STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
Internet: ct.gov/csc

Daniel F. Caruso
Chairman

November 8, 2007

Julie D. Kohler, Esq.
Carrie L. Larson, Esq.
Cohen & Wolf, P.C.
1115 Broad Street
P.O. Box 1821
Bridgeport, CT 06601-1821

RE: **PETITION NO. 809** - Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction or, in the alternative, that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut.

Dear Attorney Kohler and Attorney Larson:

By its Decision and Order dated November 5, 2007, the Connecticut Siting Council (Council) voted as follows:

1) The Distributed Antenna System (DAS), as proposed, is within the Council's jurisdiction.

2) The DAS proposal, as proposed, would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

S. Derek Phelps
Executive Director

SDP/RDM/laf

Enclosures (3)

STATE OF CONNECTICUT

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Daniel F. Caruso
Chairman

November 8, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **PETITION NO. 809** - Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction or, in the alternative, that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut.

By its Decision and Order dated November 5, 2007, the Connecticut Siting Council (Council) voted as follows:

1) The Distributed Antenna System (DAS), as proposed, is within the Council's jurisdiction.

2) The DAS proposal, as proposed, would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/RDM/laf

Enclosures (3)

c: State Documents Librarian

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Daniel F. Caruso
Chairman

November 8, 2007

TO:

Classified/Legal Supervisor
809070808
The Greenwich Time
Southern Connecticut Newspapers
20 East Elm Street
Greenwich, CT 06830

Classified/Legal Supervisor
809070808
Norwalk Citizen News
542 Westport Avenue
Norwalk, CT 06851

Classified/Legal Supervisor
809070808
The Connecticut Post
410 State Street
Bridgeport, CT 06604-4560

Classified/Legal Supervisor
809070808
The Hour
346 Main Ave., P.O. Box 790
Norwalk, CT 06852-0790

Classified/Legal Supervisor
809070808
Minuteman

Classified/Legal Supervisor
809070808
The Stamford Advocate

Classified/Legal Supervisor
809070808
Brooks Community Newspaper
15 Myrtle Avenue
Westport, CT 06881

Classified/Legal Supervisor
809070808
The New Canaan Advertiser
42 Vitti St., P.O. Box 605
New Canaan, CT 06840-4888

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **PETITION NO. 809** - Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction or, in the alternative, that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LAF

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STATE OF CONNECTICUT
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Daniel F. Caruso
Chairman

NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on November 5, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving a petition from Extenet Systems, Inc. for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut. This petition record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.

PETITION NO. 809 - Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction or, in the alternative, that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut.	Connecticut Siting Council November 5, 2007

Findings of Fact

Introduction

1. On April 26, 2007, Extenet Systems Inc. (Extenet), pursuant to Connecticut General Statute (CGS) §16-50k, submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that that the Connecticut Siting Council does not have jurisdiction over the proposed installation of a Distributed Antenna System (DAS) on the Merritt Parkway, or, in the alternative, that such installation would not require a Certificate of Environmental Compatibility and Public Need (Certificate). (Extenet 1, p. 1)

2. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on August 8, 2007, beginning at 3:30 p.m. and continuing at 7:00 p.m. at the Westport Town Hall, 110 Myrtle Avenue, Westport, Connecticut. (Council's Hearing Notice dated July 6, 2007; Transcript 1 - 08/08/07, 3:30 p.m. [Tr. 1] p. 4; Transcript 2 - 08/08/07, 7:00 p.m. [Tr. 2], p. 4)

3. The party in this proceeding is the petitioner. The intervenors in this proceeding are Cellco Partnership d/b/a Verizon Wireless (Verizon), The Merritt Parkway Conservancy, Omnipoint Communications, Inc. (T-Mobile), New Cingular Wireless PCS LLC d/b/a AT&T, Sprint Nextel Corporation (Sprint Nextel), Lightower Wireless LLC, Mr. Cliff Berger, and Ms. Elizabeth Galt. (Tr. 1, pp. 6-7)

4. On July 25, 2006, ClearLinx Network Corporation (ClearLinx), the predecessor to Extenet, filed a Petition with the Council (Petition No. 782) to install a DAS on the Merritt Parkway in the towns of Greenwich, Stamford, New Canaan, Norwalk, and Westport. (Council Administrative Notice Item No. 23, p. 1; Attachment C)

5. On October 27, 2006, ClearLinx withdrew Petition 782 from Council consideration to address comments from the State Historic Preservation Officer (SHPO) regarding visual impacts to historic overpasses on the Merritt Parkway. (Council Administrative Notice Item No. 23)

6. ClearLinx was renamed Extenet on January 1, 2007. Extenet revised the DAS design to accommodate the SHPO comments and resubmitted the petition to the Council on April 26, 2007. (Tr. 1, p. 25)

