

# 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](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

October 21, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director

RE: **DOCKET NO. 422** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.

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At a meeting of the Connecticut Siting Council held on October 20, 2011, the following were made a party and intervenors to this proceeding:

### PARTY

Town of Watertown

### ITS REPRESENTATIVE

Paul R. Jessell  
Town Attorney  
Slavin, Stauffacher & Scott, LLC  
27 Siemon Company Drive, Suite 300W  
Watertown, CT 06795

### INTERVENORS

Robert and Cathleen Alex  
435 Bassett Road  
Watertown, CT 06795

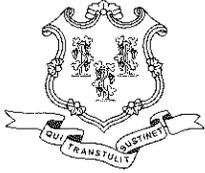
Please forward a copy of all filings to date in this proceeding to the new party and intervenors, unless service has been waived. A revised service list dated October 21, 2011, is enclosed for your reference.

LR/CDM/laf

Enclosure

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC	<p>Lucia Chiochio, Esq. Christopher B. Fisher, Esq. Cuddy &amp; Feder LLP 445 Hamilton Avenue, 14<sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a> <a href="mailto:lchiochio@cuddyfeder.com">lchiochio@cuddyfeder.com</a></p> <p>John S. Stevens North Atlantic Towers, LLC 1001 3<sup>rd</sup> Ave. West., Suite 420 Bradenton, FL 34250</p> <p>Michele Briggs AT&amp;T 500 Enterprise Drive Rocky Hill, CT 06067-3900 <a href="mailto:michele.g.briggs@cingular.com">michele.g.briggs@cingular.com</a></p>
<b>Party (granted on 10/20/11)</b>	<input checked="" type="checkbox"/> U.S. Mail	Town of Watertown	<p>Paul R. Jessell Town Attorney Slavin Stauffacher &amp; Scott LLC 27 Siemon Company Drive Suite 300W Watertown, CT 06795 (860) 274-2511 (860) 274-2513 fax <a href="mailto:pjessell@sssattorneys.com">pjessell@sssattorneys.com</a></p> <p>Charles Frigon, Town Manager Watertown Town Hall 424 Main Street Watertown, CT 06795 <a href="mailto:frigon@watertownct.org">frigon@watertownct.org</a></p>
<b>Intervenor (granted on 10/20/11)</b>	<input checked="" type="checkbox"/> U.S. Mail	Robert and Cathleen Alex 435 Bassett Road Watertown, CT 06795 (860) 274-7920 <a href="mailto:Bobcat230@gmail.com">Bobcat230@gmail.com</a>	



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October 21, 2011

Robert and Cathleen Alex  
435 Bassett Road  
Watertown, CT 06795

RE: **DOCKET NO. 422** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.

Dear Mr. and Mrs. Alex:

In response to your request of October 19, 2011, on October 20, 2011, the Connecticut Siting Council (Council) granted you intervenor status in Docket No. 422.

Please note that the Telecommunications Act of 1996, a law passed by Congress, restricts this Council's actions. For example, this Act prohibits any state or local government agency, including this Council, from regulating telecommunication towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the FCC's regulations concerning such emissions. Also, this Act blocks state and local government agencies, such as this Council, from prohibiting personal wireless services for any town or area. Finally, this Act prohibits such state and local government agencies from unreasonably discriminating among wireless service providers. We ask that you please keep this in mind when preparing your case.

All filings submitted to the Council must consist of an original and 15 copies with the docket number, properly collated and paginated, and bound. In accordance with the State Solid Waste Management Plan, 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.

Additionally, parties and intervenors are required to serve all other parties and intervenors a copy of any material submitted in this docket, unless service is waived. Please advise us in writing if you are willing to waive service of documents. Enclosed for your reference is a copy of the current service list, dated October 21, 2011, with method of service to each party and intervenor listed. It is also requested that an electronic version of all filings is sent to [siting.council@ct.gov](mailto:siting.council@ct.gov).

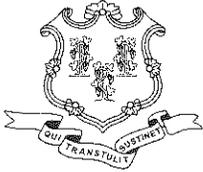
Copies of all Council documents filed to date in this proceeding are available for your review at the Council's office or on our website. You or your representative should inspect this material to ensure that you are aware of all scheduled proceedings and regulatory responsibilities. The applicant and other parties and intervenors will be notified of your participation and directed to forward to you a copy of all filings made to date in this proceeding. Please contact Lisa A. Fontaine, if you require any further information regarding the Council's procedure.

