



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

August 12, 2020

TO: Service list dated July 24, 2020

FROM: Melanie Bachman, Executive Director *MAB*

RE: **DOCKET 488** – Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at one of two sites: Kent Tax Assessor ID #M10, Block 22, Lot 38 Bald Hill Road or 93 Richards Road, Kent, Connecticut.

During a public hearing of the Connecticut Siting Council (Council) held on August 11, 2020, the Council ruled on the following motions and objections:

1. Bald Hill Road Neighbors (BHRN) Objection to Protective Order and Non-Disclosure Agreement and Motion to Implead a Necessary and Indispensable Party, dated July 28, 2020

The Objection was overruled on the basis that “party” is partly defined under the Uniform Administrative Procedure Act (UAPA) as “each person admitted as a party in an agency proceeding.” Each person that is a member of BHRN is admitted as a party to this proceeding and may access the protected Phase I upon execution of the NDA.

The Motion was denied on the basis that “party” is partly defined under the UAPA as “each person who is required by law to be a party,” such as the applicant. The property owner of record is not required by law to be a party nor is the property owner of record admitted as a party to this proceeding. The Applicants will have a witness available for cross examination on the protected Phase I during the September 3, 2020 closed proceeding.

2. Bald Hill Road Neighbors Motion to Amend Non-Disclosure Agreement, dated July 31, 2020

The Motion was denied on the basis that “party” is partly defined under the UAPA as “each person admitted as a party in an agency proceeding.” Each person that is a member of BHRN is admitted as a party to this proceeding and may access the protected Phase I upon execution of the NDA.

3. Planned Development Alliance of Northwest Connecticut, Inc. Motion to Strike Testimony, dated August 3, 2020

The Motion was denied and the Council took administrative notice of Connecticut Public Utilities Regulatory Authority, Docket No. 18-06-13 – Application of New Cingular Wireless PCS, LLC for Approval of a Construction Plan to Install Wireless Facilities Within the Public Right of Way in Stamford – Bridgeport, June 19, 2018, *available at* <http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/aa19e1444e02c4e9852582b1006ada08?OpenDocument>

Continuation of Evidentiary Hearing

The Council shall hold a **closed** evidentiary hearing session on **Thursday, September 3, 2020** via Zoom conferencing, beginning at **2:00 p.m.**, specifically limited to the full Phase I Environmental Site Assessment for Site A submitted under Protective Order and **only** open to parties and intervenors that execute the Non-Disclosure Agreement attached to the July 23, 2020 Protective Order.

Once the closed evidentiary hearing session concludes, the Council will resume the open evidentiary hearing session. The open evidentiary hearing session shall commence with the appearance of the Town of Kent for cross examination by the Council, Applicants and other parties and intervenors, followed by the appearance of the Bald Hill Road Neighbors for cross examination by the Council, Applicants and other parties and intervenors. Thereafter, the hearing will proceed with the appearance of the Grouped Parties: PDA, SRA and Lakeside to verify their late-filed exhibits and be subject to cross examination by the Council, Applicants and other parties and intervenors, and continue thereafter with the appearance of the Applicants to verify their late-filed exhibits and be subject to cross examination by the Council and parties and intervenors,

Late-Filed Exhibits

1. **Applicants** - During the August 11, 2020 evidentiary hearing session, the Council requested that the Applicants submit the following information as late-filed exhibits:
 - a) Coverage plots from both sites at a tower height of 135 feet at both -93 dBm and -108 dBm;
 - b) Visual simulations of both sites at a tower height of 135 feet from nearby locations including, but not limited to, both Spectacle Lakes; and
 - c) Date the initial search ring was issued by AT&T.

2. **PDA**- During the August 11, 2020 evidentiary hearing session, the Council requested that PDA submit the following information as late-filed exhibits:
 - a) Information regarding the balloon float that occurred on July 4, 2020 including a scaled map identifying the balloon fly locations and photograph locations, approximate distance from the respective balloon to the photograph location, details on the ground elevation of the balloon fly locations, how the balloon string was measured, method of any balloon height adjustments to account for ground elevation, camera zoom level for each photograph

- and reason for that zoom level, and qualifications of any photographic consultant who directed PDA as to what camera zoom level to use; and
- b) Information regarding the DAS system deployed in Chilmark, MA.

The Council requests these late-filed exhibits be submitted to the Council before the close of business on **August 27, 2020**.

Any request for an extension of time to submit the above-referenced late-filed exhibits shall be submitted to the Council in writing pursuant to §16-50j-22a of the Regulations of Connecticut State Agencies.

If you have any questions about Council procedures, please do not hesitate to contact me at the Council office at 860-827-2935.

Thank you.

Enclosure: Instructions for Access to Continued Evidentiary Hearing

c: Council Members
BCT Reporting LLC
Pryme Tyme



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

**Instructions for Public Access to Docket 488 Remote Continued Evidentiary
Public Hearing Session – September 3, 2020**

**CLOSED Evidentiary Hearing Session at 2 PM
OPEN Evidentiary Hearing Session thereafter**

PLEASE NOTE

- **Interested persons may not join the closed portion of the continued evidentiary session**
- Interested persons may join the open portion of the continued evidentiary session to listen, but **no public comments will be received** during the continued evidentiary session. Public comments may be submitted to the Council by email at siting.council@ct.gov or by regular mail.
- Any person may be removed from the remote continued evidentiary session at the discretion of the Council.
- All participants are requested to mute sound notifications on their computer, smartphone or tablet. Telephones are often equipped with a “do not disturb” feature for the dial-in option.

Access to Continued Evidentiary Session

1. Attendees can join by clicking (or entering) the following link:
<https://zoom.us/j/91748201155?pwd=TThML1A1bzcxREZmZU83MTZYUIFOdz09> from a computer, smartphone, or tablet. No prior software download is required.
Meeting ID: 917 4820 1155
Passcode: nmUP2s
2. For audio-only participation, attendees can join by dialing in at **1 (929) 205 6099 (not toll free)** and then enter the **Meeting ID: 917 4820 1155 and Passcode: 392641** from a telephone.
3. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
4. **No public comments will be received during the continued evidentiary session.**