

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

Internet: ct.gov/csc

May 11, 2009

Claude Brouillard
152 Town Farm Road
Farmington, CT 06032

Re: **DOCKET NO. 374** – 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 199 Town Farm Road, Farmington, Connecticut.

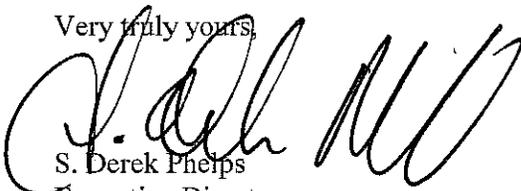
Dear Mr. Brouillard:

We are in receipt of your correspondence of May 6, 2009, requesting party status.

The Connecticut Siting Council (Council) does not have a meeting scheduled before the May 14, 2009 hearing date with this matter on the agenda. Therefore, your request will be taken up as an order of business at the hearing on Thursday, May 14, 2009 at Farmington Community and Senior Center, Rooms A&B, 321 New Britain Avenue, Unionville, Connecticut. Copies of the application are available at the Farmington and Avon Town Clerk's Office. All documents filed to date are available at the Council's office or on our website.

Please contact me if you have any questions.

Very truly yours,



S. Derek Phelps
Executive Director

SDP/CDM/laf

Enclosures: Hearing Notice
Participation Guidelines

c: Parties and Intervenors



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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 Thursday, May 14, 2009, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Farmington Community and Senior Center, Rooms A&B, 321 New Britain Avenue, Unionville, Connecticut, and thereafter as necessary. The hearing will be on an application from Cellco Partnership d/b/a Verizon Wireless for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 199 Town Farm Road, Farmington, 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 Thursday, May 14, 2009, 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, April 30, 2009, 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 May 7, 2009. 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 May 7, 2009.

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 Town Clerk's Offices of the Farmington and Avon Town Halls for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by May 7, 2009.

The applicant of this facility is represented by the following:

Applicant

Cellco Partnership d/b/a
Verizon Wireless

Its Representative

Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

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. 374.

March 18, 2009

Connecticut Siting Council

**The Details of attaining party/intervenor status
and
How to participate in the public comment hearing**

*Please note the material below should not be substitute for legal advice. If there is conflict with the text below and relevant statutes and regulations, the statutes and regulations shall prevail.

| Status in Proceeding | Relevant Connecticut Statutes | Relevant Council Regulations | Summary of participation | Council approval required |
|-----------------------------|--|-------------------------------------|---|---|
| Party | 4-177a; 16-50n; 16-50o; 22a-120; 22a-163j | 16-50j-13 through 16-50j-17 | Requires pre-filing and allows for cross-examination; full participation in evidentiary hearing | Yes. Must file at least five days prior to the hearing. Must show legal rights and duties or privileges will be determined by Council decision. |
| Intervenor | 4-177a(b); 16-50n; 16-50o; 22a-120; 22a-163j | 16-50j-15a through 16-50j-17 | Requires pre-filing and allows for cross-examination; full participation in evidentiary hearing | Yes. Must file at least five days prior to hearing. Must show participation will furnish assistance to the Council to resolve issues of the case. |
| Limited Appearance | 16-50n(f); 22a-120(b); 22a-163j(b) | 16-50j-15 | No preparation is required. Participation occurs at evening public comment session. | No filing required. |

Statement of Limited Appearance:

Speaking at the evening public comment session or submitting written comments to the Council is considered a statement of limited appearance. One may speak at any time during the evening public comment session or submit written comments at the hearing or within 30 days following the hearing. The oral or written comments should explain facts and concerns for Council consideration. If a person has attained party or intervenor status they may not also submit a comment of limited appearance.

*In a hazardous waste or low-level radioactive waste proceeding any person may file a statement of limited appearance and make a brief oral statement at the hearing.

Request for Intervenor Status:

When: At any time at least five days prior to the commencement of the hearing on a contested case, any person may request that the Council permit that person to participate as an intervenor.

How: In so requesting to participate as an intervenor, the proposed intervenor shall

- submit their request in writing;
- state their name and address;
- describe the manner in which they are affected;
- state in what way and to what extent they propose to participate; and
- send a copy of their request to intervene to all other parties and intervenors who are also participating in the proceeding (this information can be obtained from the Siting Council's office).

Decision: The Council will determine the proposed intervenor's participation by taking into account whether such participation will furnish assistance to the Council in resolving the issues of the case. The Council will notify the petitioner of their decision either to grant or deny intervenor status.

Intervenor Status:

Participation as Intervenor:

- filing pre-hearing questions to the applicant or other parties and intervenors;
- presenting testimony at hearing sessions;
- cross-examination of witnesses at hearing sessions; and
- filing exhibits, briefs, and proposed findings of fact.

All testimony and filings will become part of the record for Council consideration

Obligations as Intervenor:

- respond to pre-hearing questions filed by the Council, the applicant, and any party or intervenor of the proceeding;

- submit to cross-examination from the Council, the applicant, and any party or intervenor of the proceeding;
 - provide the Council with an original and 20 copies of all filings; and
 - provide the applicant and all parties and intervenors who have not waived service with one copy of all filings.
-

Request for Party Status:

When: At any time at least five days prior to the commencement of the hearing on a contested case, any person may request that the Council permit that person to participate as a party.

