

STATE OF CONNECTICUT  
SITING COUNCIL

RECEIVED  
JUL - 3 2013

\* \* \* \* \*

CONNECTICUT  
SITING COUNCIL

NEW CINGULAR WIRELESS

June 11, 2013

APPLICATION FOR A CERTIFICATE OF  
ENVIORNMENTAL COMPATABILITY AND  
PUBLIC NEED FOR THE CONSTRUCTION

Docket No. 409A

\* \* \* \* \*

BEFORE:

JAMES J. MURPHY, Acting Chairperson

BOARD MEMBERS:

Robert Murphy  
Robert Hannon, DEEP Designee  
Philip Ashton

THE STAFF:

Robert Mercier, Siting Analyst  
Melanie Bachman, Staff Attorney

APPEARANCES:

FOR THE APPLICANT, NEW CINGULAR WIRELESS PCS, LLC:  
Cuddy & Feder, LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601

By: Christopher B. Fisher, Esq.  
Lucia Chiochio, Attorney

FOR THE PARTY, MARC ROSEN & SUSAN PINSKY:  
Marc Rosen and Susan Pinsky, Pro Se  
Barnes Road  
Falls Village, CT 06031

---

**QUALIFIED REPORTING SERVICES**

Tele/Fax (860) 561-5669  
Home (860) 561-8892



37 Groveland Terrace  
Newington, CT 06111

1 . . . . Verbatim transcript of a hearing  
2 before the State of Connecticut, Siting Council  
3 Relations, held June 11, 2013, at the Siting Council  
4 Franklin Square, New Britain, Connecticut at 1:30  
5 o'clock p.m., at which time the parties were represented  
6 as hereinbefore set forth . . . .

7  
8 CHAIRMAN STEIN: Good afternoon. Sorry  
9 for the delay.

10 I call the meeting to order today,  
11 Tuesday, June 11, 2013 at 2:00.

12 My name is Robin Stein, Chairman of the  
13 Connecticut Siting Council.

14 This hearing is a continuation of a  
15 hearing previously held on April 30, 2013 and also on  
16 May 20th, the first one, 2013.

17 The hearing is held pursuant to  
18 provisions of Title 16 of the Connecticut General  
19 Statutes and of the Uniform Administrative Procedure Act  
20 upon a motion to reopen the final decision on  
21 application from New Cingular Wireless PCS, LLC for a  
22 certificate of Environmental Capability and Public Need  
23 for the construction, maintenance and operation of a  
24 telecommunication facility located at 8 Barnes Road in

1 Canaan, also known as Falls Village, Connecticut.

2 This motion to reopen was filed with the  
3 Council and the parties and interveners of the original  
4 proceedings on February 15, 2013. During a public  
5 meeting the Council held on March 7th, 2013, this  
6 Council reopened the docket pursuant to Connecticut  
7 General Statutes 4-181(a) Subsection b, and specifically  
8 limited this hearing to Council consideration of change  
9 and conditions to revise tower location and modify the  
10 facility.

11 A verbatim transcript will be made of  
12 this hearing and deposited with the Town Clerk's Office  
13 in the Falls Village Town Hall for the convenience of  
14 the public.

15 We will proceed in accordance with the  
16 prepared agenda, copies of which are available here.

17 And we have the appearance of the party,  
18 Mr. Rosen and Ms. Pinsky.

19 We need to swear in -- I don't know if  
20 you have any witnesses other than yourselves.

21 The answer is no.

22 And to verify exhibits marked as Roman  
23 Numeral VI Items B 1-6 on the Hearing Program.

24 I will just start though by swearing you

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

two in. So, if you would please rise, and Attorney  
Bachman will swear you in.

(Whereupon the witnesses were sworn in.)

1                   MARC ROSEN and SUSAN PINSKY,  
2 called as witnesses by the New Cingular Wireless, PCS,  
3 LLC, having been duly sworn, was examined and testified  
4 on their oath as follows: .

5                   CHAIRMAN STEIN: Now we will go through  
6 the process of verifying the exhibits we filed in the  
7 matter. And I'll just go through asking you a series of  
8 questions.

9                   Mr. Rosen and Ms. Pinsky, you've offered  
10 the exhibits listed under the hearing program as Roman  
11 Numeral VI B 1-6 for identification purposes.

12                  MR. ROSEN: That's correct.

13                  CHAIRMAN STEIN: Is there any objection  
14 to marking these exhibits for identification purposes  
15 only at this time?

16                  ATTORNEY CHIOCCHIO: No objection.

17                  MR. ROSEN: I have one --

18                  CHAIRMAN STEIN: Wait a minute. I'll get  
19 to that.

20                  MR. ROSEN: Okay.

21                  CHAIRMAN STEIN: If I assume, it's you're  
22 making a modifications or --

23                  MR. ROSEN: Yes.

24                  CHAIRMAN STEIN: We'll get there.

1                   Mr. Rosen and Ms. Pinsky, did you prepare  
2 or assist in the preparation of Exhibits 1 through 6?

3                   MR. ROSEN: Yes.

4                   MS. PINSKY: Not all of them.

5                   MR. ROSEN: Well, let me see ....

6                   MS. PINSKY: Number one, number two,  
7 number three and number four.

8                   MR. ROSEN: The numbers five and --

9                   MS. PINSKY: -- and six. The only one  
10 not is five. That's the letter to my house.

11                   MR. ROSEN: Correct.

12                   That letter, number five, she did not  
13 assist with.

14                   MALE VOICE: That's a letter from Charles  
15 Bryant.

16                   CHAIRMAN STEIN: So, you're saying you  
17 did in items one through four and six.

18                   MS. PINSKY: Well, six we just offered.

19                   MR. ROSEN: We excerpted it from a Town  
20 in Connecticut Website.

21                   CHAIRMAN STEIN: Do you have any  
22 additions, clarifications, deletions or modifications to  
23 these documents?

