



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Feasibility Proceeding
FP-ATT-083-211214
Thursday, February 17, 2022
2:00 p.m./6:30 p.m.
Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. 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/subjects/nationalregister/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 2020*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, August 2021, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202108-508.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
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25. FEDERAL COMMUNICATIONS COMMISSION, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment/Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, 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, *FCC Fact Sheet: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
27. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, Declaratory Ruling and Notice of Proposed Rulemaking*, FCC 20-75, June 10, 2020, available at <https://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.pdf>
28. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, Report and Order*, FCC 20-153, November 3, 2020, available at <https://docs.fcc.gov/public/attachments/FCC-20-153A1.pdf>

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32. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, *available at* <https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Disclaimer>
33. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432
34. **PETITION NO. 1465** - New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a wireless telecommunications facility located at 499 Mile Lane, Middletown, Connecticut, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1461-1470/PE1465_ATT_Middletown
35. **DOCKET NO. 506** - New Cingular Wireless PCS, LLC (AT&T) **application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a** wireless telecommunications facility located at 499 Mile Lane, Middletown, Connecticut. Record, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-506
36. **TS-SPRINT-159-030630** - Sprint Spectrum, L.P. d/b/a Sprint PCS request for an order to approve tower sharing at an existing telecommunications facility located at 23 Kelleher Court, **Wethersfield**, Connecticut. Record and Final Decision available at https://portal.ct.gov/CSC/2_Facility/Facility/Facility-List---Wethersfield
37. **SUB-PETITION NO. 1293-BMM-01 (Berlin, Middletown & Middlefield)** – Eversource Energy declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for all transmission facility asset condition maintenance improvements statewide to comply with the updated National Electrical Safety Code clearance requirements. Record. Mapsheet 16 of 18, *available at* https://portal.ct.gov/CSC/2_Facility/Facility/Facility-List---Berlin

Department of Energy and Environmental Protection

38. 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 November 2007, available at <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>
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41. 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.
42. 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.
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44. 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 https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/nongame/ETS15pdf.pdf
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54. 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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62. *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007).
63. *Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection*, 324 Conn. 362 (2016).

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ENVIRONMENTAL

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MAPS

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83. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
84. Mail-A-Map Street Map, Middletown, available at <http://mailamap.com/street-maps>
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C. State Agency comments

1. Connecticut Airport Authority Comments, dated January 19, 2022

II. Appearance by Requesting Entity: New Cingular Wireless PCS, LLC (ATT)

Representative: Christopher B Fisher, Esq.
Kristen Motel, Esq.
Cuddy + Feder LLP

A. Administrative Notice.

1. **DOCKET NO. 506** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a wireless telecommunications facility located at 499 Mile Lane, Middletown, Connecticut. Record, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-506

B. Exhibits for Identification.

1. Request to Initiate Feasibility Proceeding by New Cingular Wireless PCS, LCC for shared use of an existing facility located at 499 Mile Lane, Middletown, Connecticut received December 14, 2021.

2. Requesting Entity's Sign Posting Affidavit, dated February 9, 2022

C. Swear Witnesses

1. Kelly Wade Bettuchi, Regional Director, External & Legislative Affairs, AT&T

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

E. Cross Examination.

1. Council

III. Closing by Connecticut Siting Council.