Very truly yours,

Linda Roberts  
Executive Director

LR/CDM/laf

c: Parties & Intervenors  
Enclosures



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October 21, 2011

Paul R. Jessell  
Town Attorney  
Slavin, Stauffacher & Scott, LLC  
27 Siemon Company Drive, Suite 300W  
Watertown, CT 06795

RE: **DOCKET NO. 422** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.

Dear Attorney Jessell:

In response to your request of October 14, 2011, on October 20, 2011, the Connecticut Siting Council (Council) granted party status in Docket No. 422 to the Town of Watertown.

Please note that the Telecommunications Act of 1996, a law passed by Congress, restricts this Council's actions. For example, this Act prohibits any state or local government agency, including this Council, from regulating telecommunication towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the FCC's regulations concerning such emissions. Also, this Act blocks state and local government agencies, such as this Council, from prohibiting personal wireless services for any town or area. Finally, this Act prohibits such state and local government agencies from unreasonably discriminating among wireless service providers. We ask that you please keep this in mind when preparing your case.

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Additionally, parties and intervenors are required to serve all other parties and intervenors a copy of any material submitted in this docket, unless service is waived. Please advise us in writing if you are willing to waive service of documents. Enclosed for your reference is a copy of the current service list, dated October 21, 2011, with method of service to each party and intervenor listed. It is also requested that an electronic version of all filings is sent to [siting.council@ct.gov](mailto:siting.council@ct.gov).

Copies of all Council documents filed to date in this proceeding are available for your review at the Council's office or on our website. You or your representative should inspect this material to ensure that you are aware of all scheduled proceedings and regulatory responsibilities. The applicant and other parties and intervenors will be notified of your participation and directed to forward to you a copy of all filings made to date in this proceeding. Please contact Lisa A. Fontaine, if you require any further information regarding the Council's procedure.

Very truly yours,

Linda Roberts  
Executive Director  
LR/CDM/laf

c: Parties & Intervenors

CONNECTICUT SITING COUNCIL E-MAIL SERVICE OF DOCUMENTS

Pursuant to Section 16-1-15 of the Regulations of Connecticut State Agencies, the Connecticut Siting Council (Council) is offering the use of e-mail to deliver its outgoing documents and for service among participants. Individuals and companies can elect to receive most regulatory documents by e-mail rather than by U.S. mail. (Final Decisions will still be sent certified mail to participants.) This will provide a more rapid and efficient delivery of documents, reduces waste, and minimizes cost.

This is voluntary. However, those who prefer U.S. mail delivery of all documents will receive them one or more days later than those who opt for e-mail service.

The service list for each proceeding will identify those who have agreed to electronic service and their e-mail address(es). The Council emphasizes that those who accept e-mail delivery do not give up their right to request copies of bulk items or specific filings as necessary. If a request is received, the participant who generated the document(s) should provide the hard copy(ies).

Please note, however, that all proceeding submissions to the Council still need to be filed with an original and 15 copies for staff and Council member distribution, as well as an electronic filing to facilitate the Council's ability to place pending proceeding documents of the record on the Council's website ([www.ct.gov/csc](http://www.ct.gov/csc) under the link Pending Proceedings).

To accept electronic service of documents, please complete the form below and mail it to The Connecticut Siting Council, Ten Franklin Square, New Britain, Connecticut 06051 or e-mail the document to [siting.council@ct.gov](mailto:siting.council@ct.gov). Please note that this form need only be completed once for all pending and future proceedings. You may contact us at any time if you wish to add addresses, change e-mail information, or be removed from this service.

Thank you for assistance in implementing these cost-saving and environmentally friendly efforts.

.....

I authorize e-mail service of documents in Connecticut Siting Council proceedings in which I am associated rather than U.S. mail.

NAME \_\_\_\_\_

COMPANY/FIRM \_\_\_\_\_

STREET \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

E-MAIL ADDRESS(ES) TO USE \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

### Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors may elect to receive documents by e-mail or by U.S. mail. Also, documents filed with the Council must contain one original, 20 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was (electronically mailed/sent by U.S. mail) to the following service list on (date)." Signature and printed name of the sender.

### Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office. All parties and intervenors are requested to attend. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.
  
- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.
  
- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the

proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.