24                   MR. ROSEN: Yes. Only to Exhibit 6, the

1 description of Exhibit 6. This is excerpted from a Town  
2 in Connecticut.

3 MS. PINSKY: Canaan.

4 MR. ROSEN: Canaan. The Town of Canaan  
5 Website, other than the Historical Society.

6 It serves as a kind of -- equivalent to a  
7 Town Mission Statement.

8 CHAIRMAN STEIN: Are these exhibits true  
9 and accurate to the best of your knowledge?

10 MR. ROSEN: Yes.

11 CHAIRMAN STEIN: Do you offer these  
12 exhibits as your testimony here today?

13 MR. ROSEN: As part of our testimony --  
14 yes. As part of our testimony, and I would provide you  
15 with a statement as well.

16 CHAIRMAN STEIN: Just let me finish or  
17 let us finish this part of the process.

18 And do you offer them as full exhibits?

19 (Pause).

20 Do you offer these as full exhibits?

21 MR. ROSEN: Yes.

22 CHAIRMAN STEIN: Is there any objection  
23 to these items previously marked being admitted as full  
24 exhibits?

1 ATTORNEY CHIOCCHIO: No objection.

2 CHAIRMAN STEIN: By hearing none, these  
3 items should be admitted as full exhibits in this  
4 proceeding.

5 COMMISSION MEMBER: Could I ask you to  
6 speak up.

7 MR. ROSEN: I will.

8 COMMISSION MEMBER: Your voice isn't  
9 carrying down this end. Thank you.

10 CHAIRMAN STEIN: Okay. Before we go to  
11 cross-examination I understand you have a short  
12 statement you wish to add?

13 MR. ROSEN: Yes.

14 CHAIRMAN STEIN: Please go ahead.

15 MR. ROSEN: We did submit this with the  
16 maps, so for some of you. So, for some of you -- we  
17 submitted it only early this morning.

18 My wife and I live at 6 Barnes Road.  
19 Immediately adjacent to the proposed access road.  
20 Approximately thirty-five hundred feet of the access way  
21 proposed -- on the wireless, AT&T cell tower runs along  
22 our property line.

23 As a party to the proceedings we  
24 submitted a letter on May 5, 2013 indicating some of our



1 concerns about the proposed location of the cell tower,  
2 and also with the planned development of the access road  
3 itself.

4 AT&T's May 14, 2013 responses to the  
5 Siting Council Interrogatories, particularly Set 2, Tab  
6 2, CO-2a included a map of the beginning of the access  
7 way from Barnes Road, showing that AT&T has adjusted its  
8 plans to respect our property line.

9 AT&T includes a paragraph in response to  
10 the Siting Council's Question 7 explicitly acknowledging  
11 these changes.

12 I wanted to say that we are pleased that  
13 AT&T has taken another look at the property boundaries  
14 and the easement to which we are not a party; though we  
15 are surprised that this was not done at an earlier  
16 stage.

17 AT&T's inattention to detail leads us to  
18 wonder whether AT&T has studied the easement with  
19 respect to other aspects of the proposed access drive,  
20 including the Realigned Drive section to Shift Drive on  
21 Parcel 2 with perpetual easement. This is also on Tab  
22 2, CO-2a.

23 With respect to the construction and use  
24 of the access road, we are concerned not only that the

1 construction may affect our property, but also the heavy  
2 commercial or emergency vehicles might be in danger of  
3 losing control on the steep descent posing a danger to  
4 the driver and to anyone passing on Barnes Road where it  
5 lets out.

6           Aside from the above issues we are very  
7 concerned that this project poses a serious threat to  
8 the rural and residential character of Falls Village and  
9 to the historic character of this neighborhood in  
10 particular.

11           We submitted a letter from Todd Bryant of  
12 the Heritage Resources, who is in the process of writing  
13 an individual nomination for our property to the natural  
14 register to the starred places.

15           Legally it's that the cluster of houses  
16 surrounding the meeting house in South Canaan would be  
17 eligible for listing as a historic district.

18           Further, under Malgine Road, which is  
19 known as one of the most beautiful and scenic roads in  
20 the area would be blighted by painfully conspicuous use  
21 of the cell tower.

22           We submit excerpts from the Town of  
23 Canaan/Falls Village Website which explain that for the  
24 stunning and unspoiled natural beauty of Falls Village

1 remains its most prized and most closely guarded asset.  
2 And its rich New England Heritage remains firmly in  
3 place and guides its future. That is our Exhibit 6.

4 Since AT&T's present proposal provides  
5 for less coverage, but more environmental impact due to  
6 the new location of the tower and the need for  
7 construction of a significantly longer, and in parts  
8 steeper access road, we cannot understand how AT&T could  
9 view this revised version as an improvement on its  
10 original denied application.

