

July 2, 2003

Christopher B. Fisher, Esq.
Cuddy & Feder LLP
90 Maple Avenue
White Plains, NY 10601-5196

RE: **TS-AT&T-078-030128** - AT&T Wireless PCS LLC request for an order to approve tower sharing at a telecommunications facility located at 1725 Stafford Road, Mansfield, Connecticut.

Dear Attorney Fisher:

At a public meeting held June 19, 2003, the Connecticut Siting Council (Council) ruled that the shared use of this existing tower site is technically, legally, environmentally, and economically feasible and meets public safety concerns, and therefore, in compliance with General Statutes § 16-50aa, the Council has ordered the shared use of this facility to avoid the unnecessary proliferation of tower structures. 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 may require an explicit request to this agency pursuant to General Statutes § 16-50aa or notice pursuant to Regulations of Connecticut State Agencies Section 16-50j-73, as applicable. Such request or notice shall include all relevant information regarding the proposed change with cumulative worst-case modeling of radio frequency exposure at the closest point 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.

This decision applies only to this request for tower sharing and is not applicable to any other request or construction.

The proposed shared use is to be implemented as specified in your letter dated January 28, 2003.

Thank you for your attention and cooperation.

Very truly yours,

Pamela B. Katz, P.E.
Chairman

PBK/laf

c: Honorable Elizabeth Patterson, Mayor, Town of Mansfield
Martin Berliner, Town Manager, Town of Mansfield
Gregory Padick, Town Planner, Town of Mansfield
Sheila Becker, Esq., TCP Communications Inc.

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Of Counsel
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ROBERT L. OSAR (also TX)
MARYANN M. PALERMO
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June 9, 2003

Hon. Pamela B. Katz, Chairman and Members
of the Siting Council
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

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**CONNECTICUT
SITING COUNCIL**

Re: TS-AT&T-078-030128
Municipal Tower Facility
1725 Stafford Road
Mansfield, Connecticut

Dear Chairman Katz and Members of the Siting Council:

On February 11, 2003, the Council deferred action on the above referenced tower sharing request due to the ownership of the tower component of the facility. Over the course of the past three and one half months, it is our understanding that TCP has worked with the Town of Mansfield to amend the transaction for the above referenced Facility and address this issue. Indeed, TCP has transferred ownership of the tower facility to the Town of Mansfield as set forth in the enclosed bill of sale.

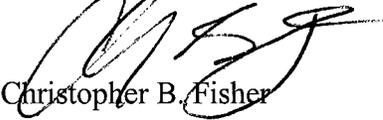
Accordingly, we respectfully request that this matter be placed on the next available agenda for consideration and approval by the Council.

June 9, 2003

Page 2

Thank you for your consideration of the foregoing.

Very truly yours,



Christopher B. Fisher

Cc: Martin Berliner, Town Manager Town of Mansfield
Sheila Becker, TCP (By fax 978-921-2658)
Charisma King, Pinnacle Site Development

BILL OF SALE

WHEREAS, TCP Communications Inc., a Delaware corporation, having an office at 900 Cummings Center, Suite 316U, Beverly, MA 01915, (the "Seller") has agreed to sell, assign, transfer, convey and deliver to the Town of Mansfield, Connecticut, a municipal corporation having an address of 4 South Eagleville Road, Storrs, CT 06268, Federal Tax ID # 06-6002032 (the "Buyer") all right, title and interest of Seller in certain assets, properties and rights used or available for use by the Seller in its ownership of the assets listed below for the amount of one dollar (\$1.00) and other consideration determined and paid;

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, THAT, Seller for good and valuable consideration, receipt of which is hereby acknowledged, does hereby sell, assign, transfer, convey and deliver unto Buyer, all right, title and interest of Seller in and to the following assets, properties and rights of the Seller listed below:

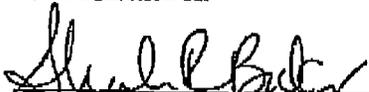
- a) Steel 170' foot telecommunications tower located on property known as 1725 Stafford Road in Mansfield, Connecticut, including all appurtenances and equipment;
- b) Compound structure located on property known as 1725 Stafford Road in Mansfield, Connecticut, with an area of 5250 square feet, including all appurtenances and structures located thereon;
- c) All access or utility routings on property known as 1725 Stafford Road in Mansfield, Connecticut, to which Seller holds any title or right.

TO HAVE AND TO HOLD, all said assets, properties and rights unto Buyer, and its successors and assigns forever.

Seller hereby conveys title to such assets as listed above with quitclaim covenants only.

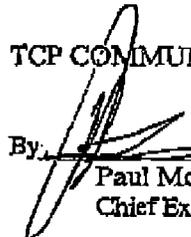
IN WITNESS WHEREOF, Seller has caused this Bill of Sale to be signed the 9th day of June, 2003.

Signed, Sealed and Delivered
in the Presence of:


Sheila R. Becker


Chuck Laurite

TCP COMMUNICATIONS INC.,

By: 
Paul McGinn
Chief Executive Officer

STATE OF MASSACHUSETTS:

: ss:

June 9, 2003

COUNTY OF ESSEX:

Personally appeared Paul McGinn, who acknowledged himself to be Chief Executive Officer of TCP COMMUNICATIONS INC., a Delaware Corporation, and that he as such being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Chief Executive Officer.



Notary Public

My Commission Expires 10/23/09

HURWITZ & SAGARIN LLC

Via Facsimile and First Class Mail

June 9, 2003

Hon. Pamela B. Katz, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

RE: **TS-AT&T-078-030128** - AT&T Wireless PCS, LLC request for an order to approve tower sharing at a telecommunications facility located at 1725 Stafford Road, Mansfield, Connecticut.

Dear Chairman Katz,

It is my understanding that the above-referenced matter has been tabled pending clarification of the tower's ownership.

This facility was built by TCP Communications Inc. ("TCP") to provide the Town of Mansfield ("Town") a location from which it could improve its communications service. TCP has also made it available for other wireless communication providers who needed to provide service to this area. Both TCP and the Town considered this to be a municipal tower for the purposes of regulatory approval exemption, but have since received information from the Connecticut Siting Council ("Council") that it considers a municipal tower to be a tower which is owned by the Town.

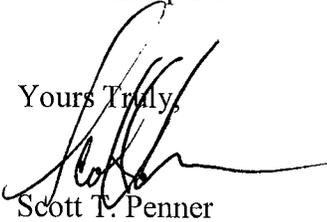
To that end, TCP executed a bill of sale on June 9, 2003, and the Town and TCP entered into a Management Agreement dated April 29, 2003. The Town will now own the tower and has engaged TCP to manage the facility for the Town's benefit.

