



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

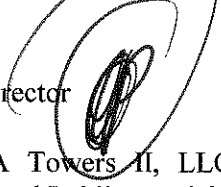
E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

Daniel F. Caruso
Chairman

February 11, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 396** – 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 49 Brainerd Road, Niantic (East Lyme), Connecticut.

At a pre-hearing conference held February 2, 2010, at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on Tuesday, February 23, 2010.

1. Before February 16, 2010, the Applicant (SBA Towers II, LLC) and all intervening wireless carriers (Cellco Partnership d/b/a Verizon Wireless and New Cingular Wireless PCS, LLC) are encouraged to exchange and respond to 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. All other parties and intervenors may submit interrogatories by March 1, 2010 and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with all other parties and intervenors no later than March 16, 2010. All outstanding interrogatories shall be responded to by March 16, 2010 in anticipation of a continued hearing tentatively scheduled to be held in New Britain on March 23, 2010.
3. The 3:00 p.m. hearing session will provide the applicant and intervening wireless carriers 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.
4. 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.
5. The 7:00 p.m. hearing session will be first reserved for the public to make brief statements into the record.

6. If time remains, the 7:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to complete their presentation and cross-examination.
7. The Council requests that all testimony and exhibits from the Applicant and intervening wireless carriers be pre-filed with the Council and all parties and intervenors by February 16, 2010. The Council requests that testimony and exhibits from all other parties and intervenors be pre-filed with the Council and all parties and intervenors by March 16, 2010. 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.
8. The tentative continued hearing session on March 23, 2010 will allow parties and intervenors other than the Applicant and intervening wireless carriers an opportunity to present exhibits and witnesses, and cross-examine positions. These parties and intervenors will be allowed to present their 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.
9. The Council will provide an opportunity for public officials to make a statement.
10. No repetition of facts will be allowed.
11. A verbatim transcript of the hearing sessions will be made and deposited with the East Lyme Hall, Niantic, Connecticut, for the convenience of the public.
12. Parties and intervenors will be allowed to submit briefs and proposed findings of facts within 30 days after the close of the hearing.
13. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
14. Deadlines for briefs, proposed findings of fact, and public statements should be considered final and extensions will not be automatically granted.
15. The Council may, at its discretion, provide for the grouping of parties and intervenors with the same interests.
16. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
17. 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 February 16, 2010.
18. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
19. 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.

20. A public field review of the proposed site will be held on Tuesday, February 23, 2010, beginning at 2:00 p.m. The applicant will fly a balloon in the morning for approximately two hours, such as 7:00 a.m. to 9:00 a.m. and between the hours of 1:00 p.m. and 5:00 p.m. at the proposed site, weather permitting, during the field review.
21. 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 applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
22. All participants are requested to place nameplates on the table in front of each witness at the hearing.

Thank you for your cooperation.

SDP/MP

Enclosure: Administrative Notice List
Revised Schedule



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Chairman

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Administrative Notice List

Docket No. 396

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/telecomact>
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 East, Nineteenth Edition, Connecticut Forest and Park Association, 2005.
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>



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer

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. State of Connecticut Department of Environmental Protection (DEP) letter to Christopher B. Fisher, regarding DEP's written interpretation of State law as it relates to the leasing of state forest and park properties for purposes of developing wireless communications tower facilities, dated August 10, 2009
16. Connecticut Official State Tourism Map, 2007-2009.
17. Mail-A-Map Street Map, East Lyme, 2003.
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>
19. Barack Obama Presidential Proclamation 8460, Critical Infrastructure Protection
<http://www.presidency.ucsb.edu/ws/index.php?pid=86954>



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DATE: February 11, 2010
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RE: **DOCKET NO. 396** – 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 49 Brainerd Road, Niantic (East Lyme), Connecticut.

Revised Schedule

Application received	12/07/2009
Completeness review	01/07/2010
Pre-hearing Questions	
• Set-One Filed	01/13/2010
• Set-One responses due	01/27/2010
• Set-Two Filed	02/02/2010
• Set-Two responses due	02/16/2010
Pre-hearing conference (11:00 a.m.)	02/02/2010
Pre-filed testimony due from Applicant and intervening wireless carriers	02/16/2010
Deadline to request Party/Intervenor status	02/16/2010
Field review (2:00 p.m.)	02/23/2010
Hearing (3:00 p.m. and 7:00 p.m.)	02/23/2010
Pre-filed testimony due for other parties and intervenors	03/16/2010
Continued Hearing (tentative)	03/23/2010
Close of Record	04/22/2010
Draft Findings of Fact	05/06/2010
Draft Findings of Fact, Opinion & Decision & Order	05/18/2010
FCC Deadline for Decision (150 days)	05/06/2010
C.G.S. Deadline for Decision (180 days)	06/07/2010

Michael Perrone
Siting Analyst

c: Lisa Fontaine, Connecticut Siting Council

**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 01/07/2010)	<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
Intervenor (granted 01/07/2010)	<input checked="" type="checkbox"/> E-mail	Russell L. Brown 41 Brainerd Road Niantic, CT 06357 (860) 739-5984 (860) 691-1145 fax rds@businessbookpress.com	
Party (granted 01/07/2010)	<input checked="" type="checkbox"/> U.S. Mail	Town of East Lyme	Edward B. O'Connell, Esq. Waller, Smith & Palmer, P.C. 52 Eugene O'Neill Drive P.O. Box 88 New London, CT 06320 (860) 442-0367 (860) 447-9915 fax eboconnell@wallersmithpalmer.com tmcollins@wallersmithpalmer.com
Intervenor (granted 02/11/2010)	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC	Daniel M. Laub, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th floor White Plain, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted 02/11/2010)	<input checked="" type="checkbox"/> E-mail	Friends of the Pattagansett Trust	Keith R. Ainsworth, Esq. Evans Feldman & Ainsworth, LLC 261 Bradley Street P.O. Box 1694 New Haven, CT 06507-1594 (203) 772-4900 (203) 782-1356 fax krainsworth@snet.net
Intervenor (granted 02/11/2010)	<input checked="" type="checkbox"/> U.S. Mail	Joseph Raia 97 West Main Street, Unit 9 Niantic, CT 06357 (860) 691-1005 (860) 739-0036 Raia.joseph@sbcglobal.net	