11 Sincerely, Marc Rosen and Susan Pinsky, 6  
12 Barnes Road, Falls Village, Connecticut.

13 CHAIRMAN STEIN: Thank you.

14 So, now we will begin with the  
15 cross-examination by staff.

16 Mr. Mercier.

17 MR. MERCIER: Thank you.

18 On April 30th, that was when the original  
19 field review was held for the Council. Were you able to  
20 attend that?

21 MR. ROSEN: Yes.

22 MR. MERCIER: Okay. Did you go to the  
23 actual site?

24 MR. ROSEN: Oh, we have been to the site,

1 and at about that time we walked the road the to area of  
2 the proposed Realigned Drive section.

3 MR. MERCIER: Okay. When you were out  
4 looking around in the field review did you get the  
5 opportunity to look from your property towards where the  
6 tower would be looking for the balloons particularly?

7 MR. ROSEN: We actually missed the  
8 balloon period, but I know that the tower would not be  
9 visible from our --

10 MR. MERCIER: Okay.

11 MR. ROSEN: From our home.

12 MR. MERCIER: When you were walking the  
13 existing drive along your property line did you notice  
14 -- are there any erosion issues associated with that  
15 existing driveway?

16 MR. ROSEN: There's a -- well, there's a  
17 fair amount of erosion on --

18 MR. MERCIER: Erosion onto your property?  
19 Any discharge of debris?

20 MR. ROSEN: As far as we walked it I  
21 don't remember conspicuous -- anything conspicuous out  
22 to the tower, all the way down.

23 MR. MERCIER: Okay.

24 MR. ROSEN: Although, this road gets

1 quite steep as you go further up, so ....

2 MR. MERCIER: Okay. Thank you.

3 I have no further questions at this time.

4 CHAIRMAN STEIN: Thank you.

5 Senator Murphy.

6 SENATOR MURPHY: I have no questions,

7 Mr. Chairman.

8 CHAIRMAN STEIN: Mr. Ashton.

9 MR. ASHTON: Mr. Rosen, insofar as there  
10 are ontricks in or near your house, are there any that  
11 you consider upsetting to the, quote, stunning,  
12 unspoiled natural beauty of the area?

13 MR. ROSEN: A Citgo Station.

14 MR. ASHTON: A Citgo Station?

15 MR. ROSEN: Yes.

16 MR. ASHTON: Can you see this tower from  
17 your property?

18 MR. ROSEN: The tower?

19 MR. ASHTON: Yeah. The proposed tower.

20 MR. ROSEN: I do not believe so, no. No.  
21 In this present location now that it's moved further  
22 east.

23 MR. ASHTON: Are you aware that CL&P is  
24 now installing 40 foot poles as a standard in all of the

1 service area where 35 foot used to be the standard, oh,  
2 about ten years ago.

3 MR. ROSEN: I just haven't.

4 MR. ASHTON: Do you think they might  
5 spoil the stunning and unspoiled beauty of the area with  
6 their utility poles?

7 MR. ROSEN: Utility poles have a close  
8 fit on the part of the American landscape for a heck of  
9 a long time, and I don't think they -- I don't think  
10 they enter so much into people's visual consciousness.  
11 However, I wouldn't mind at some point having those  
12 lines buried. I think it would be a significant  
13 improvement.

14 MR. ASHTON: Do you think that a cell  
15 tower might vanish from visual consciousness over a  
16 period of time?

17 MR. ROSEN: Well, we've been looking at  
18 cell towers as we drive around the northeast quite a  
19 bit, and we certainly see them and don't enjoy them.

20 MR. ASHTON: That's not quite the  
21 question. The question is do you think they will  
22 disappear from visual consciousness?

23 MR. ROSEN: Visual consciousness.

24 MR. ASHTON: You've got a particular ax

1 to grind, if I may, so that you would be -- might be  
2 looking at all these things. But in terms of a broad  
3 breach of society do you think that they will have a  
4 lower visual context as time passes?

5 MR. ROSEN: Well, my illustration for  
6 quite some time, when we drove our car around the  
7 northeast and with our child in the car when he was  
8 young and we played the "I Spy With My Little Eye", and  
9 we said something like I see something terribly wrong in  
10 the distance, and someone would always guess what that  
11 thing that looked terribly wrong was, of which it's  
12 usually a cell tower.

13 No, I don't think they'll disappear very  
14 easily from my viewpoint.

15 MS. PINSKY: I think there's so out of  
16 scale, whereas a utility pole is normally made out of  
17 wood sort of does blend in between 35 feet and 40 feet.

18 MR. ASHTON: Don't you think that they  
19 are a substantial scale though when they're right in  
20 front of your house?

21 MS. PINSKY: Well, I -- you know, they're  
22 not -- they do blend in because they're wood. And they  
23 tend to look like some of the big Maple Trees in a way  
24 because their color is the same. Really it's not as --

1 MR. ASHTON: I never thought of it in  
2 that context.

3 MS. PINSKY: But when you look at a -- we  
4 were driving today and we passed the tunnel in New  
5 Haven, and right above it on these beautiful hills  
6 there's this one huge tall tower that really doesn't  
7 look good. And I don't think that will vanish from  
8 consciousness.

9 I think the technology might become  
10 obsolete quite soon though. So, maybe that's not a long  
11 term problem.

12 MR. ROSEN: I imagine they'll be  
13 demolished or abandoned in the next actually decades.

14 MR. ASHTON: What will be?

15 MS. PINSKY: Cell towers.

16 MR. ROSEN: Cell towers are likely to be  
17 -- likely to -- although some towers -- I remember when  
18 you drive from Manhattan into New Jersey there was some  
19 communication towers of some sort up there for years.  
20 That finally fell into the swamp because nobody took  
21 them down but they're not of any use anymore. It  
22 eventually died and collapsed.

