

June 20, 2014

VIA EMAIL & FIRST CLASS MAIL

Hon. Robert Stein, Chairman
and Members of the Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: New Cingular Wireless PCS, LLC (“AT&T”)
Petition 1101 for a Declaratory Ruling
79 Park Avenue, Danbury, Connecticut

Dear Chairman Stein and Members of the Council:

We are writing to you on behalf of New Cingular Wireless PCS, LLC (AT&T) in response to a letter received from Danbury City Councilman Rotello regarding to the above referenced Petition. Councilman Rotello requests a public hearing be held on Petition 1101. The purpose of our letter is to provide the Council further context regarding the factual and legal matters it will consider in ruling on AT&T’s request for a declaratory ruling and whether or not to hold a public hearing on Petition 1101, which was previously noticed to public, federal, state and city agencies and abutting property owners in accordance with regulation.

Proximity to the Park Avenue Elementary School

The plans filed by AT&T in support of this Petition for a declaratory ruling note that the rooftop facility is located a distance of 285’ away from the Park Avenue Elementary School. [Sheet Z-4, note 13]. As such, Section 16-50p(a)(1)(G) of the General Statutes regarding siting near schools is not at issue in this proceeding. Nevertheless, even to the extent it were a legal consideration, AT&T respectfully submits that the design, photosimulations and viewshed report as submitted with the Petition document that there will be no adverse visual impacts from the facility at the school. We submit it would be wholly appropriate for the Council to find that the facility presents no significant adverse visual impacts on the school, or surrounding neighborhood. Further, we do not believe that additional information obtained at a public hearing is reasonably likely to address the Council’s consideration of visual effects in deciding Petition 1101.

RF Safety

AT&T has provided the Council with reports regarding the facility’s compliance with state and federal standards related to radiofrequency energy. As such, the environmental effects of radiofrequency energy associated with this facility are not a further legal consideration for the Council. 47 U.S.C. § 332(c)(7). Enclosed is a brochure AT&T provides to the public for further information on the safety of its facilities.

Wireless Services, Building Code/Safety & Residential Building Locations

As noted in AT&T's Supplemental Submission dated June 19, 2014, the population density in this part of the City relates to the demand being created in AT&T's network and why a new facility is needed in proximity to where the people are and use the network in this part of the community (i.e., homes, roads, schools, etc). The structure itself is, nonetheless, no different than any other type of rooftop construction with respect to building code compliance and related safety codes. Essentially, the structure on the roof of the building is a stairwell extension to 52.5' above grade and setback 54' from the front property line with no special construction requirements. If approved by the Siting Council, AT&T's project would next be reviewed by the City Building Department as part of a routine building permit application. Of note, AT&T has numerous wireless facilities installed on residential buildings in the State of Connecticut and throughout the Country. [See e.g. Council's database]. In urban areas, multifamily buildings are typically taller structures and an excellent siting location for wireless carriers. As such, other than the fact that the antennas in this project are fully enclosed visually, this project is simply not unique related to siting of wireless facilities on residential buildings.

Generator & Lack of Fuel Spill Risks/Environmental Impacts

The property on which AT&T's facility is proposed consists mainly of impervious surfaces dedicated to the existing building and parking lot. AT&T's proposed generator is next to a dumpster on the lot. The generator location is 216' from the rear property line with a parking lot in between used by residents of the building. Beyond the property line, the adjoining parcel is wooded, with a rail-trail. The Still River is beyond the trail.

As noted in discussions at the site visit, the generator does not conflict with exiting on-site traffic circulation and is in an area next to a concrete retaining wall and fence. In the Petition and Response to Council Interrogatories, the generator's containment systems and fuel capacity were described and it was noted that the generator is remotely monitored by AT&T.

We respectfully submit that the generator in this case does not present the potential for significant adverse environmental spill risks or impacts related to the Still River. Indeed, we submit that the size, type and potential effects of the generator are no different in degree or kind than small to mid-sized generators utilized and deployed at City facilities, businesses and even residential properties throughout Danbury through which the Still River flows. Further, we are not aware of any legal prohibitions or local regulations related to the siting of the generator in this regard.

Local Zoning Preferences

This part of the City where AT&T requires a new facility is all locally classified in various residential zoning districts. Rooftop antenna facilities are allowed by the City in such zones, subject to certain siting hierarchies. While local regulations are considered by AT&T as guidance as part of its tower siting efforts, we note that such municipal regulatory preferences are not legally binding with respect to Council regulated facilities as set forth in Section 16-50x of the General Statutes.

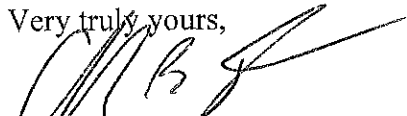
Perhaps more importantly, we note that municipal zoning regulations have to be considered in context with a specific facility and overall State policy. Section 16-50aa of the General Statutes articulates State policy to avoid the proliferation of communication tower structures. A practical application of State policy and the facts presented in this Petition should yield a preference by the City and surrounding community for the type of installation as proposed by AT&T, namely a screened rooftop tower facility, as compared with a traditional monopole or other at grade communications tower facility in the surrounding neighborhood.

Siting Council Consideration of Public Hearing Request

AT&T certainly respects the request for a public hearing as made by Councilman Rotello whose district this proposed facility is located in. We nevertheless submit that, for all the foregoing reasons, a public hearing on Petition 1101 is not reasonably likely to produce comments related to the Council's factual and legal considerations in deciding AT&T's request for a declaratory ruling. We of course acknowledge that it is up to the Siting Council to determine whether or not to hold a public hearing in its discretion, but we simply believe as submitted, this project presents no significant adverse environmental effects on the natural or human environment.

Thank you for your consideration of these comments as part of the Siting Council's consideration of Petition 1101 and your deliberations on June 26th.

Very truly yours,



Christopher B. Fisher

Enclosure

cc: Councilman Paul Rotello

AT&T Places the Safety of Its *Customers First*

There are no known adverse health effects from cell sites and no health risks to the general public have been shown.

- The FCC has pointed out that the possibilities are remote that a person could be exposed to RF levels that exceed the FCC guidelines.
 - You can find the full FCC guidelines for Cellular and PCS Sites at:
<http://www.fcc.gov/cgb/consumerfacts/rfexposure.html>
- In addition, the American Cancer Society (ACS) affirms the FCC's conclusion stating "at ground level near typical cellular base stations, the amount of RF energy is thousands of times less than the limits for safe exposure set by the FCC and other regulator authorities." The ACS also states that that it is "very unlikely" for an individual to be exposed to excess RF levels just by being close to a cell site.
- According to a report on cell sites, the ACS confirms that most scientists believe that cell sites and antennas are unlikely to cause cancer or result in health problems.
 - You can find the full ACS report at:
<http://www.cancer.org/Cancer/CancerCauses/OtherCarcinogens/AtHome/cellular-phone-towers>
- Furthermore, the World Health Organization (WHO) confirms that RF emissions diminish rapidly with distance. Likewise, the WHO states that studies have not shown a correlation between exposure to RF emissions from base stations and an increased risk of cancer or any adverse long or short-term health effects.
 - You can find the full WHO report at:
<http://www.who.int/mediacentre/factsheets/fs304/en/index.html>

AT&T builds and maintains all cell sites and antennas in accordance with FCC guidelines for human exposure to radiofrequency (RF) fields.

- The energy from the antennas on cell sites decreases with distance. As a result, ground-level exposure is much lower than if a person were very close to the antenna and the main beam.
- The FCC's RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cell sites or in the vicinity of other, lower-powered cell site transmitters.