

June 15, 2011

BY ELECTRONIC MAIL & OVERNIGHT MAIL

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

Re: Docket 408  
New Cingular Wireless PCS, LLC ("AT&T")  
Application for Certificate of Environmental Compatibility and Public Need  
95 Balance Rock Road, Hartland, Connecticut

Dear Chairman Stein and Members of the Council:

On behalf of New Cingular Wireless PCS, LLC ("AT&T"), please accept this letter in support of its Certificate Application in Docket No. 408. This letter is being submitted in accordance with the 30 day post-hearing time frame established by the Council for the receipt of any written comments, proposed findings of fact or briefs. Our letter outlines the reasons why we believe the record in this proceeding supports approval of the proposed facility.

Coverage Objectives, Site Search & Public Need

The objective of an AT&T site in this area of the State is to provide reliable service along portions of Route 20 and surrounding areas in eastern Hartland to the north, east and west of the Barkhamsted Reservoir.

AT&T's initial search ring was centered on west side of the Barkhamsted Reservoir. Most of the lands in this area of Hartland are part of the Tunxis State Forest and Barkhamsted Reservoir MDC watershed properties. Due to AT&T's knowledge of the State DEP's long standing policy and interpretation of state law prohibiting private tower sites on state forest lands and State law restricting the use of large parcels of water company watershed properties associated with the Barkhamsted Reservoir, AT&T's search area was relocated to areas east of the reservoir.

AT&T began by searching for existing towers or tall structures in the area of the revised search ring. Having found no opportunities to locate a facility on a tower or other tall structure, AT&T conducted a further comprehensive search of municipal and private properties potentially available for the siting of a new tower facility. Initial searches did not yield any usable locations for a new tower facility given significant changes in elevation and residential uses in the area. AT&T representatives' search finally yielded the host parcel of this application, which is the site of the Ring Mountain Hunt Club.

Mr. Tony Wells and Mr. Dan Goulet testified that the proposed tower site would provide the needed service to Route 20 and the surrounding areas and will hand-off with AT&T's

existing facility on the Town-owned tower located at 22 Welsh Road. The RF testimony also established that, due to the terrain challenges of this area of Hartland, a minimum tower height of 190' is needed at proposed Sites A and C and that at proposed Site B, a minimum tower height of 160' is required to provide similar service as Sites A and C at a height of 190'.

The RF testimony and materials also clearly demonstrated that the existing towers in Granville and Tolland Massachusetts are located too far from the area where reliable service is needed and as such, these towers are not viable alternatives. Similarly, the propagation plots in the record also demonstrate that increasing the height of the surrounding existing towers would not provide reliable service due to the overall distances of these towers to the area where service is needed and the terrain in this area of Hartland.

AT&T's evidence and RF testimony also established that an additional site will be required in the future along Route 179 south of the intersection of Route 179 and Route 20. Further, that such a site will be required in that location irrespective of the tower proposed in this Docket. Importantly, RF testimony demonstrated that such a future site to the south would integrate well into the AT&T network as it exists and would be expanded through the tower proposed in this Docket.

Based on AT&T evidence, AT&T submits that the public need for a new tower facility in this area of Hartland to provide coverage where adequate and reliable coverage does not exist today is simply not at issue in this Docket. Moreover, it should be noted that no competent evidence or testimony was offered by other parties or intervenors to rebut AT&T's testimony on the subject of a public need for a new tower in this part of Hartland.

#### The ConnDOT Salt Shed Area Is Not An Alternative Site

The parties and intervenors in this proceeding inquired about the feasibility of the Connecticut Department of Transportation (ConnDOT) salt shed area located on Route 20 as a possible alternative site. This salt shed area is a small parcel essentially carved out of the Tunxis State Forest land. As demonstrated by a propagation plot in the record, a tower facility at this salt shed area would not provide reliable service in AT&T's network.

