RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC-4-00- 06

TITLE: Issuing an Order to Approve the Comprehensive Plan for PCS Communication Facilities in the Pinelands

Commissioner Lee **moves and Commissioner** Kowalski **seconds the motion that:**

WHEREAS, the Pinelands Commission adopted amendments to the Comprehensive Management Plan in 1995 to permit local communications facilities to exceed the 35 foot height limitation set forth in N.J.A.C. 7:50-5.4, provided that a comprehensive plan is first prepared and approved by the Pinelands Commission; and

WHEREAS, Sprint Spectrum LP and Omnipoint PCS Entrepreneurs, Inc., submitted a plan titled *Comprehensive Plan for PCS Communications Facilities in the Pinelands* (hereinafter referred to as the Plan) which the Acting Executive Director deemed complete for purposes of review on October 28, 1999; and

WHEREAS, the Plan was reviewed by the public from November 5, 1999 through November 22, 1999 and then extended to December 17, 1999, during which a public hearing was duly noticed and held; and

WHEREAS, the Commission's technical consultants reviewed the Plan and submitted a report of their findings to the Commission; and

WHEREAS, the Acting Executive Director has reviewed the Plan and the Commission's technical consultants' report; and

WHEREAS, the Acting Executive Director has considered the oral and written comments received about the Plan; and

WHEREAS, the Acting Executive Director has submitted a December 29, 1999 report of his findings to the Commission; and

WHEREAS, the Acting Executive Director has found that the Plan is consistent with N.J.A.C. 7:50-5.4(c)6, the standard which requires that a plan identify approximate locations, if the recommended procedure described in Appendix D of his report is followed when final facility siting decisions are made; and

WHEREAS, the Acting Executive Director has found that the Plan is consistent with the other standards of N.J.A.C. 7:50-5.4; and

WHEREAS, the Acting Executive Director has found that the Plan incorporates to the extent technically feasible the facility locations identified in the *Comprehensive Plan for Wireless Communications Facilities in the Pinelands*, which was approved by the Commission on September 11, 1998 and, furthermore, that the Plan effectively serves to amend and expand upon said cellular plan for the purpose of providing PCS service; and

WHEREAS, the Commission has reviewed the Plan, the Acting Executive Director's Report, the Commission technical consultants' report and the other appendices to the Acting Executive Director's Report; and

WHEREAS, the Commission has duly considered all public comment on the Plan; and

WHEREAS, the Commission finds that the Plan is consistent with the standards of N.J.A.C. 7:50-5.4 insofar as those standards apply to the preparation and approval of a comprehensive plan for local

communications facilities; and

WHEREAS, the Commission expressly recognizes that approval of this Plan establishes a framework for siting facilities but does not serve to approve any specific development application to construct a communications facility and the Commission further recognizes that some of the pending development applications may have to modified to be consistent with this Plan and to meet the site specific development requirements of N.J.A.C. 7:50-5.4; and

WHEREAS, the Commission also recognizes that this Plan may be amended pursuant to N.J.A.C. 7:50-5.4 and that the Acting Executive Director shall advise the Commission of the need for amendments as specific conditions arise consistent with the advice of the Attorney General's office; and

WHEREAS, the Commission accepts the recommendation of the Acting Executive Director to approve the Plan and affirm the recommended procedures for final facility siting decisions.

NOW, THEREFORE, BE IT RESOLVED that:

1. An order is hereby issued to approve the *Comprehensive Plan for PCS Communication Facilities in the Pinelands*, dated October 25, 1999.

2. The Pinelands Commission expressly affirms that the review of the development applications for individual sites needs to be done in accordance with this report, including the appendices, in order to be consistent with CMP requirements.

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	✓				Ficcaglia	✓				Mounier	✓			
Avery	✓				Gordon	✓				Ontko			✓	
Brown	✓				Kowalski	✓				Pritchard	✓			
					Lee	✓				Tomasello	✓			
Eckenhoff	✓				McIntosh	✓				Jacobs	✓			

Adopted at a meeting of the Pinelands Commission Date: January 14, 2000

William F. Harrison
Acting Executive Director

Jerrold L. Jacobs
Chairman

State of New Jersey
THE PINELANDS COMMISSION
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CHRISTINE TODD WHITMAN
Governor

REPORT ON PROPOSED COMPREHENSIVE PLAN FOR PCS COMMUNICATION FACILITIES IN THE PINELANDS

December 29, 1999

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I. INTRODUCTION

a. Background

Since 1981, when the Pinelands Comprehensive Management Plan (CMP) went into effect, the construction of tall structures has been discouraged throughout much of the Pinelands Area. These regulatory limitations, which incorporated a 35-foot height limit in N.J.A.C. 7:50-5.4, were intended to prevent the littering of the Pinelands skyline with structures that significantly detract from the scenic qualities which federal and state Pinelands legislation called upon the Pinelands Commission to protect. There were, of course, exceptions to this requirement: certain structures were allowed to exceed 35 feet in height; and no restrictions were placed on height within the two most development-oriented Pinelands land management areas - Regional Growth Areas and Pinelands Towns.

However, in 1994, as the Pinelands Commission was nearing the end of its second full review of the CMP, representatives of the cellular telephone industry requested that the Commission take note of the growing need for portable telephone communications and the associated need for the placement of antennas higher than 35 feet in all parts of the Pinelands Area. To accommodate what it felt was

a legitimate need, the Pinelands Commission in 1995 amended N.J.A.C. 7:50-5.4 to permit local communications facilities to exceed the 35-foot height limit if a comprehensive plan for the entire Pinelands is first prepared and approved by the Pinelands Commission. The regulations recognized that: local communications systems rely on a network of facilities to receive and transmit radio signals; the location of each cell within this network has an effect on the location of other cells; and a well designed and integrated network can avoid the proliferation of towers throughout the entire Pinelands Area, and, most importantly, in its most conservation-oriented areas. Once a comprehensive plan is approved, the regulations anticipate that site specific siting decisions will be made and that individual development applications will be submitted and evaluated against a series of site specific development standards. These regulations were adopted by the Commission in June 1995 and went into effect on August 21, 1995.

The adopted regulations required providers of "the same type of service" to jointly submit a comprehensive plan, primarily to ensure that the least number of facilities is built in the Pinelands overall. The cellular industry (comprising Bell Atlantic Mobile, Comcast, and Nextel) responded by submitting a regional plan that was approved by the Commission in September, 1998. Almost immediately thereafter, representatives of the PCS industry made inquiries of the Commission regarding the procedures and components involved in an acceptable plan for their technology. The Commission staff described the process and the necessary information for a complete plan and indicated that the PCS plan would need to incorporate and expand upon the siting array presented in the approved cellular plan (i.e., the PCS plan would effectively serve to amend the cellular plan).

b. Appendices to this Report

There are several appendices to this report. A list of them follows:

Appendix A - The PCS companies' proposed plan (hereinafter referred to as the Plan);
Appendix B - The Commission's technical consultants' (Bruce Eisenstein, Ph.D., P.E., and Moshe Kam, Ph.D.) draft report (dated 11/23/99) reviewing the plan;
Appendix C - A chart outlining the procedures used to examine the PCS plan;
Appendix D - Hierarchical policy for siting individual wireless communications facilities, as approved by the Commission on September 11, 1998;
Appendix E - Written comments on the Plan that were received during the public review process;
Appendix F - Transcript of the public hearing held by the Commission on November 16, 1999 to accept testimony on the Plan (submitted by Sprint Spectrum, LP on December 6, 1999); and,
Appendix G - Correspondence received from Sprint attorney Alan Zublatt dated 12/22/99 regarding "Colocation and Assignment of Development Authorizations for PCS and Cellular facilities in the Pinelands"

c. Submission of the Plan

On December 28, 1998, Sprint Spectrum LP submitted a draft comprehensive plan for Commission review. Sprint readily acknowledged that it was the sole contributor to the draft and that it therefore did not comply with the provision of N.J.A.C. 7:50-5.4(c)6 requiring joint submission by all providers of the same type of service in the Pinelands. Following several informal conversations about the plan with Sprint's attorneys, the Commission staff responded with detailed comments on the draft on March 25, 1999 and provided advice to Sprint over the following months regarding the composition of subsequent drafts and the method of complying with the joint submission requirement.

After contacting the FCC, Commission staff advised Sprint of a private company, International Transcription Service (ITS), which could provide a reliable list of companies which had a franchise to provide PCS services in New Jersey. Sprint was subsequently able to determine that there were seven such franchisees. In addition to itself, these were Omnipoint Entrepreneurs, AT&T Wireless PCS, Nextwave Power Partners, Primeco Personal Communications, Rivgam Communications, and Comcast PCS Communications. In March, the Commission sent to the six other companies a copy of Sprint's draft plan and a cover memo explaining the CMP requirement for a regional plan and urging their participation. The staff later attempted to contact all the providers by telephone. Primeco responded by saying that it did not in fact have a franchise or any intention to operate a PCS system in New Jersey. A phone call was received from a representative of Rivgam who indicated some initial interest, but the company never followed up with any further response. AT&T Wireless, Comcast PCS, and Nextwave were silent throughout. Omnipoint became an active participant and is a signatory to the current plan.

After review and discussion of several interim plan submissions, Sprint and Omnipoint submitted a comprehensive plan on October 25, 1999 entitled, *Comprehensive Plan for PCS Communications Facilities in the Pinelands*. This plan was reviewed by the Commission staff for conformance with N.J.A.C. 7:50-5.4 according to specific procedures, which are appended to this report as Appendix C. The plan satisfactorily responded to the Commission's request for minor additional information, as required by the CMP, which was omitted from an October 10 plan submission. The Plan includes utilization of 21 sites contained in the approved cellular plan and, as such, effectively serves to amend that plan. The CMP Policy and Implementation Committee and attending members of the public were briefed on the expected plan at the Committee's October 22, 1999 meeting.

On October 28, 1999, the industry's Plan was deemed complete for purposes of Commission review. A completeness determination in no way implies that a well documented and approvable plan has been submitted; rather, it is an acknowledgment that there is sufficient information upon which to begin the formal review process. It is also important to note that signaling information was submitted to the Commission's technical consultants to aid them in their review of the need for the proposed facilities.

A public hearing was duly advertised, noticed and held on November 16, 1999. Relevant information obtained through the public review process has contributed to the Acting Executive Director's review of the proposed Plan.

d. Summary of Plan's Facility Siting Proposals

The Plan proposes a total of 36 new PCS facilities (a facility being a location where one or more antennas are suspended), which will complement the 27 facilities that are already in operation. Of the 36 new facilities, 21 are to be located at sites previously approved in the cellular plan and 10 of these will be on existing structures. Six other PCS facilities will also be located on existing structures, but at sites where no cellular facility is proposed. The remaining nine new facilities are proposed to be developed as follows:

* **3** proposed facilities which **may be located on existing structures**; and

* **6** proposed facilities which are unlikely to be located on existing structures and which **will likely require the construction of new tower facilities**.

Additionally, the plan participants have identified one location in Pemberton Township where a facility is required for coverage, but for which there appears to be no site available which meets the standards of N.J.A.C. 7:50-5.4(c). The participants reiterate the need for this facility, but indicate that they will explore alternative means in the future which would permit its construction. They indicate that they may possibly seek a waiver of strict compliance from the Commission, a rezoning from the Township, or an amendment to the CMP which would allow for its placement.

The plan participants have indicated, and the Commission's technical consultants have confirmed, that, because of the frequency at which PCS facilities operate, a more restricted siting radius must be employed for the installation of new PCS towers than is the case for cellular towers. Consequently, at each of the six locations on the Plan's facility array map where it is likely a new tower will be required, the actual "search area" for the tower will probably be confined to an approximately ½ mile radius.

II. CONFORMANCE WITH THE COMPREHENSIVE MANAGEMENT PLAN

a. Introduction

N.J.A.C. 7:50-5.4 contains the standards against which this Plan is to be judged. If these standards are met, the Commission must approve the plan. If the standards are not met, the Commission cannot approve the plan but may conditionally approve or disapprove it, depending on the extent and severity of the plan's deficiencies.

The Commission interprets that this Plan, as well as any future plans subject to the provisions of N.J.A.C. 7:50-5.4, will and must incorporate, amend, and expand upon, to the extent technically feasible, the facility array and all other applicable provisions in the cellular industry's comprehensive siting plan, which was approved by the Commission in September, 1998.

For purposes of review, the standards of N.J.A.C. 7:50-5.4 have been separated into ten criteria. A discussion of each and the plan's conformance to it follows. To aid in the staff's review of the plan, Bruce Eisenstein, Ph.D., P.E., and Moshe Kam, Ph.D., were retained for their expertise in communications technology. Their review is appended to this report as Appendix B and is reflected, as appropriate, in the findings which follow. Furthermore, information which was elicited through the public review process is also reflected, as appropriate, in these findings.

b. Standards

1. The plan must be agreed to and submitted by all providers of the same type of service, where feasible. N.J.A.C. 7:50-5.4(c)6. This requirement is intended to ensure that the greatest possible degree of coordinated planning occurs to minimize the number of new structures in the Pinelands Area. If fewer than all providers of the same type of service submit the plan, there must be evidence that participation and endorsement was sought from the other providers, along with a clear and reasonable explanation why full participation was not obtained. Furthermore, any plan submitted in order to comply with this requirement must be based upon any and all previous plans that have been approved by the Commission, i.e., it must incorporate the prior approved siting array and only build elsewhere as technical/propagation needs dictate. The Commission staff made the PCS providers expressly aware of this requirement, which effectively renders this Plan an amendment to the cellular plan.

As mentioned earlier, the Commission staff made a specific effort in March and April, 1999 to contact the six licensed providers identified by ITS who had not contributed to the draft plan submitted by Sprint in December of 1998. Additionally, the staff regularly copied its PCS plan related correspondence to all six (minus Primeco after it notified the Commission it was not interested in serving New Jersey).

On September 28, 1999, Sprint notified the Commission of its effort to involve the other providers in formation of the comprehensive plan. Sprint identified the providers of "the same kind of service" as those carriers who generate "fully duplexed voice and data service in the 1850-1990 MHz range." These include the six companies identified in Section I.c. of this report. Sprint indicated that one of the six, Omnipoint, would be a signatory to the final plan submitted to the Commission. Sprint further stated that it had forwarded copies of its December, 1998 draft plan to the other five providers and submitted copies of certified mail receipts representing at least one effort to contact each of the five between December, 1998 and February, 1999. Sprint also cited three pieces of Commission correspondence regarding

development of the plan - dated March, August, and September, 1999 - which were copied to all five carriers.

Based on the level of effort which Sprint has documented to contact all licensed PCS providers in New Jersey, **the Acting Executive Director concludes that this standard has been met**.

2. **The plan must review alternate technologies that may become available for use in the near future. N.J.A.C. 7:50-5.4(c)6.** The purpose of this standard is to identify those other technologies which should at the very least be considered as the pending plan is reviewed.

The Plan briefly describes other technologies which may affect the PCS telephone industry and this Plan. These include cellular vision, interactive video data service and mobile satellite service. It would have been helpful for the applicants to more fully describe them and their possible implications on this Plan, particularly on the number and location of facilities, but that is not required by the standard. These technologies appear at present to be in a relatively nascent phase and, while two of them may eventually employ transmission towers, their long-term impact on the Plan appears difficult to assess.

The Acting Executive Director concludes that this standard has been met.

3. **The plan must show the approximate location of all proposed facilities. N.J.A.C. 7:50-5.4(c)6.** In order to evaluate how well the plan meets other standards (such as those presented in subsections 5, 6 and 7 below), which are intended to minimize the number of new structures (e.g., towers) in the Pinelands Area, it is essential that there be a clear and unambiguous identification of all proposed facilities, including those which will utilize existing structures and those which will require new ones.

The Plan graphically presents the approximate location of all facilities on a map titled, "PCS Sites in the Pinelands," and provides geographic coordinates for each of them. The Plan also describes each proposed facility in narrative form (indicating those already existing; those previously authorized in the cellular plan; those proposed facilities that will/may/may not be located on an existing structure; and the one facility necessary to resolve a FCC border issue), the municipality in which it is to be located, and whether it will be located within what the companies refer to as "unrestricted," "height restricted," or "height and least number of structures restricted" areas. Latitude/longitude information for each site is also provided and a ½ mile "general" siting radius is proposed.

Some members of the public were concerned with a statement in the plan that facility #62 was "in the area of the Pine Plains." Plotting the coordinates of this site shows it to be near, but not in, the Pine Plains. Facility #38 is listed in the Plan as being in the unrestricted area; however, it is actually in the height and least number restricted area.

It should be noted that the plan participants, Sprint and Omnipoint, have a number of applications for PCS facilities currently pending before the Commission. While most of these are either reflected in the Plan or appear otherwise permittable (presuming there are no environmental or other constraints), following are proposed facilities which do not conform to the Plan. They are hereby considered to be withdrawn from further consideration by the Commission unless the applicant expressly requests in writing that one or more specific applications remain active. Proceeding with any new tower in the height restricted areas would require an amendment to this Plan.

81-0619.19 Sprint
82-3361.02 Sprint
83-4188.02 Sprint
84-1078.05 Sprint
98-0519.01 Sprint
98-0561.01 Sprint
99-0195.01 Sprint
99-0242.01 Sprint

The Acting Executive Director concludes that this standard has been met.

4. **The plan must include five and ten year horizons. N.J.A.C. 7:50-5.4(c)6.** This standard is important insofar as the Commission, local governments and the public can rely on the plan as a blueprint of industry needs beyond the immediate future. This is not to imply that the plan cannot be amended if needs change - the CMP expressly recognizes this - but the network of facilities should be planned to meet anticipated needs over a ten year period.

The Plan's narrative description of each proposed facility identifies whether it is likely to be constructed as soon as possible or within five years. The Plan anticipates that 28 of the 36 proposed facilities are needed as soon as possible and the remaining eight are to be built within the next five years. It is important to note, however, that these are projections which might change over time.

While supplying a five year horizon that addresses the entire Pinelands, the plan participants do not believe a meaningful ten year horizon is possible at this time. As such, they have not identified a need in the five to ten year period. On this issue Assistant Director John Stokes relayed a staff concern, in a 9/1/99 memo to the Commission, that the plan may not be entirely comprehensive because it does not provide coverage over 100% of the Pinelands. This echoed a similar sentiment which was noted in the Commission consultant's report. As Mr. Stokes indicated, "The vast majority piggyback on the cellular plan. Although additional facilities might be proposed in the distant future to expand coverage in the Pinelands, Sprint believes they are highly speculative at this time. Moreover, many of those facilities are likely to be located in areas where current CMP siting requirements effectively prohibit their placement. It is our belief that proceeding with a plan that realistically portrays the company's plans is best at this time."

Thus, the Plan provides an accurate accounting of all the facilities which the plan participants identify as needed for the foreseeable future. Beyond the time frame identified in the Plan, they do not feel that any meaningful projections regarding facility needs can be made. With the exception of the Pemberton site noted above (see Section I.d. on p.4), the plan participants maintain that all necessary facilities which are technically feasible to identify at this time have been identified and mapped in the Plan. They realize that any unanticipated future facilities in height restricted areas that will not be on permitted existing structures will require that an amendment to the Plan be jointly submitted by all the providers and approved by the Commission.

One public comment was received to the effect that the Pemberton site, noted as needed but not included in the Plan (as it could not be sited in a manner consistent with current CMP standards), must be included if the plan is to be truly "comprehensive," as required by N.J.A.C. 7:50-5.4(c)6. However, its inclusion would render the Plan as a whole inconsistent with the siting requirements of N.J.A.C. 7:50-5.4(c)4.vi. and would therefore prevent the Commission from approving the Plan. The Plan could only be approved if the site was not included in it.

Since the Plan identifies all proposed facilities that are consistent with the current standards of the CMP and are necessary for adequate service within a reasonable and reliable time frame, **the Acting Executive Director concludes that this standard has been met**.

5. The plan must demonstrate that every facility proposed in the Pinelands Area is needed to provide adequate service. N.J.A.C. 7:50-5.4(c)1. There are two important elements to this standard - the first is the purpose for the plan, which is to provide "adequate" service, and the second is that <u>every</u> proposed facility must be judged against that test.

a. Adequate Service

The term "adequate service" is used in N.J.A.C. 7:50-5.4(c) three times. The simple reason was to leave no doubt that the goal for wireless service in the Pinelands Area was to provide "adequate" service, not necessarily to offer optimal service to all current and potential customers. Specifically at N.J.A.C. 7:50-5.4(c)1, adequate service is described as that which "serves the local communication needs of the Pinelands, including those related to public health and safety." It was recognized at the outset that this distinction could play an important role in determining both the number and location of wireless facilities in the Pinelands Area because the height and proximity of the antennas exert a tremendous influence on the quality of service.

To judge, as is required by this CMP standard, whether <u>every</u> facility proposed in the Pinelands is needed, an objective definition of adequate service is necessary. Without it, one cannot impartially evaluate need and justify a decision to include in, or exclude from, a plan a proposed facility.

The applicants address this matter in their Plan, in a manner essentially identical to that in the cellular plan. They describe what are called "three widely recognized parameters" that are used in the industry to define service levels. These three parameters are (1) signal to interference ratio at audio, (2) dropped call rate and (3) blocked call rate. In presenting this information, the applicants describe, but do not quantify, the parameters and note their belief that the technical need for service is dictated by the federal Telecommunications Act of 1996.

Although this lack of quantification does not, itself, yield an objective measure for defining service levels, the Acting Executive Director does not consider this to be a fatal flaw in the Plan for two reasons. First, the Commission's technical consultants quantified service levels (see Appendix B) and reviewed the proposed facilities on that basis. Second, the companies expressly acknowledge in their Plan that they must again demonstrate need if amendments to the Plan are proposed in the future.

b. Need for every facility in the Pinelands Area

The Plan indicates that all 36 proposed facilities are necessary for coverage. Need is demonstrated primarily in two ways: by documentation of ANET radiofrequency plots, which show where signal strength drops; and by expert determination of the legitimacy of industry assertions, as provided by the Commission's consultants. The consultants and the Commission staff also took account of the industry's existing array of 27 facilities in the Pinelands in order to identify areas with likely coverage gaps. For instance, given the limited broadcast range of PCS phones, the approximately nine mile section of Rte. 72 where there are no facilities appeared a fairly obvious gap.

The Commission's technical consultants evaluated the need for every proposed facility and, when a question arose, reviewed detailed technical information on the equipment planned for use in the Pinelands and on signal levels expected from the planned sites. In some cases, the Commission's consultants measured existing signal levels using their own equipment. The Commission's consultants have concluded that each of the proposed facilities is justified on the basis of service levels as they have quantified them. In response to various questions about this data, it was offered for public review both before and after the public hearing. Some members of the public (after examining some of the ANET plots) continue to question whether need has indeed been demonstrated. However, in no case did any member of the public provide any technical evidence that a specific facility was not necessary. Without a demonstration to the contrary, the Commission staff relied upon its impartial consulting telecommunications experts - whose prior experience and opinions regarding propagation plots as they relate to adequate service and the limitations of the current technology carried weight with the staff - and the prima facie evidence of coverage gaps in the current array.

The need for three facilities was specifically questioned during the public hearing (two new towers - #64 in Manchester Township and #62 in Woodland Township; and one proposed for

collocation on a proposed Bell Atlantic tower in Evesham Township - #28). An additional proposed facility in the City of Estell Manor (#40) was questioned in a written comment received during the public comment period. All of these facilities were again reviewed by the Commission's technical consultants and found to be needed based on the following:

Facility #28: an examination of the "PCS Sites in the Pinelands" map included in the Plan shows that this facility fills a nine mile gap between Facilities #26 and #2, far beyond the range of either. The consultants' calculations support the need for #28.

Facility #40: A suggestion was made that use of an existing tower in the Pinelands Village of Dorothy (Weymouth Township) might eliminate the need for development of a new tower in Estell Manor along Route 50. However, as the Pinelands Village of Dorothy is roughly four miles from the center of the area in which service is needed, use of the existing facility would not provide the necessary coverage.

Facility #62: an examination of the map included in the Plan shows that this facility fills a ten mile gap between Facilities #35 and #22, again far beyond the range of the latter two. ANET plots both with and without #62 confirmed a coverage gap in its absence.

Facility #64: an examination of the map shows that this site serves Ocean County up to its border with Burlington while Facility #38 serves Burlington County up to its border with Ocean County. This is a special problem arising from the provider having different franchises with differing frequencies in Burlington and Ocean Counties. As a result, the coverage in one county is not permitted to overlap into the other county. It is hoped and believed by the industry that this tower will ultimately prove to be unnecessary through an agreement among the affected providers for one to use a frequency controlled by the other. However, until this issue has been resolved, the facility must be reflected in the Plan. Ultimately, construction of this facility will require application to the Commission. The facility can only be approved at that time if the applicant demonstrates its inability to gain permission to use the frequency and there is no other solution that will permit adequate coverage.

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Since the Commission's consultants have determined that all of the facilities proposed in the Pinelands are needed to provide adequate service, **the Acting Executive Director concludes that this standard has been met.**

6. The plan must demonstrate that the facilities to be located in the Preservation Area District, the Forest Area, the Special Agricultural Production Area and 17 specific Pinelands Villages are the least number necessary to provide adequate service, taking into consideration the location of facilities outside the Pinelands. N.J.A.C. 7:50-5.4(c)6.
One of the key CMP provisions, the purpose of this standard is to very closely scrutinize new

facilities proposed in these conservation-oriented land management areas of the Pinelands and to do so considering the location of facilities outside of these areas. Since the PCS system represents a network of facilities, each of which affects the location of other facilities in the system, the location of facilities outside these conservation-oriented land management areas is important in evaluating the need for new facilities within the areas.

The Plan refers to these conservation oriented management areas as the "height and least number of structures restricted" area. The Commission staff and the Commission's technical consultants not only reviewed the need generally for the proposed facilities within these areas, they also evaluated the possibility of relocating those that are needed to other, less sensitive parts of the Pinelands. In the end, the proposed network of 36 new facilities within the Pinelands includes 20 in these most conservation oriented land management areas. Of the 20, seven represent antennas which will definitely be located on existing structures; three others are facilities which may be located on existing structures; and four are at proposed locations approved in the cellular plan. This leaves six proposed PCS facilities which will be in the most conservation-oriented areas and are likely to require the construction of new towers. The Commission staff and the Commission's consultants are now convinced that, when taking the need for each facility into account, there is effectively no opportunity for eliminating any of the remaining facilities proposed in the most conservation oriented areas of the Pinelands. However, a special case arises which respect to Facility #40 in Estell Manor City:

> **Facility 40**: this facility is located near the Pinelands Area boundary in the Forest Area and a question may be asked as to why it could not be moved outside the Pinelands Area. The area immediately beyond the Pinelands Area boundary is located within the Pinelands National Reserve, also in a Forest Area. It consists primarily of state-owned wetlands and the physical development of a tower is probably not feasible. The visual impacts from either side of the road will be similar, except that the Great Egg Harbor River (a CMP designated scenic corridor as well as a federally designated Wild and Scenic River) is to the east and placement of the facility in the Pinelands National Reserve, outside the state-designated Pinelands Area, would be more likely to affect it. Finally, the City of Estell Manor is one of three municipalities that have requested and obtained Commission certification of their zoning plans within the entire Pinelands National Reserve (PNR). Thus, moving the facility to a site in the Forest Area in the PNR and outside the Pinelands Area is not recommended.

The Acting Executive Director concludes that this standard has been met.

7. **The plan must demonstrate that the antenna utilizes an existing communications or other structure, to the extent practicable. N.J.A.C. 7:50-5.4(c)3.** One of the key CMP provisions, this standard is intended to ensure that the fewest possible number of new towers are constructed throughout the Pinelands Area.

The Plan relies in part upon the inventory information compiled by the cellular industry in 1998. The cellular industry assembled and analyzed new information on existing structures (including inventories from the three electric utility companies which service the Pinelands and the Federal Aviation Administration (FAA)), described the results of visual surveys of potential sites in the most conservation oriented parts of the Pinelands, and cited the results of the Pinelands Commission staff visual surveys of potential sites in the remainder of the Pinelands. Additional mapping and windshield surveys were completed for this plan. The Plan also followed the cellular providers' approach to organizing the facilities into one of three categories: (1) those which will be located on existing structures, (2) those which may be located on existing structures (including proposed cell towers) and (3) those which are unlikely to be located on existing structures.

Of the 15 PCS facilities which are not already in existence or proposed to be at previously approved locations in the cellular plan, only six are unlikely to be located on existing structures (i.e., they will likely require the construction of a new tower). The Commission staff reviewed all six sites carefully, site inspecting and examining aerial photos as appropriate, and concluded that there were no available existing structures to accommodate the facilities.

Two cautionary notes are in order. First, it is possible that some of the existing structures which the companies indicate may be suitable for PCS facilities may be ultimately found to be unsuitable due to technical or other considerations. Second, it is possible that disputes may periodically arise when a PCS provider argues that a particular structure, although suitable from an availability and construction standpoint, is not situated so as to service its need. However, it is unrealistic to expect that detailed technical analyses of all potentially usable structures be completed as part of this Plan for facilities which the companies may not attempt to build for several years and that lease agreements for them be executed prior to the Commission's approval of this Plan, particularly when one considers that the CMP regulations themselves contemplate that individual development applications must still be evaluated against this standard. **Therefore, the Acting Executive Director concludes that this standard, insofar as it applies to this Plan, has been met.**

8. The plan must demonstrate or note the need to demonstrate when the actual siting of facilities is proposed that, if a new supporting structure (tower) with antenna is to be constructed, it can *probably* be sited according to the six criteria in N.J.A.C. 7:50-5.4(c)4. These criteria deal with satisfying technical operating requirements; minimizing visual impacts from public areas, wild and scenic rivers and special scenic corridors, the Pine Plains, the Forked River Mountains and residential areas; and, if proposed in the Preservation Area District, Forest Area, Special Agricultural Area, or Rural Development Area, locating the facility in non-residential zones, non-conservation public lands, mines, first aid or fire stations, and landfills. It is the Acting Executive Director's opinion that, while it is acceptable for a plan to note the need to demonstrate adherence to these siting criteria when individual facilities are proposed, there

must also be a reasonable expectation when the plan is approved that the proposed facilities can, in fact, be sited. Without this expectation, the plan is meaningless because there can be no confidence that the proposed facility network is realistic. This does not require the same type of comprehensive analysis required at the time a specific development application is filed; rather, it is a planning review to ensure that there is a reasonable probability that qualifying sites exist.

Again, this standard applies most directly to the six facilities which are unlikely to be located on existing structures, all of which will be built in the most conservation oriented areas of the Pinelands. These comprise Facilities 14, 15, 20, 40, 62, and 64. The Commission staff, after carefully reviewing all six sites, has concluded that these facilities can be sited in conformance with the criteria of N.J.A.C. 7:50-5.4(c)4.

At the public hearing, however, continued concern was voiced about the location of a proposed Bell Atlantic Mobile facility in Evesham Township which was approved in the cellular plan and is proposed for use by Sprint in the PCS Plan. It is the Acting Executive Director's understanding that Bell Atlantic has at least temporarily postponed its pursuit of this facility. Therefore, the need for Sprint to co-locate on the facility now means that the siting is again in immediate contention:

> **Facility #28** (authorized as a new tower in the approved cellular plan): Evesham Township officials remain opposed to the siting of a facility at the specific latitude and longitude reflected in the cellular plan for a Bell Atlantic facility, on which this Sprint facility will co-locate. However, both Bell Atlantic and Sprint have adequately demonstrated the need for the facility and it is possible that existing structures nearby could be used. There may also be some flexibility in the search area. This latter possibility has been confirmed with Sprint which intends to work with the Township to solve the issue.

Siting thus seems possible for all facilities. However, it should be pointed out that four proposed facilities were noted in the Plan to be in or near scenic resources: #14 - Great Egg Harbor River (GEHR); #15 - Great Egg Harbor River; #40 - Great Egg Harbor River (Jackson Creek tributary); and #62 in the vicinity of the Pine Plains. A discussion of each follows:

> **Facility #14**: is to be located along Rte. 322 approximately 1000 feet from the GEHR, thereby falling within the federal 1/4 mile (1320 feet) scenic corridor. In part because of the proximity of the river, but more to reduce new towers and find permittable sites, the location of this facility was the subject of intense scrutiny by both Commission staff and the Commission's consultant. Several alternatives were examined but none were found to be feasible without increasing the number of towers or requiring the use of sites which are not permitted under current CMP standards.

All sites permitted by the CMP near this location along Rt. 322 (a Forest Area commercial zone) fall within the federal 1320 foot (1/4 mile) corridor. Even if permittable sites outside the Forest Commercial zone could be found, for at least 10 miles along this portion of Rt 322, the GEHR parallels the highway about 1/4 mile away (thus all sites would conceivably have equal impact to the GEHR). The National Park Service reviewed this information, recognized the lack of alternatives, and asked to be kept informed about the progress of this facility. It should also be noted that Hamilton Township has approved the site. Given all these factors, it appears that the facility has been sited to avoid a visual impact as viewed from the GEHR to the maximum extent practicable, as required by N.J.A.C. 7:50-5.4(c)4.iii. The CMP's more specific restriction on visual impacts within 1000' of the center line of the GEHR (N.J.A.C. 7:50-6.105(a)) will be addressed at the time a development application is filed (when the exact distance of the facility from the river will be known).

Facility #15: is to be located along Rte. 322 beyond both the CMP and federal scenic corridors; thus, few siting problems are anticipated. This issue will of course be re-examined at the time a development application is submitted to the Commission.

Facility #40: is to be located along Rte. 50 beyond both the CMP and federal scenic corridors, thus, few siting problems are anticipated. Again this issue will be re-examined at the time a development application is submitted to the Commission.

Facility #62: as was noted previously, a clear need has been demonstrated in the Plan for a facility along Route 72 to the west of the Pine Plains (note: the comments received from the Pinelands Preservation Alliance are apparently based on a brief and ambiguous siting description in the Plan; according to the coordinates specified in the plan, the facility is not located in the Pine Plains, but just to the west). There appears to be only one site in the vicinity which complies with the siting standards of the CMP, but fortunately it is set back from the road approximately 1000 feet and to the west of the Plains area. This will greatly help to minimize visual impacts. Equally helpful, the possible site falls within a shallow valley (at a an elevation of 130 feet) while the adjacent plains to the east are rising to a level of 200 feet. Thus, #62 to the west will be less visible than might otherwise have been expected. From the standpoint of the Pine Plains, the demonstrated need for a facility, the lack of other available sites, and the fact that visual impacts will accrue anywhere in the vicinity suggest that the one site identified as feasible may meet the requirement that the site avoids, to the maximum extent practicable, visual impacts from the Pine Plains. It will be necessary to demonstrate as part of the development application that there are no appropriate sites further to the west that provide adequate service with a lesser visual impact.

Some members of the public remain opposed to any tower that affects or could affect such scenic resources, even if the need were conclusively demonstrated to their satisfaction. Their concern, thus, is not with the PCS plan *per se*, but with the regulations that clearly permit such siting in these cases. However, the PCS plan must be reviewed by the regulations as written and adopted.

Since a reasonable expectation now exists that the proposed facilities can be sited in accordance with CMP standards, **the Acting Executive Director finds that this standard has been met.**

9. The plan must demonstrate or note the need to demonstrate when the actual siting of facilities is proposed that supporting structures (towers) are designed to accommodate the needs of any other local communications provider which has identified a need to locate a facility within an overlapping service area. N.J.A.C. 7:50-5.4(c)2. A closely related CMP standard also requires that the plan must demonstrate or note the need to demonstrate when the actual siting of facilities is proposed that the supporting structure, if initially constructed at a height less than 200 feet, can be increased to 200 feet to accommodate other local communications facilities in the future. N.J.A.C. 7:50-5.4(c)5. Another closely related standard in N.J.A.C. 7:50-5.4(c)6. requires that the plan must provide for joint construction and use of the supporting structures (towers). For purposes of this report, these three standards, which are intended to facilitate co-location of cellular and other types of local communications facilities, will be reviewed together.

The Plan addresses these "co-location" requirements in several ways. First, it identifies joint use of proposed facilities by the two companies that are parties to this Plan. Second, it commits the companies to design and construct all new structures such that they can be increased in height to 200 feet if necessary to accommodate other communications providers. And third, it includes a policy describing how co-location arrangements will be handled for all licensed wireless providers in the Pinelands.

Even though both of the parties to this Plan must work from their existing network design, there has been a concerted effort to propose facilities in locations where more than one company can utilize them. Twenty-one of the 36 new facilities in the PCS plan will be at locations previously identified in the cellular plan. Of the six facilities which the companies believe will require new towers, three will be shared by both. Ten of the 23 facilities which will or may utilize existing structures will be shared. To ensure that these facility sharing opportunities are not adversely affected by virtue of inappropriate site selection, the Commission's staff will ensure that each Plan participant, of both this plan and the earlier approved cellular siting plan, that is shown as a co-locator agrees with the site selected and proposed in a formal development application.

The companies have also made a serious attempt to affirmatively address co-location issues affecting other wireless providers. The co-location policy included in the Plan duplicates that

in the approved cellular plan. The Plan sets forth a five-part approach, addressing equal access, market value pricing, design of the towers, access and utilities, and the procedures for making co-location arrangements. The Commission's technical consultants reviewed the policy as presented in this plan and conclude that it will provide an effective framework to facilitate co-location, thereby reducing the need for additional tower construction in the Pinelands to satisfy other providers. However, the consultants also stress that this is a policy; it is not intended to describe detailed arrangements which are appropriate to include in specific contracts and agreements between wireless companies. Moreover, the Acting Executive Director notes several CMP related provisions and technical limitations that affect co-location opportunities:

a. The co-location policy does not allow companies who are not parties to this Plan or the earlier cellular plan to construct new towers in the restricted areas of the Pinelands unless they are authorized to act as the agent of the appropriate wireless service company or have incorporated the site into their own approved local communications facilities plan.

b. At sites identified in either the earlier cellular plan or this one where co-location is proposed, any of the plan participants in the two plans can take the lead (presuming the needs of all the co-locators are served). In other words, being designated as the "lead" participant in either of the plans does not guarantee to a company the exclusive rights to build a tower according to its own schedule (although, if in fact a "lead" is making progress, the co-locators have indicated they are willing to defer to that provider).

c. As the search radiuses of the PCS participants are much smaller than those of the cellular plan participants, the latter will have to site fairly close to their approximate locations or the new structures might not technically meet PCS needs.

d. As this plan is essentially an amendment of the earlier cellular plan and proposes to use many of the yet-to-be-built cellular structures, access by all five of the two plans' participants to each structure is required. A site will only be approved if it meets all needs of each provider identified in either plan as utilizing that site unless it is demonstrated that a single site is not feasible. To ensure that this position is understood, it was discussed at a recent meeting with the five signatories to one or other of the two plans. As a result of the meeting, there is an agreement (Appendix G) among all five to site new facilities in accordance with the technical requirements of each carrier proposing to utilize a site. Development of a joint site will be done in accordance with Appendix G.

The above provisions are clearly necessary for the plans to meet the letter and intent of the CMP regarding co-location (as well as address several comments from concerned citizens and the cellular industry).

