


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

December 23, 2009

TO: Council Members

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 391** - 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 232 Shore Road, Old Lyme, Connecticut.

DOCKET NO. 392 - 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 387 Shore Road, Old Lyme, Connecticut.

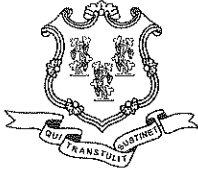
DOCKET NO. 393 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located 61-1 Buttonball Road, Old Lyme, Connecticut.

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

SDP/jbw

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



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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, February 4, 2010, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Old Lyme Meeting Hall, Town Hall, 52 Lyme Street, Old Lyme, CT, and thereafter as necessary. The hearing will be on the applications from T-Mobile Northeast, LLC for Certificates of Environmental Compatibility and Public Need for the construction, maintenance and operation of three telecommunications facilities in the town of Old Lyme. T-Mobile Northeast, LLC proposes to construct a telecommunications facility at each of three locations: 232 Shore Road, Old Lyme, 387 Shore Road, Old Lyme; and 61-1 Buttonball Road, Old Lyme.

The purpose of the hearing is to hear evidence on the applicant's contentions that the public need for the facilities outweigh any adverse environmental effects that would result from the construction, operation, or maintenance of the towers, ground equipment, and access roads. 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 sites on Thursday, February 4, 2010 beginning at 1:00 p.m. at 387 Shore Road and continuing to 232 Shore Road and then 61-1 Buttonball Road. 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, January 6, 2010, 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 January 28, 2010. 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 these proceedings 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 January 28, 2010.

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 these proceedings 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 Old Lyme 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 January 28, 2010.

The applicant of the facilities 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 the 232 Shore Road, 387 Shore Road, and 61-1 Buttonball Road telecommunications proceedings dockets nos. 391, 392, and 393, respectively.

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	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 jkohler@cohenandwolf.com mfrank@cohenandwolf.com jlanger@cohenandwolf.com
Intervenor <i>(granted on December 18, 2009)</i>	<input checked="" 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
Intervenor <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com
Party <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Old Lyme	The Honorable Timothy C. Griswold Office of the Selectmen Town of Old Lyme 52 Lyme Street Old Lyme, CT 06371

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Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<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 jkohler@cohenandwolf.com mfrank@cohenandwolf.com jlanger@cohenandwolf.com
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December 23, 2009

The Honorable Timothy C. Griswold
First Selectman
Town of Old Lyme
Town Office Building
52 Lyme Street
Old Lyme, CT 06371

RE: Hearing Date - February 4, 2010 in connection with the following:

DOCKET NO. 391 - 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 232 Shore Road, Old Lyme, Connecticut.

DOCKET NO. 392 - 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 387 Shore Road, Old Lyme, Connecticut.

DOCKET NO. 393 - 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 61-1 Buttonball Road, Old Lyme, Connecticut.

Dear First Selectman Griswold:

The Connecticut Siting Council (Council) has scheduled a public hearing in your town in connection with the above-referenced proceeding. I am writing to invite you to participate in this hearing.

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, I am extending to you my personal invitation to participate in the hearing that is scheduled on February 4, 2010.

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.

Once an application is filed with the Council at least one public hearing is held in the affected community as well as a public inspection of the proposed site(s). Your participation at such hearing may take many forms; municipal officials may make opening statements to the Council, present written documents, or may seek Party or Intervenor Status and put on a case with witnesses.

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 or initial "DFC".

Daniel F. Caruso
Chairman

DFC/SDP/jbw

c: Jeff Nelson, Director, Governor's Eastern Connecticut Office



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December 23, 2009

TO:

Commissioner Amey Marrella
Department of Environmental Protection

Commissioner Kevin M. DelGobbo, Chairman
Department of Public Utility Control

Commissioner F. Philip Prelli
Department of Agriculture

Robert Genuario, Secretary
Office of Policy and Management

Commissioner J. Robert Galvin
Department of Public Health

Commissioner Joan McDonald
Department of Economic and Community
Development

Karl Wagener, Executive Director
Council on Environmental Quality

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

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 391** - 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 232 Shore Road, Old Lyme, Connecticut.

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DOCKET NO. 393 - 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 61-1 Buttonball Road, Old Lyme, Connecticut.

Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before January 28, 2010 will be appreciated.

