

# **Exhibit B**



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

E-Mail: [siting.council@po.state.ct.us](mailto:siting.council@po.state.ct.us)

Web Site: [www.state.ct.us/csc/index.htm](http://www.state.ct.us/csc/index.htm)

September 9, 2002

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 198** - Crown Atlantic Company LLC and Celco Partnership /b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility in the Town of Salem.

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By its Decision and Order dated July 25, 2001, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for construction, maintenance, and operation of a cellular telecommunications facility at the prime site located at 399 West Street, Salem, Connecticut. The Decision and Order dated September 5, 2002 affirms this decision.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order, dated September 5, 2002.

SDP/laf

Enclosures (4)

c: Albert Palko, State Documents Librarian  
Council Members

<b>DOCKET NO. 198 - Crown Atlantic Company LLC and Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility at one of two locations in the Town of Salem.</b>	} } } } }	Connecticut  Siting  Council  September 5, 2002
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**Reconsideration Findings of Fact**  
**Introduction**

1. On July 21, 2000, Crown Atlantic Company LLC (Crown) and Cellco Partnership (Cellco) d/b/a Verizon (collectively, the applicant) applied to the Connecticut Siting Council (Council) for the construction maintenance and operation of a telecommunications tower at 399 West Road or 329 West Road, Salem, Connecticut. The purpose of the facility is to provide cellular coverage to existing coverage gaps in the Salem area along Routes 11, 82, 85, and local roads and to meet demand beyond the capacity of existing facilities. (Docket No. 198 Findings of Fact, July 25, 2001, Finding No. 1)
2. On March 15, 2001, the Council denied both of the proposed Salem sites without prejudice. The Council reopened this docket at the request of the applicant and held a hearing on May 23, 2001. On July 25, 2001, the Council voted to approve the proposed Salem site at 399 West Road, Salem, and deny the site at 329 West Road, Salem, Connecticut. (Docket No. 198, Opinion, July 25, 2001, p. 1)
3. On August 10, 2001, the Town of Salem, an intervenor in this proceeding, Peter F. Sielman, and the Town of East Haddam (collectively, the Petitioners) petitioned the Council to reconsider its July 25, 2001, approval of the 399 West Road Salem site. (Petitioners Ex. 2, Tab1, Tab 2, letters dated August 10, 2001)
4. At a meeting held on August 29, 2001, the Council denied the request for reconsideration by the Petitioners. Pursuant to Connecticut General Statutes § 4-181 a(a), the Town of Salem was not at that time a party to this proceeding, and the Council found no reasons to reopen because of an error of fact or law, no new evidence had been discovered which materially affected the merits of the case, and no other good cause of reconsideration had been shown; and pursuant to Connecticut General Statutes § 4-181a(b), no person made an adequate showing of changed conditions. (Petitioners Ex. 2, Tab 4, p. 1)
5. On February 14, 2002, the Town of Salem, Peter F. Sielman, and the Town of East Haddam filed a joint Petition for Reconsideration of the approval of the 399 West Road site with the Council and formally requested party status in this matter. The basis for the change in conditions is described by the petitioners as follows: "...that the Siting Council was unaware the area to be served by the proposed tower has no major roadways, a population of fifty homes and is surrounded by wetlands making future growth unlikely. In addition, the recent approval of a proposed tower in East Haddam for Nextel at a location known as Honey Hill Road and notification to East Haddam of a proposed telecommunications tower on Mt. Parnassus Road are evidence of a change in conditions, and refute Verizon's claim that the proposed tower in Salem meets a Public Need." On March 7, 2002, the Council granted the request of the joint petitioners to reconsider its July 25, 2001 decision and reopened the hearing, limited to evidence that the recent approval of a proposed tower in East Haddam for Nextel at a location known as Honey Hill Road and notification to East Haddam of a proposed telecommunications tower on Mr. Parnassus Road are a change in conditions under Section 4-181a(b) of the Connecticut General Statutes. (Petitioners Ex.2, p. 1, p. 4; Tr., 4/25/02 p.4)
6. The Town of East Haddam, the Town of Salem and Peter Sielman were granted party status and Attorney General Richard Blumenthal was granted intervenor status in this proceeding. The hearing

on the request for reconsideration was held April 25, 2002 at 10 Franklin Square, New Britain, Connecticut, beginning at 3:10 p.m. (Tr. 4/25/02, pp. 3-5)

7. The hearing was limited to evidence that the recent approval of a proposed tower in East Haddam for Nextel at a location known as Honey Hill Road and notification to East Haddam of a proposed telecommunications tower on Mt. Parnassus Road are a change in conditions. (Tr. 4/25/02, p. 4)

