

Meeting Minutes
Meeting of May 7, 2009

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, May 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 2:14 p.m.

Council Members Present:

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

Colin C. Tait
Vice Chairman
Barbara Currier Bell
Daniel P. Lynch, Jr.
James Murphy
Edward S. Wilensky

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:

Lisa Fontaine

Minutes of April 23, 2009.

Mr. Murphy moved to approve the Minutes of April 23, 2009; seconded by Dr. Bell. The motion passed unanimously.

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

Mr. Murphy moved to approve intervenor status to ISO New England, Inc.; seconded by Mr. Heffernan. The motion passed unanimously.

Mr. Ashton moved to approve the schedule for the proceeding as per staff recommendations, the appointment of Lisa Fontaine as custodian of the docket, the deposition of the transcript in the Council Office, and a public hearing in New Britain on Wednesday, July 15, 2009; seconded by Mr. Lynch. The motion passed unanimously.

DOCKET NO. 346 - Implementation of Section 8 and Section 54 of Public Act No. 07-242 An Act Concerning Electricity and Energy Efficiency. Schedule.

Mr. Ashton moved to approve the schedule for the proceeding as per staff recommendations, the appointment of Jessica Brito as custodian of the docket, the deposition of the transcript in the Council Office, and a public hearing in New Britain on Monday, June 29, 2009; seconded by Dr. Bell. The motion passed unanimously.

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. Request for Clarification.

Mr. Tait moved to approve that the municipal consultation requirement per Connecticut General Statute §16a-7c(e) has been satisfied; seconded by Dr. Bell. The motion passed with Mr. Lynch and Mr. Ashton abstaining.

The evidentiary portion of the hearing will serve to clarify other competing application issues, such as comparable need.

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. Schedule.

No action was taken on this item. It will be revisited at a future meeting, as negotiations for an alternate site continue.

DOCKET NO. 374 - 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 199 Town Farm Road, Farmington, Connecticut. Request for Party/Intervenor Status.

Mr. Ashton moved to approve party status for Susan Edelson; seconded by Dr. Bell. The motion passed unanimously.

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. Motion for Protective Order.

Mr. Ashton moved to approve the Motion for a Protective Order related to the disclosure of monthly rent contained within the lease agreement consistent with the Conclusions of Law adopted in Docket 366-Danbury, dated April 23, 2009; seconded by Mr. Murphy. The motion passed with Dr. Bell and Mr. Heffernan voting no.

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. Motion for Protective Order.

Mr. Wilensky moved to approve the Motion for a Protective Order related to the disclosure of monthly rent contained within the lease agreement consistent with the Conclusions of Law adopted in Docket 366-Danbury, dated April 23, 2009; seconded by Mr. Lynch. The motion passed with Dr. Bell and Mr. Heffernan voting no.

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. Motion for Protective Order and Motion to File Under Seal. Motion to Admit Counsel Pro Hac Vice. Request to Reschedule Hearing.

Mr. Ashton moved to approve the Motion for a Protective Order related to the disclosure of monthly rent contained within the lease agreement consistent with the Conclusions of Law adopted in Docket 366-Danbury, dated April 23, 2009; seconded by Mr. Lynch. The motion passed with Dr. Bell and Mr. Heffernan voting no.

Mr. Ashton moved to approve the Motion to Admit Counsel Pro Hac Vice for admission of Attorney Whitney North Seymour, Jr. with the condition that the Council receive written consent of this by the Concerned Residents of Warren and Washington; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Lynch moved to deny the Request to Reschedule Hearing; seconded by Mr. Murphy. The motion passed unanimously.

PETITION NO. 831 - Waterbury Generation LLC petition for a declaratory ruling no Certificate of Environmental Compatibility and Public Need is required for the construction of an electric generating facility and associated transmission line tap located at 725 Bank Street, Waterbury, Connecticut. Final Fence Design. Noise Mitigation Methods.

Mr. Ashton moved to approve the Final Fence Design and Noise Mitigation Methods with the condition that the Council receive a copy of the noise survey; seconded by Mr. Heffernan. The motion passed unanimously.

PETITION NO. 894 - 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 six CL&P Substations located at Tomac Avenue, Greenwich; 7 Prange Road, Brookfield; 52 Peaceable Street, Redding; 85 ½ Weston Road, Weston; 164 North Eagleville Road, Mansfield; and Roosevelt Avenue, Preston, Connecticut. Decision.

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

PETITION NO. 898 - 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 temporary placement of a cell on wheels at 1100 Boston Avenue, Bridgeport, Connecticut. Decision.

Mr. Tait moved to table this item to allow time for abutters to receive notice of the petition; seconded by Mr. Heffernan. The motion passed unanimously.

TS-METROPCS-135-090408 - MetroPCS New York, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 652 Glenbrook Road, Stamford, Connecticut. Decision.

Mr. Wilensky moved to approve MetroPCS New York, LLC request for an order to approve tower sharing at this existing telecommunications facility with the condition that the platform and antennas match the color of the water tank; seconded by Dr. Bell. The motion passed unanimously.

ENVIRONMENTAL JUSTICE - Implementation of Public Act 08-94, "AAC Environmental Justice Communities and the Storage of Asbestos Containing Material." Adoption of Environmental Justice Public Participation Plan.

Mr. Heffernan moved to approve the adoption of the Environmental Justice Public Participation Plan, as amended; seconded by Mr. Ashton. The motion passed unanimously.

Administrative Matters.

Mr. Phelps discussed the current status of federal energy transmission legislation and pending state legislation which may affect the Connecticut Siting Council.

Mr. Ashton was congratulated for being inducted to the Boys and Girls Club Alumni Association Hall of Fame.

Mr. Phelps announced that the next energy/telecommunications meeting is scheduled for Thursday, June 4, 2009, at 2:00 p.m., in Hearing Room One. Other calendar dates were also discussed.

Adjournment.

Mr. Lynch moved to adjourn the meeting at 3:05 p.m.; seconded by Mr. Ashton. The motion passed unanimously.

Respectfully submitted,

Daniel F. Caruso
Chairman

DFC/laf