



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 503
Tuesday, July 20, 2021
2:00 p.m./6:30 p.m.
Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Administrative Notice taken by Council

FEDERAL

1. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields, OET Bulletin No. 56*, August 1999, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf
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3. FEDERAL COMMUNICATIONS COMMISSION, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order*, August 1, 1996, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf
4. Telecommunications Act of 1996, as amended, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C), available at <https://transition.fcc.gov/Reports/tcom1996.pdf>
5. FEDERAL COMMUNICATIONS COMMISSION, *Warning, Alert and Response Network Act*, Pub. L. No. 109-437, 120 Stat. 1936 (2006), (codified at 47 U.S.C. §332(d)(1)) (2006), available at <https://transition.fcc.gov/pshs/docs/emergency-information/emas-warn-act.pdf>
6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b, as amended, available at <https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih>.
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942, as amended, available at <https://www.gpo.gov/fdsys/pkg/PLAW-108publ494/pdf/PLAW-108publ494.pdf>

8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment 2012, *available at* <https://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>
9. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf>
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf>
11. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. Presidential Order No. 13616, Accelerating Broadband Infrastructure Development, 77 Fed. Reg. 119 (June 14, 2012), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf>
13. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, *available at* <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>
14. DIVISION OF MIGRATORY BIRD MANAGEMENT, UNITED STATES FISH & WILDLIFE SERVICE, UNITED STATES DEPARTMENT OF THE INTERIOR, *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning*, last updated August 2016, *available at* <https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* *available at* <https://www.nps.gov/subjects/nationalregister/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1L*, December 4, 2015, *available at* https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf
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19. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2017*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, June 2018, *available at* <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201806.pdf>
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25. FEDERAL COMMUNICATIONS COMMISSION, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment/Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, *Third Report and Order and Declaratory Ruling*, FCC 18-111, August 3, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf>
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27. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, *Declaratory Ruling and Notice of Proposed Rulemaking*, FCC 20-75, June 10, 2020, available at <https://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.pdf>
28. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, *Report and Order*, FCC 20-153, November 3, 2020, available at <https://docs.fcc.gov/public/attachments/FCC-20-153A1.pdf>
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33. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432

Department of Energy and Environmental Protection

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40. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, Connecticut's Endangered, Threatened and Special Concern Species 2015, August 2015, available at https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/nongame/ETS15pdf.pdf

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Other State Agencies

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MAPS

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II. Appearance by Applicant

Applicant: Arx Wireless Infrastructure, LLC

Representative: David A. Ball, Esq.
Cohen & Wolf, P.C.

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Arx Wireless Infrastructure, LLC, received May 14, 2021, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Technical Report
- b. City of New Britain Zoning Regulations
- c. City of New Britain 2010-2020 Plan of Conservation and Development

d. City of New Britain Inland Wetlands and Watercourses Regulations

2. Applicant's Affidavit of Publication, dated June 9, 2021
3. Applicant's Responses to Council Interrogatories, Set One, dated July 7, 2021
4. Applicant's Sign Posting Affidavit, dated July 7, 2021
5. Applicant's Revised Exhibit G to the Application, dated July 13, 2021
6. Applicant's Pre-Filed Testimony of Keith Coppins, dated July 13, 2021
7. Applicant's Pre-Filed Testimony of Douglas Roberts, dated July 13, 2021
8. Applicant's Pre-Filed Testimony of Michael Libertine and Brian Gaudet, dated July 13, 2021
9. Applicant's Signed Protective Order, dated July 15, 2021

C. Swear Witnesses

1. Keith Coppins, Managing Director, Arx Wireless Infrastructure, LLC
2. Douglas Roberts, Senior Architect, AECOM
3. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corp. P.C.
4. Brian Gaudet, Project Manager, All-Points Technology Corp. P.C.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. AT&T
3. City of New Britain

III. Appearance by Intervenor: New Cingular Wireless PCS, LLC (AT&T)

Representative: Thomas J. Regan, Esq.
Brown Rudnick LLP

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. AT&T's Request for Intervenor Status, dated May 25, 2021
2. AT&T's Responses to Council Interrogatories, Set One, dated July 7, 2021
3. AT&T's Witness Resumes, dated July 13, 2021

C. Swear Witnesses

1. Martin J. Lavin, Senior RF Engineer, C2 Systems, LLC
2. Hollis M. Redding, Site Acquisition Specialist, SAI Communications LLC
3. Douglas Roberts, Senior Architect, AECOM

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
 2. Applicant
 3. City of New Britain
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IV. Appearance by Party:	City of New Britain (City)
Representatives:	Joseph E. Skelly, Jr., Esq. City of New Britain Corporation Counsel

A. Administrative Notice.

B. Exhibits for Identification.

1. City of New Britain Comments, dated May 28, 2021
2. City of New Britain Request for Party Status, dated June 1, 2021
3. City of New Britain Affidavit of Steven P. Schiller, dated July 8, 2021
4. City of New Britain Pre-Filed Testimony of Mayor Erin Stewart, dated July 13, 2021

C. Swear Witnesses

1. Erin Stewart, Mayor, City of New Britain

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Applicant
3. AT&T

V. Continuation by Siting Council.