



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

December 20, 2021

Christopher Forte, Esq.
Assistant General Counsel
City of Middletown
245 deKoven Drive
Middletown, CT 06457
Christopher.forte@MiddletownCT.gov

RE: **DOCKET NO. 506** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a wireless telecommunications facility located at 499 Mile Lane, Middletown, Connecticut.

Dear Attorney Forte:

The Connecticut Siting Council (Council) is in receipt of your correspondence of December 15, 2021, requesting Party status for the City of Middletown in Docket No. 506.

The Council does not have a meeting scheduled at which this matter could be taken up as an order of business before the December 21, 2021 hearing date for this matter. Therefore, your request will be taken up as an order of business during the 2:00 p.m. evidentiary session of the hearing on Tuesday, December 21, 2021 via Zoom conferencing. Copies of the application are available at the Middletown City Clerk's Office. All documents filed to date are available on our website at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-506.

Enclosed please find the Council's Information Guide to Party and Intervenor Status and the Council Continuation of the Evidentiary Hearing Session Memorandum, dated December 1, 2021 which includes Instructions for Public Access to the Remote Continued Evidentiary Public Hearing Session.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Bachman'.

Melanie Bachman
Executive Director

MB/MP/laf

Enclosures

c: Service List, dated October 6, 2021
Talias Trail (Joseph Barbagallo, Kelly Pugliares, Michael Siteman)
(barbagalloja@yahoo.com; Kelly.pugliares@gmail.com; Mike.siteman@gmail.com)



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CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors will receive documents via e-mail. If a party or intervenor prefer to have hard copies of documents via regular mail, they must notify the Council in writing. Also, documents filed with the Council must contain one original, 15 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on (date)." Signature and printed name of the sender.

Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office or by telephone. All parties and intervenors are requested to attend or participate. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.
- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.
- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed

testimony of the applicant or pre-filed testimony of other parties and intervenors in the proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.

- D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Transportation. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.
- E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.
- F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:
1. Opening Statement from the Council Chairman
 2. Administrative Notice Items of the Council
 3. **Applicant’s Appearance**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of the Applicant by:
 - i. Council
 - ii. Party
 - iii. Intervenor
 4. **Appearance by Party**

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
- b. Swear Witnesses
- c. Cross Examination of Party by:
 - i. Council
 - ii. Applicant
 - iii. Intervenor

5. Appearance by Intervenor

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
- b. Swear Witnesses
- c. Cross Examination of Intervenor by:
 - i. Council
 - ii. Applicant
 - iii. Party

6. Oral Limited Appearance Statements/Public Comment Session

- this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
- members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements

- 7. Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

G. Post-Hearing Procedure: At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

1. 30 Day Written Limited Appearance/Public Comment Period: Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.

2. Post Hearing Brief and Proposed Findings of Fact Schedule: Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.

3. Draft Findings of Fact Issued by Council: The Council will issue draft findings of fact from the record to be issued as part of the final decision.

Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.

- 4. Final Decision:** The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.



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VIA ELECTRONIC MAIL

December 1, 2021

TO: Service List, dated October 6, 2021

FROM: Melanie Bachman, Executive Director *MAB*

RE: **DOCKET NO. 506** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a wireless telecommunications facility located at 499 Mile Lane, Middletown, Connecticut.

Continuation of Evidentiary Hearing

The Connecticut Siting Council (Council) shall continue the evidentiary hearing for the above-referenced proceeding on Tuesday, December 21, 2021, via Zoom conferencing, beginning at **2:00 p.m.** A copy of the Instructions for Access to the Continued Evidentiary Hearing is attached.

The hearing shall commence with the appearance of the Applicant for cross examination on new exhibits by the Council.

Applicant's Late-Filed Exhibits

During the November 30, 2021 evidentiary hearing, the Council requested that AT&T submit the following information as late-filed exhibits:

- a) Estimate the number of small cell facilities on utility poles that would be necessary to provide AT&T's target coverage;
- b) Provide a map depicting the prime farmland soils on the subject property and the proposed compound expansion area;
- c) Provide a map of wetlands on the subject property and the proposed compound expansion area;
- d) Provide a copy of any wetland delineation/inspection reports for the subject property;
- e) Provide an updated noise study taking into the account the proposed compound expansion area location and generator model and fuel source;
- f) Provide statistics on dropped calls and/or ineffective attempts in the vicinity of the proposed facility;
- g) Provide a review of the Natural Diversity Database regarding possible impacts to state-listed species and any associated mitigation measures; and
- h) Determine if the increase in centerline height from approximately 150 feet to 180 feet associated with co-locating on the existing lattice tower would reduce the need for additional AT&T facilities in the area, and if yes, indicate which areas this would occur, and provide any cost benefits associated with fewer needed facilities.

The Council requests these late-field exhibits be submitted to the Council before the close of business on **December 14, 2021.**

To save the time and expense of the parties and the public, and to conclude this proceeding in a timely fashion, additional pre-filed testimony as well as any supplemental information requested from the Applicant during the November 30, 2021 hearing should be submitted to the Council on or before **December 14, 2021**.

Any request for an extension of time to submit pre-filed testimony and 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.

MAB/MP

Enclosure: Instructions for Public Access to Docket No. 506 Remote Continued Evidentiary Hearing Session

c: Council Members
Pryme Tyme Entertainment
BCT Reporting LLC

Instructions for Public Access to Docket No. 506 Remote Continued Evidentiary Public Hearing Session – December 21, 2021 – 2 PM

PLEASE NOTE:

- Interested persons may join 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 Hearing Session

1. Attendees can join by clicking (or entering) the following link:
<https://us06web.zoom.us/j/84849351259?pwd=MjVMYXNFVDBtd1JFdGJtM1kzcFpzZz09>
from a computer, smartphone, or tablet. No prior software download is required.
Meeting ID: 848 4935 1259 and Passcode: 5yBbd9
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: 848 4935 1259 and Passcode: 430654** 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.

No public comments will be received during the continued evidentiary hearing session.