

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

October 19, 2006

Ms. Gabriel North Seymour, Esq.
200 Route 126
Falls Village CT 06031

RE: **PETITION NO. 763** – Dr. Carl Bornemann petition for a declaratory ruling to void the Connecticut Siting Council's ruling on Petition No. 701 submitted by Nextel Communications, Inc. to modify CL&P transmission structure #2010 located near 145 Beebe Hill Road.

Dear Attorney Seymour:

At a public meeting held on October 12, 2006, the Connecticut Siting Council (Council) considered and approved a motion to dismiss Petition No. 763 on the grounds that this petition has been rendered moot due to the approval of a motion to vacate the Council's approval of Petition No. 701. Petition No. 763 asked for five actions by the Council: 1) a determination that Petition No. 701 was false and misleading and omitted material facts; 2) voiding the Council's approval of Petition No. 701; 3) directing Nextel Communications Inc. (Nextel) to pay for the cost of certain radio frequency research; 4) a determination suspending the construction, installation and operation of any cell towers by Nextel in the Beebe Hill and Robbins Swamp vicinity; and 5) an order directing Nextel to pay attorney's fees.

The only legitimate purpose of the first request for action was for the Council to void the approval of Petition No. 701, the second request for action. Indeed, the Council acted to vacate (void) its approval of Petition No. 701. The third request for action was clearly contingent on Nextel seeking to install a wireless communications facility or antenna at the Beebe Hill location, and was referenced in the United States Fish and Wildlife Service (USFWS) letter on the subject. Without commenting on the merits of ordering such a study, there is no basis for the Council to single out a particular carrier outside of the context of a pending request for approval of a petition or application. The fourth request for action was rendered moot in that there is no such cell tower nor any pending request by Nextel for approval for one. Finally, as to the fifth request for action, there is no statutory basis for the award of attorney's fees.

The Council also denied your client's motion to reconsider the Council's response to a letter from the Fish and Wildlife Service dated April 27, 2006.

Very truly yours,

Daniel F. Caruso
Chairman

DFC/DM/laf

Enclosure: Decision Letter for Petition No. 701, dated October 19, 2006

c: The Honorable Patricia Allyn Mechare, First Selectman, Town of Canaan
Chris Cross, Zoning Officer, Town of Canaan
Parties and Intervenors