DOCKET NO. 50

AN APPLICATION SUBMITTED BY THE NEW YORK SMSA LIMITED PARTNERSHIP FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A FACILITY IN THE TOWN OF GREENWICH, CONNECTICUT, TO PROVIDE CELLULAR SERVICE.	:	CONNECTICUT SITING COUNCIL
	:	July 9, 1985

F I N D I N G S O F F A C T

1. New York SMSA Limited Partnership, (the Partnership), in accordance with provisions of sections 16-50g to 16-50z of the Connecticut General Statutes (CGS), applied to the Connecticut Siting Council (Council) on April 15, 1985, for a certificate of environmental compatibility and public need (certificate) for the construction, maintenance, and operation of a telecommunication tower and associated equipment building in the Town of Greenwich to provide Domestic Public Cellular Radio Telecommunication Service (cellular service). (Record)
2. The fee as prescribed by section 16-50v-1 of the Regulations of State Agencies (RSA) accompanied the application. (Record)
3. The application was accompanied by proof of service as required by section 16-501 of the CGS. (Record)
4. Affidavits of newspaper notice as required by statute and section 16-501-1 of the RSA were also filed with the application. (Record)
5. The Council and its staff made an inspection of the proposed tower site on May 22, 1985. (Record)
6. Pursuant to section 16-50m of the CGS, the Council, after giving due notice thereof, held a public hearing in the Greenwich Town Hall in Greenwich, Connecticut, at 7:00 P.M. on May 22, 1985. (Record)

7. The parties to the proceeding are the applicant, and those persons and organizations whose names are listed in the Decision and Order which accompanies these findings. (Record)
8. The following state agencies filed written comments with the Council pursuant to section 16-50j of the CGS: the Department of Environmental Protection (DEP). (Record)
9. The Council took administrative notice of its record in portions of Dockets 35, 40, and 45. The Council also took administrative notice of FCC OST Bulletin #56, and Connecticut General Assembly Office of Legislative Research Selected Report 83-9. (Record)
10. The Partnership intends to locate a tower and associated equipment in the Bridgeport-Stamford-Norwalk-Danbury Cellular Geographic Service Area (Bridgeport CGSA) to provide cellular service in the Greenwich area. This facility would be a part of the New York Cellular Telecommunications System. (Partnership I, p. 1)
11. The Partnership obtained a construction permit from the Federal Communications Commission (FCC) on June 21, 1984. (Partnership I, p. 2)
12. The Partnership obtained approval from the Federal Aviation Administration (FAA) on February 22, 1985. No lights or special painting are required by the FAA for the proposed tower. (Partnership I, p. 9 Exhibit 4)
13. The proposed facility would provide overlapping cellular service between existing Southern New England Telephone (SNET) sites in Fairfield County and existing New York cell system sites. (Partnership II, Q. 8; Q. 29)

14. Cellular service consists of small overlapping broadcast regions, 2-10 miles in diameter, known as cells. Each cell is served by a transmitter limited by the FCC to no more than 100 watts effective radiated power per channel. Each cell has a central switching point containing electronic apparatus uniting the cells into a system. Mobile units are limited to a maximum of 7 watts of transmitted power by the FCC. (Docket 35, Exhibit 1-II, pp. 5-8)

15. A nationwide public need exists to improve the present mobile telephone service, due to the current system's limited capacity, long waiting lists nationally, and poor quality service, which have created congested channels and long waiting times. (Docket 35, Exhibit 1-I, pp. 3-4; Docket 35, Exhibit 1-II, pp. 2-3)

16. The FCC has established the technical standards for cellular service to insure the efficient use of the allotted frequency spectrum and to insure nationwide compatibility. (Docket 35, Exhibit 1-I, p. 4)

17. The FCC has pre-empted the state's regulation of cellular service in three major areas: technical standards, market structure, and state certification prior to federal application for a construction permit. (Docket 35, Exhibit 1-III, p. 4)

18. The proposed facility would not disrupt transmissions or receptions within the Bridgeport CGSA or adjacent cells. There would be no interference with SNET systems in overlapping areas, because of prior frequency coordination by the applicant with SNET. Cellular customers would be able to drive from one area to another without any interruption of service. (Partnership II, Q. 21; Tr. p. 30)

