



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 498
Tuesday, May 11, 2021
2:00/6:30 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
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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/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>
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<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/subjects/nationalregister/index.htm>
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<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*
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27. 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://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.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, *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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33. **DOCKET NO. 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

Department of Energy and Environmental Protection

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39. 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.
40. 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 https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/nongame/ETS15pdf.pdf
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Other State Agencies

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MAPS

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78. Mail-A-Map Street Map, Cheshire, available at <http://mailamap.com/street-maps>
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C. State Agency comments

1. Connecticut Airport Authority Comments, dated April 14, 2021
2. Department of Public Health - Drinking Water Section Comments, dated May 5, 2021

II. Joint Appearance by Applicant and Intervenor

Applicant:	Diamond Towers V, LLC (DT-V)
Representatives:	Christopher B. Fisher, Esq. Kristen Motel, Esq. Cuddy & Feder, LLP
Intervenor:	Cellco Partnership d/b/a Verizon Wireless (VER)
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 Diamond Towers V, LLC, received March 11, 2021, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Cheshire Connecticut 2016 Plan of Conservation and Development
 - b. Town of Cheshire Zoning Regulations
 - c. Town of Cheshire Zoning Map
 - d. Town of Cheshire Inland Wetlands and Watercourses Regulations
 - e. Technical Report
2. Verizon's Petition to Intervene, dated March 16, 2021
 3. Applicant's Affidavit of Publication, dated March 24, 2021
 4. Applicant's Responses to Council Interrogatories, Set One, dated May 3, 2021
 5. Applicant's Sign Posting Affidavit, dated May 4, 2021
 6. Applicant's Witness Resumes, dated May 4, 2021
 7. Verizon's Responses to Council Interrogatories, Set One, dated May 4, 2021
 8. Protective Order related to unredacted lease agreement, signed May 6, 2021

C. Swear Witnesses

1. Scott Von Rein, Vice President of Construction & Engineering-Utility Assets, Diamond Communications
2. Tyler Peters, Business Development Manager, Diamond Communications
3. Robert Burns, P.E., Project Manager, All Points Technology Corp. P.C.
4. Brian Gaudet, P.E., Project Manager, All Points Technology Corp. P.C.
5. Ziad Cheiban, Radio Frequency Engineer, Verizon Wireless
6. Tim Parks, Real Estate Regulatory Specialist, Verizon Wireless

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

E. Cross Examination.

1. Council

III. Closing by Connecticut Siting Council.