

Meeting Minutes
Meeting of November 29, 2007

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Monday, November 29, 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 1:50 p.m.

Council Members Present:

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

Ed Wilensky
Philip T. Ashton
Dr. Barbara Currier Bell
James J. Murphy, Jr.
Daniel P. Lynch

Council Members Absent:

Colin C. Tait
Vice Chairman

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:

Carriann Mulcahy

Mr. Murphy requested a moment of silence in remembrance of former Governors William A. O'Neill and Thomas J. Meskill who passed away recently.

Minutes of November 5, 2007.

Mr. Ashton moved to approve the Minutes of November 5, 2007, seconded by Mr. Heffernan. The motion passed unanimously.

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 to Use Potable Water as a Cooling Source.

Mr. Ashton moved to approve the extension for three months once they received the DEP approval, seconded by Mr. Murphy. The motion passed, with Dr. Bell abstaining.

DOCKET NO. 274 – New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at Hyde Road, Farmington, Connecticut. Request for extension.

This item was passed temporarily.

DOCKET NO. 332 - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 6 Mountain Road, Washington, Connecticut. Development and Management Plan.

Mr. Murphy moved to approve the Development and Management Plan; seconded by Mr. Heffernan. 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. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Heffernan, Mr. Wilensky, Mr. Emerick, Dr. Bell, and Mr. Murphy in favor of granting a Certificate for a proposed telecommunications facility; and with Mr. Ashton 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. 274 – New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at Hyde Road, Farmington, Connecticut. Request for extension.

Mr. Ashton moved to approve the request for extension, with the condition that this would be the final extension; seconded by Mr. Wilensky. The motion did not pass resulting in the Council opting to not extend the Certificate.

DOCKET NO. 338 – 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 160 West Street, Cromwell, 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. Murphy. The motion passed unanimously.

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

DOCKET NO. 339- 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 640 Hilliard Street, Manchester, Connecticut. Draft Findings of Fact, Opinion, Decision and Order.

Mr. Murphy moved to accept the Department of Public Health comments into the record, seconded by Mr. Heffernan. The motion passed, with Mr. Lynch abstaining.

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

Chairman Caruso requested a written vote on the record with Mr. Murphy, Dr. Bell, Mr. Heffernan, Mr. Ashton, Mr. Emerick, Mr. Wilensky and Chairman Caruso in favor of the proposed Telecommunications facility; and with Mr. Lynch abstaining.

PETITION NO. 815 – Iroquois Gas Transmission System, L.P. petition for a declaratory ruling that the Connecticut Siting Council has an advisory role to the Federal Energy Regulatory Commission regarding Iroquois's 08/09 expansion project in Brookfield, Newtown, and Milford, Connecticut. Draft Findings of Fact, Opinion and Recommendations to FERC.

Mr. Wilensky moved to approve the draft Findings of Fact, Opinion and Recommendations to FERC; seconded by Mr. Murphy. The motion passed with Dr. Bell abstaining.

Chairman Caruso requested a written vote on the record with Mr. Murphy, Mr. Heffernan, Mr. Ashton, Mr. Emerick, Mr. Wilensky and Chairman Caruso in favor of the proposed recommendations to FERC; and with Dr. Bell abstaining.

DOCKET NO. 340 - 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 1 Deerfield Lane, Ansonia, 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. Murphy. The motion passed unanimously.

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

DOCKET NO. 341 - 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 Ashford Center Road (Route 44), Ashford, Connecticut. Draft Findings of Fact.

Mr. Heffernan moved to accept the Department of Public Health comments into the record, seconded by Mr. Murphy. The motion passed, with Mr. Lynch abstaining.

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

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

DOCKET NO. 344 - 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 Rich Road, Thompson, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Heffernan, Mr. Wilensky, Mr. Emerick, Dr. Bell and Mr. Murphy in favor of granting a Certificate for a proposed telecommunications facility; and with Mr. Ashton abstaining and Mr. Lynch voting no.

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

DOCKET NO. 347 - 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 700 Kent Road, New Milford, Connecticut. Request for Party/Intervenor Status.

Mr. Emerick moved to approve intervenor status for the following, grouping those that have the same residence:

Theodore and Ellen Berson

James and Linda Hart

Michael Covert

Reed Hotchkiss

Carmen and Anthony Scuderi

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

DOCKET NO. 348 – Sprint Nextel Corporation and The Connecticut Light and Power Company’s application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off of Cove Road, Haddam, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript.

Mr. Emerick 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 Haddam, and a public field review and hearing in Haddam on Thursday, January 17, 2008; seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 349 – Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the re-location, construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post 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, 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 Guilford, and a public field review and hearing in Guilford on Tuesday, January 15, 2008; seconded by Mr. Wilensky. The motion passed unanimously.

DOCKET NO. 350 - 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 Old Turnpike Road and Route 198, Woodstock, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Wilensky 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 Woodstock, and a public field review and hearing in Woodstock on Thursday, February 7, 2008; seconded by Mr. Lynch. The motion passed unanimously.

