

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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www.ct.gov/csc

May 4, 2011

Lucia Chiocchio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: **PETITION NO. 973** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Dear Attorney Chiocchio:

By its Decision and Order dated April 28, 2011, the Connecticut Siting Council (Council) approved a petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace an abandoned tower with a new telecommunications facility located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

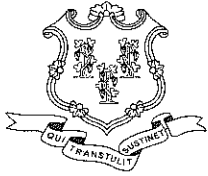
Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

Linda Roberts
Executive Director

LR/CMW/laf

Enclosures (3)



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TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **PETITION NO. 973** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

By its Decision and Order dated April 28, 2011, the Connecticut Siting Council approved a petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace an abandoned tower with a new telecommunications facility located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

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

LR/CMW/laf

Enclosures (3)

c: State Documents Librarian

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:



Linda Roberts

Executive Director

Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Petition No. 973 has been forwarded by Certified First Class Return Receipt Requested mail, on May 4, 2011, 2011, to all parties and intervenors of record as listed on the attached service list, dated January 21, 2011.

ATTEST:



Lisa A. Fontaine

Fiscal Administrative Officer

Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> U.S. Mail	North Atlantic Towers, LLC and New Cingular Wireless PCS LLC	Lucia Chiochio, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 lchiochio@cuddyfeder.com cfisher@cuddyfeder.com

PETITION NO. 973 – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut. }

Connecticut

Siting

Council

April 28, 2011

Findings of Fact

Introduction

1. On October 18, 2010, North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC (AT&T), in accordance with provisions of Connecticut General Statutes (C.G.S) § 16-50k, submitted a Petition for a declaratory ruling (Petition) that a Certificate of Environmental Compatibility and Public Need is not required for the proposed construction of a new tower at 880 Andrew Mountain Road in Naugatuck, Connecticut. (North Atlantic Towers [NAT]/AT&T 1, p. 1)
2. The party in this proceeding are the Petitioners. (Transcript 1, March 10, 2011, 3:15 p.m. [Tr. 1], p. 4)
3. The proposed tower would provide AT&T with coverage to western Naugatuck, particularly along Route 8, Rubber Avenue and the surrounding area. (NAT/AT&T 1, pp. 5, 6)
4. The Petitioners placed a four-foot by six-foot sign along Andrews Mountain Road on February 23, 2011. The sign contained information regarding the proposed project and Council's public hearing (record; Tr. 1, p. 21)
5. Pursuant to C.G.S. § 16-50m, the Council, after giving due notice thereof, held a public hearing on March 10, 2011, beginning at 3:00 p.m. and continuing at 7:00 p.m. at Naugatuck Town Hall, 229 Church Street, Naugatuck, Connecticut. (Tr. 1, p. 2; Transcript 2, March 10, 2011, 7:00 p.m. [Tr. 2], p. 2)
6. The Council and its staff conducted an inspection of the proposed site on March 10, 2011, beginning at 2:00 p.m. During the field inspection, the applicant flew a balloon at the proposed site to simulate the height of the proposed tower. The balloon was aloft from 8:00 a.m. to 5:00 p.m. Weather conditions were windy, which made it impossible for the balloon to fly vertically to its intended height. (Tr. 1, pp. 21, 22)
7. Pursuant to C.G.S. § 16-50m (c), the Council published public notice of the hearing the Republican-American on January 31, 2011 and the Citizen's News on February 4, 2011. (record)
8. On December 2, 2010, the Petitioners provided notice of the proposed project to all abutting property owners by certified mail. (NAT/AT&T 3, R. 1)

State Agency Comment

9. Pursuant to C.G.S. § 16-50j (h), on January 26, 2011 and March 11, 2011, the following State agencies were solicited by the Council to submit written comments regarding the proposed facility: 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); Department of Agriculture (DOAg); Department of Transportation (DOT); and Department of Emergency Management and Homeland Security (DEMHS). (record)
10. On March 3, 2011, the Council received a response from the DOT stating it had no comment on the proposed project. (DOT Comments dated March 3, 2011)
11. The following agencies did not respond with comment on the application: DEP, DPH, CEQ, DPUC, OPM, DOAg, DEMHS and the DECD. (record)

Municipal Consultation

12. In May 2010, North Atlantic Towers consulted with the Town of Naugatuck regarding the construction of a 150-foot tower at the proposed site. The town did not provide any adverse comments. Following that consultation, AT&T, which would be the anchor tenant on the structure, determined that it could satisfy its coverage needs at 120 feet above ground level (agl). (NAT/AT&T 1, p. 6)

Existing and Proposed Wireless Coverage –AT&T

13. AT&T is licensed by the Federal Communication Commission (FCC) to provide wireless communications services throughout Connecticut. (NAT/AT&T 1, Tab 7)
14. At cellular frequencies (850 MHz), the existing coverage gap in the area of the proposed site is approximately 33.1 square miles for in-building coverage (at -74 dBm) and 16.9 square miles for in-vehicle coverage (at -82 dBm). Refer to Figure 1. (NAT/AT&T 1, Tab 7)
15. At 120 feet agl, using cellular frequencies (850 MHz), AT&T would provide 4.1 square miles of in-building coverage and 6.2 miles of in-vehicle coverage. The proposed antennas would provide coverage to 12.3 percent of the coverage gap for in-building coverage and 36.8 percent of the coverage gap for in-vehicle coverage. Refer to Figure 2. (NAT/AT&T 1, Tab 7)

