

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF MESSAGE CENTER
MANAGEMENT, INC. (MCM) 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 465 HILLS STREET OR
56 HILLS STREET IN THE TOWN OF
EAST HARTFORD, CONNECTICUT

DOCKET NO. 436

July 8, 2013

MESSAGE CENTER MANAGEMENT, INC. (MCM) AND
NEW CINGULAR WIRELESS PCS, LLC ("AT&T")
POST HEARING BRIEF

Respectfully Submitted,

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PRELIMINARY STATEMENT

Message Center Management, Inc. (“MCM”) 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 their joint application (“Application”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) in Docket No. 436. The tower facility proposed in Docket 436 addresses the public need for AT&T, the Town of East Hartford and other wireless carriers to provide services to residents, students/teachers, park visitors and travelers in southeastern East Hartford in the vicinity of Hills Street, Oak Street, and other local roads. Throughout the Docket proceedings, the Applicants provided data, testimony and otherwise responded to Council interrogatories to provide a full and complete picture of the need for reliable service and a new tower facility. It is an uncontroverted fact that there are no existing towers or tall structures in this area of East Hartford. The Applicants have proposed two possible tower siting alternatives on commercial lands in an otherwise residential area of East Hartford, neither of which presents significant adverse environmental impacts. In fact, any of the environmental impacts associated with the project have been mitigated through the location and design of each facility with even localized views mitigated by the proposed monopine structure set amongst existing wooded areas on each parcel. As such, the Applicants request a Certificate for one of the proposed tower locations in order to construct a new tower facility to meet the public need for wireless services in this area of East Hartford.

STATEMENT OF FACTS

I. AT&T & Town Emergency Communications Need, Comprehensive Site Search & Municipal Consultations

AT&T's radiofrequency ("RF") engineers establish site search areas where new wireless facilities are needed to address the public's inability to reliably access its wireless network. In this case, AT&T experiences a gap in coverage in East Hartford in the vicinity of Hills Street, Forest Street, and other local roads as well as the homes and schools in the surrounding area. The proposed Facility, in conjunction with other existing facilities in East Hartford is needed by AT&T to provide its wireless services to people living in and traveling through this area of the state. AT&T Exhibit 1 (Application or "App."). p. 10.; App. Tab 1. As such, AT&T's RF engineers established a site search area (SR2022) based on this documented gap in coverage. Applicants' Ex. 1., App. p. 10; App. Tab 1.

AT&T began its search for sites by identifying all existing sites in East Hartford and surrounding towns as shown on the existing coverage map and list of neighboring sites included in the Application. Applicants' Ex. 1, App. pp. 12-14; App. Tabs 1 & 2. AT&T currently maintains a number of existing facilities on surrounding wireless sites in East Hartford and no other site or existing structure was identified as a viable alternative for providing service to AT&T's identified coverage gap. Applicants' Ex. 1; App. Tab 2. Once AT&T determined it needed a new tower facility to provide coverage in this part of East Hartford, AT&T investigated numerous properties within the site search area. Applicants' Ex. 1, App. Tab 2.

As set forth in the Application itself, AT&T investigated a total of eleven (11) locations, including some Town owned school properties, in and around the search ring. Applicants' Ex. 1; App. p. 13, App. Tab 2. At that time, representatives for AT&T identified the Candidate B location at 56 Hills Street as one which could host a facility and provide some reliable service to

the targeted coverage area. Applicants' Ex. 1, App. p. 12; App. Tab 2. In June of 2011, AT&T submitted a technical report to the Town of East Hartford which included specifics about the proposed site at 56 Hills Street (Candidate B) including the public need for the facility, the site selection process and the design and environmental effects of the proposed facility. Applicants' Ex. 1; App. p. 13.

