

Meeting Minutes
Meeting of July 26, 2007

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, July 26, 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 1:38 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman

Gerald J. Heffernan
(designee for Commissioner Downes)

Philip T. Ashton
Daniel P. Lynch

Colin C. Tait

Vice Chairman

Dr. Barbara Currier Bell

James J. Murphy, Jr.

Edward S. Wilensky

Council Members Absent

Brian Emerick
(designee for Commissioner McCarthy)

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

Jennifer Herz
Legal Intern

Recording Secretary:

Carriann Mulcahy

Minutes of July 3, 2007.

Mr. Murphy moved to approve the Minutes of July 3, 2007; seconded by Mr. Ashton. The motion passed with Mr. Lynch abstaining.

DOCKET NO. 134B Iroquois Gas Transmission System, L.P. Amended Certificate of Environmental Compatibility and Public Need for an interstate natural gas transmission pipeline from Sherman to Milford and Long Island Sound. Integrity Monitoring Corridor.

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

Mr. Ashton moved to allow for mechanical mowing in upland areas and that mowing in wetlands shall be consistent with the Army Corp of Engineers decision and such decision shall be provided to the Council; and to approve the use of herbicides for those locations and future facilities similar to those identified in the letter of May 10, 2007. Herbicides shall not be used along the underground portions of the Iroquois gas pipeline in Connecticut. Furthermore, Iroquois shall comply with state statutes on the application of herbicides, including proper notification, use of certified applicators, and appropriate herbicides.

Iroquois shall submit to the Council the final plan and procedure for application of herbicides; seconded by Mr. Lynch. The motion passed with Dr. Bell recusing.

DOCKET NO. 187 - PDC-El Paso Milford LLC Certificate of Environmental Compatibility and Public Need for the Milford Power Project located off of Oronoque Road in Milford, Connecticut. Request for Extension.

This item was inadvertently on the agenda and no action was taken on this item.

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 – Change Request No. 1 Glenbrook Substation.

Mr. Murphy moved to approve the revised grading and drainage plan at the Glenbrook Substation, seconded by Mr. Lynch. 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 Drive, Oxford, Connecticut. Draft Findings of Fact, Opinion, 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. Tait, Mr. Murphy, Dr. Bell, Mr. Wilensky, Mr. Ashton, Mr. Heffernan, Mr. Lynch and Chairman Caruso in favor for the proposed substation facility.

DOCKET NO. 329 - 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 Paddock Avenue in Meriden, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Heffernan, Mr. Wilensky, Dr. Bell, Mr. Murphy, and Mr. Tait in favor of granting a Certificate for site C at 120 feet and Mr. Lynch in favor of sites A or C at 120 feet, with Mr. Ashton abstaining.

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

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 located at 1294 Pleasant Valley Road North, Groton, Connecticut. Development & Management Plan.

Mr. Ashton moved to approve the Development and Management Plan; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 335 – MetroCast Communications of Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the Expansion of its existing CATV Headend facility located at 689 Old Colchester Road, Uncasville-Montville, Connecticut. Draft Findings of Fact, Opinion, Decision and Order.

Mr. Murphy 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. Tait, Mr. Murphy, Dr. Bell, Mr. Wilensky, Mr. Ashton, Mr. Heffernan, Mr. Lynch and Chairman Caruso in favor for the proposed CATV Headend facility.

DOCKET NO. 342 - 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 425 Litchfield Road, New Milford, 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 Carriann Mulcahy as custodian of the docket, the

deposition of the transcript in the Town of New Milford, and a public field review and hearing in New Milford on Monday, September 10, 2007; seconded by Mr. Heffernan. The motion passed unanimously.

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

Mr. Tait stated that the subcommittee needed to meet again and was hopeful that the EMF/BMP's would be completed by the end of the year.

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. Decision.

