

# 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](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

October 5, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 422** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.

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At a pre-hearing conference held October 5, 2011, at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on October 27, 2011.

### Pre-hearing Procedure

1. On or before October 13, 2011, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before October 20, 2011, 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 October 20, 2011.
4. All filings are to be in accordance with the State Solid Waste Management Plan, 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. 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 petitioner, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
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, October 27, 2011, beginning at 2:00 p.m. The applicant will fly balloons 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., October 27, 2011 hearing 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. The applicant will be allowed a final rebuttal.
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 7:00 p.m. hearing session on October 27, 2011, 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. The diagrams must be from materials already submitted into the record. The applicant shall provide the Council with a copy of the 24-inch by 36-inch diagrams at the conclusion of the public comment session.
12. If time remains, the 7:00 p.m. hearing session may provide the petitioner, parties, and intervenors an opportunity to continue their appearances and cross-examination that began during the 3:00 p.m. hearing session.
13. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
14. The Council may, at its discretion, group parties and intervenors with the same interest.
15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
16. 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.
17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

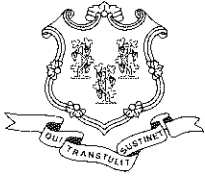
**Post-hearing procedure**

18. A verbatim transcript of the hearing session will be made and deposited with the Watertown and Thomaston Town Halls in Connecticut for the convenience of the public.
19. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
20. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
21. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

LR/CDM/laf

Enclosure: Administrative Notice List



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Administrative Notice List

Docket No. 422

### 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](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf) (last visited July 22, 2010).
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](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf) (last visited July 21, 2010).
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> (last visited July 22, 2010).
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](http://clerk.house.gov/library/reference-files/PPL_TelecommunicationsAct_%201996.pdf) (last visited July 22, 2010).
5. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b (2010).
6. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942 (2010).
7. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
8. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
9. Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954> (last visited July 20, 2010).
10. 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> (last visited July 23, 2010).
11. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (Sept. 2000), *available at*

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html> (last visited July 23, 2010).

12. National Park Service, United States Department of the Interior, *National Register of Historic Places* (July 2010), available at <http://www.nps.gov/history/nr/research/index.htm> (last visited July 27, 2010).
13. Division of Migratory Bird Management, U.S. Fish & Wildlife Service, United States Department of the Interior, *Service Interim Guidelines for Recommendations On Communications Tower Siting, Construction, Operation and Decommissioning*, (Aug. 9, 2000), available at [http://www.fws.gov/habitatconservation/com\\_tow\\_guidelines.pdf](http://www.fws.gov/habitatconservation/com_tow_guidelines.pdf) (last visited July 21, 2011).
14. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, OBSTRUCTION MARKING AND LIGHTING, ADVISORY CIRCULAR AC70/7460-1K (February 2007), available at [https://oeaaa.faa.gov/oeaaa/external/content/AC70\\_7460\\_1K.pdf](https://oeaaa.faa.gov/oeaaa/external/content/AC70_7460_1K.pdf) (last visited July 27, 2010).
15. 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> (last visited January 3, 2011).
16. *Jaeger v. Cellco Partnership, et al.*, 2010 WL 965730 (D. Conn. 2010), *affirmed Jaeger v. Cellco Partnership, et al.*, 10-1347-cv (2<sup>nd</sup> Cir. 2010).

## **STATE**

### **Connecticut Siting Council**

17. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE (September 2006), available at [http://www.ct.gov/csc/lib/csc/publications/csc\\_annualrvw\\_f6.pdf](http://www.ct.gov/csc/lib/csc/publications/csc_annualrvw_f6.pdf) (last visited July 26, 2010).
18. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II (March 2007), available at [http://www.ct.gov/csc/lib/csc/csc\\_tower\\_3\\_07.pdf](http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf) (last visited July 26, 2010).

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

19. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, DEP BULLETIN 34 (May 2002, last revised September 2007), available at [http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav\\_GID=1654](http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654) (last visited July 20, 2010).
20. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL (2004), available at [http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav\\_GID=1654#download](http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download) (last visited July 15, 2010).
21. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, AMPHIBIANS AND REPTILES IN CONNECTICUT, DEP BULLETIN 32, Michael W. Klemens (2000), available at <http://ctdepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm> (last visited July 21, 2011).

22. 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.
23. 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](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_376/do376-20090817-depcommentadminnotice.pdf) (last visited July 23, 2010).

#### **Department of Transportation**

24. 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> (last visited July 15, 2010).
25. 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](http://www.ct.gov/csc/lib/csc/row_ps.pdf) (last visited July 23, 2010).

