

STATE OF CONNECTICUT
SITING COUNCIL

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 188, ROUTE 7 SOUTH,
FALLS VILLAGE (CANAAN), CONNECTICUT

DOCKET NO. 360

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CONNECTICUT
SITING COUNCIL

**PROPOSED FINDINGS SUBMITTED ON BEHALF
OF INTERVENOR DINA JAEGER**

The following proposed findings are submitted on behalf of Intervenor Dina Jaeger in opposition to Cellco's application to erect a cell tower on Falls Village Volunteer Fire Department property alongside Route 7 in Falls Village, Connecticut. The "IJ" designations refer to exhibits offered into evidence by Intervenor Jaeger.

PROPOSED FINDINGS

1. The sole evidentiary showing of "public need" by Applicant is a data record of Verizon "dropped" and "ineffective attempt" calls at unspecified locations in the adjoining cells which are de minimus in number and are not identified as to locations in the proposed coverage area, and could have occurred any place in the adjoining cell areas, and for any reason. (Restrepo Affidavit, August 11, 2008.)
2. Applicant has not demonstrated that there are no alternative sites available that would be less intrusive or less harmful to the environment.
3. Applicant has not demonstrated why co-locating or roaming arrangements are not feasible with one of the four existing providers who presently serve this area.
4. According to its representatives' testimony, Applicant met with the First Selectman in late October, 2007. At a meeting of the Board of Selectmen in November, 2007, a member of the Board asked about the status of the proposed tower application and was told by the First Selectman that "the CT Siting Council has not yet forwarded anything to us in writing regarding the proposed tower." (IJ76)

5. If, as applicant testified, its October, 2007 visit was intended to fulfill the requirements of a statutory "municipal consultation," there was no meeting of the minds. Therefore the purported "consultation" with the "municipality" was never implemented. (IJ76, Application, p. 19)
6. In 2005 a scientific study in Austria of a random cross-section of inhabitants living near cell towers ("base stations") showed that people living for more than one year near the towers experienced headaches, vertigo, palpitations, tremors, hot flashes, sweating, loss of appetite, loss of energy, exhaustion, tiredness, difficulties in concentration, and stress. (IJ34)
7. In 2003 a scientific study in France of a random cross-section of inhabitants living near cell towers ("base stations") showed that persons living close to cell towers experienced nausea, loss of appetite, visual disturbances and difficulty in moving. Those living within 100 meters of base stations experienced irritability, depressive tendencies, difficulties in concentration, loss of memory, dizziness, and lowering of libido. For persons living in the zone of 100 to 200 meters from base stations, the symptoms experienced included headaches, sleep disruption, feelings of discomfort and skin problems. Beyond 200 meters, the principle symptom was fatigue. (IJ35)
8. A group of doctors in Bavaria, Germany, reported in 2005 observations of patients living in the vicinity of cell towers ("base stations") experienced the following symptoms: sleep disturbance, tiredness, headache, restlessness, lethargy, irritability, inability to concentrate, forgetfulness, depression, impaired hearing, dizziness, nose bleeds, visual disturbances, joint and muscle pains, palpitations, increased blood pressure, hormone disturbances, nocturnal sweating and nausea. (IJ36)
9. In 2003, in a double-blind study conducted in the Netherlands of subjective complaints of persons exposed to wireless signals found a statistically significant relation between exposure to wireless signal and cognitive impairment including anxiety, inadequacy, reaction time, visual selection. (IJ37)
10. In 2003 a scientific study in Spain of persons exposed to wireless signals for more than six hours a day, seven days a week, at power levels far below safety guidelines, experienced symptoms such as fatigue, irritability, headache, nausea, appetite loss, discomfort, gait difficulty, sleep disturbance, depression, difficulty in concentration, memory loss, dizziness, skin alterations, visual dysfunction, auditory dysfunction and cardiovascular alterations. (IJ38)
11. In 2004 a scientific study in Sweden concluded that there was an increase in malignant melanomas of the skin related to pulsed signals from FM broadcasting antennas in Sweden, Norway and Denmark attributed to impairment of the skin repair mechanism by electronic radiation. (IJ39)

12. In 2000 as a result of scientific studies in the United Kingdom, the UK Department of Health recommended a "precautionary approach" to the placement of base stations "until more research findings become available." (IJ40)

13. In 2004 the International Association of Firefighters (IAFF) reported that some firefighters with cell towers currently located on their fire stations are experiencing symptoms that "put our first responders at risk." The IAFF specifically referred to headaches, slow response and clouded ability to make decisions caused by "a sort of brain fog" they attributed to the presence of these cell towers. At their 2004 annual convention, the IAFF members passed a resolution to study the health effects of cell towers located on fire stations and urged a moratorium on the placement of new cell towers on fire stations until the completion of the study. (IJ41)

