

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

RE: APPLICATION OF SBA TOWERS II, LLC	}	DOCKET NO. 378
FOR A CERTIFICATE OF ENVIRONMENTAL	}	
COMPATIBILITY AND PUBLIC NEED FOR	}	
THE CONSTRUCTION, MAINTENANCE AND	}	
OPERATION OF A TELECOMMUNICATIONS	}	
FACILITY AT ONE OF TWO ALTERNATE	}	
SITES AT RABBIT HILL ROAD, WARREN	}	
CONNECTICUT	}	JUNE 1, 2009

APPLICATION FOR STAY OF PROCEEDINGS

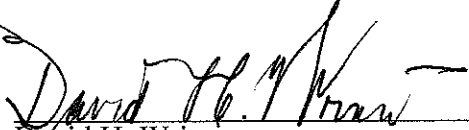
The State of Connecticut Department of Agriculture (“DOAg”), party to the above-captioned proceedings, hereby applies to the Connecticut Siting Council (“CSC”) for a stay of all proceedings in connection with the application of SBA Towers II, LLC (“SBA”), on grounds that the Connecticut Siting Council has before it a motion to dismiss, challenging the CSC’s subject matter jurisdiction to process SBA’s application. For the reasons set forth in DOAg’s prior briefing on this subject, and as reiterated and further presented in the accompanying memorandum of law, a CSC decision to continue with these proceedings without ruling on a subject matter jurisdictional motion fails to conform to applicable legal standards and constitutes, essentially, actions *ultra vires*, or, contrary to law. The issuance of a stay pending consideration of and a ruling upon the DOAg’s motion to dismiss is the only course of action legally appropriate for the CSC to undertake at this time.

Dated at Hartford, Connecticut, this 1st day of June, 2009.

F. PHILIP PRELLI, COMMISSIONER
STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was e-mailed this 1st day of June, 2009 to the

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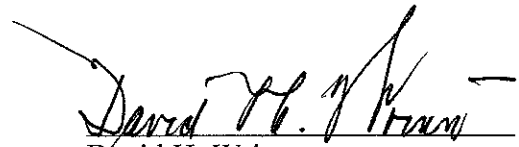
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