

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF SBA TOWERS II, LLC DOCKET NO. 378  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT ONE OF TWO ALTERNATE SITES AT  
RABBIT HILL ROAD, WARREN, CONNECTICUT Date: April 14, 2009**

**OBJECTION TO REQUEST FOR PARTY STATUS**


The applicant, SBA Towers II, LLC ("SBA") respectfully submits this objection to a request for party status dated April 7, 2009 submitted by Concerned Residents of Warren and Washington ("CROWW"). In support of its objection, SBA states as follows:

1. This application for a certificate of environmental compatibility and public need was received by the Council on or about February 27, 2009 (the "Application").
2. On or about April 7, 2009, CROWW submitted a request for party status pursuant to Connecticut General Statutes §§ 16-50n 16-50o and 4-177a.
3. Connecticut General Statutes § 16-50n (a) states that the parties to a certificate proceeding shall include: (1) the applicant, certificate holder or petitioner; (2) each person entitled to receive a copy of the application under § 16-50l if such person files a notice of intent to be a party; (3) any domestic or qualified nonprofit corporation or association formed in whole or in part to promote conservation or natural beauty; and (4) any such other persons as the council may at any time deem appropriate.

4. If the requesting party does not meet any of the above criteria, the request can only be considered through Connecticut General Statutes § 4-177a and R.C.S.A. § 16-50j-14, whereby a requesting party must establish “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” and the manner in which the petitioner claims to be affected.
5. As such, based on the facts asserted in CROWW’s request for party status, CROWW does not satisfy the criteria established in Connecticut General Statutes § 16-50n (a). CROWW is more appropriately included in this docket as an intervenor. Previously, the Council has approved such groups or organizations as intervenors rather than parties. See Docket 306 (Berkshire-Litchfield Environmental Coalition admitted as an intervenor rather than a party).

WHEREFORE, SBA respectfully objects to CROWW’s request for party status and requests that the Council grant CROWW intervenor status in this docket.

Respectfully Submitted,

By:   
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Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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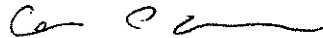
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