#### **Other State Agencies**

26. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2005-2010 (July 6, 2005), *available at* <http://www.ct.gov/opm/cwp/view.asp?a=2990&q=383182> (last visited July 20, 2010).
27. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2010).

#### **TECHNICAL**

28. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, IEEE STANDARD FOR SAFETY LEVELS WITH RESPECT TO HUMAN EXPOSURE TO RADIO FREQUENCY ELECTROMAGNETIC FIELDS, 3 kHz to 300 GHz, IEEE Std. C95.1-2005 (November 1, 2009), *available at* [https://sbwsweb.ieee.org/ecustomer/cme\\_enh/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)Standards\\_IEEE&mem\\_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomer/cme_enh/start.swe?SWECmd=GotoView&SWEView=Catalog+View+(eSales)Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657) (last visited July 22, 2010).
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30. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-F (1996), *available at* <http://www.preferredtower.com/codes/tia/index.html> (last visited July 23, 2010).
31. Letter from John R. Morissette, Manager of Transmission Siting and Permitting, The Connecticut Light and Power Company, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP, (Feb. 19, 2010) regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, *available at* [http://www.ct.gov/csc/lib/csc/pendingproceeds/docket\\_388/do388-20100312\\_supplemental\\_submission.pdf](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_388/do388-20100312_supplemental_submission.pdf) (last visited January 28, 2011).

## ENVIRONMENTAL

32. RICHARD M. DEGRAAF & DEBORAH D. RUDIS, NEW ENGLAND WILDLIFE: HABITAT, NATURAL HISTORY, AND DISTRIBUTION (University of Massachusetts Press, 1983), *available at* <http://www.treesearch.fs.fed.us/pubs/4148> (last visited July 21, 2010).
33. ARAM J.K. CALHOUN & MICHAEL W. KLEMENS, BEST DEVELOPMENT PRACTICES: CONSERVING POOL-BREEDING AMPHIBIANS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN THE NORTHEASTERN UNITED STATES, MCA TECHNICAL PAPER NO. 5 (Metropolitan Conservation Alliance 2002), *available at* <http://www.umaine.edu/vernalpools/PDFs/Best%20Development%20Practices%20-%20-%20Conserving%20Pool-breeding%20Amph.pdf> (last visited July 22, 2010).
34. Aram J.K. Calhoun, et. al., *Conserving pool-breeding amphibians in human-dominated landscapes through local implementation of Best Development Practices*, WETLANDS ECOLOGY AND MANAGEMENT, July 9, 2004 at 291, *available at* <http://www.maineaudubon.org/resource/documents/CalhounWEMpaper.pdf> (last visited July 21, 2010).

## MAPS

35. NATURAL RESOURCES DIVISION, CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, ATLAS OF CONNECTICUT TOPOGRAPHIC MAPS, DEP BULLETIN 17 (1992), *available at* [http://www.ctdepstore.com/Maps\\_c16.htm;jsessionid=1FF9EB902F8695DF048A7BD535715052.qscstrfrnt02](http://www.ctdepstore.com/Maps_c16.htm;jsessionid=1FF9EB902F8695DF048A7BD535715052.qscstrfrnt02) (last visited July 27, 2010).
36. State of Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Map for the Town of Watertown*, (last updated July 2010), *available at* <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp> (last visited September 21, 2011).
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40. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), *available at* <http://iba.audubon.org/iba/stateIndex.do?state=US-CT> (last visited July 20, 2010).
41. Mail-A-Map Street Map, (Watertown), (Harbor Publications 2003).
42. United States Geological Survey, Connecticut Topographic Map Collection (Town), *available at* [http://magic.lib.uconn.edu/topographic\\_maps.html](http://magic.lib.uconn.edu/topographic_maps.html) (last visited July 21, 2011).

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC	<p>Lucia Chiochio, Esq. Christopher B. Fisher, Esq. Cuddy &amp; Feder LLP 445 Hamilton Avenue, 14<sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a> <a href="mailto:lchiocchio@cuddyfeder.com">lchiocchio@cuddyfeder.com</a></p> <p>John S. Stevens North Atlantic Towers, LLC 1001 3<sup>rd</sup> Ave. West., Suite 420 Bradenton, FL 34250</p> <p>Michele Briggs AT&amp;T 500 Enterprise Drive Rocky Hill, CT 06067-3900 <a href="mailto:michele.g.briggs@cingular.com">michele.g.briggs@cingular.com</a></p>