

<p>DOCKET NO. 299 – Sprint Spectrum, L.P. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 383 Torrington Road in Litchfield, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council</p>
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August 24, 2005

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Pubic Need, as provided by General Statutes § 16-50k, be issued to Sprint Spectrum, L.P. for the construction, maintenance and operation of a wireless telecommunications facility to be located at 383 Torrington Road, in Litchfield, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council’s record in this matter, and subject to the following conditions:

1. The tower shall be designed as a monopole and shall be constructed no taller than 140 feet above ground level to provide telecommunications services to both public and private entities.
2. The Certificate Holder, in developing the facility, shall incorporate wetlands mitigation measures that shall include, but not be limited to, the installation of a small culvert underneath the proposed access road to hydraulically connect the wetlands separated by the access road and the inclusion of wildlife planting consisting of native shrubs and a wildlife conservation seed mix that would be planted in areas disturbed around the proposed facility and access road.
3. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Litchfield and all parties and intervenors, as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas mountings, equipment building, access road, utility line, and landscaping; and

- b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
4. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of electromagnetic radio frequency power density is submitted to the Council in the event other carriers locate at this facility or if circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
5. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
6. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any municipal antennas, provided such antennas are compatible with the structural integrity of the tower.
8. If the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. Any antenna that becomes obsolete and ceases to function shall be removed within 60 days after such antennas become obsolete and cease to function.
11. Any request for extension of the time periods referred to in Conditions 8 and 9 shall be filed with the Council not later than sixty days prior to the expiration date of this Certificate and shall be served on all parties and intervenors and the Town of Litchfield, as listed in the service list. Any proposed modifications to this Decision and Order shall likewise be so served.

12. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Litchfield Enquirer and in the Waterbury Republican-American.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Sprint Spectrum, L.P. d/b/a Sprint PCS	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP CityPlace I, 38 th Floor 185 Asylum Street Hartford, CT 06103-3402 (860) 509-6522 (860) 509-6501 – f tregan@brbilaw.com
Intervenor (Approved 12/1/04)	Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless	Wendell G. Davis, Esq. Blackwell, Davis & Spadaccini, LLC 158 East Center Street Manchester, CT 06040 860-432-0676 860-432-2926 – f wdavis@bds-law.com

Party (Approved on 1/24/05)	Town of Litchfield	Michael D. Rybak Guion, Stevens & Rybak, LLP P.O. Box 338 Litchfield, CT 06759-0338 860-567-0821 860-567-0825 – f mdr@litchlaw.com Leo Paul, Jr., First Selectman Town of Litchfield P.O. Box 488 Litchfield, CT 06759-0488 860-567-7550 860-567-7552 lfselectman@optonline.net
Intervenor (Approved 2/2/05)	Jay Abbott 130 Norfolk Road Litchfield, CT 06759 860-567-8848 jlaskaatmarshfds@aol.com	
Intervenor (Approved 2/2/05)	Frank Rosa Georgiana Bianchi	Peter J. Tyrrell Levy & Droney, PC 74 Batterson Park Road Farmington, CT 06034 860-676-3069 860-676-3200 – f ptyrrell@ldlaw.com
Intervenor (Approved 2/2/05)	John Bolus 112 East Chestnut Hill Road Litchfield, CT 06759 860-567-4129 860-457-8720 – f Jsbolus@excite.com	
Intervenor (Approved 4/21/05)	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com