

Meeting Minutes
Meeting of July 15, 2010

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, July 15, 2010, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 1:30 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman

Colin C. Tait
Vice Chairman

Brian Golembiewski
(designee for Commissioner Marrella)

Edward S. Wilensky

Barbara Currier Bell

Daniel P. Lynch, Jr.

James J. Murphy, Jr.

Philip T. Ashton

Larry Levesque

(designee for Commissioner DelGobbo)

Staff Members Present:

S. Derek Phelps
Executive Director

Melanie Bachman
Staff Attorney

Christina Walsh
Siting Analyst

Robert Mercier
Siting Analyst

David Martin
Siting Analyst

Michael Perrone
Siting Analyst

Recording Secretary:

Carriann Mulcahy

Minutes of July 1, 2010.

Mr. Murphy moved to approve the minutes of July 1, 2010, seconded by Dr. Bell. The motion passed with Mr. Lynch and Mr. Levesque abstaining.

DOCKET NO. 190 - PDC - El Paso Meriden LLC Certificate of Environmental Compatibility and Public Need for a proposed Meriden Power Project located in the City of Meriden and the Town of Berlin, Connecticut. Request for Extension. Consideration of Reopening.

Mr. Wilensky moved to reopen Docket No. 190 in accordance with C.G.S. § 4-181(b) and hold a hearing that would be limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel. The motion was seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 258 - Bay Communications, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a wireless telecommunications facility at 1291-1293 Bantam Road, Litchfield, Connecticut. Transfer of Certificate.

DOCKET NO. 260 - Bay Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a wireless telecommunications facility at 113 Brush Hill Road or 416 Old Middle Street, Goshen, Connecticut. Transfer of Certificate.

DOCKET NO. 380 - Bay Communications, LLC Certificate of Environmental Compatibility and Public Need for the construction, management and management of a wireless telecommunications facility at 47 Garrett Ridge Drive, New Hartford, Connecticut. Transfer of Certificate.

Mr. Ashton moved to approve the Transfer of Certificate for Docket Nos. 258, 260, and 380, with the condition that arrearage of monies owed by Bay Communications is to be paid prior to the transfer, seconded by Mr. Murphy. The motion passed unanimously.

DOCKET 370A-MR – The Connecticut Light & Power Company application for a Certificate of Environmental Compatibility and Public Need for the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Opinion, and Decision and Order, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Wilensky, Mr. Golembiewski, Mr. Ashton, and Chairman Caruso in favor of granting a Certificate for the Manchester Substation to Meekville-Junction Circuit Separation Project Variation in Manchester, Connecticut, and Mr. Lynch and Mr. Levesque abstaining.

Chairman Caruso directed staff to make the final changes to the documents as requested by the Council to be reviewed and decided upon at the July 20, 2010, meeting to be held in Cornwall, Connecticut.

DOCKET NO. 383 – New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, management, and maintenance of a telecommunications facility located at 316 Perkins Road, Southbury, Connecticut.

After reviewing the draft Findings of Fact, draft Opinion, and draft Decision and Order, Mr. Ashton moved to approve the Findings of Fact, Opinion, and Decision and Order, for a telecommunications facility located at 316 Perkins Road, Southbury, Connecticut, seconded by Dr. Bell. The motion passed with Mr. Lynch and Mr. Golembiewski voting no; and Mr. Levesque abstaining.

Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Wilensky, Mr. Ashton, and Chairman Caruso in favor of granting a Certificate for the telecommunications facility located at 316 Perkins Road, Southbury, Connecticut; and with Mr. Lynch and Mr. Golembiewski voting no; and Mr. Levesque abstaining.

DOCKET NO. 386 - T-Mobile Northeast LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 123 Pine Orchard Road, Branford, Connecticut. Development and Management Plan.

Mr. Tait moved to table this item, seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Ashton moved to refer T-Mobile's accounts to the Attorney General's office for collection, seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 388 - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut. Draft Findings of Fact.

Mr. Ashton moved to remove this item from the table, seconded by Dr. Bell. The motion passed with Mr. Levesque abstaining.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Murphy, Mr. Lynch, and Mr. Wilensky in favor granting a Certificate for the proposed telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut as proposed; Mr. Ashton, Dr. Bell, Mr. Golembiewski, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut, with flush-mounted antennas; with Mr. Tait voting no, and Mr. Levesque Abstaining.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order, for the proposed telecommunication facility, to be reviewed at the next meeting.

DOCKET NO. 396 - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut. Draft Findings of Fact.

Mr. Ashton and Mr. Murphy stated for that record that they did not attend the hearing but they read the transcripts of the proceeding.

