

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

In Re:

APPLICATION OF NORTH ATLANTIC TOWERS, LLC
and NEW CINGULAR WIRELESS PCS, LLC (AT&T)
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION
OF A TELECOMMUNICATIONS TOWER FACILITY
AT 655 BASSET ROAD IN THE TOWN OF
WATERTOWN

DOCKET NO. 422

April 5, 2012

NORTH ATLANTIC TOWERS, LLC & NEW CINGULAR WIRELESS PCS, LLC (AT&T)

POST HEARING BRIEF

Respectfully Submitted,

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PRELIMINARY STATEMENT

North Atlantic Towers, LLC (“NAT”) and New Cingular Wireless PCS, LLC (“AT&T”) (together the “Applicants”), by their attorneys, Cuddy & Feder LLP, respectfully submit this post hearing brief in support of the Application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for a tower facility in Docket 422. The Application addresses the public need for a new tower facility to provide service in the northwest portion of Watertown along Routes 63 and 109 as well as surrounding areas and homes. Throughout the proceeding in this Docket, the Applicants provided data, testimony and responses to interrogatories demonstrating a comprehensive analysis of the public need for reliable service in this part of Watertown, including review of possible siting alternatives and the potential environmental effects associated with the facility proposed in this Docket. The proceeding revealed that a tower facility is needed to provide service in this area of the State. Further, the proceeding established that the proposed Facility does not present any significant, aesthetic or environmental impacts to this part of the State. As such, the Applicants request that a Certificate be issued for a new tower facility to meet the public need for wireless services for the facility proposed in this Docket to serve part of Watertown.

STATEMENT OF FACTS

I. Public Need

AT&T's radiofrequency ("RF") engineers establish site search areas where new wireless facilities are needed to address the public's inability to access its wireless network. In this case, coverage gaps for reliable service exist in the northwest portion of Watertown. AT&T's RF engineers generated a search area in September of 2005 to address this need. (Applicants' Ex. 1, Attachment 1; Applicants' Ex. 2).

As set forth in the record in this proceeding, there are no existing AT&T wireless facilities or other wireless facility structures or other tall structures within four (4) miles of the targeted search area that would sufficiently address AT&T's need for reliable service in this area. (Applicants' Ex.1, Attachment 1). Indeed, as demonstrated by Mr. Doiron's testimony in this proceeding, due to the size of the coverage gap in this area of Watertown, more than one new facility is required to provide reliable service. (Tr. October 27, 2011, 3:00 PM, pp.54-55).

II. NAT & AT&T Site Searches and Technical Consultation with the Town of Watertown

Once it was determined that a new tower facility was needed to provide coverage in this part of Watertown, AT&T began investigating properties in the site search area and learned of a Town-owned site a Crestbrook Park that TowerCo (a tower company) was investigating for Sprint. (Applicants' Ex. 1, Attachment 2, Applicants' Ex, 2). After review of the Crestbrook Park site, AT&T determined that it would meet enough of the coverage objectives for this search ring. (Applicants' Ex. 1, Attachment 2). However, upon further evaluation, it was determined that the Crestbrook Park location would not be available for the siting of a wireless facility due

to the fact that when the Town acquired the park property through the federal Land and Water Conservation Fund Project (LWCF) it agreed that the park property would not be conveyed or converted to any use other than recreation or conservation. (Applicants' Ex. 11, Attachment 6).

AT&T also reviewed another Town-owned site that TowerCo was investigating and determined that a tower facility at this location would not provide adequate service to the search area. (Applicants' Ex. 11, Attachment 3).

After review of these locations, AT&T agreed to pursue this project jointly with NAT. NAT became aware of the need for a facility in this area of Watertown through its knowledge of previous searches by Sprint and TowerCo and AT&T's interest in the TowerCo site. (Applicants' Ex. 2). After confirming that there were no opportunities to locate a facility on a tower or other tall structure and determining that no other usable locations for a new tower facility were available, NAT's search yielded the host parcel of this Application located at 655 Bassett Road, which location is part of the Gustafson's Apple Orchard. (Applicants' Ex. 1, Attachment 2).

By letter dated May 3, 2011, the Applicants filed a technical report with the Town of Watertown with specific details regarding the proposed facility at 655 Bassett Road. (Applicants' Ex. 1, Attachment 7, Applicants' Ex. 1, Bulk Filing). The Technical Report included detailed information about the public need for a tower facility in this part of the State, explained the site selection process and the environmental effects of the proposed facility including a visual report. (Applicants' Ex. 1, Bulk Filing).