As part of this first technical consultation two years ago, the Town indicated its desire to revisit the concept of making its own properties available for a tower site in southeastern East Hartford. Thereafter, AT&T spent several months investigating Town owned properties including schools and parks. Applicants' Ex. 1; App. p. 13. Subsequently property on May Road known as Gorman Park was identified as a potential tower siting alternative by the Town and AT&T. Applicants' Ex. 1; App. p. 13. Lease negotiations then commenced but were discontinued after April 2012 by the Town due to public opposition to use of the Town's property for a wireless tower facility. Applicants' Ex. 1; App. p. 13-14; App. Tab 5. No alternative sites were offered by the Town or general public as part of the very public discussion of tower siting in southeastern East Hartford.

Independently, MCM had commenced its own site search in southeastern East Hartford and identified five (5) parcels for a potential tower facility. Applicants' Ex. 1; App. p. 14; App. Tab 2. MCM negotiated with the owners of 465 Hills Street (the Candidate A Facility). Applicants' Ex. 1; App. p. 14; App. Tab 2. Subsequent to the Town's decision to not lease Gorman Park as an alternative site to AT&T, MCM and AT&T collaborated to move forward with an Application for the Candidate A Facility at 465 Hills Street or the Candidate B Facility at 56 Hills Street. Applicants' Ex. 1; App. p. 14; App. Tab 2. MCM then executed lease agreements for both the Candidate A and Candidate B Facilities and submitted Technical Reports for both Candidate

Facility sites to the Town of East Hartford on October 19, 2012 in advance of this Application. Applicants' Ex. 1; App. p. 14; App. Tab 2. No other alternative sites were identified by the Town as part of this second consultation which included an appearance at the Town's Planning & Zoning Commission and took place after the Town's decision to forgo further consideration of Gorman Park as a possible tower site.

II. Applicants' Certificate Application & Pre-Hearing Filings

On February 14, 2013, the Applicants submitted this Application to the Siting Council for a Certificate to construct, maintain and operate a cellular telecommunications facility at one of two candidate locations. Applicants' Ex. 1. The Candidate A Facility is located on an approximately 11.94-acre parcel of property owned by the Henry J. Krause Revocable Trust (Trustee Heidi McNamar) at 465 Hills Street in East Hartford with a catering business and agricultural fields. The proposed Facility at Candidate A would consist of a 110' AGL high self-supporting "monopole" rising to 117' AGL with proposed "evergreen" camouflage within a 63' x 75' fenced equipment compound located in the central portion of the parcel. AT&T would install up to twelve (12) panel antennas and equipment on a platform at a centerline height of 100' AGL and unmanned equipment within the compound. Applicants' Ex. 1, Tab 3; Applicants' Ex. 5, 5/30/13 Supplemental Submission. The monopole would also accommodate the antennas of the East Hartford Fire Department at 110' AGL. Applicants' Ex. 5, 5/30/13 Supplemental Submission. Simulated evergreen camouflaging would reach to an overall height of approximately 117' AGL. Applicants' Ex. 5, 5/30/13 Supplemental Submission.

The proposed Candidate B facility is located on an approximately 5.38-acre parcel of property owned by Kenneth and Michelle A. Dedominicis at 56 East Hills Street in East Hartford and used for agricultural purposes. The proposed Facility at Candidate B would consist of a 110'

AGL high self-supporting “monopole” rising to 117’ AGL with proposed “evergreen” camouflage within a 50’ x 50’ fenced equipment compound located in the central portion of the parcel. AT&T would install up to twelve (12) panel antennas and equipment on a platform at a centerline height of 100’ AGL and unmanned equipment within the compound. The monopole would also accommodate the antennas of the East Hartford Fire Department on the monopole at 110’ AGL. Applicants’ Ex. 5, Supplemental Submission. Simulated evergreen camouflaging would reach to an overall height of approximately 117’ AGL. Applicants’ Ex. 5, Supplemental Submission.

In response to the Fire Department’s express interest and needs, the Applicants amended the Application to include a 110’ AGL tower with evergreen camouflage extending to 117’ AGL. Applicants’ Ex. 5, 5/30/13 Supplemental Submission. Notice of this amendment was published in the Journal Inquirer on May 10, 2013. Applicants’ Ex. 9, 6/5/13 Supplemental Submission. Letters to all abutting property owners with the same public notice were sent by certified mail - return receipt requested on May 8, 2013 with follow up letters sent by first class mail on May 28, 2013 to those property owners for whom return receipts were not received. July 3, 2013 Supplemental Submission.

