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STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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May 25, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 323** - MCF Communications bg, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut.

By its Decision and Order dated May 22, 2007, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/ap

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT)
ss. New Britain, Connecticut :
COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 323 has been forwarded by Certified First Class Return Receipt Requested mail on May 25, 2007, to all parties and intervenors of record as listed on the attached service list, dated January 12, 2007.

ATTEST:



Adriana C. Popa
Administrative Clerk
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

| Status Granted | Status Holder (name, address & phone number) | Representative (name, address & phone number) |
|--|--|---|
| Applicant | MCF Communications 668 Main Street Suite 114 Wilmington, MA 01887 Ompoint Communications Inc. 20 Cold Spring Harbor Rocky Hill, CT 06067 | Julie Kohler, Esq. Carrie Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 |
| Intervenor <i>(approved on 1/4/07)</i> | Sprint Nextel Corporation | Thomas Regan Brown Rudnick Berlack Israels LLP City Place I, 185 Asylum Avenue Hartford, CT 06103-3402 |
| Intervenor <i>(approved on 1/4/07)</i> | Cellco Partnership d/b/a Verizon Wireless | Kenneth C. Baldwin Robinson and Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 |
| Intervenor <i>(approved on 1/4/07)</i> <i>(Withdrew on 1/22/07)</i> | New Cingular Wireless PCS, LLC ~WITHDRAWN~ | Christopher B. Fisher, Esq. Cuddy and Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 |

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Connecticut

Siting

Council

May 22, 2007

Findings of Fact

Introduction

1. MCF Communications bg, Inc. (MCF) and Omnipoint Communications, Inc. a subsidiary of T-Mobile USA, Inc. (T-Mobile), collectively referred to as the "Applicants," in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on October 5, 2006 for the construction, operation, and maintenance of a wireless telecommunications facility at 12 Carpenter Road in Bolton, Connecticut. (Applicants 1, p. 1)
2. MCF Communications is a stock corporation organized under the laws of the Commonwealth of Massachusetts. MCF Communications bg, a subsidiary of MCF Communications, develops, owns, manages and markets communication sites in New England for wireless communication companies. (Applicants 1, p. 3)
3. T-Mobile is a Delaware Corporation and a federally licensed provider of wideband PCS services in the State of Connecticut and other areas. (Applicants 1, p. 3)
4. The parties in this proceeding are the Applicants. The intervenors in this proceeding are Sprint Nextel Corporation (Sprint) and Celco Partnership d/b/a Verizon Wireless (Verizon). (Transcript 1, January 24, 2007, 3:00 p.m. [Tr. 1], pp. 5, 6; Transcript 2, January 24, 2007, 7:10 p.m. [Tr. 2], pp. 5, 6)
5. The purpose of the proposed facility is to provide service in the Towns of Bolton and Manchester along Interstate 384 (I-384) and surrounding areas, including but not limited to Route 6/Route 44. (Applicants 1, pp. 1, 5)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on January 24, 2007, beginning at 3:00 p.m. and continuing at 7:00 p.m. in the Community Room of the Bolton Town Hall, 222 Bolton Center Road, Bolton, Connecticut. The public hearing was continued at 10:00 a.m. on March 14, 2007 at the offices of the Connecticut Siting Council, Ten Franklin Square, New Britain, Connecticut. (Tr. 1., p. 3; Tr. 2, p. 3; Transcript 3, March 14, 2007, 10:10 a.m. [Tr. 3], p. 3)
7. The Council and its staff conducted an inspection of the proposed site on January 24, 2007, beginning at 2:00 p.m. During the field inspection, the Applicants flew a balloon at the proposed site to simulate the height of the proposed 140-foot tower (140 feet is the height proposed by Verizon after the initial application was filed). Wind conditions during the field review affected the height of the balloon. The balloon was aloft from 8:30 a.m. to 4:30 p.m. for the convenience of the public. (record; Applicants 5, Affidavit; Tr. 3, p. 8)

8. The Applicants flew a balloon on Sunday, January 21, 2007 to accommodate the nearby residents' request. The balloon was flown at the proposed site from 8:00 a.m. until approximately 1:00 p.m. Wind conditions caused the balloon to tangle in the surrounding trees. (Tr. 1, p. 30)
9. A four-foot by six-foot sign was located near the proposed access road to notify the public of the proposed project. The sign was installed on January 8, 2007. (Tr. 1, pp. 32, 35)
10. Pursuant to CGS § 16-501 (b), public notice of the application was published in the Hartford Courant on August 17, and August 19, 2006 and the Journal Inquirer on August 16, and August 18, 2006. (Applicants 1, p. 4; Affidavit of Publication dated November 13, 2006)
11. Pursuant to CGS § 16-501(b), notice of the application was provided to all abutting property owners by certified mail. Notice was unclaimed by one adjacent landowner, Lidia Chathman of 17 Carpenter Road. Two additional certified mailings were sent to Ms. Chathman on October 2, 2006 and December 12, 2006. (Applicants 1, p. 5; Applicants 2, R. 27)
12. On December 2, 2006, MCF held an informational meeting with the residents in this area to discuss the proposed project. A certified mailing was sent to notify all abutting landowners of this meeting. (Applicants 2, R. 27)
13. Pursuant to CGS § 16-501 (b), the Applicants provided notice to all federal, state and local officials and agencies listed therein. (Applicants 1, p. 4)

State Agency Comments

14. Pursuant to CGS § 16-50j (h), on December 6, 2006, the following State agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)
15. The Council received responses from the DOT's Bureau of Engineering and Highway Operations on January 17, 2007 stating that they have no comment. The DPH sent comments to the Council on February 7, 2007, which are listed in Finding of Fact number 74. (Council Admin. Notice 1, 2)
16. The following agencies did not respond with comment on the application: DEP, CEQ, DPUC, OPM, and the DECD. (Record)

Application History

17. On June 8, 2006, MCF delivered a copy of a technical report to the Town of Bolton for a 150-foot telecommunications tower. The proposed 150-foot tower was proposed in the technical report. The Bolton Planning and Zoning Commission held a hearing on July 12, 2006 and continued on August 9, 2006 to receive comments from the public regarding the facility. Concerns of the Planning and Zoning Commission include:
 - whether MCF has made enough of an effort to locate the proposed facility at another site that would be less intrusive to the residential neighborhood;
 - whether MCF has investigated the possibility of locating the tower closer to I-384 on state owned property, decreasing the height and modifying the appearance to blend in with the existing landscape; and
 - what would happen when a tower became obsolete and who would be responsible for its removal. The Planning and Zoning Commission recommends bonding for the removal of the tower.(Applicants 1, pp. 17, 18, Tab O)
18. In response to the Town of Bolton's concerns regarding the height and color of the facility, MCF further reduced the tower height to 130 feet above ground level (agl) and proposed to leave the color of the tower to the discretion of the Council. MCF would be willing to work with the Town of Bolton during the Development and Management Plan process to determine the town's preferred color of the structure. (Applicants 1, p. 18; Tr. 1, p. 32)
19. On October 5, 2006, MCF and T-Mobile applied to the Council for a 130-foot tower at 12 Carpenter Road in Bolton, Connecticut. (Applicants 1, p. 1)
20. Following the filing of the MCF and T-Mobile application, on December 20, 2006, Verizon submitted supplemental information to the Council requesting that the Council consider a 140-foot tower at the proposed site. (Verizon 1, p. 1)
21. The height of the tower currently proposed is 140 feet agl. (record)

Municipal Consultation

22. On June 8, 2006, MCF provided a copy of the technical report to the Town of Bolton and the Town of Manchester, which is within 2,500 feet of the proposed site. (Applicants 1, p. 18)
23. The Town of Bolton Planning and Zoning Commission held public meetings within the town on July 12, 2006 and August 9, 2006 to receive comments from the public concerning the proposed project. (These concerns are discussed above in Finding of Fact number 17.) (Applicants 1, Tab O)
24. The Town of Manchester provided comments to the Council in a letter dated March 6, 2007. The comments are listed in Finding of Fact number 74. (Admin. Notice (F) State Agency and Municipal comments, Town of Manchester comments, dated March 6, 2007).

