

Daniel F. Caruso  
Chairman

# 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)

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

May 18, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 335** – MetroCast Communications of Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the Expansion of its existing CATV Headend facility located at 689 Old Colchester Road, Uncasville-Montville, Connecticut.

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At a pre-hearing conference held May 17, 2007, at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on Thursday, June 14, 2007.

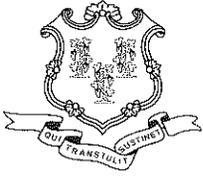
1. Before June 7, 2007, all parties and intervenors are encouraged to exchange and respond to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
2. The 3:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to present 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 all parties and intervenors in the order that they were made parties and intervenors. All parties and intervenors will then be allowed to present their exhibits and witness panels in the order in which they were made parties and intervenors, and be subject to cross-examination by the applicant and all other parties and intervenors. The applicant will be allowed a final rebuttal. Arguments will be entertained in writing after the close of the last hearing session.
3. The 7:00 p.m. hearing session will be first reserved for the public to make brief statements into the record.
4. If time remains, the 7:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to complete their presentation and cross-examination.
5. The Council requests that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by June 7, 2007. 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.

6. The Council will provide an opportunity for public officials to make a statement.
7. No repetition of facts will be allowed.
8. A verbatim transcript of the hearing sessions will be made and deposited with the Montville Town Hall, Uncasville, Connecticut, for the convenience of the public.
9. Parties and intervenors will be allowed to submit briefs and proposed findings of facts within 30 days after the close of the hearing.
10. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
11. Deadlines for briefs, proposed findings of fact, and public statements should be considered final and extensions will not be automatically granted.
12. The Council may, at its discretion, provide for the grouping of parties and intervenors with the same interests.
13. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
14. 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 June 5, 2007.
15. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
16. 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.
17. A public field review of the proposed site will be held on Thursday, June 14, 2007, beginning at 2:00 p.m.
18. 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).
19. All participants are requested to place nameplates on the table in front of each witness at the hearing.

Thank you for your cooperation.

SDP/ap

Enclosure: Administrative Notice List  
Hearing Notice



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### Administrative Notice List

Docket No. 335

1. OET Bulletin No. 56, Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1999.
2. OET Bulletin No. 65, Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1997.
3. ANSI Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz, Revision of ANSI C95.1-1982, American National Standards Institute, November 18, 1992.
4. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, adopted August 1, 1996.
5. Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, TIA/EIA-222-F, Electronics Industries Association, June 1996.
6. Connecticut Guidelines for Soil Erosion and Sediment Control, May 2002, as amended.
7. Telecommunications Act of 1996.
8. Conservation and Development Policies Plan for Connecticut 2005-2010, adopted by the Connecticut General Assembly, 2005. <http://www.opm.state.ct.us/igp/cdplan/cdplan2.htm>
9. Connecticut Walk Book, Eighteenth Edition, Connecticut Forest and Park Association, 1997.
10. Atlas of Connecticut Topographical Maps, State of Connecticut Department of Environmental Protection, Natural Resources Center, DEP Bulletin 17, 1992.
11. Connecticut Department of Transportation Policy Statement for Telecommunications Installations Within the State Highway Right of Way, Policy No. E&H.O.-53, dated August 7, 2006
12. Advisory Circular AC 70/7460-1K Obstruction Marking and Lighting, U.S. Department of Transportation, Federal Aviation Administration, August 1, 2000. Website Link: [http://www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameSet](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameSet)
13. Connecticut Siting Council Statewide Plan for Telecommunications Coverage (Public Act 04-226, September 1, 2006). <http://www.ct.gov/csc/cwp/view.asp?a=895&q=246816>



CONNECTICUT SITING COUNCIL  
Affirmative Action / Equal Opportunity Employer

14. Siting Council Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation  
[http://www.ct.gov/csc/lib/csc/csc\\_book\\_r5a.pdf](http://www.ct.gov/csc/lib/csc/csc_book_r5a.pdf)
15. Avian Collisions at Communication Towers  
<http://www.fws.gov/migratorybirds/issues/towers/towers.htm>
16. Connecticut Official State Tourism Map, 2005-2006.
17. Mail-A-Map Street Map, Montville, 2002.



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### HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Thursday, June 14, 2007, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Montville Town Hall, Council Chamber Room, 310 Norwich-New London Turnpike, Uncasville, Connecticut and thereafter as necessary. The hearing will be on a MetroCast Communications of Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the Expansion of its existing CATV Headend facility located at 689 Old Colchester Road, Uncasville-Montville, Connecticut.

The purpose of the hearing is to hear evidence on the applicant's contentions that the public need for the facility outweighs any adverse environmental effects that would result from the construction, operation, or maintenance of a tower, ground equipment, and access road. The 3:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to cross-examine positions. The applicant will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session. The 7:00 p.m. hearing session will be reserved for the public to make brief statements into the record. Cross-examination of parties and intervenors will resume, if necessary, after all statements have been heard.

The Council will conduct a public field review of the proposed site on Thursday, June 14, 2007, beginning at 2:00 p.m.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Thursday, May 17, 2007 beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by June 7, 2007. In accordance with the State Solid Waste Management Plan, the Council requests 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.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.



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Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before June 5, 2007.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council at the hearing or any time up to 30 days thereafter. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Office of the Montville Town Hall for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by June 1, 2007.

The applicant of this facility is represented by the following:

**Applicant**

MetroCast Communications of Connecticut,  
LLC

**Its Representatives**

Burton B. Cohen, Esq.  
Ryan M. Mihalic, Esq.  
Murtha Cullina LLP  
CityPlace I, 185 Asylum Street  
Hartford, CT 06103-3469

John F. Dee, General Manager  
MetroCast Communications of  
Connecticut, LLC  
61 Myrock Avenue, P.O. Box 6008  
Waterford, CT 06385-6008

A copy of the application is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935. The Council has assigned this application docket no. 335.

May 9, 2007

Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	MetroCast Communications of Connecticut, LLC	Burton B. Cohen, Esq. Ryan M. Mihalic, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6000 (860) 240-6150 fax <a href="mailto:bcohen@murthalaw.com">bcohen@murthalaw.com</a> <a href="mailto:rmihalic@murthlaw.com">rmihalic@murthlaw.com</a>  John F. Dee, General Manager MetroCast Communications of Connecticut, LLC 61 Myrock Avenue, P.O. Box 6008 Waterford, CT 06385-6008 (860) 442-5616 ext. 201 (860) 443-6031 fax <a href="mailto:jdee@ct.metrocast.net">jdee@ct.metrocast.net</a>