No other parties or intervenors were admitted to the proceeding. AT&T submitted responses to Siting Council pre-hearing interrogatories on April 24, 2013 and May 30, 2013. Applicants’ Exhibits 2 and 4 respectively. As noted the Applicants also filed additional information in a Supplemental Submission date May 30, 2013. Applicants’ Exhibit 5, 5/30/13 Supplemental Submission. A field visit, balloon floats and public hearing were scheduled by the Council for June 6, 2013.

III. Public Hearings and AT&T Supplemental Submissions

On June 6, 2013, consultants for the Applicants raised balloons at both candidate locations and the Siting Council conducted a viewing of each candidate site. Libertine, Tr. 1, 6/6/13, pp. 12-13. Balloons were raised to, or slightly above, the maximum proposed height of 117' AGL and during the course of the day there were periods when the balloon sustained the full height of at each Candidate Facility location and calm conditions were experienced at each location during the Siting Council's field review at each site. Libertine, Tr. 1, 6/6/13, pp. 12-13. The public hearing was held at the East Hartford Town Hall at 740 Main Street, East Hartford, Connecticut. At the hearing, the Siting Council heard comprehensive testimony from AT&T's panel of witnesses on the need for the facility, lack of other alternative sites and any environmental effects associated with construction of a tower at the site at either candidate location. The public was provided a full and fair opportunity to provide comments on either of the proposed Candidate Facility sites. Tr. II, June 6, 2013. The hearing was closed on June 6, 2013. Tr. II, 6/6/13 p. 45.

POINT I

A PUBLIC NEED CLEARLY EXISTS FOR A NEW TOWER FACILITY IN EAST HARTFORD

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 demonstrates the need for a new tower facility to provide reliable wireless services to residents and the traveling public in East Hartford in the vicinity of Hills Street, Forest Street, and other local roads as well as the homes and schools in the surrounding area. Indeed, the Applicants' exhibits fully demonstrate that a tower is needed in this area at a minimum height of 100' AGL at either candidate location with the Fire

Department also requiring a minimum height of 100' for its antennas. Applicants' Ex. 1, p. 9, Applicants' Exhibit 2, CSC Responses Set I; Applicants' Exhibit 4, CSC Responses Set II.

While either site could be utilized, Candidate Facility A is AT&T's preference as it provides significantly more coverage than Candidate Facility B. Wells, Tr. I, 6/6/13, p. 29.

In addition to AT&T's need, MCM has also spoken with T-Mobile about this site. Gelinias, Tr. I, p. 27. While T-Mobile does not have a current budget for a facility as proposed in this Docket currently, they would review it as part of future budget analysis. Gelinias, Tr. I, p. 27. Notably, MCM understands T-Mobile actively sought a site in the southeastern area of East Hartford as recently as within the last three (3) years. Gelinias, Tr. I, p. 27. Indeed, testimony provided at the hearing indicated a high probability of multiple carriers being interested in co-locating at Candidate Facility A. Wells, Tr. I, pp. 29-30.

It is important to note that the East Hartford Fire Department also requires a site in this area of East Hartford. As noted by East Hartford Fire Chief Oates in his comments before the Council:

The department has recently been awarded a grant from the United States Federal Emergency Management Agency to include that system. This improvement will include placing microwave receivers at three locations triangulated throughout the community. This improvement will significantly increase our ability to communicate emergency incidents. The proposed communications tower on Hills Street provides the optimal location for the southeastern microwave receiver.

