

Meeting Minutes
Meeting of December 2, 2010

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, December 2, 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 2:15 p.m.

Council Members Present:

Judge Daniel F. Caruso
Chairman

Brian Golembiewski
(designee for Commissioner Marrella)

Daniel P. Lynch, Jr.
Edward S. Wilensky

Colin C. Tait

Vice Chairman

Barbara Currier Bell

Philip T. Ashton

James J. Murphy, Jr.

Council Members Absent

Larry Levesque
(designee for Commissioner DelGobbo)

Staff Members Present:

Linda Roberts
Executive Director

Melanie Bachman
Staff Attorney

Christina Walsh
Siting Analyst Supervisor

Robert Mercier
Siting Analyst

David Martin

Siting Analyst

Michael Perrone

Siting Analyst

Recording Secretary:

Lisa Fontaine

Minutes of November 18, 2010.

Mr. Murphy moved to approve the Minutes of November 18, 2010; seconded by Dr. Bell. The motion passed with Mr. Golembiewski abstaining.

DOCKET NO. 187 - Milford Power Company, LLC for a Certificate of Environmental Compatibility and Public Need for the Milford Power Project located off of Oronoque Road in Milford, Connecticut. Request for Approval to Exceed 15 Percent on Potable Water Use for 2010.

Mr. Murphy moved to approve the Potable Water Use Request; seconded by Mr. Wilensky. The motion passed with Dr. Bell abstaining. Mr. Tait requested any future request to exceed the permissible potable water usage be submitted to the Council with sufficient advance notice.

DOCKET NO. 187A - Milford Power Company, LLC Certificate of Environmental Compatibility and Public Need for the Milford Power Project located off of Oronoque Road in Milford, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) to Modify the Decision and Order in Docket 187 to Allow Milford Power Company, LLC to Suspend its Backup Fuel System Based on Changed Conditions the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel and the recommendations of the Thomas Commission. 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. Ashton. The motion passed with Dr. Bell and Mr. Lynch abstaining.

Chairman Caruso requested a written vote on the record with Chairman Caruso, Mr. Tait, Mr. Murphy, Mr. Lynch, Mr. Wilensky, Mr. Golembiewski, and Mr. Ashton in favor of the modifications to the January 8, 1999 Decision and Order to allow Milford Power Company, LLC to suspend its backup fuel and to attach conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel and the recommendations of the Thomas Commission; and Dr. Bell and Mr. Lynch abstaining.

DOCKET NO. 388 - New Cingular Wireless PCS, LLC (AT&T) Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut. Development and Management Plan.

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

Mr. Murphy moved to approve the Development and Management with the following conditions:

- An erosion and sedimentation control inspector shall make weekly on-site inspections during construction and in the event of a major storm event;
- Approximately one year after completion of construction, the erosion and sedimentation control inspector shall perform an additional inspection to confirm permanent turf establishment and slope stability; and

- Such report shall be submitted to the Council not later than 30 days after completion of such inspection.

The motion was seconded by Dr. Bell and passed unanimously.

Erosion and Sedimentation Control Subcommittee

Chairman Caruso named Mr. Golembiewski, Mr. Ashton, and Mr. Levesque as Subcommittee members to propose standard language to be used by the Council regarding Erosion and Sedimentation Controls.

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

Mr. Murphy moved to approve the Development and Management Plan; seconded by Mr. Tait. The motion passed unanimously.

DOCKET NO. 403 - 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 174 South Grand Street, Suffield, Connecticut. Draft Findings of Fact, Opinion, and Decision and Order.

Mr. Tait moved to approve the draft Findings of Fact, Opinion, and Decision and Order for a telecommunications facility located at 174 South Grand Street, Suffield; seconded by Dr. Bell. The motion passed unanimously.

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

DOCKET NO. 409 - 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 8 Barnes Road, Canaan (Falls Village), Connecticut. Schedule, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Ashton moved to approve the schedule for processing the docket as per staff recommendations; the deposition of the transcript in the Town of Canaan; and a public field review and hearing in Canaan on February 17, 2011; seconded by Dr. Bell. The motion passed unanimously.

DOCKET NO. 410 - 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 234 Melba Street, Milford, Connecticut. Schedule, Deposition of the Transcript, Request for Party/Intervenor Status.

Mr. Ashton moved to approve the schedule for processing the docket as per staff recommendations; the deposition of the transcript in the City of Milford; and a public field review and hearing in Milford on February 3, 2011; seconded by Mr. Wilensky. The motion passed with Dr. Bell abstaining.

DOCKET NO. 411 - 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 1363 Boston Post Road, Old Saybrook, Connecticut. Schedule, Deposition of the Transcript, Request for Party/Intervenor Status.

Dr. Bell moved to 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 Old Saybrook; and a public field review and hearing in Old Saybrook on February 15, 2011; seconded by Mr. Ashton. The motion passed unanimously.

PETITION NO. 377A - Bridgeport Energy, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the approval modification in Petition No. 377 for the existing Bridgeport Harbor Station 520 MW combined cycle gas turbine generating facility, in Bridgeport, Connecticut. Motion to Reopen.

Mr. Ashton moved to reopen the petition; seconded by Mr. Lynch. The motion passed unanimously.

PETITION NO. 974 - T-Mobile Northeast LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modification of an existing Connecticut Light and Power transmission line tower located at the Oak Hills Golf Course off of Charles Marshall Drive, Norwalk, Connecticut. Decision.

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

PETITION NO. 975 - Dominion Nuclear Connecticut, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement of the Unit 2 Reserve Station Service Transformer and associated disconnect switch and the Unit 2 Normal Station Service Transformer located at Millstone Power Station, Waterford, Connecticut. Decision.

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

TS-CLEARWIRE-044-101109 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 45 Saltenstall Road, East Haven, Connecticut.

Mr. Tait moved to approve this tower share request; seconded by Mr. Murphy. The motion passed unanimously.

TS-T-MOBILE-006-101112 - T-Mobile Northeast LLC request for an order to approve tower sharing at an existing telecommunications facility located at Lopus Road, Beacon Falls, Connecticut.

Mr. Wilensky moved to approve this tower share request; seconded by Mr. Ashton. The motion passed unanimously.

Administrative Matters.

The following dates were presented to the Council.

- Tuesday, December 7, 2010, Beginning at 10:00 a.m. (Docket No. 225D/Docket No. 190A/Docket No. NT-2010), Legislative Office Building, Room 2D, 300 Capitol Avenue, Hartford
- Thursday, December 9, 2010, Beginning at **10:00 a.m.** (Docket No. NT-2010 only), Legislative Office Building, Room 2D, 300 Capitol Avenue, Hartford
- Tuesday, December 14, 2010, Beginning at **10:00 a.m.**, (Docket No. NT-2010 only), Legislative Office Building, Room 2D, 300 Capitol Avenue, Hartford
- Tuesday, December 16, 2010, Beginning at **2:00 p.m.**, (Energy/telecommunications Meeting), Hearing Room One, Ten Franklin Square, New Britain
- Tuesday, December 21, 2010, Beginning at **2:00 p.m.**, (Reopening Docket No. 396-SBA/East Lyme), Hearing Room One, Ten Franklin Square, New Britain

Council discussion was held regarding the format for the NT-2010 hearing.

Adjournment.

Mr. Ashton moved to adjourn the meeting at 3:15 p.m.; seconded by Mr. Lynch. The motion passed unanimously.

Respectfully submitted,

**Daniel F. Caruso
Chairman**

DFC/laf