

**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 14, 2009

MOTION TO DISMISS

The State of Connecticut Department of Agriculture, party to the above-captioned proceedings, hereby moves for dismissal of the application of SBA Towers II, LLC for a certificate of environmental compatibility and public need, on grounds that the Connecticut Siting Council lacks subject matter jurisdiction over the application, because the applicant has failed to comply with the requirements of Section 47-42d of the General Statutes, the State of Connecticut being the holder of a conservation easement on the Rabbit Hill property where the applicant proposes so-called "site A" for construction of a cellular communications tower.

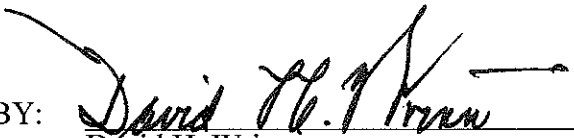
A memorandum of law and the affidavit of Joseph J. Dippel, Director, State of Connecticut Department of Agriculture Farmland Preservation Program, are appended.

Dated at Hartford, Connecticut, this 14th day of May, 2009.

F. PHILIP PRELLI, COMMISSIONER
STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE

RICHARD BLUMENTHAL
ATTORNEY GENERAL

BY:


David H. Wrinn
Assistant Attorney General
Juris No. 085168
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
Tel: (860) 808-5250
Fax: (860) 808-5386
david.wrinn@po.state.ct.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was e-mailed this 14th day of May, 2009 to

the following:

Carrie L. Larson, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
(860) 424-4312 tel.
(860) 424-4370 fax.
clarson@pullcom.com

Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
(914) 761-1300 tel.
(914) 761-6405 fax.
cfisher@CUDDYFEDER.com

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275-8200 tel.
(860) 275-8299 fax.
kbaldwin@rc.com

The Honorable Mark E. Lyon
First Selectman
Bryan Memorial Town Hall
P.O. Box 383
Washington Depot, CT 06794
(860) 868-2259 tel.
(860) 868-3103 fax.
mark.lyon@washingtonct.org

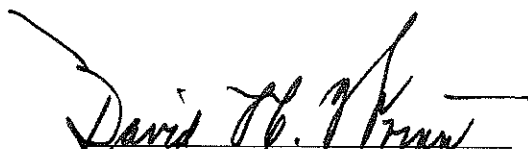
The Honorable Jack Travers
First Selectman
Warren Town Hall
7 Sackett Hill Road
Warren, CT 06754
(860) 868-7881 ext. 102 tel.
selectman@warrenct.org

Ray and Maryellen Furse
26 Jack Corner Road
Warren, CT 06777
(860) 868-7834 tel.
(860) 868-0890 fax.
rfurse@alterisinc.com
rfurse@charter.net

Gabriel North Seymour, Atty. at Law
200 Route 126
Falls Village, CT 06031
(860) 824-1412 tel.
(860) 824-1210 fax.
certiorari@earthlink.net

Diane Dupuis, Chair
Cell Tower Committee
Town of Washington Conservation Commission
Bryan Memorial Town Hall
P.O. Box 383
Washington Depot, CT 06794-0383
Dd9art@sbcglobal.net

[F. Philip Prelli, Commissioner
State of Connecticut
Department of Agriculture
165 Capitol Avenue
Hartford, CT 06106
(860) 713-2500 tel.
(860) 713-2514 fax.
lance.shannon@ct.gov]


David H. Wrinn
Assistant Attorney General