23 MR. ASHTON: But may I ask what makes you  
24 think they will vanish in 20 years or so?



1 MR. ROSEN: Well, it's when one  
2 technology springs up, another one springs up and then  
3 the prev -- proceeding technology becomes obsolete.

4 You know, since these things use  
5 underground lines to communicate with each other -- one  
6 tower to another, you know, in some bunch, perhaps not  
7 in the so distant future they might communicate entirely  
8 underground.

9 MR. ASHTON: Well, sure. In the realm of  
10 conjecture I don't know if this is going anywhere --

11 ATTORNEY CHIOCCHIO: We're going off --

12 MR. ROSEN: One way or the other it's all  
13 conjecture, so .....

14 MR. ASHTON: Okay. Nothing further.

15 Thank you.

16 CHAIRMAN STEIN: Mr. Wilensky.

17 MR. WILENSKY: Mr. Rosen, just one  
18 question. Is your main objection the visibility of the  
19 tower?

20 MR. ROSEN: No.

21 MR. WILENSKY: Or the scheduled road?

22 MR. ROSEN: No.

23 MR. WILENSKY: Is it the road to the  
24 tower or is it tower visibility?

1                   MR. ROSEN: Well, the tower visibility I  
2 think is a concern for those who do have a view of it.  
3 And that's also for those who live on and drive on Under  
4 Mountain Road that would be a significant and shocking  
5 factor.

6                   For us individually, our concern is, is  
7 it visible and naturally to the road that is within  
8 inches of our property line. Fortunately, on the other  
9 side of the property line now, since that should have  
10 been noticed -- noted. But we are also in turn with  
11 other aspects of that road. I mean, you know, it's not  
12 so much a matter of traffic as a matter of when it does  
13 happen what the risks are. I'm getting ahead of myself  
14 here, but there are -- there are some steep parts of  
15 that road that come just immediately before rather sharp  
16 turns in the road and it's not outside of the realm of  
17 possibility. One always says there's a chance. You  
18 know, it's a fifty year storm or a hundred year storm or  
19 a ten year accident or a twenty year accident, but a  
20 vehicle coming down the steep part of the newly devised  
21 access drive could have difficulty making that turn and  
22 end up coming down, you know, down the slope at the top  
23 of our property there. Not hitting our house or  
24 anything, but it could -- could kill a driver, I

1     imagine.  And also a vehicle exiting onto Roue 6.  If it  
2     had any breaking problems or conditions -- on to Barnes  
3     Road, if it had any problems in breaking and could end  
4     up going down a considerable slope and exiting there.

5                   MR. WILENSKY:  What road did you say,  
6     sir?

7                   MR. ROSEN:  Hummm?

8                   MR. WILENSKY:  What road did you say?

9                   MR. ROSEN:  I said -- I meant, Barnes  
10    Road, because the outlet of the access road is on Barnes  
11    Road.

12                   MR. WILENSKY:  Thank you.  Thank you very  
13    much.

14                   Thank you, Mr. Chair.

15                   CHAIRMAN STEIN:  Mr. Hangus.

16                   MR. HANGUS:  I do not have any questions  
17    at this time.

18                   CHAIRMAN STEIN:  Mr. Lynch.

19                   MR. LYNCH:  I don't have any questions.

20                   I was just going to ask, again, your  
21    voices are fading down at this end.  If you could speak  
22    up a little bit more please.

23                   MR. ROSEN:  I'm sorry.

24                   MR. LYNCH:  No .... I'm hard of hearing

1       anyhow.  So, it's good.

2                       CHAIRMAN STEIN:  We will now move to  
3 cross-examination by the applicant.  Attorney Chiocchio.

4                       ATTORNEY CHIOCCHIO:  Thank you, chairman.  
5 Just one question.

6                       Good afternoon.  Lucia Chiocchio from  
7 Cuddy & Feder here on behalf of AT&T.

8                       Were you aware of the history of your  
9 house and your property when you purchased it in 1986?

10                      MR. ROSEN:  Yes.

11                      ATTORNEY CHIOCCHIO:  And the first time  
12 you sought designation of a natural register was now.  
13 At this time?

14                      MR. ROSEN:  We got the application forms  
15 at the time and considered doing that, and we will fax  
16 the requirements.  We weren't sufficiently sophisticated  
17 at that point about being first to realize you can hire  
18 somebody to help with that.  So, we finally got around  
19 to it.

20                      ATTORNEY CHIOCCHIO:  Thank you.

21                      Thank you, Chairman.

22                      CHAIRMAN STEIN:  Thank you.

23                      And now -- stay where you're seated.  Now  
24 you get to be the cross-examiner.

1                   Wait a minute. We want to see if any of  
2 the other -- other parties or interveners -- Mr. and  
3 Mrs. Rovezzi, are they here?

4                   No?

5                   Is the Chairman of Planning and Zoning  
6 here?

7                   Mr. Sinclair, do you wish to  
8 cross-examine the witness?

9                   MR. SINCLAIR: I've got no questions.  
10 Thank you.

11                   CHAIRMAN STEIN: Now, do you have any --  
12 you get to cross-examine the applicant. So, if you have  
13 specific questions to the applicant.

