

Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

September 4, 2007

Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

RE: **DOCKET NO. 340** - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut.

Dear Attorney Baldwin:

In response to your request of August 22, 2007, on August 29, 2007, the Connecticut Siting Council (Council) granted intervenor status in Docket No. 340 to Cellco Partnership d/b/a Verizon Wireless.

Please note that the Telecommunications Act of 1996, a law passed by Congress, restricts this Council's actions. For example, this Act prohibits any state or local government agency, including this Council, from regulating telecommunication towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the FCC's regulations concerning such emissions. Also, this Act blocks state and local government agencies, such as this Council, from prohibiting personal wireless services for any town or area. Finally, this Act prohibits such state and local government agencies from unreasonably discriminating among wireless service providers. We ask that you please keep this in mind when preparing your case.

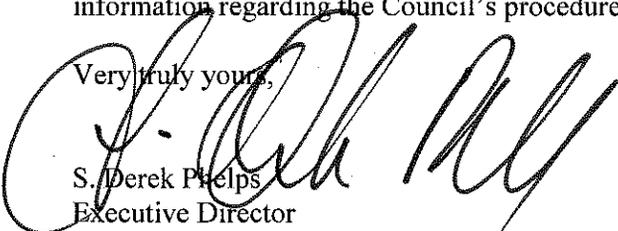
All filings submitted to the Council must consist of an original and 15 copies with the docket number, properly collated and paginated, and bound. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

Additionally, parties and intervenors are required to serve all other parties and intervenors a copy of any material submitted in this docket, unless service is waived. Please advise us in writing if you are willing to waive service of documents. Enclosed for your reference is a copy of the current service list, dated August 30, 2007.

Copies of all Council documents filed to date in this proceeding are available for your review at the Council's office or on our website. You or your representative should inspect this material to ensure that you are aware of all scheduled proceedings and regulatory responsibilities. The applicant and other

parties and intervenors will be notified of your participation and directed to forward to you a copy of all filings made to date in this proceeding. Please contact Lisa A. Fontaine, if you require any further information regarding the Council's procedure.

Very truly yours,



S. Derek Phelps  
Executive Director

SDP/MP/laf

c: Parties & Intervenors

Enclosures (2): Service List dated August 30, 2007  
Hearing Notice



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September 4, 2007

William Fieber  
Keith A. Russo  
c/o The Fieber Group  
47 Elm Street  
New Canaan, CT 06840

RE: **DOCKET NO. 340** - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut.

Dear Mr. Fieber and Mr. Russo:

In response to your request, on August 29, 2007, the Connecticut Siting Council (Council) granted intervenor status in Docket No. 340 to Osborne Lane Associates, LLC.

Please note that the Telecommunications Act of 1996, a law passed by Congress, restricts this Council's actions. For example, this Act prohibits any state or local government agency, including this Council, from regulating telecommunication towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the FCC's regulations concerning such emissions. Also, this Act blocks state and local government agencies, such as this Council, from prohibiting personal wireless services for any town or area. Finally, this Act prohibits such state and local government agencies from unreasonably discriminating among wireless service providers. We ask that you please keep this in mind when preparing your case.

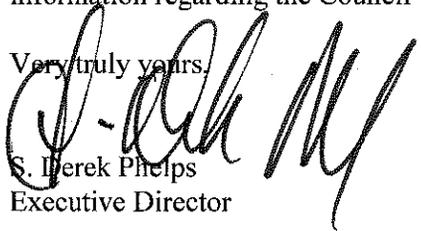
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Additionally, parties and intervenors are required to serve all other parties and intervenors a copy of any material submitted in this docket, unless service is waived. Please advise us in writing if you are willing to waive service of documents. Enclosed for your reference is a copy of the current service list, dated August 30, 2007.

Copies of all Council documents filed to date in this proceeding are available for your review at the Council's office or on our website. You or your representative should inspect this material to ensure that you are aware of all scheduled proceedings and regulatory responsibilities. The applicant and other

parties and intervenors will be notified of your participation and directed to forward to you a copy of all filings made to date in this proceeding. Please contact Lisa A. Fontaine, if you require any further information regarding the Council's procedure.

Very truly yours,

  
S. Derek Phelps  
Executive Director

SDP/MP/laf

c: Parties & Intervenors  
Enclosures (2): Service List dated August 30, 2007  
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September 4, 2007

TO: Parties and Intervenor

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 340** - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut.

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At a meeting of the Connecticut Siting Council held on August 29, 2007, the following were made intervenors to this proceeding:

### INTERVENORS

Cellco Partnership d/b/a Verizon Wireless

Osborne Lane Associates, LLC

### THEIR REPRESENTATIVES

Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

William Fieber  
Keith A. Russo  
c/o The Fieber Group  
47 Elm Street  
New Canaan, CT 06840

Please forward a copy of all filings to date in this proceeding to the new intervenors, unless service has been waived. A revised service list dated August 30, 2007, is enclosed for your reference.

SDP/MP/laf

Enclosure

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**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Optasite Towers LLC and Omnipoint Communications, Inc.	Julie Kohler, Esq. Carrie L. Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-1821 (203) 394-9901 <a href="mailto:jkohler@cohenandwolf.com">jkohler@cohenandwolf.com</a> <a href="mailto:clarson@cohenandwolf.com">clarson@cohenandwolf.com</a>
<b>Intervenor (approved 08/29/07)</b>	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax <a href="mailto:kbaldwin@rc.com">kbaldwin@rc.com</a>
<b>Intervenor (approved 08/29/07)</b>	Osborne Lane Associates, LLC	William Fieber Keith A. Russo c/o The Fieber Group 47 Elm Street New Canaan, CT 06840 (203) 972-4975 (203) 972-4977 fax <a href="mailto:krusso@fiebergroup.com">krusso@fiebergroup.com</a>



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### HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Tuesday, September 18, 2007, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Ansonia City Hall, Aldermanic Chambers, 2<sup>nd</sup> floor, 253 Main Street, Ansonia, Connecticut, and thereafter as necessary. The hearing will be on an application by Optasite Towers LLC and Omnipoint Communications, Inc. for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut.

The purpose of the hearing is to hear evidence on the applicant's contentions that the public need for the facility outweighs any adverse environmental effects that would result from the construction, operation, or maintenance of a tower, ground equipment, and access road. The 3:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to cross-examine positions. The applicant will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session. The 7:00 p.m. hearing session will be reserved for the public to make brief statements into the record. Cross-examination of parties and intervenors will resume, if necessary, after all statements have been heard.

The Council will conduct a public field review of the proposed site on Tuesday, September 18, 2007, beginning at 2:00 p.m. The applicant will fly a balloon during the field review to simulate the height of the proposed facility.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Thursday, August 16, 2007, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by September 10, 2007. In accordance with the State Solid Waste Management Plan, the Council requests that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before September 10, 2007.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council at the hearing or any time up to 30 days thereafter. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the City Clerk's Office of the Ansonia City Hall for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by September 7, 2007.

The applicant of this facility is represented by the following:

**Applicant**

Optasite Towers LLC and  
Omnipoint Communications, Inc.

**Its Representative**

Julie Kohler, Esq.  
Carrie L. Larson, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604

A copy of the application is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935. The Council has assigned this application docket no. 340.

August 9, 2007

Connecticut Siting Council