



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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December 4, 2007

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
CityPlace I, 185 Asylum Street
Hartford, CT 06103

RE: **DOCKET NO. 338** - Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, Connecticut.

Dear Attorney Regan:

By its Decision and Order dated November 29, 2007, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, Connecticut.

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

Very truly yours,

S. Derek Phelps
Executive Director

SDP/RDM/laf

Enclosures (4)



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**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 338**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Sprint Nextel Corporation for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, 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 November 29, 2007.

By order of the Council,

Daniel F. Caruso, Chairman

November 29, 2007



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Chairman

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TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 338** - Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, Connecticut.

By its Decision and Order dated November 29, 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 160 West Street, Cromwell, Connecticut.

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

SDP/RDM/laf

Enclosures (3)

c: State Documents Librarian

DOCKET NO. 338 – Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, Connecticut.

Connecticut
Siting
Council

November 29, 2007

Findings of Fact

Introduction

1. Sprint Nextel Corporation (Sprint) in accordance with provisions of General Statutes §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on May 23, 2007 for the construction, operation, and maintenance of a wireless telecommunications facility located at 160 West Street, Cromwell, Connecticut. (Sprint 1, p. 3)
2. Sprint is a Delaware corporation with its principal office in Mahwah, New Jersey. (Sprint 1, p. 3)
3. The party in this proceeding is the Applicant. The intervenor is Cellco Partnership d/b/a Verizon Wireless (Verizon). (Transcript 1 – 09/20/07, 4:00 p.m. [Tr. 1], p. 5)
4. The purpose of the proposed facility is to provide wireless service to Routes 3, 9, 99 and 372 in the Cromwell/Middletown area. (Sprint 1, p. 5, Tab 9)
5. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on September 20, 2007, beginning at 4:00 p.m. and continuing at 7:00 p.m. at the Cromwell Town Hall, Cromwell, Connecticut. (Council's Hearing Notice dated August 10, 2007; Tr. 1, p. 3; Transcript 2 – 09/20/07, 7:00 p.m. [Tr. 2], p. 3)
6. The Council and its staff conducted an inspection of the proposed site on September 20, 2007, beginning at 3:00 p.m. The applicant flew a balloon from 12:00 p.m. to 6:00 p.m. at the site to simulate the height of the proposed tower. The balloon reached the desired height of 80 feet above ground level (agl). (Tr. 1, pp. 65-66)
7. Notice of the application was sent to all abutting property owners by certified mail. Public notice of the application was published in the Hartford Courant on December 27, 2006 and January 4, 2007, and in The Middletown Press on December 26, 2006 and January 3, 2007. (Sprint 1, Tab 3)
8. Sprint installed a six-foot by four-foot sign describing the proposed project and the hearing date/location at the entrance to the property on September 4, 2007. (Sprint 1, p. 21; Tr. 1, p. 66)
9. Pursuant to CGS § 16-50I (b), the Applicant provided notice to all federal, state and local officials and agencies listed therein. (Sprint 1, Tab 5)

State Agency Comment

10. Pursuant to General Statutes § 16-50j (h), on August 10, 2007 and September 21, 2007, the following State agencies were solicited 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)
11. No responses were received from the respective State agencies. (Record)

Municipal Consultation

12. Sprint submitted a technical report describing the proposed project to the Town of Cromwell on September 7, 2007. The City of Middletown, approximately 2,400 feet south of the site, was also notified of the project on September 7, 2007. Sprint, in accordance with CGS § 16-50l (b), is required to notify all municipalities within 2,500 feet of the site. (Sprint 1, p. 9)
13. Sprint representatives met with the Cromwell Town Planner, Craig Minor, on November 2, 2006 to discuss the project. Mr. Minor subsequently discussed the project with the Cromwell Planning and Zoning Commission. (Sprint 1, p. 9)
14. The Town of Cromwell and the City of Middletown did not comment on the proposal. (Sprint 1, p. 9)
15. The First Selectman of the Town of Cromwell, Paul Beaulieu, made a limited appearance statement into the record at the September 20, 2007 hearing stating the Town does not have an objection to the proposal. (Tr. 1, p. 9)

Public Need for Service

16. 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)
17. 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. Sprint is licensed by the FCC to provide wireless service in Connecticut. (Council Administrative Notice Item No. 7; Sprint 1, p. 3)
18. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)

19. 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)

Site Selection

20. Sprint established a search ring for the target service area in June of 2003. The search ring covered two separate areas of high ground east and west of Route 9. (Sprint 2, Q. 3)
21. Before selecting the site, Sprint searched for tall buildings, existing towers, utility transmission structures or other structures to locate telecommunications equipment. No such structures were identified in the search area. The nearest existing tower facility to the site is a 170-foot lattice tower approximately 1.26 miles to the north. Another tower facility, a 125-foot monopole, is located approximately 1.9 miles to the south. Neither facility provides Sprint or Verizon adequate coverage to the target service area. (Sprint 1, Tab 9; Verizon 1, Q. 4)
22. A church at the corner of West Street and Hicksville Road, 0.1-mile from the site, was not considered since Cingular is already utilizing the steeple. The steeple is small and has space limitations for additional equipment. Sprint did not consider erecting a tower facility at this location. (Tr. 1, pp. 24-25)
23. After determining there were no viable structures within the search area, Sprint searched for properties suitable for tower development. Sprint investigated five parcels and selected one for tower development. The four rejected parcels and reasons for their rejection are as follows:
- a) Highridge Road/Patricia Lane – condominium association not interested;
 - b) 80 Shunpike Road – owner not interested, other property development plans;
 - c) 154 West Street – owner not interested, property too small; and
 - d) 159 West Street – owner not interested.
- (Sprint 1, p. 8)

