



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 487
Tuesday, July 28, 2020
1:00 p.m.
Zoom Remote Public Hearing

I. Opening by Council

- A. Statement read by Presiding Officer.
- B. Motions
- C. 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
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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>

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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=>
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35. 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.
36. 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.
37. 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.
38. 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
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Department of Transportation

42. 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>
43. 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

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48. 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
49. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, *2014 Connecticut Natural Hazard Mitigation Plan Update*, January 2014, available at http://www.ct.gov/deep/lib/deep/water_inland/hazard_mitigation/ct_nhmp_adopted_final.pdf
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TECHNICAL

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58. 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 New Canaan*, (last updated December 2019), available at <https://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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Species Act Compliance, last updated February 1, 2016, available at http://www.ct.gov/deep/lib/deep/endangered_species/images/nleb_approved2_16.pdf

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74. Mail-A-Map Street Map, (New Canaan), available at <http://mailamap.com/street-maps>
75. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection (Norwalk North Quadrangle -2018), available at http://magic.lib.uconn.edu/topographic_maps.html

D. State Agency comments

E. Municipal comments

1. Town of New Canaan Planning and Zoning Commission Comments and attachment, dated July 1, 2020
2. Town of New Canaan Comments and attachment, dated July 2, 2020

F. Telecommunications Carrier comments

1. T-Mobile/Sprint comments, dated July 1, 2020

II. Appearance by Applicants

Applicants: Homeland Towers, LLC & New Cingular Wireless PCS, LLC, d/b/a AT&T (ATTHT)

Representatives: Lucia Chiocchio, Esq.
Daniel Patrick, Esq.
Cuddy & Feder, LLP

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T received February 7, 2020, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. New Canaan 2014 Plan of Conservation
 - b. New Canaan Zoning Regulations, adopted June 14, 1932, amended August 16, 2019
 - c. New Canaan Zoning Map, revised April 15, 2015
 - d. New Canaan Inland Wetlands and Watercourses Regulations, adopted December 13, 2000, revised through January 1, 2013
 - e. Technical Report
 - f. Wireless Market Study of the Town of New Canaan, CT, prepared by Centerline Solutions, December 1, 2014
2. Protective Order related to unredacted lease agreement, signed February 27, 2020
 3. Applicants' Affidavit of Publication, dated March 10, 2020
 4. Applicants' Responses to Council Interrogatories, Set One, dated March 27, 2020
 5. Applicants' Responses to Wiley Interrogatories, Set One, dated April 24, 2020
 6. Applicants' Supplemental Submission, dated May 27, 2020
 7. Applicants' Responses to Council Interrogatories, Set Two, dated July 2, 2020
 8. Applicants' Responses to Wiley Interrogatories, Set Two, dated July 2, 2020
 9. Applicants' Affidavit of Sign Posting, dated July 1, 2020
 10. Applicants' Errata Sheet, dated July 2, 2020
 11. Applicants' Late Filed Exhibits, dated July 20, 2020

C. Swear Witnesses

1. Raymond Vergati, Regional Manager, Homeland Towers LLC
2. Manuel Vincente, President, Homeland Towers LLC
3. Harry Carey, External Affairs, AT&T
4. Robert Burns, P.E., Project Manager, All Points Technology Corp. P.C.
5. Michael Libertine, LEP, Director of Siting and Permitting, All Points Technology Corp. P.C.
6. Brian Gaudet, Project Manager, All Points Technology Corp. P.C.
7. Martin Lavin, Radio Frequency Engineer, C² Systems on behalf of AT&T
8. Dan Stebbins, AT&T FirstNet

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

E. Cross Examination.

1. Soundview Neighbors Group
 2. St. Luke's School/St. Luke's Foundation, Inc.
 3. Council
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III. Appearance by Party: Soundview Neighbors Group (SVN)

Representative: John W. Cannavino, Esq.
Cummings & Lockwood LLC

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Hugh C. Wiley and Judith R. Wiley Request for Party Status, dated April 8, 2020
2. Joseph E. Sweeney and Kathleen A. Sweeney Request for Intervenor Status, dated April 9, 2020
3. Steven Sosnick and Miriam H. Sosnick Request for Intervenor Status, dated April 10, 2020
4. Pre-filed Testimony of Hugh C. Wiley, dated July 2, 2020
5. Pre-filed Testimony of Joseph E. Sweeney, dated July 2, 2020
6. Pre-filed Testimony of Steven Sosnick, dated July 2, 2020
7. Pre-filed Testimony of Garrett Camporine, dated July 2, 2020

C. Swear Witnesses

1. Hugh C. Wiley
2. Joseph E. Sweeney
3. Steven Sosnick
4. Garrett Camporine

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

E. Cross Examination.

1. Council
 2. Applicants
 3. St. Luke's School/St. Luke's Foundation, Inc.
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- IV. Appearance by Party: St. Luke's School/St. Luke's Foundation, Inc.
(STLU)
- Representatives: Julia Gabriele
Christopher Rosow
- A. Administrative Notice
- B. Exhibits for Identification:
1. St. Luke's School/St. Luke's Foundation, Inc. Request for Party Status, dated April 13, 2020
 2. Pre-filed Testimony of Christopher Rosow and Julia Gabriele, dated July 2, 2020
 3. Resumes of Christopher Rosow and Julia Gabriele, dated July 2, 2020
- C. Swear Witnesses
1. Julia Gabriele, Associate Head of St. Luke's School and Chief Financial Officer
 2. Christopher Rosow, Member, St. Luke's Board of Trustees
- D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
1. Council
 2. Applicants
 3. Soundview Neighbors Group
- V. Closing or Continuation by Connecticut Siting Council.