



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 448

Thursday, October 23, 2014

11:00 a.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

1. Intervenors Subbloie et al, Request to Submit Additional Information, dated October 21, 2014
 - a. Report of David Maxson, dated October 20, 2014
2. Intervenors Subbloie et al, Motion for Order to Compel Production of Documents, dated October 10, 2014
 - a. Applicant's Opposition to the Intervenors' Motion for Order to Compel Production of Documents, dated October 14, 2014.
 - b. Intervenors Subbloie et al, Reply Brief on Celco's Objection to Motion for Order to Compel Production of Documents, dated October 17, 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
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
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
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/emas-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.
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>
18. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

19. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, available at <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.

20. FEDERAL COMMUNICATIONS COMMISSION, Wireless Infrastructure Report and Order, FCC 14-153, October 21, 2014, available at <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>

STATE

Connecticut Siting Council

21. 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>
22. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, MARCH 2007, VERSION II, available at http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf
23. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, available at <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=1>
24. **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>
25. STATE OF CONNECTICUT SITING COUNCIL, Energy and Telecommunications Meeting Minutes, June 12, 2014, available at <http://www.ct.gov/csc>.
26. **DOCKET NO. 446** - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 60 Commerce Drive, Trumbull, Connecticut. Record.
27. **DOCKET NO. 307** - SBA Infrastructure LLC Certificate of Environmental Compatibility and Public Need for the construction and maintenance of a telecommunications facility located at one of two sites at 71 Pleasant View Road, Derby, Connecticut. Record.
28. **DOCKET NO. 169** - Bell Atlantic Mobile Certificate of Environmental Compatibility and Public Need for a telecommunications facility in Marlborough, Connecticut. Record.

Department of Energy and Environmental Protection

29. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND 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

30. 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
31. 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>
32. PLANNING AND STANDARDS DIVISION, BUREAU OF WATER MANAGEMENT, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, WATER QUALITY STANDARDS, (Surface Water Quality Standards Effective December 17, 2002 and Ground Water Quality Standards Effective April 12, 1996), *available at* http://www.ct.gov/dep/lib/dep/water/water_quality_standards/wqs.pdf
33. CONNECTICUT AIR QUALITY STANDARDS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§ 22a-174-24, et seq. (2006).
34. CONNECTICUT NOISE CONTROL REGULATIONS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§22a-69-1, et seq. (2006).
35. 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.
36. 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
37. 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

Department of Transportation

38. 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>
39. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, POLICY STATEMENT FOR TELECOMMUNICATIONS INSTALLATIONS WITHIN THE STATE HIGHWAY RIGHT OF WAY, POLICY NO. E&H.O. - 53 (Aug. 7, 2006), *available at* http://www.ct.gov/csc/lib/csc/row_ps.pdf

Other State Agencies

40. 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
41. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION – CELL PHONE TOWERS AND CELL

PHONES (January 2004), *available at*
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42. 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
43. 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
44. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, Draft Connecticut Emergency Support Function 12, All Hazards Energy and Utilities Annex, July 2012, *available at*
http://www.ct.gov/demhs/lib/demhs/eppi/esf_12_all_hazards_energy_and_utilities_annex_final_draft_july_2012.pdf
45. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT I-CALL/I-TAC INTEROPERABILITY TRAINING PROGRAM, November 2010, *available at*
http://www.ct.gov/demhs/lib/demhs/communications/projects/i-call_program_update_nov_2010.pdf
46. GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities, 2011, *available at*
http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf

TECHNICAL

47. 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*
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48. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-G (2006), *available at*
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50. 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*

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ENVIRONMENTAL

53. 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>
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MAPS

56. State of Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Map for the Town of Orange*, *available at*
<http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
57. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK WEST (Ann T. Colson, ed., 19th ed. 2006), *available at* <http://www.ctwoodlands.org/node/17>
58. STATE OF CONNECTICUT, DEPT. OF TRANSPORTATION, CONNECTICUT OFFICIAL STATE TOURISM MAP
59. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), *available at*
<http://netapp.audubon.org/iba/state/US-CT>
60. Mail-A-Map Street Map, Town of Orange and City of Shelton *available at*
<http://mailamap.com/street-maps>
61. United States Geological Survey, Connecticut Topographic Map Collection (Ansonia Quadrangle), *available at* http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

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

F. Municipal comments

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. Town of Orange Zoning Regulations
 - b. Town of Orange Plan of Conservation and Development
 - c. Town of 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. Applicant's Responses to Council Interrogatories, Set I, dated July 1, 2014
 4. Pre Filed Testimony of Jaime L. Laredo, 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, Set I, Part I, dated August 5, 2014
 12. Applicant's Responses to Intervenor Subbloie et al, Interrogatories, Set I, Part II, dated August 7, 2014
 13. Resume of Douglas Talmadge, submitted August 12, 2014
 14. Applicant's Responses to Council Interrogatories, Set III, dated September 9, 2014
 15. Applicant's Responses to Intervenor Subloie et al, Interrogatories, Set II, dated September 9, 2014
 16. Applicant's Supplemental Visual Assessment, submitted September 9, 2014

C. Swear Witnesses

1. Sandy M. Carter, Regulatory Manager, Cellco Partnership
2. Jaime Laredo, Jr., 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)

III. Appearance by Grouped Intervenors: Subbloie et al & Senator Slossberg et al

Representatives: Mario Coppola, Esq.
Berchem, Moses, and Devlin, P.C.

Senator Slossberg

A. Administrative Notice.

B. Exhibits for Identification.

1. Request to Intervene from Subbloie et al, dated July 16, 2014
2. Request to Intervene from Senator Slossberg et al, dated July 25, 2014
3. Pre-filed Testimony of Senator Slossberg et al, dated August 11, 2014
4. Pre-filed Testimony of David Maxson, dated September 8, 2014
5. Curriculum Vitae of David Maxson, dated September 8, 2014
6. Isotope Report on Analysis of Proposed Cell Tower, dated September 8, 2014
7. Pre-filed Testimony of Albert Subbloie, dated September 12, 2014
8. Pre-filed Testimony of Glenn MacInnes, dated September 12, 2014
9. Pre-filed Testimony of Jacqueline Barbara, Esq., dated September 12, 2014
10. Pre-filed Testimony of Jill MacInnes, dated September 12, 2014
11. Photos from MacInnes residence, 905 Rainbow Trail, Orange, CT, taken August 29, 2014, submitted September 16, 2014

C. Swear Witnesses

1. David Maxson
2. Albert Subbloie
3. Glenn MacInnes
4. Jacqueline Barbara, Esq.
5. Jill MacInnes

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

E. Cross Examination.

1. Council
2. Applicant (Attorney Baldwin)

IV. Closing by Connecticut Siting Council