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1 STATE OF CONNECTICUT

2 CONNECTICUT SITING COUNCIL

5 Docket No. 506

6 New Cingular Wireless PCS, LLC (AT&T) application
7 for a Certificate of Environmental Compatibility
8 and Public Need for the construction, maintenance,
9 and operation of a telecommunications facility
10 located at 499 Mile Lane, Middletown, Connecticut

12 VIA ZOOM AND TELECONFERENCE

14 Remote Public Hearing held on Tuesday,
15 November 30, 2021, beginning at 2 p.m.
16 via remote access.

19 Held Before:

20 JOHN MORISSETTE, Presiding Officer

25 Reporter: Lisa L. Warner, CSR #061

1 **A p p e a r a n c e s :**

2

3 **Council Members:**

4 **QUAT NGUYEN**
5 Designee for Chairman Marissa Paslick
6 Gillett
7 Public Utilities Regulatory Authority

8 **ROBERT SILVESTRI**

9 **DANIEL P. LYNCH, JR.**

10 **LOUANNE COOLEY**

11 **EDWARD EDELSON**

12

13 **Council Staff:**

14 **MELANIE BACHMAN, ESQ.**
15 Executive Director and
16 Staff Attorney

17 **MICHAEL PERRONE**
18 Siting Analyst

19

20

21 **For Applicant New Cingular Wireless PCS, LLC:**
22 CUDDY & FEDER LLP
23 445 Hamilton Avenue, 14th Floor
24 White Plains, New York 10601
25 BY: CHRISTOPHER B. FISHER, ESQ.

26

27 **Also present: Aaron Demarest, Zoom co-host**

28

29 ****All participants were present via remote access.**

30

31 ***** (AUDIO INTERRUPTION) - denotes breaks in speech**
32 **due to interruptions in audio or echo.**

MR. MORISSETTE: This remote public hearing is called to order this Tuesday, November 30, 2021, at 2 p.m. My name is John Morissette, member and presiding officer of the Connecticut Siting Council. Other members of the Council are Quat Nguyen, designee for Chairman Marissa Paslick Gillett of the Public Utilities Regulatory Authority, Mr. Robert Silvestri, Louanne Cooley, Edward Edelson, and Daniel P. Lynch, Jr. Members of the staff are Melanie Bachman, executive director and staff attorney, and Michael Perrone, siting analyst.

As everyone is aware, there is currently a statewide effort to prevent the spread of the Coronavirus. This is why the Council is holding this remote public hearing, and we ask for your patience. If you haven't done so already, I ask that everyone please mute their computer audio and telephones now.

This hearing is held pursuant to the provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act upon an application from New Cingular Wireless, LLC, also known as AT&T, for a Certificate of Environmental Compatibility and

1 Public Need for the construction, maintenance, and
2 operation of a telecommunications facility located
3 at 499 Mile Lane, Middletown, Connecticut. This
4 application was received by the Council on October
5 6, 2021.

6 The Council's legal notice of the date
7 and time of this remote public hearing was
8 published in The New Haven Register on October 24,
9 2021. Upon this Council's request, the applicant
10 erected a sign along Mile Lane at the entrance of
11 the proposed site so as to inform the public of
12 the name of the applicant, the type of facility,
13 the remote public hearing date, and contact
14 information for the Council including the website
15 and telephone number.

16 As a reminder to all, off-the-record
17 communication with a member of the Council or a
18 member of the Council's staff upon the merits of
19 this application is prohibited by law.

20 The parties and intervenors to the
21 proceeding are as follows: The applicant is New
22 Cingular Wireless PCS, LLC, d/b/a AT&T,
23 represented by Christopher Fisher, Esq. of Cuddy &
24 Feder LLP.

25 We will proceed in accordance with the

1 prepared agenda, a copy of which is available on
2 the Council's Docket No. 506 webpage, along with
3 the record of this matter, the public hearing
4 notice, instructions for public access to this
5 remote public hearing, and the Council's Citizens
6 Guide to Siting Council Procedures. Interested
7 persons may join any session of this public
8 hearing to listen, but no public comments will be
9 received during the 2 p.m. evidentiary session.

10 At the end of the evidentiary session,
11 we will recess until 6:30 for the public comment
12 session. Please be advised that any person may be
13 removed from the remote public evidentiary session
14 or the public comment session at the discretion of
15 the Council.

16 The 6:30 p.m. public comment session is
17 reserved for the public to make brief statements
18 into the record. I wish to note that the
19 applicant, parties and intervenors, including
20 their representatives, witnesses and members, are
21 not allowed to participate in the public comment
22 session. I also wish to note for those who are
23 listening, and for the benefit of your friends and
24 neighbors who are unable to join us for the remote
25 public comment session, that you or they may send

1 written statements to the Council within 30 days
2 of the date hereof, either by mail or by email,
3 and such written statements will be given the same
4 weight as if spoken during the remote public
5 comment session.

6 A verbatim transcript of this remote
7 public hearing will be posted on the Council's
8 Docket 506 webpage and deposited in the Middletown
9 City Clerk's Office for the convenience of the
10 public.

11 Please be advised that the Council's
12 project evaluation criteria under the statute does
13 not include considerations for property values.

14 The Council will take a 10 to 15 minute
15 break at a convenient juncture around 3:30 p.m.

16 Administrative notice taken by the
17 Council: I wish to call your attention to those
18 items shown on the hearing program marked Roman
19 Numeral I-B, Items 1 through 82, that the Council
20 has administratively noticed.

21 Does the applicant have an objection to
22 the items that the Council has administratively
23 noticed? Attorney Fisher.

24 MR. FISHER: No objection. Thank you.

25 MR. MORISSETTE: Thank you, Attorney

1 **Fisher.**

2 MR. LYNCH: Excuse me, Mr. Morissette.

3 MR. MORISSETTE: Yes, Mr. Lynch.

4 MR. LYNCH: I've got a cold, so bear
5 with me. I have to make this declaration that in
6 the service notice to different agencies our
7 office is listed. And I have checked to make sure
8 we haven't gotten any calls, texts or letters into
9 the office, and as of this point we have not, but
10 if that should change, I would have to recuse
11 myself as I've said in the past. Thank you.

12 MR. MORISSETTE: Thank you, Mr. Lynch.

13 Accordingly, the Council hereby
14 administratively notices these items.

15 (Council's Administrative Notice Items:
16 I-B-1 through I-B-82: Received in evidence.)

17 MR. MORISSETTE: We'll now continue
18 with the appearance of the applicant, New Cingular
19 Wireless, LLC, AT&T. Will the applicant present
20 its witness panel for purposes of taking the oath?
21 Attorney Bachman will administer the oath.

22 MR. FISHER: Good afternoon, Chairman,
23 members of the Council. Attorney Christopher
24 Fisher on behalf of the applicant. With me here
25 physically present today are Scott Pike, project

1 manager, Smartlink, LLC; also Martin Lavin, radio
2 frequency engineer with C-Squared Systems.
3 Remotely joining us are Brian Gaudet, project
4 manager from All Points Technology; and Daniel
5 Hamm, a professional engineer with Hudson Design
6 Group.

7 MR. MORISSETTE: Thank you, Attorney
8 Fisher.

9 Attorney Bachman, please administer the
10 oath.

11 MS. BACHMAN: Thank you, Mr.
12 Morissette.

13 Could the witnesses please raise their
14 right hand?

15 S C O T T P I K E,
16 M A R T I N L A V I N,
17 B R I A N G A U D E T,
18 D A N I E L H A M M,

19 called as witnesses, being first duly sworn
20 (remotely) by Ms. Bachman, were examined and
21 testified on their oaths as follows:

22 MS. BACHMAN: Thank you.

23 MR. MORISSETTE: Thank you, Attorney
24 Bachman.

25 Attorney Fisher, please begin by

1 verifying all the exhibits by the appropriate
2 sworn witnesses.

3 MR. FISHER: Thank you, Chairman. As
4 listed in the hearing program under Roman Numeral
5 II, Item B, there are five exhibits for
6 identification purposes. Those include the
7 application, which was received by the Council on
8 October 6th; the applicant's affidavit of
9 publication, dated October 19th; the applicant's
10 affidavit of sign posting, dated November 22nd;
11 applicant's responses to Council interrogatories,
12 Set One, and attachments, which are dated November
13 23rd; the applicant's prehearing submission,
14 witness resumes, which are dated November 23rd.

15 DIRECT EXAMINATION

16 MR. FISHER: I would ask each of the
17 witnesses several questions. Did you prepare and
18 assist in the preparation of the documents that
19 were just identified in the hearing program?

20 THE WITNESS (Lavin): Martin Lavin.
21 Yes.

22 THE WITNESS (Pike): Scott Pike. Yes.

23 THE WITNESS (Gaudet): Brian Gaudet.

24 Yes.

25 THE WITNESS (Hamm): Daniel Hamm. Yes.

1 MR. FISHER: And for purposes of the
2 documents that have been identified, there were
3 certain corrections and modifications made to the
4 interrogatories including a change in the location
5 site. Are there any additional modifications or
6 changes to the application and corrections that
7 need to be made to the identified exhibits?

8 THE WITNESS (Lavin): Martin Lavin.

9 No.

10 THE WITNESS (Pike): Scott Pike. No.

11 THE WITNESS (Gaudet): Brian Gaudet.

12 No.

13 THE WITNESS (Hamm): Daniel Hamm. No.

14 MR. FISHER: And as submitted, are they
15 true and accurate to the best of your belief?

16 THE WITNESS (Lavin): Martin Lavin.

17 Yes.

18 THE WITNESS (Pike): Scott Pike. No --
19 I mean yes, excuse me.

20 THE WITNESS (Gaudet): Brian Gaudet.

21 Yes.

22 THE WITNESS (Hamm): Daniel Hamm. Yes.

23 MR. FISHER: And do you present the
24 evidence submitted within those exhibits as your
25 direct testimony here today?

THE WITNESS (Lavin): Martin Lavin.

Yes.

THE WITNESS (Pike): Scott Pike. Yes.

THE WITNESS (Gaudet): Brian Gaudet.

Yes.

THE WITNESS (Hamm): Daniel Hamm. Yes.

MR. FISHER: Thank you, Chairman. I would ask that the Council accept those as exhibits for evidentiary purposes.

MR. MORISSETTE: Thank you, Attorney Fisher. The exhibits are hereby admitted.

(Applicant's Exhibits II-B-1 through II-B-5: Received in evidence - described in index.)

MR. MORISSETTE: We'll now begin with cross-examination of the applicant by the Council starting with Mr. Perrone followed by Mr. Edelson.

Mr. Perrone.

CROSS-EXAMINATION

MR. PERRONE: Thank you, Mr. Morissette.

Beginning with the response to Council Interrogatory Number 10 which gets into the search ring, could you tell us the general location of the center of the search ring? I know we have the

1 coordinates, but if you have a street intersection
2 or something like that.

3 THE WITNESS (Pike): Yes, it's under
4 Mile Lane is where the location is.

5 MR. PERRONE: And how was the size of
6 the search ring determined?

7 THE WITNESS (Pike): Scott Pike. We
8 basically have a -- we get a site scrub that's
9 released to us, and we have a radius within this
10 coverage gap that were released from AT&T, and
11 that's how we generate the location of where we
12 look for a location to put a tower.

13 MR. PERRONE: Could you explain in
14 detail how tower reinforcements and installation
15 of AT&T's colocation would impact the city's
16 public safety network?

17 THE WITNESS (Pike): Yeah, absolutely.
18 As far as the reinforcement goes, the tower itself
19 already was pretty, to full capacity so we were --
20 the city was interested in putting up another
21 tower to accommodate more of AT&T's equipment as
22 well as the other carriers as well.

23 MR. FISHER: And Mr. Hamm would be able
24 to answer that question as well from a structural
25 engineering point of view.

Mr. Hamm, would you help answer the question that was asked?

THE WITNESS (Hamm): Yes. The tower was analyzed in 2019 by a colleague of ours, Fullerton Engineering, and they came up with an over -- or a maximum overload of 253 percent at the top sections, and that's the gist of it.

MR. PERRONE: Would you be able to reinforce and still keep the city's antennas in service?

THE WITNESS (Hamm): Yes.

MR. PERRONE: Also, had AT&T considered going in at a lower centerline height, would that reduce the stress on the tower?

