

Docket No. 56B

AN APPLICATION FOR AN AMENDMENT TO : CONNECTICUT SITING  
THE CERTIFICATE OF ENVIRONMENTAL :  
COMPATIBILITY AND PUBLIC NEED ISSUED : COUNCIL  
IN DOCKET 56 TO METRO MOBILE CTS :  
OF NEW HAVEN, INC., FOR TELECOMMUNICATIONS :  
TOWERS AND ASSOCIATED EQUIPMENT TO PROVIDE : JUNE 19, 1987  
CELLULAR SERVICE IN NEW HAVEN COUNTY.

FINDINGS OF FACT

1. Metro Mobile CTS of New Haven County, Inc. (Metro Mobile), in accordance with the provisions of sections 16-50g to 16-50z of the Connecticut General Statutes (CGS), applied to the Connecticut Siting Council (Council) on October 30, 1985, for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, operation, and maintenance of telecommunications towers and associated equipment to provide domestic public cellular radio telecommunications service (cellular service) in the New Haven New England County Metropolitan Area (New Haven NECMA). (Record)
2. On April 17, 1986, the Council issued a Certificate to Metro Mobile for the construction of cellular towers in the New Haven NECMA, including the construction of a 160-foot tower off of Andrew Mountain Road in Naugatuck, Connecticut. (Record)
3. On April 1, 1987, Metro Mobile applied for an amendment to the Certificate to permit the relocation of its Naugatuck site to an existing 934-foot tower owned by Channel 20 Enterprises, Limited Partnership, and used for broadcast by television station WTXN. (Metro Mobile 1, pp. 6-7)

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4. The fee as prescribed by section 16-50v-1 of the Regulations of State Agencies (RSA) accompanied the application. (Record.)
5. The Council and its staff made an inspection of the proposed Naugatuck site on May 20, 1987. (Record)
6. Pursuant to section 16-50m of the CGS, the Council, after giving due notice thereof, held a public hearing on this application in the Naugatuck Town Hall in Naugatuck beginning at 7:00 p.m. on May 20, 1987. (Record)
7. The parties to the proceeding are the applicant and those persons and organizations whose names are listed in the Decision and Order which accompanies these findings. (Record.)
8. No state agency filed written comments with the Council pursuant to section 16-50j of the CGS. (Record)
9. The Council took administrative notice of its record in dockets 40, 44, 45, 50, 56, 58, 69, and 73. (Tr., p. 9)
10. Cellular service consists of small, overlapping broadcast regions, two to ten miles in diameter, known as cells. Each cell is served by a transmitter limited by the Federal Communications Commission (FCC) to no more than 100 watts effective radiated power per channel. Each cell has a central switching point containing electronic apparatus uniting the cells into a system. Mobile units are limited by the FCC to a maximum of seven watts of transmitted power. (Docket 73, finding 9)

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11. The FCC requires that a licensee serve at least 75 percent of its licensed service area within three years of obtaining an operating license or risk losing the license. (Docket 73, finding 10)
12. Cellular service is a mobile telephone service. To date, the Department of Public Utility Control (DPUC) has regulated mobile telephone service. Eventually, cellular service could replace the less effective, existing simplex mobile service. The FCC has classified cellular service as a form of basic local exchange service, which also would be subject to DPUC regulation. (Docket 73, finding 11)
13. The FCC has determined that a national public need exists to improve the present mobile telephone service, due to the current system's limited capacity, long waiting lists nationally, and poor quality service, which have created congested channels and long waiting times. (Docket 73, finding 12)
14. The FCC has established the technical standards for cellular service to ensure the efficient use of the allotted frequency spectrum and to ensure nationwide compatibility. (Docket 73, finding 13)

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15. The FCC has pre-empted the state's regulation of cellular service in three major areas: technical standards, market structure, and state certification prior to federal application for a construction permit. (Docket 73, finding 14)
16. Applicants for FCC cellular system authorizations are not required to demonstrate a public need for cellular service, because the FCC has exercised its primary jurisdiction to determine that there is a need for cellular service generally and to encourage the development of cellular service nationwide. (Docket 73, finding 15)
17. The FCC has acknowledged state jurisdiction with respect to charges, classifications, practices, services, facilities, and regulation of service by licensed carriers. (Docket 73, finding 16)
18. According to FCC rules, there must be two licenses awarded in each NEOMA to provide competition. One is awarded to a wireline company, the other to a non-wireline company. (Docket 73, finding 17)
19. The FCC defines a "reliable service contour" as an area having a signal quality greater than or equal to 39 dBu. The FCC requires 75 percent coverage of the cellular geographic service area. (Docket 73, finding 18)

