

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL Ten Franklin Square, New Britain, CT 06051 Phone: (860) 827-2935 Fax: (860) 827-2950 E-Mail: <u>siting.council@ct.gov</u> Web Site: portal.ct.gov/csc

> Hearing Program Docket No. 515 Thursday, June 29, 2023 2:00 p.m./6:30 p.m. Zoom Remote Public Hearing

- I. Opening by Council
 - B. Administrative Notice taken by Council

FEDERAL

- 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/oet <u>56e4.pdf</u>
- 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/oet 65.pdf
- 3. FEDERAL COMMUNICATIONS COMMISSION, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order*, August 1, 1996, *available at* <u>https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf</u>
- 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* <u>https://transition.fcc.gov/Reports/tcom1996.pdf</u>
- 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* <u>https://transition.fcc.gov/pshs/docs/emergency-information/cmas-warn-act.pdf</u>
- Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b, as amended, *available at* <u>https://www.congress.gov/bill/106th-congress/housebill/438/text/ih</u>.
- 7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942, as amended, *available at* <u>https://www.gpo.gov/fdsys/pkg/PLAW-108publ494/pdf/PLAW-108publ494.pdf</u>
- Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment 2012, *available at* <u>https://www.gpo.gov/fdsys/pkg/PLAW-112pub196/pdf/PLAW-112pub196.pdf</u>

- 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*. <u>https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf</u>
- 10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310, as amended, *available at* <u>https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf</u>
- 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* <u>http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf</u>
- Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, available at <u>https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil</u>
- 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 <u>https://www.fws.gov/sites/default/files/documents/usfws-communication-towerguidance.pdf</u>
- 15. National Park Service, United States Department of the Interior, *National Register of Historic Places available at* <u>https://www.nps.gov/subjects/nationalregister/index.htm</u>
- 16. FEDERAL AVIATION ADMINISTRATION, Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M, November 16, 2020, available at <u>https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_74</u> <u>60_1M.pdf</u>
- 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, *Tower Owners: Save Birds, Save Money*, updated August 2, 2021, *available at <u>https://www.fcc.gov/guides/towers-and-birds</u>}</u>*
- Stephen J. Blumberg, et al, Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2021, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, May 2022, available at <u>https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202205.pdf</u>

- 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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- 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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- 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* <u>https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf</u>
- 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* <u>https://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.pdf</u>
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> 30. UNITED STATES FISH AND WILDLIFE SERVICE, New England Field Office, Addressing Northern Long-eared Bat, *available at <u>New England Field Office Endangered Species Act</u> <u>Project Review and Consultation | U.S. Fish & Wildlife Service (fws.gov)</u>*

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- 31. STATE OF CONNECTICUT SITING COUNCIL, Statewide Plan for Wireless Telecommunications Coverage, Revised October 2018, available at <u>https://portal.ct.gov/-/media/CSC/Publications/2018TELCOMPLANFINALpdf.pdf</u>
- 32. 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* <u>https://portal.ct.gov/-/media/CSC/CSCtower307pdf.pdf</u>
- 33. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, *available at* <u>https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Disclaimer</u>
- 34. DOCKET NO. 432 Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, available at <u>https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432</u>

Department of Energy and Environmental Protection

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- 39. 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., available at <u>https://eregulations.ct.gov/eRegsPortal/Browse/getDocument?guid=%7b60A3E155-0600-CEB3-8088-B39D9CA5974D%7d</u>
- 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* <u>https://portal.ct.gov/-</u>/media/DEEP/wildlife/pdf_files/nongame/ETS15pdf.pdf
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- 43. PUBLIC UTILITIES REGULATORY AUTHORITY, Connecticut Public Utilities Cybersecurity Action Plan, April 6, 2016, available at <u>https://portal.ct.gov/-/media/DAS/BEST/Security-</u> Services/Connecticut-Public-Utilities-Cybersecurity-Action-Plan-April-6-2016.pdf?la=en
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Other State Agencies

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- 50. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, Cell Phones Questions and Answers about Safety, May 2015, available at <u>https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/eoha/pdf/080415CellPhoneshealthmay2015FINALpdf.pdf?la=en</u>
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MAPS

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- 80. Mail-A-Map Street Map, Wilton, available at http://mailamap.com/street-maps
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- C. State Agency comments
 - 1. Connecticut Airport Authority Comments, dated April 17, 2023
- D. Municipal comments
- E. Telecommunications Carrier Comments

II. Appearance by Applicant

Applicant:

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. Application for a Certificate of Environmental Compatibility and Public Need filed by Cellco Partnership d/b/a Verizon Wireless, received March 17, 2023, and attachments and bulk file exhibits including:

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Bulk file exhibits:

- a. Town of Wilton Zoning Regulations
- b. Town of Wilton Inland Wetlands and Watercourses Regulations
- c. Town of Wilton Plan of Conservation and Development
- 2. Applicant's Affidavit of Publication in the *Norwalk Hour* Submission, dated March 20, 2023
- 3. Applicant's Responses to Council Interrogatories, Set One, dated May 18, 2023
- 4. Applicant's Sign Posting Affidavit, dated June 19, 2023
- 5. Applicant's Updated USFWS & NDDB Compliance Memorandum, dated June 20, 2023

C. Swear Witnesses

- 1. Timothy Parks, Real Estate/Regulatory Specialist, Verizon Wireless
- 2. Shiva Gadasu, Radio Frequency Engineer, Verizon Wireless
- 3. David Weinpahl, P.E., on Air Engineering, LLC
- 4. Brian Gaudet, Project Manager, All-Points Technology Corp. P.C.
- 5. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corp. P.C.
- D. Full Exhibits Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
 - 1. Council

III. Continuation or Evidentiary Record to Remain Open or Closing by Connecticut Siting Council.