THE WITNESS (Hamm): It would reduce the stress, but the city has occupied from about 80 feet to 160 feet with their various communications facilities or appurtenances.

MR. PERRONE: In response to Council Interrogatory 7, AT&T notes that reinforcement costs would not be prohibitive and would be at AT&T's expense. Does AT&T believe the cost to construct the new tower facility to be shared by AT&T and the city would also not be cost prohibitive and at AT&T's expense?

1 MR. FISHER: So I've asked Mr. Hamm to
2 answer that question in relation to the cost of
3 reinforcement for the tower as it exists today and
4 the cost of the construction of the monopoly.

5 THE WITNESS (Hamm): Yeah, we believe
6 that by reinforcing the tower it's going to be
7 somewhere on the lines of 300,000 plus to do the
8 work, but we'd have to do additional studies to
9 understand the soils and the foundation of the
10 existing tower. And it would also -- and then it
11 would probably be somewhere in the 250,000 to
12 300,000 range to construct a new tower with all
13 its facilities.

14 MR. PERRONE: And that hypothetically
15 would also be done at AT&T's expense for a
16 replacement?

17 THE WITNESS (Hamm): I can't speak on
18 who's paying for it.

19 MR. PERRONE: Okay.

20 MR. FISHER: I guess, to the extent
21 that it's a question on tower sharing, generally
22 speaking, it would be at AT&T's expense, but we do
23 reserve the right to address that with the city
24 because that wasn't necessarily a contemplated
25 expense.

MR. MORISSETTE: Attorney Fisher, if you could have your witnesses respond to the questions instead of yourself. Thank you.

MR. PERRONE: With respect to Council Interrogatory Number 12 regarding site search within the 4-mile radius, did the tall structures include all existing towers?

MR. FISHER: I'm going to ask Mr. Martin Lavin to join the panel and answer that question.

THE WITNESS (Lavin): Martin Lavin, C-Squared Systems. All towers and communication facilities in as much as I was able to determine from AntennaSearch.com and other sources where they might be.

MR. PERRONE: Could a series of small cells or other small wireless facilities in conjunction with a shorter tower or a rooftop tower meet the wireless objectives?

THE WITNESS (Lavin): Really in this case we are in exactly the right spot. At 180 on the other tower, 150 on our own, it really does the job perfectly. To replicate it would be a lot of facilities. I haven't looked for poles and things of that nature. But I think for this and

1 the amount of -- for this situation on the ridge
2 we're on that provides so much coverage around it
3 to reach the school, at least two schools in the
4 area, I think that trying to put an oDAS or a
5 distributed antenna system down really wouldn't be
6 feasible or practical.

7 MR. PERRONE: Is the electrical
8 distribution in the area, is that overhead or
9 underground with respect to the availability of
10 poles?

11 THE WITNESS (Hamm): The utilities are
12 all overhead.

13 MR. PERRONE: Okay. And back to the RF
14 topic regarding the topic of small cells, would
15 you have an estimate of how many small cells you
16 would require, let's say on distribution poles, to
17 replicate the coverage?

18 THE WITNESS (Lavin): I haven't looked
19 at that, but I can provide that as a Late-File.

20 MR. PERRONE: Okay.

21 MR. MORISSETTE: Mr. Lavin, could you
22 kindly provide that before the end of the hearing
23 today rather than through a Late-File?

24 THE WITNESS (Lavin): I would have to
25 run some analysis on coverage, so I would be

1 unable to do it by the end of the day.

2 MR. LYNCH: Excuse me, Mr. Morissette.

3 MR. MORISSETTE: Yes, Mr. Lynch.

4 MR. LYNCH: No offense to Mr. Lavin,
5 but I'm having a hard time hearing him. It may be
6 just me, but if he can speak up a little louder.

7 THE WITNESS (Lavin): Certainly.

8 MR. MORISSETTE: Mr. Lavin, if you
9 could kindly possibly give us a rough estimate by
10 the close of the hearing, that will eliminate the
11 need for having to file a Late-File. See what you
12 can do and we'll address it at the end.

13 THE WITNESS (Lavin): With Excel and
14 some assumptions, yes.

15 MR. MORISSETTE: Great. Thank you.
16 Please continue.

17 MR. PERRONE: Just as an update, other
18 than Verizon, have any other wireless carriers
19 expressed an interest in colocating?

20 MR. FISHER: I'm going to ask Scott
21 Pike to answer the question.

22 THE WITNESS (Pike): Scott Pike.

23 MR. FISHER: Any other carriers?

24 THE WITNESS (Pike): No, no carriers
25 have expressed any interest so far.

MR. PERRONE: I have one more RF question for Mr. Lavin. Under Tab 4 of the application we have the RF report, and page 3 in the second paragraph there's mention of an antenna centerline height of 176 feet. And I see the coverage plots are based on 150. My question is, on page 4 the incremental coverage at 700 megahertz, we have that table, is that table based on a 150-foot centerline?

THE WITNESS (Lavin): The original RF report is all based on the 150-foot centerline. The 176-foot reference was a leftover, a typo.

MR. PERRONE: Okay.

THE WITNESS (Lavin): Sorry about that.

MR. PERRONE: Okay. Also related to RF, a couple questions related to FirstNet. Does FirstNet provide specific feedback to AT&T regarding which areas need public safety enhancement?

THE WITNESS (Lavin): Yes, they do. And this is a site that was, an area that was designated by FirstNet as a priority for getting service, yes.

MR. PERRONE: So you received feedback directly from FirstNet for a need in this area?

THE WITNESS (Lavin): In working with FirstNet, AT&T, between them determined, I think the FirstNet people designated this as an area, and AT&T agreed to proceed with the construction based on that.

MR. PERRONE: And that's based on the proposed tower. Could AT&T also provide FirstNet services if it colocated on the lattice tower?

THE WITNESS (Lavin): All else being the same, apart from all the other issues with colocating on the other tower, yes.

MR. PERRONE: Thank you. I'm all set on RF. Moving on to a few construction questions. Do you have the area of the expanded compound?

MR. FISHER: Mr. Gaudet --

THE WITNESS (Hamm): It's approximately 545 square feet.

MR. PERRONE: And, let's see, turning to the response to Council Interrogatory 30 to the tower is extendable, AT&T could design the tower and foundation to accommodate an increase, if requested. How much of an increase in height could you accommodate?

THE WITNESS (Hamm): We could design it for whatever they need to. Typically it's usually

1 about a 30-foot extension.

2 MR. PERRONE: And --

3 THE WITNESS (Hamm): Typically we don't
4 go higher than 200 feet for monopoles. I
5 apologize for interrupting you.

6 MR. PERRONE: And that's because of FAA
7 and lighting?

8 THE WITNESS (Hamm): And strength.

9 MR. PERRONE: Okay. Response to
10 Council Interrogatory 32 which gets into cut and
11 fill. It mentions that there would be 55 cubic
12 yards of cut and roughly the same amount for the
13 compound base. So would that be basically 55
14 cubic yards of cut for the tower foundation and
15 another 55ish to grade the compound?

16 THE WITNESS (Hamm): Say that again,
17 please. You broke up right at the end.

18 MR. PERRONE: The response to Council
19 Interrogatory 32 said approximately 55 cubic yards
20 would be cut and roughly the same amount would be
21 required to create the compound base. I'm just
22 looking for clarification. Would you remove, say,
23 55 for the tower foundation and then another 55 to
24 grade the compound?

25 THE WITNESS (Hamm): No, it's all

1 together, so it would be removed and relocated,
2 right.

3 MR. PERRONE: So 55 total?

4 THE WITNESS (Hamm): Yes.

5 MR. PERRONE: And what would you do
6 with the excess cut material?

7 THE WITNESS (Hamm): It would be
8 disposed of by the contractor, approved
9 disposable -- disposed waste by the contractor.

10 MR. PERRONE: Now, the compound
11 expansion area, I know you just gave the area of
12 that. If that entire area (AUDIO INTERRUPTION) --

13 MR. MORISSETTE: Excuse me for one
14 second. We're picking up a lot of background
15 noise. I don't know who's shuffling papers or
16 where it's coming from. But if you're not
17 speaking, please put your computers on mute so we
18 don't get so much background noise and we can
19 clearly hear the witness.

20 THE WITNESS (Hamm): I apologize. That
21 was me. I was shuffling the plans.

22 MR. MORISSETTE: Thank you.

23 THE WITNESS (Hamm): It would be
24 gravel. We don't pave. It would be all gravel.

25 MR. PERRONE: I mean existing

1 conditions.

2 THE WITNESS (Hamm): Is it paved now?

3 MR. PERRONE: Yes.

4 THE WITNESS (Hamm): Yes.

5 MR. PERRONE: Okay.

6 THE WITNESS (Hamm): Grass and
7 pavement.

8 MR. PERRONE: Okay.

9 THE WITNESS (Hamm): Oh, no, it's
10 mostly grass, sorry.

11 MR. PERRONE: Okay. Clear grass area
12 and no tree clearing?

13 THE WITNESS (Hamm): Correct.

14 MR. PERRONE: Okay. Next I have some
15 environmental related questions getting into
16 wetlands. What is the closest distance from the
17 compound fence to the nearest wetland?

18 THE WITNESS (Gaudet): Are you looking
19 for a distance from the existing compound that's
20 there today or from the new fence line that would
21 be extended?

22 MR. PERRONE: The new, the expanded
23 area.

24 THE WITNESS (Gaudet): Mr. Hamm, do you
25 have that? I don't have those calculations on the

1 plans, I don't believe.

2 THE WITNESS (Hamm): It looks to be
3 about 30 feet.

4 MR. PERRONE: And would you utilize
5 erosion and sediment controls consistent with the
6 2002 guidelines?

7 MR. MORISSETTE: Mr. Hamm, you're on
8 mute.

9 THE WITNESS (Hamm): Sorry, I'm
10 shuffling pages again. Yes, we would use all
11 current standards for erosion and sediment
12 control.

13 MR. PERRONE: Could we have as a
14 Late-File a map depicting the existing wetlands
15 and the proposed compound expansion?

16 THE WITNESS (Gaudet): Yeah, we can
17 provide that.

18 MR. PERRONE: Okay. And also as a
19 Late-File a map depicting the 1.2 acres of prime
20 farmland soils?

21 THE WITNESS (Gaudet): We can provide
22 that as well.

23 MR. PERRONE: Okay. Was any wetland
24 analysis conducted for the site either in 2017
25 when the tower was built or this year when AT&T

1 prepared its application?

2 THE WITNESS (Gaudet): I can speak for
3 APT's involvement. We were brought in to evaluate
4 the site from a visual perspective in the
5 beginning of 2021. It wasn't until this site was
6 pushed into the application phase where we
7 received some interrogatories regarding
8 environmental issues, one of those being the
9 interrogatory requesting a remote field review.
10 That was the first time that we at All Points had
11 boots on the ground on the site. When we were out
12 performing that evaluation for the remote field
13 review that's when wetland features were
14 identified. We subsequently sent out our team to
15 perform an actual wetland inspection and
16 delineation, and that was just after the
17 interrogatories were released.

18 MR. PERRONE: Would the proposed
19 project impact the northern long-eared bat?

20 THE WITNESS (Gaudet): I don't believe
21 so.

22 MR. PERRONE: My next questions get
23 into the back-up generator and noise-related
24 questions. Regarding the response to Council
25 Interrogatory 53, it mentions that the generator,

1 currently diesel, could be converted to propane.

2 And my question is, can you tell us the pros and
3 cons of propane versus diesel for this project?

4 MR. FISHER: If we could have a
5 combination of Mr. Gaudet and Mr. Pike answer that
6 question.

7 THE WITNESS (Pike): Propane, it's
8 definitely possible to be converted to propane.
9 Diesel is typically what AT&T goes with when we do
10 our standard sites, but from a conversion
11 standpoint, propane is possible. We can do that.

12 MR. PERRONE: Okay. Is it correct to
13 say that an air permit would not be required for
14 the generator?

15 THE WITNESS (Pike): I don't believe
16 so.

17 MR. PERRONE: Next questions are
18 related to noise. Regarding the response to
19 Council Interrogatory 70, I understand the
20 surrounding areas are a Class A. What about the
21 subject property, would that be a Class B emitter?

22 MR. FISHER: Give me just a moment.

23 MR. PERRONE: Sure.

24 (Pause.)

