

1
2 STATE OF CONNECTICUT
3 CONNECTICUT SITING COUNCIL
4

5 Docket No. 510

6 New Cingular Wireless PCS, LLC d/b/a AT&T and
7 Tarpon Towers II, LLC Application for a Certificate of
8 Environmental Compatibility and Public Need for the
9 Construction, Maintenance, and Operation of a
10 Telecommunications Facility Located at 92 Greens Farms
11 Road, Westport, Connecticut

12
13 Zoom Remote Council Meeting (Teleconference),
14 on Thursday, September 22, 2021, beginning at 2 p.m.

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16 H e l d B e f o r e :

17 JOHN MORISSETTE, Member and Presiding Officer
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1 **A p p e a r a n c e s :**

2 **Council Members:**

3 **JOHN MORISSETTE, (Hearing Officer)**

4
5 **BRIAN GOLEMBIEWSKI,**

6 **DEEP Designee**

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8 **ROBERT SILVESTRI**

9 **MARK QUINLAN**

10 **LOUANNE COOLEY**

11 **DANIEL P. LYNCH, JR.**

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13 **Council Staff:**

14 **MELANIE BACHMAN, ESQ.,**

15 **Executive Director and Staff Attorney**

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17 **IFEANYI NWANKWO,**

18 **Siting Analyst**

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20 **LISA FONTAINE,**

21 **Fiscal Administrative Officer**

1 **A p p e a r a n c e s:(cont'd)**

2 **For Tarpon Towers II, LLC (APPLICANT):**

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10 **For NEW CINGULAR WIRELESS PCS, LLC (AT&T):**

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18 **For Cellco Partnership d/b/a Verizon Wireless:**

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1 **A p p e a r a n c e s:(cont'd)**

2 **For the TOWN OF WESTPORT:**

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10 **For DONALD BERGMANN (Intervenor):**

11 **DONALD BERGMANN (pro se)**

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1 THE HEARING OFFICER: Good afternoon, ladies and
2 gentlemen. Can everyone hear me okay?

3 Great. Thank you. This continued remote
4 evidentiary hearing session is called to order
5 this Thursday, September 22, 2022, at 2 p.m. My
6 name is John Morissette, member and presiding
7 officer of the Connecticut Siting Council.

8 If you haven't done so already I ask that
9 everyone please mute their phones now and their
10 computer audio.

11 A copy of the prepared agenda is available on
12 the Council's Docket Number 510 webpage along with
13 the record of this matter, the public hearing
14 notice, instructions for public access to this
15 remote public hearing, and the Council's citizens
16 guide to Siting Council procedures.

17 Other members of the Council are
18 Mr. Silvestri, Mrs. Cooley, Mr. Quinlan,
19 Mr. Golembiewski, Mr. Lynch, Executive Director
20 Melanie Bachman, Siting Analyst Ifeanyi Nwankwo,
21 and Fiscal Administrative Officer Lisa Fontaine.

22 This hearing is held pursuant to the
23 provisions of Title 16 of the Connecticut General
24 Statutes and of the Uniform Administrative
25 Procedure Act upon an application from New

1 Cingular Wireless PCS, LLC, doing business as AT&T
2 and Tarpon Towers II, LLC, for a certificate of
3 environmental compatibility and public need for
4 the construction, maintenance and operation of a
5 telecommunications facility located at 92 Greens
6 Farm Road, Westport, Connecticut. This
7 application was received by the Council on May 26,
8 2022.

9 Please be advised that the Council's project
10 evaluation criteria under the statute does not
11 include consideration of property value.

12 A verbatim transcript will be made available
13 of this hearing and deposited within the
14 Westport's Town Clerk's office for the convenience
15 of the public.

16 We will take a 10 to 15-minute break at a
17 convenient juncture around 3:30.

18 We will now continue with the appearance by
19 the Applicant. In accordance with the Council's
20 August 10, 2022, continued evidentiary hearing
21 memo we will continue with the appearance of the
22 Applicants New Cingular Wireless PCS, LLC, d/b/a,
23 AT&T; and Tarpon Towers II, LLC, to swear in their
24 new witnesses Eric Reuter and Rachelle Lewis, and
25 verify the new exhibits marked as Roman numeral

1 two, items 10 through 16 in the hearing program.

2 Attorney Bachman, can you please begin by
3 swearing in Eric Reuter and Rachelle Lewis.

4 Attorney Bachman?

5 MS. BACHMAN: Thank you, Mr. Morissette.

6 E R I C R E U T E R,

7 R A C H E L L E L E W I S,

8 called as witnesses, being first duly sworn

9 by the EXECUTIVE DIRECTOR, were examined and

10 testified on their oaths as follows:

11
12 MS. BACHMAN: Thank you.

13 THE HEARING OFFICER: Thank you, Attorney Bachman.

14 Attorney Ball or Pires, and Attorney

15 Chiocchio or Motel, please begin by identifying

16 the new exhibits you have filed in this matter and

17 verifying the exhibit by the appropriate sworn

18 witnesses?

19 MR. BALL: Thank you, Mr. Morissette.

20 Lucia, do you want to begin with the AT&T

21 witnesses?

22 MS. CHIOCCHIO: Sure. So we have -- on behalf of AT&T

23 we have prefiled testimony of Martin Lewis we

24 also -- Lavin, I'm sorry. And we also have

25 prefiled testimony of Rachelle Lewis, both dated

1 September 14, 2022. And we do have responses to
2 Intervener Bergmann's interrogatories dated
3 September 15, 2022.

4 And those responses were in conjunction with
5 the Tarpon the co-applicant.

6 **THE HEARING OFFICER:** Thank you, Attorney Chiocchio.

7 Attorney Ball?

8 **MR. BALL:** Thank you, Mr. Morissette.

9 In addition to the exhibits just identified
10 by Attorney Chiocchio we have supplemental
11 prefiled testimony of Keith Coppins and Douglas
12 Roberts.

13 Tarpon also participated in the responses to
14 Mr. Bergmann's interrogatories as well as the
15 late-filed exhibits and resumes.

16 **THE HEARING OFFICER:** Thank you, Attorney Ball.

17 Attorney Chiocchio, would you like to verify
18 the exhibits by the appropriate sworn witnesses?

19 **M A R T I N L A V I N,**

20 recalled as a witness, having been previously
21 duly sworn, was examined and testified under
22 oath as follows:

23
24 **MS. CHIOCCHIO:** Sure. I'll ask Martin Lavin and

25 Rachelle Lewis to answer a series of questions

1 regarding their prefiled testimony and responses
2 to interrogatories.

3 So did you prepare or assist in the
4 preparation of the exhibits as identified?

5 THE WITNESS (Lavin): Martin Lavin, yes.

6 THE WITNESS (Lewis): Rachelle Lewis, yes.

7 MS. CHIOCCHIO: Do you have any corrections or updates
8 to the information contained in the exhibits?

9 THE WITNESS (Lavin): Martin Lavin, no.

10 THE WITNESS (Lewis): Rachelle Lewis, no.

11 MS. CHIOCCHIO: Is the information contained therein
12 true and accurate to the best of your belief?

13 THE WITNESS (Lavin): Martin Lavin, yes.

14 THE WITNESS (Lewis): Rachelle Lewis, yes.

15 MS. CHIOCCHIO: And do you adopt them as your testimony
16 in this proceeding today?

17 THE WITNESS (Lavin): Martin Lavin, yes.

18 THE WITNESS (Lewis): Rachelle Lewis, yes.

19 MS. CHIOCCHIO: Thank you.

20 THE HEARING OFFICER: Thank you, Attorney Chiocchio.

21 Attorney Ball?

22 MR. BALL: Thank you, Mr. Morissette.

23 So let me begin, if I can, with Mr. Coppins,
24 Mr. Roberts, Mr. Gaudet, and Mr. Gustafson.

25

1 K E I T H C O P P I N S ,
2 D O U G R O B E R T S ,
3 B R I A N G A U D E T ,
4 D E A N G U S T A F S O N ,
5 D A V I D W E L S H ,

6 recalled as witnesses, having been previously
7 duly sworn, was examined and testified under
8 oath as follows:

9
10 MR. BALL: Gentleman, did you prepare, assist or
11 supervise in the preparation of Exhibits 13, 14
12 and 15 in the program?

13 THE WITNESS (Coppins): Keith Coppins, yes.

14 THE WITNESS (Roberts): Doug Roberts, yes.

15 THE WITNESS (Gaudet): Brian Gaudet, yes.

16 THE WITNESS (Gustafson): Dean Gustafson, yes.

17 MR. BALL: Do you have any revisions or corrections to
18 any of those exhibits?

19 THE WITNESS (Coppins): Keith Coppins, no.

20 THE WITNESS (Roberts): Doug Roberts, no.

21 THE WITNESS (Gaudet): Brian Gaudet, no.

22 THE WITNESS (Gustafson): Dean Gustafson, no.

23 MR. BALL: Is the information contained in Exhibits 13,
24 14 and 15 true and accurate to the best of your
25 knowledge and belief?

1 THE WITNESS (Coppins): Keith Coppins, yes.

2 THE WITNESS (Roberts): Doug Roberts, yes.

3 THE WITNESS (Gaudet): Brian Gaudet, yes.

4 THE WITNESS (Gustafson): Dean Gustafson, yes.

5 MR. BALL: Do you adopt the information contained in
6 those exhibits as your testimony?

7 THE WITNESS (Coppins): Keith Coppins, yes.

8 THE WITNESS (Roberts): Doug Roberts, yes.

9 THE WITNESS (Gaudet): Brian Gaudet, yes.

10 THE WITNESS (Gustafson): Dean Gustafson, yes.

11 MR. BALL: Thank you. And the next exhibit that I'll
12 focus on will relate to Mr. Coppins and
13 Mr. Roberts only.

14 In your supplemental prefiled testimony,
15 which is Exhibit 10, gentleman, did you prepare,
16 assist or supervise in the preparation of that
17 exhibit?

18 THE WITNESS (Coppins): Keith Coppins, yes.

19 THE WITNESS (Roberts): Doug Roberts, yes.

20 MR. BALL: Do you have any corrections or revisions to
21 Exhibit 10?

22 THE WITNESS (Coppins): Keith Coppins, no.

23 THE WITNESS (Roberts): Doug Roberts, no.

24 MR. BALL: Is the information contained in that exhibit
25 true and accurate to the best of your knowledge

1 and belief?

2 THE WITNESS (Coppins): Keith Coppins, yes.

3 THE WITNESS (Roberts): Doug Roberts, yes.

4 MR. BALL: Do you adopt the testimony in Exhibit 10 as
5 your testimony today?

6 THE WITNESS (Coppins): Keith Coppins, yes.

7 THE WITNESS (Roberts): Doug Roberts, yes.

8 MR. BALL: Thank you.

9 And Mr. Reuter, I would just like to
10 authenticate your noise study and resume. Sir,
11 did you prepare, assist or supervise the
12 preparation of the noise study which is contained
13 within Exhibit 14, and your resume, Exhibit 16?

14 THE WITNESS (Reuter): Yes, to both.

15 MR. BALL: Do you have any revisions or corrections to
16 either the noise study or your resume?

17 THE WITNESS (Reuter): No.

18 MR. BALL: Is the information contained in those
19 exhibits true and accurate to the best of your
20 knowledge and belief?

