



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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Hearing Program

Docket No. 489

Tuesday, September 15, 2020

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](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](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](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 August 2016, *available at* <https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* *available at* <https://www.nps.gov/nr/research/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](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf)
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24. FEDERAL COMMUNICATIONS COMMISSION, *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, *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, *Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
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## **STATE**

### **Connecticut Siting Council**

28. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Plan for Wireless Telecommunications Coverage*, Revised October 2018, available at [https://www.ct.gov/csc/lib/csc/publications/2018telcomplan\\_final.pdf](https://www.ct.gov/csc/lib/csc/publications/2018telcomplan_final.pdf)
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30. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, available at <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
31. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, available at <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=511254&PM=1>
32. **DOCKET NO. 485** - – MCM Holdings, LLC and 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 at one of two sites: 1542 Boston Post Road or at the end of Kirtland Street, Westbrook, Connecticut. available at [https://portal.ct.gov/CSC/1\\_Dockets-and-Other-Pending-Matters/Dockets/3\\_DocketNos400s/Docket-No-485--MCMVerizonWestbrook](https://portal.ct.gov/CSC/1_Dockets-and-Other-Pending-Matters/Dockets/3_DocketNos400s/Docket-No-485--MCMVerizonWestbrook)

**Department of Energy and Environmental Protection**

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38. 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.
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**Department of Transportation**

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**Other State Agencies**

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## **TECHNICAL**

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## **ENVIRONMENTAL**

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## **MAPS**

69. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Norwalk*, (last updated December 2019), available at <https://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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C. State Agency comments

1. Council on Environmental Quality Comments, dated May 1, 2020

D. Municipal comments

E. Telecommunications Carrier Comments

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## II. Joint Appearance by Applicant and Intervenor

Applicant: The First Taxing District Water Department

Representative: Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP

Appearance by Intervenor: New Cingular Wireless PCS, LLC (AT&T)

Representatives: Kristen Motel, Esq.  
Lucia Chiocchio, Esq.  
Cuddy & Feder, LLP

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by The First Taxing District Water Department, received March 17, 2020, and attachments and bulk file exhibits including:



Bulk file exhibits:

- a. Technical Report, dated October 31, 2020
  - b. City of Norwalk Zoning Regulations
  - c. City of Norwalk Inland Wetlands & Watercourses Regulations
  - d. City of Norwalk Plan of Conservation and Development
2. New Cingular Wireless PCS, LLC (AT&T) request to intervene, dated April 6, 2020
  3. Applicant's Responses to Council Interrogatories, Set One, dated April 23, 2020
  4. Applicant's Supplemental Responses to Interrogatory Nos. 14 and 30, dated June 2, 2020
  5. Applicant's Affidavit of Publication, dated June 11, 2020
  6. Applicant's Sign Posting Affidavit, dated July 13, 2020
  7. Applicant's Responses to Council Interrogatories, Set Two, dated July 27, 2020
  8. Applicant's Response to Interrogatory No. 50, Virtual Field Review, dated July 27, 2020

C. Swear Witnesses

1. Dominick DiGangi, P.E., General Manager, First Taxing District Water Department
2. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corp. P.C.
3. Jason Mead, All-Points Technology Corp. P.C.
4. Shiva Gadasu, RF Design Engineer, Verizon Wireless
5. Anthony Befera, Principal Engineer – Real Estate/Regulatory Verizon Wireless
6. Martin Lavin, RF Engineer, C-Squared Systems on behalf of AT&T
7. Dan Bilezikian, Site Consultant, SAI Group on behalf of AT&T
8. Alex Murillo, Sr. RF Engineer, T-Mobile
9. Hans Fiedler, Director, Network Engineering & Operations, Connecticut-Update New York, T-Mobile

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

E. Cross Examination.

1. Council

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III. Closing by Connecticut Siting Council.