

Meeting Minutes
Meeting of April 10, 2007

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Tuesday, April 10, 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 1:42 p.m.

Council Members Present:

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

Philip T. Ashton
Dr. Barbara Currier Bell
James J. Murphy, Jr.
Edward S. Wilensky

Council Member Absent:

Colin C. Tait
Vice Chairman

Daniel P. Lynch, Jr.

Staff Members Present:

Robert L. Marconi
Assistant Attorney General
S. Derek Phelps
Executive Director
Christina Lepage
Siting Analyst

David Martin
Siting Analyst
Michael Perrone
Siting Analyst

Recording Secretary:

Lisa A. Fontaine

Minutes of March 13, 2007.

Dr. Bell moved to approve the Minutes of March 13, 2007, as amended; seconded by Mr. Emerick. The motion passed with Mr. Murphy and Mr. Ashton abstaining.

DOCKET NO. 224 - Northeast Utilities Service Company Certificate of Environmental Compatibility and Public Need for the replacement of a submarine electric transmission cable system from Norwalk, Connecticut to Northport, New York. Development and Management Plan.

Mr. Ashton moved to take this item off the table; seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Ashton moved to approve the Development and Management Plan (Preferred Option 2) with the following conditions:

- Perform in-water construction between October 1 and April 30 of any given year.
- Attempt to install cables to a target depth of six feet below the seabed. If the cables cannot be buried to six feet below the seabed, cable protection techniques may be used if appropriate.
- Relocate the existing osprey platform that is immediately to the north of the Norwalk landfall, in cooperation with the DEP and the property owner.
- Provide notice to lobstermen a minimum of two weeks prior to commencement of in-water construction.
- Send notification of the project to the US Coast Guard approximately six weeks prior to the commencement of construction
- Submit a Shellfish Monitoring and Mitigation Plan prior to construction.
- Provide an Installation Notification Plan to the Council within one week prior to commencement of construction.
- 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
- Provide the Council advance notice to any significant change to the D&M Plan for review and approval.
- Provide federal and state regulatory permits to the Council upon receipt.
- Provide the Council with the results of EMF measurements within eight months of the in-service date of the cables.
- Attempt to complete decommissioning of the existing cables per Option 2 if given authorization from the Independent System Operators of New England and New York. CL&P could employ Option 1 if Option 2 is not authorized and/or if there are unforeseen events such as weather, unknown and/or immovable obstacles found during removal.

The motion was seconded by Dr. Bell, and passed unanimously.

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 Development and Management Plan Modifications in Orange. Segment 2b - Removal of Work Restrictions on South Central Regional Water Authority Property in the Town of Orange and Beseck Substation – Relocation of Emergency Generator.

No action was taken on the request from the Town of Orange regarding the painting of structures.

Mr. Ashton moved to approve CL&P's request dated March 13, 2007, to reconsider the restricted ten-hour work day (8:00 a.m. to 6:00 p.m. Monday through Saturday) to a ten-hour work day within twelve hour period (7:00 a.m. to 7:00 p.m. Monday through Saturday) and a twelve-hour work day (7:00 a.m. to 7:00 p.m. Monday through Saturday) for foundation installation crews within the South Central Connecticut Regional Water Authority property beginning at the Orange/Woodbridge town line to Route 34; seconded by Mr. Murphy. The motion passed with Dr. Bell recusing.

Mr. Heffernan moved to approve CL&P's request, dated March 7, 2007, to change the location of the emergency generator to the north of the building to include in the design a third bay for future use; seconded by Mr. Emerick. The motion passed with Dr. Bell recusing.

Chairman Caruso invited Anne Bartosewicz from Northeast Utilities to describe the new technology being used to shorten construction time. Northeast Utilities will be using helicopters to strand connectors and set wire from Middletown to Norwalk. Men will be dropped off at the top of a pole to perform preparation work, and helicopters will put rope in pulleys to set rope. It will be a quicker, less-intrusive, more efficient installation process.

Chairman Caruso thanked Ms. Bartosewicz for the allowing staff to receive informal training sessions by attending environmental inspections for this docket.

Chairman Caruso also thanked Assistant Attorney General Marconi for his expert litigation work in this and other cases before the Council.

DOCKET NO. 292 - The Connecticut Light & Power Company 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 - Segment 1 and 2 - Change Request No. 1.

