

STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 521
Thursday, June 13, 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/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/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/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, December 8, 2009, *available at* http://www.presidency.ucsb.edu/ws/index.php?pid=86954
- 12. Presidential Order No. 13616, Accelerating Broadband Infrastructure Development, 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
- 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_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. 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
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- 26. Federal Communications Commission, Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, *Fourth Report and Order and Declaratory Ruling*, FCC 23-109, January 12, 2024, *available at*https://www.federalregister.gov/documents/2024/01/12/2024-00416/accelerating-wireline-broadband-deployment-by-removing-barriers-to-infrastructure-investment
- 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://docs.fcc.gov/public/attachments/FCC-20-75A1.pdf

- 29. 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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- 31. United States Fish and Wildlife Service, New England Field Office, Addressing Northern Long-eared Bat, *available at* https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4

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- 33. Connecticut Siting Council, *Telecommunications Facilities: An Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation, Version II, available at* https://portal.ct.gov/-/media/CSC/CSCtower307pdf.pdf
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- 35. 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 https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432
- 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

37. Department of Energy and Environmental Protection, Connecticut Council on Soil and Water Conservation, Connecticut Guidelines for Soil Erosion and Sediment Control, effective date March 30, 2024, available at https://portal.ct.gov/-/media/DEEP/water/water quality management/Guidance/SESCG CleanFinal.pdf

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- 42. Department 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.
- 43. 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
- 44. Department of Energy and Environmental Protection, Bureau of Natural Resources, *Connecticut's Wildlife Action Plan*, 2015 Revision, *available at*https://portal.ct.gov/DEEP/Wildlife/CT-Wildlife-Action-Plan/CT-2015-Wildlife-Action-Plan
- 45. Public Utilities Regulatory Authority, Connecticut Public Utilities Cybersecurity Action Plan, May 2, 2018, *available at* https://portal.ct.gov/-/media/das/best/security-services/ct-cybersecurity-action-plan-final.pdf
- 46. Public Utilities Regulatory Authority, 2022 Connecticut Public Utility Annual Cybersecurity Report, March 31, 2023 available at https://portal.ct.gov/-/media/PURA/electric/2022-Connecticut-Public-Utility-Annual-Cybersecurity-Report.pdf
- 47. 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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Department of Transportation

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Other State Agencies

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- 52. Department of Public Health, Environmental and Occupational Health Assessment, Radiation Cell Phone Towers Questions and Answers about Health, May 2015, available at https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/eoha/pdf/051115CellPhoneTowerFINALpdf.pdf
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MAPS

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- 83. United States Geological Survey, National Map Viewer, *available at* https://apps.nationalmap.gov/viewer/
- D. State Agency comments
- E. Municipal comments
- F. Telecommunications Carrier Comments

II. Appearance l	by A	App]	licants:
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Applicants: Tarpon Towers III, 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 Tarpon Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless, received March 13, 2024, and attachments and bulk file exhibits including:

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Bulk file exhibits:

- a. Technical Report, dated December 11, 2023
- b. Town of Cheshire Zoning Regulations
- c. Town of Cheshire Inland Wetlands and Watercourses Regulations
- d. Town of Cheshire Plan of Conservation and Development
- 2. Applicants' Affidavit of Publication in the Record-Journal, dated March 27, 2024
- 3. Applicants' Sign Posting Affidavit, dated May 29, 2024
- 4. Applicants' Responses to Council Interrogatories, Set One, dated May 30, 2024
- 5. Applicants' Signed Protective Order Related to Unredacted Lease Agreement, dated June 6, 2024
- 6. Applicants' Revised Attachment 2 to Responses to Council Interrogatories, received June 11, 2024

C. Swear Witnesses

- 1. Brett Buggeln, Chief Operating Officer, Tarpon Towers III, LLC
- 2. Tim Parks, Real Estate Regulatory Specialist, Verizon Wireless
- 3. Shiva Gadasu, Radio Frequency Engineer, Verizon Wireless
- 4. Robert Burns P.E., All-Points Technology Corporation P.C.
- 5. Matthew Gustafson, Wetland Scientist, Professional Soil Scientist, All-Points Technology Corporation P.C.
- 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.