7. Extenet discussed the project and provided a technical report to the municipal officials in the towns of Greenwich, Stamford, New Canaan, Norwalk, and Westport. (Extenet Petition cover letter, April 25, 2007)

8. Public notice of the proceeding was published in The Greenwich Time, Norwalk Citizen News, The Connecticut Post, The Hour, Minuteman, The Stamford Advocate, Brooks Community Newspaper, The Fairfield Citizen, and The New Canaan Advertiser. (Record)

9. Extenet is a Delaware Corporation with its headquarters in Oakbrook Terrace, Illinois. (Extenet 1, p. 2)

10. Extenet is an infrastructure provider to telecommunication carriers and implements DAS networks in areas that are difficult to locate traditional wireless facilities. (Extenet 1, p. 2; Tr. 2, p. 72)

11. Extenet has over 650 DAS nodes either in operation or under construction in Michigan, Texas, Florida, California, Nevada, Hawaii, New York, Ohio, and Massachusetts. All of the networks have at least one committed carrier. (Extenet 2, Q. 1)

12. Extenet is constructing a DAS network in Brookline, Massachusetts that consists of 26 nodes to serve a four square mile residential area. The nodes would be placed on existing utility poles. (Extenet 1, Q. 1)

13. On March 15, 2006, Extenet received a Certificate of Public Convenience and Necessity from the Department of Public Utility Control for the operation of intrastate telecommunication services. Extenet would be required to submit its construction plan to the DPUC for approval and oversight since the DAS would utilize public right-of-ways. (Extenet 1, pp. 9-11)

State Agency Comment

14. Pursuant to CGS § 16-50j (h), on July 6 and August 9, 2007, the following State agencies were solicited by the Council to submit written comments regarding the proposed project; Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)

15. The Council received responses from the DOT's Bureau of Engineering and Highway Operations on August 8, 2007. The comments are presented in Finding 40. (Record)

16. The following agencies did not respond with comment on the petition: CEQ, DEP, DPUC, OPM, DPH, and the DECD. (Record)

Project Description

17. Extenet proposes to install a DAS along 20 miles of the Merritt Parkway in areas that lack existing reliable coverage. (Extenet 1, pp. 2, 4)

18. The proposed DAS would accommodate multiple service providers utilizing the same infrastructure. The DAS could support all current wireless service technologies, including carriers utilizing different technologies and/or frequencies. (Extenet 1, pp. 2, 3, 6)

19. Extenet would primarily utilize existing utility infrastructure and rights of way for the placement of its equipment and routing of fiber optic cable. Extenet has secured the necessary use agreements with the respective utilities. (Extenet 1, p. 10; Extenet 4, Asta Jr., p. 2)

20. The proposed DAS is comprised of two base stations and 27 nodes. The base stations would house the wireless service provider equipment and would be connected to the nodes by fiber-optic cable. The nodes consist of radio equipment connected to a small antenna that transmits wireless radio frequency signals to the coverage area. (Extenet 1, pp. 3, 4)

21. Wireless radio frequency signals are received from the telecommunication carrier at the base station where they are converted to an optical signal. The optical signal is then routed via fiber optic cable from the base station to the nodes, where it is converted back into a radio frequency signal and transmitted. (Extenet 1, p. 3)

22. Each node can transmit the signal for all wireless service provider technologies. (Extenet 1, p. 3)

23. The radio equipment for each node would be contained within an 18-inch by 20-inch metal cabinet and mounted on the nearest utility pole to the antennas. The cabinets would be mounted eight to 12 feet above the ground. Each equipment cabinet can accommodate four technologies, but not necessarily four carriers. An additional cabinet would be installed at each node if there were a need to support additional technologies in the future. (Extenet 1, p. 6; Extenet 5; Tr. 2, pp. 38-39)

24. In the current proposal, two base stations would be installed to serve the DAS, one for the northern part and one for the southern part. A single base station would not be practical due to the following:
    a) limited space at the potential base station locations;
    b) long distances of fiber optic cable could hinder network performance; and
    c) project costs associated with fiber optic cable.
    (Tr. 2, pp. 48-49)

25. The tentative location of the southerly base station is at an existing Crown Castle tower facility on Guinea Road in Stamford. The base station may be installed within an existing equipment shelter or may be installed in a new 12-foot x 15-foot equipment shelter within the existing compound. (Extenet 1, Tab B)

26. The tentative location of the northerly base station is at an existing water tank facility on West Rocks Road in Norwalk. The base station would consist of a 12-foot by 15-foot equipment shelter within the existing compound. (Extenet 1, Tab B)

