



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Hearing Program

Docket No. 463

Tuesday, January 26, 2016

Connecticut Siting Council, Hearing Room One

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)
- 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/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, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. PRESIDENTIAL ORDER NO. 13616, Accelerating Broadband Infrastructure Development, 77 Fed. Reg. 119 (June 14, 2012), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf>
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 Interim Guidelines, Communications Tower Siting, Construction, Operation and Decommissioning Recommendations* (last updated June 10, 2014), *available at* <http://www.fws.gov/midwest/endangered/section7/telecomguidance.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>
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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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19. CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN, FEDERAL COMMUNICATIONS COMMISSION (2010), *available at* <http://www.broadband.gov/plan/>.
20. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, *available at* <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.

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STATE

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23. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II, *available at* http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf
24. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
25. **DOCKET NO. 67** - SNET CELLULAR, INC. CERTIFICATE FOR FACILITIES TO PROVIDE CELLULAR TELEPHONE SERVICE ON SCOTT ROAD IN EAST LYME. RECORD AND FINAL DECISION.
26. **DOCKET NO. 160** – DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A TELECOMMUNICATIONS FACILITY IN EAST LYME, CONNECTICUT. RECORD AND FINAL DECISION.
27. **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>
28. **DOCKET NO. 442** – NEW CINGULAR WIRELESS PCS, LLC CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 284 NEW CANAAN AVENUE, NORWALK, CONNECTICUT. MEMORANDUM FROM SITING COUNCIL ACTING EXECUTIVE DIRECTOR TO PARTIES AND INTERVENORS, DANIEL FORREST AND TODD LEVINE OF SHPO, DATED FEBRUARY 11, 2014.
29. **PETITION NO. 1152** - NEW CINGULAR WIRELESS PCS, LLC PETITION FOR A DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS REQUIRED FOR THE PROPOSED INSTALLATION OF A TEMPORARY TELECOMMUNICATIONS FACILITY LOCATED AT EAST LYME TAX ASSESSOR MAP 30, LOT 1, ANCIENT HIGHWAY, EAST LYME, CONNECTICUT.
30. **TS-T-MOBILE-045-060929** - OMNIPOINT COMMUNICATIONS, INC. REQUEST FOR AN ORDER TO APPROVE TOWER SHARING AT AN EXISTING TELECOMMUNICATIONS FACILITY LOCATED AT 63 SCOTT ROAD, **EAST LYME**, CONNECTICUT.

31. **EM-CING-045-071025** – NEW CINGULAR WIRELESS PCS, LLC NOTICE OF INTENT TO MODIFY AN EXISTING TELECOMMUNICATIONS FACILITY LOCATED AT 2 SCOTT ROAD, **EAST LYME**, CONNECTICUT.
32. **EM-CING-045-130103** – NEW CINGULAR WIRELESS PCS, LLC NOTICE OF INTENT TO MODIFY AN EXISTING TELECOMMUNICATIONS FACILITY LOCATED AT 2 SCOTT ROAD, **EAST LYME**, CONNECTICUT.
33. **EM-T-MOBILE-045-140908** – T-MOBILE NORTHEAST LLC NOTICE OF INTENT TO MODIFY AN EXISTING TELECOMMUNICATIONS FACILITY LOCATED AT 2 SCOTT ROAD, **EAST LYME**, CONNECTICUT.

Department of Energy and Environmental Protection

34. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, 2005 COMPREHENSIVE WILDLIFE CONSERVATION STRATEGY, 2015 REVISION, *available at* http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&depNav_GID=1719#Review
35. 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
36. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL 2004 AND APPENDICES, *available at* http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download
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39. CONNECTICUT AIR QUALITY STANDARDS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§ 22a-174-24, et seq. (2006).
40. CONNECTICUT NOISE CONTROL REGULATIONS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§22a-69-1, et seq. (2006).
41. 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.