On June 1, 2011, the Applicants appeared before the Watertown Planning & Zoning Commission to discuss the proposed facility. The Watertown Planning & Zoning Commission noted that overall the location was a "good site". The Chairman of the Planning & Zoning

Commission inquired about the Town-owned Crestbrook Park site and requested that the Applicants conduct further review of its feasibility as an alternative site. (Applicants' Ex. 1, pp. 16-17, Attachment 7).

After the June 1, 2011 Planning & Zoning Commission meeting, NAT confirmed that the Crestbrook Park location was not available for the siting of the proposed wireless Facility. (See, Applicants' Administrative Notice Item 1, e-mail Correspondence from David Stygar, Environmental Analyst, Department of Energy & Environmental Protection (DEEP), dated October 17, 2011).

III. The Applicants' Certificate Application & Pre-Hearing Filings

On August 8, 2011, the Applicants submitted their application to the Siting Council for a Certificate to construct, maintain and operate a cellular telecommunications facility located at 655 Bassett Road in Watertown, Connecticut. The application was subsequently identified by the Siting Council as Docket No. 422.

The Application detailed a proposed facility which would consist of a 150' high self-supporting monopole within a 75' x 75' fenced equipment compound enclosed by a chain link fence in the northern portion of the parcel. AT&T would install up to twelve (12) panel antennas on a platform at a centerline height of 147' above grade level (AGL) and unmanned equipment cabinets within the compound. Both the monopole and equipment compound were designed to accommodate the facilities of at least four (4) other wireless carriers. Vehicular access to the facility would be provided from Bassett Road over an unimproved Town right-of-way a distance of approximately 1,750', then along a new twelve (12)-foot wide gravel access drive routed north and west to the equipment compound a distance of approximately 750'.

Utilities to serve the facility would be extended from Bassett Road along the access drive. (Applicants' Ex. 1, pp. 10-11, Attachment 3).

The Town of Watertown sought party status and Robert and Cathleen Alex requested intervenor status and both were granted on October 21, 2011. On September 20, 2011 the Applicants submitted responses to Siting Council pre-hearing interrogatories. On October 20, 2011, the Applicants submitted supplemental information and requested administrative notice of email correspondence from David Stygar of the DEEP. A public hearing was scheduled by the Siting Council in the Town of Watertown for October 27, 2011.

IV. Public Hearing, Supplemental Submission, Facility Re-Design and Continued Hearing

On October 27, 2011 the Siting Council conducted an official site visit touring the proposed access drive, the proposed location of the tower and proposed equipment compound area. The Applicants raised a balloon at the proposed site to a height representative of the proposed tower height. The balloon was placed approximately fourteen (14) feet to the north of the proposed tower location due to the fact that the tree canopy at the tower location prohibited the balloon float. (Tr. October 27, 2011, 3:00 PM, p.34). Due to the rainy weather conditions, a replacement of the balloon was required at approximately 1:30 pm. (Tr. October 27, 2011, 3:00 PM, p.35). At that day's public evidentiary hearing, the Siting Council heard comprehensive testimony from the Applicants' panel of witnesses on the need for the proposed facility, the investigation of alternative sites and any environmental effects associated with construction of a tower at the proposed location.

A continued hearing was then scheduled for January 12, 2012 for continued cross examination by the Siting Council and of the party and intervenors. On November 3, 2011 and 9, 2011, the Applicants conducted a duly noticed balloon float. (Applicants' Ex. 8 & Ex. 9). On December 23, 2011, the Applicants submitted supplemental information detailing among other items, access road improvements, a shift of the tower location on the parcel approximately 200' south, updated visual information and RF propagation plots of alternative locations that were rejected for RF reasons. (Applicants' Ex. 11). The Applicants received interrogatories from the intervenors on December 28, 2011.

Prior to the continued hearing, the Applicants conducted additional consultation with the State Historic Preservation Officer (SHPO) to address locations in the area identified as eligible for the formation of a National Register Historic Places District by the SHPO at the end of December 2011, or approximately eighteen months after completion of the Applicants' Section 106 Process consultation with the SHPO. (Applicants' Ex. 13). The Applicants requested an adjournment of the continued hearing for this additional SHPO consultation and the Siting Council rescheduled the continued hearing for March 6, 2012.

