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September 14, 2022

Via Electronic Mail and Federal Express

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **Docket No. 510 – Application of New Cingular Wireless PCS, LLC and Tarpon Towers II, LLC for a Certificate of Environmental Compatibility and Public Need for a Telecommunications Facility at 92 Greens Farms Road, Westport, Connecticut**

Dear Ms. Bachman:

On behalf of Cellco Partnership d/b/a Verizon Wireless (“Cellco”), enclosed please find the original and fifteen (15) copies of Cellco’s Responses to Intervenor, Donald L. Bergmann Interrogatories related to Docket No. 510. Electronic copies of these responses have also been sent to the Council today.

If you have any questions or need any additional information please do not hesitate to contact me.

Sincerely,



Kenneth C. Baldwin

KCB/kmd
Enclosure
Copy to:
Service List

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
 :
APPLICATION OF NEW CINGULAR : DOCKET NO. 510
WIRELESS PCS, LLC AND TARPON :
TOWERS II, LLC FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR A :
TELECOMMUNICATIONS FACILITY AT :
92 GREENS FARMS ROAD, WESTPORT, :
CONNECTICUT : SEPTEMBER 14, 2022

**RESPONSES OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
TO INTERVENOR, DONALD L. BERGMANN INTERROGATORIES**

On September 7, 2022, intervenor, Donald L. Bergmann (“Bergmann”) issued a series of interrogatories to Tarpon Towers, LLC (“Tarpon”), Cingular Wireless PCS, LLC (“AT&T”), Cellco Partnership d/b/a Verizon Wireless (“Cellco”) and the Town of Westport (“Town”), relating to the above-captioned Docket No. 510 application. Cellco hereby provides responses to select Bergmann interrogatories that appeared to be most relevant to Cellco’s intervention and its shared use of the proposed Tarpon tower at 92 Greens Farm Road in Westport (the “Property”).

NEED

Question No. 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?

Response

According to 2020 census data, there is a population of approximately 2000 people living within the wireless service footprint of the proposed tower site. Cellco cannot disclose how

many of these individuals are Cellco customers. It is also important to remember that the proposed Greens Farm Road tower site will provide coverage and capacity relief to customers traveling along I-95 and utilizing Metro North rail service in addition to the residents living in the area around the Property.

Question No. 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?

Response

See Cellco's response to Q. 1 above.

Question No. 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?

Response

See Cellco's response to Council Interrogatory Q. 13.

Question No. 4

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

Response

Calls are dropped, generally, for one of two reasons; either the signal strength in the area where the caller is traveling falls below the reliable signal level threshold (coverage); or the network experiences a capacity problem causing a call to drop in a particular geographic location (capacity). Customers may be able to reestablish those calls after moving out of the geographic

area where the coverage or capacity problems existed in the first place.

Question No. 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?

Response

Cellco does not distinguish between voice and data traffic on its network when evaluating need for improved wireless service.

Question No. 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?

Response

Information concerning existing service gaps and service benefits from the proposed 92 Greens Farm Road facility is included in Cellco's response to Council Interrogatories Q. 14 and Q. 16 and is depicted on the coverage plots included in the Tarpon application, Attachment E.

BUSINESS

Question No. 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?

Response

Cellco objects to Bergmann's request for information regarding revenue from a particular cell site as it is not a factor the Council considers in its evaluation of a Certificate application. As referenced in the Tarpon Application, the Council must balance the "need" for the wireless service against its overall "environmental effects".

Question No. 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?

Response

See Cellco's response to Q. 7 above.

Question No. 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?

Response

In the competitive wireless services industry, Cellco seeks to develop the most reliable wireless network for its customers and does not consider service provided by other carriers as a part of that evaluation. Cellco pursues cell site locations that will benefit its network alone.

Question No. 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?

Response

Cellco's costs for cell site equipment and installation were provided in response to Council Interrogatory Q. 2. Consistent with its response to Bergmann Interrogatories Q. 7 and Q. 8 above, Cellco objects to Mr. Bergmann's request for information regarding projected revenue from a particular cell site as it is not a factor the Council considers in its evaluation of a certificate application.

Question No. 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?

Response

See Cellco's response to Council Interrogatory Q. 3 regarding cost recovery.

SITE AND APPEARANCE

Question No. 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?

Response

Cellco is an intervenor in this proceeding and is prepared to share the proposed Tarpon tower site, if the Council approves the Docket No. 510 application. Cellco did not conduct its own search for alternate cell site locations in the area around 92 Greens Farm Road.

Question No. 14

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

Response

See Cellco's response to Interrogatory Q. 13 above.

Question No. 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?

Response

See Cellco's response to Town of Westport Interrogatory Q. 5. It is important to note that Cellco is not "driving the height" of the proposed tower. Cellco's antennas are proposed to be located 10 feet below the AT&T antennas.

Question No. 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?

Response

Cellco cannot speak to the issue of restricting the tower height as it will not own the proposed tower. With respect to backup power, Cellco's strong preference is to install and maintain its own generator at the proposed cell site. As referenced in its response to Council Interrogatory Q. 24, the proposed diesel generator will maintain a special fuel tank with tertiary containment measures and leak detection alarms.

GENERAL

Question No. 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"?

Response

Cellco objects to this question as issues related to the environmental effects of radio frequency emissions are under the exclusive jurisdiction of the Federal Communications Commission and are not subject to review by the Council.

Question No. 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 form radiofrequencies from cell towers, both as to the

environment and people, especially young children?

Response

See Cellco's response to Q. 21 above.

Question No. 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?

Response

See Cellco's response to Q. 21 above.

Question No. 24

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

Response

See Cellco's response to Council Interrogatory Q. 23.

Question No. 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?

Response

See Cellco's response to Q. 21 above.

Question No. 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?

Response

See Cellco's response to Q. 21 above.

Question No. 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?

Response

See Cellco's response to Town Interrogatory Q. 6.

Question No. 28

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

Response

See Cellco's response to Town Interrogatory Q. 6.

Question No. 29

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

Response

Cellco cannot speak to service provided from "other carriers".

Question No. 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?

Response

Yes. Cellco has been involved in several recent proceedings involving the construction

of cell sites in “residential areas” throughout the State of Connecticut. In each case, Cellco (or the tower developer) has been required to demonstrate that it had a need for the facility and that the overall environmental effects were not substantial. In each of the following dockets, the Council approved the proposed certificate application. A few examples are listed below.

1. Docket No. 502 Woodbridge - https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-502
2. Docket No. 188 Westport - https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/Decisions/DOCKET-NO-188
3. Docket No. 507 North Branford - https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-507
4. Docket No. 494 - https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-494-Verizon-Wolcott
5. Docket No. 491 Wolcott - https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-494-Verizon-Wolcott
6. Docket No. 471 Hamden - https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-471--Verizon-Hamden

Question No. 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?

Response

Cellco, along with AT&T and Tarpon, have presented ample evidence to support the appropriate and necessary findings by the Council that a “need” exists for the proposed tower site

at 92 Greens Farm Road and that the environmental effects associated with the development of the facility will not be substantial and do not out-weight the need for the facility. Based on this evidence, Cellco believes that the Council would be justified in approving the Tarpon application.

Question No. 32

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

Response

Cellco will not speculate as to how it will react if the Council chooses to deny the Docket No. 510 application.

Question No. 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?

Response

Cellco objects to this question as it cannot speak for other parties or intervenors in this proceeding.

Question No. 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?

Response

Cellco objects to this question as it seeks information not relevant to the Council's decision on this application.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September 2022, a copy of the foregoing was sent,
via electronic mail, to:

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