



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 506
Thursday, February 3, 2022
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
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/cmas-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
17. FEDERAL AVIATION ADMINISTRATION, *Specification for Obstruction Lighting Equipment, Advisory Circular AC No. 150/5345-43J*, March 11, 2019, *available at* https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5345-43J.pdf

18. FEDERAL COMMUNICATIONS COMMISSION, *Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs*, January 6, 2017, available at <https://www.fws.gov/migratorybirds/pdf/management/fccopportunitiestoreducebirdcollisions.pdf>
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
21. FEDERAL COMMUNICATIONS COMMISSION, *Connecting America: The National Broadband Plan*, 2010, available at <http://www.broadband.gov/plan/>
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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>
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>
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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STATE

Connecticut Siting Council

30. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Plan for Wireless Telecommunications Coverage*, Revised October 2018, available at <https://portal.ct.gov/-/media/CSC/Publications/2018TELCOMPLANFINALpdf.pdf>
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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.

36. **TS-SPRINT-159-030630** - Sprint Spectrum, L.P. d/b/a Sprint PCS request for an order to approve tower sharing at an existing telecommunications facility located at 23 Kelleher Court, Wethersfield, Connecticut. Record and Final Decision available at https://portal.ct.gov/CSC/2_Facility/Facility/Facility-List---Wethersfield
37. **SUB-PETITION NO. 1293-BMM-01 (Berlin, Middletown & Middlefield)** – Eversource Energy declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for all transmission facility asset condition maintenance improvements statewide to comply with the updated National Electrical Safety Code clearance requirements. Record. Mapsheet 16 of 18, available at https://portal.ct.gov/CSC/2_Facility/Facility/Facility-List---Berlin

Department of Energy and Environmental Protection

38. 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>
39. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004 and appendices, available at http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654
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Department of Transportation

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Other State Agencies

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61. *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997).
62. *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007).
63. *Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection*, 324 Conn. 362 (2016).

TECHNICAL

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ENVIRONMENTAL

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MAPS

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83. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, *available at* <http://netapp.audubon.org/iba/state/US-CT>

84. Mail-A-Map Street Map, Middletown, *available at* <http://mailamap.com/street-maps>

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C. State Agency comments

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

D. 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, *available at:* <https://portal.ct.gov/DEHMS/EMergency-Management/Resources-For-Officials/Interoperable-Communications/FirstNet>
2. FirstNet for Connecticut, *available at:* <https://firstnet.gov/public-safety/firstnet-for/connecticut>
3. Connecticut Siting Council Docket No. Docket 442, Norwalk, Opinion (Siting Council Opinion and approval of a Certificate for two 140' unipoles instead of one monopole to address unique environmental factors and finding that a tower facility with two towers would not constitute the unnecessary proliferation of towers), *available at:* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-442--Norwalk
4. Connecticut Siting Council Docket No. 388, Woodbridge, Findings of Fact (Eversource/CL&P policy does not permit carriers to install altogether new towers in its rights of way and further limits replacement poles due to maintenance and repair complications and thus not an alternative to a new tower site in Woodbridge), *available at:* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-No-388--Woodbridge
5. Connecticut Siting Council Petition No. 200 and Sub-Petition No. 1293-MB-01, (Staff report and photos of typical wood utility poles in transmission line corridor in this area of Middletown), *available at:* https://portal.ct.gov/lib/csc/pending_petitions/2_petitions_1201through1300/pe1293/middletown-berlin/pe1293_filing_mb_01_berlin_middletown.pdf
https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1291-1300/Petition-No-1293Eversource

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
8. Applicant's Response to Talias Trail Interrogatories, dated January 25, 2022
9. Applicant's Late-Filed Exhibits and Supplemental Submission, dated January 26, 2022

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)

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's Request for Party Status, dated December 15, 2021
4. City of Middletown's Responses to Talias Trail Interrogatories, dated January 26, 2022

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. Closing by Connecticut Siting Council