

Meeting Minutes
Meeting of February 25, 2010

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, February 25, 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 2:10 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman
Colin C. Tait
Vice Chairman
Brian Golembiewski
(designee for Commissioner Marrella)

Daniel P. Lynch, Jr.
Edward S. Wilensky
Barbara Currier Bell
James Murphy
Wayne V. Estey
(designee for Commissioner DelGobbo)

Council Members Absent:

Philip T. Ashton

Staff Members Present:

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

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

Recording Secretary:

Carriann Mulcahy

Minutes of February 11, 2010.

Mr. Wilensky moved to approve the minutes of February 11, 2010, as amended, seconded by Dr. Bell. 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 management of a telecommunications facility located at 316 Perkins Road, Southbury, Connecticut. Schedule.

Mr. Golembiewski moved to approve the schedule for the reopening of the proceeding, seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 384 - Phoenix Partnership, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 50 Devine Street, North Haven, 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 Mr. Wilensky. The motion passed unanimously.

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

DOCKET NO. 385 - T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 23 Stonybrook Road, Stratford, Connecticut. 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. Estey. The motion passed unanimously.

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

DOCKET NO. 386 - T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 123 Pine Orchard Road, Branford, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

After the Council reviewed the Draft Findings of Fact and Opinion, Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Mr. Lynch, and Mr. Wilensky in favor of granting a Certificate for the proposed 125-foot self-supporting monopole, with T-arms, and Dr. Bell, Mr. Estey, and Mr. Golembiewski in favor of granting a Certificate for a 145-foot monopole with exterior flush mounts.

Mr. Murphy moved to approve the Draft Findings of Fact, Opinion, and Decision and Order, as proposed, seconded by Mr. Lynch. The motion passed with Mr. Golembiewski and Mr. Estey voting no.

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

DOCKET NO. 387 - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Murphy moved to enter the letter from the Department of Environment Protection, regarding the Salamander Habitat Study, into the record, seconded by Mr. Golembiewski. The motion passed unanimously.

Mr. Wilensky 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. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, Mr. Estey, and Chairman Caruso in favor of granting a Certificate for the proposed telecommunications facility, with the added condition that the Certificate Holder employ an environmental inspector during construction.

DOCKET NO. 390 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 15 Orchard Park Road, Madison, Connecticut. Draft Findings of Fact.

Mr. Wilensky moved to table this item, seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 397 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and management of a telecommunications facility at 445 Prospect Street, Woodstock, Connecticut. Motion for Protective Order.

Mr. Lynch moved to approve the Motion for Protective Order, seconded by Mr. Tait. The motion passed with Mr. Estey voting no.

DOCKET NO. 399 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located 166 Pawcatuck Avenue, Stonington, Connecticut. Completeness Review, Schedule, Custodian of the Docket, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Golembiewski moved to approve the application as complete, 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 Stonington, and a public field

review and hearing in Stonington on Tuesday, April 13, 2010; seconded by Mr. Lynch. The motion passed unanimously.

PETITION NO. 907 - Montville Power LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the retrofit and operation of a 40 MW Biomass-Fueled Generation Unit at the Montville Station in Montville, Connecticut. Draft Findings of Fact and Declaratory Ruling.

Mr. Murphy moved to approve the Draft Findings of Fact and Declaratory Ruling; seconded by Dr. Bell. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, Mr. Estey, and Chairman Caruso in favor of granting the Declaratory Ruling for the proposed facility.

PETITION NO. 931 - The Clear Wireless LLC 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 181 Clapboard Ridge Road, Danbury, Connecticut. Decision.

Mr. Wilensky moved to approve the petition, seconded by Mr. Tait. The motion passed unanimously.

Request from Mary Staley

In accordance with Connecticut General Statute § 1-225 (c), Mr. Murphy moved to add the request from Mary Staley, a party in Docket 392, to the agenda, seconded by Mr. Lynch. The motion passed unanimously.

DOCKET 392 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located 387 Shore Road, Old Lyme, Connecticut. Request by Party Mary Staley to Postpone Evidentiary Hearing.

Mr. Murphy moved to deny the motion to postpone the hearing, seconded by Dr. Bell. The motion passed unanimously.

Mr. Estey moved to allow Ms. Staley's neighbor, Dr. David Tuck, to present her case and conduct cross examination on her behalf, seconded by Mr. Murphy. The motion passed unanimously.

*The Council recessed for a short break at 3:30 p.m.

*The Council resumed at 3:50 p.m.

*Staff Members Martin, Perrone, and Mercier, were excused to the office for the rest of the meeting.

*Mr. Lynch left during the break as he has recused himself from the Docket 370 proceeding.

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. Draft Findings of Fact and Draft Opinion.

The Council reviewed the Draft Findings of Fact and Draft Opinions.

Chairman Caruso polled the Council members with Mr. Tait, Mr. Murphy, Dr. Bell, Mr. Wilensky, Mr. Golembiewski, and Mr. Estey in favor of denying, without prejudice, the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester.

Chairman Caruso polled the Council members with Mr. Tait, Mr. Wilensky, Mr. Golembiewski and Chairman Caruso in favor of split phase for the 3.2 mile section of segment 2; and Mr. Murphy, Dr. Bell, and Mr. Estey in favor of the Delta configuration of the line for the 3.2 mile section of segment 2.

Chairman Caruso directed staff to incorporate this information into the Draft Opinions and Draft Decisions and Orders to be reviewed at a future date.

Administrative Matters.

Mr. Phelps announced that the next energy/telecommunications meeting is scheduled for Tuesday, March 9, 2010, at 2:00 p.m.. Other calendar dates were also discussed.

Adjournment.

Mr. Tait moved to adjourn the meeting, seconded by Mr. Golembiewski. The motion passed unanimously.

The meeting adjourned at 4:47 p.m.

Respectfully submitted,

**Daniel F. Caruso
Chairman**