Facility Description

16. North Atlantic Towers proposes to remove an existing unused 100-foot lattice tower and abandoned shelter and install a 120-foot monopole and associated equipment at a 105-acre parcel owned by Franklin B. Andrew at 880 Andrew Mountain Road in Naugatuck. Refer to Figure 3 and Figure 4. (NAT/AT&T 1, pp. 1, 2, Tab 2)
17. The existing tower was installed during the 1950s by the Connecticut “Division of Fish and Game” but is currently owned by the property owner, Mr. Andrew. It is located in the north-central portion of the property within a wooded area. It is not adequate to support AT&T’s proposed equipment. (NAT/AT&T 1, p. 2)
18. North Atlantic Towers would be responsible for the removal of the existing tower. (NAT/AT&T 3, R. 3)

19. The proposed 120-foot tower would be located in the same place as the existing tower. The compound at the base, which would be within a lease area of 100 feet by 100 feet, was originally proposed to be 75 feet by 75 feet; however, North Atlantic Towers would reduce it to 50 feet by 50 feet, to minimize clearing. The compound would be fenced. (NAT/AT&T 1, p. 2; NAT/AT&T 4; NAT/AT&T 5, Post-Hearing Submission)
20. AT&T would install six panel antennas at the 120-foot level of the proposed monopole. The centerline of AT&T's proposed antennas would be approximately 117 feet agl. (NAT/AT&T 1, p. 2)
21. AT&T could flush-mount antennas on the proposed tower; however, AT&T would require at least two additional levels of flush-mounted antennas, resulting in a tower height of 140 feet agl. (NAT/AT&T 3, R. 5)
22. AT&T's proposed equipment would be installed within a 12-foot by 20-foot equipment shelter on a concrete pad. AT&T also proposes to install a 4-foot by 11-foot concrete pad for an emergency generator within the compound. (NAT/AT&T 1, pp. 2, 3)
23. Space would be available on the proposed monopole and within the compound for three additional carriers. The tower and foundation could be designed to accommodate a future extension to 149 feet agl. At this location, a tower height above 149 feet agl would require Federal Aviation Administration lighting. (NAT/AT&T 1, Tab 2; NAT/AT&T 2, Supplemental Submission; Tr. p. 65)
24. Access to the site would extend over a new 12-foot wide gravel access drive within a 15-foot wide easement for a distance of approximately 580 feet to the compound. The northern edge of the proposed access road would be approximately 15 feet from the northern property boundary. The proposed access road is designed with a one to two-percent slope toward the south. Utilities would be installed underground from the overhead utility lines that exist along the northern property boundary, parallel to the proposed access road. Refer to Figure 3. (NAT/AT&T 1, p. 3; Tr. 1, pp. 10, 11, 44)
25. The Petitioners originally proposed the access road south of the shrubs along the property line, which would require no clearing of that vegetation. However, they relocated the proposed access road to the north at the request of the property owner. The property owner was concerned about the continued use of his property and wanted to maximize available space for hay and agricultural uses. The access drive could be moved back to its original location, approximately 50 feet from the northern property boundary. Refer to Figure 4. (Tr. 1, pp. 9, 10; NAT/AT&T 5, Post-Hearing Submission)
26. North Atlantic Towers would investigate the potential to create a swale on the north side of the compound to divert any runoff to the south. (Tr. 2, p. 10)
27. The average height of the tree canopy near the proposed site is approximately 50 feet to 60 feet agl. (NAT/AT&T 2, Supplemental Submission)
28. There are 26 residences within a 1,000-foot radius of the site. (NAT/AT&T 2, Supplemental Submission)
29. The nearest residence is approximately 273 feet north of the site, located at 41 Tower Lane. (NAT/AT&T 2, Supplemental Submission)

30. A 120-foot monopole constructed by North Atlantic Towers would typically require a diameter of approximately 3.5 to 4 at the base, tapering to approximately 2 to 3 feet at the top. The existing lattice tower is approximately two feet wide per face. (Tr. 1, p. 17; NAT/AT&T 5, Post-Hearing Submission)

Environmental Considerations

31. No wetlands are located along the proposed access road or within 150 feet of the proposed tower. (NAT/AT&T 1, p. 3)
32. North Atlantic Towers would install all appropriate sediment and erosion control measures for the proposed project, in accordance with the *2002 Connecticut Soil Erosion and Control Guidelines*. (NAT/AT&T 1, p. 3)
33. No marking or lighting would be required for the proposed tower by the Federal Aviation Administration unless the tower was extended higher than 149 feet agl. The Oxford Airport in Oxford, Connecticut is approximately three miles west of the proposed site. (NAT/AT&T 1, p. 4; Tr. 1, p. 61)
34. The proposed site would have no effect on historic, architectural or archaeological resources. (NAT/AT&T 1, p. 4)
35. The proposed project would comply with the United States Fish and Wildlife Service guidelines to minimize potential impacts to bird species. No migratory bird species are expected to be adversely impacted by the construction of the proposed facility. (NAT/AT&T 5, Post-Hearing Submission)
36. The tower setback radius of the proposed monopole would remain within the property boundary. (NAT/AT&T 1, Tab 2)
37. Vegetative clearing would be necessary along the northern property boundary for construction of the proposed access road that would be located approximately 15 feet from the northern property boundary, and surrounding the proposed compound. (NAT/AT&T 4)
38. One resident of Tower Lane inquired with the Petitioners regarding the proposed access road and drainage. The Petitioners maintain that drainage from the proposed access road would not noticeably increase the runoff rate because it would be constructed of gravel. Additionally, existing grades and associated drainage patterns would be maintained as part of the proposed project. A swale could be investigated as mitigation. See Finding of Fact # 26. (NAT/AT&T 3, R. 2)

39. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's proposed antennas is 9.1% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation 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, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower. (NAT/AT&T 1, Tab 3)

Visibility

40. Visual impacts associated with the proposed 20-foot increase in height would be primarily within 0.5 miles the facility. Most of the additional visibility would occur during leaf-off conditions west and north of the host property along portions of Andrew Mountain Road, and along the southern slope of the hill and lower elevations at the base of the hill to the east. (NAT/AT&T 1, p. 4, Tab 6)
41. The existing 100-foot tower is visible, year-round, from approximately 69 acres within a two-mile radius of the site. Refer to Figure 6. (NAT/AT&T 1, Tab 6)
42. The proposed 120-foot tower would be visible year-round, from approximately 81 acres within a two-mile radius of the site. Refer to Figure 6. (NAT/AT&T 1, Tab 6)
43. The proposed monopole may be visible from a portion of the Larkin State Park trail located approximately one and a half miles away. (Tr. 1, pp. 54, 55)
44. Visibility of the proposed tower from specific locations within a one-mile radius of the site (as shown in Figure 5 of this document) is presented in the table below.

Location	Visible	Approx. Portion of Tower Visible	Approx. Distance to Tower
1. Dorman Drive	Yes	20 feet - through trees	0.21 miles southwest
2. Dorman Drive	Yes	40 feet - through trees	0.24 miles southwest
3. Fieldstone Terrace	Yes	15 feet - through trees	0.4 miles southwest
4. Intersection of Fieldstone Terrace & Yorktown Lane	No	-	0.4 miles southwest
5. Andrew Mountain Road	Yes	60 feet - through trees	0.14 miles southwest
6. Tower Lane	Yes	50 feet - through trees	0.09 miles northeast
7. Andrew Mountain Road	Yes	25 feet - through trees	0.32 miles northeast
13. Hunter Mountain Road	Yes	50 feet - above trees	0.95 miles southeast
14. Hunter Mountain Road	Yes	50 feet - above trees	0.96 miles southeast

(NAT/AT&T 1, Tab 6)

45. The homes at the end of the Tower Lane cul-de-sac would have views of the proposed 120-foot monopole. (Tr. 1, p. 33)
46. If the proposed monopole were moved to the south outside of the existing stand of trees, the view of the monopole from Tower Lane would be greatly reduced. (Tr. 1, p. 35)

47. North Atlantic Towers discussed the relocation of the proposed tower and compound approximately 100 feet south of the existing site. The property owner did not agree to this relocation. (NAT/AT&T 3, R. 7; Tr. 1, pp. 17, 18; NAT/AT&T 5, Post-Hearing Submission)
48. To decrease the visual impact of the monopole, the antennas could be mounted on t-arms, as opposed to platforms. (Tr. 1, p. 15)
49. Further to reduce visual impact, North Atlantic Towers could paint the monopole a brown color up to the height of the tree canopy line and a light color above that height. (Tr. 1, p. 15)

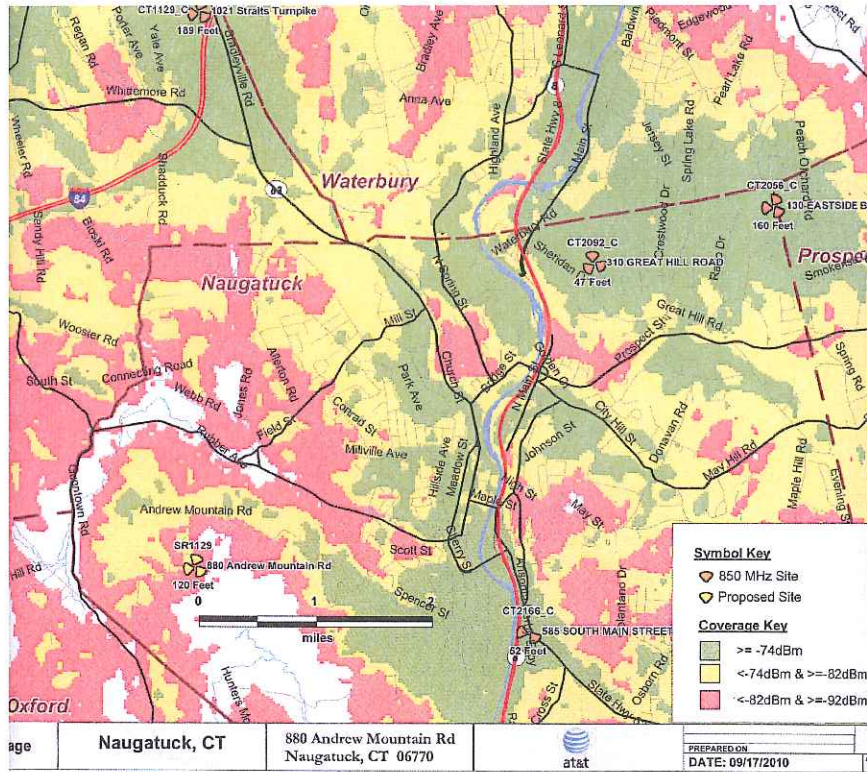


Figure 1. AT&T's existing coverage near the proposed site. (NAT/AT&T 1, Tab 7)

