



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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November 15, 2010

David F. Sherwood, Esq.
Moriarty, Paetzold & Sherwood
2230 Main Street, P.O. Box 1420
Glastonbury, CT 06033-6620

RE: **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut.

Dear Attorney Sherwood:

We are in receipt of your letter of November 9, 2010, requesting Party status for Thomas H. Sirman in Docket No. 408.

Your request will be placed on the next meeting agenda, a copy of which is enclosed. Your attendance is welcome, but is not required. You will be notified of the Council's determination immediately thereafter.

Copies of the application are available at the Hartland Town Hall. 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,

Linda Roberts
Executive Director

LR/RDM/laf

Enclosures

c: Parties and Intervenors

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	New Cingular Wireless PCS, LLC (AT&T)	<p>Lucia Chiocchio, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 lchiocchio@cuddyfeder.com cfisher@cuddyfeder.com</p> <p>Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067 Michele.g.briggs@cingular.com</p>
Party (if granted on 11/18/10)	<input checked="" type="checkbox"/> E-Mail	Thomas H. Sirman	<p>David F. Sherwood, Esq. Moriarty, Paetzold & Sherwood 2230 Main Street, P.O. Box 1420 Glastonbury, CT 06033-6620 (860) 657-1010 (860) 657-1011 fax dfsherood@gmail.com</p>

CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors may elect to receive documents by e-mail or by U.S. mail. Also, documents filed with the Council must contain one original, 20 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was (electronically mailed/sent by U.S. mail) to the following service list on (date)." Signature and printed name of the sender.

Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office. All parties and intervenors are requested to attend. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.

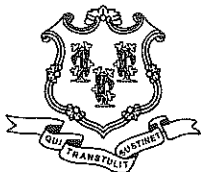
- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.

- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.
- D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Environmental Protection. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.
- E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.
- F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:
1. Opening Statement from the Council Chairman
 2. Administrative Notice Items of the Council
 3. **Applicant’s Appearance**

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of the Applicant by:
 - i. Council
 - ii. Party
 - iii. Intervenor
4. **Appearance by Party**
- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of Party by:
 - i. Council
 - ii. Applicant
 - iii. Intervenor
5. **Appearance by Intervenor**
- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of Intervenor by:
 - i. Council
 - ii. Applicant
 - iii. Party
6. **Oral Limited Appearance Statements/Public Comment Session**
- this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
 - members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements
7. **Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

G. Post-Hearing Procedure: At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

- 1. 30 Day Written Limited Appearance/Public Comment Period:** Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.
- 2. Post Hearing Brief and Proposed Findings of Fact Schedule:** Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.
- 3. Draft Findings of Fact Issued by Council:** The Council will issue draft findings of fact from the record to be issued as part of the final decision. Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.
- 4. Final Decision:** The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.



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Daniel F. Caruso
Chairman

DATE: November 10, 2010
TO: Council Members
FROM: Daniel F. Caruso, Chairman *DFC*
LR
RE: Connecticut Siting Council Energy/Telecommunications Meeting

A meeting of the Connecticut Siting Council (energy/telecommunications) will be held on Thursday, November 18, 2010, at 2:00 p.m. in Hearing Room One, Ten Franklin Square, New Britain, Connecticut.

AGENDA

1. Minutes of November 5, 2010.
2. **DOCKET NT-2010** - Reopening of final decisions pursuant to C.G.S. §4-181a(b) for jurisdictional natural gas-fired electric generating facilities under C.G.S. §16-50i(a)(3) and C.G.S. §16-50k(a) limited to Council consideration of changed conditions and the attachment of conditions to the certificates and declaratory rulings consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevan Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission. Addition of Petition No. 377.
3. **DOCKET NO. 187A**- Milford Power Company, LLC Certificate of Environmental Compatibility and Public Need for the Milford Power Project located off of Oronoque Road in Milford, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) to Modify the Decision and Order in Docket 187 to Allow Milford Power Company, LLC to Suspend its Backup Fuel System Based on Changed Conditions the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel and the recommendations of the Thomas Commission. Draft Findings of Fact.
4. **DOCKET NO. 331** - TowerCo, LLC (TowerCo) Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 836 Foxon Road, East Haven, Connecticut. Request for Extension.
5. **DOCKET NO. 383** - New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, management, and operation of a telecommunications facility located at 316 Perkins Road, Southbury, Connecticut. Development and Management Plan.

6. **DOCKET NO. 388** - New Cingular Wireless PCS, LLC (AT&T) Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut. Development and Management Plan.
7. **DOCKET NO. 401** - 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 208 Valley Road, New Canaan, Connecticut. Motion to Reopen Evidentiary Hearing.
8. **DOCKET NO. 403** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 174 South Grand Street, Suffield, Connecticut. Draft Findings of Fact.
9. **DOCKET NO. 407** - 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 77-145 Pleasant Point Road, Branford, Connecticut. Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.
10. **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut. Schedule, Deposition of the Transcript, Request for Party/Intervenor Status.
11. **DOCKET NO. 409** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 8 Barnes Road, Canaan (Falls Village), Connecticut. Completeness Review.
12. **DOCKET NO. 410** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 234 Melba Street, Milford, Connecticut. Completeness Review.
13. **DOCKET NO. 411** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut. Completeness Review.
14. **PETITION NO. 970** - Yankee Gas Services Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a 60-foot wooden pole and associated radio communications equipment located at 10 Murphys Lane, Shelton, Connecticut. Decision.
15. **PETITION NO. 972** - MetroPCS Massachusetts, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the expansion of a unipole structure located at the Goshen Fire Department, 1 Palmer Road, Waterford, Connecticut. Decision.

16. **TS-CLEARWIRE-051-100831** - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 2189 Black Rock Turnpike, Fairfield, Connecticut.
17. **TS-CLEARWIRE-066-101101** - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 159 Weingart Road, Harwinton, Connecticut.
18. **Administrative Matters.**