

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: www.ct.gov/csc

VIA ELECTRONIC MAIL

March 22, 2023

TO: Service List dated March 2, 2023

FROM: Melanie A. Bachman, Executive Director

RE: **DOCKET NO. 513** - Cellco Partnership d/b/a Verizon Wireless application for a

Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Parcel No.

258-10C-001, Mason Hill Road, Litchfield, Connecticut.

The Connecticut Siting Council (Council) will hold a pre-hearing conference via Zoom Remote Conferencing on procedural matters on Wednesday, March 29, 2023, beginning at 11:00 a.m. All parties and intervenors are requested to participate. The purpose of this pre-hearing conference is to expedite the hearing procedure without sacrificing an informative record necessary for the Council to render a decision.

Join Zoom Meeting

https://us06web.zoom.us/j/81461362966?pwd=NDZld2g3YkxhWEZFcU1jUlRkZXBhUT09

Meeting ID: 814 6136 2966

Passcode: Bs6gaW

Dial +1 929 205 6099 US (New York)

Meeting ID: 814 6136 2966

Passcode: 756542

During the conference, parties and intervenors will be encouraged to discuss requirements for prefiled testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of prehearing interrogatories. To save the time and expense of the public, **the Council does not allow direct testimony** at the public hearing.

Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the public hearing.

For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the public hearing in the witness list.**

For the applicant, please indicate in writing who shall be the designated presenter during the 6:30 p.m. public comment session in the witness list and what site plan will be used for the presentation. Please submit the site plan(s) for the presentation as a separate pdf for posting to the Council's website.

MB/RDM/lm



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Connecticut Siting Council
Pre-Hearing Conference: Procedure for Public Hearing of May 4, 2023

DOCKET NO. 513 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Parcel No. 258-10C-001, Mason Hill Road, Litchfield, Connecticut.

Pre-hearing Procedure

- 1. On or before April 20, 2023, all parties and intervenors are requested to electronically exchange pre-hearing interrogatories with all other parties and intervenors.
- 2. On or before April 27, 2023, all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the public hearing in the witness list.** To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
- 3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to electronically file a written petition with the Council on or before April 27, 2023.
- 4. Pursuant to § 16-50j-21 of the Regulations of Connecticut State Agencies (RCSA), at least ten days prior to the public hearing, the applicant shall erect and maintain, in a legible condition, a sign not less than six feet by four feet along a public road at or in the vicinity of where the proposed facility would be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). The sign shall not be removed from the site until after the commencement of the evening public comment session.
- 5. Attached is a list of the Council's administrative notice items. Objections to any item on the list should be sent to the Council before the remote hearing.

Hearing Procedure

6. The 2:00 p.m., May 4, 2023, evidentiary hearing session will provide the applicant, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The applicant will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the applicant and all other parties and intervenors.

- 7. The order of appearances and cross-examination will be governed by a Hearing Program developed by the Council for the proceeding. The Council will issue the Hearing Program prior to the public hearing.
- 8. All microphones will be muted upon entry into the Zoom meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
- 9. If any party or intervenor designated representative or witness is using the Zoom dialin option from a telephone, the phone number and name of the person must be provided in writing to the Council in advance so the phone number can be matched with the appropriate designated representative or witness. If the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.
- 10. The 6:30 p.m. public comment session on May 4, 2023, will be reserved for the public to make oral limited appearance statements. Public statements will be limited to 3 minutes. The Council requests that the applicant conduct a brief presentation prior to public comment, describing proposed facility features from a site plan already submitted into the record. For the applicant, please indicate in writing who shall be the designated presenter during the 6:30 p.m. public comment session in the witness list. This site plan will be projected on the Zoom meeting screen during the public comment session.
- 11. The Council may, at its discretion, group parties and intervenors with the same interests.
- 12. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
- 13. Pursuant to RCSA § 16-50j-15b, any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written limited appearance statements.
- 14. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
- 15. Any person may be removed from the evidentiary session and/or public comment session at the discretion of the Council.

Post-hearing procedure

- 16. A verbatim transcript of the evidentiary and public comment hearing sessions will be posted on the Council's project webpage and deposited with the Litchfield and Thomaston Town Clerk's Offices, for the convenience of the public.
- 17. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the public hearing.
- 18. Members of the public will be allowed to submit written limited appearance statements within 30 days after the close of the public hearing.
- 19. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.



