

Meeting Minutes
Meeting of April 7, 2009

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Tuesday, April 7, 2009, 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 2:40 p.m.

Council Members Present:

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

James Murphy
Barbara Currier Bell
Philip T. Ashton
Edward S. Wilensky

Council Members Absent:

Colin C. Tait
Vice Chairman
Daniel P. Lynch, Jr.

Staff Members Present:

S. Derek Phelps
Executive Director
Fred O. Cunliffe
Supervising Siting Analyst
Melanie Bachman
Staff Attorney
Christina Walsh
Siting Analyst

Robert D. Mercier
Siting Analyst
David Martin
Siting Analyst
Michael Perrone
Siting Analyst

Recording Secretary:

Jessica Brito

Minutes of March 12, 2009.

Mr. Wilensky moved to approve the minutes of March 12, 2009, seconded by Mr. Ashton. The motion passed with Mr. Murphy abstaining.

DOCKET NO. F-2009 - Connecticut Siting Council Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources. Request for Party/Intervenor Status.

Mr. Heffernan moved to approve party status for Dominion Nuclear Connecticut, Inc., The United Illuminating Company, the Connecticut Municipal Electric Energy Cooperative, and The Connecticut Light and Power Company, and moved to approve intervenor status to the Connecticut Energy Advisory Board; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 187 - PDC-El Paso Milford LLC (a.k.a. Milford Power, LLC) Certificate of Environmental Compatibility and Public Need: Reopening pursuant to Connecticut General Statutes (CGS) § 4-181a (b), that permits an agency to consider whether changed conditions exist, and then consider whether such changes, if any, justify reversing or modifying the Council's original decision dated January 8, 1999. Draft Findings of Fact, Opinion and Decision and Order.

Mr. Wilensky moved to approve the Draft Findings of Fact, Opinion, and Decision and Order; seconded by Mr. Heffernan. The motion passed with Dr. Bell abstaining.

Chairman Caruso requested a written vote on the record with Mr. Murphy, Mr. Wilensky, Mr. Golembiewski, Mr. Heffernan, Mr. Ashton, and Chairman Caruso in favor of modifying the Decision and Order; and Dr. Bell abstaining.

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 in Danbury, Connecticut. Draft Findings of Fact. Conclusions of Law.

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

After reviewing the Conclusions of Law, Chairman Caruso polled the Council members with Mr. Ashton, Mr. Golembiewski, Mr. Wilensky, and Dr. Bell in favor of adopting the Conclusions of Law with Mr. Heffernan and Mr. Murphy voting no.

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

DOCKET NO. 369 - 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 Sherman Road, Woodstock, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Heffernan, Mr. Golembiewski, Mr. Wilensky, Dr. Bell, and Mr. Murphy in favor of the proposed telecommunications facility, and Mr. Ashton abstaining.

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

DOCKET 370 – Consolidated proceeding pursuant to the Connecticut Energy Advisory Board (CEAB) Request for Proposal (RFP) process under C.G.S. §16a-7c. Original application: The Connecticut Light & Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. Competing application: NRG Energy, Inc. application pursuant to C.G.S. §16-50l(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, Connecticut. Request for Party/Intervenor Status.

Mr. Murphy moved to approve party status for the City of Meriden; seconded by Mr. Ashton.
The motion passed unanimously.

DOCKET NO. 370A - The Connecticut Light and Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield Substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. Motion for Protective Order.

Mr. Wilensky moved to approve removing this item from the table; seconded by Mr. Murphy.
The motion passed unanimously.

The Council approved Attorney Bachman's process for materials submitted for protective order.

DOCKET 370B - NRG Energy, Inc. application pursuant to C.G.S. §16-50l(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, Connecticut. Completeness Review, Custodian of the Docket, Deposition of the Transcript.

The Council acted to instruct the Executive Director to send correspondence to the City of Meriden and the Town of Berlin inquiring as to whether the Council would nevertheless be compelled to dismiss NRG's application in the event the Council provides the municipalities sufficient time to prepare for any hearings on the NRG application.