Mr. Heffernan moved to approve this petition; with Dr. Bell recommending adding an order that the applicants provide the results of the study on potential entrainment of fish eggs and larvae per the Department of Environmental Protection letter; seconded by Mr. Ashton. The motion passed unanimously.

PETITION NO. 809 – Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction for the proposed construction of a Distributed Antenna System along the Merritt Parkway from New York state line to Westport, Connecticut. Request for Party/Intervenor Status.

Mr. Tait moved to approve intervenor status for Sprint/Nextel, seconded by Mr. Wilensky. The motion passed unanimously.

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

No action was taken on this item.

PETITION NO. 812 - Connecticut Jet Power 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 two 20 MW peaking units located at the Cos Cob facility, Sound Shore Drive, Greenwich, Connecticut. Decision.

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

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

PETITION NO. 820 - Omnipoint Communications, Inc. a.k.a. T-Mobile petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of antennas inside an existing silo located at 90 Hattertown Road, Newtown, Connecticut. Decision.

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

PETITION NO. 821 - Connecticut Light & Power Company's petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing CL&P substation located at Depot Hill Road, Enfield, Connecticut. Decision.

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

PETITION NO. 822 - 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 extension of an existing telecommunications tower located at 1662 Gold Star Highway, Groton, Connecticut. Decision.

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

PETITION NO. 824 - The Connecticut Light and Power Company (CL&P) 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 on Chapel Hill Road, Montville, Connecticut. Decision.

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

PETITION NO. 826 - Sprint Nextel Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the placement of a temporary mobile radio communications facility (COW) at Quinnipiac University Law School, 60 West Woods Road, Hamden, Connecticut. Decision.

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

EM-CING-008-014-054-085-110-137-070622 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at 93 Old Amity Road, Bethany; 405 Brushy Plain Road, Branford; Three Mile Road, Glastonbury; 88 Main Street, Monroe; 10 Sparks Street, Plainville; and 82 Mechanic Street, Stonington, Connecticut.

Mr. Ashton moved to remove this item from the table; seconded by Mr. Lynch. The motion passed unanimously.

Mr. Murphy moved to acknowledge this regulatory exemption for the Bethany site, seconded by Mr. Heffernan. The motion passed unanimously.

Consent Calendar

Items 21-24 and 28

EM-VER-082-070627 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 393 Jackson Hill Road, Middlefield, Connecticut.

EM-CING-017-105-107-129-130-130-134-070627 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunication facilities located at 371 Terryville Avenue, Bristol; 38 Hatchetts Hill Road, Old Lyme; 800 Ogg Meadow Road, Orange; 400 Main Street, Somers; 1432 Old Waterbury Road, Southbury; Russian Village Road, Southbury; and 33 South Road, Stafford, Connecticut.

EM-CING-043-059-076-089-089-106-070703 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at 1455 Forbes Street, East Hartford; 68 Groton Long Point Road, Groton; 8 Old Route 79, Madison; 167 Lester Street, New Britain; 200 Stanley Street, New Britain and 170 Ingham Hill Road, Old Saybrook, Connecticut.

EM-CING-105-105-106-137-139-070706 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at 61-2 Boggy Hole Road, Old Lyme; 125 Mile Creek Road, Old Lyme; Middlesex Turnpike, Old Saybrook; 40 Taugwonk Road, Stonington; and 44 Feyler Place, Suffield, Connecticut.

EM-CING-002-044-131-164-164-070716 - New Cingular Wireless PCS LLC notice of intent to modify existing telecommunications facilities located at 401 Wakelee Avenue, Ansonia; 259 Commerce Street, East Haven; 626 Spring Street, Southington; 99 Day Hill Road, Windsor; and 1170 Matianuck Avenue, Windsor, Connecticut.

Mr. Ashton moved to acknowledge the above referenced regulatory exemptions (items 21-24; 28) on the consent calendar; seconded by Dr. Bell. The motion passed unanimously.

