



**TESTIMONY OF JAMES J. MURPHY, JR.
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**SUBMITTED TO THE ENVIRONMENTAL COMMITTEE,
IN REFERENCE TO
RAISED S.B. 833,
AAC THE APPROVAL AND SITING OF CERTAIN
TELECOMMUNICATION TOWER APPLICATIONS**

JANUARY 31, 2011

Good morning Senator Meyer, Representative Roy, ranking members, and distinguished members of the Environmental Committee. My name is James J. Murphy, Jr. I am a long time member of the Connecticut Siting Council.

Thank you for this opportunity to provide this testimony in connection with **Raised S.B. 833**, AAC the Approval and Siting of Certain Telecommunication Tower Applications.

Raised S.B. 833, AAC The Approval and Siting of Certain Telecommunication Tower Applications seeks to require either the approval of the planning and zoning commission of the host community or that the planning and zoning commission yield such approval when evaluating an application for a telecommunication tower to be sited not more than two hundred fifty feet from a residential dwelling, place of worship or school.

Although not clearly stated, it is apparent that this proposal may be rooted in concerns about the human health effects of radio-frequency emissions. To the extent that that is so, this proposal runs contrary to the tenants of the (federal) 1996 Telecommunications Act which makes clear that local regulations may not regulate the placement, construction or modification of personal wireless service facilities on the basis of the "environmental effects of radio frequency emissions" as long as the facilities meet standards set by the Federal Communications Commission (FCC).

Plainly stated, we are not permitted to establish standards that are more stringent than those of the FCC. And enacting laws that have the effect of

establishing higher standards – as this proposal does – is equally incompatible with the Act.

This is not to say that agencies such as ours do not have a proper role in ensuring compliance with the existing FCC standards with respect to maximum permissible emissions (MPE); indeed, we do. Among the many criteria that the Siting Council studies and evaluates is the degree to which an applicant's proposed project complies with the FCC's MPE. And as a general matter, most projects involve MPE levels that are only a small fraction of the federal MPE standards. The Council will naturally not approve any proposed tower project that exceeds the federally-imposed FCC MPE standards.

In addition, everyone agrees that the state should work to have as few towers built as possible. And it's well understood that the networks work interoperably, with hand-off from one site to another. Those two principles, taken together, make their own argument for why the siting of cellular towers is best accomplished under the hand of a single agency with statewide jurisdiction.

Because of the competitive nature of its industry (as provided for under federal law), the carriers do not publicly reveal their long-term plans to expand or otherwise strengthen their networks with infrastructure. And thorough review of cellular tower applications requires resources and costly expertise, which costs money. (Meanwhile, it's important to note that the FCC has established a hard-and-fast shot clock that demands that a decision be reached on tower applications in 150 days or less.) In light of these factors, it is clear that the public interest is best served by ensuring that jurisdiction to review these complicated matters rests with an agency that permanently has the skills and resources necessary to provide the necessary specialized review while also rendering decisions on the timetable required by federal law.

While not easy to do, the Council has an excellent record of balancing the competing interests of explosive growth in wireless services with the important goal of protecting the state's environment. Contrary to the representations of our critics the Council listens to all comments and alters and amends more than 96% of tower applications, acting to issue an approval with legally-binding terms and conditions with significantly different characteristics so as to protect our citizens, preserve our environment and comply with federal restrictions. We already take into account areas of concern such as proximity to residences, schools and places of worship, as well as many other factors.,

I would be pleased to take your questions.