

Meeting Minutes
Meeting of October 16, 2008

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, October 16, 2008, in Hearing Room Two, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 2:07 p.m.

Council Members Present:

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

Colin C. Tait
Vice Chairman
Barbara Currier Bell
Philip T. Ashton
James J. Murphy, Jr.
Edward S. Wilensky

Council Members Absent:

Daniel P. Lynch, Jr.

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
Melanie Bachman
Staff Attorney

Recording Secretary:

Carriann Mulcahy

Minutes of September 25, 2008.

Mr. Murphy moved to approve the minutes of September 25, 2008, seconded by Dr. Bell. The motion passed unanimously.

Consent Calendar

(ITEMS 2-7; 9-17)

DOCKET NO. 47 - Optasite, Inc. Certificate of Environmental Compatibility and Public Need for a microwave hub site, tower, and associated equipment in the Town of Guilford, Connecticut. Transfer of Certificate.

DOCKET NO. 207 – Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a cellular telecommunications facility at 500 Moose Hill Road, Monroe, Connecticut. Transfer of Certificate.

DOCKET NO. 210 - Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility at 1428 Monroe Turnpike, Monroe, Connecticut. Transfer of Certificate.

DOCKET NO. 222A – Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility at 459 Burr Road, Southbury, Connecticut. Transfer of Certificate.

DOCKET NO. 241 – Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 3 Edmond Road, Newtown, Connecticut. Transfer of Certificate.

DOCKET NO. 256 - Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 175 South Main Street, Marlborough, Connecticut. Transfer of Certificate.

DOCKET NO. 308 - Westport Broadcasting Co., LLC, Optasite, Inc., and New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a wireless telecommunications facility located at 160 Deer Run Road, Wilton, Connecticut. Transfer of Certificate.

DOCKET NO. 316 – Optasite, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 50 Fairchild Road, Middletown, Connecticut. Transfer of Certificate.

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 on one of two sites at 1662 Gold Star Memorial Highway (Route 184), Groton, Connecticut. Transfer of Certificate.

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. Transfer of Certificate.

DOCKET NO. 322 - 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 12 Orchard Drive, Ledyard, Connecticut. Transfer of Certificate.

DOCKET NO. 329 - Optasite Towers LLC and Omnipoint Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 651 Paddock Avenue, Meriden, Connecticut. Transfer of Certificate.

DOCKET NO. 330 - Optasite Towers LLC and Omnipoint Communications, Inc. 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. Transfer of Certificate.

DOCKET NO. 339- Optasite Towers LLC and Omnipoint Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 640 Hilliard Street, Manchester, Connecticut. Transfer of Certificate.

DOCKET NO. 340 - Optasite Towers LLC and Omnipoint Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut. Transfer of Certificate.

Mr. Heffernan moved to approve the above referenced Transfer of Certificates (items 2-7; 9-17) to SBA Infrastructure LLC, on the consent calendar, seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 272 - The Connecticut Light and Power Company and The United Illuminating Company application for a Certificate of Environmental Compatibility and Public Need for the construction of a new 345-kV electric transmission line and associated facilities between the Scovill Rock Switching Station in Middletown and the Norwalk Substation in Norwalk, Connecticut. Cessation of Environmental Inspector – United Illuminating Only.

Mr. Wilensky moved to approve the release of Phenix Environmental, Inc. as the environmental inspector for the United Illuminating portion of the project; seconded by Mr. Heffernan. The motion passed with Dr. Bell abstaining.

DOCKET NO. 359 - Optasite Towers LLC and Omnipoint Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 58 Montano Road, Glastonbury, 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. 363 – Crown Communications Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 258 Ridge Road, Madison, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Ashton, Mr. Heffernan, Mr. Golembiewski, Mr. Wilensky, Dr. Bell, Mr. Murphy, and Mr. Tait in favor of granting a Certificate for the proposed telecommunications facility. The Council voted to move the facility fifty feet to the north to avoid tree clearing.

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

DOCKET NO. 365 - 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 39 Maennerchor Avenue, Norwich, Connecticut. Extension of Record.