20. Metro Mobile did not begin any site preparation or construction at its originally approved Naugatuck site. (Metro Mobile 1, p. 2)
21. The proposed Channel 20 tower site was neither available nor technically adequate for Metro Mobile's needs in 1986 when the Naugatuck tower site was approved. (Metro Mobile 1, p. 12)
22. The approved Naugatuck site was intended to overlap with Metro Mobile's proposed sites in Beacon Falls and a future site in Southbury. The denial of Metro Mobile's proposed and alternative Beacon Falls sites in Docket 56 caused Metro Mobile to re-evaluate the northwestern portion of its New Haven NECMA. (Metro Mobile 1, p. 13)
23. During its search for a Naugatuck tower site in Docket 56, Metro Mobile considered the 934-foot WIXX tower and a 200-foot WIXX tower 150 feet to the east. Metro Mobile rejected these towers because inadequate signal carriage and an adjacent cell site interference were predicted. In addition, the owners of the towers were not interested in leasing space on the 934-foot tower. (Metro Mobile 1, p. 7, p. 13)
24. Metro Mobile recently contacted the owners of the WIXX towers and found them willing to lease space on the 934-foot tower. (Metro Mobile 1, p. 13)

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25. Metro Mobile now proposes to place on this tower two 13-foot whip-type antennas with two-foot mountings on three-foot sidearms at the 375-foot level of the WTX tower and three eight-foot dual reflectorized receive antennas with two-foot mountings on six-foot sidearms at the 390-foot level. (Metro Mobile 1, p. 7)
26. In comparison with the originally approved Naugatuck tower, the proposed antennas would provide Metro Mobile with greater coverage along Route 8 and along Route I-84 to the east and into Waterbury. However, some coverage might be lost in the southwestern portion of the New Haven NECMA. (Metro Mobile 1, p. 14)
27. The proposed Naugatuck cell site consists of a leased 30-foot by 50-foot parcel of land owned by Channel 20 Enterprises, Limited Partnership, 40 feet from the base of the tower which would support the antennas. The proposed site is approximately 550 feet south-southwest of the junction of the Naugatuck, Prospect, and Waterbury town lines. (Metro Mobile 1, Exhibit 1, pp. 3-4)
28. An existing roadway would provide access to the proposed site, which would contain a 15.5-foot by 21-foot equipment building. Utilities would be available at the lessor's existing equipment building 25 feet southeast of the proposed site. (Metro Mobile 1, Exhibit 1, p. 4)

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29. The elevation of the proposed site is 736 feet above mean sea level. The area surrounding the proposed site is zoned R-15 Residential. (Metro Mobile 1, Exhibit 1, p. 11)
30. There are no homes visible from the area of the proposed site, which is within a wooded area. Metro Mobile does not plan to screen its proposed equipment building. (Tr., p. 11)
31. The proposed WTXK tower fully conforms to Electronic Industries Association (EIA) standard RS-222-C. All of Connecticut is within EIA wind loading Zone A, which requires towers to withstand 30 p.s.f. of wind pressure and average extreme velocities of 87 m.p.h. at a minimum. The WTXK tower is designed for Zone A wind loading, and one-half inch radial icing. (Metro Mobile 1, p. 10)
32. The electromagnetic radio frequency power density at the base of the WTXK tower would be 0.000599 mW/cm<sup>2</sup>, based on conservative assumptions. This power density is several orders of magnitude below the American National Standards Institute safety standard for the proposed frequency. (Metro Mobile 1, Exhibit F, pp. 1-2)
33. The State Historic Preservation officer has determined that the mounting of antennas on this tower would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Metro Mobile 1, Exhibit E, p.1)

34. There are no known existing or historic records of species classified by the United States government as endangered or threatened, or of species classified by the State of Connecticut as being of special concern, occurring at the proposed site. (Metro Mobile 1, Exhibit D, p.1)

35. The proposed Naugatuck facility construction, equipment, and improvement costs are as follows:

Radio and electronic equipment,	\$196,691.00
Antenna structures,	25,900.00
Utility service,	6,800.00
Equipment building,	75,000.00
Miscellaneous (including engineering and design, site preparation, and restoration and fencing),	77,050.00
Total	<u>\$381,441.00</u>

(Metro Mobile 1, pp. 11-12)

36. Construction of the proposed Naugatuck cell site in lieu of the originally approved site would allow Metro mobile to save \$69,298.00. (Metro Mobile 1, p. 12)