

February 12, 2014

FIRST CLASS & E-MAIL

Mr. Daniel Forrest
Connecticut Commission on Culture & Tourism
Historic Preservation Division
One Constitution Plaza, Second Floor
Hartford, Connecticut 06103

Re: New Cingular Wireless PCS, LLC ("AT&T") – Siting Council Docket No. 442
Proposed Telecommunications Tower Facility on State Property
Norwalk Armory – Military Facility, State Route 123, City of Norwalk

Dear Mr. Forrest:

We are writing to you on behalf of AT&T with respect to the above referenced matter which involves a wireless communications tower project on State owned property that is currently improved with a military facility known as the Norwalk Armory. This letter is in furtherance of our January 27, 2014 correspondence to the Connecticut Siting Council's Executive Director, Melanie Bachman as it relates to CSC Docket 442 and your February 10th meeting with Ms. Bachman and the Council's Chairman, Mr. Robin Stein.

By way of background, this particular tower project has been considered by various State and local agencies for over a decade. It is the subject of a lease agreement with AT&T that was approved by the Administration through the Office of Policy and Management, the State Military Department, the State Properties Review Board and the Attorney General's Office. Additionally, the City of Norwalk and adjoining community of New Canaan have no objections to the project which is needed to provide reliable wireless services to the public in this part of the state.

As noted in our correspondence from January, AT&T has engaged in a significant Section 106 of the National Historic Preservation Act of 1996 (NHPA) consultation with Connecticut's State Historic Preservation Officer ("SHPO") in accordance with the FCC's Nationwide Programmatic Agreement ("FCC NPA"). The location of the proposed communications tower project on State property is confined by lease to the rear of the property near a gas pipeline and paved parking area. The tower site location has not materially changed and is in the same proposed area as reviewed by SHPO in 2003 and 2010/2011.

While not in the right-of-way, the project is in the APE for the Merritt Parkway which is on the National Register of Historic Places. After considerable review, CT's SHPO issued a conditional no effect letter in 2011 for the project. That determination was made after field

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reviews, balloon tests and the provision of photosimulations for two 140' "unipole" towers (internal antennas) brown in color and in lieu of a 150' monopole that had been previously determined to have an adverse historic effect for NHPA purposes.

As you may know, CT SHPO's 2011 determination was final and binding and has no expiration for purposes of the NHPA and FCC NPA. Further, it has been relied on by AT&T in pursuing this project with the State of Connecticut as both a leasing and regulatory matter and its FCC license obligations related to federal undertakings. We are also advised by AT&T's consultants (formerly VHB now All-Points Technology) that in the intervening three years, there have been no changes to historic resources in the APE as relevant to SHPO's determination and review in 2011. Given the foregoing, AT&T is not seeking another or further Section 106 consultation with SHPO. Indeed, we are not aware of any regulatory authority related to this project which would require additional consultation with SHPO in accordance with the NHPA.

We are nevertheless writing on behalf of AT&T to seek clarification on how to interpret condition No. 1 contained in the no effect letter that was issued in 2011 and which states as follows:

1. the installation shall be designed and painted in a manner to be as non-obtrusive as possible, and

In discussing the matter with AT&T's consultant Mr. Libertine, and given the context within which SHPO reviewed this project, we have generally understood Condition No. 1 to be specific to the tower design AT&T filed for SHPO review pursuant to the FCC NPA in 2010/2011 – i.e. two 140' brown unipole towers. While the 2011 conditional no effect letter does not expressly state such a limitation, we have nevertheless advised the Siting Council of that general understanding in pending Docket 442. We understand, however, that in your conversations with representatives of the Siting Council there may in fact be some flexibility with regard to the tower design itself and what constitutes a tower installation "design[ed] and painted in a manner to be as non-obtrusive as possible" for purposes of the no effect letter on file for this project.

As such and based on your discussions with Siting Council representatives, we are writing to ascertain if a 130' monopole tower with external antennas on low-profile platforms that are painted (e.g. brown/grey tower at base to ambient tree line and blue/grey tower and antennas above) would be consistent with Condition No. 1 in the no adverse effect letter issued for this project in 2011. Such a tower is feasible for AT&T to construct in accordance with its lease with the State and also meets AT&T's minimum height requirement of 127' AGL and Verizon's minimum height requirement of 117' AGL in providing service to this area of Connecticut. Such a structure would obviate the need for a second 140' unipole tower for other future carriers, allow for AT&T, Verizon and other carriers to share use of one tower and result in a reduction in the viewshed and visibility from the Merritt Parkway given a lower overall tower height of 130' AGL. As such, there appears to be support for such an interpretation of the 2011 conditional no effect letter (i.e. the lower single tower with antenna massing external to the tower meets the criteria in the FCC NPA as much as two 140' unipole towers with internal antennas do).

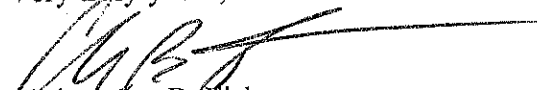
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If Condition No. 1 can be interpreted by AT&T to allow a 130' painted monopole tower structure, the Siting Council would then be empowered to consider such a tower design in rendering a decision in Docket 442. In the absence of such an interpretation, we have advised the Council that the Section 106 consultation with CT SHPO was final and binding on AT&T and the Council would need to consider the criteria in Section 16-50p of the Connecticut General Statutes as part of considering an approval for the project as submitted (or the imposition of some other modification which would accommodate the need for a tower in this part of the State and which AT&T could legally implement consistent with the 2011 no effect letter).

Given all the foregoing, we would appreciate your correspondence clarifying how to interpret Condition No. 1 in SHPO's 2011 no adverse effect determination for this project and in particular if a 130' painted monopole tower with antenna platforms would comply therewith. Procedurally, this is not a request for further Section 106 consultation and simply seeks clarification and interpretation of Condition No. 1 in the April 2011 no adverse effect determination issued by SHPO. It is important to note that AT&T is not instituting a new Section 106 consultation and we are not authorized to consent to any request by CT's SHPO for another consultation in accordance with the NHPA and FCC NPA as part of seeking this interpretation of the existing conditional no effect letter from 2011. The request set forth in this letter is specifically limited to seeking a yes or no clarification from CT SHPO on Condition No. 1 and its interpretation as related to a 130' painted monopole in the same facility site location which has been reviewed by SHPO previously.

Of note, the Siting Council's timeline for a decision in this Docket runs through late February under federal law. As such your consideration of this request and correspondence to us prior thereto would be greatly appreciated. In this regard, to the extent you feel it would be helpful, Mike Libertine and I would be pleased to meet with you and your colleagues to discuss this request for an interpretation of the conditional no effect letter on file for this project. Thank you for your consideration and understanding of this letter and the contents hereof which the Siting Council has requested we pursue with you.

Very truly yours,



Christopher B. Fisher

Cc: Melanie Bachman, Esq., Executive Director, Connecticut Siting Council (Docket 442)
Kenneth Baldwin, Esq., Counsel for Intervenor Verizon
Michael Libertine, All-Points Technology (AT&T's historic consultants)