14                   MR. ROSEN: I've got just a few  
15 questions.

16                   One -- my first thing is I've been  
17 wondering if there are any Connecticut DOT, Department  
18 of Transportation, regulations or guidelines. The  
19 design of the driveways or subdivision roadways, which  
20 may, by example -- I know they wouldn't govern before  
21 this, so .... Barnes Road is a town road, not a state  
22 road, but are there any DOT regulations or guidelines  
23 that, by example, would be relevant to the proposed  
24 access road; particularly as concerns the slope

1 approaching the outlet, onto a crossing road, Barnes  
2 Road.

3 MR. PERKINS: The approximately -- the 60  
4 feet -- the first 60 feet off of Barnes Road of the  
5 access road is a grade of 14 percent, which is within, I  
6 believe, the Town's Regulations for Development. I  
7 think it's 10 percent of the 50 -- 50 percent, if I'm  
8 not mistaken.

9 And there are no notes about the slope.  
10 They just did their part as it approaches. I mean, that  
11 would be the -- the guidelines for the Road in the 60  
12 feet as it approaches the -- the outlet.

13 Yeah. The guidelines don't specify the  
14 length of grade approaching the street. They just give  
15 a grade. So, I'm saying, for instance in this  
16 particular case we're about 60 feet approaching Barnes  
17 Road on a 14 percent grade.

18 MR. ROSEN: If it was a safe road would  
19 that be different? If it had DOT regulations then you  
20 defer it to the town regs, and the state regs if one was  
21 dealing with a dissenting --

22 MR. PERKINS: I'm not aware of --

23 MR. ROSEN: I just wondered if there was  
24 something in the DOT regulations that would normally

1 have called for a leveling out before a road exits?

2 MR. PERKINS: If the DOT has some  
3 standards for driveways I don't have that information.

4 CHAIRMAN STEIN: Excuse me, Mr. Lynch has  
5 a follow-up.

6 MR. LYNCH: Mr. Rosen, if I may ask a  
7 question?

8 Mr. Perkins and Mr. Vivian I, on your  
9 construction site do heavy equipment operators have to  
10 have a CDL?

11 MR. PERKINS: Yes, they do.

12 MR. LYNCH: Thank you.

13 Thank you, Mr. Rosen.

14 MR. ROSEN: And if I may also .... this  
15 is an unmanned facility, public utility facility. So,  
16 it wouldn't normally be -- there are regulations that  
17 address that type of activity.

18 MR. PERKINS: Well, I was talking about  
19 during the construction phase.

20 MR. ROSEN: You've answered my question.  
21 Okay. Thanks.

22 And just as a follow-up to my first  
23 question. I've just been looking at this -- this map,  
24 and so, I'm wondering what is the distance -- what would

1 the distance be in feet from the point where they  
2 altered on CO2-A? What would the distance in feet be  
3 from the point where the altered access road departs  
4 from the course of the existing road to the point where  
5 it strings out more or less at the iron pin that marks  
6 the common law property. How long a stretch is that?

7 MR. PERKINS: Are you talking to --

8 MR. ROSEN: I'm trying to interpret -- I  
9 see the --

10 MR. PERKINS: I'm drawing CO2-A.

11 MR. ROSEN: I'm trying to --

12 MR. PERKINS: You're referring from  
13 Barnes Road to --

14 MR. ROSEN: No, not from Barnes Road. To  
15 -- as you go downhill. From the point where the revised  
16 Realign Drive section departs from the old access road  
17 down to where it curves back around and then begins to  
18 straighten out at the -- iron pin. That marks our  
19 property line.

20 MR. ROSEN: Thank you.

21 MR. PERKINS: It's at the bottom of this  
22 page.

23 MR. ROSEN: And that distance is about 50  
24 feet?



1 MR. PERKINS: Yes.

2 MR. ROSEN: From the southern -- from  
3 the southeastern pin of your property to the point where  
4 the --

5 MR. PERKINS: To the -- to the -- well,  
6 then to the southern point, or the southeastern point of  
7 where the new -- the new proposed access drive mergers  
8 into where the old drive was, down towards the end of  
9 the map. Toward the match line.

10 MR. ROSEN: No. The other end.

11 MR. PERKINS: The other end. This is  
12 where is sort of hits you.

13 MR. ROSEN: That's about 250 feet?

14 MR. PERKINS: That's about 250 feet.

15 And in that distance the drop is from  
16 about 800, and the slope is from about 850 feet to 745  
17 feet -- 745 -- something like that. A little over a  
18 hundred foot vertical drop in, what did you say now --  
19 350 feet? 250?

20 MR. ROSEN: That's right. 250 feet.

21 MR. PERKINS: 250 feet. So, there's the  
22 drop of about 100 feet over a course of 250 feet. So,  
23 how steep is that?

24 MR. ROSEN: The steepest part in that

1 section is 30 percent. It varies from --

2 MR. PERKINS: 100 feet seems to me to be  
3 more like a third of 250 feet. It would seem like it  
4 would be more than 33 something. It looks like it. But  
5 we use approximate numbers.

6 MR. ROSEN: So, that's why I'm asking.

7 In approximate numbers if you have a 100  
8 foot drop in a distance of 250 feet, that's more than 33  
9 percent. Isn't it? Closer to 40 percent.