25 MR. FISHER: Okay. Thank you for that.

1 Mr. Pike can answer your question.

2 THE WITNESS (Pike): Yeah. Can you
3 just repeat the question just to make sure?

4 MR. PERRONE: In response to Council
5 Interrogatory 70, there's mention about the
6 surrounding areas are Class A, Class A zoned as
7 the receptors, but as far as the emitter, the
8 subject property, with this project would that be
9 a Class B, what class would the subject property
10 be?

11 THE WITNESS (Pike): It is commercial.
12 I don't have -- I wouldn't have the ability to say
13 about Class B, but we did have a professional take
14 a look at that to review that, and that's kind of
15 what -- that's all I really know about that. I'm
16 sorry.

17 MR. PERRONE: Okay. And let's see,
18 just two more on the noise topic. The noise
19 analysis is centered around the generator. Is it
20 correct to say that the AT&T radio equipment,
21 being that it's inside the equipment cabinet, the
22 dominant source of noise would be the generator?

23 THE WITNESS (Pike): Yes.

24 MR. PERRONE: And lastly, looking at
25 the date of the noise analysis relative to the

1 updated drawings, is the noise analysis based on
2 the most up to date compound location?

3 THE WITNESS (Pike): Yes.

4 MR. PERRONE: Because the reason I was
5 asking, the drawings in the interrogatories are
6 dated 11 --

7 THE WITNESS (Pike): No -- yeah, that's
8 from the November 16th. That was the original
9 date.

10 MR. PERRONE: Could we get as a
11 Late-File an updated noise analysis based on the
12 up to date dimensions?

13 THE WITNESS (Pike): Yes.

14 MR. FISHER: We certainly can do that.
15 I don't want to presuppose what the professionals
16 will say, but given the de minimis distance
17 change, it probably won't change the conclusion,
18 but we can certainly get that confirmation.

19 MR. PERRONE: And there is comments
20 from the Connecticut Airport Authority dated
21 October 26, 2021. Could AT&T respond to those?

22 MR. FISHER: Yes, we can. I'm going to
23 ask Martin Lavin to come to the witness stand and
24 just provide the information related to FAA filing
25 on the site.

THE WITNESS (Lavin): A question about the FAA filing for the Connecticut Airport Authority?

MR. PERRONE: Yes.

THE WITNESS (Lavin): Okay, yes. It is registered. There was a determination of no hazard to air navigation available from the FAA's website. It's registered with the FCC. There's no painting or lighting required.

MR. FISHER: For the existing tower.

THE WITNESS (Lavin): For the existing tower, the existing lattice tower.

MR. PERRONE: Okay. Was a Form 7460 filed for the proposed tower, the 150 monopole?

MR. FISHER: I don't believe one has been filed. We may or may not need to give the current registration on the existing tower, but we certainly will do that in accordance with FAA regulations.

MR. PERRONE: And lastly I have a few questions regarding visibility. Regarding the response to Council Interrogatory 67, in terms of the visibility areas, both year-round and seasonal, would the shift in tower location due to the compound relocation materially affect

1 visibility?

2 THE WITNESS (Gaudet): From a general
3 standpoint in terms of overall acreage of the
4 predicted visibility, I don't believe so. You
5 might have some shifts just slightly, primarily
6 with the change in the tower position now being
7 more to the north as opposed to the southeast of
8 the existing facility. You could open up some
9 very spot views, more to the north/northwest of
10 the facility, and you might lose some of that
11 visibility down, if you look at the viewshed map,
12 down towards where Middletown High School is just
13 simply because it's shielded by the existing
14 taller structure that's there.

15 MR. PERRONE: With respect to
16 visibility and aesthetics, could you tell us the
17 difference between a monopole and a monopine at
18 the site?

19 THE WITNESS (Gaudet): Yeah, I think,
20 well, I'll discuss the monopine first here.
21 There's not a lot of coniferous vegetation in this
22 general area, certainly not at a height anywhere
23 close to 150 feet. This site is located up on a
24 ridge line. You can see that that existing
25 facility is pretty visible from a lot of the areas

1 in the immediate vicinity of the site. With that
2 being said, a monopine here provides a much wider
3 feature going in next to this existing facility
4 which is fairly slight as far as lattice towers
5 go. So you would draw attention, I think, more
6 than you would a monopole which would appear sort
7 of in kind with the lattice structure that's there
8 today.

9 MR. PERRONE: And lastly with respect
10 to the monopole, would you need to put a lightning
11 rod on top of this tower?

12 THE WITNESS (Gaudet): I'll pass that
13 to Mr. Hamm.

14 THE WITNESS (Hamm): Typically we put
15 lightning rods on all towers, yes.

16 MR. PERRONE: About how much taller
17 does that go over the 150?

18 THE WITNESS (Hamm): 4 feet.

19 MR. PERRONE: And that's all I have.
20 Thank you.

21 MR. MORISSETTE: Thank you, Mr.
22 Perrone.

23 We'll now continue with
24 cross-examination by Mr. Edelson followed by Mr.
25 Silvestri.

Mr. Edelson.

MR. EDELSON: Thank you, Mr. Morissette. I think my first couple of questions are for Mr. Pike. Mr. Pike, what is the current state of the negotiations with the town regarding leasing the property, is that approved, in process, where are we?

THE WITNESS (Pike): Yes, it is approved. We are in the process right now with the lease. We're just going through this process right now with the CSC. And once this gets concluded, they will be looking to sign the lease to move forward.

MR. EDELSON: Now, in the background section of the application you indicate, or it's written there, that the city's -- this is AT&T speaking about the city -- saying that the city's assessment is that the modifications to the existing tower, if we are to go that route, would impact public safety communications during construction and the tower's future integration into the city-wide public safety networking.

And my question for AT&T, do you have experience at other sites where by colocating municipal and commercial communications on the

1 same tower either present problems for integration
2 into the city-wide public safety networking?

3 MR. FISHER: Mr. Edelson, we're going
4 to have, I think, a three-part witness answer, Mr.
5 Pike, Mr. Lavin, and Mr. Hamm because it relates
6 to different parts of the question.

7 You can answer the first part.

8 THE WITNESS (Pike): Yeah, there is a
9 possibility to do a COW, which is a cell on
10 wheels, which is a temporary tower in the interim
11 time when the tower is being constructed to keep
12 all of the carriers on air at that time.

13 MR. EDELSON: Can I interrupt you a
14 second? I don't know if it's me, but I'm getting
15 like echo in your voice, and I'm having trouble
16 kind of parsing the words. I don't know where
17 your microphone is, if you can get closer to it.
18 I'm not sure that's the problem but --

19 THE WITNESS (Pike): Sorry about that.
20 Just typically in the situations where there's
21 going to be a new tower with the other carriers
22 that need to come off the tower in the interim
23 period we will typically do a COW, which is a cell
24 on wheels, where they'll bring that in. It's a
25 temporary pole to keep the equipment going on air

1 at the time during construction.

2 MR. EDELSON: So just to be clear, so
3 you have found a way that could address the issues
4 with regard to construction, how you keep things
5 going during construction; is that what you were
6 referring to there?

7 THE WITNESS (Pike): Yes.

8 MR. EDELSON: And how about in terms of
9 future integration into a city's public safety
10 networking, is there some reason that from AT&T's
11 experience that you can't have, if you will,
12 municipal and commercial communication facilities
13 on the same pole?

14 THE WITNESS (Pike): That might be for
15 Martin to answer that one.

16 MR. EDELSON: Okay. Fair enough.

17 THE WITNESS (Lavin): We usually
18 provide some access for public safety. I don't
19 know of any situation that couldn't be worked out.
20 There are certainly more crowded towers in the
21 world than this with a mixture of commercial and
22 public safety. So it's just a matter of
23 case-by-case specific issues that arise how
24 difficult it is to get the two things integrated.

25 MR. FISHER: I'm getting a little

1 feedback as well, but I would like Mr. Hamm to
2 answer that part of the question as well because
3 the question relates to what would structurally
4 have to be done to the existing tower.

5 MR. EDELSON: Well, I was putting the
6 structural issues to the side. I mean, I believe,
7 you know, the tower has to stand, everyone would
8 agree to that, we don't want a tower that's going
9 to fall under weight. But I was after what it
10 seemed to me was more the city concern about
11 continuity during construction that their
12 emergency operation wouldn't be impacted, would or
13 would not be impacted, and more importantly, in
14 the long term that there would be problems of
15 integrating the two on the same tower. So I'm not
16 sure, and I don't want to keep Mr. Hamm from
17 speaking, but I would appreciate if you'd address
18 those two issues, construction, networking during
19 construction, and networking during future
20 operation.

21 MR. FISHER: So Mr. Hamm, could you
22 talk about during construction what would be
23 required to accommodate AT&T and what impacts that
24 may or may not have for the city?

25 THE WITNESS (Hamm): Yeah. Typically

1 AT&T will be doing a lot of work on the tower, so
2 they'll have to have certain antennas shut down
3 during which leads back to what Scott mentioned
4 about using another alternative antenna off the
5 tower if they have to shut down certain antennas
6 for the emergency services. It is not easy.

7 MR. EDELSON: Okay. And let me just --
8 I probably should have asked this first. This
9 comment that appears on the application, this is
10 based on the city writing a letter to AT&T
11 outlining these concerns or this is AT&T's summary
12 of conversations that have taken place, in other
13 words, how well has this been documented that this
14 is the city's concerns?

15 THE WITNESS (Pike): Scott Pike here.
16 We did speak with Wayne at the city, and they were
17 concerned about being off there. That was their
18 main concern which is why they wanted to do the
19 tower. That was their initial request to AT&T
20 when they started this.

21 MR. EDELSON: So did they ever put that
22 in writing?

23 MR. FISHER: I can share this with you
24 procedurally. The interrogatory request that the
25 Council issued I sent to the city attorney and

1 Director Bartolotta from the city. And the
2 responses to Questions 14, 16 and 17, which
3 addressed that, those were drafted and provided by
4 the city to us.

5 MR. EDELSON: All right. But I was
6 referring to before, at some point months ago you
7 made a decision to go with a second tower. And
8 what I'm getting to here is to what degree did
9 AT&T share its experience, which basically you've
10 just shared with us, that these concerns are not
11 consistent -- I don't want to really put words in
12 your mouth here -- but are not consistent with
13 AT&T's experience. AT&T has been able to collocate
14 on an existing public communications tower without
15 problems, and they've been able to operate without
16 problems.

17 I'm trying to get a sense, if the
18 Council is trying to make sure that we have no
19 proliferation of towers, we want to make sure that
20 people were making decisions with all the
21 information in front of them. And I'm trying to
22 get at is what did AT&T know about the concerns of
23 the city and what did AT&T do to educate the city,
24 which is not in the business of communications to
25 the degree AT&T is, about AT&T's experience with

1 similar situations?

2 THE WITNESS (Pike): We did share with
3 them our procedural process for doing that, but
4 the city was set on moving forward with another
5 tower from a capacity standpoint, from a more
6 structural sound standpoint with a new tower. We
7 did let them know about, you know, all different
8 types of the cell on wheels, how that works, and
9 they wanted to move forward with the tower.

10 MR. EDELSON: And is that documented --
11 I didn't see it in the record -- or is that just
12 based on your memory of conversations that took
13 place?

14 THE WITNESS (Pike): This was
15 conversations. We do not have it documented.

16 MR. EDELSON: Thank you. So I'm
17 switching topics now, Mr. Pike, a little bit to,
18 in the application there's some reference to the
19 definition of a facility versus a tower as in
20 sharing a facility or sharing a tower, and it
21 specifically refers to the Connecticut General
22 Statute, Section 16-50aa, part (b). And I went to
23 that, and I don't see it. As I read it, it's a
24 pretty short paragraph, it says, "facility" means
25 a tower owned or operated for a commercial or

1 public purpose by a person, firm, corporation or a
2 public agency which uses such tower for
3 transmitting or receiving signals, et cetera.

4 There's nothing there about the site. What am I
5 missing here that had you refer to this particular
6 section of the statute to begin talking about
7 sharing a site as opposed to sharing a tower?

8 MR. FISHER: Well, first, Member
9 Edelson, I would say that it calls for a legal
10 conclusion, and that information comes directly
11 from me. I'm happy to answer the procedural
12 question on how to interpret the statute because
13 it's a legal question, it's not a question for any
14 of the witnesses.