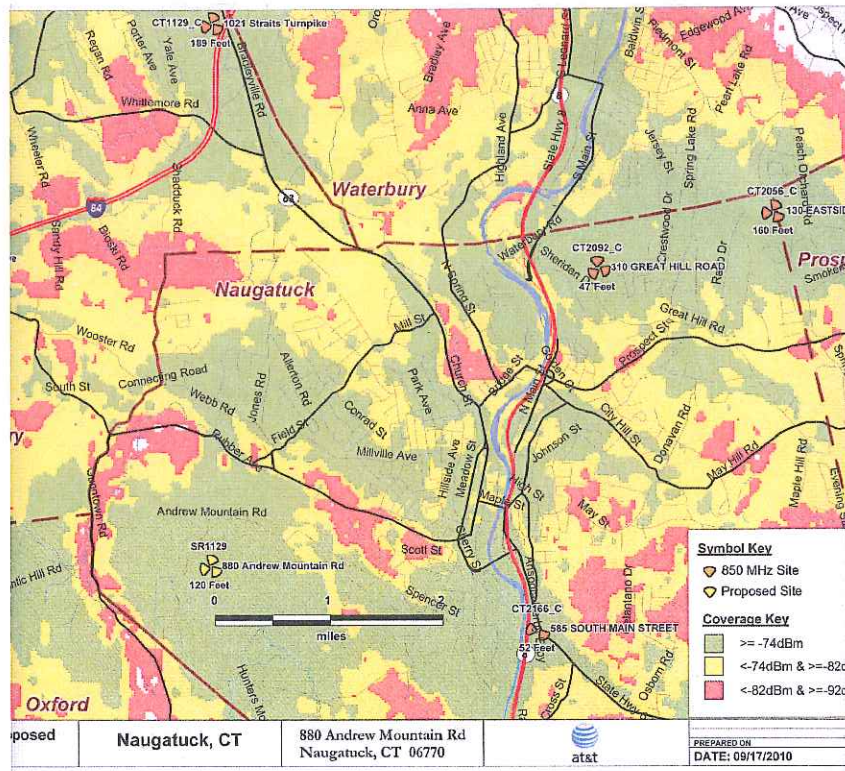


Figure 2. AT&T's existing coverage and coverage from the proposed site at 120 feet agl. (NAT/AT&T 1, Tab 7)