21 THE WITNESS (Reuter): Yes.

22 MR. BALL: And do you adopt the information contained
23 in those exhibits as your testimony today?

24 THE WITNESS (Reuter): Yes.

25 MR. BALL: Thank you.

1 With that, Mr. Morissette, we would ask that
2 Applicant's exhibits which are 10 through 16 in
3 the program, the new exhibits, that they be made
4 full exhibits today.

5 **THE HEARING OFFICER:** Thank you, Attorney Ball.

6 Does any party or intervener object to the
7 admission of the Applicant's new exhibits?

8 Attorney Baldwin?

9 **MR. BALDWIN:** No objection, Mr. Morissette.

10 **THE HEARING OFFICER:** Thank you, Attorney Baldwin.

11 Attorney Bloom or Attorney Bamonte?

12 **MR. BAMONTE:** No objection, Mr. Morissette.

13 **THE HEARING OFFICER:** Thank you, Attorney Bamonte.

14 Donald Bergmann? Mr. Bergmann?

15 **DONALD BERGMANN:** (Inaudible.)

16 **THE HEARING OFFICER:** Mr. Bergmann, you're on mute.

17 **DONALD BERGMANN:** Can you hear me now?

18 **THE HEARING OFFICER:** Yes, I can. Thank you. Good
19 afternoon.

20 **DONALD BERGMANN:** Good afternoon.

21 **THE HEARING OFFICER:** Do you object to the admission of
22 the Applicant's new exhibits, Mr. Bergmann?

23 **DONALD BERGMANN:** No.

24 **THE HEARING OFFICER:** No objection? Thank you.

25 Very good. The exhibits are hereby admitted.

1 We will continue with cross-examination of
2 the Applicants by Verizon, by Attorney Baldwin.

3 Attorney Baldwin, Good afternoon.

4 MR. BALDWIN: Good afternoon, Mr. Morissette. I just
5 have a couple questions, if I could?

6 First for Mr. Coppins, just following up on
7 some testimony from the August 9th hearing, Tarpon
8 Towers is not responsible for providing backup
9 power to any of the wireless carriers at the site.
10 Is that correct?

11 You're muted, Mr. Coppins. If you don't want
12 to answer my questions that's one thing, but --

13 THE WITNESS (Coppins): Sorry. No, they're not.

14 MR. BALDWIN: And are you aware of Verizon's request to
15 Tarpon Towers to relocate its equipment from the
16 southwest corner of the facility compound to the
17 northeast corner of the facility compound?

18 THE WITNESS (Coppins): Yes, I am.

19 MR. BALDWIN: And do you have any concerns with Tarpon
20 being able to accommodate that request?

21 THE WITNESS (Coppins): We do not.

22 MR. BALDWIN: Thank you.

23 Mr. Gustafson, just a couple quick questions
24 for you. At the August 9th hearing you spoke
25 quite a bit about the potential impact the project

1 might have on the two on-site wetland areas that
2 were identified in your report.

3 Do you recall that testimony?

4 **THE WITNESS (Gustafson):** Yes. Yeah, and just one
5 correction, that the two wetland resources are
6 located on the adjacent Conn DOT property, not the
7 subject property.

8 **MR. BALDWIN:** Thank you for clarifying that.

9 **THE WITNESS (Gustafson):** You're welcome.

10 **MR. BALDWIN:** And in that testimony and in your report
11 you concluded that based on your evaluation, that
12 you don't anticipate any likely adverse impacts to
13 those two nearby wetland areas. Correct?

14 **THE WITNESS (Gustafson):** That's correct, and to
15 supplement that I believe there was a question by
16 Siting Councilmember Golembiewski regarding
17 wetland protection plans.

18 So I had included in my testimony that the --
19 on behalf of the Applicant we would also
20 incorporate a wetland protection plan to be
21 implemented during construction for additional
22 short-term mitigation for the proposed project, to
23 ensure those nearby wetland resources are properly
24 protected during construction.

25 **MR. BALDWIN:** Are you familiar with the generator

1 specification, the diesel generator specification
2 that Verizon Wireless submitted in response to
3 Council Interrogatory Number 24?

4 THE WITNESS (Gustafson): Yes. Yeah, I have reviewed
5 those materials.

6 MR. BALDWIN: And so you're familiar with that the
7 generator specifications include a beefed-up fuel
8 tank with tertiary containment measures and leak
9 detection alarms? You're familiar with that?

10 THE WITNESS (Gustafson): Yes. Yeah, and my
11 understanding of those systems particularly for
12 Verizon Wireless is that those systems are also
13 remotely monitored 24/7.

14 So if there is any -- if there is -- of the
15 tertiary containment system, if there's any
16 breakage in those, any of those systems, they're
17 immediately alarmed within the remote monitoring
18 system.

19 MR. BALDWIN: And are you comfortable based on your
20 knowledge and understanding of the proximity of
21 the proposed site and the proposed site
22 improvements to these wetland areas, that these
23 containment measures proposed in Verizon's diesel
24 generator are adequate to protect the nearby
25 wetland areas?

1 THE WITNESS (Gustafson): I do. The, you know, with
2 the tertiary containment system and the off-site,
3 you know, our 24/7 remote monitoring system, you
4 know that provides adequate protection should
5 that, you know, the belly tank start to leak.

6 And so that, that protection system and
7 containment system is adequately protective. So I
8 don't see that as -- as a likely adverse impact to
9 those nearby wetland resources.

10 MR. BALDWIN: Thank you very much.

11 No further questions, Mr. Morissette.

12 THE HEARING OFFICER: Thank you, Attorney Baldwin.

13 We will now continue with cross-examination
14 of the Applicant by the Town of Westport.

15 Attorney Bloom or Attorney Bamonte.

16 MR. BAMONTE: I will be asking the questions today
17 Mr. Morissette. So I'll take us forward from here
18 and I think I'll start with Mr. Coppins. I think
19 I have a handful of questions for you, sir.

20 So just to start off, Mr. Coppins, in your
21 prefiled testimony you talked about the role that
22 you had leading up to this application. And
23 amongst other things you were responsible for the
24 site search and the site acquisition. Right?

25 THE WITNESS (Coppins): That is correct.

1 MR. BAMONTE: Okay. So I mean, I'm guessing here, but
2 you can confirm you would know the efforts that
3 your company made then to locate and acquire a
4 site from the very beginning. Right?

5 THE WITNESS (Coppins): Yes.

6 MR. BAMONTE: Okay. So can you remind us when you
7 first began your site search for this particular
8 area?

9 THE WITNESS (Coppins): Sometime in two thousand --
10 2011.

11 MR. BAMONTE: Okay. And at what point did your company
12 acquire an option to lease space at the current
13 proposed site at 92 Greens Farms Road?

14 THE WITNESS (Coppins): I believe it was in 2013.

15 MR. BAMONTE: Okay. And you still would have been
16 involved in 2013. Right?

17 THE WITNESS (Coppins): Yes, I've been involved from
18 the very beginning until --

19 MR. BAMONTE: Okay. All right. So just so I have this
20 straight then, around 2011 you started the site
21 search. Two years later around 2013 is when you
22 had entered into the lease option with the
23 property owners. Do I have that?

24 THE WITNESS (Coppins): Yes.

25 MR. BAMONTE: All right. And those, by the way, are

1 the same property owners today?

2 **THE WITNESS (Coppins):** Yes, that's correct.

3 **MR. BAMONTE:** Okay. So around that time -- and by that
4 time, I mean 2013 when you had entered into the
5 lease option, would that have been the time
6 approximately when the site was first brought to
7 the attention of the Town?

8 And at that point it would have been under
9 First Selectman Jim Marpee. Do you recall that?

10 **THE WITNESS (Coppins):** I -- I know that Mr. Marpee was
11 the first selectman at that time.

12 Once we get the lease with the -- with the
13 landowner our first step is not to go forward and
14 notify the Town. Our first step is to notify the
15 carriers that we now currently have a viable site,
16 and to try to get interest from the carriers.

17 **MR. BAMONTE:** Okay. But I mean approximate -- in that,
18 I mean, are we talking within the year? Or two
19 years when you eventually said hey, Town. We're
20 thinking about putting a cell tower here?

21 **THE WITNESS (Coppins):** Sometime within that year I
22 believe we contacted the Town. And I believe that
23 Attorney Cohler and myself had a meeting with
24 Mr. Bloom, Mr. Marpee, and I believe there was one
25 other person at that hearing -- at that meeting.

1 MR. BAMONTE: Okay. And back then the Town also
2 opposed the proposed location.

3 Is that right, or how you remember that?

4 THE WITNESS (Coppins): Yes.

5 MR. BAMONTE: Okay. Again, I'm just trying to get my
6 timeline straight here. I think in answer six of
7 your initial prefiled testimony, you mentioned
8 that, like, you just reminded us in 2011 you
9 started the search, but after a hiatus renewed the
10 site search in 2020.

11 So this hiatus that you referenced when you
12 weren't actively pursuing the siting of a tower,
13 so that would have been approximately 2014-ish
14 through 2020?

15 THE WITNESS (Coppins): I believe the site went on hold
16 sometime in 2014, and we -- we didn't file an
17 application with the Council at that point in
18 time.

19 MR. BAMONTE: Okay.

20 THE WITNESS (Coppins): The ring was -- the ring was
21 resurrected or the -- the need never went away,
22 but the -- the site came into budget with the
23 carriers again in, I believe it was 2020.

24 MR. BAMONTE: Okay. Very good. Thank you. Okay.
25 Then just to round out at least this line of

1 questions I think you already -- you just answered
2 it, actually.

3 So this current application pending before
4 the Council filed in May of this year, this is the
5 first time that Tarpon or its predecessor, an
6 interest has ever actually filed an application
7 for this site with the Council.

8 Is that accurate?

9 THE WITNESS (Coppins): For this particular site, yes,
10 this is -- that's correct. We did not file before
11 we filed this one here.

12 MR. BAMONTE: Okay.

13 THE WITNESS (Coppins): Docket 510.

14 MR. BAMONTE: Okay. All right. Got it. I think I've
15 got my timelines at least squared away.

16 So let's talk about alternative sites a
17 little bit, and I'm going to drive us towards this
18 DOT property that's nearby that we've talked about
19 a little bit.

20 So it's been made clear through your prior
21 testimony Tarpon and you spent a lot of time
22 exploring alternatives suggested by the Town.

23 Right?

24 THE WITNESS (Coppins): That is correct.

25 MR. BAMONTE: Okay. And that's including property

1 pretty nearby; a few hundred feet away is the
2 closest one owned by Connecticut DOT.

3 And do you know what properties I'm referring
4 to?

5 **THE WITNESS (Coppins):** Yes.

6 **MR. BAMONTE:** Okay. And those are, just that so
7 everyone is on the same page, I believe in your
8 site search summary those are identified as sites
9 eight and nine. Do I have that?

10 **THE WITNESS (Coppins):** That is correct.

11 **MR. BAMONTE:** Okay. And those are the locations that
12 the Town at least most recently has been pushing
13 to Tarpon as it's preferred alternative location
14 for the potential siting of a tower.

15 Is that your understanding?

16 **THE WITNESS (Coppins):** That's the understanding that I
17 get, that the Town wants us to move there.

