

**CONNECTICUT SITING COUNCIL**  
**DOCKET NO. 403**

IN THE MATTER OF:

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APPLICATION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS  
FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY AT 174  
SOUTH GRAND STREET, SUFFIELD, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

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## **EXECUTIVE SUMMARY**

On July 9, 2010, Cellco Partnership d/b/a Verizon Wireless (“Cellco”) filed an application (“Application”) with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Capability and Public Need (“Certificate”) to construct a wireless telecommunications facility at 174 South Grand Street in the southwest portion of the Town of Suffield, Connecticut (the “Suffield SW Facility”). The proposed Suffield SW Facility would provide for much needed wireless service along Routes 168 and 187, as well as local roads and commercial and residential uses in the area.

### **Facility Description**

At the Suffield SW Facility, Cellco proposes to construct a 120-foot monopole tower in the easterly portion of the 17.57-acre parcel at 174 South Grand Street. At the top of the tower, Cellco would install fifteen (15) antennas at a centerline height of 120 feet above ground level (“AGL”). The top of Cellco’s antennas would extend to an overall height of 123 feet AGL. Cellco would also install a 12’ x 24’ shelter located near the base of the tower to house its radio equipment and a diesel-fueled back-up generator. Access to the Suffield SW Facility would extend from South Grand Street along an existing dirt and gravel driveway a distance of approximately 300 feet then along a new driveway extension, an additional distance of approximately 600 feet to the cell site.

### **Public Need**

Cellco currently experiences significant gaps in wireless service along portions of Routes 168 and 187 in southwest Suffield. Along Route 168, these gaps total 3.16 miles at 1900 MHz

(PCS) frequencies and 1.03 miles at 850 MHz (cellular) frequencies. Along Route 187, these gaps total 2.62 miles at 1900 MHz (PCS) frequencies and 1.19 miles at 850 MHz (cellular) frequencies.

The proposed facility will provide reliable wireless service to a 3.53 mile portion of Route 168, a 3.9 mile portion of Route 187 and an overall area of 11.82 square miles at 850 MHz frequencies; a 2.7 mile portion of Route 168, a 3.16 mile portion of Route 187, and an overall area of 6.9 square miles at 1900 MHz frequencies; and a 3.11 mile portion of Route 168, a 4.15 mile portion of Route 187, and an overall area of 13.71 square miles at 700 MHz frequencies.

### **Nature of Probable Impacts**

The Suffield SW Facility will have no effect on historic, architectural or archeological resources listed on or eligible for the National Register of Historic Places. The facility will not adversely impact federally listed, threatened or endangered species or State species of special concern. Development of the Suffield SW Facility and access road will not have any direct or indirect impact on wetland and watercourse on or near the subject site. The facility is not considered to be an obstruction or hazard to air navigation and, therefore, will not require any FAA marking or lighting. Lastly, the facility will operate well within safety limits established by the FCC for radio frequency emissions.

The overall area where some portion of the proposed Suffield SW Facility tower would be visible year round (above the tree line), is limited to approximately forty-six (46) acres, approximately one half of one-percent of the two mile radius study area (8,042 acres). Most of the areas of potential year-round visibility occur along portions of South Grand Street, open agricultural fields adjacent to South Grand Street and select portions of Route 168. Areas where seasonal views

are anticipated comprise an additional ninety-eight (98) acres. If the proposed tower is to be camouflaged at all, the most appropriate means in this case would involve the painting of the tower. Cellco has agreed to work with the Town on selecting an appropriate color to ensure the facility blends in with the surrounding area.

### **Public Input**

Cellco representatives began meeting with municipal officials about its need for service in southwest Suffield in August 2009. At the Town's request, Cellco considered several municipal parcels as alternative cell site locations. Cellco formally commenced its local input process by meeting with representatives from the Town of Suffield in April of 2010. Suffield First Selectman Thomas Frenaye appeared at the Council's September 28, 2010 hearing on behalf of the Town of Suffield. Mr. Frenaye made the Council aware of the Town's desire to install emergency service antennas on the proposed tower and shared additional comments related to the tower color, soil erosion controls during construction and access to the site by emergency vehicles. Cellco agreed to address the Town's comments and concerns in its D&M Plan if the tower is approved.