Site Description

24. The proposed site is located on a 3.53-acre parcel at 160 West Street in Cromwell. The property, owned by One-Sixty West Street LLC, is developed with two single-story office buildings. (Sprint 1, p. 9)
25. The property is zoned for business. (Sprint 1, p. 9)
26. The proposed tower site is located in a lawn and paved area in the northwest corner of the parcel, adjacent to a row of pine trees along the north property line. (Sprint 1, pp. 9; 17, Tab 7; Tr. 1, p. 65; Tr. 2, p. 12)
27. Abutting property includes a residential neighborhood to the north, an undeveloped, wooded parcel to the west, an office building to the east, and existing residences and a residential development under construction to the south (refer to Figure 1). (Sprint 1, Tab 7; Tr. 1, pp. 28, 30, 67)
28. The tower site is located at an elevation of 132 feet above mean sea level (amsl). (Sprint 1, Tab 7)
29. Sprint proposes to construct an 80-foot monopole, designed as a flagpole, at the site. (Sprint 1, p. 11)

30. The flagpole would have a base diameter of 36 inches tapering to 30 inches at the antenna mounting locations. RF transparent material would conceal the antennas. (Tr. 1, pp. 8, 16-17, 58)
31. The flagpole would be designed to support three levels of antennas. Sprint would install three panel antennas at the 75-foot level and three panel antennas at the 69-foot level. Verizon would install three panel antennas at the 59-foot level of the tower. (Sprint 1, p. 11; Verizon 1, Q. 3)
32. The tower could not accommodate additional antennas or a third carrier due to limited space for additional cables within the flagpole. (Tr. 1, pp. 33-36)
33. The Town of Cromwell would consider using the tower for future safety communication antennas but, at present, considers the proposed site as not critical to the needs of the Town's safety services.
34. Typically, safety service antennas are of a whip design. A whip antenna could be mounted on the top of the tower but not within the flagpole itself. A whip antenna could be problematic since the flag could possibly be blown upward and wrap around the whip antenna. (Tr. 1, pp. 9, 43, 47-48, 54, 58-61)
35. In accordance with the lease agreement, a 12-foot by 20-foot flag would be flown from the pole. (Tr. 1, pp. 10, 17, 22)
36. Sprint intends to maintain the flag in accordance with the United States Flag Code, including provisions regarding lighting or lowering the flag. Sprint prefers not to light the flag due to the proximity of an adjacent residential neighborhood. If the flag were not lit, it would have to be lowered each night; Sprint has not determined who would be responsible for this task. If the flag were lit, it would be illuminated from three directions by lights placed 12 to 15 feet from the center of the pole. (Tr. 1, pp. 19-23)
37. The flag would not interfere with radio frequency characteristics under dry conditions. A wet flag that wraps around the pole could cause a signal loss of 2 to 3 dB. (Tr. 1, pp. 19-22)
38. Sprint would be willing to construct an 80-foot monopole designed as a pine tree at the site. The landowner is amenable to this design. (Tr. 2, pp. 8, 9, 14)
39. A pine tree design would allow for greater flexibility in antenna configurations and network growth. Sprint would only need one antenna height on the tower rather than two, as necessitated by the flagpole design, allowing Verizon to move up 10 feet higher on the monopole. A third carrier could locate below Verizon or possibly above Sprint if the tower was extended in the future. A tree design also allows for placement of a whip antenna with few mounting issues. (Tr. 2, pp. 12-13, 25)
40. A tree design would eliminate issues relating to lighting or daily lowering of the flag. (Tr. 2, p. 9)
41. A tree design in this location would be consistent with the surrounding landscape. Pine trees in this area could attain heights of 70 to 90 feet. The pine trees along the north property boundary, adjacent to the site, are approximately 45 feet in height and could reach 70 to 80 feet in 20 to 25 years. (Tr. 2, pp. 10-11)
42. The proposed tree tower would extend above the existing treeline by 30 to 35 feet. (Tr. 2, p. 12)

43. Sprint proposes to construct a 30-foot by 54-foot equipment compound at the base of the tower (refer to Figure 2). An eight-foot high stockade fence would enclose the compound. Within the compound, Sprint would install a 12-foot by 20-foot equipment shelter with a brick façade to match the existing office buildings on the property. Verizon would also place an equipment shelter within the compound and would be willing to install a brick façade. (Sprint 1, p. 12; Tr. 2, p. 26-27)
44. Sprint would be willing to construct a single building to house Sprint and Verizon's equipment. (Tr. 1, p. 62)
45. Access to the site would be from an existing parking lot serving the office buildings. The parking lot is accessed from the north side of West Street. (Sprint 1, Tab 7)
46. Underground utilities would service the site. The utilities would be installed along a lawn area on the west side of the existing parking lot. (Sprint 1, Tab 7)
47. The nearest abutting property to the tower site is approximately 30 feet to the west, owned by Stephen Chenock, Jr., et al. The southwest corner of the compound would be three feet from the property line. (Sprint 1, Tab 7)
48. The tower radius would extend onto the Chernock Jr. property by 50 feet. (Sprint 1, Tab 7)
49. There are 41 residences within a 1,000-foot radius of the tower site. (Sprint 2, Q. 8)
50. The nearest residence to the proposed tower site is approximately 145 feet to the north, owned by Mary Ann Davis. (Sprint 1, Tab 7)
51. Land use within a quarter-mile of the site is primarily residential with some commercial uses along Route 372. Route 9 is located west of the site. A church is located to the southeast. (Sprint 1, p. 10; Tr. 1, 24-25)
52. The estimated cost of construction, excluding Verizon's equipment, is:

a. Flagpole tower	30,000.
b. Foundation	30,000.
c. Site work	15,000.
d. Utilities	20,000.
e. Radio equipment/antennas	90,000.
 Total estimated cost	 \$185,000.