15 MR. MORISSETTE: Thank you, Attorney
16 Fisher. Before you do that, I'm going to ask
17 Attorney Bachman to provide some guidance as to
18 how we should address this without having Attorney
19 Fisher testifying versus providing a legal
20 opinion.

21 Attorney Bachman, can you provide some
22 guidance, please?

23 MS. BACHMAN: Certainly. Thank you,
24 Mr. Morissette.

25 Mr. Edelson, the first section of

1 General Statute, Section 16-50aa does define a
2 facility. The purpose of that statute is to
3 promote tower sharing whether they be
4 jurisdictional facilities to the Siting Council or
5 not. It could be owned by a private company and a
6 carrier could share it.

7 A second part of our tower sharing
8 statute is related to what's known as a
9 feasibility proceeding. And in a feasibility
10 proceeding an entity seeking to share a tower who
11 is unable to reach an agreement with that tower
12 owner with regard to technical, environmental,
13 legal feasibility, may ask the Siting Council to
14 hold a proceeding to take in evidence from both
15 parties on the feasibility of sharing the tower.

16 You are correct, there is no term tower
17 site sharing. It is the tower sharing policy.
18 That is what the statute discusses. So thank you.

19 MR. MORISSETTE: Thank you, Attorney
20 Bachman.

21 Mr. Edelson, does that answer your
22 question?

23 MR. EDELSON: Well, it's an excellent
24 answer, but I'm not sure it helps me very much
25 because we are not having a feasibility proceeding

1 with both parties. We only have one party to this
2 discussion about the site and the tower. But I
3 think I'm going to move on with that.

4 Let's see, what was my next question
5 here? So in the application -- I think this might
6 just be some wording problem -- in the opening
7 section of the application on the next to last
8 page, and these don't have page numbers to the
9 best of my understanding, but right before the
10 final signature, the last sentence on that under
11 conclusion on the next to last page begins, "For
12 all the foregoing reasons, AT&T petitions the
13 Council providing wireless services to the
14 public."

15 I'm having a little trouble
16 understanding what that sentence means. Can you
17 help me understand it? Is there something that
18 got dropped? If you need more help with the
19 reference of what I'm looking at, just let me
20 know.

21 MR. FISHER: I think it's just a
22 procedural typo. The language dropped off, the
23 overall conclusion paragraph. And this is signed
24 by me as counsel to the applicant, so I don't
25 think we have an issue of testimony here. But it

1 does go to the heart of the question you were
2 asking before about petitions, declaratory
3 rulings, the full extent of the tower sharing
4 statute as we think can be interpreted by the
5 Council.

6 MR. EDELSON: Maybe I didn't follow.
7 Are you saying that's the wording that should be
8 there, "petitions the Council providing wireless
9 services to the public"?

10 MR. FISHER: No, no, I was just
11 indicating I think that's just a typo when we were
12 doing the actual conversion from petition to
13 docket in the application, so there's some
14 language that's missing there.

15 MR. EDELSON: Well, maybe if we have a
16 break, you can figure out what's missing so we
17 have an application that has complete sentences.

18 MR. FISHER: We can just redact that
19 sentence altogether. I don't think it's material.

20 MR. EDELSON: That's one way around it.
21 Thank you.

22 Let's see, I guess I have questions
23 about visibility for Mr. Gaudet, and I think these
24 are pretty straight forward, but again, there's
25 obviously limits to doing the visibility modeling.

1 But would it be fair to say that after all is said
2 and done that anybody who can see the current
3 tower will be able to -- I should put it
4 differently. Only people who can see the current
5 tower will be able to see the proposed tower?

6 THE WITNESS (Gaudet): I think
7 generally, yes. You know, the existing tower is
8 180 feet, so it's certainly substantially taller,
9 30 feet higher than what's proposed. You do get
10 the opportunity, I think, more on a seasonal level
11 as opposed to a year-round standpoint where, if
12 currently a pine tree stands in between you and
13 the existing tower, you step 5 feet to the side or
14 you stand where you're standing, that a monopole
15 within a 50-foot radius of the existing facility
16 could pop out. But I think, yes, generally the
17 visibility, if you see that existing tower today,
18 you're probably going to see the new one, and if
19 you don't see it today, you most likely will not
20 see the new one.

21 MR. EDELSON: I guess another way of
22 asking the question would be, the viewshed
23 analysis you do where you kind of shade in the
24 yellow area, they would look the same if you were
25 doing it for the existing tower or the proposed

1 tower?

2 THE WITNESS (Gaudet): I think it would
3 be, yeah, essentially equal.

4 MR. EDELSON: So the difference with
5 this application is now, instead of having one
6 tower there, people who are seeing it will see two
7 towers, or at least some people will, again, a lot
8 of it having to do with the angle of the way
9 they're looking at it. Is there anything that
10 you're aware of in the literature that from an
11 aesthetic point of view would indicate that seeing
12 two colocated towers is more, if you excuse the
13 word, offensive from an aesthetic point of view
14 than just seeing one, is that a concern that has
15 been raised in the literature that we'd rather,
16 people would rather see one tower in the horizon
17 versus two side by side?

18 THE WITNESS (Gaudet): I personally
19 haven't seen any literature, any studies on that.
20 I'm sure if you surveyed people, you'd get answers
21 on both sides, hey, I already see the existing
22 tower today, what's another one, and I'm sure you
23 get people who are frustrated about seeing an
24 existing tower and don't want to see a second one
25 right there. But I don't know if there's any

1 documentation to back that up. I can do a little
2 research during the break and possibly get you a
3 better answer.

4 MR. EDELSON: No, I don't think that
5 will be necessary. I think what you said rings
6 true that even amongst all of us on this Zoom call
7 you'd probably get a split of opinions. So I
8 don't think we'll learn much from that. And I
9 guess you're saying in your industry people don't
10 go around saying two towers are worse than one
11 when you're looking at things, that's not a common
12 statement?

13 THE WITNESS (Gaudet): It's certainly
14 not the common lingo, that's for sure.

15 MR. EDELSON: In my line with my name a
16 lot of people say two Eds are better than one, but
17 I don't think that's true either, but anyway.

18 So I'd like to turn to Interrogatory
19 Number 14 because this is the one that I have, I
20 guess, the most concerns about. And so it is this
21 whole idea of the existing tower being a
22 replacement tower for both. And I think Mr.
23 Perrone got into this a little bit from a cost
24 point of view, and it sounded like they're pretty
25 close in terms of building of a new tower that

1 would accommodate both parties, commercial and
2 municipal.

3 So in my own experience, I've seen AT&T
4 put both facilities on a new tower, so that is
5 basically building a new tower, setting up, if you
6 will, the wireless carriers, and then eventually
7 bringing the municipal antennas over to AT&T. And
8 I'm wondering in the conversations with the
9 city -- I'm sorry, without the conversations with
10 the city, is it in AT&T's experience do you agree
11 that this is a feasible solution to have one new
12 tower and eventually ending up with only one
13 tower, one new tower constructed with the right
14 structural integrity from the get-go to replace
15 the existing tower and provide both, capabilities
16 for both parties?

17 THE WITNESS (Gaudet): Mr. Edelson, if
18 I could answer, it's a great question. I think
19 it's a good segue from speaking about the
20 visibility of two potential towers. The existing
21 tower that's there today, as Mr. Hamm alluded to
22 before, has a large number of municipal whip
23 antennas on it, they've got some microwave links.
24 So from a standpoint of what the city might need,
25 having been in the industry for as long as I have

1 been, I would assume they're going to need a
2 self-support structure to be able to accommodate
3 the directional positions at the varying heights
4 that they currently sit at.

5 To move to a monopole with the amount
6 of space that the city has on there for public
7 utilities, public safety, you really limit what
8 commercial carriers could install just due to
9 interference with antennas. So the feasible way
10 to get around getting everybody onto one tower
11 would be a much larger self-support tower. This
12 one that's there today is fairly small. It tapers
13 to about 5 feet at the top, and it's only about 11
14 or 12 feet at the bottom. To accommodate
15 structurally multiple carriers and public safety
16 at 180 feet, and Mr. Hamm can speak to this as
17 well, you're probably looking at a 25 foot base
18 tower. So you're substantially from a visual
19 perspective now substantially increasing what that
20 existing facility would look like today.

21 And I'll let Mr. Hamm speak to what the
22 width of that potential tower might look like up
23 top, but substantially larger than 5 feet would be
24 my guess.

25 MR. EDELSON: Thank you for that

1 response. Please, Mr. Hamm.

2 THE WITNESS (Hamm): Typically if we
3 were to support multiple wireless carriers and the
4 municipal, we're probably looking at a tower base
5 of 20 to -- 25 to 27 feet, and then the top width
6 of approximately 8 to 10 feet. Right now that
7 tower is only designed for municipal emergency
8 services. We see these all the time. And it
9 begins its taper at 80 feet, so the top 100 feet
10 of it is only 5 feet wide. Whereas, if we were to
11 do four carriers, we'd have to begin that taper a
12 lot later so that it would be a lot wider all the
13 way up.

14 MR. EDELSON: Well, if I could, for Mr.
15 Lavin, do you from a -- I understand Mr. Gaudet's
16 point of view in terms of putting it all on one
17 tower creates structural issues, but from the
18 standpoint of radio frequency and operation,
19 assuming the structure is sufficient, does AT&T
20 envision a problem with having both there?

21 THE WITNESS (Lavin): Colocating with
22 public safety is something we can easily work out.
23 It's more, this tower is built to support a couple
24 of whip antennas and a few dishes which is all
25 public safety currently needs. We put 12, you

1 know, 8 by 4-foot antennas at the top, all of our
2 radios are at the top. We're in the hundreds and
3 even thousands of pounds of equipment. So what we
4 and the subsequent carriers would put in is not
5 the kind of thing this tower was ever meant for.

6 MR. EDELSON: But maybe I can go back
7 to Mr. Hamm. And it sounds like this hasn't been
8 really evaluated, but this bigger structure, how
9 much more do you think this would create in terms
10 of cost, is this a, you know, doubling of the
11 cost, 50 percent more, 20 percent more? You're on
12 mute.

13 THE WITNESS (Hamm): Sorry. It's
14 probably closer to 50 percent more. That's only
15 the structure and building it, not including the
16 cost to move the carrier -- redo the municipal
17 work. Maybe I should --

18 MR. EDELSON: So it's just kind of
19 tower to tower bringing the equipment onto the
20 side, okay. But as far as I'm hearing, this is
21 something that AT&T decided was not a viable
22 option to pursue, you haven't put pencil to paper
23 on this particular alternative?

24 THE WITNESS (Hamm): No, we've not been
25 directed.

MR. EDELSON: Okay.

MR. FISHER: We can have Mr. Pike answer that question. Because those are all conversation that came up since 2018 with the city. So you can answer the question.

THE WITNESS (Pike): Right. We had conversations with the city, and they were very forward about moving forward with the second tower. We gave them all that information, we provided all that, and they pushed for the second tower.

MR. EDELSON: Okay. I guess I'm going to just move on to my last -- well, just an observation. Mr. Perrone brought up a number of questions regarding wetlands, and very often we see in a docket a lot of the information that Mr. Perrone was suggesting. I didn't even realize, I was thinking there weren't even wetlands around there until I think it was like over the last pictures in the field review where there was a little arrow that said wetlands here, and again, from the answer to Mr. Perrone's appropriate question, you know, 30 feet away.

Why in the docket were you not providing all of that wetland information that

1 AT&T almost, in my experience, always provides in
2 a docket for a new tower? What was the thinking
3 behind that? Mr. Pike, as project manager, I
4 would look to you.

5 THE WITNESS (Pike): Yeah, so at the
6 beginning stage when we first had Fullerton go out
7 there, it was during the wintertime. And when
8 they went out, they did not see any type of water
9 or standstill of water, so they decided not to go
10 forward with any type of investigation at the
11 beginning.

12 MR. EDELSON: So in other words, when
13 the field review photos were taken, that's when
14 somebody said, oh, that looks like wetlands over
15 there?

16 THE WITNESS (Pike): And the city also
17 did not give us any type of indication that there
18 was any wetlands going on over there as well when
19 we first went out.

