft from 8:00 a.m. to 6:00 p.m. for the convenience of the public. (Council's Hearing Notice dated April 9, 2007; Tr. 1, pp. 33-34)

7. On August 31, 2007, Optasite placed a sign at the beginning of Osbourne Lane which indicated the intended tower proposal, and the date, time, and location of the public hearing. (Applicant 5; Tr. 1, p. 34)

8. Pursuant to CGS § 16-50l (b), public notice of the application was published in The New Haven Register on June 4 and 6, 2007 and in the Amity Observer on June 7, 2007. (Applicant 2)

18. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. T-Mobile is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service to New Haven County, Connecticut. (Council Administrative Notice Item No. 7; Applicant 1, p. 4)

19. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)

20. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)

21. In 1999, Congress passed the Wireless Communications and Public Safety Act (the 911 Act) to facilitate and encourage the prompt deployment of a nationwide, seamless communication infrastructure for emergency services. T-Mobile's facility would be in compliance with the requirements of the 911 Act. (Applicant 1, p. 7)

Site Selection

22. Optasite has been reviewing the area for a proposed tower since approximately March 2006. T-Mobile had a search ring for this area prior to March 2006. (Tr. 1, pp. 34-35)

23. Optasite established a search ring centered near the intersection of Ford Road and Milan Road in Woodbridge. The search ring consisted of a circle with a radius 4 miles. (Applicant 1, Exhibit 1)

24. Prior to selecting the proposed site, the Applicant considered 26 existing structures in the Ansonia, Woodbridge, Seymour, Shelton, Orange, Derby, and New Haven areas. These sites consisted of electric transmission structures, existing monopole and lattice telecommunications towers, and one flagpole telecommunications tower. All of the sites were rejected due to inadequate coverage to the target service area. (Applicant 1, Exhibit H)

25. Four existing towers are located within two miles of the search area. T-Mobile is not located on any of these four existing towers. The locations of the four existing towers are as follows:

Site	Facility Type	Height
Coe Road, Ansonia	Monopole	79 feet
Pulaski Highway, Ansonia	Monopole	79 feet
11 Meetinghouse Lane, Woodbridge	Unknown	91 feet
4 Meetinghouse Lane, Woodbridge	Unknown	105 feet

T-Mobile could not successfully use these structures to provide coverage to the target area. (Applicant 1, Exhibit H)

32. A handheld GPS did not provide an accurate ground elevation when T-Mobile used a crane to raise its antennas to perform a test. The actual ground elevation where the crane was located was determined to be higher than originally predicted by the GPS, so the required height of the proposed tower was over-estimated by ten feet. The tower was originally proposed to be 180 feet tall, but could be reduced to 170 feet if the Council decides because 167 feet agl is the corrected minimum antenna centerline height that T-Mobile needs. The T-Mobile coverage map that indicates an antenna centerline height of 177 feet actually depicts coverage for antennas at 167 feet. See Figure 5. (Applicant 1, Exhibit B; Tr. 1, pp. 20-22, 60, 67-69)

33. T-Mobile would install nine platform-mounted mounted antennas at a centerline height of 167 feet agl. The total height of the facility with antennas would be 170 feet agl. Verizon proposes to install 12 platform-mounted antennas at a centerline height of 157 feet agl. (Tr. 1, pp. 20-23, 77-78)

34. Both T-Mobile and Verizon Wireless could use T-arm mounts if requested by the Council. (Tr. pp. 32 and 77)

35. T-arms do require a crane to install the antennas as opposed to a platform mount. With a platform, workers can install antennas and perform maintenance without a crane, which improves safety for the workers. (Tr. 1, pp. 60-62 and 66)

36. Flush-mounting T-Mobile's antennas would still provide the desired coverage footprint, but capacity would be reduced. T-Mobile would only have adequate capacity for approximately two to three years with the flush-mounted configuration. (Tr. 1, pp. 37, 50)

37. Flush-mounting Verizon Wireless' antennas would have an effect similar to lowering their antennas by ten feet. Thus, flush-mounting Verizon Wireless' antennas at 157 feet would be equivalent to locating at 147 feet which would not provide adequate coverage. It would also require two spaces on the tower, and that could result in Verizon Wireless being charged double the rent. (Tr. 1, pp. 77-78 and 83-84)

38. Optasite is aware of instances of flagpole towers having their flags wrap around the tower and damage the antennas. Optasite is also concerned that it may not be feasible to disguise the municipal antennas on a flagpole tower since they likely cannot be internally mounted. (Tr. 1, pp. 41-42)

39. A 43-foot by 73-foot equipment compound enclosed by a eight-foot high chain link fence (without barbed wire) would be established at the base of the tower. The size of the lease area would be able to accommodate the equipment of four wireless carriers. T-Mobile would install equipment cabinets, including an emergency battery backup system, on a concrete pad within the compound. Verizon Wireless would install a 12-foot by 30-foot equipment shelter within the compound. An emergency backup diesel generator would be located inside Verizon Wireless' shelter. (Applicant 1, p. 36; Applicant 1, Exhibit B; Tr. 1, pp. 37 and 78)

40. Development of the site would require minimal grading and 220 cubic yards of topsoil to be cut to develop the compound and the access. No fill is required. (Applicant 3, response 9)

41. Access to the site would extend from Osbourne Lane over an existing dirt driveway that would be improved with gravel to a width of 20 feet. (Applicant 1, Exhibit B; Applicant 1, p. 10)

53. The proposed access road would be located approximately 200 feet north of the forested wetland area while the actual facility would be located more than 400 feet away. Thus, no direct impacts to wetlands are expected. (Applicant 1, Exhibit J)

54. The proposed facility would not be located within a flood zone. (Applicant 3, response 12)

55. Obstruction marking and lighting of the tower would not be required per an Federal Aviation Administration Letter. (Applicant 1, Exhibit P).

