

Hearing Program
Docket No. 486
Tuesday, October 22, 2019
1:00 p.m.
Hearing Room Two, Ten Franklin Square
New Britain, CT 06051

- I. Opening by Council
 - A. Statement read by Chair.
 - B. Comments by Public Official(s) (if any)
 - C. Motions
 - D. Administrative Notice taken by Council

FEDERAL

1. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields*, OET Bulletin No. 56, August 1999, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf
2. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin No. 65, August 1997, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf
3. FEDERAL COMMUNICATIONS COMMISSION, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order*, August 1, 1996, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf
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 <https://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, as amended, available at <https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih>.

7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/PLAW-108publ494/pdf/PLAW-108publ494.pdf>
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment 2012, *available at* <https://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, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf>
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf>
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. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, available at <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>
14. 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>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places available at* <https://www.nps.gov/nr/research/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, *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
17. FEDERAL AVIATION ADMINISTRATION, *Specification for Obstruction Lighting Equipment, Advisory Circular AC No. 150/5345-43J*, March 11, 2019, *available at* https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5345-43J.pdf
18. 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>

19. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2017*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, June 2018, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201806.pdf>
20. 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
21. FEDERAL COMMUNICATIONS COMMISSION, *Connecting America: The National Broadband Plan*, 2010, available at <http://www.broadband.gov/plan/>
22. FEDERAL COMMUNICATIONS COMMISSION, *Text-to-911: Quick Facts & FAQs*, June 2013, available at <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.
23. 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>
24. FEDERAL COMMUNICATIONS COMMISSION, *Second Report and Order*, FCC 18-30, March 30, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-30A1.pdf>
25. FEDERAL COMMUNICATIONS COMMISSION, *Third Report and Order and Declaratory Ruling*, FCC 18-111, August 3, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf>
26. FEDERAL COMMUNICATIONS COMMISSION, *Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
27. UNITED STATES DEPARTMENT OF AGRICULTURE, *Soil Survey Manual, Handbook No. 18*, March 2017, available at https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262

STATE

Connecticut Siting Council

28. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Plan for Wireless Telecommunications Coverage*, Revised October 2018, available at https://www.ct.gov/csc/lib/csc/publications/2018telcomplan_final.pdf
29. 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
30. 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>

31. **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>
32. **DOCKET NO. 56** - Metro Mobile CTS of New Haven, Inc., Certificate of Environmental Compatibility and Public Need for telecommunications facilities in New Haven County.
33. **DOCKET NO. 56A** - Metro Mobile CTS of New Haven, Inc., Certificate of Environmental Compatibility and Public Need for telecommunications facilities in New Haven County; Amendment Resolution.
34. **DOCKET NO. 310** - Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc., Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and management of a cellular telecommunications facility located at 190 Wintergreen Avenue, Hamden, Connecticut.

Department of Energy and Environmental Protection

35. 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*, last revised September 2007, *available at* http://www.ct.gov/deep/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/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654
37. 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>
38. 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.
39. 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.
40. 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.
41. 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
42. 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

43. 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
44. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, WETLANDS MANAGEMENT SECTION, *Guidelines: Upland Review Area Regulations, Connecticut's Inland Wetlands and Watercourses Act*, June 1997, available at http://www.ct.gov/deep/lib/deep/water_inland/wetlands/upland_review_document_june1997.pdf

Department of Transportation

45. 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>
46. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Policy Statement for Telecommunications Installations Within the State Highway Right of Way*, Policy No. E&H.O. – 53, August 7, 2006, available at http://www.ct.gov/csc/lib/csc/row_ps.pdf

Other State Agencies

47. 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
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49. 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
50. 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/svmtf_final_report.pdf
51. 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
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54. CONNECTICUT DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, *CT Text to 911*, 2018, *available at* <https://www.text911ct.org/>
55. CONNECTICUT COUNCIL ON ENVIRONMENTAL QUALITY, March 27, 2019 Meeting Minutes <https://www.ct.gov/ceq/cwp/view.asp?a=984&Q=609830>
56. CONNECTICUT COUNCIL ON ENVIRONMENTAL QUALITY, AUGUST 28, 2019 DRAFT Meeting Minutes, <https://www.ct.gov/ceq/cwp/view.asp?a=984&Q=608062>