18 Yes, that's correct.

19 **MR. BAMONTE:** Okay. So I think -- I'm thinking back to
20 your initial prefiled testimony again. You had
21 testified that by May of this year Tarpon did not
22 believe that the DOT property was a viable option.

23 And at that point -- I mean, that was -- I
24 mean, you just hadn't heard back from them at all.

25 Is that right?

1 THE WITNESS (Coppins): My initial e-mail was in
2 February of -- February 19, 2022. The Town, you
3 know, wanted us to look at alternative sites and
4 we looked at 55 Greens Farms Road. We looked at
5 the cemetery. We looked at -- they asked us to
6 look at a site on -- that Eversource had, and then
7 also this one.

8 We began trying to get contact with the
9 Connecticut DOT beginning -- excuse me --
10 February 20 -- February 19, 2022.

11 In my site search summary we got one response
12 immediately and then March 2nd, 9 and 15 we
13 reached out again to them with no response. And
14 to date we haven't really had any conversations
15 with the Connecticut DOT at all.

16 We've reached out to them on numerous
17 occasions to, you know, try to get them to have
18 either a meeting, work forward, going forward with
19 a new site. We're -- we weren't opposed to
20 looking at it.

21 We then got -- we got a letter from the Town
22 dated, I believe, July 11th. That was the date
23 that was written to Mrs. Tooker, First Selectman
24 Tooker, saying that the property had some
25 challenges for sure.

1 So yes, I -- to answer your question,
2 initially we started reaching out to them early to
3 no avail.

4 **MR. BAMONTE:** Understood. And I don't think I disagree
5 with you there, Mr. Coppins. There does seem to
6 be a good portion of time where DOT had not been
7 responsive.

8 I guess my question now, though -- I mean,
9 obviously the Town really -- I mean, I'll just be
10 frank. We're looking to run this ground ball out.
11 So since May would you agree there's been at least
12 more developments regarding that property?

13 And I'll ask you a little bit more about what
14 since then, if anything, has happened, but I
15 mean -- I'm aware you sent a submission. So my
16 question is, has more happened since the initial
17 filing of the application with regard to those DOT
18 sites?

19 **THE WITNESS (Coppins):** In my opinion?

20 No, nothing has happened.

21 **MR. BAMONTE:** Okay.

22 **THE WITNESS (Coppins):** We've submitted things, but
23 nothing has happened.

24 **MR. BAMONTE:** Okay. Understood. All right. A few
25 more questions here, Mr. Coppins.

1 Are you aware -- you mentioned just now a
2 letter from DOT to First Selectwoman Tooker in
3 Jury. Are you aware of a letter that Selectwoman
4 Tooker wrote to DOT in May that urged them to
5 consider this property?

6 **THE WITNESS (Coppins):** I knew there was conversations
7 between either Mr. Bloom or First Selectman Tooker
8 to get them to respond and move the site.

9 I'm aware of that, yes.

10 **MR. BAMONTE:** Okay. Right. I think that even was -- I
11 think you might be referring to a subsequent
12 conference call that would have occurred in July
13 between first Selectwoman Tooker and Attorney
14 Bloom, and DOT officials.

15 Does that sound right to you?

16 **THE WITNESS (Coppins):** Yes.

17 **MR. BAMONTE:** Okay. And then obviously, as you just
18 referenced there was a subsequent response from
19 DOT to First Selectwoman Tooker dated July 11th,
20 like you just said.

21 That that's the letter that you just
22 referenced, and that's the letter that you
23 reference in your supplemental prefiled testimony.
24 Correct?

25 **THE WITNESS (Coppins):** That is correct.

1 MR. BAMONTE: Okay. I'm not trying to be flip here,
2 Mr. Coppins, but that, that letter did -- I mean,
3 it outlined at least that there is a process it
4 seems like that DOT utilizes to review its
5 property for possible cell tower siting.

6 Would you agree with that?

7 THE WITNESS (Coppins): I agree that there's a process
8 for them to look at that, yes.

9 MR. BAMONTE: Okay. And I certainly don't disagree
10 that the letter did identify risks, and DOT could
11 not guarantee that an approval would happen.

12 But it did at least say that DOT was open to
13 the provider initiating this process -- which it
14 looks like you did. Right?

15 THE WITNESS (Coppins): We did.

16 MR. BAMONTE: Okay. And if I'm just looking at the
17 attachments to your supplemental prefiled
18 testimony, it looks like you had taken the forms
19 DOT provided for this process. You filled it out,
20 and that sent a packet with supplemental materials
21 to DOT. I think it was dated August, August 24th.

22 Is that accurate?

23 THE WITNESS (Coppins): Yes.

24 MR. BAMONTE: And since that time have you heard back
25 from DOT?

1 THE WITNESS (Coppins): Not a word.

2 MR. BAMONTE: Okay. So is it -- I suspect you may not
3 agree with me, and you have your own opinion on
4 where this might head, but I mean, is it fair to
5 say that you started this process that DOT has put
6 out there, but the process hasn't definitively
7 been completed yet?

8 Would you agree with that? Or --

9 THE WITNESS (Coppins): Well, I -- i don't necessarily
10 agree with it, because one of the things that has
11 to happen is we need to meet out at a site.

12 We've requested site visits on, you know,
13 more than one occasion. And again, we haven't
14 heard anything back from the Connecticut DOT.
15 They haven't responded to us, meaning Tarpon
16 regarding a possible site there.

17 They responded to the Town, but we're the
18 ones here in front of the Connecticut Siting
19 Council trying to establish a site that will work
20 for everybody. And they haven't -- they haven't
21 responded to the initial pieces that we need to
22 do.

23 So no, I don't -- I -- I think the process
24 is -- hasn't been done on their side because
25 we've -- we've requested the -- the site visit.

1 They haven't responded to it, and I don't have a
2 lease to move forward.

3 So it doesn't -- it doesn't become a viable
4 site, because we don't have a site.

5 MR. BAMONTE: Okay. Understood. I can appreciate
6 that, but you haven't received, for example,
7 something in writing definitively rejecting your
8 August 24th submission?

9 THE WITNESS (Coppins): I have not received anything
10 from the -- from the Connecticut DOT, whether
11 rejecting or accepting.

12 MR. BAMONTE: Okay. Mr. Coppins, did Tarpon ask AT&T
13 whether those DOT sites would be feasible from an
14 RF standpoint?

15 THE WITNESS (Coppins): We did.

16 MR. BAMONTE: And AT&T I think concluded that a 120 AGL
17 tower at that location would satisfy its RF needs.

18 Do you agree with that?

19 THE WITNESS (Coppins): Yes.

20 MR. BAMONTE: Okay. So Tarpon asked AT&T.

21 Did you guys ever ask Verizon to review the
22 DOT site?

23 THE WITNESS (Coppins): I believe I did. I'm not a
24 honored percent sure.

25 MR. BAMONTE: Okay. Do you recall what their response

1 might have been -- or you know, why don't I ask it
2 this way, Mr. Coppins? Would you agree that the
3 DOT site is located within Verizon's search ring?

4 THE WITNESS (Coppins): My guess is, is that it would
5 work -- but that's a better question to ask
6 Verizon.

7 MR. BAMONTE: Fair enough. Okay. Mr. Coppins, I thank
8 you. I think that's all I have for you. I have
9 just one or two more questions. I think this will
10 probably be for AT&T.

11 In the Council's interrogatories to the
12 Applicant, question 33 asked AT&T for any
13 statistics on dropped calls or ineffective
14 attempts. So my question is, did AT&T provide any
15 statistics on dropped calls or ineffective
16 attempts?

17 THE WITNESS (Lavin): Martin Lavin of C Squared Systems
18 on behalf of AT&T. In general those are measures
19 of voice call capacity, and that's something we
20 explained in -- in that interrogatory or later
21 ones.

22 That doesn't drive the network anymore. It's
23 high-speed data, and our need for this site is
24 based on the need to provide high-speed data to
25 this area, part of which -- a very small part of

1 which is voice service.

2 MR. BAMONTE: Thank you, Mr. Levin. I'll ask the
3 question again. Did AT&T provide any statistics
4 on dropped calls or ineffective attempts?

5 THE WITNESS (Lavin): They did not because they were
6 deemed irrelevant.

7 MR. BAMONTE: Okay. Mr. Morissette, that's all I have.
8 Thank you.

9 THE HEARING OFFICER: Thank you, Attorney Bamonte.

10 We will now continue with cross-examination
11 of the Applicant by Donald Bergmann.

12 Mr. Bergmann?

13 DONALD BERGMANN: Okay. Thank you very much.

14 Donald Bergmann, citizen of Westport. And
15 this is the first time I've ever participated in
16 anything like this -- so it's somewhat unfamiliar
17 to me and the buttons to push and so forth are a
18 problem, but hopefully it will work out. And also
19 I don't exactly know the procedures.

20 For example, a question generally. When I
21 finish what I have to ask, is that the last time
22 I'm going to have an opportunity to ask any
23 questions of -- let's call it, AT&T, Verizon or
24 Tarpon?

25 THE HEARING OFFICER: Procedurally it will be the last

1 time once you complete your cross-examination
2 unless there are additional materials filed, and
3 then you'll have an opportunity to ask questions
4 on those additional materials.

5 DONALD BERGMANN: Okay. That suggests to me that I
6 should basically ask a series of questions and --
7 just to get them out.

8 THE HEARING OFFICER: Yes, but please keep in mind,
9 Mr. Bergmann, that -- keep their questions
10 relating to this project and application here.

11 Thank you.

12 DONALD BERGMANN: Well, I'll do my best. And let me
13 also say that -- to just take an opportunity to
14 tell Melanie Bachman that she's terrific in terms
15 of her professionalism, and the way she's dealt
16 with me who doesn't have a lot of knowledge in
17 this area.

18 And I just want to go on the record to
19 compliment her and say how much it was
20 appreciated.

21 In terms of my questions, they're sort of a
22 general nature. And unlike a lawyer, I don't know
23 the answers. So I'll just bring them up.

24 Do you in your process -- well, let's back
25 up. Back in 2013 or 2012 when you first looked at

1 this site, and now that you're looking at this
2 site at this point can you give me any indication
3 as to whether or not important aspects of the site
4 have changed?

5 And what I'm particularly focusing on is this
6 site apparently does not have wetlands. There are
7 wetlands nearby. I'm just wondering if in your
8 comparative work you've learned that the wetlands
9 are growing, getting smaller, anything of that
10 nature?

11 THE WITNESS (Gustafson): I -- I think I can answer
12 your question. Dean Gustafson.

13 So the -- the wetlands conditions from our
14 original investigation have not substantially
15 changed at all.

16 DONALD BERGMANN: You say, substantially changed at
17 all. Just to be picky, you do have a sense that
18 something has changed. Is that correct?

19 THE WITNESS (Gustafson): No, we don't have a sense
20 that anything has changed at all as far as the
21 wetland conditions go.

22 So as far as like our jurisdictional
23 boundary, it would still be the same as when we
24 delineated it.

25 DONALD BERGMANN: I'm just basically trying to see if

1 the site has changed in any material way that's
2 relevant to this since when you looked at it ten
3 to eleven years ago?

4 And that, that's sort of the general
5 question.

6 THE WITNESS (Gustafson): So we actually -- although we
7 have looked at the site in the past, we did
8 perform a more recent investigation of this
9 facility and updated our original wetland
10 delineation. So all of that data is current.

