

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF OPTASITE TOWERS LLC  
AND OMNIPOINT COMMUNICATIONS, INC.  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT 640 HILLIARD STREET  
MANCHESTER, CONNECTICUT

DOCKET NO. 339

Date: SEPTEMBER 27, 2007

**POST- HEARING BRIEF OF OPTASITE TOWERS LLC AND OMNIPOINT  
COMMUNICATIONS, INC.**

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies ("R.C.S.A."), Optasite Towers LLC ("Optasite") and Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc., d/b/a T-Mobile (hereinafter "T-Mobile") (collectively the "Co-Applicants") submit this post-hearing brief in support of the above-captioned application. This brief is limited to (1) the public need for this telecommunications facility, (2) the lack of environmental impact of the proposed facility, and (3) consistency with the mandate of the Connecticut Legislature to avoid the unnecessary proliferation of towers in the state. The Co-Applicants also submit their Proposed Findings of Fact in conjunction with this Post-Hearing Brief.

**I. BACKGROUND**

The Co-Applicants, in accordance with the provisions of Connecticut General Statutes ("C.G.S.") §§ 16-50g through 16-50aa and §§ 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies ("R.C.S.A."), applied to the

Connecticut Siting Council ("Council") on May 25, 2007 for a Certificate of Environmental Compatibility and Public Need ("Certificate").

Co-applicant Optasite proposes to construct a 150-foot steel monopole telecommunications facility in the eastern portion of a 1.23 acre parcel of land owned by 640 Hilliard Street, LLC known at 640 Hilliard Street, Assessors Map 45, Block 2920, Lot 640 of the Manchester Tax Assessor's Records (the "Site"). The Site is currently an old industrial mill site that is occupied by various commercial use tenants. The 30-foot by 70-foot leased area will include a 30-foot by 70-foot fenced compound area at the Site ("Facility"). This Facility will be designed to accommodate the antenna arrays and associated equipment of T-Mobile and the equipment of three (3) other telecommunications carriers. Cellco Partnership d/b/a Verizon Wireless has expressed an interest in co-locating on the Facility. See Pre-filed Testimony of Keith Coppins at 4; Applicants' Exhibit 6.

The purpose of this Facility is to provide wireless telecommunications services to Manchester, including along Route 6, Hilliard Street and surrounding areas. See Pre-filed Testimony of Scott Heffernan. T-Mobile currently experiences significant gaps in coverage and inadequate coverage in the area. In particular, T-Mobile experiences a coverage gap of 1.2 miles on Route 6, .75 miles along Middle Turnpike West and experiences coverage gaps and inadequate coverage in the area. See Applicants' Exhibit 2. A Facility at the Site will provide wireless coverage service to this area which currently suffers from inadequate coverage. Id.

## II. A SIGNIFICANT PUBLIC NEED EXISTS FOR A TELECOMMUNICATIONS FACILITY IN THIS AREA

### A. T-Mobile's Need

Connecticut General Statute ("C.G.S.") §16-50p(a) mandates that the Council "shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (1) A public need for the facility and the basis of the need..." C.G.S. §16-50p(a). There can be no dispute that there is a significant public need for this Facility. (Applicants' Exhibit 1 ("App.") at Exhibit H).

There are no other telecommunications facilities in this area of Manchester and no utility structures or other suitably tall structures on which to locate a telecommunications facility. In particular, an existing tower located at Love Lane is structurally incapable of supporting wireless antennas and equipment. (3:00 Transcript ("Tr.") at 79). An existing tower located at 60 Adams Street is located in a different search area and would not fill T-Mobile's existing coverage gap in this area, particularly along Route 6. (3:00 Tr. at 70; 7:00 Tr. at 48; Applicants' Exhibit 12). Co-location on existing Connecticut Light and Power ("CL&P") transmission lines would similarly not fill T-Mobile's existing coverage gap. (Applicants' Exhibit 13; 7:00 Tr. at 46). Specifically, T-Mobile testified that it could not co-locate on the existing Connecticut Light and Power ("CL&P") transmission lines in the area in lieu of the proposed facility because such co-location would not fill T-Mobile's coverage gap along Route 6, particularly to the east. (Applicants' Exhibit 13; 7:00 Tr. at 46). In addition, T-Mobile testified that a combination of co-locations on the 60 Adams Street tower and the CL&P transmission lines would not allow T-Mobile to provide reliable E-911 coverage in the area including along Route 6. (7:00 Tr. at 50-51). Finally, T-

