

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

October 25, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LRoberts*

RE: **DOCKET NO. 412** – SBA Towers III LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut.

By its Decision and Order dated October 20, 2011, the Connecticut Siting Council denied without prejudice a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut.

Furthermore, pursuant to Connecticut General Statutes § 4-181a(a), the Council moved to reconsider the decision as the original statutory deadline for decision could not be met.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

LR/MP/laf

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

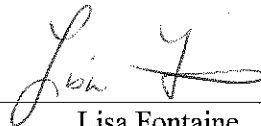
ATTEST:



Linda Roberts
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 412 has been forwarded by Certified First Class Return Receipt Requested mail, on October 25, 2011, to all parties and intervenors of record as listed on the attached service list, dated September 12, 2011.

ATTEST:



Lisa Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	SBA Towers III and New Cingular Wireless PCS, LLC (AT&T)	<p>Daniel M. Laub, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 dlaub@cuddyfeder.com cfisher@cuddyfeder.com</p> <p>Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067 Michele.g.briggs@cingular.com</p> <p>Hollis Redding SBA One Research Drive, Suite 200C Westborough, MA 01581 hredding@sbsite.com</p>
Party (granted on 01/6/2011)	<input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> U.S. Mail	Town of Bridgewater	<p>Keith R. Ainsworth, Esq. Evans Feldman & Ainsworth, L.L.C. #101240 261 Bradley Street P.O. Box 1694 New Haven, CT 06507-1694 (203) 772-4900 (203) 782-1356 fax krainsworth@snet.net</p> <p>The Honorable William Stuart First Selectman Bridgewater Town Hall 44 Main Street South P.O. Box 216 Bridgewater, CT 06752 wstuart@bridgewater townhall.org</p>

DOCKET NO. 412 – SBA Towers III and New Cingular } Connecticut
Wireless PCS, LLC application for a Certificate of Environmental }
Compatibility and Public Need for the construction, maintenance } Siting
and management of a telecommunications facility located at }
Wewaka Brook Road, Bridgewater, Connecticut. } Council

October 20, 2011

Findings of Fact

Introduction

1. SBA Towers III (SBA) and New Cingular Wireless PCS, LLC (AT&T) (collectively, the Applicant), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on November 19, 2010 for the construction, maintenance, and operation of a telecommunications facility, which would include a 170-foot tall monopole tower, at Wewaka Brook Road in the Town of Bridgewater, Connecticut. (Applicant 1, pp. 1, 3)
2. SBA is a Delaware limited liability company and a subsidiary of SBA Communications Corporation, a publicly traded company that owns and operates wireless infrastructure facilities nationwide. Its offices are at One Research Drive, Suite 200C, Westborough, Massachusetts. (Applicant 1, p. 3)
3. AT&T is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut. The company's member corporation is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless services system. The company does not conduct any other business in the State of Connecticut other than the provision of wireless services under FCC rules and regulations. (Applicant 1, p. 4)
4. The parties in this proceeding are the Applicant and the Town of Bridgewater. (Transcript, April 5, 2011, 3:33 p.m. [Tr. 1], pp. 4, 5)
5. The purpose of the proposed facility would be to provide wireless communication coverage in the eastern portion of Bridgewater. (Applicant 1, p. 1)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on April 5, 2011, beginning at 3:30 p.m. and continuing at 7:05 p.m. at the Burnham Elementary School Auditorium, 80 Main Street South, Bridgewater, Connecticut. (Tr. 1, p. 3 ff.)
7. The Council and its staff conducted an inspection of the proposed site on April 5, 2011, beginning at 2:30 p.m. On the day of the field inspection, the applicant attempted to fly a red balloon at the site between 12:00 p.m. and 7:00 p.m. Weather conditions were not conducive for the balloon flight due to the wind. Three balloons were lost. (Tr. 1, p. 15)
8. Pursuant to CGS § 16-50l (b), public notice of the application was published in the Housatonic Times on October 8 and 15, 2010 and The News-Times on November 16, 2010. (Applicant 1, p. 5; Applicant 2)

9. Pursuant to CGS § 16-50I(b), AT&T sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the proposed facility is located. (Applicant 1, p. 5)
10. AT&T received return receipts from all of the abutting property owners to whom it sent notice. (Applicant 3, response 3)
11. Pursuant to CGS § 16-50I (b), AT&T provided notice to all federal, state, regional, and local officials and agencies listed therein. (Applicant 1, p. 5)
12. On March 22, 2011, AT&T posted a sign on Wewaka Brook Road informing the passing public of the time, date, and place of the hearing on this application and the proposed facility height. (Tr. 1, p. 15-16)
13. On April 26, 2011, the Council requested consent to extend the deadline for decision for a maximum of 180 days until November 14, 2011. (Council Extension Request Letter dated April 26, 2011)
14. On May 20, 2011, the Applicant granted consent to extend the deadline for decision until November 14, 2011. (Applicant Extension Letter dated May 20, 2011)
15. On July 21, 2011, the Council provided notice of a continued evidentiary hearing to be held on September 13, 2011, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. (Council Hearing Memo dated July 21, 2011)
16. On September 9, 2011, the Town of Bridgewater requested a continuance of the hearing scheduled for September 13, 2011 due to the unavailability of some of the Town's witnesses on that hearing date and the Town's intent to supplement its land use commission's report regarding wetlands impacts. (Town Request for Continuance dated September 9, 2011)
17. On September 9, 2011, the Applicant indicated that it did not object to the continuance. (Applicant Response to Continuance Request dated September 9, 2011)
18. On September 12, 2011, the Council cancelled the evidentiary hearing to be held on September 13, 2011. (Council Hearing Cancellation Memo dated September 12, 2011)
19. On September 15, 2011, the Council provided notice of a continued evidentiary hearing to be held on November 1, 2011, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. (Council Hearing Memo dated September 15, 2011)

DOCKET NO. 412 – SBA Towers II and New Cingular } Connecticut
Wireless PCS, LLC application for a Certificate of Environmental }
Compatibility and Public Need for the construction, maintenance } Siting
and management of a telecommunications facility located at }
Wewaka Brook Road, Bridgewater, Connecticut. } Council

October 20, 2011

Opinion

In light of the current deadline for action on the instant application, the Council hereby denies the application without prejudice. The Council may reconsider such denial, pursuant to Connecticut General Statutes § 4-181a(a).