Who: Certain persons and corporations are statutorily deemed parties to a proceeding

- the applicant or certificate holder;
- each person entitled to receive a copy of the application or resolution under section 16-501 or 22a-163h, if such person has filed with the Council a notice of intent to be a party;
- each person entitled to receive a copy of the application under section 22a-118(e) for a hazardous waste proceeding;
- any domestic or qualified nonprofit corporation or association formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the Council a notice of intent to be a party

How: Others may also become parties to a proceeding by submitting a written request to the Council at least five days prior to the hearing. The written request must illustrate the following:

- their name and address;
- the manner in which the petitioner claims to be substantially and specifically affected;
- the contention of the petitioner;
- the relief sought by the petitioner;
- the statutory or other authority therefore; and
- the nature of evidence that the petitioner intends to present.

Decision: The Council will name or admit as a party any person whose legal rights, duties, or privileges will be determined by the decision of the Council, or that the participation of such person as a party is necessary to the proper disposition of the case. The Council will notify the petitioner of their decision either to grant or deny party status.

Party Status:

Participation as Party:

- filing pre-hearing questions to the applicant or other parties or intervenors;
- presenting testimony at hearing sessions;
- cross-examination of witnesses at hearing sessions; and
- filing exhibits, briefs, and proposed findings of fact.

All testimony and filings will become part of the record for Council consideration.

Obligation as Party:

- respond to pre-hearing questions filed by the Council, the applicant, and any party or intervenor of the proceeding;
- submit to cross-examination from the Council, the applicant, and any party or intervenor of the proceeding;
- provide the Council with an original and 20 copies of all filings; and
- provide the applicant and all parties and intervenors who have not waived service with one copy each of all filings.

Council Discretion:

The Council in its discretion may limit testimony and group parties with the same interest to avoid redundant testimony and unnecessary delays in the proceeding. While the Council welcomes participation in accordance with its regulations and applicable statutes, asserting a person's rights and privileges is his or her responsibility. One must initiate a request for party or intervenor status on their own behalf. Although it is not obligatory, the Council recommends that parties and intervenors seek legal representation.

Connecticut Siting Council

Public Hearing Proceeding

The Connecticut Legislature has given the Connecticut Siting Council (Council) jurisdiction to objectively balance the statewide public need for adequate and reliable services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state for the construction and operation of facilities under its jurisdiction.

All certification proceedings are held as contested cases under the Uniform Administrative Procedures Act and include a hearing with full opportunity for due process by all members of the public, parties, and intervenors.

The hearing will include presentation of witnesses, the numbering of all exhibits, requests for administrative notice, and the verification of all exhibits by appropriate witnesses. Witness panels will then be subject to cross-examination by the Council and the parties and intervenors in the order in which they have been made. Following cross-examination of the applicant, each party and intervenor, will be provided an opportunity to present its exhibits and witnesses, and then be subject to cross-examination by the Council and the parties and intervenors.

The evening hearing session, to commence at 7:00 p.m., will be first reserved for the public to make brief oral statements into the record. In addition, written statements sent to the Council within thirty days after the hearing will be given the same weight as spoken statements. These statements are not subject to cross-examination, but will become part of the record for Council consideration. These statements may identify facts, concerns, and issues that will help the Council decide the case.

The Council requests that any person seeking to make a public statement to identify themselves on a sign-up sheet that will be available at the 7:00 p.m. hearing session. As a courtesy, the Council Chairman will first call on public officials to make statements, followed by members of the public. The Council requests all public officials and members of the public making such public statements to be concise and courteous of other speakers.

Parties and intervenors, and witnesses for parties and intervenors will be scheduled to present their exhibits and witnesses for cross-examination before and after the presentation of public statements, and will not be permitted to make additional public statements.

The Council also reminds all parties, intervenors, and members of the public that they may file additional written statements, legal briefs, and memorandum of law within thirty days after the close of the last hearing session.

All hearings are held in compliance with Connecticut General Statutes 16-50m and 16-50o, and the Uniform Administrative Procedures Act.

Connecticut Siting Council

Jurisdiction

Energy Proceedings

General Statutes § 16-50i

1. Electric transmission lines 69-kV or above.
2. Fuel transmission lines of 200 PSIG or above.
3. Electric generating or storage facilities excluding emergency generating devices, co-generation facilities of 25 MW or less, and facilities fueled by renewable energy sources of 1 MW or less.
4. Electric substation or switchyards of 69-kV or above.

Telecommunications Proceedings

General Statutes § 16-50i

1. CATV towers and head-end structures, including associated equipment.
2. Telecommunications towers owned or operated by the State, a public service company, intrastate telecommunications service providers, or used in a cellular system.

General Statutes § 16-50aa

3. Telecommunications tower sharing.

Hazardous Waste Proceedings

General Statutes § 22a-115

1. Hazardous waste facilities.

Low-Level Radioactive Waste Proceedings

General Statutes § 22a-163a

1. Low-Level radioactive waste facility.

Ash Residue Proceedings

General Statutes §§ 22a-208b and 22a-285g

1. Ash residue disposal area arbitration and negotiation.

Electric Forecast of Loads and Resources

General Statutes § 16-50r (a)

1. Annual review of loads and resources by the electric generating industry of the State.

Property Condemnation

General Statutes § 16-50z (c)

1. Dispute resolution for real property condemnation.