



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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### VIA ELECTRONIC MAIL

October 25, 2023

TO: Service List dated August 22, 2023

FROM: Melanie A. Bachman, Executive Director *MAB*

RE: **DOCKET NO. 518** – New Cingular Wireless PCS, LLC d/b/a AT&T and Tarpon Towers III, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 99 Dart Hill Road, South Windsor, Connecticut.

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The Connecticut Siting Council (Council) will hold a pre-hearing conference **via Zoom Remote Conferencing** on procedural matters on Wednesday, November 1, 2023, beginning at 11:00 a.m. **All parties and intervenors are requested to participate.** The purpose of this pre-hearing conference is to expedite the hearing procedure without sacrificing an informative record necessary for the Council to render a decision.

#### Join Zoom Meeting

<https://us06web.zoom.us/j/82430477446?pwd=yn9NOBrw4taiob4YrxpKaH8JzJI9J4.1>

Meeting ID: 824 3047 7446

Passcode: 85sb0C

Dial +1 929 205 6099 US (New York)

Meeting ID: 824 3047 7446

Passcode: 057235

During the conference, parties and intervenors will be encouraged to discuss requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of pre-hearing interrogatories. To save the time and expense of the public, **the Council does not allow direct testimony** at the public hearing.

Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the public hearing.

For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the public hearing in the witness list.**

For the applicant, please indicate in writing who shall be the **designated presenter during the 6:30 p.m. public comment session in the witness list and what site plan will be used for the presentation.** Please submit the site plan(s) for the presentation as a separate pdf for posting to the Council's website.

MB/IN/lm



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### Connecticut Siting Council

Pre-Hearing Conference: Procedure for Public Hearing of December 14, 2023

**DOCKET NO. 518** – New Cingular Wireless PCS, LLC d/b/a AT&T and Tarpon Towers III, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 99 Dart Hill Road, South Windsor, Connecticut.

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### Pre-hearing Procedure

1. On or before November 30, 2023, all parties and intervenors are requested to electronically exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before December 7, 2023, all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. For parties and intervenors who are not represented by counsel, please indicate in writing who shall be the **designated representative for the public hearing in the witness list**. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to electronically file a written petition with the Council on or before December 7, 2023.
4. Pursuant to § 16-50j-21 of the Regulations of Connecticut State Agencies (RCSA), at least ten days prior to the public hearing, the applicant shall erect and maintain, in a legible condition, a sign not less than six feet by four feet along a public road at or in the vicinity of where the proposed facility would be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). **The sign shall not be removed from the site until after the commencement of the evening public comment session.**
5. Attached is a list of the Council's administrative notice items. Objections to any item on the list should be sent to the Council before the hearing.

### Hearing Procedure

6. The 2:00 p.m., December 14, 2023, evidentiary hearing session will provide the applicant, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The applicant will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the applicant and all other parties and intervenors.

7. The order of appearances and cross-examination will be governed by a Hearing Program developed by the Council for the proceeding. The Council will issue the Hearing Program prior to the hearing.
8. All microphones will be muted upon entry into the Zoom meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
9. If any party or intervenor designated representative or witness is using the Zoom dial-in option from a telephone, the phone number and name of the person must be provided in writing to the Council in advance so the phone number can be matched with the appropriate designated representative or witness. **If the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.**
10. The 6:30 p.m. public comment session on December 14, 2023, will be reserved for the public to make brief statements into the record. **Public statements will be limited to 3 minutes.** The Council requests that the applicant conduct a brief presentation prior to public comment, describing proposed facility features from a site plan already submitted into the record. For the applicant, please indicate in writing who shall be **the designated presenter during the 6:30 p.m. public comment session in the witness list. This site plan will be projected on the Zoom meeting screen during the public comment session.**
11. The Council may, at its discretion, group parties and intervenors with the same interests.
12. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
13. Pursuant to RCSA § 16-50j-15b, any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written limited appearance statements.
14. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
15. Any person may be removed from the Zoom evidentiary session and/or public comment session at the discretion of the Council.

#### **Post-hearing procedure**

16. A verbatim transcript of the evidentiary and public comment hearing sessions will be posted on the Council's project webpage and deposited with the Town of South Windsor Clerk's office for the convenience of the public.
17. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
18. Members of the public will be allowed to submit written statements into the record within 30 days after the close of the hearing.
19. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.