This item was temporarily passed.

DOCKET NO. 399 - T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 166 Pawcatuck Avenue, Stonington, Connecticut. Draft Findings of Fact, Opinion, Decision and Order.

Mr. Ashton moved to table this item, seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 400 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, Mr. Levesque, Mr. Ashton, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility located at 343 Daleville Road, Willington, Connecticut.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order, for the proposed telecommunication facility, to be reviewed at the next meeting.

DOCKET NO. 402 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 16 Bell Road Extension, Cornwall, Connecticut. Motion for Protective Order. Request for Party/Intervenor Status.

Mr. Tait moved to approve the Protective Order, seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to approve intervenor status for Nicholas and Caroline Daifotis, seconded by Dr. Bell. The motion passed unanimously.

PETITION NO. 946 - T-Mobile Northeast LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance and operation of a telecommunications facility located at 181 Clifton Street, New Haven, Connecticut. Schedule and/or Decision.

Dr. Bell moved that Council will act on this petition by December 14, 2010, seconded by Mr. Levesque. The motion passed unanimously.

PETITION NO. 949 - UTC Power Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a 400 kW Fuel Cell to be located at 835 Washington Street, Middletown, Connecticut.

Mr. Lynch moved to remove this item from the table, seconded by Dr. Bell. The motion passed unanimously.

This item was passed temporarily.

PETITION NO. 952 - The Connecticut Light and Power Company (CL&P) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a 25.5 foot wall mounted steel pipe-mast and associated equipment radio communications equipment located at 112 Prospect Hill Road, East Windsor, Connecticut. Decision.

Mr. Lynch moved to approve this petition, seconded by Mr. Golembiewski.

This item was passed temporarily.

DOCKET NO. 396 - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Mr. Lynch, Mr. Wilensky, Mr. Ashton, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility, to be located at Russell Brown's Option 1, 49 Brainerd Road, Niantic (East Lyme), Connecticut, with Dr. Bell and Mr. Golembiewski voting no, and Mr. Levesque abstaining.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order, for the proposed telecommunication facility, to be reviewed at the next meeting.

PETITION NO. 949 - UTC Power Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a 400 kW Fuel Cell to be located at 835 Washington Street, Middletown, Connecticut.

Mr. Ashton moved to approve this petition, seconded by Mr. Tait. The motion passed unanimously.

PETITION NO. 952 - The Connecticut Light and Power Company (CL&P) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a 25.5 foot wall mounted steel pipe-mast and associated equipment radio communications equipment located at 112 Prospect Hill Road, East Windsor, Connecticut. Decision.

For the record, Ms. Mulcahy read back to the Council that Mr. Lynch had moved to approve this petition and Mr. Golembiewski had seconded the motion. The motion passed with Mr. Ashton abstaining.

PETITION NO. 953 - UTC Power Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of two 400 kW Fuel Cell to be located at 1 Aircraft Road, Middletown, Connecticut. Schedule and/or Decision.

Mr. Ashton moved to approve this petition, seconded by Mr. Murphy. The motion passed unanimously.

TS-METROPCS-105-090716 - MetroPCS request for an order to approve tower sharing at an existing telecommunications facility located at 189 Boston Post Road, Old Lyme, Connecticut. Request for Extension.

Mr. Tait moved to approve the Request for Extension until July 30, 2011, seconded by Mr. Lynch. The motion passed unanimously.

TS-CLEARWIRE-115-100701 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at Peach Orchard Road, Prospect (a/k/a East Side Boulevard, Naugatuck), Connecticut.

Mr. Ashton moved to approve this tower sharing request with the following conditions:

- That the guy anchors for this tower are reinforced in accordance with the structural analysis prepared by URS Corporation, dated June 11, 2010, and
- That within forty-five (45) days after the installation of the proposed antennas, Clearwire provides the Council with a letter stamped by a professional engineer licensed in the State of Connecticut certifying that the tower is within 100% of its structural capacity.

The motion was seconded by Mr. Tait. The motion passed unanimously.

Administrative Matters.

Mr. Phelps announced that the next energy/telecommunications meeting is scheduled for Thursday, July 29, 2010, at 2:00 p.m. Other calendar dates were also discussed.

Mr. Phelps also announced that a Council Meeting will occur Tuesday, July 20, 2010, at 3:00 p.m. in Cornwall. The Council will have a short energy/telecommunication meeting to take up the DO 370A-MR final decision. Immediately following that meeting, the DO 402 hearing will commence.

Adjournment.

Mr. Ashton moved to adjourn the meeting, seconded by Mr. Lynch. The motion passed unanimously. The meeting adjourned at 4:37 p.m.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/cm