Nevertheless, as requested by the Council, AT&T contacted ConnDOT to determine the size of the property that they control in this area and performed a field verification of this area. AT&T's representative confirmed ConnDOT's conclusion that the size of the area that they control is not sufficient for a wireless facility tower site. Therefore, in addition to not being a viable site for radio frequency reasons, this site is insufficient in size to host a tower facility.

#### The Tower Facility Will Have No Significant Environmental Impacts

Pursuant to CGS Section 16-50p, the Council is required to find and determine as part of a Certificate application any probable environmental impact of a facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. AT&T respectfully submits

that the facility as proposed in this Docket will have no significant environmental effects on the resources listed in Section 16-50p of the General Statutes.

Potential Visual Effects

The record in this Docket demonstrates that the proposed tower facility at Sites A, B or C will have not have a significant visual impact on scenic resources or residences in the vicinity of the tower site. Indeed, the Siting Council itself noted at the May 16<sup>th</sup> hearing that the area depicting potential visibility on the viewshed map was one of the smallest they could ever recall seeing on a viewshed map.

Overall, the anticipated visibility of Sites A, B, or C is mainly confined to the host property and brief views along Route 20 west of the reservoir. The comparative visibility analysis establishes that potential seasonal visibility of Site B at a height of 160' and visibility of Site C at a height of 190' are very similar despite the 30' difference in height. The abundance of mature evergreens in the vicinity of the proposed site provide substantial screening, thereby limiting potential seasonal views of Site B or Site C to approximately 5 acres out of the over 8,000 acre study area, which are mainly confined to the host property.

Mr. Michael Libertine testified that some limited visibility is anticipated from Pine Mountain, however, given that existing vegetation and the distance from the proposed site, nearly three miles, such views will not be substantial or intrusive. In addition, no visibility is expected from the Indian Council Caves located along the Tunxis Trail, approximately 4.3 miles from the proposed site.

Notwithstanding the low overall visibility, Mr. Libertine also testified that visibility could be further reduced by t-arm antenna mounts and painting the monopole brown, or, designing a "monopine". Given the minimum 190' height required at Sites A and C, both of these design options allow for the mounting of the required number of antennas without an increase in the tower height.

Potential Impacts to the Natural Environment

As clearly demonstrated in this Docket, impacts to the natural environment from AT&T's proposed facility are minimal.

a. Wetlands, Watercourses, and Floodplains

AT&T's evidence and testimony by Mr. Dean Gustafson confirmed that two wetland systems are located on the host parcel and that no vernal pools are located on the host parcel. For Site A, no direct impacts to wetlands would occur with the closest wetland boundary approximately 50 feet from the northeast corner of the Site A compound.

The proposed access road for Site B includes a crossing of a seasonal intermittent watercourse resulting in approximately 310 square feet of direct impacts. For Site B, AT&T would develop and implement a comprehensive Soil Erosion and Sedimentation Control Plan with an independent professional to monitor the installation and maintenance of the erosion and

sedimentation controls. For Site B, AT&T would also design a crossing to allow for the passage of wildlife and the continuity of a small stream.

The proposed access road for Site C also includes a wetlands crossing and as such, AT&T would implement the same erosion and sedimentation controls and monitoring as described for Site B.

Moreover, and despite the lack of impact, AT&T will implement additional precautionary measures, including a construction seasonal restriction; establishment of a restrictive barrier (i.e., silt fence) surrounding the construction area; a sweep of the construction zone by an experienced professional following installation of the restrictive barrier and before construction begins to move any amphibians or other wildlife out of harm's way; and provision of a contractor awareness education session during the pre-construction meeting to identify the sensitivity of the nearby wetlands and watershed and to provide instructions if they encounter amphibians or other wildlife. AT&T will install a minimum of 6 inches of loam and seeding with a New England Conservation/Wildlife seed mix as well as plant native shrubs along the sides of the proposed compound for permanent stabilization of the soils.

