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Via Electronic Mail and Hand Delivery

April 21, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

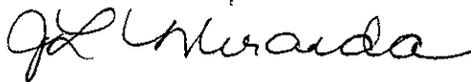
Re: **Docket No. 374 - Application of Cellco Partnership d/b/a Verizon
Wireless for a Certificate of Environmental Compatibility and Public
Need for the Construction, Maintenance and Operation of a Wireless
Telecommunications Facility at 199 Town Farm Road, Farmington,
Connecticut**

Dear Mr. Phelps:

Enclosed are an original and twenty (20) copies of Cellco Partnership d/b/a Verizon
Wireless' Objection to Request for Party Status in connection with the above-
referenced proceeding.

Please feel free to contact me if you have any questions or require additional
information. Thank you.

Sincerely,



Joey Lee Miranda

Enclosures

Copy to: Susan Edelson
Sandy M. Carter



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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
: :
APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 374
D/B/A VERIZON WIRELESS FOR A :
CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR :
THE CONSTRUCTION, MAINTENANCE :
AND OPERATION OF A WIRELESS :
TELECOMMUNICATIONS FACILITY AT 199 :
TOWN FARM ROAD, FARMINGTON, :
CONNECTICUT : APRIL 21, 2009

**OBJECTION TO REQUEST
FOR PARTY STATUS**

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) hereby objects to the request of Susan Edelson to be designated as a party to this proceeding. As discussed more fully below, Ms. Edelson has failed to meet the statutory criteria for party status. Accordingly, her request should be denied. In lieu of party status, Cellco does not object to Ms. Edelson’s participation in this docket as an intervenor.

BACKGROUND

On January 23, 2009, Cellco filed an Application with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a wireless telecommunications facility located at 199 Town Farm Road in Farmington, Connecticut (“Farmington N2 Facility”). On April 15, 2009, the Council received a Party Status Request Form from Ms. Edelson requesting to be designated as a party in this docket (“Request for Party Status”). For the reasons set forth below, the Request for Party Status should be denied.

ARGUMENT

I. Ms. Edelson Does Not Satisfy The Statutory Criteria To Be Designated A Party.

Section 4-177a of the Connecticut General Statutes requires that applications for designation as a party in a contested case state “facts that demonstrate that the petitioner’s legal rights, duties or privileges shall be specifically affected by the agency’s decision in the contested case.” Conn. Gen. Stat. § 4-177a(a). Ms. Edelson has failed to satisfy this criteria.

In support of her Request for Party Status, Ms. Edelson claims that she will be “substantially and specifically affected” because she is the closest abutting property owner. However Ms. Edelson’s status as an abutting landowner is not, in and of itself, sufficient to establish that her legal rights, duties or privileges will be affected by the Council’s decision.

Nevertheless, in further support of her position, Ms. Edelson contends that: (a) the Farmington N2 Facility site is part of an “open-space/agricultural farmland preservation”; (b) there was a lack of proper notification to abutting property owners prior to the Farmington Town Council and Farmington Plan and Zoning Commission approval; and (c) the lack of consideration of Farmington Planning and Zoning Regulations. However, none of these contentions are sufficient to support a claim for party status.

Indeed, Ms. Edelson’s first contention that the Farmington N2 Facility is part of an “open space/agricultural farmland preservation” is an issue common to the general public. There is nothing in this contention that distinguishes Ms. Edelson from any other member of the general public or explains how Ms. Edelson’s “legal rights, duties or privileges shall be specifically affected.” See Conn. Gen. Stat. § 4-177a(a) (emphasis added). Consequently, this contention is insufficient to support Ms. Edelson’s Request for Party Status.

Ms. Edelson’s next contention that the Farmington Town Council and/or Farmington

Plan and Zoning Commission failed to give abutting property owners proper notice is beyond the scope of this proceeding. Ms. Edelson's allegations relate to approvals given by the Town. Such actions are not before the Council and, as a consequence, cannot be used to support Ms.

Edelson's Request for Party Status.

Ms. Edelson's last contention that there has been a lack of consideration of the Farmington Planning and Zoning Regulations is also not sufficient to support her claim for party status. First, pursuant to the provisions of Section 16-50g et. seq. of the General Statutes, the matters under consideration in this docket are under the exclusive jurisdiction of the Council. The Council's authority pre-empts local land use regulations. See Conn. Gen. Stat. Section 16-50x. Moreover, there is nothing in this contention that distinguishes Ms. Edelson from any other member of the general public or explains how Ms. Edelson's "legal rights, duties or privileges shall be specifically affected." See Conn. Gen. Stat. § 4-177a(a) (emphasis added). This contention is, therefore, not sufficient to support Ms. Edelson's Request for Party Status. Accordingly, Ms. Edelson's Request for Party Status should be denied.

Instead, Ms. Edelson, if permitted to participate, should be limited to "intervenor" status. Pursuant to § 16-50j-15a of the Connecticut Regulations of State Agencies, "any person may ask the council for permission to participate as an intervenor." Regs. Conn. State Agencies § 16-40j-15a (emphasis added). As an intervenor, Ms. Edelson could still participate fully in this proceeding and "assist the Council in resolving the issues in the case." Id.

CONCLUSION

For all of these reasons, Cellco respectfully requests that the Council deny Ms. Edelson's Request for Party Status. In lieu of party status, Cellco does not object to Ms. Edelson's participation in this docket as an intervenor.

Respectfully submitted,

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

By 

Joey Lee Miranda, Esq.

Robinson & Cole LLP

280 Trumbull Street

Hartford, CT 06103-3597

Its Attorneys

CERTIFICATION

I hereby certify that on the 21st day of April 2009, a copy of the foregoing was sent via electronic mail and mailed, postage prepaid, to:

Susan Edelson
11 Belgravia Terrace
Farmington, CT 06032
dmd92east@aol.com



Joy Lee Miranda