

Meeting Minutes
Meeting of May 22, 2007

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Tuesday, May 22, 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 1:35 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

Colin C. Tait
Vice Chairman
Dr. Barbara Currier Bell
Daniel P. Lynch, Jr.
James J. Murphy, Jr.
Edward S. Wilensky

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 May 1, 2007.

Mr. Wilensky moved to approve the Minutes of May 1, 2007; seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 263 - AT&T Wireless PCS, LLC d/b/a AT&T Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of two telecommunications facilities in the West Granby section of the Town of Granby, Connecticut. Request for Extension. Transfer of Certificate.

Mr. Ashton moved to approve a three-month extension of time until December 31, 2007, and to approve the transfer of the Certificate of Environmental Compatibility and Public Need (Certificate) from New Cingular Wireless PCS, LLC to Cellco Partnership d/b/a Verizon Wireless (Verizon); seconded by Mr. Emerick. The motion 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. Development and Management Plan – Norwalk Substation and Water Crossings.

Mr. Heffernan moved to approve approved the Development and Management (D&M) Plan for the Connecticut Light and Power Company's (CL&P) construction of the water crossings of the Housatonic River, Ash Creek, Mill River (Southport Harbor), Sasco Creek, and the Saugatuck River and crossing of the Metro North Railroad at the main line and the Waterbury spur with the following conditions:

- CL&P provide the location of additional staging areas, if needed, to the Council for review.
- CL&P provide the Council correspondence with the State Historic Preservation Office prior to construction.
- CL&P provide written notification to the Council no less than two weeks prior to commencement of construction.
- CL&P provide written notification to the affected municipalities no less than three weeks prior to commencement of construction.
- CL&P provide written notification to adjacent landowners no less than two weeks prior to commencement of construction.
- CL&P notify the Council and affected municipalities upon completion of construction and site rehabilitation.
- CL&P provide monthly progress reports including any changes or deviations from the approved D&M Plan.
- CL&P notify the Council of workday and/or work hour extensions verbally and documented within 24 hours.
- CL&P provide a copy of the final MOU with the City of Bridgeport, the Town of Fairfield and the CDOT, to the Council prior to construction.

- 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.

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

Mr. Ashton moved to approve the Development and Management (D&M) Plan for the Connecticut Light and Power Company's (CL&P) construction of the Norwalk Substation in Norwalk, Connecticut 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 provide a weekly Environmental Inspector's report including spill reports.
- 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.

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

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. Development and Management Plan for Site A (settlement site).

Mr. Murphy moved to approve the Development and Management (D&M) Plan submitted for this project on April 27, 2007; seconded by Mr. Lynch. The motion passed unanimously.

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. Development and Management Plan.

Mr. Wilensky moved to approve the Development and Management Plan; seconded by Mr. Heffernan.

Chairman Caruso temporarily passed this item to allow the applicant to determine what led to the paved, instead of typical gravel access roads, in the Development and Management Plan.

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. Draft Findings of Fact, Opinion, and Decision and Order.

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

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

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. Development and Management Plan.

Mr. Murphy moved to approve the Development and Management (D&M) Plan submitted for this project on May 2, 2007; seconded by Mr. Emerick. The motion passed unanimously.

DOCKET NO. 330 - 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 at 1294 Pleasant Valley Road North in Groton, Connecticut. Draft Findings of Fact.

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

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

DOCKET NO. 331 - Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 836 Foxon Road, East Haven, Connecticut. Request for Party/Intervenor Status.

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

DOCKET NO. 332 – 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 located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut. Request for Party/Intervenor Status.

Mr. Ashton moved to approve intervenor status for New Cingular Wireless, PCS, LLC d/b/a AT&T; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 336 - 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 located at 811 Blue Hills Avenue, Bloomfield, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Ashton moved to approve the application as complete, the schedule for processing the docket as per staff recommendations, the appointment of Lisa Fontaine as custodian of the docket, the deposition of the transcript in the Town of Bloomfield, and a public field review and hearing in Bloomfield on Tuesday, July 24, 2007; seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Murphy moved to approve party status for the Buckley Broadcast - WDRC; seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 337 - 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 located off North Street (Route 63), Goshen, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

No action was taken on this item.

PETITION NO. 754 - Best Management Practices for Electric and Magnetic Fields. Discussion.

After reviewing Draft A and Draft B, Chairman Caruso polled the Council members with Mr. Emerick; Mr. Heffernan, Mr. Lynch, Mr. Murphy, and Mr. Tait in favor of proceeding with Draft A; and Dr. Bell, Mr. Wilensky, and Chairman Caruso in favor of the Draft B version. Mr. Ashton voted no to both versions.

Chairman Caruso directed staff to send the Draft A version to the Service List for comment.

Recess.

Chairman Caruso announced a 5-minute recess at 3:05 p.m. The meeting resumed at 3:18 p.m.

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, Opinion, and Decision and Order. Request for a Decision and Order Condition.

Mr. Tait moved to approve the conditions requested by CL&P only if CL&P is requested and accepts or is required to construct or assume ownership or operation to all or portions of the interconnection line; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Tait moved to approve the draft Findings of Fact, Opinion, and Decision and Order, as amended; seconded by Mr. Ashton. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Emerick, Mr. Heffernan, Mr. Ashton, and Chairman Caruso unanimously in favor of approving the proposed petition.

PETITION NO. 809 - Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction or, in the alternative, that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut. Jurisdictional Analysis. Completeness Review. Request for Party/Intervenor Status.

Mr. Heffernan moved to deny this petition; seconded by Mr. Murphy. After discussion, Mr. Heffernan and Mr. Murphy withdrew the motion.

The Council decided to schedule a hearing with a date to be determined.

Mr. Murphy moved to approve intervenor status for T-Mobile, Inc.; seconded by Mr. Ashton. The motion passed unanimously.

Mr. Heffernan moved to approve intervenor status for Elizabeth Galt and Cliff Berger; seconded by Mr. Emerick. The motion passed unanimously.

Mr. Murphy moved to approve intervenor status for New Cingular Wireless PCS, LLC d/b/a AT&T; seconded by Mr. Ashton. The motion passed unanimously.

Mr. Murphy moved to approve intervenor status for the Merritt Parkway Conservancy; seconded by Mr. Emerick. The motion passed unanimously.

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

PETITION NO. 811 - Reconsideration of Issues Decided in Petition No. 344.

Mr. Tait moved to direct staff to request comments or briefs on this petition from Electric Transmission, Distribution, and Generating Companies; seconded by Mr. Heffernan. The motion passed unanimously.

EM-VER-109-070507 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 47-51 Unity Street, Plainfield, Connecticut.

Mr. Wilensky moved to acknowledge Cellco Partnership d/b/a Verizon Wireless notice of intent to modify this existing telecommunications facility; seconded by Mr. Heffernan. The motion passed unanimously.

EM-VER-037-070508 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 71 Pleasant View Road, Derby, Connecticut.

Mr. Wilensky moved to acknowledge Cellco Partnership d/b/a Verizon Wireless notice of intent to modify this existing telecommunications facility; seconded by Mr. Lynch. The motion passed unanimously.

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. Development and Management Plan.

Mr. Heffernan moved to table this item to allow staff to issue interrogatories regarding the access roads, landscaping, and drainage; seconded by Mr. Ashton. The motion passed unanimously.

Administrative Matters.

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled on Thursday, June 7, 2007, in Hearing Room Two. Other calendar dates were also discussed.

Adjournment.

Chairman Caruso adjourned the meeting at 4:15 p.m.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/laf