Hearing Program
Docket No. 482
Tuesday, May 1, 2018
3:00 p.m. and 6:30 p.m.
Lebanon Fire Safety Complex
Community Hall
23 Goshen Hill Road
Lebanon, CT 06249

- 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 https://transition.fcc.gov/Reports/tcom1996.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, Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning (last updated August 2016), available at https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf
- 14. National Park Service, United States Department of the Interior, *National Register of Historic Places available at* https://www.nps.gov/nr/research/index.htm
- 15. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, OBSTRUCTION MARKING AND LIGHTING, ADVISORY CIRCULAR AC NO. 70/7460-1L (December 4, 2015), available at https://www.faa.gov/documentLibrary/media/Advisory Circular/AC 70 7460-1L .pdf
- 16. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, SPECIFICATION FOR OBSTRUCTION LIGHTING EQUIPMENT, ADVISORY CIRCULAR AC NO. 150/5345-43H (September 28, 2016) available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5345-43GH.pdf
- 17. FEDERAL COMMUNICATIONS COMMISSION, Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs (January 6, 2017) *available at* https://www.fws.gov/migratorybirds/pdf/management/fccopportunitiestoreducebirdcollisions.pdf
- 18. 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
- 19. FEDERAL COMMUNICATIONS COMMISSION, Public Notice Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, DA 12-2407, January 25, 2013, *available at* https://apps.fcc.gov/edocs-public/attachmatch/DA-12-2047A1.pdf
- 20. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), available at http://www.broadband.gov/plan/
- 21. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, available at http://www.fcc.gov/guides/text-911-quick-facts-faqs.

22. 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

- 23. 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
- 24. 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
- 25. 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
- 26. **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
- 27. **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

Department of Energy and Environmental Protection

- 28. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34 (May 2002, last revised September 2007), available at http://www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
- 29. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004 and appendices, *available at* http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654
- 30. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Amphibians and Reptiles in Connecticut, DEP Bulletin 32, Michael W. Klemens (2000), available at http://www.ctdeepstore.com
- 31. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER PROTECTION AND LAND REUSE, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, Effective October 10, 2013, *available at* http://www.ct.gov/deep/lib/deep/regulations/22a/22a-426-1through9.pdf
- 32. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective April 15, 2014, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq.

- 33. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Connecticut Noise Control Regulations, Effective June 15, 1978, Regulations of Connecticut State Agencies §\$22a-69-1, et seq.
- 34. 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.
- 35. 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
- 36. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, Connecticut's Endangered, Threatened and Special Concern Species 2015, August 2015, available at http://www.ct.gov/deep/lib/deep/wildlife/pdf files/nongame/ETS15.pdf
- 37. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
- 38. PUBLIC UTILITIES REGULATORY AUTHORITY, Connecticut Public Utilities Cybersecurity Action Plan, April 6, 2016, available at http://www.ct.gov/pura/lib/pura/electric/cyber-report-April 6-2016.pdf

Department of Transportation

- 39. 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
- 40. 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

- 41. 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
- 42. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
- 43. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION CELL PHONE TOWERS QUESTIONS AND ANSWERS ABOUT HEALTH, (May 2015), available at http://www.ct.gov/dph/lib/dph/environmental-health/eoha/pdf/051115 cell phone tower final.pdf

- 44. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, CELL PHONES QUESTIONS AND ANSWERS ABOUT SAFETY (May 2015), available at http://www.ct.gov/dph/lib/dph/environmental-health/eoha/toxicology-risk assessment/050815 cell phones-final.pdf
- 45. STATE OF CONNECTICUT, STATE VEGETATION MANAGEMENT TASK FORCE, Final Report Issued to the Connecticut Department of Energy and Environmental Protection, August 28, 2012, available at http://www.ct.gov/deep/lib/deep/forestry/vmtf/final_report.pdf
- 46. An Act Establishing Connecticut Heritage Areas, as amended, 2009 Conn. Acts 221 (Reg. Sess.), codified at Conn. Gen. Stat. §16a-27 (2010), available at http://www.cga.ct.gov/2009/ACT/PA/2009PA-00221-R00HB-06584-PA.htm
- 47. 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.
- 48. 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
- 49. 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
- 50. 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
- 51. 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

