



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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October 27, 2010

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LR*

RE: **DOCKET NO. 406** – United Illuminating Company application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 100 Marsh Hill Road, Orange, Connecticut.

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At a pre-hearing conference held on October 27, 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, November 16, 2010.

1. Before November 9, 2010, all parties and intervenors 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. The 3:00 p.m. 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.
3. The 7:00 p.m. hearing session will be first reserved for the public to make brief statements into the record.
4. 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.
5. The Council requests that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by November 9, 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.
6. The Council will provide an opportunity for public officials to make a statement.



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7. No repetition of facts will be allowed.
8. A verbatim transcript of the hearing sessions will be made and deposited with the Orange, West Haven, and Milford Town/City 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 should be considered final and extensions will not be automatically granted.
12. The Council may, at its discretion, provide for the grouping of parties and intervenors with the same interests.
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 November 9, 2010.
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 site will be held on Tuesday, November 16, 2010, beginning at 2:00 p.m. The applicant will fly a balloon between the hours of 7:30 a.m. and 5:00 p.m. at the proposed site, weather permitting, during the field review.
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 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).
19. All participants are requested to place nameplates on the table in front of each witness at the hearing.

Thank you for your cooperation.

LR/CDM/laf

Enclosure: Administrative Notice List



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Administrative Notice List

Docket No. 406

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)
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)
3. 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/ecustomer/cme\\_enh/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)\\_Standards\\_IEEE&mem\\_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomer/cme_enh/start.swe?SWECmd=GotoView&SWEView=Catalog+View+(eSales)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657)
4. 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-AJR/1997/January/Day-22/ga1350.htm>
5. 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>
6. 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>
7. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF 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)
8. Telecommunications Act of 1996, 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)



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9. Wireless Communications and Public Safety Act of 1999, 47 U.S.C. §§ 615-615b (2010).
10. Enhance 911 Act of 2004, 47 U.S.C. § 942 (2010).
11. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
12. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
13. Radiofrequency Radiation Exposure Evaluation: Mobile Devices, 47 C.F.R. § 2.1091 (2010).
14. Radiofrequency Radiation Exposure Evaluation: Portable Devices, 47 C.F.R. § 2.1093 (2010).
15. 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>
16. Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
17. State Plan of Conservation and Development, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2010).
18. 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)
19. STATE OF CONNECTICUT DEPARTMENT OF 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)
20. 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>
21. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, POLICY STATEMENT FOR TELECOMMUNICATIONS INSTALLATIONS WITHIN THE STATE HIGHWAY RIGHT OF WAY, POLICY NO. E&H.O. (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)
22. Mail-A-Map Street Maps for Orange, (2003); West Haven (2003); and Milford (2003).
23. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Avian Collisions at Communication Towers* (June 2009), *at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>

24. 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), at <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>
25. National Park Service, United States Department of the Interior, *National Register of Historic Places* (July 2010), at <http://www.nps.gov/history/nr/research/index.htm>
26. 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>
27. 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>
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29. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), at <http://iba.audubon.org/iba/stateIndex.do?state=US-CT>
30. State of Connecticut Department of Environmental Protection, *Natural Diversity Database Map for the Town of (Orange)*, (last updated August 2010), at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
31. 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)
32. 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)
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34. 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>

35. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, CONNECTICUT OFFICIAL STATE TOURISM MAP (2007-2009), *available at* <http://www.ctbound.org/>
36. 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)

**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"/> E-mail	The United Illuminating Company	Bruce L. McDermott, Esq. Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4340/(203) 782-2889 fax <a href="mailto:bmcdermott@wiggin.com">bmcdermott@wiggin.com</a>
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