

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

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 52 STADLEY ROUGH ROAD,
DANBURY, CONNECTICUT

DOCKET NO. 366

JANUARY 22, 2009

APPLICANTS' RESPONSES TO CITY OF DANBURY
PRE-HEARING INTERROGATORIES SET III
SUPPLEMENTAL INFORMATION ON ALTERNATIVE SITES
AS REQUESTED BY THE COUNCIL AND
REBUTTAL OF COMI DIRECT TESTIMONY FILED JANUARY 15, 2009

I. City's Most Recent Suggested Alternative Sites and
Applicants' Response to City Interrogatory, Set III, Question 1

A. **Danbury Police Athletic League (PAL), 35 Hayestown Road**

1. Technical Evaluation by T-Mobile. This site is located to the southwest of the proposed Optasite location. Due to its geographic location it is not considered a good candidate for T-Mobile's coverage objective in Danbury. Being located to the southwest of the ridge line that the Optasite leased property is located on, the coverage potential from this candidate gets blocked by this ridge line from providing adequate coverage to the T-Mobile coverage objective to the north. Additionally, a site located at the PAL property would provide an extreme amount of redundant coverage with T-Mobile's existing on air facilities labeled as CT11896A, CT11108A and CT11924A. This location was reviewed at 147 feet AGL and a propagation plot is annexed hereto in Exhibit 1.

2. Rebuttal of City Information. The City has provided no technical information of their own to support the conclusion that this location would be an acceptable 2 site solution with other sites to the west and in T-Mobile's network. Optasite evaluated the site, surrounding area and subsequently reviewed the information provided by the City of Danbury. Noticeably absent from the Mr. Comi's testimony, but apparent from the photos attached thereto, is that the PAL property is nearly fully cleared and adjacent to numerous single family residential and multifamily homes on the east and west. Additionally, as noted by the City, the property is located just south of a Town Park at the southerly terminus of Candlewood Lake and just north of a pond and City Recreational Area, a location that the Candlewood Lake Authority would apparently oppose based on their correspondence in the record on the Docket. Interestingly, Mr. Comi's testimony indicates that the Candlewood Lake Authority may ultimately expand the existing PAL building itself. Optasite and its consultants believe a tower at this location would be visible from and potentially impact several resources listed in Section

16-50p of the Connecticut General Statutes as opposed to and compared with Optasite's proposed tower at 52 Stadley Rough Road.

B. ConnDOT Property, Corner of Stadley Rough and Rockwell Roads

1. Technical Evaluation by T-Mobile. This candidate was reviewed previously (identified as Danbury Department of Public Works Site). The property is located at the southern base of the ridge line that the Optasite facility is located on. This candidate was rejected as a viable solution for a number of reasons. The location of the candidate at the bottom of the ridge line feature would require an extreme antenna height to achieve coverage back up onto the ridge line that the Optasite leased property is located on. In our review of the candidate, a 170 foot AGL antenna height was used and a propagation plot is reproduced in Exhibit 1. At this height partial coverage was provided to the ridge line and intended coverage objective, however it still did not cover as far north along the ridge line as the proposed Optasite location. Since the DOT property is also located along Interstate 84 in an area that is already being served with existing on air T-Mobile facilities, this would be a very poor network design from a stand point of replicating coverage and causing severe performance problems to the established network in this area with the end result being that the objective is still not fully covered.

2. Rebuttal of City Information. The City has provided no technical information of their own to support the conclusion that this location would be an acceptable 2 site solution with other sites or DAS nodes to the west and in T-Mobile's network. Optasite evaluated this site as part of its pre-application due diligence and as requested by the City in its technical comments (Cited as Department of Public Works Garage in Original Application Materials, Exhibit 3, Site #12). Because this particular location was deemed technically insufficient by T-Mobile early on, Optasite conducted no further due diligence to identify the property as owned by Connecticut DOT. Optasite is nevertheless fully aware of ConnDOT's tower leasing procedures which are also published on the Siting Council's website. In reviewing the aerial photograph supplied by the City, properties to the north and east are single family residential and would have views of any tower structure at this location.

