



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 19, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *L. Roberts*

RE: **DOCKET NO. 415** - 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 87 West Quasset Road, Woodstock, Connecticut.

A pre-hearing conference, via conference call, was held for this Docket at 9:30 a.m. on September 19, 2011 to review the procedure for the public hearing scheduled for September 27, 2011. The applicant and Council staff participated in the conference call. At the conference, the Council requested that the following format be used for the public hearing.

Pre-hearing Procedure

1. On or before September 20, 2011, all parties and intervenors are requested to file responses to pre-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 hearing.
2. 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 September 20, 2011.
3. 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.

Hearing Procedure

4. The 1:00 p.m., September 27, 2011 hearing session will provide the applicant, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. All exhibits must be sworn to by the appropriate witness. Those exhibits that cannot be sworn to by a witness may not be allowed into the record as exhibits.
5. The applicant will be allowed to present its new 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, examination in the order presented on the hearing program. The applicant will be allowed a final rebuttal.
6. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing for comment. A final version of the hearing program will be distributed at the hearing.

7. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
8. 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.
9. All participants are requested to place nameplates on the table in front of each witness at the hearing.

Post-hearing procedure

10. A verbatim transcript of the hearing session will be made and deposited with the Woodstock Town Clerk's Office, Woodstock, Connecticut for the convenience of the public.
11. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
12. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
13. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Administrative Notice List
Docket No. 415

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/ecustomercme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomercme_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, Woodstock, (Harbor Publications 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-%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 June 25, 2010), at <http://iba.audubon.org/iba/stateIndex.do?state=US-CT> (last visited July 20, 2010).
30. State of Connecticut Department of Environmental Protection, *Natural Diversity Database Map for the Town of Woodstock*, (last updated June 2010), at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp> (last visited July 20, 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.qscstrfrnt02 (last visited July 27, 2010).
34. CONNECTICUT FOREST & PARK ASSOCIATION, *CONNECTICUT WALK BOOK EAST* (Ann T. Colson & Cindi D. Pietrzyk, eds., 19th ed. 2005), available at <http://www.ctwoodlands.org/node/17> (last visited July 27, 2010).
35. STATE OF CONNECTICUT, DEPT. 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. 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.
38. Barack Obama Presidential Proclamation 8460, Critical Infrastructure Protection <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
39. Service Interim Guidelines for Recommendations On Communications Tower Siting, Construction, Operation and Decommissioning, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, August 9, 2000, http://www.fws.gov/habitatconservation/com_tow_guidelines.pdf
40. Protective Order, approved 03/17/11.
41. Jaeger v. Cellco Partnership, et al., 2010 WL 965730 (D. Conn. 2010), *affirmed* Jaeger v. Cellco Partnership, et al., 10-1347-cv (2nd Cir. 2010).
42. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January – June 2010*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, December 21, 2010, *available at* <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201012.pdf> (last visited January 3, 2011).
43. 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, (Feb. 19, 2010) regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, *available at* http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_388/do388-20100312_supplemental_submission.pdf (last visited January 28, 2011).