

DOCKET NO. 373A - New Cingular Wireless PCS, LLC } Certificate of Environmental Compatibility and Public Need for } the construction, maintenance and operation of a } telecommunications facility located at the St. Matthew Lutheran } Church, 224 Lovely Street, Avon, Connecticut. }	Connecticut Siting Council October 7, 2010
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Decision and Order

In response to the Connecticut Siting Council’s (Council) reopening of the record in this docket on May 27, 2010 to consider a new proposed location for the approved facility, the Council hereby rescinds the Decision and Order issued on October 8, 2009 and issues this new Decision and Order for the construction, maintenance and operation of a telecommunications facility located at the St. Matthew Lutheran Church, 224 Lovely Street, Avon, 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 constructed as a 110-foot tall monopole with interior flush-mount antennas, no taller than necessary to provide the proposed telecommunications services and sufficient to accommodate the antennas of New Cingular Wireless PCS, LLC and other entities, but such tower shall not exceed a height of 110 feet above ground level. The tower site shall be located at the new proposed location, approximately 71 feet north of the Option 3 tower site.

2. 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 Avon for comment, 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. The Certificate Holder shall discuss tower color options with the Town of Avon prior to submission to the Council. The D&M Plan shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, site access, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
 - c) specifications for the architectural treatment of equipment shelter(s) or other structures used to house radio equipment that exceed the height of the compound fence.
 - d) details for the installation of architecturally-treated fencing around the compound;
 - e) a landscape plan that enhances visual mitigation of the facility; and
 - f) provisions for the avoidance of the sandpit area by construction vehicles to the greatest extent possible and an examination of the immediate work area by properly informed personnel prior to daily construction activities within the work zone for the presence of eastern box turtles. Any turtles within the work zone shall be relocated away from the construction area. Turtle sweeps shall be conducted during April through October.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the 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 the electromagnetic radio frequency power density be

submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

4. 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.
5. The Certificate Holder shall perform a daily examination of the work area by properly informed personnel prior to daily construction activities for the presence of eastern box turtles. Any turtles within the work zone shall be safely relocated to an environmentally suitable area.
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 Town of Avon public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. Unless otherwise approved by the Council, 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. At least one wireless telecommunications carrier shall install their equipment and shall become operational not later than 120 days after the tower is erected. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
10. Any request for extension of the time period referred to in Condition 8 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Avon. Any proposed modifications to this Decision and Order shall likewise be so served.
11. 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.
12. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
13. 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 site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of tower erection, commencement of site operation, and the completion of site construction.
14. The Certificate Holder 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.

15. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

Pursuant to General Statutes § 16-50p, the Council hereby directs 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.

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:

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