(Sprint 1, Tab 8; Sprint 2, Q. 6)

Environmental Concerns

53. The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Sprint 1, Tab 14)
54. The proposed site contains no known existing populations of Federal or State Endangered, Threatened or Special Concern Species. (Sprint 1, p. 24)
55. Construction of the site would not require the removal of any trees. (Sprint 1, Tab 7)

- 56. Construction of the site would not impact any wetlands or watercourses. No wetlands were identified on the property. The nearest wetland is approximately 225 feet west of the site. (Sprint 1, p. 16)
- 57. The tower would not be an aviation hazard. (Sprint 2, Q. 12)
- 58. The cumulative maximum power density from the radio frequency emissions of the proposed Sprint and Verizon antennas is calculated to be 30.75 % of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of either 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. (Sprint 1, Tab 13; Verizon 1, Q. 3)

Visibility

- 59. The tower would be visible year-round above the tree canopy from approximately 112 acres within a two mile radius of the site (refer to Figure 3). This includes approximately 57 acres of tidal marsh along the Mattabessett River 1.8 miles south of the site, and 16 acres of parking lots associated with two shopping centers a half-mile west of the site. The tower would be seasonally visible from an additional 15 acres. (Sprint 1, Tab 12)
- 60. The upper half of the tower would be visible from the Highridge Road/Patricia Lane neighborhood immediately north of the site. Approximately 21 residential properties in this area would have year-round views of the tower. A majority of the 15 acres of seasonal visibility is within this neighborhood. (Sprint 1, Tab 12; Tr. 1, pp. 28-30)
- 61. The upper 20 to 40 feet of the tower would be visible from a new subdivision under construction south of the site. (Tr. 1, p. 30)
- 62. Approximately 75% of the tower would be visible from the West Street - Hicksville Road intersection area, 0.1 mile east of the site. Three residences on the south side of West Street and a church are present in this area. (Sprint 1, Tab 12; Tr. 1, pp. 28-29, pp. 64-65)
- 63. There are no hiking trails maintained by the DEP or the Connecticut Forest and Parks Association within a two-mile radius of the site. (Sprint 1, Tab 12)
- 64. Visibility of the tower from specific locations within a two-mile radius of the site is as follows:

Location	Visible	Approximate Portion of Tower Visible	Distance from Tower
Highridge Road neighborhood	Yes	40 feet – unobstructed	0.1 to 0.3 miles north
Patricia Lane cul-de-sac	Yes	15 feet – unobstructed.	0.1 miles north
Arrowhead Drive	Yes	At treeline	0.75 miles north
West Street - Washington Street intersection	Yes	50 feet – unobstructed.	0.1 miles east
Hicksville Road	Yes	60 feet – unobstructed.	0.1 miles south east
West Street	Yes	15 feet – unobstructed	0.5 miles west
Route 3 near Berlin Road	Yes	10 feet – unobstructed	0.5 miles southwest

(Sprint 1, Tab 12; Tr. 1, pp. 28-30)

Sprint - Existing and Proposed Wireless Coverage

65. Sprint proposes to operate Integrated Digital Enhanced Network (iDEN) equipment at this site. iDEN operates in the 800 MHz and 900 MHz frequencies. Although Sprint is licensed to operate in the 1900 MHz frequencies (PCS), Sprint does not propose to install PCS equipment at this site. (Sprint 2, Q. 5; Tr. 1, pp. 25-28)
66. Sprint is designing the site with a signal level threshold of -81 dBm for in-vehicle coverage and -71 dBm for in-building coverage. (Sprint 1, p. 12; Tr. 1, p. 12)
67. Sprint's existing signal level in the Routes 3, 9, 99 and 372 area is between -82 and -91 dBm (refer to Figure 4). The dropped call rate at surrounding Sprint sites is 1.2% to 2.7%. Incomplete call attempts are not included in these statistics. (Sprint 1, Tab 9; Sprint 2, Q. 7)
68. Sprint proposes to install iDEN antennas at 75 feet and 69 feet agl. Coverage from the proposed site would adequately serve all major roads except for a 0.6-mile section of Route 99 east of the site (refer to Figure 5). (Sprint 1, Tab 9)
69. Lowering the height of the iDEN antennas to 65 feet and 59 feet agl would degrade coverage on Route 372 and residential neighborhoods east, and residential neighborhoods east and west of the site (refer to Figure 6). (Sprint 2, Q. 9)

Verizon - Existing and Proposed Wireless Coverage

70. Verizon proposes to operate 800 MHz (cellular) and PCS equipment at the site. Verizon proposes to install three dual band antennas at the 59-foot level of the flagpole tower. (Verizon 1, Q. 2, Q. 3)
71. Verizon is designing the site with a signal level threshold of -85 dBm. (Verizon 1, Q. 2)
72. The site would provide PCS service to coverage gaps on Routes 3, 9 and 372 in the south Cromwell area (refer to Figures 7 & 8) and cellular capacity relief to the surrounding area. (Verizon 1, Q. 1, Q. 4)
73. If the tower was designed as a simulated tree, Verizon could install a full antenna array at the 69-foot level, thereby increasing coverage by 2 to 3 dB. (Tr. 2, pp. 8, 12, 20, 25)