DOCKET NO. 372 - 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 631 Orange Avenue, Milford, Connecticut. Request to Suspend Schedule.

Mr. Murphy moved to approve to temporarily suspend the schedule and take up this item at the energy/telecommunications meeting on May 7, 2009 after information is received by the applicant to

determine if the Council should proceed with the original schedule deadlines; seconded by Mr. Heffernan. The motion passed with Dr. Bell Abstaining.

DOCKET NO. 375 - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 85 Paper Mill Road, Woodbury, 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 and approve 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 Woodbury, and a public field review and hearing in Woodbury on Tuesday, May 12, 2009; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 376 - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, 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 and approve 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 Towns of Newtown, Brookfield, and Bridgewater and a public field review and hearing in Newtown on Thursday, May 28, 2009; seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 378 - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located on one of two sites at Rabbit Hill Road, Warren, 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 and approve 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 Warren, and Washington and a public field review and hearing in Warren on Thursday, May 21, 2009; seconded by Dr. Bell. The motion passed unanimously.

Mr. Ashton moved to approve party status for the Town of Washington and intervenor status to Cellco Partnership d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC, and the Town of Warren; seconded by Mr. Murphy. The motion passed unanimously.

DOCKET NO. 380 - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, 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 and approve 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 New Hartford, and a hearing in Warren on Thursday, May 21, 2009; seconded by Dr. Bell. The motion passed unanimously.

PETITION NO. 663 - South Norwalk Electric and Water (SNEW) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed repowering of an existing SNEW Generating Station located at One State Street, Norwalk, Connecticut. Request for Extension.

Mr. Ashton moved to approve the request for extension until October 30, 2011, to complete construction; seconded by Mr. Murphy. The motion passed with Mr. Golembiewski abstaining.

PETITION NO. 794 - Clearview Renewable Energy, LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 29.0 MW Mixed Biomass Generating Project located at the Kofkoff Egg Farm, Bozrah, Connecticut. Adoption of Revised Schedule.

Mr. Ashton moved to approve the adoption of revised schedule; seconded by Dr. Bell. The motion passed unanimously.

PETITION NO. 843 - The NRG Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of four 50 MW Peaking Units at its Devon Facility located at 700 Naugatuck Avenue, Milford, Connecticut. Request for Written Authorization to Construct, Maintain, Operate, and Own under GenConn Devon LLC.

Mr. Ashton moved to approve the request for written authorization to proceed with construction as GenConn Devon LLC with the condition that GenConn Devon LLC shall comply with all the terms, limitations and conditions contained in the Decision letter and staff report dated February 5, 2008; seconded by Mr. Murphy. The motion passed with Dr. Bell abstaining.

PETITION NO. 886 – American Tower Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing telecommunications facility located at 15 Miner Lane, Waterford, Connecticut. Decision.

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

Mr. Murphy moved to approve this petition with the condition that American Tower obtain the necessary FAA Air hazard determination prior to construction, and to file a petition with the Council if it is determined that the tower must be lit; seconded by Mr. Heffernan. The motion passed unanimously.

PETITION NO. 890 - 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 removal of a single-circuit 345-kV transmission line segment between Chestnut Junction in Middletown, Connecticut and Oxbow Junction in Haddam, Connecticut. Decision.

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

PETITION NO. 891 - 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 the existing Willimantic Substation in the Town of Windham located at 1270 Main Street, Willimantic, Connecticut. Decision.

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

EM-VER-046-090203 - Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at Everett Road, Easton, Connecticut. Determination.

Mr. Heffernan moved to deny acknowledgement of this exempt modification and request that the proposal be re-submitted by the applicant as a petition; seconded by Dr. Bell. The motion passed unanimously.

Administrative Matters

Chairman Caruso announced that the next energy/telecommunications meeting is scheduled for Thursday, April 23, 2009, at 2:00 p.m., in Hearing Room Two. Other calendar dates were also discussed.

Adjournment.

Chairman Caruso adjourned the meeting at 5:13 p.m.

Respectfully submitted,

**Daniel F. Caruso
Chairman**

DFC/jb