CONNECTICUT SITING COU PETITION NO. 973

PETITION OF NORTH ATLANTIC TOWERS, LLC AND NEW CINGULAR WIRELESS PCS LLC TO THE CONNECTICUT SITING COUNCIL FOR A DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS REQUIRED TO REPLACE AND EXPAND AN EXISTING LATTICE TOWER LOCATED AT 880 ANDREW MOUNTAIN ROAD IN NAUGATUCK, CONNECTICUT	)	**PETITION NO.** 973

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PETITION FOR DECLARATORY RULING FOR REPLACEMENT AND EXPANSION OF EXISTING LATTICE TOWER 880 ANDREW MOUNTAIN ROAD NAUGATUCK, CONNECTICUT

I. Introduction

North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC ("AT&T"), collectively, the "Applicants", hereby petition the Connecticut Siting Council ("Council") pursuant to Sections 16-50j-38 and 16-50j-39 of the Regulations of Connecticut State Agencies ("R.C.S.A.") for a declaratory ruling that a Certificate of Environmental Compatibility and Public Need ("Certificate") is not required under the provisions of Connecticut General Statutes ("C.G.S.") § 16-50k to replace and expand an existing unused lattice-type tower located at 880 Andrew Mountain Road in the Borough of Naugatuck, Connecticut. North Atlantic Towers will replace an existing unused 100' lattice tower and shelter with a 120' monopole and construct other equipment at grade within a 75' x 75' fenced equipment compound (the "Facility") for use by AT&T to provide needed wireless service in the Borough of Naugatuck. The Applicants respectfully submit that the proposed replacement and expansion of the lattice tower and

associated wireless Facility present no significant adverse environmental impacts which would otherwise warrant review by the Council in a full docket and Certificate proceeding. As such, the Applicants respectfully request a declaratory ruling that its modifications to the existing structure and construction of the Facility do not require a Certificate.

II. Existing Facility

The existing facility is located on an approximately 105 acre parcel located at 880 Andrew Mountain Road in the Borough of Naugatuck. The existing 100' lattice-type tower and shelter are located in the north-central portion of the property, which is wooded and characterized by mature vegetation. The existing lattice tower has not been used for several years and cannot structurally accommodate AT&T's proposed facility. Photos of the existing tower are provided in Exhibit 1. The property owner anecdotally recalled that the existing tower was installed sometime in the 1950s for use by the Connecticut "Division of Fish and Game". The property owner could not recall exactly when the existing tower was no longer used but estimated that it has not been used for more than twenty years. The tower is clearly antiquated and will be removed as part of this project which is a safety and environmental benefit.

III. Proposed Modifications

As shown on the plans included as Exhibit 2, the Applicants propose to replace an existing 100' lattice-type tower with a 120' monopole and construct a 75' x 75' fenced equipment compound at the base thereof. The existing tower cannot structurally accommodate AT&T's facility and equipment. The replacement monopole will be constructed in the same location of the existing tower within the wooded area of the property. AT&T will install six panel antennas at the 120' level of the replacement monopole with an associated 12' x 20' equipment shelter installed on a concrete pad. A 4' x 11' concrete pad for an emergency generator will be located

within the equipment compound. Vehicular access to the facility will be provided from Andrew Mountain Road easterly over a new 15-foot wide gravel access drive, a distance of approximately 690' to the equipment compound. Utilities to serve the facility will extend underground from the existing overhead utilities along the northern boundary of the property, parallel to the proposed access drive and generally follow the new access drive to the site. Provisions include a 4' x 11' concrete pad for an emergency generator within the equipment compound.

IV. The Proposed Modifications Will Not Have a Substantial Adverse Environmental Effect

A. Minimal Physical Impact

A comparison of existing and proposed conditions reveals no substantial adverse environmental impacts associated with the proposed tower replacement. The replacement structure and new AT&T Facility will be constructed in the existing tower and equipment shelter area. Utilities will be extended from the existing utility pole line located in the northern area of the property. The existing mature vegetation will be utilized to screen the proposed replacement facility. No wetlands were delineated within the area of the proposed access drive or within 150' of the proposed tower replacement facility compound. 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 replacement facility. As such, there are no environmental impacts associated with grading and construction.

B. Compliance with MPE Limits

The total radio frequency power density at the site's boundary will not be increased to or above the standard adopted by the Connecticut Department of Environmental Protection as set forth in Section 22a-162 of the Connecticut General Statutes and the MPE limits established by the Federal Communications Commission and as noted in the power density report annexed hereto in Exhibit 3.

C. Visibility

The 120' replacement facility pole will not require FAA lighting or marking as noted in the Federal Aviation Administration determination of no hazard to air navigation attached as Exhibit 4[1]. There are no historic properties or state or national parks in the surrounding area. Accordingly, the State Historic Preservation Officer (SHPO) determined that the 120' replacement facility will have no effect on historic, architectural or archaeological resources. A copy of SHPO's determination is included in Exhibit 5[2].

