

STATE OF CONNECTICUT
SITING COUNCIL

Homeland Towers and
New Cingular Wireless PCS, LLC : DOCKET # 445
Application for a Certificate of Environmental
Compatibility and Public Need for the construction,
Maintenance, and operation of a telecommunications
Facility located at
Old Stagecoach Road, Ridgefield, Connecticut.

: APRIL 1, 2014

RACT'S RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES

Ridgefielders Against the Cell Tower hereby responds to Applicant's first set of Interrogatories dated March 21st as follows:

1. Please Identify the date on or about RACT was organized as a voluntary association.

RESPONSE: RACT was organized as a voluntary association on or around March, 2011.

2. How many members are there of RACT?

RESPONSE: The families listed below are the members. RACT enjoys the support of other families and individuals who are not formal members.

3. Please identify all members of RACT.

RESPONSE:

Michael and Ian Dow, Chris Glidden, Maxime Francis , Lori and Elliot Schwartz, Paul and Barbara Payne, Laura Lobelson, Andy and Susan Vezos, Debra Franceschini, Mary Welsh, Jeff Ram, Mark Gasparino, Lauren Salkin, Ed and Preethi Shankar, Eileen Hackett, Janet Belote, Terri Scharr, Kevin Stietzel, Karen Adotta, Maureen Culhane, Patricia Holmes, Mark Kovack, Harry Manchester,

Robert Diadul, J. Belkow, Lori Eagen Barney

4. Please identify the property address of all members of RACT.

RESPONSE:

Michael and Ian Dow 2 Aspen Ledges Rd; Chris Glidden 50 Spire View Rd; Maxime Francis 54 George Washington Highway; Lori and Elliot Schwartz 35 Aspen Ledges; Paul and Barbara Payne 40 Aspen Ledges; Laura Lobelson 22 Fox Drive; Andy and Susan Vezos 284 Old Stagecoach Rd; Debra Franceschini 72 Spire View Rd; Jeff Ram 304 Old Stagecoach Rd; Mary Welsh Mark Gasparino 89 Seth Low Mountain Rd; Lauren Salkin 139 Seth Low Mountain Rd; Eileen Hackett 23 Rockcrest Dr; Janet Belote 25 Spire View Road; Terri Scharr Kevin Stietzel 7 Aspen Ledges Road; Karen Adotta 8 Aspen Ledges; Maureen Culhane 95 Seth Low Mountain Rd; Patricia Holmes 15 Aspen Ledges Rd; Mark Kovack 74 Aspen Ledges Rd; Harry Manchester 310 Old Stagecoach Rd; Robert Diadul 149 Ledges Rd; J. Belkow 13 Spire View Rd; Ed and Preethi Shankar 35 Spire View Rd

5. Please identify each witness RACT intends to call to testify in support of its intervention in Docket 445.

RESPONSE:

David Maxson, WCP, Maxime Francis, Harry Manchester, Michael Dow, Lauren Salkin, Maureen Culhane, Andy Vezos, Janet Belote, J. Belkow and potentially other members of RACT, though all the witnesses have not been identified at this time, but they will be by the pre-filing deadline. It is RACT's intention to call one or more Realtors to testify regarding property value loss, but this testimony has not been finalized at this time. RACT reserves the right to cross examine any of Applicant's witnesses or those of any other intervenor and to call rebuttal witnesses if required.

6. For any witness not a member of RACT, please identify the purpose of such

witnesses' testimony and provide a curriculum vitae along with pre-filed direct testimony and/or any witness report RACXT intends to submit as evidence in Docket 445.

RESPONSE:

Mr. Maxson will testify as to coverage, population served, handoffs, tower configuration, antenna configuration and any other matters that arise in the proceeding relating to his expertise as an IEEE Wireless Communications Engineering Technologies Professional® with 26 years experience with the placement and construction of personal wireless facilities.

RACT also intends to call one or more Realtors to testify regarding property value loss from scenic view impairment to demonstrate the degree of scenic impairment.

The prefiled testimony and CV's will be made in accordance with the CSC schedule. (See Objection to Interrogatory #8 below).

7. Please provide any facts or source supporting the statement in RACT's intervention request that "members of the group are likely to suffer property value loss different from and greater than that of the public in general".

