

Meeting Minutes
Meeting of January 18, 2007

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, January 18, 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)
Edward S. Wilensky

Colin C. Tait
Vice Chairman
Philip T. Ashton
Dr. Barbara Currier Bell
Daniel P. Lynch, Jr.
James J. Murphy, Jr.

Staff Members Present:

John Haines
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 January 4, 2007.

Mr. Ashton moved to approve the Minutes of January 4, 2007; seconded by Mr. Wilensky. The motion passed with Mr. Lynch abstaining.

DOCKET NO. 134B - An Amendment to the Iroquois Gas Transmission System, L.P. Certificate of Environmental Compatibility and Public Need for an interstate natural gas transmission pipeline from Sherman to Milford and Long Island Sound. Development and Management Plan.

Mr. Murphy moved to approve the modification to the Development and Management Plan to incorporate the U.S Department of Transportation recent ruling requiring interstate pipelines to implement a new public awareness program to improve public awareness of operations and safety; seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 241 - Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 3 Edmond Street, Newtown, Connecticut. Revised Development and Management Plan.

Mr. Tait moved to table this item to allow the town further review; seconded by Mr. Heffernan. 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. Request for Extension.

Mr. Murphy moved to approve an extension to January 2011; seconded by Mr. Ashton. Upon discussion, Mr. Murphy withdrew his motion.

Mr. Ashton moved to approve an extension of time, until January 24, 2011 with the following conditions:

1. that the acquisition of Towantic or the Certificate by GE Financial Services, Inc. and/or its affiliates be completed by January 24, 2008; and
2. that the construction of this facility be completed by January 24, 2011.

The motion was seconded by Mr. Murphy and passed with 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. Draft Findings of Fact for Proposed Amendment to the Certificate - Proposed Route Change in the City of Norwalk. Development and Management Plan – Water Crossings in Bridgeport and Stratford. Development and Management Plan – Segment 2b.

After reviewing the Draft Findings of Fact for the Proposed Amendment to the Certificate (Proposed Route Change in the City of Norwalk), Chairman Caruso polled the Council members with Mr. Ashton, Mr. Heffernan, Mr. Emerick, Mr. Wilensky, Mr. Lynch, Mr. Murphy, and Mr. Tait in favor of the proposed changes in the City of Norwalk; and Dr. Bell recusing.

Chairman Caruso directed staff to draft a favorable supplemental Opinion and Decision and Order to be reviewed at the next meeting.

Mr. Emerick moved to approve the Development and Management (D&M) Plan for United Illuminating's construction of the Pequonnock River, Yellow Mill Creek, Bruce Brook and Longbrook crossings in Bridgeport and Stratford with the following conditions:

- that UI provide two week advance notice prior to commencement of construction, quarterly construction reports noting milestones of construction activity and a weekly environmental report.
- that UI provide a copy of the Department of Transportation Encroachment Permit, including MPT plan, prior to the commencement of construction
- that the location of the contractor yard/staging areas be identified and provided to the Council prior to use.
- that a copy of the dewatering permit is filed with the Council prior to commencement of construction with methods for dewatering consistent with the 2002 Connecticut Erosion and Sediment Control Guidelines.
- that an archeologist monitors the operation when the entrance and receiving pits are excavated for Long Brook crossing.
- that the erosion and sediment controls be inspected weekly and after every major storm event with deficiencies corrected within 24 hours.
- that UI provide a copy of the finalized work safety plan and shall include all personnel involved in construction activities (UI and Contractor) to attend a project-specific safety and environmental training session.
- that nighttime construction be considered in consultation with the municipality to facilitate construction through residential areas, and that UI notify the Council of workday and/or work hour extensions verbally, as soon as possible, and documented within 24 hours
- that requested deviations be authorized by the Chairman, and that the Certificate Holder submit written specifications within one 24-hour business day after the request.

- that UI submit non-resolution of constituent concerns after 15 days to the Council.
- that the park on the east side of the Pequonnock River will be restored to a condition mutually acceptable to the City of Bridgeport.

The motion was seconded by Mr. Ashton and passed with Dr. Bell recusing.