Mr. Murphy moved to approve Change Request No. 1 to the Development and Management (D&M) Plans for Segments 1 and 2, dated January 30, 2007; seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 309 - Cellco Partnership d/b/a Verizon Wireless 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. Development and Management Plan. Motion to Stay.

Mr. Heffernan moved to deny the Application for Stay of Connecticut Siting Council Decision and for Stay of Construction on behalf of Elizabeth Galt and Clifford Berger, dated April 5, 2007. The basis for the Council's action to deny is that the Superior Court is a better forum to evaluate the factors to be considered in deciding whether to grant a stay than is the Council, given that the Council is now a litigant defending its decision in this matter. The motion was seconded by Mr. Murphy, and passed unanimously.

Mr. Ashton moved to approve the Development and Management (D&M) Plan submitted for this project on March 8, 2007, with revisions received on March 28, 2007, with the following conditions:

- 1) The color of paint for the monopole, if deemed suitable, shall be coordinated in consultation with the town and the property owner.
- 2) A landscape architect or licensed arborist shall determine the proper spacing required for unencumbered growth of the Norway Spruce trees and similar evergreen species to create a naturalistic landscape screening plan.

The motion was seconded by Mr. Wilensky, and passed unanimously.

DOCKET NO. 315 - Optasite, Inc. and New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 29 Bogus Hill Road in New Fairfield, Connecticut. Superior Court Appeal Settlement Discussion (Potential for Executive Session).

Chairman Caruso passed this item temporarily.

DOCKET NO. 318 - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 1191 Terryville Avenue in Bristol, Connecticut. Development and Management Plan.

Mr. Emerick moved to approve the Development and Management Plan, dated March 8, 2007; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 319 - Optasite, Inc. and New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 1662 Gold Star Memorial Highway (Route 184), Groton, Connecticut. Development and Management Plan.

Mr. Emerick moved to approve the Development and Management Plan, dated March 20, 2007; seconded by Mr. Ashton. Chairman Caruso temporarily passed this item to review compound size.

DOCKET NO. 321 - Optasite, Inc. and Omnipoint Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 940 Meriden Road, Waterbury, Connecticut. Development and Management Plan.

Mr. Wilensky moved to approve the Development and Management Plan, dated March 20, 2007; seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 322 - Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 12 Orchard Drive, Ledyard, Connecticut. Development and Management Plan.

Mr. Heffernan moved to approve the Development and Management Plan, dated March 28, 2007; seconded by Mr. Emerick. The motion passed unanimously.

Chairman Caruso announced a 5-minute recess at 2:50 p.m. The meeting resumed at 3:05 p.m.

DOCKET NO. 319 - Optasite, Inc. and New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 1662 Gold Star Memorial Highway (Route 184), Groton, Connecticut. Development and Management Plan.

With an approval motion previously first and seconded, Chairman Caruso asked for a vote, which passed unanimously.

DOCKET NO. 324 - Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 150 Willow Street, Hamden, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Heffernan, Mr. Emerick, Mr. Wilensky, Dr. Bell, Mr. Murphy, and Chairman Caruso all in favor of granting a Certificate for the proposed site; Mr. Ashton abstained.

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

DOCKET NO. 325 - 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 111 Upper Fish Rock Road in Southbury, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Ashton moved to approve the draft Findings of Fact, Opinion, and 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. Wilensky, Mr. Emerick, Mr. Heffernan, Mr. Ashton, and Chairman Caruso in favor of granting a Certificate for the proposed facility.

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. Revised Schedule. Request for Party/Intervenor Status.

Mr. Ashton moved to approve the revised schedule; seconded by Mr. Emerick. The motion passed unanimously.

DOCKET NO. 327 - 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 off Commerce Park Drive, Oxford, Connecticut. Schedule. Request for Party/Intervenor Status.

Mr. Ashton moved to approve the schedule for processing this docket with a public field review and hearing in Oxford on Thursday, May 16, 2007; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 328 - Optasite Towers LLC 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 1027 Middle Turnpike East, Manchester, Connecticut. Request for Party/Intervenor Status.

Mr. Murphy moved to approve party status to Robert D. Harrison; seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. F-2007 - Connecticut Siting Council Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources. Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

The Council acknowledged the schedule for this docket that includes a hearing in Hartford on Tuesday, June 12, 2007 beginning at 10am and continuing at 7pm.

