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STATE OF CONNECTICUT

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December 10, 2010

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut

At a pre-hearing conference held December 8, 2010, at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on January 13, 2011.

1. Before January 6, 2011, all parties and intervenors are encouraged to exchange and respond to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with 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 hearing.
2. The Council requests that all parties and intervenors file interrogatories with other parties and intervenors no later than December 30, 2010. Responses must be pre-filed with the Council and all parties and intervenors by January 6, 2011.
3. The Council requests that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by January 6, 2011. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
4. The 3:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to present 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 all parties and intervenors in the order that they were made parties and intervenors. All parties and intervenors will then be allowed to present their exhibits and witness panels in the order in which they were made parties and intervenors, and be subject to cross-examination by the applicant and all other parties and intervenors. The applicant will be allowed a final rebuttal. Arguments will be entertained in writing after the close of the last hearing session.
5. The 7:00 p.m. hearing session will be first reserved for the public to make brief statements into the record.

6. If time remains, the 7:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to complete their presentation and cross-examination.
7. The Council will provide an opportunity for public officials to make a statement.
8. No repetition of facts will be allowed.
9. A verbatim transcript of the hearing sessions will be made and deposited with the Hartland Town Hall, Hartland, Connecticut, for the convenience of the public.
10. Parties and intervenors will be allowed to submit briefs and proposed findings of facts within 30 days after the close of the hearing.
11. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
12. Deadlines for briefs, proposed findings of fact, and public statements should be considered final and extensions will not be automatically granted.
13. The Council may, at its discretion, provide for the grouping of parties and intervenors with the same interests.
14. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
15. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before January 6, 2011.
16. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
17. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.
18. A public field review of the proposed site will be held on January 13, 2011, beginning at 2:00 p.m. The applicant will fly a balloon between the hours of 8:00 a.m. and 4:30 p.m. at the proposed site, weather permitting, during the field review.
19. 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 the proposed facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
20. All participants are requested to place nameplates on the table in front of each witness at the hearing.

Enclosure: Administrative Notice List

Administrative Notice List
Docket No. 408

1. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, QUESTIONS AND ANSWERS ABOUT BIOLOGICAL EFFECTS AND POTENTIAL HAZARDS OF RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 56 (August 1999), *available at* http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf (last visited July 22, 2010).
2. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, EVALUATING COMPLIANCE WITH FCC-GUIDELINES FOR HUMAN EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 65 (August 1997), *available at* http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf (last visited July 21, 2010).
3. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, IEEE STANDARD FOR SAFETY LEVELS WITH RESPECT TO HUMAN EXPOSURE TO RADIO FREQUENCY ELECTROMAGNETIC FIELDS, 3 kHz to 300 GHz, IEEE Std. C95.1-2005 (November 1, 2009), *available at* [https://sbwsweb.ieee.org/ecustomer/cme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomer/cme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+(eSales)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657) (last visited July 22, 2010).
4. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, 62 Fed. Reg. 3232 (September 12, 1997), *available at* <http://www.epa.gov/fedrgstr/EPA-AIR/1997/January/Day-22/ga1350.htm> (last visited July 22, 2010).
5. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-G (2006), *available at* <http://www.tiaonline.org/standards/catalog/index.cfm> (last visited July 22, 2010).
6. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-F (1996), *available at* <http://www.preferredtower.com/codes/tia/index.html> (last visited July 23, 2010).
7. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, DEP BULLETIN 34 (May 2002, last revised September 2007), *available at* http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654 (last visited July 20, 2010).
8. Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C), *available at* http://clerk.house.gov/library/reference-files/PPL_TelecommunicationsAct_%201996.pdf (last visited July 22, 2010).

9. Wireless Communications and Public Safety Act of 1999, 47 U.S.C. §§ 615-615b (2010).
10. Enhance 911 Act of 2004, 47 U.S.C. § 942 (2010).
11. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
12. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
13. Radiofrequency Radiation Exposure Evaluation: Mobile Devices, 47 C.F.R. § 2.1091 (2010).
14. Radiofrequency Radiation Exposure Evaluation: Portable Devices, 47 C.F.R. § 2.1093 (2010).
15. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2005-2010 (July 6, 2005), *available at* <http://www.ct.gov/opm/cwp/view.asp?a=2990&q=383182> (last visited July 20, 2010).
16. Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954> (last visited July 20, 2010).
17. State Plan of Conservation and Development, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2010).
18. Letter from Elizabeth Brothers, Assistant Director, State of Connecticut Department of Environmental Protection, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP (Aug. 10, 2009), *available at* http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_376/do376-20090817-depcommentadminnotice.pdf (last visited July 23, 2010).
19. STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL (2004), *available at* http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download (last visited July 15, 2010).
20. 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> (last visited July 15, 2010).
21. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, POLICY STATEMENT FOR TELECOMMUNICATIONS INSTALLATIONS WITHIN THE STATE HIGHWAY RIGHT OF WAY, POLICY NO. E&H.O. (Aug. 7, 2006), *available at* http://www.ct.gov/csc/lib/csc/row_ps.pdf (last visited July 23, 2010).
22. Mail-A-Map Street Map, Granby/Hartland, (2003).
23. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Avian Collisions at Communication Towers* (June 2009), *at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> (last visited July 23, 2010).

24. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (Sept. 2000), at <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html> (last visited July 23, 2010).
25. National Park Service, United States Department of the Interior, *National Register of Historic Places* (July 2010), at <http://www.nps.gov/history/nr/research/index.htm> (last visited July 27, 2010).
26. RICHARD M. DEGRAAF & DEBORAH D. RUDIS, *NEW ENGLAND WILDLIFE: HABITAT, NATURAL HISTORY, AND DISTRIBUTION* (University of Massachusetts Press, 1983), available at <http://www.treesearch.fs.fed.us/pubs/4148> (last visited July 21, 2010).
27. ARAM J.K. CALHOUN & MICHAEL W. KLEMENS, *BEST DEVELOPMENT PRACTICES: CONSERVING POOL-BREEDING AMPHIBIANS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN THE NORTHEASTERN UNITED STATES*, MCA TECHNICAL PAPER NO. 5 (Metropolitan Conservation Alliance 2002), available at <http://www.umaine.edu/vernalpools/PDFs/Best%20Development%20Practices%20%20-%20%20Conserving%20Pool-breeding%20Amph.pdf> (last visited July 22, 2010).
28. Aram J.K. Calhoun, et. al., *Conserving pool-breeding amphibians in human-dominated landscapes through local implementation of Best Development Practices*, *WETLANDS ECOLOGY AND MANAGEMENT*, July 9, 2004 at 291, available at <http://www.maineaudubon.org/resource/documents/CalhounWEMpaper.pdf> (last visited July 21, 2010).
29. National Audubon Society, *Connecticut Important Bird Areas* (last updated 2010), at http://ct.audubon.org/BirdSci_IBAs.html (last visited November 1, 2010).
30. State of Connecticut Department of Environmental Protection, *Natural Diversity Database Map for the Town of Hartland*, (last updated August 2010), at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp> (last visited November 29, 2010).
31. STATE OF CONNECTICUT SITING COUNCIL, *STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE* (September 2006), available at http://www.ct.gov/csc/lib/csc/publications/csc_annualrvw_f6.pdf (last visited July 26, 2010).
32. STATE OF CONNECTICUT SITING COUNCIL, *TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II* (March 2007), available at http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf (last visited July 26, 2010).
33. NATURAL RESOURCES DIVISION, CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, *ATLAS OF CONNECTICUT TOPOGRAPHIC MAPS*, DEP BULLETIN 17 (1992), available at http://www.ctdepstore.com/Maps_c16.htm;jsessionid=1FF9EB902F8695DF048A7BD535715052.qscstrfmt02 (last visited July 27, 2010).

34. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK WEST (Ann T. Colson, ed., 19th ed. 2006), *available at* <http://www.ctwoodlands.org/node/17> (last visited July 27, 2010).
35. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, CONNECTICUT OFFICIAL STATE TOURISM MAP (2007-2009), *available at* <http://www.ctbound.org/> (last visited July 27, 2010).
36. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, OBSTRUCTION MARKING AND LIGHTING, ADVISORY CIRCULAR AC70/7460-1K (February 2007), *available at* https://oeaaa.faa.gov/oeaaa/external/content/AC70_7460_1K.pdf (last visited July 27, 2010).
37. 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.
38. Docket 408 Protective Order, November 5, 2010.

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	<p>Lucia Chioocchio, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 lchioocchio@cuddyfeder.com cfisher@cuddyfeder.com</p> <p>Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067 Michele.g.briggs@cingular.com</p>
Party (granted on 11/18/10)	<input checked="" type="checkbox"/> E-Mail	Thomas H. Sirman	<p>David F. Sherwood, Esq. Moriarty, Paetzold & Sherwood 2230 Main Street, P.O. Box 1420 Glastonbury, CT 06033-6620 (860) 657-1010 (860) 657-1011 fax dfsherood@gmail.com</p>