

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

July 19, 2019

Kristen Motel, Esq.
Lucia Chiocchio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th floor
White Plains, NY 10601

RE: **DOCKET NO. 385** - American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut.

Dear Attorney Motel and Attorney Chiocchio:

During a public meeting held on July 18, 2019, the Connecticut Siting Council (Council) by its Decision and Order dated July 18, 2019, modified the Decision and Order in Docket 385 rendered on February 25, 2010 for the construction, maintenance and operation of a telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut and reissued the Certificate of Environmental Compatibility and Public Need (Certificate), thereby eliminating the requirement that panel antennas on this telecommunications facility shall be installed in an exterior, flush mount configuration.

Therefore, the Council hereby approves the installation of three new standoff T-Arm antenna mounts with braces at the 117-foot level of the the tower consistent with **EM-CING-138-190403** - New Cingular Wireless PCS, LLC (AT&T) notice of intent to modify an existing telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut, with the following conditions:

1. Any deviation from the proposed modification as specified in this notice and supporting materials with the Council shall render this acknowledgement invalid;
2. Any material changes to this modification as proposed shall require the filing of a new notice with the Council;
3. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
4. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by AT&T shall be removed within 60 days of the date the antenna ceased to function;
5. The validity of this action shall expire one year from the date of this letter; and
6. The applicant may file a request for an extension of time beyond the one year deadline provided that such request is submitted to the Council not less than 60 days prior to the expiration.

Enclosed are the Council's Staff report, Modified Decision and Order, and reissued Certificate.

Sincerely,

Melanie A. Bachman
Executive Director

MAB/RDM/laf

Enclosures



- c: Gregory Mercier, Supervising Attorney, US Tower Division, American Tower Corporation
- Patricia Nowak, Site Acquisition Consultant, Centerline Communications, LLC
- Parties & Intervenors
- State Documents Librarian
- The Honorable Laura R. Hoydick, Mayor, Town of Stratford
- John Rusatsky, Zoning Enforcement Officer, Town of Stratford
- Jay Habansky, Planning & Zoning Administrator, Town of Stratford



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Docket No. 385

23 Stonybrook Road, Stratford

AT&T Request to Reopen and Modify the Decision and Order

Staff Report

July 18, 2019

Introduction

On February 25, 2010, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to T-Mobile Northeast, LLC for the construction, maintenance and operation of a telecommunications facility at 23 Stonybrook Road, Stratford, Connecticut.

The Council's Docket 385 Decision and Order (D&O), Condition 1, specified that "panel antennas shall be installed in an exterior, flush mount configuration and such panel antennas shall not exceed a height of 100 feet above ground level".

The Council approved a transfer of Certificate to Florida Tower Partners on January 6, 2011. The Council approved a second transfer of Certificate from Florida Tower Partners to American Tower Corporation (ATC) on March 5, 2016.

On June 10, 2019, AT&T submitted a Request to Reopen and Modify D&O Condition No. 1 to allow for other types of antenna mounts to be used at this facility including, but not limited to, T-Arm mount systems. AT&T's request has been authorized by ATC.

Background Site Information

Development and Management Plan

On October 21, 2010, the Council approved a Development and Management (D&M) Plan for this facility, except for the utility route, which was approved by the Council on March 17, 2011. The D&M Plan included a 100-foot monopole with a white finish. T-Mobile installed three flush-mounted panel antennas at the 98-foot level of the tower and reserved space at the 88-foot level for future antenna/network expansion.

Subsequent to the D&M approval, in 2013, the Council approved a tower share request from Verizon to install flush mount antennas at the 77-foot level of the tower.

Petition No. 1100 – Tower Extension

On July 10, 2014, the Council approved a Petition submitted by AT&T for a 20-foot extension of the monopole to support three flush mounted antennas and associated remote radio units at both the 117-foot and 107-foot levels of the tower. The extension was constructed and AT&T installed antennas at the 117-foot level of the tower.

AT&T Exempt Modification Request

On April 1, 2019, AT&T submitted a Notice of Exempt Modification to install new T-Arm mounts at the 117-foot level of the 120-foot tower to support six antennas and associated remote radio units (RRUs). On April 5, 2019, the Council submitted correspondence to AT&T's consultant stating the filing is incomplete as it does not conform to Condition 1 of the Council's D&O for this facility that limited panel antennas to a flush mount configuration.