### **Public Support**

During the evening session of the public hearing, only two couples spoke regarding the proposed Suffield SW Facility. Both were direct abutters to the subject parcel at 138 and 148 South Grand Street and both spoke in favor of the tower proposal.

### **Conclusion**

The unrefuted evidence in the record clearly demonstrates that there is a need for the proposed Suffield SW Facility and that the environmental impacts from the proposed facility

would be minimal when balanced against its benefits. Therefore, the Council should approve the Application as submitted.

## **I. INTRODUCTION**

On July 9, 2010, Cellco Partnership d/b/a Verizon Wireless (“Cellco” or “Applicant”) filed with the Connecticut Siting Council (“Council”) an application (the “Application”) for a certificate of environmental compatibility and public need (“Certificate”), pursuant to Sections 16-50g *et seq.* of the Connecticut General Statutes (“Conn. Gen. Stat.”), for the construction, maintenance and operation of a wireless telecommunications facility (the “Suffield SW Facility”) on a 17.57 acre parcel at 174 South Grand Street in the Town of Suffield, Connecticut (the “Property”). (Cellco Exhibit 1 (“Cellco 1”). Cellco currently experiences significant gaps in wireless service (PCS and cellular coverage) along portions of Routes 187 and 168, as well as local roads in southwest Suffield. These existing coverage problems must be resolved in order for Cellco to continue to provide high-quality, uninterrupted and reliable wireless telecommunications service consistent with its Federal Communications Commission (“FCC”) license and to meet the demands of its wireless telecommunications customers. (Cellco 1).

## **II. PROCEDURAL BACKGROUND**

The Council conducted an evidentiary and public hearing on the Application on September 28, 2010. (September 28, 2010 Transcript (afternoon) (“Tr.1”) p. 2; September 28, 2010 Transcript (evening) (“Tr.2”) p. 2). Prior to the afternoon session of the hearing, the Council and its staff visited the Property. At the Council’s request, Cellco caused a balloon with a diameter of approximately four (4) feet to be flown at the proposed tower location, at 120 feet above ground level (“AGL”) during the site visit. (Cellco 1; Tr.1, pp. 20-21).

This Post-Hearing Brief and attached Proposed Findings of Fact are filed on behalf of the Applicant pursuant to Section 16-50j-31 of the Regulations of Connecticut State Agencies (“R.C.S.A.”) and the Council’s directives. (Tr.2, p. 21). This brief evaluates the Application in

light of the review criteria set forth in Section 16-50p of the Connecticut General Statutes and addresses several other issues raised throughout the course of this proceeding.

### **III. FACTUAL BACKGROUND**

#### **A. Pre-Application History**

Cellco is licensed to provide wireless services in the 1900 MHz (PCS), 850 MHz (cellular) and 700 MHz (LTE) frequency ranges throughout Connecticut. As of the date of this filing Cellco has not deployed and is therefore not yet operating its 700 MHz service in or around the Suffield area. Cellco currently experiences PCS and cellular coverage gaps along Routes 187 and 168 and local roads in southwest Suffield between its existing Suffield, Suffield South, Suffield West, Suffield NE, Bradley Airport, East Granby and Agawam 3 cell sites. (Cellco 1, pp. 1-2 and 9). Cellco began searching for an appropriate location for a facility to resolve these wireless service problems in July of 2008. (Cellco 1, Tab 8). As a first step in its site search process, Cellco investigates whether there are existing towers, or non-tower structures of suitable height in an area that can be used to satisfy its coverage objectives. There are no such existing towers in the vicinity of the Suffield SW Facility that Cellco does not already share. Likewise, there are no existing non-tower structures of suitable height in the area that can satisfy Cellco's coverage objectives. If a new tower must be constructed, Cellco attempts to identify sites where the construction of a tower would not be inconsistent with area land uses and where the visual impact of the facility could be reduced to the greatest extent possible. (Cellco 1, pp. 11-12, Tabs 8 and 9). Cellco selected the location for the proposed Suffield SW Facility in such a manner as to allow it to build and to operate a high-quality wireless system with the least environmental impact.

