

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 } MAY 20, 2009

**OBJECTION TO REQUEST TO TAKE ADMINISTRATIVE NOTICE**

The State of Connecticut Department of Agriculture (“DOAg”), party to the above-captioned proceedings, hereby objects to SBA Towers II, LLC’s May 14, 2009 request that administrative notice be taken of conclusions of law in Docket 360, and the “entire record” in Docket 329.

First, the DOAg respectfully submits that each application before the Siting Council should be determined upon its unique facts. Importing wholesale another proceeding’s administrative record involving another facility siting is potentially or actually prejudicial to persons who did not participate in those proceedings.

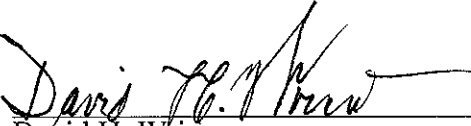
Second, while an administrative body may well look for guidance to its decisions in prior cases, to the extent that they assist in deciding the application of law to fact in the matter before it, determining that other docket materials or conclusions of law should actually be incorporated into the record of this docket is also potentially prejudicial to persons who did not appear before the agency in the docket requested to be noticed.

Wherefore, the DOAg objects to SBA's request and requests that the CSC deny it.

F. PHILIP PRELLI  
COMMISSIONER OF AGRICULTURE  
STATE OF CONNECTICUT

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was e-mailed this 20<sup>th</sup> day of May, 2009 to

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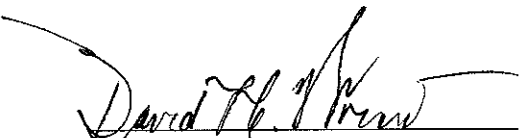
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