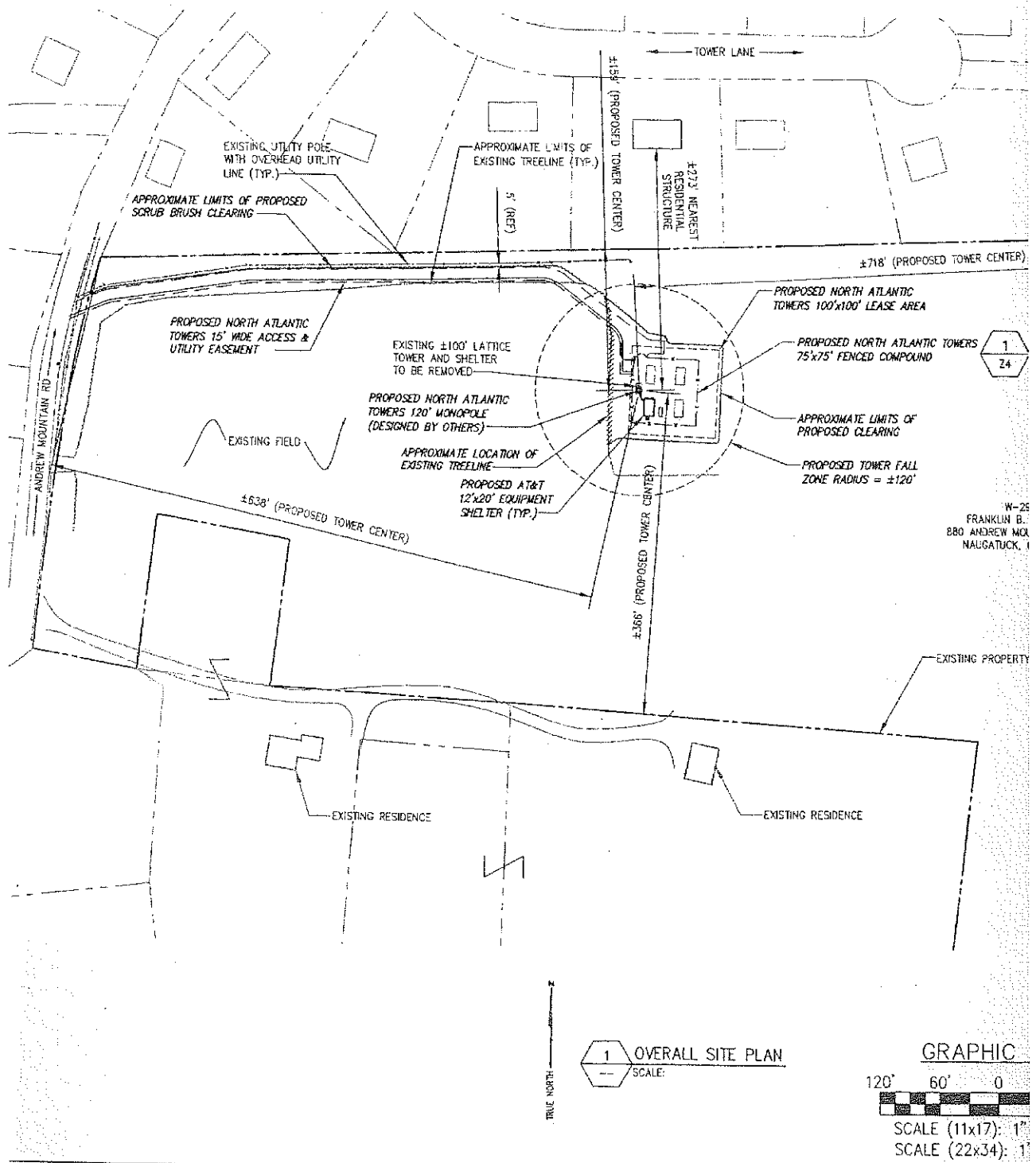


Figure 3. Site plan showing the access road in the relocated position approximately 15 feet from the northern property boundary. (NAT/AT&T 4)

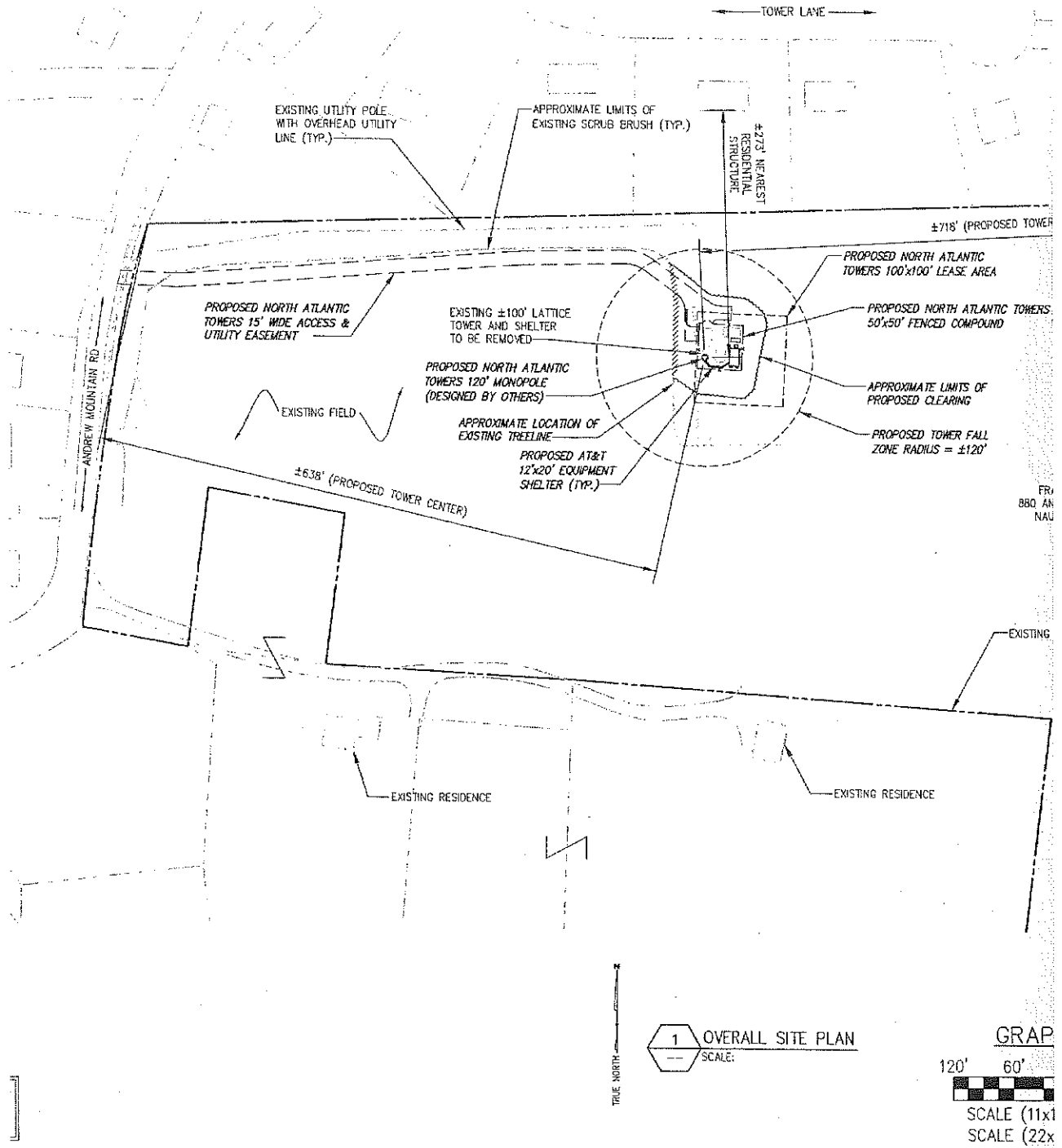


Figure 4. Site plan with access road south of shrub vegetation. (NAT/AT&T 4)