Undoubtedly, the co-location policy will not resolve all potential issues or disagreements between wireless companies. Indeed, it would be naive to think there will not be periodic disputes about the meaning of one of the policies or about a company's actions in honoring the policy. In fact, there may be occasions where the Commission gets drawn into a dispute because the outcome could determine if an additional tower is or is not permitted in the Pinelands. In those instances, the Commission's decision on allowing or not allowing a new tower will be based, in large part, on whether joint use of the existing structure is feasible.

Co-location for providers outside of these plans is illustrated by a public comment made by a 3rd PCS provider who, while choosing not to participate in this plan, wanted to be listed as a potential co-locator and be notified of opportunities. The Commission will require notification to all plan participants in either the PCS or the cellular plan to ensure that joint use sites are appropriately planned. The Commission has no obligation to notify non-participants of such siting opportunities. The co-location policy requires that non-plan participants be accommodated at new sites, provided that the needs of the plan participants have been met. The non-plan participants should contact the "leads" for any new structure being built to register their desire to co-locate directly. In accordance with the provisions of N.J.A.C. 7:50-5.4(c)6.v., non-participants also have the right to seek an amendment to an approved plan to accommodate their needs.

The co-location policy proposed by the companies represents a workable framework to facilitate joint use of communication towers. **Therefore, the Acting Executive Director concludes that these standards have been met.**

10. If it reduces the number of facilities to be developed, shared service shall be part of the plan unless precluded by federal law. N.J.A.C. 7:50-5.4(c)6. This standard was intended to encourage companies to consider single server coverage.

The PCS providers have stated their belief to Commission staff that federal regulations are intended to create competition among the providers and, therefore, do not, and should not, provide for the sharing of service.

At a meeting held in 1997, FCC staff verbally indicated to Commission staff that shared service may be inconsistent with FCC rules but that a petition could be made for such service on an individual site if it would make a difference in the total number of towers. A review of the Plan indicates that shared service would seem to make no difference in the number of proposed new towers, only in the number of antennas. It may make a difference in the future if a tower cannot accommodate any additional antennas. Thus, it is possible that this issue may be of concern to the Commission in the future, particularly as other providers seek to locate on the same structures**. Although shared service may become an issue in the future, the Acting Executive Director concludes that this standard has been met.**

III. PUBLIC HEARING AND REVIEW PROCESS

The public review period formally began on November 5, 1999 when the proposed Plan was distributed to interested parties and publicized on the Commission's WEB page. Written comments from interested parties and the general public continued to be accepted by the Commission until December 17, 1999.

A public hearing on the proposed Plan was duly advertised, noticed, and held on Tuesday, November 16, 1999, beginning at 7:00 p.m., at the Teleconference Center at Burlington County College in Pemberton Township, New Jersey. It was attended by approximately 18 people. Following is a summary of testimony aired at the hearing. Sprint produced a transcript of the proceedings which was submitted to the Commission on December 6, 1999. The transcript is appended to this report as Appendix F.

Acting Executive Director William Harrison called the hearing to order at 7:00PM. Messrs. John Stokes and Larry Liggett of the Commission's staff were present, as was Dr. Moshe Kam, one of the Commission's technical consultants. After a brief, initial explanation of the major points of the Plan by Mr. Liggett, Mr. Harrison invited the public to comment on the Plan.

Mr. Lee Rosenson, representing the Pinelands Preservation Alliance and the New Jersey Audubon Society, spoke against approval of the Plan and cited several specific concerns. For one, Mr. Rosenson objected to the brief amount of time afforded for public comment and to the timing of the release of the technical data supporting the need for the proposed facilities. He felt the Commission was not allowing the public to review the staff analysis or the technical data. He stated his belief that there was no scientific basis for the conclusions in the Plan and requested that the period for public comment on the Plan be extended for four weeks after release of the technical report so that the public would have enough time to review and analyze it properly.

Mr. Rosenson further stated that the Plan does not demonstrate compliance with the CMP with regard to the need for each proposed facility, the requirement that the least number be employed in certain areas of the Pinelands, and the requirement that existing facilities and structures be used to the extent possible. Specifically, he indicated that there was no demonstration in the Plan that all the proposed towers were necessary to provide the desired level of service.

Mr. Rosenson also expressed other concerns. He objected to the placement of a tower in the West Plains because of its impact on scenic values; stated that there was no evidence that all the licensed PCS providers in New Jersey were involved in formation of the Plan; and indicated that the statement in the Plan affirming the need for an additional tower in Pemberton Township, but not including it in the proposed array, was a violation of the CMP requirements.

Ms. Theresa Lettman was the next speaker. She objected to the proposal in the Plan to site additional towers in Manchester Township, given the number of existing ones already there. Larry Liggett of the Commission staff responded that one of the towers was needed to fill an identified service gap

and conform to an FCC requirement regarding overlapping service areas. Dr. Moshe Kam later affirmed that a service gap existed in the area. He said that efforts to move the proposed tower to the east were unsuccessful because of the continuing coverage problem.

Mr. Albert Webber of Tabernacle Township concurred with Mr. Rosenson that the public comment period was too short. He also inquired as to why PCS tower #19 could employ an existing structure, but a proposed cellular tower nearby could not. Dr. Kam responded that there were often subtle differences between the technical needs of PCS and cellular providers and that this accounted in many cases for multiple facilities in relative proximity.

Mr. Jack Salemi asked whether the five-mile search radius employed for cellular site selection would also be used for PCS facilities. Another speaker raised essentially the same issue. Dr. Kam answered that, because of the different frequencies employed and consequent technical limitations, the search area for PCS facilities would perforce be more restricted - usually about ½ mile.

In responding to other technical/operational questions and some concerns about specific facility locations that were brought up by various members of the public, the Commission staff and Dr. Kam stated that PCS providers who were not signatories to the Plan would have to propose amendments to it if they wished to build at other locations; that Bell Atlantic had deferred plans for a cellular tower at one site in Evesham; that no amendments to the CMP regarding wireless communication facilities were imminent; that towers which go out of service were required to be removed; and that newer emerging technologies were generally not viable as yet because they lack the capacity to handle the volume of calls that cellular/PCS facilities can.

Messrs. Alan Zublatt and Warren Stilwell, attorneys for Sprint and Omnipoint respectively, expressed their support for Commission approval of the Plan. They both indicated their clients' willingness to work with municipal officials to find suitable facility locations and reaffirmed their commitment to exploiting all collocation opportunities that prove feasible.

The public hearing was adjourned at 8:20 p.m.

A total of 77 written comments was received from the public via mail, email and fax prior to the closing date for public comment, which was extended to December 17, 1999. The overwhelming majority of these commenters expressed opposition to expanding the number of communications towers in the Pinelands. Several public agencies indicated concern with aspects of the proposed array rather than outright opposition to it. The National Park Service (NPS) was concerned that mitigation of visual impacts in scenic river corridors would be difficult to attain and also questioned whether the need for each facility has been adequately demonstrated. The US Fish and Wildlife Service identified nine proposed facility locations that are within five miles of the location of various threatened and endangered flora and fauna. Fish and Wildlife also recommended that, in cases where there is no alternative to a new tower, the tower be designed in a manner to minimize impacts upon migratory birds. Both Fish and Wildlife and the National Park Service requested that NPS be kept abreast of applications for towers in the vicinity of designated wild and scenic rivers.

Among those opposed to the expansion of PCS facilities, many challenged the need for more towers and virtually all expressed a concern over the impact of towers on the natural beauty of the Pinelands. A number of commenters objected in particular to any intrusion upon the Pine Plains. Several questioned recent decisions of the Commission and called for more stringent enforcement of the CMP.

The one comment in favor of the Plan cited enhanced public safety that wireless phones allow.

All of these oral and written comments were considered in the Commission staff's analysis of the pending Plan to the extent they were pertinent to CMP standards. However, some issues are beyond the scope of the Commission's regulations while others, such as specific tower concerns, are appropriate considerations for municipalities and the Pinelands Commission to take into account when individual facilities are proposed for construction.

Several general public comments warrant response. These include: length of the public comment period, access to Commission staff reports (including this report) before the public hearing, and the basis/demonstration of the Plan's compliance with the CMP.

! The Commission's CMP Policy and Implementation Committee was briefed on the details of the Plan on October 22, 1999 with members of the public in attendance. It was noted at that meeting that the Plan was likely to be deemed complete the following Monday and that a hearing would be scheduled for mid-November. These events occurred as anticipated. While the Commission's public notice procedures and the subsequent period devoted to submission of public comment were consistent with regulatory requirements, a number of citizens requested that the record remain open for a more extended period due to the complexity of the issues at hand.

  The industry asked the Commission to act on the Plan as expeditiously as possible because of its perceived competitive disadvantage with the providers who participated in the approved cellular plan and because of the fact that the draft Plan had undergone extensive revisions over a ten month period. Despite this, the Acting Executive Director settled on a one month extension of the public review period, until December 17, 1999, in order to ensure that all relevant testimony is considered.

! Since the CMP became effective on January 14,1981, the Commission has followed a format of obtaining public input before any staff recommendations on municipal ordinances or federal/regional plans are submitted to the Commission. Both for this Plan and for the preceding cellular plan, members of the public have expressed a preference to obtain Commission staff recommendations prior to the public hearing and seem particularly interested in being able to review the findings of the Commission's technical consultants at that time (note: these findings were presented orally at the public hearing). However, the Commission's internal review process benefits from the consideration of public comments prior to the formation of any recommendations. Furthermore, it would not seem appropriate

to distribute a staff opinion to the general public before it is presented to the Commission itself. Regarding release of the consultants' report, while Commission staff continues to view it as an integral component of the Acting Executive Director's report, drafts of the consultants' report (completed after the public hearing) have been made available to interested public to ensure the greatest degree of openness possible.

! The Plan adequately demonstrates that it meets the standards of the CMP. This demonstration is supported by extensive supplementary documentation assembled by the industry's and the Commission's technical radiofrequency experts; by the experience and familiarity with relevant issues that the Commission staff gained in its review of the earlier cellular plan; by the time spent by the Commission staff and its consultants field checking site conditions and propagation levels; by the numerous staff reviews of aerials and parcel maps and the mapping exercises undertaken on earlier drafts of the plan; and by this Acting Executive Director's report.

In some cases, the demonstration serves to prove a negative, e.g., the lack of suitable structures nearby. In such instances, the staff researched each site for a proposed new structure before the plan was deemed complete and found none (this procedure will be repeated as applications are submitted). To assert that the staff and its consultants have not done this for this plan (and the cell plan as well) is incorrect.

Such demonstrations may not be entirely satisfying or obvious to all of the concerned public. However, given the nature of the material and the complex technical and mapping analyses that were undertaken, this demonstration must of necessity be process oriented rather than simply a paper product. In this sense, it is identical to the cellular siting plan. The process is described in the Plan and in this report.

! The concern of the US Fish and Wildlife Service over possible impacts of tower construction upon threatened and endangered species is shared by the Commission. However, as is regularly the case, this is an issue that will be addressed at the time individual development applications are submitted. Fish and Wildlife also recommended that multiple transmitters be affixed to each tower, that towers be less than 200 feet tall, and that lights and guy wires be avoided. The CMP standards already require co-location to the extent possible and a maximum tower height of 200 feet. While the regulations do not specifically address lighting or guy wires, the provision in NJAC 7:50-5.4(c)5. requiring expandability to 200 feet encourages construction of lattice towers, which do not require guy wires.

! The contention of the Pinelands Preservation Alliance that the 11/23/99 draft technical consultants' report (Appendix B) does not include the data in support of its determinations is correct. However, it is similar in this regard to the report which the same consultants submitted, and the Commission accepted, for the cellular plan. The intent of the report is to summarize the results of an intensive review of the Plan by qualified experts in the field. From the outset the report was conceived and executed as a document which would provide a

reliable professional opinion regarding the propriety of the proposed facility array. The Commission was seeking to acquire expertise in wireless telecommunications technology by soliciting the unbiased conclusions of those who have extensive knowledge and experience in the field.

PPA's other specific comments on the technical report, expressed in both oral and written comments, are either not valid or not germane. For instance, while PPA maintains that the report "does not discuss or seek to justify the signal thresholds which the applicants use on the ANET charts," the consultants state on pp. 2-3 that they obtained data on the "output of computer models and design algorithms for microwave radiation and mobile telephony design" (paragraph #4) and "conducted limited independent experiments aimed to establish and maintain PCS communications from various locations within the Pinelands. These experiments were conducted in order to assess the realism of theoretical calculations made by the providers, and in order to establish a base line for existing quality of service within the Pinelands" (Paragraph #7). The report also confirms that, contrary to the PPA's assertion that the numerical "quality of service" criteria were not applied to the PCS Plan but only recommended for future use, these criteria were, in fact, used to assess the adequacy of the proposed PCS service (Paragraph #17.3 on pp.6-7) (note: Dr. Kam has also specifically confirmed, in response to a request by the Commission staff, that the numerical criteria, found on p. 8 of the draft report, were employed in the analysis of both the cellular and the PCS plans). Furthermore, the consultants "conducted independent sample calculations to ascertain accuracy of the information supplied by the providers" (Paragraph #8 on p. 3). The other PPA comments are addressed throughout this report.

IV. CONCLUSION

The Plan draws its approach and many of its specific provisions directly from the approved cellular plan. It proposes a total of 36 new facilities and anticipates the construction of only six additional towers in the Pinelands (one of which may ultimately prove to be unnecessary).

As the foregoing analyses indicates, the Plan now meets the standards of the CMP and can be recommended for Commission approval. However, such a recommendation does not mean that the companies' plan is perfect. New towers will be built in sensitive areas of the Pinelands. More visual clutter will detract from the vistas that characterize the Pinelands. Some residents remain concerned about towers located close to their homes. Disagreements between the PCS companies, cellular providers, municipalities and the Commission regarding the final location of new towers are possible. Disagreements among wireless providers about the co-location policy are possible. Disagreements between the PCS companies and the Commission regarding the need for Plan amendments are also possible. Finally, the Plan does not cover all theoretical wireless PCS needs in the Pinelands. Yet, even considering these shortcomings, the Plan does establish a blueprint which, if successfully implemented, will provide for adequate communications service in the Pinelands and will result in less visual pollution than is likely in other parts of the State and country.

Even with approval of this Plan, individual facilities will have to be approved by the Commission in accordance with the provisions of N.J.A.C. 7:50-5.4 and other applicable CMP standards. In the review of such applications, the Commission will be guided by the hierarchical policy for siting individual wireless communications facilities, which is appended to this report as Appendix D.

Therefore, the Acting Executive Director recommends that the Pinelands Commission approve the "Comprehensive Plan for PCS Communication Facilities in the Pinelands." The Acting Executive Director also recommends that the Commission expressly affirm that the review of the development applications for individual sites needs to be done in accordance with this Report, including the appendices, in order to be consistent with CMP requirements.

In the Matter of the

Comprehensive Plan for PCS Communications Facilities in the Pinelands

[In Conformance with N.J.A.C. 7:50-5.4 (c) 6]

Submitted by: Sprint Spectrum L.P. and
Omnipoint PCS Entrepreneurs, Inc.

Dated: December 23, 1998
Revised through: Oct. 25, 1999

TABLE OF CONTENTS

I. PLAN INTRODUCTION

II. COMPREHENSIVE MAP SUMMARY

- **A. PCS MAP SUMMARY**
- **B. PCS MAP**
- **C. PCS MAP TABLE - "APPROXIMATE LOCATION OF PROPOSED SITES"**
- **D. CELLULAR PROVIDER (CP) MAP**
- **E. EXISTING CP FACILITY STRUCTURES TABLE**
- **F. LETTER FROM OMNIPOINT EXPLAINING "OUT-OF-AREA FREQUENCY EMISSIONS LIMITATIONS"**

III. CODE COMPLIANCE

- **A. PLAN COMPLIANCE WITH CODE - N.J.A.C. 7:50-5.4 [C]6**
- **B. FUTURE / ALTERNATIVE TECHNOLOGY REVIEW**
- **C. CO-LOCATION POLICY**
- **D. LEVEL OF SERVICE**

IV. PUBLIC NEED

- **A. LOCAL PUBLIC NEED**
- **B. GENERAL PUBLIC NEED**

V. CONCLUSION

- **A. SUMMARY**
- **B. FACILITY SUMMARY CHART**

I. PLAN INTRODUCTION

In conformance with N.J.A.C. 7:50-5.4(c)6 (the Code), as adopted by the New Jersey Pinelands Commission in August of 1995, this "Comprehensive Plan for Personal Communications Service (PCS) Communications Facilities in the Pinelands" (the Plan) has been prepared and submitted to provide an overview of the PCS communications facilities proposed within the Pinelands in areas other than the Regional Growth and Pinelands Town management areas. It is submitted by communications providers of like services that are identified for the purposes of this Plan as the PCS Providers (PCSs). The PCSs are defined as those carriers providing fully duplexed voice and data service in the 1850-1990 MHz range. The Plan signatories are those current PCSs, licensed by the Federal Communications Commission (FCC) to provide such service throughout southern New Jersey including the New Jersey Pinelands, as are ready, willing and able to participated in preparation of such a plan. The entities holding PCS licenses were identified by International Transcription Services, Inc. (ITS), the official contractor for search, retrieval and duplication of FCC file materials, from official FCC records. The signatories are as follows: Sprint Spectrum L.P. (Sprint) and Omnipoint PCS Entrepreneurs, Inc. (Omnipoint). Broadband PCS licenses within southern New Jersey are also held by ATT Wireless PCS, Inc., PCS Primeco, L.P., Comcast PCS Communications, Inc., Nextwave Power Partners Inc. and Rivgam Communicators, L.L.C. however these entities are not signatories to this plan either because they do not currently provide service under said license or because they have not participated in the plan drafting process. This plan is intended to comport with, supplement and enhance the document previously submitted by the Cellular Providers (CPs) known as the "Comprehensive Plan for Wireless Communications Facilities in the Pinelands" (CP's Plan).

The PCSs have attempted to design their network in the Pinelands region "from the outside in" as requested by the Pinelands Commission. That is, the PCSs have attempted to provide coverage for as much of the Pinelands as possible from facilities located outside the Pinelands and only designated facilities within the Pinelands to the extent necessary to complete the PCS current network plan and provide adequate service to the Pinelands. However, it is important to note that the Plan, as such, does not include particulars about specific sites, but, rather, sets forth a framework under which the PCSs and the Pinelands staff can ensure that the "least number" criteria is satisfied. It is also important to note that while the "least number" criteria, as defined by the Code, includes only those facilities located in the Preservation Area District, the Forest Area, the Special Agricultural Production Area and certain specific Pinelands Villages, the PCSs have produced a Plan which ensures the "least number" of new facilities throughout the Pinelands.

In addition to the above, the Code requires that a five (5) and ten (10) year projections of facilities required by all the PCSs be incorporated in the Plan. The Code further requires that all the PCSs employ joint use of facilities wherever possible. In order to meet all requirements of the Code the total number of proposed facilities within the Pinelands was determined by establishing the least number of facilities necessary to provide adequate reliable service in the Pinelands for each participating PCS under its current build-out plan. The PCSs considered alternate technologies that may be available in the near future as well any service provided in the Pinelands by facilities located outside of the Pinelands while making their collective determination.

The Plan, as prepared and submitted, includes:

- Description of the joint use of facilities (Sec. III - Code Compliance),
- A map outlining the locations of proposed and existing facilities (Sec. II (B) - PCS Map),
- Provision for new structures to be used by future carriers (Sec. III (C) - Code Compliance),
- Consideration of alternative future technologies (Sec. III (B) - Code Compliance),
- Demonstration of use of existing structures where practical (Sec. III - Code Compliance),
- Demonstration of consistency with the code siting criteria or a note to demonstrate same at the time of filing for the individual facility involved (Sec. III - Code Compliance), and
- Further description of compliance with the requirements of 7:50-5.4 (c) 6 (Sec. III - Code Compliance).

The PCSs present this Plan as part of the required process to allow for the provision and expansion of PCS service within the Pinelands. Such service is required pursuant to each of the PCSs FCC licenses and by their respective customers. Currently, a significant number of wireless customers reside in the Pinelands and many more customers travel through the region each day. The customers use wireless service for both for convenience and out of necessity. As the price of wireless communication service continues to decline, more and more people use wireless services for accessibility. More importantly, safety and security are the top reasons listed by customers for purchasing a phone. Over six hundred thousand (600,000) 9-1-1 calls are made each year in the US from wireless phones. This benefits not only those who have phones, but also other individuals who may be in need and benefit from a wireless customer making a call for them. If service does not exist, calls - whether for convenience or necessity - do not go through. The New Jersey Pinelands Commission has jurisdiction over one million (1,000,000) acres of property. Currently, much of this area is not adequately covered and some is not covered at all thereby compromising the safety and security of those in or traveling through the Pinelands area. The PCSs believe the Plan strikes a balance between the growing demand for wireless service and the continued protection and public enjoyment of one of New Jersey's greatest treasures.

The Plan is presented in a form that will facilitate ease of use by the Pinelands Commission staff, the PCSs, emergency communication service providers, and any future and/or alternate wireless service providers. It is a concise and accurate representation of the facilities necessary for the provision of adequate reliable wireless service by all the PCSs throughout the PCS’s planed buildout area in the Pinelands during the next ten (10) years.

II. "COMPREHENSIVE MAP"

A. PCS MAP SUMMARY

The Pinelands Comprehensive Management Plan (CMP) requires any communication company that proposes a communication facility outside of the "unrestricted" area of the Pinelands to prepare a "Comprehensive Plan" for all of the existing and proposed facilities within the Pinelands in accordance with Section 7:50-5.4(c)6 of the Pinelands CMP. As a result of the Personal Communication Services providers' (PCSs) needs to provide for communication facilities outside of the "unrestricted" regions of the Pinelands, this comprehensive "PCS Plan", in accordance with Section 7:50-5.4(c)6 of the Pinelands CMP, outlining the PCSs development plan for communication facilities within the Pinelands, has been submitted to the Pinelands Commission. The following summary outlines the content of the comprehensive "PCS Map" submitted by the PCSs for approval as part of the above PCS Plan.

The PCS Map prepared by the PCSs builds on the Cellular Provider (CP) Comprehensive Map (CP Map) and provides the greatest detail when consulted in conjunction with the previously approved CP Map. Said CP Map is reprinted herein at Sec. II (D).

Section 7:50-5.4 of the Pinelands CMP effectively divides the New Jersey Pinelands into three regions governing the development of communication facilities.

The first region, covering the Regional Growth and Pinelands Town Areas, is effectively "unrestricted". This region allows the PCSs to build facilities with associated structures to any height necessary to meet radio frequency design requirements, with no defined height limit or no limit on the number of structures in the region. This region is shown on the CP Map, previously submitted by the CPs and included here with at Sec II (D), as the red shaded areas.

The second region, covering the Agricultural Production Area, Regional Development Area, and Select Villages, is defined as "height restricted". This region requires the PCSs to meet certain siting criteria for proposed facilities, verify that no existing suitable structure exists within the immediate vicinity of the proposed facility, as well as submit a "Comprehensive Plan" of all existing and proposed facilities within the Pinelands, for approval by the Commission. This region is shown on the CP Map as the blue shaded areas.

The third region, covering the Preservation Area, Forest Area, Special Agricultural Production Area, and Select Villages, is defined as "height and least number of structures restricted". This region requires that the above mentioned siting criteria be met, that the PCSs demonstrate that the least number of structures in this region is proposed, and that a "Comprehensive Plan" of all existing and proposed facilities within the Pinelands be submitted for approval by the Commission. This region is shown on the CP Map as the green shaded areas.

The facilities shown on the PCS provider's "Comprehensive Map" have been divided into six (6) groups having the following designations:

Group 1, denoted by red circles on the map, represent existing PCS communication facilities. At the present time there are twenty-seven (27) PCS facilities located or approved for construction within the Pinelands Area.

Group 2, denoted by blue circles on the map, represent proposed PCS communication facilities to be located on existing structures. Based upon pending agreements, it is feasible for the PCS providers to formally propose that these facilities will be located on existing structures. This Plan designates sixteen (16) PCS communication facilities that are proposed to be located on existing structures.

Group 3, denoted by green triangles on the map, represent proposed PCS communication facilities which the PCS providers anticipate will be located on existing structures. Although formal agreements with the structure/land owners are not in place, general surveys mentioned in the Comprehensive Cellular Plan suggest that these facilities may be able to be located on an existing suitable structure. PCS operators, unlike the CPs, will not have the ability to locate a site five miles away from the designated target area. A radius of a one-half (1/2) of a mile is more realistic for PCS operators. Therefore, it is likely that existing structures located more than a half of a mile from the target location will not be usable by the PCS operators. A final decision will be made when the facility application is pursued and will be based upon the structure's location in relation to the geographic area in need in service, the feasibility of utilizing the structure from the standpoint of access, availability of utilities, conformance with siting criteria, etc., as well as the ability of the PCS operators to negotiate with the structure/land owner. If the use of an existing structure is not feasible, the facility will be proposed on a site which will satisfy the service need and comply with the requirements of the Pinelands Management Plan. This Plan designates seven (7) PCS communication facilities that the PCS providers anticipate will be located on existing structures.

Group 4, denoted by magenta triangles on the map, represent proposed PCS communication facilities in areas which have been previously approved in the Cellular Plan. Based upon general surveys of the areas in which these facilities are proposed, it does not appear that there are existing suitable structures within a one-half (1/2) mile radius on which these facilities can be located. However, the cellular master plan has already allowed for the siting of a tower in this area. There does appear to be one or more potential sites that satisfy the service need and may comply with the Pinelands siting standards for a new structure. When each facility application is pursued, the possible use of an existing structure will be reviewed in detail, as will the siting of a new structure if it is again found that the use of an existing structure is not feasible. This Plan designates seven (7) PCS communication facilities that are located in previously approved cellular siting locations but have not yet been constructed.

Group 5, denoted by yellow triangles on the map, represent proposed PCS communication facilities which are unlikely to be located on existing structures. Based upon general surveys of the areas in which these facilities are proposed, it does not appear that there are existing suitable structures within a one-half (1/2) mile radius on which these facilities can be located. However, there do appear to be one or more potential sites that satisfy the service need and may comply with the Pinelands siting standards for a new structure. When each facility application is pursued, the possible use of an existing structure will be reviewed in detail, as will the siting of a new structure if it is again found that the use of an existing structure is not feasible. This Plan designates five (5) PCS communication facilities that are unlikely to be located on existing structures.

Group 6, denoted by orange triangles on the map, represent proposed PCS

communication facilities which will not be constructed if Omnipoint can reach an agreement, acceptable to the FCC, on boundary issues with adjoining license holders. FCC license requirements mandate that the holder of a PCS license for one MTA not transmit into the adjoining MTA. However, PCS license holders ordinarily negotiate, subject to the FCC regulations, the right to transmit across MTA boundaries as needed. In this instance Omnipoint has been unable to negotiate such an agreement to date because the current owner of the adjoining license is experiencing financial difficulties that have apparently prevented it from negotiating with Omnipoint. Omnipoint expects to be able to negotiate the necessary agreements shortly but has included in the Plan the (1) one site that would be necessary in the event that such an agreement cannot be reached or was not acceptable to the FCC.

A breakdown of the facility classifications can be found at the end of this report at Sec. V (B) - "Facility Summary Chart". Please note – Site numbers 12, 21, 44 and 63 are not used in this Plan and have been intentional omitted from this Plan.

The following summaries outline the available information for each facility at the time of the "Comprehensive PCS Plan" submission:

Existing PCS Facilities:

Facility 1:

This is an existing **Sprint PCS** facility @ 150 feet and is located in **Monroe**. This facility matches with Facility 30 in the Comprehensive Cellular Plan, which is an existing **BAM** facility. It is in the "unrestricted" area and is required for coverage.

Facility 2:

This is an existing **Sprint PCS** facility @ 153 feet and is located in **Winslow**. It is an existing AT&T tower. It is in the "unrestricted" area and is required for coverage.

Facility 3:

This is an existing **Sprint PCS** facility @ 168 feet and is located in **Waterford**. It is an existing NJ Public Broadcasting Authority tower. It is in the "heights restricted" area and is required for coverage.

Facility 4:

This is an existing **Sprint PCS** facility @ 140 feet and is located in **Tabernacle**. This facility matches with Facility 27 in the Comprehensive Cellular Plan, which is an existing **BAM** facility. It is in the "unrestricted" area and is required for coverage.

Facility 5:

This is an existing **Sprint PCS** facility @ 127 feet and is located in **Hammonton**. It is an existing 125 feet Atlantic City Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 6:

This is an existing **Sprint PCS** facility @ 117 feet and is located in **Hamilton**. This facility matches with Facility 54 in the Comprehensive Cellular Plan, which is a proposed **Nextel** facility. It is an existing 125 feet Water Tank in the "height and least number of structures restricted" area. The facility is required for coverage.

Facility 9:

This is an existing **Sprint PCS** @125 feet and **Omnipoint** @ 115 facility and is located in **Egg Harbor City**. It is an existing 125 feet Township Water Tank. It is in the "unrestricted" area and is required for coverage.

Facility 36:

This is an existing **Sprint PCS** facility @ 152 feet and is located in **Winslow**. It is an existing 150 feet Atlantic City Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 45:

This is an existing **Omnipoint** facility @ 85 feet and is located in **Medford**. This facility is an existing Water Tank. It is in the "unrestricted" area and is required for coverage.

Facility 46:

This is an existing **Omnipoint** facility @ 89 feet and is located in **Monroe**. This facility is on a building. It is in the "unrestricted" area and is required for coverage.

Facility 47:

This is an existing **Omnipoint** facility @ 197 feet and is located in **Waterford**. This facility is an **Omnipoint** tower. It is in the "unrestricted" area and is required for coverage.

Facility 48:

This is an existing **Omnipoint** facility @ 121 feet and is located in **Hammonton**. This facility is a 119 feet Atlantic Electric High Tension Electric Pole. It is in the "unrestricted" area and is required for coverage.

Facility 49:

This is an existing **Omnipoint** facility @ 118 feet and is located in **Winslow**. This facility is a 116 feet Atlantic Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 50:

This is an existing **Omnipoint** facility @ 144 feet and is located in **Winslow**. This facility is a 142 feet Atlantic Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 51:

This is an existing **Omnipoint** facility @ 125 feet and is located in **Hammonton**. This facility is a 123 feet Atlantic Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 52:

This is an existing **Omnipoint** facility @ 144 feet and is located in **Hammonton**. This facility is a 142 feet Atlantic Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 53:

This is an existing **Omnipoint** facility @ 102 feet and is located in **Hamilton**. This facility is a 100 feet Atlantic Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 54:

This is an existing **Omnipoint** facility @ 118 feet and is located in **Galloway**. This is a 116 feet Atlantic Electric High Tension Electric Pole. It is in the "unrestricted" area and is required for coverage.

Facility 55:

This is an existing **Omnipoint** facility @ 89 feet and is located in **Egg Harbor**. This is an 87 feet Atlantic Electric High Tension Electric Pole. It is in the "unrestricted" area and is required for coverage.

Facility 56:

This is an existing **Omnipoint** facility @ 187 feet and is located in **Galloway**. This is an existing 220 feet lattice tower. It is in the "height restricted" area and is required for coverage.

Facility 57:

This is an existing **Omnipoint** facility @ 89 feet and is located in **Bass River**. This is an 87 feet Atlantic Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 58:

This is an existing **Omnipoint** facility @ 175 feet and is located in **Barnegat**. This is an existing lattice tower. It is in the "unrestricted" area and is required for coverage.

Facility 59:

This is an existing **Omnipoint** facility @ 220 and is located in **Stafford**. This is an existing lattice tower. It is in the "unrestricted" area and is required for coverage.

Facility 60:

This is an existing **Omnipoint** facility @ 180 feet and is located in **Eagleswood**. This is an **Omnipoint** tower. It is in the "height and least number of structures restricted" area and is required for coverage.

Facility 61:

This is an existing **Omnipoint** facility @ 98 feet and is located in **Barnegat**. This facility is an **Omnipoint** tower. It is in the "height and least number of structures restricted" area and is required for coverage.

Facility 66:

This is an existing **Omnipoint** facility @ 135 feet and is located in **Lake Hurst**. This facility is an existing Water Tank. It is in the Fort Dix Military compound and is required for coverage.

Facility 67:

This is an existing **Omnipoint** facility @ 90 feet and is located in **Egg Harbor**. This is a 90 feet Atlantic Electric Pole Replacement. It is in the "unrestricted" area and is required for coverage.

Proposed PCS Communication Facilities To Be Located On Existing Structures:

Facility 7 (As soon as possible):

These facilities are proposed by **Sprint PCS** and **Omnipoint** and are located in **Hamilton**. These facilities match with Facility 17 in the Comprehensive Cellular Plan, which is a proposed **Comcast** facility. There are existing 140 feet Atlantic City Electric High Tension Electric Poles in the immediate vicinity. It is in the "height restricted" area and is required for coverage.

Facility 8 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Egg Harbor**. It is an existing 120 feet Atlantic Electric High Tension Electric Tower. This facility is in the "unrestricted" area and is required for coverage.

Facility 11 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Hamilton**. It is an existing communications tower. This facility also matches with Facility 34 in the Comprehensive Cellular Plan, which is a proposed **BAM** and **Comcast** facility. SPCS is proposing a pole replacement of an existing 150' tower. It is in the "height and least number of structures restricted" area and is required for coverage.

Facility 16 (As soon as possible):

This facility is proposed by **Sprint PCS** and is an existing **Omnipoint** facility located in **Hamilton**. It is an existing 100' Atlantic Electric Electric Monopole. This facility also matches with Facility 49 in the Comprehensive Cellular Plan, which is an existing **Comcast** facility. It is in the "unrestricted" area and is required for coverage.

Facility 18 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Browns Mills**. This facility matches with Facility 39 in the Comprehensive Cellular Plan, which is an existing 150 feet **BAM** facility. It is in the "unrestricted" area and is required for coverage.

Facility 19 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **South Hampton**. It is an existing 60 feet Water Tank. SPCS will need to extend the height of the Water Tank to 90 feet to obtain coverage objective. It is in the "height and least number of structures restricted" area and is required for coverage.

Facility 22 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Woodland**. This facility matches with Facility 41 in the Comprehensive Cellular Plan, which are existing **BAM** and **Comcast** facilities as well as a proposed **Nextel** facility. It is an existing 250 feet American Tower Lattice Guyed Tower. This facility is in the "height and least number of structures restricted" area and is required for coverage.

Facility 24 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Mullica**. SPCS is proposing a pole replacement of an existing 70 feet communications facility used by Mullica Township. This facility is in the "height and least number of structures restricted" area and is required for coverage.

Facility 25 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Galloway**. This facility matches with Facility 55 in the Comprehensive Cellular Plan, which is a proposed **Nextel** facility. It is an Atlantic Electric pole replacement of approximately 120 feet. This facility is in the "unrestricted" area and is required for coverage.

Facility 26 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Evesham**. This facility matches with Facility 44 in the Comprehensive Cellular Plan, which is an existing **Comcast** facility. It is an existing 160 feet Township Water Tank. It is in the "height and least number of structures restricted" area and is required for coverage.

Facility 29 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Washington**. This facility matches with Facility 25 in the Comprehensive Cellular Plan, which is a proposed **BAM**, **Comcast** and **Nextel** facility. The current communications facility will be replace by BAM. It is in the "height and

least number of structures restricted" area and is required for coverage.

Facility 32 (5 year site):

This facility is proposed by **Sprint PCS** and is located in **Weymouth**. This facility matches with Facility 35 in the Comprehensive Cellular Plan, which is a proposed **Comcast** facility. There is an existing 200ft communication tower in the area. It is in the "height and least number of structures restricted" area and is required for coverage.

Facility 37 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Hamilton**. It is an existing 200 feet Atlantic City Electric communications lattice tower. It is in the "unrestricted" area and is required for coverage.

Facility 39 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Manchester**. This facility matches with Facility 24 in the Comprehensive Cellular Plan, which is an existing **BAM** and proposed **Nextel** facility. It is in "unrestricted" area and is required for coverage.

Facility 42 (As soon as possible):

This facility is proposed by **Omnipoint** and is located in **Bass River**. It is an existing 80ft Atlantic City Electric High Tension Electric Pole. It is in the "height restricted" area and is required for coverage.

Facility 43 (As soon as possible):

These facilities are proposed by **Sprint PCS** and **Omnipoint** and are located in **Hamilton**. There are existing 120 feet Atlantic City Electric High Tension Electric Poles in the immediate vicinity. It is in the "height restricted" area and is required for coverage.

Proposed PCS Communication Facilities Which May Be Located On Existing Structures:

Facility 10 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Hammonton**. No specific candidate has been submitted, however, several existing structures exist in this area. Facility 13 in the Comprehensive Cellular Plan is in the vicinity of this proposed facility. It is in the "unrestricted" area. The facility is required for coverage.

Facility 13 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Folsom**. There are some existing structures in the immediate area. This facility is in the "height restricted" area and is required for coverage.

Facility 17 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Maurice River**. There are some 85ft wood electric poles in the area. One of these could be replaced by a 150ft monopole to meet coverage requirements. This facility is in the "height and least number of structures restricted" area

and is required for coverage.

This facility is proposed near the Manumuskin River, a Pinelands designated river from which visual intrusions area to be avoided to the maximum extent practicable.

Facility 33 (5 year site):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Manchester**. This facility matches with Facility 3 in the Comprehensive Cellular Plan, which is a proposed **BAM** and **Comcast** facility. It is in the "unrestricted" area and is required for coverage.

Facility 34 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Barnegat**. This facility matches with Facility 4 in the Comprehensive Cellular Plan, which is a proposed **Comcast** facility. It is in the "unrestricted" area and is required for coverage.

Facility 41 (5 year site):

This facility is proposed by **Sprint PCS** and is located in **Tabernacle**. This facility matches with Facility 6 in the Comprehensive Cellular Plan, which is a proposed **BAM**, **Comcast** and **Nextel** facility. It is in the "height and least number structures restricted" area and is required for coverage.

Facility 65 (As soon as possible);

This facility is proposed by **Omnipoint** and is located in **Bass River**. There is a steel structure related to a resource extraction area in the nearby vicinity. This facility is in the "height and least number structures restricted" area and is required for coverage.

In addition to the sites listed above, the PCS's require a site which may be located on an existing structure in **Pemberton** the vicinity of Lat. -74.53110, Long. 39.92470. The facility is required for coverage by both **Sprint PCS** and **Omnipoint**. However, both PCS's and Pinelands staff have been unable to identify any property in the vicinity of the required site that satisfies the current Pinelands siting criteria. For this reason the site is not eligible for inclusion in the PCS Plan under the current Pinelands regulations and therefore, is not part of the Plan. However, by this statement the PCSs reiterate their need for said facility and reserve the right to pursue the development of such a facility in the future. The methods through which the PCSs may choose to pursue development include: instituting a request for a waiver from strict compliance with the requirements of the Pinelands regulations; seeking a municipal zoning change; proceeding under any revised regulations which would permit the facility; or using such alternate technology and/or siting locations as may become feasible.