14. In 2006 a group of scientists meeting at Benevento, Italy adopted a resolution urging a "precautionary approach" to the exposure of people to EMF and RF radiation. The resolution specifically stated: "Based on our review of the science, biological effects can occur from exposures to both extremely low frequency fields (ELF EMF) and radiation frequency fields (RF EMF)." The scientists added that "epidemiological and laboratory studies that show increased risks for cancers and other diseases from occupational exposures to EMF cannot be ignored." (IJ43)

15. In 2007, The Sunday Times in the United Kingdom reported that study of sites around mobile phone masts show "high incidences of cancer, brain haemorrhages, and high blood pressure within a radius of 400 yards of mobile phone masts." The news report stated "a quarter of the 30 staff at a special school within sight of the 90 ft high mast have developed tumors since 2000, while another quarter have suffered significant health problems." (IJ44)

16. A statement filed by the EMR Policy Institute in this proceeding under date of August 25, 2008 attaches a report on a study conducted at the request of the Federal Agency for radiation protection in Germany based on data of approximately 1,000 patients showing that the proportion of newly developing cancer cases was significantly higher among those patients who had lived during the past ten years at a distance of up to 400 metres from a cellular transmitter site, compared to patients living further away. The patients living within 400 metres of the transmitter tended to develop cancers at a younger age, and the risk of developing cancer for those living within 400 metres of the cell tower was three times higher than the rate of developing cancer for those living at a greater distance. (Ex. E to EMRPI August 25, 2008 statement.)

17. Applicant does not dispute the McNeely sightings of protected migratory birds as marked on Exhibit IJ49. (Applicant response to interrogatories.)

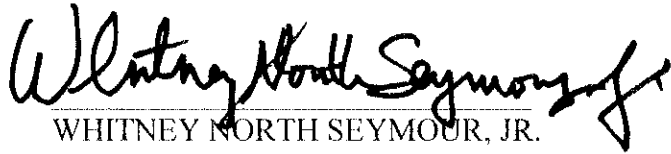
18. Applicant likewise does not dispute the migratory bird sightings by Luis Cabassa in IJ50 or by Charles Knox in IJ67.

19. Scientific studies offered in evidence by Intervenor show that the operation of cell transmission antennas can: (a) interfere with migratory birds' natural navigation systems causing tower strikes and fatalities after dark (IJ1, IJ2, IJ3); (b) prevent migratory bird nesting and reproduction within 200 meters of cell towers (IJ4, IJ5, IJ6); and (c) cause infertility in small animal food sources in migratory bird habitats (IJ7).
20. The application mentions the existence of only one endangered species (Lota, lota (burbot)) and one special concern species (Savannah Sparrow). According to the Connecticut Chapter of the Nature Conservancy, the state listed species in the Robbins Swamp-Hollenbeck river area are: Blue Spotted Salamander (Ambystoma laterale), Red-bellied Snake (Storeria occipitomaculata), Northern Leopard Frog (Rana pipiens), Cerulean Warbler, Bobolink, Meadowlark, Raven, and Burbot (Lota lota). (IJ12)
21. At the July 1, 2008 public hearing in Falls Village, Connecticut, town resident Ameen Storm Abo-Hamzy submitted a photograph of a blue spotted salamander which he had personally observed in the vicinity of the proposed Verizon coverage area. (IJ73)
22. The direct observation on July 1, 2008 of the field review balloon at the proposed Cellco tower site showed that the tower would be in a straight line with the bedroom window of Intervenor Jaeger's daughter, Louise, age seven. (IJ74)
23. Intervenor Jaeger owns half interest in property directly across Route 7 from the proposed tower site, as well as a residence on top of Beebe Hill calculated by Verizon to be 1290 feet distant from the proposed tower. (IJ68, IJ69)
24. U.S. Route 7 from the Kent-New Milford town line to the Canaan-North Canaan town line, 28.61 miles was designated a "Scenic Road" in 2002. (IJ55)
25. The current FCC safety guidelines for cell tower emissions are based on the presumption that heating of tissue is the only concern when living organisms are exposed to RF. (IJ45 at 6)

Respectfully submitted,



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Falls Village, CT, September 2, 2008

CERTIFICATION

I certify that on September 2, 2008, an original and twenty copies of the foregoing Proposed Findings Submitted on Behalf of Intervenor Jaeger were filed at the Connecticut Siting Council offices at 10 Franklin Square in New Britain, Connecticut, and that a copy was mailed prepaid first class mail to the following:

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September 2, 2008