As a result of this additional consultation, the Applicants redesigned the proposed Facility to consist of a 130' tall monopine. Accordingly, the proposed facility is now a 130' monopine within a 75' x 75' fenced equipment compound enclosed by a chain link fence in the northern portion of the parcel, approximately 200' south of the original location. AT&T would install up to twelve (12) panel antennas at a centerline height of 127' above grade level (AGL) and unmanned equipment cabinets within the compound. The redesigned facility will accommodate the facilities of at least three other wireless carriers. Vehicular access to the facility would be provided from Bassett Road over the Town right-of-way, which will be

improved and maintained by NAT. The new portion of the access drive includes a two-point area accessible by emergency vehicles. (Applicants' Ex. 13, Attachment 1).

On February 21, 2012, the intervenors submitted additional interrogatories. On February 27, 2012 the Applicants submitted supplemental information detailing the redesigned facility and submitted responses to all intervenor interrogatories. (Applicants' Ex. 12 & Ex. 13). The continued hearing for Docket 422 was held on March 6, 2012 and closed on that day. (Tr. March 6, 2012, 1:00PM, pp. 147-148).

All interested persons, parties and intervenors, including interested members of the public have been given a full and fair opportunity to present information to the Siting Council as part of the hearing and Application process.

POINT I

A PUBLIC NEED EXISTS FOR A NEW TOWER FACILITY IN WATERTOWN

Pursuant to Connecticut General Statutes (“CGS”) Section 16-50p, the Council is required to find and determine as part of any Certificate application, “a public need for the proposed facility and the basis for that need.” CGS § 16-50p(a)(1). In this Docket, AT&T provided coverage analyses and expert testimony that clearly demonstrated the need for a new tower facility to provide reliable wireless services to residents and the traveling public in the northwest portion of Watertown along Routes 63 and 109 as well as the surrounding area. (Applicants’ Ex. 1, Attachment 1; Applicants’ Ex. 6; Applicants’ Ex. 11, Attachments 3, 4 & 5; Tr. October 27, 2011, 3:00 PM, pp. 47-55). Indeed, AT&T’s RF engineer testified that due to the size of the coverage gap in this area of Watertown and the existing terrain, more than one facility is required to provide service. (Tr. October 27, 2011, 3:00 PM, pp.54-55).

The RF evidence in this proceeding also established that a minimum tower height of 150’ is needed at the proposed site to adequately serve this area of Watertown. (Applicants’ Ex. 7; Tr. October 27, 2011, 3:00 PM, pp. 15-16). Mr. Doiron testified at the March 6, 2012 hearing and established through empirical data that the reduction in height of the proposed facility to 130’ as required by the SHPO will result in less than reliable service in several areas within the search area. (Applicants’ Ex. 13, Tr. March 6, 2012, 1:00PM, pp. 19, 25-31). The RF evidence shows that the impact of the reduction in height means that in some of these areas, the public’s critical reliance on wireless connectivity to send and receive, voice, text and video will be compromised. (Applicants’ Ex. 13, Tr. March 6, 2012, 1:00PM, pp. 19, 25-31). While not technically acceptable, AT&T agreed to the reduction in height from its established minimum height of 150’

as a business matter to balance the public need for the facility and the SHPO determination. (Applicants' Ex. 13).

The public need for the proposed facility is also validated by the fact that no competent evidence or testimony was offered by other parties or intervenors to rebut the testimony on the subject of a public need for a new tower in this part of Watertown. Indeed, the post hearing submission by the intervenor regarding the number of visitors to Black Rock Lake further supports the public need for the proposed facility as the RF evidence demonstrates that the proposed facility will provide critical reliable wireless service to visitors of Black Rock State Park.

Based on the verified RF evidence in this proceeding, the Applicants submit that the public need for a new tower facility in this area of Watertown to provide coverage where adequate and reliable coverage does not exist today is simply not at issue in this Docket.