20 MR. EDELSON: Okay. Well, I guess one
21 more question. This is in regard to, I think,
22 Interrogatory 45 and 46. I was kind of interested
23 or confused a little bit about the comment that
24 AT&T doesn't have statistics on dropped calls and
25 other indicators of substandard service based on a

1 geographic area. And I actually thought you did,
2 I mean, that's how you know if you've got a
3 problem in a certain area. So I just found that
4 response counter to what I've been hearing here in
5 my position on the Council.

6 And then on 46 you basically said that
7 you have a coverage gap. And I'm trying to figure
8 out, if you don't have statistics on substandard,
9 substandard provision of service, how do you know
10 you have a gap and how do you define it? Can you
11 help me out a little bit with the answers to 45
12 and 46?

13 THE WITNESS (Lavin): It's Martin
14 Lavin. 45, we don't have them readily available.
15 This really was driven by coverage. In terms of
16 coverage, we have drive test data taken in this
17 area that confirms a lack of coverage.

18 MR. EDELSON: Well, maybe I'm -- and
19 when you say "readily," you mean if we said we
20 need to have that before we can go forward, could
21 you develop these statistics?

22 THE WITNESS (Lavin): I believe we can,
23 yes, uh-huh.

24 MR. EDELSON: So it was not a question
25 of available, it was more a question of

1 accessibility, they weren't easily accessible for
2 putting this together, but they are available if
3 one wants to go get them?

4 THE WITNESS (Lavin): Yes.

5 MR. EDELSON: Okay. Well, when you use
6 words like "significant gap in coverage," how does
7 AT&T define "significant"?

8 THE WITNESS (Lavin): In this case,
9 AT&T had what it felt was a significant gap in
10 coverage, and that was also the case in public
11 safety's assessment. This area was known to them
12 to be a coverage gap for FirstNet.

13 MR. EDELSON: Right. But I'm kind of
14 getting at the word "significant." I mean, that
15 sounds to me, it's a very qualitative word, you
16 know, what's significant to me might not be
17 significant to you. Does AT&T have a way to
18 measure what's significant? How bad do things
19 have to get? Do we have a metric for that?

20 THE WITNESS (Lavin): I'm not aware of
21 a specific definition of "significant." As an
22 operator you have your gaps that everyone has
23 identified in the system and, given your budget
24 every year, they're prioritized. This one came up
25 for AT&T and for FirstNet as a priority to get

1 this coverage gap filled as shown by the drive
2 test measurements we've made.

3 MR. EDELSON: Okay. Mr. Morissette,
4 that's all the questions I have for now. Thank
5 you.

6 MR. MORISSETTE: Thank you, Mr.
7 Edelson. We will now continue with
8 cross-examination by Mr. Silvestri followed by Mr.
9 Nguyen.

10 Mr. Silvestri:

11 MR. SILVESTRI: Thank you, Mr.
12 Morissette. I'd like to start off first to see if
13 I could help Mr. Edelson with that last page of
14 the application. If you look at that last page
15 where the signature is, Mr. Edelson, and look at
16 the page directly before it, you'll find that the
17 last line on the page before it is reproduced
18 where the signature is. So they both say,
19 "providing wireless services to the public. For
20 all the foregoing reasons, AT&T petitions the
21 Council," if you get rid of one of them, it will
22 read correctly.

23 MR. EDELSON: Thank you very much.

24 MR. SILVESTRI: Okay. Now, going
25 forward, I'll try not to duplicate Mr. Perrone's

1 and Mr. Edelson's questions, although I do have
2 follow-up questions on the various things that
3 they had posed. And again, I'm looking for
4 clarity. So I'd like to start first with the
5 topic of wetlands. In my opinion, there wasn't
6 much information that was provided in both the
7 application and the interrogatory responses on
8 wetlands. So, for example, if you look at Tab 5
9 of the application, that's the National Wetlands
10 Inventory, there's a white circle at the middle of
11 the page that is in a wetland. Question: Was
12 that the original proposed location for the new
13 cell tower?

14 MR. FISHER: That's a question for
15 either Brian or Dan. I'm looking at the map that
16 you identified behind Exhibit 5.

17 MR. SILVESTRI: I'll reiterate.
18 There's a round white circle almost dead center in
19 the middle of that inventory picture that's
20 surrounded by green. And that's why I'm curious
21 if that was the original proposed location for
22 this tower.

23 THE WITNESS (Gaudet): What attachment
24 was that again, Mr. Silvestri?

25 MR. SILVESTRI: This is in the original

1 application under Tab 5. It's the National
2 Wetlands Inventory.

3 THE WITNESS (Hamm): The Wetlands
4 Inventory, I think that's just the -- it's an
5 arrow with a circle in it. It's just a location
6 marker, I believe.

7 MR. SILVESTRI: Well, let me pose the
8 question again. Was the original proposed
9 location in a wetland?

10 THE WITNESS (Hamm): It was within 4
11 feet or so.

12 MR. SILVESTRI: The map, the National
13 Wetlands Inventory does nothing for me. That's
14 why I say I thought the wetlands part was kind of
15 sparse. So let me continue and I'll pose this
16 question: Is the revised location within a
17 wetland?

18 THE WITNESS (Hamm): No.

19 MR. SILVESTRI: Now, you mentioned the
20 distance from the fence line to the wetland would
21 be approximately 30 feet. How about the area of
22 disturbance, how far away would the area of
23 disturbance be to the wetland?

24 THE WITNESS (Hamm): Probably 27 to 28
25 feet. It's pretty flat.

MR. SILVESTRI: 27 to 28 feet. Thank you for that response.

And if I heard correctly, only a delineation was performed for the wetland area, that there was no identification or survey for wetland species, vernal pools, et cetera. Am I correct on that?

THE WITNESS (Gaudet): We performed as part of our delineation, a full wetland inspection. If any indicators of a vernal pool are noted on site, we would then continue to evaluate that wetland above and beyond a delineation.

MR. SILVESTRI: But there was no recording or report within the application or the interrogatories on that; is that correct?

THE WITNESS (Gaudet): Correct.

MR. SILVESTRI: So right now we're kind of taking it verbatim as opposed to having something in writing?

THE WITNESS (Gaudet): Correct. We could certainly provide a report.

MR. SILVESTRI: All right. Going back to what Mr. Hamm mentioned about it being flat, when I look at one of the drawings, there seems to

1 be a slight elevation where the compound would be
2 located compared to the wetland. Mr. Perrone had
3 asked what measures would be employed to protect
4 the wetlands during construction. The question I
5 have for you, will the base of the compound be
6 sloped away from the wetland and more towards the
7 bituminous pavement?

8 THE WITNESS (Hamm): It can be.

9 MR. SILVESTRI: Thank you. Next topic
10 I have is the Natural Diversity Data Base areas,
11 and this is Tab 6. Tab 6 of the application
12 contains the NDDB area map for Middletown and to
13 the north of the proposed site is an area
14 designated as quote-unquote State and Federal
15 Listed Species. Question for you: Have any
16 surveys been performed to identify what might be
17 present in and around this area that can traverse
18 the site such as migratory birds, the northern
19 long-eared bat or any other type of species?

20 MR. FISHER: Mr. Gaudet, can you just
21 answer that question?

22 THE WITNESS (Gaudet): Yeah. We have
23 not been asked at this point to evaluate any
24 additional environmental concerns. We were
25 brought on initially to evaluate visibility

1 subsequently, but during the remote field review
2 as part of the interrogatories we discovered the
3 wetland. The very next day we had our scientist
4 out on site to evaluate those wetlands but no
5 additional environmental studies have been
6 performed as of yet.

7 MR. SILVESTRI: Okay. Thank you for
8 that response. I'd like to move on to the cost
9 issue, and some of this was touched upon with
10 questions by Mr. Perrone. If I heard correctly
11 from Mr. Hamm, to reinforce the existing lattice
12 tower would be about \$300,000, is that correct,
13 did I hear correctly?

14 THE WITNESS (Hamm): 300,000 to 350,000
15 I believe is what I said.

16 MR. SILVESTRI: And that's just for
17 reinforcement, not for antennas or putting any
18 type of other structures on it?

19 THE WITNESS (Hamm): Correct.

20 MR. SILVESTRI: Thank you. Then going
21 back to looking at the existing lattice tower, I
22 tried to see through Google Maps and other type of
23 resources what might be on that existing lattice
24 tower, and from what I'm seeing, I don't see a lot
25 of equipment. So I'm kind of questioning the

1 round of questions that Mr. Edelson had posed to
2 you about taking the equipment off of the lattice
3 and putting it on a new tower. Could you describe
4 what is exactly on that lattice tower at this
5 point? I see a couple whips and I see a dish or
6 two. I don't see anything else.

7 THE WITNESS (Gaudet): Mr. Silvestri, I
8 can point you at least to Photo 7-A in the remote
9 field review. So that's a fairly good centered
10 shot of the existing lattice tower there, and we
11 can see whip antennas up and down. Again, it's,
12 with it being a lattice tower, it's tough to see
13 what might be on that back leg coming off, but
14 there are at least two microwave links and at
15 least three whip antennas which appear to be
16 probably in the 15 to 20 foot range. So I think
17 that's what Mr. Hamm was alluding to in terms of
18 occupying space, not necessarily that they are
19 mounted continuously from, you know, 80 feet to
20 150 but that that space with the antennas, so from
21 an RF standpoint, would be occupied.

22 MR. SILVESTRI: Well, is there a
23 concern in moving the city's equipment to the
24 proposed new tower, is the concern with the weight
25 of the city's equipment or size of the city's

1 equipment or both?

2 THE WITNESS (Hamm): I would think the
3 biggest concern would be location. Right now they
4 occupy approximately from elevation 90 through
5 elevation 170 with their equipment. I can't speak
6 to their RF plan for their equipment, but they
7 have their whips at different heights for a
8 reason, along with the microwave links for
9 different reasons.

10 MR. SILVESTRI: And from an RF
11 standpoint, could there be interferences either
12 between the city's equipment on one tower and
13 AT&T's equipment or vice-versa?

14 THE WITNESS (Lavin): Martin Lavin.
15 Similar equipment exists on other towers and
16 coexist. From a simple interference standpoint
17 for radio frequency, there wouldn't be anything we
18 couldn't work around somehow.

19 MR. SILVESTRI: Okay. So looking at
20 the COW standpoint that was mentioned as a
21 temporary holdover, I still don't understand
22 what's prohibiting taking the city's equipment and
23 putting it on the new proposed tower. Could
24 somebody try to sum that up for me? I really
25 don't see an impediment to that.

1 MR. FISHER: I think that's a
2 combination of Dan Hamm and Martin Lavin on
3 engineering and structural questions.

4 THE WITNESS (Lavin): I think the city
5 is concerned with disruption of their services
6 while this is going on. I don't think it's
7 something that we haven't worked around at other
8 sites, but, I mean, that was the city's concern,
9 as I understand it.

10 MR. SILVESTRI: Would a COW satisfy the
11 city's concerns?

12 THE WITNESS (Hamm): I think that would
13 be a hard case because the top whip is close to
14 160 feet off the ground. We don't usually see
15 COWs much larger than 80 to 90 feet. So it could
16 be a disruption.

17 MR. SILVESTRI: All right. One other
18 question then. Assuming that the new tower is
19 approved, you construct it, you place whatever
20 equipment that you have on it for AT&T's
21 standpoint, the city is still operating on the
22 lattice tower. Is it feasible to put new
23 equipment on the new proposed tower for the city,
24 once that's installed then do a cutover and not
25 have any interruption?

THE WITNESS (Lavin): I don't have the structural in front of me, but they have an antenna, I believe, at the base at 150 feet sticking up to about 170. There may be a support necessary at the top of that whip because it's not strong enough to stand on its own, I don't know. The 150-foot tower may not be enough to hold up even -- it's not a huge structural load, but that antenna may need support at the top.

MR. SILVESTRI: Again, I wasn't looking at it from a structural standpoint. I was looking at it from a continuity standpoint that service is still provided to the city. They have their existing lattice, new materials are going on, on a proposed new tower, and then there's a cutover to make sure that the new equipment is operational. Is that feasible without losing any continuity for the city?

THE WITNESS (Lavin): From a service continuity standpoint, coverage standpoint, it certainly seems to be within the realm of possibility if all the logistics work out.

MR. FISHER: Could Mr. Hamm answer that question as well because there's multiple disciplines and issues in response to these

1 questions?

