



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

April 1, 2011

Christopher B. Fisher, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> floor  
White Plains, NY 10601

RE: **PETITION NO. 988** - New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for a ten foot (10') extension of an existing telecommunications facility located at 50 Fairchild Road, Middletown, Connecticut.

**DOCKET NO. 316** – SBA Infrastructure LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 50 Fairchild Road, Middletown, Connecticut.

Dear Attorney Fisher:

At a public meeting held on March 31, 2011, the Connecticut Siting Council (Council) denied Petition No. 988 on the basis that the installation of platform antennas would violate condition #2 of the Council's Decision and Order in Docket No. 316, dated November 14, 2006. The Council moved to reopen Docket No. 316 on its own motion, pursuant to the provisions of Connecticut General Statute § 4-181a(b) to determine if changed conditions exist which will warrant a modification to the original Decision and Order condition #2, which states, "All telecommunications antennas providing cellular and/or PCS service shall be flush-mounted to the tower." The Council will also consider the proposed extension of this facility. A hearing date has not been determined.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,

Robin Stein  
Acting Chairman

RS/CDM/laf

Enclosure: Staff Report dated March 31, 2011

c: The Honorable Sebastian N. Giuliano, Mayor, City of Middletown  
William Warner, AICP Director, City of Middletown  
Service List (Docket No. 316)

Petition No. 988  
New Cingular Wireless PCS, LLC  
Middletown, Connecticut  
Staff Report  
March 31, 2011

On March 1, 2011, the Connecticut Siting Council (Council) received a petition from New Cingular Wireless PCS, LLC (AT&T) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for a proposed ten-foot extension to an existing telecommunications tower facility at 50 Fairchild Road in Middletown, Connecticut. Council member Phil Ashton and staff member David Martin visited the site on March 16, 2011 to review the proposal. Chris Fisher of Cuddy & Feder represented AT&T at the field review.

The existing facility was originally approved by the Council under Docket 316. In its decision, the Council specified that the tower would be a 120-foot monopole and that all antennas would have to be flush mounted. There are currently four carriers located on the tower: Nextel at 120 feet, Verizon at 110 feet, MetroPCS (originally Pocket) at 100 feet, and Clearwire at 90 feet. All antennas are flush mounted.

AT&T seeks to extend the height of the existing tower by ten feet to an overall height of 130 feet and to install nine antennas, nine tower mounted amplifiers, and three remote radio heads on a low profile platform at a centerline height of 130 feet. AT&T contends that it needs to mount its antennas on a platform because some of them operate at different frequencies and require some horizontal separation to avoid interference issues.

If AT&T cannot install its antennas on a platform, it proposes, as an alternative, that it be allowed to raise the height of the tower by twenty feet. This would enable AT&T to install antennas operating at different frequencies at different heights in order to obtain the separation needed by the antennas.

AT&T sent letters to abutting property owners notifying them of its petition. Neither AT&T nor the Council has received any comments from the abutters.

In addition to the letter normally sent to a municipality's chief elected official any time the Council receives a petition, the Council sent a letter to Middletown's Mayor specifically asking for comments on AT&T's proposal to mount antennas on a platform. Staff has followed up the letter with phone calls to the city planner but has not received any formal or informal response to the letter.

A Professional Engineer has submitted a structural analysis indicating that the tower's baseplate and its anchor bolts need to be reinforced to enable the tower to support the proposed extension. The structural analysis also recommends that the coax be installed inside the tower shaft and that the tower mounted amplifiers and the remote radio heads be installed behind the proposed antennas.

With AT&T's antennas installed at the proposed centerline height of 130 feet, the tower's power density would equal 34.5 % of the Federal Communications Commission's Maximum Permissible Emission level.

The tower at 50 Fairchild Road is located in a relatively, sparsely developed area of Middletown. The Connecticut Valley Hospital is nearby and a veteran's cemetery is located a short distance to the west of the tower. Most of the development in the vicinity, however, is single-family residential. The visibility of the tower is limited by mature vegetation surrounding the tower and topography.

**View of tower from Veterans' Cemetery**



**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>Certificate Holder Approved 10/16/2008</b>	SBA Infrastructure LLC	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax <a href="mailto:clarson@pullcom.com">clarson@pullcom.com</a>
<b>Applicant</b>	Optasite, Inc.	Lucia Chiocchio, Esq. Cuddy & Feder, LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372/6405 fax <a href="mailto:lchiocchio@cuddyfeder.com">lchiocchio@cuddyfeder.com</a> Jennifer Young Gaudet 345 Taylor Street Talcottville, CT 06066
<b>Intervenor (approved 06/27/06)</b>	Nextel Communications of the Mid-Atlantic, Inc.	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP 185 Asylum Street, CityPlace I Hartford, CT 06103-3402 (860) 509-6522 (860) 509-6501 <a href="mailto:tregan@brownrudnick.com">tregan@brownrudnick.com</a> <a href="mailto:mkozlik@brownrudnick.com">mkozlik@brownrudnick.com</a>
<b>Intervenor (granted 07/27/06)</b>	Barbara Melia 379 Bow Lane Middletown, CT 06457 (860) 346-4334 <a href="mailto:bardebdave@yahoo.com">bardebdave@yahoo.com</a>	
<b>Intervenor (granted 07/27/06)</b>	Debora Bagley Michael Bagley 393 Bow Lane Middletown, CT 06457 (860) 346-5373	
<b>Intervenor (granted 07/27/06)</b>	Earle Roberts 785 Bow Lane Middletown, CT 06457 (860) 346-0068 (860) 344-9327 <a href="mailto:eroberts4675@sbcglobal.net">eroberts4675@sbcglobal.net</a>	