Proposed Sites Previously Authorized In The Comprehensive Cellular Plan;

Facility 23 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Shamong**. This facility matches with Facility 11 in the Comprehensive Cellular Plan, which is a proposed **Comcast, Bell,** and **Nextel** facility. This facility is in the "height and least number of structures restricted" area and is required for coverage.

Facility 27 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Medford**. This facility matches with Facility 8 in the Comprehensive Cellular Plan, which is a proposed **Comcast** facility. It is in the "unrestricted" area and is required for coverage.

Facility 28 (5 year site):

This facility is proposed by **Sprint PCS** and is located in **Evesham**. This facility matches with Facility 9 in the Comprehensive Cellular Plan, which is a proposed **BAM** facility. It is in the "height restricted" area and is required for coverage.

Facility 30 (5 year site):

This facility is proposed by **Sprint PCS** and is located in **Hammonton**. This facility matches with Facility 12 in the Comprehensive Cellular Plan, which is a proposed **BAM** and **Comcast** facility. It is in the "height and least number of structures restricted" area and is required for coverage.

Facility 31 (5 year site):

This facility is proposed by **Sprint PCS** and is located in **Mullica**. This facility matches with Facility 16 in the Comprehensive Cellular Plan, which is a proposed **BAM**, **Comcast** and **Nextel** facility. It is in the "height and least number of structures restricted" area and is required for coverage.

This facility is proposed in the area of the Mullica River, one of the special areas that the Pinelands Commission regulations seek to protect from visual intrusions. This facility does not appear to be one that can be relocated nor does it seem likely to be located on an existing structure. The PCS providers recognize their obligation to minimize the visual impact and will pursue locations and design features to mitigate the impact the maximum extent practicable.

Facility 35 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Barnegat**. This facility matches with Facility 5 in the Comprehensive Cellular Plan, which is a proposed **BAM** and **Comcast** facility. It is in the "height and least number of structures restricted" area. The facility is required for coverage.

This facility is proposed in the area of the Pine Plains, one of the special areas that the Pinelands Commission regulations seek to protect from visual intrusions. This facility does not appear to be one that can be relocated nor does it seem likely to be located on an existing structure. The PCS providers recognize their obligation to minimize the visual impact upon the Pine Plains and will pursue locations and design features to mitigate the impact the maximum extent practicable.

Facility 38 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Pemberton**. This facility matches with Facility 2 in the Comprehensive Cellular Plan, which is a proposed **BAM** and **Comcast** facility. It is in the Regional Growth area and is required for coverage.

This facility is proposed in the area of Dear Park branch, one of the special areas that the Pinelands Commission regulations seek to protect from visual intrusions. This facility does not appear to be one that can be relocated nor does it seem likely to be located on an existing structure. The PCS providers recognize their obligation to minimize the visual and will pursue locations and design features to mitigate the impact the maximum extent practicable.

Proposed PCS Communication Facilities Which Are Unlikely To Be Located On Existing Structures:

Facility 14 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Hamilton**. This facility is in the "height and least number of structures restricted" area and is required for coverage.

This facility is proposed in the area of the Great Egg H. R., one of the special areas that the Pinelands Commission regulations seek to protect from visual intrusions. This facility does not appear to be one that can be relocated nor does it seem likely to be located on an existing structure. The PCS providers recognize their obligation to minimize the visual impact and will pursue locations and design features to mitigate the impact the maximum extent practicable.

Facility 15 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Hamilton**. This facility is in the "height and least number of structures restricted" area and is required for coverage.

This facility is proposed in the area of the Great Egg H. R., one of the special areas that the Pinelands Commission regulations seek to protect from visual intrusions. This facility does not appear to be one that can be relocated nor does it seem likely to be located on an existing structure. The PCS providers recognize their obligation to minimize the visual impact and will pursue locations and design features to mitigate the impact the maximum extent practicable.

Facility 20 (As soon as possible):

This facility is proposed by **Sprint PCS** and **Omnipoint** and is located in **Woodland**. This facility is in the "height and least number of structures restricted" area and is required for coverage.

Facility 40 (As soon as possible):

This facility is proposed by **Sprint PCS** and is located in **Estell Manor**. It is located in the vicinity of a municipal landfill. This facility is in the "height and least number of structures restricted" area and is required for coverage.

This facility is proposed in the area of Jackson Creek, one of the special areas that the Pinelands Commission regulations seek to protect from visual intrusions. This facility does not appear to be one that can be relocated nor does it seem likely to be located on an existing structure. The PCS providers recognize their obligation to minimize the visual impact and will pursue locations and design features to mitigate the impact the maximum extent practicable.

Facility 62 (5 year site):

This facility is proposed by **Omnipoint** and is located in **Woodland**. It is located in the vicinity of a landfill. It is in the "height and least number of structures restricted" area and is required for coverage.

This facility is proposed in the area of the Pine Plains, one of the special areas that the Pinelands Commission regulations seek to protect from visual intrusions. This facility does not appear to be one that can be relocated nor does it seem likely to be located on an existing structure. The PCS providers recognize their obligation to minimize the visual impact upon the Pine Plains and will pursue locations and design features to mitigate the impact the maximum extent practicable.

Proposed PCS Facilities included to resolve FCC license border issues:

Facility 64 (5 year site – Unlikely to be built):

This facility is proposed by **Omnipoint** and is located in **Manchester**. There is an existing 110ft structure in the area. It is in the "height and least number of structures restricted" area and is required for FCC License MTA border coverage. This facility will be omitted from the plan provided that Omnipoint can reach an agreement with the adjacent license holder that is satisfactory to the FCC. See appendix for more information on the FCC border issue. Please see Sec. II (F) – Letter from Omnipoint regarding "Out-of-Area Frequency Emissions Limitations" for further detail regarding this issue.

Summary

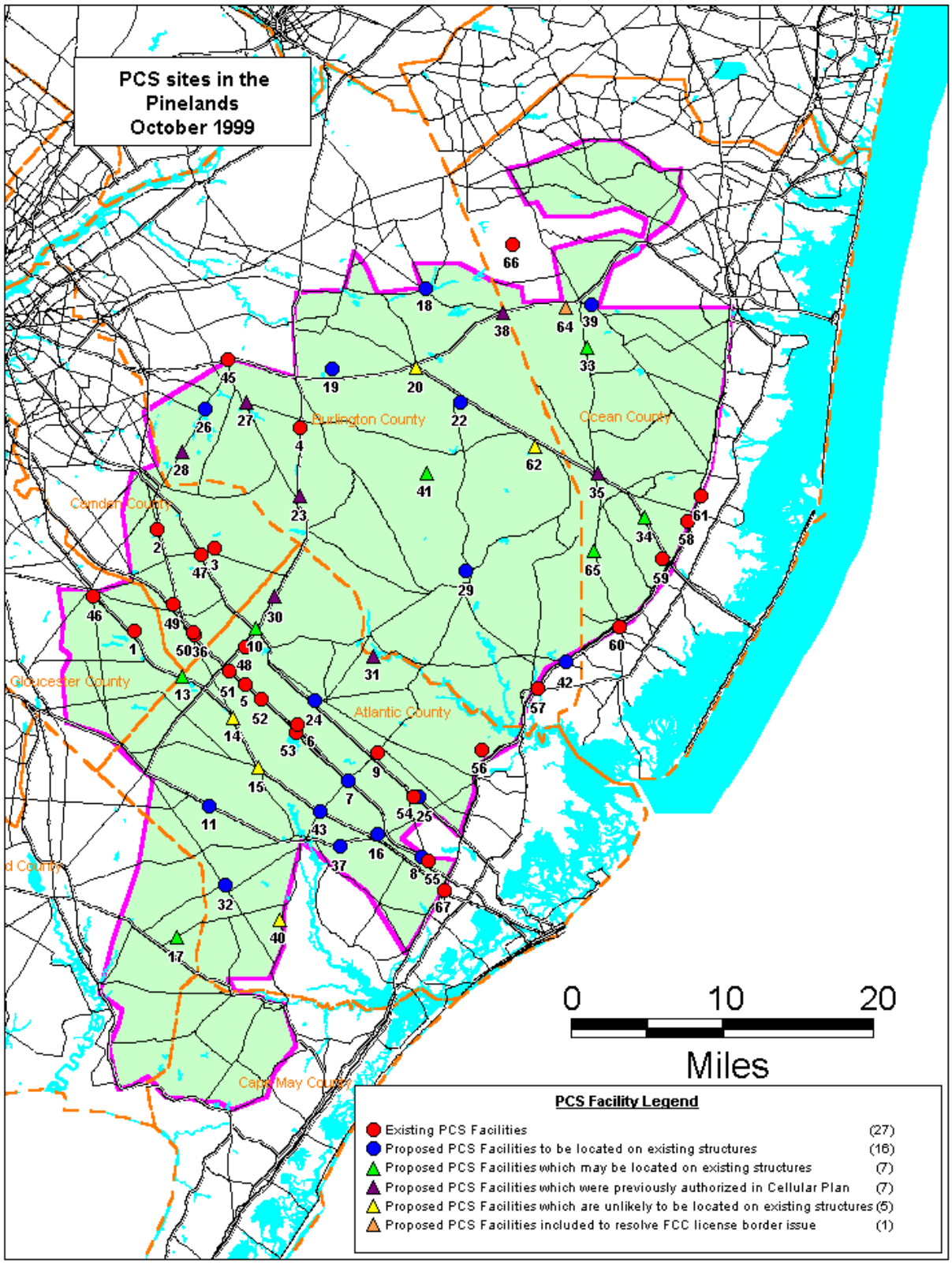
The PCSs have attempted to design their networks in the Pinelands region "from the outside in" as requested by the Pinelands Commission. The PCSs have attempted to provide coverage for as much of the Pinelands as possible, from facilities located outside the Pinelands and only designated facilities within the Pinelands to the extent they are necessary to complete the network and provide adequate service throughout the PCSs build out area in the Pinelands.

The PCS provider network in the Pinelands is anticipated to consist of a total of sixty-three (63) facilities. Twenty-seven (27) of these facilities did not require adoption of the Plan prior to approval and have been already been located or approved for construction within the Pinelands Area. Despite the fact that the nature or location of the facilities located or approved to date did not require the submission of the Plan, the PCS providers did locate these sites so as to comport with the Plan. The thirty-six (36) proposed facilities include sixteen (16) facilities to be located on existing structures and an additional seven (7) facilities that are anticipated to be located on existing structures. Only thirteen (13) facilities proposed in the Plan are not likely to be located on existing structures seven (7) of which have been authorized in the cellular plan. The PCSs anticipates developing twenty-eight (28) of the 36 proposed sites immediately and eight (8) of the sites within five (5) years. Due to the rapid pace at which the PCSs plan to construct their networks none of the sites currently contemplated by the PCSs are to be developed more than five (5) but less than ten (10) years from the submission of the Plan.

As stated above, seven (7) of the thirteen (13) facilities which are unlikely to be located on existing structures correspond to locations approved for wireless facilities under the previously approved CP Plan. Only six (6) facilities included in the plan are not likely to be located on existing structures and do not correspond with the CP Plan.

As the forgoing indicates breakdown indicates, the high level of time and resources that the PCSs have devoted to the design of their networks in the Pinelands has yielded a network plan that successfully limits the number of new structures required in the Pinelands and directs those new structures that are required to sites most appropriate for those structures.

B. PCS MAP


PCS sites in the Pinelands October 1999
Burlington County
Ocean County
Camden County
Gloucester County
Atlantic County
Cape May County
0
10
20
Miles
PCS Facility Legend
Existing PCS Facilities (27)
Proposed PCS Facilities to be located on existing structures (16)
Proposed PCS Facilities which may be located on existing structures (7)
Proposed PCS Facilities which were previously authorized in Cellular Plan (7)
Proposed PCS Facilities which are unlikely to be located on existing structures (5)
Proposed PCS Facilities included to resolve FCC license border issue (1)

C. PCS MAP TABLE

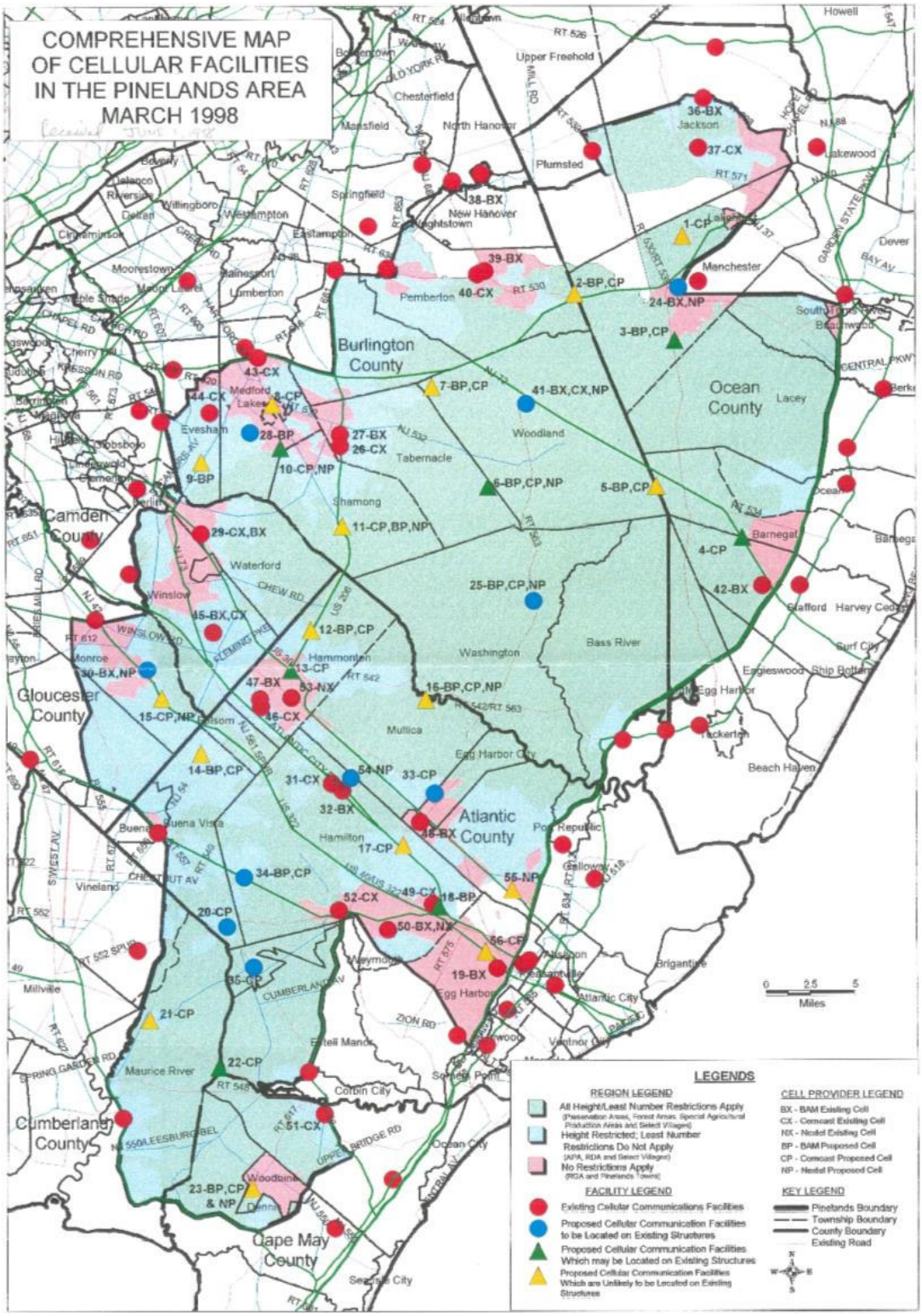
Approximate Location of Proposed Sites

Pinelands ID	Lat	Long
1	-74.94080	39.64810
2	-74.91220	39.74390
3	-74.84140	39.72640
4	-74.73670	39.83940
5	-74.80440	39.59750
6	-74.73944	39.55861
7	-74.67690	39.50640
8	-74.58670	39.43440
9	-74.64220	39.53190
10	-74.79030	39.65050
11	-74.84830	39.48220
13	-74.88190	39.60420
14	-74.81830	39.56530
15	-74.78831	39.51810
16	-74.64200	39.45590
17	-74.88749	39.35778
18	-74.58310	39.97190
19	-74.69720	39.89580
20	-74.59330	39.89720
22	-74.54000	39.86400
23	-74.73690	39.77470
24	-74.71920	39.58220
25	-74.59140	39.49060
26	-74.85389	39.85747
27	-74.80303	39.86344
28	-74.88200	39.81700
29	-74.53300	39.70400
30	-74.76800	39.68000
31	-74.64700	39.62400
32	-74.82900	39.40700
33	-74.38300	39.91600
34	-74.31300	39.75500
35	-74.37028	39.79639
36	-74.86640	39.64390
37	-74.68806	39.44417
38	-74.48793	39.94825

39	-74.37917	39.95667
40	-74.76190	39.37440
41	-74.58100	39.79700
42	-74.41000	39.61800
43	-74.71294	39.47726
45	-74.82500	39.90389
46	-74.99083	39.68056
47	-74.85861	39.72000
48	-74.80444	39.63278
49	-74.89361	39.67306
50	-74.86861	39.64583
51	-74.82389	39.61000
52	-74.78389	39.58306
53	-74.74167	39.55194
54	-74.59778	39.49111
55	-74.57861	39.43000
56	-74.51417	39.53556
57	-74.44389	39.59361
58	-74.26081	39.75169
59	-74.29194	39.71556
60	-74.34500	39.65167
61	-74.24472	39.77486
62	-74.44750	39.82166
64	-74.41056	39.95333
65	-74.37556	39.72333
66	-74.47611	40.01306
67	-74.55917	39.40278

D. CELLULAR PROVIDER (CP) MAP

The following CP Map entitled, "Comprehensive Map of Cellular Facilities in the Pinelands Area – March 1998" was submitted as part of the CP Plan. The PCS Plan and Map make reference to and build upon the CP Map and Plan.



E. EXISTING CP FACILITY STRUCTURES TABLE

The entries on the following table corresponds the existing CP structures as shown on the forgoing CP Map entitled, "Comprehensive Map of Cellular Facilities in the Pinelands Area – March 1998".

LOCATION OF EXISTING CP FACILITY STRUCTURES

dec_lat	dec_long	lat/d	lat/m	lat/s	lon/d	lon/m	lon/s	LABEL
39.648056	74.940833	39	38	53	74	56	27	30-BX,NP
39.678611	74.870556	39	40	43	74	52	14	45-BX,CX
39.758611	74.883333	39	45	31	74	53	0	29-CX,BX
39.857222	74.873889	39	51	26	74	52	26	44-CX
39.902222	74.822778	39	54	8	74	49	22	43-CX
39.830000	74.736389	39	49	48	74	44	11	26-CX
39.839444	74.736667	39	50	22	74	44	12	27-BX
39.971667	74.583333	39	58	18	74	35	0	39-BX
39.968889	74.591111	39	58	8	74	35	28	40-CX
40.050000	74.586667	40	3	0	74	35	12	38-BX
40.070833	74.357778	40	4	15	74	21	28	37-CX
39.958056	74.379444	39	57	29	74	22	46	24-BX,NP
39.864167	74.540000	39	51	51	74	32	24	41-BX,CX,NP
39.703889	74.532500	39	42	14	74	31	57	25-BP,CP,NP
39.457778	74.639722	39	27	28	74	38	23	49-CX
39.405556	74.572222	39	24	20	74	34	20	19-BX
39.436944	74.687222	39	26	13	74	41	14	50-BX,NX
39.286667	74.754722	39	17	12	74	45	17	51-CX
39.439444	74.856944	39	26	22	74	51	25	20-CP
39.555278	74.746389	39	33	19	74	44	47	31-CX
39.549722	74.735278	39	32	59	74	44	7	32-BX
39.623889	74.821667	39	37	26	74	49	18	47-BX
39.617500	74.820556	39	37	3	74	49	14	46-CX
40.111111	74.352500	40	6	40	74	21	9	36-BX
39.547222	74.637778	39	32	50	74	38	16	33-CP
39.715833	74.291944	39	42	57	74	17	31	42-BX
39.406667	74.629444	39	24	24	74	49	46	35-CP
39.479444	74.638889	39	28	46	74	50	20	34-BP,CP
39.841111	74.831111	39	50	28	74	49	52	28-BP
39.524028	74.653222	39	31	26.5	74	39	11.6	48-BX
39.452778	74.738889	39	27	10	74	44	20	52-CX
39.625000	74.788611	39	37	30	74	47	19	53-NX
39.560000	74.726111	39	33	36	74	43	34	54-NP.

Note: All coordinates are NAD27

F. LETTER FROM OMNIPOINT EXPLAINING "OUT-OF-AREA FREQUENCY EMISSIONS LIMITATIONS"

OMNIPOINT

Jerry O'Brien
Senior Director, Legal and Regulatory Affairs

OMNIPOINT COMMUNICATIONS SERVICES, LLC
16 Wing Drive, Cedar Knolls, New Jersey 07927
973 290-2400 Fax: 973 290-2445

October 8, 1999

Pinelands Commission
15 Springfield Avenue
New Lisbon NJ 08064

Gentlemen:

Re: Out-of-Area Frequency Emission Limitations

The Pinelands Commission has asked why Omnipoint is unable to use certain antenna sites in as efficient a fashion as other Personal Communications System ("PCS") operators.

Under the Federal Communications Commission's ("FCC") rules, PCS operators are authorized to use particular frequency blocks within certain defined geographical areas. Frequency blocks "A" and "B" are authorized for use by a particular operator within the entire Metropolitan Trading Area ("MTA"). Frequency block C is authorized on a Basic Trading Area ("BTA") basis. Each MTA is comprised of several, up to a dozen or more, BTAs.

Omnipoint's New York operations hold an "A" block license for the New York MTA, call sign KNLF202. Its Philadelphia operations hold a "C" block license for the Philadelphia BTA, call sign KNLF715, and its Atlantic City "C" operations hold a "C" block license for the Atlantic City BTA.

The FCC's rules strictly limit the signal level that a licensee may transmit on its assigned frequency band outside its licensed MTA or BTA. This is, of course, a matter of protecting the rights of each PCS operator from interference by neighboring operators. 47 C.F.R. Section 24.236 limits out-of-area signals to a level of 47 dBuv/m in the absence of consent by the to-be-interfered-with operator.[1]

The structure of the FCC's PCS licensing practices and its rules, including 47 C.F.R. Section 24.236 mean that Omnipoint cannot operate a base station on "A" block frequencies outside of the geographic bounds of the New York MTA, nor may Omnipoint even operate an "A" block

[1] Since the usual case involves a geographically adjacent operator that is a competitor, consent to increased signal spillover is seldom requested and even more rarely granted. The FCC's rules do not restrict an operator's ability to unreasonably withhold consent.

base station near the New York MTA border without special engineering design to prevent "spillover" signals in excess of those permitted by 47 C.F.R. Section 24.236. Likewise, Omnipoint is not permitted to operate on "C" block frequencies within the New York MTA, or even near its borders.

These rules and licensing criteria make it difficult to efficiently provide continuous coverage near MTA/BTA borders where the PCS operator holds different frequency blocks on either side of the border. In Omnipoint's case, for example, consider a highway that crosses the NY MTA – Philadelphia BTA border. It might be, from a purely engineering prospective, that optimum coverage of that highway is achieved from one base station located within a few hundred yards of the border, say on the Philadelphia side. It may be impossible to accomplish that coverage within the FCC's rules; a "C" block transmitter would impermissibly radiate into the New York MTA and using "A" block frequencies by Omnipoint in the Philadelphia BTA is flatly forbidden. In this case, therefore, there are no frequencies available to Omnipoint that meet the FCC's rules. The best solution to this problem is to cover the border highway from two base stations; one in the New York MTA and one in the Philadelphia BTA, both of which are located a mile or two away from the border. The New York MTA station uses "A" block frequencies and the Philadelphia station uses "C" block frequencies. Since both are situated a reasonable distance from the border, their "spillover" signal strength is within the requirements of 47 C.F.R. Section 24.236.

Some operators are more fortunate than Omnipoint and have the same frequency block on both sides of the border. In this case, 47 C.F.R. Section 24.236 is inapplicable and the designer need not consider spillover problems in its internal operating areas. In the hypothetical design discussed above, such an operator could cover the border highway with one, optimally sited, base station.

We trust that this explanation clarifies Omnipoint's reason for base station sites that may differ in border areas from those of other, more fortunate, PCS operators.

Sincerely,

Jerry O'Brien,

III. CODE COMPLIANCE

A. PLAN COMPLIANCE WITH CODE - N.J.A.C. 7:50-5.4 (c)6

Pursuant to N.J.A.C. 7-50 - 5.4, the plan shall include:

1. Five (5) and ten (10) year horizons [N.J.A.C. 7:50-5.4 (c) 6]

The Plan, as submitted, does include such horizons as outlined in Section II (A) "PCS Map Summary". However, no facilities are include on the ten (10) year horizon since the PCSs anticipate developing all sites currently contemplated within five (5) years.

2. A review of alternative technologies that may become available for use in the near future [N.J.A.C. 7:50-5.4 (c) 6]

A review of alternative technologies has been attached hereto as Section III (C) "Future / Alternative Technology Review".

3. The approximate location of all proposed facilities [N.J.A.C. 7:50-5.4 (c) 6]

The Plan, as submitted, does include such locations indicated both the proposed host municipality name in Section II (A) "PCS Map Summary" as well as latitude and longitude in Section II (C) "PCS Map Table - Approximate Location of Proposed Sites".

4. Demonstration that the facilities to be located in the Preservation Area District, Forest Area, Special Agricultural Production Area and certain Pinelands Villages are the least number necessary to provide adequate service, taking into consideration the location of facilities outside the Pinelands that may influence the number and location of facilities needed within the Pinelands [N.J.A.C. 7:50-5.4 (c) 6]

The PCSs worked to determine the least number of towers necessary within the Preservation Area District, the Forest Area, the Special Agricultural Production Area and seventeen (17) specific Pinelands Villages. In fact, the PCSs, in an effort to meet the spirit and not just the letter of the Code, worked to determine the least number of new facilities throughout the entire Pinelands Region. Further, the PCSs designed their network in the Pinelands region "from the outside in" as requested by the Pinelands Commission. That is, the PCSs have attempted to design their networks so as to provide coverage for as much of the Pinelands as possible from facilities located outside the Pinelands and only designated facilities within the Pinelands to the extent necessary to complete the network and provide adequate service to the Pinelands.

This plan represents a network that when complete should provide adequate coverage for those areas within the Pinelands included in the PCSs planed coverage area while keeping the number

of new towers in the most sensitive zones of the Pinelands to a minimum. The PCSs propose to construct only five (5) new towers in the "height and least number of structures restricted" area at location which have not already been approved for wireless facilities under the CP Plan.

In summary, the Commission can be assured that the least number criteria has been met. The PCSs certify that the number of new facilities, not anticipated to be located on existing structures or at sites approved under the CP Plan, within the Pinelands will not exceed one (1) new tower within the Agricultural Production Areas, Rural Development Areas and selected Villages and will not exceed five (5) new towers within the restricted Pinelands Preservation Areas, Forest Areas, Special Agricultural Production areas and selected Villages without the approval of an amendment to this plan.

5. Demonstration of need for the facility to serve the local communication needs of the Pinelands, including those related to public health and safety, as well as demonstration of the need to locate the facility in the Pinelands in order to provide adequate service to meet those needs [N.J.A.C. 7:50-5.4 (c) 1]

The proposed facilities are needed to provide adequate coverage to the Pinelands pursuant to the PCSs FCC licenses, the PCSs current coverage plan and customer requirements. The level of service upon which the Plan was based has been attached hereto as Exhibit C.

The Superior, Appellate and Supreme Courts of New Jersey recognize the need for these types of facilities. Although the Supreme Court of New Jersey has not yet affirmatively classified these facilities as "inherently beneficial", the Court has recognized the need for wireless service in its recent decision, Smart SMR of New York, Inc, d/b/a Nextel Communications vs. Borough of Fair Lawn Board of Adjustment. The Court noted that "[I]n today's world, prompt and reliable information is essential to the public welfare..." To this end, the Court was satisfied that a proposed "facility, including the monopole, is a necessary part of an increasingly public service." In fact, the Court noted that a Federal Communications Commission (FCC) license will suffice to establish that the use serves the general welfare. Regarding placement of such facilities, the Court, in agreement with the Telecommunications Act of 1996, stated that municipal boards "may not altogether prohibit [mobile communication facilities) from being constructed within the municipality." They went on to say that their "goal in making these suggestions is to facilitate the decision of cases involving the location of telecommunication facilities**..."** (emphasis added).

Further, although enhanced communications are beneficial to everyone, the fact that wireless service is utilized by Emergency Medical Services, Police and Firefighters (Section IV. Public Need) greatly increases this need. In fact, the Federal Government has recognized the need for such communications and has made wireless communications a priority as evidenced by the enactment of the Telecommunications Act of 1996.

6. Demonstration that the antenna utilizes an existing communications or other suitable

structure, to the extent practicable [N.J.A.C. 7:50-5.4 (e) 3]

Wherever possible, the PCSs have utilized existing structures or sought to site at locations approved under the CP Plan where the CPs will likely be constructing structures in the future. It is important to note that this is a Master Plan and, as such, does not include particulars about specific sites, but, rather, sets forth a framework under which the PCSs and the Pinelands staff can ensure, among other conclusions, that the "least number" criteria is met. The PCSs will further address the use of existing structures at the time that an application for site approval is made to the Pinelands Commission.

It shall be noted that existing structures are not considered practicable for use until and unless:

- There is an agreement in place to use the structure with the land owner and/or the structure owner;
- The property meets the Pinelands siting criteria for the placement of the PCSs' equipment shelter; and
- Access and utilities to the site are available.

It is important to note that existing wooden utility poles and similar type lightweight structures would require significant modification to support a PCS facility and are not necessarily, therefore, considered practicable for purposes of this Plan.

To ensure that existing structures were indeed utilized to the greatest extent possible, the PCSs conducted extensive field research in the vicinity of each proposed location and reviewed the "Location of Existing CP Facility Structures" list (CP list) and the list of "Miscellaneous Existing Pinelands Structures Not Currently Occupied by CPs" (miscellaneous list) which were part of the previously approved CP Plan. The CP list was complied by the CPs from their records. The miscellaneous list was compiled during the preparation of the CP Plan when the CPs preformed the following tasks: (a) obtained a database containing the locations of structures filed with the Federal Aviation Administration (FAA); (b) obtained maps from Atlantic Electric, PSE&G, and GPU indicating the location of each company's electrical lines; (c) performed a visual survey within the most restrictive management areas of the Pinelands; and (d) investigated a list provided by the Pinelands Staff of existing structures throughout the Pinelands and in close proximity to proposed facilities.

The PCSs reviewed the CP list and miscellaneous list with respect to identifying any existing structures that could be used to site PCS facilitates. Where such structures were identified the PCSs attempted design their networks so as to make use of such existing structures.

It should be noted that all information research about existing structures not developed during the PCSs field research was provided to the PCSs by outside sources and, therefore, the PCSs do not certify its accuracy or completeness. In the future, any existing structure found to be in close proximity to a proposed facility at the time that application is made to the Pinelands will be evaluated to determine if such structure might meet the technical needs of the proposed service area and the

PCS will make every effort to use any additional existing structures identified that meet the technical network requirements.

The above facts adequately address the requirement that the Plan demonstrate consistency with N.J.A.C. 7:50-5.4 (c)(3).

7. Demonstration, or indication of the need to demonstrate when the actual siting of facilities is proposed, that the supporting structure is designed to accommodate the needs of any other local communications provider which has identified a need to locate a facility within an overlapping service area [N.J.A.C. 7:50-5.4, (e) 2]

The PCSs acknowledge that all new structures will be constructed so that they can be extended, if need be, to a height of 200 feet for the purposes of co-location. Particular design criteria will be addressed at the time application for a Certificate of Filing is made.

The PCSs collocation policy is attached hereto in Sec. III (C).

8. Demonstration, or indication of the need to demonstrate when the actual siting of facilities is proposed, that, if an existing communications or other suitable structure cannot be utilized, the antennas and any necessary supporting structure is located such that it meets all siting criteria per the Code [N.J.A.C. 7-50-5.4 (c) 4]

The PCSs acknowledge that compliance with siting criteria as outlined in the Code is required. Such criteria will be addressed for each individual facility at the time that an application for site approval is made to the Pinelands Commission.

In addition, the CPs further certify that any facilities which may have a visual impact as outlined in N.J.A.C. 7:50-5.4 (c) will be designed to minimize or avoid such impact to the maximum extent practicable.

9. Demonstration, or indication of the need to demonstrate when the actual siting of facilities is proposed, that the antenna and any supporting structure does not exceed 200 feet in height, but, if of a lesser height, shall be designed so that the height can be increased to 200 feet if necessary to accommodate other local communications facilities in the future [N.J.A.C. 7:50-5.4 (c) 5]

The PCSs acknowledge that all new structures will be designed and constructed so that they can be extended, if need be, to a height of 200 feet for the purposes of co-location. Particular design criteria will be address at the time of a Certificate of Filing is made.

The PCSs co-location policy is attached hereto in Sec. III (C).

10. Demonstration that, where more than one entity is providing the same type of service or has

a franchise for the area in questions, the Plan shall be agreed to and submitted by all such providers where feasible, and shall provide for the joint construction and use of the least number of facilities that will provide adequate service by all providers for the local communication system intended. Shared service between entities, unless precluded by Federal law or regulation, shall be part of the Plan when such shared services will reduce the number of facilities to be otherwise developed [N.J.A.C. 7:50-5.4 (c) 6]

The Plan signatories are those current PCS providers, providing the same type of service (fully duplexed voice and data service in the 1850-1990 range), licensed by the Federal Communications Commission (FCC) to provide such service throughout southern New Jersey including the New Jersey Pinelands, as are ready, willing and able to participated in preparation of such a plan. The signatories are as follows: Sprint Spectrum L.P. (Sprint) and Omnipoint PCS Entrepreneurs, Inc. (Omnipoint). The Plan, as submitted, provides for the joint construction and use of the least number of facilities that will provide adequate service under the current build out plans of all signatory providers.

Regarding shared services: All parties acknowledge that the term "shared services" actually applies to "shared frequencies". It is the PCSs' position that the FCC regulations, by their intent to create competition among providers, do not, and should not, provide for the sharing of frequencies. Such a concept, even if it were technically and legally feasible, would not significantly reduce the number of sites. The PCSs are aware that the Pinelands Staff has written to the FCC to obtain input on the issue. The PCSs are not aware of any response to date.

B. FUTURE / ALTERNATIVE TECHNOLOGY REVIEW

There are new technologies being developed that are similar to wireless telephone technology in that they either provide the same type of service as wireless or they use a similar technology as wireless. One service that uses limited range transmissions and cell sites is cellular vision. Currently this system is being deployed in the New York City area. The service operates at 28 Gigahertz (GHz) and can provide phone, data and cable television type services to fixed (not mobile) uses.

The interactive Video Data service (VDS) also uses cell sites. This service is intended to provide television viewers with handheld keypads that transmit information to the cell sites such as placing orders for advertised products or answering opinion polls. The company planning this service is called EON, Inc. and was formerly called "TV Answer". The system operates in the 200 MHZ frequency range.

Mobile Satellite Service will also provide similar service to wireless. The capacity of the mobile satellite services is only a small fraction of wireless and the cost involved is much higher. The system is intended to provide very wide range telephone service and uses equipment that is different from wireless. The frequencies used are in the 1500 MHz range.

C. CO-LOCATION POLICY

In an effort to work with the communities of the New Jersey Pinelands to minimize the impact of wireless facilities, the PCSs have made a commitment to promote co-location. To the extent possible, each PCS has made its existing tower structures available and will design and make all future structures available for use by other FCC-licensed wireless providers (WPs) in accordance with the policies set forth in this Section.

As a threshold matter, the parties to this Plan, including the Commission, recognize that a lessee can grant no more rights than it has under a lease. The PCSs' co-location policies under this Plan are as follows, subject always to this basic limiting principle.

Equal Access

1. Space on existing and proposed tower structures will be made available to other WPs in accordance with the process described below.

2. Requests for co-location will be considered in a timely manner.

3. No reciprocal agreements (e.g. *quid pro quo* access to another structure owned by the party requesting co-location) will be required to make an applicant eligible for co-location.

4. To facilitate initial and future co-locations, master agreements are encouraged.

5. The primary PCS on a proposed tower structure will attempt to ensure that the lease allows for co-location by proposing and advocating lease agreement language that permits subleasing. Where the lessor does not permit subleasing, the PCS agrees to be supportive of potential users in their attempts to work with the lessor.

6. Notice of construction of new structures will be provided in accordance with any relevant Pinelands Comprehensive Management Plan regulations.

Market Value Pricing

Co-location will be provided at fair market value rental rates. These rates will take into account rates in comparable leases for similar sites, and any site development costs incurred by the structure owner/operator during the site design, approvals, construction and maintenance stages for the site in question.

Design of Tower Structures

Tower structures will be designed to allow sufficient room for cables, antennas and equipment of future co-locators and to support the anticipated weight and wind load of their future additional

facilities. Space for ground level maintenance, equipment shelter, and switching facilities will be reserved for future co-locators to the extent practical.

The tower structure will be designed to allow antenna attachment and independent maintenance at various heights.

The tower structure will be designed so as to be easily expandable to a height of 200 feet above ground level.

Relocation of existing antennas on a tower structure to accommodate a new co-locator will be permitted, if the new location(s) meet the existing co-locator's needs and the cost of the relocation is borne by the new co-locator. The relocation plans and schedules must be coordinated with the tower structure owner and in compliance with the lease agreement.

If any modifications (lease, structure, ground space, etc,) are required for an existing structure, the PCS will attempt, at the time such modification is made, to make the site and structure suitable for co-location, both within the existing lease and otherwise.

Access and Utilities

Each co-locator will be responsible for independently obtaining and maintaining their respective required electric and telephone utility services. The tower structure owner or first tower user shall inform the telephone and electric companies, at the time of its utility installation, of the fact that the site may be occupied by other users in the future.

Co-locators will have (1) a non-exclusive right of access for ingress and egress, seven (7) days a week, twenty four (24) hours a day, for the installation and maintenance of utility wires, poles, cables, conduits and pipes either over or underground, extending from the most appropriate public right of way to the tower structure area, and (2) access privileges to the tower facility area for all authorized personnel of co-locators for the maintenance and operation of their respective facilities.

Co-location Procedures

1. Application

When a WP has identified a need for service in an area where there is an existing or proposed PCS tower structure, the WP may contact the PCS and request the exact location, geographical coordinates, height and available ground space within the structure lease area, etc. Contacts for the PCSs are as follows:

Company	**Contact***	**Tel. No.**	**Fax No.**
Sprint	TBD	TBD	TBD
Omnipoint	TBD	TBD	TBD

*Contact information will be provided to the Pineland Commission when determined.

If the WP decides to pursue co-location on the structure, a formal application that contains

information about the WPs radio frequency requirements, antenna specifications, equipment shelter dimensions, height of antennas, etc. will be provided to the tower owner. The application will be reviewed by the tower owner for any potential radio frequency interference issues, tower structural conflicts, electrical concerns, security or access issues, space availability, and lease term and regulatory compliance.