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

SDP/jbw

c: Parties & Intervenors
Council Members



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Screening Checklist

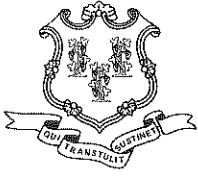
Connecticut Department of Transportation
Potential Transportation Infrastructure Impacts
Connecticut Siting Council Docket# 391/392/393
Locations: 232 Shore Road, 387 Shore Road &
61-1 Buttonball Road, Old Lyme, CT

1. Is the proposed facility abutting the right-of-way of a State maintained highway?
 No
 Yes – One facility be located at 232 Shore Road and one facility would be located at 387 Shore Road. This is Route 156, which is a state highway.

2. Is access for construction or maintenance of the proposed facility needed directly from a State maintained highway?
 No
 Yes – The two sites on Shore Road (Route 156).

3. 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
 Yes – Please provide an area and site plan.

4. Is the proposed facility within or abutting a State owned Railroad Right-of-Way?
 No
 Yes – All three sites abut Amtrak's Right-of-Way.



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December 23, 2009

TO: Christopher B. Fisher, Esq.
Cuddy & Feder LP
Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LP
Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
Michele G. Briggs
New Cingular Wireless PCS, LLC
Sandy M. Carter
Verizon Wireless
Carrie L. Larson, Esq.
Pullman & Comley, LLC

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 391** - 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 232 Shore Road, Old Lyme, Connecticut.

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DOCKET NO. 393 - 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 61-1 Buttonball Road, Old Lyme, Connecticut.

The Connecticut Siting Council has received applications for three proposed telecommunications facilities in Old Lyme.

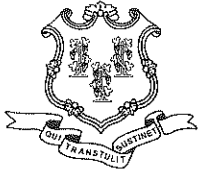
If you would like to participate in these proceedings, your response by or before January 28, 2010, will be appreciated. Moreover, in furtherance of the spirit of C.G.S. 16-50aa, we ask that each carrier affirmatively state whether that carrier would likely seek to be located on this proposed facility any time within the foreseeable future.

SDP/jbw

Enclosure: Hearing Notice

c: Parties & Intervenors
Council Members





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December 23, 2009

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

RE: **DOCKET NO. 391** - 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 232 Shore Road, Old Lyme, Connecticut.

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DOCKET NO. 393 - 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 61-1 Buttonball Road, Old Lyme, Connecticut.

Dear Ms. Girolomo:

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

Thursday, February 4, 2010
3-5:00 p.m./7:00 p.m. to conclusion
Old Lyme Meeting Hall
Town Hall
52 Lyme Street, Old Lyme, CT

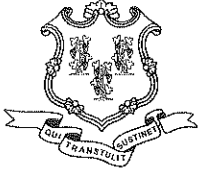
The Council will require delivery of the complete transcript, an original and one copy, within one week of the hearing. I am enclosing a copy of the application filing and our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Jessica Brito-Weston
Office Assistant

jbw

Enclosure (2)



STATE OF CONNECTICUT
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December 23, 2009

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

RE: **DOCKET NO. 391** - 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 232 Shore Road, Old Lyme, Connecticut.

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DOCKET NO. 393 - 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 61-1 Buttonball Road, Old Lyme, Connecticut.

Dear Mr. Reese:

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

**Thursday, February 4, 2010
3-5:00 p.m./7:00 p.m. to conclusion
Old Lyme Meeting Hall
Town Hall
52 Lyme Street, Old Lyme, CT**

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

Very truly yours,

Jessica Brito-Weston
Office Assistant

jbw

Enclosure





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December 23, 2009

TO: Classified/Legal Supervisor
391/392/393100204
The New London Day
P. O. Box 1231
New London, CT 06320-1231

FROM: Jessica Brito-Weston, Office Assistant 

RE: **DOCKET NO. 391** - 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 232 Shore Road, Old Lyme, Connecticut.

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DOCKET NO. 393 - 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 61-1 Buttonball Road, Old Lyme, 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

jbw

Enclosure (1)



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December 23, 2009

Cathy Frank
52 Lyme Street
Old Lyme, CT 06371

RE: **DOCKET NO. 391** - 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 232 Shore Road, Old Lyme, Connecticut.

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DOCKET NO. 393 - 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 61-1 Buttonball Road, Old Lyme, Connecticut.

Dear Ms. Frank:

Confirming our telephone conversation of December 11, 2009, I appreciate the reservation of the Old Lyme Meeting Hall at the Old Lyme Town Hall for a public hearing on February 4, 2010 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,

Jessica Brito-Weston
Office Assistant

jbw

Enclosure (1)

Seating Arrangements:

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

