



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

Hearing Program

Docket No. 503

Tuesday, October 5, 2021

2:00 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>

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<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>
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https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf
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24. FEDERAL COMMUNICATIONS COMMISSION, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, *Second Report and Order*, FCC 18-30, March 30, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-30A1.pdf>
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26. FEDERAL COMMUNICATIONS COMMISSION, FCC Fact Sheet: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, *Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
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>
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Department of Energy and Environmental Protection

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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
10. Applicant's Supplemental Responses to Council Interrogatories, Set One, dated August 26, 2021
11. Applicant's Additional Pre-Filed Testimony of Keith Coppins, dated September 30, 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
4. AT&T's Resume for Daniel Bilezikian, dated August 26, 2021
5. AT&T's Supplemental Pre-Filed Testimony of Martin J. Lavin, dated August 26, 2021

6. AT&T's Responses to City of New Britain Interrogatories, dated August 26, 2021
7. AT&T's Late-Filed Exhibits, dated August 26, 2021
8. AT&T's Additional Pre-Hearing Supplemental Submission, dated August 27, 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
4. Daniel Bilezikian, Site Acquisition Specialist, SAI Communications, LLC

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

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
5. City Notices and Orders for 43 Osgood Avenue, dated July 26, 2021
6. City of New Britain Alternative Sites, dated September 16, 2021
7. City of New Britain Affidavit of Justin Dorsey, dated September 29, 2021
8. City of New Britain Assessor Cards for 65 and 73 Allen Street, dated September 30, 2021
9. City of New Britain correspondence with Beth Alom Cemetery Association, Inc., October 4, 2021

C. Swear Witnesses

1. Erin Stewart, Mayor, City of New Britain
2. Justin Dorsey, Chief of Staff, 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. Closing by Connecticut Siting Council.