Mr. Murphy moved to approve party status to AES Thames, LLC, Connecticut Municipal Electric Energy Cooperative, Dominion Nuclear Connecticut, Inc., Department of Public Utility Control, FirstLight Hydro Generating Company, NRG Energy, Inc., The Connecticut Light and Power Company, The United Illuminating Company, and Lake Road Generating Company, L.P.; seconded by Mr. Ashton. The motion passed unanimously.

Mr. Wilensky moved to approve intervenor status to Connecticut Center for Advanced Technology Inc., Connecticut Energy Advisory Board, and ISO New England Inc.; seconded by Mr. Heffernan. 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. Receipt of Interrogatories. Close of Record.

Mr. Heffernan directed staff to prepare revised Findings of Fact to be reviewed at the next meeting; seconded by Dr. Bell. The motion passed unanimously.

PETITION NO. 803 - Sprint Nextel Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing telecommunications facility located at 130 Ledge Road, Darien, Connecticut. Decision.

Mr. Murphy moved to take this item off the table; seconded by Mr. Emerick. The motion passed unanimously.

Dr. Bell moved to approve this petition with the conditions that the tower extension be a pipe extension and that the applicant shall flush-mount its antennas; seconded by Mr. Wilensky. The motion passed unanimously.

PETITION NO. 804 - Sprint Nextel Corporation Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing telecommunications facility, located at 234 Melba Street, Milford, Connecticut. Decision.

Mr. Wilensky moved to take this item off the table; seconded by Mr. Ashton. The motion passed with Dr. Bell recusing.

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

PETITION NO. 805 - Ansonia Generation LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 58.4 MW combined heat and power natural gas-fired electric generating facility and transmission line tap located at 75 Liberty Street, Ansonia, Connecticut. Schedule.

Mr. Heffernan moved to approve the schedule for processing this petition with a public hearing and field review on Wednesday, May 9, 2007; seconded by Mr. Ashton. The motion passed unanimously.

EM-VER-058-070314 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at Bishop Crossing Road, Griswold, Connecticut.

Mr. Ashton moved to acknowledge Cellco Partnership d/b/a Verizon Wireless notice of intent to modify this existing telecommunications facility with the condition that the proposed coax lines are installed inside the pole's shaft; seconded Mr. Emerick. The motion passed unanimously.

**Consent Calendar
(Items 22-25)**

EM-T-MOBILE-072-070315 - Omnipoint Communications, Inc. (T-Mobile) notice of intent to modify an existing telecommunications facility located at 889A Colonel Ledyard Highway, Ledyard, Connecticut.

EM-T-MOBILE-014-070315 - Omnipoint Communications, Inc. (T-Mobile) notice of intent to modify an existing telecommunications facility located at 150 North Main Street, Branford, Connecticut.

EM-VER-019-070328 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at Brown Road, Brooklyn, Connecticut.

TS-T-MOBILE-128-070328 - Omnipoint Communications, Inc. (T-Mobile) request for an order to approve tower sharing at an existing telecommunications facility located at 345 Bushy Hill Road, Simsbury, Connecticut.

Mr. Wilensky moved to approve and/or acknowledge the above referenced tower sharing and/or exempt modifications; seconded by Mr. Ashton. The motion passed unanimously.

Administrative Matters.

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled on Tuesday, May 1, 2007, in Hearing Room Two. Other calendar dates were discussed.

Executive Director Phelps announced with sadness the passing of long-serving Court Reporter Tony Vanacore.

Executive Session.

Chairman Caruso announced that the Council would be going at 3:50 p.m. into an Executive Session to discuss a settlement agreement proposed. The meeting reconvened at 4:30 p.m.

DOCKET NO. 315 - Optasite, Inc. and New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 29 Bogus Hill Road in New Fairfield, Connecticut. Superior Court Appeal Settlement Discussion (Potential for Executive Session).

Mr. Ashton moved to allow Assistant Attorney General Robert Marconi the ability to enter into a settlement agreement with the plaintiffs which would shift the approval of the tower site from the originally approved Site B to Site A.

Adjournment.

Mr. Emerick moved to adjourn the Council meeting at 4:32 p.m.; seconded by Mr. Ashton. The motion passed unanimously.

Respectfully submitted,

Daniel F. Caruso
Chairman
DFC/laf