Decision and Order

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Danbury News Times.

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.

The parties and intervenors to this proceeding are:

Applicants

SBA Towers III and
New Cingular Wireless PCS,
LLC (AT&T)

Their Representative

Daniel M. Laub, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th floor
White Plains, NY 10601

Michele Briggs
AT&T
500 Enterprise Drive
Rocky Hill, CT 06067

Hollis Redding
SBA
One Research Drive, Suite 200C
Westborough, MA 01581

Party

Town of Bridgewater


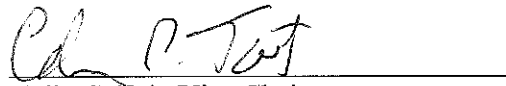
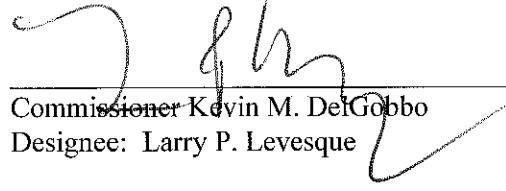
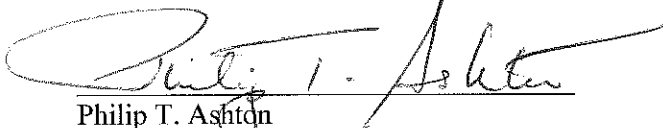
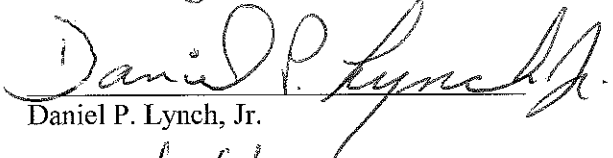
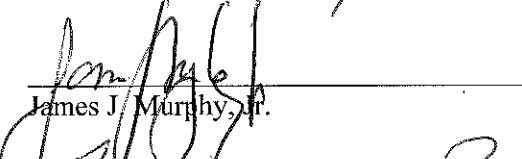
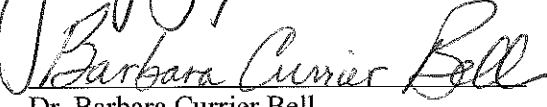
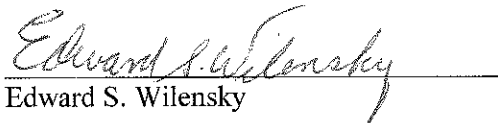
Its Representative

Keith R. Ainsworth, Esq.
Evans Feldman & Ainsworth,
L.L.C.
261 Bradley Street
P.O. Box 1694
New Haven, CT 06507-1694

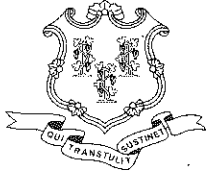
The Honorable William Stuart
First Selectman
Bridgewater Town Hall
44 Main Street South
P.O. Box 216
Bridgewater, CT 06752

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 412** – SBA Towers III LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut, and voted as follows to deny without prejudice the proposed telecommunications facility:

<u>Council Members</u>	<u>Vote Cast</u>
 Robert Stein, Chairman	Yes
 Colin C. Tait, Vice Chairman	Yes
 Commissioner Kevin M. DeGobbo Designee: Larry P. Levesque	Yes
 Commissioner Dan Esty Designee: Brian Golembiewski	Absent
 Philip T. Ashton	Yes
 Daniel P. Lynch, Jr.	Yes
 James J. Murphy, Jr.	Yes
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, October 20, 2011.



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October 25, 2011

Daniel M. Laub, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th floor
White Plains, NY 10601

RE: **DOCKET NO. 412** – SBA Towers III LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut.

Dear Attorney Laub and Attorney Fisher:

By its Decision and Order dated October 20, 2011, the Connecticut Siting Council (Council) denied without prejudice a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut.

Furthermore, pursuant to Connecticut General Statutes § 4-181a(a), the Council moved to reconsider the decision as the original statutory deadline for decision could not be met.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

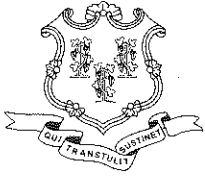
Very truly yours,

Linda Roberts
Executive Director

LR/MP/laf

Enclosures (3)

c: Michele Briggs, AT&T
Hollis Redding, SBA



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October 25, 2011

TO: Classified/Legal Supervisor
412110405
Danbury News Times
333 Main Street
Danbury, CT 06810

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

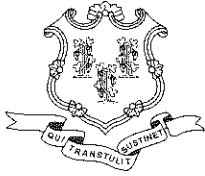
RE: **DOCKET NO. 412** – SBA Towers III LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

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

Thank you.

LAF



STATE OF CONNECTICUT

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NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on October 20, 2011, the Council issued Findings of Fact, an Opinion, and a Decision and Order denying without prejudice an application from SBA Towers III LLC and New Cingular Wireless PCS, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut. Pursuant to Connecticut General Statutes § 4-181a(a), the Council moved to reconsider the decision as the original statutory deadline for decision could not be met. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.