Public Need for Service

25. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 7)
26. In issuing cellular licenses, the federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. T-Mobile is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in the State of Connecticut. (Council Administrative Notice Item No. 7; Applicants 1, pp. 3, 5)
27. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
28. The Telecommunications Act of 1996, a federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)
29. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Applicants 1, p. 6)
30. The FCC mandated wireless carriers, such as T-Mobile, to provide enhanced 911 services (E911) as part of their communications networks. The E911 allows public safety dispatchers to identify a wireless caller's geographical location within several hundred feet. The proposed facility would become an integral component of T-Mobile's 911 network in that area of the state. (Applicants 1, p. 7)

Site Selection

31. T-Mobile first established a search ring in western Bolton in 1998. On approximately August 9, 2005, T-Mobile assigned the search ring to MCF. The search area equals approximately 262 acres, encompassing the proposed site and extending to the south of the site. (Applicants 2, R. 1)
32. There are no existing structures of sufficient height or towers within approximately two miles of the proposed site. The existing CL&P distribution poles on the host parcel are about 40 feet agl and would not be tall enough for T-Mobile to connect with existing surrounding cell sites to fill in the gap in coverage in this area. (Applicants 1, p. 8; Tr. 1, p. 21)
33. The ground elevation of the CL&P distribution poles located on the host property range from 625 feet above mean sea level (amsl) at the northeastern end of the property, to 575 feet where the structures cross the brook on the property, and back up to 665 feet at the southwestern boundary of the property. (Applicants 2, R. 31)

34. T-Mobile would require a minimum height of 135 feet agl to locate on a CL&P distribution pole on the host property due to a decrease in elevation between the proposed site and the CL&P right-of-way. (Applicants 2, R. 32)
35. MCF identified eight existing towers within approximately six miles of the site search area. MCF rejected each of the towers as a potential telecommunications site for the area because they would not provide adequate coverage. The locations of the eight existing towers are:
 - a. 49 South Street, Bolton – T-Mobile is not located on this structure.
 - b. 130 Vernon Road, Bolton – T-Mobile is located at 134 feet agl.
 - c. 200 Boston Turnpike, Bolton – T-Mobile is not located on this structure.
 - d. 230 Box Mountain, Bolton – T-Mobile is not located on this structure.
 - e. 205 Spencer Street, Manchester – T-Mobile is located at 123 feet agl
 - f. 266 Center Street, Manchester – T-Mobile is not located on this structure.
 - g. 55 Slater Street, Manchester – T-Mobile is located at 133 feet agl
 - h. 239 Middle Turnpike East, Manchester – T-Mobile is located at 163 feet agl.(Applicants 1, p. 8)
36. Microcells, repeaters and distributed antenna systems are not viable technological alternatives for providing coverage to the identified gap. Terrain variations and tree cover in Bolton and the surrounding area limit the use of these technologies. (Applicants 1, p. 7)

Pre-Hearing Alternatives

37. After determining that there were no suitable existing structures in the target area, MCF searched for larger, undeveloped parcels in the area where towers could be built using existing vegetation as natural screening. Properties that were investigated include:
 - a. Map 6/Block 27/Lot 5 – 25.8 acres of forest, farm and residential use; property owner (Jonathan Treat) was not interested in leasing parcel
 - b. Map 6/Block 27/Lot 5 – 5.28 acres of residential and outbuildings; property owner (Jonathan Treat) was not interested in leasing parcel
 - c. Map 6/Block 27/Lot 2 – 65 acres of farm and forest; property owner (Jonathan Treat) was not interested in leasing parcel
 - d. Map 6/Block 27/Lot 22 – 71.8 acres of forest, farm and open space; property owner (Town of Manchester) was not interested in leasing space for telecommunications use
 - e. Map 5/Block 28/Lot 2 – 1.5 acres of farm, forest and open space; property owner (Town of Manchester) was not interested in leasing space for telecommunications use(Applicants 1, Tab H)
38. MCF sent a letter, return receipt requested, to the Manchester Water Department regarding the possibility of leasing a portion of Town of Manchester land for the proposed facility. Further discussion with the Town of Manchester revealed that a) the town was not interested in leasing land; and b) the land in question is in a restricted watershed. (Applicants 2, R. 40)

Alternatives Identified During the Hearing Process

39. During the hearing process, the T-Mobile, Sprint and Verizon investigated the feasibility of eight alternative sites from a radio frequency perspective. Potential alternative sites and the approximate heights above ground level required to provide coverage to the existing gap include:

| <u>Site</u> | <u>T-Mobile ht.</u> | <u>Sprint ht.</u> | <u>Verizon ht.</u> |
|---------------------------------|---------------------|-------------------|---------------------|
| Liberty Candle | 195 feet | 175 feet | 240 feet |
| Quarry North | 230 feet | not adequate | not adequate |
| Quarry West | 185 feet | not adequate | not adequate |
| Birch Mountain | 187 feet | not adequate | already on facility |
| DOT Garage | 155 feet | 190 feet | 240 feet |
| Box Mountain | 187 feet | not adequate | not adequate |
| Paggioli Farm | N/A (interference) | not adequate | not adequate |
| Rockledge/Green Hill Water Tank | N/A (interference) | not adequate | not adequate |

(Applicants 7, R. 41, 42; Sprint 3, R. 13; Verizon 4, R. 12, 13; Tr. 3, pp. 58, 65)

40. For T-Mobile, a combination of a facility at the Birch Mountain property and the Liberty Candle or DOT property would provide approximately the same coverage footprint as the proposed facility; however, T-Mobile would not consider this option because it would create redundant coverage along I-384 and would result in network problems in the area. (Applicants 7, R. 43)
41. For Sprint, a combination of either the Liberty Candle site at 120 feet or the DOT Garage site at 190 feet with either the Green Hill property at 120 feet or the Birch Mountain property at 120 feet may provide coverage similar to that of the proposed site. (Sprint 3, R. 14; Tr. 3, p. 73)
42. For Verizon, a combination of a facility at the Liberty Candle site or the DOT Garage site in conjunction with the Rockledge Water Tank site may provide coverage similar to that of the proposed site. (Verizon 4, R. 14)

Verizon Proposed Change

43. On December 20, 2006, Verizon submitted supplemental information requesting that the Council consider a 140-foot tower at the proposed site, rather than the originally proposed 130-foot structure. On a 140-foot tower, Verizon would install antennas with a centerline at 137-feet. Verizon determined that it could not provide adequate coverage from the proposed site at the 97 feet agl centerline, which is where Verizon's antennas originally would have been located. (Verizon 1, p. 1)
44. The purpose of Verizon's proposed height increase is to provide adequate coverage to I-384 and Route 44/Route 6 with one telecommunications facility. (Tr. 3, pp. 60, 61)
45. On December 21 and 22, 2006, Verizon published a legal notice in the Hartford Courant and the Journal Inquirer of its request to increase the height of the proposed tower from 130 feet agl to 140 feet agl. (Verizon 1, pp. 3, 4; Verizon 2, Tab 1)
46. On December 20, 2006, Verizon sent a copy of the supplemental information package to the First Selectman and the Land Use Department of the Town of Bolton and the General Manager's office and Planning and Economic Development Department of the Town of Manchester. (Verizon 1, p. 3)

47. The Towns of Bolton and Manchester have not commented on Verizon's proposed increase in height of the tower. (Verizon 2, R. 2)
48. On December 21, 2006, Verizon sent a notice via certified mail, return receipt requested, of its intent to increase the height of the proposed tower to landowners with property that abuts the host property and to the owner of the host parcel. (Verizon 1, p. 3)
49. Verizon has received return receipts from all but one abutting landowner, Pamela Cooney of 26 Carpenter Road. Verizon would notify Ms. Cooney via regular mail if her letter is returned. (Verizon 1, Tab 6; Verizon 2, R. 1)
50. Obstruction marking or lighting would not be required for a 140-foot structure at the proposed site. (Verizon 1, pp. 2, 3)

