

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

April 28, 2009

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 378** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at one of two sites on Rabbit Hill Road, Warren, Connecticut.

At a pre-hearing conference held April 22, 2009 at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on May 21, 2009.

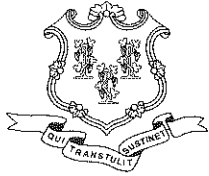
- 1 Before May 14, 2009, all parties and intervenors are encouraged to file pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
- 2 The hearing is scheduled for May 21, 2009, beginning after the completion of the hearing for Docket 380, scheduled to begin at 2:00 p.m.
- 3 The afternoon hearing session will provide the applicant, parties, and intervenors an opportunity to present 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 all parties and intervenors in the order that they were made parties and intervenors. All parties and intervenors will then be allowed to present their exhibits and witness panels in the order in which they were made parties and intervenors, and be subject to cross-examination by the applicant and all other parties and intervenors. The applicant will be allowed a final rebuttal. Arguments will be entertained in writing after the close of the last hearing session.
- 4 The 7:00 p.m. hearing session will be first reserved for public comment in regards to Docket 380, after which public comment will commence for Docket 378.
- 5 If time remains after public comment, the 7:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to complete their presentations and cross-examination.
- 6 The Council requests that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by May 14, 2009. 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. The Council will provide an opportunity for the public officials to make a statement.

- 7 No repetition of facts will be allowed.
- 8 A verbatim transcript of the hearing session will be made and deposited with the Warren and Washington Town Halls for the convenience of the public.
- 9 Parties and intervenors will be allowed to submit briefs and proposed findings of facts within 30 days after the close of the hearing.
- 10 Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
- 11 Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.
- 12 The Council may, at its discretion, provide for the grouping of parties and intervenors with the same interest.
- 13 Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
- 14 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 May 14, 2009.
- 15 All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
- 16 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.
- 17 A public field review of the proposed sites will be held on Thursday, May 21, 2009, beginning at 1:00 p.m. The applicant will fly balloons between the hours of 8:00 a.m. and 5:00 p.m. at the proposed sites, weather permitting, during the field review. The Council requests that the applicant fly balloons of a different color at each site.
- 18 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 corner of Rabbit Hill Road and Jack Corner Road. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
- 19 All participants are requested to place nameplates on the table in front of each witness at the hearing.

Thank you for your cooperation.

Enclosure: Administrative Notice List



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Administrative Notice List

Docket No. 378

1. OET Bulletin No. 56, Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1999. <http://www.ct.gov/csc/oetno56>
2. OET Bulletin No. 65, Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1997. <http://www.ct.gov/csc/oetno65>
3. ANSI Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz, Revision of ANSI C95.1-1982, American National Standards Institute, November 18, 1992.
4. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, adopted August 1, 1996. <http://www.ct.gov/csc/epa-rf>
5. Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, TIA/EIA-222-F, Electronics Industries Association, June 1996.
6. Connecticut Guidelines for Soil Erosion and Sediment Control, May 2002, as amended. <http://www.ct.gov/csc/ctsoil>
7. Telecommunications Act of 1996. <http://www.ct.gov/csc/telcomact>
8. Conservation and Development Policies Plan for Connecticut 2005-2010, adopted by the Connecticut General Assembly, 2005. <http://www.ct.gov/csc/cdplan>
9. Connecticut Walk Book West, Nineteenth Edition, Connecticut Forest and Park Association, 2007.
10. Atlas of Connecticut Topographical Maps, State of Connecticut Department of Environmental Protection, Natural Resources Center, DEP Bulletin 17, 1992.
11. Connecticut Department of Transportation Policy Statement for Telecommunications Installations Within the State Highway Right of Way, Policy No. E&H.O.-53, dated August 7, 2006
12. Advisory Circular AC 70/7460-1K Obstruction Marking and Lighting, U.S. Department of Transportation, Federal Aviation Administration, August 1, 2000. Website Link: <http://www.ct.gov/csc/faa>

13. Connecticut Siting Council Statewide Plan for Telecommunications Coverage (Public Act 04-226, September 1, 2006). <http://www.ct.gov/csc/stateplan>
14. Siting Council Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation
<http://www.ct.gov/csc/sitingbook>
15. Connecticut Official State Tourism Map, 2005-2006.
16. Mail-A-Map Street Map, (Kent/Sharon/Warren), 2007.
17. Mail-A-Map Street Map, (Washington & Roxbury), 2007.
18. Avian Collisions at Communication Towers -- Sources of Information. U.S. Fish and Wildlife Service, Division of Migratory Bird Management.
<http://www.ct.gov/csc/birds>

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	SBA Towers II, LLC	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax clarson@pullcom.com
Intervenor (granted on 04/07/09)	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-6405 fax cfisher@CUDDYFEDER.com
Intervenor (granted on 04/07/09)	<input checked="" type="checkbox"/> E-mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Party (granted on 04/07/09)	<input checked="" type="checkbox"/> U.S. Mail	Town of Washington	The Honorable Mark E. Lyon First Selectman Bryan Memorial Town Hall P.O. Box 383 Washington Depot, CT 06794 (860) 868-2259 (860) 868-3103 – fax mark.lyon@washingtonct.org

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Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted on 04/07/09)	<input checked="" type="checkbox"/> U.S. Mail	Town of Warren	The Honorable Jack Travers First Selectman Warren Town Hall 7 Sackett Hill Road Warren, CT 06754 (860) 868-7881 ext. 102 selectman@warrenct.org
Party (granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	Ray and Maryellen Furse 26 Jack Corner Road Warren, CT 06777 (860) 868-7834 (860) 868-0890 – fax rfurse@alterisinc.com rfurse@charter.net	
Party (granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	Concerned Residents of Warren and Washington (CROWW)	Gabriel North Seymour 200 Route 126 Falls Village, CT 06031 (860) 824-1412 (860) 824-1210 fax certiorari@earthlink.net Bruce Coleman President, CROWW P.O. Box 2426 New Preston, CT 06777 (860) 318-5551 (860) 868-0890 - fax Croww.org@charter.net
Party (granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	State of Connecticut Department of Agriculture	F. Philip Prelli Commissioner Department of Agriculture 165 Capitol Avenue Hartford, CT 06106 (860) 713-2500 (860) 713-2514 – fax Lance.shannon@ct.gov

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Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p>Party (granted on 04/23/09)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p>Town of Washington, Conservation Commission</p>	<p>Susan Payne, Chairperson Conservation Commission Town of Washington Bryan Memorial Town Hall P.O. Box 383 Washington Depot, CT 06794</p> <p>Diane Dupuis Chair, Cell Tower Committee Conservation Commission Bryan Memorial Town Hall P.O. Box 383 Washington Depot, CT 06794-0383 (860) 868-7750 Dd9art@sbcglobal.net</p>
	<input checked="" type="checkbox"/> U.S. Mail		