



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Connecticut Siting Council

Application Guide for

COMMUNITY ANTENNA TELEVISION AND TELECOMMUNICATION FACILITIES

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This guide is designed to assist applicants in filing for a Certificate of Environmental Compatibility and Public Need (Certificate) from the Connecticut Siting Council (Council) for construction, maintenance and operation of a community antenna television (CATV) or telecommunications facility. Such facilities are defined in Connecticut General Statutes (Conn. Gen. Stat.) §16-50i(a)(5) and (6) and Section 16-50j-2a of the Regulations of Connecticut State Agencies (Regs. Conn. State Agencies.).

Applicants should consult Connecticut General Statutes §16-50g, *et seq.* and Section 16-50j-1, *et seq.* of the Regulations of Connecticut State Agencies to assure compliance with requirements of those sections that are relevant to the facility application. Where appropriate, statutory and regulatory references are noted below.

I. Pre-Application Process

Community Antenna Television Facilities (Conn. Gen. Stat. §16-50l (f))

- At least **60** days prior to the filing of an application with the Council, the applicant is required to consult with the host municipality and any adjoining municipality having a boundary not more than 2,500 feet from such facility, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located concerning the proposed and alternative sites for the facility location;
- Consultation shall include good faith efforts to meet with the chief elected official of the municipality or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located.
- During consultation, the applicant shall provide the chief elected official of the municipality or such official's designee, the legislative body of the municipality and each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility.

- The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Not later than 60 days after the initial consultation, the municipality shall issue its recommendations to the applicant. Not later than 15 days after submitting the application to the Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultation including any meetings with the chief elected official, such official's designee, the legislative body of the municipality and any member of the legislature and any recommendations issued by the municipality.

Telecommunications Facilities (Conn. Gen. Stat. §16-501 (g))

- At least **90** days prior to filing an application with the council, the applicant is required to consult with the host municipality and any adjoining municipality having a boundary not more than 2,500 feet from such facility.
- Consultation with the municipality shall include, but not be limited to, good-faith efforts to meet with the chief elected official of the municipality or such official's designee.
- During consultation, the applicant shall provide the municipality with any technical reports concerning the need for the facility, including a map indicating the area of need, the location of existing surrounding facilities, a detailed description of the proposed and any alternate sites under consideration, a listing of other sites or areas considered and rejected, the location of all schools near the proposed facility, an analysis of the potential aesthetic impacts of the facility on said schools, as well as a discussion of efforts or measures to be taken to mitigate such aesthetic impacts, a description of the site selection process undertaken by the prospective applicant and the potential environmental effects of the proposed facility. The applicant shall also provide copies of such technical reports to such municipality's planning commission, zoning commission or combined planning and zoning commission and inland wetland agency.
- The municipality may hold a public information meeting in cooperation with the applicant not later than 60 days after the initial municipal consultation meeting. The applicant is responsible for the administrative expenses associated with the public information meeting and sending notice of such meeting to each person appearing of record as an owner of property which abuts the proposed or alternate facility locations and for publishing notice of such meeting in a newspaper of general circulation in the municipality at least 15 days before the date of the public information meeting.
- The municipality shall present the applicant with proposed alternate sites, which include municipal parcels, for its consideration not later than 30 days after the initial consultation meeting. The applicant shall evaluate these alternate sites presented as part of the municipal consultation process and include the results of its evaluations in its application to the Council. The applicant may present any such alternatives to the Council in its application for formal consideration.

II. Form of Application (Regs. Conn. State Agencies §16-501-2)

All applications shall include the following components:

- a. The purpose for which the application is being made;
- b. The statutory authority for such application;
- c. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized;
- d. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;
- e. Such information as may be required under the applicable provisions of Section 16-50l of the Connecticut General Statutes;
- f. Such information as any department or agency of the state exercising environmental controls may, by regulation, require; and
- g. Such information as the applicant may consider relevant.