Site Description

51. The proposed site is located in the northeastern portion of an approximately 43-acre parcel at 12 Carpenter Road in Bolton. The property, owned by Terry (Labier) Veo, consists of forested land and an apartment building. The parcel is within the R-1 and R-2 Residential zoning district, with the proposed site located within the R-2 Residential zoning district. The proposed site is depicted in Figure 1 of this document. (Applicants 1, pp. 9, 10, Tab H)
52. The town's Wireless Telecommunications regulations are part of Section 17 of the Zoning Regulations. The Town of Bolton intends to encourage providers to co-locate equipment on a single tower, to site facilities below visually prominent ridgelines, and to protect adjacent properties from potential damage from tower failure through engineering and siting of the structure. (Applicants 1, pp. 15, 16)
53. The elevation of the proposed site is approximately 620 feet amsl. Oak, maple, birch and pine trees dominate the site. The height of the tree canopy is approximately 65 feet agl. Tree density ranges from moderate to heavy. (Applicants 1, Tab A; Applicants 2, R. 5, R. 6)
54. The proposed site would consist of a 140-foot monopole within a 100-foot by 100-foot lease area. The monopole would be approximately 40 inches in diameter at the base, tapering to 18 inches at the top. MCF would design the tower to accommodate the four wireless carriers that are currently active in Connecticut and Bolton emergency services antennas, if requested. The Bolton Fire Department would benefit from having antennas on the proposed structure. (Applicants 1, p. 9, Tab A; Applicants 2, R. 7, 34; Applicants 3, testimony of Rodney Bascom, P.E., p. 3; Tr. 3, p. 43)
55. T-Mobile proposes to install up to 12 panel antennas with a centerline at the 127-foot level of the monopole. Verizon would install 12 antennas (six cellular and six PCS) with a centerline at the 137-foot level. Sprint would install 12 panel antennas at the 117-foot level. (Applicants 1, p. 9; Verizon 2, R. 6; Sprint 1, R. 3, 10)
56. T-Mobile would consider the installation of cluster antenna mounts (antennas mounted very close to the monopole) with the ability to change to t-bars in the future as need for capacity increases. (Applicants 2, R. 8; Tr. 1, p. 63)
57. MCF would provide space on the proposed tower for Bolton public safety communications antennas for no compensation. (Applicants 1, p. 9)

58. The proposed facility would be located within a 70-foot by 70-foot equipment compound enclosed by an eight-foot tall chain link security fence. T-Mobile would install equipment within a 12-foot by 20-foot equipment shelter. (Applicants 1, p. 9)
59. During a power failure, T-Mobile would rely on a battery back up. (Applicants 2, R. 9)
60. Verizon would require an emergency generator at the proposed site. (Verizon 2, R. 8)
61. During a prolonged power failure, Sprint would use a portable diesel generator. (Sprint 1, R. 6)
62. Development of the proposed site would require considerable grading due to the existing terrain near the proposed compound. A four percent grade is required across the compound and stabilized 2:1 slopes beyond all sides of the compound. Approximately 610 cubic yards would be removed to level the eastern side of the compound, which would be used to fill a portion of the 844 cubic yards of fill needed for the western portion of the proposed compound. (Applicants 2, R. 10)
63. Construction of the proposed access road would require 555 cubic yards of fill to reduce the 28 percent grade that exists leading up to the compound. The access road would be constructed at an 18 percent grade. (Applicants 2, R. 10)
64. Access to the proposed site would extend from Carpenter Road along an existing 140-foot section of paved driveway and then continue along a new gravel access driveway for approximately 370 feet. Utilities would extend underground from Carpenter Road to the proposed site along the proposed access road. (Applicants 1, pp. 9, 10; Applicants 2, R. 11; Applicants 3; Tr. 1, p. 21)
65. The proposed monopole would be located 165 feet from the nearest property boundary to the east; therefore, the tower setback radius would not extend onto any adjacent property. (Applicants 1, p. 16, Tab A)
66. MCF would be willing to re-locate the proposed site farther to the southwest on the host property to provide greater distance from nearby properties; however, MCF would have to renegotiate the lease with the property owner to re-locate the proposed facility. Additionally, T-Mobile would have to assess the radio frequency propagation from a re-located site. (Applicants 2, R. 30)
67. The Applicants discussed the feasibility of moving the proposed tower site approximately 100 feet to the southeast, which would move the tower closer to I-384 while keeping the tower setback radius away from the CL&P distribution line on the property. The elevation at that location would be approximately three feet less than the proposed tower site. The Applicants contend that the visibility impact of a tower at a location 100 feet southeast of the proposed tower site would not be different from the proposed tower site. (Tr. 1, pp. 88-89)
68. There are 23 residences within a 1,000-foot radius of the proposed tower. The nearest residence outside of the host property is located at 9 Carpenter Road on property owned by Thomas F. Cleary, which is approximately 540 feet northwest of the proposed site. (Applicants 2, R. 12, 13)
69. A residence on the host property is located approximately 350 feet to the north of the proposed site. Two apartment buildings are located on the host property. One apartment building is located approximately 300 feet to the north of the proposed site and the other is located approximately 450 feet to the northwest. No notice was sent to the residents of the apartment buildings. (Applicants 2, R. 14, 15, 16)

70. Land use in the surrounding area is residential. (Applicants 1, pp. 16, 17)
71. The estimated construction cost of the proposed facility, not including antennas, adjustments or contingencies, is:

| | |
|---|-------------------|
| Tower and foundation (including installation) | \$ 67,895 |
| Site development | 124,950 |
| Utility installation | 53,252 |
| Total | \$ 246,097 |

(Applicants 1, p. 20; Applicants 2, R. 17, 18)

Environmental Considerations

72. The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Applicants 1, p. 12, Tab L)
73. An informal biological assessment was done on the proposed site regarding the habitat of the wood turtle (*Glyptemys insculpta*), a State Species of Special Concern. It was determined that wood turtle habitat does not occur within or near the proposed site, including the access road. Wood turtles hibernate in mud under water, so one necessary feature for their habitat is water deep enough for the bottom sediment not to freeze. The stream on the host property is not sufficiently deep. (Applicants 1, Tab L; Applicants 7, R. 3F; Tr. 3, p. 35)
74. The proposed site is within the Porter Reservoir and Lydall Reservoir No. 2 Watershed Areas for the Town of Manchester Water Department. The site is also within the Aquifer Protection Area of the New Bolton Road Wellfield. Best Management Practices that should be followed during construction and operation of the proposed site include:
- Coordinate construction activities with the Town of Manchester Water Department.
 - Write an emergency response plan regarding the containment of accidental chemical or fuel spills occurring during construction. Spill response equipment should be available on-site at all times. Designate a person for spill response coordination to be available at all times. Notify the Manchester Water Department in the event of a spill.
 - Avoid the cleaning of equipment, storage of fuel and refueling within the watershed and aquifer protection areas. Designate an area for parking vehicles, refueling and routine equipment maintenance outside of the source areas and well away from exposed surfaces or storm drains. Perform major equipment repairs off-site.
 - Keep pollutants off exposed surfaces. Do not bury stumps and construction debris at the proposed site. Install and maintain erosion and sedimentation controls. Use as little water as possible for dust control. Immediately clean any leaks, drips or other spills. Avoid hosing down contaminated pavement or surfaces where materials have spilled. Use dry cleanup methods when possible.
 - Consider impacts to area prior to blasting, including the possible effects on ground water.
 - Store paints, paint products and other hazardous materials in a secure area or remove them from the proposed site during non-work hours.
 - Avoid construction of slopes at 15 percent or greater. If construction of steep slopes cannot be avoided, an environmental consultant should be on site to ensure proper erosion and sedimentation controls and report to the Manchester Water Department. (DPH comments, dated January 29, 2007; Town of Manchester comments, dated March 6, 2007)

75. Removal of approximately 127 trees that are six inches or greater in diameter would be required for the construction of the proposed site and access road. Tree removal includes 96 trees that are six to eight inches in diameter, 17 trees that are 10 to 12 inches in diameter and 14 trees that are larger than 14 inches in diameter. A tree buffer would remain around the proposed facility to screen the compound from adjacent properties. (Applicants 1, Tab A; Applicants 2, R. 35)
76. There are no wetlands or watercourses within the proposed site and access road. A stream is located approximately 280 feet west of the proposed site. Wetlands are in the area immediately surrounding the stream and are, therefore, slightly closer to the proposed site. Soil erosion and sediment control measures would be established and maintained throughout construction of the proposed facility. (Applicants 1, p. 17; Applicants 2, R. 20)
77. There are no airports within five miles of the proposed site. Obstruction marking and lighting of the proposed tower would not be required. (Applicants 1, p. 19, Tab P)
78. The cumulative maximum power density from the radio frequency emissions for the proposed T-Mobile, Verizon and Sprint antennas are calculated to be 20.65 % of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Applicants 1, Tab M; Verizon 2, R. 7; Sprint 1, R. 5)

