

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

NEW CINGULAR WIRELESS PCS, LLC
D/B/A AT&T AND TARPON TOWERS II,
LLC APPLICATION FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND
OPERATION OF A
TELECOMMUNICATIONS FACILITY
LOCATED AT 92 GREENS FARMS
ROAD, WESTPORT, CONNECTICUT

DOCKET NO. 510

SEPTEMBER 15, 2022

**APPLICANTS' RESPONSES TO INTERROGATORIES
OF INTERVENOR DONALD L. BERGMANN DATED SEPTEMBER 7, 2022**

NEED

1. Approximately how many households do you believe are unable to get any cell phone voice and text service from either AT&T and Verizon within the areas of coverage expected for the proposed Cell Tower?

AT&T does not have data on a "household" basis. Included below is a table with estimated coverage from the proposed facility based on population, area and roadway.

	Incremental Coverage from Proposed Site (700 MHz)	
Population: ¹	(≥ -83 dBm)	1,580
	(≥ -93 dBm)	1,310
Area (mi²):	(≥ -83 dBm)	1.23
	(≥ -93 dBm)	1.02
Roadway (mi):	Main (-93 dBm):	1.6
	Secondary (-93 dBm):	8.3
	Total (-93 dBm):	9.9

¹Population figures are based upon 2010 US Census Block Data

2. Approximately how many households do you believe are unable to get what you consider adequate cell phone voice and text service from either AT&T and Verizon within the areas of coverage?

Please see response no. 1 above.

3. What is your estimate of the number of dropped voice and text calls each month or year within the coverage area and what is the estimate of how long the calls are dropped?

Please see Applicants' Responses to Siting Council Interrogatories Set I dated August 1, 2022 Response No. 33.

4. What is the reason a call that is dropped may become reconnected within 30 seconds or some similar brief period time?

AT&T is not familiar with this phenomenon.

5. What percentage of the coverage that will result from the cell tower reflects basic conversation, voice and text, versus other uses for cell service and provide those percentages separately on the basis of service for those in vehicles along I-95 versus homes?

There is no way to separate usage in vehicles along I-95 (or any other road) from usage in homes.

6. What is the distance along I-95 that AT&T and Verizon believe has inadequate cell service, is that inadequacy not apparent to other carriers and to what extent is the inadequacy respecting cell voice and text service versus other cell services?

There is no way to separate usage in vehicles along I-95 (or any other road) from usage in homes or any other locations. Please see Applicants' Responses to Siting Council Interrogatories Set I dated August 1, 2022 Response No. 34 for information regarding AT&T's coverage gap. AT&T does not have details regarding other carriers' networks.

BUSINESS

7. Of the projected revenues to AT&T and Verizon from customer use of the service that will first become available to AT&T and Verizon users within the area of coverage, what percentage of those revenues will derive from voice and text cell phone service versus other cell services?

This information is not included in the legal criteria for the Siting Council to consider in a certificate proceeding as set forth in Connecticut General Statutes ("C.G.S.") Section 16-50p. C.G.S. Section 16-50p requires the Siting Council to balance the public need for facilities with their probable environmental impacts and does not allow for Siting Council consideration of projected revenue.

8. Within the Town of Westport, what will be the projected or hoped for increase in revenue dollars to AT&T and Verizon that will result from the cell tower, e.g. if Westport generates \$100,000 annually in revenues now to AT&T or Verizon, what will be the revenues hoped to be generated in Westport in the third year after the cell tower is in operation?

Please see response no. 7 above.

9. When AT&T and Verizon make judgments as to where to participate as to a cell tower, do AT&T and/or Verizon consider the service already provided by other carriers and, if so, how does that impact a decision to locate on a new or existing cell tower?

Once a search ring is established by AT&T for an area with an identified coverage gap, existing facilities are analyzed to determine whether AT&T can use the existing facilities to remedy the wireless service gap. For more information on the site search process, please see Attachment F of the Application.

10. What will be the aggregate expense to each of AT&T and Verizon to participate in this cell tower effort up to the point of commencement of service, what will be the estimated costs to provide that service and to share all costs for the cell tower and what will be the revenues projected to AT&T and Verizon for the first, third and fifth year of service?

This information is not included in the legal criteria for the Siting Council to consider in a certificate proceeding as set forth in Connecticut General Statutes ("C.G.S") Section 16-50p. C.G.S. Section 16-50p requires the Siting Council to balance the public need for facilities with their probable environmental impacts and does not allow for Siting Council consideration of revenue.

For relevant cost information please see the Application and the Applicants' Late-Filed Exhibits, Response 5, dated September 15, 2022.

