

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR,
WIRELESS PCS, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT
95 BALANCE ROCK ROAD, HARTLAND,
CONNECTICUT

DOCKET NO. 408

January 26, 2011

PRE-FILED TESTIMONY OF
DAVID VIVIAN

1.Q. Mr. Vivian, please summarize your current role for AT&T.

A. I am a consultant for SAI, a company hired by AT&T to acquire wireless telecommunications sites. My current responsibilities include identifying and selecting sites for AT&T in the areas where AT&T has gaps in coverage. I handle lease negotiations, siting issues and coordinate the various technical professional services to secure sites for AT&T to improve and enhance its service. My resume is attached which details my qualifications and experience.

2.Q. What is the purpose of your testimony?

A. The purpose of my testimony is to provide additional information relating to the Application of New Cingular Wireless PCS, LLC ("AT&T") to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need for the proposed facility in Hartland. Specifically, I am providing information regarding AT&T's site search, communications with the Town of Hartland regarding the proposed Facility and background information related to the selection of the Site B alternative.

3.Q. Please describe AT&T's search for a site and its selection of the proposed site.

A. AT&T identified a site search area, or an area where the installation of a wireless facility would address an identified coverage need, along Route 20 in the north-eastern portion of the Town of Hartland. After analysis of the area in conjunction with AT&T's RF Engineers, it was determined that none would provide adequate coverage to the area where service is needed. In fact, AT&T is currently operating facilities on all of the surrounding existing communication towers. Once it was determined that there are no existing facilities that would meet AT&T's coverage needs, I began a search for sites that might host a new tower facility.

When searching for appropriate locations for the siting of a new tower facility, I review the search area, consider existing land uses and generally look for the existence of large parcels of land that offer significant natural screening to mitigate any visual impact from a tower facility. Potential siting candidates are limited in this area of Hartland as it is characterized by the Tunxis State Park and the Barkhamsted Reservoir (MDC property).

As the Siting Council is aware, state law and DEP policy restrict leasing state park and forest lands for the development of wireless telecommunications facilities. As such, the Tunxis State Forest properties are not available to AT&T for the siting of its proposed facility.

The MDC properties in this area are also unavailable for the siting of the proposed facility given that the Barkhamsted Reservoir is a drinking water supply and the MDC holdings in the area are watershed properties. AT&T's representatives contacted the MDC to determine if any of their properties in this area were classified as Class III water company properties and potentially available for siting of a wireless tower facility. In an email response, the Chief Administrative Officer of the MDC indicated that none of the MDC holdings in the area were classified as Class III properties. In addition, as noted in the Site Search Summary in Attachment 2 of the Application, the MDC properties in the area were rejected by AT&T's RF engineers as a tower facility on these properties would not meet coverage objectives.

I also investigated other large parcels in the search area. As detailed in Attachment 2 of the Application, based on extensive investigations in conjunction with AT&T's RF engineers, only one of these parcels was determined available and would meet AT&T's technical requirements for providing service in this area of the Town.

4.Q. What was the result of AT&T's investigation of the property on North Hollow Road where the garage is located?

A. After reviewing town records for this location, I learned that the property on which the garage is located is owned by the State of Connecticut and is referenced as being part of the Tunxis State Forest (Assessor's Map-Block-Lot 10-05-004; property address Granville Road including 1883 acres). Therefore, it is unavailable for the siting of a wireless facility given state law and DEP policy regarding state forest lands.

In addition to this location's unavailability, AT&T's RF engineers determined that a tower facility site at the garage site would not provide reliable service to meet the coverage objectives for this area.

Since this location is unavailable for tower siting and it would not provide adequate service, it is not a feasible alternative site for AT&T's needed facility.

5.Q. Please describe AT&T's consultation with the Town of Hartland prior to the Application filing.

A. AT&T's consultation with the Town of Hartland started with the submission of a Technical Report to the First Selectman on June 29, 2010. An information session was

coordinated with the Chairman of the Planning & Zoning Commission and took place on August 16, 2010. Representatives of AT&T, including me, conducted a presentation that included the information provided in the Technical Report and answered questions. At the suggestion of the Planning & Zoning Commission, AT&T shifted the proposed monopole to the north approximately 110' so that the tower radius lies substantially within the property lines and the tower would be located further from Balance Rock Road and abutting neighbors. Also, privacy slats were added to the proposed equipment compound fence in accordance with the Planning & Zoning Commission's recommendation. These facility design updates were submitted to the Town in correspondence dated September 9, 2010.