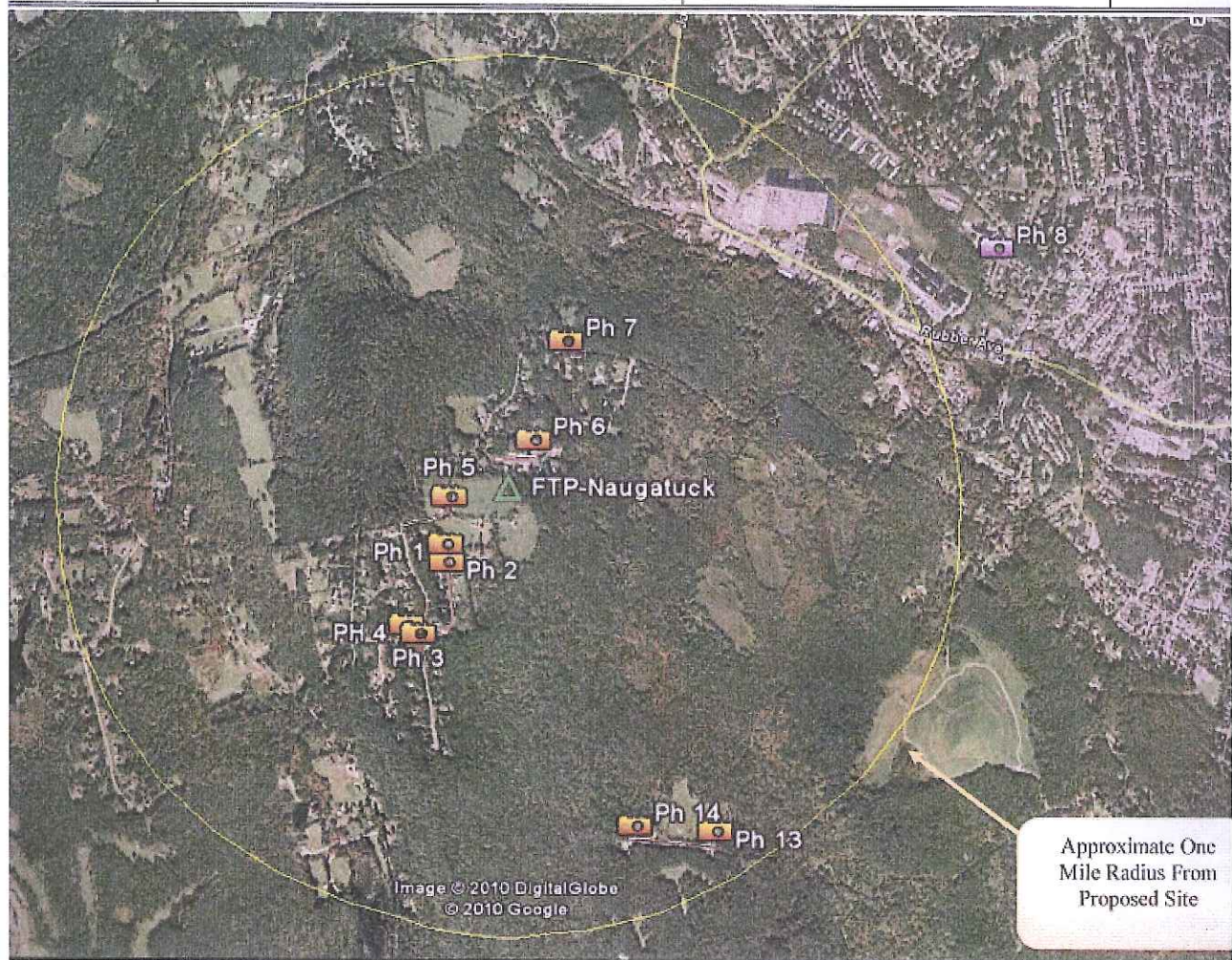


Figure 5. Map showing locations of photographs used for photosimulations. (NAT/AT&T 1, Tab 6)