Specifically, AT&T proposed to replace its existing flush mount antenna configuration at the 117-foot level of the tower with a new T-Arm antenna configuration using three new 24-inch long standoff T-Arm antenna mounts with interconnecting arm braces. AT&T would install six panel antennas (3 relocated and 3 new) and install nine RRUs (3 relocated, 6 new) on the new T-Arm mounts.

A Professional Engineer duly licensed in the State of Connecticut certified that the structure is adequate to support the proposed loading.

The facility would have a cumulative worst-case power density of 25.7 percent of the applicable limit using a -10 dB off-beam adjustment.

The Notice of Exempt Modification and a copy of the Council's notice of the incomplete Exempt Modification filing was sent to the Town, property owner, and tower owner.

Request to Reopen and Modify

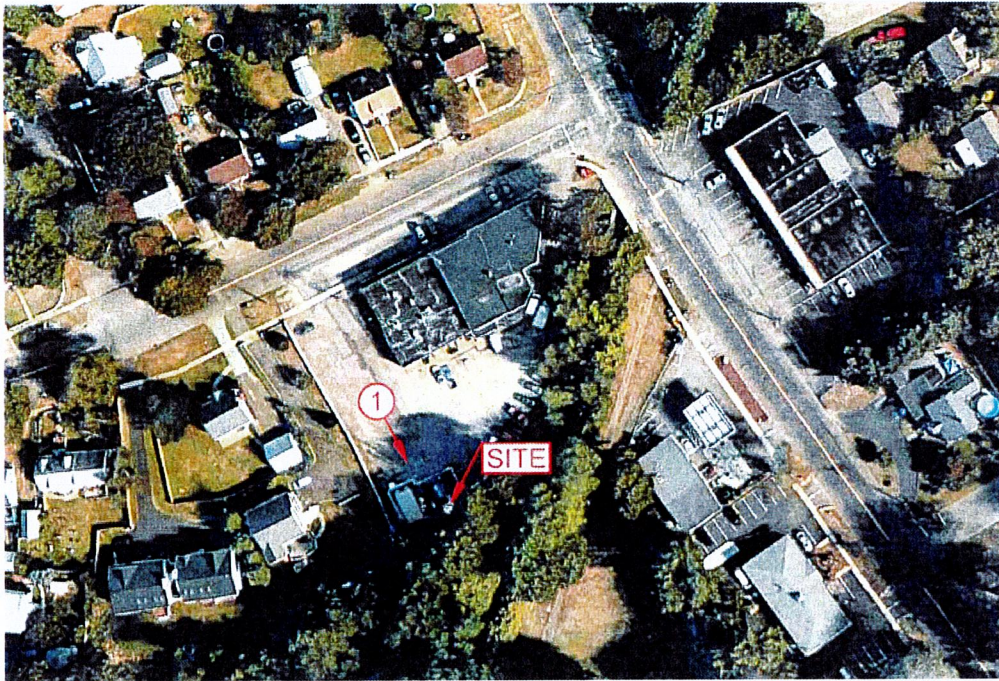
In response to the Council's April 5, 2019 correspondence regarding the incomplete Exempt Modification filing, AT&T's Request to Reopen and Modify the D&O seeks to allow the use of other antenna mounting designs, including but not limited to T-Arm mounts, to promote tower sharing and enhance existing wireless service, as detailed below:

- Restricting antenna installations on the tower to flush mounts has the potential to deter wireless carriers and other entities that do not use this type of antenna mounting equipment from co-locating on the facility;
- The flush mount antenna configuration cannot meet AT&T's current state-of-the art network coverage and capacity demands; and
- The visual effect of AT&T's proposed T-Arm antenna configuration compared to the existing flush mount configuration is not significant, as demonstrated in a visual assessment included within the Request.

