

Docket No. 510  
Tarpon Towers, LLC. ("Tarpon") Cingular Wireless PCS, LLC. ("AT&T")  
Cellco Partnership d/b/a Verizon Wireless ("Verizon") Town of Westport )"Town")  
Post August 9 Hearing Interrogatories  
September 7, 2022  
Submitted by Intervenor Donald L. Bergmann

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

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?
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?
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?
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?
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?
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?

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

## 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"?
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?
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?
24. What are your specific plans for 5G and 5G plus service being tied into the proposed cell tower?
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?
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?
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?
28. Does small cell service have any relevance to service for vehicles along I-95?
29. Do other carriers now provide cell service along I-95 within the area of coverage relevant to the proposed cell tower?

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?
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?
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?
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?
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?
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?

*Donald L. Bergmann*

Donald L. Bergmann  
32 Sherwood Dr. Westport CT  
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