

TS-SPRINT-159-030630 – Sprint Spectrum, L.P. d/b/a Sprint } Connecticut
PCS request for an order to approve tower sharing at an existing }
telecommunications facility located at 23 Kelleher Court, } Siting
Wethersfield, Connecticut. } Council

November 20, 2003

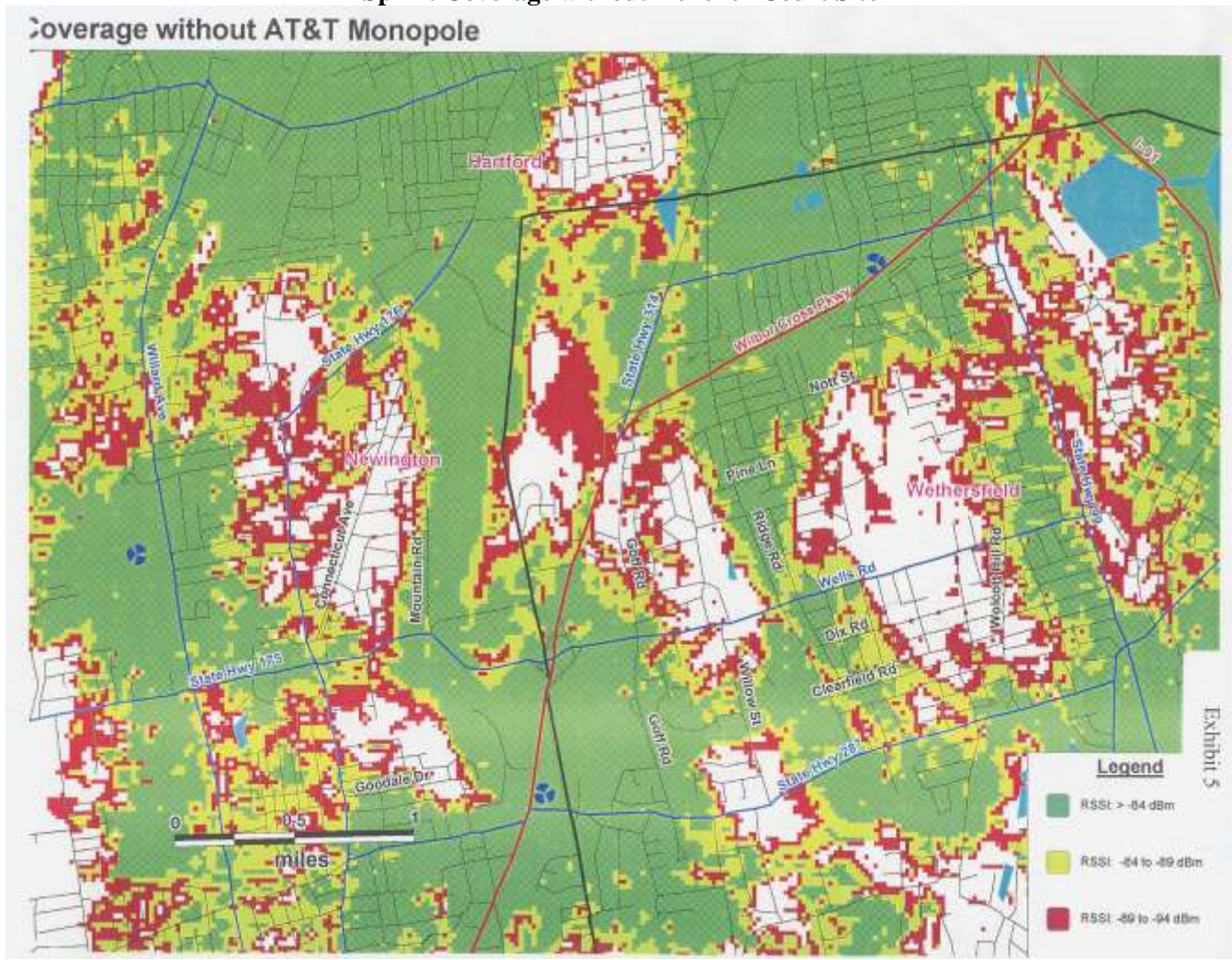
Findings of Fact

1. On June 30, 2003, Sprint Spectrum (Sprint), L.P. requested the Connecticut Siting Council (Council) initiate a feasibility proceeding pursuant to Connecticut General Statute (CGS) 16-50aa (c) (2) to determine that Sprint's proposed shared use of an existing telecommunications tower is technically, legally, environmentally and economically feasible and meets public safety concerns. (Sprint 1, p. 1)
2. According to section 16-50aa of the Connecticut General Statutes, the "sharing of towers for fair consideration whenever technically, legally, environmentally and economically feasible, and whenever such sharing meets public safety concerns, will avoid the unnecessary proliferation of towers and is in the public interest." (Sprint 1, p. 2)
3. Sprint is a Delaware limited partnership licensed by the Federal Communications Commission (FCC) in 32 major United States trading areas, including Connecticut, and is a corporation within the meaning of CGS 16-50aa (c) (2). (Sprint 1, p. 4)
4. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, 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. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Telecommunications Act of 1996; Tr. 1, p. 4)
5. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Telecommunications Act of 1996; Tr. 1, p. 191)
6. The tower of which Sprint is seeking to share use is located at Firehouse No. 3, 23 Kelleher Court in Wethersfield, Connecticut and is owned by the Town of Wethersfield (Town). (Sprint 1, p. 1)
7. Pursuant to CGS § 16-50aa, the Council, after giving due notice thereof, held a public hearing on September 10, 2003, beginning at 7:00 p.m. in Wethersfield, Connecticut. (Tr. 1, pp. 3)
8. The Parties in this proceeding are Sprint and the Town of Wethersfield. John and Jeannette Stabler of 290 Ridge Road, Wethersfield are an Intervenor. (Tr. 1, pp. 5-6)

9. The tower at Kelleher Court was originally designed as a public safety tower with the capability of leasing space to common carriers. It was built to accommodate public safety antennas, five common carriers, and four to six microwave dishes. (Tr. 1, p. 121)
