

**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

PROPOSED FINDINGS OF FACT

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, Optasite Towers LLC and Omnipoint Communications, Inc. (the "Applicants") submit these Proposed Findings of Fact ("Proposed Findings").

Introduction

1. The Applicants, in accordance with 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 February 22, 2007 for a Certificate of Environmental Compatibility and Public Need ("Certificate") for the construction, operation and maintenance of a 150-foot monopole wireless telecommunications facility ("Facility") at 640 Hilliard Street, Manchester, Connecticut (the "Property"). (Applicants' Exhibit 1 ("App.") at 1).
2. The site is located in the eastern portion of the Property and consists of a 30-foot by 70-foot equipment compound in a 30-foot by 70-foot leased area (the "Site"). (App. at 2).
3. The purpose of the proposed Facility is to provide wireless coverage service to this area for Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. d/b/a T-Mobile (hereinafter "T-Mobile"). (App. at 1,

Exhibit G; T-Mobile Interrogatory Responses; Pre-Filed Testimony of Scott Heffernan "Heffernan Testimony").

4. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on Tuesday, August 28, 2007, beginning at 3:00 p.m. and continued at 7:00 p.m., at Lincoln Center Hearing Room, 494 Main Street, Manchester, Connecticut ("Hearing"). (Hearing Notice; 3:00 p.m. Transcript ["Tr.,"] at 3).
5. The Council and its staff made an inspection of the Site on August 28, 2007 at 2:00 p.m. (Hearing Notice).
6. The Applicants flew a balloon, four feet in diameter, at a height of 140 feet at the Site from 8 am to 3 pm on August 28, 2007. (7:00 p.m. Tr. at 3-4; Applicants' Exhibit 11).

Need

7. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services. Through the Federal Telecommunications Act of 1996 (the "Act"), Congress seeks to promote competition, reduce regulation to encourage technical innovation, and foster lower prices for wireless telecommunications services. The Act pre-empts any state or local determination of public need. (App. at 5; 3:00 p.m. Tr. at 3-4; Telecommunications Act of 1996).
8. A Facility at the Site will provide coverage for a significant coverage gap experienced by T-Mobile in Manchester specifically along Route 6, Hilliard Street and the surrounding area. (App. at 6-7, Exhibit G; Applicants' Exhibit 2; Heffernan Testimony).
9. Cellco Partnership d/b/a Verizon Wireless has expressed a need for a facility in this area of Manchester. (Pre-filed Testimony of Keith Coppins "Coppins Testimony" at 4; Applicants' Exhibit 6; 3:00 Tr. at 29).
10. The Town of Manchester has expressed its interest in locating its emergency services on the proposed Facility. (Applicants' Exhibit 4; 3:00 Tr. at 7).

Coverage

11. T-Mobile testified that they need to locate at a minimum height of 147 feet on this Facility at the Site to minimize the number and height of future telecommunications towers in this area. (Heffernan Testimony at 4; 3:00 p.m. Tr. at 23-25).
12. T-Mobile testified that, at heights below 147 feet AGL, T-Mobile's predicted coverage would break up along Hilliard Street. (3:00 Tr. at 80).
13. T-Mobile testified that it could not co-locate on an existing tower located at 60 Adams Street in lieu of the proposed Facility because it would not fill T-Mobile's coverage gap along Route 6 and would create tremendous interference in T-Mobile's network. (3:00 Tr. at 70; 7:00 Tr. at 48; Applicants' Exhibit 12).
14. T-Mobile testified that, if it attempted to cover its existing coverage gap along Route 6 from the 60 Adams Street tower, it would still have customers in and out of coverage and would not be able to provide reliable service along Route 6. (7:00 Tr. at 49-50).
15. T-Mobile testified that the 60 Adams Street tower was located in a separate search area that had a different design objective. Specifically, T-Mobile requires a facility in the vicinity of the 60 Adams Street tower to provide capacity coverage for Interstate I-84. (3:00 Tr. at 60-62).
16. 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).
17. T-Mobile testified that a combination of co-locations on the 60 Adams Street tower and the CL&P transmission lines would still leave T-Mobile with coverage gaps along Route 6 and along Hilliard Street. (7:00 Tr. at 50).
18. 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).

Site Search

19. Optasite determined that there were no existing structures of a suitable height or location from which the existing lack of coverage experienced by licensed telecommunications carriers in this area of Manchester could be remedied. That included investigation into co-locating on 1) tower located on Love Lane, which was structurally incapable of supporting wireless communications antennas; 2) CL&P Transmission lines, which would not fill T-Mobile's coverage gap; and 3) a tower located at 60 Adams Street, which also would not fill T-Mobile's coverage gap. (App. at 8-9, Exhibit H; 7; 3:00 Tr. at 70, 79; 7:00 Tr. at 46).
20. Only after determining that any existing structures were of unavailable for co-location did Optasite search for an appropriate location for a new telecommunications facility. (App. at 8-9; Coppins Testimony at 3).
21. Optasite conducted a survey of property within the area to identify the best possible location to serve the needs of T-Mobile and other wireless carriers. Optasite's site search was limited by the extent of development that has already occurred in this area of Manchester. (Coppins Testimony at 3-4).
22. The Property was uniquely suited for the development of a Facility due to its large size and location in an industrial zone. (App. at 8-9, Exhibit H; Coppins Testimony at 4).
23. Optasite investigated the possibility of locating the proposed Facility at 642 Hilliard Street. The owners of the property rejected Optasite' lease proposal. (Applicants' Exhibit 8; 3:00 Tr. at 31-32).

