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June 10, 2009

VIA FACSIMILE (860-827-2950) AND ELECTRONIC MAIL

S. Derek Phelps, Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT. 06051

Re: Docket 378 (withdrawn)

Dear Mr. Phelps:

I write on behalf of SBA Towers II, LLC ("SBA"), the former applicant of the now withdrawn docket 378. As the Council and the parties and intervenors are aware, SBA withdrew this application on Monday, June 8, 2009. Since that withdrawal, SBA is in receipt of numerous briefs and motions filed by the Concerned Residents of Warren and Washington ("CROWW"), the Furses and the Washington Conservation Commission, all formerly parties to docket 378. I write in response to these briefs and motions.

These former parties all contend that SBA needs permission to withdraw docket 378 and that the Council should deny the request to withdraw in favor of dismissing the docket based on these parties' motions. Conveniently, the parties cite no authority whatsoever to support the contention that SBA requires permission from the Council in order to withdraw any pending application. That is because no such authority exists. SBA, as an applicant before the Council, has the absolute right to withdraw its application at any time. Once SBA withdrew its pending application on June 8, 2009, docket 378 was no longer pending in front of the Council. Therefore, since docket 378 is no longer pending, the Council lacks jurisdiction to render a decision on any of the pending motions filed by any former party or intervenor to the withdrawn docket 378.

To the extent that the Council chooses to address any of the motions or briefs filed in the withdrawn 378, SBA reserves the right to comment on the substance of those motions.

Respectfully Submitted,



Carrie L. Larson

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cc: Service List of docket 378 (withdrawn)
Mark Ciarfella

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