



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


Internet: ct.gov/csc

Daniel F. Caruso

Chairman

November 10, 2010

TO: Council Members

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 396** - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut.

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

LR/MP/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
Jeff Nelson, Director, Governor's Eastern Connecticut Office
Ginger Teubner, DPUC



CONNECTICUT SITING COUNCIL

Affirmative Action / Equal Opportunity Employer



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HEARING NOTICE

Pursuant to provisions of Connecticut 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, December 21, 2010, beginning at 2:00 p.m. at the Connecticut Siting Council, 10 Franklin Square, Hearing Room 1, New Britain, 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 management of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut.

On October 21, 2010, the Council, pursuant to the provisions of Connecticut General Statute § 4-181a(b), reopened the final decision rendered in this docket. The reopening will allow the Council to consider new information.

The 2:00 p.m. hearing session will provide the applicant and parties and intervenors an opportunity to cross-examine positions. The applicant will be allowed final rebuttal. The public will be allowed to make brief oral statements into the record.

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 December 14, 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 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 14, 2010.



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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 East 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 December 14, 2010.

The applicant of this proposed facility is represented by the following:

Applicant

Its Representative

SBA Towers II, LLC

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

A copy of the record is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935.

November 10, 2010

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 01/07/2010)	<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
Intervenor (granted 01/07/2010)	<input checked="" type="checkbox"/> E-mail	Russell L. Brown 41 Brainerd Road Niantic, CT 06357 (860) 739-5984 (860) 691-1145 fax rds@businessbookpress.com	
Party (granted 01/07/2010)	<input checked="" type="checkbox"/> U.S. Mail	Town of East Lyme	Edward B. O'Connell, Esq. Waller, Smith & Palmer, P.C. 52 Eugene O'Neill Drive P.O. Box 88 New London, CT 06320 (860) 442-0367 (860) 447-9915 fax eboconnell@wallersmithpalmer.com tmcollins@wallersmithpalmer.com
Intervenor (granted 02/11/2010)	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC	Daniel M. Laub, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th floor White Plain, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted 02/11/2010)	<input checked="" type="checkbox"/> E-mail	Friends of the Pattagansett Trust	Keith R. Ainsworth, Esq. Evans Feldman & Ainsworth, LLC 261 Bradley Street P.O. Box 1694 New Haven, CT 06507-1694 (203) 772-4900 (203) 782-1356 fax krainsworth@snet.net
Intervenor (granted 02/11/2010)	<input checked="" type="checkbox"/> U.S. Mail	Joseph Raia 97 West Main Street, Unit 9 Niantic, CT 06357 (860) 691-1005 (860) 739-0036 Raia.joseph@sbcglobal.net	



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Daniel F. Caruso
Chairman

November 10, 2010

TO: Commissioner Amey Marrella
Department of Environmental Protection

Commissioner J. Robert Galvin
Department of Public Health

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

Commissioner Joan McDonald
Department of Economic and
Community Development

Commissioner Peter J. Boynton
Department of Emergency Management
and Homeland Security

Commissioner F. Philip Prelli
Department of Agriculture

Karl Wagener, Executive Director
Council on Environmental Quality

Brenda Sisco, Secretary
Office of Policy and Management

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

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 396** – 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 49 Brainerd Road, Niantic (East 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 December 14, 2010, will be appreciated.

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

LR/laf

c: Parties & Intervenors
Council Members



Daniel F. Caruso
Chairman

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

Hans Fiedler
T-Mobile

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 396** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut.

The Connecticut Siting Council has reopened the record on an application for a proposed telecommunications facility in East Lyme.

If you would like to participate in this proceeding, your response by or before December 14, 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.

LR/laf

Enclosure: Hearing Notice

c: Parties & Intervenors
Council Members



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

RE: **DOCKET NO. 396** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut.

Dear Ms. Girolomo:

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

Tuesday, December 21, 2010

2:00 p.m.

Hearing Room One, Ten Franklin Square, New Britain, CT 06051

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 our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure (2)



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Daniel F. Caruso
Chairman

November 10, 2010

TO: Classified/Legal Supervisor
396100223
Day, The (Daily)
47 Eugene O'Neill Drive, P. O, Box 1231
New London, CT 06320-1231

FROM: Lisa A. Fontaine, Administrative Assistant

RE: **DOCKET NO. 396** - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 49 Brainerd Road, Niantic (East 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

laf

Enclosure (1)