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### Administrative Notice List

Docket No. 518

#### **FEDERAL**

1. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields, OET Bulletin No. 56, August 1999, available at [https://transition.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet56/oet56e4.pdf](https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf)*
2. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, OET Bulletin No. 65, August 1997, available at [https://transition.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65.pdf](https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf)*
3. FEDERAL COMMUNICATIONS COMMISSION, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order, August 1, 1996, available at [https://transition.fcc.gov/Bureaus/Engineering\\_Technology/Orders/1996/fcc96326.pdf](https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf)*
4. Telecommunications Act of 1996, as amended, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C), *available at <https://transition.fcc.gov/Reports/tcom1996.pdf>*
5. FEDERAL COMMUNICATIONS COMMISSION, *Warning, Alert and Response Network Act, Pub. L. No. 109-437, 120 Stat. 1936 (2006), (codified at 47 U.S.C. §332(d)(1)) (2006), available at <https://transition.fcc.gov/pshs/docs/emergency-information/emas-warn-act.pdf>*
6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b, as amended, *available at <https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih>.*
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942, as amended, *available at <https://www.gpo.gov/fdsys/pkg/PLAW-108publ494/pdf/PLAW-108publ494.pdf>*
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment 2012, *available at <https://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>*
9. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307, as amended, *available at <https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf>*
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310, as amended, *available at <https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf>*
11. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>*

12. Presidential Order No. 13616, Accelerating Broadband Infrastructure Development, 77 Fed. Reg. 119 (June 14, 2012), available at <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf>
13. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, available at <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>
14. DIVISION OF MIGRATORY BIRD MANAGEMENT, UNITED STATES FISH & WILDLIFE SERVICE, UNITED STATES DEPARTMENT OF THE INTERIOR, *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning*, last updated March 2021, available at <https://www.fws.gov/sites/default/files/documents/usfws-communication-tower-guidance.pdf>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* available at <https://www.nps.gov/subjects/nationalregister/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/Advisory\\_Circular\\_70\\_7460\\_1M.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf)
17. FEDERAL AVIATION ADMINISTRATION, *Specification for Obstruction Lighting Equipment, Advisory Circular AC No. 150/5345-43J*, March 11, 2019, available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/150-5345-43J.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5345-43J.pdf)
18. FEDERAL COMMUNICATIONS COMMISSION, *Tower Owners: Save Birds, Save Money*, updated August 2, 2021, available at <https://www.fcc.gov/guides/towers-and-birds>
19. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2021*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, May 2022, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202205.pdf>
20. FEDERAL COMMUNICATIONS COMMISSION, *Public Notice – Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012*, DA 12-2407, January 25, 2013, available at [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-12-2047A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-12-2047A1.pdf)
21. FEDERAL COMMUNICATIONS COMMISSION, *Connecting America: The National Broadband Plan*, 2010, available at <https://transition.fcc.gov/national-broadband-plan/national-broadband-plan.pdf>
22. FEDERAL COMMUNICATIONS COMMISSION, *Text-to-911: Quick Facts & FAQs*, June 2013, available at <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.
23. FEDERAL COMMUNICATIONS COMMISSION, *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, et al, *Wireless Infrastructure Report and Order*, FCC 14-153, October 21, 2014, available at <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>

24. FEDERAL COMMUNICATIONS COMMISSION, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, *Second Report and Order*, FCC 18-30, March 30, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-30A1.pdf>
25. FEDERAL COMMUNICATIONS COMMISSION, Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment/Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, *Third Report and Order and Declaratory Ruling*, FCC 18-111, August 3, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf>
26. FEDERAL COMMUNICATIONS COMMISSION, FCC Fact Sheet: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, *Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
27. FEDERAL COMMUNICATIONS COMMISSION, Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, *Declaratory Ruling and Notice of Proposed Rulemaking*, FCC 20-75, June 10, 2020, available at <https://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.pdf>
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29. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017, available at [https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2\\_054262](https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262)
30. UNITED STATES FISH AND WILDLIFE SERVICE, New England Field Office, Addressing Northern Long-eared Bat, available at [New England Field Office Endangered Species Act Project Review and Consultation | U.S. Fish & Wildlife Service \(fws.gov\)](#)

## **STATE**

### **Connecticut Siting Council**

31. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Plan for Wireless Telecommunications Coverage*, Revised October 2018, available at <https://portal.ct.gov/-/media/CSC/Publications/2018TELCOMPLANFINALpdf.pdf>
32. STATE OF CONNECTICUT SITING COUNCIL, *Telecommunications Facilities: An Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation, Version II*, available at <https://portal.ct.gov/-/media/CSC/CSCtower307pdf.pdf>
33. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, available at <https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Disclaimer>
34. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, available at



[https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-432](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432)

35. STATE OF CONNECTICUT SITING COUNCIL, Petition 1589, July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, *available at* [https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf)