56. The type of towers that result in the most bird fatalities are usually very tall towers approximately 300 feet and up, guyed towers, and towers that are lit. Neither the proposed monopole nor a flagpole design are the types of the towers that are associated with bird fatalities. The flagpole design would not materially change the safety of the birds versus the monopole. (Tr. 1, pp. 42-45)

57. The maximum power density from the radio frequency emissions of T-Mobile's proposed antennas (at 167 feet) would be 0.0146 mW/cm^2 or 1.46% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. Verizon Wireless' power density with its proposed antennas at 157 feet would be 0.026 mW/cm^2 or 4.54% of the standard for cellular and 0.018 mW/cm^2 or 1.75% for PCS. The total for the site is 7.75% of the standard. These calculations was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Applicant 1, Exhibit N)

58. The site was formerly utilized as a Nike missile site from the late 1950s to 1971, with the possibility of nuclear warheads formerly being present. Therefore, there is potential for hazardous materials to have been utilized at the site and potentially released into the environment. VHB, Inc. recommends that during re-development activities, no soils should be removed from the site without proper waste characterization to determine disposal requirements. (Applicant 1, Exhibit L)

59. There may be a tunnel under the site that formerly supplied missiles to a silo. (Tr. 2, p. 26)

Visibility

60. The proposed tower would be visible year-round from approximately 14 acres within a two-mile radius of the site (refer to Figure 14). The tower would be seasonally visible from approximately 54 acres within a two-mile radius of the site. (Applicant 1, Exhibit K)

61. Visibility of the proposed tower from roads within a two-mile radius of the site is presented in the table below:

Road	Length of Road Visibility (Seasonal)	Length of Road Visibility (Year-round)	Nearest Distance with Visibility to Tower
Osborne Lane	0.2 miles	0.03 miles	0.2 miles northeast
Ford Road	0.25 miles	0.01 miles	0.38 miles east
Debby Lane	0.08 miles	-	0.25 miles southeast

(Applicant 1, Exhibit K)

76. Optasite is willing to paint the tower if requested by the Council. (Tr. 1, p. 33)

Existing and Proposed Wireless Coverage – T-Mobile

77. T-Mobile operates in the 1935 - 1945 MHz frequency band and at a signal level service design of -84 dBm for this area, sufficient for in-vehicle coverage. (Applicant 3, responses 3 and 4; Applicant 1, Exhibit N)

78. T-Mobile has an existing coverage gap of 4.53 miles along Route 313, 2.1 miles along Peck Hill Road, and 1.58 miles along Northrop Road. T-Mobile's existing coverage level in the area of the proposed facility varies from -85 dBm to -100 dBm. Coverage from surrounding sites is depicted on Figure 4. (Applicant 3, responses 2 and 8)

79. T-Mobile's antennas (at a centerline height of 167-feet agl) would cover approximately 3.11 miles of the gap on Route 313, 1.3 miles on Peck Hill Road, and 1.2 miles on Northrop Road. (Applicant 3, responses 7 and 8)