Visibility

79. The proposed tower would be visible year-round from approximately 30 acres to 37 acres within a two-mile radius of the site (refer to Figure 1 and Figure 2.) The tower would be seasonally visible from approximately 88 acres within a two-mile radius of the site. (Applicants 1, p. 11, Tab K; Verizon 1, p. 3, Tab 5)
80. Visibility of the proposed tower from roads within a two-mile radius of the site is presented in the table below:

| Road | Approx. Length of Road Visibility (Seasonal) | Approx. Length of Road Visibility (Year-round) |
|--------------------|---|---|
| Carpenter Road | 800 feet | 500 feet |
| I-384 | 850 feet | 1,300 feet |
| Riga Lane | 800 feet | - |
| Bolton Center Road | 2,500 feet | - |
| Iroquois Trail | 800 feet | - |
| Williams Road | 300 feet | - |

(Applicants 1, Tab K)

81. Visibility of a tower located at the proposed site from specific locations within a two-mile radius of the site is presented in the table below:

| Location | Visible | Approx. Portion of Tower Visible | Approx. Distance and Direction from Tower |
|--|---------|----------------------------------|---|
| Riga Lane | Yes | Through trees (seasonally) | 1,060 feet north |
| Intersection of Williams Road and Route 85 | Yes | Through trees (seasonally) | 660 feet northeast |
| Exit 5 off ramp of I-384 | Yes | Through trees (seasonally) | 1,200 feet southeast |
| Carpenter Road | Yes | 40 feet (unobstructed) | 550 feet north |
| Mt. Sumner Drive | No | - | 3,400 feet east |
| Intersection of Notch Road and School House Road | No | - | 6,400 feet east |
| Bolton Center Green (near Town Hall) | No | - | 9,400 southeast |
| Herrick Park | No | - | 10,400 feet southeast |
| Route 85 (east of Mt. Sumner Road) | No | - | 2,900 feet southeast |
| I-384 (Wyllys Street overpass) | No | - | 8,300 feet southwest |
| Vernon Street (Buckley Elementary School) | No | - | 8,000 feet northwest |
| Finley Road | No | - | 2,000 feet west |
| Quarry Road (near Bolton Notch State Park) | No | - | 8,200 feet northeast |
| Notch Road | No | - | 6,000 feet southeast |
| Intersection of West Street and Loomis Road | No | - | 10,400 feet east |

(Applicants 1, Tab K; Applicants 2, R. 22; Tr. 1, p. 20)

82. The visibility analysis was done for a 130-foot tower. The tower is now proposed to be 140 feet agl. The visual impact of a 140-foot tower is expected to be similar to a 130-foot tower at the proposed site. The difference may be an increased area of year-round visibility along I-384 with a 140-foot tower. (Tr. 1, p. 34)
83. Land use with year-round visibility of the proposed tower consists of agricultural land, forested land, and residential parcels. The proposed tower would be visible year-round from three residences along Carpenter Road and one residence along Bolton Center Road. The proposed tower would be seasonally visible from seven residences along Riga Lane, four residences along Iroquois Trail, six residences along Bolton Center Road, three residences along Carpenter Road and two residences along Williams Road. (Applicants 1, Tab K; Applicants 2, R. 24; Tr. 1, p. 20)

Existing and Proposed Wireless Coverage – T-Mobile

84. T-Mobile requires a minimum signal strength of -84 dBm in western Bolton. (Applicants 2, R. 25)
85. T-Mobile's existing coverage gap along I-384 is approximately 1.25 miles, as shown in Figure 3 of this document. (Applicants 2, R. 26)
86. At a 127-foot antenna centerline on the proposed structure, T-Mobile would close the existing coverage gap along I-384, as shown in Figure 4 of this document. (Applicants 1, Tab F)

87. T-Mobile currently has an average of 98 dropped calls per day in the target area. (Applicants 2, R. 29)
88. T-Mobile has proposed a site to the Council at 1027 Middle Turnpike East in Manchester, which is approximately 0.75 miles to the west. The proposed Manchester site would hand-off with the proposed Bolton site. T-Mobile maintains that both the proposed Manchester site and the proposed site in Bolton are exclusive of each other and are both needed. The proposed Manchester site would provide coverage along Route 6/Route 44 into Manchester Center. (Tr. 1, pp. 56, 57; Tr. 2, p. 11)
89. The location of a telecommunications site centered between the proposed Manchester site and the proposed Bolton site would not be feasible. Property centered between the two proposed sites is owned by the Manchester Water Department, which responded to the Applicants that the property is not available because it is a protected watershed area. (Tr. 3, pp. 48, 49)

Existing and Proposed Wireless Coverage – Verizon

90. Verizon requires a minimum signal strength of -85 dBm, which is a threshold that is used by Verizon throughout the nation. Verizon is licensed to operate in both the cellular and PCS frequency bands in the Bolton area. (Verizon 2, R. 5)
91. In the area of the proposed site Verizon currently has an approximately 1.1 mile coverage gap along I-384, an approximately 1.6 mile coverage gap along Route 6/Route 44 at PCS frequencies (shown in Figure 5), and an approximately 0.95 mile coverage gap along Route 6/Route 44 at cellular frequencies (shown in Figure 6). (Verizon 1, p. 2)
92. At the 140-foot level on the proposed structure, Verizon would close the existing coverage gap along Route 6/Route 44 and the gap along I-384 west of the proposed site for both PCS and Cellular frequencies, as shown in Figures 7 and 8 of this document. Verizon is currently investigating additional sites to provide additional coverage to the southwest of the proposed site. (Verizon 4, R. 12, 13; Tr. 3, pp. 57, 58)
93. Verizon customers experience dropped calls at a rate of 1.4 times the system design objective and experience ineffective call attempts at a rate of 1.6 times the system design objectives. The system design objective is 99 percent reliability. (Verizon 2, R. 9)

Existing and Proposed Wireless Coverage – Sprint

94. Sprint requires a minimum signal level threshold of -81 dBm to provide adequate coverage to western Bolton. (Sprint 1, R. 2)
95. Sprint currently has inadequate service along sections of I-384, Route 6/Route 44 and the surrounding areas. Sprint currently has an approximately one mile coverage gap along I-384 and an approximately 0.5 mile coverage gap along Route 6/Route 44, as shown in Figure 9 of this document. (Sprint 1, R. 1, 9)
96. By locating antennas at the 120-foot level of the proposed structure, Sprint would meet its coverage and capacity objectives along I-384 and Route 6/Route 44, as shown in Figure 10 of this document. At the 110-foot level on the proposed structure, Sprint would begin to have coverage and capacity issues in the area. (Sprint 1, R. 10; Tr. 3, p. 79)

97. The proposed site would offload calls from a site on Vernon Road. The Vernon Road site is currently overloaded and therefore creates interference for sites around the greater northeast Hartford area. The addition of the proposed site into the Sprint network would provide coverage to the Bolton area and would reduce the amount of interference to its sites in the greater northeastern Hartford area. (Sprint 1, R. 1)



Legend

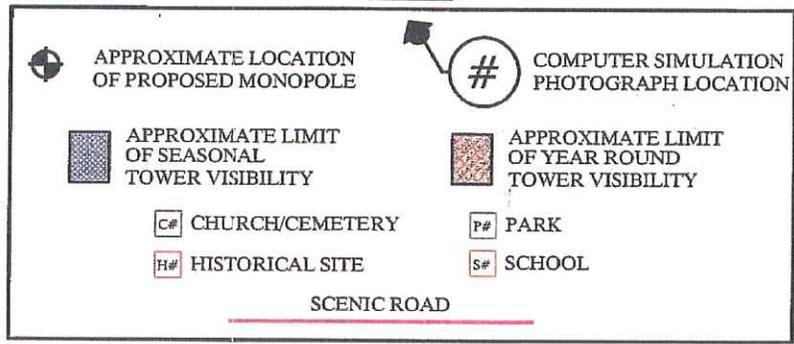


Figure 1. The Applicants' Viewshed Analysis of the originally proposed 130-foot tower. (Applicants 2; R. 21)