2. Approval

The application will be approved if there are no service disruptions or service affecting interference with existing signals, site operations or lease terms, regulatory conditions and lack of structural analysis failure issues. Existing site restrictions and technical incompatibility may not always permit co-location.

Should a structural analysis prove that the tower structure will not hold the additional antennas and equipment requested, the WP may investigate with the tower owner the possibility/feasibility and cost of modifying the tower structure or extending the height up to 200 feet, and relocating all existing users as necessary to accommodate the WP needs as well as the existing facilities and possible future co-locators. If the WP desires to pursue such reconstruction and/or relocation of antennas, and same is feasible, the PCS will allow it provided such action does not cause unreasonable service disruptions or service affecting interference with existing signals, or cause interference with site operations, lease terms, regulatory conditions or future needs of the PCS. The PCS retains all rights previously held, including, but not limited to, those regarding tower ownership, unless otherwise negotiated in the agreement with WP.

Reasons for any denial of co-location requests will be provided to the applicant by the tower structure owner in writing.

3. Contract & Site Development

Once the tower owner approves the co-location application, a "co-location package" shall be supplied to the applicant by the owner including site plans and tower drawings. Concurrently, a license, sublease or other appropriate agreement, will be prepared, reviewed and executed by the parties.

Once an agreement for the specific site has been executed, site development and design will be coordinated between the tower owner and the applicant. Right of Way access will be provided in accordance with the agreement.

The WP will also contract with a design firm to prepare site plans and construction drawings as required by the WP and the tower owner (PCS), and prepare the application for all required regulatory site plan approvals. When the WP has secured permits, a pre-construction meeting will be scheduled with the WP to ensure that all guidelines are followed in the planning and construction process with an emphasis on safety and security. Once construction is completed, access privileges to the secured lease area will be provided for all authorized personnel of the users of the facility for maintenance and operation in accordance with the agreement.

4. Application Period; Emergency Services; Compliance with Law

Applications to co-locate will continue to be accepted by the tower owner for a site as long as support structure space and ground space are still available. If sufficient ground space is not available, PCS agrees to be supportive of potential users in their attempts to work with the lessor.

Applications will be accepted on a first come first serve basis until the support structure can no longer hold additional facilities without compromising the service of existing co-locators or the structural integrity of the tower structure.

Co-location opportunities may be provided to emergency service providers free of tower rental charges utilizing the same procedures outlined in this section.

All WPs must operate in compliance with all applicable local, state or federal, laws, rules and regulations.

D. LEVEL OF SERVICE

With regard to the level of service on which this plan is based, N.J.A.C. 7:50-5.4 effectively provides that the Pinelands Commission's goal for the wireless facilities plan is to provide adequate service that serves the local communication needs of the Pinelands. The facilities proposed by the PCSs in this plan are indeed those that are needed to provide adequate service to the Pinelands pursuant to the PCSs FCC licenses, the PCSs current coverage plan and customer requirements.

Currently, portions of the Pinelands receive either inadequate or no wireless telephone service. In some cases, these may represent rather large geographic areas, many of which are located in the less populated portions of the region. In others, stretches along highway arteries are not adequately served, leaving coverage gaps that lead to dropped calls or to a customer's inability to receive or make a call.

In evaluating the need for service, the PCSs relied upon three widely recognized parameters that help to define service levels. These are uniformly used by the PCSs inside and outside the Pinelands and consist of:

1. Signal to Interference ratio at audio

This parameter describes the ratio of the power of the intended (desired) audio signal in the customer audio band (typically 30 - 3,400 Hz) to the power level of interference from all other sources in the same frequency band. In wireless radio, interference is typically the result of other signals in the same (RF) frequency band, present due to the practice of frequency re-use in other cells.

2. Dropped call rate

This parameter represents the ratio of dropped calls to the total number of active calls in a service area. The "dropped call" rate is measured over a period of time. A "dropped call" is a previously active call, which was ended due to non-availability of wireless communication services to customers in the service area. For purposes of this plan, "non-availability" in the "service area" refers to customers (and equipment that serves customers) who are physically present inside the Pinelands, and is limited to services and equipment of the provider to the Pinelands customer. Specifically, a call dropped due to non-availability of service (or non-availability of equipment) to a customer who is outside the Pinelands is not considered a "dropped call" for purposes of assessing the "dropped call" rate in the Pinelands.

3. Blocked call rate

This parameter represents the ratio of the number of blocked calls to the number of all dialed calls made in a service area. The "blocked call" rate is measure over a unit of time (order of magnitude of a minute). A "blocked call" is a dialing attempt from the service area that does not result in an active call due to non-availability of wireless phone service or equipment to the service area calling party. The probability of a "blocked call" can increase in the event of a public emergency located in an area of inadequate service. For the purposes of this plan, "non-availability" in the "service area" refers to customers (and equipment that serves customers) who are physically present inside the Pinelands, and is limited to services and equipment of the provider to the Pinelands

customer. Specifically, a "blocked call" due to non-availability of service (or non-availability of equipment) to a customer who is outside the Pinelands is not considered a "blocked call" for purposes of assessing the "blocked call" rate in the Pinelands.

The PCSs firmly believe that each of the currently proposed facilities is needed to provide minimum adequate service under their current build out plan. The PCSs have developed this plan to meet their anticipated service needs for the next ten years, however, any modification in technical standards may require evaluation changes to be used in the future.

IV. PUBLIC NEED

Pursuant to N.J.A.C. 7:50-5.4, the PCSs must demonstrate the need for the facility to serve the local communication needs of the Pinelands, including those related to public health and safety. The proposed facilities are needed to provide adequate coverage to the Pinelands pursuant to the PCSs FCC licenses, the PCSs current coverage plan and customer requirements. In fact, the Federal Government has made wireless communications a priority as evidenced by the enactment of the Telecommunications Act of 1996. Reliable coverage is necessary for calls of convenience and, more importantly, calls of necessity. Over 600,000 9-1-1 calls are made each year in the US from wireless phones. This benefits not only those who have phones, but also other individuals who may be in need and benefit from a wireless customer making a call for them. Calls are also made to other "Emergency Services" such as Coast Guard Boater's Assistance, Assistance on Major State Roadways, and the State Police. Wireless service has also been utilized during disaster situations such as the Edison gas leak, Hurricanes Fran, Andrew, and others; San Francisco Earthquake; and the Oklahoma Bombing. Wireless service is widely used by Emergency Medical Services, Police, and Firefighters. In short, wireless phones provide a sometimes vital link between the individual phone user and the world at large.

A. LOCAL PUBLIC NEED

The PCSs provide a form of service that is functionally equivalent to the service provided by the CPs and for which there is substantially the same local public need. As such the PCSs adopt the local public need documentation included in the CP Plan at Tab 4a.

B. GENERAL PUBLIC NEED

The PCSs provide a form of service that is functionally equivalent to the service provided by the CPs and for which there is substantially the same general public need. As such the PCSs adopt the local public need documentation included in the CP Plan at Tab 4b.

V. CONCLUSION

A. SUMMARY

In summary, this Plan constitutes an accurate representation of the existing and proposed communication facilities necessary to provide adequate, reliable PCS service to the New Jersey Pinelands region now and for the near future. The proposal contained herein, is consistent with the following:

1. Pinelands Code requirements;
2. The commitment to quality service made by the PCSs to their customers;
3. The requirements of PCSs FCC licenses to provide service to their licensed areas and;
4. The 1996 Federal Telecommunications Act.

The "Facility Summary Chart" which follows this Summary, depicts the facility number, management area, and location of each proposed facility as well as whether the proposed facility is likely to be constructed on an existing structure, is proposed for a location approved in the CP Plan, which carrier is proposing the facility and whether it is anticipated that the PCS will require the individual facility immediately or within five (5) or ten (10) years.

The Plan shall be viewed by all who use it as a master plan with the clear understanding that each approximate location shown on the comprehensive PCS Map shall be submitted to the Commission for review and site specific approval at the time of its proposal. The Plan has been completed to comply with the requirements of N.J.A.C. 7:50-5.4(c)6 adopted by the Commission in August 1995. It demonstrates the ability of the signatories to work together with Commission Staff to provide the least number of facilities possible to provide reliable PCS service. This effort was made in the spirit of preserving the New Jersey Pinelands preservation areas, while providing vital communications. The goal of the signatories of this Plan is to strike the balance between the growing demands for PCS service and the continued protection of the environmental needs and personal needs and enjoyment of all individuals who live, work and travel through the Pinelands of New Jersey.

B. FACILITY SUMMARY CHART

Facility Number	Management Area	Location	Existing Structure	Timing	Approved CP Location	Carrier
1	U	Medford	Y	I	Y	SPCS
2	U	Winslow	Y	I	N	SPCS
3	H	Waterford	Y	I	N	SPCS
4	U	Tabernacle	Y	I	Y	SPCS
5	H	Hammonton	Y	I	N	SPCS
6	H&N	Elwood	Y	I	Y	SPCS
7	H	Hamilton	Y	I	Y	SPCS & Omnipoint
8	U	Egg Harbor	Y	I	N	SPCS
9	U	Egg Harbor City	Y	I	Y	SPCS & Omnipoint
10	U	Hammonton	Y	I	Y	SPCS
11	H&N	Hamilton	Y	I	Y	SPCS & Omnipoint
13	H	Folsom	Y	I	N	SPCS & Omnipoint
14	H&N	Hamilton	N	I	N	SPCS & Omnipoint
15	H&N	Hamilton	N	I	N	SPCS & Omnipoint
16	U	Hamilton	Y	I	Y	SPCS
17	H&N	Maurice River	Y	I	N	SPCS
18	U	Browns Mills	Y	I	Y	SPCS
19	H&N	South Hampton	Y	I	N	SPCS & Omnipoint
20	H&N	Woodland	N	I	N	SPCS & Omnipoint
22	H&N	Chatsworth	Y	I	Y	SPCS & Omnipoint
23	H&N	Shamong	N	I	Y	SPCS & Omnipoint
24	H&N	Mullica	Y	I	N	SPCS & Omnipoint
25	U	Galloway	Y	I	Y	SPCS
26	H&N	Evesham	Y	I	Y	SPCS
27	U	Medford	N	I	Y	SPCS
28	H	Evesham	N	5	Y	SPCS
29	H&N	Washington	Y	I	Y	SPCS
30	H&N	Hammonton	N	5	Y	SPCS
31	H&N	Mullica	N	5	Y	SPCS
32	H&N	Weymouth	Y	5	Y	SPCS
33	U	Manchester	Y	5	Y	SPCS & Omnipoint
34	U	Barnegat	Y	I	Y	SPCS & Omnipoint
35	H&N	Barnegat	N	I	Y	SPCS & Omnipoint
36	H	Winslow	Y	I	N	SPCS
37	U	Hamilton	Y	I	N	SPCS & Omnipoint
38	U	Permberton	N	I	Y	SPCS
39	U	Manchester	Y	I	Y	SPCS & Omnipoint
40	H&N	Estell Manor	N	I	N	SPCS

41	H&N	Tabernacle	Y	5	Y	SPCS
42	H	Bass River	Y	I	N	Omnipoint
43	H	Hamilton	Y	I	N	SPCS & Omnipoint
45	U	Medford	Y	I	N	Omnipoint
46	U	Monroe	Y	I	N	Omnipoint
47	U	Waterford	Y	I	N	Omnipoint
48	U	Hammonton	Y	I	N	Omnipoint
49	H	Winslow	Y	I	N	Omnipoint
50	H	Winslow	Y	I	N	Omnipoint
51	H	Hammonton	Y	I	N	Omnipoint
52	H	Hammonton	Y	I	N	Omnipoint
53	H	Hamilton	Y	I	N	Omnipoint
54	U	Galloway	Y	I	N	Omnipoint
55	U	Egg Harbor	Y	I	N	Omnipoint
56	H	Galloway	Y	I	N	Omnipoint
57	H	Bass River	Y	I	N	Omnipoint
58	U	Barnegat	Y	I	N	Omnipoint
59	U	Stafford	Y	I	N	Omnipoint
60	H&N	Eagleswood	Y	I	N	Omnipoint
61	H&N	Barnegat	Y	I	N	Omnipoint
62	H&N	Woodland	N	5	N	Omnipoint
64	H&N	Manchester	Y	5	N	Omnipoint
65	H&N	Bass River	Y	I	N	Omnipoint
66	U	Lake Hurst	Y	I	N	Omnipoint
67	U	Egg Harbor	Y	I	N	Omnipoint

Facility Number – corresponds to the sites indicated in Sec. II(A) "PCS Map Summary".

Management Area – indicates the level of Pinelands regulation applicable to the proposed facility. U = Unrestricted, H = Height Restricted, and H&N = Height and Number Restricted.

Location – indicates an approximation of the community in which the facility will likely be located.

Existing Structure – indicates whether the PCS anticipates location of the proposed facility on an existing structure. Y = Yes and N = No.

Timing – indicates the time frame anticipated by the PCS for construction of the proposed facility. I = as soon as possible and 5 = within five (5) years.

Approved CP Location – indicates whether the PCS anticipates locating the proposed facility at a location that was approved for wireless facilities under the CP Plan. Y = Yes and N = No.

Carrier – indicates which PCS carrier is proposing the wireless facility. SPCS = Sprint Spectrum L.P.

Technical Report of the Technical Consulting Team
to the Pinelands Commission

Appendix B to
Acting Executive Director's Report
on Proposed PCS Plan
Technical Consultants' Report (12/31/99

regarding
"Comprehensive Plan for
PCS Communications Facilities in the Pinelands"

December 31, 1999

1. Since August 1999, the consulting team (CT: Bruce Eisenstein, Ph.D., P.E.; Moshe Kam, Ph.D.; P. M. Shankar, Ph.D.) has been providing the members and the staff of the Pinelands commission (PC) with technical assistance in the area of mobile radio and telecommunications. This assistance was made in conjunction with the anticipated "Comprehensive Plan for PCS Communications Facilities in the Pinelands," and following previous consulting to the PC by the CT on matters of cellular telephony.

2. The CT reviewed technical and administrative information supplied by the PC and by the prospective PCS providers ("providers" in the sequel), *Sprint Spectrum LP* and *Omnipoint PCS Entrepreneurs, Inc.* The CT received reports from the providers regarding their extensive efforts to obtain industry-wide cooperation. In the opinion of the CT, the providers have demonstrated a *bona fide* effort to include in their plan all the eligible entities that are licensed to provide PCS services in the Pinelands. The CT is unable to assess the ramifications of future actions by PCS entities who failed to join the present plan.

3. The CT acquired or otherwise obtained background, technical, administrative and other information pertinent to the technical questions posed by the proposed plans of the providers. The CT participated in formal and informal meetings with members of the PC's staff, members of the PC, and representatives of the providers. The CT communicated extensively with representatives of the providers and the PC staff, in face-to-face meetings, and by phone, fax, and electronic mail. The CT participated in at least twenty five exchanges of information and meetings in the course of the preparation of the plan, including a forum open to the public, held on November 16, 1999. The CT has reviewed several drafts of the document entitled "Comprehensive Plan for PCS Communications Facilities in the Pinelands" ("the

plan") submitted by *Sprint* and *Omnipoint*, and a number of coverage maps, land-use maps, and topographical maps.

The CT bases its comments in the present report on the October 25, 1999 revision of the *plan*.

4. The CT requested and obtained extensive technical and administrative information about the emerging plan for PCS facilities in the Pinelands, including geographical and topographical maps; detailed lists of planned locations; heights of proposed and existing towers; and equipment that the providers have installed or want to install in the Pinelands; aerial photographs; radiation-level maps (ANET plots); output of computer models and design algorithms for microwave radiation and mobile telephony design (including all modeling assumption used); and lists of existing towers, installations, and apparatus available within and without the Pinelands.

5. The CT has obtained a formal statement from the providers regarding the tower heights that they have used in making ANET plots, and other calculations and experiments on which the *plan* is based. The default antenna height used in calculation and experimentation was 150 feet.

6. The CT reviewed information about the final suggested locations of sites that were moved in the process of planning, and requested, obtained, and examined ANET plots for these sites.

7. The CT has conducted independent experiments aimed to establish and maintain PCS communications from various locations within the Pinelands. These experiments were conducted in order to assess the realism of theoretical calculations made by the providers (including modeling assumptions), and in order to establish a base line for existing quality of service within the Pinelands. While not exhaustive, these tests served the CT to calibrate the information received from the providers and to assess the advisability of tower erection in sensitive areas - or in areas where the PC staff or the public expressed the need for extra caution. In addition, the CT has received from representatives of *Sprint Spectrum L.P.* the results of several field tests executed by their technical staff.

8. The CT has conducted independent sample calculations to ascertain accuracy of the information supplied by the providers.

9. The CT recognizes that design of a PCS grid presents a *coupled* tower-location problem. Towers are not erected in isolation, but depend on the location, height, and region-of-coverage of neighboring towers. Consequently, some systems are capable of covering a specific region in the Pinelands that others do not. It is not possible to deduce solely from the success or failure of one technical system to cover a given area within the Pinelands, that another technical configuration will or will not be able to provide coverage there. The CT notes that small changes in the locations of towers adjacent to a proposed tower are unlikely to make a material difference in the "needs analysis".

10. The CT recognizes that several different modulation and coding techniques are in use by PCS systems, and that several different radio-frequency hardware designs are employed. In particular, there are differences in the power levels transmitted and received by users of the different services; the same quality of service may require different signal-to-interference ratios in different systems. Some PCS systems are thus capable of using antenna towers that would be unsatisfactory for others, and some systems can use existing structures that are not appropriate for others. Determination of the needs of each PCS system depends its technical parameters. The CT took the pertinent technical parameters of each provider into account when reviewing the various tower-location alternatives.

11. The CT recognizes that limitations on type of licenses and other regulatory limitations may require facilities that would not be necessary from RF technical considerations. For example, regulatory issues may be binding in the determination of the final location of *Omnipoint* site 64 (see section 24.2 below). Furthermore, the CT recognizes that legal and regulatory requirements of coverage by the present providers may be different from those required from cellular telephony entities. In this regard, the CT notes that the present *plan* aims to provide comprehensive coverage for the main roads traversing the Pinelands, along with the adjacent communities, for a period of about five years from the present time. No representation is made by the plan for needs that may arise at later time.

12. The CT has examined each requested facility, including those planned on existing structures. In particular, the CT has examined each facility in the *height-restricted* and *least-number* areas. When appropriate, the examination included field tests (especially along route 322), and sample calculations to check both theoretical and field tests results. When appropriate, the CT has requested the providers to examine and supply information (including ANET plots) about alternative sites. The CT has retained the plots and field test results used in its examination of the new facilities.

    The CT has examined each facility and determined that it was needed in the sense that without this facility a gap in coverage will appear. Determination of need was done using a combination of the following: (1) standard RF propagation calculations (see for example Chapter 4 of V. K. Garg and J. E. Wilkes, *Wireless and Personal Communications Systems*, Prentice Hall PTR 1996, including references); (2) ANET plots; and (3) RF propagation experiments. The CT asked for ANET plots whenever one of more of the following conditions occurred: (1) alternative locations needed to be compared (especially on the boundary between *height restricted* and *least number* zones); (2) questions about preliminary calculations were raised; (3) there was preliminary evidence that actual propagation is different than theoretical predictions due to flora; and (4) other indications were given (by the PC staff or the public) that special caution is in order.

13. For every new facility[1] that could potentially be served from other existing or proposed locations, the CT requested and obtained ANET plots, or made its own RF power propagation calculations. Requested ANET plots detailed and analyzed the various options regarding the facilities in question, per the CT's specifications. The information requested by the CT included ANET plots *with and without* the proposed facility. In addition to the ANET plots, the potential for "using other existing or proposed locations" was assessed through field trips, examination of geographical maps and aerial photographs, and tower information supplied by the providers, the PC staff, and others.

[1] Namely a facility that would require a new tower not already in existence, nor already approved by the PC through the cellular telephony plan or other authorizations.

14. The CT obtained from the providers all the ANET plots and combinations of ANET plots that it has requested , and has secured all the information that it needed in order to make an informed recommendation.

15. NUMBER AND LOCATION OF TOWERS. The CT has formed the opinion that, within the known technical parameters that it has examined, and the best estimates of present and expected need for PCS systems along the main transportation routes and adjacent communities in the Pinelands, the present *plan* appears to satisfy both the demonstration of "need" and the "least number necessary" requirements per NJAC 7:50-5.4 (c) 1 AND 6.

16. Specifically, The CT has formed the opinion that, within the known technical parameters and the best estimates of present and expected need for PCS services within the Pinelands, the present *plan* appears to satisfy the "least number necessary" requirement in the areas designated as "least number" regions.

17. In rendering the opinions expressed in sections 15 And 16, the CT makes five related observations.

    17.1 The location and number of towers within the Pinelands are affected by the location and number of towers for PCS and other services inside and outside the Pinelands; the CT has examined the availability of facilities inside and outside the Pinelands in making its inquiries and recommendations.

    17.2 The "least number necessary" solution is near-optimal but not necessarily unique (there may be other technically equivalent solutions); however, any solution that provides for a similar level of service using the same technology is likely to be essentially similar to the solution proposed by the providers in the present *plan* - in terms of the number and general placement of antenna towers.

    17.3 The CT has used the criteria for "quality of service" outlined in sections 18-19 below in order to assess the need for new facilities. These are the same criteria used by the CT when it assessed earlier the quality of service for the Pinelands' Cellular Telephony plan.

17.4 The CT assumed and required that co-location opportunities be exploited to the maximum extent possible (see sections 20-23.)

17.5 The CT has examined the need for all facilities proposed by the *plan*, one-by-one and in combination, and has formed the opinion that all facilities as proposed in the *plan* are needed, one-by-one and in combination, to satisfy the required quality of service furnished by the providers to regular customers along the main routes traversing the Pinelands and the adjacent communities.

18. QUALITY OF SERVICE. The CT has formed the opinion that the parameters outlined in the *plan*'s Code Compliance section entitled "Level of Service" are the primary means to define quality of service at the present time. The CT has used these criteria, along with numerical values for them (see section 19), to form its opinions and recommendations.

18.1 The CT recommends that if future needs which were not foreseen by this *plan* are presented to the PC, the providers be requested to present the PC and its technical consultants with the values of *Signal to Interference Ratio at Audio*, *Dropped Call Rate* and *Blocked Call Rate*, as measured in areas that suffer from alleged substandard quality of service, and in comparable areas where an acceptable quality of service level has been established.

18.2 The CT further recommends that in that case the PC and its technical consultants assess the quality of service with respect to these parameters (and additional quality of service parameters that may emerge in time as mobile radio services expand.) Values of these parameters would then be assessed in comparison with their values in similar regions inside and outside the Pinelands, in comparison with the industry's norms and the prevailing technical standards, and in comparison with relevant standards regarding land lines.

19. As a basic yardstick for assessing future requests, the CT recommends at present that

19.1 *Signal to Interference Ratio at Audio* be deemed satisfactory if it is larger than or equal to 30dB in the 30-3400 Hz band;

19.2 *Dropped Call Rate* be deemed satisfactory if it is less than 1% over a period of 10 minutes; and

19.3 *Blocked Call Rate* be deemed satisfactory if it is less than 1% over a period of 10 minutes.

The CT asserts that it has used these numbers in assessing the need for facilities in this PCS plan, as well as in the previous Cellular telephony plan for the Pinelands. The CT developed these numbers on the basis of several sources, the primary being the following report of the Exchange Carriers Standards Association: Report no. 20, Committee T1 Telecommunications, September 1993: *Technology-Independent User-Oriented, Objective Assessment of Speech Transmission Quality*, document T1A1/92-021. The threshold levels offered by the providers on the ANET plots are convertible to signal to interference ratios at audio and outage probabilities.

20. CO-LOCATION. The CT agrees with the principles and methodology detailed in the *plan*'s Code Compliance section entitled "Co-location Policy."

21. The CT specifically agrees with the use of the term *service affecting interference* in the context of co-location. The CT recognizes that some level of interference is inevitable as a result of co-location, but once all other requirements for co-location have been met, *only service affecting interference could be a reason to reject a co-location request.*

22. The CT recommends that interference would be deemed *service affecting*, if and only if it causes at least one of the following: (i) a measurable reduction in the *Signal to Interference ratio,* but no less than 0.1dB; (ii) a measurable increase in the *Dropped Call Rate,* but no less than 0.05%; (iii) a measurable increase in the *Blocked Call Rate,* but no less than 0.05%.

23. The CT recognizes that the present co-location policy does not provide a complete step-by-step blueprint for the co-location procedure at each site. A detailed contract that follows the co-location policy would be needed at each site.

24. SPECIFIC FACILITIES

24.1 The primary technical issue raised by the CT during the preparation of the plan was the location of facilities along route 322. The CT is satisfied that, from a technical viewpoint, changes in location of facilities were made to minimize non-compliance with regulations - while providing adequate service along this road. This conclusion

was developed using ANET plots as well as the results of radiation-level field tests provided by Mr. Clement Poole of *Sprint*. The CT was informed that locations for all proposed towers along Route 322 were now identified such that all regulations are complied with.

24.2 Site 64. The CT has requested and obtained several ANET plots from Mr. Levitzky of *Omnipoint*. On the basis of these, the CT has arrived at the following opinions.

24.2.1 The technical need for a site for *Omnipoint* between site *Sprint 39* in the East, and site *Sprint 38* in the West appears to have been established. Otherwise a coverage gap along Route 70 will be present.

24.2.2 The site originally offered by *Omnipoint* as 64 (and marked in its ANET plots as Old PL-5, latitude 39-57-25.7N longitude 74-25-10.7W) appears to solve the Route 70 gap problem; moreover, there is a permitted site at this location. However it is not the only possible technical solution.

24.2.3 The site marked on *Omnipoint*'s ANET plots as PL-5, latitude 39-57-49.2N longitude 74-25-43.8W - a cleared area within the Ft. Dix facility) appears to solve the Route 70 gap problem

24.2.4 The site marked on *Omnipoint*'s ANET plots as *Landfill* (located west of Sprint site 55 on Route 70, latitude 39-57-33.1N longitude 74-24-30.3W) appears to solve the Route 70 gap problem

24.2.5 The site marked on *Omnipoint*'s ANET plots as PL-5NR (latitude 39-56-54.6N longitude 74-24-47.2W) appears to solve the Route 70 gap problem.

24.2.6 The site marked on *Omnipoint*'s ANET plots as Town (latitude 39-57-37.0N longitude 74-23-35.0W) does NOT solve the Route 70 gap problem.

The CT was informed that the providers have proposed to locate the site at the *Landfill* site or at PL-5NR.

24.3 The CT understands that sites which satisfy current regulations for proposed tower 17 (as well as all other towers in the plan) have been identified.

25. COMMENTS BY THE PUBLIC

During the public hearing conducted by the PC on November 16, 1999 members of the public made comments on several sites. In addition, the CT has received and reviewed close to eighty (80) written comments on the plan. The CT has provided its observations on these comments in Appendix A.

Among the sites discussed in the public hearing and the written comments are the following

25.1 Site 64. Please see section 24.2 for the CT's comments on this site.

25.2 Site 62. This site was requested in order to cover a stretch of about ten (10) miles between facilities 22 and 35. This stretch of road cannot be covered from either site 22 or 35, alone or in combination. Moreover, there is at present no other existing facility which could provide coverage for this region. The CT possesses ANET plots with and without facility 62, which demonstrate a gap in coverage in the absence of facility 62. The CT therefore expresses its opinion that this facility is necessary.

25.3 Site 28. This facility was requested in order to cover a gap in service between facilities 2 and 26. Among the regions where coverage would otherwise not be available is a stretch adjacent to Hopewell Road. The CT has requested and received additional information (ANET plots) for this Based on these, and its own calculations, the CT has formed the opinion that site 28 is necessary.

Respectfully submitted,

December 31, 1999

Moshe Kam, Ph.D.,
for the Consulting Team

Appendix A: Comments by the public

1. The consulting team (CT) has reviewed all public response supplied to the CT by the staff of the Pinelands Commission (PC) with regard to "Comprehensive Plan for PCS Communications Facilities in the Pinelands". In this appendix, the CT offers its observations on these comments. The CT has limited its response to technical issues within the scope of its consultancy to the PC. When a comment of the public encompassed issues that are both within and without the scope of the CT's consultancy, the response was intentionally confined to issues within the scope of the team's consultancy.

2. **General themes**[1]

   2.1 Many of the writers to the Commission believe that the PC is empowered to deny the PCS providers *any* new towers in the Pinelands. Many writers object to towers in principle and offer the opinion that it is better not to have PCS service than to erect towers in the Pinelands. Our understanding is that limitations imposed by the 1996 Telecommunications Act do not allow such blanket denial of all new towers by the PC, and that solutions along these lines would require new legislation. [References PCSL 3, 5-11, 14-20, 22-25, 28-34, 37-41, 43-45, 47-49, 51-58, 60, 62-66, 68, 70-72.]

   2.2 Many of the writers to the Commission claim that the need for the new facilities has not been demonstrated. As indicated in our report to the PC, the CT has concluded that there is technical need for every facility that appears in the plan, in the sense that PCS service will not be available in an area which the provider is licensed to cover unless the proposed facility was implemented. The CT sought alternatives in all cases – especially the 'pygmy pines' areas.

   The CT considered all facilities – individually and in combination with other existing or previously approved sites. Based on information that the CT received from the providers, the staff of the PC and the public, the CT sought the optimum use of existing facilities and of previously-approved facilities. [References PSCL 4, 10, 11, 21, 26, 27, 35, 42, 61, 74.]

[1] References are to the numbers of comments in the Pinelands Commission submission log, PCSL 1-76.

3. Specific issues

3.1 Letter from Mr. Craig Farrell (Reference PCSL 11)

3.1.1 Mr. Farrell comments on the qualifications of members of the CT. The CT comprises three individuals (Dr. Bruce Eisenstein, Dr. Moshe Kam, and Dr. P. M. Shankar) who possess extensive experience in design, design review, and teaching of design for mobile radio systems. Resumes of members of the CT, including past experience, licenses, government and industrial experience, and publication record, are on file with the PC.

3.1.2 Members of the CT do not have (nor did they have in the past) grants, contracts or any other commercial ties with the applying providers, except as regular residential customers of telephony services of some of the providers. To the best of their knowledge members of the CT have no business or commercial ties with any member of the PC or PC staff.

3.1.3 The CT is unable to understand the following paragraph in Mr. Farrell's letter, regarding the qualifications of Moshe Kam:

"if they (major cellular and PCS vendors in America - MK) are his customers, you cannot possibly hope for him to provide an unbiased opinion. If they are not his customers , then he probably does not know what he is talking about."

According to this paragraph there exist no individuals who can ever provide technical consultancy to the PC, since each and every potential consultant either served the providers as customers (in which case s/he is disqualified according to Mr. Farrell,) or did not serve them as customers (in which case s/he is disqualified again, according to Mr. Farrell.) The pool of consultants according to this comment is the empty set. We respectfully suggest that this conclusion is not particularly constructive.

3.2 Height of towers. Unless otherwise indicated, an antenna height of 150 ft was used in the CT's calculations and tests [Reference PSCL 11].

3.3 We are unaware of improvements in "tower technology" which would provide smaller and "better disguised" towers. The only way to reduce height at the present time is to decrease

coverage, which in turn would require the addition of several (lower) towers in the periphery of each reduced-height tower.

Increasing the range of a tower is possible at the present time only by making the tower taller or (possibly) by a radical redesign and replacement of all mobile phone sets used by subscribers. The CT did not consider this a viable alternative. [Reference PSCL 12, 61.]

3.4 Existing coverage and alternatives of coverage from existing structures have been considered by the CT (based on information received from the staff of the PC and other entities, including the public); full-scale ANET plots were requested and examined by the CT when (1) discrepancy between the CT's preliminary calculations and providers' data was discovered, (2) special restrictions or environmental sensitivity were indicated, or (3) possible alternatives were available. [Reference 36, 42, 50, 61.]

3.5 The CT's report spells out the criteria that the CT used for quality of service.

3.5.1 *Signal to Interference Ratio at Audio* was deemed satisfactory if it was larger than or equal to 30dB in the 30-3400 Hz band;

3.5.2 *Dropped Call Rate* was deemed satisfactory if it was less than 1% over a period of 10 minutes; and

3.5.3 *Blocked Call Rate* was deemed satisfactory if it is less than 1% over a period of 10 minutes.

[Reference PSCL 50].

4. Letters from the Pinelands Preservation Alliance

(November 22, 1999 PSCL 67; December 16, 1999 PSCL 76).

4.1 Claims regarding ANET plots (last paragraph on first page of PSCL 76) appear wrong. ANET plots requested by the CT represent radio frequency power levels that correspond to adequate quality of service as defined in CT's report to the PC. Thresholds on maps correspond to signal to interference ratios at receivers, and to outage probabilities. Sensitivity of ANET plot to accuracy of location of nearby plants is low, in the sense that shifts of ¼ mile in location of peripheral sites cannot "fill in" coverage gaps. ANET plots were requested by the CT only in those cases where a question arose as to exact area of coverage (see 3.4). For all other cases, elementary calculations based on accepted models

of RF propagation[2] demonstrated lack of coverage beyond any doubt. The CT did not burden the providers or the PC with requests for additional information when elementary calculations have shown lack of coverage beyond any doubt.

4.2 Claims regarding threshold levels on the first paragraph on page 2 of PSCL 76 appear wrong. Thresholds which the applicants use in their calculations correspond to signal to interference ratios in audio and outage probabilities, which the CT considered in order to determine quality of service. The CT's report explicitly indicates the required signal to interference ratio at audio. The CT based this number on minimum comprehensibility standards published in the mainstream literature[3].

In Pinelands' regions where the providers claimed that excessive absorption was suspected due to characteristics of the flora, field tests were conducted by the providers, and results were examined by the CT.

4.3 Claims regarding numerical criteria (on the second paragraph on page 2 of PSCL 76) appear wrong. The numerical criteria used by the CT are not new, as they have appeared already in the CT's report to the CP regarding the cellular plan. The numerical criteria are precisely the ones that the CT has considered for the present PCS plan in assessing quality of service. These criteria are recommended for future use as well.

4.4 Claims regarding the basis for the CT's numerical criteria (paragraph 3 of PSCL 76) appear unfounded. The CT has used as its primary source for these criteria a report of the Exchange Carriers Standards Association (Report no. 20, Committee T1 Telecommunications, September 1993: Technology-Independent User-Oriented, Objective Assessment of Speech Transmission Quality, document T1A1/92-021).

4.5 Claims regarding incompatibility of criteria between the cellular plan and the PCS plan (fourth paragraph of PSCL 76) appear wrong. The CT has used EXACTLY the same criteria for both plans, and the RF power threshold levels in ANET plots translate directly into signal to interference ratios in audio and to outage probabilities. It is incorrect that the CT's report on the cellular plan "never provided quantitative or qualitative measures" for

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[2] As described, for example, in Chapter 4 of V. K. Garg and J. E. Wilkes, *Wireless and Personal Communications Systems*, Prentice Hall PTR 1996.

[3] Such as the Exchange Carriers Standards Association document T1A1/92-021 "Technology Independent user-oriented objective assessment of speech transmission quality," 1993.

the three parameters. It did, and these same numbers appear in our present report (and are quoted in this appendix - see 3.5). It is incorrect that the PCS report does not link the criteria to the plan. On the contrary - the CT has used these very criteria to examine the PCS plan.

4.6 Regarding comments in PSCL 76 about the level of details in the CT's report - if the PC requires a more detailed technical report, which will provide detailed site by site propagation calculations, ANET plots, and, when applicable, results of field tests and detailed rationale, the CT has the technical capabilities to prepare and supply such report. In the CT's understanding the compilation of such a detailed site-by-site technical report, including an essay on criteria and technical background, was outside the scope of its consultancy. The CT was requested to examine the proposed sites and provide the PC with a summary opinion of the technical need for each site and of the plan individually and for all sites collectively, and to examine technical alternatives in order to maximize compliance with Federal and State regulations. The CT has provided this information in its report.

The CT will entertain a request for an expansive theoretical technical treatise on the subject, but does not anticipate any changes in its recommendations as a result of compiling such treatise.

The CT will make public any information received by the CT during the fulfillment of the CT's obligations to the PC, and which the PC would request.

4.7 On page 3 of PSCL 76, it is claimed that the plan is designed to "serve roads, not communities." In the CT's opinion the present coverage plan provides "adequate service" as required by the CMP. Moreover, it requires a smaller number of new towers in the Pinelands than any plan with a more expansive coverage goal. A more expansive coverage goal would result in a plan with at least all the towers proposed in the present PCS plan, and probably more.

5. Letter from Parker McKay and Criscuolo (November 15, 1999)

(Reference PSCL 1, Site 28)

This letter concerns site 28 in Evesham township. In response to this letter and to comments made by the public earlier, the CT has requested and obtained ANET plots describing joint coverage by sites 2, 47 and 26 (but not 28), as well as joint coverage by sites 2, 47, 26, and 28. The plots (centered at *long.* 74 51' 44.9; *lat.* 39 47'31.0) do demonstrate a coverage gap within a residential area in Evesham, adjacent to Hopewell road.

6. We have no specific comments regarding PSCL 1, 13, 59, 69 and 75.

Respectfully submitted,

Moshe Kam, Ph.D.
for the Consulting Team
(Bruce Eisenstein, Ph.D., P.E.; Moshe Kam, Ph.D.; P. M. Shankar, Ph.D.)

PROCEDURES USED TO EXAMINE PCS CELL PLAN

PROCEDURE	WHO	PURPOSE
1. Examine plan to see if cells serve roughly 2.5 mile radius areas (a rough rule of thumb)	PC Staff/consultant	Preliminarily meet #5 and #6
2. Adjust plan if any cells "violate" the 2.5 mile need rule	PCS Industry	
3. Examine cell sites close to borders: Pinelands that could be moved out of Pinelands; Height restricted that could be moved out of height restricted; least number that could be moved out of least number	PC Staff/consultant	Preliminarily meet #5 and #6
4. Adjust plan for any that can be "moved out"*	PCS Industry	
5. For new tower sites, examine to see if there are any suitable structures in area	PC Staff/consultant	Meet #7
6. Adjust plan for any new structures that can be replaced by existing structures*	PCS Industry	
7. Examine approximate area of remaining new structures to see if there is a CMP permitted site	PC Staff/consultant	Meet #8
8. Adjust plan if no site or if only permitted site skews the network*	PCS Industry	
9. Detailed examination of final plan cells to ensure cell is needed	PC Staff/consultant	Finally meet #5 and #6
10. Adjust plan if need is questionable	PCS Industry	

*Areas where the PCS plan was adjusted to take into account the results of this step

Appendix D - Hierarchical Policy for Locating Individual Wireless Facilities

The Plan also references a one-half mile radius around every proposed facility's approximate location. To properly apply the CMP's standards within the context of this Plan, if approved, the following procedure (adopted by the Commission on September 11, 1998) will be used when the companies seek to finalize these approximate locations.