- D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Environmental Protection. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.
- E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.
- F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:
1. Opening Statement from the Council Chairman
  2. Administrative Notice Items of the Council
  3. **Applicant’s Appearance**
    - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
    - b. Swear Witnesses
    - c. Cross Examination of the Applicant by:
      - i. Council
      - ii. Party
      - iii. Intervenor

**4. Appearance by Party**

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
- b. Swear Witnesses
- c. Cross Examination of Party by:
  - i. Council
  - ii. Applicant
  - iii. Intervenor

**5. Appearance by Intervenor**

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
- b. Swear Witnesses
- c. Cross Examination of Intervenor by:
  - i. Council
  - ii. Applicant
  - iii. Party

**6. Oral Limited Appearance Statements/Public Comment Session**

- this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
- members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements

**7. Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

**G. Post-Hearing Procedure:** At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

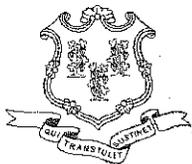
**1. 30 Day Written Limited Appearance/Public Comment Period:** Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.

**2. Post Hearing Brief and Proposed Findings of Fact Schedule:** Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.

**3. Draft Findings of Fact Issued by Council:** The Council will issue draft findings of fact from the record to be issued as part of the final decision.

Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.

- 4. Final Decision:** The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.



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### HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Thursday, October 27, 2011, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Watertown High School Auditorium, 324 French Street, Watertown, Connecticut, and thereafter as necessary. The hearing will be on an application from North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.

The purpose of the hearing is to hear evidence on the applicant's contentions that the public need for the facility outweighs any adverse environmental effects that would result from the construction, operation, or maintenance of a tower, ground equipment, and access road. The 3:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to cross-examine positions. The 7:00 p.m. hearing session will be reserved for the public to make brief statements into the record. Cross-examination of parties and intervenors will resume, if necessary, after all statements have been heard.

The Council will conduct a public field review of the proposed site on Thursday, October 27, 2011, beginning at 2:00 p.m. The applicant will fly a balloon during the field review to simulate the height of the proposed facility, weather permitting.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Wednesday, October 5, 2011, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by October 20, 2011. In accordance with the State Solid Waste Management Plan, the Council requests that all filings be submitted on recyclable paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.



Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before October 20, 2011.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council up to 30 days after the close of the hearing. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Offices of the Watertown and Thomaston Town Halls for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by October 20, 2011.

The applicant of this facility is represented by the following:

**Applicant**

North Atlantic Towers, LLC and  
New Cingular Wireless PCS, LLC

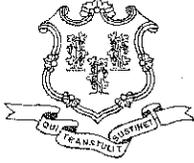
**Its Representative**

Lucia Chiocchio, Esq.  
Christopher B. Fisher, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

A copy of the application is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935 or on Council website at <http://www.ct.gov/csc> under the link "Pending Proceedings." The Council has assigned this application docket no. 422.

September 9, 2011

Connecticut Siting Council



# STATE OF CONNECTICUT

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October 5, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 422** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.

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At a pre-hearing conference held October 5, 2011, at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on October 27, 2011.

### Pre-hearing Procedure

1. On or before October 13, 2011, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before October 20, 2011, 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 October 20, 2011.
4. All filings are to be in accordance with the State Solid Waste Management Plan, 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. At least ten business days prior to the public hearing, the applicant 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 petitioner, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
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 Thursday, October 27, 2011, beginning at 2:00 p.m. The applicant will fly balloons 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., October 27, 2011 hearing session will provide the applicant, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The applicant 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 applicant and all other parties and intervenors. The applicant will be allowed a final rebuttal.
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 7:00 p.m. hearing session on October 27, 2011, will be reserved for the public to make brief statements into the record. The Council requests that the applicant conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties. The diagrams must be from materials already submitted into the record. The applicant shall provide the Council with a copy of the 24-inch by 36-inch diagrams at the conclusion of the public comment session.
12. If time remains, the 7:00 p.m. hearing session may provide the petitioner, parties, and intervenors an opportunity to continue their appearances and cross-examination that began during the 3:00 p.m. hearing session.
13. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
14. The Council may, at its discretion, group parties and intervenors with the same interest.
15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
16. 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.
17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

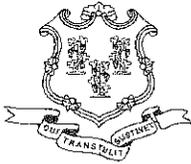
**Post-hearing procedure**

18. A verbatim transcript of the hearing session will be made and deposited with the Watertown and Thomaston Town Halls in Connecticut for the convenience of the public.
19. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
20. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
21. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

LR/CDM/laf

Enclosure: Administrative Notice List



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## CONNECTICUT SITING COUNCIL

