



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 506
Tuesday, December 21, 2021
2:00 p.m.
Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer

B. Motions

1. City of Middletown Request for Party Status, dated December 15, 2021
2. Talias Trail (Joseph Barbagallo, Kelly Pugliares and Michael Siteman) Request for Party Status, dated December 20, 2021

C. 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*
2. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, OET Bulletin No. 65, August 1997, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf*
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 2020*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, August 2021, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202108-508.pdf>
20. FEDERAL COMMUNICATIONS COMMISSION, *Public Notice – Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012*, DA 12-2407, January 25, 2013, available at https://apps.fcc.gov/edocs_public/attachmatch/DA-12-2047A1.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>
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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Connecticut Siting Council

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32. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, available at <https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Disclaimer>
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
34. **PETITION NO. 1465** - New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a wireless telecommunications facility located at 499 Mile Lane, Middletown, Connecticut, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1461-1470/PE1465_ATT_Middletown
35. **FP-ATT-083-211214** - New Cingular Wireless PCS, LLC (AT&T) Request to Initiate Feasibility Proceeding for shared use of an existing municipal communications tower located at 499 Mile Lane, Middletown, Connecticut.

Department of Energy and Environmental Protection

36. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control*, DEP Bulletin 34, last revised November 2007, available at <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>
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40. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq.
41. STATE OF CONNECTICUT, DEPT. OF PUBLIC UTILITY CONTROL, Docket No. 08-06-19, DPUC Investigation into the Deployment of Distributed Antenna System (DAS) in the Public Rights of Way, September 29, 2010.
42. 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
43. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
44. PUBLIC UTILITIES REGULATORY AUTHORITY, *Connecticut Public Utilities Cybersecurity Action Plan*, April 6, 2016, available at <https://portal.ct.gov/-/media/DAS/BEST/Security-Services/Connecticut-Public-Utilities-Cybersecurity-Action-Plan-April-6-2016.pdf?la=en>

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Department of Transportation

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Other State Agencies

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ENVIRONMENTAL

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MAPS

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77. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Aquifer Protection Area Map for City of Middletown*, last updated August 26, 2019, available at <http://www.ct.gov/deep/cwp/view.asp?a=2685&q=322248>
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81. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
82. Mail-A-Map Street Map, Middletown, available at <http://mailamap.com/street-maps>
83. UNITED STATES GEOLOGICAL SURVEY, Interactive Topographical Map Viewer, available at <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.06>

D. State Agency comments

1. Connecticut Airport Authority Comments, dated October 26, 2021
2. Connecticut Council on Environmental Quality Comments, dated October 27, 2021

E. Municipal comments

II. Appearance by Applicant

Applicant: New Cingular Wireless, PCS, LLC (AT&T)
Representative: Christopher B. Fisher, Esq.
Cuddy & Feder LLP

A. Administrative Notice.

1. Connecticut State Division of Emergency Management and Homeland Security
<https://portal.ct.gov/DEHMS/EMergency-Management/Resources-For-Officials/Interoperable-Communications/FirstNet>
2. FirstNet for Connecticut:
<https://firstnet.gov/public-safety/firstnet-for/connecticut>

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by New Cingular Wireless, PCS, LLC (AT&T) and attachments, received October 6, 2021
2. Applicant's Affidavit of Publication and Certification of Service of Notice, dated October 19, 2021
3. Applicant's Affidavit of Sign Posting, dated November 22, 2021
4. Applicant's Responses to Council Interrogatories, Set One, and attachments dated November 23, 2021
 - a. Tower Structural Calculations, dated January 7, 2019
 - b. Redacted Option and Land Lease Agreement
5. Applicant's Pre-Hearing Submission/Witness Resumes, dated November 23, 2021
6. Applicant's Late-Filed Exhibits and Supplemental Submission, dated December 13, 2021
7. Applicant's Pre-Filed Testimony of Kelly Wade Bettuchi, AT&T, dated December 13, 2021

C. Swear Witnesses

1. Scott Pike, Project Manager, Smartlink, LLC
2. Brian Gaudet, Project Manager, All Points Technology Corp., P.C.
3. Daniel Hamm, Professional Engineer, Hudson Design Group, LLC
4. Martin Lavin, Radio Frequency Engineer, C-Squared Systems
5. Kelly Wade Bettuchi, Regional Director, External & Legislative Affairs, AT&T

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

E. Cross Examination.

1. Council
 2. City of Middletown
 3. Talias Trail (Mr. Barbagallo, Ms. Pugliares and Mr. Siteman)
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III. Appearance by Party: City of Middletown (City)

Representative: Christopher J. Forte, Esq.
Assistant General Counsel
City of Middletown

A. Administrative Notice.

B. Exhibits for Identification

1. City of Middletown's Waiver of the Municipal Consultation, received October 4, 2021
2. Pre-Filed Testimony of Wayne Bartolotta, Director, City of Middletown Central Communications, dated December 13, 2021
3. City of Middletown Request for Party Status, dated December 15, 2021

C. Swear Witness

1. Wayne Bartolotta, Director, City of Middletown Central Communications

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

E. Cross Examination.

1. Council
2. Applicant
3. Talias Trail (Mr. Barbagallo, Ms. Pugliares and Mr. Siteman)

IV. Appearance by Party:

Talias Trail (TT)

Representatives:

Joseph Barbagallo
Kelly Pugliares
Michael Siteman

A. Administrative Notice.

B. Exhibits for Identification

1. Pre-Filed Testimony of Michael Siteman, dated October 1, 2021
2. Pre-Filed Testimony of Kelly Pugliares, dated October 1, 2021
3. Pre-Filed Testimony of Joseph Barbagallo, dated November 30, 2021
4. Additional Pre-Filed Testimony of Joseph Barbagallo, dated December 8, 2021
5. Additional Pre-Filed Testimony of Kelly Pugliares, dated December 13, 2021
6. Talias Trail (Joseph Barbagallo, Kelly Pugliares and Michael Siteman) Request for Party Status, dated December 20, 2021

C. Swear Witnesses

1. Joseph Barbagallo, 59 Talias Trail
2. Kelly Pugliares, 50 Talias Trail
3. Michael Siteman, 29 Talias Trail

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

E. Cross Examination.

1. Council
2. Applicant
3. City of Middletown

V. Continuation by Connecticut Siting Council