



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### VIA ELECTRONIC MAIL

August 21, 2019

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **DOCKET NO. 486** - Tarpon Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 796 Woodin Street, Hamden, Connecticut.

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The Connecticut Siting Council (Council) will hold a pre-hearing conference on procedural matters on Wednesday, August 28, 2019, in the Council's office, at Ten Franklin Square, New Britain, Connecticut, beginning at 11:00 a.m. All parties and intervenors are requested to participate. The purpose of this pre-hearing conference is to expedite the hearing procedure without sacrificing an informative record necessary for the Council to render a decision. For those that wish to participate in the pre-hearing conference via telephone, please use the call-in information below.

Call number: 866-917-7557

Passcode: 9148525

At the conference, parties and intervenors will be encouraged to discuss requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of pre-hearing interrogatories. To save the time and expense of the public, the Council does not allow direct testimony at the public hearing.

Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the hearing. The pre-hearing conference will also address the grouping of parties and intervenors and the order of presentations at the hearing.

MB/RDM/lm

Connecticut Siting Council  
Pre-hearing Conference: Procedure for Hearing of September 19, 2019

**DOCKET NO. 486** - Tarpon Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 796 Woodin Street, Hamden, Connecticut.

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**Pre-hearing Procedure**

1. On or before September 5, 2019, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before September 12, 2019, 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 September 12, 2019.
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 property from a public road where the proposed facility is 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). **The sign shall not be removed from the site until after the commencement of the evening public comment session.**
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 site will be held on Thursday, September 19, 2019, 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 site, weather permitting, during the field review.
8. The 3:00 p.m., September 19, 2019, 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 6:30 p.m. public comment session on September 19, 2019, 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. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
13. The Council may, at its discretion, group parties and intervenors with the same interests.
14. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
15. 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.
16. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

**Post-hearing procedure**

17. A verbatim transcript of the hearing session will be made and deposited with the Town of Hamden and City of New Haven Town/City Clerk's Offices, for the convenience of the public.
18. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
19. Members of the public will be allowed to submit written statements into the record within 30 days after the close of the hearing.
20. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.

Administrative Notice List  
Docket No. 486

**FEDERAL**

1. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields*, OET Bulletin No. 56, August 1999, available at [https://transition.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet56/oet56e4.pdf](https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf)
2. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin No. 65, August 1997, available at [https://transition.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65.pdf](https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf)
3. FEDERAL COMMUNICATIONS COMMISSION, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order*, August 1, 1996, available at [https://transition.fcc.gov/Bureaus/Engineering\\_Technology/Orders/1996/fcc96326.pdf](https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf)
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 <https://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, as amended, available at <https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih>.
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942, as amended, available at <https://www.gpo.gov/fdsys/pkg/PLAW-108publ494/pdf/PLAW-108publ494.pdf>
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment 2012, available at <https://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, as amended, available at <https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf>
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310, as amended, available at <https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf>
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. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, available at <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>
14. 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/usfwscommtowerguidance.pdf>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* available at <https://www.nps.gov/nr/research/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, *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](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L.pdf)
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18. FEDERAL COMMUNICATIONS COMMISSION, *Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs*, January 6, 2017, available at <https://www.fws.gov/migratorybirds/pdf/management/fccopportunitiestoreducebirdcollisions.pdf>
19. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2017*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, June 2018, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201806.pdf>
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21. FEDERAL COMMUNICATIONS COMMISSION, *Connecting America: The National Broadband Plan*, 2010, available at <http://www.broadband.gov/plan/>
22. FEDERAL COMMUNICATIONS COMMISSION, *Text-to-911: Quick Facts & FAQs*, June 2013, available at <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.
23. 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>
24. FEDERAL COMMUNICATIONS COMMISSION, *Second Report and Order*, FCC 18-30, March 30, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-30A1.pdf>
25. FEDERAL COMMUNICATIONS COMMISSION, *Third Report and Order and Declaratory Ruling*, FCC 18-111, August 3, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf>
26. FEDERAL COMMUNICATIONS COMMISSION, *Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>

27. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017, *available at* [https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2\\_054262](https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262)

## **STATE**

### **Connecticut Siting Council**

28. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Plan for Wireless Telecommunications Coverage*, Revised October 2018, *available at* [https://www.ct.gov/csc/lib/csc/publications/2018telcomplan\\_final.pdf](https://www.ct.gov/csc/lib/csc/publications/2018telcomplan_final.pdf)
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31. **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>
32. **DOCKET NO. 56** - Metro Mobile CTS of New Haven, Inc., Certificate of Environmental Compatibility and Public Need for telecommunications facilities in New Haven County.
33. **DOCKET NO. 56A** - Metro Mobile CTS of New Haven, Inc., Certificate of Environmental Compatibility and Public Need for telecommunications facilities in New Haven County; Amendment Resolution.

### **Department of Energy and Environmental Protection**

34. 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*, last revised September 2007, *available at* [http://www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&depNav\\_GID=1654](http://www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654)
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37. 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.
38. 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.
39. 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.

40. 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](http://www.ct.gov/deep/lib/deep/wildlife/pdf_files/nongame/ETS15.pdf)
41. 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](http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review)
42. 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](http://www.ct.gov/pura/lib/pura/electric/cyber_report_April_6_2016.pdf)
43. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, WETLANDS MANAGEMENT SECTION, *Guidelines: Upland Review Area Regulations, Connecticut's Inland Wetlands and Watercourses Act*, June 1997, available at [http://www.ct.gov/deep/lib/deep/water\\_inland/wetlands/upland\\_review\\_document\\_june1997.pdf](http://www.ct.gov/deep/lib/deep/water_inland/wetlands/upland_review_document_june1997.pdf)

### **Department of Transportation**

44. 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>
45. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Policy Statement for Telecommunications Installations Within the State Highway Right of Way, Policy No. E&H.O. – 53*, August 7, 2006, available at [http://www.ct.gov/csc/lib/csc/row\\_ps.pdf](http://www.ct.gov/csc/lib/csc/row_ps.pdf)

### **Other State Agencies**

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50. 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](http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf)
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## **MAPS**

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