



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL**

June 30, 2020

TO: Service List dated April 24, 2020

FROM: Melanie A. Bachman, Executive Director *MAB*

RE: **DOCKET NO. 489** – The First Taxing District Water Department of Norwalk application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 173 ½ West Rocks Road, Norwalk, Connecticut.

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The Connecticut Siting Council (Council) will hold a pre-remote hearing teleconference on procedural matters on Wednesday, July 8, 2020 beginning at 11:00 a.m. **All parties and intervenors are requested to participate.** The purpose of this pre-remote hearing teleconference is to expedite the remote hearing procedure without sacrificing an informative record necessary for the Council to render a decision.

Please use the call-in information below:

**Call number: 866-917-7557**

**Passcode: 9148525**

During the teleconference, parties and intervenors will be encouraged to discuss requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of pre-remote hearing interrogatories. To save the time and expense of the public, **the Council does not allow direct testimony** at the remote public hearing.

Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the remote public hearing.

For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the remote public hearing in the witness list.**

For the applicant, please indicate in writing who shall be the **designated presenter during the 6:30 p.m. remote public comment session in the witness list.**

MB/MP/lm



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### Connecticut Siting Council

Pre-remote Hearing Conference: Procedure for Remote Hearing of August 6, 2020

**DOCKET NO. 489** – The First Taxing District Water Department of Norwalk application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 173 ½ West Rocks Road, Norwalk, Connecticut.

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#### Pre-hearing Procedure

1. On or before July 16, 2020, all parties and intervenors are requested to electronically exchange pre-remote hearing interrogatories with all other parties and intervenors.
2. On or before July 30, 2020, all parties and intervenors are requested to file responses to pre-remote hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the remote hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to electronically file a written petition with the Council on or before July 30, 2020.
4. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the applicant shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to the property from a public road where each proposed facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the remote public hearing date, and contact information for the Council (Web site and phone number). **The sign shall not be removed from the site until after the commencement of the evening public comment session.**
5. Attached is a list of the Council's administrative notice items. Objections to any item on the list should be sent to the Council before the remote hearing.

#### Hearing Procedure

6. The 2:00 p.m., August 6, 2020, remote evidentiary hearing session will provide the applicant, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The applicant will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the applicant and all other parties and intervenors.
7. The order of appearances and cross-examination will be governed by a Hearing Program developed by the Council for the proceeding. The Council may issue a draft version of the Hearing Program to parties and intervenors prior to the remote hearing.

8. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
9. If any party or intervenor designated representative or witness is using the Zoom dial-in option from a telephone, the phone number and name of the person must be provided in writing to the Council in advance so the phone number can be matched with the appropriate designated representative or witness. **If the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.**
10. The 6:30 p.m. remote public comment session on August 6, 2020, will be reserved for the public to make brief statements into the record. **Public statements will be limited to 3 minutes.** The Council requests that the applicant conduct a brief presentation prior to remote public comment, describing site features from a site plan already submitted into the record. **The site plans will be projected on the Zoom meeting screen during the public comment session.**
11. The Council may, at its discretion, group parties and intervenors with the same interests.
12. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
13. Pursuant to Section 16-50j-15b of the Regulations of Connecticut State Agencies, any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
14. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
15. Any person may be removed from the Zoom remote evidentiary session or public comment session at the discretion of the Council.

#### **Post-hearing procedure**

16. A verbatim transcript of the remote hearing session will be posted on the Council's project webpage and deposited with the Norwalk City Clerk's Office, Norwalk, Connecticut for the convenience of the public.
17. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the remote hearing.
18. Members of the public will be allowed to submit written statements into the record within 30 days after the close of the remote hearing.
19. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.

Administrative Notice List  
Docket No. 489

**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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18. FEDERAL COMMUNICATIONS COMMISSION, *Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs*, January 6, 2017, available at <https://www.fws.gov/migratorybirds/pdf/management/fccopportunitiestoreducebirdcollisions.pdf>
19. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2017*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, June 2018, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201806.pdf>
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](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>.
23. FEDERAL COMMUNICATIONS COMMISSION, *Wireless Infrastructure Report and Order*, FCC 14-153, October 21, 2014, available at <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>
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>
27. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017, available at [https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2\\_054262](https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262)

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29. 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 [http://www.ct.gov/csc/lib/csc/csc\\_tower\\_3\\_07.pdf](http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf)
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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34. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004 and appendices, available at [http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav\\_GID=1654](http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654)
35. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER PROTECTION AND LAND REUSE, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, Effective October 10, 2013, available at <http://www.ct.gov/deep/lib/deep/regulations/22a/22a-426-1through9.pdf>
36. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective April 15, 2014, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq.