80. Adjacent T-Mobile facilities that could interact with the proposed facility are as follows:

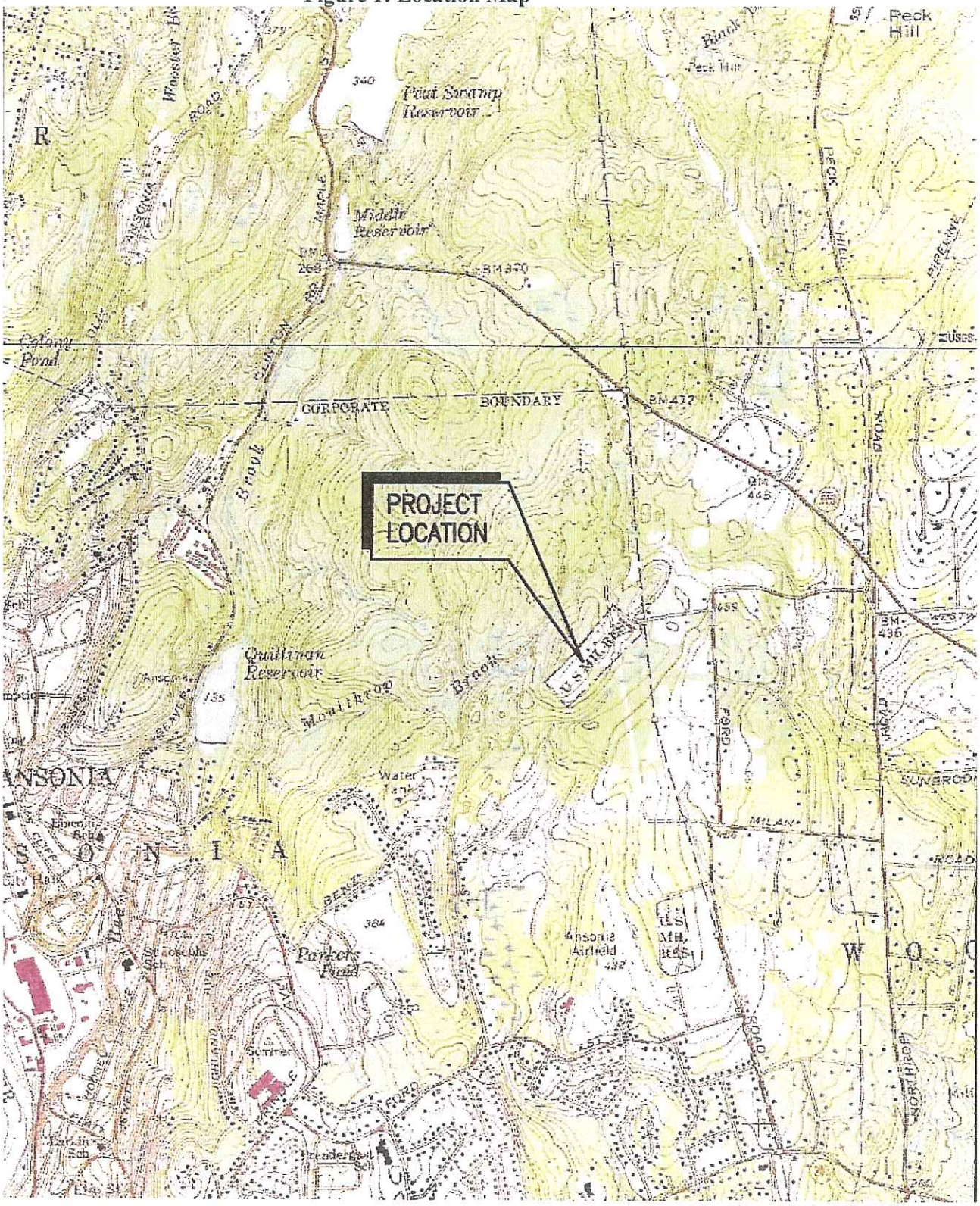
Location	**Antenna Height agl** **Structure Height agl** **Structure Type**	**Approximate Distance from Sites**
56 South Cliff Street, Ansonia	68 feet – 75-foot building	1.51 miles southwest
2 Progress Avenue, Seymour	250 feet – 280-foot self-supporting lattice	2.69 miles north
401 Wakelee Avenue, Ansonia	148 feet – 196-foot self-supporting lattice tower	2.22 miles west
71 Pleasant View Drive, Derby	117 feet – 120-foot monopole	2.72 miles southwest
1114 Johnson Road, Woodbridge	95 feet – 81-foot power mount	3.18 miles southeast
800 Ogg Meadow Road, Orange	125 feet – 160-foot monopole	3.27 miles southeast
86 Amity Road, New Haven	52 feet – 57-foot billboard	3.81 miles east

(Applicant 3, response 5)