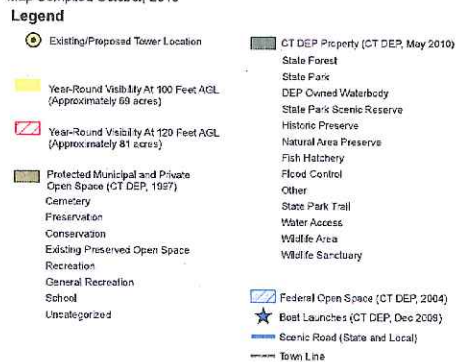
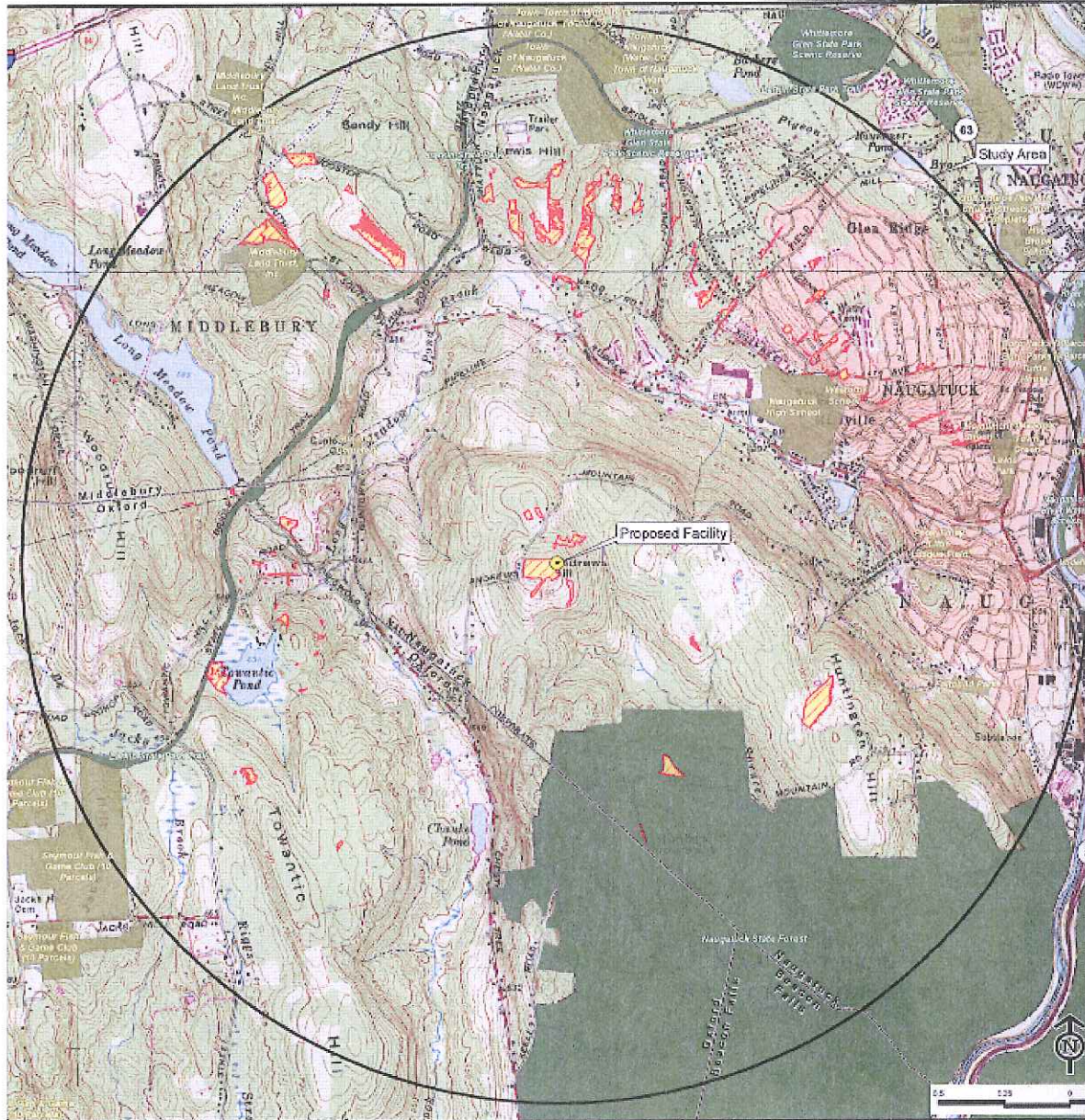


Figure 6. Viewshed analysis map showing potential visibility of the proposed tower. (NAT/AT&T 1, Tab 6)

PETITION NO. 973 – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut. } Connecticut
} Siting
} Council

April 28, 2011

Opinion

On October 18, 2010, North Atlantic Towers, LLC (North Atlantic Towers) and New Cingular Wireless PCS, LLC (AT&T) submitted a Petition for declaratory ruling that a Certificate of Environmental Compatibility and Public Need is not required for the proposed construction of a new 120-foot monopole in place of an existing 100-foot guyed lattice tower at 880 Andrew Mountain Road in Naugatuck.

The proposed tower and associated compound would be installed in the north-central portion within a wooded area of a 105-acre parcel, in the same place as the existing tower. The existing tower was installed by the Connecticut "Division of Fish and Game" during the 1950s and is no longer in use. The existing tower is currently owned by the property owner, Franklin B. Andrew. North Atlantic Towers would remove the existing tower prior to constructing the new tower.

AT&T would locate six panel antennas with a centerline of 117 feet above ground level. The proposed 120-foot monopole would be designed to accommodate three additional carriers.

The proposed compound would be located at the base of the tower within a 100-foot by 100-foot lease area. The compound was originally proposed to be 75 feet by 75 feet, but North Atlantic Towers would reduce the compound size to 50 feet by 50 feet to minimize clearing. The Council will order that the 50-foot by 50-foot compound be constructed as far south as possible within the leased area.

The proposed access road would extend approximately 580 feet from Andrew Mountain Road over a new gravel drive to the site. The access road was originally proposed south of a line of shrubbery along the northern property boundary, so as not to require any clearing of the shrubs. However, the Petitioner relocated the road northward at the request of the property owner, who wanted more open farmland available. The Council feels the shrubbery would provide a useful buffer, and will order that the access drive be moved back to its original proposed location approximately 50 feet from the northern property boundary.

Utilities would be installed underground from the overhead utility lines that exist along the northern property boundary, parallel to the access road.

The tower setback radius would remain completely within the host parcel.

The proposed 120-foot monopole would be visible year-round from approximately 81 acres. The existing tower is visible year-round from approximately 69 acres. Therefore, the additional 20 feet in height would result in an additional approximately 12 acres with a view of the proposed tower. To reduce visual impact from the proposed monopole, antennas could be mounted on t-arms, as opposed to platforms. To further reduce visual impact, the monopole could be painted brown up to the height of the tree canopy and a light color above that height.

There are no wetlands within 150 feet of the proposed tower or along the access road. There would be no effect on historic, architectural or archaeological resources. No migratory bird species are expected to be adversely impacted by the construction of the proposed facility.

After reviewing the record in this proceeding, the Council finds that there would be no significant adverse environmental impacts associated with the construction of a new 120-foot monopole in the same location as an existing 100-foot guyed lattice tower. Since the existing tower is in place, there would already be some visual impact to the area. The proposed tower, even with the additional 20 feet in height, would have a minimal additional visual impact to the surrounding area.

According to a methodology prescribed by the Federal Communications Commission (FCC) Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated to amount to 9.1% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency 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.

Based on the record in this proceeding, the Council finds that there would be no significant adverse environmental effect associated with the construction of a 120-foot monopole at 880 Andrew Mountain Road in Naugatuck, Connecticut. Therefore, the Council will grant the Petition for declaratory ruling that a Certificate of Environmental Compatibility and Public Need is not required for this project.

PETITION NO. 973 – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Connecticut

Siting

Council

April 28, 2011

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the installation of a telecommunications facility at 880 Andrew Mountain Road in Naugatuck, Connecticut will not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k(a), and hereby declares that the project will not require a Certificate of Environmental Compatibility and Public Need.

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

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of New Cingular Wireless PCS, LLC (AT&T) and other entities, both public and private, but such tower shall not exceed a height of 120 feet above ground level. The height at the top of the AT&T's antennas shall not exceed 120 feet above ground level.
2. The compound associated with the facility shall be constructed within a 50-foot by 50-foot area located as far south as possible within the leased area.
3. The access drive shall be constructed in the originally proposed location approximately 50 feet from the northern property boundary.
4. The Petitioner shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Naugatuck for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping;
 - b) potential tower painting or tower material options that would mitigate visual impact to the surrounding area; and
 - c) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

5. Prior to the commencement of operation, the Petitioner shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Petitioner shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
6. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
7. The Petitioner shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
8. The Petitioner shall provide reasonable space on the tower for no compensation for any Town of Naugatuck public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
9. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Petitioner shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Petitioner shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
10. Any request for extension of the time period referred to in Condition 9 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Naugatuck. Any proposed modifications to this Decision and Order shall likewise be so served.
11. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Petitioner shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
12. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
13. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Petitioner shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Petitioner shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.

14. The Petitioner shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
15. This declaratory ruling may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Petitioner/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Petitioner/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
16. The Petitioner shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
17. If the Petitioner is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Petitioner within 30 days of the sale and/or transfer.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Republican-American and the Citizen's News.

By this Decision and Order, 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


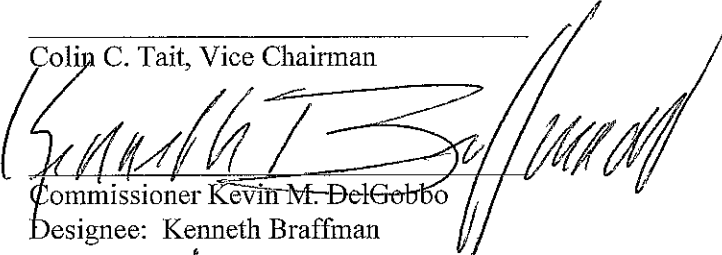

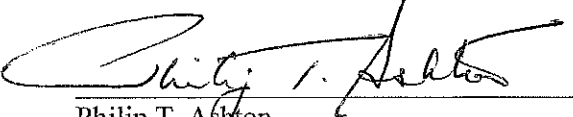
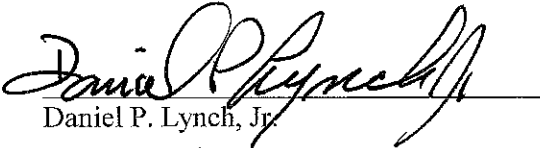
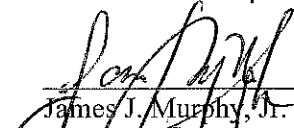

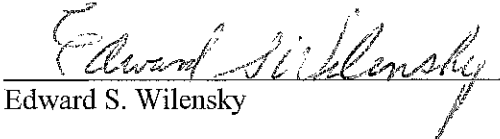
North Atlantic Towers, LLC and
New Cingular Wireless PCS LLC

Its Representative

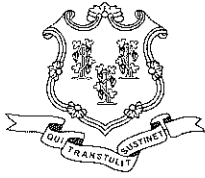
Lucia Chiocchio, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **PETITION NO. 973** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to construct a telecommunications structure in place of an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut; and voted as follows to approve the construction of the new tower and compound located at 880 Andrew Mountain Road, Naugatuck, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Robert Stein, Chairman	Abstain
_____ Colin C. Tait, Vice Chairman	Absent
 _____ Commissioner Kevin M. DelGobbo Designee: Kenneth Braffman	Yes
 _____ Acting Commissioner Dan Esty Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	Yes
 _____ Daniel P. Lynch, Jr.	Yes
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, April 28, 2011.



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

www.ct.gov/csc

May 4, 2011

TO: Classified/Legal Supervisor
973110310
Waterbury Republican-American
389 Meadow Street, P.O. Box 2090
Waterbury, CT 06722

Classified/Legal Supervisor
973110310
Citizen's News
71 Weid Drive
Naugatuck, CT 06770

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

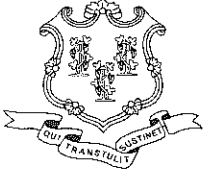
RE: **PETITION NO. 973** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

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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NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on April 28, 2011, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving a petition from North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC that no Certificate of Environmental Compatibility and Public Need is required to replace an abandoned tower with a new telecommunications facility located at 880 Andrew Mountain Road, Naugatuck, Connecticut. This petition record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.