The tower is located on municipal property, and as set forth in correspondence dated February 24, 2003 and accompanying letters from the Town of Mansfield, the Town has an independent and compelling need for this facility.

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We respectfully request that the Council approve the above-referenced tower sharing request now that the issue of tower ownership has been clarified and TCP has demonstrated that this telecommunications tower clearly meets all three (3) of the Council's criteria for a municipal tower exemption.

Yours Truly,

A handwritten signature in black ink, appearing to read "Scott T. Penner", written over the text "Yours Truly,".

Scott T. Penner

Cc: Sheila Becker, Esq., TCP Communications Inc.
Matt Hart, Assistant Mansfield Town Manager
Martin Berliner, Mansfield Town Manager
Christopher Fisher, Esq., Cuddy & Feder

HURWITZ & SAGARIN LLC

February 24, 2003

Via Facsimile

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

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CONNECTICUT
SITING COUNCIL

RE: **TS-AT&T-078-030128** - AT&T Wireless PCS LLC request for an order to approve tower sharing at a telecommunications facility located at 1725 Stafford Road, Mansfield, Connecticut.

Dear Mr. Phelps;

This office represents TCP Communications, Inc. ("TCP"), the developer of the above referenced facility. It has been brought to our attention that there have been some questions raised about the underlying approvals for the facility. I hope this correspondence helps to clear these issues up.

I. Project History

The Town of Mansfield ("Town") made the determination that a need existed for improvement of its emergency services communications equipment. SBA Properties, Inc. ("SBA") approached the Town to develop a facility that would address these issues as well as provide an opportunity for wireless carrier co-location.

SBA entered into a lease agreement with the Town on July 31, 2000 ("Lease") for the construction, operation and maintenance of a telecommunications tower at 1725 Stafford Road, Mansfield, Connecticut, property owned by the Town. The Mansfield Planning & Zoning Commission reviewed the proposed facility and approved it on January 22, 2002.

SBA assigned its rights under this Lease to TCP on October 22, 2002. In correspondence dated November 5, 2002 the Town made it clear that the construction of the tower was a high priority and delay of construction could have serious negative implications on the Town's emergency services/public safety communications and school bus communications. Please see letter dated November 5, 2002 from Town Manager Martin Berliner attached hereto. As a result, and under its continued belief that this facility is a municipal telecommunications tower exempt from the requirements of the Certificate of Environmental Compatibility and Public Need process outlined in C.G.S. §16-50k et. seq., TCP began construction of the tower in December, 2002.

AT&T entered into a lease agreement with TCP for co-location at one of the available tower heights and on January 28, 2003 filed a request for towersharing with the Siting Council. (TS-AT&T-078-030128)

II. Criteria for Exemption of Municipal Telecommunications Facilities.

The exact criteria for determining whether a telecommunications facility qualifies as an exempt municipal facility is not clearly set out in any statute or regulation. The Council's ruling in the Farmington matter (TS-SPRINT-052-020118) identified three criteria: 1) facility location on municipal property; 2) independent municipal need for the facility; and 3) municipal ownership of the facility. The Mansfield tower complies with each of these criteria.

1. Facility Location

The telecommunications facility is located on 1725 Stafford Road, which is a parcel of property owned by the Town of Mansfield.

2. Municipal Need for the Facility

The Town has clearly indicated its independent and compelling need for this facility. This persuasive demonstration of public need is articulated in correspondence dated November 5, 2002 and February 24, 2003 from the Town Manager and Office of Civil Preparedness, respectively. (Copies of both letters are attached hereto.) The Town Manager notes in his November 5th correspondence that "(t)he purpose of the proposed Stafford Road telecommunications tower is to significantly improve the town's critical communications capabilities." The Town's equipment will also be located at the highest location on the facility.

3. Municipal Ownership of the Facility

The agreement between TCP and the Town provided that TCP would transfer ownership of the tower to the Town upon completion of the lease term. In light of the concern raised about tower ownership, TCP has agreed to complete construction of the facility and then turn ownership of the facility over to the Town. As reflected in its correspondence dated February 24, 2003 (copy of which is attached hereto) the Town has agreed to accept ownership of the structure upon the execution of a mutually agreeable site management agreement. The two parties intend to negotiate and enter into such an agreement in the immediate future.

TCP believes that all criteria have been completely satisfied to assert that this telecommunications facility qualifies as a municipal facility, exempt from the requirements of a Certificate proceeding. Therefore, TCP requests that the Council approve AT&T's application for towersharing at its February 25, 2003 meeting.

Please contact me if you have any questions.

Yours Truly,


Julie Donaldson Kohler

cc: Sheila Becker Esq., TCP Communications Inc.
Martin H. Berliner, Mansfield Town Manager
Matt Hart, Mansfield Assistant Town Manager
Christopher Fisher Esq., Cuddy Feder & Worby

**TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER**



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE RD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

November 5, 2002

TCP Communications Inc.
Attn : Ms. Sheila Becker
3 Oceanside Drive
Beverly, Massachusetts 01915

RE: Proposed Telecommunications Tower at 1725 Stafford Road, Mansfield, CT

Dear Ms. Becker:

I understand that SBA Properties, Inc. has assigned its rights to TCP Communications Inc. under its lease with the Town of Mansfield to construct a telecommunications tower on town-owned property at 1725 Stafford Road. I write to encourage you to develop this site as quickly as possible. The purpose of the proposed Stafford Road telecommunications tower is to significantly improve the town's critical communications capabilities.

There are several "dead spots" throughout the community that both the town's emergency services and its bus carrier experience. A tower at the Stafford Road location will serve to significantly reduce the number of those problem areas.

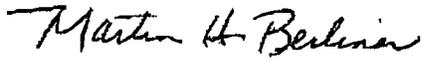
The Stafford Road site is the location of the town's school-bus garage and a dedicated antenna at that location will significantly improve communications for Mansfield's school bus carrier. The safety of our schoolchildren is our highest priority and enhanced communications abilities will greatly assist our efforts to safely transport those children.

An antenna at this location for the town's emergency services will further allow the town to improve communications for all aspects of public safety, including ambulance, fire, police, storm control and civil preparedness. One of the hallmarks of a successful emergency services system is a rapid response time, which in turn is predicated upon quality communications equipment and capabilities.