27. Extenet has not executed any lease agreements for placement of the base stations. (Tr. 2, p. 81)

28. The antennas for each node would be installed in one of three ways:
    a) attached to new cable suspended from existing or new wood poles;
    b) attached to existing wood utility poles; or
    c) mounted on new wood poles.
    (Extenet 1, p. 4; Tr. 2, p. 29)

29. Seventeen of the nodes would consist of two pairs of nine-inch square panel antennas mounted back-to-back on two 3/8-inch cables suspended above highway overpasses. The cables would extend across the overpass from poles on either end; 22 to 30 feet above the highway (refer to Figure 1). (Extenet 1, p. 5, Tab A; Tr. 2, p. 39)

30. Two of the overpass nodes would require the installation of new wood poles. Node 17, located at the Riverbank Road overpass in Stamford, would require one new 25-foot high pole to support the cable-mounted antennas. Node 10, located at the Lapham Road overpass in New Canaan, would require five new poles: three to extend the existing utilities to the node location, and two to support the cable mounted antennas. All five poles would be 25 feet in height. (Extenet 1, p. 5, Tab 1; Tr. 2, pp. 24-25)

31. One node (Node 25) would cross over the highway at an existing utility line crossing rather than at an overpass. (Extenet 1, p. 5, Tab A)

32. Eight nodes would be installed on the top or near the top of an existing utility pole adjacent to the highway. The antennas associated with these nodes would be placed behind a PVC shroud 18 inches wide by 23 inches tall (refer to Figure 2). (Extenet 1, p. 5; Tab A)

33. One node (Node 35) would be installed on a new 40-foot high wood pole adjacent to the Den Road exit ramp in Stamford (refer to Figure 3). (Extenet 1, p. 5, Tab A)

34. Two overpass nodes may require the replacement of existing utility poles, at their existing heights, due to sagging utility lines. (Extenet 1, Tab A; Tr. 2, pp. 37-38)

35. The nodes operate independent of each other. If one node was damaged or disconnected by an event such as a windstorm or vehicle impact, the remaining nodes and network would remain operating. (Tr. 2, pp. 63-64)

36. The proposed DAS would require the installation of 37 miles of fiber optic cable to connect the nodes and base stations. The cable would be installed overhead utilizing existing utility infrastructure. (Extenet 1, p. 6; Tr. 2, pp. 45-46)

37. Extenet would provide all operational services, including regular maintenance, network monitoring, and facility upgrades. (Extenet 3, Q. 7)

38. The DAS would be continuously monitored by a Network Operations Center based in Chicago, Illinois. (Extenet 1, p. 7; Tr. 2, p. 47)

39. The DOT's Bureau of Engineering and Highway Operations had the following comments regarding the design of the DAS;
    a. The mid-span antennas at Node 25 should be no lower than the existing utility wire;
    b. The new pole installation at the Den Road exit ramp (Node 35) must be outside of the highway non-access line. Access to this pole must be from property adjacent to the non-access highway. Additionally, the Applicant must enter into a Master License Agreement (MLA) with the DOT for the placement of the pole;
    c. A DOT encroachment permit must be obtained prior to construction;
    d. Vegetation removal must be approved by the Merritt Parkway Advisory Committee (MPAC); and
    e. DAS equipment must not block any signs. A minimum of 800 feet of unobstructed view shall be maintained.

    (Record)

40. The mid span antennas at Node 25 would be installed above the existing utility wires.

41. Extenet would consult with the DOT for issues related to Node 35. Extenet believes the pole would have to be relocated only a few feet to move it out of the highway non-access line. Extenet also believes an MLA would not be required for the pole. (Tr. 2, p. 88-93)

42. Extenet would file for a DOT Encroachment Permit for any work within the DOT right of way. (Extenet 4, Asta Jr., p. 2)

43. No vegetation would be removed for the DAS installation. (Tr. 2, p. 34)

44. The DAS equipment would not obstruct the views of any highway signs. (Tr. 2, pp. 34-36)

Wireless Service Design

45. Extent designed the network after being approached by several wireless carriers who were experiencing coverage deficiencies on several areas of the Merritt Parkway: specifically, the section of the parkway from Greenwich to Westport. Extenet examined the current locations of all wireless facilities and conducted several drive tests to prepare the network design. (Extenet 4, Larsen, pp. 2, 3; Tr. 2, pp. 51-53, 65)

46. The proposed DAS could support all current wireless technologies (TDMA, GSM, CDMA, UTMS) and could support multiple technologies and or frequencies used by a single carrier. (Extenet 1, p. 7)

47. The proposed DAS could support TDOA E-911 services utilized by AT&T and T-Mobile. Verizon and Sprint use another technology, A-GPS, that uses a phone-based GPS system. (Extenet 2, Q. 4)