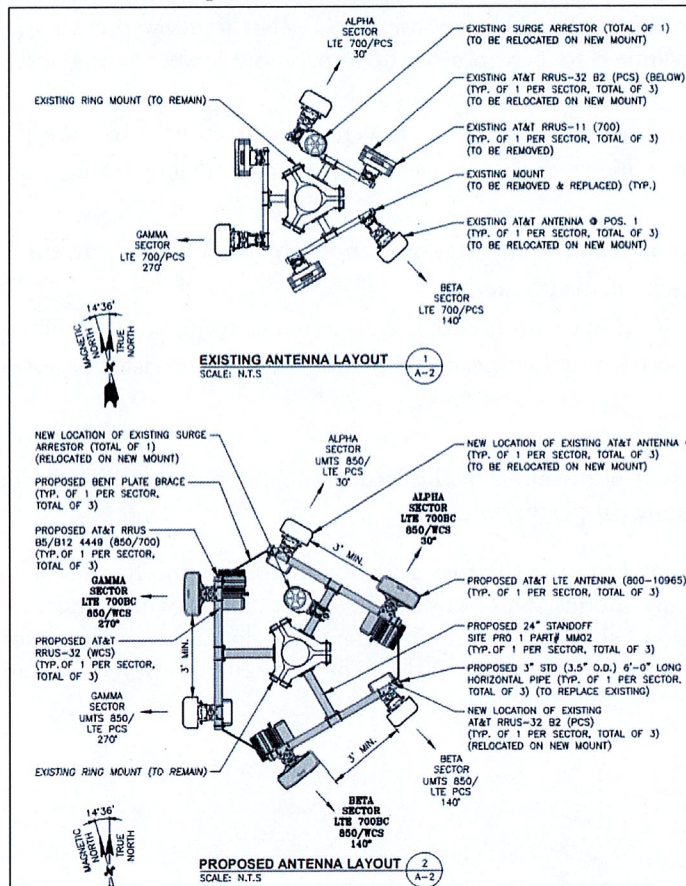
On June 7, 2019, AT&T sent notification of the Request to Reopen and Modify the D&O to the Town of Stratford (Town) and abutting property owners.

On June 10, 2019, the Council notified Parties and Intervenors of the Request to Reopen and Modify the D&O and requested that any submission of comments or statements with respect to whether the Request to Reopen and Modify the D&O should be granted or denied including any request for a hearing be submitted to the Council by close of business on July 11, 2019. The Council has not received any comment to date.