Oates, Tr. I 6/6/13, p. 5. Fire Chief Oates also noted that the Fire Department uses a mobile computing platform called "Fire Captain" that provides incident data via commercial wireless carriers on computer devices located on fire apparatus and currently the Fire Department is currently hampered in its ability to obtain this data in southeastern East Hartford. Oates, Tr. I 6/6/13, pp. 5-6. Further, Fire Chief Oates also noted for the record that the department uses a "mobile software product to create, store, and transmit information for and from emergency

medical incidents. Oates, Tr. I 6/6/13, p. 6. This platform uses a commercial communications carrier to transmit the information to the hospital and the Fire Department's secure records management system." Tr. I 6/6/13, p. 6. At this time, however, the Fire Department cannot use this system in southeastern East Hartford resulting in delays in obtaining patient information which in turn can impact patient care. Oates, Tr. I 6/6/13, p. 6. Fire Chief Oates made clear that if constructed, "a tower at 465 Hills Street will have a significant positive impact on our ability to provide fire and emergency medical services to the residents and the visitors of our community" thereby preferring it over site B. Oates, Tr. I 6/6/13, p. 6.¹ Of note, MCM has offered space on either facility for municipal use. Gelinias, Tr. I, 6/6/13, p. 13.

Importantly, no evidence or testimony was offered by any party, intervenor or by limited appearance to rebut AT&T's testimony or Chief Oates statements on the subject of a public need for a new tower in this part of East Hartford. Based on AT&T's evidence, knowledge of the existing wireless network infrastructure in this part of the State for all the carriers, the clearly stated need of the East Hartford Fire Department, and the lack of any evidence to the contrary, the Applicants' submit that the public need for a new tower facility in this area of East Hartford 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
ALTERNATIVES FOR SITING THE PROPOSED WIRELESS FACILITY

The Applicants submitted significant evidence that there are no existing structures, or other viable alternative properties for providing reliable service to this area of East Hartford. AT&T's

¹ Fire Chief Oates noted that their communications consultant analysis concluded that the further east and south a site is located, the more effective that system will be, noting that Candidate Facility A is nine-tenths of a mile east of the Candidate Facility B and overall the farthest to the east and the farthest south in the community. Oates, Tr. I 6/6/13, p. 6. *See also*, Gelinias, Tr. I, 6/6/13, p. 14.

search for sites included a comprehensive investigation of eleven (11) locations. Applicants' Ex. 1, pp. 12-14, App. Tabs 1 & 2. AT&T ultimately identified the Candidate B location at 56 Hills Street as one that could host a facility and obtained an option lease agreement with the owner. Applicants' Ex. 1, App. pp. 12-14, App. Tab 1. After filing a technical report for the 56 Hills Street location, AT&T went on to have a long process of communication, coordination and due diligence with Town officials to explore alternative municipally owned properties potentially suitable for a wireless communications tower. Applicants' Ex. 1, pp. 12-14, App. Tabs 1, 2 and 5. Ultimately, the Town declined to pursue an agreement at the potential location identified, Gorman Park. Applicants' Ex. 1, pp. 12-14, App. Tabs 1, 2 and 5. As part of its own site search MCM reviewed five (5) additional sites and ultimately came to an agreement with the owners of 465 Hills Street, Candidate A. Applicants' Ex. 1, App. p. 14, App. Tab 2.

Given the number of smaller residential properties and due to well established existing patterns of development in southeastern East Hartford, there are few suitable siting alternatives in this area. Any of the larger Town owned parcels that consist of schools and parks were not made available by the municipality for the siting of a wireless tower facility. Applicants' Ex. 1, App. pp. 21-22, Figure 1; App. Tab 2; Applicants' Bulk Filing "Zoning Map". In fact, other than the two proposed locations, no person offered another site as part of a highly public siting process spanning two years.

We do wish to note that, after the close of the hearing in this Docket, comments to the Siting Council by third parties allege that the parish priest at Our Lady of Peace Church ("Church") has told them he never directly discussed the concept of a tower at the Church. These third parties then seemingly intimate that the Church was never approached as a tower siting alternative. This latter statement is simply not true. As noted by MCM in its site search summary in the

Application for the Church, “[t]he property owner was not interested in leasing space for use as a cell tower.” Applicants’ Ex. 1, App. p. 14, App. Tab 2; Gelinas, Tr. p. 65.