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Administrative Notice List

Docket No. 422

### FEDERAL

1. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, QUESTIONS AND ANSWERS ABOUT BIOLOGICAL EFFECTS AND POTENTIAL HAZARDS OF RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 56 (August 1999), *available at* [http://www.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet56/oet56e4.pdf](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf) (last visited July 22, 2010).
2. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, EVALUATING COMPLIANCE WITH FCC-GUIDELINES FOR HUMAN EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 65 (August 1997), *available at* [http://www.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65.pdf](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf) (last visited July 21, 2010).
3. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, 62 Fed. Reg. 3232 (September 12, 1997), *available at* <http://www.epa.gov/fedrgstr/EPA-AIR/1997/January/Day-22/ga1350.htm> (last visited July 22, 2010).
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* [http://clerk.house.gov/library/reference-files/PPL\\_TelecommunicationsAct\\_%201996.pdf](http://clerk.house.gov/library/reference-files/PPL_TelecommunicationsAct_%201996.pdf) (last visited July 22, 2010).
5. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b (2010).
6. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942 (2010).
7. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
8. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
9. Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954> (last visited July 20, 2010).
10. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Avian Collisions at Communication Towers* (June 2009), *available at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> (last visited July 23, 2010).
11. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (Sept. 2000), *available at*

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html> (last visited July 23, 2010).

12. National Park Service, United States Department of the Interior, *National Register of Historic Places* (July 2010), available at <http://www.nps.gov/history/nr/research/index.htm> (last visited July 27, 2010).
13. Division of Migratory Bird Management, U.S. Fish & Wildlife Service, United States Department of the Interior, *Service Interim Guidelines for Recommendations On Communications Tower Siting, Construction, Operation and Decommissioning*, (Aug. 9, 2000), available at [http://www.fws.gov/habitatconservation/com\\_tow\\_guidelines.pdf](http://www.fws.gov/habitatconservation/com_tow_guidelines.pdf) (last visited July 21, 2011).
14. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, OBSTRUCTION MARKING AND LIGHTING, ADVISORY CIRCULAR AC70/7460-1K (February 2007), available at [https://oeaaa.faa.gov/oeaaa/external/content/AC70\\_7460\\_1K.pdf](https://oeaaa.faa.gov/oeaaa/external/content/AC70_7460_1K.pdf) (last visited July 27, 2010).
15. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January – June 2010*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, December 21, 2010, available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201012.pdf> (last visited January 3, 2011).
16. *Jaeger v. Celco Partnership, et al.*, 2010 WL 965730 (D. Conn. 2010), *affirmed Jaeger v. Celco Partnership, et al.*, 10-1347-cv (2<sup>nd</sup> Cir. 2010).

## **STATE**

### **Connecticut Siting Council**

17. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE (September 2006), available at [http://www.ct.gov/csc/lib/csc/publications/csc\\_annualrvw\\_f6.pdf](http://www.ct.gov/csc/lib/csc/publications/csc_annualrvw_f6.pdf) (last visited July 26, 2010).
18. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II (March 2007), available at [http://www.ct.gov/csc/lib/csc/csc\\_tower\\_3\\_07.pdf](http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf) (last visited July 26, 2010).

### **Department of Energy and Environmental Protection**

19. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, DEP BULLETIN 34 (May 2002, last revised September 2007), available at [http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav\\_GID=1654](http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654) (last visited July 20, 2010).
20. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL (2004), available at [http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav\\_GID=1654#download](http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download) (last visited July 15, 2010).
21. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, AMPHIBIANS AND REPTILES IN CONNECTICUT, DEP BULLETIN 32, Michael W. Klemens (2000), available at <http://ctdepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm> (last visited July 21, 2011).

22. 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.
23. Letter from Elizabeth Brothers, Assistant Director, State of Connecticut Department of Environmental Protection, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP (Aug. 10, 2009), *available at* [http://www.ct.gov/csc/lib/csc/pendingproceeds/docket\\_376/do376-20090817-depcommentadminnotice.pdf](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_376/do376-20090817-depcommentadminnotice.pdf) (last visited July 23, 2010).

#### **Department of Transportation**

24. 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> (last visited July 15, 2010).
25. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, POLICY STATEMENT FOR TELECOMMUNICATIONS INSTALLATIONS WITHIN THE STATE HIGHWAY RIGHT OF WAY, POLICY NO. E&H.O.-53 (Aug. 7, 2006), *available at* [http://www.ct.gov/csc/lib/csc/row\\_ps.pdf](http://www.ct.gov/csc/lib/csc/row_ps.pdf) (last visited July 23, 2010).

