

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY T-MOBILE  
NORTHEAST LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED  
FOR A TELECOMMUNICATIONS FACILITY  
AT 208 VALLEY ROAD IN THE TOWN  
OF NEW CANAAN, CONNECTICUT

DOCKET NO. 401

Date: November 2, 2010

**MOTION TO REOPEN EVIDENTIARY HEARING**

The applicant, T-Mobile Northeast LLC ("T-Mobile"), files this Motion to Reopen Evidentiary Hearing in connection with the above-captioned docket. T-Mobile respectfully moves the Connecticut Siting Council ("Council") to reopen the evidentiary hearing for the limited purpose of (1) considering the reconfiguration of the proposed telecommunications facility to accommodate three wireless providers while addressing some concerns raised by the Council regarding the width of the facility and (2) permitting New Cingular Wireless PCS, LLC ("AT&T") to intervene in the proceedings and co-locate its antennas on the proposed telecommunications facility. These circumstances constitute sufficient grounds to reopen the evidentiary hearing in this Docket.

**I. PROCEDURAL POSTURE**

On April 6, 2010, T-Mobile filed with the Council an application for Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of a 120 foot wireless telecommunications facility ("Facility") at 208 Valley

Road, New Canaan, Connecticut ("Property"), pursuant to General Statutes § 16-50aa and § 16-50j-34 of the Regulations of Connecticut State Agencies ("Application"). On July 13, 2010, the Council held a public hearing at the New Canaan Town Hall auditorium.<sup>1</sup> On August 26, 2010, during its regular meeting, the Council conducted a preliminary vote on the Application and voted to approve the Facility.

T-Mobile wanted to address concerns about the width of the proposed Facility that were raised during the proceedings. On September 2, 2010, T-Mobile requested that the Council table the Docket at the Council's September 7, 2010 meeting, and grant a 30 day extension of time for the Council to render its decision regarding the Facility pursuant to General Statutes § 16-50p and § 16-50j-6 of the Regulations of Connecticut State Agencies. The Council granted T-Mobile's requests. Subsequently, on October 11, 2010, the Council was granted an additional extension of 30 days to render its decision regarding the Docket.

## II. STANDARD FOR REOPENING EVIDENTIARY HEARINGS

The decision to reopen an evidentiary hearing is a matter of agency discretion. *Rosa v. Connecticut Siting Council*, No. HHBCV054007974S, 2007 WL 829582, at \*10 (Conn. Super. Ct. Oct. 12, 2007). Although applicable to final decisions, the standards articulated in General Statutes § 4-181a serve as a useful guide. Section 4-181a provides that an agency should reconsider a matter if presented with new evidence

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<sup>1</sup> The Council has already approved a 120 foot telecommunications facility proposed by T-Mobile on the Property. With the Application, T-Mobile seeks a Certificate for the Facility, which is similar to the facility approved by the Council in Docket 243. T-Mobile seeks such approval because the Certificate granted to T-Mobile in Docket 243 lapsed without T-Mobile constructing the approved facility. (*Docket 243; App., p. 2; 3:00p.m. Tr., pp. 4-5, 43; 7:00p.m.Tr., pp. 4-5.*)

“which materially affects the merits of the case . . .” or for “other good cause . . . .”  
General Statutes § 4-181a (a) (1) (B) and (C).

### **III. ARGUMENT**

The Council should reopen the evidentiary hearing in Docket 401 because (1) T-Mobile would like to propose a reconfiguration of the Facility to address concerns raised by the Council about the width of the Facility and (2) AT&T would like to intervene in the proceedings and co-locate its antennas on the Facility. The information regarding the reconfiguration of the proposed Facility, coupled with AT&T's request, would satisfy the requirements set forth in § 4-181a.