III. Filing Requirements (Regs. Conn. State Agencies §16-50j-12)

- A. Except as may be otherwise required at the time applications are filed with the Council, there should be furnished to the Council an original and **15** copies of Certificate applications. All filings from the applicant, parties, and/or intervenors should be labeled with the docket number, properly collated and paginated. Electronic filing of the application to siting.council@ct.gov is required.
- B. Bulk filing shall consist of at least one hard copy of the applicable town zoning and inland wetlands regulations and plan of development and any other publicly available material in support of the application **and a website link to the material**. These documents shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained.
- C. Applications filed for the purpose of any proceeding before the Council shall be printed or typewritten on paper cut or folded to letter size, 8 ½ by 11 inches. Width of margins shall be not less than one inch. The impression may be double-sided.
- D. Every application shall be signed by the applicant or by its authorized representative. All applications shall be filed at the office of the Council, Ten Franklin Square, New Britain, Connecticut 06051. Service of all documents and other papers filed as applications, briefs, and exhibits but not limited to those categories, shall be by personal delivery or by first class mail to the Council and all parties and intervenors to the proceeding, unless mail service has been waived in favor of electronic service as noted on the application service list.

E. Applications may include any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the application. In addition, annexed materials shall include such exhibits, sworn written testimony, and other data that any statute or regulation may require. The applicant may request administrative notice of may be taken of judicially cognizable facts and of generally recognized technical or scientific facts. All documents, including but not limited to maps, shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained. Maps must include a key table(s) and a matching source list/table, appropriately organized.

IV. Application Filing Fees (Regs. Conn. State Agencies §16-50v-1a)

The filing fee for an application is determined by the following schedule:

<u>Estimated Construction Cost</u>	<u>Fee</u>
Up to \$5,000,000	0.05% or \$1,250.00, whichever is greater
Above \$5,000,000	0.1% or \$25,250.00, whichever is less

All application fees shall be paid to the Council at the time an application is filed with the Council. Additional assessments may be made for expenses in excess of the filing fee, or fees in excess of the Council's actual costs will be refunded to the applicant.

V. Contents of Application (Regs. Conn. State Agencies §16-50j-74)

An application for a Certificate for the construction of a CATV or telecommunications facility shall include, but not be limited to, the following:

1. A description of the proposed tower and associated equipment, or modification and associated equipment including height and special design features, access roads and power lines, if any;
2. A statement of the need for the proposed tower and associated equipment, or modification and associated equipment with as much specific information as is practicable to demonstrate the need;
3. A statement of the benefits expected from the proposed tower and associated equipment, or modification and associated equipment with as much specific information as is practicable;
4. (A) The most recent U.S.G.S. topographic quadrangle map (scale 1 inch = 2000 feet) marked to show the approximate site of the tower and associated equipment, or

modification and associated equipment and any significant changes within a one mile radius of the site; and

(B) a map (scale 1 inch = 200 feet or less) of the lot or tract on which the tower and associated equipment, or modification and associated equipment is proposed to be located showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their lands abutting the site;

5. (A) Plan and elevation drawings showing the proposed tower and associated equipment, or modification and associated equipment, the antennas and other components to be supported, and all structures on the site; and
(B) where relevant, a terrain profile showing the proposed tower and associated equipment, or modification and associated equipment;
6. A description of the site, including the zoning classification of the site and surrounding areas;
7. A description of the land uses of the site and surrounding areas;
8. A description of the scenic, natural, historic, and recreational characteristics of the proposed site and surrounding area;
9. A statement in narrative form of the environmental effects of the proposed tower and associated equipment, or modification and associated equipment;
10. A statement containing justification for the site selected including a description of siting criteria and the narrowing process by which other possible sites were considered and eliminated;
11. A statement of the estimated cost for site acquisition and construction of the tower and associated equipment, or modification and associated equipment;
12. A schedule showing the proposed program of site acquisition, construction, completion, and operation;
13. The names and mail addresses of the owner of the site and all abutting owners;
14. A listing of any federal, state, regional, district, and municipal agencies with which reviews were conducted concerning the tower and associated equipment or modification and associated equipment, including a copy of any state and municipal agency position or decision with respect to the tower or modification and associated equipment;
15. Where relevant, a list of all towers and associated equipment within a 5-mile radius of the proposed tower and associated equipment or modification and associated equipment;

