



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 517

Tuesday, January 23, 2024

2:00 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>*
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>
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. 70/7460-1M*, November 16, 2020, *available at* https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.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. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Obstruction Evaluation Version 2023-Sep.3, Notice Criteria Tool* *available at* <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
19. FEDERAL COMMUNICATIONS COMMISSION, *Tower Owners: Save Birds, Save Money*, updated August 2, 2021, *available at* <https://www.fcc.gov/guides/towers-and-birds>

20. 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 <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202205.pdf>
21. 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
22. FEDERAL COMMUNICATIONS COMMISSION, *Connecting America: The National Broadband Plan*, 2010, available at <https://transition.fcc.gov/national-broadband-plan/national-broadband-plan.pdf>
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24. 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>
25. 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>
26. 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>
27. 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>
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*, *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

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34. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, available at <https://portal.ct.gov/CSC/Common-Elements/Common-lements/Connecticut-Siting-Council---Disclaimer>
35. **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
36. **DOCKET NO. 512** - Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 60 Vale Road, Brookfield, Connecticut. Record, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-512
37. STATE OF CONNECTICUT SITING COUNCIL, Petition 1589, July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, available at https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf

Department of Energy and Environmental Protection

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45. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
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47. 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>
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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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 83. Mail-A-Map Street Map, Redding, available at <http://mailamap.com/street-maps>
 84. UNITED STATES GEOLOGICAL SURVEY, *National Map Viewer*, available at [THE NATIONAL MAP - ADVANCED VIEWER](#)
- D. State Agency comments
1. Council on Environmental Quality, dated August 23, 2023

II. Appearance by Applicant

Applicant: MCM Holdings, LLC (**MCM**)

Representatives: Lucia Chiocchio, Esq.
Daniel Patrick, Esq.
Cuddy & Feder, LLP

A. Administrative Notice.

1. **DOCKET NO. 239** - National Grid Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 229-231 Ashford Center Road, Ashford, Connecticut, *available at* <https://portal.ct.gov/CSC/Decisions/DocketLists/Docket-List-Nos1-499#Northeast>
2. **DOCKET NO. 315** - Optasite, Inc. and New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 29 Bogus Hill Road in New Fairfield, Connecticut, *available at*: <https://portal.ct.gov/CSC/Decisions/DocketLists/Docket-List-Nos1-499#301>

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by MCM Holdings, LLC, received August 15, 2023, and attachments and bulk file exhibits including:

Bulk file exhibits:
 - a. Town of Redding 2018 Town Plan of Conservation and Development, Adopted May 26, 2020, Effective June 12, 2020
 - b. Town of Redding Zoning Regulations, Effective February 1, 1986, Amended August 18, 2020
 - c. Town of Redding Zoning Map, Adopted February 1, 1986, Amended January 1, 2002
 - d. Town of Redding Inland Wetlands and Watercourses Regulations, Conservation Commission, Effective April 25, 2013
 - e. Technical Report
2. Applicant's Affidavit of Publication in the Danbury News-Times, dated October 5, 2023
3. Applicant's Responses to Council Interrogatories, Set One, dated November 1, 2023
4. Applicant's Redacted Lease Agreement, received November 1, 2023
5. Applicant's Signed Protective Order related to unredacted lease agreement, dated November 9, 2023
6. Applicant's Sign Posting Affidavit, dated November 14, 2023
7. Applicant's Witness Resumes, received November 15, 2023
8. Applicant's Responses to Villamizar Interrogatories, Set One, dated November 20, 2023
9. Applicant's Responses to Fogle Interrogatories, Set One, dated November 20, 2023
10. Applicant's Responses to DeLuca Interrogatories, Set One, dated November 20, 2023