10. The height of the tower (180 feet) was determined at the advice of Motorola, which was acting as a consultant to the Town. (Tr. 1, p. 121)
11. The tower compound was originally designed to accommodate five carriers; three carriers would use equipment cabinets and two carriers would use small buildings to house their equipment. (Tr. 1, p. 125)
12. The location of the tower and its compound were selected by the Town's building committee under the guidance of the Chief of Police. (Tr. 1, pp. 149-150)
13. The Town took possession of the tower in the fall of 2002. (Tr. 1, p. 132)
14. At the time of Sprint's request to the Council, the Town, AT&T, and Verizon had antennas located on the tower. The Town's antennas were located at the top of the tower and at 150 feet. AT&T's antennas were at 140 feet, and Verizon's antennas were at 130 feet. (Sprint 1, p. 3)
15. AT&T built the tower for the Town as a way to finance its construction. Verizon played no role in the financing or construction of the tower. (Tr. 1, p. 139)
16. The Town did not notify abutting property owners of the proceeding at which the tower was approved by the planning and zoning commission. (Tr. 1, p. 145)
17. Sprint has identified a significant gap in service coverage along Wilbur Cross Parkway and State Highway 314 as well as surrounding areas of Wethersfield. This gap was identified via customer feedback, baseline drive test data of the existing network coverage and a review of call data collected at Sprint's network switching center. (Sprint 1, p. 3)
18. Sprint proposes to install 12 antennas on the Kelleher Court tower at 163.5 feet AGL to eliminate its service gap. Sprint would also install a small GPS antenna on an ice bridge support post. (Sprint 1, p. 3)
19. If Sprint were to install flush mounted antennas, the antennas could not adequately cover Sprint's target area and could lead to another tower to cover some of its target areas. (Tr. 1, p. 180)
20. The Town of Wethersfield employed T-bar mounts for installing its antennas on the tower. (Tr. 1, p. 181)
21. T-bar mounts would enable Sprint to meet its coverage objectives and would minimize visibility of the added antennas. (Tr. 1, pp. 180-181)