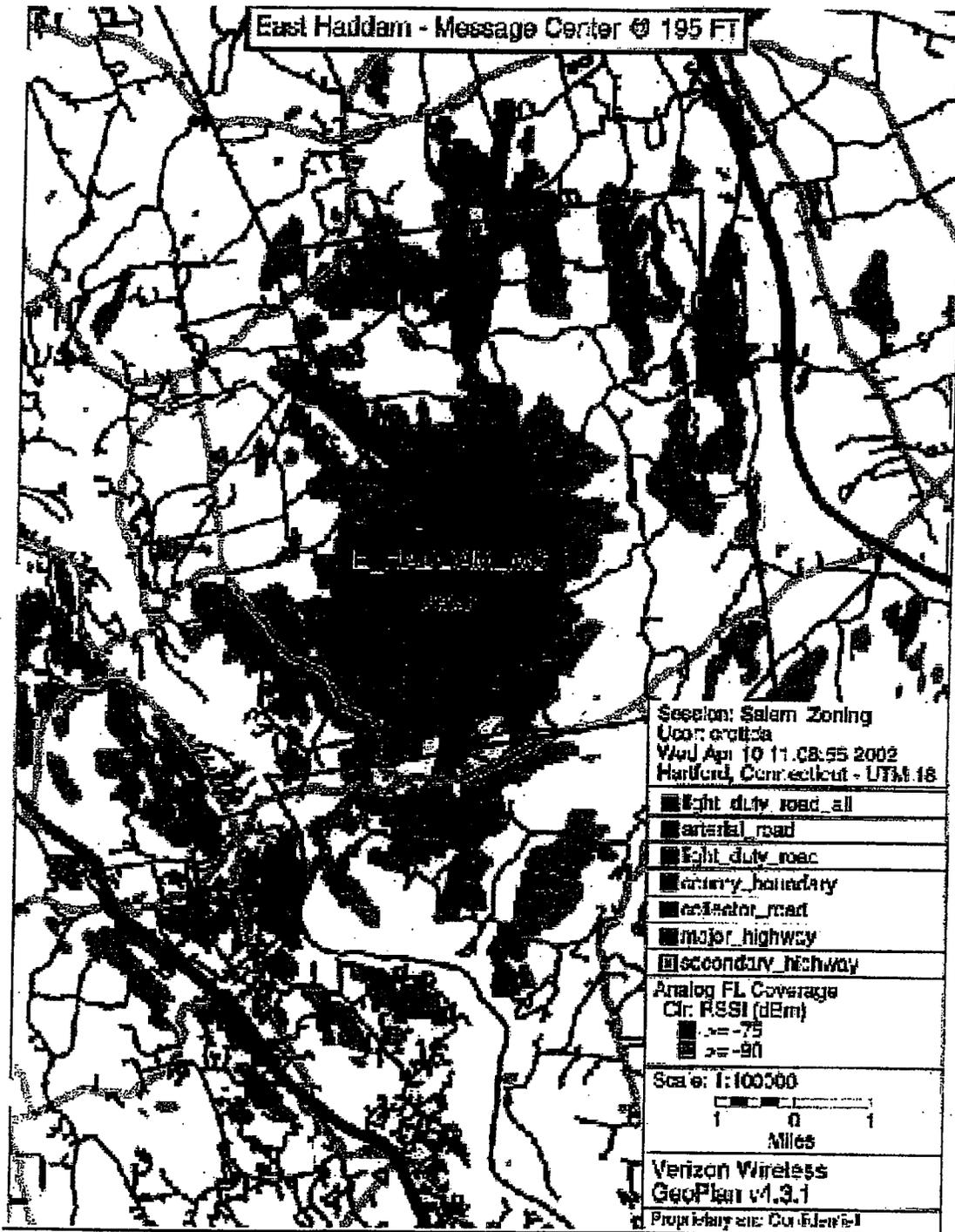
#### The Nextel Tower

8. On July 10, 2001, the Town of East Haddam Planning and Zoning Commission approved the application of Nextel Communications of the Mid-Atlantic, Inc. to construct a 150-foot monopole at 135 Honey Hill Road, East Haddam. The base of the tower would be constructed to be capable of holding six carriers. (Petitioners Ex.2, Tab 6, Town of East Haddam Planning and Zoning Commission, Memorandum of Decision, July 11, 2001)
9. Cellco plans to attach its antennas on the Honey Hill Road Nextel tower to complement its coverage in the Salem area. This site is planned to operate in conjunction with the approved West Road tower in Salem, Connecticut. (Tr. 4/25/02, pp. 89-90)
10. Use of the Nextel tower on Honey Hill Road in East Haddam would replace Cellco's previous need for a site in the North Lyme area. Cellco is currently negotiating lease terms to share Nextel's Honey Hill Road tower. (Cellco 11, Pre-filed testimony of David A. Crotty, Radio Frequency Engineer, Verizon Wireless, April 15, 2002; Docket No. 198, Findings of Fact, Finding #53)

