



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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January 21, 2009

Steven L. Levine  
Real Estate Consultant  
New Cingular Wireless PCS, LLC  
500 Enterprise Drive  
Rocky Hill, CT 06067-3900

RE: **EM-CING-093-081218A** – New Cingular Wireless PCS, LLC notice of intent to modify an existing telecommunications facility located at 69 Wheeler Street, New Haven, Connecticut.

Dear Mr. Levine:

The Connecticut Siting Council (Council) hereby acknowledges your notice to modify this existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies with the following conditions.

- A revised structural analysis shall be submitted to the Council prior to construction that includes the above noted proposal and Ominipoint Communications' (T-Mobile) notice of exempt modification dated December 18, 2008. New Cingular Wireless PCS, LLC (AT&T) and T-Mobile may file one report jointly if they wish under both control numbers: EM-CING-093-081218A and EM-T-MOBILE-093-081218B;
- In the event that the post-construction tower and/or foundation ratings exceed 100 percent, AT&T and T-Mobile shall take steps to reduce the post-construction tower and/or foundation ratings to not more than 100 percent each prior to construction; and
- A signed letter from a Professional Engineer shall be submitted to the Council to certify that post-construction tower and/or foundation ratings of not more than 100 percent each have been achieved.

The proposed modifications are to be implemented as specified here and in your notice dated December 18, 2008, including the placement of all necessary equipment and shelters within the tower compound. 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. Please be advised that the validity of this action shall expire one year from the date of this letter. Any additional change to this facility will require explicit notice to this agency pursuant to Regulations of Connecticut State Agencies Section 16-50j-73.



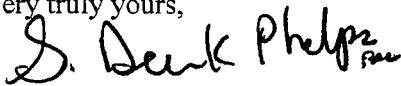
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Such notice shall include all relevant information regarding the proposed change with cumulative worst-case modeling of radio frequency exposure at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, 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,

A handwritten signature in black ink that reads "S. Derek Phelps". The signature is written in a cursive, flowing style.

S. Derek Phelps  
Executive Director

SDP/MP/laf

c: The Honorable John Destefano, Jr, Mayor, City of New Haven  
Frank Gargiulo, Zoning Administrator, City of New Haven  
Laydon Construction Company