



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 471
Tuesday, May 2, 2017
3:00 p.m. and 7:00 p.m.
Memorial Town Hall
Legislative Council Chambers
2372 Whitney Avenue
Hamden, CT 06518

I. Opening by Council

A. Statement read by Chair.

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

C. Motions

1. Applicant's Objections to Sorrentino Interrogatory Nos. 1-4, received April 24, 2017.

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* <https://transition.fcc.gov/Reports/tcom1996.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, 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, *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>
14. National Park Service, United States Department of the Interior, *National Register of Historic Places*, *available at* <https://www.nps.gov/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://www.faa.gov/documentlibrary/media/advisory_circular/ac%2070%207460-1k.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. 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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21. 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>
22. 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
23. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, available at <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
24. **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>
25. **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, available at http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_442/442shpomemo.pdf

Department of Energy and Environmental Protection

26. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control*, DEP Bulletin 34 (May 2002, last revised September 2007), available at http://www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
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28. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Amphibians and Reptiles in Connecticut*, DEP Bulletin 32, Michael W. Klemens (2000), available at <http://www.ctdeepstore.com>

29. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER PROTECTION AND LAND REUSE, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, Effective October 10, 2013, available at <http://www.ct.gov/deep/lib/deep/regulations/22a/22a-426-1through9.pdf>
30. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective April 15, 2014, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq.
31. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq.
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
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35. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
36. PUBLIC UTILITIES REGULATORY AUTHORITY, *Connecticut Public Utilities Cybersecurity Action Plan*, April 6, 2016, available at http://www.ct.gov/pura/lib/pura/electric/cyber_report_April_6_2016.pdf

Department of Transportation

37. 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>
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Other State Agencies

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43. STATE OF CONNECTICUT, STATE VEGETATION MANAGEMENT TASK FORCE, *Final Report Issued to the Connecticut Department of Energy and Environmental Protection*, August 28, 2012, available at http://www.ct.gov/deep/lib/deep/forestry/vmtf/final_report/svmtf_final_report.pdf
44. 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.
45. 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
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TECHNICAL

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ENVIRONMENTAL

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MAPS

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63. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
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65. Mail-A-Map Street Map, Hamden, available at <http://mailamap.com/street-maps>
66. United States Geological Survey, Connecticut Topographic Map Collection (Hamden), available at http://magic.lib.uconn.edu/topographic_maps.html
67. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *West Rock Ridge State Park*, (last updated October 24, 2016), available at <http://www.ct.gov/deep/lib/deep/stateparks/maps/westrockparkmap.pdf>

E. State Agency comments

1. Comments from the Council on Environmental Quality, dated March 29, 2017
2. Comments from the Department of Transportation, dated April 17, 2017

F. Public Official Comments

1. State Representative Mike D'Agostino, dated April 25, 2017

G. Municipal comments

H. Telecommunications Carrier Comments

1. New Cingular Wireless PCS, LLC (AT&T), dated April 4, 2017
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II. Appearance by Applicant

Applicant: Cellco Partnership d/b/a Verizon Wireless

Representative: Kenneth C. Baldwin, Esq.
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 March 3, 2017, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Technical Report, dated September 7, 2016
 - b. Town of Hamden Zoning Regulations, effective January 8, 2013
 - c. Town of Hamden Inland Wetlands & Watercourses Regulations, effective October 31, 2007
 - d. Town of Hamden Plan of Conservation and Development, effective September 1, 2004
 - e. Town of Hamden Amendment to the Plan of Conservation and Development, effective October 15, 2009
2. Applicant's Affidavit of Publication, dated March 13, 2017
 3. Applicant's Responses to Council Interrogatories, dated April 6, 2017
 4. Applicant's Sign Posting Affidavit, dated April 21, 2017
 5. Applicant's Pre-Hearing Submission, dated April 24, 2017
 6. Applicant's Responses to Patricia Sorrentino's Pre-Hearing Interrogatories, dated April 24, 2017
 7. Letter from Dawn M. McKay, Department of Energy and Environmental Protection, to Dean Gustafson, All-Points Technology Corporation, regarding the Natural Diversity Data Base Determination and Turtle Protection Plan, dated April 27, 2017
 8. Applicant's Aternate Access Road Site Plan (Sheet C-2)

C. Swear Witnesses

1. Anthony Befera, Manager-Real Estate & Project Implementation, Verizon Wireless
2. Jaime Laredo, Radio Frequency Engineer, Verizon Wireless
3. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corp. P.C.

4. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corp. P.C.
5. David Weinpahl, P.E., On Air Engineering
6. Richard Couch, P.E., Martinez Couch & Associates, LLC

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

E. Cross Examination.

1. Council
2. Patricia Sorrentino (Attorney Cohen)

III. Appearance by Party: Patricia Sorrentino

Representatives: Burt B. Cohen, Esq.
Murtha Cullina LLP

Bridget D'Angelo, Esq.
Murtha Cullina LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Patricia Sorrentino Request for Party Status, dated March 13, 2017
2. Patricia Sorrentino Pre-Filed Testimony, dated April 25, 2017
3. Corrected Exhibit List and Appearance Addition, dated April 28, 2017

C. Swear Witnesses

1. Patricia Sorrentino

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

E. Cross Examination.

1. Council
2. Applicant

IV. Continuation by Connecticut Siting Council.