



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

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August 22, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director *SDP/CML*

RE: **DOCKET NO. 342** - Optasite Towers LLC and Omnipoint Communications, Inc.
application for a Certificate of Environmental Compatibility and Public Need for the
construction, maintenance and operation of a telecommunications facility located at
425 Litchfield Road, New Milford, Connecticut.

Please be advised that the Connecticut Siting Council will use the following format for the public hearing scheduled on Monday, September 10, 2007.

1. 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).
2. A public field review of the proposed site will be held on Monday, September 10, 2007, beginning at 3:00 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.
3. Before September 4, 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.
4. The Council requests that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by September 4, 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.

5. The 4:00 p.m., September 10, 2007 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.
6. The 7:00 p.m. hearing session will be first reserved for the public to make brief statements into the record. 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.
7. The Council will provide an opportunity for public officials to make a statement.
8. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants. No repetition of facts will be allowed.
9. A verbatim transcript of the hearing sessions will be made and deposited with the New Milford Town Hall for the convenience of the public.
10. Parties and intervenors will be allowed to submit briefs and proposed findings of facts within 30 days after the close of the hearing.
11. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
12. Deadlines for briefs, proposed findings of fact, and public statements should be considered final and extensions will not be automatically granted.
13. The Council may, at its discretion, provide for the grouping of 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. 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 4, 2007.
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. All participants are requested to place nameplates on the table in front of each witness at the hearing.

Enclosure: Administrative Notice List



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Administrative Notice List

Docket No. 342

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 East, Nineteenth Edition, Connecticut Forest and Park Association, 2005.
10. Connecticut Walk Book West, Nineteenth Edition, Connecticut Forest and Park Association, 2007.
11. Atlas of Connecticut Topographical Maps, State of Connecticut Department of Environmental Protection, Natural Resources Center, DEP Bulletin 17, 1992.
12. 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.



13. 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
14. 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>
15. 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
16. Connecticut Official State Tourism Map, 2005-2006.
17. Mail-A-Map Street Map, New Milford, 2002.
18. Avian Collisions at Communication Towers -- Sources of Information. U.S. Fish and Wildlife Service, Division of Migratory Bird Management.
<http://www.fws.gov/migratorybirds/issues/towers/towers.htm>



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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 Monday, September 10, 2007, beginning at 4:00 p.m., and continued at 7:00 p.m., at the New Milford High School Lecture Room, 388 Danbury Road, New Milford, Connecticut, and thereafter as necessary. The hearing will be on an application from Optasite Towers LLC and Omnipoint Communications, Inc. for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, 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 4:00 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 Monday, September 10, 2007, beginning at 3:00 p.m. The applicant will fly a balloon during the field review to simulate the height of the proposed facility.

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 Tuesday, August 21, 2007, beginning at 2:00 p.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 September 4, 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.

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 September 4, 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 New Milford 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 September 6, 2007.

The applicant of this facility is represented by the following:

Applicant

Optasite Towers LLC and
Omnipoint Communications, Inc.

Its Representative

Julie Kohler, Esq.
Carrie L. Larson, Esq.
Cohen and Wolf, P.C.
115 Broad Street
Bridgeport, CT 06604

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. 342.

August 6, 2007

Connecticut Siting Council