Indeed, MCM reconfirmed that its representatives contacted Church representatives and that Church representatives indicated, on more than one occasion, that there was no interest in leasing land for a tower facility. Affidavit of Joseph Grimmett, 7/8/13 Filing. Whether or not these representatives discussed it with the parish priest is a matter for the Church. Importantly, for the Applicants and the Siting Council, no one has said that the Church has changed its mind and is in fact interested in leasing its property for use as a cell tower. As such, it’s unclear why these limited appearance statements are even being made by third parties. Indeed, even if the Church were now interested in leasing its land for a tower site, the Applicants’ submit that it would never be a preferred alternative to the Candidate A or B sites given the wide open and cleared nature of the Church site and its close proximity to Town-owned school property; which the Town itself previously deemed unacceptable as a siting alternative during AT&T’s site search. Essentially, the Church location, had they been interested, would be characterized as a site of last resort by the Applicants given its visual characteristics and lack of tree cover. See Applicants’ Ex. 1, pp. 2-3, 13-14; Tab 2; Affidavit of Joseph Grimmett, 7/8/13 Filing. In any event, based on the comprehensive investigation of alternative sites and locations, the Applicants submit that there are simply no other viable alternative locations for the siting of the needed tower facility in southeastern East Hartford.

POINT III

NEITHER OF THE CANDIDATE TOWER FACILITIES PRESENTS ANY 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. AT&T respectfully submits that the proposed facility at either location presents 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 a facility as proposed in this Docket.

I. Potential Visual Effects

The evidence and testimony in this proceeding, as summarized below, demonstrates that visibility of either proposed Candidate facility will not result in a significant adverse visual impact. Overall, the Candidate Facility sites are fairly similar in terms of total acreage of year-round visibility, and are comparable to similar sites approved by the Siting Council. Libertine, Tr. I, 6/6/13, pp. 18-20. In general, there is more open land around Candidate Facility A and relatively more residential housing density surrounding Candidate Facility B. Libertine, Tr. I, 6/6/13, p. 32. Of note, neither Candidate Facility is located within 250 feet of a school or daycare center. Applicants' Ex. 1, App. Tabs 3(C) and 4(C) (Visual Analyses).

A. Candidate A

The record in this Docket demonstrates that the proposed Candidate A tower facility at 465 Hills Street will have no significant visual impact. The State Historic Preservation Officer (SHPO) determined that the proposed facility, even at 117' AGL, will "have no adverse effect" on historic resources. Applicants' 6/27/13 Supplemental Filing. Areas where the monopine tower will be visible year-round are expected to be confined within approximately 0.3 mile around the Candidate A host parcel. Applicants' Ex. 1, Tab 3(C); Ex. 5, 5/30/13. Supplemental Submission. While surrounding residential properties will have views of the Candidate A Facility, such views will be of a tower clad in evergreen camouflage amidst a significant amount

of tall evergreens, a majority of which are in excess of 80 feet. Applicants' Ex. 1, App. Tab. 3(C). As such, the Candidate A facility will be heavily obscured and not easily differentiated from surrounding trees. Applicants' Ex. 1, App. Tab. 3(C).

B. Candidate B

The record in this Docket also demonstrates that the proposed Candidate B tower facility at 56 Hills Street will have no significant visual impact. The State Historic Preservation Officer (SHPO) determined that the proposed facility, even at 117' AGL, will "have no adverse effect" on historic resources. Applicants' 6/27/13 Supplemental Filing. Areas where the monopine tower will be visible year-round are expected to be confined within approximately 0.25 mile around the Candidate B host parcel. Applicants' Ex. 1, Tab 4(C); Applicants' Ex. 5, 5/30/13 Supplemental Submission. While surrounding residential properties will have views of the Candidate B Facility, such views will be of a tower clad in evergreen camouflage amidst a significant amount of deciduous trees. Applicants' Ex. 1, App. Tab. 4(C). As such, the Candidate B facility will not be a focal point in the manner of a steel monopole tower in the same location and from several perspectives only the upper portions of the tower will be visible. Applicants' Ex. 1, App. Tab. 4(C); Applicants' Ex. 5, 5/30/13 Supplemental Submission.