B. Local Contacts

In August of 2009, Cellco's real estate representatives met with Town Economic Development officials to discuss the possible use of municipal property to develop the Suffield SW Facility. (Cellco 1, Tab 8; Cellco 2). On April 22, 2010, Cellco representatives met with Suffield First Selectman Thomas Frenaye regarding the proposed Suffield SW Facility. (Cellco 1, p. 20; Cellco 2). At this meeting, Mr. Frenaye received copies of technical information summarizing Cellco's plans to establish a telecommunications facility at the Property (the "Technical Report"). At the request of the First Selectman, Cellco hosted a public information meeting at Suffield Town Hall on May 20, 2010. Notice of this meeting was sent to owners of abutting property and was published on May 6, 2010 in the *Journal Inquirer*.<sup>1</sup> (Cellco 1, p. 20, Tab 8; Cellco 2). Mr. Frenaye appeared at the Council's September 28, 2010 hearing and offer comments from the Town. These comments included the Town's need to share the facility, emergency vehicle access to the site and a request that the tower be painted. (Tr.2, pp. 8-12).

C. Tower Sharing

Consistent with its practice, Cellco regularly explores opportunities to share its facilities with other wireless service providers. During the course of its meeting with municipal officials in Suffield, and during the Council's hearing on this matter, Cellco agreed to provide access to the tower, at no cost, to the Town's local emergency service providers interested in sharing the tower. Cellco would also agree to make ground space in the facility compound available, if needed. (Cellco 1, pp. 8-9; Tr.2, pp. 8-12).

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<sup>1</sup> At the time of the public information meeting, Cellco was also considering a tower site at an alternative location known as the Demko property, off Route 168, in addition to the Paganelli parcel at 174 South Grand Street. Following the May 20, 2010 public information meeting, the owners of the Demko parcel withdrew their site from further consideration. (Cellco 1, Tab 8).

D. The Suffield SW Facility Proposal

The Suffield SW Facility would be located within a 60' x 60' fenced compound in the easterly portion 17.57 acre parcel ("Property") owned by Darian and Robert Paganelli. (Cellco 1, Tab 1). At the Suffield SW Facility, Cellco would construct a 120-foot tall monopole tower and install fifteen (15) panel-type antennas – six (6) cellular, six (6) PCS and three (3) LTE - with their centerline at 120 feet above the finished grade of the site compound. The top of the Cellco antennas would extend above the top of the proposed tower to a height of approximately 123 feet. (Cellco 1, p. 2, Tab 1).

Cellco would install a 12' x 24' single-story shelter near the base of the tower to house its receiving, transmitting, switching, processing and performance monitoring equipment and the required heating and cooling equipment. A diesel-fueled back-up generator would be installed within a segregated room in Cellco's equipment shelter for use during power outages and periodically for maintenance purposes. The tower and equipment shelter would be surrounded by an 8-foot high security fence and gate. Vehicular access and utility service to the Suffield SW Facility would extend underground from existing service on South Grand Street along the proposed access road to the cell site. (Cellco 1, Tab 1).

**IV. THE APPLICATION SATISFIES THE CRITERIA OF CONN. GEN. STAT. § 16-50P FOR ISSUANCE OF A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

Section 16-50p of the Public Utility Environmental Standards Act ("PUESA"), Conn. Gen. Stat. § 16-50g *et seq.*, sets forth the criteria for Council decisions in Certificate proceedings and states, in pertinent part:

In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms,

conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate . . . The council shall file, with its order, an opinion stating in full its reasons for the decision. 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; (2) 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 and wildlife; (3) why the adverse effects or conflicts referred to in subdivision (2) of this subsection are not sufficient reason to deny the application. . . .

Conn. Gen. Stat. § 16-50p(a).

Under Section 16-50p, the Applicant must satisfy two key criteria in order for the Application to be granted and for a Certificate to issue. First, the Applicant must demonstrate that there is a “public need for the facility.” Conn. Gen. Stat. § 16-50p(a)(1). Second, the Applicant must identify “the nature of the probable environmental impact” of the proposed facility through review of the numerous elements specified in Conn. Gen. Stat. § 16-50p(a)(2), and then demonstrate that these impacts “are not sufficient reason to deny the application.” Conn. Gen. Stat. § 16-50p(a)(3). The evidence in the record for this docket establishes that the above criteria have been satisfied and that the Applicant is entitled to a Certificate.

