

Meeting Minutes
Meeting of January 7, 2010

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, January 7, 2010, 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 2:21 p.m.

Council Members Present:

Judge Daniel F. Caruso

Chairman

Brian Golembiewski

(designee for Commissioner Marrella)

Philip T. Ashton

Colin C. Tait

Vice Chairman

Wayne V. Estey

(designee for Commissioner DelGobbo)

Barbara Currier Bell

James Murphy

Edward S. Wilensky

Daniel P. Lynch Jr.

Council Members Absent:

Barbara Currier Bell

Staff Members Present:

S. Derek Phelps

Executive Director

Robert L. Marconi

Assistant Attorney General

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 December 18, 2009.

Mr. Ashton moved to approve the minutes of December 18, 2009, as amended, seconded by Mr. Murphy. The motion passed with Mr. Lynch and Mr. Tait abstaining.

DOCKET NO. 331 - TowerCo, LLC (TowerCo) Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 836 Foxon Road, East Haven, Connecticut. Development and Management Plan.

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

DOCKET NO. 366 - Optasite Towers LLC (currently known as SBA Towers II, 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 in Danbury, Connecticut. Stipulation.

Mr. Murphy moved to approve the revised stipulation for judgment, seconded by Mr. Estey. The motion passed unanimously. The Council authorized Assistant Attorney General to sign the agreement on their behalf.

DOCKET NO. 379 - SBA Towers II, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 12 Burr Road, Bloomfield, Connecticut. Development and Management Plan.

Mr. Ashton moved to approve the Development and Management plan and granting Clearwire's tower share request on the condition that a revised set of drawings are submitted indicating that all antennas on the tower shall use either T-arm or flush mounts including Clearwire's antennas and that SBA submit a recalculated cumulative power density, which includes the power density information for the Clearwire antennas. The motion was seconded by Mr., Murphy. The motion passed with Mr. Estey abstaining.

DOCKET NO. 383 - 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 316 Perkins Road, Southbury, Connecticut. Draft Findings of Fact.

After reviewing the draft Findings of Fact, Chairman Caruso polled the Council members with Chairman Caruso, Mr. Ashton, Mr. Wilensky, Mr. Tait, Mr. Lynch, Mr. Murphy, Mr. Estey, and Mr. Golembiewski in favor of denying the application (without prejudice).

Chairman Caruso directed staff to draft an Opinion and Decision and Order denying the application (without prejudice) to be reviewed at the next meeting.

DOCKET NO. 389 - Cellco Partnership d/b/a Verizon Wireless and Message Center Management application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at one of two locations on Dayton Road, Glastonbury, Connecticut. Motion for Protective Order.

Mr. Ashton moved to approve the Protective Order; seconded by Mr. Estey. The motion passed unanimously.

DOCKET NO. 395 - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of two telecommunications facilities located off of Haywardville Road and Ed Williams Road, East Haddam, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status. Motion for Protective Orders for Each Proposed Site.

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 Weston as custodian of the docket, the deposition of the transcript in the Town of East Haddam, and a public field review and hearing in East Haddam on Thursday, March 4, 2010; seconded by Mr. Estey. The motion passed unanimously.

Mr. Murphy moved to approve the Protective Orders, seconded by Mr. Estey. The motion passed unanimously.

DOCKET NO. 396 - 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 at 49 Brainerd Road, East Lyme, 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 East Lyme, and a public field review and hearing in East Lyme on Tuesday, February 23, 2010; seconded by Mr. Murphy. The motion passed unanimously.

Mr. Murphy moved to approve party status for the Town of East Lyme, seconded by Mr. Tait. The motion passed unanimously.

Mr. Murphy moved to approve intervenor status for Cellco Partnership, seconded by Mr. Lynch. The motion passed unanimously.

Mr. Murphy moved to approve intervenor status for Russell L. Brown, seconded by Mr. Lynch. The motion passed unanimously.

Mr. Wilensky moved to approve the Motion for Protective order, seconded by Mr. Lynch. The motion passed unanimously.

PETITION NO. 925 - PSEG Power Connecticut LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation and operation of three 48.5 MW peaking units at New Haven Harbor Station, 1 Waterfront Street, New Haven, Connecticut. Decision.

Mr. Ashton moved to bifurcate the petition, approving the power block portion of the facility and tabling the interconnection until further studies are complete, seconded by Mr. Murphy. The motion was denied with Mr. Ashton voting in favor.

Mr. Estey moved to approve the petition as proposed, seconded by Mr. Murphy. The motion passed with Mr. Ashton voting no.

PETITION NO. 927 - The Clearwire Corporation 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 940 Meriden Road, Waterbury, Connecticut. Decision.

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

PETITION NO. 928 - The Metropolitan District for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction and operation of a Heat Recovery Facility with 1.7 (MW) rated power production via steam generator at the existing Hartford Water Pollution Control Facility (HWPCF) located at 240 Brainard Road, Hartford, Connecticut. Decision.

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

TS-METROPCS-015-081031 - MetroPCS New York, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 38 Kaechele Place, Bridgeport, Connecticut. Extension of Time.

Mr. Wilensky moved to approve the extension of time to November 21, 2010, seconded by Mr. Tait. The motion passed unanimously.

Administrative Matters.

Mr. Phelps announced that the next energy/telecommunications meeting is scheduled for Thursday, January 28, 2010, at 2:00 p.m., in Hearing Room One. This meeting is to go over Docket No. 370 Findings of Fact, earlier start times were also discussed for this meeting. The next regular energy/telecommunications meeting is currently scheduled for February 11, 2010. Other calendar dates were also discussed.

Adjournment.

Chairman Caruso adjourned the meeting at 4:19 p.m.

Respectfully submitted,

Daniel F. Caruso
Chairman
DFC/cm