



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### VIA ELECTRONIC MAIL

October 14, 2016

TO: Parties and Intervenors

FROM: Melanie Bachman, Acting Executive Director *MB*

RE: **DOCKET NO. 463A** – American Towers, LLC and New Cingular Wireless PCS, LLC amended application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 351A Boston Post Road, East Lyme, Connecticut or for the construction, maintenance and operation of a telecommunications facility at an alternative site located at 2 Arbor Crossing, East Lyme, Connecticut pursuant to Connecticut General Statutes §4-181a(a).

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At a pre-hearing teleconference held October 12, 2016 and attended by Daniel M. Laub, Esq. of Cuddy & Feder LLP and Craig Tooker of BHSO Community Conservancy, the Council requested that the following format be used for the public hearing scheduled on Tuesday, November 1, 2016.

#### Pre-hearing Procedure

1. On or before October 18, 2016, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before October 25, 2016, 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 October 25, 2016.
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 properties from a public road where the proposed and alternate facility are 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).



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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 alternate site will be held on Tuesday, November 1, 2016, beginning at 2:00 p.m. The applicant will fly a balloon between the hours of 8:00 a.m. and 6:00 p.m. at the proposed alternate site, weather permitting, during the field review.
8. The 3:00 p.m., November 1, 2016, evidentiary 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. public comment session on November 1, 2016, 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 or other form of presentation such as a video or PowerPoint. The diagrams or other form of presentation must be from materials already submitted into the record.
12. If time remains, the 7:00 p.m. public comment 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. evidentiary 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. Pursuant to Section 16-50j-15b of the Regulations of Connecticut State Agencies, 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 East Lyme Town Clerk's Office, East Lyme, 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 written statements into the record within 30 days after the close of the hearing.
21. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.

Thank you for your cooperation.

MB/cm