RESPONSE: Based upon their own observations, the members of RACT who reside on Old Stagecoach Road and Ridgebury Road will have views from their properties which impair their presently unimpeded scenic views which is greater than that of the general public who might have a view of the tower while traveling on roads or hiking the trails on adjacent open space lands. The visual impact analysis submitted by the Applicant indicate that the general public which does not reside in such close proximity, will not be as directly impacted as those whose property values will decrease because of direct tower views. An owner of real property has been held competent to testify as to its market value. *Misisco v. LaMaita*, 150 Conn. 680, 684, 192 A.2d 891 (1963). *Peter Rock Assoc v. Town of North Haven*, 756 A.2d 335, 46 Conn.Sup. 458 (Conn. Super., 1998). RACT's members all express the reasonable opinion that given two homes of otherwise

equal value, they would pay significantly less for one that has a direct, relatively close view of a 150ft cell tower, if they would purchase it at all. In addition, RACT intends to call several Realtors familiar with the local market who are expected to testify to a similar effect in their experience from out of place industrial infrastructure in residential settings.

8. As offered in RACT's intervention request, please identify any specific alternate locations and or tower configurations RACT believes can be used to meet the public need for service in Docket 445 including coordinates and drawings for such locations and/or configurations.

Objection: RACT objects to the request insofar as it requires the production of drawings, technical diagrams or other specific forms of evidence which citizen intervenors may not be preparing to submit to the Council. In addition, the Applicant knows full well it submitted an application with coverage maps devoid of information on the frequency (or any other technical specifications) represented in its coverage maps, thereby depriving anyone, including Council staff and the intervenors of reproducing or challenging their work for accuracy.

Further, to the extent that RACT intends to submit testimony, the same will be filed in accordance with the pre-filing deadline. RACT was only admitted on March 21 and the deadlines in this matter are very short. Requiring full disclosure of materials which are already required to be pre-filed at a later date deprives RACT of the benefit of the time allowed under the CSC rules. By contrast, the Applicant, who bears the burden of proving the need and environmental compatibility for its permit, has had at least a year if not years to prepare for its submissions.

Notwithstanding this objection, RACT responds that there is an alternative location at the High School property that is more than 1000 feet from the nearest

residence. Coordinates 41 19 41N 73 31 55W, by way of example only. The parcel is substantial in size, with plenty of room to maneuver. Moreover, the applicant has already vetted the High School property and should provide details on the RF analysis. Further, the High School is an existing public facility containing infrastructure, so it poses no shattering of residential expectations and reasonable expectations of scenic views at the high school.

As currently proposed, the Application makes zero attempt to balance scenic impact with raw technical need.

In the event that alternative sites that are not prominently on scenic ridgelines are deemed unfeasible, then one or more poles on the proposed site substantially shorter than the proposed tower.

Drawings are not relevant to this inquiry. Intervenors would need to enter into an iterative design process with the wireless company applicant and the property owner.

9. As offered in RACT's intervention request, provide specific details as to what alternative solution/technology of lesser impact RACT believes exists for meeting the public need for wireless and emergency communications services in northwestern Ridgefield.

RESPONSE:

Objection:

Please see the objection to Interrogatory #8 above. Notwithstanding this objection, RACT believes that the Applicant could utilize antenna combining technology or "consolidated antennas", close mounting as it did at 6 Mountain Road in Washington, CT, the differing levels of antennas could be mounted at less than 10ft spacing end to tip and could add monopine stealthing as it proposes to do in Docket 447.

Fundamentally, rational siting of wireless facilities should be done such that

they do not loom over neighboring residences, do rely on property already developed for non-residential use, avoid striking contrast with the scenic character of residential Ridgefield by being away from residences, to the extent practicable, and off of prominent ridgelines.

Unfortunately, this Application meets none of these rational goals and makes no attempt to meet them.

10. Please identify what scenic vistas in Ridgebury and Ridgefield RACT submits will be negatively impacted by the proposed facility in Docket 445 as stated in its intervention request.

RESPONSE:

The views from the homes of RACT members residing along Old Stagecoach Road are currently unblemished by industrial infrastructure. If this facility were constructed, the tower would be the most prominent feature viewed from those homes. This effect is exacerbated by the fact that the homes are higher than the tower and would look directly at or down onto the tower which would not be screened by intervening vegetation. This same effect would occur at Ridgefield Conservation Commission land to the west of Old Stagecoach which has a trail which comes in very close proximity to the proposed tower. As noted in the Application, "No tall structures are located at the higher elevations in this area of the Town of Ridgefield. The entire area consists principally of single family residential structures [homes], schools, open space and parks." (Application at p. 14)

That setting makes this facility even less appropriate as it will constitute the most prominent feature in an otherwise unspoiled residential landscape.

Any location noted in the Application as having a view of the tower will also have its scenic vista impaired.