#### **A. The Proposed Reconfiguration Would Address The Concerns Raised About The Width Of The Facility And Still Accommodate Three Wireless Providers.**

Initially, T-Mobile proposed to locate the Facility within a 1,250 square foot area leased by T-Mobile, located in the northern area of the Property, which is an approximate 42 acre parcel owned by Silver Hill Hospital, INC. As proposed, the Facility would consist of a 120 foot monopole with interior mounts and would be approximately 30 inches in diameter. (*App., pp. 1, 10; App. Ex. C.*)

The Facility was designed to accommodate T-Mobile and two other carriers. T-Mobile would position its antennas at centerlines of 117 and 107 feet above ground level (“AGL”), and the other two wireless carriers could position their antennas at centerlines of 97 and 87 feet AGL respectively. The 10 foot separation is necessary to

avoid antenna interference.<sup>2</sup> (*App. Ex. C; Centore, p. 3; 3:00p.m. Tr., pp. 38-39, 44, 53, 100-01.*)

Cellco Partnership d.b.a. Verizon Wireless ("Verizon") intervened in the proceedings and indicated an interest to locate its antennas within the monopole at a centerline of 97 feet AGL. To accommodate Verizon's antennas, however, the diameter of the monopole would have to be increased. The diameter of the monopole from 80 feet AGL to the top of the monopole would be 54 inches. The diameter from 80 feet AGL to the base of the monopole would taper out to a maximum of 76 inches. The primary reason for the increased diameter is the space within the pole necessary to accommodate the coax cables that attach to the antennas. (*Petition; Verizon Site Justification; 3:00p.m. Tr., pp. 18-19, 34-35, 74-75, 77-78.*)

During the hearing, the Council raised some concerns about the width of the Facility proposed by Verizon. On August 26, 2010, during its regular meeting, the Council reiterated some of these concerns, but approved the Facility in a non-binding preliminary vote. Since that time, T-Mobile has collaborated with Verizon and AT&T to determine the best way to accommodate all 3 wireless providers, limit the width of the Facility and remain consistent with the property owner's wishes regarding the aesthetics of the Facility.<sup>3</sup>

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<sup>2</sup> Although the 120 foot facility approved by the Council in Docket 243 would have alleviated an existing coverage gap without adversely impacting the environment, T-Mobile has made several improvements to the design of the Facility. (*App. Ex. C; T-Mobile First Interrog. Resp.; Verizon Site Justification.*)

<sup>3</sup> Although T-Mobile is proposing a reduced diameter, T-Mobile maintains that the Facility initially proposed, and as modified by Verizon during the proceedings, would not have an adverse impact on the environment. T-Mobile further maintains that the current record supports the approval of the Facility as initially proposed and modified by Verizon – as evidenced by the Council's non-binding preliminary vote to approve the Facility on August 26, 2010.

Based upon that collaboration, T-Mobile would propose a tapered monopole with a base diameter of 60 inches and a top diameter of 40 inches ("Revised Facility"). On the Revised Facility, T-Mobile would position its antennas at a centerline of 117 feet AGL. To accommodate its equipment, Verizon would locate its antennas at centerlines of 106 feet AGL and 96 feet AGL.<sup>4</sup> AT&T would locate its antennas at a centerline of 86 feet AGL. (See *schematic appended hereto as Attachment A.*) The remainder of the Revised Facility would adhere to the specifications proposed by T-Mobile, as modified by Verizon, during the proceedings.

The proposed reconfiguration would accommodate the needs of all three carriers and would also remain consistent with the property owner's aesthetic requirements. The property owner has reviewed and approved the design of the Revised Facility.

**B. Including AT&T In The Proceedings Is Consistent With The Legislative Directive To Limit The Proliferation Of Telecommunications Facilities.**

The Connecticut legislature has determined that the sharing of towers to avoid the unnecessary proliferation of towers is in the public interest. General Statutes § 16-50aa. General Statutes §16-50p (b) (1) (A) requires the Council to consider the feasibility of tower sharing to avoid the unnecessary proliferation of telecommunications facilities. "The sharing of facilities is encouraged, if not required by General Statutes §16-50p (b) (1) (A)." *Nobs v. Connecticut Siting Council*, No. CV 980492714S, 2000 WL 675643, at \*2 n.1 (Conn. Super. Ct. April 28, 2000).

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<sup>4</sup> Verizon would require two positions if the monopole was reduced to less than a 54 inch top diameter, as proposed by Verizon during the hearing. Verizon also indicated that it would need at least a diameter of 40 inches to accommodate its equipment at two levels. (3:00p.m. Tr., pp. 73-74, 77-78, 80, 84.)