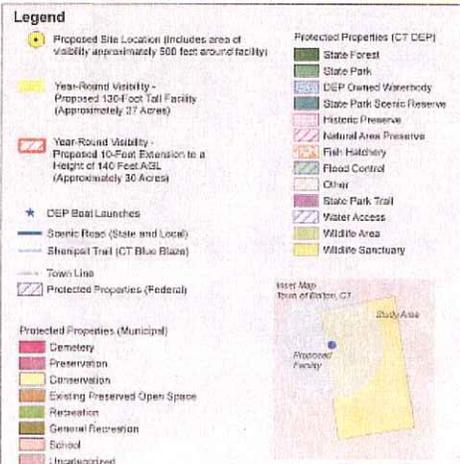
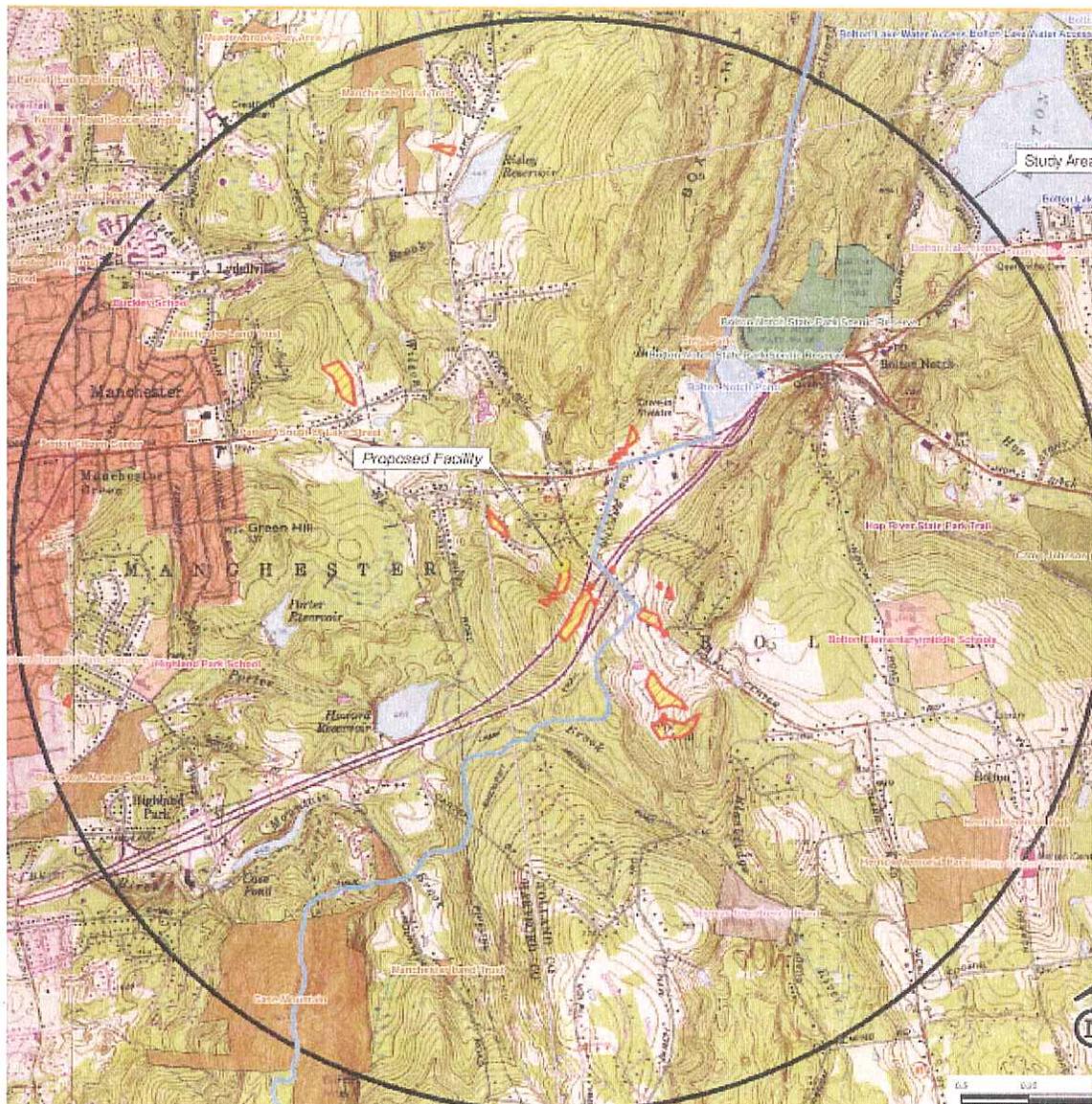


Figure 2. Verizon's Viewshed Analysis of the proposed 130 foot structure and the 10 foot extension proposed by Verizon for a total height of 140 feet agl. (Verizon 1, Tab 5)

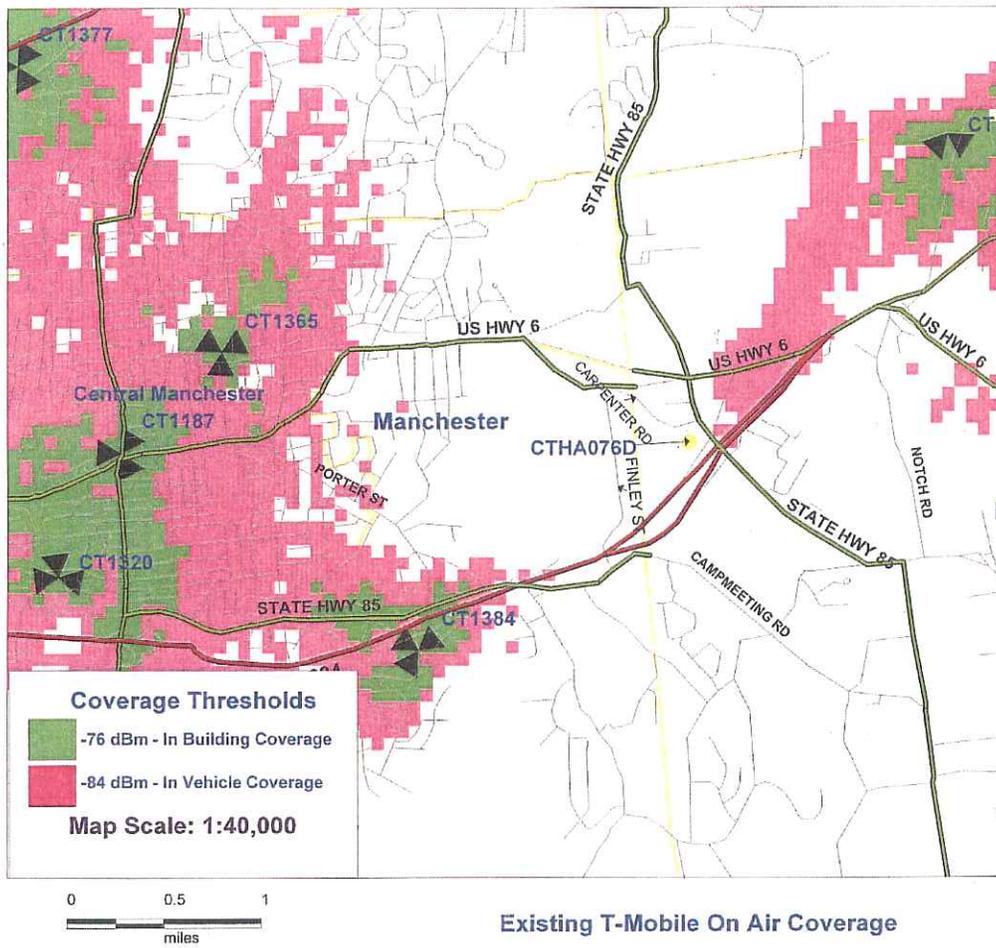


Figure 3. Existing T-Mobile coverage surrounding the proposed site. (Applicants 1, Tab F)