11 DONALD BERGMANN: I know it was current. Again, I'm
12 looking for comparative information to see
13 comparisons between eleven years ago and now. And
14 as far as I can tell you don't have any to submit.

15 And I have any idea. I'm just generally
16 asking a question.

17 THE WITNESS (Gustafson): Yeah. No. No, I understand
18 your question. Yeah, there's been no change at
19 all in the site wetland conditions from our
20 original investigation years past and currently.

21 DONALD BERGMANN: Yeah, and again you keep referring to
22 wetlands. I'm thinking about the trees, the
23 foliage, animal activity, anything of that nature.

24 I'm just curious?

25 THE WITNESS (Gustafson): Certainly the vegetation has

1 grown somewhat over that ten, eleven-year period.
2 There hasn't been any significant changes.

3 And as far as wildlife utilization, any of
4 our observations from our original investigation
5 years past and current, we didn't notice any
6 significant changes.

7 DONALD BERGMANN: Okay. Thank you. The conservation
8 director made reference to the U.S. Army Corps of
9 Engineers. And I believe your answer has been,
10 they have nothing to do with this, this site or
11 any approvals.

12 I just wanted you to confirm that that's the
13 case, because apparently there seems to be a
14 little bit of a disagreement between our
15 conservation director and you folks.

16 THE WITNESS (Gustafson): So the -- yeah, the proposed
17 facility has no direct impacts to wetland
18 resources. And as a result there's no
19 jurisdiction by the Army Corps of Engineers for
20 the proposed project.

21 DONALD BERGMANN: And when you study a site do you give
22 any credence to issues of global warming, and the
23 impact on sites that will occur over the next ten
24 years or so?

25 THE WITNESS (Gustafson): I think I would have to

1 request clarification on what you mean by changes
2 by global warming.

3 DONALD BERGMANN: Well, for example if this site was
4 near the, really near the coast in ten years it
5 might become flooded more regularly. And I'm just
6 raising that as a general issue.

7 Whenever we look at anything these days, the
8 Town or anyone else, we always think what's going
9 to happen in ten years due to global warming? And
10 maybe it's just raising the water levels. I just
11 don't know. Again, these are just general
12 questions.

13 THE WITNESS (Gustafson): Yeah, typically that isn't
14 part of one of the conditions that we evaluate
15 with respect to wetland resource impacts.

16 DONALD BERGMANN: Okay. Okay. That's all -- Oh, I'm
17 sorry. There was one other question. Forgive me.

18 THE HEARING OFFICER: Please continue.

19 DONALD BERGMANN: I believe AT&T had some kind of --
20 may have had some kind of relationship with the
21 Connecticut DOT for other sites. I'm just
22 wondering first, is that true?

23 And two, is that in any way relevant to
24 working with the Connecticut DOT on the proposed
25 site by the Town?

1 MS. CHIOCCHIO: Rachelle, I think you can address that
2 question.

3 THE WITNESS (Lewis): Yes, we do have leases, but our
4 leases are expired at the Connecticut DOT
5 locations.

6 DONALD BERGMANN: Thank you. That's all.

7 THE WITNESS (Lewis): You're welcome.

8 THE HEARING OFFICER: Thank you, Mr. Bergmann.

9 We will now continue with cross examination
10 of the Applicants on the late-filed exhibits by
11 the Council. Mr. Nwankwo?

12 MR. NWANKWO: Thank you Mr. Morissette.

13 For my first question to the Applicant I
14 would like to reference the State of Connecticut
15 climate change preparedness plan, which can be
16 found under Council Administrative Notice Number
17 53 in the hearing program.

18 My question is, how will the tower design be
19 designed to withstand extreme weather conditions
20 including but not limited to flooding?

21 THE WITNESS (Roberts): Doug Roberts for Tarpon Towers.
22 The tower will be designed to meet the Connecticut
23 State Building Code which has in it a section on
24 towers, which includes wind with ice and the
25 loading that that -- that entails.

1 So it will be designed to meet the current
2 building code, which in fact changes on October
3 1st of this year.

4 **MR. NWANKWO:** Additionally, what measures could be
5 taken by the Applicant if this tower were approved
6 to mitigate the risk of flood damage?

7 **THE WITNESS (Roberts):** From flood damage, we're not in
8 a flood zone and our ground elevation is higher
9 than 95, which is south of our -- our proposed
10 site.

11 I -- i believe our -- our ground elevation
12 is -- I'll double check -- 19 feet. I'll just
13 double check to make sure -- but it's
14 significantly higher than a ten-foot threshold for
15 structures along the coast.

16 We're substantially inland from the coast.

17 **MR. NWANKWO:** Thank you, Mr. Roberts.

18 **THE WITNESS (Roberts):** You're welcome, sir.

19 **MR. NWANKWO:** My next question I think is for AT&T.

20 I'd like to reference existing photo seven, which
21 is attached to the Applicant's September 15th
22 Late-File Exhibit 8B.

23 There appears to be a canister antenna
24 installed at the top of the electric distribution
25 and light pole in the center of the photo. I

1 would like to ask if this is a small-cell site,
2 and if AT&t can identify the site?

3 MS. CHIOCCHIO: Thank you. We're just locating the
4 photo.

5 THE WITNESS (Gaudet): While they're looking that up, I
6 can -- I can confirm. This is Brian Gaudet with
7 All Points.

8 It is a small-cell site. I'm not sure if
9 Mr. Lavin has any details on whether it's AT&T or
10 not.

11 MS. CHIOCCHIO: Is it photo 15? Is that --

12 THE WITNESS (Gaudet): It's photo seven.

13 MR. NWANKWO: Seven. Yeah, photo 7.

14 THE WITNESS (Gaudet): And that should be the same
15 photo seven from the original digital assessment
16 as well. Corner of Hales Road in Hillspoint Road.

17 THE WITNESS (Lavin): This is Martin Lavin for AT&T. I
18 will double check, but I'm not aware that that is
19 an AT&T facility.

20 MR. NWANKWO: Okay. If you could also check if it is a
21 site that would interact with the proposed
22 facility, please?

23 I'll move onto my next question.

24 What public utility serves the Town of
25 Westport?

1 THE WITNESS (Lavin): That's Eversource.

2 MR. NWANKWO: Thank you. Does Eversource have a
3 telecommunications attachment policy for its
4 transmission line structures.

5 THE WITNESS (Roberts): I possibly could answer that.
6 Doug Roberts. Could I ask for clarification on
7 the question?

8 MR. NWANKWO: Yeah. Does Eversource have any policy
9 that governs the attachment to telecommunications
10 equipment for its transmission line structures.

11 THE WITNESS (Roberts): Yes, they do. There's a
12 procedure where you apply for antennas on a tower,
13 or -- or a transmission structure. And if it's
14 granted, then a structural analysis is prepared.

15 I've done quite a few over the years. The
16 disadvantages of them are they have to shut down
17 the line to allow work to be done on -- on it,
18 whether it be putting the antennas up, servicing
19 it, changing antennas.

20 And it's usually scheduled literally years in
21 advance because they are only interested in
22 allowing any kind of transmission lines to be shut
23 down on shoulder seasons, spring and fall when the
24 load is the least.

25 MR. NWANKWO: Okay. Thank you, Mr. Roberts.

1 THE WITNESS (Roberts): You're welcome, sir.

2 MR. NWANKWO: Referencing figure one of Late-Filed
3 Exhibit 8C, a sound study by Reuter Associates.
4 Could you please provide the location and distance
5 of the noise monitor from the proposed facility
6 compound?

7 THE WITNESS (Reuter): The noise monitor was at the
8 edge of the road. And let me -- let me open up
9 the map to refresh my memory on the on the name of
10 the road.

11 The road that runs east/west along the
12 northern boundary of the site.

13 MR. NWANKWO: Okay. Would you have the distance of the
14 one leading from the compound?

15 THE WITNESS (Reuter): Yes, I can tell you that. Hold
16 on just a moment. Greens Farm Road, and the
17 distance was I would estimate about 60 feet.

18 MR. NWANKWO: Was that the only location at which the
19 monitor was placed for that sound study?

20 THE WITNESS (Reuter): Yes. Sound levels are very
21 consistent throughout this area because of the
22 influence of the interstate.

23 MR. NWANKWO: Thank you, Mr. Reuter.

24 Referencing sheet C102 of Late-Filed Exhibit
25 8A, will bollards placed in front of the gas

1 meter?

2 THE WITNESS (Roberts): If natural gas is placed on the
3 site we will place bollards in front of it.

4 Thank you.

5 MR. NWANKWO: Thank you. This question's for AT&T.

6 Could AT&T please clarify the field type for its
7 proposed 20 kilowatt emergency backup generator?

8 THE WITNESS (Welch): David Welsh, AT&T. Currently
9 we're showing a diesel fuel source for the
10 generator. That's our -- our standard preference.

11 However, if the Council deems that natural
12 gas is the appropriate choice, we can -- we can
13 change our design.

14 MR. NWANKWO: Will AT&T be able to provide the capacity
15 of that fuel tank and run time if there was an
16 outage?

17 THE WITNESS (Welch): I can do that. I will pull those
18 figures in just a moment, and I can report back to
19 you if that's okay?

20 MR. NWANKWO: Thank you.

21 THE WITNESS (Welch): You're welcome.

22 MR. NWANKWO: Thank you, Mr. Morissette. That's all my
23 questions for the Applicant now.

24 MS. CHIOCCHIO: Mr. Morissette?

25 THE HEARING OFFICER: Yes?

1 MS. CHIOCCHIO: I'm sorry to interrupt, but Mr. Lavin
2 does have an answer to Mr. Nwankwo's questions
3 regarding that small cell.

4 THE HEARING OFFICER: Very good. Thank you.
5 Go ahead, Mr. Lavin.

6 THE WITNESS (Lavin): Martin Lavin on behalf of AT&T.
7 That is not an AT&T small cell.

8 MR. NWANKWO: Thank you, Mr. Lavin.

9 THE HEARING OFFICER: Thank you, Mr. Lavin.

10 We'll now continue with cross-examination of
11 the Applicant by Mr. Silvestri, followed by
12 Mrs. Cooley. Mr. Silvestri?

13 MR. SILVESTRI: Thank you, Mr. Morissette. And good
14 afternoon, everyone.

15 Attorney Bamonte did ask a lot of questions
16 that I had regarding Hales Road, so I will try not
17 to repeat them -- but I do have two additional
18 questions to ask regarding that site, or potential
19 site.

20 The first question I have is, could Hales
21 Road be used for a small cell to achieve the
22 desired coverage?

23 THE WITNESS (Lavin): This is Martin Lavin. It's
24 acceptable to AT&T at the same height as the
25 current site, but as with the current site

1 anything lower than that would not achieve our
2 coverage objectives.

3 MR. SILVESTRI: I thought I heard that before, that you
4 needed 120 feet, but I'm asking specific about a
5 small cell. Could a small cell be installed
6 somewhere in the vicinity of Hales Road to give
7 you the coverage that you're looking for?

8 THE WITNESS (Lavin): In the -- the conception of a
9 small cell as being on a utility pole, a strand
10 height 40 feet -- or 35 or 40 feet?

