

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. 380** - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, 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

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

| Status Granted | Document Service | Status Holder (name, address & phone number) | Representative (name, address & phone number) |
|--|--|--|---|
| Applicant | <input type="checkbox"/> E-mail or <input checked="" type="checkbox"/> U.S. Mail | Bay Communications, LLC 16 East Washington St., Ste 207 North Attleborough, MA 02760 (508) 695-0072 (508) 695-0092 fax jriley@baycommunicationsllc.com | Thomas J. Regan, Esq. Brown Rudnick LLP CityPlace I, 38 th Floor 185 Asylum Street Hartford, CT 06103-3402 (860) 509-6522 (860) 509-6501 - fax tregan@brownrudnick.com |
| Intervenor (if granted on April 23, 2009) | <input checked="" type="checkbox"/> E-mail or <input type="checkbox"/> U.S. 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 |
| | <input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail | | |
| | <input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail | | |



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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 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 Bay Communications, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut. This facility was originally approved by the Council on November 20, 2003, but was not constructed. The Council recertified the facility on July 27, 2006. During construction of the facility, the Certificate expired on September 30, 2008. Bay Communications LLC seeks recertification of this previously Council-approved facility.

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 2:00 p.m. 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.

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 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 Office of the New Hartford Town Hall 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

Bay Communications, LLC

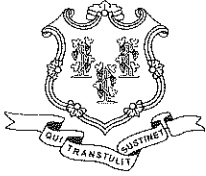
Its Representative

Thomas J. Regan, Esq.
Brown Rudnick LLP
CityPlace I, 38th Floor
185 Asylum Street
Hartford, CT 06103-3402

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. 380.

April 14, 2009

Connecticut Siting Council



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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

Michael W. Lonergan, P.E.
Acting Chief Engineer, Bureau of Engineering and Highway Operations
Department of Transportation

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 380** - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, 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



Daniel F. Caruso
Chairman

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Screening Checklist

Connecticut Department of Transportation

Potential Transportation Infrastructure Impacts

Connecticut Siting Council Docket# 380

Location: 170 Southeast Road, New Hartford

5. Is the proposed facility abutting the right-of-way of a State maintained highway?
 No
6. Is access for construction or maintenance of the proposed facility needed directly from a State maintained highway?
 No
7. Does the proposed construction or maintenance of the proposed facility impact any licensed aviation facility (L.A.F.)? Definition: L.A.F. is a facility licensed to operate by DOT, airport, heliport or parachute coop area.
 No
8. Is the proposed facility within or abutting a State owned Railroad Right-of-Way?
 No



Daniel F. Caruso
Chairman

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April 14, 2009

TO: Christopher B. Fisher, Esq.
Cuddy & Feder LP

Michele G. Briggs
New Cingular Wireless PCS, LLC

Carrie L. Larson, Esq.
Pullman & Comley, LLC

Hans Fiedler
T-Mobile

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 380** - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

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

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/laf

Enclosure: Hearing Notice

c: Parties & Intervenors
Council Members



Daniel F. Caruso
Chairman

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April 14, 2009

TO: Classified/Legal Supervisor
378/380090521
The Hartford Courant
285 Broad St.
Hartford, CT 06115

Classified/Legal Supervisor
378/380090521
The Register Citizen
190 Water Street, P.O. Box 58
Torrington, CT 06790-0058

Classified/Legal Supervisor
378/380090521
Waterbury Republican
389 Meadow Street, P.O. Box 2090
Waterbury, CT 06722

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 380** - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

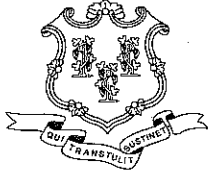
Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

Pursuant to General Statutes § 16-50m(c), the general notice to be public shall be published in its entirety in not less than **TEN POINT BOLDFACE TYPE**. If you have any questions concerning the ten point type, please contact me. If your newspaper does not have ten point type, please so state and also state the size type actually used in the legal notice in your affidavit.

Please send affidavit of publication and invoice to: Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

laf

Enclosure (1)



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April 14, 2009

The Honorable Earl MacInnes
New Hartford Town Hall
P.O. Box 316, 30 Town House Rd.
New Hartford, CT 06057

RE: Hearing Date – May 21, 2009 in connection with **DOCKET NO. 380** - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Mr. MacInnes:

The Connecticut Siting Council (Council) has scheduled a public hearing in Litchfield County, consistent with Connecticut General Statute Section 16-50m, at the Warren Town Hall in connection with the above-referenced proceeding. The applicant's attorney, Mr. Thomas Regan, has conveyed to me that the Town of New Hartford does not object to the Council conducting this hearing in this manner. We have made these hearing arrangements on the basis of these representations.

This facility was originally approved by the Council on November 20, 2003, but was not constructed. The Council recertified the facility on July 27, 2006. During construction of the facility, the Certificate expired on September 30, 2008. Bay Communications LLC seeks recertification of this previously Council-approved facility to complete this project.

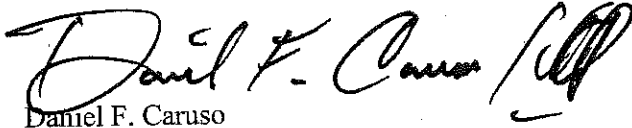
The Council fully understands that municipal input and guidance is absolutely necessary to achieve a thoughtful and balanced decision in matters such as this. Accordingly, you may wish to attend the public hearing to provide comment, that is scheduled on May 21, 2009, or in the alternative, submit a letter to the Council stating the Town's position.

