



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 464

Thursday, February 11, 2016

3:00 p.m.

Bridgeport City Hall, Council Chambers

45 Lyon Terrace, Bridgeport, Connecticut

I. Opening by Council

- A. Statement read by Chair.
- B. Comments by Public Official(s) (if any)
- C. Motions (if any)
- 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
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. PRESIDENTIAL PROCLAMATION NO. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. PRESIDENTIAL ORDER NO. 13616, ACCELERATING BROADBAND INFRASTRUCTURE DEVELOPMENT, 77 Fed. Reg. 119 (June 14, 2012), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf>
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 Interim Guidelines, Communications Tower Siting, Construction, Operation and Decommissioning Recommendations* (last updated June 10, 2014), *available at* <http://www.fws.gov/midwest/endangered/section7/telecomguidance.html>
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18. FEDERAL COMMUNICATIONS COMMISSION, Public Notice – Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, DA 12-2407, January 25, 2013, *available at* https://apps.fcc.gov/edocs_public/attachmatch/DA-12-2047A1.pdf
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23. 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>
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25. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
26. **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>
27. **DOCKET NO. 442** – NEW CINGULAR WIRELESS PCS, LLC CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 284 NEW CANAAN AVENUE, NORWALK, CONNECTICUT. MEMORANDUM FROM SITING COUNCIL ACTING EXECUTIVE DIRECTOR TO PARTIES AND INTERVENORS, DANIEL FORREST AND TODD LEVINE OF SHPO, DATED FEBRUARY 11, 2014.
28. **PETITION NO. 1169** – BLUE SKY TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS REQUIRED FOR THE PROPOSED INSTALLATION OF A TEMPORARY TELECOMMUNICATIONS FACILITY TO BE LOCATED AT 220 EVERGREEN STREET, BRIDGEPORT, CONNECTICUT. RECORD AND COMMENTS FROM THE DEPARTMENT OF TRANSPORTATION, RECEIVED JANUARY 7, 2016.

Department of Energy and Environmental Protection

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31. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL 2004 AND APPENDICES, *available at* http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download
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36. 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.
37. 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

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39. 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

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45. 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.
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MAPS

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62. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
63. National Audubon Society, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
64. Mail-A-Map Street Map, Bridgeport, available at <http://mailamap.com/street-maps>
65. United States Geological Survey, Connecticut Topographic Map Collection. Bridgeport, available at http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. Comments from the Department of Transportation, dated January 14, 2016

F. Municipal comments

G. Telecommunications Carrier Comments

1. Comments from Cellco Partnership d/b/a Verizon Wireless, dated January 8, 2016

II. Appearance by Applicant

Applicant: Blue Sky Towers, LLC and New Cingular Wireless PCS, LLC

Representative(s): Christopher B. Fisher, Esq.
Cuddy & Feder LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Blue Sky Towers, LLC and New Cingular Wireless PCS, LLC, received December 2, 2015, and attachments and bulk file attachments including:

Bulk file exhibits:

- a. City of Bridgeport Master Plan of Conservation and Development, March 2008
 - b. City of Bridgeport Zoning Regulations, amended to April 14, 2014
 - c. City of Bridgeport Inland Wetlands and Watercourses Regulations, revised to August 1, 2010
 - d. City of Bridgeport Zoning Map
 - e. Applicant's Technical Report to the City of Bridgeport
2. Applicant's Affidavit of Publication, dated December 18, 2015
 3. Applicant's Affidavit of Sign Posting, dated January 27, 2016
 4. Applicant's Responses to Council Interrogatories, dated February 3, 2016
 5. Applicant's Pre-Filed Statement of Facts, dated February 3, 2016
 6. Applicant's Pre-Hearing Information with Attachments
 - a. Resume/Professional Biographies of:
 - i. Sean Gormley
 - ii. Keith Coppins
 - iii. Douglas Roberts
 - iv. Adrian Berezowsky
 - v. Christopher Bond
 - vi. Matthew Allen
 - vii. Martin Lavin

C. Swear Witnesses

1. Sean Gormley, Blue Sky Towers, LLC, Blue Sky Project Manager
2. Keith Coppins, Principal/Owner, Phoenix Partnership LLC
3. Douglas Roberts, P.E., Hudson Design Group, LLC
4. Adrian Berezowsky, Senior Managing Director, CBRE, Inc.
5. Christopher Bond, Project Manager-Biologist, IVI Telecom Services, Inc.
6. Matthew Allen, RLA, Treasurer/Principal, Saratoga Associates
7. Martin Lavin, C-Squared Systems

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Parties & intervenors

III. Closing by Connecticut Siting Council.