Mr. Murphy moved to table this item, seconded by Mr. Heffernan. The motion passed unanimously.

DOCKET NO. 366 - 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 52 Stadley Rough Road, Danbury, Connecticut. Motion for Protective Order; City of Danbury's Request for Continuance.

Mr. Tait moved to deny the City of Danbury's Request for a thirty day extension on the continuation of the proceeding; seconded by Mr. Heffernan. The motion passed unanimously.

Mr. Heffernan moved to decide on the Motion for the Protective order until the continuation of the evidentiary hearing on October 28, 2008; seconded by Mr. Tait. The motion passed unanimously.

DOCKET NO. 367 – 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 343 Daleville Road, Willington, 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 Jessica Brito as custodian of the docket, the deposition of the transcript in the Town of Willington, and a public field review and hearing in Willington on Thursday, December 11, 2008; seconded by Mr. Wilensky. The motion passed unanimously.

DOCKET NO. 368 – 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 Sterling Road (Route 14), Plainfield, 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 Plainfield, and a public field review and hearing in Plainfield on Tuesday, December 2, 2008; seconded by Mr. Murphy. The motion passed unanimously.

PETITION NO. 784MR – Plainfield Renewable Energy, LLC declaratory ruling that 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. Limited Proceeding Draft Findings of Fact.

Mr. Ashton moved to adopt the draft Findings of Fact, seconded by Mr. Heffernan. The motion passed with Mr. Golembiewski abstaining.

Chairman Caruso polled the Council members with Mr. Ashton, Mr. Heffernan, Mr. Wilensky, Dr. Bell, Mr. Murphy, and Mr. Tait determining that there were no changed conditions to warrant a reopening of the proceeding; with Mr. Golembiewski abstaining.

Chairman Caruso directed staff to draft a Determination to be reviewed at the next meeting.

PETITION NO. 864 - 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 modifications to an existing single-circuit 115kV transmission line between Cook Hill Junction in Cheshire, Connecticut and Lucchini Junction in Meriden, Connecticut. Decision.

Mr. Ashton moved to approve this petition with the condition that any land altering activities be performed during the active season of the box turtles from April 1 to November 1 to prevent impacting hibernating turtles, as recommended by the State of Connecticut Department of Environmental Protection. The motion was seconded by Mr. Murphy. The motion passed unanimously.

PETITION NO. 865 - 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 relocation of an existing 115kV transmission line structure (#1966) east of Nonnewaug Road, Woodbury, Connecticut. Decision.

Mr. Wilensky moved to approve this petition, seconded by Mr. Murphy. The motion passed unanimously.

PETITION NO. 866 - The Connecticut Light and Power Company petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for proposed modifications to the existing Flax Hill Substation located at 401 Flax Hill Road, Norwalk, Connecticut. Decision.

Mr. Heffernan moved to approve this petition, seconded by Mr. Murphy. The motion passed unanimously.

EM-CING-057-080819 – New Cingular Wireless PCS, LLC notice of intent to replace an existing telecommunications facility located at 36 Ritch Avenue, Greenwich, Connecticut.

Mr. Heffernan moved to table this item, seconded by Mr. Murphy. The motion passed unanimously.

EM-CL&P-143-080916 – The Connecticut Light and Power Company notice of intent to replace an existing telecommunications facility located at Highland Avenue, Torrington, Connecticut.

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

Mr. Tait moved to acknowledge the above-referenced regulatory exemption, seconded by Mr. Heffernan. The motion passed unanimously.

Budget

Mr. Ashton moved to approve sending the proposed budget for the Fiscal Year 2010/2011 to the regulated community, seconded by Mr. Murphy. The motion passed unanimously.

Administrative Matters

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled for Thursday, October 30, 2008, at 2:00 p.m., in Hearing Room Two. Other calendar dates were also discussed.

Mr. Phelps introduced the Council's newest employee, Staff Attorney Melanie Bachman.

Adjournment.

Chairman Caruso adjourned the meeting at 4:13 p.m.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/cm