The Facility would accommodate T-Mobile and 2 other wireless carriers, which would limit the proliferation of telecommunications facilities. (*App.*, p. 10; *App. Ex. C; Centore*, p. 3; *Verizon Site Justification; 3:00p.m. Tr.*, pp. 33, 50.) The Revised Facility would accommodate the same number of wireless carriers. Verizon has already intervened in the proceedings and indicated an interest to locate its antennas on the Facility. (*Verizon Site Justification; 3:00p.m. Tr.*, pp. 33, 50.) AT&T would like to intervene as well. Allowing AT&T to intervene would support the legislative mandate in favor of co-location.

**C. There Is A Verified Need For the Facility, Which Further Supports The Reopening of the Evidentiary Hearing.**

During the proceedings, T-Mobile and Verizon established an existing need for improved wireless coverage in New Canaan. The Town recognized that it needs enhanced wireless coverage for its residents, businesses and emergency services, specifically in the areas that would be addressed by the Facility. In a letter dated March 25, 2010, the Town stated that it supports T-Mobile's efforts to improve wireless coverage in the Town. Additionally, members of the public voiced concerns over the lack of coverage in the area of the Town that would be covered by the Facility. (*T-Mobile First Interrog. Resp.*; *3:00p.m. Tr.*, pp. 4-5, 10, 104; *7:00p.m. Tr.*, pp. 14-19, 32-34, 46-49, 51.) The importance of the proposed Facility is only enhanced by AT&T's request to intervene in the proceedings.

**III. CONCLUSION**

The proposed reconfiguration of the Facility, coupled with AT&T's requested participation, constitute sufficient grounds for reopening the evidentiary hearing. These

circumstances would satisfy the requirements under General Statutes § 4-181a (a), specifically subsections (1) (B) and/or (1) (C). Reopening the proceedings would allow the Council to address these issues in an expedient and economic manner. T-Mobile would also grant the Council an extension of time to address these issues. Accordingly, T-Mobile respectfully moves the Council to grant this Motion to Reopen Evidentiary Hearing for the limited purpose of considering the Revised Facility design and the intervention of AT&T.

**THE APPLICANT,  
T-MOBILE NORTHEAST LLC**

By: 

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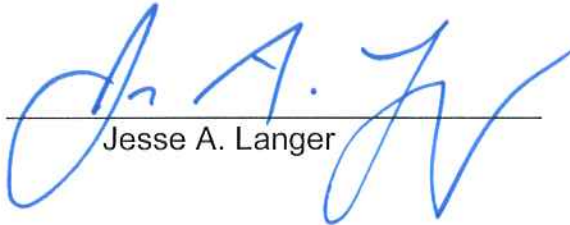
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**CERTIFICATE OF SERVICE**

