



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

Hearing Program

Docket No. 476

Thursday, November 16, 2017

3:00 p.m. & 6:30 p.m.

Somers Town Hall

Auditorium

600 Main Street

Somers, CT 06071

I. Opening by Council

A. Statement read by Chair.

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

C. Motions

1) Eco-Site and T-Mobile Motion for Protective Order, dated November 9, 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/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).



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Affirmative Action / Equal Opportunity Employer

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

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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

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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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>
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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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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

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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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62. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK 20th ed. 2017, *available at* <http://www.ctwoodlands.org/-connecticut-walk-book-20th-edition>
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, (Somers), *available at* <http://mailamap.com/street-maps>

66. United States Geological Survey, Connecticut Topographic Map Collection (Somers), *available at* http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. State of Connecticut Department of Transportation, dated September 5, 2017
2. State of Connecticut Department of Public Health-Drinking Water Section, dated September 25, 2017

F. Municipal comments

G. Telecommunications Carrier Comments

1. Celco Partnership d/b/a Verizon Wireless Comments, dated October 4, 2017

II. Appearance by Applicants

Applicants: Eco-Site, Inc. and T-Mobile Northeast, LLC

Representatives: Christopher B. Fisher, Esq.
Daniel M. Laub, Esq.
Cuddy & Feder LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Eco-Site, Inc. and T-Mobile Northeast, LLC, received July 20, 2017, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Town of Somers Plan of Conservation and Development
 - b. Town of Somers Zoning Regulations
 - c. Town of Somers Zoning Map
 - d. Town of Somers Inland Wetlands and Watercourses Regulations
 - e. Technical Report
2. Eco-Site and T-Mobile's Responses to Siting Council Interrogatories, Set 1, dated November 9, 2017
 3. Eco-Site and T-Mobile's Sign Posting Affidavit and Photographs, dated November 2, 2017
 4. Witnesses Resumes/Professional Biographies
 - a) Matthew W. Allen
 - b) Christopher S. Bond
 - c) Chuck Bruttomesso
 - d) AJ DeSantis III

- e) Scott Heffernan
- f) Steve Ruzzo
- 5. Eco-Site and T-Mobile's Supplemental Submission Regarding Backup power for T-Mobile, dated November 15, 2017
- 6. State Historic Preservation Office Correspondence, dated January 19, 2017 and February 21, 2017

C. Swear Witnesses

- 1. Matthew W. Allen, RLA, Principal, Saratoga Associates, Landscape Architects, Engineers, and Planners, P.C.
- 2. Chris Bond, Telecom Advisory Services, CBRE, Inc.
- 3. Chuck Bruttomesso, Site Acquisition, Airosmith Development
- 4. AJ DeSantis, Regional Vice President – Northeast, Principal Infinigy
- 5. Scott Heffernan, Director, - RF Engineering, Centerline Communications
- 6. Steve Ruzzo, Northeast Project Manager, Eco-Site

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

E. Cross Examination.

- 1. Council

III. Closing by Connecticut Siting Council.