Mobile established that even a combination of co-location on the 60 Adams Street tower and CL&P transmission lines would still leave a gap in coverage in the area, particularly along Route 6. (7:00 Tr. at 50). This would result in not only degraded and unreliable service but also in unreliable E-911 service. (7:00 Tr. at 50-51).

T-Mobile has established that it is currently experiencing significant coverage gaps and capacity problems along Route 6, Middle Turnpike West and the surrounding area which result in inadequate coverage in this area. These communications issues can be alleviated with the construction of this Facility, which will provide benefits for both the residents and businesses in Manchester. A Facility at the proposed Site will alleviate that inadequacy.

**B. Need of Other Providers**

In addition to the need clearly established by T-Mobile, Cellco Partnership d/b/a Verizon Wireless has also expressed its need to co-locate on the proposed Facility. (Applicants' Exhibit 6, 3:00 Tr. at 80). Verizon Wireless is already located on the 60 Adams Street tower and still needs a site at the proposed Facility. (3:00 Tr. at 89). This lends additional support to the need for this tower, and supports T-Mobile's position that the 60 Adams Street tower is located in a separate search area from the proposed Facility. (Id.).

The Town of Manchester has also expressed its interest in locating emergency equipment on the proposed Facility. Clearly, the provision of reliable emergency services is important for the community and residents of this area of Manchester and is filling a vital public need.

### III. THE FACILITY WILL HAVE A MINIMAL ENVIRONMENTAL IMPACT

In addition to demonstrating the public need for the Facility, the Co-Applicants have identified “the nature of the probable environmental impact, including a specification of every significant adverse effect, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning, the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife...” as required by C.G.S. §16-50p(a).

While some of the residents have opined that the proposed Facility will have an adverse environmental impact, particularly impact on the historic resources and the floodplain, the record is replete with expert testimony that 1) the Facility will have no adverse environmental impact; 2) the Facility will have no effect on historic resources, as determined by the State Historic Preservation Office; and 3) the Facility will not be located in a floodplain or a floodway.

Indeed, the record in this matter convincingly demonstrates that the Facility will have a minimal environmental impact on the surrounding areas, and will not conflict with any environmental policies of the State of Connecticut. Several Court decisions have affirmed the issuance of Certificates for similar facilities and projects that involved comparable or greater environmental impacts than that proposed in the present Application. Westport v. Connecticut Siting Council, 47 Conn. Sup. 382 (2001), Aff'd, Westport v. Connecticut Siting Council, 260 Conn. 266, 796 A.2d 510 (2002); Nobs v. Connecticut Siting Council, 2000 Conn. Super. LEXIS 1156 (April 28, 2000).

The Co-Applicants conducted a complete and comprehensive environmental analysis of this proposal, which can be found at Exhibits: J (Wetlands Impact Analysis), K (Visual Resource Evaluation), L (Preliminary Archeological Assessment), M (Phase I Environmental Site Assessment), N (State Agency Correspondence) and P (NEPA Compliance documentation). The State and Federal Agencies contacted as part of this environmental analysis provided substantive responses and conclusions. The environmental analysis concludes that:

- i. No wetlands within 100 feet of the Site; neither the access nor the compound area is located within any wetlands or designated upland area; no direct or indirect impact on wetlands or watercourses (See Exhibit J);
- ii. No species of concern exist on the Site (See Exhibits N, P);
- iii. The Site is not located in a designated wilderness or wildlife preserve area (See Exhibit P);
- iv. No listed species or designate critical habitats occur on or near the Site. (See Exhibit N, Exhibit P);
- v. According to the State Historic Preservation Office, there will be no adverse impact on cultural resources, including historic areas (See Exhibit M);
- vi. The Site is not located on lands belonging to any federally recognized Indian tribe in Connecticut (See Exhibit P);
- vii. The Facility will be located outside of the 100 year flood zone; (See Exhibit P, 3:00 Tr. at 20); and
- viii. The tower will not be lit (See Exhibit R).