1. Except as otherwise specifically noted in this report, there will be a general presumption that a facility's final location will be within the immediate area of the location proposed in this Plan, i.e., the Pinelands management area group and municipality described in the Plan as further defined using the geographic coordinates prepared by the Commission's staff. If it proves to be infeasible to site the facility on an existing, suitable structure (i.e., one that does not require a change in mass or height which significantly alters its appearance), the use of other existing structures or, as appropriate, eligible sites which meet the standards in N.J.A.C. 7:50-5.4(c)4 will be considered. The company's feasibility assessment will need to include confirmation from other parties to this Plan who are slated to share the facility that the selected site meets their needs.

2. If siting of the facility within the immediate area of the Plan location is infeasible, the company will broaden its search area consistent with the service need for the facility and in conformity with other appropriate technical considerations, but in no case will that area extend beyond a five-mile radius. This will require consultation with other parties to this Plan who are slated to share the facility to ensure that any new location meets their needs.

3. Within that broader search area, consideration will first be given to locating the needed antenna on an existing, suitable structure if that structure does not require a change in mass or height that significantly alters its appearance.

4. Failing that, the use of other existing structures that may require a significant change in mass or height (if appropriate in view of the CMP's standards, including those related to visual impacts) or sites for a new structure within the search area will be evaluated. Only those structures or sites which meet the requirements of N.J.A.C. 7:50-5.4(c)4. and other applicable CMP standards will be selected. If that broader search area crosses the boundaries of the Pinelands Area or its management areas, the company will seek to site the facility in the following order of preference:

a. Outside the Pinelands;

b. Pinelands Regional Growth Areas, Pinelands Towns and the developed portions of Military and Federal Installation Areas;

c. Pinelands Rural Development Areas, Agricultural Production Areas, undeveloped portions of Military and Federal Installation Areas and Pinelands Villages other than those expressly identified in N.J.A.C. 7:50-5.4(c)6; and

d. Pinelands Preservation Area District, Special Agricultural Production Areas, Forest Areas and the Pinelands Villages expressly identified in N.J.A.C. 7:50-5.4(c)6.

5. If no feasible structures or sites are found, the company should reexamine the surrounding facility network and propose an amendment to this Plan which conforms to CMP standards. Of course, the company retains its right to seek a waiver of strict compliance from the standards of the CMP, although the Executive Director notes that the tests will be difficult to meet.

Public Comment Received on PCS Plan
Original Closing Date (11/22/99) Extended to 12/17/99

Updated as of December 17, 1999

#	Date of Submission	Name	Mailing Address	Type of Submission
1.	11/15/99	Douglas L. Heinold	Parker McCay & Criscuolo Three Greentree Center Marlton NJ 08053	Fax
2.	11/18/99	Lynn Kendrick	P.O. Box 207 Dorothy NJ 08317	Email
3.	11/18/99	John H. Robinson	23 Schoolhouse Lane Cape May Ct Hse., NJ 08210	Email
4.	11/18/99	Laura Lynch	11 Lumar Rd. Lawrenceville, NJ 08648	Email
5.	11/18/99	Geraldine Satz	96 Atlantic Avenue Margate NJ 08402	Email
6.	11/18/99	Fred Schaum	105 Stoney Brook Rd Towaco, NJ 07082	Email
7.	11/18/99	Zwerling Family	77 4th St Somerset, NJ 08873	Email
8.	11/18/99	Mike Medici	PO Box 53 Morris Plains NJ 07950	Email
9.	11/18/99	Sunil Somalwar, PhD	1015 S. Park Ave. Highland Park, NJ 08904	Email
10.	11/19/99	Veronica Rowan	239 Montgomery St. 2C Highland Park, NJ 08904	Email
11.	11/19/99	Craig S. Farrell	14 Jessica Place Monmouth Beach NJ 07750	Email
12.	11/19/99	James C. Scott	2 Judith Court Ocean Twp. NJ 07712	Email
13.	11/19/99	Jakob Franke	424 Tappan Road Northvale, NJ 07647	Email
14.	11/19/99	Gay A. Raab	2467 Route 10 East Bl. 31-4A Morris Plains NJ 07950	Email

15.	11/19/99	William R. Berbaum	41 Watchung Plaza Ste. 381 Montclair NJ 07042-4117	Email
16.	11/19/99	Fran Duggan	102 Ilford Avenue North Arlington NJ 07031	Email
17.	11/19/99	David Hays Buckley	90 Jefferson Avenue Maplewood NJ 07040-1231	Email
18.	11/19/99	C Solomon		Email
19.	11/19/99	Joseph Phillips	4 Picardy Road Succasunna NJ 07876	Email
20.	11/19/99	Tanya G McCabe	375 Union Ave Belleville NJ 07109	Email
21.	11/19/99	Loren D. Mendelsohn	3 Morris Place Towaco NJ 07082	Email
22.	11/19/99	Tom Boghosian	3722 Lehigh Court Mays Landing NJ 08330	Email
23.	11/19/99	Liz Marshall	5 Old Orchard Rd Hardwick NJ 07825	Email
24.	11/19/99	Ron McGee	64 Birch Road Ringwood NJ 07456	Email
25.	11/19/99	Camille Gutmore	181 River Road Nutley NJ 07110	Email
26.	11/19/99	Andrew S. Ewing Conservation Chair	Bergen Co. Chapter National Audubon Society 490 Vance Ave Wyckoff, NJ 07481-1130	Email
27.	11/19/99	Patricia Salese Conservation Chair	Sierra Club (Loantka group) 15 Springholm Drive Berkeley Heights NJ 07922	Email
28.	11/19/99	Philip Salkie	547 West Hill Rd Califon NJ 07830	Email
29.	11/19/99	Lisa Carolina Gonzalez	14706 Manor Road Phoenix MD 21131	Email
30.	11/19/99	Lois M Lasher	824 Third Place Plainfield NJ 07060	Email

31.	11/19/99	William R. Schultz	46B Bartle Court Highland Park, NJ 08904-2032	Email
32.	11/19/99	Filomena Brogna	301 West Sylvania Ave Neptune City NJ 07753	Email
33.	11/19/99	Jonathan Goodnough	711 Adams St #2 Hoboken NJ 07030	Email
34.	11/19/99	Andrea Zacharias	Rutgers University 26226 DPO Way New Brunswick NJ 08901	Email
35.	11/19/99	Jason Kurtz	55 Morgan Place North Arlington NJ 07031	Email
36.	11/19/99	Prof. Richard H. Colby	Richard Stockton College Pomona NJ 08240-0195	Email
37.	11/19/99	Robert Galanty	284 Kennedy St Iselin NJ 08830	Email
38.	11/19/99	Bob Praetorius	39 Dennis Ct. Hightstown NJ 08520	Email
39.	11/19/99	Bob Moyer	2424 Phillips Rd Forked River NJ	Email
40.	11/19/99	Hugh M. Carola	30 Maple Ave Hackensack, NJ 07601	Email
41.	11/19/99	Paul Schickler	901 Ave. H, Apt. 1E Brooklyn NY 11230	Email
42.	11/19/99	Kerry Miller	549 Winsor Street Bound Brook NJ 08805	Letter
43.	11/20/99	Pat Palmer	165 Harrison St Princeton NJ 08540	Email
44.	11/20/99	Edith Biondi	520 Haworth Ave Haworth NJ 07641	Email
45.	11/20/99	Loretta Dunne	125 North Drexel Street Woodbury NJ 08096	Email
46.	11/20/99	Michael S. Brown	159 Carlisle Rd Audubon NJ 08106-1209	Email
47.	11/20/99	Brian E. Bragg	110 Passaic Ave Summit NJ 07901	Email

48.	11/21/99	Ellen Friedman	524 Main St Lodi, NJ 07644	Email
49.	11/21/99	Richard Goldsmith Rywzaz@aol.com	115 Vanderveer Avenue Somerville, NJ 08876	Email
50.	11/21/99	Michael Gallaway Pinelands Coordinator NJ Chapter of Sierra Club	36 West Lake Rd. Medford NJ 08055.	Email
51.	11/21/99	Bob Jonas	756 Crescent Pkwy Westfield NJ 07090-2304	Email
52.	11/22/99	Matthew L. Visco	25 Colts Neck Terrace Yardville NJ 08620	Email
53.	11/22/99	Virginia Calder	64 Academy Circle Oakland NJ 07436	Email
54.	11/22/99	Peter Weckesser	228 Hidden Woods Ct. Piscataway NJ 08854	Email
55.	11/22/99	John Emerich	24 Altamont Rd Edison, NJ 08817	Email
56.	11/22/99	David Korfhage	19 Heritage Blvd Princeton, NJ 08540	Email
57.	11/22/99	David Wasmuth	651 Riverside Ave. C-40 Lyndhurst NJ 07071	Email
58.	11/22/99	Barbara Reisman	69 Essex Avenue Montclair NJ 07042	Email
59.	11/22/99	Robert P. Jusko	2114 W. Lacey Rd Forked River, NJ 08731	Email
60.	11/22/99	Laurel Kornfeld	106 North Sixth Avenue Highland Park, NJ 08904	Email
61.	11/22/99	Jane Nogaki Board of Trustees	NJ Environmental Federation 223 Park Avenue Marlton NJ 08053	Email (followed by letter)
62.	11/22/99	Michael J. Herson	451 Hasbrouck Blvd Oradell, NJ 07649	Email
63.	11/22/99	Stephen R. Knowlton	77 Church Street Fair Haven NJ 07704	Email

64.	11/22/99	Patricia Sziber	19 Wildwood Way Titusville NJ 08560	Email
65.	11/22/99	Debra Minter	101 Boardwalk #901 Atlantic City NJ 08401	Fax
66.	11/22/99	Paul Tarlowe	40 Brookside Ave Hackettstown NJ 07840	Email
67.	11/22/99	Carleton Montgomery Executive Director	Pinelands Preservation Allnce. 114 Hanover St Pemberton, NJ 08068	Fax
68.	11/23/99	Robert F. Hesse	5 Mawhinney Ave. Hawthorne, NJ 07506	Email
69.	11/24/99	Michael Gordon Conservation Assistance Manager	National Park Service 200 chestnut Street Philadelphia PA 19106	Fax
70.	11/30/99	David A. Harpell	2417 Ramshorn Drive Manasquan NJ 08736	Email
71.	11/30/99	Jonathan Stillwell	121 Oswego Avenue Audubon, NJ 08106	Email
72.	12/02/99	Amie Osowski	35 Glen Manor Drive Glen Gardner, NJ 08826	Email
73.	12/15/99	Bob Moyer	2424 Phillips Road Bamber Lake, NJ 08731	Email
74.	12/15/99	Mildred/Edward Kaliss	137 Chaucer Place Cherry Hill, NJ 08003	Email
75.	12/16/99	Clifford G. Day, Supervisor	US Department of Interior Fish & Wildlife Service 927 North Main Street Bldg. D1 Pleasantville, NJ 08232	Fax/Letter
76.	12/16/99	Carleton Montgomery Executive Director	Pinelands Preservation Allnce. 114 Hanover St Pemberton, NJ 08068	Fax/Lettter
77.	12/17/99	Michael Gross, Esq. Giordano, Halleran & Ciesla	PO Box 190 Middletown, NJ 07748	Letter

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PMC
Parker McCay & Criscuolo P.A.
ATTORNEYS AT LAW

Three Greentree Centre
Route 73 and Greentree Road
Marlton, New Jersey 08053
Telephone: 856-596-8900
Telecopier: 856-596-9631
Email: pmcapmclaw.com
Web: www.pmclaw.com

November 15, 1999

File No. 09325-0001

Via Fax: (609)894-7330
John C. Stokes, Assistant Director
The Pinelands Commission
P. O. Box 7
New Lisbon, NJ 08064

Re: EVESHAM TWP. – Cell Towers
Proposed Plan by Sprint/Omnipoint

Dear Mr. Stokes:

As you know, this office acts as Solicitor for the Township of Evesham. I am in receipt of Sprint and Omnipoint's proposed plan for the location of cell towers within the Pinelands. On page 13 of the plan, Sprint proposes "Facility 28" within the next five (5) years in Evesham Township, presumably to be collocated on "Facility 9" as proposed in the plan presented by the original three providers.

Facility 9 is the Bell Atlantic tower, which the Township has vigorously opposed since July of 1998. The Township's main difficulty with Facility 9 is its location near residential development. The Township has taken great steps to reasonably address the location of cell towers within its borders, including passage of the first Pinelands' approved cell tower ordinance. Litigation by Bell Atlantic challenging our ordinance was defended. At this point, Bell Atlantic is no longer pursuing that site, and the litigation between the Township and Bell has been amicably resolved between the parties, with the assistance of your office.

For obvious reasons, the Township continues to oppose Facility 9, now referred to as Facility 28. It is respectfully submitted, in light of the history of this issue, that any plan by Sprint and/or Omnipoint that is accepted by the Pinelands must not include this site and must otherwise conform to Evesham's Cell Tower Ordinance.

PMC
Parker McCay & Criscuolo P.A.
ATTORNEYS AT LAW

I will be present at tomorrow evening's meeting on this issue, at the County College Teleconference Center, to voice these concerns for the record. Thank you for your consideration in this regard.

Very truly yours,
Parker, McCay & Criscuolo, P.A.

DOUGLAS L. HEINOLD

cc: Mayor Augustus F. Tamburro (Via Fax: 983-2022)
Florence N. Ricci, Township Manager (Via Fax: 985-3695)

Lynnk3377@aol.com, 08:38 AM 11/18/19, Cell phone towers in Pinelands

From: Lynnk3377@aol.com
Date: Thu, 18 Nov 1999 08:38:02 EST
Subject: Cell phone towers in Pinelands
To: planning@njpines.state.nj.us
X-Mailer: AOL 4.0 for Windows 95 sub 243

Regarding the proposals for new cell phone towers in the Pinelands:
As an ordinary citizen, residing in Weymouth Township, Atlantic County, I
would like to cast a vote in favor of the towers in Maurice River Township
and Estell Manor Township.
I have had a cell phone for over 3 years, and use it mostly for emergencies.
On several occasions I have had to use the phone when I was at home - in
situations such as sudden loss of land-based telephone service, which we
experience frequently. I have never been able to get a cell phone signal,
and thus, have to drive about a half-mile from my home to Tuckahoe Road, park
on the side of the road, and make my cell-phone call. If these situations
had been life-threatening emergencies, what would I have been able to do?

If the technology is available to avert situations such as the above, it
should be used-for the greater good. I am not anti-environment, and the
preservation of any land is a good thing. But the preservation of just one
life is of far greater value.

The placement of towers in sensitive areas should not be denied, but the
construction should be done in the least damaging way possible . Please
consider the broad implications that can, and will, be brought about by
denial.

Lynn Kendrick
Dorothy, New Jersey

Complete mailing address for Lynn Kendrick:
P.O. Box 207, Dorothy, N.J., 08317

From: "John H. Robinson" <jsrob@bellatlantic.net>
To: "Betsy Piner" <planning@njpines.state.nj.us>
Subject: Re: PCS Towers
Date: Fri, 19 Nov 1999 12:05:01 -0500
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 4.72.3110.1
X-MimeOLE: Produced By Microsoft MimeOLE V4.72.3110.3

Mrs. Piner,
My complete mailing address is:
John Robinson
23 Schoolhouse Ln.
Cape May Ct. Hse., NJ
08210
-----Original Message-----
From: Betsy Piner <planning@njpines.state.nj.us>
To: John H. Robinson <jsrob@bellatlantic.net>
Date: Friday, November 19, 1999 8:49 AM
Subject: Re: PCS Towers

>Thank you for your comment regarding the PCS plan. In order for us to have
>a complete record of your submission, would you kindly send us your
>complete mailing address. Thank you.
>
>At 12:55 PM 11/18/1999 -0500, you wrote:
>>I would just like to say that I feel ANY new cellular, PCS, or other type
>of tower in the Pinelands should be discouraged. Why should we destroy
>irreplaceble forrest for the sake of phone service? Our precious pinelands
>are more important than phone service!
>>I ask you NOT to approve any more destruction of our trees. Please limit
>phone towers to already existing towers and structures such as water
>towers. I now reside in Cape May Court House, but was raised in Estell
Manor.
>>Estell Manor has already been ravaged by new home construction. There is
>an already existing tower in the Dorothy section of Weymouth Township that
>intertwines borders with Estell Mnaor. Can't this location be considered?
>>Thank you for your time.
>>John Robinson
>>

From: llynch@dept.english.upenn.edu (Laura Lynch)
Subject: Pinelands Cell Towers
To: planning@njpines.state.nj.us
Date: Thu, 18 Nov 1999 21:11:29 -0500 (EST)
X-Mailer: ELM [version 2.4 PL23-upenn3.3]

(This is a copy of what I sent earlier today, except that this contains my
mailing address at the bottom.)

> Dear Sir or Madam:
>
> I am writing to protest the planned installation of cellular phone towers
> in the New Jersey Pinelands.
>
> There is as yet no proven need for more towers; if the plan is to be
> approved, please conduct a study to demonstrate need.
>
> Two of the proposed towers are to be placed near the Great Egg Harbor
> River, which is federally protected under the Wild and Scenic Rivers Act.
> Cellular phone towers aren't wild, and they certainly are not scenic.
>
> Although the Pinelands Commission might require some of the towers to
> blend into the scenery, it is difficult to imagine how this will be done
> in the Pine Plains, where trees typicaly reach a maximum height of
> approximately ten feet or less.
>
> Lately, the Pinelands Commission has seemed to be determined to undermine
> the preservation of the Pinelands: the CMP has already been amended to
> allow the building of a high school on previously protected land in
> Tabernacle, and the head of the Commission - a known environmentalist -
> has been ousted for his anti-development leanings.
>
> The Pinelands Comprehensive Management Plan was designed to preserve the
> Pinelands while allowing for careful, controlled development. The
> Pinelands Commission was formed to carry out the CMP. By allowing

> seemingly small encroachments, such as cellular phone towers, into
> undeveloped regions of the Pinelands, the Commission is setting a bad
> precedent for future development.
>
> Please carefully consider what you are about to do. If you keep chipping
> away at the Pinelands, you might find that you've put yourselves out of
> work.
>
> Sincerely,
>
> Laura Lynch
11 Lumar Rd.
Lawrenceville, NJ 08648

> llynch@english.upenn.edu

X-WebTV-Signature: 1
ETAsAhQGvVOLQiz5iUAIV6Aif9AF9E9XMQIUI+eFXLPGUZ4GB2chAaUDu
nfAhgQ=
From: GerrieS@webtv.net (Geraldine Satz)
Date: Thu, 18 Nov 1999 21:28:51 -0500 (EST)
To: planning@njpines.state.nj.us
Subject: Pinelands

No new towers. The pinelands are a New Jersey treasure. Let's keep it
that way. Geraldine Satz, 9600 Atlantic Ave., Margate, N.J. 08402.
609-487-0132

Gerrie
Let's go birding!

From: PFSchaum@aol.com
Date: Fri, 19 Nov 1999 10:27:44 EST
Subject: Re: Cellular Towers
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 45

In a message dated 11/19/99 8:44:59 AM Eastern Standard Time, planning@njpines.state.nj.us writes:

<< Thank you for your comment regarding the proposed PCS Plan. In order for us
to have a complete record of your submission, would you kindly submit your
complete mailing address. Thank you.

At 09:39 PM 11/18/1999 EST, you wrote:
>Please do not put cellular towers in the NJ Pinelands. It's time to draw
the
>line to mindless development and preserve what little we have of our
natural
>land.
>
>Fred Schaum
>
>E-Mail: pfschaum@aol.com
> >>
The mailing address is 105 Stoney Brook Rd, Towaco, NJ 07082

From: EZwerling@aol.com
Date: Thu, 18 Nov 1999 21:54:22 EST
Subject: Please Say No to Cellular/PCS Towers
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 45

To Whom It May Concern,

The Pine Barrens are a unique natural heritage that we must preserve for my kids and their kids' sakes. The introduction of 200 foot towers into these pristine areas is simply another foot in the door, another chipping away at the unspoiled beauty of the barrens. A little now, a little more tomorrow and finally there will be nothing left to preserve - no one will think the tattered remains are worth preserving. The whole state will look like Route 18 in East Brunswick, which was once quite beautiful.

Please hold the line, now and forever.

Please preserve OUR Pine Barrens.

The Zwerling Family (Eric, Naomi, Matthew, Samantha)
77 4th St.
Somerset, NJ 08873
(732)932-8065

Date: Thu, 18 Nov 1999 22:51:05 -0500
From: Mike Medici <medici@iname.com>
X-Mailer: Mozilla 4.61 [en]C-CCK-MCD (Win98; I)
X-Accept-Language: en
To: planning@njpines.state.nj.us
Subject: Cell Towers

I have photographed the changing landscape of the Pinelands for many
years. As you well know this is a unique and treasured resource and
should be preserved for future generations to enjoy.

Unfortunately if you continue to allow further development of any kind
including the ridiculous cell towers you will have permitted further
destruction of this unique land.

I invite you to join me on a walking trip through the Pinelands and I am
sure on this journey the wonder and beauty will overtake you !

RESIST THE POWER AND CONTROL OF THE CORPORATIONS AND POLITICAL INFLUENCE
!

IF YOU CANNOT PROTECT THE PINES, THEN STEP DOWN FROM YOUR POSITION AND
ALLOW OTHERS "WHO ARE CONCERNED" FOR THE PRESERVATION OF THIS WONDER TO
REPLACE YOU !

DON'T ALLOW THE TOWERS TO BE BUILT, NOR ANY OTHER DEVELOPMENT!

Mike Medici
PO Box 53
Morris Plains, NJ 07950

email medici@iname.com

X-Originating-IP: [128.6.248.8]
From: "Sunil Somalwar" <svsomalwar@hotmail.com>
To: planning@njpines.state.nj.us
Subject: PCS tower in the Pinelands
Date: Thu, 18 Nov 1999 21:07:23 PST

Dear Planner,

Please - absolutely no transmission tower in the Pinelands.
Thank you,

Sunil Somalwar, Ph.D.
1015 S. Park Ave.
Highland Park, NJ 08904

Date: Fri, 19 Nov 1999 00:13:47 -0500
From: Veronica Rowan <aradya@eden.rutgers.edu>
X-Mailer: Mozilla 4.7 [en]C-AOL (Win98; I)
X-Accept-Language: en
To: planning@njpines.state.nj.us
Subject: PCS tower plan

Aren't there enough towers in the area already? I don't see the need
for any more.

Veronica Rowan
239 Montgomery st. 2C
Highland Park, NJ 08904

From: "Craig Farrell" <csfarrell@home.com>
To: <planning@njpines.state.nj.us>
Subject: Proposed Cell Towers in Pinelands
Date: Fri, 19 Nov 1999 00:26:22 -0500
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 4.72.3110.5
X-MimeOLE: Produced By Microsoft MimeOLE V4.72.3110.3

Dear Pinelands Commission Members:

A recent article in the The Press of Atlantic City brought to my attention
that you will soon be reviewing a request by Omnipoint and Sprint PCS to
build PCS towers in the Pinelands.

The article sheds little light on the location, height, and environmental
impact of the towers. I would hope that you would be more thorough in your
investigation of this matter than The Press of Atlantic City was. Some of
your recent decisions indicate a pro-development, pro-business stance that
shows little regard for preserving a tremendous example of God's creation
for our children.

Do not stick your heads in the Pinelands sand and attempt to ignore the
consequences of your actions. While Sprint PCS and Omnipoint and the rest of
corporate America may love you guys for your willingness to destroy the
Pinelands, future generations will recognize your lack of willpower and
inability to resist the siren call of greed.

Nature can recover from man's environmental destruction; too bad that it can
takes hundreds and sometimes thousands of years. The Pinelands is a unique
ecological resource that future generations should be able to enjoy in a
state unsullied by man. It's not too late for the Pinelands Commission to
start acting like they care about preserving the Pinelands for future
generations.

If you get the chance, please ask these questions for me during

your
examination of this issue:

Moshe Kam - He is apparently your hired consultant. I am concerned about
conflicts of interest. Has he ever worked for Sprint PCS or Omnipoint or any
of its business partners? Does he have a business relationship with any
Commission members or their businesses? Does Drexel University receive any
funding from the companies involved or from industry promotional organizations? If he has worked for the Pinelands Commission before, did he
recommend in favor of industry or in favor of environmentalists?

Second opinions - The need for more towers is based on principles of
cellular and PCS network design. How many PCS or cellular networks has Moshe
Kam designed? Is all his knowledge theoretical, or has he actually built a
PCS network? I would suggest getting a second opinion, since there is great
likelihood that you're not going to get the other side of the story.
University professors are typically teaching information that is 5 years
behind the technology they are supposedly experts in. This is the Internet
age, and professors have a hard time keeping up with the pace of technology.
In Mr. Kam's case, to have the industry expertise to advise you on this
matter would mean he has designed networks for the major cellular and PCS
vendors in America. If they are his customers, you cannot possibly hope for
him to provide an unbiased opinion.

If they are not his customers, then he probably doesn't know what he is
talking about. If that is the case, then just find yourself an independent
consultant who is not a professor. He would probably know more about the
industry.

Height and location of towers - The article does not shed much light on
this. Seems like some key information to me.

Environmental impact of new towers - What about it? Is there a lot of trench digging and other acts of rape on the Pinelands? Forget how ugly these towers are; you can disguise them as pine trees and they'll still be an eyesore.

Necessity of Cellular and PCS in the Pinelands - I mean really, do we need more cellular and PCS in the Pinelands? The primary users of these services are businesses. Is the Pinelands Commission supposed to be pro-business, pro-technology? Is that what the Pinelands is about? Do we want the Pinelands to be just like Northern New Jersey? Do we want the congestion, the over-development, the orgy of greed and utter disregard for God's landscape that is northern New Jersey? I think not.

Is Cellular and PCS less intrusive than land-based communications? That's a good question. I suspect it is, but if cellular and PCS is the best and least-intrusive form of communication, it doesn't mean that we have to have seamless coverage throughout the Pinelands.

In places where there are few homes, there is no compelling argument for increased coverage. Sure, hikers will be able to dial 911 and have a better chance of getting through, but that's not a compelling argument. The environmental cost is too high to insure that some city slicker who can't find the subway can be rescued from his stupidity by the Pinelands authorities.

In developed areas with roads already built, increased coverage does not seem as objectionable. You've already raped the land by building a road, houses and businesses; what's a few towers going to do to ruin the view? However, towers in the pygmy pines of Woodlands Township and near the Great

Egg Harbor River sound aesthetically nauseating and something you should try
hard to avoid.

The fundamental question - is again, how much of this cellular and PCS do we
need in the Pinelands? If we deny these requests and wait five years, will
technology have advanced so far that these towers are unnecessary and
obsolete? Is it not an act of love for future generations to even show such
foresight?

Sincerely,

Craig S. Farrell
14 Jessica Place
Monmouth Beach, NJ 07750
732-728-1882

From: "Scott" <jcs1997@prodigy.net>
To: <planning@njpines.state.nj.us>
Subject: Wireless towers-NO
Date: Fri, 19 Nov 1999 07:11:56 -0500
Organization: Prodigy Internet
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 5.00.2314.1300
X-Mimeole: Produced By Microsoft MimeOLE V5.00.2314.1300

Sirs,

The proposal to increase both the number and size of wireless cell towers in the Pinelands should be closely examined, and summarily rejected. While there may be some reason to add or increase the size of towers in 1 or 2 of the cases on the outer fringe areas adjacent to roads any additions should be aesthetically harmonious with the area. The overall proposal to add this many towers over the next year is absurd.

Adding huge towers in the middle of a pygmy pine forest? Come on. No way, right?

Better to stop this now. Tower technology is developing quickly, and 5 years from now smaller and better disguised towers will be the norm. There is no over ruling public need for additional towers now, and the proposal clearly is meant to enrich associated corporate interests at the expense of the public in general.

I hope these comments help make the proper decision.

James C Scott
2 Judith Court
Ocean Township, NJ 07712
732-517-8815

Attachment Converted: "c:\eudora\attach\Wireless.htm"

Sirs, The proposal to increase both the number and size of wireless cell towers in the Pinelands should be closely examined, and summarily rejected. While there may be some reason to add or increase the size of towers in 1 or 2 of the cases on the outer fringe areas adjacent to roads any additions should be aesthetically harmonious with the area. The overall proposal to add this many towers over the next year is absurd. Adding huge towers in the middle of a pygmy pine forest? Come on. No way, right? Better to stop this now. Tower technology is developing quickly, and 5 years from now smaller and better disguised towers will be the norm. There is no over ruling public need for additional towers now, and the proposal clearly is meant to enrich associated corporate interests at the expense of the public in general. I hope these comments help make the proper decision. James C Scott2 Judith CourtOcean Township, NJ 07712732-517-8815

X-Sender: dhb@mail.buckleydelcano.com
To: planning@njpines.state.nj.us
From: David Hays Buckley <dhb@buckleydelcano.com>
Subject: No new towers in the Pinelands!
Cc: dschvejda@igc.org, David Hays Buckley
<dhb@buckleydelcano.com>
Date: Fri, 19 Nov 1999 08:55:30 -0500

To the Guardians of The Pines:

I believe that it is your mission to guard the Pine Barrens from human
encroachment so that they may be maintained as the New Jersey, national and
world treasure that they are.

I strongly oppose the construction and or expansion of "cellular" or "PCS"
or any other kind of tower that impinges on the natural beauty of this
magnificent area.

Please maintain your vigilance and have as your overriding concern the
preservation of the remaining pristine wilderness that we have in this, the
most developed and densely populated of our United States.

Sincerely,

David Hays Buckley
90 Jefferson Avenue
Maplewood, New Jersey 07040-1231
973 275 1056

Date: Fri, 19 Nov 1999 07:46:11 -0500 (EST)
From: Jakob Franke <jf31@columbia.edu>
Sender: jf31@columbia.edu
To: planning@njpines.state.nj.us
Subject: pineland towers

Please don't rush through the permit for more towers in the pinelands.
It's a unique area, and there should be absolutely no alternatives before
consideration is given to this proposal.
Not enough time and notification has been provided to properly address the
issues.
Don't issue the permits yet!

Sincerely,

Jakob Franke
424 Tappan Road
Northvale, NJ 07647

Tel. 201-768-3612

From: Italia88@aol.com
Date: Fri, 19 Nov 1999 08:03:17 EST
Subject: Cell Towers in Pinelands
To: planning@njpines.state.nj.us
X-Mailer: AOL 4.0 for Windows 95 sub 10

It's time to stop destroying our beautiful natural resources. I recently heard that cell towers are proposed for the Pygmy Forest in the Pine Barrens. With the trees only topping 10 feet, how can we put up those ugly towers? I know technology has it's place in today's society, but there has to be a limit on what we take away from our future. Preserving our natural habitats and resources should be something we stand up for as a state. Too many of our farm lands, forests and shore lines are being torn up for housing developments and progress. The Pine Barrens is the biggest untouched acreage left in NJ. Let's not destroy any small piece of that.

SAY NO TO CELL TOWERS!

Thank you,
Gay A. Raab
2467 Route 10 East
Bl. 31-4A
Morris Plains, NJ 07950
Italia88@aol.com

P.S. Yes, I am a cell phone user. I also work for the state's largest telecommunications company.

From: Berbaumw@aol.com
Date: Fri, 19 Nov 1999 08:23:26 EST
Subject: No Cell Towers
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 45

To: planning@njpines.state.nj.us

No more cell towers in the NJ Pines.

NO TOWERS - NO WAY

William R. Berbaum
41 Watchung Plaza, Suite 381
Montclair, NJ 07042-4117

From: "Fran Duggan" <fduggan@worldwidedreams.com>
Organization: RGA Accessories, Inc.
To: planning@njpines.state.nj.us
Date: Fri, 19 Nov 1999 08:33:39 -0500
Subject: PCS towers
Priority: normal
X-mailer: Pegasus Mail for Win32 (v3.01d)

The PCS tower proposal (Comprehensive Plan for PCS Facilities in the
Pinelands Area) is outrageous! Please do not approve this plan!
Frances Duggan
102 Ilford Avenue
North Arlington, NJ 07031

X-Sender: dhb@mail.buckleydelcano.com
To: planning@njpines.state.nj.us
From: David Hays Buckley <dhb@buckleydelcano.com>
Subject: No new towers in the Pinelands!
Cc: dschvejda@igc.org, David Hays Buckley
<dhb@buckleydelcano.com>
Date: Fri, 19 Nov 1999 08:55:30 -0500

To the Guardians of The Pines:

I believe that it is your mission to guard the Pine Barrens from human
encroachment so that they may be maintained as the New Jersey, national and
world treasure that they are.

I strongly oppose the construction and or expansion of "cellular" or "PCS"
or any other kind of tower that impinges on the natural beauty of this
magnificent area.

Please maintain your vigilance and have as your overriding concern the
preservation of the remaining pristine wilderness that we have in this, the
most developed and densely populated of our United States.

Sincerely,

David Hays Buckley
90 Jefferson Avenue
Maplewood, New Jersey 07040-1231
973 275 1056

From: csolomon@ets.org
X-Incognito-SN: 283
Date: Fri, 19 Nov 1999 09:01:44 -0500 (EST)
Subject: Opposed to cell towers in the pinelands
To: planning@njpines.state.nj.us
Reply-to: csolomon@ets.org
X-Incognito-Version: 5.0.1.89

I am writing to express my opposition to the positioning of communications
in the PInelands. This is outrageous, especially in view of the fact that
the communciatons comapany "need" towers of such height in order to sell
"vertical real estate." Please deny these requests. At the very least, the
public comment period should be extended so that members of the community
can be heard.

Date: Fri, 19 Nov 1999 06:30:53 -0800 (PST)
From: Joseph Phillips <joe_phillips@yahoo.com>
Subject: NO TOWERS!
To: planning@njpines.state.nj.us

Hello,

I am writing to express my extreme oppisition to approving the construction of two towers in the Pinelands area. The pines are about the only place left in NJ, perhaps on the entire eastern seaboard where one can finally escape all the development, traffic, sights, and sounds, of the regions sprawling and out of control development. The last thing we need is a dregraded viewshed in the pines. This is a place to go to look up and see the sky without the frame of development, to gaze across miles of undeveloped land and see nothing but nature's work. These towers are not needed. Why should we, the citizens who live and work on this earth give up this area piece by piece to companies who only seek to profit. Please, stop these towers and let the Pinelands live on in as natural a state as possible.

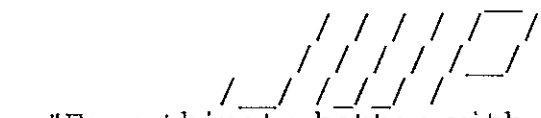
Sincerely,

Joseph W. Phillips
4 Picardy Road
Succasunna, NJ 07876

(973) 584-3282

joe_phillips@yahoo.com

=====



"Everything's better with a banjo"

To: planning@njpines.state.nj.us
Cc: dschvejda@igc.org
Subject: Towers
X-Mailer: Juno 1.49
From: "Tanya G. McCabe" <tanyagm@juno.com>
Date: Fri, 19 Nov 1999 09:34:02 EST

The pine barrens are supposed to be protected!! Please no new towers in
the Pine Barrens!!

Tanya McCabe

Date: Fri, 19 Nov 1999 09:56:51 -0500
From: "Loren D. Mendelsohn" <lmend@crow.admin.ccny.cuny.edu>
Organization: City College of New York
X-Mailer: Mozilla 4.7 [en] (WinNT; I)
X-Accept-Language: en,en-GB
To: planning@njpines.state.nj.us
Cc: SierraAct@aol.com
Subject: PCS Towers in the Pinelands

Dear Dr. Brady,

As a New Jersey resident who makes extensive use of our wilderness resources (I am a hiker and a backpacker), I am writing to express my opposition to the building of additional telecommunications towers in the Pinelands wilderness. I have seen such towers in other locations, particularly in northern New Jersey, where mountain top wilderness areas have been destroyed by their placement. This is particularly an issue, since the area where the towers are to placed is a pigmy pine forest, and their presence will not even be partially hidden by the vegetation. The visual impact will be profound, to say nothing of the impact of the construction itself.
It has been my experience that construction projects in wilderness areas leave deep scars which take decades to heal, if they heal at all. Often, in the case of towers such as those currently being contemplated, permanent access roads also need to be constructed to make it possible to service the towers.

Let Sprint and Omnipont find a different, non-wilderness location for their towers.

Sincerely,

Loren D. Mendelsohn
3 Morris Place
Towaco, NJ 07082
(973) 402-1799

X-Sender: boghosia@mail.atlantic.edu (Unverified)
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.6 (32)
Date: Fri, 19 Nov 1999 10:00:00 -0600
To: planning@njpines.state.nj.us
From: Tom Boghosian <boghosia@atlantic.edu>

Please do not erect the towers. Tom Boghosian 3722 Lehigh Court, Mays
Landing, NJ 08330

From: "Liz" <liz@lifespeed.net>
To: <planning@njpines.state.nj.us>
Subject: Pinelands Towers
Date: Fri, 19 Nov 1999 09:48:55 -0500
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 4.72.3110.5
X-MimeOLE: Produced By Microsoft MimeOLE V4.72.3110.3

I am writing to express opposition to new cell towers being built in the Pinelands. Please leave this beautiful area alone.
Liz Marshall
5 Old Orchard Rd.
Hardwick, NJ 07825

Attachment Converted: "c:\eudora\attach\Pineland.htm"

X-Sender: rmcgee@mail.amelar.com
Date: Fri, 19 Nov 1999 10:01:39 -0500
To: planning@njpines.state.nj.us
From: Ron McGee <rmcgee@amelar.com>
Subject: Have You Gone Mad?

Massive towers despoiling the Pinelands, the only natural area of its
kind in the state, just to support cell phone service? That is absolutely asinine! Let's compromise. Install two pay phones at a nearby rest stop instead.

.

Ron McGee
64 Birch Road
Ringwood, NJ 07456

X-Originating-IP: [128.6.53.199]
From: "camille gutmore" <cgutmore@hotmail.com>
To: planning@njpines.state.nj.us
Subject: NO TOWERS IN PINELANDS!!
Date: Fri, 19 Nov 1999 07:13:20 PST

Having just read of the plan to build towers in the Pinelands I need to
express my concern and opinion. This is the beginning of a disaster!! NO NEW
TOWERS; NO WAY!!!

Camille Gutmore
181 River Road
Nutley, NJ 07110
973.667.2203

From: Stu342@aol.com
Date: Fri, 19 Nov 1999 10:18:32 EST
Subject: New towers in the Pinelands
To: planning@njpines.state.nj.us
X-Mailer: AOL 4.0 for Windows 95 sub 38

To whom it may concern:

I am writing to you today to express my concern over the proposal to build 7
new PCS towers in the Pinelands National Reserve. I am especially concerned
that the proposed plan lacks any scientifically demonstrated need for these
new towers. Without proof of need, I do not see how such a plan can be
approved. Please do not allow this proposal to proceed.

Thank you for your attention to this matter.

Andrew S. Ewing
Conservation Chair
Bergen County Chapter, National Audubon Society
490 Vance Ave.
Wyckoff, NJ 07481-1130

X-Server-Uuid: 3789b954-9c4e-11d3-af68-0008c73b0911
From: "Salese, Patricia (IS)" <PSalese@NA2.US.ML.com>
To: "'planning@njpines.state.nj.us'"
<planning@njpines.state.nj.us>
Subject: PCS towers
Date: Fri, 19 Nov 1999 10:25:08 -0500
X-Mailer: Internet Mail Service (5.5.2448.0)
X-WSS-ID: 142BB42C98777-01-01

Patricia Salese
15 Springholm Dr.
Berkeley Heights, NJ
07922
908.464.5581
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Dr. Barry Brady - Pinelands Commission,

This email is in response to the proposed PCS towers in the Pinelands
National Reserve.