10 MR. PERKINS: The numbers that you are  
11 stating would mean that we have a profile for the design  
12 and the profile is 30 percent within that.

13 It varies from about -- where it first  
14 turns away from your property at 23.5 percent and  
15 increases to about 30 percent, and then decreases to 25  
16 and a half percent back to where that proposed  
17 realignment rejoins the existing location.

18 MR. ROSEN: It just seems to me just  
19 logically that 100 foot drop in 250 feet is even more  
20 than a third, but anyway ....

21 The thing is when I walk that line -- the  
22 reason I get around to this is when I walked the access  
23 road to the point where the new plan digresses from the  
24 existing road, and I presume that the holders of the

1 easement have agreed to the relocation of the road, and  
2 they've been asked -- I don't know. It's appropriate to  
3 presume that -- but looking up that slope to where the  
4 new road is going to be cut, I was very much reminded of  
5 looking up the slope of what amounted -- it seemed like  
6 -- it looked like the kind of -- I mean, it looked like  
7 a good intermediate ski slope, and I just wondered how  
8 comfortable drivers -- I mean, a driver in an emergency  
9 vehicle would feel coming down that slope under mixed  
10 conditions and making the turn at the bottom of it. You  
11 know, racing down a -- well, it looks like a fair steep  
12 slope visually. I mean, I looked up that hill. It was  
13 pretty impressive.

14 So, I do remain concerned about that,  
15 that particular segment. I mean, even the bit down at  
16 the -- this is just where the access road comes out onto  
17 Barnes Road where the apron is also going to have to be  
18 a fair degree of slope, because --

19 CHAIRMAN STEIN: MR. Rosen --

20 MR. ROSEN: It would mean that --

21 CHAIRMAN STEIN: Mr. Rosen, excuse me.

22 Can you frame these as questions as opposed to  
23 statements.

24 MR. ROSEN: Okay. So, I'm just looking

1 at the plan, CO2-A, and I see a slope line of 665, just  
2 a little bit outside where the present gate is, and  
3 going down past the SNET pole to 660 at the road  
4 surface, so that's a five foot drop in -- well, I'm  
5 wondering about the distance between the 665 footline  
6 and the 660 footline because I'm not sure if this is the  
7 scale of the original map. So, I don't know how long  
8 that distance is.

9 This just relates to disclosure again  
10 from 665 feet to 660 feet. Looking at the plan it looks  
11 like a fairly short distance.

12 CHAIRMAN STEIN: It is, but are you  
13 asking the question?

14 MR. ROSEN: I'm asking the question what  
15 disclose -- what the distance would be from the 665 line  
16 to the 660 line

17 MR. PERKINS: It looks to be  
18 approximately in the range of 60 feet or so.

19 MR. ROSEN: Oh, 60 feet. That much.  
20 Okay. Okay.

21 Let me see. Then .... oh, yeah. My only  
22 other question about the access road then is are there  
23 any setback requirements for subdivision drive built  
24 adjacent to another person's property line. Are there

1 any such thing as setback requirements for that? I have  
2 no idea?

3 MR. PERKINS: I'm not specifically aware  
4 of that. This is not a subdivision so we didn't --

5 MR. ROSEN: The access road which you  
6 referred to, in some places it says subdivision roadway  
7 or driveway. Are there any setback requirements?

8 ATTORNEY CHIOCCHIO: Just to clarify,  
9 this is an access drive for an unmanned public utility  
10 facility.

11 MR. ROSEN: I see.

12 ATTORNEY CHIOCCHIO: So, it's not subject  
13 to the local subdivision regulations for roads that are  
14 used by the public on a daily basis.

15 MR. ROSEN: I see.

16 MR. PERKINS: You can go up to one inch  
17 or one centimeter.

18 ATTORNEY CHIOCCHIO: It would be -- we  
19 are within the confines of our easement area.

20 MR. ROSEN: Well, whatever the easement  
21 area is.

22 ATTORNEY CHIOCCHIO: Right. Which is in  
23 the deed. The easement area is described in the deed  
24 for the properties.

1 MR. PERKINS: Okay. Well, the easement  
2 as we know -- the easement area described in the deed  
3 had certain impossibilities. It goes in ground 15 feet  
4 to either side in the center line, and that would land  
5 the access road on our property, which is why you  
6 shifted it over. So, I guess there was some questions  
7 about usage of the terminology and the easement right.

8 MR. ROSEN: Thanks. Perhaps I should  
9 leave it there.

10 CHAIRMAN STEIN: If you would like to  
11 have any other questions you may.

12 Unless either of you have any other  
13 questions --

14 MR. ROSEN: I think I've taken enough of  
15 your time. Thank you.

16 CHAIRMAN STEIN: Okay. Thank you.

17 Thank you very much.

18 I guess you could sit there or sit  
19 (indiscernible). We're going to continue

20 cross-examination of the applicant by the Council.

21 Several of us already did this. I believe Mr. Hannon  
22 has -- oh, Mr. Mercier, do you have something?

23 MR. MERCIER: Yes. Thank you.

24 Staying with the plans TO-2a we were just

1 talking about, the note by the iron tin over on Barnes  
2 Road it says proposed paved driveway apron, what's the  
3 length of that apron? Roughly.

4 MR. PERKINS: I was going to say 10 feet.

5 MR. MERCIER: Ten feet?

6 MR. PERKINS: 60 feet I would say.

7 MR. MERCIER: Okay. So, from elevation  
8 665 which Mr. Rosen was talking about to elevation 660  
9 on that diagram that's probably about maybe 15/20 feet  
10 according to the scale on this map?