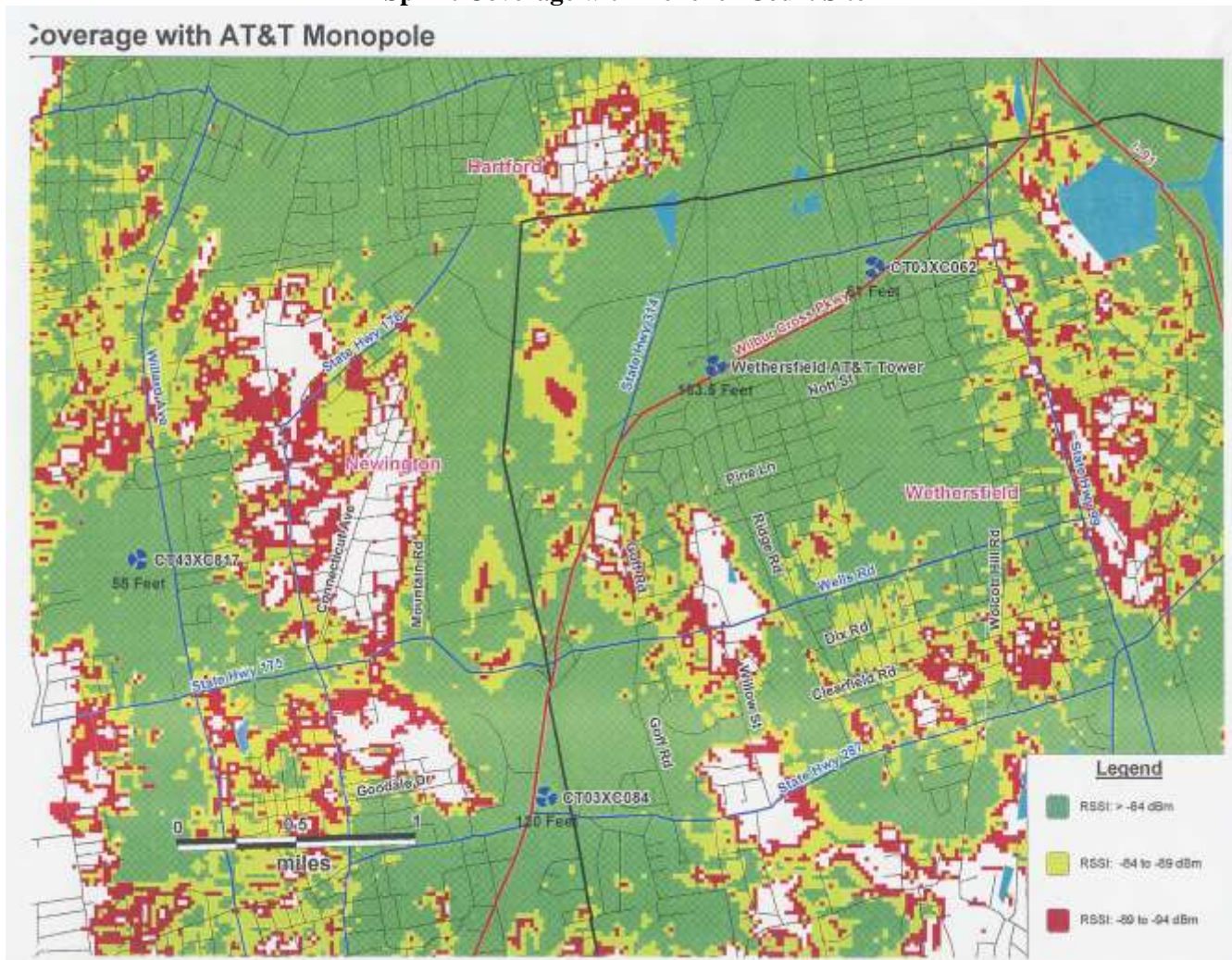
22. In response to the concerns of residents, the Wethersfield Town Council enacted an ordinance on November 4, 2002 prohibiting any additional commercial cellular carriers from adding equipment to the Kelleher Court tower. (Tr. 1, p. 133; Sprint 1, Exhibit 2)
23. Sprint approached the Town with a proposal to collocate its antennas on the existing Kelleher Court tower. The Town informed Sprint that it would not be accepting collocation offers from private telecommunications companies as a result of the passage of the ordinance prohibiting additional commercial collocations. (Sprint 1, pp. 1-2)
24. The total power density of the electromagnetic radiation of Sprint's proposed antennas and of the other antennas on the tower would total 11.96 percent of the Maximum Permissible Exposure limits set by the FCC. (Tr. 1, p. 48)
25. Without the ability to install antennas on the existing tower at Kelleher Court, Sprint would have to construct a new raw land facility to meet its coverage needs in the area. (Tr. 1, p. 188)
26. The Town of Wethersfield opposes placing a telecommunications tower in a residential area. (Tr. 1, p. 147)

Map 1
Sprint Coverage without Kelleher Court Site



(Sprint 1, exhibit 5)

Map 2
Sprint Coverage with Kelleher Court Site



(Sprint 1, exhibit 5)