



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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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
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>
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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 March 2021, *available at* <https://www.fws.gov/sites/default/files/documents/usfws-communication-tower-guidance.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>
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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>
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

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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. 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

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>
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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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40. 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.
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
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Department of Transportation

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Other State Agencies

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TECHNICAL

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ENVIRONMENTAL

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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

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.
Kristen Motel, 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

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

VI. Closing by Connecticut Siting Council.