11 Where it says iron pipe all the way to  
12 Barnes Road.

13 MR. PERKINS: I've got elevation 660 just  
14 after the D in Barnes Road.

15 MR. MERCIER: That's correct.

16 MR. PERKINS: And I've got 775 almost up  
17 to the property line?

18 MR. MERCIER: That's correct.

19 MR. PERKINS: So, going down the driveway  
20 and going down Barnes Road is about 60 feet to get from  
21 665 to 660.

22 MR. MERCIER: Okay. Well, how about just  
23 the section -- your new road terminates at Barnes Road.  
24 From the existing Barnes Road to elevation 665 to iron

1 pipe?

2 MR. PERKINS: I'm not sure which iron  
3 pipe you're referring to. Are you referring to going  
4 down towards Barnes Road to where SNET2942?

5 MR. MERCIER: That's correct.

6 MR. PERKINS: From the property line,  
7 what's that distance?

8 MR. MERCIER: That's right.

9 It goes to what Mr. Rosen was talking  
10 about.

11 MR. PERKINS: Basically where this arrow  
12 says proposed winding of access drive for large vehicle  
13 access to -- from the proposed 665 in the driveway, the  
14 contour --

15 MR. MERCIER: Yes.

16 MR. PERKINS: -- to what looks like the  
17 fence line.

18 MR. MERCIER: Okay.

19 MR. PERKINS: That's about 20 -- a little  
20 more than 20 feet. So, that would be elevation 665 to  
21 661.

22 MR. MERCIER: Okay. So --

23 MR. PERKINS: Four feet drop in  
24 elevation.



1                   MR. MERCIER:  So roughly ten feet of that  
2 would be paved?

3                   MR. PERKINS:  Yes.

4                   MR. MERCIER:  Let's move on.

5                   Oh, the balloon fly that occurred on  
6 April 30th, please describe what actually occurred.  The  
7 number of balloons that were flown and what heights they  
8 were flown at please.

9                   MR. PERKINS:  We used two weather  
10 balloons.  The original certificate site was utilizing a  
11 black colored balloon, and the new site, or the proposed  
12 modified location was demarcated by a red balloon.  They  
13 were both tethered at the proposed heights, with the  
14 original at 150 feet and the certificate site and the  
15 modified location at 120 feet.  So, the string length  
16 were those lengths and the balloons were on top of that.

17                   The balloons for the most part stayed up.  
18 We did lose the red balloon at the proposed modified  
19 location right near the conclusion of the evidentiary  
20 hearing.  I want to say it was about quarter to five or  
21 so.  It was put back up within a half hour, and stayed  
22 up for the duration, until 7:00 that evening.

23                   Conditions were pretty good during the  
24 day.  We did get some strong gusts, but for the most

1 part we had relatively calm conditions. So, the  
2 balloons for the most part were at their respective  
3 heights.

4 MR. MERCIER: Thank you.

5 In regards to emergency power, would a  
6 battery system be sufficient for this site rather than  
7 using the generators, diesel generators?

8 MR. PERKINS: I suppose that would depend  
9 on what you're talking about as far as sufficiency.  
10 Battery back up likely would only provide about four to  
11 six hours.

12 MR. MERCIER: Is AT&T installing  
13 batteries at any new sites in Connecticut, or are they  
14 using typically generators?

15 MR. PERKINS: There are that but they  
16 made plans with the FCC mandate where we're looking  
17 whenever we can to do emergency generators to provide  
18 for that. You know, say 48 hour backup. But there are  
19 some sites where we don't have the space for the  
20 generator, and so we do have outdoor cabinets at some of  
21 those which we don't have adequate backup.

22 MR. MERCIER: Okay. Thank you.

23 There as previous testimony about  
24 vehicles having to backup off the driveway or back down

1 the driveway as they were loading gravel and things for  
2 the construction of the road. Are there any challenges  
3 with vehicles backing up?

4 First of all, the vehicles, will they  
5 have to back up down the road once they unload their  
6 material?

7 MR. VIVIAN: No. Not necessarily. The  
8 vehicles could drive up and dump their load and continue  
9 up, turn around at the top and then drive forward back  
10 down.

11 MR. MERCIER: Is that what you -- AT&T  
12 plans on doing?

13 MR. VIVIAN: We can make stipulations, I  
14 guess, on the contract. Typically that's a means and  
15 methods.

16 MR. MERCIER: Okay. There was mention in  
17 the interrogatories May 14th that the Woodbury site had  
18 a steep grade with some switch backs. Do you know if  
19 vehicles could turn around on that site or they had to  
20 back up.

21 MR. PERKINS: There was room at the top  
22 of that site for vehicles to turn around in. I don't  
23 know whether they backed up or not, but there was room  
24 at the top to turn around.

1 MR. MERCIER: Now, there was also  
2 previous testimony about the use of potentially assist  
3 vehicles to get some heavier trucks up there. Are there  
4 any concerns regarding the use of assist vehicles?

5 Are there any hazard concerns?

6 Typically what's it involve?

7 MR. PERKINS: Well, it's not atypical for  
8 remote sites like this. Assist vehicles have been used  
9 when you're doing -- typically doing grades, anything  
10 over about 20 to 25 percent. And it's been done on many  
11 cell sites.