TECHNICAL

57. 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>
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59. 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
60. 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 regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, February 19, 2010, *available at* http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_388/do388-20100312_supplemental_submission.pdf
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ENVIRONMENTAL

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MAPS

68. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Hamden*, (last updated June 2019), available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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72. CONNECTICUT FOREST & PARK ASSOCIATION, *CONNECTICUT WALK BOOK 20TH ED. 2017*, available at <http://www.ctwoodlands.org/connecticut-walk-book-20th-edition>
73. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>

74. Mail-A-Map Street Map, Hamden and New Haven, *available at* <http://mailamap.com/street-maps>
75. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection (Hamden), *available at* http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. Comments from the Department of Transportation, dated August 7, 2019
2. Comments from the Council on Environmental Quality, dated August 29, 2019

F. Municipal comments

G. Telecommunications Carrier Comments

II. Appearance by Applicant

Applicant: Tarpon Towers, II LLC
Representative: Vincent M. Marino, Esq.
Cohen and Wolf, P.C.

A. Administrative Notice.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Tarpon Towers, II LLC, received July 15, 2019, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Hamden Plan of Conservation and Development, April 2019
 - b. Hamden Plan of Conservation and Development Amendment, effective October 15, 2009
 - c. Hamden Zoning Regulations, effective August 17, 2017
 - d. Hamden Zoning Map, May 2015
 - e. Hamden Inland Wetland Regulations, effective May 27, 2009
 - f. Applicant's Technical Report
2. Applicant's Updated Exhibit A, dated July 24, 2019
 3. Applicant's Responses to Council Interrogatories, Set One, dated July 31, 2019
 4. Applicant's Responses to Council Interrogatories, Set Two, dated September 11, 2019
 5. Applicant's Sign Posting Affidavit, dated September 4, 2019
 6. Applicant's Pre-filed Testimony of Keith Coppins, dated September 9, 2019
 7. Applicant's Pre-filed Testimony of Douglas Roberts, dated September 9, 2019
 8. Applicant's Pre-filed Testimony of Michael Libertine, dated September 9, 2019
 9. Applicant's Pre-filed Testimony of Dean E. Gustafson, dated September 9, 2019

10. Applicant's Witness Resumes, received September 11, 2019
 - a. Keith Coppins
 - b. Douglas Roberts
 - c. Michael P. Libertine
 - d. Dean E. Gustafson
11. Protective Order related to unredacted lease agreement, signed September 12, 2019
12. Applicant's Revised Site Plans, submitted September 19, 2019
13. Applicant's Late Filed Exhibits, dated October 15, 2019

C. Swear Witnesses

1. Keith Coppins, Principal/Owner, Phoenix Partnership, LLC
2. Douglas J. Roberts, AIA, Senior Project Manager, Hudson Design Group
3. Michael P. Libertine, LEP, Director of Siting and Permitting, All Points Technology, Inc.
4. Dean E. Gustafson, Manager, Natural Resources, All Points Technology, Inc.

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

E. Cross Examination.

1. Council
2. Cellco

III. Appearance by Intervenor: Cellco Partnership d/b/a Verizon Wireless (Cellco)

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

A. Administrative Notice.

B. Exhibits for Identification.

1. Cellco's Request for Intervenor Status, dated July 29, 2019
2. Cellco's Responses to Council Interrogatories, Set One, dated September 9, 2019

C. Swear Witnesses

1. Ziad Cheiban, Radio Frequency Engineer, Verizon Wireless
2. Mark Brauer, Radio Frequency Engineer, Verizon Wireless

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

E. Cross Examination.

1. Council
2. Applicant

IV. Closing or Continuation by Connecticut Siting Council.