The Mansfield Planning and Zoning Commission has approved the application for construction of a telecommunications tower at this site. We look forward to the completion of the tower in the very near future, which will result in the overall improvement of the town's communications system.

Your assistance with this project is greatly appreciated. I can be reached at (860) 429-3336 with any questions.

Sincerely,



Martin H. Berliner
Town Manager

- cc: Matt Hart, Assistant Town Manager
Greg Padick, Town Planner
Fred Baruzzi, Deputy Superintendent of Schools
John Jackman, Fire Marshal
Chief William Jordan, Egelville Fire Department
Chief Tony Noel, Mansfield Volunteer Fire Department



TOWN OF MANSFIELD

Office of Civil Preparedness

JOHN JACKMAN, DIRECTOR
EMAIL: Civilprep@mansfieldct.org

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4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
TELEPHONE: (860) 429-3328
FACSIMILE: (860) 429-3388

Monday, February 24, 2003

TCP Communications
Attn: Ms. Sheila Becker
3 Oceanside Drive
Beverly, MA 01915

Dear Ms. Becker:

The Town's Emergency Services Forces understand that you are in the process of developing the telecommunications tower located at 1725 Stafford Road, Mansfield, Connecticut, at the School Bus Garage site. This site has been identified as important to improving the communications infrastructure for emergency services.

Presently a site at the University of Connecticut has been utilized for the dispatching of school busses, which the present school transportation provider has been able to use since they also provide transportation services to UConn. Developing the School bus garage site at 1725 Stafford Road is desirable as it will allow future contractors to maintain communications with busses, as it is in our control and the necessary telephone lines, power and standby power are in place. Additionally, busses are used for transportation services during declared emergencies or disasters where transporting citizens to public shelters is necessary.

We plan on utilizing the tower to address these deficiencies by locating the following equipment at the top (180 foot level) of the tower: one high band antenna in the 150 MHz range, and one Emergency Management antenna (153 MHz). Placement of the equipment is contingent on successfully securing a license from the Federal Communications Commission for each antenna and radio, and our ability to secure the necessary funding for this project.

If I can be of any assistance in this matter please feel free to contact me at 860-429-3328 or jackmanje@mansfieldct.org.

Stafford Road Telecommunications Tower
TCP Communications
Monday, February 24, 2003

Sincerely,



John Jackman
Civil Preparedness Director

copy: Martin H. Berliner, Town Manager
Matt Hart, Assistant Town Manager
Greg Padick, Town Planner
David Dagon, Emergency Services Administrator
Ryan Hawthorne, Chief, Mansfield Volunteer Fire Co.
William Jordan, Chief, Eagleville Fire Department
Robert Kelly, Manager, Tolland County Mutual Aid Fire Service

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

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MANSFIELD, CT 06268-2599
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February 24, 2003

Ms. Julie Donaldson-Kohler, esq.
Hurwitz and Sagarin
147 North Broad Street
Milford, Connecticut 06460

Re: Proposed Telecommunications Tower at 1725 Stafford Road, Mansfield, CT

Dear Ms. Donaldson-Kohler:

I am writing today to inform you that the Town of Mansfield agrees in concept to take ownership of the proposed telecommunications tower at 1725 Stafford Road in Mansfield. The town will take ownership of the tower only upon the successful negotiation of a new site management agreement with TCP Communications, Inc. If executed, the site management agreement will replace the existing lease agreement for the site.

Please contact me at (860) 429-3339 or via email at HartMW@mansfieldct.org with any questions. We greatly appreciate your assistance with this project.

Sincerely,

Matthew W. Hart
Assistant Town Manager

CC: Martin Berliner, Town Manager
Ms. Sheila Becker, TCP Communications, Inc.

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February 7, 2003

VIA FACSIMILE (860) 827-2950
David Martin
Siting Analyst
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

Re: TS AT&T-078-030128 Mansfield

Dear Mr. Martin:

In response to your correspondence dated February 6, 2003 for the above referenced site, please be advised of the following and AT&T's request for approval of the above referenced matter at the February 11, 2003 meeting of the Council.

As the Council is aware from our correspondence in the Chaplin matter, we do not believe that ownership of a tower is dispositive of what constitutes a "municipal tower facility." Indeed, it should be noted that the Council's recent guidance on this issue as a result of the Petition in Plainfield came well after transactions were negotiated by AT&T in Chaplin and SBA/YCP in Mansfield to build towers for each respective municipality. As such, the parties involved were simply not on notice of the Council's perspective on what constitutes a municipal tower facility at the time of those transactions. In any event and as I noted in my recent conversations with Mr. Phelps and Attorney Marconi, AT&T is working with Chaplin officials to rework their transaction to change ownership of the facility in order to address the Council's subsequent guidance and which will allow the Council to approve AT&T's tower sharing request in the Chaplin matter.

CUDDY & FELDER & WORBY LLP

February 7, 2003

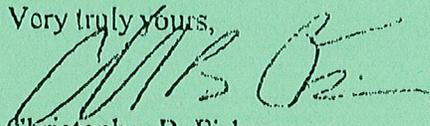
Page 2

In this particular matter in Mansfield, AT&T was not involved in the tower project at all and has only recently leased the site for use by it in building its network in Mansfield. My understanding is that like Chaplin, the Town of Mansfield identified the need for its own communications tower on municipal property and went through the appropriate levels of municipal review and approval. TCP, a tower company having no relationship to any cellular carrier entered into a transaction to build the tower for Mansfield and for reasons similar to Chaplin, Mansfield asked the tower company to own, manage, insure and maintain the tower. Respectfully, this tower is a municipal tower that TCP owns and AT&T is now leasing and proposing to utilize.

In the event the Council believes that ownership of the tower in this case is an issue, please be advised that I have discussed the matter with representatives of TCP and they have advised me that they and Mansfield are willing to rework their existing agreement to provide for municipal ownership of the tower component of the facility in order to address the Council's new guidance on what constitutes a municipal tower facility. Given same and my client's desire to share use of the facility, we respectfully submit that AT&T's tower sharing request should be approved by the Council at Tuesday's meeting. Further, that if the Council deems it necessary, it could be approved on the condition that TCP and the Town of Mansfield modify their agreement to provide for ownership of the tower component of the facility in the municipality. If TCP and the Town do not so modify the transaction and no action is otherwise taken by those parties in response to the Council's recent guidance, AT&T would obviously be unable to share use of this tower and need to seek out other tower siting opportunities in the area which would be potentially inconsistent with State statutory guidance to reduce the proliferation of towers. As such, we respectfully submit that approval and the condition if necessary most appropriately balances AT&T's interests with those of the Council's, TCP and the Town of Mansfield's.