11. Applicant's Responses to Marchant Farm, LLC Interrogatories, Set One, dated November 20, 2023
12. Applicant's Pre-filed Testimony of Virginia King, dated January 12, 2024
13. Applicant's Responses to Keyes Interrogatories, Set One, dated January 16, 2024
14. Applicant's Responses to Villamizar Interrogatories, Set Two, dated January 16, 2024
15. Applicant's Responses to DeLuca Interrogatory No. 6 to Verizon Wireless, Set Two, dated January 16, 2024
16. Applicant's Updated Drawings, dated January 16, 2024

C. Swear Witnesses

1. Virginia King, Project Manager, MCM Holdings, Inc.
2. Jason Mead, P.E., Structural Engineering Department Manager, All Points Technology Corporation P.C.
3. Dean Gustafson, Professional Soil Scientist and Senior Wetland Scientist, All Points Technology Corporation P.C.
4. Matt Gustafson, Environmental Scientist, 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. Verizon Wireless (Attorney Baldwin)
3. Grouped Resident Intervenors (JoAnn Villamizar)
4. Grouped Business Intervenors

III. Appearance by Intervenor:

Cellco Partnership d/b/a Verizon
Wireless (**VER**)

Representatives:

Kenneth C. Baldwin, Esq.
Emily C. Deans, Esq.
Robinson + Cole LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Verizon Request for Intervenor Status, dated August 15, 2023
2. Verizon Responses to Council Interrogatories, Set One, dated November 1, 2023
3. Verizon Responses to DeLuca Interrogatories, Set One, dated November 20, 2023
4. Verizon Responses to Fogle Interrogatories, Set One, dated November 20, 2023
5. Verizon Responses to Villamizar Interrogatories, Set One, dated November 20, 2023
6. Verizon Responses to Marchant Farm, LLC Interrogatories, Set One, dated November 20, 2023
7. Verizon Responses to DeLuca Interrogatories, Set Two, dated January 16, 2024

8. Verizon Responses to Fogle Interrogatories, Set Two, dated January 16, 2024
9. Verizon Responses to Villamizar Interrogatories, Set Two, dated January 16, 2024
10. Verizon Responses to Keyes Interrogatories, Set One, dated January 16, 2024

C. Swear Witnesses

1. Shiva Gadasu, Radio Frequency Engineer, Verizon Wireless
2. Elizabeth Glidden, Real Estate/Regulatory Specialist, Verizon Wireless

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

E. Cross Examination.

1. Council
2. Applicant
3. Grouped Resident Intervenors (JoAnn Villamizar)
4. Grouped Business Intervenors

IV. Appearance by Grouped Resident Intervenors:

Dorothy DeLuca, JoAnn Villamizar, Danielle Caldwell, and Tim K. Keyes **(RES)**

Representative: JoAnn Villamizar

A. Administrative Notice.

B. Exhibits for Identification.

1. Dorothy DeLuca Request for Intervenor Status, dated August 23, 2023
2. JoAnn Villamizar Request for Intervenor Status, dated August 25, 2023
3. Danielle Caldwell Request for Intervenor Status, dated August 25, 2023
4. Danielle Caldwell Pre-filed Testimony, dated November 13, 2023
5. JoAnn Villamizar Pre-filed Testimony, dated November 15, 2023
6. Dorothy DeLuca Pre-filed Testimony, dated November 16, 2023
7. JoAnn Villamizar Additional Pre-filed Testimony, dated November 21, 2023
8. Tim K. Keyes Request for Intervenor Status, dated November 10, 2023
9. Danielle Caldwell Additional Pre-filed Testimony, dated January 12, 2024

C. Swear Witnesses

1. Dorothy DeLuca
2. JoAnn Villamizar
3. Danielle Caldwell
4. Tim K. Keyes

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

E. Cross Examination.

1. Council
2. Applicant
3. Verizon Wireless (Attorney Baldwin)
4. Grouped Business Intervenors

V. Appearance by Grouped Business Intervenors:

New Pond Farm Education Center (NPFEC) and Marchant Farm, LLC **(BUS)**

VI. Closing by Connecticut Siting Council.