#### Proposed East Haddam Towers

11. Message Center Management (MCM) is investigating two tower sites in the Town of East Haddam. One site would be located near the intersection of Nicholas Road and Route 149 at the Town-owned transfer station. MCM and the Town of East Haddam have concluded lease negotiations, and a lease for this site was approved at a Town meeting. A 190-foot tower would be constructed at this site. A second tower site would be proposed at 126 Parker Road, also known as the Mount Parnassus site. A lease has been executed for this site. A 190-foot tower would be constructed at this site. (Petitioners Ex. 3, Tab 2, Levy and Droney letter of April 18, 2002; Tr. 4/25/02, p. 43)
12. The proposed Mount Parnassus tower would be located approximately 500 to 600 feet from an existing 300-foot Century Cable tower, and approximately four miles from the approved West Road tower site in Salem. (Tr. 4/25/02, p. 42, p.46; Cellco Ex. 11, p.3)
13. The ridge on which the approved West Road Salem tower would be constructed acts as an impediment to coverage from the existing Century Cable tower and the proposed Mount Parnassus site to roadways to the east in Salem, including Routes 11 and 85. (Tr. 4/25/02, p. 91; Cellco Ex. 12, propagation coverage map of Message Center tower at 195 feet; Cellco Ex.13, propagation map of Century Cable tower at 120 feet)
14. The proposed Mount Parnassus tower would not provide coverage to Route 85, Route 11, West Road, or the portion of Route 82 southwest of Route 11. The tower would be expected to provide coverage to the central portions of East Haddam surrounding Mount Parnassus Road. (Cellco 12, propagation coverage map of Message Center tower at 195 feet; Tr. 4/25/02 pp. 85-87)
15. The proposed Mount Parnassus tower is expected to be filed first with the Town of East Haddam, and after a period of 60 days, filed with the Siting Council. (Tr. 4/25/02, pp.40-41; Petitioners Ex. 3, Tab 2, Levy and Droney letter of April 18, 2002)

APPENDIX A



(Cellco Ex. 13)

**APPENDIX B**  
**Propagation map of Century Cable tower at 120 ft. (Cellco Ex. 13)**



<b>DOCKET NO. 198 - Crown Atlantic Company LLC and Celco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility in the Town of Salem.</b>	} } } }	Connecticut  Siting  Council  September 5, 2002
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**Reconsideration Opinion**

On March 7, 2002, the Connecticut Siting Council (Council) granted the request of the Town of Salem, Peter F. Sielman, and the Town of East Haddam to reconsider the Council's decision in this docket which had granted approval for the construction of a telecommunications tower at 399 West Road, Salem, Connecticut by Crown Atlantic Company LLC (Crown) and Celco Partnership (Celco) on July 25, 2001. The reconsideration request is based on contentions by the petitioners that a change in conditions has occurred under Connecticut General Statutes §§ 4-181a(b). The petitioners described the change in conditions as follows: "...that the Siting Council was unaware the area to be served by the proposed tower has no major roadways, a population of 50 homes and is surrounded by wetlands making future growth unlikely. In addition, the recent approval of a proposed tower in East Haddam for Nextel at a location known as Honey Hill Road and notification to East Haddam of a proposed telecommunication tower on Mt. Parnassus Road are evidence of a change in conditions, and refute Verizon's claim that the proposed tower in Salem meets a Public Need".

The Council's April 25, 2002 hearing on this request for reconsideration was limited to evidence that the Nextel tower on Honey Hill Road and a proposed tower on Mt. Parnassus Road are a change in conditions. Celco plans to attach its antennas on the Honey Hill Road Nextel tower to complement its coverage in the Salem area. This site is planned to operate in conjunction with the approved West Road tower in Salem. However, the proceeding was not reopened to reconsider those issues already covered in the Docket No. 198 case.

In effect, the petitioners are asking the Council to rescind the Certificate granted to Crown and Celco based on a proposed tower which has not yet been certificated and in fact might never be certificated. After questioning the parties and intervenors in this reconsideration and reviewing the exhibits presented, the Council sees no evidence of a change in conditions and therefore will affirm its decision of July 25, 2001, approving a telecommunications tower at 399 West Road, Salem, Connecticut.