A. A Public Need Exists for the Suffield SW Facility

The first step in the review of the pending Application addresses the public need for the proposed facility. As noted in the Application, the FCC in its Report and Order released on May 4, 1981 (FCC Docket No. 79-318) recognized a public need on a national basis for technical improvement, wide area coverage, high quality and a degree of competition in mobile telephone service. The Federal Telecommunications Act of 1996 (the “Telecommunications Act”) emphasized and expanded on these aspects of the FCC’s 1981 decision. Among other things, the

Telecommunications Act recognized an important nationwide public need for high quality personal wireless telecommunications services of all varieties. The Telecommunications Act also expressly promotes competition and seeks to reduce regulation in all aspects of the telecommunications industry in order to foster lower prices for consumers and to encourage the rapid deployment of new telecommunications technologies. Most recently, President Barak Obama issued in Presidential Proclamation 8460, in which “cellular phone towers” were identified as critical infrastructure vital to national security. (Cellco 1; Council Adm. Notice 8).

Cellco currently experiences significant gaps in wireless service along Routes 187 and 168 in southwest Suffield between its existing Suffield, Suffield South, Suffield West, Suffield NE, Bradley Airport, East Granby and Agawam 3 cell sites. (Cellco 1, Tab 6). These existing coverage problems must be resolved in order for Cellco to continue to provide high-quality, uninterrupted and reliable wireless telecommunications service consistent with its FCC license and to meet the demands of its wireless telecommunications customers. The Suffield SW Facility described above would provide for much needed coverage along the heavily-traveled Routes 187 and 168 as well as local roads in southwest portions of Suffield. (Cellco 1, Tab 6).

As the Council is aware, Cellco holds licenses to provide PCS, cellular and LTE services in Hartford County, Connecticut and proposes to operate these frequencies at the Suffield SW Facility. (Cellco 1). The PCS, cellular and LTE services Cellco plans to deploy, operate at different frequencies, and will allow customers to use the same cell site for voice and/or data services. By installing PCS, cellular and LTE antennas at the Suffield SW Facility, Cellco can ensure that it has more capacity available to meet the growing demand of its customers for wireless voice and data services. (Cellco 1).

The record contains ample, written evidence and testimony that a 120-foot tower at the Property would allow Cellco to achieve and maintain high quality wireless telecommunications service at PCS, cellular and LTE frequencies without interruption from dropped calls and interference. (Cellco 4, Response 5). The Suffield SW Facility would be incorporated into a network design plan, intended to provide Cellco customers with reliable wireless service along Routes 187 and 168, as well as along local roads in the southwest portion of Suffield. (Cellco 1).

B. Nature of Probable Impacts

The second step in the statutory review procedure addresses the probable environmental impacts of the proposed facility and particularly the following factors:

1. Natural Environment and Ecological Balance

The proposed development of the Suffield SW Facility has eliminated, to the extent possible, impacts on the natural environment. All Suffield SW Facility improvements would be located within a 60' x 60' site compound. Access to the Suffield SW Facility would extend from South Grand Street a total distance of approximately 900 feet to the cell site, utilizing a portion of an existing driveway in the northerly portion of the Property. (Cellco 1, Tab 1). Minimal grading (50 cubic yards of fill and 410 cubic yards of cut) would be required to improve the site compound and access driveway. (Cellco 1, Tab 1; Tr.1, pp. 26-27). Construction of the site compound and access road will require clearing of approximately 31 trees (30 within the site compound and one in the access driveway) with a diameter at breast height of 6" or greater. (Cellco 1; Tr.1, p. 20). Overall, the limited construction activity would have a negligible environmental impact on the Property. No evidence to refute this conclusion was presented to the Council.

## 2. Public Health and Safety

Cellco has considered several factors in determining that the nature and extent of potential public health and safety impacts resulting from installation of the proposed facility would be minimal or nonexistent.