EM-CING-004-089-137-152-154-070710 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at 10 Redwood Lane, Avon; 1 Hartford Square, New Britain; 86 Voluntown Road, Stonington; 45 Fargo Road, Waterford; and 782 Old Clinton Road, Westbrook, Connecticut.

Mr. Wilensky moved to acknowledge these regulatory exemptions, with the condition that the platform be removed within 180 days unless it can be utilized by another carrier at the Waterford site, seconded by Mr. Ashton. The motion passed unanimously.

TS-SPRINT-057-070712 - Sprint Nextel Corporation request for an order to approve tower sharing at an existing telecommunications facility located at South Shore Drive, Greenwich, Connecticut.

Mr. Murphy move to approve this tower share request with the condition that the panel antennas and coaxial cables are attached to the tower as shown in Tectonic Engineering & Surveying Consultants Drawing S-1, seconded by Mr. Ashton. The motion passed unanimously.

EM-CING-049-077-102-115-128-070712 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at 1654 King Street, Enfield; 205 Spencer Street, Manchester; 273 Boombridge Road, North Stonington; 229 Cheshire Road, Prospect; and 225 Grist Mill Road, Simsbury, Connecticut.

Mr. Murphy moved to acknowledge these regulatory exemptions with the condition that the proposed coax lines are installed inside the pole's shaft at the Prospect tower, seconded by Mr. Tait. The motion passed unanimously.

EM-CING-048-077-132-151-151-070717 - New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunications facilities located at 101 Burbank Road, Ellington; 53 Slater Street, Manchester; 391 Niederwerfer Road, South Windsor; Farmdale Drive, Waterbury; and 229 Sheffield Street, Waterbury, Connecticut.

Mr. Murphy moved to acknowledge these regulatory exemptions with the condition that the proposed coax is double stacked with the existing coax on the Ellington tower and the proposed coax is installed inside the pole's shaft on the Waterbury tower, seconded by Mr. Tait. The motion passed unanimously.

EM-CING-027-027-059-137-137-070717 – New Cingular Wireless PCS, LLC notice of intent to modify existing telecommunication facilities located at 46 Meadow Road, Clinton; 48 Cow Hill Road, Clinton; 78 Roberts Road, Groton; 72 Jerry Brown Road, Stonington; and 171 S. Broad Street, Stonington, Connecticut.

Mr. Ashton moved to acknowledge these regulatory exemptions with the conditions that:

1. The proposed coax lines shall be installed as depicted in Figure 1 of the structural analysis report dated July 11, 2007 for the 46 Meadow Road, Clinton tower.

2. The tower at 48 Cow Hill Road, Clinton shall be reinforced per the structural analysis report dated May 29, 2007 sealed by John Irving Mathis, P.E.
3. The tower at 787 Roberts Road, Groton shall be reinforced per the structural analysis report dated July 5, 2007 sealed by Clinton B. Steward, P.E.
4. Signed letters from Professional Engineers shall be submitted to the Council to certify that the reinforcements to the Clinton and Groton towers are properly completed.
5. The proposed coax lines shall be installed inside the pole's shaft for the 72 Jerry Brown Road, Stonington.
6. All AT&T equipment at the 130-foot level of the tower shall be removed per the structural analysis report.

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

Administrative Matters

Chairman Caurso announced that the next energy/telecommunications meeting is scheduled on Wednesday, August 29, 2007, at 1:30 p.m., in Hearing Room Two. Other calendar dates were also discussed.

Mr. Phelps discussed Public Act 07-242 in which the Council must begin a contested case proceeding in consultation with the Emergency Management and Homeland Security Coordinating Council and the Department of Public Utility Control. The proceeding should "investigate energy security with regard to the siting of electric generating facilities and transmission facilities." The Council may discuss sensitive issues in executive session for information submitted under a protective order. The Council will be giving this proceeding the next available petition number.

Adjournment.

Mr. Ashton moved to adjourn the meeting, seconded by Mr. Lynch. Chairman Caruso adjourned the meeting at 3:15 p.m.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/cm