48. The proposed DAS would provide a signal level threshold of -84 dBm in at least 90% of the network area, based on 1900 MHz service. Significant impact on voice quality would not occur until the receiver signal level is below -95 dBm. (Extenet 2, Q. 5)

49. The signal from each node would extend off the parkway several hundred feet to a quarter mile in either direction, depending on the area tree density and node locations. The network is designed to provide coverage only to the Merritt Parkway. (Extenet 1, Tab B; Tr. 2, pp. 53-54, 66)

50. Extenet does not have any signed contracts with any wireless service provider to use the DAS. (Tr. 2, p. 74)

Environmental Considerations

51. All new pole installations would be along roadways in areas that were previously disturbed. (Extenet 4, Shamas p. 2)

52. Construction of the DAS would not impact any wetlands or watercourses. Surface drainage features would not be disturbed. (Extenet 1, p. 17)

53. DAS infrastructure would not be visible from area residences due to topography and vegetation. The DAS infrastructure would be consistent with the existing utility infrastructure. (Extenet 1, p. 15; Extenet 2, Q. 6)

54. The worst-case radio frequency emissions from each node, at ground level, from each node is expected to be 0.24% of the applicable public exposure limit, as established by the Federal Communications Commission. (Extenet 1, Tab G)

55. The Merritt Parkway is listed on the National Register of Historic Places and is designated a National Scenic Byway by the U.S. Department of Transportation. (Extenet 1, Tab F)

56. The State Historic Preservation Office (SHPO) states the proposed DAS would have no adverse effect on the historic qualities of the parkway. (Extenet 1, Tab F)

57. The SHPO strongly recommends Extenet establish a fund in the amount of $50,000 per year for every year the DAS is in operation, to be administered by the Merritt Parkway Conservancy for the sole purpose of restoring and maintaining the scenic and historic qualities of the parkway. (Extenet 1, Tab F)

58. Extenet has completed preliminary National Environmental Policy Act (NEPA) analysis for each node location and determined the project would have no environmental effect. A final NEPA review would be completed prior to construction. (Extenet 4, p. 2; Tr. 2, p. 80)

59. Extenet would be willing to paint the antennas if deemed necessary. (Extenet 3, Q. 9)

60. Extenet would comply with the Merritt Parkway Landscape Master Plan. (Extenet 3, Q. 11)

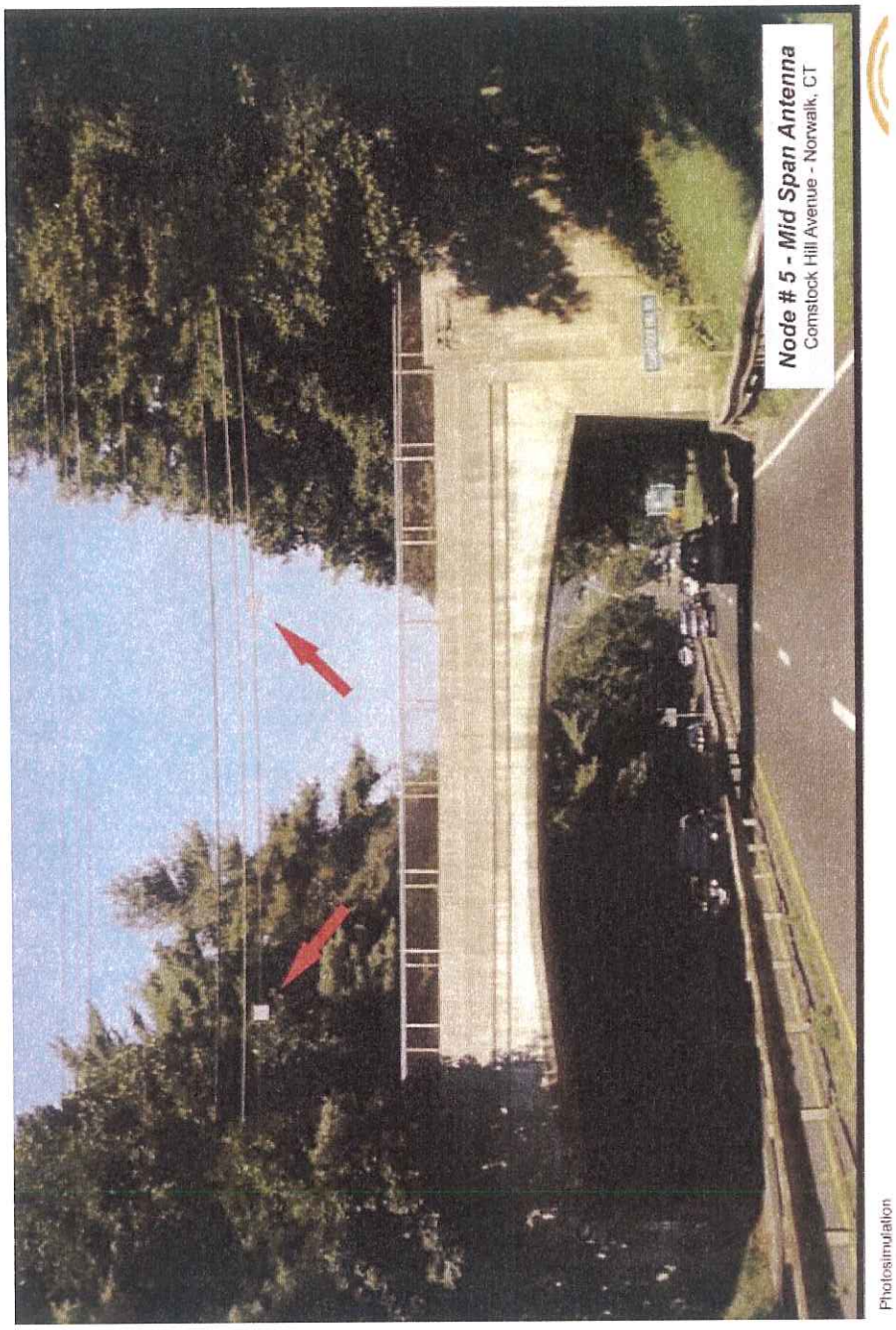

Figure 1 – Node 5 – simulation of cable mounted antennas at overpass.