- 52. 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://standards.ieee.org/findstds/standard/C95.1-2005.html
- 53. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, TIA/EIA-222-G (2006), available at https://global.ihs.com/search_res.cfm?RID=TIA&INPUT_DOC_NUMBER=TIA-222
- 54. TELECOMMUNICATIONS INDUSTRY ASSOCIATION, Structural Standards for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures, TIA-222-H, effective January 1, 2018, available at https://global.ihs.com/search_res.cfm?RID=TIA&INPUT_DOC_NUMBER=TIA-222%20

- 55. 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
- 56. HEALTH PROTECTION AGENCY, Health Effects From Radiofrequency Magnetic Fields, Report of the Independent Advisory Group on Non-Ionising Radiation, April 2012, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/333080/RCE-20_Health_Effects_RF_Electromagnetic_fields.pdf
- 57. CISCO SYSTEMS, INC., Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2016-2021 White Paper, February 7, 2017, available at, http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/mobile-white-paper-c11-520862.html

ENVIRONMENTAL

- 58. 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
- 59. 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.nae.usace.army.mil/Portals/74/docs/regulatory/VernalPools/BestDevelopmentPractices20 Oct2014.pdf
- 60. 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.environmental-expert.com/Files/0/articles/9373/Conservingpool-breeding.pdf
- 61. CHRISTOPHER BARTON AND KAREN KINKEAD, *Do Erosion Control and Snakes Mesh?*, Journal of Science and Water Conservation 2005, Volume 60, Number 2, *available at* http://www.treesearch.fs.fed.us/pubs/21050

MAPS

- 62. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *Interactive National Heritage Areas Map, available at* https://www.nps.gov/maps/full.html?mapId=01a03739-ab0c-40eb-bc3d-6791d3bb67fa
- 63. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Lebanon*, (last updated December 2017), *available at* http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp
- 64. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Connecticut Aquifer Protection Areas Map, last updated March 23, 2018, available at http://www.ct.gov/deep/cwp/view.asp?a=2685&q=322248

- 65. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance, last updated February 1, 2016, available at http://www.ct.gov/deep/lib/deep/endangered species/images/nleb approved 16.pdf
- 66. UNIVERSITY OF CONNECTICUT, CONNECTICUT ENVIRONMENTAL CONDITIONS ONLINE, *Connecticut Critical Habitats and Open Space*, last updated November 28, 2012, *available at* http://cteco.maps.arcgis.com/home/item.html?id=a1bf59798c5b45a98aeaeb97dafd60b9
- 67. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK 20TH ED. 2017, available at http://www.ctwoodlands.org/connecticut-walk-book-20th-edition
- 68. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, Connecticut Official State Tourism Map.
- 69. NATIONAL AUDUBON SOCIETY, Connecticut Important Bird Areas, available at http://netapp.audubon.org/iba/state/US-CT
- 70. Mail-A-Map Street Map, Lebanon, available at http://mailamap.com/street-maps
- 71. United States Geological Survey, Connecticut Topographic Map Collection (Lebanon), available at http://magic.lib.uconn.edu/topographic_maps.html
 - E. State Agency comments
 - Comments from the Department of Public Health, Drinking Water Section, dated April 10, 2018
 - F. Municipal comments
 - G. Telecommunications Carrier Comments
- II. Appearance by Applicant

Applicant: Cellco Partnership d/b/a Verizon Wireless

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

A. Administrative Notice.

1.

- 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 March 12, 2018, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Town of Lebanon Zoning Regulations
- b. Town of Lebanon Inland Wetlands and Watercourses Regulations
- c. Town of Lebanon Plan of Conservation and Development
- 2. Applicant's Affidavit of Publication, dated April 3, 2018
- 3. Applicant's Responses to Council Interrogatories, dated April 18, 2018
- 4. Applicant's Sign Posting Affidavit, dated April 20, 2018

C. Swear Witnesses

- 1. Andrew Candiello, Engineer IV-Real Estate & Regulatory, Verizon Wireless
- 2. Kelly Lemay, Radio Frequency Engineer, Verizon Wireless
- 3. Robert Burns, P.E., All-Points Technology Corp. P.C.
- 4. Michael Libertine, LEP, Director of Siting & Permitting, All-Points Technology Corp., P.C.
- 5. Matthew Gustafson, Professional Soil Scientist, All Points Technology Corp., P.C.
- D. Full Exhibits Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
 - 1. Council

III. Closing by Connecticut Siting Council.