C. Kaufman Property (Water Tank), 21 Hollandale Road

1. Technical Evaluation by T-Mobile. This candidate is located to the west of the T-Mobile coverage objective in Danbury and was previously analyzed and discussed at the December 8, 2008 public hearing. The existing water tank was analyzed at 50 feet and a plot is provided in Exhibit 1 for review. Potential coverage from this candidate is severely limited to the immediate area surrounding the water tank due to surrounding terrain conditions and a low available antenna height on the existing structure. Limited coverage is provided to the western edge of the ridge line that the Optasite lease property is located on, however the majority of the T-Mobile coverage objective still remains uncovered from this candidate.

2. Rebuttal of City Information. The City has provided no technical information of their own to support the conclusion that this location would be an acceptable 2 site solution with other sites or DAS nodes to the east and in T-Mobile's network. Optasite evaluated this site prior to the last hearing at the City's request and

provided photographs of the site and other information including its proximity to single family residences as also shown in the City's aerial photograph.

D. Sterling Woods Property/City Water Tank

1. Technical Evaluation by T-Mobile. This candidate was previously reviewed and identified prior to filing this Application. Prior to building out its network in adjacent design areas in the Danbury area, this water tank was considered for a potential site candidate. Due to the fact that there was a lack of interest from the condo association to lease ground space for T-Mobile's equipment, other candidates were pursued and built over the last 8 years to ensure that T-Mobile would be able to provide coverage to it's customers in the Danbury area. To introduce this candidate into the network at this juncture in the network evolution would lead to several negative factors from a network performance stand point. Thus, while T-Mobile determined that it did have the potential to provide partial coverage to the T-Mobile coverage objective in this part of Danbury, the site was rejected when evaluated again as part of this search ring. Due to the fact that T-Mobile has developed its network adjacent to this candidate, most notably to the south and east from this location, the integration of a full coverage, 3 sector site, would lead to severe redundant coverage to these existing sites resulting in performance problems to the established network in this area while only covering a portion of the intended coverage objective.

2. Rebuttal of City Information. When Mr. Comi suggests a letter from the Sterling Woods Condominium Association on their refusal to grant the City or wireless carriers any real property rights at this location as legally required for siting a facility, he is essentially suggesting that sworn testimony by Optasite, statements by counsel for the Applicants AND the City's own attorneys which are all based on their personal knowledge is inaccurate. The City itself has confirmed that this location is unavailable regardless of whether T-Mobile would locate a site at this property and there is more than sufficient evidence in the record on that fact including data presented in the Site Search Summary, Exhibit 2, Site #11, Responses to City Interrogatories and Supplemental Information provided by the Applicants.

E. Distributed Antenna Systems

T-Mobile has previously responded to City interrogatories and testified as to the reasons why a DAS network is not being proposed in this area of Danbury and why it is not a viable alternative. The Council is respectfully referred to the record, findings of fact and its decision in Docket 309, copies of which are annexed hereto in Exhibit 2, as related to DAS, residential coverage and tower siting. Of note, Mr. Comi was a witness for a party to that proceeding.

II. Siting Council's Request for Information on Potential Alternatives to the North and Applicants' Response to City Interrogatories, Set III, Question 2

A. 82 Stadley Rough Road

1. Technical Evaluation by T-Mobile. This property is located about 3000 feet north of the proposed Optasite leased property. The potential coverage from this

candidate is fairly analogous to the coverage from the Optasite location. It is located on the same ridge line as the proposed Optasite location and subject to similar terrain obstructions. There may be subtle differences in coverage footprints due to the fact that the site is located a little further north along the ridge line and may require a different antenna height to provide similar coverage. The candidate was reviewed at 147 feet AGL to the antenna centerline and would be an acceptable alternate to the Optasite property. A coverage plot is included as Exhibit 3.

2. Site Evaluation by Optasite. Attached in Exhibit 3 are the City of Danbury assessors cards for the property in question. As noted thereon, the property is a single family residence and open field. Further, the property has been restricted by the property owner as open space under Connecticut's program administered by the State Department of Agriculture, known as Public Act 490. Based on the use of the property and restrictions noted thereon, Optasite does not consider the property in question to be viable for purposes of any cell tower siting.