2 What would be required, Mr. Hamm, to do
3 that, as Mr. Silvestri is asking?

4 THE WITNESS (Hamm): Construction
5 completion on the new tower and coordination with
6 the heights that the town is requiring for its
7 emergency services I think is the biggest
8 challenge. It is always possible. It's just a
9 matter of fitting everything in that we need to
10 fit in.

11 MR. SILVESTRI: Okay. Let me leave it
12 at that. Mr. Lavin, I'd like to talk about 5G
13 next.

14 THE WITNESS (Lavin): Okay.

15 MR. SILVESTRI: And this is in response
16 to Interrogatory Number 41. It's stated there
17 that the antennae will only support 5G in the
18 low-band spectrum and not 5G plus. First question
19 I have, why not include 5G plus?

20 THE WITNESS (Lavin): 5G plus operates
21 at millimeter waves. It's anywhere from 30 to 10
22 times the frequency that we're working at, the
23 antennas are completely different, and the value
24 add in this area of a millimeter wave system would
25 be minimal at the present time.

MR. SILVESTRI: Does the 5G plus get into the so-called C-band frequencies?

THE WITNESS (Lavin): C-band is 3.5 gigahertz. We're at 24 to 39 gigahertz, so about ten times that frequency.

MR. SILVESTRI: Ten times that, okay.

THE WITNESS (Lavin): 5G plus, yes.

MR. SILVESTRI: All right. One other question I have on that. My understanding is that the FAA is concerned about potential interference by 5G to aircraft altimeters that are using frequencies somewhere in the range of 4.2 to 4.4 gigahertz. Are you aware of any hold that FAA put on the deployment of increased 5G speeds?

THE WITNESS (Lavin): I know that the C-band deployment for AT&T and Verizon, at least, and I think maybe T-Mobile as well in the news, they were halting any further deployment at the very least at 3.5.

MR. SILVESTRI: They're halting it at 3.5 even though the altimeters are up at 4.2; is that correct?

THE WITNESS (Lavin): I'm not exactly sure where the altimeters are, but that's potentially close enough. There are those who say

1 there's no problem at all. There are those who
2 say there's a potential problem. So I think they
3 are currently trying to study it to figure out
4 whether there really is a problem or not.

5 MR. SILVESTRI: Thank you. Thank you
6 for that response. A new topic I have for you is
7 on hinge point or yield point, if you will. And
8 going back to Interrogatory Number 25, it states
9 that no yield point would be required as it
10 relates to the property boundary. However, if I
11 look at drawing C-2, there is a distance between
12 the existing lattice tower and the proposed new
13 tower that to me seems to be about 45 feet.

14 So a question for you, is there a
15 possibility and concern that the proposed new
16 tower could catastrophically fail and impact the
17 lattice tower, if that still remains; or
18 conversely, that the lattice tower could fail and
19 impact the proposed new tower due to the short
20 distance between the two?

21 THE WITNESS (Hamm): Catastrophically
22 there's always a possibility, correct. I mean,
23 typically that would be some pretty good luck for
24 them to hit each other, but it can be designed to
25 have a yield point so that our tower or the new

1 tower does not affect the existing tower.

2 MR. SILVESTRI: What I'm looking at, I
3 mean, we put in yield points that if there's a
4 failure of some type, call it catastrophic or not,
5 that you want to keep it on the same property. So
6 I'm kind of looking at it to say, all right, do we
7 want to keep it away from either tower, and I
8 think the answer might be yes.

9 THE WITNESS (Hamm): Yes, it could be
10 designed that way.

11 MR. SILVESTRI: Thank you. Then
12 looking at the proposed new tower, I couldn't find
13 any information on how many additional carriers
14 would be proposed that could be supported on a new
15 tower or at what heights. Do you have any of that
16 information?

17 THE WITNESS (Hamm): The tower can be
18 designed to accommodate as many carriers as AT&T
19 directs us to. Typically there are 10-foot
20 separation between carriers.

21 MR. SILVESTRI: And how many carriers
22 would this be designed for if it's approved?

23 THE WITNESS (Hamm): Scott, do you have
24 that answer?

25 THE WITNESS (Pike): Yes, it would be

1 at least three total.

2 MR. SILVESTRI: Three total including
3 AT&T?

4 THE WITNESS (Pike): Yes.

5 MR. SILVESTRI: Thank you. And again,
6 separated approximately 10 feet?

7 THE WITNESS (Pike): Yes.

8 MR. SILVESTRI: Okay. Thank you. And
9 Mr. Gaudet, going back to the visual topic that
10 came up, in my opinion, I don't think a monopole
11 would really work. I think that would stand out
12 as being more bulky and much taller than the
13 surrounding vegetation. But a question that I've
14 posed at other hearings with cell towers, has
15 there been any thought about constructing a watch
16 tower?

17 THE WITNESS (Gaudet): I don't think
18 that's been explored here. You know, I think
19 there are probably situations where a watch tower
20 would work well, you know, heavily wooded
21 mountainous areas, you know, something up in
22 Vermont. I think here with an existing tower
23 right there, a monopole is the best fit for the
24 existing environment from a visual perspective.

25 MR. SILVESTRI: Okay. Thank you for

1 your response. I have a curiosity question on
2 antennae, and this goes to Drawing A-3. My
3 curiosity is, do you know where the antennae and
4 appurtenances are manufactured?

5 MR. FISHER: Mr. Hamm or Mr. Lavin
6 might know. I'm not sure.

7 THE WITNESS (Lavin): I don't know
8 country of origin.

9 THE WITNESS (Hamm): Neither do I.

10 MR. SILVESTRI: I didn't either which
11 is why I posed the question. So thank you. Then
12 if you could turn to Drawing A-1. There is an
13 existing propane tank presumably for the existing
14 lattice tower. One question I have, I believe
15 that with Mr. Perrone came up, is that you could
16 possibly use propane if this new tower is approved
17 using a different tank, obviously, but was natural
18 gas considered for a new generator or is natural
19 gas available on that site?

20 THE WITNESS (Pike): I don't believe it
21 was, they did not look into that, but it is a
22 possibility to use natural gases.

23 MR. SILVESTRI: Okay. Thank you. And
24 then staying with that drawing A-1, my
25 understanding with propane tanks is that generally

1 the minimum distance from any source of ignition
2 would be 10 feet. Now, looking at what's proposed
3 for the power cables in that drawing, they appear
4 to be less than 5 feet away from the existing
5 propane tank. So the question I have, do power
6 cables need to be located further away as they
7 might be considered a potential source of
8 ignition?

9 THE WITNESS (Hamm): No.

10 MR. SILVESTRI: No in that they
11 wouldn't be considered a potential source of
12 ignition?

13 THE WITNESS (Hamm): Correct. Where
14 they're terminated is usually where they consider
15 the source of ignition.

16 MR. SILVESTRI: Very good. Thank you.

17 Mr. Morissette, that's all the
18 questions that I have. Thank you.

19 MR. MORISSETTE: Thank you, Mr.
20 Silvestri. We will now take a 12-minute break and
21 reconvene at 3:40. So we'll see everybody at
22 3:40. Thank you.

23 (Whereupon, a recess was taken from
24 3:28 p.m. until 3:40 p.m.)

25 MR. MORISSETTE: We'll now continue

1 with cross-examination by Mr. Nguyen followed by
2 Mr. Lynch.

3 Mr. Nguyen, please.

4 MR. NGUYEN: Good afternoon, Mr.
5 Morissette. Thank you. I have a few follow-up
6 questions. And I appreciate the discussion that
7 was provided earlier. I certainly crossed out
8 some my questions.

9 Let me start with the first one
10 regarding the integration that was asked by Mr.
11 Edelson. And I know the term integration was
12 provided in the application when it talks about
13 that this tower site's integration into the
14 city-wide public safety network. First of all,
15 when we talk about integration, we're not talking
16 about joining the two public safety networks, the
17 city and AT&T together as a single network; am I
18 right?

19 MR. FISHER: I'm going to ask Mr. Lavin
20 to answer that question.

21 THE WITNESS (Lavin): Martin Lavin.
22 AT&T is integrated with FirstNet, but with the
23 rest of public safety they're not integrated with
24 each other, no.

25 MR. NGUYEN: The word integration was

1 provided in the application. I just want to
2 clarify that. So they are operating as two
3 independent networks?

4 THE WITNESS (Lavin): Yes.

5 MR. NGUYEN: And they are just -- and
6 assuming that there's tower sharing, they just
7 share at the same site and not --

8 THE WITNESS (Lavin): Operating
9 completely independently, yes.

10 MR. NGUYEN: And to that extent, you
11 have seen that there are multiple public safety
12 networks sharing the same site for public safety
13 purposes?

14 THE WITNESS (Lavin): There are plenty
15 of towers you can find that have multiple
16 commercial carriers along with the various public
17 safety, police, fire, ambulance and so forth all
18 together on the same tower.

19 MR. NGUYEN: Right. And again, to
20 clarify Mr. Edelson, to that extent it's not an
21 issue going forward should there be multiple
22 public safety networks sharing on the same site?

23 THE WITNESS (Lavin): Yeah, I think the
24 concerns are a matter of how do we get from where
25 we are to there.

MR. NGUYEN: Okay. Speaking about towers, Mr. Silvestri asked a question about the number of carriers, and you mentioned, and I want to get a witness answer, that it can accommodate three total. So two more, and we have Verizon in the record, so there's going to be another carrier that the new tower can accommodate; is that right?

THE WITNESS (Lavin): In terms of networks, there's AT&T, there's Verizon, there's T-Mobile, and they're getting together with Sprint, and as your dockets of tower share applications show, DISH Network is moving very aggressively to become the fourth provider of actual physical networks.

MR. NGUYEN: I'm talking about the new tower now. The new tower can accommodate three total?

THE WITNESS (Lavin): I believe it's engineered to accommodate the typical installations for AT&T and two more carriers.

THE WITNESS (Pike): Yes, that's correct. Scott here. That's correct. And it could also be four too, if needed.

MR. NGUYEN: Okay. Now, does that include the municipal public safety network?

1 THE WITNESS (Pike): No, it does not.

2 MR. NGUYEN: So there's specific, for
3 lack of a better word, municipal gain for
4 municipal purposes?

5 THE WITNESS (Lavin): The
6 installation --

7 MR. NGUYEN: Someone answered very
8 vaguely in the background. I'm not sure who
9 answered that.

10 THE WITNESS (Lavin): The installation
11 is very much more substantial for the commercial
12 carriers, DISH, AT&T, Verizon. And to accommodate
13 additional -- to add, if the police are there, to
14 add the fire or to add the ambulance is a much
15 smaller increment of structural stress on the
16 tower, so it's not the same. We don't have to
17 provide as much ahead of time to put a whip
18 antenna or a single dish up for them.

19 THE WITNESS (Gaudet): Mr. Nguyen, if I
20 might. I think to your question about the number
21 of carriers, I think the tower can be designed to
22 accommodate all four commercial carriers and any
23 municipal antennas, public safety, et cetera. I
24 think one of the constraints here with this site
25 is, as it's a compound expansion, you are limited,

1 as it's proposed, to the ground space within the
2 compound. So currently proposed, you would be
3 limited to two additional carriers. That's not to
4 say that the compound could not be applied for an
5 expansion for a third future carrier. But I think
6 just strictly speaking from a tower standpoint, a
7 physical tower standpoint, it could be designed to
8 accommodate all the commercial carriers.

9 MR. NGUYEN: Now, there was an answer
10 provided regarding the wetland, and it provided 30
11 feet from the fence of the new tower. What about
12 the existing tower, what is the distance from the
13 existing tower to the wetland area?

14 THE WITNESS (Hamm): I don't have the
15 exact dimensions of the tower, but to the fence
16 around the compound it's around 8 feet in some
17 areas. Some areas it's right against it. In
18 other areas it is 30 feet, 29 feet and 22 feet to
19 the wetlands. I can get that dimension shortly
20 though.

21 MR. NGUYEN: So what is the distance
22 from the proposed tower to the wetland area?

23 THE WITNESS (Hamm): From the fenced
24 compound it is 26 feet down to 20 feet.

25 MR. NGUYEN: And what's the distance

1 between the new tower to the fence compound, about
2 50 feet or so or 25 feet?