Please be advised that the Council's processes enable the affected municipal governments to engage in meaningful discourse and, if they choose, to even assert a legal role in the proceedings of applications that come before the Council. Municipalities are afforded a right of pre-filed technical information and consultation with applicants 60 days before an application is filed with the Council. During this period the municipality may conduct public hearings and meetings, as it deems necessary. Both the municipal and applicant filings become part of the Council's record.

Our staff is available to assist you in understanding our process and your options. If you have questions, please contact Executive Director S. Derek Phelps (860 827-2935). In the event you have legal questions, please contact our Staff Attorney Melanie Bachman (860 827-2951) or our Assistant Attorney General Robert Marconi (860 827-2682).

The Council weighs many issues before rendering its decisions. It is important that we know the Town's views as part of that decision making process. We hope you will take part in our hearing process.

Sincerely,

A handwritten signature in black ink that reads "Daniel F. Caruso" followed by a stylized flourish.

Daniel F. Caruso
Chairman

DFC/SDP/laf



Daniel F. Caruso
Chairman

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April 14, 2009

Colleen Frisbie, Administrative Assistant to the First Selectman
Warren Town Hall
7 Sackett Hill Road
Warren, CT 06754

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.

DOCKET NO. 380 - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Ms. Frisbie:

Confirming our telephone conversation of March 11, 2009, I appreciate the reservation of the Dining Hall at the Warren Town Hall for a public hearing on May 21, 2009 from 1:00 p.m. to 10:00 p.m.

For your information, I have attached a general plan for seating arrangements.

If any other information is needed, please contact me at my office. Thank you for your assistance.

Very truly yours,

Lisa A. Fontaine
Administrative Assistant

laf

Enclosure (2)



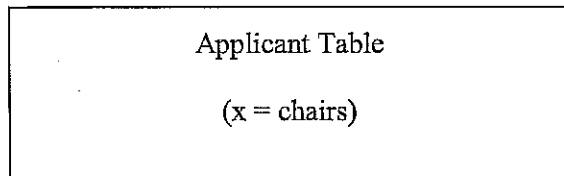
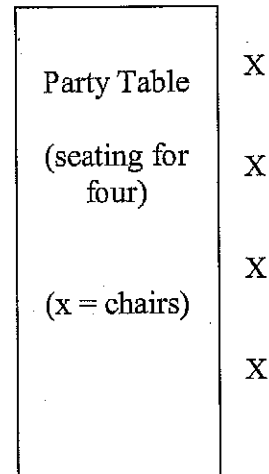
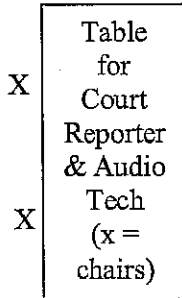
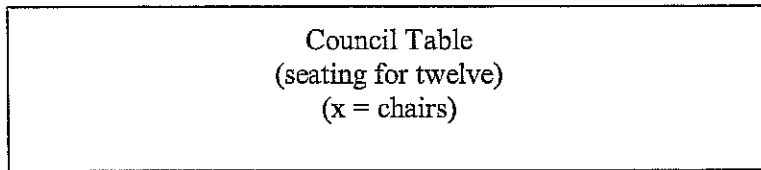
Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

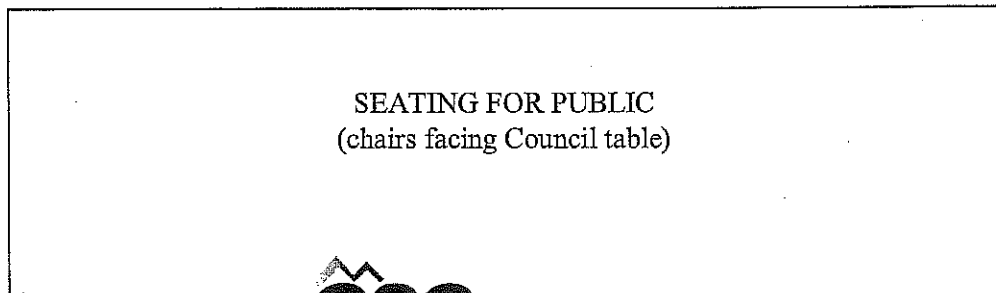
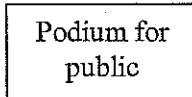
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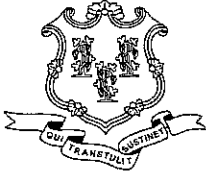
Seating Arrangements:

X X X X X X X X X X X X



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April 14, 2009

Ruth Girolomo
Post Reporting Service, Inc.
2015 Dixwell Avenue
Hamden, CT 06514

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.

DOCKET NO. 380 - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Ms. Girolomo:

Your attendance will be required at a hearing of the Connecticut Siting Council (Council) regarding the subject dockets on:

Thursday, May 21, 2009
2-5:00 p.m./7:00 to conclusion
Warren Town Hall
7 Sackett Hill Road
Warren, CT 06754

The Council will require delivery of the complete transcripts, an original and one copy, within one week of the hearing. I am enclosing a copy of the application filings and our hearing notices for your convenience. If you have any questions concerning this matter, please call me.

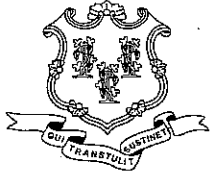
Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosures (4)





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April 14, 2009

Joseph Reese
Tech Theatrical Services, LLC
98 Knight Street
Watertown, CT 06795

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.

DOCKET NO. 380 - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

Dear Mr. Reese:

Your attendance will be required at a hearing of the Connecticut Siting Council regarding the subject dockets on:

Thursday, May 21, 2009
2-5:00 p.m./7:00 to conclusion
Warren Town Hall
7 Sackett Hill Road
Warren, CT 06754

I am enclosing a copy of our hearing notices for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosures