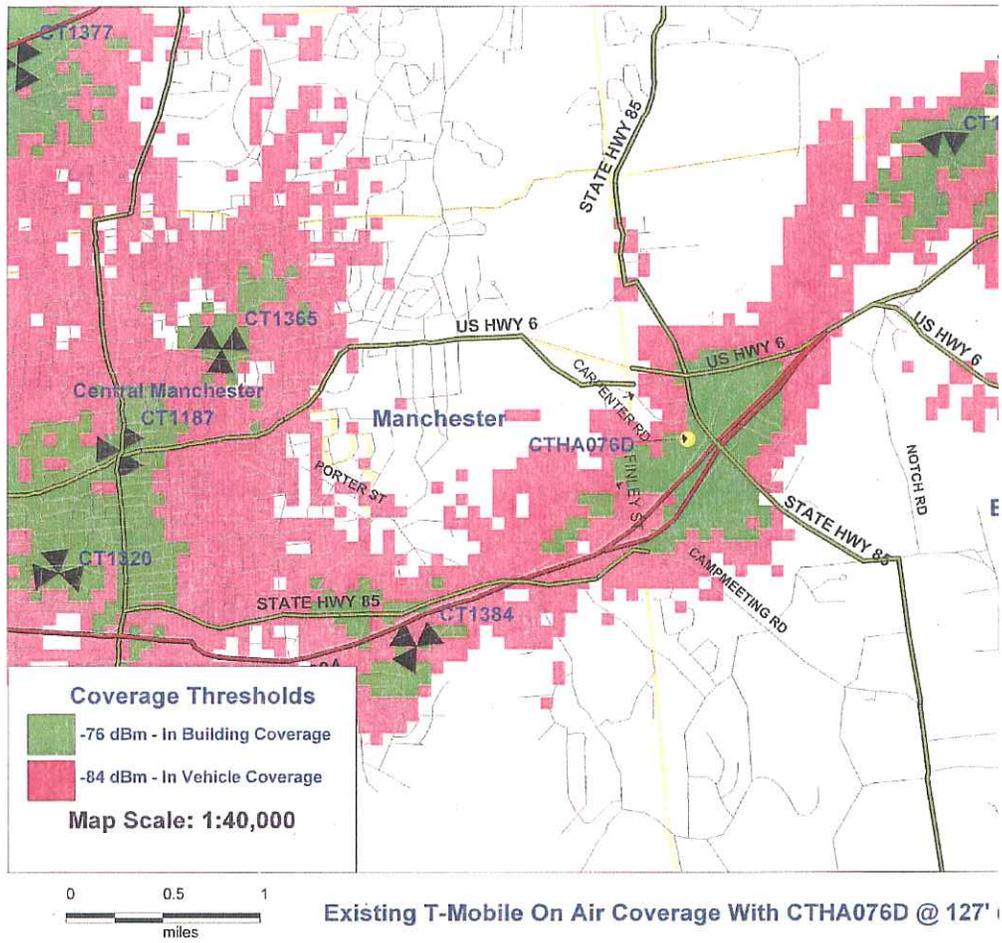


Figure 4. Coverage from existing T-Mobile sites and the proposed site at 127 feet agl.
(Applicants 1, Tab F)

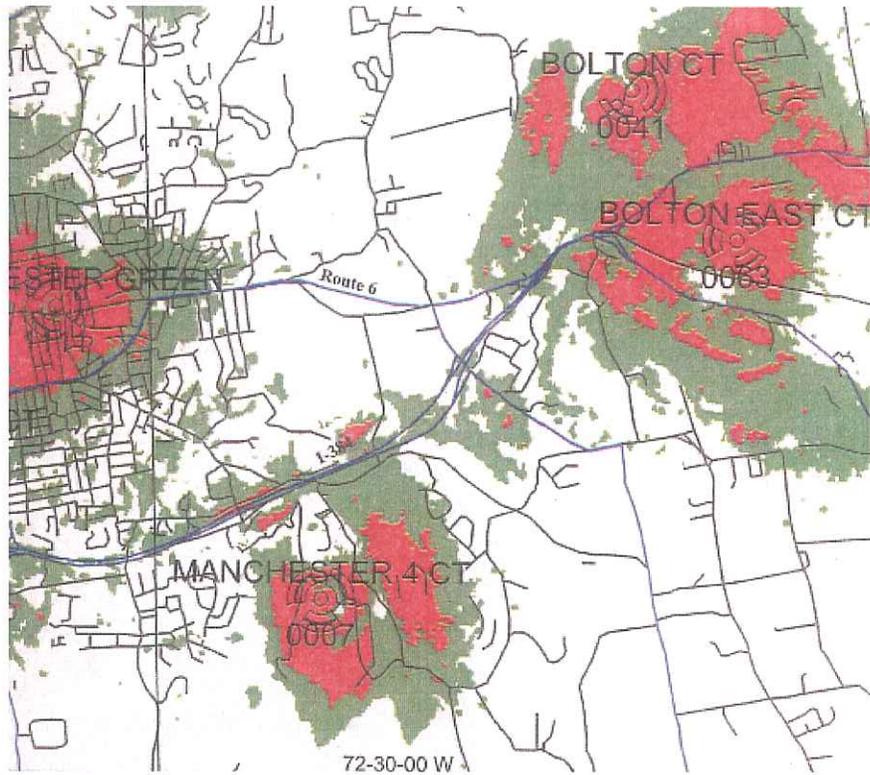


Figure 5. Verizon existing PCS coverage. Scale 1:50,000. (Verizon 4, R. 12)

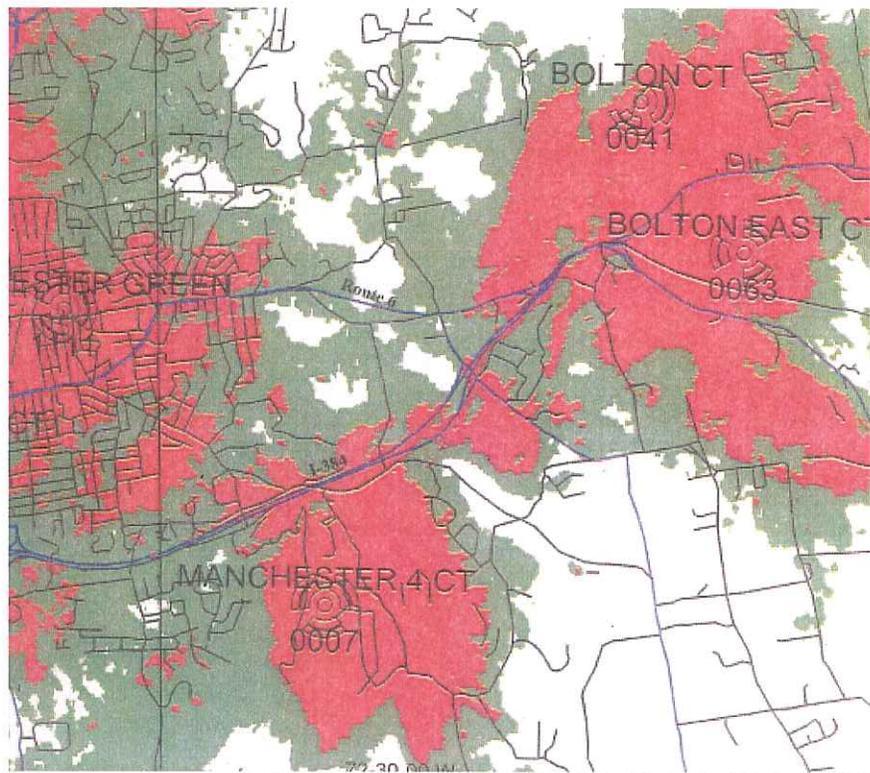


Figure 6. Verizon existing cellular coverage. Scale 1:50,000. (Verizon 4, R. 12)

