

Meeting Minutes
Meeting of August 26, 2010

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, August 26, 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 2:13 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman
Colin C. Tait
Vice Chairman
Daniel P. Lynch, Jr.

Edward S. Wilensky
Philip T. Ashton
Barbara Currier Bell
James J. Murphy, Jr

Council Members Absent

Larry Levesque
(designee for Commissioner DelGobbo)

Brian Golembiewski
(designee for Commissioner Marrella)

Staff Members Present:

Melanie Bachman
Staff Attorney/Acting Executive Director
Robert L. Marconi
Assistant Attorney General
Christina Walsh
Siting Analyst

Robert Mercier
Siting Analyst
Michael Perrone
Siting Analyst

Staff Members Absent

David Martin
Siting Analyst

Recording Secretary:

Carriann Mulcahy

Minutes of August 17, 2010.

Mr. Murphy moved to approve the Minutes of August 17, 2010, seconded by Mr. Ashton. The motion passed with Dr. Bell abstaining.

DOCKET NO. 225 – Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of an Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut. Transfer of Certificate Switchyard Conditions to CL&P.

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

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. Close of Evidentiary Record.

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

Mr. Murphy moved to close the evidentiary record, seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 397 - 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 at 445 Prospect Street, Woodstock, Connecticut. Draft Findings of Fact.

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 Alternate Site B at 445 Prospect Street, Woodstock, Connecticut, seconded by Mr. Tait. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Mr. Lynch, Dr. Bell, Mr. Wilensky, Mr. Ashton, Dr. Bell, Mr. Murphy, Mr. Tait, and Chairman Caruso in favor of granting a Certificate for the telecommunications facility located at Alternate Site B at 445 Prospect Street, Woodstock, Connecticut.

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 located 166 Pawcatuck Avenue, Stonington, Connecticut. Reconsideration of Decision. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Murphy moved to approve the changes to the Findings of Fact; seconded by Dr. Bell. The motion passed unanimously.

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 166 Pawcatuck Avenue, Stonington, Connecticut, seconded by Mr. Tait. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Mr. Lynch, Dr. Bell, Mr. Wilensky, Mr. Ashton, Dr. Bell, Mr. Murphy, Mr. Tait, and Chairman Caruso in favor of granting a Certificate for the telecommunications facility located at 166 Pawcatuck Avenue, Stonington, Connecticut

DOCKET NO. 401 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 208 Valley Road, New Canaan, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso conducted a non-binding poll of the Council members, with Mr. Tait, Mr. Murphy, Mr. Lynch, Dr. Bell, and Mr. Wilensky in favor of granting a Certificate for a proposed telecommunications facility located at 208 Valley Road, New Canaan, Connecticut; and Mr. Ashton voting no.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order 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.

***At the reaching of this item on the agenda, Chairman Caruso excused himself from the meeting at this point, and Vice Chairman Tait presided over the meeting.**

Assistant Attorney General Marconi gave the Council a brief background on Mr. Thaler's motion and offered his opinion that no legal basis for recusal existed.

Mr. Ashton moved to deny Mr. Thaler's motion to recuse the Chairman from this proceeding, seconded by Mr. Murphy. Each Council Member spoke against Mr. Thaler's motion and in favor of the motion to deny it. The motion passed unanimously.

For the record, Mr. Lynch noted that he did not attend the hearing, but that he read the record and the transcript of the proceeding. Mr. Lynch stated that while reading the transcript, and found no evidence of bias on the part of Chairman Caruso.

***The Council took a short break at 3:00 p.m. and returned at 3:10 p.m. with Chairman Caruso presiding.**

PETITION NO. 957 - Bridgeport Fuel Cell Park, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a fuel cell generating facility located on Hancock Street, Bridgeport, Connecticut. Decision.

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

PETITION NO. 958 - The United Illuminating Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement of a pressurization plant to UI's West River Switching Station located at 255 Ella T. Grasso Boulevard (State Route 10) Overpass, New Haven, Connecticut. Decision.

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

PETITION NO. 959 - 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 modifications to an existing CL&P substation in the Forestville section located at 158 Cronin Street, Bristol, Connecticut. Decision.

Mr. Ashton moved to approve this petition with the following conditions:

- CL&P shall submit a landscaping plan for Council review and approval;
- Such plan shall include native plantings to reduce visibility of the compound expansion from Cronin Street;
- Suitable erosion and sedimentation controls shall be used during construction; and
- The additional distribution feeders exiting the substation should be arranged to minimize clutter on the riser poles.

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

TS-CLEARWIRE-126-100628 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 219 Nells Rock Road, Shelton, Connecticut.

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

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

- Prior to the antenna/dish installation, the tower shall be reinforced in accordance with the structural analysis prepared by GPD Associates dated August 17, 2010 and stamped by David Granger, P.E.; and
- The tower shall not exceed 100 percent of its post-construction structural rating; and
- Prior to the antenna/dish installation, a signed letter from a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council to certify that the reinforcements have been properly completed and the tower does not exceed 100 percent of its post-construction structural rating.

The motion was seconded by Dr. Bell. The motion passed unanimously.

TS-CLEARWIRE-103-100701 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 10 Willard Road, Norwalk, Connecticut.

Mr. Ashton moved to remove this item from the table, seconded by Mr. Tait. The motion passed unanimously.

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

- Prior to the antenna/dish installation, the tower shall be reinforced in accordance with the structural analysis prepared by GPD Associates dated August 17, 2010 and stamped by David Granger, P.E.; and
- The tower shall not exceed 100 percent of its post-construction structural rating; and
- Prior to the antenna/dish installation, a signed letter from a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council to certify that the reinforcements have been properly completed and the tower does not exceed 100 percent of its post-construction structural rating.

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

TS-CLEARWIRE-138-100730 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut.

No action was taken on this item.

Administrative Matters.

Atty. Bachman announced that the next energy/telecommunications meeting is scheduled for Tuesday, September 7, 2010. Other calendar dates were also discussed.

Adjournment.

Mr. Ashton moved to adjourn the meeting at 3:33 p.m., seconded by Mr. Lynch. The motion passed unanimously.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/cm