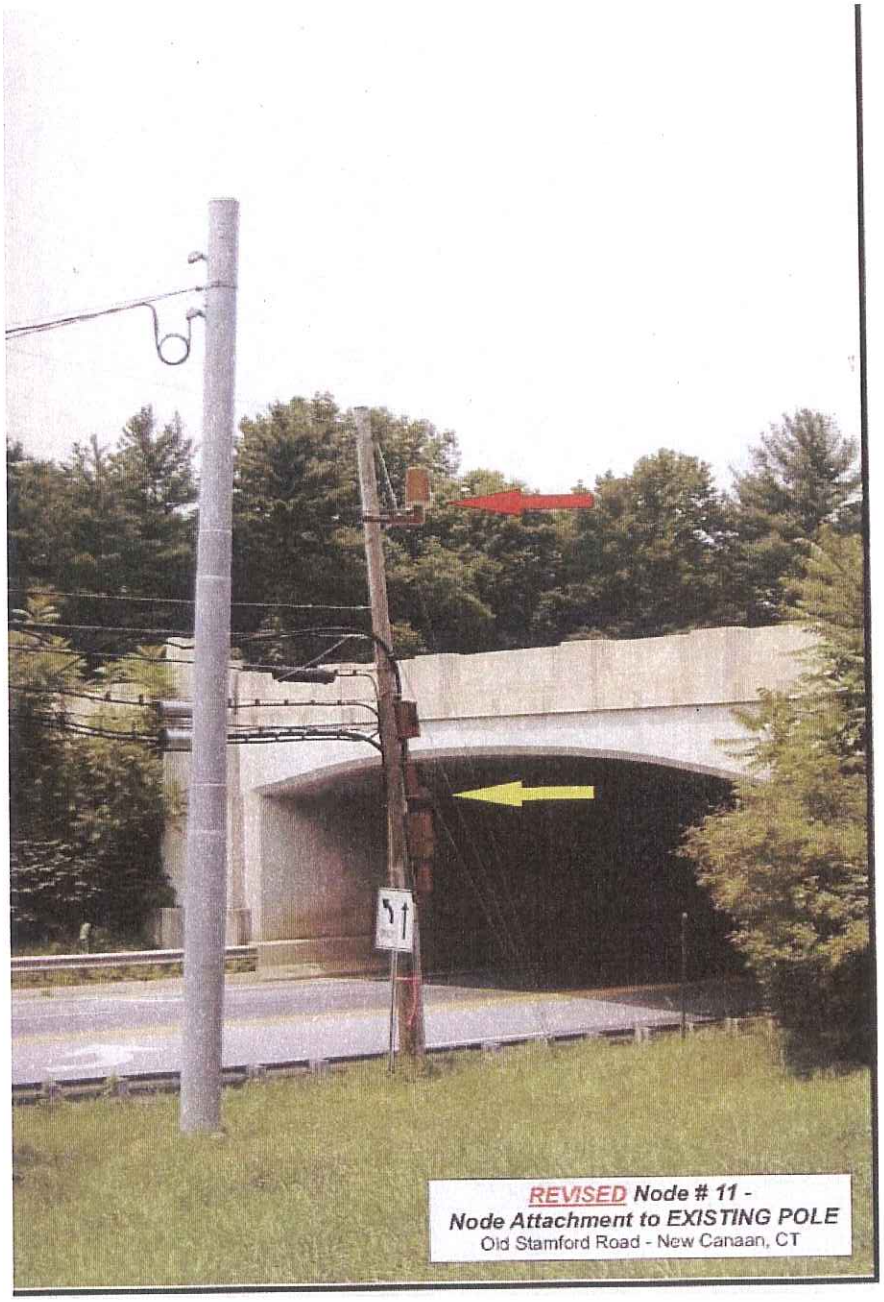

Figure 2 – Node 11 – simulation of antenna mounted to an existing utility pole.

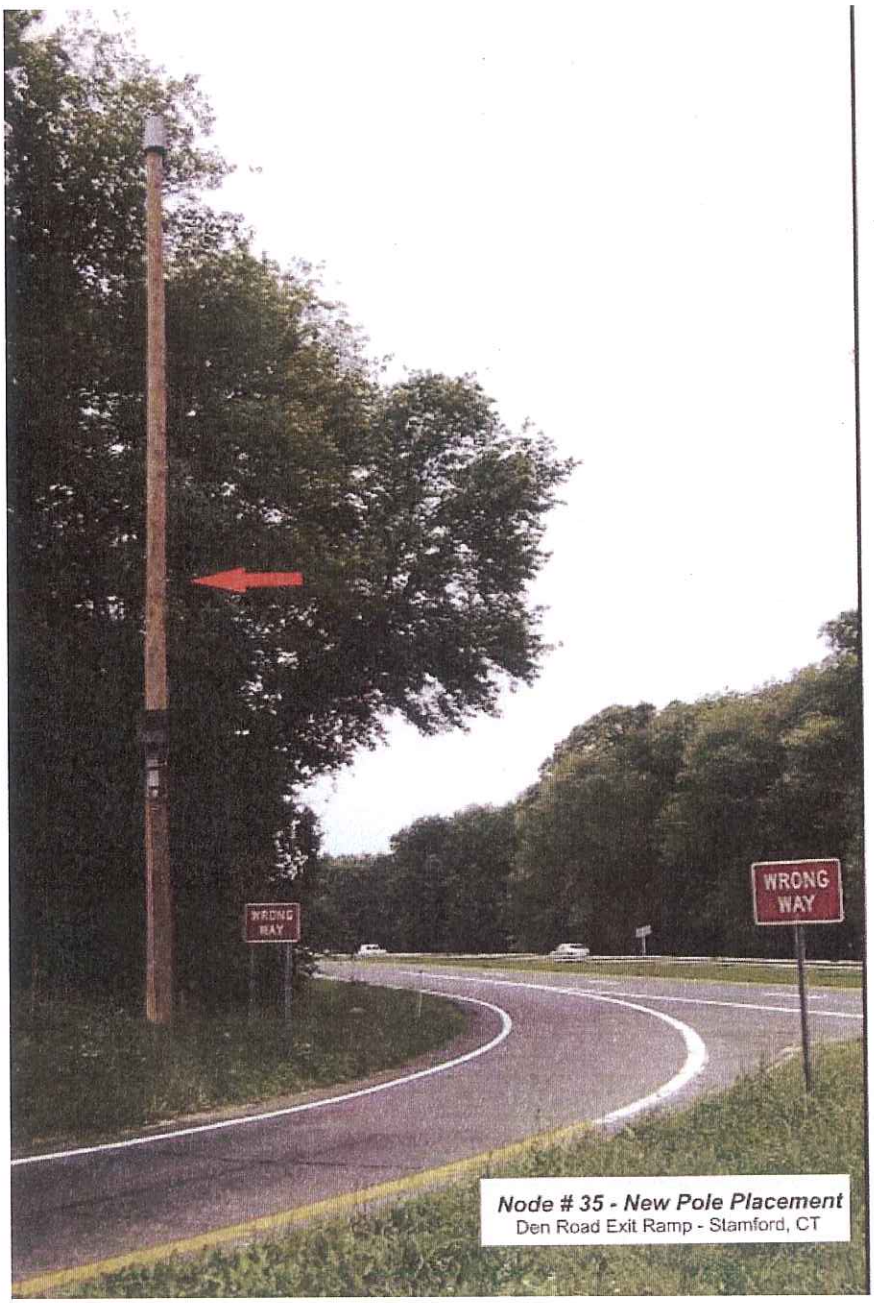

Figure 3 – Node 35 – simulation of new 40-foot pole for pole mounted antenna.