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Administrative Notice List

FEDERAL

- 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
- 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
- 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
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- 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
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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.
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- 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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- 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. **DOCKET NO. 466** The Connecticut Light & Power Company d/b/a Eversource Energy Certificate of Environmental Compatibility and Public Need for the Frost Bridge to Campville 115-kilovolt (kV) electric transmission line project that traverses the municipalities of Watertown, Thomaston, Litchfield, and Harwinton, which consists of (a) construction, maintenance and operation of a new 115-kV overhead electric transmission line

entirely within existing Eversource right-of-way and associated facilities extending approximately 10.4 miles between Eversource's existing Frost Bridge Substation in the Town of Watertown and existing Campville Substation in the Town of Harwinton; (b) related modifications to Frost Bridge Substation and Campville Substation; and (c) reconfiguration of a 0.4 mile segment of two existing 115-kV electric transmission lines across the Naugatuck River in the Towns of Litchfield and Harwinton within the same existing right-of-way as the new 115-kV electric transmission line, *available at* https://portal.ct.gov/CSC/1_Applications/3_DocketNos400s/Docket-No-466--Frost-Bridge-to-Campville-Project

35. **PETITION NO. 1433** - The Connecticut Light and Power Company d/b/a Eversource Energy declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed 1191 Line Rebuild Project, consisting of the replacement and reconductoring of electric transmission line structures along approximately 10 miles of its existing No. 1191 115- kilovolt (kV) single-circuit electric transmission line within existing Eversource electric transmission line right-of-way between the existing Frost Bridge Substation in Watertown and the existing Campville Substation in Harwinton, Connecticut, traversing Watertown, Thomaston, Litchfield and Harwinton, Connecticut, and related electric transmission line structure improvements, *available at* https://portal.ct.gov/CSC/3 Petitions/Petition-Nos-1431-1440/Petition-No-1433-Eversource Watertown

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 <a href="https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control-Guidelines-for-Soil-Erosion-And-Sediment-Control-Guidelines-for-Soil-Erosion-And-Sediment-Cont
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- 38. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER PROTECTION AND LAND REUSE, PLANNING AND STANDARDS DIVISION, Water Quality Standards, Effective October 10, 2013, available at https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-Standards-and-Classification
- 39. 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.
- 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

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- 45. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, WETLANDS MANAGEMENT SECTION, Guidelines: Upland Review Area Regulations, Connecticut's Inland Wetlands and Watercourses Act, June 1997, available at https://portal.ct.gov/-/media/DEEP/water/wetlands/uplandreviewdocumentjune1997PDF.PDF?la=en

Department of Transportation

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Other State Agencies

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- 52. Final Report of the Two Storm Panel, January 9, 2012, *available at* http://www.governor.ct.gov/malloy/lib/malloy/two storm panel final report.pdf
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MAPS

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Instructions for Parties and Intervenors for Docket No. 513 Remote Public Hearing

- Attendees can join by clicking (or entering) the following link: https://us06web.zoom.us/j/88506522528?pwd=azVMWWQ5MUNhb0tuYnlhUytJZnA3dz09 from a computer, smartphone, or tablet. Meeting ID: 885 0652 2528 and Passcode: vUiX27 No prior software download is required.
- 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: 885 0652 2528 and Passcode: 870633 from a telephone
- 3. 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.
- 4. If any participant is using the dial-in option from a telephone, the phone number and name of the participant must be provided in advance so the phone number can be matched with the appropriate participant by NAME. If the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting. If using the link, unless the participant types in their name when entering the meeting, the email and name of the participant must be provided in advance so the email can be matched with the appropriate participant by NAME. If the NAME of the person is not typed in or provided when entering the meeting, they will not be admitted into the meeting. Please inform your witness panels.
- 5. 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.
- 6. The Presiding Officer will read an opening statement and cross examination of the applicant by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the applicant.
- 7. Once cross examination of the applicant by the Council and all parties and intervenors concludes, cross examination of the next party listed on the Hearing Program by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the appearing party.