11 No, that would not give us our coverage.

12 MR. SILVESTRI: All right. Thank you for your response
13 then.

14 Then I'm not sure if this is for Tarpon or
15 AT&T, or both -- but from past dealings with
16 Connecticut DOT do you have any idea how long it
17 took to get an official response from them once a
18 submittal of a site candidate package took place?

19 THE WITNESS (Coppins): This is Keith Coppins for
20 Tarpon.

21 We've reached out to the DOT on several
22 occasions, not just this site and we've never been
23 able to move forward with this site.

24 As far as AT&T doing, how long it took them
25 to get information? I think AT&T should be able

1 to answer that if they know the answer.

2 MR. SILVESTRI: Could AT&T pick up on that? Ms. Lewis.

3 THE WITNESS (Lewis): No, we don't have an answer --
4 but I, I can certainly look into that for you.

5 MR. SILVESTRI: Okay. All right. Thank you. Thank
6 you very much. Then I wanted to go back to
7 Mr. Gustafson. You were describing the potential
8 diesel generator for the site and you mentioned
9 tertiary containment.

10 Could you describe the tertiary containment
11 measures that would be with that diesel generator?

12 THE WITNESS (Gustafson): Yeah, there there's a
13 double-wall tank and then below that there is
14 another third containment system.

15 MR. SILVESTRI: The containment system below that would
16 be a sump? A pit? How would you describe that?

17 THE WITNESS (Gustafson): It's probably best described
18 as a sump.

19 MR. SILVESTRI: Okay. Now help me with this one. So
20 if you have a double wall and then you have a
21 sump, wouldn't that be just two as opposed to
22 three containment measures?

23 THE WITNESS (Gustafson): Well, it -- I guess you could
24 view it in that terms. You know that the way the
25 industry considers it is that the inner wall is

1 their -- your first level of containment.

2 MR. SILVESTRI: All right. So if I understand that,
3 then your inner wall would be your first level of
4 containment. The double wall -- so you'd have
5 some type of space between the first wall and then
6 the double wall. That would be your secondary,
7 and then the sump would be your third.

8 Do I have that correct?

9 THE WITNESS (Gustafson): That's correct.

10 MR. SILVESTRI: Okay. Thank you. And then when you
11 mentioned monitors would be installed, would they
12 be installed between the first wall and the double
13 wall containment to monitor and the sump? Or
14 where would the monitors actually be installed?

15 THE WITNESS (Gustafson): Yeah, my understanding is
16 that there is the space between the two tank
17 walls, there's monitoring contained in there.

18 So if the inner tank wall is breached, then
19 that would be essentially your first possible
20 breaching point. There's a monitor there. So if
21 that first one somehow is compromised, an alarm
22 would be set at that point.

23 So it's your first breach point is -- is
24 monitored.

25 MR. SILVESTRI: Understood. Thank you.

1 THE WITNESS (Gustafson): You're welcome.

2 MR. SILVESTRI: Then, as as far as the sump goes, would
3 that sump also be exposed to the elements?

4 THE WITNESS (Gustafson): My understanding is no, it's
5 not exposed to the -- to, you know, precipitation.

6 MR. SILVESTRI: Okay, so you wouldn't have to worry
7 about any type of precipitation getting into the
8 sump and subsequent drainage of precipitation.

9 Correct?

10 THE WITNESS (Gustafson): That's correct.

11 MR. SILVESTRI: Very good. Thank you.

12 THE WITNESS (Gustafson): You're welcome.

13 MR. SILVESTRI: Mr. Morissette, that's all I have at
14 this point. Thank you.

15 THE HEARING OFFICER: Thank you, Mr. Silvestri.

16 We now continue with cross-examination of the
17 Applicant by Mrs. Cooley, followed by Mr. Quinlan.
18 Mrs. Cooley?

19 MS. COOLEY: Thank you, Mr. Morissette. I just have a
20 few questions. First, I'd like to thank
21 Mr. Nwankwo for bringing up the state climate
22 plan. I appreciate that, and the answers that we
23 were able to get about that.

24 My question has to do with the feasibility of
25 doing a natural gas backup generator. I think

1 that was mentioned briefly. Do you have -- can
2 you tell me whether or not, first of all, that is
3 feasible at this site?

4 And if so, can we get some figures about what
5 the cost of that would be?

6 THE WITNESS (Roberts): Doug Roberts for Tarpon. Yes,
7 natural gas is available at that site. I have
8 been in contact with Southern Connecticut gas, I
9 believe, and they gave us a rough estimate as
10 \$15,000 to bring the gas in.

11 Again because of rates and PURA, and this,
12 even if it was -- the site was approved, we're,
13 you know, a year, as year and a half out. So they
14 worked very hard to lock down on an exact cost,
15 but based on a recent application we did before
16 the Council and bringing gas in, it was a little
17 less than 15,000.

18 MS. COOLEY: Okay. And that's just to bring the gas
19 in. Would the natural gas generator itself be
20 more expensive? The same, around the same price?

21 THE WITNESS (Roberts): Well, the gas generator would
22 be provided by the carriers themselves. Verizon
23 and AT&T would provide that.

24 As part of their project they would make the
25 connection to the meter center. It will be

1 similar to an electric meter center, only it's a
2 gas manifold that, you know, each carrier would
3 have a meter for.

4 MS. COOLEY: Gotcha. Okay. Thank you very much.

5 THE WITNESS (Roberts): You're welcome.

6 MS. COOLEY: Okay. And I think that's all of the
7 questions that I have. Thank you.

8 THE HEARING OFFICER: Thank you, Mrs. Cooley.

9 MS. CHIOCCHIO: Mr. Morissette, I apologize for
10 interrupting again -- but we do have information
11 that Mr. Welsh had agreed to provide regarding the
12 diesel generator.

13 THE HEARING OFFICER: Very good. Thank you.

14 THE WITNESS (Welch): Excellent. Thank you. So to
15 answer Mr. Nwankwo's question, the -- the
16 generator we have is a 92-gallon capacity and
17 would have a 48-hour run time at 100 percent
18 utilization.

19 THE HEARING OFFICER: Very, very good. Thank you.

20 We'll now continue with cross-examination by
21 Mr. Quinlan followed by Mr. Golembiewski.

22 Mr. Quinlan?

23 MR. QUINLAN: Good afternoon.

24 I have no questions. Thank you.

25 THE HEARING OFFICER: Thank you, Mr. Quinlan. We'll

1 now continue with cross examination by
2 Mr. Golembiewski followed by Mr. Lynch.

3 Mr. Golembiewski?

4 MR. GOLEMBIEWSKI: Thank you, Mr. Morissette.

5 I have no questions of these witnesses.

6 THE HEARING OFFICER: Thank you, Mr. Golembiewski. We
7 will continue with cross examination by Mr. Lynch.

8 Mr. Lynch?

9 MR. LYNCH: Mr. Morissette, I don't really have a
10 question -- but I'd like to get an opinion from
11 the RF engineers. I'm going to pick on Mr.
12 Levin -- who we've seen him before.

13 THE WITNESS (Lavin): Good afternoon, Mr. Lynch.

14 MR. LYNCH: Now Mr. Lavin, we've heard a lot in this,
15 earlier in this hearing -- or the previous hearing
16 about dropped calls on your system and other
17 mobile carrier systems.

18 We're not really dealing with calls anymore.
19 Is that fair to say, that you're dealing more with
20 an interruption of service, aren't you, to the
21 different services you provide?

22 Wouldn't that be an easier way to say it?

23 THE WITNESS (Lavin): I would say that's more, much
24 more the way we look at it now. Previously 10, 15
25 years ago it was a call. Every call was the same.

1 The call was either up or it was down. There was
2 nothing in between. It's was just a very bright
3 line between working and not working.

4 Call -- we do still, of course, do voice
5 calls but they've become a very, very small
6 portion of the -- of the network traffic. The
7 measures now are throughput and when we go --
8 reliable service is more defined by how much data
9 you get. It's not, you know, just you're in or
10 you're out -- but you're going below our standards
11 for how much data throughput you get still
12 functioning.

13 The system doesn't abandon you like a dropped
14 call, but it just keeps giving you as much as it
15 can even if it's less than desirable.

16 MR. LYNCH: All right. Thank you.

17 That's all, Mr. Morissette.

18 THE HEARING OFFICER: Thank you, Mr. Lynch.

19 And I thank the Council and Mr. Nwankwo for
20 asking quite a few of my questions this afternoon.
21 I do have a couple of clarifying questions,
22 though.

23 Mr. Lavin, while you're available I've got a
24 follow-up question for you on the height
25 discussion. You just testified, I believe -- or I

1 want to clarify this, that the 124 feet AG is the
2 minimum height that -- and I don't want to put
3 words in your mouth -- the minimum height that
4 AT&T would prefer.

5 Can you go lower, in other words?

6 THE WITNESS (Lavin): The proposed height is our
7 minimum height to get our objectives accomplished.

8 THE HEARING OFFICER: Okay. I thought I heard you
9 correctly. Thank you.

10 Concerning the late files relating to the
11 pictures of the monopine; given we've gone through
12 the exercise of doing the photo sims of the
13 monopine, is there any differences of opinion or
14 any change of opinion as to whether a monopine is
15 preferred over a monopole?

16 Or is the monopole still -- still the
17 preferred application at at this facility?

18 THE WITNESS (Gaudet): Brian Gaudet with All Points. I
19 think the -- the exercise of doing the simulation
20 for the monoplane was -- was the point proven from
21 our discussion of the -- the past hearing.

22 It's a pretty stark contrast to the existing
23 features in the area. You know, there there's
24 certainly a couple of spots where it could work at
25 distance through the trees fully, but the vast

1 majority of locations, it's going to be much more
2 visible than a monopole.

3 THE HEARING OFFICER: Yes, thank you. It seems to be
4 the closer you get the more pronounced the
5 monopine is.

6 Is that perception pretty much on target?

7 THE WITNESS (Gaudet): Yeah. And -- and certainly the
8 closer you get the more pronounced it is, but you
9 know, I'll point you to -- let me pull the photo
10 up here. Photo 24 for example. You know, almost
11 three quarters of a mile away.

12 And it's -- it's just -- it's pretty blatant,
13 whereas with the monopole in this context. Sure.
14 Can you see it? A little bit, but it really
15 blends in with those transmission line poles that
16 are in the foreground as opposed to now a, you
17 know, 124-foot conifer sticking up 40 feet above
18 the treeline.

19 THE HEARING OFFICER: Very good. Thank you.

20 Mr. Coppins, I have a follow-up question for
21 you relating to the C-DOT property.

22 In comparison to your proposed site, how
23 would you view the comparison of those two
24 properties?

25 THE WITNESS (Coppins): While not necessarily knowing

1 where we would go on the Connecticut DOT Property,
2 Mr. Roberts went out and did some -- did some
3 research. We found that the visibility there is
4 going to be a lot more.

5 There's going to be many more houses that are
6 going to see the site. I don't know where the
7 wetlands are on the property, let alone what
8 Connecticut DOT specified in their letter, saying
9 that there may be some challenges with underground
10 utilities that -- that service the rail lines.

11 So the property we have now has less
12 visibility. We don't have the issues with the
13 underground lines. We're on -- for the most part
14 on that section of the property we're on a vacant
15 parcel of land, so a virgin piece of land, so to
16 speak.

17 And we know that we don't impact the wetlands
18 here because we're not -- we're not near them. So
19 based on that, I think we have a great site that
20 overlooks that, that that will provide the service
21 for the carriers.