II. 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.

A. Wetlands, Watercourses, and Floodplains

Two wetland areas are associated with the Candidate A parcel. Applicants' Ex. 1, App. Tab 3(D). Wetland 1 is 175' to the north of the proposed facility and is a confined, unnamed perennial stream located in an outwash flowing from east to west across the host parcel and is a

tributary to Porter Brook. Applicants' Ex. 1, App. Tab 3(D). Wetland 2 is 700' to the south and is a forested hillside wetland "seep" originating from behind a number of residential properties located along the southeast corner of the host parcel draining westward towards Mallard Drive. Applicants' Ex. 1, App. Tab 3(D). No adverse impacts to these wetlands is anticipated given the location of the proposed Candidate A Facility in between the two wetlands and the access route which will not go through or disturb these areas.

At Candidate B, one small, isolated wetland area was delineated in the north end of the host parcel in a forested area with residences to the west, north and east. Applicants' Ex. 1, App. Tab 4(D). No impact is anticipated to this wetland as it is 378' from the disturbance associated with the proposed project. Applicants' Ex. 1, App. Tab 4(D). For either tower site location, best management practices would be implemented to control storm water and erosion control during construction and no impact on wetland resources is associated anticipated with construction of either Candidate Facility. Applicants' App. pp. 25-26; App. Tabs 3, 3(D), 4 and 4(D).

B. Habitat Assessment and Wildlife

Review of available documentation and consultation with the State of Connecticut Department of Energy and Environmental Protection ("CTDEEP") indicated that both Candidate Facilities are in areas known for the Eastern Box Turtle a species of special concern (ie. not threatened or endangered). Applicants' Ex. 1, App. p. 19, Tab 3(B); Applicants' Ex. 9, 6/5/13 Supplemental Submission; Applicants 6/27/13 Supplemental Submission (CTDEEP Correspondence). A protection plan for the both Candidate facilities in accordance with CTDEEP's recommendations has been developed and provided to CTDEEP which concurred with these measures as an added step protective of the eastern box turtle, to the extent it even exists or utilizes the parcels in question. Applicants' Ex. 9, 6/5/13 Supplemental Submission.

Indeed, based on the protection measures, which exceed any measure typically implemented on a local level for construction on private parcels, no impact to this species of special concern would result from construction of a wireless facility at either Candidate site. Gustafson, Tr. I, 6/6/13, pp. 16-17

C. Clearing, Grading and Drainage Assessment

1. Candidate A

Vehicle access to the facility would be from Eagle Court by a proposed gravel driveway approximately 400' to the compound. Applicants' Ex. 1, p. 15; App. Tab 3 and 3(A). The access drive and tower compound will require modest grading and clearing. Applicants' Ex. 1, Tabs 3 and 3(A). Approximately 10 trees with a diameter at breast height of 6" or larger will be removed some of which are already diseased. Applicants' Ex.1, Tab 3(A). The development of the proposed compound and access drive improvements will require approximately 325 cubic yards of cut and 350 cubic yards of fill. Applicants' Ex. 1, Tab 3(A).

2. Candidate B

Vehicle access to the facility would be provided over an existing driveway and then approximately 250' over and improved/extended access drive in the location of an existing dirt drive to the tower compound. Applicants' Ex. 1, p. 16; App. Tab 4 and 4(A). The access drive and tower compound will require modest grading and clearing. Applicants' Ex. 1, Tabs 4 and 4(A). Approximately 2 trees with a diameter at breast height of 6" or larger will be removed. Applicants' Ex.1, Tab 3(A). The development of the proposed compound and access drive improvements will require approximately 51 cubic yards of cut and 40 cubic yards of fill. Applicants' Ex. 1, Tab 4(A).