As far as the Facility's potential visibility, the Facility is proposed to be located on the Property in order to minimize impact to residential receptors. The topography in the vicinity of the Property will significantly limit the visual impact of the Facility. In

addition, much of the surrounding area is commercially or industrially zoned and therefore there will be minimal visual impact on residential areas.

Views of the Facility are expected to be limited to primarily within 0.25 miles of the Facility. The proposed Facility will be visible from only 45 acres within a two-mile radius of the proposed Facility, which is less than 1% of the study area. Of note, there will be no visibility from any scenic roads or areas, state parks or cultural or recreational receptors. The proposed Facility will be visible from approximately sixteen (16) residences year-round and an additional twelve (12) residences will experience limited seasonal views of the Facility.

As the foregoing demonstrates, any environmental impacts associated with the Facility will be extremely limited. Further, the Facility will eliminate the need for additional facilities in this area of Manchester, thereby reducing the cumulative environmental impact on the Town to the greatest extent possible.

**IV. A CERTIFICATE SHOULD ISSUE FOR THE PROPOSED FACILITY TO AVOID THE UNNECESSARY PROLIFERATION OF TOWERS**

The Connecticut legislature has declared that the sharing of towers to avoid the unnecessary proliferation of towers is in the public interest. C.G.S. §16-50aa. In addition, §16-50p(b) directs that, when issuing a certificate for a telecommunications tower, the Council "may impose such reasonable conditions as it deems necessary to promote immediate and future shared use of such facilities and avoid the unnecessary proliferation of such facilities in the state." "The sharing of facilities is encouraged, if not required by General Statutes §16-50p(b)(1)(A)." Nobs v. Connecticut Siting Council, 2000 Conn. Super. LEXIS 1156 (April 28, 2000).

Certification of the proposed Facility will help to avoid the unnecessary proliferation of telecommunication facilities in this portion of the state. There are no other existing facilities or structures in this area from which the carriers could co-locate to provide such coverage. Even if the CL&P Transmission lines would provide coverage for T-Mobile, which they do not, those transmission lines would not provide co-location opportunities for Verizon Wireless and the Town of Manchester, both of which have expressed their interest in co-locating on the proposed Facility. Accordingly, the issuance of a Certificate will help avoid the construction of new telecommunications tower(s) in this area of Connecticut. Because all major telecommunications carriers could utilize the Facility as well as local emergency services, as requested, approval by the Council will uphold the state mandate to avoid the unnecessary proliferation of towers.

**V. CONCLUSION**

It is clear from the evidence presented in the docket that approval of the Facility in this area of Manchester is necessary to provide adequate wireless coverage. The Co-Applicants have demonstrated that utilization of the Property provides the best location for a Facility in this area of Manchester. In addition, the Co-Applicants have indisputably established that co-location on the existing Adams Street tower, co-location of existing CL&P transmission lines or co-location on both the Adams Street tower and CL&P transmission lines would still leave T-Mobile with a significant coverage gap in the area. This Facility is the optimal solution for the lack of coverage in this area, with the least amount of environmental impact. In addition, unlike the CL&P transmission lines, the proposed Facility will provide co-location opportunities for both Verizon Wireless and the Town of Manchester. As such, the Co-Applicants, Optasite and T-Mobile respectfully urge the Council to issue a Certificate for the proposed Facility.

**OPTASITE AND T-MOBILE**

  
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## CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was delivered by regular mail, postage prepaid, to all parties and intervenors of record.

  
Carrie L. Larson, Esq.