Mr. Ashton moved to approve additional conditions at the request from Senator Gayle Slossberg in a letter dated January 16, 2007 regarding construction hour limits and access road barriers in the Town of Orange. The construction hours were originally restricted for a maximum of 10 hours six days a week, not including Sunday, from 7:00 a.m. to 7:00 p.m. and were changed to 8:00 a.m. to 6:00 p.m., six days a week, not including Sunday. Barriers (non-permanent gates) are to be placed at access road entrances from public roads to discourage unauthorized use of the road. The motion was seconded by Mr. Murphy and passed with Dr. Bell recusing.

DOCKET NO. 292 - The Connecticut Light & Power Company application for a Certificate of Environmental Compatibility and Public Need for the construction and operation of 8.7 miles of new underground 115-kilovolt electric transmission cables extending from CL&P's existing Glenbrook Substation in the City of Stamford, through the Town of Darien, to CL&P's existing Norwalk Substation in the City of Norwalk. Development and Management Plan - Glenbrook Substation.

Chairman Caruso requested a recess at 2:40 p.m. The meeting reconvened at 3:00 p.m.

Mr. Ashton moved to approve the Development and Management (D&M) Plan for modifications to the Glenbrook Substation in Stamford with the following conditions:

- CL&P provide two-week advance notice prior to commencement of grading and mobilization of a contractor prior to construction.
- CL&P submit a Spill Prevention and Response Plan prior to commencement of construction.
- CL&P provide the location of additional staging areas, if needed, prior to use.
- CL&P notify the Council of workday and/or work hour extensions verbally and documented within 24 hours.
- CL&P use excavated material for fill, as appropriate.
- Erosion and sediment controls comply with the 2002 Connecticut Guidelines for Erosion and Sediment Control, as amended.
- Proposed deviations be authorized by the Chairman, or his or her designee, with written specification of the deviation submitted within 24 hours of a business day after the request, and all other changes be noticed to the Council for its advance approval or be subject to enforcement by the Attorney General.

- A post-construction electric and magnetic field monitoring plan be submitted for review and approval as a segment of the D&M Plan process prior to the commencement of operations.

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

DOCKET NO. 309 - 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 wireless telecommunications facility located at the Round Hill Community Church, 395 Round Hill Road, Greenwich, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Ashton, Mr. Heffernan, Mr. Emerick, Mr. Wilensky, Mr. Lynch, Dr. Bell, and Mr. Murphy in favor of granting a Certificate for the proposed facility; and Mr. Tait abstaining. Dr. Bell initiated discussion regarding the possibility of lowering at least one tower to the 105 foot level.

Chairman Caruso directed staff to draft two sets of Opinion documents, one set at 115 feet and the other at 105 feet, and Decision and Order to be reviewed and finalized at the next meeting.

DOCKET NO. 317 - The United Illuminating Company application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a proposed 115-kV/13.8-kV electric substation and associated facilities located at 3-7 Wildflower Lane, Trumbull, Connecticut. Draft Findings of Fact.

Chairman Caruso recused himself and asked Vice Chairman Tait to lead the discussion on this docket.

After reviewing the draft Findings of Fact, Vice Chairman Tait polled the Council members with Mr. Ashton, Mr. Heffernan, Mr. Emerick, Mr. Wilensky, Mr. Lynch, Dr. Bell, and Mr. Murphy all in favor of granting a Certificate for the proposed facility with a preference for the alternate access road.

Vice Chairman Tait directed staff to draft a favorable Opinion and Decision and Order to be reviewed at the next meeting.

Chairman Caruso resumed his position.

DOCKET NO. 318 - 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 at 1191 Terryville Avenue in Bristol, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Heffernan moved to approve the draft Findings of Fact, Opinion, and Decision and Order; seconded by Mr. Tait. The motion passed with Mr. Ashton abstaining.

Chairman Caruso requested a written vote on the record with Chairman Caruso, Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Emerick, and Mr. Heffernan in favor of granting a Certificate for the proposed facility at a tower height of 120 feet; and Mr. Ashton abstaining.