As such, it is respectfully submitted that any visual impacts associated with the 20' increase in height associated with the replacement facility will be limited to an area in close proximity to the existing facility. Indeed, and as indicated in the photosimulations prepared by Infinigy and the viewshed map prepared by VHB annexed hereto in Exhibit 6, views of the proposed replacement facility pole are not significant when compared against the existing 100' facility which could be replaced at the same height as an exempt modification (See R.C.S.A. § 16-50j-72(b)(3)). As such, the Applicants respectfully submit that the visibility of the proposed tower replacement is not significantly adverse from a qualitative or quantitative perspective

[1] Indeed, the FAA determination of no hazard to air navigation is applicable to a height of 199' at this location.
[2] The SHPO review was based on an earlier proposal for a 140' tower replacement at this location.

particularly in comparison to what would be permitted as an exempt modification with a replacement structure to 100' in height.

V. Public Need

Annexed hereto in Exhibit 7 is a Radio Frequency Analysis Report prepared by C^2 Systems, which includes a series of coverage plots and data analyses for AT&T's network in this area of the State. As demonstrated therein, AT&T currently has a gap in reliable service in this area of Naugatuck and the proposed tower replacement at a height of 120' is needed to fill the existing coverage gap and provide integrated service within AT&T's network. The coverage plot labeled "Existing Coverage" included in the annexed report shows that Rubber Avenue and the neighborhoods to the north do not have sufficient service. The plot labeled "Existing & Proposed Coverage" demonstrates how the proposed tower replacement at 120' AGL will remedy this service gap and integrate into AT&T's network. In addition to coverage plots, the attached report also includes area and population data that demonstrate the need for a height of 120', as opposed to a height of 100', or the current height of the existing tower. Table 1 in the attached report reveals that the proposed 120' replacement tower will provide improved in-vehicle and in-building service over a percentage of area in square miles. Similarly, Table 2 in the attached report utilizes population data to demonstrate the need for the 120' replacement tower through percentage increases for in-vehicle and in-building service. As shown in both Table 1 and Table 2, a 120' tall facility provides improved service and coverage over a 100' tall facility.

Incremental street coverage data between 100' and 120' AGL is provided in Table 3 in the attached report. As shown therein, at 120' AGL, the replacement facility will provide service along State Highway 8, whereas a 100' AGL facility will provide no service along State

Highway 8. Table 3 also reveals significant percentage increases in coverage will also be provided by a 120' replacement facility, as opposed to a 100' facility, along Gunntown Road, Chestnut Tree Hill Road, Huntington Avenue and Will Street.

It is respectfully submitted that the enclosed Radio Frequency Analysis Report demonstrates AT&T's need for a 120' tower replacement to provide its services to the public.

VI. Municipal Consultation & Project Revisions

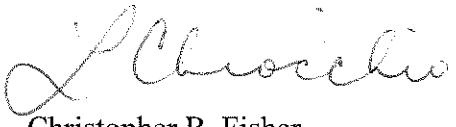
North Atlantic Towers consulted with the Town of Naugatuck in May of this year for a 150' tower replacement facility. There were no adverse comments provide to North Atlantic Towers. Nevertheless, after significant radiofrequency engineering analysis by AT&T, the anchor tenant, it was determined that 150' was not necessary for coverage improvements to this area of Naugatuck and the height could be reduced to 120' for AT&T's requirements. As such, the project proponents have proposed a 120' replacement tower that generally meets the federal definition of "co-location" and a project that does not "involve a substantial increase in tower height and submitted this Petition in lieu of an Application for a Certificate for a taller tower than needed by AT&T.

VII. Conclusion

Establishment of an entirely new telecommunications tower facility site will not be required to provide service to this area of Naugatuck should the proposed replacement facility be approved by the Council. As more fully set forth above, the proposed tower replacement and associated facility modifications are consistent with legislative findings outlined in Section 16-50g and 16-50aa of the General Statutes of Connecticut that seek to avoid the unnecessary proliferation of towers in the State and the height of the proposed replacement tower has been

reduced from that originally contemplated. For all the foregoing reasons, the Applicants petition the Connecticut Siting Council for a determination that the proposed replacement of a 100' unused structurally insufficient lattice tower with a 120' monopole and other improvements do not require a Certificate of Environmental Compatibility and Public Need and that the Council issue an order approving same.

Respectfully Submitted,



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On behalf of the Applicants

cc: Mayor Robert A. Mezzo, Borough of Naugatuck
Michele Briggs, AT&T
John Stevens, North Atlantic Towers
Kevin Dey, SAI
Scott Pollister, C^2 Systems