Existing and Proposed Wireless Coverage – Verizon

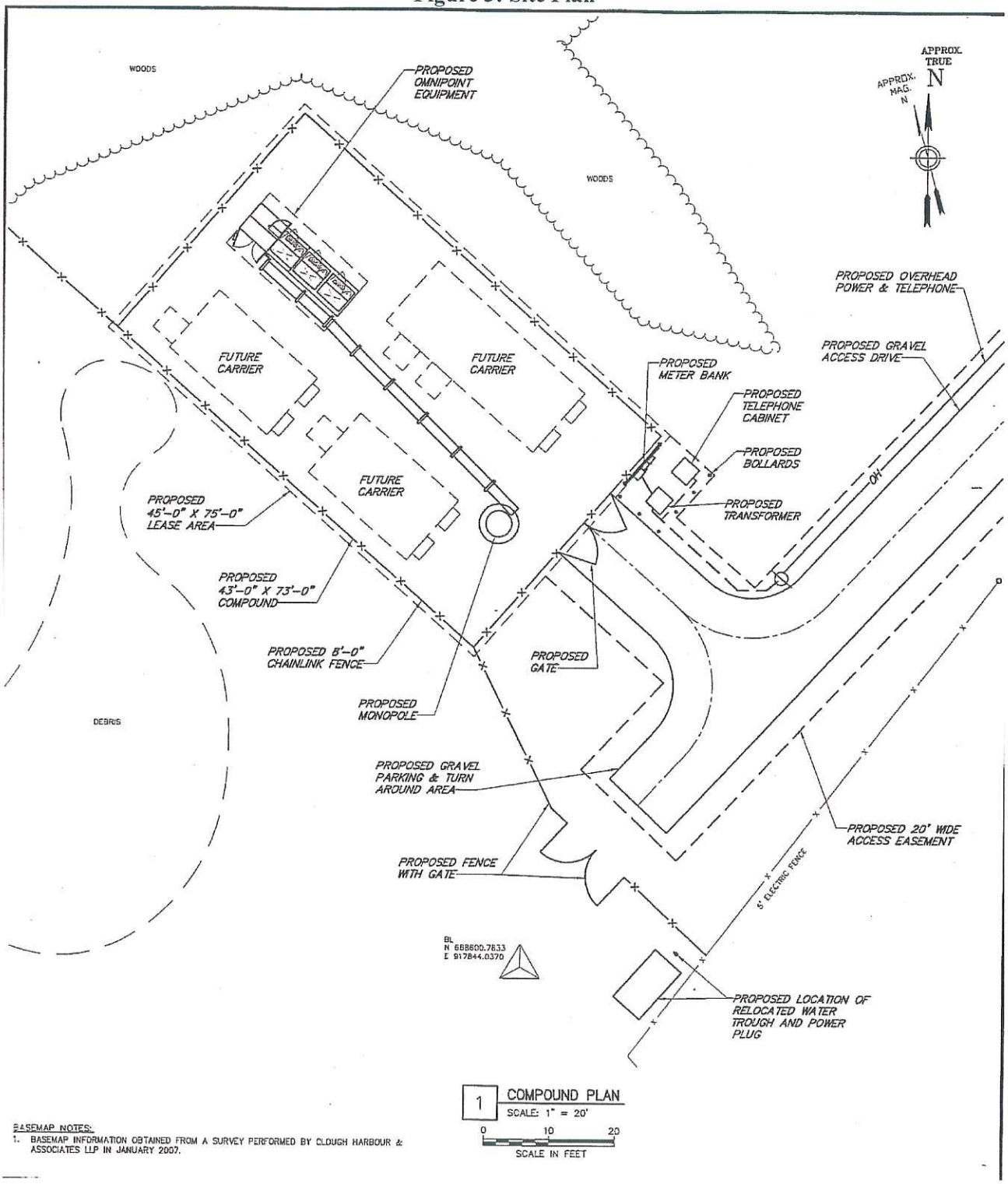
81. Verizon Wireless operates in the 1970-1975 MHz cellular frequency bands and the 869-880 MHz PCS bands and at a signal level service design of -85 dBm. (Verizon Wireless 1, responses 1 and 2)

Figure 1: Location Map



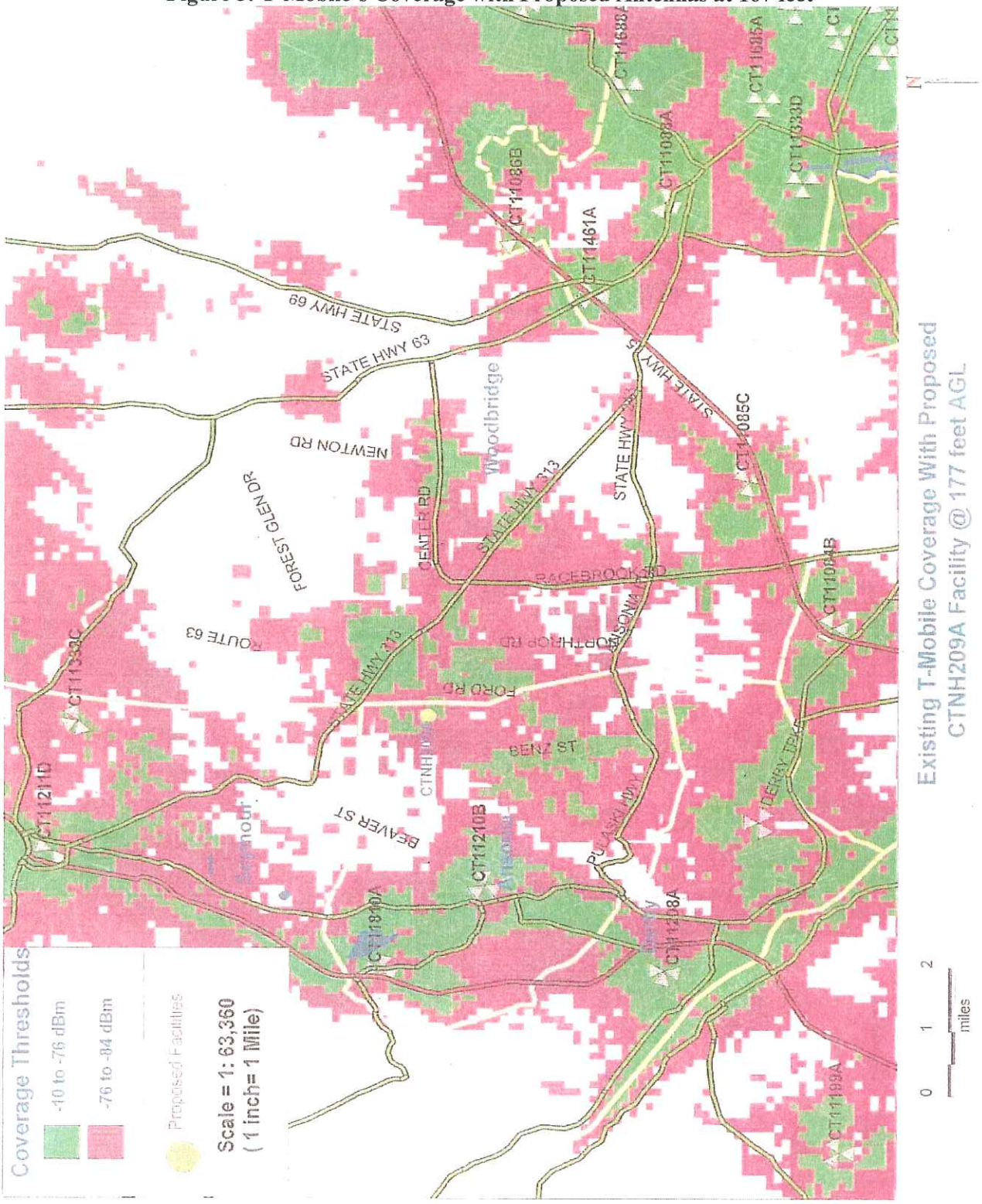
(Applicant 1, Exhibit B)

