

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051 Phone: (860) 827-2935 Fax: (860) 827-2950 E-Mail: siting.council@ct.gov www.ct.gov/csc

VIA ELECTRONIC MAIL

March 4, 2020

TO:

Parties and Intervenors

FROM:

Melanie Bachman, Executive Director

RE:

DOCKET NO. 487 – Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 183 Soundview Lane, New Canaan,

Connecticut.

The Connecticut Siting Council (Council) will hold a pre-hearing conference on procedural matters on Wednesday, March 11, 2020, in the Council's office, at Ten Franklin Square, New Britain, Connecticut, beginning at 11:00 a.m. All parties and intervenors are requested to participate. The purpose of this pre-hearing conference is to expedite the hearing procedure without sacrificing an informative record necessary for the Council to render a decision. For those that wish to participate in the pre-hearing conference via telephone, please use the call-in information below.

Call number:

866-917-7557

Passcode:

9148525

At the conference, parties and intervenors will be encouraged to discuss requirements for prefiled testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of pre-hearing interrogatories. To save the time and expense of the public, the Council does not allow direct testimony at the public hearing.

Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the hearing. The pre-hearing conference will also address field review logistics, the grouping of parties and intervenors and the order of presentations at the hearing.

MB/MP/lm





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Connecticut Siting Council Pre-hearing Conference: Procedure for Hearing of April 21, 2020

DOCKET NO. 487 - Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 183 Soundview Lane, New Canaan, Connecticut.

Pre-hearing Procedure

- 1. On or before April 7, 2020, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
- 2. On or before April 14, 2020, all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
- 3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before April 14, 2020.
- 4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies. The Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
- 5. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the applicants shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to the property from a public road where the proposed facility is to be located. The sign shall set forth the name of the applicants, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). The sign shall not be removed from the site until after the commencement of the evening public comment session.
- 6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.



Hearing Procedure

- 7. A public field review of the proposed site will be held on Tuesday, April 21, 2020, beginning at 2:00 p.m. The applicants will fly a balloon between the hours of 8:00 a.m. and 6:00 p.m. at the proposed site, weather permitting, during the field review.
- 8. The 3:00 p.m., April 21, 2020, evidentiary session will provide the applicants, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The applicants will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the applicants and all other parties and intervenors.
- 9. All participants are requested to place nameplates on the table in front of each witness at the hearing.
- 10. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
- 11. The 6:30 p.m. public comment session on April 21, 2020, will be reserved for the public to make brief statements into the record. The Council requests that the applicants conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties or other form of presentation such as a video or PowerPoint. The diagrams or other form of presentation must be from materials already submitted into the record.
- 12. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
- 13. The Council may, at its discretion, group parties and intervenors with the same interests.
- 14. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
- 15. Pursuant to Section 16-50j-15b of the Regulations of Connecticut State Agencies, any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
- 16. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

Post-hearing procedure

- 17. A verbatim transcript of the hearing session will be made and deposited with the New Canaan Town Clerk's Office, New Canaan, Connecticut for the convenience of the public.
- 18. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
- 19. Members of the public will be allowed to submit written statements into the record within 30 days after the close of the hearing.
- 20. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.

Administrative Notice List Docket No. 487

FEDERAL

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- 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
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- 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
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- 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
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- 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
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