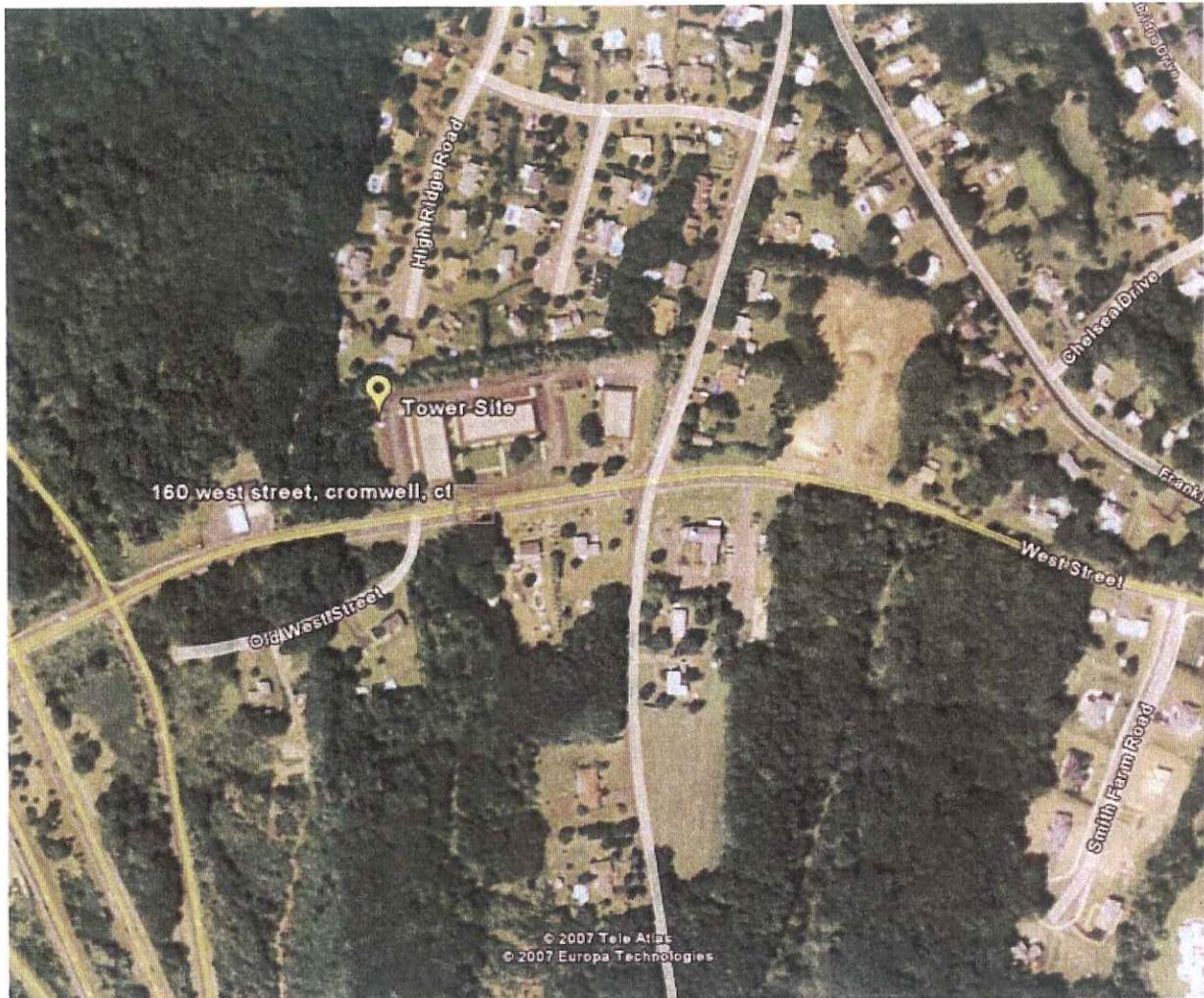
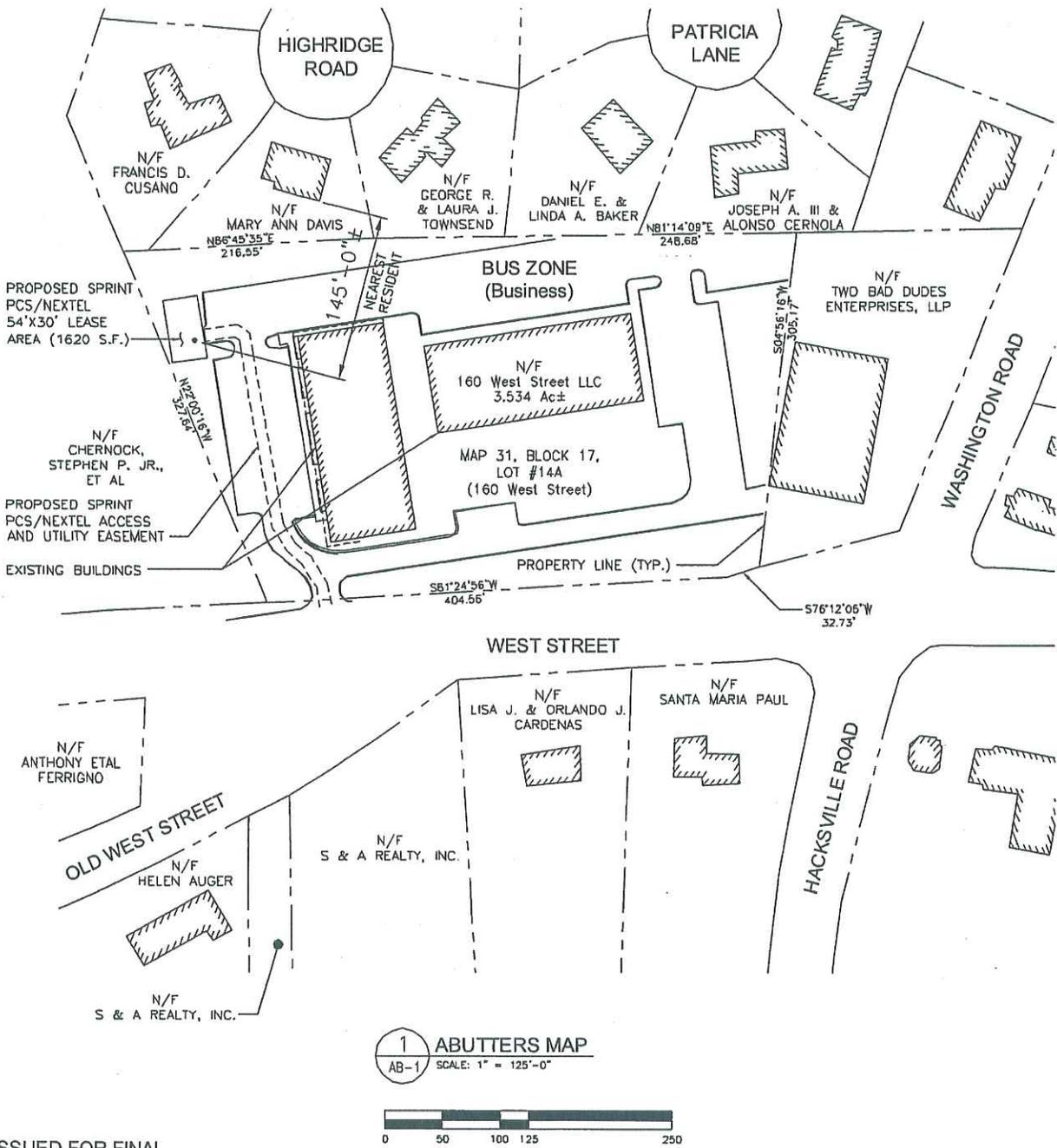