I am fervently OPPOSED to this construction. This area is a vital ecological
region. There is NO REASON for these towers to be built here. There is very
little demonstrated need for them.

I do not believe it is fair for the interests of a few to impose on the good
of the public.
The way I see it, Sprint and Ominpoint are taking the easy way out for
themselves by
attempting to build here. If you allow these towers to be built, where will
it stop?
This land was not preserved so that special interest could have an easier
time of it.

Thank you for your attention to this matter.
Sincerely,
Patricia Salese
Sierra Club
Conservation Chair - Loantka group

Patricia Salese
Merrill Lynch & Co.
Infrastructure Solutions ~ Process Management
732.627.8069
PSalese@NA2.US.ML.com
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

From: Phil Salkie <phil@howman.com>
Subject: A Vote against the tower plan
To: planning@njpines.state.nj.us
Date: Fri, 19 Nov 1999 11:33:21 -0500 (EST)

Sirs,

I am opposed to the plan in its current form. While I understand that improved cellular coverage is an economic benefit, I feel that there are areas of the state which should be reserved as scenic, undeveloped, and undevelopable, and the pygmy forest certainly counts as one of these. The Great Egg Harbor river area is also an area of great scenic importance, in a federally recognized wild area. I hope that you will deny the permits to erect towers in these sensitive areas, and we will all just have to live with not being able to pick up our e-mail while walking through some of New Jersey's last remaining wild lands.

Thank you,

Philip Salkie
547 West Hill Road
Califon, NJ 07830
908-638-4595

X-Originating-IP: [24.3.15.106]
From: "Lisa Carolina Gonzalez" <lcgpanther@hotmail.com>
To: planning@njpines.state.nj.us
Subject: Re: no more towers
Date: Thu, 25 Nov 1999 16:13:12 PST

ok no problem, my mailing address is 14706 Manor Rd. PHoenix MD 21131

>From: Betsy Piner <planning@njpines.state.nj.us>
>To: "Lisa Carolina Gonzalez" <lcgpanther@hotmail.com>
>Subject: Re: no more towers
>Date: Fri, 19 Nov 1999 12:25:02
>
>Thank you for your comments regarding the PCS plan. Please provide us with
>your mailing address so that we will have a complete record of your
>transmission. Thank You.
>
>At 08:33 AM 11/19/1999 PST, you wrote:
> >hello,
> >my name is lisa and i really want you to not put any towers through the
> >pinelands. i love nature and nature is responsible for everything we
>have.
> >i respect nature and i hope you do to. so if you are thankful for your
>life
> >and the fact that you are able to breath you will not put any new towers
>up
> >that can hurt nature. thankyou
> >
> >_____
> >Get Your Private, Free Email at http://www.hotmail.com
> >
> >
>

_____
Get Your Private, Free Email at http://www.hotmail.com

To: planning@njpines.state.nj.us
Date: Thu, 18 Nov 1999 23:32:14 -0800
Subject: Comments on the proposed new PCS towers in the Pine Lands
X-Mailer: Juno 3.0.13
From: Louis M Lasher <lmlasher@juno.com>

No news towers are needed. Please respect the sanctity of the the Pines
Lands Reserve, and cease consideration
of this senseless further intrusion into a unique ecosystem.

My names is Louis M Lasher and I live at 824 Third Place in Plainfield NJ
07060, and I don't really see why "gaps in coverage" of a handful of PCS
cell phone companies warrants this compromise of the Ecological Reserve.

In fact I must state that the recent trends in policy concerning the
Pinelands seem to be a complete betrayal of the original intension of the
1979 preservation partnership between the state and federal government.
It seems to me that "planning" should not mean being the servant of every
business interest that approaches your offices. Let us make sure our
collective priorities are straight, after all you should be acting in the
best interest of the state, not helping every shady business to pillage
our natural resources.

Thank you for your consideration on this issue, but this issue should
have never been considered at all.

From: ParadoxWRS@aol.com
Date: Fri, 19 Nov 1999 11:45:11 EST
Subject: Pinelands: No New Towers
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 44

Dear Commisioners

I am voter here in New Jersey and I hike in the Pinelands a great deal. I am
strongly opposed to the building of communications towers in the Pinelands.
Please, NO NEW TOWERS!

William R. Schultz
46 B Bartle Court
Highland Park, NJ 08904-2032

X-Originating-IP: [128.6.175.83]
From: "Filomena B" <fillyb@hotmail.com>
To: planning@njpines.state.nj.us
Subject: NO TOWERS
Date: Fri, 19 Nov 1999 11:59:27 PST

Please don't build the towers in the forest or over the Egg Harbor river.
We really don't feel they are necessary. We think the preservation of
wildlife takes priority over the towers. The Pinelands is so important to
New Jersey. It makes me proud to have such a large area of woodlands in my
very own state. Please don't build. If you do, you'll start a trend
because if you can build, why can't others? Soon, there will be no
Pinelands left. PLEASE! You have the power to keep NJ's wilderness intact.
Don't support this development, support the future of our state. I want
to be able to take my children to the woods of NJ someday.
Once again, I urge you...PLEASE DON'T BUILD.

Sincerely,
Filomena Brogna (age 18)
301 West Sylvania Ave
Neptune City, NJ 07753
...but my home at my mom's is right in the Pinelands:
373 Heritage Way
Tuckerton, NJ 08087

From: "Goodnough, Jon (ELS)" <j.goodnough@elsevier.com>
To: "'planning@njpines.state.nj.us'"
<planning@njpines.state.nj.us>
Subject: Additional cell phone towers in the Pinelands
Date: Fri, 19 Nov 1999 13:05:20 -0500
X-Mailer: Internet Mail Service (5.5.2448.0)

No new towers, no way!

Jonathan Goodnough
711 Adams St. #2
Hoboken NJ 07030

Date: Fri, 19 Nov 1999 12:40:21 -0500 (EST)
From: Andrea Zacharias <abz@eden.rutgers.edu>
X-Sender: abz@er3.rutgers.edu
To: planning@njpines.state.nj.us
Subject: No New towers, No Way!

No new towers, No Way!
We have to protect our land... what will be left for the future?

Andrea Zacharias
26226 DPO Way
New Brunswick, NJ 08901
732-373-8191

The world is good-natured to people who are good-natured.

-- William Makepeace Thackeray

From: Wild1872@aol.com
Date: Fri, 19 Nov 1999 15:34:02 EST
Subject: No PCS Towers!
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 54

November 19, 1999

Dear Sirs:

I strongly oppose the building of new PCS towers in the heart of the Pinelands. The Pinelands is the largest tract of open space remaining on the eastern seaboard, and everything possible must be done to keep it pristine. I believe the proposed PCS towers will only contribute to the Pinelands demise. In addition, this plan should be terminated because of the lack of any scientifically demonstrated need for the towers. Therefore, I ask you to vote against big business and for the preservation of the scenic and ecological integrity of the Pinelands.

Sincerely,

Jason Kurtz
55 Morgan Place
North Arlington, NJ 07031

Alternate-recipient: prohibited
Date: Fri, 19 Nov 1999 16:45:58 -0500 (EST)
From: Richard Colby <Dick.Colby@stockton.edu>
Subject: additional communication (telephone) towers in Pinelands
To: planning <planning@njpines.state.nj.us>
Posting-date: Fri, 19 Nov 1999 16:59:00 -0500 (EST)
Importance: normal
Priority: normal
UA-content-id: C130ZYEWOA899
A1-type: MAIL

I'm a Trustee of the Great Egg Harbor Watershed Association, which has been working with the National Park Service office in Philadelphia, for the last 15 years, to bring Wild & Scenic status to the River. Scenic Rivers are federally entitled to a 1/4 mile visual buffer (viewshed), measured inland from the river edge. Before you infringe on that corridor, may I urge that you:

1. Demand a map of existing towers, with the extent of their electronic "ranges" marked to indicate gaps in coverage.

2. Demand a map showing existing tall structures, such as water towers and existing cell phone towers, that could be adapted to mount additional antennas. (E.g. there is a water tower in my town, Egg Harbor City, with two or three different sets of communication antennae mounted to it.)

3. Ask your consultant to prepare an alternate plan for providing coverage, and to estimate the relative costs of the two plans.

THEN you'll have a better basis for evaluating the company applications.

from Dick Colby (Prof. Richard H. Colby), Environmental Studies Program, Richard Stockton College, Pomona NJ 08240-0195. office phone 609 - 652-4355.

Date: Fri, 19 Nov 1999 17:52:51 -0500
From: Bob Galanty <mago@erols.com>
Reply-To: mago@erols.com
Organization: Magnum Opus Engineering
X-Mailer: Mozilla 4.04 [en] (Win95; I)
To: planning@njpines.state.nj.us, dshvejda@igc.org, techie@monmouth.com
Subject: cell towers

11-19-99

Robert Galanty
284 Kennedy St
Iselin , N J 08830

732-283-4925

Dear Sir or Madam:

In reference to cell towers in the Pinelands , I feel it is totally inappropriate. The US government helped set aside these lands for the enjoyment , multi benefits and future of the people of New Jersey.It was never intended for these lands to be commercially developed by profit making organizations. The clincher here is PROFIT MAKING ORGANIZATION.
Legally this term mandates NOT INHERENTLY BENEFICIAL, which is the point you missed in order to place these towers on public land.
The 1996 Telecommunications Act prohibits preemption, Please locate these towers elsewhere.

Thank You,

Robert Galanty

From: "BobP" <bobp@k2nesoft.com>
To: <planning@njpines.state.nj.us>
Subject: no new towers
Date: Fri, 19 Nov 1999 20:29:46 -0500
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 5.00.2314.1300
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2314.1300

please dont put any new cell towers in the pinelands.

it will ruin the pinelands

thank you

bob praetorius
39 dennis ct
hightstown nj 08520

Attachment Converted: "c:\eudora\attach\nonewtow.htm"

From: pbx@cybercomm.net
Date: Fri, 19 Nov 1999 20:37:55 -0500
X-Mailer: Mozilla 4.61 [en] (Win95; U)
X-Accept-Language: en
To: planning@njpines.state.nj.us
CC: ppa <ppa@pinelandsalliance.org>
Subject: No new towers!

None!, especially in the pygmy pines in Woodland Township. What can you
possibly be thinking of? This is as bad as the Tabernacle school and the
Lacey township cemetary.

You are eating away at the pines.....it has to stop!

Bob Moyer
2424 Phillips Road
Forked River, NJ

From: HCarola@aol.com
Date: Fri, 19 Nov 1999 22:47:31 EST
Subject: NO CELL/PCS TOWERS IN THE PINELANDS!
To: planning@njpines.state.nj.us
X-Mailer: AOL 4.0 for Windows 95 sub 9

To: The Pinelands Commission

From: Hugh Carola
30 Maple Ave.
Hackensack, NJ 07601
201-457-1582

Re: Proposal to allow construction of additional cell/PCS towers in Pinelands

Dear Commissioners:

I read today with disgust of this most recent attack on the integrity of the Pinelands (which belongs to ALL New Jerseyans - not the developers, not the cranberry growers and not even the Commission.) in the form of this fast-tracked plan to allow the construction of more than 20 communications towers throughout the region.

I am therefore registering my opposition to the plan and to the way the Commission has begun to rubber-stamp virtually all development plans that now come before it. You work for the people of New Jersey, not the monied interests in South Jersey.

And for the record, I am a SPRINT PCS customer. (201-362-3428)

Sincerely,

Hugh M. Carola

From: JoisyGuy@aol.com
Date: Fri, 19 Nov 1999 23:31:52 EST
Subject: Cellular phone towers
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 45

As a former resident and still frequent visitor to New Jersey, I oppose the
building of new cellular towers, or increasing the height of old ones, in the
Pinelands.

Paul Schickler
901 Ave. H, Apt. 1E
Brooklyn, NY 11230

November 19, 1999

Kerry Miller
549 Winsor Street
Bound Brook, NJ 08805

Pinelands Commission
Springfield Road
New Lisbon, NJ 08064
FAX (609) 894-7331

Dear Commissioners:

I am writing to comment on the issue of cell towers in the Pinelands. As I understand it, Sprint and PCS are seeking authorization to build seven more towers within the Pinelands. They claim that there are "gaps" in cellular/pager service in some areas of the Pinelands, yet they have failed to provide documentation on the location or extent of these gaps. In addition, some of the proposed towers would be inappropriately high, up to 200 feet, for the scenic, undisturbed areas in which they are proposed.

I understand that the Commission cannot deny tower applications in an across-the-board manner. However, the Commission can, and should **demand scientific documentation of need** (the alleged gaps, *and* the future market needs for the technology in question) before capitulating on this issue. The Preservation Area is rural; small gaps do not justify major additional tower intrusions into the landscape. And any new towers should be limited to the regulated growth areas, not sited in the pygmy pines, on the Forked River, or in the Preservation Area.

It seems that Sprint and PCS may be seeking approvals based more on their desire to position themselves well for future competition than on a substantial, current need for increased service. Under no circumstances should towers be allowed for speculative purposes.

I hope that the Pinelands Commission will not be afraid to stand its ground against corporate pressure. As you all know, the Pinelands are one of a kind; the public depends on you to protect this natural treasure and its viewscape for future generations.

Sincerely,

Kerry Miller

Kerry Miller

Date: Mon, 22 Nov 1999 16:08:48 -0800 (PST)
From: Pat G Palmer <patpalmer@yahoo.com>
Reply-To: pat@harbormist.com
Subject: Re: i'm against more towers in pygmy forest areas of the pinelands
To: Betsy Piner <planning@njpines.state.nj.us>

Pat G. Palmer
165 N Harrison St
Princeton, NJ 08540

--- Betsy Piner <planning@njpines.state.nj.us> wrote:
> Thank you for your comments regarding the PCS plan.
> In order for us to
> have a complete record of your submission, would you
> kindly send us your
> complete mailing address. Thank you.
>
> At 05:18 AM 11/20/1999 -0500, you wrote:
> >I'm against more towers in pygmy forest areas of
> the pinelands. The
> >one that is there is an eyesore. Although I love
> my cell phone, I can
> >do without it while in specially preserved areas.
> >
> >Please speak out against this further destruction
> of a formerly wild
> >area.
> >
> >Regards,
> >
> >Pat Palmer
> >Princeton, NJ
> >
> >--
> >
> >http://www.harbormist.com/pat/
> >mailto:pat@harbormist.com
> >
> >
> >
> >
>
>
>

From: StRalph@aol.com
Date: Sat, 20 Nov 1999 06:57:24 EST
Subject: towers in the pinelands
To: planning@njpines.state.nj.us
X-Mailer: AOL 3.0 for Windows 95 sub 49

No new towers . No way.

Edith Biondi
520 Haworth Ave.
Haworth,N.J, 07641

Date: Sat, 20 Nov 1999 08:08:27 -0500
From: Loretta Dunne <ledunne@erols.com>
X-Mailer: Mozilla 4.6 [en] (Win98; I)
X-Accept-Language: en
To: planning@njpines.state.nj.us
Subject: Proposed Cell Phone Towers

To the members of the Pineland Commission:
I am strongly opposed to building any more cell phone towers in the Pinelands. I am already concerned about those that were erected and I believe that no more should be put up. The Pinelands is a special, protected area and should be treated as such. To make exceptions for type time of industry is not the way to protect this environement.
Please reject this plan.

Thank you,
Loretta Dunne
125 North Drexel Street
Woodbury, NJ 08096

Date: Sat, 20 Nov 1999 08:34:52 +0000
From: Mike Brown <eyebrown@snip.net>
Reply-To: eyebrown@snip.net
X-Mailer: Mozilla 3.01-C-MACOS8 (Macintosh; I; PPC)
To: planning@njpines.state.nj.us
Subject: New Towers?

From:
Michael S. Brown
159 Carlisle Rd.
Audubon,N.J. 08106-1209

I am writing this letter to voice my concern over new PCS Towers in the Pinelands. If there is a need for new towers, I can reluctantly understand that. However any tower in the midst of the pygmy pines seems an injustice. Of all of the treasures in the Pinelands, the pygmy pines are unique and truly awe inspiring. I would hope the spirit of the management plan would take into account the breathtaking scene of standing in the middle of fully mature trees only 10 feet tall. A tower of any size would seem to say that the protection of this forest is not warranted. I am not in favor of any new towers; but especially not in the pygmy pines. I really hope that true preservation will be considered important in this matter.

Michael S. Brown

Date: Sat, 20 Nov 1999 21:13:27 -0500
From: Brian Bragg <bbragg@home.com>
Organization: @Home Network
X-Mailer: Mozilla 4.5 [en]C-AtHome0405 (Win98; U)
X-Accept-Language: en
To: planning@njpines.state.nj.us
Subject: PCS Facilities

I strongly oppose the proposed amendments to permit the installation of new PCS facilities in the Pine Barrens. These towers will significantly interfere with this ecological region and mar its beauty. The Pine Barrens area has unique value in our State, much of which has already been overdeveloped. We should be exceedingly cautious of proposals that impair or destroy the unique, unspoiled qualities that the Pine Barrens offer. There has been no showing of compelling need for these towers, and the proposed amendments should be rejected.

Brian E. Bragg
110 Passaic Avenue
Summit, NJ 07901

Date: Sun, 21 Nov 1999 10:10:20 -0400
From: Ellen Friedman <efrie@rcn.com>
Reply-To: efrie@rcn.com
X-Mailer: Mozilla 4.5 (Macintosh; I; PPC)
X-Accept-Language: en
To: planning@njpines.state.nj.us
Subject: New cell phone towers

I am outraged that new cell phone towers are proposed for placement in the pinelands. This wonderful wilderness in the heart of such a heavily populated state will be further marred by these towers.

Ellen Friedman
524 Main St.
Lodi, NJ

07644

Rwyzaz@aol.com, 09:37 PM 11/21/19, towers

From: Rwyzaz@aol.com
Date: Sun, 21 Nov 1999 21:37:49 EST
Subject: towers
To: planning@njpines.state.nj.us
X-Mailer: AOL for Macintosh sub 54

Enough is enough. The people of NJ are not ALL interested in a free for all take what you can get and run approach. The developers and commercial interests are. But do we always have to sell out our birthright for cold cash today without a serious thought about tomorrow. This project is proposed so that more fools can talk on their phones while walking down the street, saying nothing that wont wait until they get home or to the office. Try sitting in a train to Washington or Baltimore while six conversations go on continuously around you. Worse yet the plague of people driving and talking at the same time. Shouldn't there be some limit!! The easier you make it the more they will use it. Some countries have successfully slowed and discouraged the rape of the woods, farmlands and open lands by NOT building superhighways. Maybe the lesson could be applied to traffic control on the talk superhighway. Stop the excess towers. Enough is enough!

Rwyzaz@aol.com, 04:54 PM 11/22/19, Re: towers

From: Rwyzaz@aol.com
Date: Mon, 22 Nov 1999 16:54:42 EST
Subject: Re: towers
To: planning@njpines.state.nj.us
X-Mailer: AOL for Macintosh sub 54

Richard Goldsmith
115 Vanderveer Avenue
Somerville, NJ 08876

From: MFGhome2@aol.com
Date: Sun, 21 Nov 1999 22:11:00 EST
Subject: Proposed PCS Plan
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 45

Nov. 21, 1999

The following are comments regarding the proposed plan for PCS providers in the Pinelands. These comments reflect the position of the New Jersey Chapter of the Sierra Club.

The first comment has to do with the undemocratic procedure the Pinelands Commission has followed in allowing such a short period of time for the public to review technical analysis that the Commission has developed. To allow the public only a few days severely limits the ability of the concerned public to make reasonable comments. The public comment period should be extended regarding this very sensitive issue.

Approving this plan would severely undermine the previous "comprehensive" plan that was approved. It seemed the whole point was to avoid piecemeal, redundant towers that would severely affect the scenic resources of the Pines. And now we have a plan for even more towers with a total lack of evidence as to the necessity of the towers. Why can't "adequate service" be spelled out clearly? If this were done it would seem rather straightforward to determine the need and placement for new towers. Also, to place a tower smack in the middle of the West Plains seems laughable if it weren't actually being proposed. Such a symbolic and real affront to the aesthetics of the landscape the Commission is charged to protect should be met with the stiffest resistance. That this placement is actually in the plan suggests the Commission is bending over backwards to please a powerful interest without any justification of the need for such a tower.

MFGhome2@aol.com, 10:11 PM 11/21/19, Proposed PCS Plan

The proposed plan does not meet CMP standards, does not involve all
providers, and does a very poor job of justifying the number and placement of
these towers. The NJ Chapter of the Sierra Club strongly urges the Commission
to reject this plan and make the process more democratic.

Michael Gallaway
Pinelands Coordinator
NJ Chapter of the Sierra Club

MFGhome2@aol.com, 11:28 PM 11/23/19, Re: Proposed PCS Plan

From: MFGhome2@aol.com
Date: Tue, 23 Nov 1999 23:28:07 EST
Subject: Re: Proposed PCS Plan
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 45

Dear Folks,

Regarding my previously submitted comments, my mailing address is 36 West
Lake Rd., Medford NJ 08055. Thank you. Michael Gallaway

From: YNOKE@aol.com
Date: Sun, 21 Nov 1999 22:49:13 EST
Subject: Cell Towers in the Pines
To: planning@njpines.state.nj.us
X-Mailer: Windows AOL sub 45

It seems strange that so much effort is put into preserving the beautiful
and unique natural areas in this wonderful state of ours and then we proceed
to despoil it a few feet at a time. We have to see NO to the shopping
centers, senior citizen developments , creeping urban sprawl and now the Unsi
ghtly Cell Towers.....
The very last thing that NJ citizens want to see as they view the Pygmy Pine
Forest is an ugly steel tower.....Does every inch of the Pine Barrens
have to have complete Wireless Coverage ?????
And this is not the sentiments of just another Tree-hugger.... I'm an
invester with holdings in numerous Telecommunication Corporations and
Wireless Enterprises.

We have to say an emphatic NO to any new cell towers in the Pines. Enough
is enough...I'll just have to drive another five miles to call the office, SO
WHAT !

With Stately Devotion, Bob Jonas

756 Crescent
Pkwy

Westfield, NJ
07090-2304

908-232-7059

ynoke@aol.com

Priority: Normal
X-MSMail-Priority: Normal
To: planning@njpines.state.nj.us
From: "Matt Visco" <MATTVISCO@prodigy.net>
Subject: Oppose towers in Pinelands
Date: Mon, 22 Nov 99 01:08:28 PST

November 22, 1999

I am writing to you in strong opposition to the construction of radio, celluar or other such towers in the Pinelands of New Jersey.

Sincerely,

Matthew L. Visco
25 Colts Neck Terrace
Yardville, NJ 08620

From: cal@nis.net
X-Sender: cal@pop.nis.net
X-Mailer: Windows Eudora Pro Version 2.2 (32)
Date: Mon, 22 Nov 1999 05:30:40 -0500
To: planning@njpines.state.nj.us
Subject: Towers in the Pinelands

Please STOP any new towers in the Pinelands! NO new towers, please!!

Virginia Calder
64 Academy Circle
Oakland, NJ 07436

cal@nis.net

From: "Weckesser, Peter M, CSCIO" <pweckess@att.com>
To: "'planning@njpines.state.nj.us'"
<planning@njpines.state.nj.us>
Subject: Pineland Towers?
Date: Mon, 22 Nov 1999 08:26:45 -0500
X-Mailer: Internet Mail Service (5.5.2448.0)

NO new Towers for the pinelands.

Peter Weckesser
228 Hidden Woods Ct.
Piscataway, NJ 08854

Reply-To: "John Emerich" <Johnre@worldnet.att.net>
From: "John Emerich" <Johnre@worldnet.att.net>
To: "Betsy Piner" <planning@njpines.state.nj.us>
Subject: Re: Towers
Date: Mon, 22 Nov 1999 12:48:07 -0500
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 5.00.2014.211
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2014.211

Sure:

John Emerich
24 Altamont Rd.
Edison, N.J. 08817

----- Original Message -----
From: Betsy Piner <planning@njpines.state.nj.us>
To: John Emerich <Johnre@worldnet.att.net>
Sent: Monday, November 22, 1999 11:06 AM
Subject: Re: Towers

Thank you for your comments regarding the PCS plan. Would you kindly send
us your mailing address so that we might have a complete record of your
submission. Thank you.

At 09:09 AM 11/22/1999 -0500, you wrote:
>Enough with all the towers in these sensitive beautiful areas. These are
>private companies in search of a profit, let them find it somewhere else.
>
>
>

Date: Mon, 22 Nov 1999 13:39:32 -0500 (EST)
From: David Korfhage <korfhage@phoenix.Princeton.EDU>
To: Betsy Piner <planning@njpines.state.nj.us>
Subject: Re: towers

Certainly:

David Korfhage
19 Heritage Blvd.
Princeton, NJ 08540

On Mon, 22 Nov 1999, Betsy Piner wrote:

> Thank you for your comments regarding the PCS plan. Would you kindly send
> us your mailing address so that we might have a complete record of your
> submission. Thank you.
>
>
> At 09:33 AM 11/22/1999 -0500, you wrote:
> >I was recently informed that the Pinelands Commission is considering
> >approving a plan to build a number of cell phone towers in the Pinelands.
> >I would like to express my grave reservations regarding this plan. Wild
> >lands are rare enough in New Jersey that the Commission should make an
> >effort to preserve, with minimal human impact, one of the largest areas of
> >open space in New Jersey. To see a tower while paddling down an allegedly
> >"wild and scenic river" would certainly take away from both the wildness
> >and the scenic-ness of the experience. And as for disguising towers (to
> >say nothing of the possibility of "disguising" a tower in a pygmy forest),
> >"disguised" towers are never quite as disguised as I would like--I want my
> >forests to have trees.
> >
> >I hope the Commission will reconsider its planned approval of the towers.
> >
> >David
> >
> >
> >

From: GEORGEWAZZ@aol.com
Date: Mon, 22 Nov 1999 09:41:14 EST
Subject: Re: No towers in the Pinelands!
To: planning@njpines.state.nj.us
X-Mailer: AOL 4.0 for Windows 95 sub 229

My mailing address is:
David Wasmuth
651 Riverside Ave. C-40
Lyndhurst, NJ 07071

Please don't approve communication towers in the Pinelands!

Reply-To: "Barbara Reisman" <breisman@worldnet.att.net>
From: "Barbara Reisman" <breisman@worldnet.att.net>
To: <planning@njpines.state.nj.us>
Subject: NO NEW CELL PHONE TOWERS IN THE PINELANDS
Date: Mon, 22 Nov 1999 10:16:16 -0500
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 4.72.3110.1
X-MimeOLE: Produced By Microsoft MimeOLE V4.72.3110.3

To the Pinelands Commission:

Please do not allow additional cell phone towers to be build in the PInelands. These will be an intrusion into the Pinelands and will violate the preservation and protection of this valuable New Jersey resource.

Barbara Reisman
69 Essex Avenue
Montclair, NJ 07042

Attachment Converted: "c:\eudora\attach\NONEWCEL.htm"

Janet Pierce

From: <Chcboy@aol.com>
To: <info@njpines.state.nj.us>
Sent: Monday, November 22, 1999 11:16 AM
Subject: pcs tower plan

Dear Sirs:

I have lived in the Pinelands area for 20 years. I see absolutely no problem with locating cell/pcs towers in any area of the Pinelands. They are clean and will cause no environmental problems to the land or wildlife. We need these towers and common sense should rule. Also, they provide an additional benefit of creating fire roads to help during a forest fire.

If you are concerned with the looks of a tower, I would suggest that they be made to look like tree's as I've seen in parts of Pennsylvania.

I am a proponent of the Pineland Commission, but the commission has lost its common sense over the years. They are so used to saying no to everything that comes across their desk, that I can understand Governor Whitman trying to put other people on the board. There is a saying that "Absolute power will absolutely corrupt"

Robert P. Jusko
2114 W. Lacey Rd.
Forked River, NJ 08731

Date: Mon, 22 Nov 1999 11:30:43 -0500 (EST)
From: Laurel Kornfeld <laurel2000@mail.com>
To: planning@njpines.state.nj.us
Subject: No New Towers In the Pinelands
X-Mailer: mail.com
X-Originating-IP: 198.138.33.199

I am writing to express my strong opposition to any new cellular towers in the Pinelands. These will destroy the character of this unique landscape and have no place there. As a local N.J. environmental official (member, Highland Park Environmental Commission), I am concerned about environmentally sane policies all over N.J. and support a bottom line of conservation and protection of all our natural resources.

Sincerely,
Laurel Kornfeld
106 North Sixth Avenue
Highland Park, N.J. 08904

NJ ENVIRONMENTAL FEDERATION

Winner of the NJ Governor's Award for Outstanding Achievement in Pollution Prevention

COMMENTS FROM THE NEW JERSEY ENVIRONMENTAL FEDERATION RE : COMPREHENSIVE PLAN FOR PCS COMMUNICATIONS FACILITIES IN THE PINELANDS

November 22, 1999

The New Jersey Environmental Federation(NJEF) offers the following comments on the proposed PCS facilities plan in hopes that the Pinelands Commission will reject the plan in its current form and extend the comment period for further review.

Process

the Commission has allowed less than three weeks for the public to analyze and comment on this Plan. The comment period closes by Nov. 21, just 18 days from when the public was noticed of the public hearing and availablilitly for public review on November 3rd. This leaves the public with the impression that the Commission is rushing this plan through .under pressure from the PCS providers.

NJEF requests an extension of the comment period of thirty days so that more thorough review of the plan can occur, including review of the staff analysis of the plan. The thirty day clock should begin ticking only when the internal staff review and analysis has been made available to the public.

The Proposed Plan fails to meet CMP Standards

Because the Providers seek to build new facilities in areas other than Regional Growth Areas and Pinelands Towns, the CMP requires that the Providers to submit a comprehensive plan for the entire Pinelands Area " which "demonstrate[s]" compliance with several specific requirements, including that

(a) facilities in the Preservation, Forest and other specified areas are "the least number necessary to provide adequate service,"
(b) "[t]here is a demonstrated need for the facility ... as well as a demonstrated need to locate the facility in the Pinelands ...,"
(c) each antenna "utilizes an existing communications or other suitable structure, to the extent practicable."

The PCS plan fails to satisfy these requirements because, while the plan makes numerous *representations* with respect to these requirements, it does not *demonstrate* compliance with these provisions. Not all the proposed additional new towers appear to be necessary, as is evidenced by tower #28 that is proposed "if needed" . Because the plan does not include any demonstration of compliance with the CMP's specific requirements, NJEF urges the the Commission to reject the plan.

The plan as submitted lacks the supporting detail and rationale which would warrant approval. NJEF urges its rejection, for approval would signal other prospective providers that the Pinelands Commission is not consistent in enforcing its requirements, particularly when "want" gets confused with "need".

NJEF finds it especially troubling that this plan proposes six new towers, one of them in the most sensitive Plains area, based on the request of two provide, Sprint and Omnipoint. How many times are more towers going to be added on when subsequent providers decide they have an interest in providing service in the area?

Jane Nogaki
Board of Trustees

CLEAN WATER ACTION 25TH ANNIVERSARY Our Water, Our Health, Our Future

New Jersey Chapter of Clean Water Action, Washington, D.C.

State Office ❑
902 Main Street, Suite 104
Belmar, NJ 07719
(732) 280-8988
Fax: (732) 280-0371

Legislative Office ❑
1 Lower Ferry Road
Trenton, NJ 08628
(609) 530-1515
Fax: (609) 530-1508

South Jersey Office ❑
223 Park Avenue
Atco, NJ 08004
(609) 767-1110
Fax: (609) 768-6662

National Office ❑
4455 Connecticut Ave., NW, Suite A300
Washington, DC 20008
(202) 895-0420
Fax: (202) 895-0438

X-Server-Uuid: 00bfa4b8-ccde-11d2-bd4a-0008c7cf9821
Conversion: Allowed
Original-Encoded-Information-Types: IA5-Text
Priority: urgent
Disclose-Recipients: Prohibited
Alternate-Recipient: Allowed
Importance: high
Date: 22 Nov 1999 09:58:09 -0700
From: "Michael J Herson" <Michael.J.Herson@amexpub.com>
To: "planning%njpines.state.nj.us."
<planning@njpines.state.nj.us>
Subject: Comments regarding cell towers in the Pinelands.
X-WSS-ID: 1427A9E5120125-40-03

planning@njpines.state.nj.us.

Comments regarding cell towers in the Pinelands.
Please forward these comments to the appropriate parties. Thank you.

To whom it may concern:

I am adamantly opposed to despoiling the scenic viewshed of the Pinelands with
communication towers.
The tower proposal would significantly diminish the serenity and beauty of the
area.

As a Pinelands visitor, I feel that the Pinelands should be a place to get
away from it all and get in touch with nature. I leave my laptop at home.
These towers would benefit only a small minority of compulsive cell phone
users who have to use their cellphones wherever they go. These are the same
people who talk incessantly on their cell phone while in the movies and the
theater, the dentist's waiting room and the supermarket and while at the
beach.

Why should everyone else have to suffer by having the view of the forest
compromised by manmade objects.

The towers are unnecessary. There are alternatives. If these cell phone
junkies and real estate developers need to communicate so badly,

they can
purchase a satellite phone system such as the Iridium.

I am also opposed to camouflaging these towers to make them look like Pine
Trees. Although this is sometimes a viable alternative in a more populous
area, the height of these towers would make these fake trees seem totally out
of place.

It is time for a backlash against these towers. These towers are jarring and
ugly enough in our suburban environment. . The Pinelands should be kept in the
most natural state possible. We should value the scenic beauty of our parks
and wilderness areas. Otherwise in a few years we could end up with cell
towers on the lip of the Grand Canyon and the top of Mount Rushmore.

Lets impose a moratorium on these towers. It is possible that in a few years,
technology will progress to the point where the tall towers will no longer be
necessary. Let's wait for that day.

Let's keep our open space open.

Thank you.

Michael J. Herson
451 Hasbrouck Blvd.
Oradell, NJ 07649
h (201) 262-9472
w (212) 827-6464

Reply-To: "Stephen Knowlton" <knowlton@worldnet.att.net>
From: "Stephen Knowlton" <knowlton@worldnet.att.net>
To: <planning@njpines.state.nj.us>
Subject: PCS towers
Date: Mon, 22 Nov 1999 12:47:53 -0500
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 5.00.2014.211
X-MimeOLE: Produced By Microsoft MimeOLE V5.00.2014.211

Dear Pinelands Commission:

I understand that SprintPCS and Omnipoint, two companies that provide Personal Communications Systems, are seeking approval from the Pinelands Commission to build seven additional towers in the Pinelands.

I urge you to disapprove this proposal or make significant changes in the plans. These towers will require new access roads and will severely impact on the wilderness appearance in the Pinelands, particularly in the pygmy pines area.

You could also restrict the installations to existing sites or require that the technology be improved to the range of the transmitters is increased.

Sincerely,

Stephen R. Knowlton
77 Church St.
Fair Haven, NJ 07704
732-747-7011

Attachment Converted: "c:\eudora\attach\PCStowe1.htm"

From: "Sziber, Patricia" <psziber@molbio.Princeton.EDU>
To: "'planning@njpines.state.nj.us'"
<planning@njpines.state.nj.us>
Subject: Communications Towers
Date: Mon, 22 Nov 1999 14:49:36 -0500
X-Mailer: Internet Mail Service (5.5.2448.0)

To the Commission:

I am horrified to learn of plans by two wireless communications purveyors to erect seven new PCS towers in the Pinelands. It is even more outrageous that these plans have been put on a fast track by the Commission. May I remind you that you are charged with protection of New Jersey's most unique and fragile natural treasure, not with facilitating the construction of 200-foot towers within an ecosystem of global significance. There is no paint nor modification in the world that will make these structures blend into the pygmy forest or any other part of the Pinelands. The viewshed would be destroyed in any case.

I protest this plan and the way it is being fast-tracked and I insist there be no new towers in the Pinelands.

Patricia Sziber
19 Wildwood Way
Titusville, NJ 08560

DEBRA MINTER
101 BOARDWALK # 901
ATLANTIC CITY, N.J. 08401
609-572-1057
debraminter@hotmail.com

Mr. Bill Harrison
New Jersey Pinelands Commission
Box 7
New Lisbon, N.J. 08064

November 22, 1999

Dear Mr. Harrison:

This letter is to express my outrage regarding the very recently proposed plan by Sprint PCS and Omnipoint to build seven additional towers in the Pinelands. I am further outraged by the apparent railroading of this plan by the N.J. Pinelands Commission.

The preservation and protection of our unique Pinelands is of the utmost importance for ourselves, and future generations of human beings and wildlife who enjoy the experience and uniqueness of the Pinelands. Besides destroying the aesthetic experience of the Pinelands, the towers interfere with the migratory pattern of birds, causing suffering and death amongst the wildlife population.

The question of preserving and protecting this unparalleled nature is an extremely important issue and clearly additional time is needed to debate the consequences of building additional 200 feet towers. Ample time for public opinion has certainly not been given to such a critical issue. I only learned of this new proposal after reading an article in the November 18, 1999 Atlantic City Press. What is the rush to push this plan through for approval? I urge the Commission to reconsider your deadline for public opinion and expand the deadline so you may hear from the public. This critical matter concerns not only New Jersey residents, but anyone who visits our fine state to experience the Pinelands.

Towers of 200 feet are certainly not in harmony with the pristine nature experience of the Pinelands. Especially in the pygmy pine forests. In the November 1, 1999 the Atlantic City Press ran a delightful article regarding the best places in South Jersey to see the autumn colors. A map showed the nearby areas to visit and enjoy the exquisite autumn sites. I have visited most of these areas and so enjoyed seeing the natural beauty of our state. Sadly, so very sadly, an extremely similar map published on November 18, 1999 showed those same locations where the PCS towers would be built, thus spoiling the best places to see the autumn foliage.

My question to you and the N.J. Pinelands Commission is simple. What are your priorities for the Pinelands? To protect and preserve the unique beauty and balance of nature the New Jersey Pinelands offers all of us, or to assist PCS and Omnipoint in financial gain at the tragic loss of nature?

In this time of Thanksgiving I give thanks for the opportunity to experience the natural beauty of New Jersey. I urge you and the Commission to continue to preserve and protect the New Jersey Pinelands. Thank you.

Sincerely,

Debra Minter

cc: Governor Christine Whitman

Date: Mon, 22 Nov 1999 18:20:42 -0500
From: Paul Tarlowe <ptarlowe@nac.net>
X-Mailer: Mozilla 4.06 [en] (Win98; U)
To: planning@njpines.state.nj.us
Subject: Tower comment

No new towers, please, especially in the Pinelands. There are enough
already.