22 **THE HEARING OFFICER:** Thank you, Mr. Coppins.

23 Before we move on I would like to circle back
24 to Ms. Lewis and see if she has a response to
25 Mr. Silvestri's question before we move to

1 Verizon.

2 THE WITNESS (Lewis): Certainly. Rachelle Lewis. My
3 understanding is it can be a year to get leases,
4 easements.

5 But to get approval for a project from --
6 from the time of request, even for to gain some
7 type of interest, it -- to just to move forward it
8 could be about six months.

9 THE HEARING OFFICER: Mr. Silvestri, does that answer
10 your question?

11 MR. SILVESTRI: Yes, Mr. Morissette.

12 And I thank you both.

13 THE WITNESS (Lewis): Thank you. You're welcome.

14 THE HEARING OFFICER: Thank you.

15 Very good. We will now continue with the
16 appearance by Cellco partnership d/b/a Verizon
17 Wireless.

18 Will the Intervener present its witness panel
19 for the purposes of taking the oath? Attorney
20 Bachman will administer the oath.

21 MR. BALDWIN: Mr. Morissette, if I could just stop for
22 a second? Are we going to be given the
23 opportunity to cross-examine the Applicant on the
24 late-filed exhibits? Or was that considered a
25 part of the prior opportunity.

1 THE HEARING OFFICER: That was part of your prior,
2 prior opportunity to ask questions. Did you have
3 some questions that you wanted to come back to?

4 MR. BALDWIN: Well, there was just some clarification,
5 if I might, on Mr. Roberts response regarding the
6 generator, and the gas generator cost?

7 THE HEARING OFFICER: Very good. Please continue.

8 MR. BALDWIN: Thank you. I appreciate the indulgence.

9 Mr. Roberts, you testified that the gas
10 company gave you an estimate of \$15,000. I just
11 wanted to clarify the response to Late-File
12 Exhibit 4 submitted by the Applicant seems to
13 suggest otherwise, that that is an estimate that
14 Tarpon provided.

15 Can I just get a clarification on that point?

16 THE WITNESS (Roberts): Surely, Attorney Baldwin. We
17 had recently just installed the gas line, a
18 similar length to this proposed site.

19 And we had just shy of \$15,000 of -- or for a
20 fee. We really can't get a solid locked-down
21 price from the gas company due to two things; one,
22 it's not a project that's going to happen in the
23 next, you know, three to six months; and they were
24 reluctant to do that.

25 MR. BALDWIN: No, no. That's fine. I understand. I

1 just wanted to clarify that that was an estimate
2 from Tarpon based on past experience, and not from
3 the gas company?

4 **THE WITNESS (Roberts):** No, that is correct. I -- I
5 did speak with the gas company and, you know,
6 where it's -- it's the same, same guy. And he's
7 going -- yeah, based on that it's static.

8 **MR. BALDWIN:** No, understood. I'm just clarifying that
9 it didn't come from the gas company. That it's
10 just based on past experience by Tarpon.

11 **THE WITNESS (Roberts):** Yeah.

12 **MR. BALDWIN:** And just for clarification again, you
13 implied -- at least to me, maybe to no one else --
14 but at least to me that Tarpon would be
15 responsible for bringing the gas line into the
16 tower site.

17 Is that accurate, or inaccurate?

18 **THE WITNESS (Roberts):** That would be a Mr. Coppins
19 question.

20 **MR. BALDWIN:** Okay.

21 **THE WITNESS (Coppins):** The -- the past site that we
22 did, we coordinated the -- the gas line into the
23 site and AT&T paid the fee for the gas line.

24 **MR. BALDWIN:** Great. Thank you.

25 Thank you, Mr. Morissette. I appreciate

1 that.

2 **THE HEARING OFFICER:** Very good, attorney Baldwin.

3 Please continue with your witness panel.

4 **MR. BALDWIN:** I will. Good afternoon. Again, for the
5 record Kenneth Baldwin with Robinson & Cole on
6 behalf of the Intervener Cellco Partnership doing
7 business as Verizon Wireless.

8 We have two witnesses on our panel this
9 afternoon, Mr. Morissette. Tim Parks is a real
10 estate and regulatory specialist with Verizon
11 Wireless responsible for this site.

12 And our radiofrequency engineer responsible
13 for this site is Shiva Godasu.

14 And both of those witnesses are on the screen
15 and ready to be sworn in.

16 **THE HEARING OFFICER:** Very good. Thank you. Attorney
17 Baldwin.

18 Attorney Bachman, please administer the oath.

19 **MS. BACHMAN:** Thank you, Mr. Morissette.

20 **T I M O T H Y P A R K S,**

21 **S H I V A G O D A S U,**

22 called as witnesses, being first duly sworn
23 by the EXECUTIVE DIRECTOR, were examined and
24 testified on their oaths as follows:

1 MS. BACHMAN: Thank you.

2 THE HEARING OFFICER: Go ahead, Attorney Baldwin.

3 MR. BALDWIN: Mr. Morissette, there are five exhibits
4 listed in the hearing program under Roman numeral
5 three, subsection B. And I'll ask my witnesses to
6 verify those exhibits.

7 Did you prepare or assist in the preparation
8 and are you familiar with the information
9 contained in the exhibits listed in the hearing
10 program under Roman three, section B, items one
11 through five? Mr. Parks?

12 THE WITNESS (Parks): Yes, I did.

13 MR. BALDWIN: Mr. Godasu?

14 THE WITNESS (Godasu): Yes, I did.

15 MR. BALDWIN: Do you have any corrections, amendments
16 or modifications to offer to any of the
17 information contained in those exhibits at this
18 time? Mr. Parks?

19 THE WITNESS (Parks): No, I do not.

20 MR. BALDWIN: Mr. Godasu?

21 THE WITNESS (Godasu): No.

22 MR. BALDWIN: And is the information contained in those
23 exhibits true and accurate to the best of your
24 knowledge? Mr. Parks?

25 THE WITNESS (Parks): Yes.

1 MR. BALDWIN: Mr. Godasu?

2 THE WITNESS (Godasu): Yes.

3 MR. BALDWIN: And do you adopt that information as your
4 testimony in this proceeding? Mr. Parks?

5 THE WITNESS (Parks): Yes, I do.

6 MR. BALDWIN: Mr. Godasu?

7 THE WITNESS (Godasu): Yes.

8 MR. BALDWIN: Mr. Morissette, we offer them as full
9 exhibits.

10 THE HEARING OFFICER: Thank you, Attorney Baldwin.

11 Does any party or intervenor object to the
12 admission of Verizon Wireless exhibits?

13 Attorney Ball?

14 MR. BALL: No objection, Mr. Morissette. Thank you.

15 THE HEARING OFFICER: Thank you.

16 Attorney Chiocchio?

17 MS. CHIOCCHIO: No objection. Thank you.

18 THE HEARING OFFICER: Thank you.

19 Attorney Bamonte?

20 MR. BAMONTE: No objection, Mr. Morissette.

21 THE HEARING OFFICER: Thank you. Donald Bergmann?

22
23 (No response.)

24
25 THE HEARING OFFICER: It appears that Donald Bergmann

1 has disconnected from the Zoom call.

2 Very good. We'll continue. The exhibits are
3 hereby admitted. We will now begin with
4 cross-examination of Verizon Wireless by the
5 Council starting with Mr. Nwankwo.

6 Mr. Nwankwo?

7 MR. NWANKWO: Thank you, Mr. Morissette.

8 My first question would be to reference my
9 original question to AT&T regarding the small-cell
10 site in existing photo seven. If Verizon could
11 confirm that that is a Verizon site, for one?

12 THE WITNESS (Godasu): This is Shiva Godasu from
13 Verizon Wireless. Yes, we do have two small-cells
14 along I-95, one to the south and one to the west.

15 The one on the south is right next to the
16 Hillspoint Road. It's called Westport SE2ACT, and
17 the other one is to the west -- is on 66 Hales
18 Road, which is called Westport SC2CT.

19 MR. NWANKWO: Thank you for that. Would you know what
20 entity approved this small-cell installation?

21 THE WITNESS (Godasu): That should be from Eversource.

22 MR. NWANKWO: Sorry. Could you repeat that?

23 THE WITNESS (Godasu): They're from Eversource.

24 MR. NWANKWO: Okay. So would the small cell be able to
25 interact with the proposed facility?

1 THE WITNESS (Godasu): I'm sorry.

2 Could you repeat that question?

3 MR. NWANKWO: Would the small cell interact with this
4 proposed facility?

5 THE WITNESS (Godasu): Yes, they will.

6 MR. NWANKWO: Thank you. I would like to reference
7 Cellco's response to Council Interrogatory Number
8 24, and the attached footnote 1.

9 Could Cellco please elaborate on the \$35,000
10 to \$50,000 additional cost saved by using a diesel
11 generator?

12 THE WITNESS (Parks): Tim Parks. Our construction
13 manager has told us that the cost for similar
14 sites would run between 35 and 50,000. He didn't
15 really elaborate much more on that, but that was
16 his best guess.

17 MR. NWANKWO: Thank you. Mr. Parks.

18 THE WITNESS (Parks): Uh-huh.

19 MR. NWANKWO: I'd also like to reference Verizon's
20 response -- Cellco's response to Council
21 Interrogatory 5.

22 Will the T-arm antenna mount be sufficient
23 for Verizon's antenna and remote radio unit
24 installation on the tower?

25 MR. BALDWIN: Mr. Nwankwo, did you say with a T-arm?

1 MR. NWANKWO: Yes, a T-arm antenna mount.

2 MR. BALDWIN: Mr. Godasu, you're on mute.

3 THE WITNESS (Godasu): Oh, I'm sorry.

4 Could you repeat that question please, sir?

5 MR. NWANKWO: Yes. The question is, will the T-arm
6 antenna mount be sufficient for Verizon's antenna
7 and radios, remote radio unit installation on the
8 tower?

9 THE WITNESS (Godasu): Yes.

10 MR. NWANKWO: So a T-arm mount will be sufficient?

11 THE WITNESS (Godasu): Yes.

12 MR. NWANKWO: Okay. Will there be any need in the
13 future to upgrade to a platform antenna amount?

14 THE WITNESS (Godasu): I'm sorry. I believe -- I
15 believe from the proposed -- is a platform one.
16 Correct?

17 MR. NWANKWO: Yes, the proposed is a platform, but
18 if -- if you were to install a T-arm now to make it
19 less obtrusive, will a platform antenna mount be
20 required in the future as a result of equipment
21 upgrades?

22 THE WITNESS (Godasu): I -- I'm sorry. Let me correct
23 that. So, yeah, the proposed platform mount is
24 what, you know, if it is a community, we're okay
25 with it. I'm not sure what exactly a T -- a T-arm

1 mount is.

2 MR. NWANKWO: Thank you. I would also like to
3 reference Verizon's response to Council
4 Interrogatory 6.

5 Would all Cellco's equipment and installation
6 comply with the 2015 International Building Code,
7 and 2018 Connecticut Building Code?

8 THE WITNESS (Parks): Tim Parks. Yes. Yes, it will.

9 MR. NWANKWO: Thank you. Will Cellco employ safety
10 standards that are in line with the 2017 National
11 Electrical Code, and the 2018 Fire Safety Code as
12 adopted by the State of Connecticut?