Figure 1: Location of the Site – 160 West Street, Cromwell.

(Sprint 1, Tab 1)



ISSUED FOR FINAL

Figure 2: Site Plan

(Sprint 1, Tab 7)



Legend

 Proposed Tower Location (Includes area of visibility approximately 500 feet around facility)

Photos - May 4, 2006

 Balloon Visible Above Trees

 Seasonal Visibility (Approximately 15 acres)

Approx. % of Flagpole Visible (Year-Round)

 Tree Line View - Upper 25% - 93 Acres

 50% - 11 Acres

 75% - 6 Acres

 Entire Facility - 2 Acres

Figure 3: Visibility of tower.

(Sprint 1, Tab 12)



Figure 4: Existing Sprint iDEN coverage. The plot depicts inadequate coverage (<-81) on Routes 3, 9, 99 and 372.

Blue:	-91 dBm
Green:	-81 dBm
Yellow:	Site Location

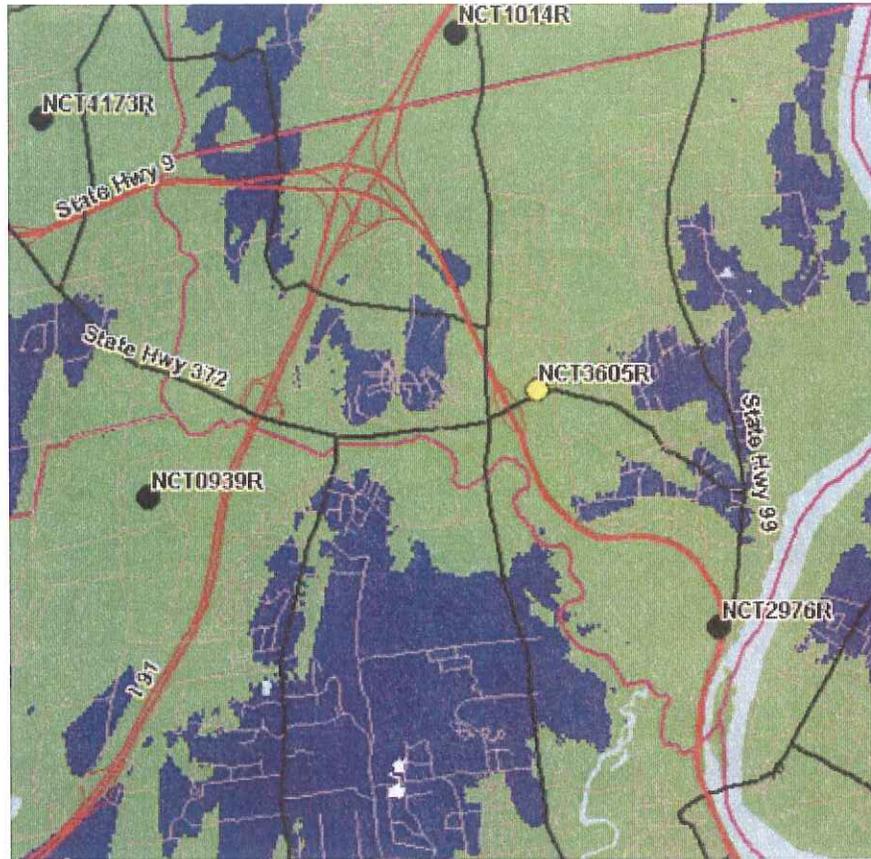


Figure 5: Proposed Sprint iDEN Coverage with antennas at 75 and 69 feet.