#### **Other State Agencies**

26. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2005-2010 (July 6, 2005), *available at* <http://www.ct.gov/opm/cwp/view.asp?a=2990&q=383182> (last visited July 20, 2010).
27. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2010).

#### **TECHNICAL**

28. 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://sbwsweb.ieee.org/ecustomercme\\_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)StandardsIEEE&mem\\_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomercme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+(eSales)StandardsIEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657) (last visited July 22, 2010).
29. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-G (2006), *available at* <http://www.tiaonline.org/standards/catalog/index.cfm> (last visited July 22, 2010).
30. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-F (1996), *available at* <http://www.preferredtower.com/codes/tia/index.html> (last visited July 23, 2010).
31. 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, (Feb. 19, 2010) regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, *available at* [http://www.ct.gov/csc/lib/csc/pendingproceeds/docket\\_388/do388-20100312\\_supplemental\\_submission.pdf](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_388/do388-20100312_supplemental_submission.pdf) (last visited January 28, 2011).

## ENVIRONMENTAL

32. RICHARD M. DEGRAAF & DEBORAH D. RUDIS, *NEW ENGLAND WILDLIFE: HABITAT, NATURAL HISTORY, AND DISTRIBUTION* (University of Massachusetts Press, 1983), *available at* <http://www.treesearch.fs.fed.us/pubs/4148> (last visited July 21, 2010).
33. ARAM J.K. CALHOUN & MICHAEL W. KLEMENS, *BEST DEVELOPMENT PRACTICES: CONSERVING POOL-BREEDING AMPHIBIANS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN THE NORTHEASTERN UNITED STATES*, MCA TECHNICAL PAPER NO. 5 (Metropolitan Conservation Alliance 2002), *available at* <http://www.umaine.edu/vernalpools/PDFs/Best%20Development%20Practices%20%20-%20%20Conserving%20Pool-breeding%20Amph.pdf> (last visited July 22, 2010).
34. Aram J.K. Calhoun, et. al., *Conserving pool-breeding amphibians in human-dominated landscapes through local implementation of Best Development Practices*, *WETLANDS ECOLOGY AND MANAGEMENT*, July 9, 2004 at 291, *available at* <http://www.maineaudubon.org/resource/documents/CalhounWEMpaper.pdf> (last visited July 21, 2010).

## MAPS

35. NATURAL RESOURCES DIVISION, CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *ATLAS OF CONNECTICUT TOPOGRAPHIC MAPS*, DEP BULLETIN 17 (1992), *available at* [http://www.ctdepstore.com/Maps\\_c16.htm;jsessionid=1FF9EB902F8695DF048A7BD535715052.qscstrfrnt02](http://www.ctdepstore.com/Maps_c16.htm;jsessionid=1FF9EB902F8695DF048A7BD535715052.qscstrfrnt02) (last visited July 27, 2010).
36. State of Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Map for the Town of Watertown*, (last updated July 2010), *available at* <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp> (last visited September 21, 2011).
37. CONNECTICUT FOREST & PARK ASSOCIATION, *CONNECTICUT WALK BOOK EAST* (Ann T. Colson & Cindi D. Pietrzyk, eds., 19<sup>th</sup> ed. 2005), *available at* <http://www.ctwoodlands.org/node/17> (last visited July 27, 2010).
38. CONNECTICUT FOREST & PARK ASSOCIATION, *CONNECTICUT WALK BOOK WEST* (Ann T. Colson, ed., 19<sup>th</sup> ed. 2006), *available at* <http://www.ctwoodlands.org/node/17> (last visited July 27, 2010).
39. STATE OF CONNECTICUT, DEPT. OF TRANSPORTATION, *CONNECTICUT OFFICIAL STATE TOURISM MAP (2007-2009)*, *available at* <http://www.ctbound.org/> (last visited July 27, 2010).
40. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), *available at* <http://iba.audubon.org/iba/stateIndex.do?state=US-CT> (last visited July 20, 2010).
41. Mail-A-Map Street Map, (Watertown), (Harbor Publications 2003).
42. United States Geological Survey, *Connecticut Topographic Map Collection (Town)*, *available at* [http://magic.lib.uconn.edu/topographic\\_maps.html](http://magic.lib.uconn.edu/topographic_maps.html) (last visited July 21, 2011).