First, the potential for the Suffield SW Facility tower to fall does not pose an unreasonable risk to health and safety. The proposed tower would be designed and built to meet Electronic Industries Association (“EIA”) standards. Other than Cellco’s proposed equipment shelter, there are no structures within the fall radius of the tower. The fall radius of the tower would extend slightly (approximately 16 feet) onto the adjacent property to the east. The nearest off-site residence is located approximately 612 feet to the west of the Suffield SW Facility at 128 South Grand Street. (Cellco 1, Tab 1; Cellco 4, Q. 21; Tr.1, pp. 11-12 and 23-24).

Second, worst-case potential public exposure to RF power density for operation of the Suffield SW Facility at the nearest point of uncontrolled access (the base of each tower) would be 23.13% of the FCC standard. Power density levels would drop off rapidly as distance from the tower increases. (Cellco 1, Tab 1).

Overall, the nature and extent of potential, adverse public health and safety impacts resulting from construction and installation of the Suffield SW Facility would be minimal or nonexistent. No evidence to refute this conclusion was presented to the Council.

## 3. Scenic Values

As noted in the Application, the primary impact of any tower is visual. Cellco’s site search methodology, described in the Site Search Summary, is designed in large part to minimize such visual impacts. As discussed above, wherever feasible, Cellco avoids construction of a new tower by first attempting to identify existing towers or other tall non-tower structures in or near the search

area. Cellco currently maintains antennas on seven (7) existing towers within four miles of the proposed Suffield SW Facility. No existing non-tower structures of suitable height exist in the southwest portion of Suffield. (Cellco 1, Tab 8).

If it determines that a new tower must be constructed, Cellco attempts to identify sites where the construction of a tower would not be inconsistent with area land uses and where the visual impact of the site would be reduced to the greatest extent possible. Cellco explored the use of several alternative sites in the area. (Cellco 1, Tab 8).

The Property and the surrounding area are heavily-wooded and largely undeveloped. The Suffield SW Facility, in the eastern portion of a 17.57 acre parcel, is adequately buffered from all adjacent properties and nearby residential land uses. (Cellco 1, pp. iii, Tab 1, p. 3, Tab 9). Residential uses, primarily to the west, and agricultural uses surround the Property.

Cellco submitted a Visual Resource Evaluation Report prepared by VHB Inc. (“VHB Report”) as a part of the Application. Prior to preparing its report, VHB conducted a balloon float at the Property and field reconnaissance to assess visibility of the Suffield SW Facility. VHB determined that the proposed Suffield SW Facility tower would be partially visible above the tree canopy from only approximately 46 acres, about one-half of one percent of the two mile radius (8,042-acre) study area. Areas where seasonal views are anticipated comprise an additional 98 acres and are generally located in the immediately surrounding area. (Cellco 1, pp. 14-15, Tab 9).

To address concerns for year-round and seasonal views of the tower, Cellco’s experts suggested that the painting of the tower may be the most appropriate and effective way to soften the visual impact of the tower structure. (Tr.1, pp. 60-62, and 68). Painting the tower was also

suggested by the Town as an appropriate way to reduce visual impacts and have the structure blend in with its surroundings. (Tr.2, p. 17).

4. Historical Values

As it does with all of its tower proposals, prior to filing the Application with the Council, Cellco requested that the State Historic Preservation Office (“SHPO”) of the Connecticut Historical Commission (the “Commission”) review the proposed facility and provide a written response. Based on his review of the information submitted by Cellco, the Deputy State Historic Preservation Officer determined that the development of a telecommunications facility at the Property would have no adverse effect on the historic character of West Suffield. (Cellco 1, Tab 10). No evidence to the contrary was presented to the Council. Furthermore, Cellco has no reason to believe that there are any other impacts on historical values not addressed by the SHPO’s review.

5. Recreational Values

There are no recreational activities or facilities at or near the Property that would be impacted by development of the Suffield SW Facility. (Cellco 1, Tabs 9 and 10).

6. Forests and Parks

There is no State or local forests or park land that will be impacted by the proposed Suffield SW Facility. (Cellco 1, Tabs 9 and 10). No evidence to refute this conclusion was presented to the Council.