DOCKET NO. 321 - Optasite, 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 at 940 Meriden Road in Waterbury, Connecticut. Draft Findings of Fact.

Mr. Murphy moved to table this item; seconded by Mr. Wilensky. The motion passed unanimously.

DOCKET NO. 326 - The Connecticut Light and Power Company application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a proposed substation located at Stepstone Hill Road, Guilford, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Murphy moved to approve the application as complete and approve the schedule for processing the docket as per staff recommendations; appointment of Lisa Fontaine as custodian of the docket; deposition of the transcript in the Town of Guilford; and a public field review and hearing in Guilford on Wednesday, April 18, 2007; seconded by Mr. Ashton. The motion passed unanimously.

PETITION NO. 784 - Plainfield Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut. Draft Findings of Fact.

Mr. Emerick moved to table this item; seconded by Mr. Ashton. The motion passed unanimously.

PETITION NO. 793 - Connecticut Light & Power Company 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 115-kV transmission line, Brookfield, Connecticut. Decision.

No action was taken on this item.

PETITION NO. 794 - Clearview Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 29.0 MW Mixed Biomass Generating Project located at the Kofkoff Egg Farm, Bozrah, Connecticut. Request for Party/Intervenor Status.

Mr. Tait moved to approve intervenor status to The Connecticut Light and Power Company; seconded by Mr. Heffernan. The motion passed with Mr. Emerick recusing.

PETITION NO. 797 - Connecticut Light & Power Company 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 substation, located at 401 Flax Hill Avenue, Norwalk, Connecticut. Decision.

Mr. Murphy moved to approve this petition with the condition that CL&P consult with the City of Norwalk regarding the feasibility of vegetative screening; seconded by Mr. Tait. The motion passed unanimously.

PETITION NO. 798 - 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 modification of an existing telecommunications facility located at 477 Route 7, Sharon, Connecticut. Decision.

Mr. Murphy moved to table this item; seconded by Mr. Lynch. The motion passed unanimously.

PETITION NO. 799 - Omnipoint Communications, Inc. (T-Mobile) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement of an existing gas station sign with a monopole at 207 West Street, Cromwell, Connecticut. Decision.

Mr. Ashton moved to approve this petition with the following conditions:

1. The applicant shall prepare an erosion and sediment control checklist for use in the field.
2. The applicant shall notify the Development Compliance Officer and the Town Engineer prior to commencement of work.

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

PETITION NO. 800 - Connecticut Light & Power Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement of an existing telecommunications facility located at Willis Street, Bristol, Connecticut. Decision.

Mr. Heffernan moved to approve this petition; seconded by Mr. Ashton. The motion passed unanimously.

PETITION NO. 801 - Connecticut Light & Power Company 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 substation, located at Naugatuck Avenue, Milford, Connecticut. Decision.

Mr. Heffernan moved to approve this petition; seconded by Mr. Ashton. The motion passed with Dr. Bell recusing.

**Blanket Acknowledgement of Exempt Modifications With or Without Conditions
(items 23; 25-29)**

***(item 23 on the CSC agenda)*EM-SPRINT-NEXTEL-077-061212 – Sprint Spectrum LP notice of intent to modify an existing telecommunications facility located at 239 Middle Turnpike East, Manchester, Connecticut.**

The blanket acknowledgement includes the condition that the modifications on this item specified on drawing SM-1 sealed by Ronald Jackson, P.E. are performed prior to the antenna installation and that a signed letter from a Professional Engineer is submitted to Council to certify that the modifications have been properly completed.

***(item 25 on the CSC agenda)*EM-T-MOBILE-108-061221 - Omnipoint Communications, Inc. (T-Mobile) notice of intent to modify an existing telecommunications facility located at 85 Quaker Farms Road, Oxford, Connecticut.**

***(item 26 on the CSC agenda)*EM-CING-128-076-048-102-097-061221 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at Grist Mill Road, Simsbury; 864 Opening Hill Road, Madison; 101 Burbank Road, Ellington; 273 Boombridge Road, North Stonington; and 5 Fairfield Drive, Newtown, Connecticut.**

The blanket acknowledgement includes with the following conditions on this item:

1. All AT&T equipment including but not limited to equipment shelters, antennas, tower platforms, T-arms, etc., are removed within 180 days of this acknowledgement unless it can be utilized by another carrier within that time period.