19. The proposed cellular tower site is .4 mile northwest of the junction of the Merritt Parkway and Riversville Road in Greenwich. The 50'x50' parcel to be leased by the applicant is on property owned by the Greenwich Council Boy Scouts of America (Boy Scouts). (Partnership I, p. 6)

20. The leased parcel and easement for an access road is within an area Zoned RA-4. The Partnership has received local zoning approval for a special exception allowing public utility use of this site. (Partnership I, p. 6; Exhibit 2)

21. The applicant also considered potential sites near the Greenwich Filtration Plant, and near an electric transmission substation on Old Mill Road in Greenwich. The former site is within a residential area and includes homes within 100' of the potential site, while the latter site includes a 150' water tank nearby which may have presented interference problems. (Partnership I, pp. 13-14)

22. There were no existing towers considered by the applicant, as none were found within the 3130 acre search area. (Partnership I, p. 12; Exhibit 8)

23. The proposed site, 220' above mean sea level, would contain a single 150' steel self-supporting monopole. This mast would be 36" in diameter at the base and taper to 14" in diameter at the top. (Partnership I, pp. 7-8)

24. The monopole, which would be painted blue-grey to blend in against the background of the sky, would support a triangular-shaped 10' wide platform. This platform would hold 4 to 6 omnidirectional antennas. The antennas and platform structure would add 17' to

the monopole, thus resulting in a structure 167' in total height. (Partnership I, pp. 7-9; Exhibit 3)

25. The estimated life of the proposed tower is at least 25 years. The monopole should require no additional painting during that time. (Partnership II, Q. 22; Tr. p. 19)

26. The nearest occupiable building to the proposed tower is the Boy Scout Camp Commissary building, some 200' away. The distance from the proposed tower site to the nearest travelled lane of the Merritt Parkway is 180'. (Partnership II, Q. 5)

27. The Boy Scouts intend to move their tent platforms from the area of the proposed site to an area beyond the range of the proposed tower's radius. (Tr. p. 22; Late File 4)

28. Soil test borings taken at the proposed site indicated that the soil was capable of supporting the proposed tower. (Partnership II, Q. 13)

29. The proposed tower is capable of withstanding 125 mph winds with up to 2" of radial ice buildup. A 150 mph wind velocity would be required to inflict visible distress on the proposed tower foundation, and a much greater velocity would be needed to cause the tower to capsize. (Partnership II, Q. 3, Q. 4)

30. Power densities 25' from the base of the proposed tower would be .33 uw/cm^2, which is thousands of times below the ANSI standard for this frequency. This figure is based on actual measurements, not calculations. (Partnership I, Exhibit 10)

31. The Partnership would be willing to negotiate with private entities or local, municipal or state agencies regarding tower

sharing, providing such sharing is technically feasible and that proper security, terms, and conditions were established. (Partnership II, Q. 27)

32. A dense local forest cover and the height of the surrounding trees would effectively block lines of sight in the immediate area around the proposed tower. The proposed tower would extend about 80' above the surrounding trees. (Partnership I, p. 8; Exhibit 6, p. 6)

33. The top of the proposed tower may be visible from the southbound lane of the Merritt Parkway. It would probably not be visible from the Merritt's northbound lane. (Partnership I, Exhibit 6, p. 6; Tr. p. 12)

34. The proposed tower may be visible in winter months from two residences on Holm Road. It would not be visible from other nearby roads. (Partnership I, Exhibit 6, p. 6; Tr. p. 13)

35. The DEP commented that the proposed tower's aesthetic impact would be the prime change to the host area, and that such impact was commensurate with previous telecommunication towers approved by the Council. (DEP letter, May 14, 1985)

36. A single story 22'x27' building would be constructed on the proposed site to house electronic equipment. The texture and color of the exterior wood on this building would match that found on nearby existing Boy Scouts buildings. (Partnership I, p. 10; Partnership II, Exhibit 7)

37. The proposed site would not include a parking lot, but would include space for 2 vehicles. No fence is planned around the proposed site, in order to keep the area as natural as possible. However, the Boy Scouts would have no objections if such a fence

were required by the Council. (Partnership I, p. 10; Partnership II, Exhibit 7; Tr. p. 17, p. 20)

38. The applicant proposes to plant trees around the proposed site for screening. These trees would be mostly pine and spruce. (Partnership I, p. 10; Tr. p. 15)

