

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF OPTASITE TOWERS LLC
AND OMNIPOINT COMMUNICATIONS, INC.
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 425 LITCHFIELD ROAD,
NEW MILFORD, CONNECTICUT

DOCKET NO. 342

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 359
LITCHFIELD ROAD IN NEW MILFORD,
CONNECTICUT

DOCKET NO. 355

Date: MARCH 3, 2008

PRE-FILED TESTIMONY OF CHARLES REGULBUTO

Q1. Mr. Regulbuto, please summarize your professional background in telecommunications.

A1. I am a Director of Northeast Development at Optasite where I head a development team in the growing Northeast Region telecommunications development and site acquisition activities. My responsibilities include site selection and design, municipal and community relations associated with Optasite's and T-Mobile's efforts to develop new tower sites in Connecticut, coordination and support during the approval process and supervision of project construction once approved. I have been part of the telecommunications

industry for more than ten years and have been involved in all aspects of the development of telecommunications facilities. I joined Optasite from Northstar Site Development, LLC where I was a partner. I have successfully completed all aspects of development activities for more than 150 sites in Connecticut and Massachusetts.

Q2. What is the purpose of your testimony?

A2. My testimony provides additional background information relating to Optasite's application for a Certificate of Environmental Compatibility and Public Need for the proposed New Milford facility at 425 Litchfield Road (the "Optasite Site") to that information previously provided at a public hearing held on September 10, 2007. In addition, I will provide information concerning Optasite's interactions and knowledge of an application now filed by Cellco Partnership d/b/a Verizon Wireless ("Verizon") concerning a site located at 359 Litchfield Road in New Milford (the "Verizon Site").

Q3. When did Optasite file its technical report concerning the Optasite Site?

A3. Optasite filed its technical report for the Optasite Site with the Town of New Milford on or about March 16, 2007.

Q4. At the time Optasite filed its technical report, was Optasite aware of the fact that Verizon had a need in this area of New Milford?

A4. Yes. During its site search process, Optasite contacted Northville Fire Department, the owner of the Verizon Site to discuss the possibility of locating a facility on that property. Optasite was subsequently told that the owner of the

Verizon Site was in lease negotiations with Verizon to permit Verizon to develop a facility on the Verizon Site.

Q5. Did Optasite have any further contact with Verizon concerning the Verizon Site and the Optasite Site?

A5. Yes. Shortly after Optasite filed its technical report, Verizon, through its attorney, requested a copy of Optasite's technical report and expressed its interest in locating on the Optasite Site. A copy of that correspondence dated May 1, 2007 is attached hereto as Exhibit 1. Verizon at no time indicated that it was no longer interested in the Optasite Site.

Q6. Have there been occasions where Optasite has, in the course of searching for a site in a search area, become aware of a proposed facility and therefore ceased pursuing that search ring?

A6. Yes. In the course of searching for a site, there have been occasions where Optasite has become aware of a proposal by a wireless carrier or developer and, if it was a good site, Optasite would cease searching in that area.

Q7. In this particular search ring, did Optasite cease pursuing the Optasite Site after learning that Verizon was in lease negotiations for the Verizon Site? If not, why?

A7. Optasite did not cease its search for a site in this area for several reasons.

- a. The Optasite Site provides better coverage from an RF standpoint for T-Mobile;
- b. Verizon did not have a signed lease agreement for the Verizon Site and there was no indication as to when or if a facility at this location might be filed;
- c. Verizon had indicated it was interested in the Optasite Site;

d. After reviewing the parcel size, location and significant vegetative buffer possible Optasite believed that the Optasite Site was a better site for a telecommunications facility than the Verizon Site.

Q8. Why does Optasite believe that the Optasite Site is a superior site to the Verizon Site?

A8. There are several reasons that the Optasite Site is a better site than the Verizon Site.

a. Parcel Size and Location - The Optasite Site is 28.86 acres and is currently undeveloped. In contrast, the Verizon Site is more than 25 acres smaller (approximately 3 acres) and is developed. Therefore, the Optasite Site provided the opportunity to site a facility utilizing the existing vegetation and ensure that the fall zone of the facility would remain entirely on the host property and would not encroach on any residences or residential properties. In fact, the closest residence to the proposed facility is 590 feet away.

The Verizon Site, on the other hand, is located on an approximately 3.85 acre parcel that is currently developed as the Northville Fire Department. Therefore, there is little vegetative cover to shield views, the fall zone of the facility extends onto neighboring, residential properties and the facility is in close proximity to those residences. The closest residence to the Verizon Site is 259 feet away. This was noted as a concern about the Verizon Site by the New Milford Planning and Zoning commission.

b. Coverage - In addition, the terrain in this area of New Milford along Route 202 is very restrictive. At the Optasite Site, the ground elevation is 640

feet. At the Verizon Site, the ground elevation is significantly lower at 428 feet. The increased ground elevation (more than 200 feet) at the Optasite Site provides better coverage for T-Mobile. Verizon has also indicated that the Optasite Site would satisfy its coverage objectives.

c. Wetlands - There are no wetlands located on the Optasite Site and therefore no potential wetlands impacts from the construction and operation of the Optasite Site. On the Verizon Site, however, there is an intermittent watercourse 50 feet away from the proposed Verizon facility.

d. Clearing and Grading - Construction of the Optasite Site will require minimal tree removal and grading. In addition, Optasite will have to employ minimal drainage remediation at the Optasite Site because of the limited clearing and grading required. The Verizon Site, however, is going to require substantial grading and clearing, as well as the construction of a retaining wall and drainage remediation. The Wetlands Officer of the Town of New Milford noted his concerns to Verizon about the Verizon Site and the drainage issues with that Site in correspondence dated January 16, 2008 to the Council.

For all of these reasons, Optasite believes that the Optasite Site is a superior site to the Verizon Site and will result in far less environmental impact than the Verizon Site.

Q9. When Optasite met with the New Milford Planning and Zoning Commission, did the Commission agree that the Optasite Site was a good location for a telecommunications facility?

A9. Yes. Optasite appeared before the New Milford Planning and Zoning Commission on August 14, 2007. As part of that proceeding, the Commission stated that the Optasite Site was a good location for a facility. In addition, the Commission noted that the visual impact of the facility would be minimal. In contrast, the Planning and Zoning Commission staff raised questions regarding the Verizon Site and asked why Verizon had not explored the potential of co-locating on the Optasite Facility. The Planning and Zoning Commission indicated its approval for the Verizon Site as a result of the benefit to New Milford emergency services¹. See memo dated August 29, 2007 to New Milford Planning and Zoning Commission re: Optasite Informational Hearing and memo dated February 8, 2008 to New Milford Planning and Zoning Commission re: Cellco Informational Hearing. Finally feedback from the Town indicated they were pleased that Optasite would be locating at the proposed location and that the property would be improved from its (then) current state.

Q10. Has Optasite offered co-location to the Town of New Milford so it can locate its emergency service equipment at this Site?

A10. As is its customary practice, Optasite will make space available for the Town's emergency service equipment, free of charge. Optasite sent a letter on June 12, 2007 to the Town with this offer and is following up with the Town to discuss its specific needs.

¹ As both the Optasite and the Verizon Sites provide a location on the facility to Emergency Services at no cost, Optasite makes the assumption that the Planning and Zoning Commission's comment regarding the Verizon Site's benefit to New Milford Emergency Services is based upon the rental revenue that would be generated on that Site. As it is my understanding that revenue is not one of the statutory criteria considered by the Council in a Certificate proceeding, we don't address that issue.

The statements above are true and complete to the best of my knowledge.

3/5/08
Date

/s/ Charles Regulbuto
Charles Regulbuto

Subscribed and sworn before me this 5th day of March, 2008.


By: 
Commissioner of the Superior Court

EXHIBIT 1

From: Larson, Carrie L.
Sent: Wednesday, May 02, 2007 7:54 AM
To: 'Baldwin, Kenneth'
Subject: RE: New Milford

On April 24th.

From: Baldwin, Kenneth [mailto:KBALDWIN@RC.com]
Sent: Wednesday, May 02, 2007 7:34 AM
To: Larson, Carrie L.
Subject: RE: New Milford

When did you meet with the Town?

-----Original Message-----

From: Larson, Carrie L. [mailto:CLarson@cohenandwolf.com]
Sent: Tuesday, May 01, 2007 2:09 PM
To: Kohler, Julie D.; Baldwin, Kenneth
Cc: Velez Lissette
Subject: RE: New Milford

Ken-

Please find attached an electronic copy of the technical report for this site. We sent out a hard copy as well. Please let me know if you need anything else.

From: Kohler, Julie D.
Sent: Tuesday, May 01, 2007 9:12 AM
To: Baldwin, Kenneth
Cc: Larson, Carrie L.; Velez Lissette
Subject: RE: New Milford

Sure -

We met with the Mayor and she was pretty supportive

Lissette, can you make sure ken gets a copy of the New Milford tech report?

Thanks!

From: Baldwin, Kenneth [mailto:KBALDWIN@RC.com]
Sent: Tuesday, May 01, 2007 9:08 AM
To: Kohler, Julie D.
Subject: New Milford

Verizon may be interested in participating in the Optasite/T-Mobile application for a site in New Milford.

I'm told that the Tech Report process has begun. Can you send me a copy of your Tech Report for that site?

Kenneth C. Baldwin

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