<b>DOCKET NO. 198 - Crown Atlantic Company LLC and Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility in the Town of Salem.</b>	} } }	Connecticut Siting Council  September 5, 2002
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**Decision and Order**

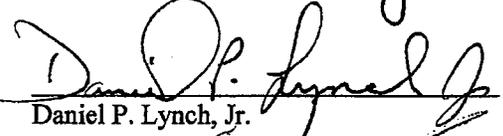
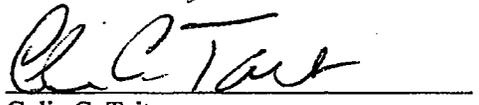
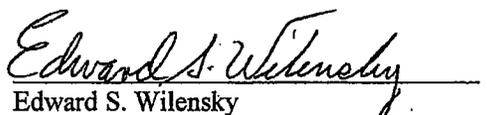
After holding a hearing in April 25, 2002, and reviewing the record in this matter, the Connecticut Siting Council finds no evidence of a change of conditions in this docket and therefore hereby affirms its Decision and Order of July 25, 2001, approving construction of a telecommunications tower at 399 West Road, Salem, Connecticut.

The parties and intervenors to this proceeding are:

<u>Applicant</u>		<u>Its Representative</u>
<u>Applicant</u>	Crown Atlantic Company LLC and Cellco Partnership d/b/a Verizon Wireless	James Valeriani, Program Manager Crown Atlantic Company LLC 500 West Cummings Park Suite 6500 Woburn, MA 01801  Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597
<u>Party</u>	Town of Salem	Melanie J. Howlett MJH, LLC 700 Canal Street, 3 <sup>rd</sup> floor Stamford, CT 06902
<u>Party</u>	Town of East Haddam	Susan D. Merrow, First Selectman East Haddam Town Office Building P.O. Box K East Haddam, CT 06423  James Venturas, Land Use Administrator East Haddam Land Use Office P.O. Box K East Haddam, CT 06423
<u>Party</u>	Peter Sielman	Melanie J. Howlett MJH, LLC 700 Canal Street, 3 <sup>rd</sup> floor Stamford, CT 06902
<u>Intervenor</u>	Attorney General Richard Blumenthal	Mee Carolyn Wong Assistant Attorney General Mackenzie Hall 110 Sherman Street Hartford, CT 06105

**CERTIFICATION**

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in the reconsideration of Docket No. 198-Crown Atlantic Company LLC and Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunication facility at 399 West Road, Salem, Connecticut, and voted as follows to affirm the approval of the prime site:

<b><u>Council Members</u></b>	<b><u>Vote Cast</u></b>
 Mortimer A. Gelston, Chairman	Yes
_____ Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Absent
 Commissioner Arthur J. Rocque, Jr. Designee: Brian J. Emerick	Yes
 Philip Ashton	Yes
 Pamela B. Katz	Yes
 Daniel P. Lynch, Jr.	Yes
 Brian O'Neill	Abstain
 Colin C. Tait	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut September 5, 2002.

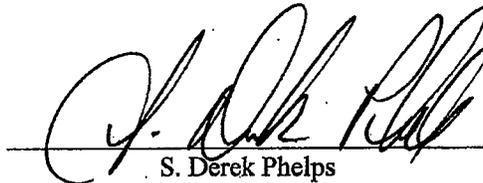
STATE OF CONNECTICUT )

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.

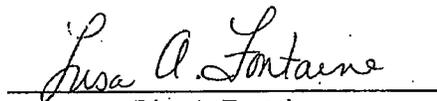
ATTEST:



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. 198 has been forwarded by Certified First Class Return Receipt Requested mail on September 9, 2002, to all parties and intervenors of record as listed on the attached service list, dated March 21, 2002.

ATTEST:



Lisa A. Fontaine  
Administrative Assistant  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	Crown Atlantic Company LLC and Cellco Partnership d/b/a Verizon Wireless	James Valeriani, Program Manager Crown Atlantic Company LLC 500 West Cummings Park Suite 6500 Woburn, MA 01801  Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200
<b>Party</b>	Town of Salem	Melanie J. Howlett MJH, LLC 700 Canal Street, 3 <sup>rd</sup> floor Stamford, CT 06902 (203) 328-3737 (203) 328-3738 - fax (203) 576-7647 - office
<b>Party</b>	Town of East Haddam	Susan D. Merrow, First Selectman East Haddam Town Office Building P.O. Box K East Haddam, CT 06423 (860) 873-5027 (860) 873-5025 - fax  James Venturas, Land Use Administrator East Haddam Land Use Office P.O. Box K East Haddam, CT 06423 (860) 873-5025 (860) 873-5031 - fax
<b>Party</b>	Peter Sielman	Melanie J. Howlett MJH, LLC 700 Canal Street, 3 <sup>rd</sup> floor Stamford, CT 06902 (203) 328-3737 (203) 328-3738 - fax (203) 576-7647 - office

March 21, 2002

Docket No. 198  
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**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Intervenor</b>	Attorney General Richard Blumenthal	Mee Carolyn Wong Assistant Attorney General Mackenzie Hall 110 Sherman Street Hartford, CT 06105 (860) 808-5400 (860) 808-5593 - fax