Figure 3: Site Plan



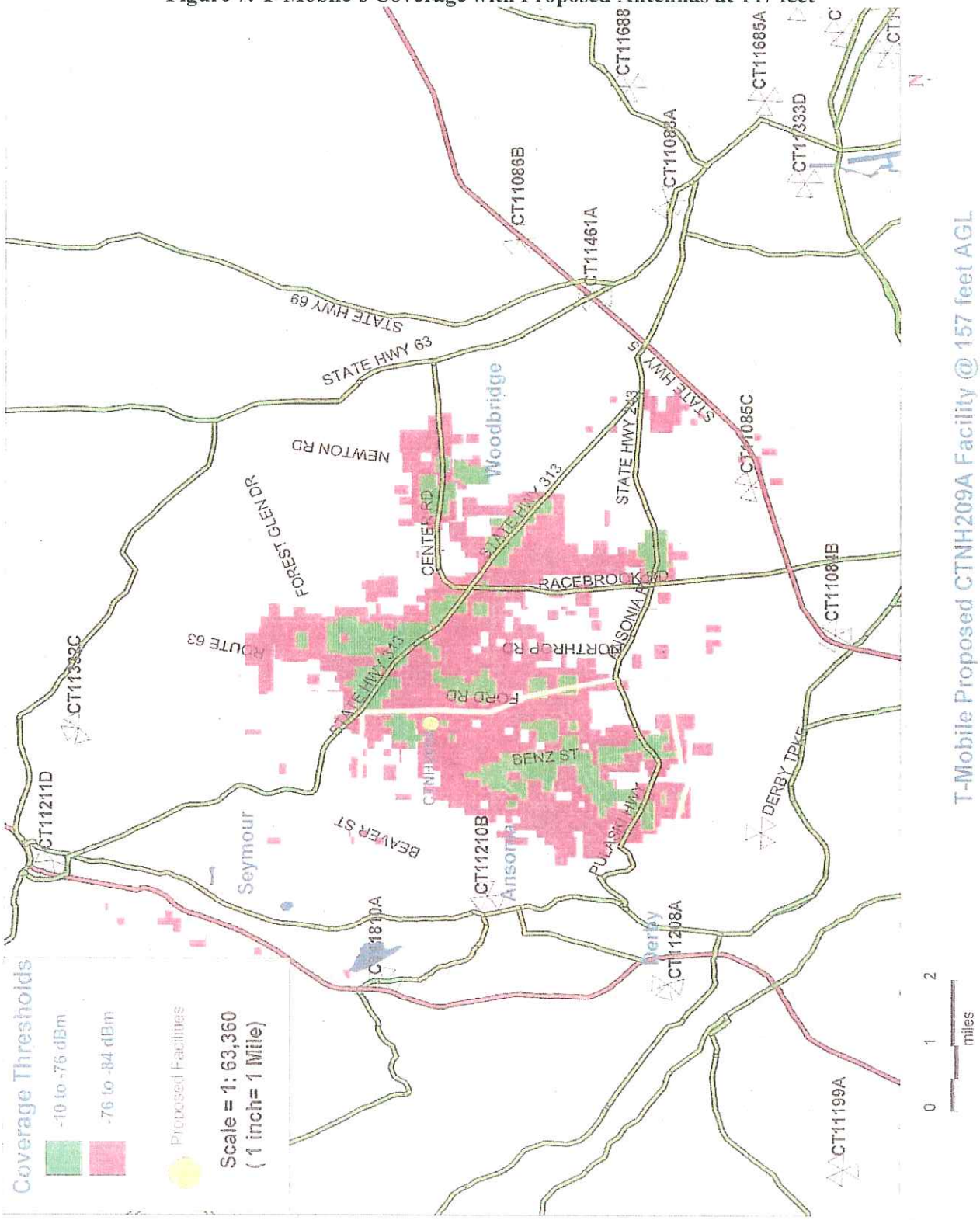
(Applicant 1, Exhibit B)