Neither AT&T nor I received any other comments or recommendations from the Town after the submission of the design updates to the Town.

6.Q. Please summarize AT&T's additional consultation with the Town of Hartland after the Application filing.

A. After AT&T's Application was filed with the Siting Council on October 13, 2010, the Chairman of the Hartland Inland Wetlands and Watercourses Commission (Inland Wetlands Commission) requested a site visit for members of the Inland Wetlands Commission. I arranged the requested site visits which took place on November 8th and 9th. Members of the Hartland Inland Wetlands and Watercourses Commission conducted field visits with AT&T's wetlands consultant, Dean Gustafson, senior wetlands scientist with Vanasse Hangen Brustlin, Inc. (VHB) and me. Also in attendance at the November 8th site visit was Sean Hayes, certified soil scientist with the Northwest Conservation District. It is my understanding that the Inland Wetlands Commission requested that Mr. Hayes attend the field visits to provide an independent review of AT&T's wetlands delineation.

After the field reviews with the Inland Wetlands Commission and at the request of the Town, on December 2nd, I and other AT&T representatives participated in another community meeting before the Inland Wetlands Commission to provide the community with another opportunity to obtain additional information regarding the wetlands and the proposed Facility from AT&T's consultants. At this meeting, we received correspondence from the Northwest Conservation District in which Mr. Sean Hayes confirmed that AT&T's wetlands delineations contained in its Siting Council Application were accurate.

At this community meeting, we also discussed the potential for an alternative location for the proposed facility further north and east on the subject property at the suggestion of some of the Town officials and others in attendance.

7.Q. Please describe AT&T's investigation of alternative suggested sites by the Town and others post Application filing with the Siting Council.

After the Application filing and the December 2nd community meeting, I, in conjunction with AT&T's RF Engineers investigated several suggested alternative sites provided by the Town and the community.

The Town asked about the feasibility of providing needed service from existing towers in Granville, Massachusetts. I provided the location information for these towers and sites in Granville to AT&T's RF Engineers and they confirmed that needed service could not be achieved by existing towers or sites in Granville, Massachusetts and that, in fact, AT&T is currently operating from these facilities, as well.

Intervenor Sirman also provided suggested alternative sites which included 38 Pell Road and 339 South Road. As detailed in AT&T's Response to Intervenor Sirman's Interrogatories, dated January 6, 2011, these sites are not feasible alternatives.

AT&T's representatives also received a call from the owner of property located at 150 Pell Road about his property as a potential site. Given the location and single family use of this property, it was determined that it was also not a feasible alternative.

Then, on the afternoon of January 5th, the Town asked about the feasibility of providing service by raising the height of AT&T's existing surrounding facilities. AT&T's RF Engineers confirmed that needed service could not be achieved by increasing the height of AT&T's existing surrounding facilities. A plot demonstrating the inability of providing service from raising the height of existing AT&T facilities was submitted as a response to the Town's inquiry on January 7, 2011.

After the January 13th Siting Council hearing, the owner of property located at 55 East Pell Road contacted AT&T's representatives regarding their property. After I obtained specific location data regarding this suggested site from the property owner, I provided it to AT&T's RF Engineers for their review. AT&T's RF Engineers confirmed that this suggested site is located too far east to provide needed service.

7.Q. Please describe the circumstances that led to the Site B location presented to the Council for consideration after the Application filing.

A. During the municipal consultation process, no request was made regarding the feasibility of locating the facility in the northeast portion of the subject property. The Site A location detailed in AT&T's Application was selected as it utilizes existing improvements on the subject property and minimizes clearing and grading. As I stated above, the comments from the Town that resulted from the municipal consultation process were incorporated into the Site A design. These requests included the shifting the monopole location approximately 110' north and incorporating privacy slats into the equipment compound fencing.

After the Application filing and at the December 2nd community meeting, some Town officials and members of the public, including the intervenor, requested that an alternative location further north and east on the subject property be investigated as it would place the facility further away from Balance Rock Road and neighboring residences.

As shown in AT&T's Application materials and as discussed at the December 2nd community meeting, much of this area on the subject site is characterized by wetlands and is heavily wooded. Nevertheless, in response to the Town and intervenor's request, AT&T's

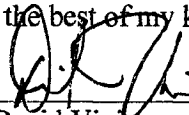
wetlands expert, Dean Gustafson and I conducted additional field visits to determine if there was a feasible location to the north and east of the proposed site. Mr. Gustafson and I were able to find a location approximately 500 feet to the north and east of the proposed site (Site A) and 475 feet from Balance Rock Road, where given the characteristics of the wetlands in this location, the potential impacts to wetlands would not be significant.