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Department of Transportation

43. 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>
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Other State Agencies

45. 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
46. STATE PLAN OF CONSERVATION AND DEVELOPMENT, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
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TECHNICAL

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ENVIRONMENTAL

61. 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

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65. 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>
66. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
67. National Audubon Society, *Connecticut Important Bird Areas*, *available at* <http://netapp.audubon.org/iba/state/US-CT>
68. Mail-A-Map Street Map, East Lyme, *available at* <http://mailamap.com/street-maps>
69. United States Geological Survey, Connecticut Topographic Map Collection (Niantic Quadrangle), *available at* http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. Department of Transportation, dated November 13, 2015
2. Department of Public Health, Drinking Water Section, dated December 1, 2015

F. Municipal comments

G. Telecommunications Carrier Comments

1. Comments from Cellco Partnership d/b/a Verizon Wireless, dated November 16, 2015
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II. Appearance by Applicant

Applicant: American Towers, LLC and New Cingular Wireless PCS, LLC

Representative: Christopher B. Fisher, Esq.
Cuddy & Feder LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by American Towers, LLC and New Cingular Wireless PCS, LLC, received October 6, 2015, and attachments and bulk file attachments including:

Bulk file exhibits:

- a. Town of East Lyme Plan of Conservation and Development, amended through December 7, 2010
 - b. Town of East Lyme Zoning Regulations, amended through July 9, 2015
 - c. Town of East Lyme Zoning Map
 - d. Town of East Lyme Inland Wetlands and Watercourses Regulations, revised through April 11, 2011
 - e. Technical Reports (Site A) (Site B) to the Town of East Lyme, dated June 5, 2015
 - f. Town of East Lyme Public Information Meeting Power Point Presentation, dated July 29, 2015
 - g. Redacted lease agreement, received October 6, 2015
2. Applicant's Responses to Council Interrogatories, received December 4, 2015
 3. Applicants Affidavit of Sign Posting, received December 4, 2015
 4. Applicant's Pre-Filed Statement of Facts, received December 8, 2015
 5. Applicant's Affidavit of Publication, received December 8, 2015
 6. Witness Resumes, received December 8, 2015
 - a. Kelly Wade Bettuchi
 - b. Kevin Mason
 - c. Dan Bilezikian
 - d. Jennifer Young Gaudet
 - e. Camilo A. Faviria
 - f. Harry Rocheville
 - g. Dean Gustafson
 - h. Martin Lavin
 - i. Michael Libertine
 7. PowerPoint Presentation for December 15, 2015 Public Comment Session, received December 8, 2015
 8. Applicant's Supplemental Visibility Analysis, received December 9, 2015
 9. Applicant's Supplemental Information, received January 19, 2016
 10. Applicant's Responses to BHSO's Interrogatories, received January 19, 2016

C. Swear Witnesses

1. Kelly Wade Bettuchi, AT&T Associate Director External & Legislative Affairs.
2. Kevin Mason, AT&T Area Manager.
3. Dan Bilezikian, Site Acquisition Specialist, SAI Communications, Inc.
4. Jennifer Young Gaudet, Consultant.
5. Camilo A. Gaviria, P.E., Centek Engineering, Inc.
6. Harry Rocheville, P.E., Centek Engineering, Inc.
7. Dean Gustafson, All-Points Technology Corporation, P.C.
8. Martin Lavin, C-Squared Systems.
9. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corporation, P.C.

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

E. Cross Examination.

1. Council
2. Town of East Lyme (Attorney Collins)
3. BHSO Community Conservancy (Mr. Tooker)

III. Appearance by Party: Town of East Lyme

Representative: Tracy M. Collins, Esq.
Waller, Smith & Palmer, P.C.

A. Administrative Notice.

B. Exhibits for Identification.

1. Town of East Lyme request for Party and CEPA Intervenor Status, dated November 19, 2015, and attached Exhibit A
2. Town of East Lyme's Responses to BHSO's Interrogatories, dated January 19, 2016

C. Swear Witnesses

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

E. Cross Examination.

1. Council
2. Applicant
3. BHSO Community Conservancy (Mr. Tooker)

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- IV. Appearance by Party: BHSO Community Conservancy
- Representative: Craig Tooker
- A. Administrative Notice.
- B. Exhibits for Identification.
1. BHSO Community Conservancy request for Party and CEPA Intervenor Status, dated December 8, 2015
 2. BHSO Community Conservancy's Responses to Council Interrogatories, dated January 15, 2016
- C. Swear Witnesses
- D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
1. Council
 2. Applicant
 3. Town of East Lyme (Attorney Collins)
- V. Closing by Connecticut Siting Council.