2. If AT&T is at the top position on the tower, any tower extension or mast (that only supports AT&T's antennas) is removed within 180 days of this acknowledgement unless it can be utilized by another carrier within that time period.
3. The Council recommends that the compounds are cleared of all weeds, brush, and unnecessary clutter.

(item 27 on the CSC agenda)EM-CING-013-105-132-158-083-061221 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at 3 Polly Lane, Bozrah; 62-1 Boggy Hill Road, Old Lyme; 151 Sand Hill Road, South Windsor; 2 Sunny Lane, Westport; and 290 Preston Avenue, Middletown, Connecticut.

The blanket acknowledgement includes tabling the Middletown proposal pending the receipt of additional information.

The acknowledgement of these regulatory exemptions (except for Middletown) include the following conditions:

1. All AT&T equipment including but not limited to equipment shelters, antennas, tower platforms, T-arms, etc., are removed within 180 days of this acknowledgement unless it can be utilized by another carrier within that time period.
2. If AT&T is at the top position on the tower, any tower extension or mast (that only supports AT&T's antennas) is removed within 180 days of this acknowledgement unless it can be utilized by another carrier within that time frame.
3. The Council recommends that the compounds are cleared of all weeds, brush, and unnecessary clutter.

(item 28 on the CSC agenda)EM-HADDAM-061-061222 - Town of Haddam notice of intent to modify an existing telecommunications facility located at Maple Avenue West, Haddam, Connecticut.

(item 29 on the CSC agenda)EM-SPRINT-NEXTEL-091-070108 - Sprint/Nextel Communications of the Mid-Atlantic, Inc. notice of intent to modify an existing telecommunications facility located at 302 Ball Pond Road, New Fairfield, Connecticut.

Mr. Ashton moved to acknowledge the above referenced exempt modifications (items 23; 25-29) and removed items (20-22; 24); seconded by Mr. Wilensky. The motion passed unanimously.

(item 21 on the CSC agenda)TS-SPRINT-NEXTEL-132-061208 - Sprint Nextel Corporation request for an order to approve tower sharing at an existing telecommunications facility located at 300 Governor's Highway, South Windsor, Connecticut.

(item 22 on the CSC agenda)TS-SPRINT-NEXTEL-015-061208 - Sprint Nextel Corporation request for an order to approve tower sharing at an existing telecommunications facility located at 1875 Noble Avenue, Bridgeport, Connecticut.

(item 24 on the CSC agenda)EM-T-MOBILE-086-061221 - Omnipoint Communications, Inc. (T-Mobile) notice of intent to modify an existing telecommunications facility located at 57 Cook Road, Montville, Connecticut.

Mr. Ashton moved to table items 21, 22, and 24; seconded by Mr. Heffernan. The motion passed unanimously.

(item 20 on the CSC agenda)EM-SPRINT-NEXTEL-069-061204 - Sprint/Nextel Communications of the Mid-Atlantic, Inc. notice of intent to modify an existing telecommunications facility located at 1375 North Road, Killingly, Connecticut.

Mr. Ashton moved to take this item off the table and acknowledge Sprint/Nextel Communications of the Mid-Atlantic, Inc. notice of intent to modify this existing telecommunications facility with the condition that the foundation modifications are completed per drawing S1 / 06180 dated July 3, 2006 prior to the antenna installation and that a signed letter from a Professional Engineer is submitted to the Council to certify that the modifications have been properly completed; seconded by Mr. Heffernan. The motion passed unanimously.

Administrative Matters.

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled on Tuesday, February 6, 2007. Other February dates were discussed.

Adjournment.

Mr. Lynch moved to adjourn the meeting at 5:09 p.m.; seconded by Mr. Wilensky. The motion passed unanimously.

Respectfully submitted,

**Daniel F. Caruso
Chairman**

DFC/laf