37. 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.
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.
39. 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 [http://www.ct.gov/deep/lib/deep/wildlife/pdf\\_files/nongame/ETS15.pdf](http://www.ct.gov/deep/lib/deep/wildlife/pdf_files/nongame/ETS15.pdf)
40. 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](http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review)
41. PUBLIC UTILITIES REGULATORY AUTHORITY, *Connecticut Public Utilities Cybersecurity Action Plan*, April 6, 2016, available at [http://www.ct.gov/pura/lib/pura/electric/cyber\\_report\\_April\\_6\\_2016.pdf](http://www.ct.gov/pura/lib/pura/electric/cyber_report_April_6_2016.pdf)
42. 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 [http://www.ct.gov/deep/lib/deep/water\\_inland/wetlands/upland\\_review\\_document\\_june1997.pdf](http://www.ct.gov/deep/lib/deep/water_inland/wetlands/upland_review_document_june1997.pdf)

#### **Department of Transportation**

43. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *ConnDOT Drainage Manual 2000*, last revised December 2003, available at <http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116>
44. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Policy Statement for Telecommunications Installations Within the State Highway Right of Way, Policy No. E&H.O. – 53*, August 7, 2006, available at [http://www.ct.gov/csc/lib/csc/row\\_ps.pdf](http://www.ct.gov/csc/lib/csc/row_ps.pdf)

#### **Other State Agencies**

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47. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, *Cell Phones – Questions and Answers about Safety*, May 2015, available at [http://www.ct.gov/dph/lib/dph/environmental\\_health/eoha/toxicology\\_risk\\_assessment/050815\\_cell\\_phones\\_final.pdf](http://www.ct.gov/dph/lib/dph/environmental_health/eoha/toxicology_risk_assessment/050815_cell_phones_final.pdf)



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49. Final Report of the Two Storm Panel, January 9, 2012, available at [http://www.governor.ct.gov/malloy/lib/malloy/two\\_storm\\_panel\\_final\\_report.pdf](http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf)
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53. STATE OF CONNECTICUT, EXECUTIVE ORDER NO. 7B, *Protection of Public Health and Safety During COVID-19 Pandemic and Response – Further Suspension or Modification of Statutes*, March 14, 2020, available at <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf>
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59. Letter from John R. Morissette, Manager of Transmission Siting and Permitting, The Connecticut Light and Power Company, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, February 19, 2010, available at [http://www.ct.gov/csc/lib/csc/pendingproceeds/docket\\_388/do388-20100312\\_supplemental\\_submission.pdf](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_388/do388-20100312_supplemental_submission.pdf)



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## **Instructions for Parties and Intervenors for Docket No. 489 Remote Public Hearing**

1. Attendees can join by clicking (or entering) the following link:  
<https://zoom.us/j/96405908998?pwd=Y3BtMTVlVmFrNTN3bzRjdkhRdFBnQT09> from a computer, smartphone, or tablet. No prior software download is required.
2. For audio-only participation, attendees can join by dialing in at **1 (929) 205 6099 (not toll free)** and then enter the **Meeting ID# 964 0590 8998** from a telephone.
3. All participants are requested to mute sound notifications on their computer, smartphone or tablet. Telephones are often equipped with a “do not disturb” feature for the dial-in option.
4. If any participant is using the **dial-in option from a telephone**, the phone number and name of the participant must be provided in advance so the phone number can be matched with the appropriate participant by NAME. **If the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.** If using the link, unless the participant types in their name when entering the meeting, the email and name of the participant must be provided in advance so the email can be matched with the appropriate participant by NAME. If the NAME of the person is not typed in or provided when entering the meeting, they will not be admitted into the meeting. Please inform your witness panels.
5. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
6. The Chair will read an opening statement and cross examination of the applicant by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the applicant.
7. Once cross examination of the applicant by the Council and all parties and intervenors concludes, cross examination of the next party listed on the Hearing Program by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the appearing party.