As noted, the facility design for either Candidate will incorporate all appropriate sediment and erosion control measures in accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation. Applicants' Ex. 1, App. pp. 25-26. The Applicants' respectfully submit that the record in this Docket establishes that the proposed improvements for the access drive at either Candidate will have no significant impact on the surrounding area and will allow for the safe access and use of the Candidate facilities.

III. Other Environmental & Neighborhood Considerations

There are no other relevant or disputed environmental factors for consideration by the Council in this Docket. Either Candidate Facility will comply with all public health and safety requirements. Additionally, since the type of facility proposed is unmanned, there will be no impacts to traffic, air or water. As such, the Council should find and determine that the facility proposed by the Applicants will not have any significant environmental effects. Indeed, the Applicants respectfully submit that these proposed facilities and their limited footprints and visibility have very low impacts including any aesthetic impact on the surrounding neighborhoods.

POINT IV

SITE A BEST MEETS THE STATUTORY CRITERIA FOR APPROVAL

Of note, the organized petition in opposition to Candidate Facility A fails to accurately portray the limited environmental effects of that candidate and ignores the clear public benefits of a facility in this area. As the record illustrates, protocols protective of the eastern box turtle have been reviewed and approved by CTDEEP and additionally no impacts to wetlands are anticipated. Applicants' Ex. 1, App. pp. 19 & 25, Tabs 3(B) & 3(D); Applicants' Ex. 9, 6/5/13

Supplemental Submission; Applicants' 6/27/13 Supplemental Submission (CTDEEP Correspondence). Expert testimony established that the visibility of each site was similar though less residential properties have views of the Candidate A facility in both leaf-on and leaf-off conditions. Libertine, Tr. 1, 6/6/13, pp. 18-19. For both Candidates, the "visibility is limited to a fairly small footprint around the properties themselves, [approximately] a quarter mile. Libertine, Tr. 1, 6/6/13, pp. 18. In either case the view would be of a simulated conifer. Libertine, Tr. 1, 6/6/13, pp. 18.

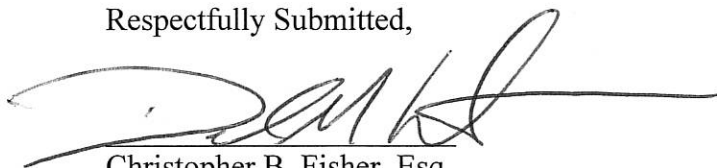
Importantly the Candidate A facility would better suit the needs of AT&T and the East Hartford Fire Department. Oates, Tr. I 6/6/13, p. 6; Wells, Tr. I, 6/6/13, p. 29. Ultimately, while the petition against the Candidate A Facility indicates a higher level of organization and perhaps more vocal opposition, it does not controvert the facts in evidence that, on balance, Site A has lesser visibility and best meets the need in evidence.

CONCLUSION

The Applicants have demonstrated a public need for and lack of any significant adverse environmental effects associated with a tower facility at either Candidate location presented in this Docket in East Hartford. AT&T's evidence and testimony established a compelling public need for a new tower for wireless services to be provided that would enhance safety to residents and at local schools in the coverage area. The Applicants' evidence and record further demonstrated that they conducted an exhaustive review of alternatives and the results of its analyses shows that the proposed Candidate locations are the only viable locations for the siting of the needed facility in this part of southeastern East Hartford. Indeed, all sworn testimony submitted to the Siting Council demonstrates the lack of any other alternative siting options in this area of East Hartford.

Moreover, there are very minor environmental effects associated with a proposed facility at either Candidate location. These facilities are unoccupied and at grade construction is certainly no more than that typically associated with residences in this part of East Hartford. Additionally, the vertical element of either tower facility has been uniquely mitigated with evergreen material and sited in and among the existing tree canopy so as to blend completely into the surrounding environment. The Applicants respectfully submit that there are no significant environmental effects associated with either proposed facility that could outweigh the established public need for a new tower to bring both public and private wireless services to this area that has documented gaps in coverage. For the reasons set forth in this brief and as more fully evidenced by the record in this Docket, a Certificate should be issued for a facility at one of the two candidate locations proposed in Docket 436.

Respectfully Submitted,



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