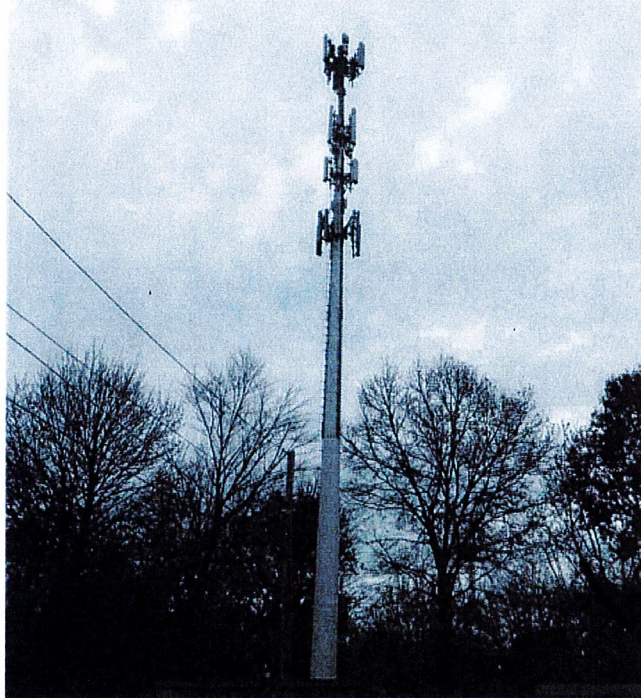
Site Location



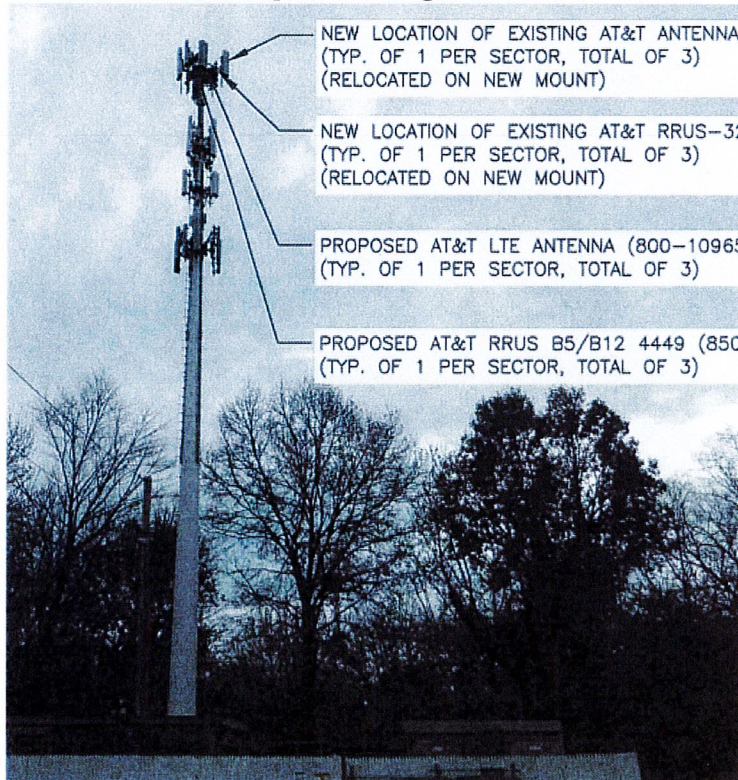
Exempt Modification Antenna Plan



Existing Configuration – AT&T at top mount location



Proposed Configuration



DOCKET NO. 385 – American Towers LLC Certificate of } Connecticut
Environmental Compatibility and Public Need for the construction, }
maintenance and operation of a telecommunications facility located } Siting
at 23 Stonybrook Road, Stratford, Connecticut. } Council

July 18, 2019

Decision and Order

In response to the Connecticut Siting Council's (Council) reopening of the record in this docket on July 18, 2019 to consider whether changed conditions exist that would warrant a modification to the original Decision and Order's Condition 1 eliminating the requirement that panel antennas on this telecommunications facility be installed in an exterior, flush mount configuration, the Council hereby rescinds the Decision and Order in Docket 385 rendered on February 25, 2010 and issues this new Decision and Order for the construction, maintenance and operation of a telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of T-Mobile Northeast LLC and other entities, both public and private. The height of the tower may be extended after the date of this Decision and Order pursuant to regulations of the Federal Communications Commission.
2. The tower compound shall be oriented in an east-west configuration along the south property line. The tower shall be located to the maximum feasible distance from the west property line.
3. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Stratford for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping;
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
 - c) details for the installation of architecturally-treated fencing around the compound and the installation of evergreen plantings along the west property boundary, where necessary to provide visual screening to the adjacent residences.
4. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

5. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
6. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Stratford public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
9. At least one wireless telecommunications carrier shall install their equipment and shall become operational not later than 120 days after the tower is erected. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
10. Any request for extension of the time period referred to in Condition 8 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Stratford. Any proposed modifications to this Decision and Order shall likewise be so served.
11. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
12. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
13. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.

We hereby direct that a copy of the staff report and modified Decision and Order be served on each person listed in the Service List, dated March 5, 2015, and notice of issuance published in The Connecticut Post.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.



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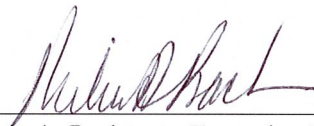
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**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 385**

Pursuant to General Statutes § 4-181a(b), the Connecticut Siting Council hereby reissues a Certificate of Environmental Compatibility and Public Need to American Towers LLC for the construction, maintenance and operation of a telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on July 18, 2019.

By order of the Council,



Melanie A. Bachman, Executive Director

July 18, 2019



STATE OF CONNECTICUT)

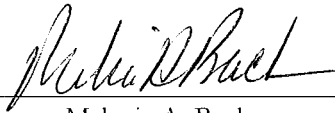
ss. New Britain, Connecticut :

July 19, 2019

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Modified Decision and Order and reissued Certificate of Environmental Compatibility and Public Need by the Connecticut Siting Council, State of Connecticut.

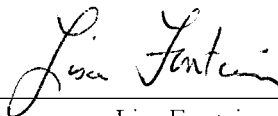
ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

I certify that a copy of the Modified Decision and Order and reissued Certificate of Environmental Compatibility and Public Need in Docket No. 385 have been forwarded by Certified First Class Return Receipt Requested mail on July 19, 2019, to all parties and intervenors of record as listed on the attached service list, dated March 5, 2015.

ATTEST:



Lisa Fontaine
Fiscal Administrative Officer
Connecticut Siting Council



STATE OF CONNECTICUT

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July 19, 2019

Classified/Legal Supervisor

385190718

CSC Account No. 237047

Connecticut Post

410 State Street

Bridgeport, CT 06604

legals@hearstmediact.com

FROM: Lisa Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 385** - American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut.

Please publish the attached legal notice for one day on the first day possible from receipt of this notice.

Please send an affidavit of publication and invoice to my attention.

Thank you.

RDM/laf





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NOTICE

Pursuant to General Statutes § 4-181a(b), the Connecticut Siting Council (Council) announces that, on July 18, 2019, the Council modified the Decision and Order in Docket 385, dated February 25, 2010 and reissued the Certificate of Environmental Compatibility and Public Need, thereby eliminating the requirement that panel antennas on this telecommunications facility be installed in an exterior, flush mount configuration in DOCKET NO. 385 - American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut. This record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.