11. How will AT&T and Verizon generate revenues from the expected improved service on I-95, e.g. it is unlikely that the owner of a vehicle driving on I-95 will switch carriers immediately upon the service commencement for this cell tower, though possibly all carriers benefit from the amount of time connected to or through a particular carrier and that time of connection will increase for AT&T and Verizon because there will be no or a lesser gap in service while a vehicle travels along I-95 in Westport?

This information is not included in the legal criteria for the Siting Council to consider in a certificate proceeding as set forth in Connecticut General Statutes ("C.G.S") Section 16-50p. C.G.S. Section 16-50p requires the Siting Council to balance the public need for facilities with their probable environmental impacts and does not allow for Siting Council consideration of revenue.

12. Provide more information as to why AT&T decided not to proceed with a cell tower at this site eight years ago, i.e. the reason given was a cut back in capital expenditures at the Corporate level. Most likely, there were other reasons, e.g. changes in management, impact of objections from Westport, new needs relevant to cell service, greater likely profitability, advertising needs, expectations as to 5G and 5G plus?

Please see AT&T's Responses to the Town of Westport Interrogatories dated August 3, 2022 Response No. 3. There are no other reasons.

SITE AND APPEARANCE

13. Explain or comment upon why Tarpon, AT&T and Verizon appear to be rather passive in trying to promote the location of a cell tower on property owned or under the control of the CT DOT?

This interrogatory ignores the evidence in the record. Tarpon representatives reached out to CDOT on numerous occasions to discuss the properties and to request a meeting to evaluate their viability for a site. CT DOT has never responded to those inquiries. See Exhibit F to the Application for additional detail. See also Supplemental Pre-Filed Testimony of Keith Coppins and Douglas Roberts, AIA testifying as to Tarpon's written submission to CDOT, which CDOT has not responded to.

14. What has been done since the August 9th hearing as to the exploration of a different site and what judgements have been made, if any, as to alternative sites?

Please see Supplemental Pre-Filed Testimony of Keith Coppins and Douglas Roberts, AIA.

See attached a map showing the location of existing facilities (CT5278, CT5080, CT2153, CT2147, and CT2101), as well as the proposed site (CT1843), in relation to the two alternative sites (i.e., the Greens Farms train station and Town of Westport public works property) suggested by Mr. Silvestri in the hearing on August 9, 2022. These two alternative sites do not work from an RF perspective due to their close proximity to the existing facilities.

15. Why could not a lower tower be used with its service area being directed primarily to the south where the tree line would be lower? In other words, why are Tarpon, AT&T and Verizon unwilling to build a tower in the height range of 80 or so feet to serve I-95 and homes south of I-95 simply as a thoughtful accommodation to the so many in Westport that do not want a 124 foot tower?

Please see Applicants' Responses to Siting Council Interrogatories Set I dated August 1, 2022 Response No. 29.

16. When will there be a commitment not to increase the tower by any height above 124 feet? When will a commitment be made to have only one generator and one that does not use diesel fuel?

The Applicants have proposed a 124' monopole structure (not to exceed 124' with antennas). Any further extension of the tower beyond 124' would require approval of the Connecticut Siting Council.

AT&T prefers its own generator to avoid a single point of failure, which is particularly important as AT&T will deploy FirstNet emergency services from this facility.

17. What is the expected number of trees to be taken down and what is the high estimate and the low estimate for tree removals?

Eight.

18. What specific efforts will be taken to address the water flow and wetlands concerns set forth in materials submitted by the Westport Conservation Department?

See Exhibit L to the Application and the Applicant's Late-Filed Exhibit 1.

19. It is requested that a written response be provided for the record to the letter of 2021 from the Westport Historic District Commission which letter expresses strong objection to this 92 Greens Farms Rd. site?

See Exhibit I to the Application. The Applicants further state that the Site is not located within any historic district.

20. When will there be contact with and approval from the Army Corps of Engineers as to their role as described by the Westport Conservation Dept., it being expected and requested that such contacts be in writing and provided to the Siting Council, all Participants and the Intervenor?

No approval from the Army Corps of Engineers is required under the governing statutes.

GENERAL

21. What do you confront as a result of the decision in ENVIRONMENTAL HEALTH TRUST ET AL vs THE FEDERAL TRADE COMMISSION AND THE UNITED STATES OF AMERICA, U.S. District Court, 8/13/21, No. 20-1025 and what is your concern, if any, that updated studies as to radiofrequency harms from cell towers suggest that the studies presently still being used have become outdated and, as the Court in the above litigation directed, the FTC should update its analysis, noting that the updating of two or three years ago reflected actions that the Court determined were "arbitrary and capricious"?