3 THE WITNESS (Hamm): Yeah, about 25
4 feet.

5 MR. NGUYEN: And the existing tower,
6 again, could be another 25 feet from the existing
7 tower to the fence or it's more?

8 THE WITNESS (Hamm): It's about 20
9 feet, yes, 20 feet.

10 MR. NGUYEN: Now, back to the duration,
11 and I want to ask a question about the duration to
12 build a new tower. From start to finish, what are
13 we talking about in terms of time frame or number
14 of months or weeks?

15 THE WITNESS (Hamm): To construct the
16 new tower?

17 MR. NGUYEN: Yes.

18 THE WITNESS (Hamm): Around 90 to 120
19 days.

20 MR. NGUYEN: And is it from the
21 commencement, from start to finish; is that right?

22 THE WITNESS (Hamm): Correct.

23 MR. NGUYEN: Now, to reinforcing the
24 existing tower what would be the duration?

25 THE WITNESS (Hamm): Probably 60 to 90

1 days still. That would depend a lot on the
2 coordination with the existing equipment on the
3 tower also.

4 MR. NGUYEN: And then my last question
5 about the 5G. And it's my understanding that if
6 5G plus, should the company proceed or there's a
7 demand for that in the future, you can accommodate
8 that by changing out the equipment whether it's
9 using the existing tower or build a new tower?

10 THE WITNESS (Lavin): I don't know
11 exactly what form it would take by the time 5G
12 plus gets out here, but the tower would certainly
13 accommodate it. Whatever equipment changes we'd
14 make, of course, we'd have to come back before the
15 Siting Council.

16 MR. NGUYEN: Right. But in terms of
17 structure --

18 THE WITNESS (Lavin): The basic
19 structure is no problem for 5G, yeah.

20 MR. NGUYEN: Okay. And one last
21 question about the existing tower. There was some
22 information regarding that the existing tower
23 capacity has been reached, is that right, and what
24 does that mean, it cannot accommodate any more?

25 THE WITNESS (Hamm): We have not done a

1 structural analysis on the existing tower for the
2 way it stands at this point.

3 MR. NGUYEN: Okay.

4 THE WITNESS (Hamm): But to put AT&T on
5 it, we have only done the analysis for AT&T, in
6 which case the capacity is exceeded greatly.

7 MR. NGUYEN: Okay. So it's not so much
8 of the space, it just structurally cannot
9 accommodate more load; is that right?

10 THE WITNESS (Hamm): Not accommodate
11 AT&T's load the way it's proposed. I don't know
12 what it can accommodate in terms of additional
13 whip antennas or microwaves.

14 MR. NGUYEN: Okay. Thank you very
15 much. And that's all I have, Mr. Morissette.

16 MR. MORISSETTE: Thank you, Mr. Nguyen.
17 We will now continue with cross-examination by Mr.
18 Lynch followed by Ms. Cooley.

19 Mr. Lynch.

20 MR. LYNCH: Can you hear me, Mr.
21 Morissette?

22 MR. MORISSETTE: Yes, I can, Mr. Lynch.
23 Thank you.

24 MR. LYNCH: All right. Thankfully most
25 of my questions have already been answered. I'd

1 like to thank Mr. Silvestri. Every time he asked
2 a question, I'd check something off. He and I
3 have been doing this for too long.

4 I do have a few follow-ups. With
5 regards to the collapsing of towers, isn't it more
6 likely that a self-supporting unguyed lattice
7 tower would collapse long before a monopole?

8 THE WITNESS (Hamm): I don't think
9 that's a statement that can be made.

10 MR. LYNCH: All right. Let's say if
11 that lattice tower was to collapse on your tower,
12 could that do some serious damage?

13 THE WITNESS (Hamm): It could do damage
14 to the equipment, not necessarily the tower.

15 MR. LYNCH: That's what I was getting
16 at. Thank you. The reason I asked the question
17 is I have seen lattice towers that have collapsed
18 in bad weather, but I've never seen a monopole
19 come down. So that's the reason I asked the
20 question.

21 THE WITNESS (Hamm): I understand.
22 Usually most of the tower collapses are caused by
23 debris striking the tower, not necessarily the
24 tower.

25 MR. LYNCH: Now, with regards to a

1 possible propane tank, Mr. Silvestri asked you
2 about the spacing. If you had a 500 or a
3 200-gallon propane tank, would there be enough
4 space available in the compound, would you have to
5 incorporate the spacing from the propane tanks?

6 THE WITNESS (Hamm): Yes.

7 MR. LYNCH: With regards to the tower
8 being built higher, federal regulations allows
9 them to go up 10 percent. Now, wouldn't you want
10 to build the base of that tower to actually
11 accommodate that additional, you know, possible
12 going up 10 percent? You were talking before, you
13 just said you'd look into it, but you didn't say
14 whether you would actually build a tower to
15 accommodate going higher.

16 THE WITNESS (Hamm): I think that's a
17 financial decision that's made by AT&T.

18 MR. LYNCH: That doesn't answer my
19 question. I'm asking if the feds say you can do
20 it, wouldn't you want to be ready to do it?

21 THE WITNESS (Hamm): I always want to
22 build things bigger, yes.

23 MR. LYNCH: All right, I'll drop it.
24 You mentioned that Verizon has an interest. At
25 what height? If you said it before, I apologize,

1 I didn't hear it.

2 THE WITNESS (Lavin): We don't know at
3 what height.

4 MR. FISHER: Hang on -- go ahead.

5 THE WITNESS (Lavin): This is Martin
6 Lavin. We don't know at what height, no.

7 MR. LYNCH: But you're assuming they're
8 going to go below you at 150; is that correct?

9 THE WITNESS (Lavin): The general
10 assumption would be they'd go right in underneath
11 us at 140-foot centerline.

12 MR. LYNCH: Thank you. That gives them
13 their 10 feet of separation?

14 THE WITNESS (Lavin): Yes.

15 MR. LYNCH: We've talked a lot about
16 back-up power, and I ask this question at every
17 hearing. The back-up power doesn't do you any
18 good if your phone trunk line goes down. Now, if
19 that's the case, now that AT&T owns Frontier
20 again, is there any plan to get, if that phone
21 line, that trunk line is down, to get it back up
22 in a hurry?

23 THE WITNESS (Lavin): Nothing specific
24 that I'm aware of.

25 MR. LYNCH: I beg your pardon?

1 THE WITNESS (Lavin): I'm not aware of
2 anything specific in terms of that.

3 MR. LYNCH: All right. Phones are
4 going off like crazy here, so I apologize when I'm
5 off mute. Give me a second to see what I haven't
6 checked off here.

7 Now, I noticed -- and this question was
8 asked earlier -- on the lattice tower -- again, I
9 apologize if I didn't hear it right -- there is
10 other equipment on there that had shown in your
11 A-2 design drawing. What's the equipment on the
12 lattice tower?

13 THE WITNESS (Hamm): The existing
14 equipment on the lattice tower is existing whips
15 and microwaves owned by the town.

16 MR. LYNCH: I see two apparatus on the
17 tower. You only mentioned one. What's the other
18 one?

19 THE WITNESS (Hamm): Microwaves.

20 MR. LYNCH: They're both microwaves?

21 THE WITNESS (Hamm): It appears so.

22 MR. FISHER: Mr. Lynch, sorry, you were
23 cutting in and out, but in addition to Mr. Hamm's
24 testimony, Mr. Lavin can also partly answer that
25 question.

THE WITNESS (Lavin): Yeah. Based on the emitters in the MPE report, there are five dishes at 120, 130, another 130 and 175 either current or planned. They operate at 11 gigahertz. There's one VHF antenna that operates at 159. And there are six at 110 feet that operate at 800 megahertz.

MR. LYNCH: Thank you, Mr. Lavin.

Like I said earlier, Mr. Morissette, the majority of my questions were all answered, and I'm all set. Thank you.

MR. MORISSETTE: Thank you, Mr. Lynch.
We'll now continue with cross-examination by Ms. Cooley followed by myself.

Ms. Cooley.

MS. COOLEY: Thank you, Mr. Morissette. Again, most of my questions have been addressed, at least in part. I just have a few. I think my first question is for Mr. Pike. I'd just like a little more clarification about your communications with the city about tower sharing. During those conversations did the cost ever come up, was the cost of what it would be to either AT&T or the city or the joint project ever discussed or did that come up at all in your

1 conversations?

2 THE WITNESS (Pike): We did discuss
3 costs, but from the standpoint of just from
4 modifying the existing tower to building a new
5 tower, it was relatively the same, and they felt
6 from, you know, a capacity standpoint that to do
7 another tower is what they really were interested
8 in doing. That was really their direction.
9 That's where they were really pushing us to go
10 forward with.

11 MS. COOLEY: Okay. In those
12 conversations was the town asked to share the cost
13 at all?

14 THE WITNESS (Pike): I don't believe
15 so.

16 MS. COOLEY: Okay. And then I think my
17 next question may be better addressed to Mr. Hamm
18 or Mr. Gaudet. I'd like to go back to the back-up
19 generator. In one of the responses you had said
20 that potentially a propane generator could be
21 substituted for a diesel generator. If that is
22 the case, the sound study was done on the diesel
23 generator. Is there any difference, would you
24 anticipate any difference, would a new sound study
25 need to be done if a propane generator were

substituted for that diesel generator?

THE WITNESS (Hamm): Propane is typically not as loud as diesel.

MS. COOLEY: I'm sorry, I couldn't get that. It was a little garbled.

THE WITNESS (Hamm): Sorry. Propane is typically not as loud as diesel.

MS. COOLEY: Still not hearing it.

THE WITNESS (Hamm): Did I lose my connection? Can you hear me?

MS. COOLEY: Yeah. It's just that one word keeps getting garbled.

THE WITNESS (Hamm): Propane is not typically as loud as the diesel. I don't have those numbers though in front of me.

MS. COOLEY: Okay. I think that actually covers all the other questions that I still had, so thank you for your time.

MR. MORISSETTE: Thank you, Ms. Cooley.

I have some follow-up questions. And I thank my fellow Council members for asking the detailed questions that they have and that have been very helpful so far.

I'd like to start with Mr. Lavin and following up on Mr. Lynch's questions relating to

1 the equipment on the existing lattice structure.

2 Mr. Lavin, in your opinion, the equipment that is
3 currently installed on the municipal Middletown's
4 tower, does it matter what height those antennas
5 are installed at?

6 THE WITNESS (Lavin): Yes, it does.

7 They are licensed for specific heights, microwave,
8 the VHF and the 800 are all licensed for specific
9 heights.

10 MR. MORISSETTE: Okay. So
11 operationally can they theoretically be relicensed
12 to be reconfigured for different heights?

13 THE WITNESS (Lavin): They can apply
14 for a new license to replace that. They can also
15 operate if it's physically necessary but works for
16 them. They are also allowed to operate below the
17 height that they are licensed at.

18 MR. MORISSETTE: So it is possible that
19 those antennas could be reconfigured on a new
20 structure at a more convenient height and collocate
21 with the cell providers?

22 THE WITNESS (Lavin): Case by case, but
23 yes it's possible.

24 MR. MORISSETTE: It's possible, okay.
25 Just to follow up on the Late-File we asked you

1 for earlier today on how many small cells. Since
2 there's going to be Late-Files submitted in this
3 case, you're more than -- you can file that as a
4 Late-File, there's no rush to do it today.

5 I would like to go to Question 50 in
6 the interrogatories relating to the 100 AGL
7 installation of AT&T's antennas. Now, it
8 appears -- let me know when you're there.

9 THE WITNESS (Lavin): Yes.

10 MR. MORISSETTE: So it appears that
11 going up to 180 that you have a significant, I'll
12 use that word significant that's come up a few
13 times today, a significant, in my terms, increase
14 in the amount of coverage provided at 180 feet.

15 Now --

16 THE WITNESS (Lavin): That's detailed
17 under Question 48 as well exactly what the
18 difference is.

19 MR. MORISSETTE: Now, does that provide
20 AT&T with an opportunity to displace other
21 facilities within the area or any potential for
22 growth, you know, does it have a benefit, a cost
23 benefit associated with having that increase?

24 THE WITNESS (Lavin): I haven't studied
25 it directly, but it's entirely possible that it

1 may reduce the number of facilities needed. It's
2 certainly in keeping with the Siting Council's
3 goal of reducing the proliferation of towers, and
4 I'll never turn down another 30 feet of height,
5 no.

