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March 4, 2021

VIA E-MAIL AND FIRST CLASS MAIL

Connecticut Siting Council
Melanie A. Bachman
Executive Director
10 Franklin Square
New Britain, Connecticut 06051

Re: Petition No. 1134A
New Cingular Wireless PCS LLC ("AT&T")
Amended Petition for Declaratory Ruling to Modify an Existing Public Utility Tower
11 Rivergate Drive, Wilton, Connecticut

Dear Executive Director Bachman:

On behalf of New Cingular Wireless PCS LLC ("AT&T"), we submit this letter in connection with the above referenced Amended Petition wherein AT&T requests approval of updated project plans for the installation of wireless telecommunications equipment on an existing public utility tower. We respectfully submit this correspondence in response to the letter addressed to the Connecticut Siting Council ("Council") from the owner of the abutting property located at 39 West Meadow Road dated February 24, 2021 ("Neighbor Letter").

Prior Decision

AT&T's shared use of Eversource Structure No. 935 received a declaratory ruling by the Council on March 5, 2015 in Petition No. 1134. The ruling in Petition No. 1134 predates the Council's 3-year mandatory construction completion deadline and therefore remains in full force and effect thereby allowing AT&T to construct its facility as previously approved. AT&T submitted information and materials during the Petition No. 1134 proceeding indicating that its proposed shared use would not result in any substantial adverse environmental effects related to physical disturbance, radio frequency electromagnetic power density, visibility or noise. Thus, the Council determined that a Certificate of Environmental Compatibility and Public Need was not required. Such findings relating to the shared use of existing facilities are not uncommon¹ and further the State of Connecticut's goal of avoiding the unnecessary proliferation of towers in the state.²

¹ The Council has approved the shared-use of five other utility towers by petition in the Town of Wilton alone. See Petition Numbers 395, 398, 419, 455/455A, and 501/501A.

² C.G.S. Section 16-50g.



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The Connecticut Uniform Administrative Procedure Act provides that appeals of a final decision by the Council must be made within 45 days of the final decision.³ Insofar as the Neighbor Letter questions the Council's findings and/or procedure in Petition No. 1134, AT&T respectfully submits that these claims are both unfounded and untimely.

Environmental Compatibility

AT&T respectfully submits that the record is clear that its proposed shared use of the existing public utility tower, as previously approved and as proposed to be amended, poses no potential for substantial or significant environmental impacts.

Visibility

The increased height of the facility is not expected to create any significant or substantial visual impacts due to the existing infrastructure and the limited impacts of AT&T's proposal. AT&T submitted a visibility analysis demonstrating that the increased height does not substantially increase the visibility of the existing tower. The existing tower is located along a public utility corridor where several transmission structures exist, including the nearby Eversource Structure No. 937 which houses T-Mobile's existing 107' antenna mast insert referenced by the Neighbor Letter.⁴ Therefore, this area is not relatively undisturbed and AT&T's proposal will not change the character of area or result in any significant adverse visual impact.

Insofar as the Wilton Historical Society has since included the house at 39 West Meadow Road on its Historic House Survey, AT&T submits that its proposed amendments will not detract from any potential historic value given the nature of AT&T's proposal utilizing the existing utility tower. It is also noted that 39 West Meadow Road or any other nearby structures are not listed on any federal or state historic register. The overall benefit to the community provided by the improved wireless service in this area of the state therefore outweighs any alleged detriment to historic values.

Radio Frequency (RF) Electro-magnetic Power Density

The Applicant has submitted an electro-magnetic power density report demonstrating the total power density at the facility, as amended, will be 11.44% of the allowable FCC established general public limits and will be well within standards adopted by the Connecticut Department of Energy & Environmental Protection. As the Council is aware, these figures demonstrate that the expected RF emissions are less than 12% of what the FCC finds is the maximum limit of RF emissions confirmed to be safe for human exposure. AT&T's demonstration of compliance with the FCC general public limits prohibits state and local municipalities from further regulating the placement, construction, or modification of wireless facilities on the basis of perceived health effects of RF emissions.⁵

³ C.G.S. Section 4-183(c)(1).

⁴ See Petition No. 419.

⁵ 47 U.S.C. Section 332(c)(7)(B)(iv).



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Proposed Generator

There are no anticipated adverse impacts caused by the proposed generator. The generator testing will be infrequent and will occur only during daytime hours thus limiting any potential noise or emissions. AT&T's submission included a sound study which demonstrates that AT&T's facility will not exceed the daytime ambient levels and the facility will not generate noise in excess of federal, state, or local noise requirements. AT&T also notes that emergency generators are exempt from the state noise regulations.⁶ Nevertheless, AT&T has demonstrated its compliance with those regulations.

Use of AT&T's proposed generators during an emergency will also not have any adverse impact. Rather, AT&T's proposed generator will advance the State's goal of natural disaster and emergency preparedness consistent with the Council's Docket 432 Findings and Report and Docket 440 proceedings and Findings of Fact regarding mitigation of impacts associated with emergencies and natural disasters. The planned generator will ensure continuity of services to meet the needs of the first responders, consumers, and businesses in the event of a power outage.

Need for the Facility

The Council need not find a public need for the facility as part of a ruling on this Amended Petition. Nevertheless, the Applicant has submitted RF coverage maps demonstrating the existence of a coverage gap and AT&T's continued need for the proposed facility. AT&T's proposed facility is also designed to support its FirstNet program which provides first responders with priority access to AT&T's network to ensure critical communication capabilities in the event of emergency. The proposed facility will therefore address a gap in coverage and provide increased emergency communication capabilities.

Exclusive Jurisdiction

Insofar as the Neighbor Letter requests clarification on the proposed facility's compliance with local zoning regulations, we respectfully refer to the Council's exclusive jurisdiction over AT&T's facility as set forth in the Public Utility Environmental Standards Act ("PUESA"), Connecticut General Statutes ("C.G.S.") Sections 16-50g through 16-50ll. As such, no other local zoning, wetlands, or other land use ordinances are applicable to AT&T's facility. Notice of AT&T's Amended Petition has also been provided to the Town of Wilton chief elected official and Planning and Zoning Department.

⁶ R.C.S.A. Section 22a-69-1.8.



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We respectfully request that this letter be incorporated as part of the official record of the above proceeding. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "DP", is written over a light blue horizontal line.

Daniel Patrick

cc: Lucia Chiocchio
AT&T
Pauline Prevett (c/o Michael Pettit), Owner of 39 West Meadow Road