

Meeting Minutes
Meeting of August 27, 2009

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, August 27, 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 2:06 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman
Colin C. Tait
Vice Chairman
Edward S. Wilensky

Philip T. Ashton
Barbara Currier Bell
Daniel P. Lynch, Jr.
James Murphy

Council Members Absent:

Brian Golembiewski
(designee for Acting Commissioner Marrella)

Wayne V. Estey
(designee for Commissioner DelGobbo)

Staff Members Present:

S. Derek Phelps
Executive Director
Melanie Bachman
Staff Attorney
Fred Cunliffe
Siting Analyst Supervisor

Christina Walsh
Siting Analyst
Robert Mercier
Siting Analyst
David Martin
Siting Analyst
Michael Perrone
Siting Analyst

Recording Secretary:

Carriann Mulcahy

Minutes of July 16, 2009.

Mr. Wilensky moved to approve the minutes of July 16, 2009, as amended, seconded by Mr. Murphy. The motion passed unanimously.

Minutes of July 22, 2009.

Mr. Murphy moved to approve the minutes of July 22, 2009, seconded by Dr. Bell. The motion passed unanimously.

Minutes of August 13, 2009.

Mr. Ashton moved to approve the minutes of August 13, 2009, seconded by Dr. Bell. The motion passed with Mr. Tait abstaining.

DOCKET NO. 317 - The United Illuminating Company Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a proposed 115-kV/13.8-kV electric substation and associated facilities located at 3-7 Wildflower Lane, Trumbull, Connecticut. Motion for Protective Order.

Mr. Murphy moved to grant the motion for protective order for the Critical Energy Infrastructure portion of the final report, seconded by Mr. Tait. The motion passed unanimously.

DOCKET NO. 354 - 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 off of Old Baird Road, Watertown, Connecticut. Request for Extension.

Mr. Ashton moved to approve the request for extension, seconded by Mr. Lynch. The motion passed unanimously.

DOCKET NO. 366 - 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 52 Stadley Rough Road, Danbury, Connecticut. Development and Management Plan. City of Danbury Request for Extension of Time.

Mr. Murphy moved to deny the City of Danbury's request for an extension of time. The motion was seconded by Dr. Bell. The motion passed unanimously.

Mr. Murphy moved to approve the Development and Management Plan with the conditions that the Certificate holder plant a suitable variety of evergreen and understory trees within its landscaped buffer area, that they submit a revised planting plan to the Council and the City before the start of construction activity, and that the Certificate Holder allow the City to decide the color of the tower. The motion was seconded by Mr. Ashton. The motion passed unanimously.

DOCKET NO. 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. §16-50(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, Connecticut. Request for Testimony. Subject Matter for Massachusetts and Connecticut Combined Hearing.

Mr. Murphy moved to limit the scope of the joint Connecticut/Massachusetts hearings to all environmental impacts and operational concerns of the Northern and Southern routes. The motion was seconded by Dr. Bell. The motion passed with Mr. Lynch abstaining.

Mr. Ashton moved to approve the submittal of additional testimony by the Town of Suffield. The motion was seconded by Mr. Murphy. The motion passed with Mr. Lynch abstaining.

DOCKET NO. 373 - 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 the St. Matthew Lutheran Church, 224 Lovely Street, Avon, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, and Mr. Ashton unanimously in favor of granting a Certificate for a proposed telecommunications facility at the St. Matthew Lutheran Church. The form and location of the tower will be subject to further review of the record.

Chairman Caruso directed staff to draft a favorable Opinion, with various tower locations and design options, and a Decision and Order to be reviewed at the next meeting.

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. Draft Findings of Fact, Opinion, and 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. Wilensky, Mr. Ashton, Mr. Tait, Mr. Lynch, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility.

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. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Murphy moved to approve the Draft Findings of Fact, Opinion, and Decision and Order; seconded by Dr. Bell. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Mr. Murphy, Dr. Bell, Mr. Wilensky, Mr. Ashton, Mr. Tait, Mr. Lynch, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility.

DOCKET NO. 379 - SBA Tower II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 12 Burr Road, Bloomfield, Connecticut. Draft Findings of Fact. Motion to Strike Late-Filed Exhibits. Objection to Motion to Strike.

Mr. Murphy moved to deny SBA's motion's to strike, dated August 12, 2009, and August 15, 2009. Mr. Ashton seconded the motion. The motion passed unanimously.

After reviewing the Draft Findings of Fact, the Council directed staff to reconcile findings related to Tumblebrook Country Club and SHPO.

(Mr. Tait and Mr. Lynch departed during the discussion of this docket)

DOCKET NO. 382 - 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 of Lane Street, Huntington (Shelton), Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status. Motion for Protective Order.

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 Shelton, and a public field review and hearing in Shelton on Tuesday, October 6, 2009; seconded by Mr. Wilensky. The motion passed unanimously.

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. Wilensky. The motion passed with Dr. Bell voting no.

PETITION NO. 910 - 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 telecommunications facility located at 349 Mountain Street, Willimantic, Connecticut.

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

PETITION NO. 911 - 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 extension of an existing telecommunications facility located at 60 Rice Lane, Beacon Falls, Connecticut. Decision.

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

PETITION NO. 912 - 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 telecommunications facility located on Taugwonk Road, Stonington, Connecticut. Decision.

Mr. Ashton moved to approve this petition, seconded by Dr. Bell. The motion passed unanimously.

PETITION NO. 913 - MetroPCS 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 99 Briar Hill Road, Groton, Connecticut. Decision.

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

PETITION NO. 914 - The Connecticut Light and Power Company (CL&P) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to the existing CL&P Plumtree switching station, located at Walnut Hill Road, Bethel, Connecticut. Decision.

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

TS-POCKET-002-090727 - Youghiogheny Communications-Northeast, LLC d/b/a Pocket Communications request for an order to approve tower sharing at an existing telecommunications facility located at 21 Birchwood Drive, Ansonia, Connecticut.

Mr. Ashton moved to approve this tower sharing request with the following conditions:

1. The applicant shall take steps to mitigate the generator noise and ensure compliance of applicable noise standards while the temporary generator is in place until permanent utility connections are installed; and
2. An updated structural analysis taking into account the temporary microwave dish shall be submitted to the Council prior to the installation of such dish on the tower.
3. The tower shall be reinforced as specified on page 10 of the structural analysis report dated January 16, 2009 and sealed by Michael Bohlinger, P.E. prior to the antenna installation;
4. The tower and foundation shall not exceed 100 percent of their respective post-construction structural ratings; and
5. A signed letter from a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council to certify that the reinforcements have been properly completed and the tower and foundation do not exceed 100 percent of their respective post-construction structural ratings.

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

TS-METROPCS-105-090716 - MetroPCS request for an order to approve tower sharing at an existing telecommunications facility located at 189 Boston Post Road, Old Lyme, Connecticut.

Mr. Ashton moved the approve this tower sharing request, seconded by Mr. Murphy. The motion passed unanimously.

Administrative Matters.

Mr. Phelps announced that the next energy/telecommunications meeting is scheduled for Thursday, September 17, 2009, at 2:00 p.m., in Hearing Room One. Other calendar dates were also discussed.

Mr. Phelps inquired of the Council Members as to whether they would like to tour the Kleen Energy site.

Adjournment.

Mr. Ashton moved to adjourn the meeting at 4:45 p.m.; seconded by Mr. Murphy. The motion passed unanimously.

Respectfully submitted,

**Daniel F. Caruso
Chairman**

DFC/cm