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February 18, 2011

**VIA FACSIMILE/ORIGINAL BY MAIL**

Guadalupe Ortiz  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007

RE: Inquiry #2011 93218/Nelson Letter

Dear Ms. Ortiz:

We are responding on behalf of Newpath Networks, LLC/Crown Castle to the January 26, 2011 letter from Rick Nelson, President of the Tonto Hills Improvement Association. Mr. Nelson raised the issue that Newpath/Crown Castle did not undertake required community outreach prior to locating its Distributed Antenna System (DAS) installations within the public right-of-way within the Tonto Hills subdivision in Maricopa County.

NewPath/Crown Castle committed to adhering to all required City and County wireless facilities ordinance requirements, even when locating in the public right-of-way as a utility. The process for the installation of utilities within the right-of-way in Maricopa County is different from the process in surrounding municipalities. The Maricopa County Department of Transportation allows utility installations within the public right-of-way "of right" with the submittal of a permit application, and there are no County wireless communication facility ordinances or regulations requiring public hearing or community outreach processes. Therefore, no community outreach was required for the installation of these two DAS nodes in Tonto Hills. Other DAS nodes were installed under the same County process in public right-of-way in the Fountain Hills area.

In communities with a full citizen participation process for the siting of wireless communication facilities, Newpath/Crown Castle undertook extensive community outreach efforts which we would be happy to document if requested to do so. Over 200 DAS nodes were installed in the City of Scottsdale, 42 in Paradise Valley and six in Carefree and to our knowledge these communities have received no complaints, nor has Newpath/Crown Castle, once the nodes were installed and the sites fully restored.

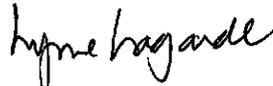
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The enclosed aerial view exhibits of DAS nodes #H002 and #H004 installed in Tonto Hills depict the exact locations and explain how and why these locations were selected using criteria to minimize impacts and preserve community aesthetics. The first four enclosed photos depict views of #H004 and the second four are of #H002. The remaining four photos are views taken from both nodes to show the context and desert character of the area. These materials demonstrate that, although no public outreach process was required in the County DAS siting process, the nodes were installed in the same community-sensitive manner that Newpath/Crown Castle has used in installation of its DAS facilities throughout the northeast Valley communities in which the network is being implemented.

If you require any additional information, please let me know.

Very truly yours,



Lynne A. Lagarde

LAL:rrd

cc: Stephen Garcia

Attachments: As Stated