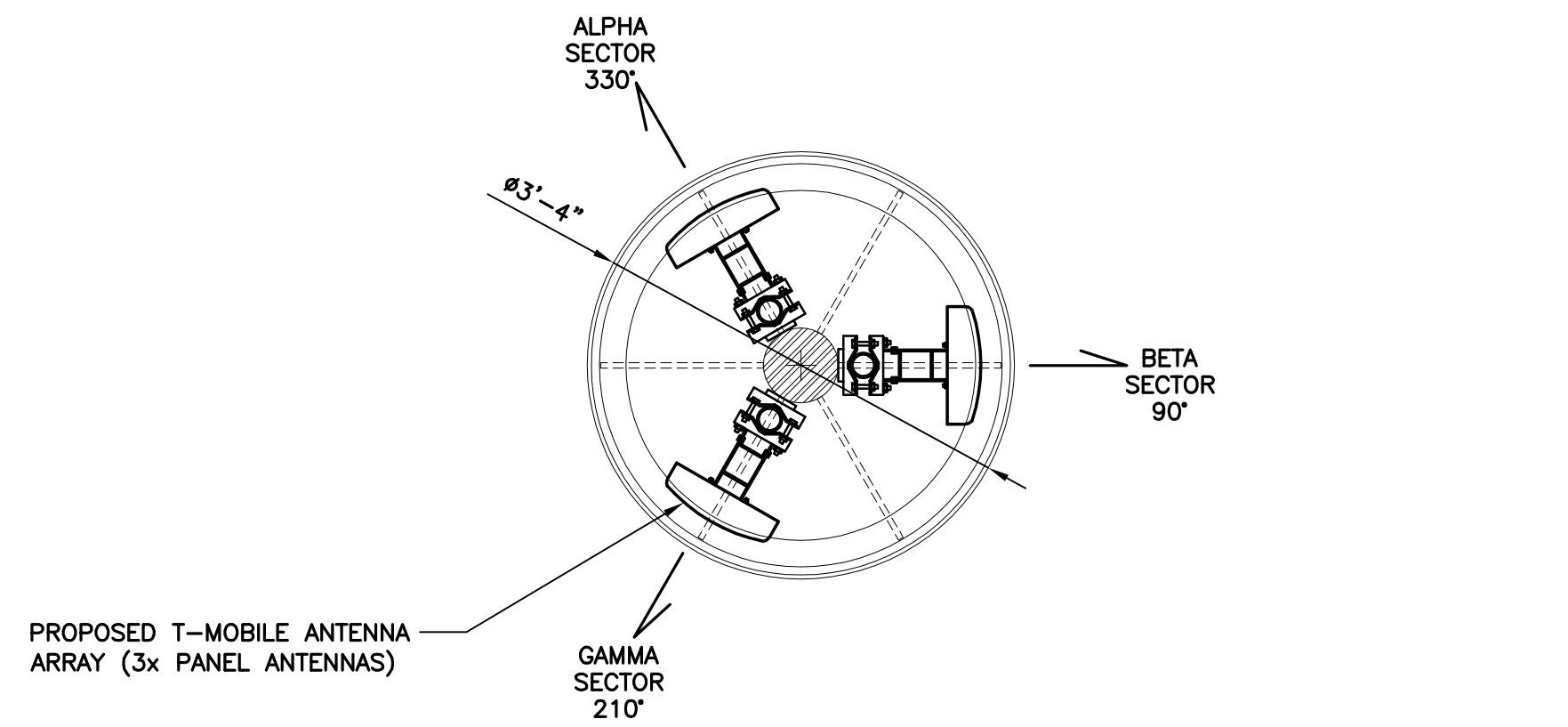
I hereby certify that on this day a copy of the foregoing was delivered by Electronic Mail and regular mail, postage prepaid, to all parties and intervenors of record, as follows:

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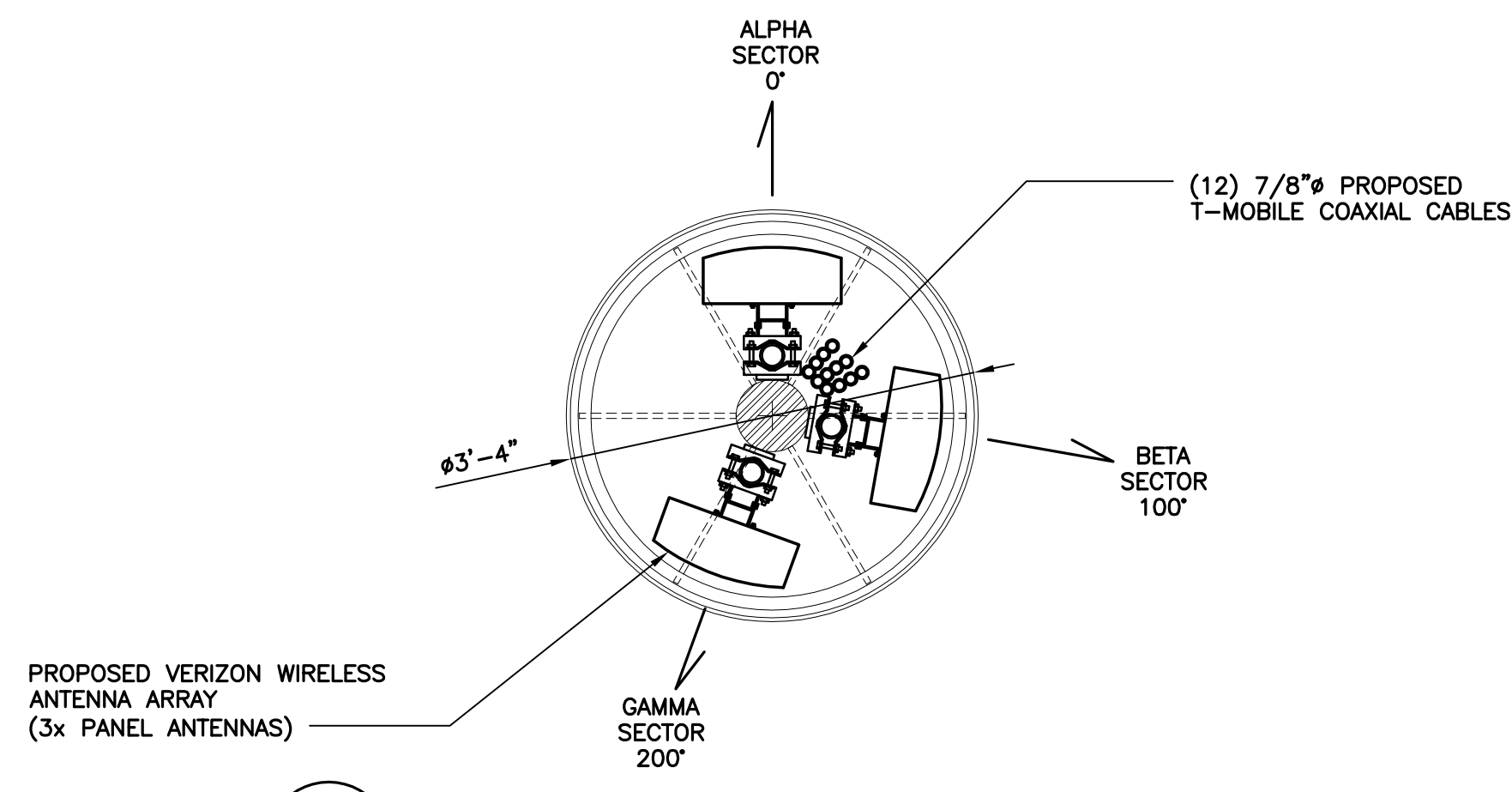
  