39. The proposed site is not a wetland. (Partnership I, Exhibit 6, p. 7)

40. At the proposed site, all vegetation would be removed within the 50'x50' parcel, and the site would be graded. A retaining wall would be constructed in the southwest corner of the site, measuring 1' wide, 5.5' high, and 15.5' long. (Partnership I, Exhibit 6, p. 4; Partnership II, Q. 15)

41. The access road to the proposed site would be 285' long, 20' wide, and surfaced with 1" quarry stone. The road would be semi-circular in its route in order to avoid existing buildings and trees. (Partnership I, Exhibit 1; Exhibit 6, p. 2; Partnership II, Exhibit 7)

42. During the 6 week construction period, there would be a potential of soil erosion. Staked hay bales would be employed as a control measure. (Partnership I, Exhibit 6, p. 3, p. 5; Late File 3)

43. Electrical and telephone utilities would be brought to the proposed site via an overhead line. The distance to the nearest utility pole is 140'. (Partnership II, Q. 25)

44. The proposed facility would have no effect on the historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Partnership II, Q. 12)

45. A search of the DEP Natural Resource Center's data base indicated there are no known records for rare or endangered species in the area of the proposed site. (Partnership II, Q. 14)

46. The Partnership is currently leasing the proposed site for $10,000 a year. (Partnership I, p. 6)

47. The Partnership is comprised of the following entities:

    1. New York Cellular Geographic Service Area, Inc.;
    2. Bell Atlantic Mobile Systems of Northern New Jersey, Inc.;
    3. United Telespectrum, Inc.

    (Partnership I, p. 4)

48. New York Cellular Geographic Service Area, Inc., is a wholly owned subsidiary of NYNEX Mobile Technical Services Company, which is a wholly owned subsidiary of NYNEX Mobile Communications Company ("NMCC"), which is, in turn, a wholly owned subsidiary of NYNEX Corporation. (Partnership I, p. 4)

49. The Partnership is proposed telecommunications tower and associated equipment building will be part of a cellular system licensed under the FCC's cellular rules, 47 C.F.R.; Section 22.901 et seq. (Partnership I, p. 5)

50. Carriers serving adjacent areas coordinate informally to avoid interference where cell coverages overlap. (Partnership II, Q. 17)

51. Utilities could be provided through an underground service from the nearest utility pole for an additional cost of $2,500.00. (Partnership II, Q. 25)

52. The estimated total cost of the project is $539,499, itemized as follows:

a. Control and common equipment	$347,966;	
b. Transmitters and receivers	51,600;	
c. Antennas and transmission lines	22,906;	
d. Tower structure and erection	55,000;	
e. Building	32,000;	
f. Foundation	9,000;	
g. Access road	10,000;	and
h. Miscellaneous (including first year's lease at $10,000)	11,027.	

(Partnership I, Exhibit 12, Partnership II, Q. 23)

53. Relocating the tower site to a point 150 feet from the edge of the Merritt Parkway right-of-way would cost an additional $2,500. (Partnership II, Q. 5)

54. The Partnership provides cellular services at the present wholesale prices:

a. Access charge: $40/mo./number;
b. Usage charge, peak period: $.40/min./number;
c. Usage charge, off-peak period: $.20/min./number.

(Partnership II, Q. 20)

55. Retail services are provided currently from 13 resellers. Retail price ranges are:

a. Access charge: $19-$69,
b. Usage, peak: $.40/min-$.59/min, and
c. Usage, off-peak: $.35/min-$.40/min.

(Partnership II, Q. 20)

56. The Partnership does not provide cellular phones to the public. Resellers, including NYNEX Mobile Communications Retail Company, provide and install cellular phones. (Partnership II, Q. 20)

57. All electrical supply will be from the local utility. No back-up generators or pumps will be used. (Partnership I, Exhibit 6, p. 4; Partnership II, Q. 23)

58. Emergency back-up power will be supplied by batteries in the equipment building. (Partnership II, Q. 24)

59. The Partnership expects the facility to service tens of thousands of cellular phone users. 250-300 new customers are expected from the Greenwich-Stamford area. Approximately 50-100 customers are expected to use cellular service from boats in Long Island Sound. 95% of the use would be business related. (Partnership II, Q. 19)

60. Billing of Partnership roamer customers in SNET's area would be charged $.54/min by Sonecor, while Sonecor roamer customers are charged $.55/min by the Partnership per an agreement between the two companies. (Partnership II, Q. 18)