



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Web Site: www.ct.gov/csc

VIA ELECTRONIC MAIL

December 23, 2020

TO: Service List dated October 21, 2020

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

RE: **DOCKET NO. 495** - 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 located at 5151 Park Avenue, Fairfield, Connecticut.

The Connecticut Siting Council (Council) will hold a pre-remote hearing teleconference on procedural matters on Wednesday, December 30, 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 and what site plan will be used for the presentation.**

MB/RDM/lm



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Pre-Remote Hearing Conference: Procedure for Remote Hearing of January 21, 2021

DOCKET NO. 495 - 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 located at 5151 Park Avenue, Fairfield, Connecticut.

Pre-hearing Procedure

1. On or before January 7, 2021, all parties and intervenors are requested to electronically exchange pre-remote hearing interrogatories with all other parties and intervenors.
2. On or before January 14, 2021 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 January 14, 2021.
4. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten 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 the 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., January 21, 2021, 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 will issue the Hearing Program 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 January 21, 2021, 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 proposed facility features from a site plan already submitted into the record. **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. This site plan 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 Fairfield, Easton and Trumbull Town Clerks Offices and with the Bridgeport City Clerk's Office, 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.



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Administrative Notice List

Docket No. 495

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*
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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>*
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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
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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

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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
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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>

Department of Energy and Environmental Protection

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Department of Transportation

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Other State Agencies

44. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies Plan for Connecticut 2013-2018*, June 5, 2013, available at http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf
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http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/051115_cell_phone_tower_final.pdf

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60. 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
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MAPS

70. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Fairfield*, (last updated June 2020), available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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77. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection Fairfield, available at http://magic.lib.uconn.edu/topographic_maps.html

Instructions for Parties and Intervenors for Docket No. 495 Remote Public Hearing

1. Attendees can join by clicking (or entering) the following link:
<https://zoom.us/j/94332246369?pwd=NEJNRm8xcFU4T2hEdHZOR1BaR2I3dz09> from a computer, smartphone, or tablet. **Meeting ID: 943 3224 6369 and Passcode: MBbp5Y**
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: 943 3224 6369 and Passcode: 742983** 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 Presiding Officer 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.