

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

In Re:

APPLICATION OF SBA TOWERS II, LLC ("SBA") 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 IN
WARREN, CONNECTICUT

DOCKET: 378

May 19, 2009

**MOTION BY CONCERNED RESIDENTS OF WARREN AND WASHINGTON
TO STRIKE SBA REQUEST FOR ADMINISTRATIVE NOTICE**


Under date of May 14, 2009, the Applicant SBA Towers II, LLC (SBA) filed the attached request to include in the list of documents to be administratively noticed in this docket the Conclusions of Law in Siting Council Docket 360, and the "Entire Record" in Siting Council Docket 329.

Concerned Residents of Warren and Washington (CROWW) moves to strike SBA's request in its entirety on the ground that CROWW was not a party to either proceeding and cannot be bound by the record in either proceeding, including any of the testimony or exhibits received out of its presence without notice or opportunity to inspect exhibits or cross-examine witnesses, all in direct violation of UAPA Section 177-C and related provisions, as well as the Fifth and Fourteenth Amendments to the U.S. Constitution.

In addition, the proceedings on Docket 329 (conducted by the same attorney who represents SBA here, Carrie Larson, Esq.) relate to tower siting in an urban setting, with very different environmental conditions from those present here. With respect to Docket

360, if the Siting Council admits those Conclusions of Law here, it should also admit the Complaints in the US District Court and State Superior Court challenging the Siting Council's Conclusions in Docket 360 and stating the detailed grounds for doing so.

Respectfully submitted,



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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

RE: APPLICATION OF SBA TOWERS II, LLC
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

DOCKET NO. 378


Date: May 14, 2009

REQUEST FOR ADMINISTRATIVE NOTICE

Applicant SBA Towers II, LLC ("SBA") respectfully submits the following for inclusion in the list of documents to be administratively noticed in this docket:

1. Siting Council Docket 360, Conclusions of Law dated March 12, 2009.
2. Siting Council Docket 329, Entire Record.

Respectfully Submitted,

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing Motion by Concerned Residents of Warren and Washington to Strike SBA Request for Administrative Notice was served on the Connecticut Siting Council by first class mail and copy of same was sent postage prepaid to:

Carrie L. Larson, Esq., Pullman & Comley, LLC
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Hon. Mark E. Lyon, First Selectman, Bryan Memorial Town Hall
P.O. Box 383, Washington Depot, CT 06794

Hon. Jack Travers, First Selectman
Warren Town Hall, 7 Sackett Hill Road, Warren, CT 06754

Ray and Mary Ellen Furse, 26 Jack Corner Road
Warren, CT 06777

Hon. F. Philip Prelli, Commissioner, Department of Agriculture
165 Capitol Avenue, Hartford, CT 06106

David H. Wrinn, Esq., Assistant Attorney General
55 Elm Street, P.O. Box 120, Hartford, CT 06141-0120

Susan Payne, Chairperson, Conservation Commission
Town of Washington, Bryan Memorial Town Hall
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Diane Dupuis, Chair, Cell Tower Committee
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May 19, 2009