



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

VIA ELECTRONIC MAIL

October 11, 2019

Eric Dahl
Vertical Development
20 Commercial Street
Branford, CT 06405
edahl@comcast.net

RE: **Non-Compliance with Declaratory Ruling Conditions and Notification of Completion:**

PETITION NO. 395A – T-Mobile Northeast LLC (T-Mobile) amendment of its declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to relocate an existing T-Mobile facility attached to an Eversource electric transmission line structure (#2997) onto an approved replacement electric transmission line structure (#2997) within the existing Eversource right-of-way located in the parking lot of the Wilton Railroad Station near the intersection of Route 7 and Route 33 (Old Station Road a/k/a 15 Old Danbury Road) in Wilton, Connecticut.

Dear Mr. Dahl:

Pursuant to Connecticut General Statutes §§ 4-176 and 16-50k, the Connecticut Siting Council approves Petitions for Declaratory Rulings and Amendments of Declaratory Rulings for facilities that would not have a substantial adverse environmental effect and would not require a Certificate of Environmental Compatibility and Public Need. The Council routinely imposes standard conditions when issuing Declaratory Rulings. Furthermore, the Council may add site-specific conditions that require further effort of the petitioning entities to provide written confirmation to the Council that the conditions have been met.

To date the Council is not in receipt of any communication that site-specific conditions applied to the above referenced petition have been met. The Council is also not in receipt of any notification that construction has been completed.

The Council hereby requests compliance on these matters no later than December 16, 2019. If additional time is needed to gather the requested information, please notify the Council in writing.

If you have any questions or concerns, please call the Council office at 860-827-2935.

Thank you for your attention to this matter.

Sincerely,

Melanie Bachman
Executive Director

MB/RDM/laf

Enc.: Decision Letter to Petition No. 395A

c: Mark Richard, T-Mobile



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CERTIFIED MAIL RETURN RECEIPT REQUESTED

September 16, 2016

Eric Dahl
Vertical Development
20 Commercial Street
Branford, CT 06405

RE: **PETITION NO. 395A** – T-Mobile Northeast LLC (T-Mobile) request to amend its declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to relocate an existing T-Mobile facility attached to an Eversource electric transmission line structure (#2997) onto an approved replacement electric transmission line structure (#2997) within the existing Eversource right-of-way located in the parking lot of the Wilton Railroad Station near the intersection of Route 7 and Route 33 (Old Station Road a/k/a 15 Old Danbury Road) in Wilton, Connecticut.

Dear Mr. Dahl:

At a public meeting held on September 15, 2016, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal to amend its declaratory ruling would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

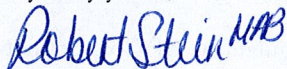
1. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel;
2. Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes;
3. Approval of any minor project changes be delegated to Council staff;
4. Deployment and operation of a temporary facility subject to the submission of final design details to the Executive Director for review and final authorization;
5. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility 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 decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
6. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of Wilton;

7. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
8. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;
9. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
10. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
11. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated August 13, 2016.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,



Robert Stein
Chairman

RS/RDM/lm

Enclosure: Staff Report dated September 15, 2016

- c: The Honorable Lynne Vanderslice, First Selectman, Town of Wilton
Robert Nerney, Director of Planning and Land Use Management, Town of Wilton



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Petition No. 395A
T-Mobile Northeast LLC
Wilton, Connecticut
Staff Report
September 15, 2016

On August 18, 2016, the Connecticut Siting Council (Council) received a petition from T-Mobile Northeast LLC (T-Mobile) to amend its declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed relocation of an existing telecommunications facility attached to an existing Eversource electric transmission structure. On or about August 11, 2016, T-Mobile notified the Town, the property owner of record and abutting property owners of the proposed replacement project. To date, the Council has not received any comments regarding the petition filing.

On July 9, 1998, T-Mobile (formerly Omnipoint) received approval from the Council in Petition No. 395 to install a telecommunications facility on an existing 90-foot tall electric transmission line structure (#2997) located at 15 Old Danbury Road in Wilton. T-Mobile's existing facility consists of panel antennas installed on a pipe mast extending approximately 8.5 feet above the existing lattice structure and associated ground equipment installed within a fenced compound at the base of the lattice structure.

On May 26, 2016, the Council approved Petition No. 1225, filed by Eversource, to modify a 1.85 mile section of an existing 115-kilovolt transmission line extending through the south-central section of Wilton in existing Eversource right-of-way. The petition included the replacement of existing transmission structure #2997.

As part of Petition No. 1225, Eversource initially designed replacement transmission structure #2997 as an approximate 119-foot tall monopole. Subsequent to the Council's approval and upon consultation with T-Mobile, the new replacement structure would be designed as a 124-foot monopole to accommodate both T-Mobile's new installation and necessary transmission line clearance requirements.

The new replacement structure would be installed adjacent to Eversource's existing lattice transmission structure that would be removed as part of Petition No. 1225. T-Mobile would install three new antennas in a flush-mount configuration on the new tower at a centerline elevation of 119 feet above ground level. T-Mobile's existing compound would remain in the same location and would be connected to the new transmission tower with new cable. There would be no change in site access.

The area surrounding the transmission structure includes commercial and residential development as well as a major road corridor (Route 7) and a Metro-North train station and rail line. All work would be within Eversource's existing right-of-way and would occur in an office building parking area.

The proposed project would not require site clearing, would not impact wetlands, or affect any species listed on the Natural Diversity Database. The maximum worst-case power density of T-Mobile's proposed LTE, GSM and UMTS equipment would be 2.7 percent of the applicable Federal Communications Commission limit for radio frequency power density using a -10 dB off-beam adjustment.

Due to complications associated with reconstruction of Eversource's 115-kV transmission line, T-Mobile may need to deploy a temporary telecommunications facility in order to maintain wireless service to the surrounding area.

If the Petition is approved, staff suggests including the following conditions:

1. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel;
2. Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes;
3. Approval of any minor project changes be delegated to Council staff; and
4. Deployment and operation of a temporary facility subject to the submission of final design details to the Executive Director for review and final authorization.