Blue:	-91 dBm
Green:	-81 dBm
Yellow:	Site Location

(Sprint 1, Tab 9)

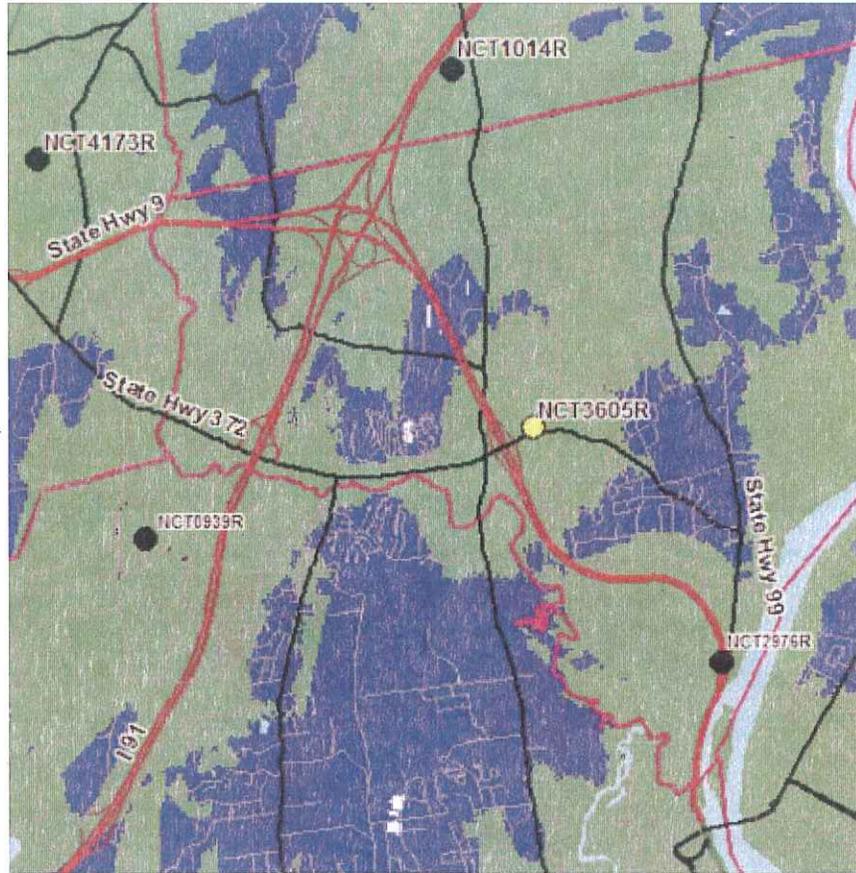


Figure 6: Proposed Sprint iDEN Coverage with antennas at 65 and 59 feet.
A coverage gap occurs on Route 372 west of Route 99 and in residential areas north of Route 372.

Blue:	-91 dBm
Green:	-81 dBm
Yellow:	Site Location

(Sprint 1, Tab 9)

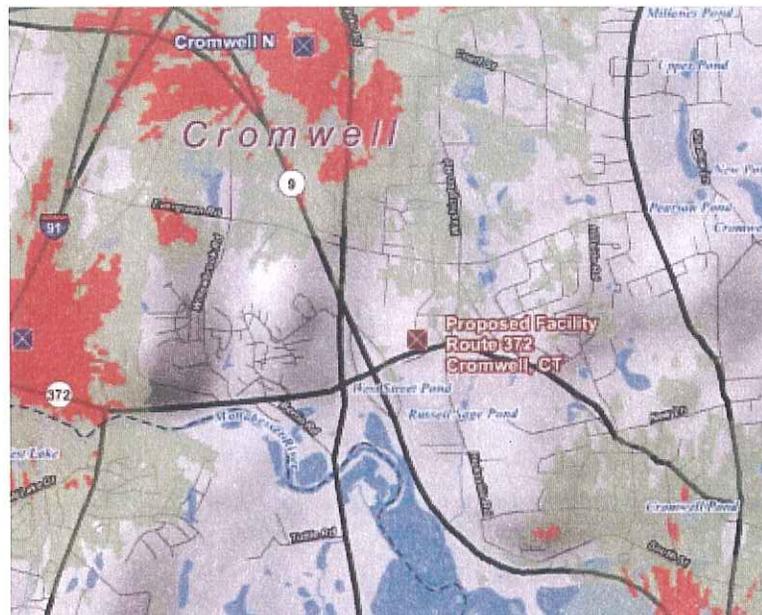


Figure 7: Verizon existing PCS coverage.

