

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

April 14, 2009

TO: Council Members

FROM: S. Derek Phelps, Executive Director

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

Enclosed please find a copy of the Council's notice of public hearing.

SDP/laf

Enclosure (1)

c: Secretary of the State (via e-mail service)
Robert L. Marconi, Assistant Attorney General
Melanie A. Bachman, Staff Attorney
Parties and Intervenors
Application Service Recipients
Ginger Teubner, DPUC



Daniel F. Caruso
Chairman

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HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Thursday, May 21, 2009, beginning at approximately 2:00 p.m., and continued at 7:00 p.m., at the Warren Town Hall, 7 Sackett Hill Road, Warren, Connecticut, and thereafter as necessary. The hearing will be on an application from SBA Towers II, LLC for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at one of two sites on Rabbit Hill Road, Warren, Connecticut. The hearing will commence upon completion of other Council business scheduled to begin at 2:00 p.m.

The purpose of the hearing is to hear evidence on the applicant's contentions that the public need for the facility outweighs any adverse environmental effects that would result from the construction, operation, or maintenance of a tower, ground equipment, and access road. The afternoon hearing session will provide the applicant, parties, and intervenors an opportunity to cross-examine positions. The applicant will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session. The 7:00 p.m. hearing session will be reserved for the public to make brief statements into the record. Cross-examination of parties and intervenors will resume, if necessary, after all statements have been heard.

The Council will conduct a public field review of the proposed site on Thursday, May 21, 2009, beginning at 1:00 p.m. The applicant will fly balloons during the field review to simulate the heights of the proposed facilities.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Wednesday, April 22, 2009, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by May 14, 2009. In accordance with the State Solid Waste Management Plan, the Council requests that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before May 14, 2009.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council at the hearing or any time up to 30 days thereafter. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Offices of the Warren and Washington Town Halls for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by May 14, 2009.

The applicant of this facility is represented by the following:

Applicant

SBA Towers II, LLC

Its Representative

Carrie L. Larson, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

A copy of the application is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935. The Council has assigned this application docket no. 378.

April 14, 2009

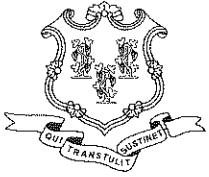
Connecticut Siting Council

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

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

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	Town of Warren	The Honorable Jack Travers First Selectman Warren Town Hall 7 Sackett Hill Road Warren, CT 06754 (860) 868-7881 ext. 102
Party (if granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	Ray and Maryellen Furse 26 Jack Corner Road Warren, CT 06777 (860) 868-7834 (860) 868-0890 – fax rfurse@alterisinc.com	
Party (if granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	Concerned Residents of Warren and Washington (CROWW)	Bruce Coleman President, CROWW P.O. Box 2426 New Preston, CT 06777 (860) 318-5551 (860) 868-0890 - fax Croww.org@charter.net
Party (if granted on 04/23/09)	<input checked="" type="checkbox"/> U.S. Mail	State of Connecticut Department of Agriculture	F. Philip Prelli Commissioner Department of Agriculture 165 Capitol Avenue Hartford, CT 06106 (860) 713-2500 (860) 713-2514 – fax Lance.shannon@ct.gov



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April 14, 2009

TO: Commissioner Gina McCarthy
Department of Environmental Protection

Commissioner F. Philip Prelli
Department of Agriculture

Commissioner J. Robert Galvin
Department of Public Health

Karl Wagener, Executive Director
Council on Environmental Quality

Commissioner Donald W. Downes, Chairman
Department of Public Utility Control

Robert Genuario, Secretary
Office of Policy and Management

Commissioner Joan McDonald
Department of Economic and Community Development

Thomas A. Harley, P.E., Chief Engineer
Bureau of Engineering and Construction
Department of Transportation

FROM: S. Derek Phelps, Executive Director

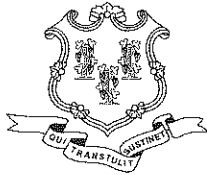
RE: **DOCKET NO. 378** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at one of two sites on Rabbit Hill Road, Warren, Connecticut.

Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before May 14, 2009, will be appreciated.

A copy of the application with location maps has previously been provided to you, pursuant to General Statutes § 16-50l.

SDP/RDM/laf

c: Parties & Intervenors
Council Members



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April 14, 2009

TO: Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LP

Hans Fiedler
T-Mobile

FROM: S. Derek Phelps, Executive Director

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

The Connecticut Siting Council has received an application for a proposed telecommunications facility in Warren.

If you would like to participate in this proceeding, your response by or before May 14, 2009, will be appreciated. Moreover, in furtherance of the spirit of C.G.S. 16-50aa, we ask that each carrier affirmatively state whether that carrier would likely seek to be located on this proposed facility any time within the foreseeable future.

SDP/RDM/laf

Enclosure: Hearing Notice

c: Parties & Intervenors
Council Members