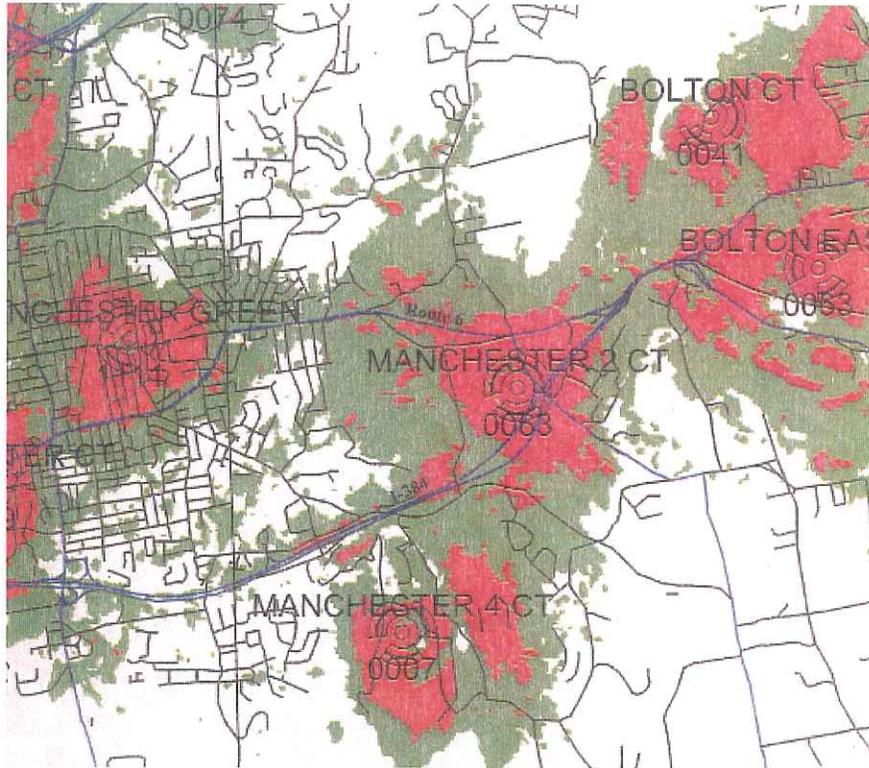


Figure 7. PCS coverage from existing Verizon sites and the proposed site at 140 feet agl.
Scale 1:50,000. (Verizon 4, R. 12)

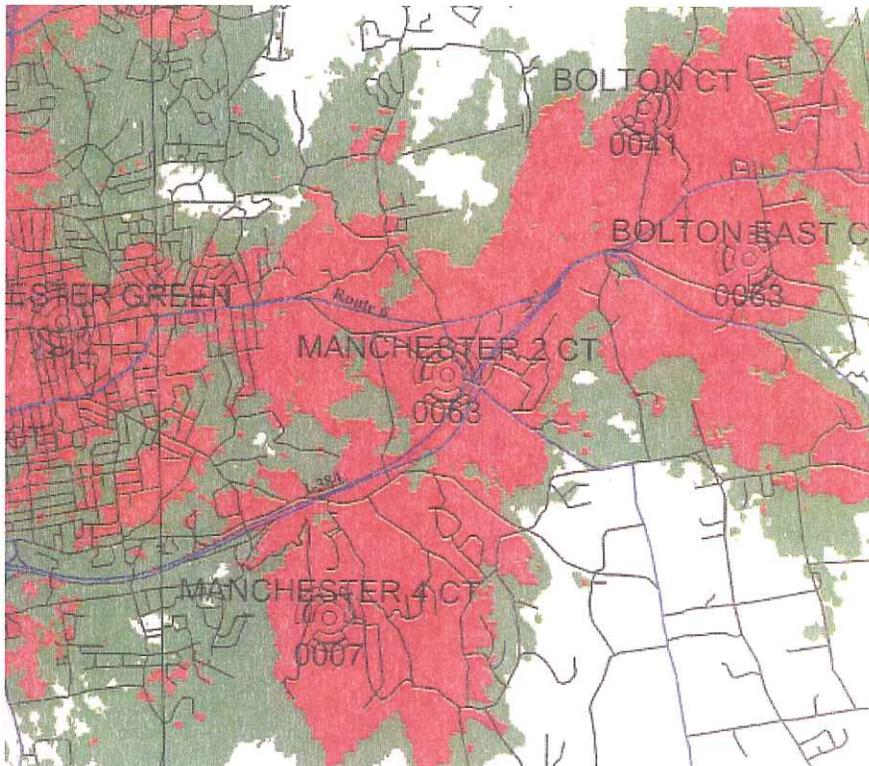


Figure 8. Cellular coverage from existing Verizon sites and the proposed site at 140 feet agl.
Scale 1:50,000. (Verizon 4, R. 12)

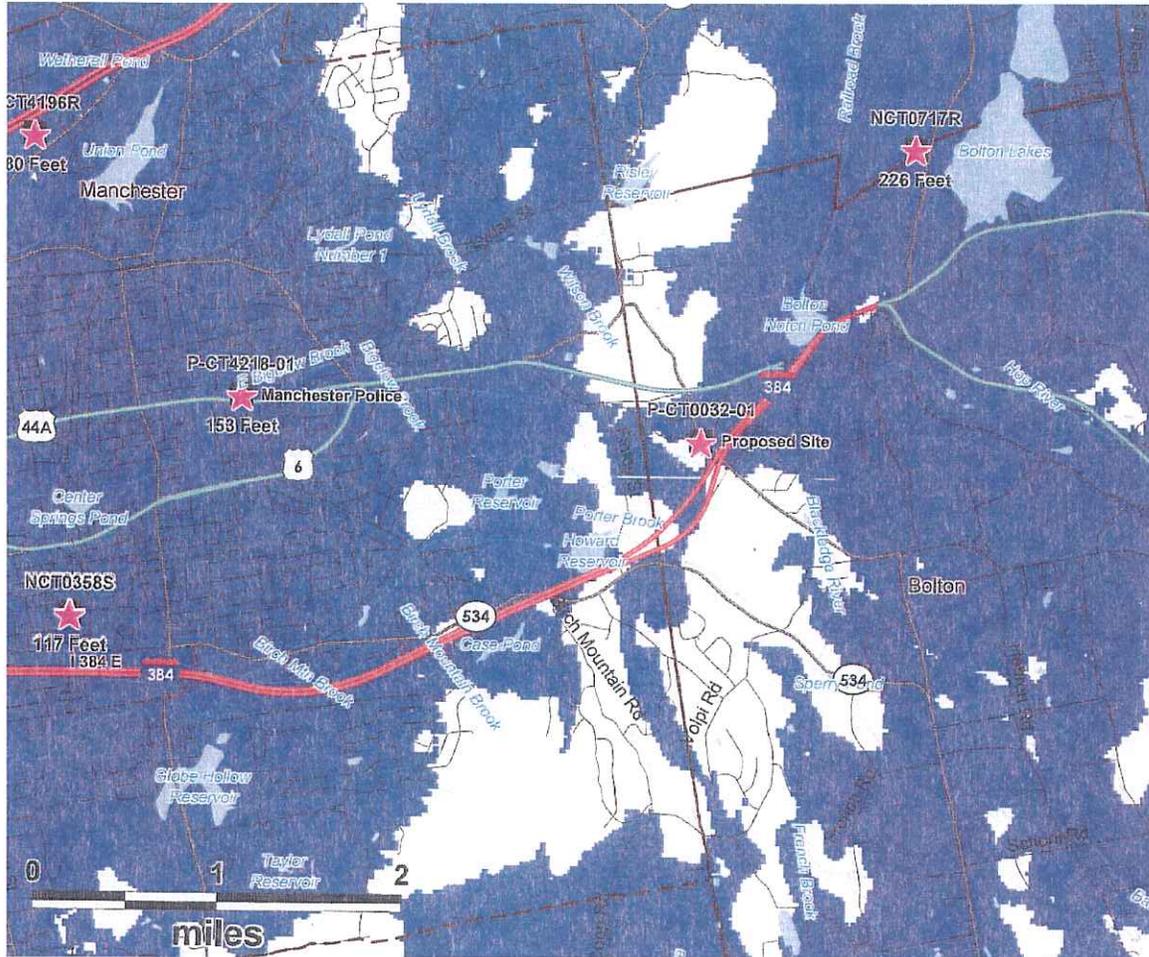


Figure 9. Existing Sprint coverage surrounding the proposed site. (Sprint 1, R. 9)

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| <p>DOCKET NO. 323 - MCF Communications bg, Inc. and } Omnipoint Communications, Inc. application for a } Certificate of Environmental Compatibility and Public Need } for the construction, maintenance and operation of a } telecommunications facility located at 12 Carpenter Road, } Bolton, Connecticut.</p> | <p>Connecticut Siting Council May 22, 2007</p> |
|---|---|

Opinion

On October 5, 2006, MCF Communications bg, Inc. (MCF) and Omnipoint Communications, Inc. a subsidiary of T-Mobile USA, Inc. (T-Mobile), collectively referred to as the "Applicants," applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility to be located in the Town of Bolton, Connecticut. The Applicants are seeking to develop a facility on property at 12 Carpenter Road owned by Terry (Labier) Veo that consists of forested land, a residence, and two apartment buildings. The purpose of the proposed facility is to provide service in the Towns of Bolton and Manchester along Interstate 384 (I-384) and surrounding areas, including but not limited to Route 6/Route 44. Sprint Nextel Corporation (Sprint) and Celco Partnership d/b/a Verizon Wireless (Verizon) participated as intervenors in this proceeding to demonstrate their need for this facility.

