



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 448

Tuesday, August 12, 2014

1:00 p.m.

Connecticut Siting Council's Office

Hearing Room 1

Ten Franklin Square, New Britain, Connecticut

I. Opening by Council

A. Statement read by Chair.

B. Comments by Public Official(s) (if any)

C. Motions (if any)

1. Intervenors Subbloie et al, Second Motion for Continuance, dated August 5, 2014

D. Administrative Notice taken by Council

**FEDERAL**

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](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf)
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](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf)
3. 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>
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* [http://clerk.house.gov/library/reference-files/PPL\\_TelecommunicationsAct\\_%201996.pdf](http://clerk.house.gov/library/reference-files/PPL_TelecommunicationsAct_%201996.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* <http://transition.fcc.gov/pshs/docs/emergency-information/cmas-warn-act.pdf>

6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b (2010).
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942 (2010).
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment (2012), *available at* <http://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>.
9. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
11. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, *available at* <http://www.archives.gov/federal-register/executive-orders/2013.html>
13. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Avian Collisions at Communication Towers* (June 2009), *available at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>
14. 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* (last updated April 2012), *available at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* (July 2010), *available at* <http://www.nps.gov/history/nr/research/index.htm>
16. 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](https://oeaaa.faa.gov/oeaaa/external/content/AC70_7460_1K.pdf).
17. 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>
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## STATE

### Connecticut Siting Council

20. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE, Revised February 2014, *available at* <http://www.ct.gov/csc/lib/csc/pendingproceeds/2013telcomplan-pub.pdf>
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22. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
23. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=511254&PM=1>
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### Department of Energy and Environmental Protection

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26. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND 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](http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download)
27. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, AMPHIBIANS AND REPTILES IN CONNECTICUT, DEP BULLETIN 32, Michael W. Klemens (2000), *available at* <http://ctdepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm>
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31. 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.
32. 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](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_376/do376-20090817-depcommentadminnotice.pdf)
33. STATE OF CONNECTICUT, PUBLIC UTILITIES REGULATORY AUTHORITY, *Cybersecurity and Connecticut's Public Utilities*, April 14, 2014, *available at* [http://www.ct.gov/pura/lib/pura/electric/cyber\\_report\\_041414.pdf](http://www.ct.gov/pura/lib/pura/electric/cyber_report_041414.pdf)

**Department of Transportation**

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**Other State Agencies**

36. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2013-2018, June 5, 2013, *available at* [http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018\\_cd\\_plan.pdf](http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf)
37. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION – CELL PHONE TOWERS AND CELL PHONES (January 2004), *available at* [http://www.ct.gov/dph/LIB/dph/environmental\\_health/EOHA/pdf/cell\\_phones.pdf](http://www.ct.gov/dph/LIB/dph/environmental_health/EOHA/pdf/cell_phones.pdf)
38. Final Report of the Two Storm Panel, January 9, 2012, *available at* [http://www.governor.ct.gov/malloy/lib/malloy/two\\_storm\\_panel\\_final\\_report.pdf](http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf).
39. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, VERSION 2.0, August 2011, *available at* [http://www.ct.gov/demhs/lib/demhs/ct\\_srf\\_aug\\_2011.pdf](http://www.ct.gov/demhs/lib/demhs/ct_srf_aug_2011.pdf)
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### TECHNICAL

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### ENVIRONMENTAL

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### MAPS

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53. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK WEST (Ann T. Colson, ed., 19<sup>th</sup> ed. 2006), *available at* <http://www.ctwoodlands.org/node/17>
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56. Mail-A-Map Street Map, Town of Orange and City of Shelton *available at* <http://mailamap.com/street-maps>
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#### E. State Agency comments

1. Department of Public Health, dated May 28, 2014

#### F. Municipal comments

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II. Appearance by Applicant

Applicant: Cellco Partnership d/b/a Verizon Wireless

Representative: Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Cellco Partnership d/b/a Verizon Wireless, received May 13, 2014, and attachments and bulk file attachments including:

Bulk filed exhibits:

- a. Orange Zoning Regulations
  - b. Orange Plan of Conservation and Development
  - c. Orange Inland Wetlands and Watercourses Regulations
  - d. Technical Report, dated January 31, 2014
2. Supplemental Submission, dated June 10, 2014
    - a. USFWS letter, dated May 13, 2014
    - b. DEEP/NDDDB letter, dated May 14, 2014
  3. Cellco's Responses to Council Interrogatories, dated July 1, 2014
  4. Pre Filed Testimony of Jaime L. Lerado, Jr., dated July 8, 2014
  5. Affidavit of Sign Posting, received July 10, 2014
  6. Affidavit of Publication, received July 14, 2014
  7. Revised abutters map C-1 dated March 25, 2014, and received July 17, 2014
  8. Applicant's Resubmittal All-Points Technology Corporation Wetland Investigation Report, dated May 2, 2014, including missing page 2 dated July 23, 2014
  9. Applicant's Response to Council Request for Additional Information, dated August 5, 2014
  10. Applicant's Responses to Council Interrogatories, Set II, dated August 5, 2014
  11. Applicant's Responses to Intervenor Subbloie et al, Interrogatories, Part I, dated August 5, 2014
  12. Applicant's Responses to Intervenor Subbloie et al, Interrogatories, Part II, dated August 7, 2014

C. Swear Witnesses

1. Sandy M. Carter, Regulatory Manager, Cellco Partnership
2. Jaime Laredo, Radio Frequency Engineer, Cello Partnership
3. Carlo F. Centore, P.E., Centek Engineering, Inc.
4. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corp. P.C.
5. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corp. P.C.
6. Eric R. Davison, CSS, CPWS
7. Juan F. Latorre, III, Radio Frequency Engineer, Cellco Partnership
8. Harry M. Rocheville, Jr., EIT, Centek Engineering, Inc.
9. Douglas Talmadge, Structure Consulting Group

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

E. Cross Examination.

1. Council
2. Grouped Intervenors (Attorney Coppola & Senator Slossberg)

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III. Continuation by Connecticut Siting Council.