7. Air and Water Quality

a. Air Quality.

The equipment at the site would generate no air emissions under normal operating conditions. During power outage events and periodically for maintenance purposes, Cellco would utilize a diesel-fueled back-up generator to provide emergency power to the Suffield SW Facility.

The use of the generator during these limited periods would result in minor levels of emissions. Pursuant to R.C.S.A. § 22a-174-3, Cellco will obtain an appropriate permit from the Connecticut Department of Environmental Protection (“DEP”) Bureau of Air Management prior to installation of the proposed generator. (Cellco 1, pp. 21-22).

b. Water Quality.

The proposed Suffield SW Facility would not utilize water, nor would it discharge substances into any surface water, groundwater, or public or private sewage system. Dean Gustafson, Professional Soil Scientist with VHB, Inc., conducted a field investigation and completed a Wetlands Delineation Report (the “Wetlands Report”) for the Suffield SW Facility. According to the Wetlands Report, the closest wetland area is located approximately 75 feet east of the Suffield SW Facility. As such, development of the Suffield SW Facility will not result in any adverse impacts to nearby wetland resources. (Cellco 1, p. 19, Tab 10). No evidence to refute these conclusions was presented to the Council.

8. Fish and Wildlife

As a part of its National Environmental Policy Act (“NEPA”) Checklist, Cellco received comments on the Suffield SW Facility from the U.S. Department of Interior, Fish and Wildlife Service (“USFWS”) and the Environmental and Geographic Information Center of the DEP. The USFWS has determined that there are no federally-listed or proposed, threatened or endangered species or critical habitat known to occur in the Suffield SW Facility project area. Likewise, according to the DEP, there are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species at the Suffield SW Facility. (Cellco 1, Tab 10).

C. The Application Should Be Approved Because The Benefits Of The Proposed Facility Outweigh Any Potential Impacts

Following a determination of the probable environmental impacts of the Suffield SW Facility, Connecticut General Statutes § 16-50p requires that the Applicant demonstrate why these impacts “are not sufficient reason to deny the Application.” Conn. Gen. Stat. § 16-50p(a)(3). The record establishes that the impacts associated with the proposal would be limited and outweighed by the benefits to the public from the proposed facility and, therefore, requires that the Council approve the Application.

As discussed above, the only potential adverse impact from the proposed towers involves “scenic values.” As the record overwhelmingly demonstrates, the Suffield SW Facility would have minimal impacts on scenic values in the area. (Cellco 1, Tab 9). These limited aesthetic impacts may be, and in this case are, outweighed by the public benefit derived from the establishment of the Suffield SW Facility. Unlike many other types of development, telecommunications facilities do not cause indirect environmental impacts, such as increased traffic and related pollution.

The limited aesthetic and environmental impacts of the proposed Suffield SW Facility can be further mitigated by the sharing of the facility. Cellco intends to design the 120-foot tower so that it could be shared by other carriers and, if necessary, extended by 20 feet. (Cellco 1). Cellco has also agreed to provide access to the tower, at no cost, to the Town and to emergency service providers in the Town (Tr.1, pp. 8-9).

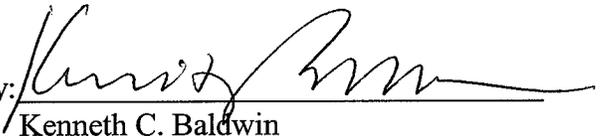
In sum, the potential environmental impacts from the proposed Suffield SW Facility would be minimal when considered against the benefits to the public. These impacts are insufficient to deny the Application. The site, therefore, satisfies the criteria for a Certificate pursuant to Connecticut General Statutes § 16-50p, and the Applicant’s request for a Certificate should be

granted.

**V. CONCLUSION**

Based on the overwhelming evidence in the record, the Applicant has established that there is a need for the proposed Suffield SW Facility and that the environmental impacts associated with the Application would be limited and outweighed by the benefits to the public from the proposed facility and, therefore, requires that the Council approve the Application. Therefore, the Council should approve the Application as submitted.

Respectfully submitted,  
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WIRELESS

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