

DOCKET NO. 89 - An application of Metro : CONNECTICUT SITING
Mobile CTS of Fairfield County, Inc., : COUNCIL
for a Certificate of Environmental
Compatibility and Public Need for
cellular telephone antennas and : March 3, 1988
associated equipment in the
Town of Newtown, Connecticut

D E C I S I O N A N D O R D E R

Pursuant to the forgoing opinion, the Connecticut Siting Council hereby directs that a Certificate of Environmental Compatibility and Public Need, as provided by Section 16-50k of the General Statutes of Connecticut (CGS) be issued to Metro Mobile CTS of Fairfield County, Inc., for the construction, operation, and maintenance of a cellular telephone tower site and associated equipment at the "LM/A-Newtown" alternative site off of Route 34 in the Town of Newtown, Connecticut.

The "LM-Newtown" site off of Commerce Road is hereby denied.

The facility shall be constructed, operated, and maintained as specified in the Council's record in this matter, and subject to the following conditions:

1. The monopole tower at the Newtown site shall be no taller than necessary to provide the proposed service, and in no event shall exceed a total height of 193 feet, including antennas and associated equipment.

2. The facility shall be constructed in accordance with all applicable federal, state, and municipal laws and regulations.

3. Unless necessary to comply with condition number 2, above, no lights shall be installed on this tower.

4. The Certificate Holder shall prepare a development and management (D&M) plan for the Newtown site in compliance with sections 16-50j-75 through 16-50j-77 of the Regulations of State Agencies. The D&M plan shall provide for permanent evergreen screening around the outside perimeter of the eight-foot chain link fence which will surround the site.

5. The Certificate Holder or its successor shall notify the Council if and when directional antennas or any equipment other than that listed in this application is added to this facility.

6. The Certificate Holder or its successor shall permit public or private entities to share space on the tower for due consideration, or shall provide the requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.

7. If this facility does not provide, or permanently ceases to provide, cellular service following completion of construction, this Decision and Order shall be void, and the tower and all associated equipment in this application shall be dismantled and removed or reapplication for any new use shall be made to the Council before any such new use is made.

8. The Certificate Holder shall comply with any future radio frequency (RF) standards promulgated by State or federal regulatory agencies. Upon the establishment of any new governmental RF standards, the facility granted in the Decision and Order shall be brought into compliance with such standards.

9. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the the issuance of this Decision and Order.

Pursuant to CGS Section 16-50p, we hereby direct that a copy of this Decision and Order be served on each person listed below. A notice of the issuance shall be published in the Danbury News-Times and Newtown Bee.

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 State Agencies.

The parties or intervenors to this proceeding are:

Metro Mobile CTS of (applicant)
Fairfield County, Inc.
50 Rockland Road
South Norwalk, CT 06854
ATTN: Peter Kelley
Vice President

Howard L. Slater, Esq. (its representative)
Jennifer Young Gaudet, Esq.
Byrne, Slater, Sandler, Shulman
& Rouse, P.C.
330 Main Street
P.O. Box 3216
Hartford, CT 06103

Fleishman and Walsh, P.C. (party)
1725 N Street, N.W.
Washington, D.C. 20036
ATTN: Richard Rubin, Esq.

Theodore G. Whippie (party)
Chairman
Planning & Zoning Comm.
Edmond Town Hall
45 Main Street
Newtown, CT 06470

CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket 89 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 3rd day of March, 1988.

<u>Council Members</u>	<u>Vote Cast</u>
<u><i>Gloria Dibble Pond</i></u> Gloria Dibble Pond Chairperson	Yes
<u><i>Roland G. Miller</i></u> Commissioner Peter Boucher Designee: Roland Miller	Yes
<u><i>Brian J. Emerick</i></u> Commissioner Leslie Carothers Designee: Brian Emerick	Yes
<u>Owen L. Clark</u>	Absent
<u><i>Fred J. Doggy</i></u> Fred J. Doggy	Yes
<u><i>Mortimer A. Gelston</i></u> Mortimer A. Gelston	Yes
<u><i>James G. Horsfall</i></u> James G. Horsfall	Yes
<u><i>William H. Smith</i></u> William H. Smith	Yes
<u>Colin C. Tait</u>	Absent

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<u>Roland G. Miller</u> Commissioner Peter Boucher Designee: Roland Miller	Yes
<u>Brian J. Emerick</u> Commissioner Leslie Carothers Designee: Brian Emerick	Yes
<u>Owen L. Clark</u>	Absent
<u>Fred J. Dooey</u> Fred J. Dooey	Yes
<u>Mortimer A. Gelston</u> Mortimer A. Gelston	Yes
<u>James G. Horsfall</u> James G. Horsfall	Yes
<u>William H. Smith</u> William H. Smith	Yes
<u>Colin C. Tait</u>	Absent