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May 25, 2011

Robert Stein, Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

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RE: Docket #316A, Proposed Modifications to an Existing  
Telecommunications Facility at 50 Fairchild Rd., Middletown

Dear Chairman Stein:

I am writing in response to the Siting Council's solicitation of written comments and consultation from the Council on Environmental Quality (CEQ) regarding Docket 316A. The applicant is seeking to modify an existing tower which, it appears, was deemed to be in a visually sensitive location when it was approved in November, 2006 by the Siting Council. While technical and business needs of providers may change, the visual sensitivity of an area usually does not. In a case where it was the determination of the Siting Council that the presence of a tall or conspicuous telecommunications installation was inappropriate five years ago, only the most exceptional circumstances should warrant a change of that determination. It is incumbent on applicants to utilize the best available expertise in their field when they present their designs to the Siting Council. The Siting Council and the public depend on the applicant to have performed due diligence with regard to anticipation of future needs. A petition to modify a decision of the Siting Council, therefore, deserves utmost scrutiny.

There are two important public policy considerations involved in 316A.

**1) Businesses and the general public both have a reasonable expectation that governmental decisions will have dependable longevity.** The public needs a predictable regulatory environment, as does business. Many individual and household decisions turn on the determinations of the Siting Council, with economic consequences just as severe for home owners as for businesses. It is possible that some home values were preserved by the Siting Council's decision to allow only a short, flush-mount structure at the Middletown location. It is possible that some residents may have chosen to reside in the area because of the presence of an unobtrusive tower which they expected to remain as such.

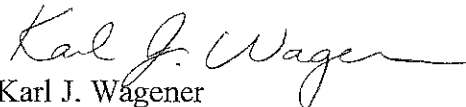
The applicant states that the proximity of multiple antennae on the tower causes disruption of the signal, and is seeking permission to construct external antennae or to extend the tower height to solve the interference problem. These are not the only choices.

2) **“Incrementalism” in applications should be discouraged.** The public and regulatory bodies need to understand the scope of a project at its full build-out to arrive at a judgment. The Siting Council has the difficult task of balancing of “the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values”(CGS 16-50g). To make that determination, the Siting Council relies on the presentations of the applicant and opponents. For telecommunication towers, public opposition often coalesces around objections to its visual impact. Intervening in an application is a formidable undertaking for the lay person, requiring the input of experts. In most cases, a higher tower will be visible to more people and will lead to greater opposition. However, once a tower is erected, an expansion may be opposed only by the fewer people who will be affected by the new height. Many people will be far from abutting owners and will not learn of the modification until it is complete. An incremental process can result in a less informed opposition and less information provided to the Siting Council for deliberation, and ultimately to less-than-optimal results with more visual impact.

The Siting Council already balanced the needs of the business and the community in 2006. The community, through the mayor, has expressed opposition to the proposed modification. In such circumstances a higher standard for modification should be demanded of the applicant than in an initial application. Routine business considerations such as return on investment may be insufficient justification for an expansion. A showing of economic hardship might be the appropriate threshold in such circumstances. It is within the authority of the Siting Council to “provide criteria for the location, design, construction and operation of facilities” (CGS 16-50g). A higher standard for applications to modify existing tower would be within this authority. If it is the case that the demands of new cell technologies will be increasing the numbers of these requests, a reconsideration of the conditions for approval of cell tower modifications is appropriate.

Thank you for your consideration of these comments. I will be happy to answer any questions you might have.

Sincerely,



Karl J. Wägener  
Executive Director

CC: Linda Roberts, Executive Director