



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](mailto:siting.council@ct.gov)  
[www.ct.gov/csc](http://www.ct.gov/csc)

December 30, 2009

Marilyn Ozols  
Planning and Zoning Administrator  
Madison Memorial Town Hall  
8 Campus Drive  
Madison, CT 06443

Re: **DOCKET NO. 390** - 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 15 Orchard Park Road, Madison, Connecticut.

Dear Ms. Ozols:

We are in receipt of your letter of December 22, 2009, requesting party status for the Town of Madison in Docket No. 390.

The Connecticut Siting Council (Council) does not have a meeting scheduled before the January 5, 2010 hearing date. Therefore, your request will be taken up as an order of business at the hearing on Tuesday, January 5, 2010 at the Upper Level of the Memorial Town Hall, 8 Meetinghouse Lane, Madison, Connecticut. Copies of the application are available at the Madison Town Clerk's Office. All documents filed to date are available at the Council's office or on our website.

Please contact me if you have any questions.

Very truly yours,

S. Derek Phelps  
Executive Director

SDP/CDM/laf

Enclosure Hearing Notice  
Participation Guidelines

c: Parties and Intervenors



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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 Tuesday, January 5, 2010 beginning at 3:00 p.m., and continued at 7:00 p.m., at the Upper Level of the Memorial Town Hall, 8 Meetinghouse Lane, Madison, Connecticut, and thereafter as necessary. The hearing will be on an application from T-Mobile Northeast, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 15 Orchard Park Road, Madison, Connecticut.

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 3:00 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.

The Council will conduct a public field review of the proposed site on Tuesday, January 5, 2010, beginning at 2:00 p.m. The applicant will fly a balloon during the field review to simulate the height of the proposed facility.

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, December 23, 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 December 30, 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 December 30, 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 Madison 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 December 30, 2009.

The applicant of this facility is represented by the following:

**Applicant**

T-Mobile Northeast, LLC

**Its Representative**

Julie D. Kohler, Esq.  
Monte E. Frank, Esq.  
Jesse A. Langer, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604

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. 390.

November 30, 2009

Connecticut Siting Council

**PUBLIC PARTICIPATION ON PROCEEDINGS BEFORE THE  
CONNECTICUT SITING COUNCIL**

Statement of Limited Appearance (CGS 16-50n(e); RSA 16-50j-15; CGS 22a-120(b), and CGS 22a-163j(b)) At any time during the proceeding and within 30 days after the close of the hearing, any person who is not a party or intervenor to the proceeding may file a simple statement, explaining facts and concerns, that becomes part of the record for Council consideration. In a hazardous waste or low-level radioactive waste proceeding, any person may file a statement of limited appearance and make a brief oral statement at the hearing.

Intervenor Status (CGS 4-177a, 16-50n, 16-50o, 22a-120, and 22a-163j; and RSA 16-50j-13 through 17) At any time at least five days prior to the commencement of the hearing on a contested case, any person may request that the Council permit that person to participate as an intervenor.

Request for Intervenor Status - In so requesting to participate as an intervenor, the proposed intervenor shall:

1. state their name and address;
2. describe the manner in which they are affected; and
3. state in what way and to what extent they propose to participate.

Decision - The Council will determine the proposed intervenor's participation, taking into account whether such participation will furnish assistance to the Council in resolving the issues of the case.

Participation - An intervenor to the proceeding may participate by:

1. filing pre-hearing questions to the applicant or other parties or intervenors;
2. presenting testimony at hearing sessions;
3. cross-examining witnesses at hearing sessions; and
4. filing exhibits, briefs, and proposed findings of fact.

All testimony and filings will become part of the record for Council consideration.

Obligations - An intervenor is obligated to:

1. respond to pre-hearing questions filed by the Council, the applicant, and any party or intervenor of the proceeding;
2. submit to cross-examination from the Council, the applicant, and any party or intervenor of the proceeding;
3. provide the Council with an original and 20 copies of all filings; and
4. provide the applicant and all parties and intervenors who have not waived service with one copy each of all filings.

Party Status (CGS 4-177a, 16-50n, 16-50o, 22a-120, and 22a-163j; and RSA 16-50j-13 through 17) Parties to a proceeding include:

1. the applicant or certificate holder;
2. each person entitled to receive a copy of the application or resolution under section 16-501 or 22a-163h, if such person has filed with the Council a notice of intent to be a party;
3. each person entitled to receive a copy of the application under section 22a-118(e) for a hazardous waste proceeding;
4. any domestic or qualified nonprofit corporation or association formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the Council a notice of intent to be a party; and
5. such other persons as the Council may at any time deem appropriate who propose to be named or admitted as a party and file a written petition to be so designated at least five days before the hearing of the proceeding.

Request for Party Status - In so requesting to be named as a party to the proceeding, the petitioner shall state:

1. their name and address;
2. the manner in which the petitioner claims to be substantially and specifically affected;
3. the contention of the petitioner;
4. the relief sought by the petitioner;
5. the statutory or other authority of the contention of, and relief sought by, the petitioner; and
6. the nature of evidence that the petitioner intends to present.

Decision - The Council will name or admit as a party any person whose legal rights, duties, or privileges will be determined by the decision of the Council, or that the participation of such person as a party is necessary to the proper disposition of the case.

Participation - A party to the proceeding may participate by:

1. filing pre-hearing questions to the applicant, or other parties or intervenors;
2. presenting testimony at hearing sessions;
3. cross-examining witnesses at hearing sessions; and
4. filing exhibits, briefs, and proposed findings of fact.

All testimony and filings will become part of the record for Council consideration.

Obligations - A party is obligated to:

1. respond to pre-hearing questions filed by the Council, the applicant, and any party or intervenor of the proceeding;
2. submit to cross-examination from the Council, the applicant, and any party or intervenor of the proceeding;
3. provide the Council with an original and 20 copies of all filings; and
4. provide the applicant and all parties and intervenors who have not waived service with one copy each of all filings.

The Council in its discretion may limit testimony and provide for the grouping of parties with the same interest to avoid redundant testimony and unnecessary delays in the proceeding. While the Council welcomes participation in accordance with its rules of practice and other applicable law, asserting a person's rights and privileges is his or her responsibility. Although it is not obligatory, and intervenors and parties often represent themselves in proceedings before the Council, it is a person's prerogative to retain legal counsel.

February 15, 1991

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	T-Mobile Northeast, LLC	Julie D. Kohler, Esq. Monte E. Frank, Esq. Jesse A. Langer, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax <a href="mailto:jkohler@cohenandwolf.com">jkohler@cohenandwolf.com</a> <a href="mailto:mfrank@cohenandwolf.com">mfrank@cohenandwolf.com</a> <a href="mailto:jlanger@cohenandwolf.com">jlanger@cohenandwolf.com</a>
<b>Party (if granted on 01/05/2010)</b>	<input checked="" type="checkbox"/> U.S. Mail	Town of Madison	Marilyn Ozols Planning and Zoning Administrator Town of Madison 8 Campus Drive Madison, CT 06443 (203) 245-5632 (203) 245-5613 fax <a href="mailto:ozolsmm@madisonct.org">ozolsmm@madisonct.org</a>