POINT II

THERE ARE NO EXISTING STRUCTURES OR OTHER VIABLE ALTERNATIVE PROPERTIES FOR SITING THE PROPOSED WIRELESS FACILITY

The Applicants submitted significant evidence demonstrating that there are no existing structures or other viable alternative properties for providing reliable service to this area of Watertown. AT&T's search included the review and acceptance of the Town-owned site at Crestbrook Park that another tower company was investigating for Sprint. (Applicants' Ex. 1, Attachment 2). However, as demonstrated in the record, upon further evaluation, it was determined that the Crestbrook Park location would not be available for the siting of a wireless facility. The Town received a State grant-in-aid through the federal Land and Water Conservation Fund Project (LWCF) for the acquisition of the Crestbrook Park premises and as such, the Town agreed that the Crestbrook Park property would not be conveyed or converted to any use other than recreation or conservation. (Applicants' Ex. 11, Attachment 6). The unavailability of the Crestbrook Park property for the siting of the proposed wireless facility was confirmed by the Department of Energy and Environmental Protection (DEEP), which administers the federal LWCF program in Connecticut. (See, Applicants' Administrative Notice Item 1, e-mail Correspondence from David Stygar, Environmental Analyst, Department of Energy & Environmental Protection, dated October 17, 2011).

During its search, AT&T also reviewed another Town-owned site and as shown by the data in this proceeding, a facility at this other Town-owned location would not provide adequate service to the search area. (Applicants' Ex. 11, Attachment 3).

NAT's search for a suitable location included large parcels of property within the search area, including parcels associated with the Wigwan Reservoir watershed and an existing water

tank site. (Applicants' Ex. 1, Attachment 2; Applicants' Ex. 6). The evidence in this proceeding established that none of these alternatives were feasible sites for providing service to this area of Watertown. (Applicants' Ex.1, Attachment 2; Applicants' Ex. 6; Applicants' Ex.11, Attachment 3).

In response to requests from the intervenor, the RF record in this proceeding also demonstrated that the existing CL&P structures in this area of Watertown could not be utilized to provide needed service. (Applicants' Ex. 11, Attachment 4). In addition, in response to an inquiry at the October 27, 2011 evidentiary hearing, AT&T demonstrated that a new tower facility at the existing water tank premises located at the Buckingham Street extension would not provide adequate service due to the distance of this location to the area where service is needed. (Applicants' Ex. 11, Attachment 3).

It is noteworthy that no other viable alternative sites were offered by other parties or intervenors and that no other parties or intervenors presented any evidence to rebut the Applicants' evidence that there are no other viable alternative sites.

Based on its comprehensive investigation of alternative sites and locations, the Applicants submit that there is simply no other viable alternative location for the siting of its needed tower facility.

POINT III

THE PROPOSED TOWER FACILITY AT BASSETT ROAD PRESENTS NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS

Pursuant to CGS Section 16-50p, the Council is required to find and determine as part of a Certificate application any probable environmental impact of a facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. The Applicants respectfully submit that the proposed Facility will have no significant environmental effects on the resources listed in Section 16-50p of the General Statutes and clearly do not outweigh the public need for the facility as proposed in this Docket.

A. Potential Visual Effects

The record in this Docket demonstrates that even at the originally proposed height of 150' AGL, the proposed tower facility will not have a significant visual impact. (Applicants' Ex. 10). The visibility of the proposed facility is further reduced by the facility redesign to a 130' tall monopine, which redesign complies with the SHPO's January 31, 2012 no adverse effect determination. (Applicants' Ex. 13; see also, January 31, 2012 no adverse effect determination from SHPO).

As detailed in the record, the facility redesign was a result of additional consultation with the SHPO conducted approximately one and a half years after the proper completion of the Section 106 Process that resulted in SHPO's issuance of a no adverse effect determination on March 25, 2010. In December of 2011, the SHPO conducted a field visit and identified locations in the area as eligible for the formation of a National Register of Historic Places District. Since these locations were not previously identified in any resource materials or local,

State or Federal registers and they could not have been evaluated during the Section 106 Process for the proposed facility. (Applicants' Ex. 13).

The record in this proceeding details that even though these locations were only recently identified as eligible properties that might form the basis of a National Register of Historic Places District, the Applicants conducted an evaluation from this area and proposed the reduction in height of the proposed facility to 130' and design of the proposed facility as a monopine. Upon review of the redesigned facility, the SHPO determined that the redesigned facility would have no adverse effect to the locations recently identified as eligible for the formation of a National Register of Historic Places District. (See, the January 31, 2012 no adverse effect determination from SHPO).

In addition to the redesign in compliance with the SHPO no adverse effect determination, the Applicants shifted the proposed tower facility approximately 200' to the south in response to the intervenor's concerns regarding visibility from their berry farm located on the adjacent parcel to the north of the host property. (Applicants' Ex. 11). The visual record in this proceeding shows that at this location, a 150' tall facility is not expected to be visible from the farm during the berry season, or leaf-on conditions. During the leaf-off season, a 150' tall facility may be visible through the trees along the southwest portion of the driveway. However, these anticipated limited views will be further limited by the height reduction to 130' AGL and further mitigated by the proposed monopine design. (Applicants' Ex. 10, Applicants' Ex. 13).

The Applicants' evidence in this proceeding also demonstrates that the proposed Facility at the originally proposed height of 150' is not expected to be visible from the Mattatuck Trail, Crestbrook Park, Echo Lake recreational area, Black Rock Lake, Black Rock State Park, Humaston Brook State Park Scenic Reserve, Nystroms Park, Smith Pond or Echo Lake.

(Applicants' Ex. 10). Indeed, at the March 6, 2012 hearing, Mr. Favreau testified that the balloon was not visible as he hiked the length of the Mattatuck Trail and visited Black Rock State Park on the day of the November 9, 2011 balloon float. (Tr. March 6, 2012, 1:00PM, p.14). Consequently, the redesigned facility, a 130' monopine, will not be visible from these resources.

While the intervenors claim that a proposed 150' tall facility will be visible from several locations based on their review during the November balloon float, they did not provide any data to support their claim, such as photographs. (Tr. March 6, 2012, 1:00PM, p. 100). They also failed to provide any details regarding the alleged views, such as the distance to the proposed facility from the claimed viewpoint, whether the view was unobstructed or how much of the balloon was visible. When asked about their claim of visibility from the locations where visibility is not anticipated based on the visual analysis, Mr. Alex noted that he used binoculars. (Tr. March 6, 2012, 1:00PM, p.145). Clearly, even if the balloon was visible through binoculars from these viewpoints, the fact that binoculars were needed to see the balloon establishes that the alleged view is not significant.

The Applicants respectfully submit that their verified visual exhibits and testimony in this proceeding demonstrate that the proposed redesigned facility consisting of a 130' monopine will not have a significant visual impact.

B. Potential Impacts to the Natural Environment

As clearly established in this Docket, impacts to the natural environment from AT&T's proposed facility are not significant.

1. Wetlands, Watercourses, and Floodplains

The Applicants' evidence confirmed that no wetlands or watercourses are located within or in close proximity to the proposed facility site and access drive. (Applicants' Ex. 1, Attachment 4). Therefore, the proposed facility will have no impact to wetlands or watercourses.

In addition, the record details the protection and monitoring measures that the Applicants will incorporate given the location of the host property within a public water supply watershed. (Applicants' Ex. 3; Applicants' Ex. 11). In correspondence dated December 9, 2011, the Connecticut Department of Public Health confirmed that these measures were appropriate and protective of the watershed.

2. Wildlife

In response to a request by the Applicants for Natural Diversity Database (NDDB) State Listed Species review, the DEEP determined that the proposed facility will not impact the grassland bird species occurring on or within vicinity of the site. (Applicants' Ex. 13, Attachment 5).

At the March 6, 2012 continued hearing, the intervenors introduced information that they obtained from Google Earth maps and attempted to use it to claim that the Applicants did not provide an accurate location of the proposed facility to the DEEP. (Tr. March 6, 2012, 1:00PM, p.115). However, as noted at the hearing by Mr. Kiburz, Google Earth maps in this area of Watertown are not accurate. (Tr. March 6, 2012, 1:00PM, p.116). Indeed, Mr. Kiburz confirmed that using Google Earth maps in this area of Watertown will result in errors in the range of 50 to 60 feet. (Tr. March 6, 2012, 1:00PM, p.116). Therefore, the coordinates that the intervenors obtained were inaccurate, not the coordinates provided to the DEEP by the Applicants.

Moreover, the record in this proceeding includes the maps and data provided to the DEEP, all of which clearly and accurately depict the location of the proposed facility. (Applicants' Ex. 13, Attachment 5). Accordingly, the record demonstrates that the DEEP's no effect determination is based on accurate data. (Applicants' Ex. 13, Attachment 5; Tr. March 6, 2012, 1:00PM, p.115).

a. Information Related to Health and/or Environmental Effects of RF Emissions
Cannot be Considered

As Siting Council expressly acknowledged in this proceeding, it is preempted by the Telecommunications Act of 1996 (TCA) from considering the environmental effects of radio frequency emissions as long as the applicant(s) demonstrates compliance with the Federal Communication Commissions' (FCC) guidelines for radio frequency emissions. 47 USC §332(c)(7)(B). Moreover, the United States District Court held that the Siting Council is preempted under the TCA from rendering a siting decision on the basis of any purported health effects from radio frequency emissions on wildlife. (See, *Jaeger v. Cellco Partnership, et al.*, 2010 WL 965730 (D. Conn. 2010), affirmed *Jaeger v. Cellco Partnership, et al.*, 10-1347-cv (2nd Cir. 2010). See also, *Bornemann, et al v. Connecticut Siting Council, et al.*, 287 Conn. 177 (2008), where the Connecticut Supreme Court held that the Siting Council does not have jurisdiction to consider the "biological effects of high frequency radio wave emissions on wildlife.").

In this proceeding, the Siting Council has taken administrative notice of the TCA and its preemption provisions with respect to environmental effects of radio frequency energy and the holding in the *Jaeger v. Cellco Partnership*. (Siting Council Administrative Notice Items 1, 2, 3, 4, 8 & 16).

In addition, with respect to the siting of telecommunication towers and migratory birds, the Siting Council has taken administrative notice of the Service Interim Guidelines for Recommendations On Communications Tower Siting, Construction, Operation and Decommissioning by the U.S. Fish and Wildlife Service (USFW), Division of Migratory Bird Management. (Siting Council Administrative Notice Item 10).

The record in this proceeding demonstrates that the proposed facility complies with the Federal Communications Commissions' (FCC) guidelines for radio frequency emissions and the U.S. Fish and Wildlife Service Guidelines for Recommendations on Communications Tower Siting, Construction and Decommissioning. (Applicants' Post Hearing Submission, Power Density, dated March 9, 2012; Applicants' Ex. 2, Attachment 2).

Therefore, as the Siting Council acknowledged, it is preempted from considering the environmental effects of radio frequency emissions, including any effects on wildlife, despite the intervenors' submission of documents regarding radio frequency emissions effects on wildlife.

The Applicants' testimony and evidence are also strengthened by the fact that the any testimony offered by the intervenors did not support any impact of the proposed facility on wildlife.

The Applicants respectfully submit that the proposed facility will not significantly impact wildlife or any ecological balance in this area of Watertown.

3. Clearing and Grading

As detailed in the record in this proceeding, the use of an existing Town right-of-way for access minimizes clearing and grading for the proposed facility. (Applicants' Ex. 11). Mr. Stevens testified that the proposed improvements to the Town right-of-way, including a 6" minimum gravel surface and maintenance of existing grades, were designed in consultation with the Town Engineer, who coordinated review with the Town Emergency Services personnel. (Applicants' Ex. 11; Tr. March 6, 2012, 1:00PM, p.76). Indeed, at the hearing, Mr. Cavanaugh testified that the proposed improvements were acceptable to the Town. (Tr. March 6, 2012, 1:00PM, p.128). Mr. Stevens also testified that the facility is balanced, meaning that any cut will be used as fill on the site so that no material will be removed or added. (Tr. March 6, 2012, 1:00PM, p.18).

Accordingly, the Applicants submit that the proposed facility will not have a significant impact to the natural environment.

4. Other Environmental Considerations

There are no other relevant or disputed environmental factors for consideration by the Council in this Docket. The tower facility will comply with all public health and safety requirements. Additionally, since the facility is unmanned with few vehicle trips, there will be no impacts to traffic, air or water. As such, the Council should find and determine that the facility proposed by NAT and AT&T has few if any environmental effects.

CONCLUSION

The Applicants have demonstrated a public need for and lack of any significant adverse environmental effects associated with its proposed 130' tower facility at 655 Bassett Road in Watertown. AT&T's evidence and testimony established a public need for the proposed facility and no competent evidence challenging the public's need for the tower to provide reliable wireless services was presented by any party or intervenor. NAT and AT&T's evidence demonstrated that it conducted an exhaustive review of alternatives and the results of these analyses shows that the proposed site at 655 Bassett Road is the only viable location for the siting of the needed facility. Indeed, none of the information submitted by parties and intervenors rebuts the demonstrated lack of alternative siting options.

The Applicants have established that any environmental effects associated with the proposed facility are not significant and do not outweigh the established public need for the facility. The submissions by the intervenors in this proceeding did not include any competent empirical data or analyses that rebutted AT&T's evidence.

For the reasons set forth in this legal brief and as more fully evidenced by the record in this Docket, a Certificate should be issued for the proposed Facility at 655 Bassett Road.

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was sent by electronic mail and overnight mail to the Connecticut Siting Council and:

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Dated: April 5, 2012


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