Given these extensive measures volunteered by AT&T and not all of which are required by analytical data from the site, it is respectfully submitted that AT&T's proposed Facility at Site A, Site B or Site C will not have a significant adverse impact to the wetlands on the host property.

b. Wildlife

The Department of Environmental Protection's (DEP) Natural Diversity Data Base indicates that there are records of the Northern saw-whet owl, a state species of special concern, in the vicinity of the proposed site. On behalf of AT&T, the Connecticut Audubon Society conducted ornithological surveys for proposed Sites A, B and C. The surveys were conducted during breeding season and no signs of this species' presence were detected. Given that the site does have potentially suitable habitat for breeding Northern saw-whet owls, AT&T has agreed to maintain a seasonal restriction on site work, as recommended by the results of the Audubon Society survey reports.

Moreover, Dr. Lisa Standley testified that the proposed Facility at any of the proposed locations – Sites A, B or C – will have no impact on the migration of Northern saw-whet owls as the survey results indicate that this species is not migrating past the site above the tree canopy. Dr. Standley's testimony also clearly established that the proposed Facility will have no impact on migratory birds given that credible data and studies confirm that bird migration are generally at altitudes significantly above the proposed 190-foot monopole tower. Dr. Standley's testimony is also strengthened by the fact that the testimony offered by the other parties did not support any impact of the proposed Facility on migratory birds.

No other wildlife issues have been identified in the course of AT&T investigations and as such, AT&T respectfully submits that the proposed facility will not significantly impact wildlife or any ecological balance in this area of Hartland.

Other Environmental Considerations


There are no other relevant or disputed environmental factors for consideration by the Council in this Docket. The tower facility will comply with all public health and safety requirements. Additionally, since the facility is unmanned with few vehicle trips, there will be no impacts to traffic, air or water. As such, the Council should find and determine that the facility proposed by AT&T has few if any environmental effects.

Conclusion

AT&T has demonstrated a public need for and lack of any significant adverse environmental effects associated with its proposed tower facility at Site A, B or C at 95 Balance Rock Road. The evidentiary record establishes a public need for the proposed Facility and no competent evidence challenging the public's need for the tower to provide reliable wireless services was presented by any party or intervenor. AT&T verified that no other locations were viable alternatives to the host property at 95 Balance Rock Road. AT&T's evidence in the record in this Docket clearly demonstrated that the proposed Facility will have minimal visual impact and no significant adverse environmental effects. Indeed, given the limited visibility of the proposed unmanned Facility, it will have no impact on the rural character of the host property or surrounding area.

Accordingly, for the reasons set forth herein and as more fully evidenced by the record in this Docket, a Certificate should be issued for the proposed facility at Site A, B or C at the Ring Mountain Hunt Club at 95 Balance Rock Road.

Respectfully submitted,

  
Lucia Chiochio

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing letter was submitted electronically and by overnight mail to the Connecticut Siting Council and to:

David F. Sherwood, Esq.  
Moriarty, Paetzold & Sherwood  
2230 Main Street, P.O. Box 1420  
Glastonbury, CT 06033-6620  
(860) 657-1010  
(860) 657-1011 fax  
dfsherwood@gmail.com

Margaret F. Rattigan  
Murphy, Laudati, Kiel, Buttlar & Rattigan, LLC  
10 Talcott Notch, Suite 210  
Farmington, CT 06032  
(860) 674-8292  
(860) 674-0850  
mrattigan@mlkbr.com

Heike M. Krauland  
64 Balance Rock Road  
East Hartland, CT 06027  
(860) 413-9483  
heiketavin@yahoo.com

Dated: June 15, 2011

  
Lucia Chiochio  
Lucia Chiochio

cc: Michele Briggs, AT&T  
David Vivian, SAI  
Anthony Wells, C Squared  
Scott Pollister, C Squared  
Dean Gustafson, VHB  
Michael Libertine, VHB  
Christopher B. Fisher, Esq.