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Opinion

On April 26, 2006, Extenet Systems Inc. (Extenet) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction over the proposed installation of a Distributed Antenna System (DAS) on the Merritt Parkway, or, in the alternative, that such installation would not require a Certificate of Environmental Compatibility and Public Need (Certificate). Extenet is an infrastructure provider to telecommunication carriers and implements DAS networks in areas where traditional wireless facilities are difficult to site.

Extent designed the network after being approached by several wireless carriers who were experiencing coverage deficiencies on several areas of the Merritt Parkway: specifically, the section of the parkway from Greenwich to Westport. Extenet examined the current locations of all wireless facilities and conducted several drive tests to prepare the network design. The proposed DAS could support all current wireless technologies (TDMA, GSM, CDMA, UTMS) and could support multiple technologies and or frequencies used by a single carrier.

Extenet proposes to install a DAS along 20 miles of the Merritt Parkway in areas that lack existing reliable coverage. Extenet would primarily utilize existing utility infrastructure and rights of way for the placement of its equipment and routing of fiber optic cable. The DAS would require the installation of 37 miles of fiber optic cable to connect the nodes and base stations. The cable would be installed overhead on existing utility infrastructure. Extenet has secured the necessary use agreements with the respective utilities.

The proposed DAS is comprised of two base stations and 27 nodes. The base stations would house the wireless service provider equipment and would be connected to the nodes by fiber-optic cable. The nodes consist of radio equipment connected to a small antenna that transmits wireless radio frequency signals to the coverage area. Node antennas would be mounted on cables spanning the highway that are attached to existing or new utility poles, on existing utility poles adjacent to the highway, or on new poles installed adjacent to the highway.

At 18 node locations, node antennas would be attached to two 3/8-inch braided cables that would span highway. Two of the cable highway spans would require the installation of new wood poles. One of these nodes would require the installation of one 25-foot pole to support the cables. The other node would require five new 25-foot poles: two to support the cables and three to extend existing utilities to the node location. The cable span node antennas would consist of two pairs of nine-inch square panel antennas.

Eight nodes would be installed on existing utility poles adjacent to the highway. The antennas associated with these nodes would be placed behind a PVC shroud 18 inches wide by 23 inches tall. The remaining node would be mounted on a new 40-foot high wood pole adjacent to the Den Road exit ramp in Stamford.

The proposed project would not affect any wetlands or watercourses or have any impact on stated endangered, threatened, or special concern species. Operation of DAS equipment would not exceed radio frequency limits for public exposure established by the Federal Communications Commission. New poles would be installed in areas that were previously disturbed for road construction. No vegetation would be removed for installation of the DAS equipment. The two base stations required for this project would be installed within the compounds of existing telecommunication facilities. The DAS nodes would be similar in appearance to surrounding utility infrastructure. The DAS equipment would not be visible to area residences.

The project would meet all criteria and requests by the Connecticut Department of Transportation. Extenet obtained a Certificate of Public Convenience and Necessity from the Department of Public Utility Control (DPUC) for the operation of intrastate telecommunication services. Further, Extenet would file its construction plans to the DPUC for review and approval. Extenet obtained all necessary agreements from the utility companies for use of the respective existing utility infrastructure.

The Merritt Parkway is listed on the National Register of Historic Places and is designated a National Scenic Byway by the U.S. Department of Transportation. The State Historic Preservation Office opined the proposed DAS would not have an adverse effect on the historic qualities of the parkway. The SHPO further recommended Extenet establish a fund in the amount of $50,000 per year for every year the DAS is in operation, to be administered by the Merritt Parkway Conservancy for the sole purpose of restoring and maintaining the scenic and historic qualities of the parkway. The Council finds no basis for this request since the project was determined to have no adverse effect without any recommendation for visual mitigation. Further, funding of improvements to the parkway is not the responsibility of Extenet or this Council.

Extenet seeks a declaratory ruling that the Council has no jurisdiction, or in the alternative, that no Certificate is required. First, the Council has jurisdiction. Such claim is based on the legislature's intent of the Council is to review projects of state-wide impact and cross multiple municipal boundaries. Generally, the Council's jurisdiction extends over "facilities" as defined Connecticut General Statute (CGS) §16-50i. For the Council to have jurisdiction over wireless telecommunications equipment and technology, it must fit within a provision of CGS §16-50i. Subsection (a)(6) includes "such telecommunications towers, including associated telecommunications equipment...used in a cellular system, which may have a substantial adverse environmental effect...." The phrase "substantial adverse environmental impact" is used in CGS §16-50k(a) in determining whether a Certificate is required. A telecommunications tower used in a cellular system does not require a Certificate if the Council determines that it does not have a substantial adverse environmental impact. If there is such an impact, the project must go through a certification proceeding, where the Council can balance that impact with other factors listed in CGS §16-50p.

