



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 448

Thursday, July 17, 2014

3:00 p.m.

Shelton City Hall Auditorium

54 Hill Street, Shelton, Connecticut

### I. Opening by Council

A. Statement read by Chair.

B. Comments by Public Official(s) (if any)

C. Motions (if any)

1. Albert Subbloie, Jacqueline Barbara, Glenn MacInnes, and Jill MacInnes request to Intervene, dated July 11, 2014.

D. Administrative Notice taken by Council

### **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)
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. 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](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/cmas-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. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, *available at* <http://www.archives.gov/federal-register/executive-orders/2013.html>
13. 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>
14. 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>
15. 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>
16. 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).
17. 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>.
18. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.
19. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, *available at* <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.

41. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT I-CALL/I-TAC INTEROPERABILITY TRAINING PROGRAM, November 2010, *available at* [http://www.ct.gov/demhs/lib/demhs/communications/projects/i-call\\_program\\_update\\_nov\\_2010.pdf](http://www.ct.gov/demhs/lib/demhs/communications/projects/i-call_program_update_nov_2010.pdf)
42. GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities, 2011, *available at* [http://www.ct.gov/deep/lib/deep/climatechange/connecticut\\_climate\\_preparedness\\_plan\\_2011.pdf](http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf)

### TECHNICAL

43. 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* <http://ieeexplore.ieee.org/xpl/articleDetails.jsp?arnumber=1626482&contentType=Standards>
44. 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>
45. 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>
46. 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)
47. 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](http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1317133826368)

### ENVIRONMENTAL

48. 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>

49. 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>
50. 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.environmental-expert.com/files/0/articles/9373/conservingpool-breeding.pdf>

#### MAPS

51. State of Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Map for the Town of Orange*, *available at* <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
52. 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>
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://netapp.audubon.org/iba/state/US-CT>
55. Mail-A-Map Street Map, Town of Orange and City of Shelton *available at* <http://mailamap.com/street-maps>
56. United States Geological Survey, Connecticut Topographic Map Collection (Ansonia Quadrangle), *available at* [http://magic.lib.uconn.edu/topographic\\_maps.html](http://magic.lib.uconn.edu/topographic_maps.html)

#### E. State Agency comments

1. Department of Public Health, dated May 28, 2014

#### F. Municipal comments

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## II. Appearance by Applicant

Applicant: Cellco Partnership d/b/a Verizon Wireless

Representative: Kenneth C. Baldwin  
Robinson & Cole LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Cellco Partnership d/b/a Verizon Wireless, received May 13, 2014, and attachments and bulk file attachments including:

Bulk filed exhibits:

- a. Orange Zoning Regulations
  - b. Orange Plan of Conservation and Development
  - c. Orange Inland Wetlands and Watercourses Regulations
  - d. Technical Report, dated January 31, 2014
2. Supplemental Submission, dated June 10, 2014
    - a. USFWS letter, dated May 13, 2014
    - b. DEEP/NDDDB letter, dated May 14, 2014
  3. Cellco's Responses to Council Interrogatories, dated July 1, 2014
  4. Pre Filed Testimony of Jamie L. Lerado, Jr., dated July 8, 2014
  5. Affidavit of Sign Posting, received July 10, 2014
  6. Affidavit of Publication, received July 14, 2014
- C. Swear Witnesses
1. Sandy M. Carter, Regulatory Manager, Cellco Partnership
  2. Jaime Laredo, Radio Frequency Engineer, Cello Partnership
  3. Mark Brauer, Radio Frequency Engineer, Cellco Partnership
  4. Carlo F. Centore, P.E., Centek Engineering, Inc.
  5. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corp. P.C.
  6. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corp. P.C.
- D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
1. Council

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III. Continuation by Connecticut Siting Council.