



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](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

Hearing Program

Docket No. 511

Thursday, October 6, 2022

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](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](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](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>
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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](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](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>

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22. FEDERAL COMMUNICATIONS COMMISSION, *Text-to-911: Quick Facts & FAQs*, June 2013, available at <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.
23. FEDERAL COMMUNICATIONS COMMISSION, *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, et al, *Wireless Infrastructure Report and Order*, FCC 14-153, October 21, 2014, available at <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>
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>
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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>
31. STATE OF CONNECTICUT SITING COUNCIL, *Telecommunications Facilities: An Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation, Version II*, available at <https://portal.ct.gov/-/media/CSC/CSCtower307pdf.pdf>
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](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432)
34. **PETITION NO. 1467** - Barrett Outdoor Communications, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed relocation of existing non-tower antenna arrays from a non-jurisdictional billboard located at 28 Sidney Street to a new telecommunications facility proposed to be constructed, maintained and operated at 200 East Main Street, Rear, Stratford, Connecticut, available at [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1461-1470/PE1467-Barrett\\_Stratford](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1461-1470/PE1467-Barrett_Stratford)

### **Department of Energy and Environmental Protection**

35. 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>
36. 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](http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654)
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38. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective April 15, 2014, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq.

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41. 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](https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/nongame/ETS15pdf.pdf)
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#### **Department of Transportation**

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#### **Other State Agencies**

48. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies Plan for Connecticut 2018-2023*, May 4, 2022 available at <https://portal.ct.gov/OPM/IGPP/ORG/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>

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## **TECHNICAL**

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#### **ENVIRONMENTAL**

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65. UNITED STATES ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT, *Vernal Pool Best Management Practices*, January 2015, available at <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/VernalPools/VPBMPsJan2015.pdf>
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## **MAPS**

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77. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
78. Mail-A-Map Street Map, Town of Stratford and City of Milford, available at <http://mailamap.com/street-maps>
79. UNITED STATES GEOLOGICAL SURVEY, Interactive Topographical Map Viewer, available at <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.06>

## C. State Agency comments

1. Connecticut Airport Authority Comments, dated August 26, 2022



II. Appearance by Applicant

Applicant: Barrett Outdoor Communications, Inc. (BOC)

Representative: Jesse A. Langer, Esq.  
Updike, Kelly & Spellacy, P.C.

A. Administrative Notice.

1. **PETITION NO. 1467** - Barrett Outdoor Communications, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed relocation of existing non-tower antenna arrays from a non-jurisdictional billboard located at 28 Sidney Street to a new telecommunications facility proposed to be constructed, maintained and operated at 200 East Main Street, Rear, Stratford, Connecticut, Record, available at [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1461-1470/PE1467-Barrett\\_Stratford](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1461-1470/PE1467-Barrett_Stratford)

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Barrett Outdoor Communications, received July 25, 2022, and attachments.
2. Applicant's Affidavit of Publication, dated July 29, 2022
3. Applicant's Sign Posting Affidavit, dated September 9, 2022
4. Applicant's Responses to Council Interrogatories, Set One, dated September 22, 2022

C. Swear Witnesses

1. John E. Barrett, Vice President, Barrett Outdoor Communications, Inc.
2. Chuck Regulbuto, Director of Operations, Northeast Site Solutions, LLC
3. Dean Gustafson, Manager – Natural Resources, Professional Soil Scientist, All-Points Technology Corporation, P.C.
4. Jason R. Mead, P.E., Department Manager – Structural Services, All-Points Technology Corporation, P.C.
5. Brian Gaudet, Project Manager, All-Points Technology Corporation, P.C.

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

E. Cross Examination.

1. Council
2. Dish Wireless
3. Verizon Wireless
4. AT&T

III. Appearance by Intervenor: Dish Wireless, LLC (DISH)

Representative: Daniel Patrick, Esq.  
Christopher B. Fisher, Esq.  
Cuddy & Feder LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Dish's Request to Intervene, dated July 27, 2022
2. Dish's Responses to Council Interrogatories, Set One, dated September 23, 2022

C. Swear Witnesses

1. Pawan Madahar, Radio Frequency Engineer, Dish Wireless, LLC
2. Austin Pappas, Senior Site Acquisition Specialist and Project Manager, Dish Wireless, LLC
3. Michael Jones, President, M & K Development
4. Leo Dugan, Associate Corporation Counsel, Dish Wireless, LLC

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

E. Cross Examination.

1. Council
  2. Applicant
  3. Verizon Wireless
  4. AT&T
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IV. Appearance by Intervenor: Cellco Partnership d/b/a Verizon Wireless (VER)

Representative: Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Verizon's Request to Intervene, dated August 9, 2022
2. Verizon's Responses to Council Interrogatories, Set One, dated September 21, 2022

C. Swear Witnesses

1. Shiva Gadasu, Radio Frequency Engineer, Verizon Wireless
2. Anthony Befera, Principal Engineer – Real Estate/Regulatory, Verizon Wireless

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

E. Cross Examination.

1. Council
2. Applicant
3. Dish Wireless
4. AT&T

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V. Appearance by Intervenor: New Cingular Wireless PCS, LLC d/b/a  
AT&T (ATT)

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

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. AT&T's Request to Intervene, dated August 10, 2022
2. AT&T's Responses to Council Interrogatories, Set One, dated September 20, 2022
3. AT&T's Pre-Filed Testimony of Martin J. Lavin, dated September 29, 2022
4. AT&T's Pre-Filed Testimony of Daniel Bilezikian, dated September 29, 2022

C. Swear Witnesses

1. Martin J. Lavin, Senior RF Engineer, C2 Systems, LLC
2. Daniel Bilezikian, Site Acquisition Specialist, SAI Communications, Inc.

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

E. Cross Examination.

1. Council
2. Applicant
3. Dish Wireless
4. Verizon Wireless

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VI. Continuation or Closing by Connecticut Siting Council.