11. Please provide technical information supporting the statement in RACT's intervention that there exists an alternative means of providing adequate coverage by utilizing "an array at the high school and several smaller towers just above the tree line height facilities".

RESPONSE:

Objection. Please see Objection to Interrogatory # 8 above. Notwithstanding said objection, RACT responds that since the Town is promoting this tower and its EMS and school communication needs are being used to justify this facility, that the Town could host a facility at one of the schools (more than 250ft from the school itself but on school grounds) within the area which the Applicant believes has a coverage gap. The Applicant has apparently done coverage analysis from the high school, but has not provided the same to the Council. Further, the Applicant's failure to provide the frequencies of their proposed coverage, Applicant is well aware that production of technical data is not possible at this time.

RACT submits that for this latter reason, the Application is incomplete as it deprives the Council and intervening parties from properly reviewing their submission.

12. Please provide technical information supporting the statement in RACT's intervention that wireless carriers and town emergency communications can use "combined technology".

RESPONSE:

Objection: Please see the objection to Interrogatory #8. Notwithstanding said objection, RACT responds with the following information. The Applicant has misunderstood RACT's assertion. RACT is not suggesting that the EMS services and the wireless carriers could combine their antennas (although theoretically depending on frequency this could be achieved). RACT is asserting that the

Applicant's wireless carriers can utilize combined antenna technology which allows for multiband transmissions on a single antenna as is standard in wireless facilities to reduce the visual mass of equipment on the tower by reducing the number of antennas.

Wireless carriers combine the radio frequency emissions of their various licensed frequency bands into combined multiband antennas. For example, AT&T is known to use the Kathrein/Scala model 800-10121 family of multiband antennas to combine various frequencies onto one panel. This reduces the visual clutter, and reduces the wind loading caused by many separate single-band antennas.

Similarly, public safety communications often rely on antenna combiners manufactured by such companies as TXRX, a division of Bird Technologies, to reduce the number of antennas that various public safety entities would otherwise require on a tower.

Moreover, there is no evidence on the record that the public safety antennas need to be above the top of the tower. No public safety radio coverage analysis has been proffered by the applicant, and rightly so, because public safety coverage is not the impetus for the proceeding. As the public safety antennas operate at frequencies that are distinct from the wireless frequencies, they can coexist reliably even at the same level on a tower as wireless antennas, just as the various wireless frequency bands of a wireless carrier can coexist on one level of a tower. Methods such as antenna isolation calculations and band pass filtering are employed by radio frequency engineers to place antennas serving various frequency bands in relative proximity. By combining public and private antennas at the same level on a tower, the overall height can be reduced.

13. Please provide technical information supporting the statement in RACT's intervention that closer than 10 foot spacing between carrier array is physically achievable to provide reliable wireless services in the area intended to be served by Docket 445.

RESPONSE:

RACT is aware that carriers including AT&T have successfully located antennas with less than 10 ft spacing on monopoles both in and outside of Connecticut. That the CSC has never required them to do so, is not a technical infeasibility. It is simply a matter of convenience and preference at the expense of neighboring residential values.

14. Please provide technical information supporting the statement in RACT's intervention that lower height towers can be utilized by AT&T, other wireless carriers and the Town to achieve adequate coverage in the area intended to be served by Docket 445.

OBJECTION:

Please see the objection to Interrogatory #8. Mr. Maxson will pre-file any testimony and technical data on this topic by the pre-filing deadline.

15. Does RACT know whether or not the Town of Ridgefield would lease property at the high school and other elementary schools in northwestern Ridgefield for the purposes of building wireless facilities. Has RACT proposed such a plan to the Town of Ridgefield?

RESPONSE:

The proposal by AT&T to explore leasing the high school for a wireless facility was never brought to a public vote. RACT has not formally proposed this

to the Town as RACT is not in the business of siting wireless facilities.

16. Please identify a facility design that RACT believes incorporates the “best available technology” and provide it as an exhibit in the form of a drawing.

Objection:

Please see the objection to Interrogatory #8 above. Notwithstanding this objection, RACT offers the following: the Applicant could utilize antenna combining technology or “consolidated antennas”, close mounting as it did at 6 Mountain Road in Washington, CT, the differing levels of antennas could be mounted at less than 10ft spacing end to tip and could add monopine stealthing as it proposes to do in Docket 447.

Respectfully Submitted,

Ridgefielders Against the Cell Tower,

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 1st day of April, 2014 and addressed to:

Ms. Melanie Bachman, Executive Director, Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051 (1 orig, 15 copies, plus 1 electronic) (US Mail/electronic).

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