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Jesse A. Langer



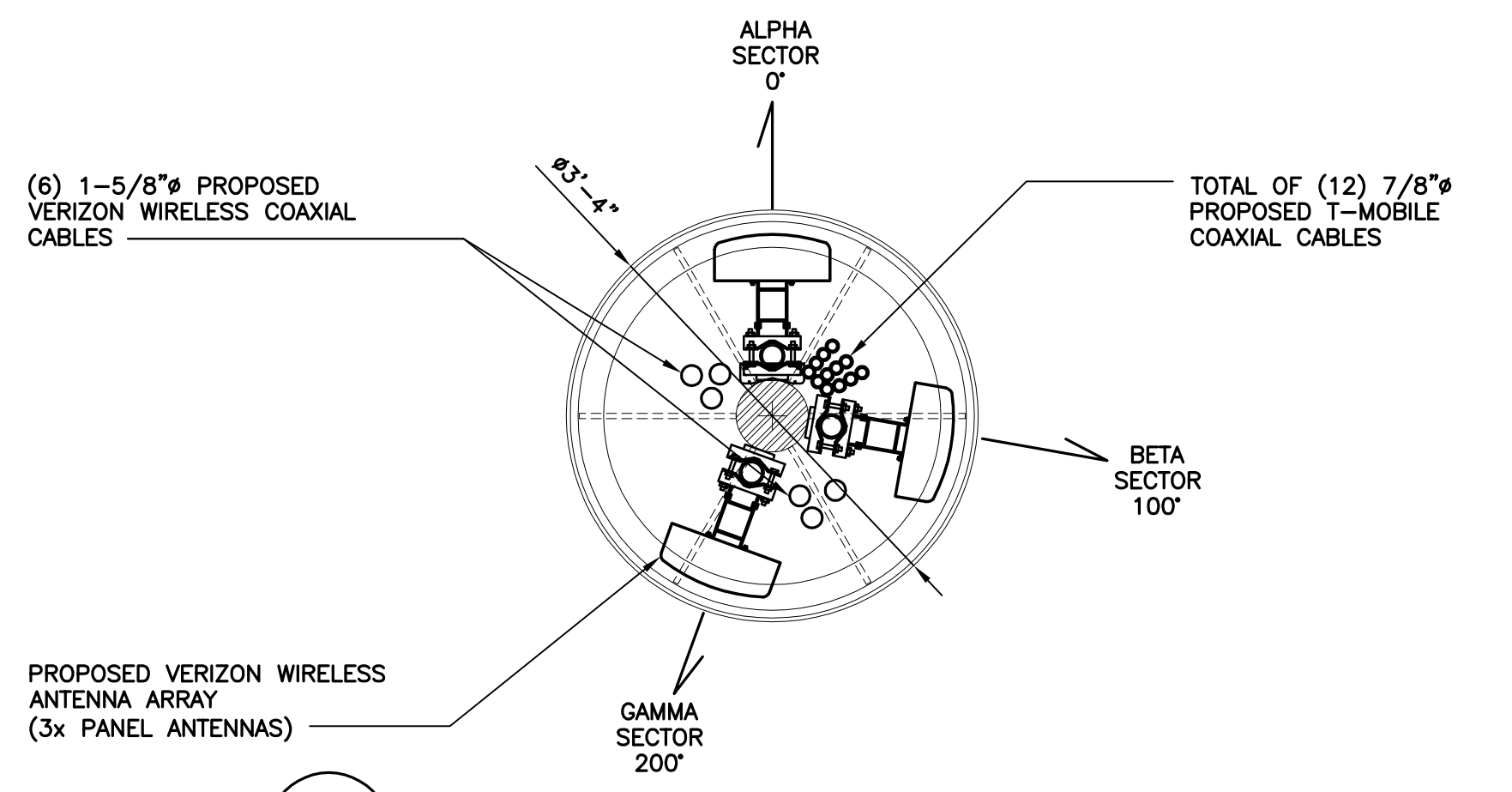