Should you or the Council have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,


Christopher B. Fisher

cc: Martin Berliner, Town Manager Town of Mansfield
Sheila Becker, TCP (By fax 978-921-2658)

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LOUIS B. TATARA

February 3, 2003

VIA FACSIMILE (860) 827-2950

David Martin
Siting Analyst
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

Re: TS AT&T 078-030129 Mansfield

Dear Mr. Martin:

In response to your correspondence dated January 30, 2003 for the above referenced site, please be advised that the latitude of the site is 41.8357309 and the longitude of the site is 72.3074858.

Should you or the Council have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

Linda Grant
Linda Grant

CUDDY & FEDER & WORBY

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WHITE PLAINS, NEW YORK 10601-5196

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BARRY E. LONG

January 28, 2003

VIA FEDERAL EXPRESS

Hon. Mortimer Gelston, Chairman and Members
of the Siting Council
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

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**CONNECTICUT
SITING COUNCIL**

Re: Tower Sharing Request by AT&T Wireless
Municipal Tower Facility at
1725 Stafford Road, Mansfield, Connecticut

Hon. Mortimer Gelston, Chairman and Members of the Siting Council:

Pursuant to Connecticut General Statutes (C.G.S.) § 16-50aa, AT&T Wireless PCS LLC, by and through its agent AT&T Wireless Services, Inc., ("AT&T") hereby requests an order from the Connecticut Siting Council (the "Council") to approve the proposed shared use of a municipal communications tower, currently under construction, and located at 1725 Stafford Road in the Town of Mansfield (the "Stafford Road Tower Facility"). The Stafford Road Tower Facility is owned and managed by SBA Properties on real property owned by the Town of Mansfield. See Planning and Zoning Commission special permit approval annexed hereto as Exhibit A.

The Stafford Road Tower Facility

The Stafford Road Tower Facility will consist of an approximately one hundred seventy (170) foot monopole (the "Tower") and associated equipment, which is currently under construction and will be used for wireless communications by the municipality. The Facility is located at the Mansfield Town Bus Depot in a rural residential area of the Town.

January 28, 2003

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AT&T Wireless' Facility

As shown on the enclosed plans prepared by Dewberry-Goodkind, Inc., including a site plan and tower elevation of the Stafford Road Tower Facility, AT&T Wireless proposes shared use of the Facility to provide FCC licensed services. AT&T Wireless will install 6 panel antennas at approximately the 160 foot level of the Tower and associated equipment cabinets (2 proposed, 2 future, each 76"H x 30" W x 30" D) located on a concrete pad within the fenced compound.

Connecticut General Statutes § 16-50aa provides that, upon written request for shared use approval, an order approving such use shall be issued, "if the council finds that the proposed shared use of the facility is technically, legally, environmentally and economically feasible and meets public safety concerns." (C.G.S. § 16-50aa(c)(1).) Further, upon approval of such shared use, it is exclusive and no local zoning or land use approvals are required C.G.S. § 16-50x. Shared use of the Stafford Road Tower Facility satisfies the approval criteria set forth in C.G.S. § 16-50aa as follows:

- A. Technical Feasibility As evidenced in the letter of structural integrity prepared by Dewberry-Goodkind, Inc., annexed hereto as Exhibit B, AT&T has confirmed that the tower has been designed to structurally support the Town's and AT&T's antennas, as well as other future carriers. The proposed shared use of this Tower is therefore technically feasible.
- B. Legal Feasibility Pursuant to C.G.S. § 16-50aa, the Council has been authorized to issue an order approving shared use of the Stafford Road Tower Facility. (C.G.S. § 16-50aa(c)(1)). Under the authority vested in the Council by C.G.S. § 16-50aa, an order by the Council approving the shared use of a tower would permit AT&T to obtain a building permit for its proposed installation on the Tower.
- C. Environmental Feasibility The proposed shared use would have a minimal environmental effect, for the following reasons:
 - 1. The proposed installation would have a de minimis visual impact, and would not cause any significant change or alteration in the physical or environmental characteristics of the approved facility;

January 28, 2003
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2. The proposed installation by AT&T Wireless would not increase the height of the Tower nor extend the site boundaries;
 3. The proposed installation would not increase the noise levels at the existing facility boundaries by six decibels or more;
 4. Operation of AT&T Wireless' antennas at this site would not exceed the total radio frequency electromagnetic radiation power density level adopted by the FCC and Connecticut Department of Health. The "worst case" exposure calculated for the operation of this facility for all carriers, would be approximately 0.33% of the standard. See Cumulative Emissions Compliance Report dated January 10, 2003, prepared by Galen Belen, RF Engineer, annexed hereto as Exhibit C;
 5. The proposed shared use of the Stafford Road Tower Facility would not require any water or sanitary facilities, or generate air emissions or discharges to water bodies. Further, the installation will not generate any traffic other than for periodic maintenance visits.
- D. Economic Feasibility The Applicant and the tower owner have entered into a mutual agreement to share use of the Stafford Road Tower Facility on terms agreeable to both parties. The proposed tower sharing is therefore economically feasible.
- E. Public Safety As stated above and evidenced in the Cumulative Emissions Compliance Report annexed hereto as Exhibit C, the operation of AT&T Wireless' antennas at this site would not exceed the total radio frequency electromagnetic radiation power density level adopted by the FCC and Connecticut Department of Health. Further, the addition of AT&T Wireless' telecommunications service in the Mansfield area is expected to enhance the safety and welfare of local residents and travelers through the area resulting in an improvement to public safety in this area of Mansfield.

Conclusion

As delineated above, the proposed shared use of the Stafford Road Tower Facility satisfies the criteria set forth in C.G.S. § 16-50aa, and advances the General Assembly's and the Siting Council's goal of preventing the proliferation of towers in the State of Connecticut.

CUDDY & FEDER & WORBY LLP

January 28, 2003

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AT&T Wireless therefore requests the Siting Council issue an order approving shared use of the proposed Facility.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'CBF', is written over the typed name of Christopher B. Fisher, Esq.

Christopher B. Fisher, Esq.
On behalf of AT&T Wireless

cc: Gregory Paddick, Town Planner
Town Manager, Town of Mansfield
Sue Silva, Bechtel

To: Town Clerk
 From: Planning and Zoning Commission
 Subject: Public Act 75-317, **RECORDATION OF SPECIAL PERMIT**

I Notice is hereby given that the Mansfield Planning and Zoning Commission, at a regular meeting held on January 22, 2002, did grant to SBA Properties, Inc./Town of Mansfield a special permit for a telecommunications tower, pursuant to Article V, Section B, and other provisions of the Mansfield Zoning Regulations.