Figure 5: T-Mobile's Coverage with Proposed Antennas at 167 feet



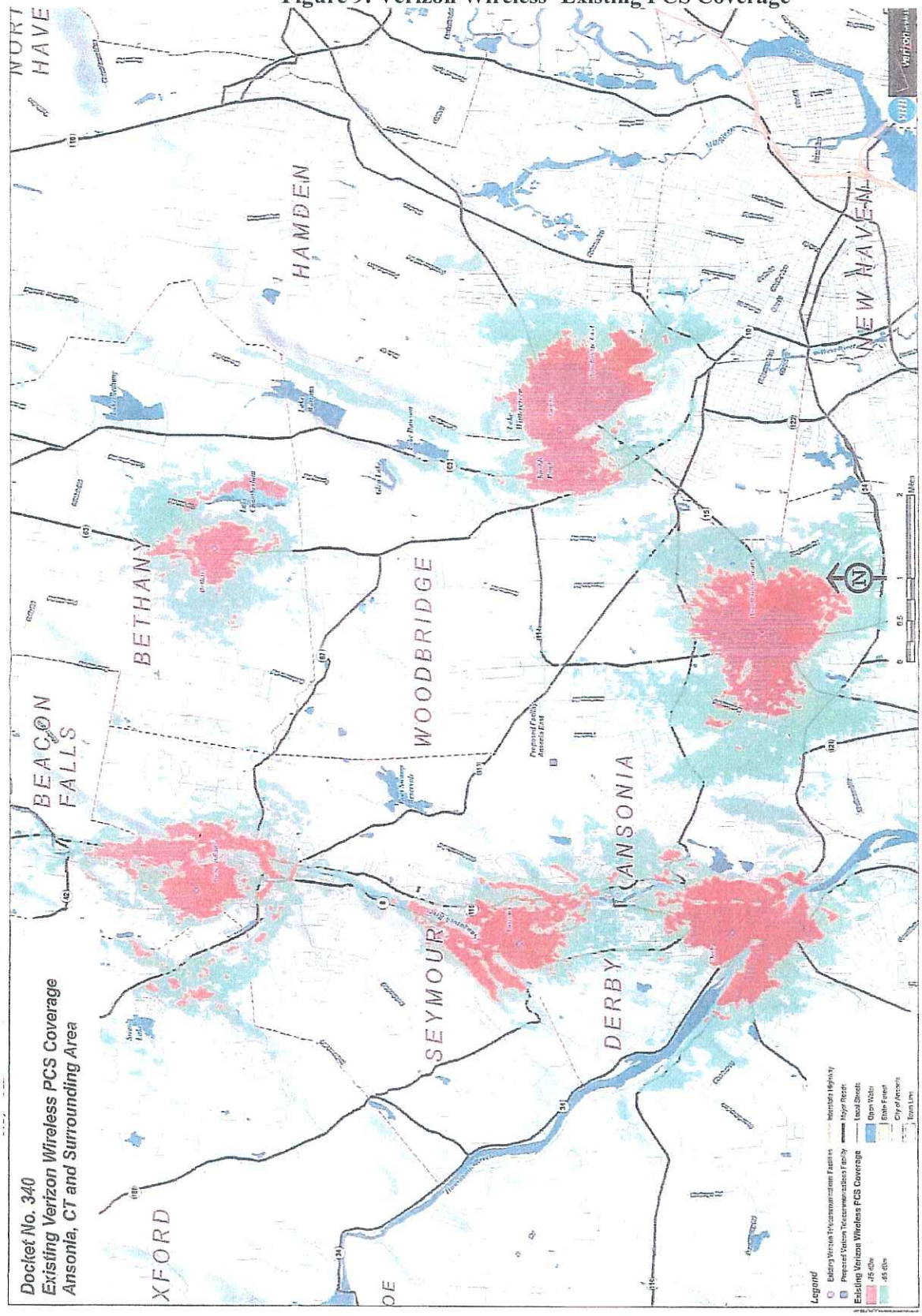
(Applicant 3, response 1; Tr. 1, p. 22)

