

# 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)

*Daniel F. Caruso*  
Chairman

June 24, 2010

TO: Council Members

FROM: S. Derek Phelps, Executive Director



RE: **PETITION NO. 942** – 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 82 Lovely Street, Farmington, Connecticut.

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Enclosed please find a copy of the Council's notice of public hearing.

SDP/laf

Enclosure (1)

c: Secretary of the State (via e-mail service)  
Melanie A. Bachman, Staff Attorney  
Parties and Intervenors  
Application Service Recipients  
Ginger Teubner, DPUC



*Daniel F. Caruso*  
Chairman

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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, July 27, 2010 beginning at 3:00 p.m., and continued at 7:00 p.m., at the Farmington Library Meeting Room, 6 Monteith Drive, Farmington, Connecticut, and thereafter as necessary. The hearing will be on a petition from Clear Wireless LLC for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for proposed modifications to an existing telecommunications facility located at 82 Lovely Street, Farmington, Connecticut.

The purpose of the hearing is to hear evidence on the petitioner's contentions that no substantial adverse environmental effect would result from the proposed modifications. The 3:00 p.m. hearing session will provide the petitioner, parties, and intervenors an opportunity to cross-examine positions. The petitioner 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, July 27, 2010 beginning at 2:00 p.m. The petitioner 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 Tuesday, July 13, 2010, 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 July 20, 2010. 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 July 20, 2010.

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 Office of the Farmington Town 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 July 20, 2010

The petitioner of this facility is represented by the following:

**Petitioner**

**Its Representative**

Clear Wireless LLC

Thomas F. Flynn III  
Site Development Project Manager  
Maxton Technology Inc.  
1296 Blue Hills Avenue  
Bloomfield, CT 06002

A copy of the petition 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 filing petition no. 942.

June 24, 2010

Connecticut Siting Council

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

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Petitioner</b>	<input checked="" type="checkbox"/> U.S. Mail	Clear Wireless LLC	Thomas F. Flynn III Site Development Project Manager Maxton Technology Inc. 1296 Blue Hill Avenue Bloomfield, CT 06002 (508) 821-6974 <a href="mailto:Tom.flynn@maxtontech.com">Tom.flynn@maxtontech.com</a>



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Daniel F. Caruso  
Chairman

June 24, 2010

TO: Commissioner Amey Marrella  
Department of Environmental Protection

Commissioner F. Philip Prelli  
Department of Agriculture

Commissioner J. Robert Galvin  
Department of Public Health

Karl Wagener, Executive Director  
Council on Environmental Quality

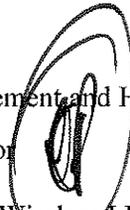
Commissioner Kevin M. DeGobbo, Chairman  
Department of Public Utility Control

Brenda Sisco, Secretary  
Office of Policy and Management

Commissioner Joan McDonald  
Department of Economic and Community Development

Thomas A. Harley, P.E., Chief Engineer  
Bureau of Engineering and Construction  
Department of Transportation

Commissioner Peter J. Boynton  
Department of Emergency Management and Homeland Security

FROM: S. Derek Phelps, Executive Director 

RE: **PETITION NO. 942** – 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 82 Lovely Street, Farmington, Connecticut.

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Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before July 20, 2010 will be appreciated.

A copy of this petition is attached for your review and information.

Enclosure: (Petition Application)

SDP/laf

c: Parties & Intervenor  
Council Members



Daniel F. Caruso  
Chairman

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### Screening Checklist

#### Connecticut Department of Transportation

#### Potential Transportation Infrastructure Impacts

#### Connecticut Siting Council Petition# 942

#### Location: 82 Lovely St., Farmington

1. Is the proposed facility abutting the right-of-way of a State maintained highway?
  - No
2. Is access for construction or maintenance of the proposed facility needed directly from a State maintained highway
  - No
3. Does the proposed construction or maintenance of the proposed facility impact any licensed aviation facility (L.A.F.)? Definition: L.A.F. is a facility licensed to operate by DOT, airport, heliport or parachute coop area.
  - No
4. Is the proposed facility within or abutting a State owned Railroad Right-of-Way?
  - No
5. Is the proposed facility within a two mile radius of any lands classified as preserved scenic land in accordance with CGS Section 13a-85a, "Acquisition of land adjacent to state highways for preservation and enhancement of scenic beauty and development of rest and recreation areas", or any designated scenic road in accordance with CGS Section 13b-31c, "Designation of scenic roads"?
  - No



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*Daniel F. Caruso*  
Chairman

June 24, 2010

TO: Kenneth C. Baldwin, Esq. Julie M. Kohler, Esq.  
Robinson & Cole LLP Cohen and Wolf P.C.

Sandy M. Carter Hans Fiedler  
Verizon Wireless T-Mobile

Carrie L. Larson, Esq.  
Pullman & Comley, LLC

FROM: S. Derek Phelps, Executive Director



RE: **PETITION NO. 942** - 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 82 Lovely Street, Farmington, Connecticut.

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The Connecticut Siting Council has received a petition to extend an existing telecommunications facility in Farmington.

If you would like to participate in this proceeding, your response on or before July 20, 2010, will be appreciated. Moreover, in furtherance of the spirit of C.G.S. 16-50aa, we ask that each carrier affirmatively state whether that carrier would likely seek to be located on this proposed facility at any time within the foreseeable future.

