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Via Electronic Mail and Hand Delivery

May 8, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

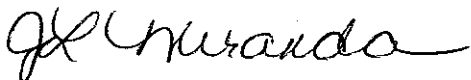
Re: **Docket No. 374 - Application of Celco Partnership d/b/a Verizon
Wireless for a Certificate of Environmental Compatibility and Public
Need for the Construction, Maintenance and Operation of a Wireless
Telecommunications Facility at 199 Town Farm Road, Farmington,
Connecticut**

Dear Mr. Phelps:

Enclosed are an original and twenty (20) copies of Celco Partnership d/b/a Verizon
Wireless' Objection to Claude Brouillard's Request for Party Status in connection
with the above-referenced proceeding.

Please feel free to contact me if you have any questions or require additional
information. Thank you.

Sincerely,



Joey Lee Miranda

Enclosures

Copy to: Claude Brouillard
Susan Edelson
Sandy M. Carter



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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
 :
APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 374
D/B/A VERIZON WIRELESS FOR A :
CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR :
THE CONSTRUCTION, MAINTENANCE :
AND OPERATION OF A WIRELESS :
TELECOMMUNICATIONS FACILITY AT 199 :
TOWN FARM ROAD, FARMINGTON, :
CONNECTICUT : MAY 8, 2009

**OBJECTION TO REQUEST
FOR PARTY STATUS**

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) hereby objects to the request of Claude Brouillard to be designated as a party to this proceeding. As discussed more fully below, Mr. Brouillard has failed to meet the statutory criteria for party status. Accordingly, his request should be denied. In lieu of party status, Cellco does not object to Mr. Brouillard’s participation in this docket as an intervenor.

BACKGROUND

On January 23, 2009, Cellco filed an Application (“Application”) with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a wireless telecommunications facility located at 199 Town Farm Road in Farmington, Connecticut (“Farmington N2 Facility”). On or about May 6, 2009, the Council received a Party Status Request Form from Mr. Brouillard requesting to be designated as a party in this docket (“Request for Party Status”). For the reasons set forth below, the Request for Party Status should be denied.

ARGUMENT

I. Mr. Brouillard Does Not Satisfy The Statutory Criteria To Be Designated A Party.

Section 4-177a of the Connecticut General Statutes requires that applications for designation as a party in a contested case state “facts that demonstrate that the petitioner’s legal rights, duties or privileges shall be specifically affected by the agency’s decision in the contested case.” Conn. Gen. Stat. § 4-177a(a). Mr. Brouillard has failed to satisfy this criteria.

In support of his Request for Party Status, Mr. Brouillard claims that he will be “substantially and specifically affected” because he owns a nearby farm that along with the Simmons Family Farm and a farm owned by the Town of Avon “are operated as an integral whole.” Request for Party Status at 1. In support of this contention, Mr. Brouillard submitted a copy of an agreement, dated May 4, 2007, between himself and Ronnie and Frank Simmons (“Agreement”). Request for Party Status, Attachment. However, the Agreement alone is not sufficient to establish that Mr. Brouillard’s legal rights, duties or privileges will be affected by the Council’s decision.

The Agreement generally relates to the production and sale of milk from the Simmons Family Farm. It does not vest any rights in Mr. Brouillard to the property on which the Simmons Family Farm is operated. Accordingly, nothing in the Agreement itself establishes that Mr. Brouillard’s legal rights, duties or privileges will be affected by the Council’s decision.

In further support of his position, Mr. Brouillard contends that: (a) the Farmington N2 Facility site is part of an “open-space/agricultural farmland preservation”; (b) there was a lack of proper notification to interested parties; (c) there was a lack of proper process under the Town of Farmington’s Planning and Zoning Regulations; (d) there has been a lack of consideration of the scenic, historic and recreational values of the Simmons Family Farm. However, none of these

contentions are sufficient to support a claim for party status.

