

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. 520 Thursday, March 21, 2024 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/oet 56e4.pdf
- 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>
- 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* https://transition.fcc.gov/pshs/docs/emergency-information/cmas-warn-act.pdf
- 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 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 <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
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- 19. 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>*
- 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*

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- 23. FEDERAL COMMUNICATIONS COMMISSION, *Text-to-911: Quick Facts & FAQs*, June 2013, *available at http://www.fcc.gov/guides/text-911-quick-facts-faqs*.
- 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* <u>http://www.fcc.gov/document/wireless-infrastructure-report-and-order</u>
- 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* <u>https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf</u>
- 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* <u>https://docs.fcc.gov/public/attachments/FCC-20-75A1.pdf</u>

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- 32. 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>
- 33. 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>
- 34. 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>
- 35. STATE OF CONNECTICUT SITING COUNCIL, Docket 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>
- 36. STATE OF CONNECTICUT SITING COUNCIL, Docket 348 Sprint Nextel Corporation and The Connecticut Light and Power Company's application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located off of Cove Road, Haddam, Connecticut, Record, available at <u>https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-348--Haddam</u>
- 37. STATE OF CONNECTICUT SITING COUNCIL, Docket 520, December 1, 2023 and December 28, 2023 Council Correspondence regarding outstanding invoices and consideration of pending Verizon matters, *available at <u>https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-520</u>*

Docket No. 520 Hearing Program March 21, 2024 Pg. 5

- 38. STATE OF CONNECTICUT SITING COUNCIL, Petition 1589, July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, *available at* <u>https://portal.ct.gov/-/media/CSC/3_Petitions-</u> <u>medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-</u> <u>1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf</u>
- 39. STATE OF CONNECTICUT SITING COUNCIL, Petition 1616 Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed extension and modifications to an existing Connecticut Department of Emergency Services and Public Protection-owned telecommunications facility and installation of associated telecommunications equipment located at 194 Mount Parnassus Road, East Haddam, Connecticut, *available at* <u>https://portal.ct.gov/-/media/CSC/3_Petitions-</u> <u>medialibrary/Petitions_MediaLibrary/MediaPetitionNos1601-</u> <u>1700/PE1616/PetitionerSubmissions/Petition/PE1616_Filing_a.pdf</u>

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MAPS

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- 87. CONNECTICUT RIVER GATEWAY COMMISSION, Gateway Zone Interactive Map, *available at https://rivercog.maps.arcgis.com/apps/webappviewer/index.html?id=c874276f8cad4f2b85*
- II. Appearance by Applicants

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Applicants: Homeland Towers LLC and Cellco Partnership d/b/a Verizon Wireless (APP)

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 Homeland Towers, LLC and Cellco Partnership d/b/a Verizon Wireless, received November 29, 2023, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Technical Report
- b. Town of Haddam Zoning Regulations
- c. Town of Haddam Inland Wetlands and Watercourses Regulations
- d. Town of Haddam Plan of Conservation and Development
- 2. Applicants' Affidavit of Publication in *The Hartford Courant*, dated December 7, 2023
- 3. Applicants' Signed Protective Order Related to Unredacted Lease Agreement, dated January 4, 2024
- 4. Applicants' Responses to Council Interrogatories, Set One, dated March 8, 2024
- 5. Applicants' Sign Posting Affidavit, dated March 14, 2024
- C. Swear Witnesses
 - 1. Raymond Vergati, Regional Manager, Homeland Towers LLC
 - 2. Manny Vicente, President, Homeland Towers LLC
 - 3. Wesley Steven, Radio Frequency Engineer, Verizon Wireless
 - 4. Robert Burns, P.E., All-Points Technology Corporation P.C.
 - 5. Martin Brogie, Principal Environmental Scientist, Martin Brogie, Inc.
 - 6. 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
- III. Closing or Continuation by Connecticut Siting Council.