After confirming with the owners of the subject site, the Ring Mountain Hunt Club, that this alternative location was acceptable to them, I then coordinated the preparation and development of the necessary application materials for this alternative to present to the Siting Council. This resulted in the submission of alternative Site B. The materials for Site B included a comparative visual analysis between Site A and Site B.

I will also note that the balloon float for the additional visual analysis was conducted on December 30, 2010 and I advised the First Selectman that balloons at both locations would be flown on that day. He indicated that he would personally notify abutting neighbors of the comparative balloon float.

The statements above are true and accurate to the best of my knowledge.

1/26/11
Date



David Vivian

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was submitted electronically and by overnight mail to the Connecticut Siting Council and to:

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Dated: January 27th, 2011



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QUALIFICATIONS

Seasoned telecommunications professional. Over 14 years telecommunications siting and permitting experience in the challenging New England environment. Adept at balancing radio frequency requirements with local zoning requirements and preferences, resulting in a high success ratio and timely implementation.

Experienced manager. Strong team-builder that provides direction and scope and empowers employees and subcontractors to utilize innovative solutions to accomplish goals quickly and efficiently.

Strong financial background. As a former real estate lender and manager, always attentive to cost-benefit analysis of policies and procedures while attending to project objectives.

PROFESSIONAL EXPERIENCE

Site Acquisition Specialist, Site Acquisitions, Inc. (September 2009 – Present)

Responsible for the identification, leasing, zoning and permitting of sites for New Cingular Wireless, PCS (AT&T) primarily in the Connecticut and Western Massachusetts markets. Coordinates subcontractor due diligence and preparation for Connecticut Siting Council (“CSC”) filings and hearing proceedings. Provides testimony at CSC proceedings.

Independent Site Development Contractor (September 2006 – August 2009)

Provided telecommunications site acquisition consultation services to various wireless carriers and site acquisition firms; including Metro PCS, Mariner Tower, Optasite, Inc., and Transcend Wireless (representing Sprint PCS).

Site Development Manager, National Grid Wireless (January 2001 – August 2006)

Responsible for the development and/or acquisition of over 45 new tower facilities throughout the New England region for both Tower Ventures and National Grid. Identified new areas of opportunity and coordinated the leasing, zoning and construction of tower facilities in the central and western Massachusetts and eastern Connecticut area.

Project Manager, American Tower Corporation (May 1999 – January 2001)

Assumed the overall management and implementation of a new tower development program throughout New England. With only limited resources, managed the successful permitting and construction of over 40 new telecommunications towers in the first full year of operation.

Zoning Manager, Wireless Facilities, Inc. (March 1998 – May 1999)

Managed a team of Zoning Specialists responsible for the zoning and permitting of a 160-site wireless telecommunications design in southern New Hampshire, Worcester County and Cape Cod, Massachusetts. Careful analysis and a high approval ratio in this challenging zoning environment were instrumental in the successful commercial launch within a one-year timeframe.

Property Specialist, Sprint PCS (June 1996 – March 1998)

Managed a site acquisition team in the identification, leasing and zoning of wireless telecommunications facilities throughout greater Boston and Cape Cod. Close coordination between engineering activities, including radio frequency analysis, architectural and engineering services and environmental testing resulted in the successful completion of nearly 100 facilities during Sprint’s initial commercial launch.

Commercial Real Estate Appraiser and Manager (August 1993 – June 1996)

Managed the commercial and residential real estate appraisal operation for New England Valuation Advisors, including bidding, appraisals, data base management and marketing. As a commercial real estate appraiser for Crowley & Associates, completed real estate appraisals on a fee basis, including all types of income producing properties. Specialized in industrial, retail, office and apartment complexes.

Mortgage Loan Officer, Society for Savings & Country Bank for Savings (January 1987 – August 1993)

Managed real estate portfolios ranging from \$45 million to \$150 million, including offices, apartment complexes, retail centers and hotels. Routinely achieved the lowest delinquency rate on commercial portfolios in the department.

EDUCATION

OSHA Safety Training (2005)

University of Massachusetts at Amherst (1994), M.B.A. with emphasis in finance

Naval Post-Graduate School, Newport, R.I. (1981), Legal Officer Certification

Naval Flight Officer, United States Navy (1979 – 1998), Commander (Retired)

Colby College, Waterville, ME (1979), A.B. in Administrative Science & Math

References available upon request