B. Open Space Parcel

In response to the City's Interrogatory, we note that the "second parcel" referred to by Staff Member Martin was determined to be a parcel denoted as open space on City tax records and as such, was not considered a viable tower site location. The parcel in question was on the east side of Stadley Rough Road and is discussed in the October 28, 2008 hearing testimony of Mr. Regulbuto at Page 135 of the Transcript.

III. T-Mobile Rebuttal of Comi Testimony

Mr. Comi states in his January 14, 2009 testimony that he was unable to verify the T-Mobile plots and testimony alleging insufficient data was provided to him. In the City's Second Set of interrogatories, a request was made to fill out a data sheet that Mr. Comi apparently uses. The request was that a sheet be filled out for each of the many alternate candidates that T-Mobile was asked to consider during this process. This sheet is basically a calculation of the down link (transmission path from the BTS antenna to the customer's mobile device) path budget to help determine the potential output power from a site based upon factors such as transmit power and associated path losses such as cables and connectors, etc. To provide this large amount of data for each candidate would be very time consuming and an extremely unnecessary step for Mr. Comi to provide an analysis of T-Mobile's submissions assuming he has the expertise to do so. Over the past few months, T-Mobile has submitted documents that contain the information that Mr. Comi has stated has not been provided and responded to numerous interrogatory demands by both Mr. Comi and the City's prior consultant Ron Graiff. Most notably though, the MPE calculations were provided as part of the application. This sheet contains all factors specific to a T-Mobile facility at the proposed Optasite location including losses, transmit power, antenna models, cable lengths and even the output power in both dBm and Watts. This data is the essential information required to compile a down link path budget to arrive at an anticipated output power value. Mr. Comi has referred to this document in his past questioning with reference to whether the surrounding sites would follow those values for output power values and power density calculations. T-Mobile answered that the surrounding sites would be similar except that losses associated with variables such as cable lengths and antenna gains may change slightly. However, utilizing this prior submitted data to analyze potential candidates from a theoretical coverage standpoint should have been a fairly simple process since the only variable

that would have changed would be the losses associated with varying cable lengths. This value is actually provided as well in the MPE calculation sheet as a loss per foot of cable. This is the same value that T-Mobile uses in its calculations to determine its associated losses for output power. Additionally, this information is readily available with regards to antenna patterns, antenna gain and cable loss information from a variety of sources including the manufacturers web sites and literature. The City was also provided with the parameters for the propagation model in response to an interrogatory question from their prior consultant Ron Graiff.

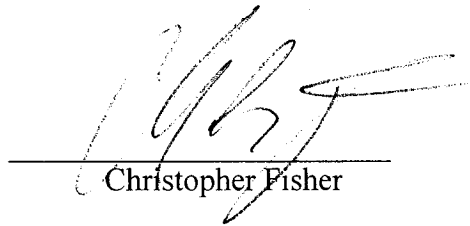
With the vast amount of parameters that were submitted by T-Mobile during this application and hearing process, to say that there was not enough information provided to perform a verification of T-Mobile's documentation is puzzling from an engineering stand point. Even if the output power was established and run on a straight theoretical propagation model (not tuned with network drive data), while the footprint may vary somewhat due to different environmental variables, severe terrain obstructions and limitations should still be present and noticeable and a fairly educated response could be produced from the resulting coverage plots. The fact that we have not seen any coverage plots produced to either confirm or negate T-Mobile's submitted documentation or at the least to validate the City's claims that certain alternate sites, either as stand alone sites or in multi-site combinations, would provide adequate or better coverage than the proposed Optasite location is alarming.

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty copies of Optasite's and T-Mobile's Responses to The City of Danbury's Third Set of Interrogatories, Supplemental Information on Alternative Sites Requested by the Council and Rebuttal Testimony were served on the Connecticut Siting Council by hand with an electronic copy sent via email and copy served via overnight mail and email to:

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Dated: January 22, 2009



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cc: Charles Regulbuto
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