Figure 7: T-Mobile's Coverage with Proposed Antennas at 147 feet



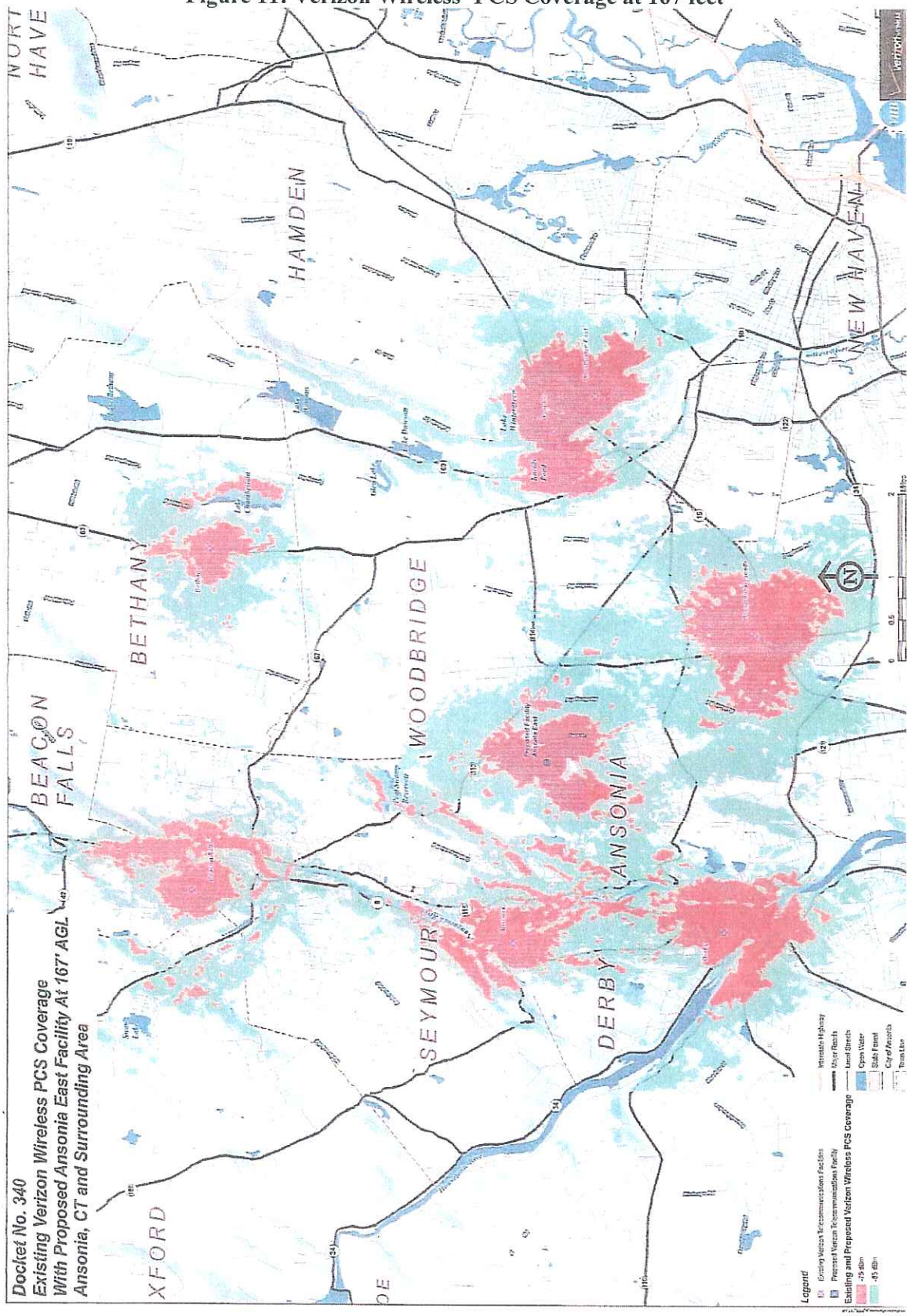
(Applicant 3, response 1; Tr. 1, p. 22)

Figure 9: Verizon Wireless' Existing PCS Coverage



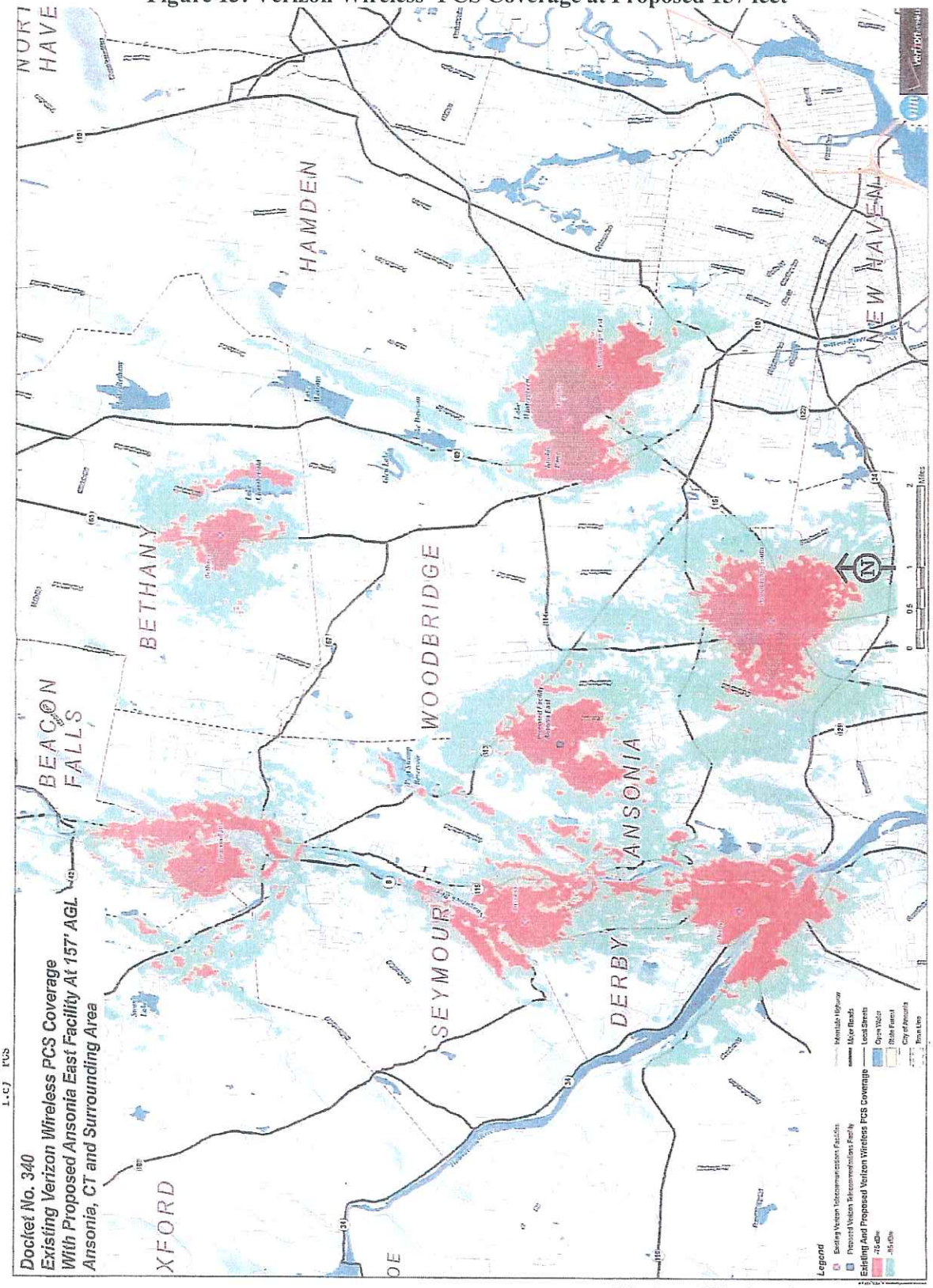
(Verizon 1, response 11)

