



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

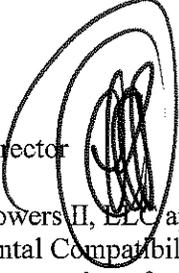
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E-Mail: siting.council@ct.gov

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DATE: July 20, 2009

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 378** – SBA Towers II, LLC application (withdrawn on June 8, 2009) for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located on one of two sites at Rabbit Hill Road, Warren, Connecticut.

At a public meeting of the Connecticut Siting Council (Council) held on Thursday, July 16, 2009, the Council considered and decided the following motions filed by various participants in the above-referenced proceeding.

- **Department of Agriculture Motion to Dismiss**

The Council denied the Department of Agriculture's Motion to Dismiss on the basis that this case is moot, having been withdrawn by the applicant.

- **CROWW's Motion to Dismiss**

The Council denied CROWW's Motion to Dismiss on the basis that this case is moot, having been withdrawn by the applicant.

- **Washington Conservation Commission's Motion to Dismiss and Request for Costs**

The Council denied Washington Conservation Commission's Motion to Dismiss and Request for Costs on the basis that this case is moot, having been withdrawn by the applicant, and that the Council has no statutory authority to award attorney's fees or costs under the Public Utility Environmental Standards Act (PUESA).

- **Furse Motion to Dismiss and Request for Costs**

The Council denied Furse's Motion to Dismiss and Request for Costs on the basis that this case is moot, having been withdrawn by the applicant, and that the Council has no statutory authority to award attorney's fees or costs under PUESA.



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- **CROWW Motion to Reconsider Prohibition of Direct and Redirect Examination of Party Witness**

The Council denied CROWW's Motion to Reconsider Prohibition of Direct and Redirect Examination of Party Witnesses on the basis that this case is moot, having been withdrawn by the applicant.

- **CROWW Motion to Reject SBA's Voluntary Withdrawal & to Dismiss SBA's Application with Prejudice**

The Council denied CROWW's Motion to Reject SBA's Voluntary Withdrawal and to Dismiss SBA's Application with Prejudice on the basis that this case is moot, having been withdrawn by the applicant, and that the applicant has a right to withdraw its application.

- **Washington Conservation Commission's Motion for Ruling that no cell tower such as that proposed under this application may be constructed on 422a restricted land, and acknowledging that the Council does affect property rights and in future will require proof of bona fide title to land for activities of the kind proposed in any application presented to the Council before the Council will proceed to act on the application or open any proceeding on it.**

The Council denied Washington Conservation Commission's Motion for Ruling that no cell tower such as that proposed under this application may be constructed on 422a restricted land, and acknowledging that the Council does affect property rights and in future will require proof of bona fide title to land for activities of the kind proposed in any application presented to the Council before the Council will proceed to act on the application or open any proceeding on it on the basis that this case is moot, having been withdrawn by the applicant, and that the Council does not have statutory authority to render such rulings.

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	SBA Towers II, LLC	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax clarson@pullcom.com
Intervenor (granted on 04/07/09)	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-6405 fax cfisher@CUDDYFEDER.com
Intervenor (granted on 04/07/09)	<input checked="" type="checkbox"/> E-mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Party (granted on 04/07/09)	<input checked="" type="checkbox"/> U.S. Mail	Town of Washington	The Honorable Mark E. Lyon First Selectman Bryan Memorial Town Hall P.O. Box 383 Washington Depot, CT 06794 (860) 868-2259 (860) 868-3103 – fax mark.lyon@washingtonct.org

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Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted on 04/07/09)	<input checked="" type="checkbox"/> U.S. Mail	First Selectman	The Honorable Jack Travers First Selectman Warren Town Hall 7 Sackett Hill Road Warren, CT 06754 (860) 868-7881 ext. 102 selectman@warrenct.org
Party (granted on 04/23/09)	<input checked="" type="checkbox"/> E-mail	Ray and Maryellen Furse 26 Jack Corner Road Warren, CT 06777 (860) 868-7834 (860) 868-0890 -- fax rfurse@alterisinc.com rayworks@charter.net	
Party (granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	Concerned Residents of Warren and Washington (CROWW)	Gabriel North Seymour 200 Route 126 Falls Village, CT 06031 (860) 824-1412 (860) 824-1210 fax certiorari@earthlink.net Bruce Coleman President, CROWW P.O. Box 2426 New Preston, CT 06777 (860) 318-5551 (860) 868-0890 - fax Croww.org@charter.net
Party (granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	State of Connecticut Department of Agriculture	David H. Wrinn Assistant Attorney General Juris No. 085168 55 Elm Street, P.O. Box 120 Hartford, CT 06141-0120 (860) 808-5020 (860) 808-5347 David.wrinn@po.state.ct.us

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Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	<input checked="" type="checkbox"/> U.S. Mail	State of Connecticut Department of Agriculture continued...	F. Philip Prelli Commissioner Department of Agriculture 165 Capitol Avenue Hartford, CT 06106 (860) 713-2500 (860) 713-2514 – fax Lance.shannon@ct.gov
Party (granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	Town of Washington, Conservation Commission	Susan Payne, Chairperson Conservation Commission Town of Washington Bryan Memorial Town Hall P.O. Box 383 Washington Depot, CT 06794
	<input checked="" type="checkbox"/> U.S. Mail		Diane Dupuis Chair, Cell Tower Committee Conservation Commission Bryan Memorial Town Hall P.O. Box 383 Washington Depot, CT 06794-0383 (860) 868-7750 Dd9art@sbcglobal.net