# **ATTACHMENT A**



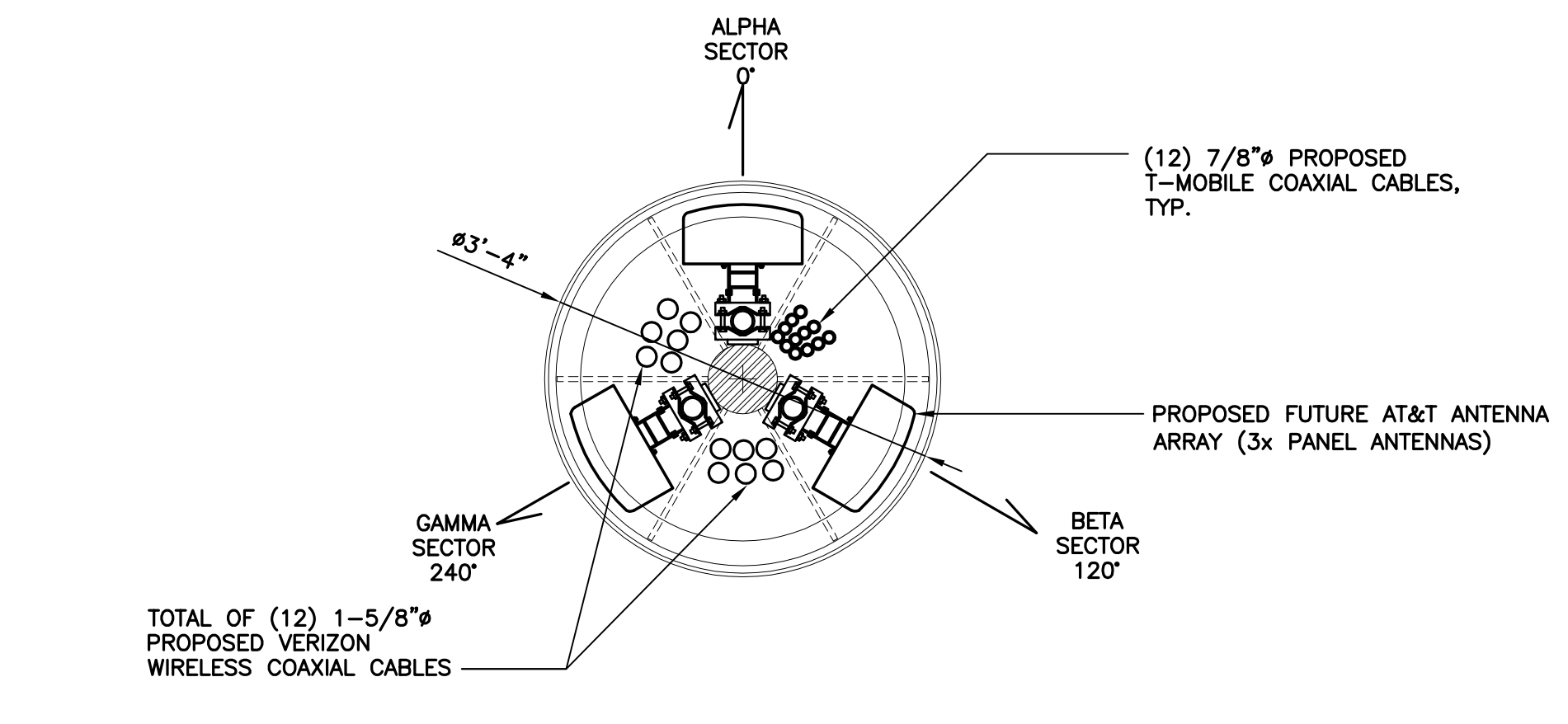
**6 SECTION AT ANTENNA ARRAY (T-MOBILE)**  
SK-1 SCALE: 3/4" = 1'-0"



