



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Hearing Program
Docket No. 471
Tuesday, August 15, 2017
1:00 p.m.
Ten Franklin Square
Hearing Room One
New Britain, CT 06051

I. Opening by Council

- A. Statement read by Chair.
- B. Comments by Public Official(s) (if any)
- C. Motions
- 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, *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning* (last updated August 2016), *available at* <https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance2016update.pdf>
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 AC NO. 70/7460-1L (December 4, 2015), *available at* https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L.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
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>.

20. FEDERAL COMMUNICATIONS COMMISSION, Wireless Infrastructure Report and Order, FCC 14-153, October 21, 2014, available at <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>

STATE

Connecticut Siting Council

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/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
27. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004 and appendices, available at http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654
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
34. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, Connecticut's Endangered, Threatened and Special Concern Species 2015, August 2015, *available at* http://www.ct.gov/deep/lib/deep/wildlife/pdf_files/nongame/ETS15.pdf
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

39. 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
40. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
41. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION – CELL PHONE TOWERS – QUESTIONS AND ANSWERS ABOUT HEALTH, (May 2015), available at http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/051115_cell_phone_tower_final.pdf
42. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, CELL PHONES – QUESTIONS AND ANSWERS ABOUT SAFETY (May 2015), available at http://www.ct.gov/dph/lib/dph/environmental_health/eoha/toxicology_risk_assessment/050815_cell_phones_final.pdf
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
46. 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
47. 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
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TECHNICAL

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53. CISCO SYSTEMS, INC., *Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2015-2020 White Paper*, February 3, 2016, available at, <http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/mobile-white-paper-c11-520862.pdf>

ENVIRONMENTAL

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MAPS

58. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Hamden*, (last updated December 2016), available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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61. UNIVERSITY OF CONNECTICUT, CONNECTICUT ENVIRONMENTAL CONDITIONS ONLINE, *Connecticut Critical Habitats and Open Space*, last updated November 28, 2012, available at <http://cteco.maps.arcgis.com/home/item.html?id=a1bf59798c5b45a98aeaeb97dafd60b9>
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63. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
64. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
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

1. Mayor Curt B. Leng, dated May 2, 2017

H. Telecommunications Carrier Comments

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

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 Alternate Access Road Site Plan (Sheet C-2), received May 2, 2017
 9. Applicant's Responses to Council Interrogatories, Set Two, dated May 23, 2017
 10. Applicant's Responses to Patricia Sorrentino's Interrogatories, Set Two, dated May 30, 2017
 11. Applicant's Supplemental Pre-Hearing Submission, dated June 6, 2017
 12. Applicant's Responses to Council Interrogatories, Set Three, dated August 3, 2017
 13. Applicant's Photosimulation of a Tree Tower at Alternative Site No. 2 (as requested in Council Interrogatory 40), dated August 8, 2017

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.

1. Dave Andersen, *Mobile Network Performance in the U.S.*, February 18, 2016, available at <http://www.rootmetrics.com/us/blog/special-reports/2015-2h-national-us>
2. Andy Golub and Paul Carton, *Changewave Research: Wireless Service Provider Trends*, April 27, 2010, available at http://www.changewave.com/assets/alliance/reports/cell_service_20100427/cell_service_20100427.pdf

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
4. Patricia Sorrentino Supplemental Pre-Filed Testimony, dated June 6, 2017
5. Updated Exhibit List and Appearance Addition, dated June 9, 2017
6. Patricia Sorrentino Letter Regarding Recommendations, Preferences and Site Concealment, dated July 7, 2017
7. Patricia Sorrentino Letter Regarding an Additional Hearing and Response to Verizon, dated July 17, 2017
8. Patricia Sorrentino Further Comments, dated August 9, 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. Closing by Connecticut Siting Council.