6 MR. MORISSETTE: Yeah, right. It
7 certainly seems to have a lot of benefit
8 associated with the increase in height, and I can
9 imagine that it would require some study as to
10 really to understand what the benefit would be as
11 far as displacing other facilities, but there is a
12 potential there for some displacement, I would
13 imagine. So thank you.

14 Well, just for the record, from a
15 roadways perspective, you have a 48 percent
16 increase in coverage. That's pretty significant.

17 THE WITNESS (Lavin): Uh-huh. Yeah,
18 roadways can come in or out very quickly. When
19 you just move the line a little bit, all of a
20 sudden you take in a whole row that you didn't
21 before so --

22 MR. MORISSETTE: Yeah, and even the
23 area is like 29 percent, that's a pretty good
24 increase. Okay. Thank you for that.

25 I would like to now for clarification

1 concerning the wetlands analysis that was
2 performed and the NDDB analysis that wasn't
3 performed, I would like to see as a Late-File the
4 wetland report that I understand has been
5 developed. I want to make sure if that's
6 possible. It's not for you, Mr. Lavin. I think
7 it's for Mr. Gaudet.

8 THE WITNESS (Gaudet): Yes, Mr.
9 Morissette, we can provide that.

10 MR. MORISSETTE: Thank you. And I
11 would also like to see an NDDB analysis performed
12 for the site as well. Is that something that can
13 be done relatively quickly?

14 THE WITNESS (Gaudet): Yes, we can turn
15 that around pretty quickly.

16 MR. MORISSETTE: Great. Thank you.

17 Okay. I think this is for Mr. Pike or
18 Mr. Gaudet. Why was the site shifted, was it
19 because of the wetlands or for another reason?

20 THE WITNESS (Pike): Yes, it was from
21 the wetlands from that exact location. We wanted
22 to shift it to kind of avoid any situation with
23 wetlands, anything that would cause an issue down
24 the road.

25 MR. MORISSETTE: Okay. Very good. So

1 the original site is totally off the table, we are
2 concentrating on the alternative site?

3 THE WITNESS (Gaudet): I think, Mr.
4 Morissette, the wetland obviously is a big factor
5 there. That's why we moved it. I think it ended
6 up, the bright spot in the shift and finding the
7 wetlands was that we can now design a facility
8 that avoids any additional tree clearing as we
9 would have seen before with a 50-foot by 50-foot
10 compound almost entirely within the treeline.

11 MR. MORISSETTE: Okay. And does the
12 wetlands limit you on further expansion of the
13 footprint of the site for additional carriers?

14 THE WITNESS (Gaudet): I would say
15 we're probably as close as we would want to get
16 with how it's currently proposed with that
17 compound expansion to the south. That does not
18 mean you could not move further into, there's a
19 parking, an existing asphalt area there that's
20 pretty wide that you could expand into in the
21 future, obviously assuming that the city was
22 agreeable to that. It would still allow seemingly
23 enough access for city services to go in and out
24 of the property and use it as they have been
25 currently. But yes, you would not want to expand

1 south, call it south/southwest or into that area
2 where the original compound was proposed.

3 MR. MORISSETTE: The current compound
4 is designed for one carrier?

5 THE WITNESS (Gaudet): You're talking
6 about the compound that currently exists today or
7 the --

8 MR. MORISSETTE: No, the --

9 THE WITNESS (Gaudet): The expansion.

10 MR. MORISSETTE: The alternative
11 compound.

12 THE WITNESS (Gaudet): So this expanded
13 compound, as you can see, now as opposed to having
14 the additional carriers all within that new 50 by
15 50 compound, is utilizing the ground space that
16 currently exists in that larger, I don't have the
17 dimensions of the existing lattice tower compound,
18 but it's designed to, you can see at least three
19 carriers will fit within the ground space there.

20 MR. MORISSETTE: Okay. So you've
21 accommodated for up to four carriers in the
22 compound?

23 THE WITNESS (Gaudet): Yes, so three
24 carriers, AT&T, two future carriers, and the
25 existing city shelter that stands currently for

1 the lattice tower.

2 MR. MORISSETTE: Very good. Thank you.
3 Okay. I'd like to turn to the response to
4 interrogatories, I think it's attachment 2, the
5 structural analysis calculation, page 4. I think
6 this is Mr. Hamm. I have some questions relating
7 to the structural analysis.

8 Mr. Hamm, I understand that based on
9 your testimony so far that at this point you don't
10 know whether the city's equipment and lattice
11 structure can support itself at this point; is
12 that correct?

13 THE WITNESS (Hamm): We have not run an
14 analysis for that.

15 MR. MORISSETTE: So we don't know that
16 --

17 THE WITNESS (Hamm): My opinion is it's
18 adequate to support itself.

19 MR. MORISSETTE: Okay. So the analysis
20 basically says the 252.3 percent loading on the
21 structure with AT&T's equipment on it, so that
22 clearly is way out of whack, basically, you know,
23 maximum stress is at that level. Now, that's just
24 for AT&T's equipment only. It doesn't include
25 analysis for additional equipment or other

1 carriers, correct?

2 THE WITNESS (Hamm): Correct.

3 MR. MORISSETTE: All right. So in your
4 opinion, the 252, if you add another carrier on
5 it, does that go to 352, is it linear in that
6 fashion, or is there another way to look at it?

7 THE WITNESS (Hamm): It's not linear by
8 any means. It all depends on the elevation they
9 go at and then the reinforcing that we'll have to
10 do. So one thing that should be known about the
11 structurals is they only tell you what's failing,
12 but they don't tell you exactly how to beef up the
13 whole tower. So as you start beefing up, this is
14 one of the top, one of the middle sections --

15 MR. MORISSETTE: Right.

16 THE WITNESS (Hamm): -- you may end up
17 pushing other upgrades and other, a few things
18 down further.

19 MR. MORISSETTE: Okay. So I think it
20 was 300K that you mentioned earlier to beef up the
21 tower, it was 300,000, 350,000, something like
22 that, and that's only for one carrier?

23 THE WITNESS (Hamm): Correct.

24 MR. MORISSETTE: So if you were to add
25 two to three carriers, I mean, I would imagine

1 you'd basically be rebuilding it and putting up a
2 new structure.

3 THE WITNESS (Hamm): I would think so.

4 MR. MORISSETTE: So 300K. Now, a new
5 lattice structure you said was in the 600,000
6 range, did I understand that right?

7 THE WITNESS (Hamm): It's probably
8 about 50 percent more than a monopole, the steel
9 itself.

10 MR. MORISSETTE: So you're at 450,000,
11 so you're at 650,000?

12 THE WITNESS (Hamm): Probably.

13 MR. MORISSETTE: Probably and --

14 THE WITNESS (Hamm): I'd have to run
15 true numbers to tell you the exact numbers.

16 MR. MORISSETTE: But if you went with a
17 lattice structure, you could go up to 180 feet,
18 accommodate four carriers no problem plus the city
19 no problem, but you're going to incur
20 approximately 250,000 to 300,000 more in
21 additional costs?

22 THE WITNESS (Hamm): Right, and create
23 a much larger profile.

24 MR. MORISSETTE: A much larger profile.

25 THE WITNESS (Gaudet): Mr.

1 **Morissette --**

2 THE WITNESS (Hamm): These towers, you
3 know, these towers that the city has are really
4 only meant for whips and microwaves. They're not
5 meant for any kind of cell carrier.

6 MR. MORISSETTE: Okay. Mr. Gaudet, you
7 had something to add?

8 THE WITNESS (Gaudet): Yeah, I just
9 wanted to add too that that cost, that increased
10 cost is not accounting for the decommissioning and
11 labor and work that goes into removing that
12 existing tower as well.

13 MR. MORISSETTE: Right.

14 THE WITNESS (Gaudet): So building the
15 new one you've got that, but then probably a
16 couple hundred thousand dollars in construction
17 costs and decommissioning as well.

18 MR. MORISSETTE: Yeah, good point. So
19 you think it's 100,000 or 200,000 to decommission
20 and cut it over and --

21 THE WITNESS (Gaudet): I think that's a
22 good guess.

23 MR. MORISSETTE: Okay. Let's see what
24 else I've got here. The analysis didn't even
25 touch on the foundations. They basically punted

1 on that. And it's highly likely that that
2 foundation may not even support the addition of
3 the AT&T tower, AT&T facilities, never mind
4 anything else. So would you agree with that, Mr.
5 Hamm?

6 THE WITNESS (Hamm): Yes.

7 MR. MORISSETTE: Okay. Just give me
8 one second here. Okay. That pretty much wraps it
9 up for me. I think that concludes our
10 cross-examination. I'll just run through to see
11 if anybody else has any follow-up questions just
12 quickly.

13 Mr. Perrone, do you have any follow-up
14 questions?

15 MR. PERRONE: No, I don't. Thank you.

16 MR. MORISSETTE: Thank you. Mr.
17 Edelson, any follow-up questions?

18 MR. EDELSON: No, thank you.

19 MR. MORISSETTE: Mr. Silvestri, any
20 follow-up questions?

21 MR. SILVESTRI: Not at this time, Mr.
22 Morissette, but I will with the Late-Files that
23 will be coming in. Thank you.

24 MR. MORISSETTE: Thank you, Mr.
25 Silvestri.

1 Mr. Nguyen, any follow-up?

2 MR. NGUYEN: No. No, thank you.

3 MR. MORISSETTE: Thank you. Mr. Lynch,
4 any follow-up?

5 MR. LYNCH: I do not.

6 MR. MORISSETTE: Thank you, Mr. Lynch.

7 Ms. Cooley, any follow-up?

8 MS. COOLEY: Thank you, Mr. Morissette.

9 Not at this time. Thanks.

10 MR. MORISSETTE: Thank you, Ms. Cooley.

11 Okay. I think we're all set. That
12 will conclude our cross-examination. The Council
13 will recess until 6:30 p.m., at which time we will
14 commence with the public comment session of this
15 remote public hearing. Thank you, everyone, and
16 have a good evening.

17 (Whereupon, the witnesses were excused
18 and the hearing adjourned at 4:17 p.m.)

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CERTIFICATE FOR REMOTE HEARING

I hereby certify that the foregoing 96 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken before the Connecticut Siting Council of the REMOTE PUBLIC HEARING IN RE: DOCKET NO. 506, NEW CINGULAR WIRELESS PCS, LLC (AT&T) APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 499 MILE LANE, MIDDLETOWN, CONNECTICUT, which was held before JOHN MORISSETTE, PRESIDING OFFICER, on November 30, 2021.

**Lisa L. Warner, CSR 061
Court Reporter**

1 **I N D E X**

2

3 **COUNCIL'S ADMINISTRATIVE NOTICE ITEMS**

4 **I-B-1 THROUGH I-B-82: RECEIVED IN EVIDENCE ON**

5 **PAGE 7**

6 **WITNESSES: (Sworn on page 8)**

7 **SCOTT PIKE**
8 **BRIAN GAUDET**
9 **DANIEL HAMM**
10 **MARTIN LAVIN**

11 **EXAMINERS:**

12 **Mr. Fisher (Direct)**

13 **PAGE**
14 **9**

15 **Mr. Perrone (Start of cross)**

16 **11**

17 **Mr. Edelson**

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19 **Mr. Silvestri**

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21 **Mr. Nguyen**

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23 **Mr. Lynch**

24 **77**

25 **Ms. Cooley**

26 **82**

27 **Mr. Morissette**

28 **84**

I n d e x: (Cont'd)

APPLICANT'S EXHIBITS
(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
II-B-1	Application for a Certificate of Environmental Compatibility and Public Need, filed by New Cingular Wireless PCS, LLC (AT&T) and attachments, received October 6, 2021	11
II-B-2	Applicant's Affidavit of Publication and Certification of Service of Notice, dated October 19, 2021	11
II-B-3	Applicant's affidavit of sign posting, dated November 22, 2021	11
II-B-4	Applicant's responses to Council interrogatories, Set One, and attachments, dated November 23, 2021	11
	a. Tower Structural Calculations, dated January 7, 2019	
	b. Redacted Option and Land Lease Agreement	
II-B-5	Applicant's Pre-Hearing submission/witness resumes, dated November 23, 2021	11

***All exhibits were retained by the Council.**