MCF would construct a 140-foot monopole within a 70 foot by 70 foot fenced equipment compound in the northeastern portion of an approximately 43-acre parcel. The monopole would potentially accommodate four wireless carriers, initially Verizon at a 137-foot centerline, T-Mobile at a 127-foot centerline, and Sprint Nextel at a 117-foot centerline. Access to the proposed site would extend from Carpenter Road along an existing 140-foot section of paved driveway and then continue along a new gravel access driveway for approximately 370 feet. Utilities would extend underground along the proposed access road.

The proposed monopole would be located 165 feet from the nearest property boundary. Therefore, the tower setback radius would not extend onto any adjacent property.

Construction of the proposed site and access road would require the removal of approximately 127 trees that are six inches or greater in diameter. A tree buffer would remain around the proposed facility to screen the compound from adjacent properties. A stream is located approximately 280 feet west of the proposed site. Wetlands are in the area immediately surrounding the stream and are, therefore, slightly closer to the proposed site. Soil erosion and sediment control measures would be established and maintained throughout construction of the proposed facility.

An informal biological assessment was done on the proposed site regarding the habitat of the wood turtle (*Glyptemys insculpta*), a State Species of Special Concern. It was determined that wood turtle habitat does not occur within or near the proposed site, including the access road.

Development of the proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

The proposed 140-foot monopole would be visible from approximately 30 to 37 acres within a two mile radius of the proposed site. The tower would be seasonally visible from approximately 88 acres within a two-mile radius of the proposed site. The proposed tower would be seasonally visible from a total of four residences year-round and an additional 22 residences seasonally. Moreover, while the Applicants' and Verizon's visibility were studies slightly different, the Council finds that the expected visibility of the proposed structure would not be characterized as a significant adverse impact to the surrounding area. Movement of the proposed tower approximately 100 feet to the southeast toward I-384 would not alter visibility, compared to the proposed site.

During the time that this case was before the Council, the Applicants and carriers agreed to undertake additional efforts to consider alternative sites. In particular, T-Mobile, Verizon and Sprint were asked to investigate the feasibility of providing coverage to the target area from eight sites at various heights. None of the potential alternative sites, either alone or in tandem, were adequate to provide coverage for all three carriers compared to the proposed site.

Additionally, at the potential alternative sites that may provide adequate coverage to the target area, specifically Liberty Candle and the Department of Transportation Garage, a 240-foot tower would be necessary. A 240-foot tower at either of these locations would be much more visible to the areas surrounding them than the proposed site and would, therefore, have a greater environmental effect than the proposed site.

After reviewing the record in this proceeding, we find that a need exists for wireless telecommunications coverage along I-384 and surrounding areas, including but not limited to Route 6/Route 44. Alternative sites were extensively investigated and rejected due to lack of adequate coverage to the target area and, therefore, the proposed site would be the proper location to provide coverage to the target area with minimal environmental impact.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 20.65% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of a 140-foot monopole telecommunications facility at the proposed site at 12 Carpenter Road, Bolton, Connecticut.

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| DOCKET NO. 323 - MCF Communications bg, Inc. and } Omnipoint Communications, Inc. application for a Certificate of } Environmental Compatibility and Public Need for the } construction, maintenance and operation of a telecommunications } facility located at 12 Carpenter Road, Bolton, Connecticut. } | Connecticut Siting Council May 22, 2007 |
|---|--|

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to MCF Communications bg, Inc. and Omnipoint Communications, Inc., hereinafter referred to as the Certificate Holders, for a telecommunications facility at 12 Carpenter Road, Bolton, 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 monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of Omnipoint Communications, Inc. and other entities, both public and private, but such tower shall not exceed a height of 140 feet above ground level. The height at the top of the antennas shall not exceed 140 feet above ground level.

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 Bolton 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 and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of 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 electromagnetic radio frequency power density is 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 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.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Bolton public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. 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.
8. Any request for extension of the time period referred to in Condition 7 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 Bolton. Any proposed modifications to this Decision and Order shall likewise be so served.
9. 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.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
11. 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 the completion of site construction and the commencement of site operation.

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 and the Journal Inquirer.

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:

Applicant

MCF Communications bg, Inc. and
Omnipoint Communications, Inc.

Intervenor

Sprint Nextel Corporation

Intervenor

Cellco Partnership d/b/a Verizon Wireless

Representative

Julie Kohler, Esq.
Carrie Larson, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

Representative

Thomas Regan
Brown Rudnick Berlack Israels LLP
City Place I, 185 Asylum Avenue
Hartford, CT 06103-3402

Representative

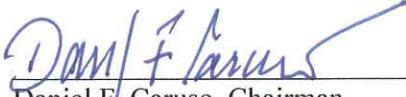
Kenneth C. Baldwin
Robinson and Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 323** - MCF Communications bg, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut, and voted as follows to approve the proposed site, located at 12 Carpenter Road, Bolton, Connecticut:

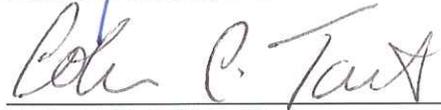
Council Members

Vote Cast



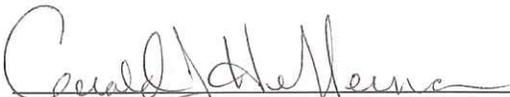
Daniel F. Caruso, Chairman

Yes



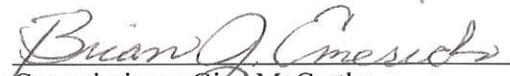
Colin C. Tait, Vice Chairman

Yes



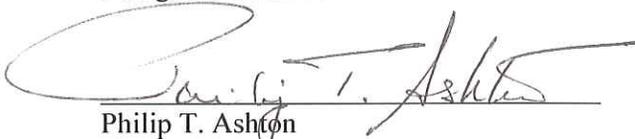
Commissioner Donald W. Downes
Designee: Gerald J. Heffernan

Yes



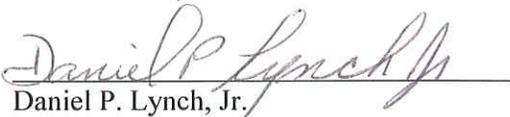
Commissioner Gina McCarthy
Designee: Brian J. Emerick

Yes



Philip T. Ashton

Yes



Daniel P. Lynch, Jr.

Recuse



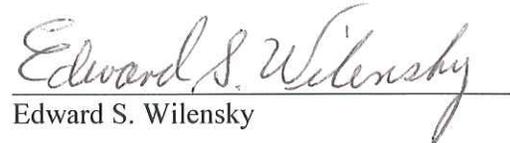
James J. Murphy, Jr.

Yes



Dr. Barbara Currier Bell

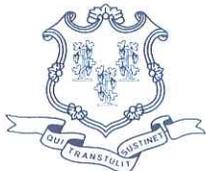
Yes



Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, May 22, 2007.



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

May 25, 2007

Julie Kohler, Esq.
Carrie Larson, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

RE: **DOCKET NO. 323** - MCF Communications bg, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut.

Dear Attorney Kohler and Attorney Larson:

By its Decision and Order dated May 22, 2007, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

S. Derek Phelps
Executive Director

SDP/ap

Enclosures (4)



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 323**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to MCF Communications bg, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on May 22, 2007.

By order of the Council,


Daniel F. Caruso, Chairman

May 22, 2007



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

May 25, 2007

TO: Classified/Legal Supervisor
323061005
The Hartford Courant
285 Broad St.
Hartford, CT 06115

Classified/Legal Supervisor
323061005
Journal Inquirer
306 Progress Drive
P.O. Box 510
Manchester, CT 06045-0510

FROM: Adriana C. Popa, Administrative Clerk

RE: **DOCKET NO. 323** - MCF Communications bg, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

AP



*Daniel F. Caruso
Chairman*

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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Internet: ct.gov/csc

NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on May 22, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from MCF Communications bg, Inc. and Omnipoint Communications, Inc. for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.