



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/esc

Daniel F. Caruso
Chairman

July 29, 2008

TO: Council Members

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 366** - 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 52 Stadley Rough Road, Danbury, Connecticut.

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

SDP/CDM/cm

Enclosure (1)

c: Secretary of the State
Robert L. Marconi, Assistant Attorney General
Parties and Intervenors
Application Service Recipients
Ginger Teubner, DPUC
Lisa Fontaine, CSC



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, September 9, 2008, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Broadview Middle School Auditorium, 72 Hospital Avenue, Danbury, Connecticut, and thereafter as necessary. The hearing will be on an application from 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 52 Stadley Rough Road, Danbury, 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 9, 2008, 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 Tuesday, August 26, 2008, 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 2, 2008. 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.



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer

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 2, 2008.

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 Danbury 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 2, 2008.

The applicant of this facility is represented by the following:

Applicant

Optasite Towers LLC and Omnipoint
Communications, Inc.

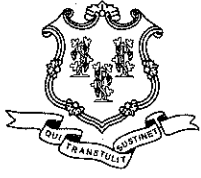
Its Representative

Christopher B. Fisher, Esq.
Lucia Chiochio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601

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. 366.

July 29, 2008

Connecticut Siting Council



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Daniel F. Caruso
Chairman

July 29, 2008

The Honorable Mark D. Boughton
Mayor
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

RE: **Hearing Date - September 9, 2008**, in connection with **DOCKET NO. 366 - 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 52 Stadley Rough Road, Danbury, Connecticut.

Dear Mayor Boughton

The Connecticut Siting Council (Council) has scheduled a public hearing in your town in connection with the above-referenced proceeding. I am writing to invite you to participate in this hearing.

The Council fully understands that municipal input and guidance is absolutely necessary to achieve a thoughtful and balanced decision in matters such as this. Accordingly, I am extending to you my personal invitation to participate in the hearing that is scheduled on September 9, 2008.

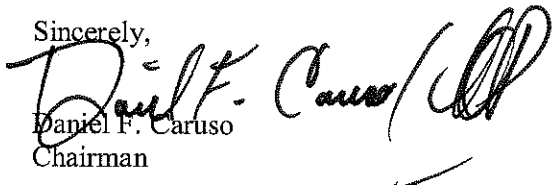
Please be advised that the Council's processes enable the affected municipal governments to engage in meaningful discourse and, if they choose, to even assert a legal role in the proceedings of applications that come before the Council. Municipalities are afforded a right of pre-filed technical information and consultation with applicants 60 days before an application is filed with the Council. During this period the municipality may conduct public hearings and meetings, as it deems necessary. Both the municipal and applicant filings become part of the Council's record.

Once an application is filed with the Council at least one public hearing is held in the affected community as well as a public inspection of the proposed site. 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.

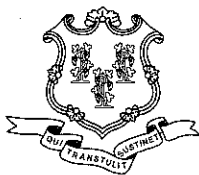
Our staff is available to assist you in understanding our process and your options. If you have questions, please contact Executive Director S. Derek Phelps (860 827-2935). In the event you have legal questions, please contact our Assistant Attorney General Robert Marconi (860 827-2682).

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/cm



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Daniel F. Caruso
Chairman

July 29, 2008

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

RE: **DOCKET NO. 366** - 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 52
Stadley Rough Road, Danbury, Connecticut.

Dear Ms. Girolomo:

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

September 9, 2008
3:00-5:00 p.m. & 7:00-10:00 p.m.
Broadview Middle School
Auditorium
72 Hospital Avenue
Danbury, CT 06810

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 application filing and our hearing notice for
your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Carriann Mulcahy
Secretary II

cm

Enclosure (2)



Daniel F. Caruso
Chairman

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July 29, 2008

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

RE: **DOCKET NO. 366** - 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 52
Stadley Rough Road, Danbury, Connecticut.

Dear Mr. Reese:

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

September 9, 2008
3:00-5:00 p.m. & 7:00-10:00 p.m.
Broadview Middle School
Auditorium
72 Hospital Avenue
Danbury, CT 06810

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,

Carriann Mulcahy
Secretary II

cm

Enclosure



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Daniel F. Caruso
Chairman

July 29, 2008

TO: Classified/Legal Supervisor
366080729
Danbury News Times
333 Main Street
Danbury, CT 06810

FROM: Carriann Mulcahy, Secretary II 

RE: **DOCKET NO. 366** - 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 52 Stadley Rough Road, Danbury, Connecticut.

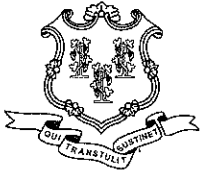
Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

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

cm

Enclosure (1)



Daniel F. Caruso
Chairman

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July 29, 2008

TO: Kenneth C. Baldwin, Esq.
Robinson & Cole LLP

Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LP

Sandy M. Carter
Verizon Wireless

Michele G. Briggs
New Cingular Wireless PCS, LLC

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 366** - 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 52 Stadley Rough Road, Danbury, Connecticut.

The Connecticut Siting Council has received an application for a proposed telecommunications facility in Danbury.

If you would like to participate in this proceeding, your response by or before September 2, 2008, 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 any time within the foreseeable future.

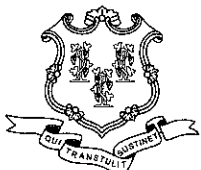
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Enclosure: Hearing Notice

c: Parties & Intervenors
Council Members



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July 29, 2008

TO: Commissioner Gina McCarthy
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 Donald W. Downes, Chairman
Department of Public Utility Control

Robert Genuario, Secretary
Office of Policy and Management

Commissioner Joan McDonald
Department of Economic and Community Development

Michael W. Lonergan, P.E.
Acting Chief Engineer, Bureau of Engineering and Highway Operations
Department of Transportation

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 366** - Optasite Towers LLC and Ompoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 52 Stadley Rough Road, Danbury, Connecticut.

Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before September 2, 2008, will be appreciated.

A copy of the application with location maps has previously been provided to you, pursuant to General Statutes § 16-50l.

SDP/CDM/cm

c: Parties & Intervenors
Council Members



Daniel F. Caruso
Chairman

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Screening Checklist

Connecticut Department of Transportation

Potential Transportation Infrastructure Impacts

Connecticut Siting Council Docket# 366

Location: 52 Stadley Rough Road, Danbury, Connecticut

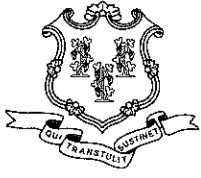
1. Is the proposed facility abutting the right-of-way of a State maintained highway?

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



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Chairman

July 29, 2008

Edward Robbs, Principal
Broadview Middle School
72 Hospital Avenue
Danbury, CT 06810

RE: **DOCKET NO. 366** - 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 52
Stadley Rough Road, Danbury, Connecticut.

Dear Mr. Robbs:

This is to confirm the reservation of the Auditorium at the Broadview Middle School for a public
hearing on September 9, 2008, from 1:00 p.m. to 10:00 p.m.

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

If any other information is needed, please contact me at my office. Thank you for your
assistance.

Very truly yours,

Carriann Mulcahy
Secretary II

cm

Enclosure (2)

Seating Arrangements:

X X X X X X X X X X X X

Council Table
(seating for twelve)
(x = chairs)

X
X
Table for
Court Reporter
(x = chairs)

Applicant Table
(x = chairs)

X X X X

Party Table
(seating for three)
(x = chairs)

X X X

Podium for public

SEATING FOR PUBLIC
(chairs facing Council table)