



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

DATE: April 7, 2009
TO: Council Members
FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 380** - Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 170 Southeast Road, New Hartford, Connecticut.

I. Introduction

This application is a recertification request from Bay Communications, LLC for the construction, maintenance, and operation of a telecommunications facility and associated equipment in the Town of New Hartford, Connecticut. On November 20, 2003, the Council approved a 150-foot monopole for this site (D 251). On February 3, 2004, the Council approved a 10-foot extension of the proposed tower to accommodate Verizon Wireless P. 649). Bay acquired the Certificate which soon expired before the commencement of construction. Bay re-filed the application and the Council approved the site on July 27, 2006.

The Council approved the D&M Plan on December 12, 2006. The Certificate was extended to September 30, 2008 to allow for time to complete construction at the site. Bay encountered difficulties designing the site which included the crossing a sensitive stream using a pre-fabricated bridge. During construction of the access road and bridge, the Certificate expired.

II. Technical

The application includes relevant maps, descriptions of the proposed prime and alternate site, costs, a description of the environmental effects of the proposed construction, and health and safety information. The application meets statutory technical requirements for processing the application. Council staff believes additional information can be obtained through pre-hearing interrogatories. This project would not require an outside consultant.

III. Administrative Review

The applicant has stated that all service and filing requirements pursuant to General Statutes § 16-501 (b) have been fulfilled. The applicant stated that notice to the general public was published in The Hartford Courant, The Register Citizen, and the Republican-American.

IV. Procedural

The Council must schedule a hearing for the proceeding between 30 and 150 days after receipt of an application. The Council must also appoint a custodian of the docket and designate a place for the deposition of the transcript. Staff recommends designating Lisa Fontaine as custodian of the docket, holding the public hearing in the Town of Warren on Thursday, April 21, 2009, and depositing the transcript in the New Hartford Town Hall. Since the Council must hold a hearing in the county of the proposed project, the Council will conduct the hearing the same day as the hearing for a telecommunications application in Warren (D 378). Both the towns of New Hartford and Warren are in Litchfield County.

V. Proposed Schedule

Application received	03/17/09
Completeness review	04/07/09
Pre-hearing Questions	
• Set-One Filed	04/13/09
• Set-One responses due	04/27/09
Pre-filed testimony due	05/14/09
Deadline to request Party/Intervenor status	05/14/09
Hearing (2:00 p.m. and 7:00 p.m.)	05/21/09
Close of Record	06/22/09
Draft Findings of Fact	07/09/09 <i>(tentative)</i>
Draft Findings of Fact, Opinion & Decision & Order	07/21/09 <i>(tentative)</i>
Deadline for Decision	09/14/09
180-day extension date	03/12/10

Robert D. Mercier
Siting Analyst II

c: Lisa Fontaine, Connecticut Siting Council