13 THE WITNESS (Parks): Tim Parks. Yes, it will.

14 MR. NWANKWO: Thank you. Cellco also mentions
15 beamforming technology in its response to Council
16 Interrogatory 21.

17 Could you please elaborate on beamforming
18 technology and how it impacts the RF emissions,
19 slash, power density of the site?

20 THE WITNESS (Godasu): This -- this is Shiva Godasu.

21 So beamforming is, you know, we -- so beamforming
22 is basically on low band, which is, you know, 700
23 and 850 frequencies for Verizon Wireless.

24 So they are split between two antennas of our
25 proposed facility. So -- so they, they -- both of

1 those antennas should be, you know, oriented in
2 the same way to get beamforming from the antennas,
3 which helps, you know, throughput and, you know,
4 better coverage.

5 MR. BALDWIN: Mr. Godasu, I'm going to ask you to slow
6 down a little bit just so we can we can get your
7 entire response.

8 THE WITNESS (Godasu): I -- I'm sorry. Yeah, I'll do
9 that.

10 MR. NWANKWO: Thank you. Also referencing Cellco's
11 response to Council Interrogatory 23, and the
12 radiofrequency report provided as attachment
13 three. Is it correct to say that the 3700
14 megahertz operating frequency will be deployed at
15 a later time?

16 THE WITNESS (Godasu): Yes, that is correct.

17 MR. NWANKWO: Okay. So what will be the projected time
18 of deployment for that frequency?

19 THE WITNESS (Godasu): Late -- later time, meaning
20 if -- if the site is going to take, you know, too
21 long, let's say a year from now, we'll deploy it
22 all together.

23 But you know, the general time it is, you
24 know, almost a year from now.

25 MR. NWANKWO: Thank you, Mr. Godasu. I think my next

1 question might be for Mr. Parks. What impact
2 would a monopine tower design have on Cellco's
3 installation and potential coverage.

4 THE WITNESS (Parks): Not much. It would be a little
5 costlier for Verizon.

6 As far as coverage, I think I would defer to
7 Mr. Godasu.

8 THE WITNESS (Godasu): No impact on coverage.

9 MR. NWANKWO: Thank you.

10 Would Cellco's ground equipment be alarmed?

11 MR. BALDWIN: Are you talking about security alarms?

12 MR. NWANKWO: Yes, please?

13 MR. BALDWIN: Thank you.

14 THE WITNESS (Parks): Tim Parks. I believe our ground
15 equipment is alarmed.

16 MR. NWANKWO: Thank you, Mr. Parks.

17 Thank you, Mr. Morissette. Those were all my
18 questions for Verizon.

19 THE HEARING OFFICER: Thank you, Mr. Nwankwo.

20 We'll continue with cross-examination by
21 Mr. Silvestri followed by Mrs. Cooley.

22 Mr. Silvestri?

23 MR. SILVESTRI: Thank you, Mr. Morissette. I only have
24 one question. Earlier in this afternoon's
25 proceedings Attorney Baldwin mentioned the

1 possible relocation of Verizon's equipment within
2 the proposed compound.

3 And my question is, what's the purpose of
4 relocating Verizon's equipment should the project
5 be approved?

6 THE WITNESS (Parks): Well, probably the easiest
7 response is that we -- our equipment would be
8 farther from wetlands, which would meet internal
9 policy for keeping a certain distance.

10 MR. SILVESTRI: Thank you, Mr. Parks.

11 Mr. Morissette, that's all I have.

12 Thank you.

13 THE HEARING OFFICER: Thank you, Mr. Silvestri.

14 We will continue to cross-examination by
15 Mrs. Cooley, followed by Mr. Quinlan.

16 Mrs. Cooley?

17 MS. COOLEY: Thank you, Mr. Morissette. I have no
18 further questions.

19 THE HEARING OFFICER: Thank you, Mr. Cooley.

20 We'll now continue with cross-examination by
21 Mr. Quinlan followed by Mr. Golembiewski.

22 Mr. Quinlan?

23 MR. QUINLAN: No further questions. Thank you.

24 THE HEARING OFFICER: Thank you, Mr. Quinlan.

25 We will now continue with cross examination

1 by Mr. Golembiewski followed by Mr. Lynch.

2 Mr. Golembiewski?

3 MR. GOLEMBIEWSKI: Thank you, Mr. Morissette. I don't
4 have any questions.

5 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

6 Mr. Lynch, any questions?

7 MR. LYNCH: No further questions.

8 THE HEARING OFFICER: Thank you. I have one follow-up
9 question relating to the natural gas emergency
10 generator.

11 The cost of 35K, is that inclusive of
12 bringing the gas up to the site and therefore that
13 is why it is -- so for example, the 15K that was
14 discussed earlier to get the gas from the street
15 up to the site testified by tarpon towers, is that
16 included in the 35K?

17 THE WITNESS (Parks): That is correct.

18 THE HEARING OFFICER: Okay. So the 35K would actually
19 be lower, because gas is already brought to the
20 site. Very good.

21 Now, I have a question about the small cells.
22 Now how do how does this particular site improve
23 coverage since you have these two small cell sites
24 in close proximity?

25 THE WITNESS (Godasu): This is Shiva Godasu. So the

1 two small cells we have are to the -- to, you
2 know, one is to the south and the other is to the
3 west.

4 So if you look at the plots we have
5 submitted, so even with the two small cells we
6 still have coverage gaps in our network. They're
7 to the north, I believe northwest of the proposed
8 facility.

9 And we also have capacity issues along I-95
10 to the east of the site, which small cells would
11 not, you know, answer our questions, so.

12 THE WITNESS (Parks): Very good, thank you.

13 That concludes my questioning. We will now
14 continue with cross-examination of Verizon by the
15 Applicant. Attorney Chiocchio?

16 MS. CHIOCCHIO: No questions.

17 Thank you, Mr. Morissette.

18 THE HEARING OFFICER: Thank you. Attorney Chiocchio.

19 We will continue with cross examination of
20 Verizon by the Town of Westport.

21 Attorney Bamonte?

22 MR. BAMONTE: Thank you. Mr. Morissette. Again
23 Nicholas Bamonte on behalf of the Town.

24 I only have a handful of questions for
25 Verizon. I'm not sure who the best to answer them

1 is, so I'll go ahead and ask them.

2 So in the Council's interrogatories to
3 Verizon in question 13, the Council asked for any
4 statistics on dropped calls or ineffective
5 attempts.

6 And Verizon responded that 1.5 percent of
7 daily calls are dropped. Is that accurate?

8 THE WITNESS (Godasu): This is Shiva Godasu. So yeah,
9 as -- as you have seen, there there is a spike on
10 a single day, but you know that was if -- if you
11 take that out of the count, it's still between 1
12 and 1.5.

13 MR. BAMONTE: Okay. And I think you also responded
14 that the performance target for daily dropped
15 calls is just 1 percent. Is that right?

16 THE WITNESS (Godasu): Yes.

17 MR. BAMONTE: Okay. And then similarly with regard to
18 daily attempts, Verizon responded that for that
19 area, again, 1.5 percent of daily attempts are
20 unsuccessful. Is that true?

21 THE WITNESS (Godasu): Yes.

22 MR. BAMONTE: Okay. And similarly again, it looks like
23 the performance target for that statistic is also
24 1 percent. Right?

25 THE WITNESS (Godasu): Yes.

1 MR. BAMONTE: Okay. So currently, as we all sit here
2 today without a new tower, Verizon appears to be
3 within half a percentage point of its performance
4 targets for these statistics. Is that correct?

5 THE WITNESS (Godasu): Just a half a percent above
6 the -- the target we need.

7 MR. BAMONTE: Okay. Last question, Mr. Godasu. In
8 question 13 from the Council it also asked for any
9 other indicators of substandard service in the
10 area. But Verizon only provided statistics for
11 dropped calls and ineffective attempts like we
12 just talked about. Is that right?

13 THE WITNESS (Godasu): Yes.

14 MR. BAMONTE: Okay. No further questions,
15 Mr. Morissette. Thank you.

16 THE HEARING OFFICER: Thank you, Attorney Bamonte.

17 We will now continue with cross-examination
18 of Verizon Wireless by Donald Bergmann.

19 Mr. Bergmann, are you with us?

20
21 (No response.)

22
23 THE HEARING OFFICER: We'll give him one more chance.

24 Mr. Bergmann, are you with us?
25

1 (No response.)

2
3 THE HEARING OFFICER: Very good. All right. Why don't
4 we take a ten-minute break here, and we will come
5 back with the appearance of the Town of Westport.

6 And we will come back at 3:35. So we'll take
7 a twelve-minute break. We will return at 3:35.
8 Thank you.

9
10 (Pause: 3:23 p.m. to 3:35 p.m.)

11
12 THE HEARING OFFICER: Very good. Thank you, everyone.
13 Welcome back.

14 Is the Court Reporter with us?

15 THE REPORTER: I am here, and we are on the record.

16 THE HEARING OFFICER: Very good. Thank you.

17 We will now continue with the appearance by
18 the Town of Westport. Will the party present its
19 witness panel for the purpose of taking the oath?

20 Attorney Bachman will administer the oath.

21 MR. BAMONTE: Thank you, Mr. Morissette.

22 For the record, Nicholas Bamonte on behalf of
23 the Town, from Berchem Moses.

24 Mr. Morissette, we have three witnesses this
25 afternoon, Jennifer Tooker is the First

1 Selectwoman for the Town of Westport. Alicia
2 Mosian conservation director for the Town of
3 Westport. And David Maxson is the Town's RF
4 consultant.

5 They are all present and ready to be sworn.

6 **THE HEARING OFFICER:** Thank you, Attorney Bamonte.

7 **MR. BAMONTE:** So if you can please -- sorry, Mr.

8 Morissette. I'll just instruct my witnesses to,
9 at the appropriate time, unmute themselves to
10 respond to attorney Bachman.

11 **THE HEARING OFFICER:** Thank you.

12 Attorney Bachman, please administer the oath?

13 D A V I D M A X S O N ,

14 J E N N I F E R T O O K E R ,

15 A L I C I A M O S I A N ,

16 called as witnesses, being first duly sworn
17 by the EXECUTIVE DIRECTOR, were examined and
18 testified on their oaths as follows:

19
20 **MS. BACHMAN:** Thank you.

21 **THE HEARING OFFICER:** Thank you, Attorney Bachman.

22 Attorney Bamonte, please begin by verifying
23 all the exhibits by the appropriate sworn
24 witnesses.

25 **MR. BAMONTE:** Certainly, Mr. Morissette.

1 So there are six town exhibits listed for
2 identification in the hearing program, and under
3 Roman four, sub B.

4 And I'll ask all three witnesses, did you --
5 I'll take you each one at a time after I ask the
6 question. Did you prepare, assist or supervise in
7 the preparation of those exhibits?

8 First Selectwoman Tooker?

9 THE WITNESS (Tooker): Yes.

10 MR. BAMONTE: Director Mosian?

11 THE WITNESS (Mosian): Yes.

12 MR. BAMONTE: Mr. Maxson?

13 THE WITNESS (Maxson): Yes.

14 MR. BAMONTE: Do any of you have any revisions or
15 corrections to those exhibits? First Selectwoman
16 Tooker, I'll take you first.