DOCKET NO. 351 - 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 93 Lake Street, Manchester, 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 Manchester, and a public field review and hearing in Manchester on Tuesday, January 29, 2008; seconded by Mr. Wilensky. The motion passed unanimously.

DOCKET NO. 353 - 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 38 Maple Street, Kent, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Heffernan 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 Kent, and a public field review and hearing in Kent on Thursday, January 31, 2008; seconded by Mr. Emerick. The motion passed unanimously.

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

No action was taken on this item.

PETITION NO. 832 – Nextel Communications, Inc. 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 North Main Street, Marlborough, Connecticut. Decision.

No action was taken on this item.

PETITION NO. 833 – The Connecticut Light and Power Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modification of an existing double-circuit 115-kV transmission line from Christian Street Junction in Oxford, Connecticut, to Beacon Falls Substation in Beacon Falls, Connecticut. Decision.

Dr. Bell moved to approve this item with the condition that CL&P submit a development and management plan; seconded by Mr. Heffernan. The motion passed unanimously.

Consent Calendar

Items 21, 24, 26-39

EM-CING-077-071106 - New Cingular Wireless PCS, LLC notice of intent to modify an existing telecommunications facility located at 52 East Center Street, Manchester, Connecticut.

EM-VER-020-071109 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 12 Nepaug Road, Burlington, Connecticut.

EM-SPRINT-NEXTEL-134-071114 – Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 627 Honeyspot Road, Stratford, Connecticut.

EM-SPRINT-NEXTEL-107-071114 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at Grassy Hill Road, Orange, Connecticut.

EM-SPRINT-NEXTEL-019-071115 – Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 50 Tiffany Street, Brooklyn, Connecticut.

EM-VER-166-071116 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 1192 Wolcott Road (aka 1140 Wolcott Road) Wolcott, Connecticut.

EM-SPRINT-NEXTEL-138-071115 – Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 630 James Farm Road, Stratford, Connecticut.

EM-SPRINT-NEXTEL-103-071115 – Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 173 West Rocks Road, Norwalk, Connecticut.

EM-SPRINT-NEXTEL-057-071115 – Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 5 Perryridge Road, Greenwich, Connecticut.

EM-SPRINT-NEXTEL-018-071119 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 39 Carmen Hill Road, Brookfield, Connecticut.

EM-SPRINT-NEXTEL-051-071119 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 3965 Congress Street, Fairfield, Connecticut.

EM-SPRINT-NEXTEL-088-071119 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 37 Peach Orchard Road, Prospect, Connecticut.

EM-SPRINT-NEXTEL-151-071120 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 184 Garden Circle, Waterbury, Connecticut.

EM-SPRINT-NEXTEL-085-071120 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 500 Moose Hill Road, Monroe, Connecticut.

EM-SPRINT-NEXTEL-034a-071120 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 303 Boxwood Lane, Danbury, Connecticut.

EM-SPRINT-NEXTEL-034b-071120 - Sprint Nextel Corporation notice of intent to modify an existing telecommunications facility located at 48 Newtown Road, Danbury, Connecticut.

Mr. Ashton moved to acknowledge the above referenced regulatory exemptions (items 21, 24, 26-39) on the consent calendar, with the standard conditions applied to items 25 and 29; seconded by Mr. Murphy. The motion passed unanimously.

EM-CING-113-071113 - New Cingular Wireless PCS, LLC notice of intent to modify an existing telecommunications facility located at 213 High Street, Portland, Connecticut.

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

EM-VER-023-071107 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 650 Albany Turnpike, Canton, Connecticut.

Mr. Murphy moved to acknowledge this regulatory exemption; seconded by Mr. Ashton. The motion passed unanimously.

EM-VER-049-071109 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at Town Farm Road, Enfield, Connecticut.

Mr. Ashton moved to acknowledge this regulatory exemption with the condition that the modifications specified in the structural analysis reports dated April 21, 2005 and February 20, 2007 be performed prior to the antenna installation and that a signed letter from a Professional Engineer be

submitted to the Council to certify that these modifications have been properly completed; seconded by Mr. Heffernan. The motion passed unanimously.

Statewide Site Decommissions/Removal Conditions. Decision.

Mr. Heffernan moved to adopt the following policies on the decommissioning and removal conditions of telecommunication facilities within the state:

- Reaffirm that the responsibility for the decommission lies with the carrier, not the tower owner.
- Increase the 180-day time limit to one-year on future decommissions as well as past decommissions acknowledged by the Council in the last 180 days.
- The carrier may request an extension of time beyond one year if it can provide a reasonable explanation for the delay.

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

Administrative Matters

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled on Thursday, December 13, 2007, at 1:30 p.m., in Hearing Room One. Following this meeting will be our annual Holiday Gathering, please join us in the festivities.

Other calendar dates with also mentioned.

Mr. Phelps informed the Council that the EMF/BMP's will be on our next agenda.

Adjournment.

Chairman Caruso adjourned the meeting at 4:35 p.m.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/cm