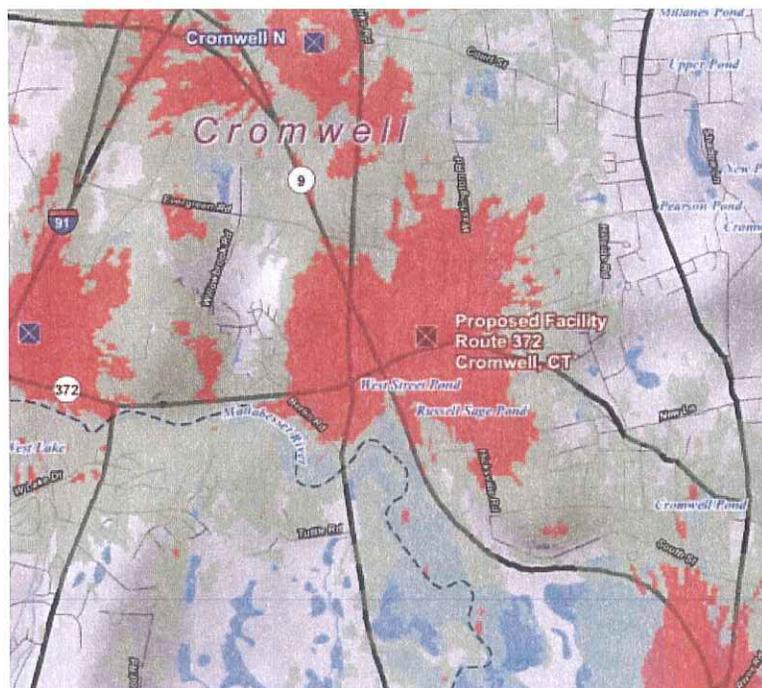


Figure 8: Verizon proposed PCS coverage with antennas at 59 feet.

(Verizon 1, Q. 4)

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Cromwell, Connecticut. } Council

November 29, 2007

Opinion

On May 23, 2007, Sprint Nextel Corporation (Sprint) 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 at 160 West Street, Cromwell, Connecticut. Sprint seeks to provide coverage to Routes 3, 9, and 372 in the Cromwell/Middletown area. Cellco Partnership d/b/a Verizon Wireless (Verizon) participated as an intervenor in this proceeding to demonstrate their need for this facility.

Prior to the filing of the application, Sprint examined existing structures as alternatives, including existing towers in the area and a church steeple on Route 372, but none of these structures were available for use or provided adequate coverage to the area. Sprint then examined raw land parcels and selected the proposed site based on interest from the landowner and the commercial use of the parcel.

Sprint proposes to construct an 80-foot monopole, designed as a flagpole, and an associated compound on a 3.5-acre parcel adjacent to Route 372 and east of Route 9. The parcel is developed with two office buildings and is located in a mixed-use area. A high-density residential development is immediately north of the site.

The tower and compound would be located in the northeast corner of the parcel, in a lawn area adjacent to a row of pine trees approximately 40 feet in height. The equipment buildings within the compound would have a brick façade to match the brick office buildings on the site. An eight-foot stockade fence would enclose the compound. The tower radius would extend onto the abutting parcel to the west by 50 feet.

Although Sprint is licensed to provide PCS (1900 MHz) and iDEN (800 & 900 MHz) service to Middlesex County, Sprint seeks to install only iDEN equipment at the proposed site. Sprint's iDEN coverage in the Routes 3, 9, and 372 area is around -91 dBm, below Sprint's signal level threshold of -81 dBm for in-vehicle coverage. An examination of coverage models indicates a lower tower height would provide insufficient coverage on Route 372 and in surrounding residential areas. Verizon intends to use the site for PCS coverage and cellular capacity relief.

Based on the lack of suitable existing structures and gaps in Sprint's existing iDEN coverage, as well as Verizon's need for PCS coverage for future PCS voice deployment, the Council finds a technical need for a new tower. The Council believes an 80-foot facility would provide Sprint sufficient coverage to the target service area and would allow Verizon to co-locate on the tower. In addition, Sprint would provide space on the tower for no compensation for any municipal emergency service communication antennas, provided such antennas are compatible with the structural integrity of the tower.

Visibility impacts of the tower would be primarily from the Highridge Road/Patricia Lane neighborhood immediately north of the site. Approximately 21 residential properties in this area would have year-round views of the upper half of the tower. The tower would also be visible from a new subdivision being constructed south of Route 372, across from the site.

Although the Council believes a flagpole is an effective design to mitigate visibility from sensitive areas, the Council does not believe a flagpole is appropriate in this case for the following reasons. First, in accordance with the Flag Code, the flag would be required to be illuminated at night or lowered. Sprint does not have a plan in place as to an entity that would lower the flag each night, leaving illumination as the only viable option, but the Council believes illumination of the flag would be a visual detriment to the adjacent neighborhood. Second, the visual impact of a 12-foot by 20-foot flag and flagpole would be unreasonable given that the upper half of the tower would be visible from the adjacent neighborhood. Third, a wet flag that wraps around the pole could cause a signal loss of 2 to 3 dB, thus degrading coverage to the area. Lastly, the design of the flagpole limits the configuration and types of antennas that could be installed. The flagpole could only accommodate flush-mounted panel antennas: this would limit the antennas spatial diversity and reduce coverage to the area. Thus, to meet its coverage objectives, Sprint would have to install two sets of antennas at different tower heights, limiting co-location opportunities for other carriers. Also, whip antennas, typically used by town communication services, could not be accommodated with a flagpole design.

Given the Council's reservations about a flagpole design, Sprint could install a monopole designed as a pine tree at the site. The tree design eliminates issues associated with the Flag Code and allows for the installation of platform-mounted antennas, thereby increasing the signal to the area by 2 to 3 dB. This flexibility would allow Sprint to locate all of their antennas at one tower height rather than two, maximize antenna elevation for Verizon, and accommodate whip antennas. Visually, a tree design would be consistent with the existing pine trees on the site. Although the "tree tower" initially would be twice as tall as the neighboring pine trees, pine trees in this area of the state are fast-growing and can reach 70 to 80 feet in height. For these reasons, the Council finds a tree tower design appropriate. The Council will order such a design with the condition that the tower be relocated 20 to 40 feet south of the proposed location to provide a greater buffer to the abutting residential properties north of the site.

