STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
Ten Franklin Square, New Britain, CT 06051
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www.ct.gov/csc

March 21, 2014

Keith R. Ainsworth, Esq.
Evans, Feldman & Ainsworth, LLC
261 Bradley Street, P.O. Box 1694
New Haven, CT 06507-1694

RE: **DOCKET NO. 445** - Homeland Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Ridgefield Town Assessor Map Parcel #D08-124, southwest of the intersection of Old Stagecoach Road and Aspen Ledges Road, Ridgefield, Connecticut.

Dear Attorney Ainsworth:

In response to your request of March 18, 2014, during a public meeting held on March 20, 2014, the Connecticut Siting Council (Council) granted Intervenor status under CEPA, C.G.S. §4-177a and C.G.S. §16-50n in Docket No. 445 to Ridgefielders Against the Cell Tower (RACT).

Please note that the Telecommunications Act of 1996, a law passed by Congress, restricts this Council's actions. For example, this Act prohibits any state or local government agency, including this Council, from regulating telecommunication towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the FCC's regulations concerning such emissions. Also, this Act blocks state and local government agencies, such as this Council, from prohibiting personal wireless services for any town or area. Finally, this Act prohibits such state and local government agencies from unreasonably discriminating among wireless service providers. We ask that you please keep this in mind when preparing your case.

All filings submitted to the Council must consist of an original and 15 copies with the docket number, properly collated and paginated, and bound. In accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies and 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. It is also requested that an electronic version of all filings be sent to siting.council@ct.gov.

The Council's preferred service to parties and intervenors is electronic mail. If you wish to receive hard copies of documents via regular mail, please notify the Council in writing. Parties and intervenors are required to serve all other parties and intervenors a copy of any material submitted in this docket, unless service is waived. A copy of the current service list can be found on the Council's website for this proceeding.

Copies of all documents filed to date in this proceeding are available for your review at the Council's office and on the Council's website under pending proceedings. On the Council website you may sign up for our e-alert service which sends emails when the agenda, agenda minutes, and Pending Proceeding sites are updated. Pursuant to Section 16-50j-16 of the Regulations Connecticut State Agencies, you or your representative are responsible for obtaining and reviewing all of the materials for the proceeding. Please contact me at (860) 827-2951, if you require any further information regarding the Council's procedure.

Very truly yours,

Melanie Bachman
Acting Executive Director

MB/CDM/laf

c: Service List dated March 20, 2014

CSC
CONNECTICUT SITING COUNCIL

CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors will receive documents via e-mail. If a party or intervenor prefer to have hard copies of documents via regular mail, they must notify the Council in writing. Also, documents filed with the Council must contain one original, 15 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on (date)." Signature and printed name of the sender.

Conduct of the Proceedings

A. **Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office. All parties and intervenors are requested to attend. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.

B. **Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.

C. **Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.

D. **Administrative Notice:** The Council routinely develops a list of exhibits known as "Administrative Notice Items" in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council's specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Environmental Protection. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.

E. **Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.

F. **Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:

1. Opening Statement from the Council Chairman
2. Administrative Notice Items of the Council

3. **Applicant's Appearance**
    a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)

    b. Swear Witnesses

    c. Cross Examination of the Applicant by:
        i. Council
        ii. Party
        iii. Intervenor

4. **Appearance by Party**
    a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)

    b. Swear Witnesses

    c. Cross Examination of Party by:
        i. Council
        ii. Applicant
        iii. Intervenor

5. **Appearance by Intervenor**
    a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)

    b. Swear Witnesses

    c. Cross Examination of Intervenor by:
        i. Council
        ii. Applicant
        iii. Party

6. **Oral Limited Appearance Statements/Public Comment Session**
    - this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
    - members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements

7. **Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

G. Post-Hearing Procedure: At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

1. **30 Day Written Limited Appearance/Public Comment Period:** Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.

2. **Post Hearing Brief and Proposed Findings of Fact Schedule:** Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.

3. **Draft Findings of Fact Issued by Council:** The Council will issue draft findings of fact from the record to be issued as part of the final decision. Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.

4. **Final Decision:** The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	☒ E-Mail	Homeland Towers LLC & New Cingular Wireless PCS, LLC	Daniel M. Laub, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com lchiocchio@cuddyfeder.com Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067-3900 michele.g.briggs@cingular.com Ray Vergati Homeland Towers, LLC 22 Shelter Rock Lane, Bldg. C Danbury, CT 06810 rv@homelandtowers.us
Intervenor *(granted on 3/20/14)*	☒ E-Mail	Ridgefielders Against the Cell Tower (RACT)	Keith R. Ainsworth, Esq. Evans, Feldman & Ainsworth, LLC 261 Bradley St., P.O. Box 1694 New Haven, CT 06407-1694 (203) 772-4900 (203) 782-1356 fax krainsworth@EFandA-law.com