16. A description of technological alternatives and a statement containing justification for the proposed facility;
17. A description of alternate sites for the proposed tower, if applicable, and associated equipment, or modification and associated equipment with the following information:
 - (A) a U.S.G.S. topographic quadrangle map (scale 1 inch = 2000 feet) marked to show the location of alternate sites;
 - (B) a map (scale 1 inch = 200 feet or less) of the lots or tracts of the alternate sites for the proposed tower and associated equipment, or modification and associated equipment showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their land abutting the alternate site; and
 - (C) such additional information as would be necessary or useful to compare the costs and environmental impacts of the alternate sites with those of the proposed site;
18. A statement describing hazards to human health, if any, with such supporting data or references to authoritative sources of information as will be helpful to the understanding of all aspects of the issue, including signal frequency and power density at the proposed site to be transmitted or received by the proposed facility; and
19. Additional information may be requested by the Council.

VI. Proof of Service (Conn. Gen. Stat. § 16-50l)

Each application shall be accompanied by proof of service of such application on:

- A. The chief elected official, the zoning commission, planning commission, the planning and zoning commissions, and the conservation and wetlands commissions of the site municipality and any adjoining municipality having a boundary not more than 2,500 feet from the facility;
- B. The regional planning agency that encompasses the site municipality;
- C. The State Attorney General;
- D. Each member of the Legislature in whose district the facility or any alternative facility location is proposed;
- E. Any federal agency, department, commission or instrumentality which has jurisdiction over the proposed facility; and
- F. The state Departments of Energy and Environmental Protection, Public Health, Public Utilities Regulatory Authority, Economic and Community Development, Agriculture and Transportation; the Council on Environmental Quality; Office of Consumer Counsel and the Office of Policy Management.

- G. Any such other state and municipal bodies as the Council may by regulation designate, including but not limited to, the Connecticut Airport Authority and the Department of Emergency Services and Public Protection.
- H. **Notice to Abutting Property Owners:** Notice of the application shall be sent by certified or registered mail to each person appearing of record as an owner of property which abuts the primary or alternative sites on which the proposed facility would be located. Notice shall be sent at the same time that notice of the application is given to the general public. An affidavit of notice to all abutting property owners shall accompany the application.

VII. Public Notice (Conn. Gen. Stat. §16-50j)

Notice of the intent to file the application with the Council shall be published in a newspaper having general circulation in the site municipality or municipalities. The notice shall state the name of the applicant, the date of filing, and a summary of the application. The notice must be published in not less than ten-point type. An affidavit of publication of notice of the intent to file the application shall be filed with the Council.

Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten days prior to the public hearing such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet along a public road at or in the vicinity of where the proposed facility would be located. The sign shall set forth the name of the applicant, the type of facility, the proposed maximum height, the public hearing date, and contact information for the Council (Web site and phone number). An affidavit of the date of the erection of the sign, its location and the duration that the sign is posted shall be filed with the Council.

VIII. Procedures

- A. The Council will review and may reject the application within 30 days for lack of completeness if it fails to comply with specific data or exhibit requirements established by statute or regulation, or if the applicant fails to promptly correct deficiencies in any filed application in the manner directed by the Council.
- B. The Council may issue interrogatories to the applicant and any other party or intervenor to the proceeding requesting supplemental or explanatory materials. The applicant and any other party or intervenor may file exhibits and issue interrogatories to the applicant and any other party or intervenor requesting supplemental or explanatory materials. All exhibits and responses to interrogatories will be subject to cross-examination and admitted into the record at the Council's discretion.
- C. One session of the public hearing must be held after 6:30 p.m. for the convenience of the public for oral limited appearance statements. Written limited appearance statements are accepted up to 30 days after the close of the hearing.

D. The Council must render a decision within **150** days of receipt of an application, extendible by 180 days upon consent of the applicant.

IX. Petition for a Declaratory Ruling

Any applicant who believes that a proposed facility does not fall within the statutory requirements of the application for a Certificate process may file a petition for declaratory ruling in accordance with Conn. Gen. Stat. §4-176. See the Council's Petition for a Declaratory Ruling Filing Guides.

PLEASE NOTE THAT THIS GUIDE IS NO SUBSTITUTION FOR OBTAINING ADVICE FROM LEGAL COUNSEL. IN THE EVENT OF ANY CONFLICT BETWEEN THIS GUIDE AND THE ACTUAL STATUTES AND REGULATIONS, THE STATUTES AND REGULATIONS SHALL GOVERN.