II The special permit for a telecommunications tower was approved subject to the conditions listed below. Failure to comply with these conditions may result in revocation of the special permit. Information regarding any modifications of the permit may be found in the files of the Planning Office.

1. This approval is based on submitted plans and project descriptions. Any change in plans or the proposed use of the site shall require further review and approval as per Mansfield's Zoning Regulations. The applicant shall be responsible for meeting Building Permit requirements and complying with all applicable State and Federal regulations pertaining to the subject telecommunication use.
2. Prior to any use of the telecommunication facilities and the issuance of a Certificate of Compliance, all site work shall be satisfactorily completed. Based on the provisions of Article V, Section B.7.c, a variation of this condition may be authorized by the Commission where public health and safety components of the project have been satisfactorily completed.
3. The final plans shall eliminate the current references to "Mansfield Center."
4. Whereas a \$20,000 bond has been incorporated into the Town's lease arrangement with SBA Properties, Inc., to address removal of telecommunications facilities, a separate bond pursuant to Art. X, Sec. R.6 of the Zoning Regulations shall not be required. If this lease provision is deleted, a separate bond to address the abandonment provisions of the Zoning Regulations shall be required.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

(see PZC file 1182)

III The premises subject to the special permit for may be described as follows:
 Assessor's Map 1, Block 2, Lot 2
 1725 Stafford Road (Rt. 32)

IV The record owner of the above described property is:
 Town of Mansfield

I certify that the above is a true and correct copy of the foregoing approval from the Planning and Zoning Commission records.

by Audrey H. Barberet
 Audrey H. Barberet, Chairman
 Mansfield Planning & Zoning Commission

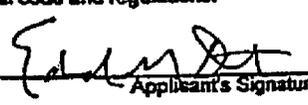
date February 12, 2002

CT-856

APPLICATION FOR COMMERCIAL BUILDING PERMIT
 (APPLICATION MUST BE TYPED OR PRINTED)
ORIGINAL PERMIT APPLICATION ACCEPTED ONLY

TOWN OF MANSFIELD
 4 SOUTH EAGLEVILLE ROAD
 MANSFIELD, CONNECTICUT 06268
 PHONE: 860-429-3324

URS:
 MONDAY-WEDNESDAY 8:15 AM-4:30 PM
 THURSDAY 8:15 AM-6:30 PM, FRIDAY 8:00 - 12:00 PM

FEE SCHEDULE		COST		FEE	FEE COVERS
Fee	Estimated Cost	Estimated	183,000.00	2591.28	<input type="checkbox"/> BUILDING <input type="checkbox"/> HEATING <input type="checkbox"/> PLUMBING <input type="checkbox"/> ELECTRICAL <input type="checkbox"/> CERTIFICATE OF USE AND OCCUPANCY
\$14.00	1-1,000	Actual			
\$14.00	Per additional thousand or fraction thereof.	Difference			
	Additional \$16/\$1,000 for State of CT Educational Fund Building Inspector may demand affidavit of actual cost.	Additional			
BA PROPERTIES, INC. 860-697-9101 Building Owner Telephone		TOWN OF MANSFIELD LOCATION OF JOB BUILDING DEPARTMENT		1-800-922-7411 CALL BEFORE YOU DIG#	
7 EASTERN BOULEVARD Street		725 STAFFORD ROAD No. Street		INFO 1-800-922-4455	
ASTONBURY, CT 06033 Town State Zip		TYPE OF JOB <input checked="" type="checkbox"/> Original Construction <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Siding <input type="checkbox"/> Addition <input type="checkbox"/> Relocation			
TOWN OF MANSFIELD Owner of Tenant Space Telephone		USE GROUP <u>U</u> (SPECIAL CONSTRUCTION SECT. 9108.0)			
SOUTH EAGLEVILLE ROAD Street		TYPE OF CONSTRUCTION <u>2C</u>			
MANSFIELD, CT 06268 Town State Zip		FURTHER DETAILS <u>INSTALLATION OF A TELECOMMUNICATIONS FACILITY</u> <u>TO INCLUDE MONOPOLE TOWER, FENCED COMPOUND AREA AND</u> <u>ASSOCIATED POWER & TELEPHONE UTILITY SERVICES SEE ATTACHED PLANS.</u>			
ELITE ELECTRIC CO. INC. Name of Builder Telephone		All work covered by this application has been authorized by the (owner) or (agent) of this property and will be done according to local code and regulations.			
16 CROSS ROAD Street		3-14-02 Date  Applicant's Signature			
WATERFORD, CT 06385 Town State Zip		PROOF OF WORKER'S COMPENSATION INSURANCE ATTACHED <input checked="" type="checkbox"/> PLEASE SEE REVERSE SIDE OF APPLICATION FOR GENERAL GUIDELINES			
PERMITS # 700247		OTHER REQUIRED APPROVALS DO NOT WRITE IN THIS SPACE			
BA PROPERTIES, INC. 860-697-9101 Name of Applicant Telephone		HEALTH DISTRICT: <u>NONE APPLICABLE PER AOC</u> DATE: <u>3/14/02 MEJ</u> COMMENTS:			
7 EASTERN BOULEVARD Street		FIRE MARSHAL: <u>John T. ...</u> DATE: <u>3-18-02</u> COMMENTS:			
ASTONBURY, CT 06033 Town State Zip		ZONING AGENT: <u>Carl B. ...</u> DATE: <u>3-14-02</u> COMMENTS:			

BUILDING DEPARTMENT DECISION

APPROVED

NOT APPROVED


 INSPECTOR'S SIGNATURE

3/17/02 CT-856
 DATE

MANSFIELD
10/25-081
CT 04708

Building Permit

TOWN OF MANSFIELD

No. 01-02-259

1725 STAFFORD RD

JOB LOCATION

Inspections Required (When checked)

- Footings or piers (before pouring)
- Foundation walls prior to backfill
- Rough framing
- Rough electrical
- Rough plumbing
- Rough heating/cooling
- Insulation
- Chimneys
- Fireplaces (hearth, rebar and smoke chamber)
- Final Inspection for certificate or occupancy

This Permit Must Be Attached to or Located in Front of the Building

Date 3/19/02

Building Inspector 

CT-856

Dewberry-Goodkind, Inc.