SDP/laf

Enclosure: Hearing Notice

c: Parties & Intervenors  
Council Members



Daniel F. Caruso  
Chairman

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June 24, 2010

The Honorable Mike Clark  
Chairman Town Council  
Town of Farmington  
Town Hall  
1 Monteith Drive  
Farmington, CT 06032-1053

RE: **PETITION NO. 942** – 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 82 Lovely Street, Farmington, Connecticut.

Dear Mr. Clark:

The Connecticut Siting Council (Council) scheduled a public hearing in your town in connection with the above-referenced proceeding scheduled on Tuesday, July 27, 2010. Although not required by law in a petition for declaratory ruling, because of the nature of this filing the Council has concluded that a public hearing is appropriate. I am writing to invite you to participate in this hearing.

Please be advised that the Council's processes enable municipal governments to engage in meaningful discourse and, if they choose, to even assert a legal role in the proceedings of applications that come before the Council. Your participation at such hearing may take many forms; municipal officials may make opening statements to the Council, present written documents, or may seek Party or Intervenor Status and put on a case with witnesses.

Our staff is available to assist you in understanding our process and your options. In the event you have specific legal questions, please contact our Staff Attorney Melanie Bachman (860 827-2951). Otherwise, you may contact Executive Director S. Derek Phelps (860 827-2935).

The Council weighs many issues before rendering its decisions. It is important that we know the Town's views as part of that decision making process. We hope you will take part in our hearing process.

Sincerely,

  
Daniel F. Caruso  
Chairman

DFC/SDP/laf



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Daniel F. Caruso  
Chairman

June 24, 2010

TO: Classified/Legal Supervisor  
**374090514**  
The Hartford Courant  
285 Broad St.  
Hartford, CT 06115

Classified/Legal Supervisor  
**374090514**  
Farmington Valley Post  
Imprint Newspapers  
99 Main Street  
Bristol, CT 06010

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **PETITION NO. 942** – 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 82 Lovely Street, Farmington, Connecticut.

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Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

Pursuant to General Statutes § 16-50m(c), the general notice to be public shall be published in its entirety in not less than **TEN POINT BOLDFACE TYPE**. If you have any questions concerning the ten point type, please contact me. If your newspaper does not have ten point type, please so state and also state the size type actually used in the legal notice in your affidavit.

Please send affidavit of publication and invoice to: Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

laf

Enclosure (1)



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*Daniel F. Caruso*  
Chairman

June 24, 2010

Ruth Girolomo  
Post Reporting Service, Inc.  
2015 Dixwell Avenue  
Hamden, CT 06514

RE: **PETITION NO. 942** – 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 82 Lovely Street, Farmington, Connecticut.

Dear Ms. Girolomo:

Your attendance will be required at a hearing of the Connecticut Siting Council (Council) regarding the subject petition on:

**Tuesday, July 27, 2010**  
**3:00-5:00 p.m./7:00 p.m. to conclusion**  
**Library Meeting Room**  
**Farmington Library**  
**6 Monteith Drive**  
**Farmington, CT 06032**

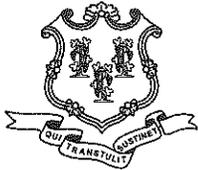
The Council will require delivery of the complete transcript, an original and one copy, within one week of the hearing. I am enclosing a copy of the petition filing and our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine  
Administrative Assistant

laf

Enclosure (2)



# STATE OF CONNECTICUT

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*Daniel F. Caruso*  
Chairman

June 24, 2010

Joseph Reese  
Tech Theatrical Services, LLC  
98 Knight Street  
Watertown, CT 06795

RE: **PETITION NO. 942** – 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 82 Lovely Street, Farmington, Connecticut.

Dear Mr. Reese:

Your attendance will be required at a hearing of the Connecticut Siting Council regarding the subject petition on:

**Tuesday, July 27, 2010**  
**3:00-5:00 p.m./7:00 p.m. to conclusion**  
**Library Meeting Room**  
**Farmington Library**  
**6 Monteith Drive**  
**Farmington, CT 06032**

I am enclosing a copy of our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine  
Administrative Assistant

laf

Enclosure



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*Daniel F. Caruso*

*Chairman*

June 24, 2010

Judy Guglietta  
Executive Secretary/Facilities Manager  
Farmington Library  
6 Monteith Drive  
Farmington, CT 06032

RE: **PETITION NO. 942** – 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 82 Lovely Street, Farmington, Connecticut.

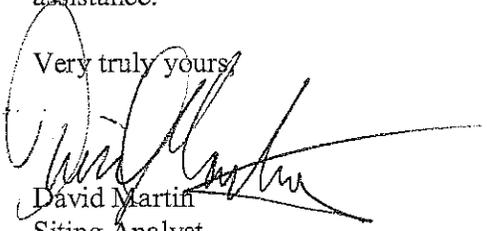
Dear Ms. Guglietta:

I appreciate the reservation of the Library Meeting Room for a public hearing on July 27, 2010 from 1:00 p.m. to 9:00 p.m.

For your information, I have attached a general plan for seating arrangements.

If any other information is needed, please contact me at 860-827-2941. Thank you for your assistance.

Very truly yours,



David Martin  
Siting Analyst

cdm

Enclosure (1)

# Seating Arrangements:

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