

PETITION NO. 545 – Nextel Communications Inc. petition for	}	Connecticut
a declaratory ruling that no Certificate of Environmental	}	
Compatibility and Public Need is required for the proposed	}	Siting
modification of an existing Connecticut Light and Power electric	}	
transmission facility located off of Highland Avenue in	}	Council
Wallingford, Connecticut.	}	
	}	September 5, 2002

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the installation of a Powermount structure within an existing Connecticut Light and Power Company transmission tower off of Highland Avenue in Wallingford, Connecticut, are not significant, are not disproportionate either alone or cumulatively with other effects, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny this petition.

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 petitioner must obtain an aeronautical study from the Federal Aviation Administration (FAA) for a determination of hazard to air navigation for the site at a height of 112 feet above ground level (agl).
2. The Powermount shall be compatible with and installed within the existing lattice transmission tower at a height not to exceed 112 feet including antennas and appurtenances, if approved by the FAA. If the FAA does not approve a height of 112 feet agl, the petitioner shall construct the Powermount at a height not to exceed 100 feet agl, including antennas and appurtenances.
3. The equipment shelter shall be designed as a wood shed that conforms to the architecture of the surrounding neighborhood. An eight-foot high wood stockade fence surrounded by vegetative screening shall enclose the equipment compound.
4. The petitioner shall provide a recalculated report of electromagnetic radio frequency power density if and when 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 petitioner shall permit public or private entities to share space on the tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
7. If the facility does not initially provide, or permanently ceases to provide wireless services following completion of construction, this Decision and Order shall be void, and the petitioner shall dismantle the Powermount and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.

8. Any antenna that becomes obsolete and ceases to function shall be removed within 60 days after such antenna becomes obsolete and ceases to function.
9. Unless otherwise approved by the Council, this Decision and Order shall be void if the facility authorized herein is not completed within one year of the effective date of this Decision and Order or within one year after all appeals to this Decision and Order have been resolved.

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 Hartford Courant, The New Haven Register and The Record-Journal.

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 party to this proceeding is:

Nextel Communications, Inc.

Julie M. Donaldson
Hurwitz & Sagarin, LLC
147 North Broad Street
Milford, Connecticut 06460-0112