ENGINEERS • PLANNERS • SURVEYORS

59 Elm St., Suite 101 • New Haven, Connecticut 06510
 Voice 203-776-2277 Fax 203-776-2288
 www.dewberry-goodkind.com



January 10, 2003

Mr. Romeo Ballesteros
 Bechtel Telecommunications
 210 Pomeroy Avenue, Suite 201
 Meriden, CT 06450

**Re: Site No. CT856A, 170-Foot
 1725 Stafford Rd, Mansfield, CT
 Structural Assessment**

Dear Sirs:

We have completed our structural review of the 170ft monopole structure's capacity to support an array of panel antennas on a low profile platform at the above referenced site, pursuant to Section 108.1.1 of the Connecticut State Building Code (CSBC). We reviewed the monopole and foundation calculations dated December 6, 2002 prepared by Paul J. Ford and Company.

Section 1609.1 of the Connecticut State Building Code addresses radio and television towers and references Section 3108.4 of the 1996 BOCA Code. The Boca Code references EIA/TIA 222-E for antenna supporting structures. The calculations indicate that the design of the monopole and foundations was based on the later version of the code TIA/EIA 222-F and therefore also satisfies the EIA/TIA 222-E requirements.

The monopole, manufactured by Penn Summit Tubular, LLC, is designed to be 170 ft high and support a total of 6 arrays of 12 panel antennas on 14ft wide, low profile platforms. The monopole is currently under construction. After erection of the monopole, 3 whip antennas are scheduled to be installed at 170 ft above the foundation for municipal use. The AT&T Wireless PCS, LLC wireless antennas, proposed to be located 160ft above the foundation, are expected to be the first set of panel antennas on the pole and in the final configuration will be at the second highest elevation. The design is based on the use of 4 generic Decibel Products DB896H panel antennas in each of 3 sectors with a wind area of 6.3 sq ft. per antenna. The antennas proposed for the AT&T installation will comprised of 3 sectors with two 2.74 sq ft. antennas in each sector. The structural design by Paul J. Ford is presented in spreadsheet format, the lateral wind loads and the gravity loads are calculated by the program in accordance with the requirements of TIA/EIA 222-F. These loads were used to determine the forces in the monopole sections and the foundation reactions including overturning moment. The foundation is a 96in diameter concrete caisson 28ft deep. The drawings indicate that the foundation design is based on the recommendations of a soil report prepared by Jaworski Geotech, Inc. dated April 4, 2001. Hand calculations by Dewberry-Goodkind, Inc. confirmed the results of the computer analysis. The structural design was determined to be in accordance with the requirements of EIA/TIA 222-E.

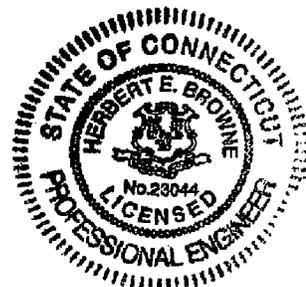
Upon review of the signed and sealed calculations and sketches prepared by Kirk R. Hall, P.E. for Paul J. Ford and Company it is our conclusion that the monopole has ample capacity to support the proposed AT&T Wireless PCS, LLC antennas, coaxial cables and mounting hardware. The monopole, as designed, is in compliance with the Connecticut State Building Code.

Should you have any questions, please contact us.

Very truly yours,

Dewberry-Goodkind, Inc.
 A Dewberry Company

Herbert Browne, P.E.
 Director, Building Structures



I:\PROJECTS\324704\DOCS\STR REVIEW.DOC

Dewberry

Dewberry & Davis LLC • Dewberry Design Group Incorporated • Dewberry & Davis, Inc. • Dewberry-Goodkind, Inc. • TOLK, Inc.

The key is Quality



RF Exposure Analysis for Proposed AT&T Wireless Antenna Facility

SITE ID: 907-007-856

January 10, 2003

**Prepared by AT&T Wireless Services, Inc.
Galen Belen RF Engineer**

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1. Introduction

This report constitutes an RF exposure analysis for the proposed AT&T Wireless antenna facility to be located at 1725 Stafford Road, Mansfield, CT06250. This analysis uses site-specific engineering data to determine the predicted levels of radio frequency (RF) electromagnetic energy in the vicinity of the proposed facility and compares those levels with the Maximum Permissible Exposure (MPE) limits established by the Federal Communications Commission.

2. Site Data

Site Name: Mansfield North East Edge	
Number of simultaneously operating channels	12
Type of antenna	Allgon 7250.03
Power per channel (Watts ERP)	250.0 Watts
Height of antenna (feet AGL)	160.00 feet
Antenna Aperture Length	5 feet

3. RF Exposure Prediction

The following equations established by the FCC, in conjunction with the site data, were used to determine the levels of RF electromagnetic energy present in the vicinity of the proposed facility¹:

$$PowerDensity = \frac{0.64 * N * EIRP(\theta)}{\pi * R^2} (mW/cm^2) \quad Eq. 1-Far-field$$

Where, N = Number of channels, R = distance in cm from the antenna centerline, and $EIRP(\theta)$ = The isotropic power expressed in milliwatts in the direction of prediction point. This is the correct equation for antennas which have their gain expressed in dBi, which is the usual case for the PCS bands.

$$PowerDensity = \frac{P_{in} / ch * N * 10^3}{2 * \pi * R * h * \alpha / 360} (mW/cm^2) \quad Eq. 2-Near-field$$

Where P_{in}/ch = Input power to antenna terminals in watts/ch, R = distance from the antenna centerline, h = aperture height in meters, α = 3 dB beam-width of horizontal pattern.

¹ RF exposure is measured and predicted in terms of power density in units of milliwatts (mW), a thousandth of a watt, or microwatts (μW), a millionth of a watt, per square centimeter (cm^2). Data comparing predictive analysis with on site measurements has demonstrated that power density can be effectively predicted at given locations in the vicinity of a wireless antenna facility.

4. FCC Guidelines for Evaluating the Environmental Effects of RF Emissions

In 1985, the FCC established rules to regulate radio frequency (RF) exposure from FCC licensed antenna facilities. In 1996, the FCC updated these rules, which were further amended in August 1997 by a Second Memorandum Opinion and Order. These new rules represent a consensus of the federal agencies responsible for the protection of public health and the environment, including the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), the National Institute for Occupational Health and Safety (NIOSH), and the Occupational Safety and Health Administration (OSHA).