The relevant and current standards for evaluating radio frequency exposure are the Federal Communications Commission ("FCC") standards amended in August 1997 by OET Bulletin 65 Edition 97-01.

22. What statements, written or oral, and whether internal or external have Tarpon, AT&T or Verizon generated over the past five years, particularly following the above litigation, that indicate a concern with the harms from radiofrequencies from cell towers, both as to the environment and people, especially young children?

None.

23. Is there any reason for the public to believe that at some point, much like the tobacco companies, cell towers will be found to be somewhat or even very dangerous to the environment and people?

The Telecommunications Act of 1996, which is administered by the Federal Communications Commission prohibits the Siting Council from considering the health effects of radiofrequency emissions on human health and wildlife to the extent the emissions from the towers are within federal acceptable safe limits standards, which standards are also followed by the State Department of Public Health. See Attachment J of the Application which demonstrates compliance with these applicable standards.

24. What are your specific plans for 5G and 5G plus service being tied into the proposed cell tower?

Please see Applicants' Responses to Siting Council Interrogatories Set I dated August 1, 2022 Response No. 27 and the August 8th evidentiary hearing transcript pages 40-41.

25. Do you consider the studies as to the potential harm from 5G and 5G plus to suggest that those harms have not been fully understood or explored and that, possibly, such service should come into being more slowly than planned or with more attention to potential harmful consequences?

See response no. 23.

26. Since studies of the potential harms from 5G services have been few and modest, are you prepared not to use the cell tower for 5G and 5G plus until there is a consensus as to those potential harmful impacts?

See response no. 23.

27. Would the use of small cell service address much of the household coverage phone voice and text service gaps to be addressed by the cell tower and what would that cost to implement?

Please see Applicants' Responses to Siting Council Interrogatories Set I dated August 1, 2022 Response No. 30.

28. Does small cell service have any relevance to service for vehicles along I-95?

Please see Applicants' Responses to Siting Council Interrogatories Set I dated August 1, 2022 Response No. 33.

29. Do other carriers now provide cell service along I-95 within the area of coverage relevant to the proposed cell tower?

AT&T can only provide information on AT&T's network.

30. Have Tarpon, AT&T and/or Verizon been involved in the construction of any cell tower in CT located in a one-acre residential zone and if so, where, when and what was the outcome?

Tarpon has previously constructed towers on residential properties. It does not recall the specific sizes of the residential properties.

AT&T was a co-applicant for a tower facility approved in Redding, CT on a 0.62 acre parcel in a residential zoning district.

31. Based upon the facts to date, do you believe there is any legal reason for the Siting Council to deny this application, with the inclusion of conditions in any approval, not to be considered a denial?

No.

32. If the answer to question "31" reflects your belief that you have made a case for the cell tower which the Siting Council should approve, even if with some conditions, and yet, the Siting Council does not approve your application, will you appeal the action taken by the Siting Council?

This is not relevant as it is included in the legal criteria for the Siting Council to consider in a certificate proceeding as set forth in Connecticut General Statutes ("C.G.S") Section 16-50p. C.G.S. Section 16-50p requires the Siting Council to balance the public need for facilities with their probable environmental impacts,

33. If the Siting Council approves your application do you think that the Town, the Intervenor or others should appeal that decision and, if you do not think an appeal has merit, would you set forth your reasoning, e.g. CT law does not allow for appeals of Siting Council decisions except under egregious facts?

This is not relevant to this proceeding. See response no. 32.

34. Do you have a view as to your responsibility or interest to take cognizance of the fact that the proposed site in this neighborhood (i) is in a single family residential zone, (ii) has many aesthetically desirable characteristics, (iii) is near popular beaches of Long Island Sound, (iv) is almost certain to result in a decline in neighborhood property values, (v) is located not very far from a child day care sentence and (vi) has as its nearest neighboring home a residence in which an infant now resides with her parents?

Please see the Application for Tarpon's and AT&T's evaluation of the public need for the proposed facility and potential environmental impacts. It should be noted that property values and item vi above are not included in the legal criteria for the Siting Council to consider in a certificate proceeding as set forth in Connecticut General Statutes ("C.G.S") Section 16-50p.

34. Do any of the law firms involved give consideration to rejecting their respective clients in this matter because of a principle reflecting a desire not to represent a client that is legitimately accused of harming a neighborhood and, though under the law, disregarding the expressed interest of the Town of Westport, several of its governing bodies and, it can be asserted, most of the population?

Not appropriate or relevant to this proceeding.

RESPECTFULLY SUBMITTED,

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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent via electronic mail on this 15th day of September, 2022, to the following:

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