

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

February 25, 2014

TO: Parties and Intervenors
FROM: Melanie Bachman, Acting Executive Director *MAB*
RE: **DOCKET NO. 444** – New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at the FirstLight Hydro Generating Company property, New Milford Tax Assessor Map 83, Lot 4, Kent Road, New Milford, Connecticut.

The Connecticut Siting Council (Council) will hold a pre-hearing teleconference on procedural matters on Monday, March 3, 2014, beginning at 10:00 a.m. All parties and intervenors are requested to participate. The purpose of this pre-hearing conference is to expedite the hearing procedure without sacrificing an informative record necessary for the Council to render a decision.

Call number: 866-917-7557 Passcode: 9148525

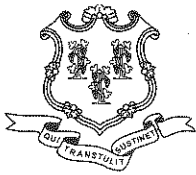
At the conference, parties and intervenors will be encouraged to discuss requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of pre-hearing interrogatories. To save the time and expense of the public, the Council wishes to avoid direct testimony at the hearing.

Each party and intervenor is requested to provide all other parties and intervenors that participate in the teleconference a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the hearing. The pre-hearing conference will also address the grouping of parties and intervenors and the order of presentations at the hearing.

MB/MP/laf

- c: The Honorable Patricia A. Murphy, Mayor, Town of New Milford, mayor@newmilford.org
- Laura Regan, Zoning Enforcement Office, Town of New Milford, zoning@newmilford.org
- The Honorable Clay Cope, First Selectman, Town of Sherman, ccope@townofshermanct.org
- Ronald Cooper, Zoning Enforcement Officer, Town of Sherman, rcooper@townofshermanct.org
- David Hopkins, Public Safety Communications Committee, Town of Sherman, jandaveh@prodigy.net





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Connecticut Siting Council
Pre-hearing Conference, April 1, 2014 Hearing Procedure

DOCKET NO. 444 – New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at the FirstLight Hydro Generating Company property, New Milford Tax Assessor Map 83, Lot 4, Kent Road, New Milford, Connecticut.

Pre-hearing Procedure

1. On or before Tuesday, March 18, 2014, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before Tuesday, March 25, 2014, 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 Tuesday, March 25, 2014.
4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies. 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. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, 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).
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 Tuesday, April 1, 2014, beginning at 2:00 p.m. The applicant will fly a balloon between the hours of 12:00 p.m. and 7:00 p.m. at the proposed site, weather permitting, during the field review.
8. The 3:00 p.m., April 1, 2014, 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.
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 April 1, 2014, 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.
12. If time remains, the 7:00 p.m. hearing session may provide the applicant, 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 interests.
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 New Milford and Sherman Town Clerk's Offices, in New Milford and Sherman, 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.

Administrative Notice List
Docket No. 444

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
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
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>
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
5. FEDERAL COMMUNICATIONS COMMISSION, WARNING, ALERT AND RESPONSE NETWORK ACT, Pub. L. No. 109-437, 120 Stat. 1936 (2006), (codified at 47 U.S.C. §332(d)(1)) (2006), *available at* <http://transition.fcc.gov/pshs/docs/emergency-information/emas-warn-act.pdf>
6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b (2010).
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942 (2010).
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment (2012), *available at* <http://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>.
9. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
11. Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. 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>
13. 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* (last updated April 2012), *available at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

14. 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>
15. 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.
16. 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>
17. Jaeger v. Cellco Partnership, et al., 2010 WL 965730 (D. Conn. 2010), *affirmed Jaeger v. Cellco Partnership, et al.*, 10-1347-cv (2nd Cir. 2010).
18. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), available at <http://www.broadband.gov/plan/>.

STATE

Connecticut Siting Council

19. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE, Revised February 2014, available at <http://www.ct.gov/csc/lib/csc/pendingproceeds/2013telcomplan-pub.pdf>
20. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II, available at http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf
21. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, available at <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=1>
22. **DOCKET NO. 342** - Optasite Towers LLC and Omnipoint Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut, available at <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=385084&PM=1>
23. Record of **DOCKET NO. 347** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 700 Kent Road, New Milford, Connecticut, available at <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=395936&PM=1>
24. Record of **DOCKET NO. 355** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 359 Litchfield Road, New Milford, Connecticut, available at <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=400594&PM=1>

25. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=511254&PM=1>

Department of Energy and Environmental Protection

26. 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
27. 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
28. 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>
29. PLANNING AND STANDARDS DIVISION, BUREAU OF WATER MANAGEMENT, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, WATER QUALITY STANDARDS, (Surface Water Quality Standards Effective December 17, 2002 and Ground Water Quality Standards Effective April 12, 1996), *available at* http://www.ct.gov/dep/lib/dep/water/water_quality_standards/wqs.pdf
30. CONNECTICUT AIR QUALITY STANDARDS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§ 22a-174-24, et seq. (2006).
31. CONNECTICUT NOISE CONTROL REGULATIONS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§22a-69-1, et seq. (2006).
32. 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.
33. 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

Department of Transportation

34. 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>
35. 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

Other State Agencies

36. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2013-2018, June 5, 2013, *available at* http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf
37. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
38. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION – CELL PHONE TOWERS AND CELL PHONES (January 2004), *available at* http://www.ct.gov/dph/LIB/dph/environmental_health/EOHA/pdf/cell_phones.pdf
39. Final Report of the Two Storm Panel, January 9, 2012, *available at* http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf.
40. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, VERSION 2.0, August 2011, *available at* http://www.ct.gov/demhs/lib/demhs/ct_srf_aug_2011.pdf
41. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, Draft Connecticut Emergency Support Function 12, All Hazards Energy and Utilities Annex, July 2012, *available at* http://www.ct.gov/demhs/lib/demhs/eppi/esf_12_all_hazards_energy_and_utilities_annex_final_draft_july_2012.pdf

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42. 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)
43. 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>
44. 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>
45. 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
46. HEALTH PROTECTION AGENCY, HEALTH EFFECTS FROM RADIOFREQUENCY MAGNETIC FIELDS, REPORT OF THE INDEPENDENT ADVISORY GROUP ON NON-IONISING RADIATION, April 2012, *available at* http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1317133826368

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MAPS

50. 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
51. State of Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Map for the Town of New Milford*, (last updated December 2013), *available at* <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
52. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK WEST (Ann T. Colson, ed., 19th ed. 2006), *available at* <http://www.ctwoodlands.org/node/17>
53. STATE OF CONNECTICUT, DEPT. OF TRANSPORTATION, CONNECTICUT OFFICIAL STATE TOURISM MAP.
54. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), *available at* <http://iba.audubon.org/iba/stateIndex.do?state=US-CT>
55. Mail-A-Map Street Maps, (New Milford/Bridgewater and New Fairfield/Sherman), *available at* http://mailamap.com/uploads/street_maps/731_NewMilford2012Reduced.pdf and http://mailamap.com/uploads/street_maps/815_NewFairfield2013Reduced.pdf
56. United States Geological Survey, Connecticut Topographic Map Collection (New Milford), *available at* http://magic.lib.uconn.edu/topographic_maps.html