The present petition does concern some free-standing structures that may be considered telecommunications towers under CGS §16-50i and Regulations of Connecticut State Agencies §16-50j-2a. Thus, the Council has jurisdiction to decide the next issue, whether the project "may have a substantial adverse environmental impact". The Council believes that there clearly is no such impact and thus no Certificate is required.

PETITION NO. 809 - Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction or, in the alternative, that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut.	}	Connecticut Siting Council November 5, 2007

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a Distributed Antenna System in the towns of Greenwich, Stamford, New Canaan, Norwalk, and Westport, Connecticut would not have substantial adverse environmental effect and would not require a Certificate of Environmental Compatibility and Public Need.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and is subject to the following conditions:

1. The Petitioner shall provide a copy to the Council of all required final decisions and/or permits issued by the DOT, DPUC, and other federal or State regulatory agencies concerning the proposed project, when available.

2. The Petitioner shall not commence construction activities until securing Council approval of a Development & Management (D&M) Plan that includes the locations and specifications of the base stations, nodes, and poles to be installed.

3. The color of the node antennas and related pole mounted equipment boxes shall be determined upon consultation with the Merritt Parkway Advisory Committee.

4. If the Distributed Antenna System, as a whole, ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Petitioner shall remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.

5. The Petitioner, prior to submission of the D&M Plan, shall provide a copy to the Council of the final National Environmental Policy Act analysis.

By this Decision, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Petitioner	Extenet Systems, Inc.	Julie D. Kohler, Esq. Carrie L. Larson, Esq. Cohen & Wolf, P.C. 1115 Broad Street P.O. Box 1821 Bridgeport, CT 06601-1821
Intervenor	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597
Intervenor	Merritt Parkway Conservancy	Merritt Parkway Conservancy c/o Karen Salerno, Executive Director P.O. Box 17072 Stamford, CT 06907
Intervenor	Omnipoint Communications, Inc. A subsidiary of T-Mobile USA, Inc.	Diane W. Whitney Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702
Intervenor	Elizabeth Galt Clifford Berger	Elizabeth Galt 414 Round Hill Road Greenwich, CT 06831 Cliff Berger 7 Old Round Hill Lane Greenwich, CT 06831
Intervenor	New Cingular Wireless PCS, LLC d/b/a AT&T	Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th Floor White Plains, NY 10601
Intervenor	Lightower Wireless LLC	Stephen J. Humes, Esq. McCarter & English, L.L.P. 185 Asylum Street, CityPlace I Hartford, CT 06103
Intervenor	Sprint Nextel Corporation	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP 185 Asylum Street, CityPlace I Hartford, CT 06103-3402

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:

S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Petition No. 809 has been forwarded by Certified First Class Return Receipt Requested mail on November 8, 2007, to all parties and intervenors of record as listed on the attached service list, dated July 26, 2007.

ATTEST:

Lisa A. Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

Date: July 26, 2007

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Extenet Systems, Inc.	Julie D. Kohler, Esq. Carrie L. Larson, Esq. Cohen & Wolf, P.C. 1115 Broad Street P.O. Box 1821 Bridgeport, CT 06601-1821 (203) 337-4157 (203) 394-9901 fax jkohler@cohenandwolf.com clarson@cohenandwolf.com
Intervenor (granted 05/22/07)	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 (granted 05/22/07)	Merritt Parkway Conservancy	Merritt Parkway Conservancy c/o Karen Salerno, Executive Director P.O. Box 17072 Stamford, CT 06907 (203) 661-3255 (no fax) karensalerno@merrittparkway.org
Intervenor (granted 05/22/07)	Omnipoint Communications, Inc. A subsidiary of T-Mobile USA, Inc.	Diane W. Whitney Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4330 dwhitney@pullcom.com

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 05/22/07)	Elizabeth Galt Clifford Berger	Elizabeth Galt 414 Round Hill Road Greenwich, CT 06831 Cliff Berger 7 Old Round Hill Lane Greenwich, CT 06831
Intervenor (granted 05/22/07)	New Cingular Wireless PCS, LLC d/b/a AT&T	Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-6405 fax cfisher@cuddyfeder.com
Intervenor (granted 06/07/07)	Lightower Wireless LLC (National Grid Communications, Inc.)	Stephen J. Humes, Esq. McCarter & English, L.L.P. 185 Asylum Street, CityPlace I Hartford, CT 06103 (860) 275-6761 (860) 560-5955 fax shumes@mccarter.com
Intervenor (granted 07/26/07)	Sprint Nextel Corporation	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP 185 Asylum Street, CityPlace I Hartford, CT 06103-3402 (860) 509-6500 (860) 509-6501 fax tregan@brownrudnick.com