

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@po.state.ct.us

Web Site: www.state.ct.us/csc/index.htm

July 1, 2002

Julie M. Donaldson, Esq.
Hurwitz & Sagarin LLC
147 North Broad Street
P.O. Box 112
Milford, CT 06460-0112

RE: **EM-MARCUS-004-020603** - Marcus Communications, LLC notice of intent to modify an existing telecommunications facility located at 376 Deercliff Road, Avon, Connecticut.

Dear Attorney Donaldson:

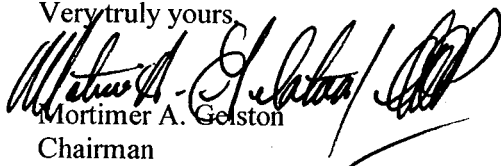
At a public meeting held on June 25, 2002, the Connecticut Siting Council (Council) acknowledged your notice to modify this existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies.

The proposed modifications are to be implemented as specified here and in your notice dated June 3, 2002. The modifications are in compliance with the exception criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies as changes to an existing facility site that would not increase tower height, extend the boundaries of the tower site, increase noise levels at the tower site boundary by six decibels, and increase the total radio frequencies electromagnetic radiation power density measured at the tower site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to General Statutes § 22a-162. This facility has also been carefully modeled to ensure that radio frequency emissions are conservatively below State and federal standards applicable to the frequencies now used on this tower.

This decision is under the exclusive jurisdiction of the Council. Any additional change to this facility will require explicit notice to this agency pursuant to Regulations of Connecticut State Agencies Section 16-50j-73. Such notice shall include all relevant information regarding the proposed change with cumulative worst-case modeling of radio frequency exposure at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin 65. Any deviation from this format may result in the Council implementing enforcement proceedings pursuant to General Statutes § 16-50u including, without limitation, imposition of expenses resulting from such failure and of civil penalties in an amount not less than one thousand dollars per day for each day of construction or operation in material violation.

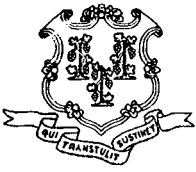
Thank you for your attention and cooperation.

Very truly yours,


Mortimer A. Geiston
Chairman

MAG/DM/laf

c: Honorable Richard W. Hines, Chairman Town Council, Town of Avon
Steven V. Kushner, Town Planner, Town of Avon
Thomas F. Flynn III, Nextel Communications
Stephen J. Humes, Esq., LeBoeuf, Lamb, Greene & MacRae



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June 6, 2002

Honorable Richard W. Hines
Chairman Town Council
Town of Avon
60 West Main Street
Avon, CT 06001-3743

RE: **EM-MARCUS-004-020603** - Marcus Communications, LLC notice of intent to modify an existing telecommunications facility located at 376 Deercliff Road, Avon, Connecticut.

Dear Mr. Hines:

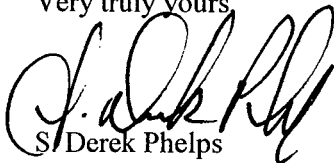
The Connecticut Siting Council (Council) received this request to modify an existing telecommunications facility, pursuant to Regulations of Connecticut State Agencies Section 16-50j-72.

The Council will consider this item at the next meeting scheduled for June 25, 2002, at 1:30 p.m. in Hearing Room One, Ten Franklin Square, New Britain, Connecticut.

Please call me or inform the Council if you have any questions or comments regarding this proposal.

Thank you for your cooperation and consideration.

Very truly yours



S/Derek Phelps
Executive Director

SDP/dsj

Enclosure: Notice of Intent

c: Steven V. Kushner, Town Planner, Town of Avon

HURWITZ & SAGARIN LLC

June 3, 2002

Mr. S. Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

**Re: Notice of Exempt Modification
Marcus Communications, LLC
376 Deercliff Road
Avon, Connecticut**

RECEIVED

JUN - 3 2002

**CONNECTICUT
SITING COUNCIL**

Dear Mr. Phelps:

Marcus Communications, LLC ("Marcus") hereby requests acknowledgement that changing the location of one of its antennas on the communications tower located at 376 Deercliff Road, Avon, Connecticut, ("Avon Facility") constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2).

On March 7, 2002, The Connecticut Siting Council acknowledged Marcus' notice to modify the Avon Facility, which notice included Marcus' plans to locate four 2-foot microwave antennas at heights of 280 feet, 137 feet, 134 feet and 131 feet, respectively, on the 560-foot guyed lattice tower located at the Avon Facility. See EM-MARCUS-004-020214. Marcus received a Grant of Variance and Special Exception from the Town of Avon, which, upon fulfillment of the Town's condition that radio-frequency emissions be updated for the Avon Facility, was recorded on May 23, 2002 in Volume 429 at Page 807 of the Avon Land Records.