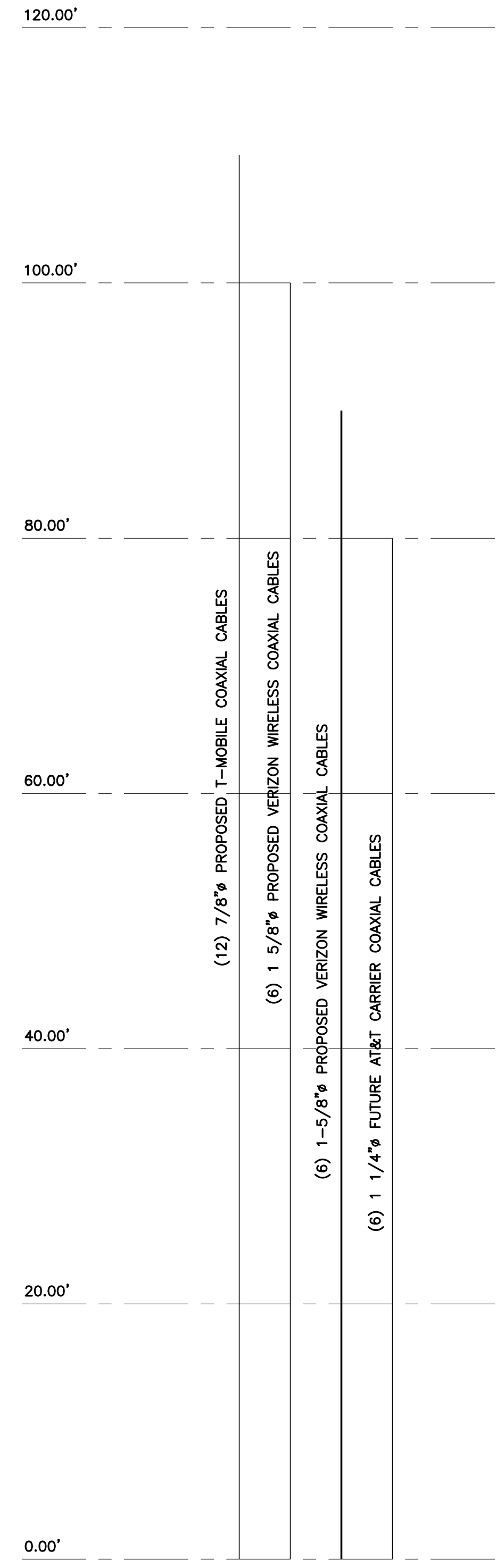
**5 SECTION AT ANTENNA ARRAY (VERIZON)**  
SK-1 SCALE: 3/4" = 1'-0"



