

**Meeting Minutes**  
**Meeting of January 4, 2007**

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, January 4, 2007, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 1:40 p.m.

**Council Members Present:**

Judge Daniel F. Caruso  
Chairman  
Gerald J. Heffernan  
(designee for Commissioner Downes)  
Brian Emerick  
(designee for Commissioner McCarthy)

Colin C. Tait  
Vice Chairman  
Philip T. Ashton  
Dr. Barbara Currier Bell  
James J. Murphy, Jr.  
Edward S. Wilensky

**Council Member Absent:**

Daniel P. Lynch, Jr.

**Staff Members Present:**

Robert Marconi  
Assistant Attorney General  
S. Derek Phelps  
Executive Director  
Fred O. Cunliffe  
Supervising Siting Analyst  
Christina Lepage  
Siting Analyst

Robert D. Mercier  
Siting Analyst  
David Martin  
Siting Analyst  
Michael Perrone  
Siting Analyst

**Recording Secretary:**

Lisa A. Fontaine

**Minutes of December 12, 2006.**

Mr. Ashton moved to approve the Minutes of December 12, 2006, as amended; seconded by Mr. Murphy. The motion passed unanimously.

**Minutes of December 21, 2006.**

Mr. Murphy moved to approve the Minutes of December 21, 2006; seconded by Mr. Emerick. The motion passed unanimously.

**DOCKET NO. 192 - Towantic Energy LLC Certificate of Environmental Compatibility and Public Need for an electric generating facility located approximately 4,000 feet north of the Prokop Road and the Towantic Hill Road intersection in the Town of Oxford, Connecticut. Draft Supplemental Findings of Fact, Opinion and Decision. Petition for a Declaratory Ruling.**

Mr. Murphy moved to approve the draft decision for the Petition for a Declaratory Ruling filed by the Town of Middlebury, Mr. Raymond Pietrorazio, Citizens for the Defense of Oxford, William Stowell, and Mira Schachne (designated Petition No. 802) regarding the validity of the previously granted extensions with the Council concluding that:

- 1) Conn. Gen. Stat. §16-50p(a)(1) gives the Council the discretion to insert time limits in its approvals;
- 2) If the Council inserted a time limit without the words, “Unless otherwise approved by the Council”, or similar words fulfilling the same function, the amendment procedure of Conn. Gen. Stat. §16-50k(c) and Conn. Gen. Stat. §16-50l(d), and the changed conditions provisions of Conn. Gen. Stat. §4-181a(b) are the only means of extending such time limits (unless the reconsideration procedure under Conn. Gen. Stat. § 4-181a(a) is used, which would generally expire before a need for a time extension arose);
- 3) If the above-cited statutory provisions were the only means of extending the time limits, even with the language “Unless otherwise approved by the Council”, the phrase “Unless otherwise approved by the Council” would be meaningless surplusage;
- 4) By inserting the language “Unless otherwise approved by the Council”, the Council intended to be able to extend the time limit contained in the Docket No. 192 Decision without amending or modifying that decision and did so make such reservation;
- 5) Conn. Gen. Stat. §16-50p(a)(1) permits such a time limitation with such a reservation to so extend such limitation; and
- 6) The time extensions rendered by the Council in Docket No. 192 are valid and any extension of the Certificate is likewise valid.

The motion was seconded by Mr. Ashton and passed unanimously.

Mr. Heffernan moved to adopt the draft Opinion as amended; seconded by Mr. Emerick. The motion passed with Mr. Wilensky and Dr. Bell voting no.

Chairman Caruso requested a 10-minute recess at 2:45 p.m. The meeting reconvened at 2:55 p.m.

Mr. Murphy moved to approve the draft Findings of Fact; seconded by Mr. Heffernan. The motion passed with Mr. Wilensky and Dr. Bell voting no.

Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Mr. Emerick; Mr. Heffernan, Mr. Ashton, and Chairman Caruso in agreement with Findings of Fact for Connecticut General Statutes (CGS) §4-181a (b) Proceeding and Opinion stating there are no changed

conditions sufficient to justify modifying or otherwise reverse the previous Decision granting a Certificate of Environmental Compatibility and Public Need to Towantic Energy LLC for an electric generating facility located approximately 4,000 feet north of the Prokop Road and the Towantic Hill Road intersection in the Town of Oxford, Connecticut, approved by the Council on July 23, 1999; and Mr. Wilensky and Dr. Bell voting no.

**DOCKET NO. 272 - The Connecticut Light and Power Company and The United Illuminating Company Certificate of Environmental Compatibility and Public Need for the Construction of a New 345-kV Electric Transmission Line and Associated Facilities Between Scovill Rock Switching Station in Middletown and Norwalk Substation in Norwalk, Connecticut Including the Reconstruction of Portions of Existing 115-kV and 345-kV Electric Transmission Lines, the Construction of the Beseck Switching Station in Wallingford, East Devon Substation in Milford, and Singer Substation in Bridgeport, Modifications at Scovill Rock Switching Station and Norwalk Substation and the Reconfiguration of Certain Interconnections. Request for Modification to the Development and Management Plan – Construction Hours.**

Mr. Heffernan moved to approve 12 hour days (Monday through Saturday) to construct structure foundations for Segment 1 and 2 Development and Management Plans; seconded by Mr. Murphy. The motion passed with Dr. Bell recusing.

Mr. Heffernan moved to approve construction hours (weekday and Saturday work hours at 6:00 a.m. to 7:00 p.m., and Sunday hours with prior notification to the Council between 7:00 a.m. to 5:00 p.m.) for United Illuminating's Singer Substation and the 115-kV underground interconnection; seconded by Mr. Ashton. The motion passed with Dr. Bell recusing.

**DOCKET NO. 263 - New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 8 Upper Meadow Road (CT-812), Granby, Connecticut. Request for Extension of Time.**

Mr. Tait moved to table this item per the request of Verizon; seconded by Mr. Emerick. The motion passed unanimously.

**DOCKET NO. 274 - New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at Hyde Road, Farmington, Connecticut. Request for Extension of Time.**

Mr. Tait moved to approve an extension of time until June 30, 2007, to complete the construction; seconded by Mr. Murphy. The motion passed unanimously.

**DOCKET NO. 316 - Optasite, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 50 Fairchild Road in Middletown, Connecticut. Development and Management Plan.**

Mr. Ashton moved to approve the Development and Management Plan, dated December 19, 2006; seconded by Mr. Tait. The motion passed unanimously.

**DOCKET NO. 323 - MCF Communications bg, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Carpenter Road, Bolton, Connecticut. Request for Party/Intervenor Status.**

Mr. Wilensky moved to approve intervenor status to Sprint Nextel Corporation; seconded by Mr. Emerick. The motion passed unanimously.

Mr. Tait moved to approve intervenor status to New Cingular Wireless PCS, LLC; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Tait moved to approve intervenor status to Cellco Partnership d/b/a Verizon Wireless; seconded by Mr. Murphy. The motion passed unanimously.

**PETITION NO. 754 - Best Management Practices for Electric and Magnetic Fields. Request for Party/Intervenor Status.**

No action was taken on this item. A request was not received.

**PETITION NO. 796 - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing Connecticut Light & Power Company transmission line, located at 8 Sky Ledge Lane, Bethel, Connecticut.**

Mr. Wilensky moved to approve this petition; seconded by Mr. Murphy. The motion passed unanimously.

**Administrative Matters.**

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled at 1:30 p.m. on Thursday, January 18, 2007, in Hearing Room One.

**Adjournment.**

Chairman Caruso adjourned the Council meeting at 3:40 p.m.

**Respectfully submitted,**

**Daniel F. Caruso**  
**Chairman**

DFC/laf