Please accept this letter as notification, pursuant to R.C.S.A. § 16-50j-73, of modification to an existing telecommunications tower, which constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2). In accordance with R.C.S.A. § 16-50j-73, a copy of this letter is being sent to the Town Manager of Avon, Philip K. Schenck, Jr.

The only change being proposed by Marcus in this letter is to move the 2-foot microwave dish antenna that it intended to place at a height of 137 feet on the tower to a height of 280 feet. Thus, there will be two microwave dish antennas located at a height of 280 feet, one microwave dish antenna located at a height of 134 feet and the fourth microwave dish antenna located at a height of 131 feet. No other changes to the previously acknowledged notice to modify the existing Avon Facility are proposed by Marcus in this notice.

For the following reasons, the proposed modification to the Avon Facility fall squarely within and satisfy the requirements set forth in R.C.S.A. § 16-50j-72(b)(2):

1. The proposed modification will not increase the height of the tower. The Marcus dish antenna will be installed at a height of approximately 280 feet above ground level (AGL) on the 560-foot AGL existing tower.

2. Marcus does not propose any change in the equipment to be located within an existing building near the base of the tower, thus, no extension of the site boundaries will be required. The proposed equipment location, fencing, access, and utility routing for Marcus will be located entirely within the existing site.

3. Because no additional HVAC equipment is required, the proposed modifications will not increase the noise levels at the existing facility by six decibels or more.

4. The relocation of the antenna from a height of 137 feet AGL to 280 feet AGL will not increase the total radio frequency (RF) power density, measured at the site boundary, to a level at or above the applicable standard. The "worst-case" RF power density calculations for a point at the tower base would be 0.0034% for the Marcus antennas. Based upon the existing information contained in Voicestream's June 7, 2000 tower sharing application, the calculated "worst-case" power density for the combined operations at the site is 75.182387% of the standard for general population/uncontrolled exposure.

For the foregoing reasons, Marcus respectfully submits that the proposed relocation of its antenna and on the Avon Facility constitutes an exempt modification under R.C.S.A. § 16-50j-72(b)(2).

Very truly yours,



Julie M. Donaldson

cc: Philip K. Schenck, Town Manager
Stephen M. Howard, Marcus Communications, LLC

Power Density Calculation

CT-901 Avon
 376 Deerclyff Road
 Avon, CT

Proposed Marcus Communications LLC antennas:

Transmitter	Frequency (mW/cm ²)	CT		Centerline of transmitter (cm)	Antenna Gain (dBi)	Power density calculated at tower base	Percentage of CT and Federal Standard	
		Standard	Number of Channels					
Proposed Microwave Dish	5.8GHz	1.00	1	8534.0	28.5	0.00000	0.0003%	
Proposed Microwave Dish	5.8GHz	1.00	1	8534.0	28.5	0.00000	0.0003%	
Proposed Microwave Dish	5.8GHz	1.00	1	4084.0	28.5	0.00001	0.0014%	
Proposed Microwave Dish	5.8GHz	1.00	1	3993.0	28.5	0.00001	0.0014%	
Total Percentage								0.0034%

$$S = (P \cdot G) / (4 \cdot \pi \cdot R^2)$$

HURWITZ & SAGARIN LLC

June 3, 2002

Mr. Mortimer A. Gelston
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RECEIVED

JUN 05 2002

CONNECTICUT
SITING COUNCIL

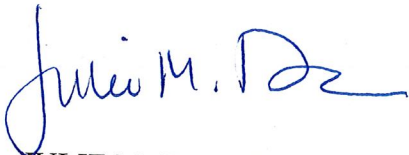
Re: Notice of Exempt Modification
Pinnacle Telecommunications Facility
376 Deercliff Road, Avon, Connecticut

Dear Mr. Gelston:

On behalf of Marcus Communications, LLC ("Marcus"), I am pleased to submit this exempt modification letter of notification. Enclosed are an original plus twenty-five (25) copies of the exempt modification letter of notification requesting acknowledgement that moving an antenna from 137 feet to 280 feet on the existing telecommunications facility located at 376 Deercliff Road, Avon, Connecticut, satisfies the requirements set forth in R.C.S.A. §16-50j-72(b)(2). A check in the amount of \$500.00 to cover the filing fee for this request for acknowledgement is also enclosed.

The Town Manager of Avon has been sent notice of this filing by certified mail.

Sincerely,



JULIE M. DONALDSON
rr/enc.

cc: Philip K. Schenck, Town Manager
Stephen Howard, Marcus Communication

6/4/02

This letter did not accompany
our exempt modification letter.
Please place it in your file.
Thank you.

Hurwitz & Sagarin, LLC