17 THE WITNESS (Tooker): No.

18 MR. BAMONTE: Director Mosian?

19 THE WITNESS (Mosian): No.

20 MR. BAMONTE: Mr. Maxson?

21 THE WITNESS (Maxson): Yes. I would like to make one
22 clarification, if I may? There's some new
23 information that was submitted, technical data
24 that was submitted by Mr. Lavin in his response to
25 my prefiled testimony.

1 While it's information that was not available
2 to me when I prepared my report and I might have
3 made some adjustments to what I said in my report,
4 overall I stand by what I have said in my report.

5 MR. BAMONTE: Okay. Thank you, Mr. Maxson.

6 And so then for each of you is the
7 information contained in those exhibits true and
8 accurate to the best of your belief?

9 Again, First Selectwoman Tooker?

10 THE WITNESS (Tooker): Yes.

11 MR. BAMONTE: Director Mosian?

12 THE WITNESS (Mosian): Yes.

13 MR. BAMONTE: And Mr. Maxson?

14 THE WITNESS (Maxson): Yes.

15 MR. BAMONTE: Mr. Morissette, I would ask that all the
16 exhibits be marked as full exhibits at this time?

17 THE HEARING OFFICER: Thank you, Attorney Bamonte.

18 Does any party or intervener object to the
19 admission of the Town of Westport's exhibit?

20 Attorney Ball?

21 MR. BALL: No objection, Mr. Morissette. Thank you.

22 THE HEARING OFFICER: Thank you. Attorney Chiocchio?

23 MS. CHIOCCHIO: No objection. Thank you.

24 THE HEARING OFFICER: Thank you.

25 Attorney Baldwin?

1 MR. BALDWIN: No objection, Mr. Morissette.

2 THE HEARING OFFICER: Thank you.

3 Donald Bergmann?

4
5 (No response.)

6
7 THE HEARING OFFICER: Very good. The exhibits are
8 hereby admitted. We will now begin with
9 cross-examination of the Town of Westport by the
10 Council, starting with Mr. Nwankwo followed by
11 Mr. Silvestri.

12 Mr. Nwankwo?

13 MR. NWANKWO: Thank you, Mr. Morissette. My first
14 question to the Town, would the Town of Westport
15 prefer a flagpole, a tree, or other stealth design
16 if this tower were approved?

17 THE WITNESS (Tooker): I suppose -- is that mine to
18 take?

19 MR. BAMONTE: If you feel comfortable answering it,
20 First Selectwoman Tooker.

21 If you don't have the answer, then it's fine
22 as well.

23 THE WITNESS (Tooker): I don't. I do not have the
24 answer.

25 MR. BAMONTE: Very good. Thank you.

1 MR. NWANKWO: I just have one more question. When did
2 the Town of Westport contact the Connecticut state
3 DOT About the Hales Road location?

4 THE WITNESS (Tooker): I believe the first time that we
5 contacted DOT is dated back to May of 2022.

6 MR. NWANKWO: Thank you, First Selectwoman Tooker.
7 Thank you.

8 Thank you, Mr. Morissette. That was all my
9 questions.

10 THE HEARING OFFICER: Thank you, Mr. Nwankwo. We'll
11 continue with cross-examination with Mr. Silvestri
12 followed by. Mrs. Cooley.

13 Mr. Silvestri?

14 MR. SILVESTRI: Thank you, Mr. Morissette. And again,
15 good afternoon all.

16 First Selectwoman Tooker, have you received
17 any additional correspondence or any additional
18 word from Connecticut DOT Since the September 15th
19 prefiled testimony that we received?

20 THE WITNESS (Tooker): No, I have not.

21 MR. SILVESTRI: Very good. Thank you for your
22 response.

23 Then I'd like to turn to Mr. Maxson, if I
24 may? Good afternoon, Mr. Maxson.

25 THE WITNESS (Maxson): Good afternoon, sir.

1 MR. SILVESTRI: Looking at your prefiled testimony,
2 which I have dated for September 6th, and this is
3 your response to question number 12. And I'm
4 going to reference page 4 -- if you want to pull
5 that up in front of you?

6 Good so far?

7 THE WITNESS (Maxson): Yes.

8 MR. SILVESTRI: Okay. If you look at the -- well, the
9 second full paragraph on that page, it begins,
10 this statement raises two concerns and this is
11 regarding the capacity issues in AT&T's response.

12 Could you elaborate a little bit on the --
13 how should we say? You have an alpha sector
14 that's traditionally generally facing north or
15 north-ly facing, which is not in the direction of
16 the coverage area.

17 Could you expand upon what you have written
18 there a little bit so I understand a little bit
19 better?

20 THE WITNESS (Maxson): Yes, Mr. Silvestri. You have
21 landed on the very thing that I commented about in
22 my certification of my testimony, and that is that
23 typically the more northward facing sector on a
24 cell site is called alpha.

25 So I made an assumption, lacking any

1 information in the record otherwise, that the
2 alpha sector was pointed away from Westport.

3 Mr. Lavin has responded in his subsequent
4 testimony that that sector is, in fact, pointed
5 toward at Westport. So I would agree that it's
6 likely that that -- that sector is having an
7 effect on Westport.

8 But the Applicant has submitted no coverage
9 evidence in the form of a best server analysis to
10 demonstrate what they are asserting as being part
11 of their -- their issue with capacity.

12 MR. SILVESTRI: Thank you for the clarification -- but
13 I've got to go one step further. The next
14 paragraph that's there, it says based on the
15 foregoing there's no urgent capacity crunch that
16 the proposed facility would relieve.

17 Seeing that the alpha is now facing towards
18 Westport, does that change that particular
19 paragraph?

20 THE WITNESS (Maxson): As I said at the outset, I -- it
21 doesn't change my conclusions. And one of the
22 reasons for that is this particular cell site, it
23 turns out as reported by Mr. Lavin in his
24 supplemental testimony, is 347 feet above ground.

25 It's covering a tremendous amount of area,

1 and it is probably overlapping numerous other
2 sectors of numerous other cell sites. And they
3 haven't provided any additional detail for us to
4 assess whether the offloading of whatever traffic
5 might be in the residential areas of Westport
6 would have a material impact on the overloading of
7 that particular cell site.

8 And I think it's important to note that they
9 have not indicated any of the cell sites in
10 Westport that are serving the fringes of this area
11 are having any particular issues with capacity.

12 So the evidence is suggesting that this is
13 not an urgent problem that needs to be solved
14 right away by a tower being approved immediately.

15 MR. SILVESTRI: Very good. Thank you, Mr. Maxson for
16 your responses.

17 Mr. Morissette, that's all that I have.

18 And I thank you as well.

19 THE HEARING OFFICER: Thank you, Mr. Silvestri.

20 We'll now continue with cross-examination by
21 Mrs. Cooley, followed by Mr. Quinlan.

22 Mrs. Cooley?

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

24 I have no questions. Thanks.

25 THE HEARING OFFICER: Thank you, Mrs. Cooley.

1 We will continue with cross-examination by
2 Mr. Quinlan followed by Mr. Golembiewski.

3 Mr. Quinlan?

4 MR. QUINLAN: No questions. Thank you.

5 THE HEARING OFFICER: Thank you, Mr. Quinlan.

6 Mr. Golembiewski followed by Mr. Lynch.

7 Mr. Golembiewski?

8 MR. GOLEMBIEWSKI: Thank you. Mr. Morissette. I have
9 no questions, but I do want to say hi to
10 Ms. Mosian. We run in the same circles.

11 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

12 We will now continue with Mr. Lynch.

13 Mr. Lynch?

14 MR. LYNCH: No questions.

15 THE HEARING OFFICER: Thank you, Mr. Lynch.

16 My first question -- well, actually my only
17 question, it relates to the C-DOT property. Can
18 the Town indicate why it would prefer the C-DOT
19 property over the site that has been proposed
20 here? And what are the benefits to develop that
21 site over the Applicant's site?

22 THE WITNESS (Tooker): I don't think we stated a
23 preference -- actually, I know we did not state a
24 preference of that site over the -- the current,
25 the current site.

1 We just made the statement that I -- I made
2 the statement that I believe that the process has
3 not been completed. Part of the process before
4 putting up a cell tower is to make sure that we --
5 that every alternate site is fully analyzed.

6 And it is my belief that this, that the DOT
7 site has not been fully analyzed. So we
8 distinctly did not state a preference between the
9 two sites.

10 **THE HEARING OFFICER:** Very good. Thank you.

11 Thank you for that clarification.

12 **THE WITNESS (Tooker):** Thank you for the question.

13 **THE HEARING OFFICER:** Very good. We will now continue
14 with cross-examination of the Town of Westport by
15 the Applicant. Attorney Chiocchio?

16 **MS. CHIOCCHIO:** No questions.

17 Thank you, Mr. Morissette.

18 **THE HEARING OFFICER:** Thank you Attorney Chiocchio.

19 We'll now continue with cross-examination of
20 the Town of Westport by Verizon Wireless.

21 Attorney Baldwin?

22 **MR. BALDWIN:** No questions, Mr. Morissette. Thank you.

23 **THE HEARING OFFICER:** Thank you, Attorney Baldwin.

24 We'll continue with cross-examination by
25 Donald Bergmann.

1 Mr. Bergmann?

2
3 (No response.)

4
5 **THE HEARING OFFICER:** Attorney Ball, do you have any
6 questions for the Town of Westport.

7 **MR. BALL:** Thank you, Mr. Morissette.

8 I have no questions.

9 **THE HEARING OFFICER:** Sorry. I apologize for the
10 oversight.

11 **MR. BALL:** No worries.

12 **THE HEARING OFFICER:** Very good. Given that Donald
13 Bergmann has left the Zoom hearing, the appearance
14 by Donald Bergmann was next. Since he is not
15 here, that eliminates that whole section of the
16 agenda. So therefore, that concludes our hearing
17 for today.

18 So with that my closing statement is, before
19 closing this evidentiary record in this matter.
20 This Siting Council announces that briefs and
21 proposed findings of fact may be filed with the
22 Council by any party or intervener no later than
23 October 22, 2022.

24 The submission of briefs or proposed findings
25 of fact are not required by this Council. Rather

1 we leave it to the choice of the parties and
2 interveners.

3 The Council will issue of draft findings of
4 fact, and thereafter parties and interveners may
5 identify errors or inconsistencies between the
6 Council's draft findings of fact and the record,
7 however no new information, no new evidence, no
8 argument and no reply briefs without permission
9 will be considered by the council.

10 Copies of the transcript of this hearing will
11 be filed at the Westport Town Clerk's office for
12 the convenience of the public.

13 I hereby declare this hearing adjourned and
14 thank you everyone for your participation. Have a
15 good evening.

16 MR. BALL: Thank you.

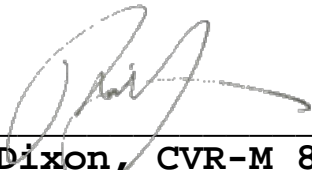
17 MR. BALDWIN: Thank you.

18 MR. BAMONTE: Thank you.

19
20 (End: 3:56 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 83 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting in Re: DOCKET NO. 510, 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, which was held before JOHN MORISSETTE, Member and Presiding Officer, on September 22, 2022.



Robert G. Dixon, CVR-M 857
Notary Public
My Commission Expires: 6/30/2025

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