**Department of Energy and Environmental Protection**

36. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, last revised November 2007, *available at* <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>
37. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004 and appendices, *available at* [http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav\\_GID=1654](http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654)
38. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER PROTECTION AND LAND REUSE, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, Effective October 10, 2013, *available at* <https://portal.ct.gov/DEEP/Water/Water-Quality/Water-Quality-Standards-and-Classification>
39. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Connecticut Air Quality Standards, Effective February 8, 2018, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq., *available at* [https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title\\_22aSubtitle\\_22a-174/](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-174/)
40. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq., *available at* <https://eregulations.ct.gov/eRegsPortal/Browse/getDocument?guid=%7b60A3E155-0600-CEB3-8088-B39D9CA5974D%7d>
41. STATE OF CONNECTICUT, DEPT. OF PUBLIC UTILITY CONTROL, Docket No. 08-06-19, DPUC Investigation into the Deployment of Distributed Antenna System (DAS) in the Public Rights of Way, September 29, 2010.
42. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, Connecticut's Endangered, Threatened and Special Concern Species 2015, August 2015, *available at* [https://portal.ct.gov/-/media/DEEP/wildlife/pdf\\_files/nongame/ETS15pdf.pdf](https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/nongame/ETS15pdf.pdf)
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### **Department of Transportation**

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48. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Policy Statement for Telecommunications Installations Within the State Highway Right of Way*, Policy No. E&H.O. – 53, August 7, 2006, available at [https://portal.ct.gov/lib/csc/row\\_ps.pdf](https://portal.ct.gov/lib/csc/row_ps.pdf)

### **Other State Agencies**

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50. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, *Environmental and Occupational Health Assessment, Radiation – Cell Phone Towers – Questions and Answers about Health*, May 2015, available at [https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental\\_health/eoha/pdf/051115CellPhoneTowerFINALpdf.pdf](https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/eoha/pdf/051115CellPhoneTowerFINALpdf.pdf)
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52. STATE OF CONNECTICUT, STATE VEGETATION MANAGEMENT TASK FORCE, *Final Report Issued to the Connecticut Department of Energy and Environmental Protection*, August 28, 2012, available at [https://portal.ct.gov/-/media/DEEP/forestry/VMTF/Final\\_Report/SVMTFFinalReportpdf.pdf](https://portal.ct.gov/-/media/DEEP/forestry/VMTF/Final_Report/SVMTFFinalReportpdf.pdf)
53. Final Report of the Two Storm Panel, January 9, 2012, available at [http://www.governor.ct.gov/malloy/lib/malloy/two\\_storm\\_panel\\_final\\_report.pdf](http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf)
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57. STATE OF CONNECTICUT, PUBLIC ACT NO. 22-3, April 28, 2022, available at <https://www.cga.ct.gov/2022/ACT/PA/PDF/2022PA-00003-R00HB-05269-PA.PDF>

## **TECHNICAL**

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59. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, *IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz*, IEEE Std. C95.1-2019, October 4, 2019, available at [https://standards.ieee.org/standard/C95\\_1-2019.html](https://standards.ieee.org/standard/C95_1-2019.html)
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## **Instructions for Parties and Intervenors for Docket No. 518 Public Hearing**

1. Attendees can join by clicking (or entering) the following link:  
<https://us06web.zoom.us/j/87106925134?pwd=enZnUnZGWFZURmJNUEZvV0pYVW1sQT09> from a computer, smartphone, or tablet. **Meeting ID: 871 0692 5134 and Passcode: LH838U.** No prior software download is required.
2. For audio-only participation, attendees can join by dialing in at **1(929) 205-6099 (not toll free)** and then enter the **Meeting ID: 871 0692 5134 and Passcode: 496714** from a telephone.
3. All participants are requested to mute sound notifications on their computer, smartphone or tablet. Telephones are often equipped with a “do not disturb” feature for the dial-in option.
4. If any participant is using the **dial-in option from a telephone**, the phone number and name of the participant must be provided in advance so the phone number can be matched with the appropriate participant by NAME. **If the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.** If using the link, unless the participant types in their name when entering the meeting, the email and name of the participant must be provided in advance so the email can be matched with the appropriate participant by NAME. If the NAME of the person is not typed in or provided when entering the meeting, they will not be admitted into the meeting. Please inform your witness panels.
5. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
6. The Presiding Officer will read an opening statement and cross examination of the applicant by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the applicant.
7. Once cross examination of the applicant by the Council and all parties and intervenors concludes, cross examination of the next party listed on the Hearing Program by the Council will commence, one by one, beginning with the staff analyst. Thereafter, the designated representative for each party and intervenor will cross examine the appearing party.