



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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www.ct.gov/csc

VIA ELECTRONIC MAIL

July 16, 2014

Mario F. Coppola, Esq.
Berchem, Moses, and Devlin, P.C.
1221 Post Road East
Westport, CT 06880

Re: **DOCKET NO. 448** – Celco 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 Orange Tax Assessor Map 77, Block 3, Lot 1, 831 Derby Milford Road, Orange, Connecticut.

Dear Attorney Coppola:

We are in receipt of your letter of July 11, 2014, requesting intervenor status under Connecticut General Statutes § 4-177a, 16-50n, and 22a-19 for Albert Subbloie, Jacqueline Barbara, Glenn MacInnes, and Jill MacInnes in Docket No. 448.

The Connecticut Siting Council (Council) does not have a meeting scheduled at which this matter could be taken up as an order of business before the July 17, 2014 hearing date for this matter. Therefore, your request will be taken up as an order of business during the 3:00 p.m. evidentiary session of the hearing on July 17, 2014, at the Shelton City Hall Auditorium, 54 Hill Street, Shelton Connecticut. Copies of the application are available at the Orange Town Clerk's Office and the Shelton City Clerk's Office. All documents filed to date are available at the Council's office or on our website.

Enclosed please find the notice for the 2:00 p.m. field review of the proposed site on July 17, 2014.

Please contact me if you have any questions.

Very truly yours,

Melanie Bachman
Acting Executive Director

MB/cm

Enclosures

c: Parties and Intervenors

CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors will receive documents via e-mail. If a party or intervenor prefer to have hard copies of documents via regular mail, they must notify the Council in writing. Also, documents filed with the Council must contain one original, 15 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on (date)." Signature and printed name of the sender.

Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office. All parties and intervenors are requested to attend. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.

- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.

- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.

- D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Environmental Protection. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.
- E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.
- F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:
1. Opening Statement from the Council Chairman
 2. Administrative Notice Items of the Council
 3. **Applicant’s Appearance**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of the Applicant by:
 - i. Council
 - ii. Party
 - iii. Intervenor
 4. **Appearance by Party**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of Party by:
 - i. Council

- ii. Applicant
- iii. Intervenor

5. **Appearance by Intervenor**

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
- b. Swear Witnesses
- c. Cross Examination of Intervenor by:
 - i. Council
 - ii. Applicant
 - iii. Party

6. **Oral Limited Appearance Statements/Public Comment Session**

- this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
- members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements

7. **Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

G. Post-Hearing Procedure: At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

1. 30 Day Written Limited Appearance/Public Comment Period: Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.

2. Post Hearing Brief and Proposed Findings of Fact Schedule: Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.

3. Draft Findings of Fact Issued by Council: The Council will issue draft findings of fact from the record to be issued as part of the final decision. Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.

4. Final Decision: The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.



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July 9, 2014

TO: Council Members

FROM: Melanie Bachman, Acting Executive Director *MAB*

RE: **DOCKET NO. 448** – 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 Orange Tax Assessor Map 77, Block 3, Lot 1, 831 Derby Milford Road, Orange, Connecticut.

The Connecticut Siting Council has scheduled a field review for this docket on Thursday, July 17, 2014, beginning at 2:00 p.m. at the site in Orange. A public hearing is scheduled for Thursday, July 17, 2014, beginning at 3:00 p.m. at the Shelton City Hall, 54 Hill Street, Shelton. Directions are enclosed.

Enclosure

c: Secretary of the State (via e-mail service)
Parties and Intervenors (via e-mail service)
United Reporters (via e-mail service)
Tech Theatrical Services, LLC (via e-mail service)
Honorable James Zeoli, First Selectman, Town of Orange
Honorable Mark A. Lauretti, Mayor, City of Shelton



DIRECTIONS – DOCKET 448 ORANGE

Field Review Location: 831 Derby Milford Road, Orange, 2 PM

Hearing Location: Shelton City Hall, 54 Hill Street, Shelton, 3 PM

TO FIELD REVIEW

Via Route 15 Merritt Parkway - Wallingford

Follow Route 15 south to Exit 58. (Route 34 exit)

Bear right onto Route 34 west.

Follow Route 34 west for approx. 1.7 miles to Derby Milford Road on left.

(at traffic light after Lowes, get in left lane).

Follow Derby Milford Road for 0.9 miles and park along the road adjacent to a large hay field.

Via Route Interstate 95 / Route 15 Merritt Parkway – Milford/New Haven

From I-95 from New Haven or Stratford, take Exit 38 for Merritt Parkway Connector.

Take Exit 3A onto Merritt Parkway Northbound.

Take Exit 55A for Wheeler Farms Road.

Turn left onto Wheeler Farms Road.

Follow Wheeler Farms Road north to end at Derby Milford Road.

Turn left onto Derby Milford Road and follow for a half-mile to a large field. Park along the road.

TO CITY HALL FROM SITE

From field parking area, turn right and follow Derby Milford Road to Route 34 at traffic light.

Turn left onto Route 34 west.

At intersection with Route 8, get on Route 8 south and follow directions below.

TO CITY HALL FROM ROUTE 8 Southbound

From Route 8, take exit 14.

At end of ramp, turn right onto Howe Avenue, passing a factory with silos.

After silos, turn left onto Hill Street ("Carroll's Home Improvement" on corner).

City Hall is on left at top of hill.

Park along road. Meeting room is accessed through main entrance on Hill Street.

Directions to Restaurant – Italian Pavilion, Derby

From City Hall, follow Coram Avenue to Kneen Street at traffic light.

Take left onto Kneen St. and take left onto Route 8 north ramp.

From Route 8 north, take Exit 16 for Pershing Drive.

At first light, take right and follow driveway on right.