Paul Tarlowe
40 Brookside Ave.
Hackettstown, NJ 07840
908-850-1007

Pinelands
Preservation Alliance 114 Hanover Street Pemberton, New Jersey 08068 Phone 609.894.8000 Facsimile 609.894.9455

November 22, 1999

Via Facsimile
John C. Stokes
Assistant Director, Planning & Management
New Jersey Pinelands Commission
15 Springfield Road
PO Box 7
Lisbon, NJ 08064

Re: Proposed PCS Facilities Plan

Dear Mr. Stokes:

The Pinelands Preservation Alliance ("PPA") and the New Jersey Conservation Foundation ("NJCF") submit the following additional comments on the proposed Comprehensive Plan for PCS Communications Facilities in the Pinelands, as revised through October 25, 1999. This letter will supplement PPA's oral testimony, in which the New Jersey Conservation Foundation joins.

PPA and NJCF want first to reiterate that we believe very strongly that the Commission has not provided adequate or fair opportunity for the public to review and comment upon the Plan and its purported bases in the record, and that the Plan remains wholly deficient in justification or demonstration that it meets the existing CMP requirements. We urge the Commission to extend the public comment period and make all information which the staff, the Commission and their experts may use in evaluating the Plan available to the public well before the close of the comment period. Without such disclosure and opportunity to review and comment, the Commission and the providers cannot meet the procedural and substantive requirements of the CMP.

Lack of Support for Plan. As we noted in our oral comments, the Plan is wholly lacking in scientific or any other kind of support for the assertions in the Plan that it meets CMP requirements. PPA was informed sometime on Friday, November 19, that certain charts may be available at the Commission to review. If this is correct, it is clearly unfair and inadequate opportunity to review and evaluate this material before today's close of public comment. During the comment period, PPA had asked whether there was any such material in the file for review and was told there was not. A last minute addition of these charts to the file cannot cure the lack of evidence in the public record to support the Plan.

New Tower in the West Plains. In PPA's oral testimony, we objected strongly to

the proposed construction of a new tower on the West Plains. Commission staff have since noted that the Plan may not include a new tower in the West Plains because the coordinates in the Plan for that facility lie off the West Plains. The Plan, however, expressly states that the providers require a new tower in the West Plains. The Plan, therefore, is at best highly ambiguous on a key point, and at worst misleading. For this reason alone, the Plan should not be approved in its current form.

Amendment to the Existing Plan: The new PCS Plan is not identified as an amendment to the existing wireless communications facilities plan previously approved by the Commission. It is instead presented as a separate plan. This method of presentation creates the possibility that the PCS providers would deem themselves authorized to construct new towers within a half-mile of the sites previously identified in the existing plan, whether or not the cellular providers also build within the approximate areas of the same sites on the existing plan. The Commission should not approve the proposed PCS Plan given this potentially disastrous ambiguity.

For all these reasons and those set forth in PPA's oral testimony, PPA and NJCF strongly urge the Commission to reject this plan as inconsistent with the CMP.

Sincerely,

Carleton K. Montgomery
Executive Director

Date: Tue, 23 Nov 1999 07:23:57 -0800 (PST)
From: Robert Hesse <rfhesse@yahoo.com>
To: planning@njpines.state.nj.us

Hi,

As a taxpayer and lifetime resident of the state of New Jersey I am opposed to opening of the pinelands as well as other wooded areas to development.

Sincerely,

Robert F. Hesse
5 Mawhinney Avenue
Hawthorne, NJ 07506
(973) 423-3544

United States Department of the Interior

NATIONAL PARK SERVICE
Philadelphia Support Office
200 Chestnut Street
Philadelphia, PA 19106

IN REPLY REFER TO:
L7421(PHSO/S&P/PP&NR)

NOV 24 1999

William F. Harrison, Esq.
Acting Executive Director
The Pinelands Commission
P.O. Box 7
New Lisbon, NJ 08064

Dear Mr. Harrison:

This letter is submitted in response to the Commission's Public Notice, dated November 3, 1999, regarding a public hearing on a PCS facilities plan that has been submitted for certification by Sprint PCS and Omnipoint. Please consider this as our written testimony.

The National Park Service has reviewed the plan and has considered the comments of the public, Commission staff and others as regards their specific concerns and recommendations. Based on this review, and in consideration of the authorities, interests and responsibilities of the National Park Service in protecting the national interest in the Pinelands, we offer the following comments:

Public Involvement

The most common concern received by this office has been the perception that the procedures for public notice and comment, while meeting the provisions of the Comprehensive Management Plan (CMP), were inadequate for full public disclosure and informed comment. Specifically, there is a concern, shared by this office, that the need and siting of facilities, especially those to be located in the "height and least number of structures restricted" areas, is not demonstrated in the public information. We understand that the CMP provides, but that there has been no public request in this instance, for additional information or a continuance. Therefore, we recommend that such additional information be made available on future plans and amendments.

Pinelands National Reserve

The CMP, as approved by the Secretary of the Interior, identifies specific areas of critical importance within the Pinelands. These include several areas, such as the Mullica River, Pine Plains, and other scenic river corridors that are mentioned in the plan as being in the area of the proposed facilities. The plan further states that the PCS providers recognize their obligation to minimize the visual impact and that they will pursue locations and design features to mitigate the impact to the maximum extent practicable. However, the details of the location and design, which are matters beyond the plan, are subject to development applications that have yet to be written. In addition, the intended scenic "mitigation" and determination of "maximum extent practicable" may be difficult to achieve. Therefore, we request that we be kept informed of the developments as they progress.

Wild and Scenic Rivers

Both the Maurice and Great Egg Harbor National Scenic and Recreational Rivers contain natural, scenic and recreationally remarkable resources, which were the basis for designation into the national system. It is policy, as contained in the draft management plans for these rivers, to prohibit any development within the 1/4 mile federal boundary that negatively impacts these resources. Therefore, we request that the Commission keep us advised of any plan, amendment thereto and application for any development to be located or relocated within the boundary of these nationally designated rivers.

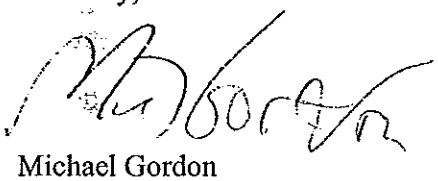
In this instance, we understand that there is only one site, facility #14 in Hamilton Township, located within the boundary of a nationally designated river--the Great Egg Harbor River. However, we also understand that no alternative sites were found and that the Township Zoning Board has approved the site. We request that we be kept informed of the development of this facility.

Land and Water Conservation Fund/Section 502

The National Park Service has continuing responsibilities under Section 6f of the Land and Water Conservation Fund Act of 1965, Public Law 88-578, and Section 502 of Public Law 95-625, which established the Pinelands National Reserve. This includes the assurance that no property acquired or developed with federal financial assistance shall be converted to other than intended uses without the approval of the Secretary of the Interior. We therefore request that we be advised of all plans, amendments and applications for development of communication facilities on or adjacent to any such lands.

Thank you for the opportunity to comment on these matters. If you have questions regarding this response, please contact Mr. Gene Woock of this office at 215-597-1903.

Sincerely,



Michael Gordon
Conservation Assistance Manager
Philadelphia Support Office
National Park Service

cc:
Robert McIntosh, RDO, Boston

Janet Pierce

From: <HarpSmith5@cs.com>
To: <info@njpines.state.nj.us>
Sent: Tuesday, November 30, 1999 8:07 PM
Subject: Communication Towers

I was very disturbed to hear of the increasing number of cell towers being built in the Pinelands. I truly believe that the mission of the Pinelands Commission should be that of conservation and the use of this region for any other purpose is unacceptable.

David A. Harpell

HarpSmith5@cs.com, 05:45 PM 12/2/199, Fwd: Public Comment on PCS pla

From: HarpSmith5@cs.com
Date: Thu, 2 Dec 1999 17:45:21 EST
Subject: Fwd: Public Comment on PCS plan
To: planning@njpines.state.nj.us
X-Mailer: Unknown (No Version) sub 44

Dear Ms. Piner,

As requested, my mailing address is:

2417 Ramshorn Drive
Manasquan, NJ 08736

Thank you,
David A. Harpell
Return-Path: <planning@njpines.state.nj.us>
Received: from rly-xa02.mx.cs.com (rly-xa02.mail.cs.com [172.31.34.47]) by
air-xa01.mail.cs.com (vx) with ESMTP; Thu, 02 Dec 1999 09:37:02 -0500
Received: from zeus.jersey.net (zeus.jersey.net [209.66.0.10]) by
rly-xa02.mx.cs.com (v65.4) with ESMTP; Thu, 02 Dec 1999 09:36:51
-0500
Received: from mholly-dial57.jersey.net (mholly-dial57.jersey.net
[209.66.6.57]) by zeus.jersey.net (8.9.1/or whatever) with SMTP id
JAA26603 for <HarpSmith5@cs.com>; Thu, 2 Dec 1999 09:37:02 -0500
(EST)
Message-Id: <3.0.6.16.19991202093237.0f570376@jersey.net>
X-Sender: planning@jersey.net (Unverified)
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.6 (16)
Date: Thu, 02 Dec 1999 09:32:37
To: HarpSmith5@cs.com
From: Betsy Piner <planning@njpines.state.nj.us>
Subject: Public Comment on PCS plan
Mime-Version: 1.0

Comments: Authenticated sender is <jstillwe@mediqprn.com>
From: "Jonathan Stillwell" <jstillwe@mediqprn.com>
To: planning@njpines.state.nj.us
Date: Tue, 30 Nov 1999 14:15:18 +0000
Subject: Say No to towers.
Reply-to: jstillwe@mediqprn.com
X-Confirm-Reading-To: jstillwe@mediqprn.com
X-pmrqc: 1
Priority: normal
X-mailer: Pegasus Mail for Win32 (v2.42)

Dear Sirs and Madams:

I am against the building of celllular towers in the pines. They totally take away from the beauty of the pygmy forest and are a hazard to birds. The birds are bringing in more and more money for the state in terms of the birdwatcher tourist dollar. Birdwatchers are always upper class people who spend alot of money when they visit, and don't cause other problem such as littering.
Why should we let telephone companies determine that our pines are desposable so they can claim total coverage areas for cellular phone users. The inconvenience to cellular phone users would be minimal if they simply cannot use their phones in the woodlands. Your agency should not belong to Comcast.
Then there is the issue of wilderness development. Building a road through virgin pinelands to a tower site is a waste of habitat and invites vandalism, littering and firebug activity.
Finally, in 5 to 10 years it's evident that the cellular phone network will be satellite based, and these towers will become obsolete.
If you take the money for the cellular towers, you will be selling out to outside interests, harming the pinelands in a way that will discourage eco-tourism, and leaving your agency with useless towers that will be expensive to remove, or be a hazardous playground for anyone who happens upon them. Imagine the ensuing lawsuits when a teen falls from the reckage of an old tower.

Jonathan Stillwell
121 Oswego Avenue
Audubon, New Jersey 08106

X-Originating-IP: [204.126.143.33]
From: "Amie Osowski" <amie_osowski@hotmail.com>
To: planning@njpines.state.nj.us
Subject: Towers in the Pinelands
Date: Thu, 02 Dec 1999 10:09:16 PST

Please do not allow anymore communications towers in the Pinelands!

Amie Osowski
35 Glen Manor Drive
Glen Gardner, NJ 08826
amie_osowski@hotmail.com

From: pbx@cybercomm.net
Date: Tue, 14 Dec 1999 22:07:49 -0500
X-Mailer: Mozilla 4.61 [en] (Win95; U)
X-Accept-Language: en
To: planning@njpines.state.nj.us
CC: Phil Reynolds <mailbox@gsenet.org>, ppa <ppa@pinelandsalliance.org>,
Kerry Jennings <bamber@cybercomm.net>,
alison <alison@shorenetworks.com>, Audrey Moloney <APZM@AOL.Com>,
Bob Bruneau <bruneau@skyhigh.com>, Bob Moyer <pbx@cybercomm.net>,
Claire Moyer <ClaireKM@AOL.Com>, craig noak <cnoack@erols.com>,
Joe Wszolek <oltown@AOL.Com>, Mike Baker <mike@mikebaker.com>,
PAUL Follman <PAUL.FOLLMAN@inrange.com>,
Thomas Daily <tjdaileejc@AOL.Com>, Doug Cook <kcook@skyhigh.com>
Subject: Personal Communication Service Plan Comment

Please entertain my objection as a private citizen to a portion of the
Personal Communications Services Plan within the Pinelands as written. I
object to proposed facility numbers 33 and 62 because a facility in
these locations will ruin forever the sense of the last remaining wilderness in Southern New Jersey.

In the plan, the PCS providers propose that..."if service does not exist,
calls.....do not go through...and that compromises the safety and security
of those...traveling through the Pinelands area" (page 3).

If you use this logic, we need to provide cell phone service in every
wilderness area in North America. No trip to Denali National Park in
Alaska would be complete without immediate phone access would it? Just
place one over there on top of Mt. McKinley!

My point is, we need to keep that area of wilderness along Route 72 and
539 just the way it is for people like me...people who need to get away
for awhile, without the distractions found throughout the rest of this
crowded state. I'm more than willing to take my chances with a

lack of
service in these areas for the sake of a true wilderness experience.

I want to tell you something, and this might seem like strange behavior
to some people. About 3 weeks ago, I climbed up to the top of a 25-foot
pitch pine tree that was located about ¼ mile South of Route 72 in the
West Pygmy Pine Plains. The view from just 25 feet up in this fabled
area was both wild and exhilarating. There were nothing but pines and
cedar trees in every direction for miles. I felt a great sense of relief
and gratitude for this remaining area. Are you going to take this experience away from me? Is nothing sacred anymore?

Lets save this last piece of truly wild Pine Barren landscape for people
like me…for now, and forever.

Bob Moyer
Bamber Lake, NJ

Robert Moyer
2424 Phillips Road
Forked River, NJ 08731

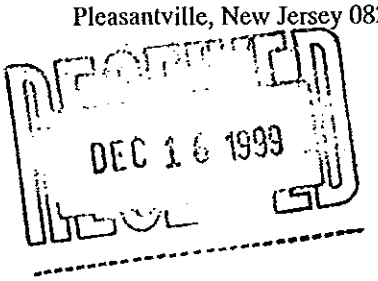
Date: Wed, 15 Dec 1999 10:47:16 -0800 (PST)
From: mildred kaliss <budmilmilbud@yahoo.com>
Subject: cellular phone towers in pinelands
To: planning@njpines.state.nj.us

I oppose the construction of cellular phone towers in the Pinelands. This area should be left in its pristine state.
Edward Kaliss 137 Chaucer Place, Cherry Hill, N.J. 08003

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
927 North Main Street (Bldg. D1)
Pleasantville, New Jersey 08232

ES-99/363



December 10, 1999

Dr. Barry Brady
New Jersey Pinelands Commission
P.O. Box 7
New Lisbon, New Jersey 08064

Dear Dr. Brady:

The U.S. Fish and Wildlife Service (Service) has reviewed the *Comprehensive Plan for Personal Communication Service (PCS) Facilities in the Pinelands Area* (Plan) submitted to the New Jersey Pinelands Commission by Sprint PCS and Omnipoint on October 25, 1999. The Plan includes a total of 67 existing and proposed PCS facilities within the Pinelands. Thirteen of these facilities could potentially consist of new towers, rather than collocation of equipment on existing buildings or towers within the Pinelands. Table 1 depicts seven proposed PCS communication facilities, which might be located on existing structures (i.e., undetermined). Table 2 identifies six proposed facilities, which are unlikely to be located on existing structures.

Table 1. Proposed PCS communication facilities for which collocation on existing structures is undetermined.

Site ID #	Latitude	Longitude	Municipality	County
10	39.65050	74.79030	Hammonton	Atlantic
13	39.60420	74.88190	Folsom	Atlantic
17	39.35778	74.88749	Maurice River	Cumberland
33	39.91600	74.38300	Manchester	Ocean
34	39.75500	74.31300	Barnegat	Ocean
41	39.79700	74.58100	Tabernacle	Burlington
65	39.72333	74.37556	Bass River	Ocean

Table 2. Proposed PCS communication facilities for which collocation on existing structures is unlikely.

Site ID #	Latitude	Longitude	Municipality	County
14	39.56530	74.81830	Hamilton	Atlantic
15	39.51810	74.78831	Hamilton	Atlantic
20	39.89720	74.59330	Woodland	Burlington
40	39.37440	74.76190	Estell Manor	Atlantic
62	39.82166	74.44750	Woodland	Burlington
64	39.95333	74.41056	Manchester	Ocean

The New Jersey Pinelands represents a unique environment. The Pinelands is the most extensive tract of open space on the mid-Atlantic coast and is home to many rare species of flora and fauna. In an attempt to preserve the Pinelands and its unique natural and cultural resources, the United States Congress passed the Federal Pinelands National Preserve Act of 1978 (P.L. 95-625). In 1979, the State of New Jersey passed legislation to protect the Pinelands via the Pinelands Protection Act (N.J.S.A. 13: 18A), which resulted in the creation of the Pinelands Commission. As you are aware, the Pinelands Commission, through the Pinelands Comprehensive Management Plan , is the governing regulatory authority over the Pinelands National Reserve. In addition, the United Nations Educational, Scientific and Cultural Organization recognizes the significance of this relatively undisturbed environment, and in 1983 designated the Pinelands as the first international Biosphere Reserve.

The Service recognizes the benefits of wireless communication service to human safety; nevertheless, the Service has a mandated responsibility to protect our nation's federal trust fish and wildlife resources, which include migratory birds and plants and animals protected under the Endangered Species Act (87 Stat. 884;16 U.S. C. 1531 *et seq.*). Communication towers have been blamed for the deaths of millions of migratory birds (Kane, 1998). In addition, several federally listed species inhabit the Pinelands. In view of this, the Service has concerns regarding the potential placement of up to 13 new communication towers within such an ecologically sensitive preservation area.

The Service has reviewed the locations of the proposed PCS facilities listed in Tables 1 and 2 of this letter and provides the following comments.

FEDERALLY LISTED SPECIES

Nine of the proposed communications towers listed in Tables 1 and 2 have the potential to affect federally listed endangered species, depending on the final design and location of the facilities. Service records indicate that federally listed endangered and threatened species occur within less than 5.0 miles of the latitude and longitude (as provided in the Plan) of tower sites 10, 20, 33, 34, 40, 41, 62, 64, and 65. Those species that may be adversely affected by construction activities include the federally listed (threatened) bog turtle (*Clemmys muhlenbergii*), Knieskern's beaked-rush (*Rhynchospora knieskernii*), sensitive join-vetch (*Aeschynomene virginica*), and swamp pink (*Helonias bullata*); the federally listed (endangered) American chaffseed (*Schwalbea americana*); and bog asphodel (*Narthecium americanum*), a candidate species under consideration by the Service for possible inclusion on the list of Endangered and Threatened Wildlife and Plants.

Federally listed species are afforded protection under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) pursuant to Section 7(a)(2), which requires every federal agency, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. An assessment of potential direct, indirect, and cumulative impacts is required for all federal actions that may affect listed species. Therefore, any proposed activities that may directly or indirectly affect American chaffseed, bog turtle, Knieskern's beaked-rush, sensitive join-vetch, swamp pink, or other federally listed species under the jurisdiction of the Service, would require Section 7 consultation with the Service.

NATIONAL WILD AND SCENIC RIVERS SYSTEM

A review of Service records indicates that four of the proposed PCS communication facilities (sites 13, 14, 15, and 40) are located within the vicinity of the Great Egg Harbor National Scenic and Recreational River. The National Wild and Scenic Rivers System was established for the protection of designated rivers (and their surrounding environments) containing important scenic and recreational values, fish and wildlife, and historic and cultural sites. Therefore, the Service recommends that the Pinelands Commission invite comments from the National Park Service regarding potential adverse impacts of cellular towers to the Great Egg Harbor National Scenic and Recreational River. Please contact the following office of the U.S. Department of the Interior:

National Park Service
Philadelphia Support Office
200 Chestnut Street
Philadelphia, Pennsylvania 19106

MIGRATORY BIRDS

The growing number of communication towers and antennas in New Jersey represents a potential cumulative impact concern regarding migratory birds. Migratory birds are a federal trust resource and are protected under the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712). Communication towers and antennas may pose a collision hazard to migratory birds in flight and may pose a threat to nesting birds attracted to the site, depending on tower height, physical design, lighting, and nest location. To avoid potential cumulative adverse impacts to migratory birds, the Service prefers and recommends concealing antennas or attaching new antennas to existing structures. If this is not feasible, and tower construction is deemed necessary, tower design should allow for multiple transmitters to be located on a single new tower, under 200 feet in height and constructed without lights or guy wires. In addition, the tower should be located in a previously disturbed area to minimize environmental impacts. Enclosed is a paper entitled "Impacts from Communication Towers and Antennas," which contains recommendations to protect migratory birds.

The Service appreciates the opportunity to provide comment on the Plan. Please contact Andrea Cherepy of my staff at (609) 646-9310 extension 30 if you have any questions about the enclosed material or require further assistance regarding communications towers and their potential adverse impacts to federal trust resources.

Sincerely,

Clifford G. Day
Supervisor

Enclosure

REFERENCE

Kane, R. 1998. Birds and Tower Kills. *New Jersey Audubon*, Winter 1998-1999: 26-27.

IMPACTS FROM COMMUNICATION TOWERS AND ANTENNAS

Authority

The Federal Communication Commission (FCC) requires all license applicants for antenna facilities and structures, including cellular communication towers, to review their proposed actions for environmental consequences. The FCC rules implementing the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA) are presented under 47 CFR Sections 1.1301 to 1.1319. These rules place responsibility on each applicant to investigate all of the potential environmental effects of tower construction. Section 1.1307(a) lists several categories that may significantly affect the environment. Included in this list are: facilities proposed for location in a wilderness area, wildlife preserve, or flood plain; facilities that may affect federally listed threatened or endangered species or designated critical habitat, or are likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act (87 Stat. 884; 16 U.S.C. 1531 *et seq.*); and facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation, or water diversion). If the proposed antenna structure falls under one of the listed categories, Section 1.1308(a) requires the applicant to prepare an Environmental Assessment (EA) addressing alternative sites or facilities (Section 1.1311(a)(4)) and all aspects of the site with special environmental significance, (e.g., wilderness areas, wildlife preserves, natural migration paths for birds and other wildlife (Section 1.1311(b)). Under section 1.1307(c), preparation of an EA may also be required for actions otherwise categorically excluded, if an interested party petitions the FCC with environmental concerns.

Migratory Birds

All native migratory birds (e.g., waterfowl, shorebirds, passerines, hawks, owls, vultures, falcons) are afforded protection under the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712). Migratory Birds are a federal trust resource responsibility, and the U.S. Fish and Wildlife Service (Service) considers migratory bird concentration areas as environmentally significant.

Communication towers and antennas may pose a collision hazard to migratory birds in flight and may pose a threat to nesting birds attracted to the site, depending on tower height, physical design, lighting, and site location. To avoid potential cumulative adverse impacts to migratory birds, the Service prefers and recommends concealing antennas or attaching new antennas to existing structures. Antennas have been concealed on rooftops; flagpoles; bell, cross, and clock towers; road signs; silos; water towers; monopoled towers; and custom projects. Where attachment to an existing (non-tower) structure is not feasible, new transmitters should be co-located on existing towers to avoid construction of new towers. If this is not feasible and tower construction is deemed necessary, tower design should allow for multiple transmitters to be co-

located on a single new tower, under 200 feet in height and constructed without lights or guy wires.

Occurrences of mortality from birds colliding into towers under foggy daytime conditions are documented in scientific literature. Occurrences are also documented of birds congregating around towers with aviation warning lights while migrating at night during inclement weather. During these events, birds circling the towers have been killed from colliding with guy wires, other birds, and the ground, and have died from exhaustion. Therefore, to protect migrating birds, communication towers and associated facilities should be sited away from bird concentration areas, which include: traditional migratory flight corridors (e.g., ridges, shorelines, river valleys); stopover or resting areas (e.g., land bounding large bodies of water, wetlands, forests, and natural grasslands); bird reserves (e.g., National Wildlife Refuges, State Wildlife Management Areas, private sanctuaries); and seasonal flight paths (e.g., between feeding and nesting or roosting areas). Some of the primary bird concentration areas of concern in New Jersey include the Cape May peninsula, the Delaware Bay and coast, the Delaware and Hudson River corridors, the Atlantic Coast, and the Highlands ridges. Also, the Service maintains five National Wildlife Refuges in New Jersey: Cape May, Edwin B. Forsythe, Great Swamp, Supawna Meadows, and Walkill River. More information about National Wildlife Refuges is enclosed.

Birds, other than nocturnal birds such as owls, generally have poor night vision. To allow birds to detect and avoid tower guy wires, the Service recommends increasing the visibility of tower guy wires to birds, particularly at night. Increased visibility should be accomplished without the use of artificial lighting (i.e., through manufacturing, the use of reflective paint or other materials, attaching large balls, or the use of other available technology).

As communication technology advances and tower-based technology becomes obsolete, the Service recommends decommissioning those towers that are no longer needed, particularly towers within bird concentration areas. Tower decommissioning, including removal, should be provided for in any application for license submitted to the FCC.

Information on tower kills, including mechanisms, studies, literature, bibliographies, legislation, links, and summaries by state, is provided on the following website: *http://www.towerkill.com.* Information regarding the affects of lighted structures on migrating birds can be found in the 1996 publication by the World Wildlife Fund and the Fatal Light Awareness Program, entitled; *Collision Course: the hazard of lighted structures and windows to migrating birds.* In addition, the Service's Office of Migratory Bird Management maintains a partial bibliography of over 125 citations (1960-1998) on bird kills at towers and other man-made structures. The bibliography may be accessed at the following website: *http://www.fws.gov/r9mbmo/issues/tower.html.*

Wilderness Areas

Wilderness is a designation made by Congress pursuant to the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131-1136), which established the National Wilderness Preservation System. The Act defines wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain; an area of underdeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation and which is protected and managed to preserve its natural conditions." Therefore, by definition, no cellular towers or antenna facilities are permitted within federally designated wilderness areas. In New Jersey, federally designated wilderness areas are associated with two larger federal land holdings, Great Swamp National Wildlife Refuge and Edwin B. Forsythe National Wildlife Refuge. These areas are given the added designation of "wilderness" to preserve their natural values; permanent structures in wilderness areas are prohibited.

National Wildlife Refuges

The Service administers a national system of wildlife refuges. Five National Wildlife Refuges have been established within the State of New Jersey, each with a role in protecting the diversity of our Nation's flora and fauna and the natural habitats upon which our native species depend. The National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927; 16 U.S.C. 668dd-668ee) provides guidelines and directives for administration and management of all areas in the refuge system. In order for a commercial cellular tower or antenna facility to be constructed within a National Wildlife Refuge (i.e., Cape May, Edwin B. Forsythe, Great Swamp, Supawna Meadows, or the Wallkill River National Wildlife Refuge), a compatibility determination would be required before a Special Use Permit from the Service's Division of Refuges and Wildlife could be granted.

For further information, please contact:

U.S. Fish and Wildlife Service
New Jersey Field Office
927 N. Main Street, Building D-1
Pleasantville, New Jersey 08232
Phone: (609) 646-9310
Fax: (609) 646-0352

Pinelands
Preservation Alliance

114 Hanover Street Pemberton, New Jersey 08068 Phone 609894.8000 Facsimile 609894.9455
E-mail ppa@pinelandsalliance.org

December 16, 1999

Via Facsimile and First Class Mail
John C. Stokes
Assistant Director, Planning & Management
New Jersey Pinelands Commission
15 Springfield Road
PO Box 7
Lisbon, NJ 08064

Re: Proposed PCS Facilities Plan

Dear Mr. Stokes:

The Pinelands Preservation Alliance ("PPA") and the New Jersey Conservation Foundation ("NJCF") submit these supplemental comments on the proposed Comprehensive Plan for PCS Communications Facilities in the Pinelands, as revised through October 25, 1999. We appreciate the Commission's extending the period for public comment. Having reviewed the material incorporated into the Commission's file on this matter, we conclude that the proposed Plan clearly does not meet the standards of the Comprehensive Management Plan and must be rejected.

Lack of Support for the Plan. We have reviewed the additional material in the Pinelands Commission file on the Plan and the draft Technical Report of the Commission's consultants dated November 23, 1999. Unfortunately, these materials confirm that there is no scientific support for the proposed Plan or its assertions it meets CMP requirements in the public record. We note the following deficiencies in this regard:

- The only data supplied by the applicants are ANET plots for the six proposed new towers beyond those already approved. These plots prove nothing of relevance because (a) they use different signal levels as thresholds, (b) those plots which identify signal thresholds as "marginal" and "adequate" provide not basis, and there is no basis elsewhere in the record, to justify those designations, and (c) the plots necessarily make assumptions about the location of other, nearby facilities that are not substantiated as accurate and current.

- The draft Technical Report also provides no basis whatsoever to conclude that the Plan meets CMP requirements. Specifically,

  - The Report does not discuss or seek to justify the signal thresholds which the applicants use on the ANET charts. Since neither the Commission's consultants nor the applicants provide any justification for those thresholds, either in the form of technical analysis, experiments or industry standards, they remain essentially meaningless in terms of the CMP standards. It is telling that, after this issue was so clearly raised with respect to the first cellular plan, neither PCS companies nor the Commission has even attempted to justify in the public record any reason to accept any given signal strength as the measure of "adequate service."

  - The Report does, for the first time, discuss numerical criteria for the three *different* parameters of signal to interference ratio, dropped call rate and blocked call rate. However, it is astonishing that the Report *does not even attempt to link those criteria to the proposed PCS Plan.* Instead, the Report states only that *future* amendments should be judged against those criteria.

  - In addition, the Report fails to link those three parameters to the actual basis for the Plan, the signal thresholds reflected in the ANET plots, and the Report fails to provide any basis for the numerical criteria it lists.

  - The Report claims that the criteria used for evaluating "Quality of Service" are the same as used to evaluate the cellular plan. This is not credible given that (a) the consultants' report on the cellular plan never provided quantitative or qualitative measures for the three parameters and (b) the draft Report on the PCS Plan never attempts to apply the new numerical measures to the PCS Plan.

- The Technical Report purports to rely on a range of data and information which it identifies only in wholly summary fashion. These materials are said to include, for instance, calculations and experiments reported by the providers as the basis for the Plan, "limited" independent experiments, results of field tests conducted by Sprint Spectrum L.P., unidentified "background, technical, administrative and

other information," and various unidentified correspondence. None of this material, other than the few ANET plots discussed above, has been included in the public record. It would not be proper for the Commission to rely on a technical report which is itself based on information that is not in the record and available for public review.

- The record contains representations by the providers that are not verified in the public record. For example, in a November 22, 1999 letter from Mr. Zublatt it is claimed that the providers conducted tests to verify proposed and existing PCS coverage, yet those tests are not documented in the record.

New Towers. As we have previously noted, the Plan calls for construction of new towers in the area of the Pine Plains and the Great Egg Harbor River. There is a lack of specific information or confusion over where these towers are really going to be located, given the latitude built into the proposed Plan as to actual locations. We object very strongly to approving the Plan if it would make it possible for providers to build towers on the Pine Plains or in the corridor of any river designated for special protections by the federal Wild & Scenic Rivers program or the CMP.

Plan Is Designed To Serve Roads, Not Communities: The draft Technical Report makes clear, for the first time, that the proposed PCS Plan's new towers are located in order to serve roads, not communities. The Commission should reexamine this key point, as it should provide a basis to reduce the number of new towers that must be approved as required to provide "adequate service."

The Plan Is Not Comprehensive: The proposed Plan is not presented by all PCS companies that have licenses to provide service in the Pinelands. The Commission has already undermined the requirement for a "comprehensive" plan by approving the existing cellular plan without the PCS providers. It would simply make a mockery of that concept to approve this plan without even having all PCS providers involved.

The Plan excuses this defect by stating that "The Plan signatories are those current PCSs, licensed by the Federal Communications Commission (FCC) to provide such service throughout southern New Jersey including the New Jersey Pinelands, as are ready, willing and able to participate in preparation of such a plan." The willingness of the other providers is not and should not be an excuse from meeting the CMP requirement. There is no evidence that it is not feasible for the other providers to

participate. The evidence is simply that they are not willing. In this circumstance, the CMP clearly requires that no additional towers be approved for exemption from the CMP's height limitations.

Amendment to the Existing Plan: As we have already noted, the new PCS Plan is not identified as an amendment to the existing wireless communications facilities plan previously approved by the Commission. It is instead presented as a separate plan. This method of presentation creates the possibility that the PCS providers would deem themselves authorized to construct new towers within a half-mile of the sites previously identified in the existing plan, whether or not the cellular providers also build within the approximate areas of the same sites on the existing plan. The Commission should not approve the proposed PCS Plan given this potentially disastrous ambiguity.

For all these reasons and those set forth in PPA's oral testimony, PPA and NJCF strongly urge the Commission to reject this plan as inconsistent with the CMP.

Sincerely,

Carleton K. Montgomery
Executive Director
Pinelands Preservation Alliance

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(732) 219-5486

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mgross@ghclaw.com

CLIENT/MATTER NO.
11644/002

December 16, 1999

Via Federal Express
William F. Harrison, Esq.
Acting Executive Director
The Pinelands Commission
P.O. Box 7
57 Springfield Road
New Lisbon, NJ 08064

Re: Comment on PCS Facilities Plan

Dear Mr. Harrison:

Please be advised that this firm represents Delaware Valley Cellular Communications, doing business as "Cellular One," which is a provider of cellular phone service, and Delaware Valley PCS Communications, which is licensed to provide PCS Communications Services within a portion of the Pinelands.

We have reviewed the comprehensive plan for PCS Communications Facilities in the Pinelands submitted by Sprint Spectrum, L.P. and Omnipoint PCS Entrepreneurs, Inc. dated December 23, 1998 revised through October 25, 1999 ("PCS Plan"). On behalf of our clients we have two primary concerns.

The first concern, on behalf of Cellular One, is that the approval of this PCS Plan, in its present form, would jeopardize the ability of the cellular providers, which already have an approved plan, to retain the lead role in developing certain sites under that plan approved in September of 1998 (the "Cellular Plan"). The cellular providers spent four years designing the Cellular Plan and the PCS Plan merely supplements the Cellular Plan with the addition of several sites. Additionally, it would not be conducive to the spirit of cooperation and "least number of

towers" in either the Cellular Plan or the PCS Plan if both cellular and PCS providers pursue separate lead roles in working to develop the sites listed on both plans.

Therefore, we propose that prior to a PCS carrier being allowed to initiate negotiations, etc., for a site, they obtain the consent of the prime cellular carriers identified in the Cellular Plan, which consent would not be unreasonably withheld. The spirit and intent of the Cellular Plan would thereby be implemented without the problematic scenario of both cellular and PCS carriers attempting to take the lead on these common sites.

The second concern is on behalf of Delaware Valley PCS Communications, which owns certain PCS licenses within parts of the Pinelands Area. This PCS interest is not specified in the PCS Plan. Although we chose not to participate as a lead or to influence the location of sites in the proposed PCS Plan, we hereby request to be listed in that Plan as a co-locator so that we are advised of co-location opportunities and have an opportunity to reserve space on the proposed sites.

Thank you for the opportunity to submit these comments and should you have any additional questions, please do not hesitate to contact me.

Very truly yours,

Michael J. Gross

MICHAEL J. GROSS by Dara Rubenstein

MJG/cc

Appendix F to
Acting Executive Directors' Report
on Proposed PCS Plan
Transcript of November 16, 1999 public hearing

LAW OFFICES OF
ALAN B. ZUBLATT

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SALLY VOEHL DAILEY
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RENU A. SHEVADE
MEMBER OF N.J. & N.Y. BARS
SUSAN S. STOCKER
SPECIAL COUNSEL

PLEASE REPLY TO:
PRINCETON EXECUTIVE CAMPUS
OFFICE

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ONE INTERNATIONAL BLVD.
SUITE 400
MAHWAH, N.J. 07495-0016

TELEPHONE
(201) 512-8700

December 3, 1999

Via Lawyer Service

Mr. Larry Liggett,
Pinelands Commission
PO Box 7; 15 Springfield Street
New Lisbon, NJ 08064

RE: Pinelands Public Hearing
SPRI083

Dear Larry:

Enclosed please find a copy of the condensed version of the deposition transcript dated November 16, 1999. If you have any questions, please do not hesitate to contact the undersigned.

Thank you for your attention to this matter.

Very truly yours,

LAW OFFICES OF ALAN B. ZUBLATT

BY: James A. Mitchell (cc)
JAMES A. MITCHELL

JAM:sls
Enclosure

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STATE OF NEW JERSEY
COUNTY OF BURLINGTON

In the Matter of:
Pinelands Public Hearing

Tuesday, November 16, 1999
Burlington County College
Teleconference Center
Learning Resource Center
County Route 530
Pemberton Twp., New Jersey
Commencing at 7:30

P R E S E N T:
WILLIAM F. HARRISON, Acting Executive Director
JOHN STOKES, Assistant Director
LARRY LIGGET, Manager Planner

A P P E A R A N C E S:
ALAN B. ZUBLATT, ESQ.
Attorney for Sprint Spectrum, LP
4301 Route 1 South
Monmouth Junction, New Jersey 08852
(609) 951-0600

KELLY A. MC ARDLE, C.S.R.

KELLY MC ARDLE & ASSOCIATES
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P.O. BOX 754
SPRING LAKE, NEW JERSEY 07762
(732) 280-9191

2

MR. LIGGETT: Basically, it's a 63 facility plan, 27 of them are existing facilities, which are shown in red on the map, 30 new facilities are proposed on what I might term as existing structures, and they're noted in three different colors because there's three different situations for those. The blue ones are sites that are for certain, the green ones are probable sites where they will go on existing structures, and the magenta are sites where they intend to build on proposed cellular structures that have not yet been built. There's 30 of those. Six are new facilities that will require new structures. They're denoted by the yellow and the orange on this map. Three of them are in the forest area, two are in the preservation area, and one is in the military or federal district. There's one that may not be built.

There's a technical issue that is described in the plan, has to do with the licensing situation, that could be described. It was also noted in the plan the need for an additional facility, but that one is unable to be sited right now, so it is not located on the map but basically along 70 along this map area where 530 exits in the Browns Mill

area.

Six new cells -- and I'll just spend a minute. The six new towers that I'll spend a minute to go over are, there's one proposed down at Estell Manor, cell number 40 down here. There are two proposed along Route 322 in Hamilton Township. They are right on the road in Hamilton Township in the commercial zone. There's one in the western boundary, another one closer, about halfway to the maze area over here. There are two proposed in Woodland Township, one at Four Mile Circle. One is down Route 72, where 530 comes with 72, and the sixth tower is the orange one located somewhere in this vicinity over here, right next to the Whiting area, a little bit to the west of that, right nearby the Fort Dix military facility.

That's a quick summary of the facilities being proposed. And I'll ask Mr. Kam to sort of describe his preliminary findings. They're preliminary because we have to wait for the public comments to be completed and our own analysis to finish the report.