Development of the site would not affect any wetlands or watercourses or any rare, endangered, or special concern species. The proposed facilities would have no effect on archaeological or historic resources.

Radio frequency power density levels at the base of the proposed 80-foot tower would be well below federal and state standards for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the facility be brought into compliance with such standards. The Council will require that the power densities be remodeled in the event other carriers locate at this facility.

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 an 80-foot monopole telecommunications facility designed as a pine tree at 160 West Street, Cromwell, Connecticut, with the condition the tower site be relocated approximately 20 to 40 feet to the south.

DOCKET NO. 338 – Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, Connecticut.

Connecticut
Siting
Council

November 29, 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 Sprint Nextel Corporation, hereinafter referred to as the Certificate Holder, for the construction, maintenance and operation of a wireless telecommunications facility at 160 West Street in Cromwell, 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 designed and constructed as a simulated pine tree no taller than 80 feet above ground level, sufficient to accommodate the antennas of Sprint Nextel Corporation, Celco Partnership d/b/a Verizon Wireless and other entities. Such design shall attempt to mimic the existing pine trees adjacent to the site to the greatest extent possible.
2. The tower shall be relocated 20 to 40 feet to the south.
3. 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 Cromwell for comment, and all parties and intervenors, and interested parties, 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, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
 - c) Photo-simulations of the selected tree tower design from the site property and adjacent residential neighborhood.

4. 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.
5. 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.
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 Cromwell 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. 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 Cromwell. Any proposed modifications to this Decision and Order shall likewise be so served.
10. 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.
11. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
12. 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 Middletown Press.

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

Sprint Nextel Corporation

Its Representative

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LLP
CityPlace I, 185 Asylum Street
Hartford, CT 06103

Intervenor

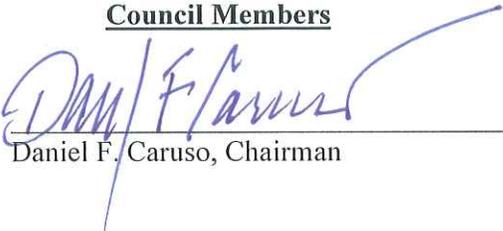
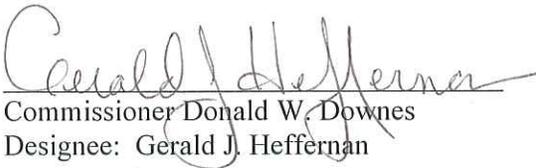
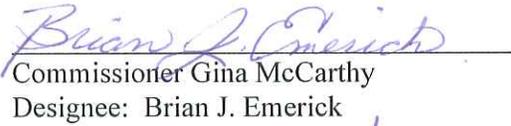
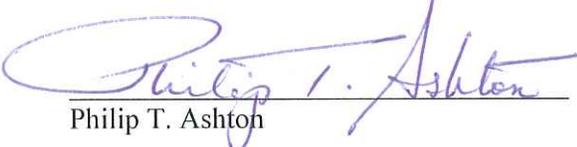
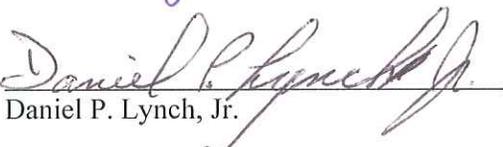
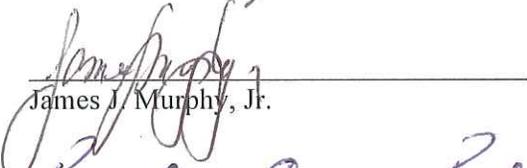
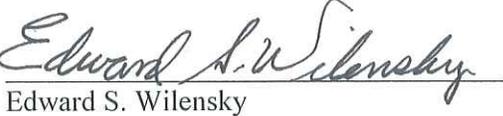
Cellco Partnership d/b/a
Verizon Wireless

Its Representative

Kenneth C. Baldwin, Esq.
Robinson & 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. 338** - Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 160 West Street, Cromwell, Connecticut, and voted as follows to approve the proposed telecommunications facility:

<u>Council Members</u>	<u>Vote Cast</u>
 Daniel F. Caruso, Chairman	Yes
_____ Colin C. Tait, Vice Chairman	Absent
 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.	Yes
 James J. Murphy, Jr.	Yes
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, November 29, 2007

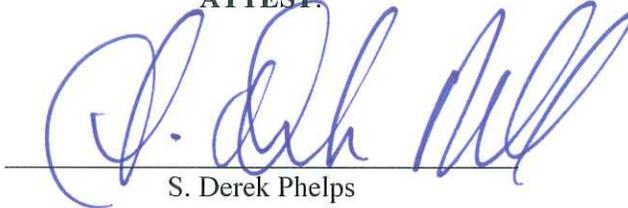
STATE OF CONNECTICUT)

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.

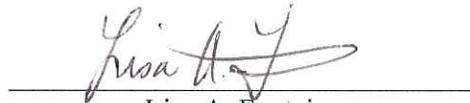
ATTEST:



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. 338 has been forwarded by Certified First Class Return Receipt Requested mail on December 4, 2007, to all parties and intervenors of record as listed on the attached service list, dated September 21, 2007.

ATTEST:



Lisa A. Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Sprint Nextel Corporation	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP CityPlace I, 185 Asylum Street Hartford, CT 06103 (860) 509-6522 (860) 509-6501 fax tregan@brownrudnick.com
Intervenor	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Interested party (D&M Plan only)	Jim Hite 30 High Ridge Road Cromwell, CT 06416	