Under the laws that govern the delivery of wireless communications services in the United States, as amended by the Telecommunications Act of 1996, the FCC has exclusive jurisdiction over RF emissions from personal wireless antenna facilities, which include cellular, PCS, messaging and aviation sites.² Pursuant to its authority under federal law, the FCC has established rules to regulate the safety of emissions from these facilities.

5. Comparison with Standards

Exhibit A shows the levels of RF electromagnetic energy as one moves away from the antenna facility. As shown in Exhibit A, the maximum power density is 0.000778 mW/cm² which occurs at 280 feet from the antenna facility. The chart in exhibit A also shows that the power density is only 0.000041 mW/cm² at a distance of 4 feet. Table 1 below shows the Maximum Permissible Exposure (MPE) limits established by the FCC. There are different MPE limits for public/uncontrolled and occupational/controlled environments.

Table 1: Maximum Permissible Exposure limits for RF Emissions

<i>Frequency</i>	<i>Public/Uncontrolled</i>	<i>Occupational/controlled</i>	<i>Maximum power density at Accessible location</i>
Cellular	.580 mW/cm ²	2.9 mW/cm ²	0.000778 mW/cm ²
PCS	1 mW/cm ²	5 mW/cm ²	

The maximum power density at the proposed facility represents only 0.33% of the public MPE limit for all frequencies in use.

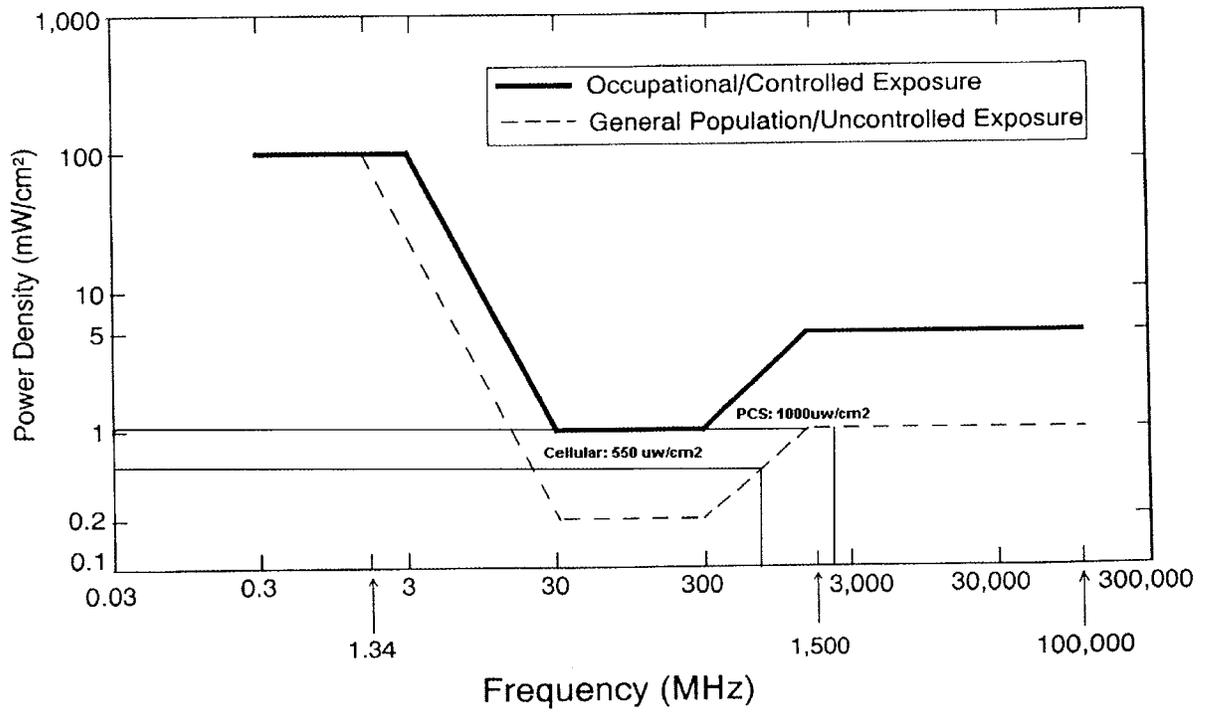
6. Conclusion

This analysis show that the maximum power density in accessible areas at this location is 0.000778 mW/cm², a level of RF energy that is well below the Maximum Permissible Exposure limit established by the FCC.

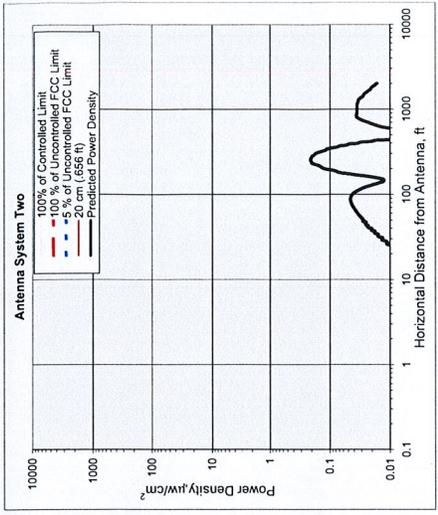
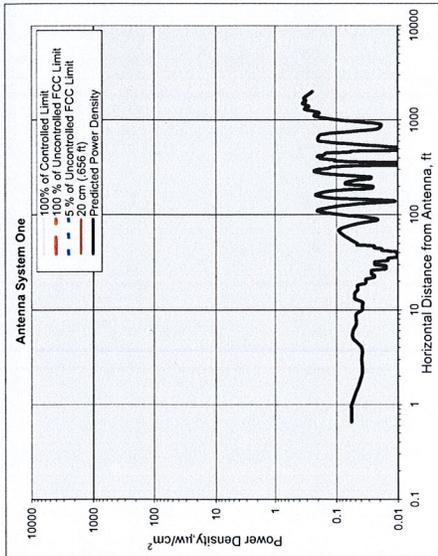
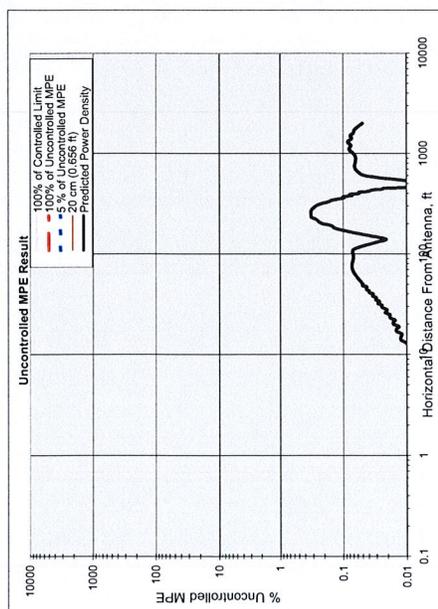
² 47 U.S. C. Section 332 (c) (7)(B)(iv) states that “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

7. FCC Limits for Maximum Permissible Exposure

FCC Limits for Maximum Permissible Exposure (MPE)
Plane-wave Equivalent Power Density



8. Exhibit A



Number of Antenna Systems: 4
Meets FCC Controlled Limits for The Antennas Systems.