Figure 11: Verizon Wireless' PCS Coverage at 167 feet



(Verizon 1, response 11)

Figure 13: Verizon Wireless' PCS Coverage at Proposed 157 feet



(Verizon Wireless 1, response 11)

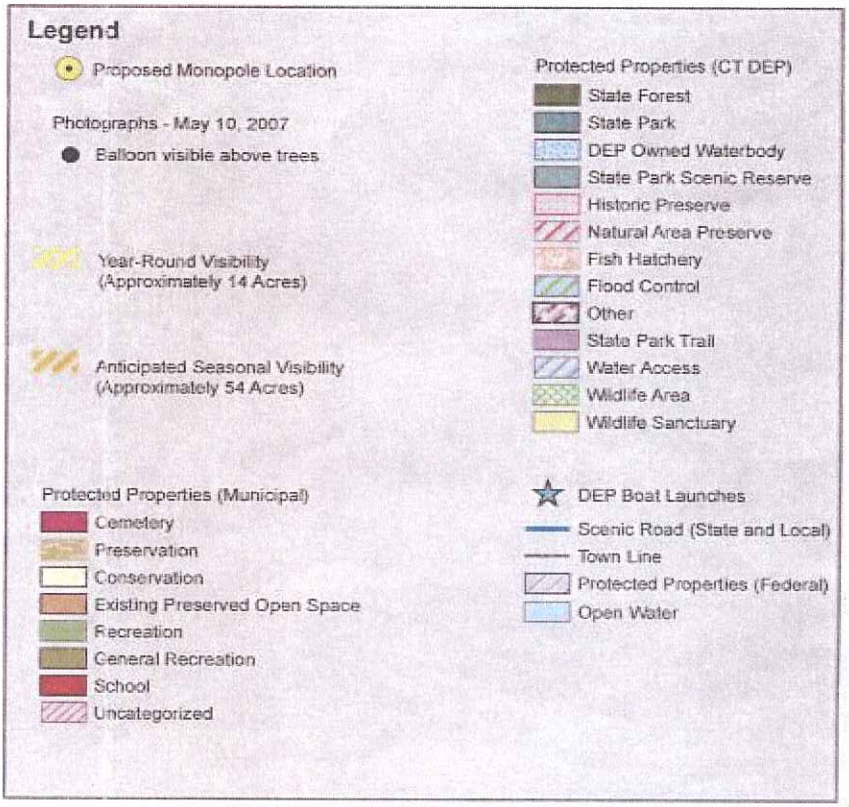
Figure 15: Viewshed Map Legend

Proposed Optasite Facility
CT-999-0099
1 Deerfield Lane
Ansonia, Connecticut

NOTE:
- Viewshed analysis conducted using ESRI's Spatial Analyst.
- Proposed Facility height is 180 feet.
- Existing tree canopy height estimated at 65 feet.

DATA SOURCES:
- 7.5 minute digital elevation model (DEM) with 30 meter resolution produced by the USGS, 1982
- Forest areas derived from 2005 color digital orthophotos with 2-meter pixel resolution; digitized by VHB, 2007
- Base map comprised of Ansonia and Naugatuck USGS Quadrangle Maps
- Protected properties data layer provided CTDEP, 2003
- Scenic Roads layer derived from available State and Local listings.

Map Compiled May, 2007



(Applicant 1, Exhibit K)