

Meeting Minutes
Meeting of February 27, 2007

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Tuesday, February 27, 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
Brian Emerick
(designee for Commissioner McCarthy)

Dr. Barbara Currier Bell
Daniel P. Lynch, Jr.
James J. Murphy, Jr.
Edward S. Wilensky

Council Member Absent:

Colin C. Tait
Vice Chairman
Gerald J. Heffernan
(designee for Commissioner Downes)

Philip T. Ashton

Staff Members Present:

Robert L. 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 February 13, 2007.

Mr. Emerick moved to approve the Minutes of February 13, 2007, as amended; seconded by Mr. Wilensky. The motion passed with Mr. Lynch abstaining.

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. Change Request No. 1.

Mr. Murphy moved to approve the Change Request No. 1 to the Development and Management (D&M) Plans submitted for this project, which corrects the approved D&M drawing that contained two typographical errors and omitted a line terminal structure that is required; seconded by Mr. Emerick. The motion passed unanimously.

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

Mr. Emerick moved to approve the revision to the Development and Management (D&M) Plan; seconded by Mr. Wilensky. The motion passed unanimously.

DOCKET NO. 319 - Optasite, Inc. and 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 on one of two sites at 1662 Gold Star Memorial Highway (Route 184), Groton, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Murphy moved to approve the draft Findings of Fact; seconded by Dr. Bell. The motion passed unanimously.

Mr. Murphy moved to approve the draft Opinion; seconded by Mr. Lynch. The motion passed unanimously.

Mr. Lynch moved to approve the draft Decision and Order; seconded by Mr. Wilensky. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Emerick, and Chairman Caruso all in favor of granting a Certificate for the proposed Site B.

DOCKET NO. 320 - Message Center Management, Inc. and 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 off Greenwoods Road East (U.S. Route 44), Norfolk, Connecticut. Draft Findings of Fact.

The applicant issued a 30-day extension to allow the Council time to complete the decision process. The Council unanimously approved this extension.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Emerick, and Chairman Caruso unanimously in favor of granting a Certificate for the proposed facility.

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

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, Opinion, and Decision and Order.

Mr. Wilensky moved to approve the draft Findings of Fact; seconded by Mr. Lynch. The motion passed unanimously.

Mr. Wilensky moved to approve the draft Opinion; seconded by Dr. Bell. The motion passed unanimously.

Mr. Emerick moved to approve the draft Decision and Order, as amended; seconded by Mr. Wilensky. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Emerick, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility.

DOCKET NO. 322 - 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 located at 12 Orchard Drive, Ledyard, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Murphy moved to approve the draft Opinion; seconded by Mr. Emerick. The motion passed unanimously.

Mr. Emerick moved to approve the draft Decision and Order; seconded by Mr. Murphy. The motion passed unanimously.

Chairman Caruso requested a written vote on the record Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Emerick, and Chairman Caruso in favor of granting a Certificate for proposed Site B.

PETITION NO. 795 - Sprint Nextel Corporation Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is Required for the temporary placement of a cell on wheels (COW) adjacent to the Danbury Fair Mall at 10 Precision Road, Danbury, Connecticut. Request for Extension.

No action was taken on this item to allow Town comment.

EM-SPRINT-NEXTEL-126-070206 - Nextel of the Mid-Atlantic, Inc. d/b/a Nextel Communications notice of intent to modify an existing telecommunications facility located at 162 Birdseye Road, Shelton, Connecticut.

Mr. Wilensky moved to table this item until additional information is received; seconded by Mr. Lynch. The motion passed unanimously.

Consent Calendar

(Items 10-12)

EM-T-MOBILE-044-070208 - Omnipoint Communications, Inc. (T-Mobile) notice of intent to modify an existing telecommunications facility located at 259 Commerce Street, East Haven, Connecticut.

TS-SPRINT-NEXTEL-034-070206 - Sprint Nextel Corporation request for an order to approve tower sharing at an existing telecommunications facility located at 41 Padanaram Road, Danbury, Connecticut.

EM-VER-133-070208 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at Baltic-Hanover Road, Sprague, Connecticut.

Mr. Lynch moved to approve and acknowledge the above referenced exempt modifications and tower sharing applications; seconded by Dr. Bell. The motion passed unanimously.

EM-VER-006-116-070131 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify existing telecommunications facilities located at 664 Rimmon Hill Road, Beacon Falls; and 154 Sayle Avenue, Putnam, Connecticut.

Dr. Bell moved to acknowledge Cellco Partnership d/b/a Verizon Wireless notice of intent to modify these existing telecommunications facilities with the condition that the modifications in Appendix B of the structural analysis report dated January 23, 2007 and sealed by John Irving Mathis, P.E. are performed on the Putnam tower prior to the antenna swap 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. Emerick. The motion passed unanimously.

Status of Litigation.

Assistant Attorney General Marconi distributed to the Council a summary of pending Council litigation which included the following:

CONNECTICUT SUPREME COURT

- *Corcoran v. Connecticut Siting Council (CSC)* (Docket No. 244 – New Canaan) – The plaintiffs have filed their brief, and the Council’s brief is due next month.

CONNECTICUT APPELLATE COURT

- *CT Coalition Against Millstone v. CSC* (Docket No. 265 – Waterford) – Ms. Burton having filed her brief this month. The Council’s brief is due March 9, 2007.

CONNECTICUT SUPERIOR COURT

- *Ezra Academy v. CSC* (Docket No. 272 – Phase II) – This appeal is currently pending an appeal of the settlement in the case.
- *Reis v. CSC* (Docket No. 272 – Phase II) – This appeal is currently pending an appeal of the settlement in the case.
- *Traumer v. CL&P and CSC* (Docket No. 272 – Phase II) – A pre-trial settlement session is scheduled for March 5, 2007. Motions to dismiss have been filed by the Council and CL&P.
- *Werth v. CSC* (Docket No. 272 – Phase II) – A pre-trial is scheduled for March 5, 2007. Motions to dismiss have been filed by the Council and CL&P.
- *Rosa v. CSC* (Docket No. 299 – Litchfield) – A decision is expected shortly.
- *McCluskey v. CSC* (Docket No. 315 – New Fairfield) – Pre-trial settlement session is scheduled for April 16, 2007.
- *Bornemann v. CSC* (Petition No. 763) – Judge Levine is reviewing the transcript and will provide further instructions.
- *Town of Middlebury v. CSC* (Petition No. 802) – This appeal was just recently filed.

UNITED STATES DISTRICT COURT

- *Bornemann v. Tait* (Petition No. 763 – Canaan) – Plaintiff moved to amend her complaint to include personal liability issues against certain Council members and staff. Briefs opposing this motion have been filed and an oral argument requested.

Administrative Matters.

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled on Tuesday, March 13, 2007. March calendar dates were discussed.

Adjournment.

Mr. Wilensky moved to adjourn the meeting at 2:20 p.m.; seconded by Mr. Lynch. The motion passed unanimously.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/laf