The Site

24. Optasite proposes to construct the Facility at the Site located in the eastern portion of a 1.23 acre parcel of land owned by 640 Hilliard Street, LLC known as 640 Hilliard Street, Assessors Id Map 45, Block 2920, Lot 640 of the Manchester Tax Assessor's Records. (App. at 3, Exhibit B).

25. The Property is located within the Ind. industrial zone. The Manchester Zoning Regulations (the "Regulations") do not prohibit facilities in the Ind. zone. (App. at 2, 16-18; Regulations).
26. The Property is currently an old industrial mill site and houses various commercial use tenants. (App. at 2; 08/28/07 Site Review).
27. The area surrounding the Property is primarily composed of commercial and industrial uses along the Hilliard Street corridor as well as residential uses. (App. at Exhibit K).
28. The proposed Facility has been designed to accommodate T-Mobile, and the equipment of three (3) other telecommunications carriers as well as the Town of Manchester emergency services equipment, if requested. (App. at 2, Exhibit B, 3:00 p.m. Tr. at 7).
29. The proposed Facility will accommodate the antennas and equipment of T-Mobile at an antenna centerline of 147 feet AGL and three (3) other wireless carriers at antenna centerline heights of 137 feet AGL, 127 feet AGL and 117 feet AGL. (App. at 2, Exhibit B).
30. The proposed Facility will be painted brown and will utilize flush-mounted antennas. (App. at 2, Exhibit B).
31. The compound area at the base of the Facility will include locations for T-Mobile, and the equipment of three (3) other telecommunications carriers. The compound will be enclosed by a new eight-foot security fence. (App. at 2, Exhibit B).
32. Cellco Partnership d/b/a Verizon Wireless has expressed its need to co-locate on the proposed facility and reserved its location at an antenna centerline of 137 feet AGL. (Applicants' Exhibit 6; 3:00 Tr. at 80).
33. The Town of Manchester has expressed its interest to locate emergency service equipment on the proposed Facility. (Applicants' Exhibit 4).
34. Vehicular access is proposed from Hilliard Street over the existing driveway. (App. at 2, 10, Exhibit B; 3:00 Tr. at 24).
35. Utility service will run underground from existing utility service currently located on Hilliard Street. No water or sanitary facilities are required and,

once built, the Facility will generate minimal traffic because each of the co-locating entities will only need to visit the Site about once a month to perform routine maintenance and inspection. (App. at 9-12, Exhibit B).

36. The total estimated cost of the proposed Facility is approximately \$179,000.00. The total duration of the construction would be approximately eight weeks. (App. at 21).

Municipal Consultation

37. Optasite first met with the Town of Manchester on February 22, 2006. (App. at 19).
38. In additional follow-up with the Town of Manchester, the Town has indicated that while it did not have a specific proposal, the Town is interested in locating its emergency equipment on the Facility and is reserving its right to do so. (Applicants' Exhibit 4; 3:00 p.m. Tr. at 7).

Environmental Considerations

39. The Property contains no known existing populations of Federal or State Endangered, Threatened or Special Concern Species, according to the Connecticut Department of Environmental Protection Diversity Database. (App. at 20, Exhibit N, Exhibit P).
40. The proposed development will not directly or indirectly affect any wetlands or watercourses. (App. at 17, Exhibit J; 3:00 Tr. at 41-42).
41. The proposed Facility is not located in a floodplain or a floodway. (Applicants' Exhibit 7; 3:00 Tr. at 20)
42. The State Historic Preservation Officer (SHPO) has determined that the construction of the Facility will have no adverse effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (App. at 13-14, Exhibit O).
43. According to an aeronautical study conducted by the Federal Aviation Administration (FAA), the proposed Facility would not require marking or lighting. (App. at 20, Exhibit P).
44. There would be no impact on any known scenic, historic or recreational areas. (App. at Exhibit K, Exhibit L, Exhibit N).

45. A study prepared by T-Mobile indicates that maximum emissions levels from the proposed Facility would be less than 4% of the safety criteria adopted by the FCC. (App. at 14, Exhibit O).

Visibility

46. The Facility is proposed to be located at the Property in order to minimize impact to residential receptors; the Facility will be located as low as it can be while still providing the necessary coverage to the area. The topography and the mature vegetation at the Property will significantly limit the visual impact of the Facility. (App. at 11-13; Exhibit K).

47. The proposed Facility at the Site will be visible from only 45 acres within a two-mile radius of the tower, which is less than one percent of the study area. The majority of the visibility will occur in commercial and industrial areas. (App. at 12, Exhibit K).

48. Views from the Facility are expected to be limited primarily to the Property itself, area within .25 miles of the Facility. (App. at 12, Exhibit K)

49. The compound area will have a de minimis visual impact as it will be screened by the proposed fencing as well as the vegetative screening provided by the existing vegetation at the Property. (App. at 12; Exhibit K; 3:00 Tr. at 72).

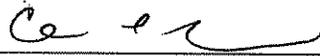
Towersharing

50. This Facility will provide co-location opportunities for public safety communications systems and four (4) wireless carriers, thus avoiding the proliferation of towers. (App. at Exhibit B).

51. Cellco Partnership d/b/a Verizon Wireless has expressed its need to co-locate on the proposed Facility at 137' AGL. (Applicants' Exhibit 6; 3:00 Tr. at 80).

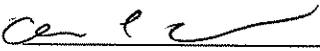
52. The Town of Manchester has expressed its interest in locating its emergency service equipment on the proposed Facility. (Applicants' Exhibit 4; 3:00 Tr. at 7).

**OPTASITE TOWERS LLC AND
OMNIPOINT COMMUNICATIONS, INC.**

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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.