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May 27, 2009

Daniel F. Caruso, Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

***By Facsimile: 860-827-2950***

**RE: *Docket 378, Application of SBA Towers II, LLC***

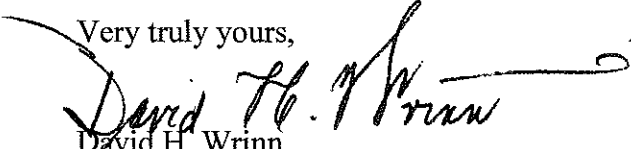
Dear Mr. Caruso:

The State of Connecticut Department of Agriculture ("DOAg") is in receipt of a correspondence from counsel for the applicant, SBA Towers II, LLC ("SBA"), dated May 26, 2009, requesting a postponement of the proceedings in the above-referenced docket while SBA "explore[s] the viability" of a possible "alternate site." This possible alternate site is identified as a property on Couch Road in the vicinity of proposed sites A and B in the pending proceeding.

The DOAg continues to claim that the only proper course of action is for the Siting Council to dismiss the pending application. A jurisdictional motion is pending, and SBA has conceded on the record of this proceeding in response to questioning from the Council that it failed to comply with the easement statute, upon which the DOAg bases its motion to dismiss. SBA can evaluate "possible alternatives" at any time. The May 26<sup>th</sup> postponement request is a place keeper for an application that should not have been filed. Keeping this application on ice while the company hedges its bets, however, is unfair to the process and, as you have heard, deemed unfair to the interests of other participants in this proceeding.

Therefore, the DOAg respectfully requests that the Siting Council adjudicate SBA's request for postponement by granting DOAg's motion to dismiss and, thereby, terminating these proceedings.

Very truly yours,

  
David H. Wrinn

Assistant Attorney General

DHW: mt  
cc: Service List