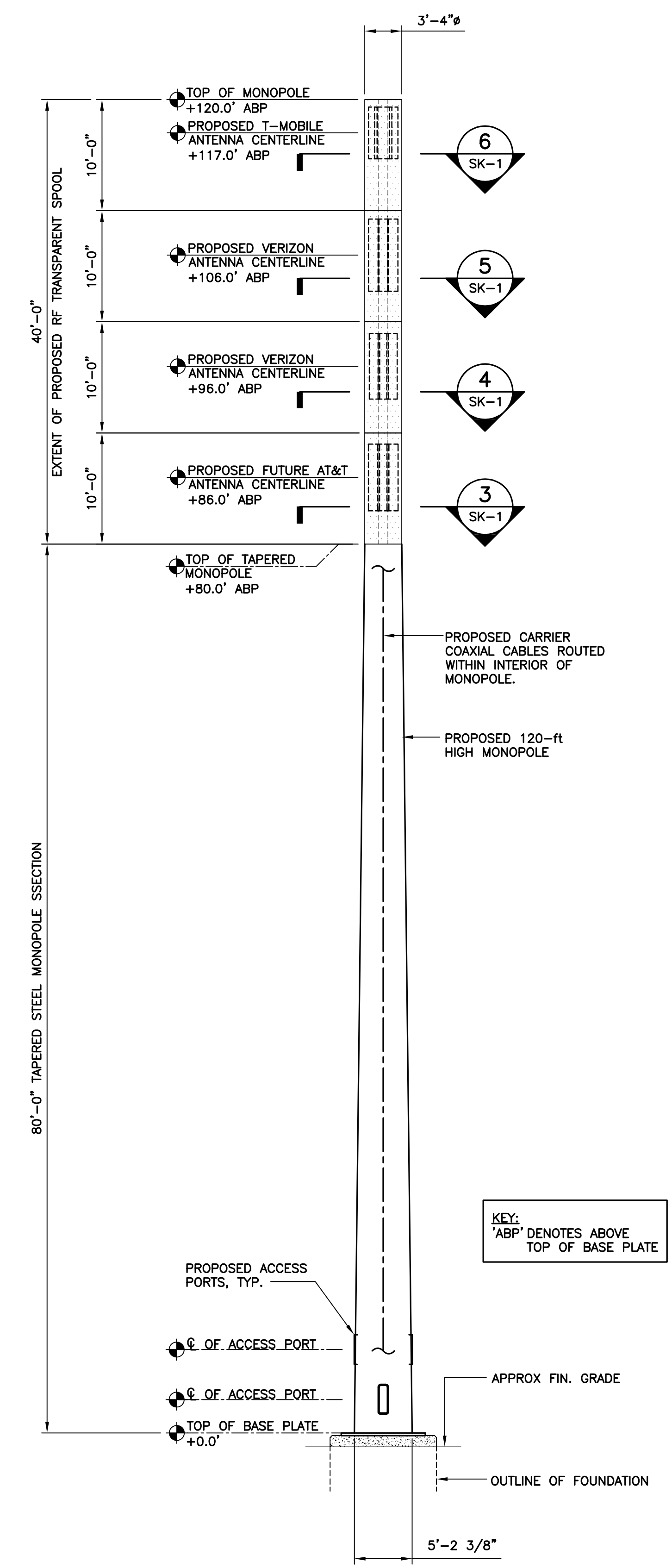
**4 SECTION AT ANTENNA ARRAY (VERIZON)**  
SK-1 SCALE: 3/4" = 1'-0"



**3 SECTION AT ANTENNA ARRAY (AT+T)**  
SK-1 SCALE: 3/4" = 1'-0"



**2 PROPOSED COAXIAL CABLE RISER DIAGRAM**  
SK-1 SCALE: 1/8" = 1'-0"



**1 PROPOSED ELEVATION - 3'-4" DIA. MONOPOLE**  
SK-1 SCALE: 1/8" = 1'-0"

DESIGNED BY: CFC  
DRAWN BY: JRM  
CHK'D BY: JRM

REV.	DATE	ISSUED FOR	DESCRIPTION
G	11/02/10	DMD	REVISED TOWER TYPE DESIGNATION
F	10/20/10	DMD	REVISED COAX CONFIGURATION
E	10/05/10	DMD	REVISED ANTENNA/COAX CONFIGURATION
D	10/01/10	DMD	REVISED ANTENNA/COAX CONFIGURATION
C	10/01/10	DMD	REVISED ANTENNA/COAX CONFIGURATION
B	09/27/10	DMD	REVISED ANTENNA/COAX CONFIGURATION - ISSUED FOR FINAL REVIEW
A	07/12/10	JRM	ISSUED FOR PRELIM. REVIEW
		JRM	ISSUED FOR CSC PRESENTATION

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**Cellco Partnership d/b/a Verizon Wireless**  
WIRELESS COMMUNICATIONS FACILITY  
**COAXIAL CABLE SCHEMATIC**  
**SILVER HILLS**  
208 VALLEY ROAD  
NEW CANAAN, CT

DATE: 07/12/10  
SCALE: AS NOTED  
JOB NO. 10063

3'-4" Ø MONOPOLE  
COAXIAL CABLE  
SCHEMATIC

**SK-1**  
Sheet No. 1 of 1