Indeed, Mr. Brouillard's first contention that the Farmington N2 Facility is part of an "open space/agricultural farmland preservation" is an issue common to the general public. There is nothing in this contention that distinguishes Mr. Brouillard from any other member of the general public or explains how Mr. Brouillard's "legal rights, duties or privileges shall be specifically affected." See Conn. Gen. Stat. § 4-177a(a) (emphasis added). Consequently, this contention is insufficient to support Mr. Brouillard's Request for Party Status.

Mr. Brouillard also contends that "there was a lack of proper notification to all parties of interest." Request for Party Status at 1. It is unclear if Mr. Brouillard is referring to notice of the actions taken by the Town of Farmington in approving the lease or to notice of Celco's Application. However, neither contention is sufficient to support Mr. Brouillard's Request for Party Status. If Mr. Brouillard's contention relates to the actions of the Town of Farmington in approving the lease, such actions are not before the Council. As a consequence, those actions are beyond the scope of this proceeding and cannot be used to support Mr. Brouillard's Request for Party Status. If Mr. Brouillard's contention relates to the notice of Celco's Application, Mr. Brouillard does not have standing to assert claims on behalf of "all parties of interest" as Mr. Brouillard must allege how his "legal rights, duties or privileges shall be specifically affected." See Conn. Gen. Stat. § 4-177a(a) (emphasis added). Since Mr. Brouillard was provided notice of the Application, his legal rights, duties or privileges have not been affected. *See* Application, Tab 5, List of Adjacent Property Owners at 1; Celco Response to Pre-Hearing Interrogatory No. 6. Accordingly, Mr. Brouillard's contention regarding lack of proper notice is insufficient to support his claim for party status.

Mr. Brouillard's next contention that there was a lack of proper process under the Town

of Farmington's Planning and Zoning Regulations is also insufficient to support his claim for party status. First, pursuant to the provisions of Section 16-50g et. seq. of the General Statutes, the matters under consideration in this docket are under the exclusive jurisdiction of the Council. The Council's authority pre-empts local land use regulations. See Conn. Gen. Stat. Section 16-50x. Moreover, to the extent Mr. Brouillard's allegations relate to the Town's approval of the lease with Cellco, such actions are not before the Council. As a consequence, those actions are beyond the scope of this proceeding and cannot be used to support Mr. Brouillard's Request for Party Status.

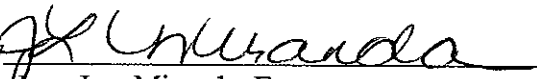
Mr. Brouillard's last contention that there has been a lack of consideration of the scenic, historic and recreational values of the Simmons Family Farm is also not sufficient to support his claim for party status. There is nothing in this contention that distinguishes Mr. Brouillard from any other member of the general public or explains how Mr. Brouillard's "legal rights, duties or privileges shall be specifically affected." See Conn. Gen. Stat. § 4-177a(a) (emphasis added). This contention is, therefore, not sufficient to support Mr. Brouillard's Request for Party Status. Accordingly, the Request for Party Status should be denied.

Instead, Mr. Brouillard, if permitted to participate, should be limited to "intervenor" status. Pursuant to § 16-50j-15a of the Connecticut Regulations of State Agencies, "any person may ask the council for permission to participate as an intervenor." Regs. Conn. State Agencies § 16-40j-15a (emphasis added). As an intervenor, Mr. Brouillard could still participate fully in this proceeding and "assist the Council in resolving the issues in the case." Id.

CONCLUSION

For all of these reasons, Cellco respectfully requests that the Council deny Mr. Brouillard's Request for Party Status. In lieu of party status, Cellco does not object to Mr. Brouillard's participation in this docket as an intervenor.

Respectfully submitted,
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

By 
Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597


Its Attorneys

CERTIFICATION

I hereby certify that on the 8th day of May 2009, a copy of the foregoing was sent via electronic mail and mailed, postage prepaid, to:

Susan Edelson
11 Belgravia Terrace
Farmington, CT 06032
dmd92east@aol.com

Claude Brouillard
152 Town Farm Road
Farmington, CT 06032
claude.brouillard@comcast.net


Jocely Lee Miranda