Meets FCC Uncontrolled Limits for The Antenna Systems.

Meets 5% of FCC Uncontrolled Limits for The Antenna Systems.

No Further Analysis Required.

Maximum Power Density =	0.000778	mW/cm ²	@ Horiz. Dist.
306.64 times lower than the MPE limit for uncontrolled environment	0.33	% of limit	feet
Composite Power (ERP) =	3,600.00	Watts	

Site ID: 907-007-856
Site Name: Mansfield North East Edge
Site Location: 1725 Stafford Road
Mansfield, CT 06250

Performed By: Galen Belen
Date: 1/10/03

Antenna System One

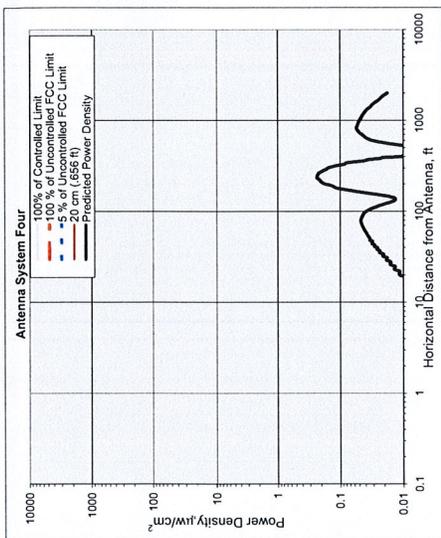
Frequency	units	Value
# of Channels	MHz	12
Max ERP/Ch	Watts	250.00
Max Pwr/Ch Into Ant.	Watts	5.86
Antenna Centerline	feet	160.00
Calculation Point (above ground or roof surface)	feet	0.00
Antenna Model No.		Alligon 7250.03
Max Ant Gain	dBd	16.30
Down tilt	degrees	2.00
Miscellaneous Att.	dB	0.00
Height of aperture	feet	5.11
Ant HBW	degrees	65.00
Distance to Ant _{10dBm}	feet	157.45
WOS?	Y/N?	n

Ant System ONE Owner: AT&T
Sector: 3
Azimuth: 50/170/290

Antenna System Two

Frequency	units	Value
# of Channels	MHz	150.00
Max ERP/Ch	Watts	200.00
Max Pwr/Ch Into Ant.	Watts	51.41
Antenna Centerline	feet	170.00
Calculation Point (above ground or roof surface)	feet	0.00
Antenna Model No.		DB224-A
Max Ant Gain	dBd	5.90
Down tilt	degrees	0.00
Miscellaneous Att.	dB	0.00
Height of aperture	feet	21.25
Ant HBW	degrees	360.00
Distance to Ant _{10dBm}	feet	159.58
WOS?	Y/N?	n

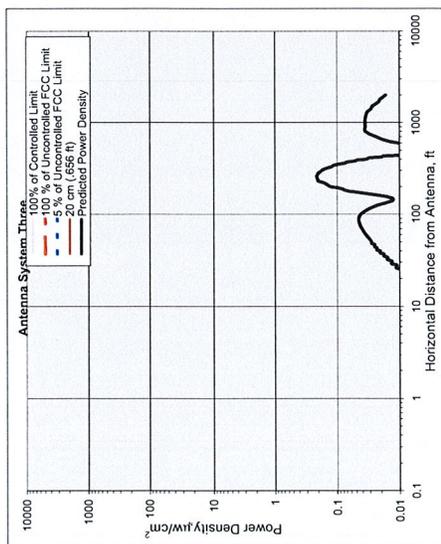
Ant System TWO Owner: Town of Mansfield
Sector: 1
Azimuth: 360



Antenna System Four

Parameter	units	Value
Frequency	MHz	140.00
# of Channels	#	1
Max ERP/Ch	Watts	200.00
Max Pwr/Ch into Ant.	Watts	51.41
Antenna Centerline	feet	170.00
Calculation Point (above ground or roof surface)	feet	0.00
Antenna Model No.		DB224-A
Max Ant Gain	dBd	5.90
Down tilt	degrees	2.00
Miscellaneous Att.	dB	0.00
Height of aperture	feet	21.25
Ant HBW	degrees	360.00
Distance to Ant _{bottom}	feet	159.38
WDS?	Y/N?	n

Ant System Four Owner: Town of Mansfield
Sector: 1
Azimuth: 360



Antenna System Three

Parameter	units	Value
Frequency	MHz	138.00
# of Channels	#	1
Max ERP/Ch	Watts	200.00
Max Pwr/Ch into Ant.	Watts	51.41
Antenna Centerline	feet	170.00
Calculation Point (above ground or roof surface)	feet	0.00
Antenna Model No.		DB224-A
Max Ant Gain	dBd	5.90
Down tilt	degrees	0.00
Miscellaneous Att.	dB	0.00
Height of aperture	feet	21.25
Ant HBW	degrees	360.00
Distance to Ant _{bottom}	feet	159.38
WDS?	Y/N?	n

Ant System Three Owner: Town of Mansfield
Sector: 1
Azimuth: 360

9. For Further Information

Additional information about the environmental impact of RF energy from personal wireless antenna facilities can be obtained from the Federal Communications Commission:

Dr. Robert Cleveland
Federal Communications Commission
Office of Engineering and Technology
Washington, DC 20554

RF Safety Program: 202-418-2464
Internet address: rfsafety@fcc.gov
RF Safety Web Site: www.fcc.gov/oet/rfsafety

10. References

[1] The Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. Section 332 (c)(7)(B)(iv).

[2] *Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation*, Notice of Proposed Rulemaking, ET Docket 93-62, 8 FCC Rcd 2849 (1993).

[3] *Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation*, Report and Order, ET Docket 93-62, FCC 96-326, adopted August 1, 1996. 61 Federal Register 41006 (1996).

[4] *Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation*, Second Memorandum Opinion and Order, ET Docket 93-62, adopted August 25, 1997.

[5] *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio frequency Electromagnetic Fields*, OET Bulletin 65, August, 1997.