MR. KAM: Our consulting team has looked at this proposal, and in particular we have concentrated on each one of the new facilities, the

4

ones that can be located on existing structures or on structures that have been approved before. We have conducted our own calculations. We have done some testing in the Pinelands area in order to check the validity of computations that we have received from other organizations. We have received information, particularly radiation levels from the providers for those towers about which there were questions. We have checked with the providers and on our own several alternative locations in those cases when things could not be put on existing towers, and we have developed the preliminary opinion that the six new facilities are, indeed, necessary in order to provide the level of service that is comparable in terms of the technical criteria to the level of service that was the basis of the previous plan approved by the Commission for cellular towers.

MR. HARRISON: There's only one member of the public who has signed up at this point to speak, and I'll ask him to come forward.

Lee Rosensen?

MR. ROSENSEN: Up there or from here?

MR. HARRISON: Wherever the tape recorder will be able to hear you.

My name is Lee Rosensen and tonight I represent both the Pinelands Preservation Alliance and New Jersey Audubon Society. I'm going to read this. It will take a little bit of time, but we have numerous, very serious objections to what's happening here, so I hope you will bear with me.

This testimony was prepared principally by Carlton Montgomery of the PPA, but it is the testimony and the opinion of both PPA and New Jersey Audubon.

"The Pinelands Preservation Alliance and New Jersey Audubon Society submit that the proposed PCS plan violates the Pinelands Comprehensive Management Plan, will damage the Pinelands and should be rejected by the Pinelands Commission. PPA and NJAS will supply additional written comments in the future, even though there's not much time. But we want to start by saying that we are really outraged, really outraged -- and we don't get that way very often -- that the PCS industry and the Commission would present this plan for serious consideration. It is so patently and wholly deficient under the CMP.

"First, as far as procedure, we want to express the strongest possible objection to the

procedure that the Commission is using to get this plan through the Commission process. As PPA pointed out at the last policy and implementation committee meeting, the Commission has allowed far, far too little time for the public to analyze and comment on this plan. To us it seems very clear that the Commission is allowing itself to be pushed into steamrolling this plan through under pressure from the PCS providers.

"Even more importantly, still under the heading of procedure, the Commission is not permitting the public even to see crucial information during the public comment period. I'm referring to the staff analysis of the plan and any technical analysis the Commission has Commissioned. This information is critical to a full and open public review, yet the Commission has not released this information before the public hearing. That kind of information we're talking about is especially important in this case because the PCS plan patently fails to provide a factual and scientific basis for its conclusions, and we learned tonight that the technical report will not be available until after closure of the public comment period and only when the executive

director's report is submitted to the Commission, when no more public comments will be allowed. Thus, the procedure being followed will preclude any public comment on the technical aspects of the plan prior to the Pinelands Commission's vote. That is an outrage.

"The Commisson's approach of withholding its own technical analysis seems designed to hinder public comment. For this reason, we ask that the Commission hold open the public comment period until at least four weeks after releasing any technical or scientific analysis that is done on the proposed plan. We don't see how else we can comment.

"As far as the CMP standards are concerned, the CMP -- well, as we've already said, CMP requires that the providers submit a comprehensive plan for the entire Pinelands area "which 'demonstrates' compliance with several specific requirements, including, A, that in the preservation, forest and other specified areas, the least number necessary to provide adequate service, least number of towers will be utilized. B, to demonstrate the need for the facility as well as a demonstrated, underlined, demonstrated need to

locate the facility in the Pinelands. And, C, that each antenna utilizes an existing communications or other suitable structure to the extent practical.

"The PCS plan fails to satisfy these requirements because, while the plan makes numerous representations with respect to the requirements, it does not demonstrate compliance with these provisions. It simply says we comply. Because the plan does not include any demonstration of compliance, any demonstration of compliance, we believe it would be improper and unlawful for the Commission to approve the plan. The PCS plan does not include or incorporate any demonstration, proof or even evidence to support the plan. Specifically, there is no evidence to support the claim that each of the new facilities is needed. There is no evidence to support the claim that the plan achieves the least number of new facilities needed to achieve adequate service, and there is no evidence to support the claim that the plan makes maximum use of existing facilities.

We invite the Commissioners and the staff to point out any evidence in this plan on any of these points. Can you show us where the demonstration exists? We don't think so.

Now, it may be that in private meetings the PCS industry has persuaded Commission staff on one or more of these points. If that's true, it's totally irrelevant because there is nothing in the plan provided to the public or in the file at the Commission that we have looked at that constitutes a demonstration of compliance. Under the heading of adequate service, the PCS plan does not demonstrate or even explain that it provides the least new facilities to provide or to achieve adequate service. Adequate in the sense that the CMP uses it.

"We point to pages 34 and 35 of the plan, which is the section that discusses level of service. The plan identifies three parameters for valuing levels of service, things such as signal-to-interference ratio, drop call ratio, block call ratio, but the plan does not provide any figure or explanation of the values that the plan assumes for each of these parameters as the measure of adequate service and does not even attempt to show that the proposed plan will achieve any stated level of service for each of these three parameters. Beyond the complete failure to give the measure of service on which the plan is based,

the plan completely fails to state, much less satisfy -- I'm sorry -- much less justify the level of service that currently exists in each area or the level that will be achieved if the plan is carried out. Without this kind of information, it is both theoretically and logically impossible to claim that the providers have demonstrated compliance with the CMP requirements.

"About the new tower in the west planes. The PCS plan proposes to build a tower in the middle of the west planes. Unlike the prior plan, this plan explicitly states that if the plan is approved, the providers will build a tower on the west planes. This is a line in the sand issue for conservation of the Pinelands. The pine planes are so extraordinary and their scenic value so easily damaged that the Commission simply should not permit this tower and should not approve the current plan so long as it includes this location for a new tower. It is especially outrageous to us that the PCS providers would propose this tower in one of the world's most extraordinary natural places, while giving not even a scintilla of evidence that the tower is needed to provide any kind or level of service. In addition, without

more detailed information on the siting of the other additional towers, it is impossible to know whether they, too, will be unacceptable locations.

"Under the heading of industry participation the PCS plan is not even being presented by all PCS companies that may want to provide service in the Pinelands. The Commission has already undermined the idea of requiring a comprehensive plan by approving the existing plan, a cell tower plan, without the PCS providers. The Commission would simply make a mockery of the comprehensive plan concept to approve this new plan without even having all PCS providers involved."

I would like to read how the plan describes the participants of this plan.

"The plan signatories are those current PCS providers licensed by the Federal Communications Commission to provide such service throughout southern New Jersey, including the New Jersey Pinelands, as are ready, willing and able to participate in preparation of such a plan."

"Only a lawyer could write that sentence. And correct us if we're wrong, but that is not what the CMP says is necessary. If the Commission goes forward on this plan, one has to ask what meaning

is there to the requirement that all providers of the same type of service jointly present a plan. To go forward on this proposal would be to rewrite the CMP to require that all providers of the same type of service who feel like joining in must do so. In other words, going forward would simply abandon and negate an expressed requirement of the CMP."

Our last point is, perhaps, a little technical, but it shows what a mockery this plan makes of the CMP's requirements and the concept of a comprehensive plan.

"The PCS providers state there is at least one new tower they need but cannot build consistent with CMP siting requirements, but they want to go ahead with the other facilities and see if they can't get around this problem down the road. The problem with this approach is that it undermines the reasonable plan in which allegedly each facilities depends on all the others in an integrated pattern. This plan concedes that it is not comprehensive, but is incomplete. The Commission obviously should not approve an expressly incomplete plan.

"For all the reasons I've just described, we

strongly urge the Commission, strongly urge the Commission, to reject this plan as completely inconsistent with the CMP."

Thank you.

MR. HARRISON: All right. Are there any other members of the public who have any testimony to give?

Ms. Letman?

MS. LETMAN: Theresa Letman, Manchester Township. I have a question. Before I say anything, in reference to the materials that I was given, on one page that was handed out it says that site 64 is a new tower, but on the printout that came inside the plan that I received from the Commission office last week, on the chart it says that it will be located on an existing facility or an existing structure, but yet you, again, tonight indicated that it was new. And so I'm unsure what that facility is, but my question is if we're supposing to be making sure or putting in the plan to allow for use of existing structures, we have two cell telephone towers in Manchester Township now, we have Sprint that just got approval for one, Nextel just came to colocate on one of the cellular telephone towers, and under the cell plan we have

two new facilities. I don't understand why there has to be an additional one in Manchester Township? And obviously whoever is asking for it is not one of the four that we now have. But Nextel has an approval on an existing cell and Sprint has an existing approval on the water tower, so I'm finding it hard to believe that under the cell plan and this plan, that Manchester Township is in need of three new sites. And the sites are in the forest area.

MR. LIGGETT: The tower in the Sprint/Omnipoint plan is to the west of all the towers located in the cellular plan and it fills a gap on Route 70 between the towers located close to the border of Ocean and Burlington Counties and Whiting. There's a gap in there. It also is a special case, and it might be better if Omnipoint addressed that because it has to do with a special licensing problem that they have and their need to meet an FCC requirement. And there's some possibility that that one will not be required, as is mentioned in the text, but I don't know if --

MS. LETMAN: But is it an existing structure or a new?

MR. LIGGETT: There's a possibility of

an existing structure there, although it's a radar and may not be able to take it, so it could go either way.

MR. HARRISON: Are there any other members of the audience who has questions of the testimony? Do you want to give your name and address?

MR. WEBER: Albert Weber, 7 Brider Mill Court, Tabernacle, New Jersey.

I agree with the gentleman from the Pinelands Preservation Group that a lot of this information was given out with relatively short notice. And I just looked at it very haphazardly, and I have questions regarding the consistency between the maps here and the locations and the approved maps that were done for the other cell towers. Particularly, site number 19 looks like that's off of Route 70 in South Hamilton. This is something that -- you know, how are they able to find an existing site there while the cellular group couldn't find an existing site there? So I just have a lot of questions. That's the one that I'm probably most familiar with in the area, but it just leaves me wanting to know how one group can do it and why another group can't do that? Because if

this is possible, that 19 can be used by the PCS group, why couldn't they remove one more tower out of the Pinelands program, the other one that was approved, that there was a tower in Woodland Township on the border of Tabernacle? That's my question.

MR. STOKES: Moshe, would you care to respond to that question? It's a little more generic standpoint maybe.

MR. KAM: Let me explain.

What we have checked was the need, and in all cases where we had a question about need, what we've asked the providers to do is to provide us with coverage maps. The case actually which was just mentioned was a good one because we have tried to see whether one of the existing towers -- we're talking about 64 -- sorry -- the one we just mentioned.

MR. STOKES: 19, I believe.

MR. KAM: With request to 19, because of the fact that it was described as one as being on an existing structure, we did not do specific technical checking of alternatives. But the question that was asked a moment ago regarding the sites in Manchester Township, we have tried our

best and, in fact, I have the evidence with me, and I'll be glad to summarize it to try to push this thing as possible as we could to the east and see if there is the possibility of coverage of Route 70. And in spite of all attempts to do that, there simply isn't coverage.

One of the things that needs to be remembered in this context is that because of the frequencies that we are dealing with in the PCS system, the circle of coverage, of RF radiation coverage, in this case is smaller than the one that we had in the lower frequencies that were used in the survey plan. So in spite of the fact that we realized that it would be very good if we could push this thing further to the east, there was technically no way to do that without having a gap along Route 70.

This is typical to all of the cases we have checked. In each one of these cases we tried to see if we could push the proposed tower to the closest facility we knew about, in particular, if there was one in the cellular plan, and we asked for explicit plans in order to see if all of the coverage gaps are covered, and all this information is with us.

Did I answer the question?

MR. STOKES: Yes. However, I think it might help, on a more generic basis, forgetting about number 19, I think the question was if the cellular plan calls for a new tower at point X, why can't a PCS company just automatically locate there or vice-versa? If a PCS company could locate this facility some distance away on an existing facility, why can't the cellular companies do exactly the same thing?

MR. WEBER: For the record, it's the vice-versa point I'm trying to try make.

MR. KAM: Let me first say in every case where there was an issue of a new tower, we checked this possibility. And the reason why it may not work has to do with a couple of additional issues. First, as it was mentioned here a little earlier, we are dealing here with a grid, and there is interdependence. And as a result, it did happen from time to time that what looks very attractive, when you just look at where the other towers are, it ends up being technically hopeless because of the fact that it would mean that the whole grid has to be moved in order to fit the particular tower. There were several cases, and 19 is not one of them where -- there was an additional question of

height, and we have to be sensitive to that as well because in some cases the PCS plan needed certain heights that were not available in other facilities.

Did that answer the question?

MR. STOKES: Roughly.

MR. SALEMI: Jack Salemi, Tabernacle.

The PCS plan, is it the same basic objective, to have a five-mile radius between communication facilities?

MR. KAM: Okay.

MR. SALEMI: Bear in mind this is the first time I have had an opportunity to view this program tonight.

MR. KAM: The basic aim was the same. The basic aim was the same.

MR. SALEMI: Which was?

MR. KAM: In terms of the coverage levels and in terms of the signal-to-noise ratios and the drop rate and the block rate that were mentioned before. In other words, these were the same criteria that we have used that we're using in the cellular telephone.

MR. STOKES: But I think the question was, does the spacing, is the spacing essentially

the same?

MR. KAM: No. The spacing is somewhat smaller, and this has to do -- I'm hesitant to throw a number.

MR. STOKES: Would you describe why?

MR. KAM: Two reasons. One of them has to do with propagation because of the fact that we're dealing with different frequencies. And in addition to that, there is the problem of absorption. It so happens that the wavelength that we are using in the case of PCS systems gets much closer in terms of physical size to some of the needles of the pines and, as a result, there is some -- in some cases more absorption. We were in some cases -- and let me explain how the process worked. It looked to us from just doing computations in the lab that something could work, and then in field test actually seeing how much absorption there is, we found -- that is, we received results from experiments, to be precise, that showed that there is more absorption than what one would assume just looking at the topography and, as a result, in some cases you found yourself with a radii which are much smaller than the one that we could tolerate in the case of the cellular

SHEET 6 PAGE 21

21

plan, sometimes as much as half, sometimes we ended up with as little as half is what we could tolerate in the other case.

MR. HARRISON: Yes?

MR. WEBER: Two other comments.

First, I would like to say, this plan, at least when it comes to the Tabernacle-South Hamilton area, is closer to the actual need than what was the true need for the cellular because Route 70 between the 206 circle and out 70 past Leisuretowne has minimal coverage. My comment is, I just want to say this is where location or colocation of any antenna should be and this is done correctly versus what's been approved. And I don't know the number on the plan for the other tower. I guess it's tower 67, which really there has been no need, has never been proven to be physically a need, other than the lab.

The other thing is I still want to understand why there is such immense desire by the industry to have this coverage in this area whereas I'm an extremely heavy cellular user and there's all parts of 95 from, you know, the Turnpike down to Washington, DC where there's absolutely no coverage on the most heavily-traveled roads, one of the most

PAGE 22

22

heavily traffic roads in the country. So why is there this intense desire for all this stuff here versus getting it right where most of the traffic is? I don't understand. So, you know, why kind of mess up our environment here when the industrial, commercial, business areas still don't have coverage? My question is, where are the priorities?

MR. STOKES: Unfortunately, that extends a little beyond our jurisdiction. You know, we provide the opportunity for cellular providers to provide service in the Pinelands and how they decide what they do elsewhere is something that's beyond our ability to deal with, although I'm sure you're more than welcome to ask them following the hearing and maybe they'll respond.

MR. WEBER: Just to put this in perspective why I think it is an issue, it's a matter of prioritization. Why would you have an environmentally-sensitive area have a higher prioritization than, you know, the New Jersey Turnpike corridor? I mean, that's what I'm saying. So why mess up stuff when they haven't finished what should be their primary objective, which is the business route.

PAGE 23

23

MR. HARRISON: Ms. Stetson?

MS. STETSON: Faith Stetson, Evesham Township.

When Larry was giving a summary of the plane, he indicated that Sprint and Omnipoint were included in this plan and that there were other providers that were not going to be part of this plan which may be providing service in the area. What happens when they come before you with an additional tower request, how is that going to be handled? Are we going to have to amend this again?

MR. HARRISON: In order to build a tower outside of a regional growth area or a Pinelands town, they would have to come in and amend -- and seek an amendment to the PCS plan.

MR. LIGGETT: They would also have to operate from the cellular plan and the PCS plan as a basis, so any change would have to be based upon a change to those things, so this is like a building block, if you like.

MS. STETSON: I have one other question.

I noticed -- and I just got this report today -- facility 28 from Sprint is going to be located

PAGE 24

24

in Evesham Township and it matches up with facility 9 proposed by BAM. Has that issue with Bell Atlantic Mobile been resolved yet in our town, or is it still a proposed tower and there has been no definite conclusion to the question there?

MR. STOKES: I guess the best way I can answer that is that it remains that the specific location siting of the tower in Evesham still remains an open matter. However, Bell Atlantic has informed us that they do not intend to pursue a tower in the near future. Thus, it is not of immediate concern to them, and their discussions with the township within the past couple of months have focused on other aspects of the ordinance within which Bell Atlantic had concerns, and Evesham Township has indicated its willingness to adjust some of those provisions of the ordinance. So I guess the best way for me to describe it, without giving you a specific answer, is that Bell Atlantic still intends to pursue a facility in that area, but it is not pursuing it at this time and, thus, the siting questions are not of paramount concern to them at this moment.

MS. STETSON: What about Sprint then, where would they locate if BAM is backing off, not

in the nearby future on this facility 9 or facility 28 for Sprint, how are they -- what are they going to do?

MR. STOKES: What this plan does is it would afford the PCS companies an opportunity to pursue those sites independent of the cell companies. So if, indeed, the Sprint or Omnipoint or both of them feel they have an immediate need for that facility, then they would be free to seek approvals from Evesham Township.

MS. STETSON: I would just like to close by saying I really don't think the public had enough time to review this plan, and I would ask, ecchoing the sentiments of the PPA and the Audobon Society, that the public comment portion be extended, extended especially until we get some input from the staff and the experts as to the need question when it's finally resolved. I'd like to see an extension.

MR. HARRISON: Mr. Heinold?

MR. HEINOLD: Doug Heinold from the firm of Parker, McCay & Criscuolo. We represent the Township of Evesham.

What was indicated is exactly right in terms of what has happened along Evesham's journey in

this. Originally we became interested because Bell Atlantic Mobile had a site selected which was very close to a residential area, and given the overall area, the township was very concerned that that site was selected. We were the first township to pass an ordinance that was approved by Pinelands to deal with this issue. There was actually litigation filed where we sort of hatched things out with Bell Atlantic Mobile, and that has been resolved. What we did was sit down with them and Pinelands and work out some solutions to their concerns with regard to setbacks and so forth.

I guess my first question is, there's been some suggested revisions in terms of how the plan is going to work, the already existing plan, and these radiuses that are set up, radii -- I'm not sure how the word is, but the five miles, it was my understanding that that was going to become smaller in the future, that what the providers were saying was we don't have enough -- we can't be as flexible as we thought we could in terms of moving anywhere within a five mile radius, we need to be more specific about where we site.

Is that accurate? And what's the status on that?

MR. LIGGETT: Well, first of all, this plan is structured slightly differently than the cell plan. The cell plan was structured roughly at five miles and less technical feasibility said it was less. And that's generally the case, it is less. This plan has a similar provision, but much more technically drawn, drawn with a half mile radius. And if it's beyond that, it might work. And the issue of shrinking for the cell plan, that's a certified adopted plan. There was some talk about us changing our regulations and perhaps taking a different approach, and those talks are ongoing with the Commission and they may occur or may not, but those are problematic because they are not -- right now we have a certified cellular plan and it has a five-mile maximum radius, if you like.

MR. STOKES: Just to make sure that Larry's point was clear, this plan indicates that in the vast majority of cases, the PCS companies would be able to locate or would be required to locate their facility within a half mile of the location that's shown on the map, but there is some opportunity, as the plan indicates, that it might vary, it might be more than that in some cases. So it is much more tightly defined, but it's not an

absolute.

MR. HEINOLD: Okay. That's good to know.

The ongoing discussions before the Pinelands Commission, does that involve the potential requirement that all towns must pass an ordinance?

MR. HARRISON: Well, there are a couple of things here. When the Commission adopted the cell tower provisions initially, there was a requirement that the towns at that point adopt provisions that did that, and all towns have done that. We were considering regulations that would have had towns adopt ordinances in response to approved local communication facility plans. The Commisson's policy and implementation committee had a number of problems with those draft regulations and they are on a very far back burner at this point in time.

MR. HEINOLD: I guess the only thing I would say from the township's perspective is we've been heavily involved -- I guess as heavily involved as we feel we can be in terms of being at the table and at least staying for a part of the discussion, and I feel -- I guess the township has gone to great lengths and done what it can to

accommodate. And it took us a long time, I don't think it's any secret, to get Bell Atlantic Mobile to talk to us, and we finally were able to talk to them and work things out with them.

If the situation is now that these groups of people are coming along with the understanding that there was going to be a tower there and maybe the need is not there for Bell Atlantic Mobile and the other providers under the prior plan, I'm wondering if there's any potential for movement on their part in light of the fact that there may not be a tower going up by Bell Atlantic Mobile, that there may not be that colocation opportunity and then, as a result, if we're so constrained by that half mile radius --

MR. STOKES: Well, let me suggest this. One, I think that the PCS companies would probably be more than willing to sit down with the township to discuss the matter in more detail. Secondly, we ought not to presume that the PCS companies have the same need, limitations and constraints that the cellular companies do. So, for example, I know that there are some existing structures within that general area and it is conceivable -- I mean, I can't guarantee it, but it is conceivable that

technical limitations that may have affected the cellular company's use may not have the same affect on the PCS companies, so there might be some opportunities that weren't all that feasible with the cellular companies, but I think -- and we can confirm that with the PCS companies -- that they would be willing to sit down with the township at the appropriate time to discuss the particulars of, you know, the need and the opportunities, the alternatives, that are available within each --

MR. HEINOLD: Okay. And I understand under the plan they're looking within maybe the next five years. It's not one of their top priority sites at this point. But we're here, we're going to be part of the contribution.

MR. ZUBLATT: I'll be glad to address the when you're ready.

My name is Alan Zublatt. I'm the attorney for Sprint. I didn't want to interfere with the public's comments. But if you wish now, I would be glad to make a statement, and hopefully we'll address a lot of the issues that were raised tonight.

MR. STOKES: Why don't we ask Mr. Heinold if he has anything else?

MR. HEINOLD: I don't. Thank you.

MR. HARRISON: Mr. Stetson?

MR. STETSON: Robert Stetson, Evesham Township.

Just a general question on the Comprehensive Management Plan and with regard to, not only the new towers, but the old towers and existing sites with cell sites on them. With the advent of this industry -- and I am in this industry. There are new technologies coming forward every day. Once these new technologies do come forward and at that such time it is proven that the towers and the cell sites are not needed, is there a provision in the Comprehensive Management Plan that the Pinelands have to remove these towers?

MR. HARRISON: Yes.

MR. STETSON: There is. Thank you.

MR. HARRISON: Mr. Salemi?

MR. SALEMI: In the same vein, with the professionals here this evening, can they elaborate on why they cannot use the Aradium satellite program for Motorola that they have 60 or so satellites in space right now and why the whole industry cannot address exactly what this gentleman was talking about?

MR. KAM: May I answer?

There are quite a few issues, but let me -- and I will not go over the whole list, but the first issue that we should take into account is capacity. If you think about the system that Aradium and others have tried or are trying to make commercial, one of the major issues is that you will have this system clog up very quickly when it gets -- if it gets into the kind of massive use that cellular phone and PCS are enjoying now. The technical solution in order to provide the same kind of capacity is at least a few years off, and at least at the present time one cannot look at that and say this is a viable technical alternative.

In addition to that, it was also in the popular press, as you may have read, that there have been quite a few obstacles in the way of making these things operational and commercially successful, so at the present time one cannot argue that this is a viable alternative to cellular and PCS systems.

There are several other technical issues, but let me start by saying that capacity itself at the present time doesn't make that a viable

alternative.
MR. HARRISON: Mr. Weber?
MR. WEBER: Just getting back to this whole question with the explosive use of cellular technology, be it PCS or whatever, everyone's having them. Once we go down this path, aren't we going to then say, okay, well, if we trim the usage, then there's not enough towers. They're going to say, well, we have more need, so there's going to need to have more towers to handle the capacity of higher utilization. So where does the Pinelands Commission draw a line? Because, you know, if the need that's set up, you know, whatever this "need" keeps coming up to be is going to continue to just skyrocket, so where do you draw the line? I mean, are we going to review this every couple of years when there's a new need for more towers because, you know, capacity issues are raised again.
MR. HARRISON: Mr. Salemi?
MR. SALEMI: I think there should also be a concern about the safety of driving in an automobile or any kind of vehicle while talking using a cellular phone. I think many states are taking a very strong look at this whole concept of

driving, talking and having accidents. In Philadelphia or Pennsylvania they just killed a little girl. They're looking to make it illegal to drive a vehicle and talk on a telephone at the same time. I think we should be very careful with overdevelopment of an industry that might be under very strict control, especially here in our Pinelands region and everywhere.
MR. HARRISON: Are there any other members of the audience who have any testimony concerning the PCS plan?
Mr. Zublatt?
MR. ZUBLATT: Thanks.
My name is Alan Zublatt. I'm the attorney for Sprint Spectrum, LP. We've been involved with the Pineland's staff now in the arduous process for an excess of a year, and there are underlying documentation and testing with Mr. -- it's Kam, right? -- as well as Pineland's staff, Mr. Liggett, Director, Mr. Harrison, as well as Assistant Director Stoks.
I want to give you the Sprint Spectrum position on your comments, incorporate into the plan and try to bridge the gaps between what you're worried about and what Sprint's point of view is

and how we can work together in terms of the concerns that you have. And I want to do that in two or three different areas, if I may. The first being a general statement, which most of you from seeing a lot of your faces at the cellular proceedings, you'll have heard before. The second I want to deal with colocation, and particularly colocation because out of all the sites that are being proposed, only five or six are new towers, new construction, in this PCS plan. And Sprint, as you'll hear in a minute, intends to proceed actively and aggressively and go after those colocation sites, whether they are built now or are just sitting there having been approved so that they -- in terms of the cellular plan, so the reality is that five or six will be new, and probably only five of those five and six.
As far as any municipality that has a concern, our position is clearly we will work with that municipality within the confines of the existing plan to do things that can work. Now, with that in mind, that's what I propose to do in hopefully five, no more than seven or eight minutes with you. So I'm going to just check with some notes to make sure we don't leave out anything in terms of what

you've said.
Firstly, we all know and we hear it every day with the change of the -- of what's happening in terms of television commercials themselves that there's an explosive growth, not only in the Internet, but in terms of wireless communication and this revolution in communications along with the rapid development of wireless technology offers. Sprint believes, obviously, there are many benefits to the public who reside in and travel through the Pinelands, and these relates to three major areas, necessity, convenience and safety, and if there's coverage issues or there's capacity issues, that convenience, that necessity and safety, are the things that most people buy phones for.
It's estimated now there are over 69 million subscribers to wireless in general in the U.S. who rely on wireless communications for personal safety, to enjoy more contacts with friends and families -- I don't want to sound like a commercial -- and to make more productive use of their personal and professional time. Most importantly, 600,000 911 calls are made each year, which not only benefits the sender, but the recipient itself,

SHEET 10 PAGE 37

37

such as a lost or injured motorist or an errant driver or some crazy lunatic that's drunk on the road or potholes or just getting plain lost. This rapid growth has become -- which is probably adding people at the rate of a 30,000 or so more customers per day to wireless in general -- poses challenges both to the carriers as well as the Commission as well as the citizens in terms of how you bridge the gap or reconcile the definite need for this, as just by the sheer numbers of what's happening -- and you could take that in terms of your own experience with the need to preserve Pinelands and the environment -- and to reconcile the FCC's mandate that carriers must build-out their networks to provide reliable, adequate service and at the same time fulfill the need of the Pinelands in terms of its Comprehensive Management Plan and to fulfill another layer, which is called the Telecommunications Act of 1996, and particularly a section that I'm sure you'll all have heard, which is Section 704, which I'm going to get to in just a second. So this reconciliation was, perhaps, not in some of your minds, partially accomplished in September of 1998, when the cellular plan was certified and approved.

PAGE 38

38

Now, that certification and approval doesn't mean they can go out and build. This is a stage, this is a framework, this is only a master plan, important step for sure in terms of the overall process, but it doesn't in any way relegate us or put us in a position of being able to build at all. It's a major stage in the start of the process which now goes before a variety of different entities, and that's the second really point that I wanted to make to you.

This layer of federal law called Section 704 related sections of the Telecommunications Act established a national policy that has to be reconciled with a Pinelands' rules and regulations obviously to promote the rapid introduction of wireless technology. There's no question about it, that's what the purpose of it was. The government wanted to enhance 911, the government wanted the carriers to enhance throughout the country its network to provide adequate coverage. It established through Section 704 and related sections certain guidelines for the state and local zoning authorities, municipalities, the Pineland's Commission, which it did not have -- did not have before when you had your Comprehensive Management

PAGE 39

39

Plan, so this was a new layer that was thrown into the mix that no doubt in your mind intruded into the process of preservation, and the goal was to try to preserve and reconcile the two, and that's what this process, this part one of the process is. There are probably three to seven different parts.

It preserved local zoning authority in terms of the municipalities, but the authority in terms of the local zoning was limited and, in some cases, as you know, preempted, some of those are familiar with it, that's the health impact of electromagnetic frequency emissions. The FCC regulation spelled out their wireless service providers must build-out their systems to provide adequate services to the public. They prohibited -- a point that was brought out by someone before -- they prohibited the discriminatory treatment of one carrier group over another carrier group and the required local governments to provide and apply their rules equally and consistently. They strongly encourage, they couldn't mandate, but they strongly encouraged colocation, and we're going to talk about that right now.

In 704 in fact sheet number two, question number 11 deals with the colocation policy of the

PAGE 40

40

FCC, and it gives you a whole variety of reasons why it should work, why it should be encouraged, and I'm going to talk to you now about Sprint's position in that in terms of the cellular plan.

The goal of colocation obviously was to encourage it to avoid the proliferation of towers because, as this explosive growth continues, whether it's in the Pinelands or elsewhere, if there's a network that has to connect, you know, the wireless connection to a land line eventually -- and the bulk of a wireless system is it's land line, but it has to connect to it through the air, and as capacity and coverage needs increase, clearly there will be a need for more towers and, hence, effective real colocation is imperative for this process to work.

Carriers are required under the act and under the other federal rules to deal with and comply with NEPA, which is the National Environmental Policy Act of 1969, as well as other federal environmental statutes. These require the carriers to assess and evaluate locations, certain types of locations, submit environmental impact assessments and FCC approval of same.

There's the issue of SHPO. Others call it

SHIPO. That's for State Historic Preservation Districts in which there has to be compliance by the FCC carriers, whether it's Pinelands or elsewhere, and those are other steps in this incremental process. They require compliance, as most of you know, with air navigation rules as well.

And, in addition to that, please don't make a mistake about what's happening tonight or in the future going forward, there is municipal land use law as well as a zoning process for site plan and/or use variance approval that still must be adhered to when this process takes place in terms of the approval and certification of this plan. This plan also is governed by a whole series of rapidly developing and changing -- usually when it changes, it's a lawyer's dream -- changing areas of law in terms of the court cases that govern this, both federal district court cases as well as state court cases, and state court cases in certain counties many be different than in other counties. But it's all coming to the point where there is an incremental series of steps that have to take place.

So I hope that you can see that this

reconciliation and this process tonight is just the first stage in a relatively long process or short process, depending upon how proactive carriers become, both with the cellular plan as well as the municipalities, as well as the residents of the Pinelands, as well as the Pineland's Commission. Because before we can build a site, we still have to deal with and demonstrate we're in compliance when we locate that site within the area that we're talking. We're only talking about broad areas now. When we actually locates this site, we still must go to the Pinelands Commission and make sure we comply with the specific siting criteria. This is not an approval tonight or a going forward of those specific sites. It still has to go through all the steps that I've just described.

Now, this plan is also substantially similar in many ways to what was approved after a three or four-year process for better or for worse last time around with the cellular plan. Sprint strongly adopts and strongly confirms the colocation process in its plan and looks forward to proactively working to ensure the rapid develop as many colocational opportunities as possible in conformity with the policies enumerated in the

cellular plan, and we expect the cellular industry to comply and we expect and certainly will comply as well.

And in terms of applicable law and in terms of the Pinelands process itself, which worked, I know, arduously in terms of providing for colocation -- and there were questions a long time ago, I remember, does it work. We know it can work and we intend to make sure it works, because the bulk of our build-out is related to colocation. That's why there are only five, possibly six, doubtful six, new sites. They're either existing structures or colocational structures. So we intend an ambitious program of colocation and we've talked about our position with the Pinelands Commission and hopefully we'll implement that very shortly.

So basically what I tried to pose for you is we have incorporated very carefully small, defined ring sites utilizing the outside-in approach that the Pinelands wanted in terms of valuation of sites outside before we got to the Pinelands and we carved it down to five, perhaps six, doubtful, sites that require new installations and the bulk of the others will hopefully be the other way.

There was a question raised about one site

that might never be built involving Omnipoint and one of the statements of the plan. I know Mr. Stilwell is here. I don't know if you want to make a comment on that site or not in terms of that inquiry, but in terms of Sprint, clearly that's the goal that we truly want to accomplish here. We saw what went on. We read the transcripts of the last time. We recognize your need, and we intend to act on them in the way I've described. And I will be in touch with Evesham as well as any other municipality. If it gets within the plan, the Pinelands Commission has no problem, if there's something offered that's a viable alternative within the confines of the plan. I don't believe Evesham is going to be a problem, much less any other facility that's available that still works from the radio frequency point of view.

I thank you for your time.

MR. HARRISON: Mr. Stilwell, do you have any comments on behalf of Omnipoint?

MR. STILWELL: I don't have any voice either, so it's going to be difficult for me to do that, but Mr. Zublatt's comments on behalf of Omnipoint, at least with respect to colocation and of course with respect to the willingness of

Omnipoint to do what it's always done, which is to work with other carriers of municipalities with attempts to locate.

With respect to a couple of sites for which there were specific questions, I think the plan itself talks about the border issue that involves site number 64 and simply an FCC concern that requires us to obtain approval from a licensed entity that has a license in that area in order for us to be able to cross a boundary in a way that's acceptable from a regulatory standpoint. The entity that we need to deal with currently is in bankruptcy and, therefore, is not available to be negotiated with, but we would expect at some future point in time some entity will control that license who will be available. And if normal conventions are followed, I think we should be able to work something out. If we can't work something out, then we would obviously fall back on the proposal to build that particular site.

MR. HARRISON: Are there any other comments from members of the audience? Last chance.

Mr. Weber?

MR. WEBER: Last, but not least, I

really applaud the Pinelands Commission here for doing the job that they've done over the last several years. The description was arduous, and the underlying tone of this arduous process has really created some fairness in all this because I've observed over five years in this that the municipalities, other than Evesham, that have done a really great job has really been bullied by the large telecommunication companies coming into the townships like Woodland with ten lawyers with a relatively low ability to handle this and do their own research, so I really applaud the Commission for standing their ground pushing colocation. The Pinelands didn't push colocation. The Telecommunication Act might say it in there, but there was no major desire to have that happen, so my hats off to you all.

MR. HARRISON: Any further comments? With that, we'll close the hearing at 12 after eight. I'll reiterate, written comments have to be submitted by Monday, November 22. They can be sent by mail, hand delivered, E-mail. If you want the E-mail address, we can give it to you afterwards. Thank you all for coming.

(Meeting adjourned.)

CERTIFICATE

I, KELLY A. MC ARDLE, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony was taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

KELLY A. MC ARDLE, C.S.R.
Certified Shorthand Reporter

Appendix G to
Acting Executive Director's Report
on Proposed PCS Plan
Correspondence Regarding Colocation and Assignment of Development Authorizations

DEC 2 7 1999

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December 22, 1999

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RE: Colocation and Assignment of Development Authorizations For PCS and Cellular facilities in the Pinelands.

Ladies and Gentlemen:

This document memorializes the consensus reached at the December 8, 1999 meeting held at the offices of the Pinelands Commission regarding procedures for colocation and development of wireless facilities located within the Pinelands. The meeting was requested by Pinelands Commission Acting Executive Director, William Harrison. Present at the meeting, in addition to Mr. Harrison, was Pinelands Manager of Planning, Larry Leggett, as well as representatives of Sprint Spectrum LP, Omnipoint PCS Entrepreneurs, Inc., Bell Atlantic Mobile, Comcast Metrophone/Cellular One, and Nextel Communications, Inc. (the Carriers). The following reflects the general

understandings reached between the Carriers and the Pinelands as well as between and among the Carriers:

Colocation

A carrier wishing to develop a wireless facility site at a location specified in the Cellular Comprehensive Plan or the pending PCS Comprehensive Plan must incorporate the design requirements of the other Carriers that have identified a need for a facility at said location in either Plan as well as the requirements of those Carriers that have filed requests for colocation.

Assignment of Development Rights

1. Any Carrier who is ready, willing, and able to develop a wireless facility shown in either Plan may do so. Any Carrier seeking to develop a site that the Carrier has not indicated a need for in an approved Plan, must obtain the consent of all parties to approved Plans that have identified a need for said site in a Plan. Further the developing Carrier must take into account the needs of those other carriers that have not identified the need for said site in a Plan but have filed requests for co-location at said site with a lead carrier identified in a Plan. Consents to development will be forwarded within a reasonable period and will not be unreasonably withheld.

2. In the event that a carrier has signed a Lease for property at a location which comports with either or both of the Plans, but has filed no development applications and is not actively pursuing development of a facility, that carrier shall render its consent to development by another Carrier which is ready to actively pursue such development. The receiving carrier shall reserve room on the facility for the assigning carrier.

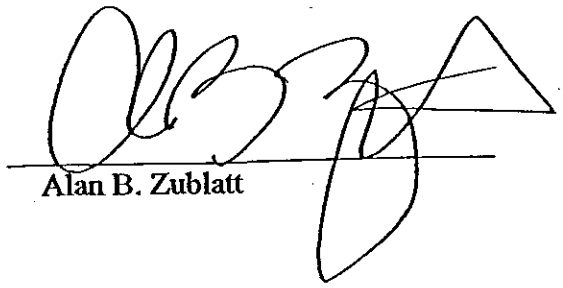
3. In the event that a carrier has not signed a lease for a facility at a location which comports with either or both of the Plans, and is not actively and diligently pursuing in good faith the development of a facility, that carrier shall assign its consent to development to another carrier which is a party to either plan which is then ready willing and able to actively pursue and develop a facility at said location which comports with either or both plans. The receiving carrier shall reserve room on the facility for the assigning carrier.

All of the foregoing understandings regarding colocation and development procedures presume that the final locations developed will satisfy the technical criteria of each carrier identified as co-locating at that given facility. Further, it is understood that if colocation of all carriers at a single location is not feasible because of technical constraints, upon presentation of competent evidence and documentation to the Pinelands Commission, the Pinelands Commission shall consent an additional facility.

Please feel free to contact my office if you have any questions or comments regarding the foregoing.

Very truly yours,

LAW OFFICES OF ALAN B. ZUBLATT



Alan B. Zublatt

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