12 MR. MERCIER: Do you know if any were  
13 used at that Woodbury location that was previously  
14 described?

15 MR. PERKINS: They were there, yes.

16 And, in fact, there's also several sites,  
17 like ski areas and things of that sort.

18 MR. MERCIER: Referring to interrogatory  
19 responses of May 16th there was questions 15 and 16 in  
20 regards to public safety coverage plots. Could you just  
21 please explain what the three plots are trying to show?

22 Again, that was on May 14th.

23 MR. PERKINS: And what question was that,  
24 do you know?

1 MR. MERCIER: It was 15 or 16. I think  
2 it was a supplemental response.

3 MR. PERKINS: Right.

4 MR. MERCIER: That included some maps.  
5 Coverage plots for safety services.

6 MR. VIVIAN: I don't recall how the  
7 question arose regarding the public safety network, but  
8 these are plots that were publically available from the  
9 public safety network. And what it shows is general  
10 gaps in the area, further substantiating that coverage  
11 is difficult to achieve from surrounding towers.

12 MR. MERCIER: I guess I'm looking at  
13 figure 4 as it's labeled. It says talk in portable all  
14 sites. I'm not sure what the terminology means. If you  
15 could elaborate I would appreciate it.

16 MR. VIVIAN: Yeah. Typically in a two  
17 way system they refer to talk-in and talk-out, where  
18 talk-out is the path from the base station to the mobile  
19 receiver. Talk-in is probably the mobile receiver.

20 And if you look at -- you can see there  
21 are substantial gaps from talk-in from portable coverage  
22 because the portable is much lower power than mobile.  
23 Then the next plot is talk-in, which is mobile. You can  
24 see significant gaps. Some less gaps from talk-in

1 through mobile because it's higher power.

2 So, neither of those are completely  
3 equivalent to cellular service. It's just -- again,  
4 it's further substantiation of the difficulties of  
5 providing service to an area like this.

6 MR. MERCIER: What's the portable  
7 compared to mobile? What kind of equipment are we  
8 talking about?

9 MR. VIVIAN: The equipment is -- a  
10 portable is a hand-held unit and typically less than a  
11 watt, compared to the mobile hands (indiscernible) in  
12 our industry which is two tenths of a watt at the  
13 highest power.

14 A two-way system is approximately a watt  
15 through the hand-held. And then for a -- a mobile  
16 system you can use a higher gain antenna associated with  
17 it. And I believe those are around seven watts, but  
18 .... I don't know if those numbers are completely  
19 accurate, but I know they're in the ball park.

20 MR. MERCIER: Now, looking at these maps  
21 up in the Canaan area -- it's hard with this scale, but  
22 I do see a slender gap going north to south. Is that in  
23 the vicinity of Topple Hill?

24 MR. PERKINS: Which map are you referring

1 to?

2 MR. MERCIER: 86. Figure 86 and Figure  
3 2.

4 MR. PERKINS: Oh.

5 MR. MERCIER: The second -- two maps.

6 MR. PERKINS: Right.

7 Yeah. It's also hard for us to tell  
8 exactly which area that is. I thought I had a  
9 (indiscernible) near that area.

10 We do have some zoomed in maps, and then  
11 Group 63 is part of that -- that slender gap.

12 MR. MERCIER: Okay. So, it's Route 63.  
13 Does it also encompass Under Mountain Road based on your  
14 zoom in, if you can tell?

15 MR. PERKINS: Yes. Yes. Depending on a  
16 course and whether you're talking mobile transmit or the  
17 hand-held. Certainly with the hand-held there's gaps in  
18 Under Mountain Road, 63 and Route 7.

19 MR. MERCIER: Okay. Thanks.

20 Do you think emergency services, like the  
21 TPS or any other state entity would want to locate on  
22 your tower to fill in a gap on Route 63 there, or -- do  
23 you think that given the -- they're happy with the  
24 coverage they have now.

1 MR. PERKINS: My guess is they're not  
2 happy with the coverage that they have now, given maps  
3 that we've seen. So, whether they have the budget -- I  
4 don't have any insight into where that would fall into  
5 the priority of the coverage area. I'm fairly confident  
6 they're not happy with the coverage, but whether they  
7 could budget to cover that area they don't have any  
8 visibility.

9 MR. MERCIER: Okay. Thank you.

10 Through some interrogatories I asked for  
11 some coverage models regarding the hypothetical site the  
12 Town presented. One was provided by you, Mr. Wells, and  
13 the other one by Mr. Cooper. They look, however, vastly  
14 different, just glancing at that. Do you have any  
15 reason as to why they're so different?

16 MR. PERKINS: Frankly, I don't think  
17 Mr. Cooper's model is very accurate. And that  
18 discussion came up during Mr. Cooper's testimony  
19 regarding propagation and drive testing. We did do a  
20 drive test of the area to do with our model accordingly  
21 and -- any model is going to have a variance because  
22 that's what it -- it is a model. But we're looking at  
23 the aggression analysis we did for our model. We feel  
24 it's fairly accurate.



1                   And also we did some profiles from the  
2 suggested site. Some simple elevation profiles where  
3 you simply draw a line -- you can do this in Google  
4 Earth even -- from the site at a particular height to  
5 the point of interest. And if you draw some simple  
6 lines from there -- which is not the way to do  
7 propagation, but you do first analysis, you can see that  
8 signal we basically had to propagate through dirt and  
9 come out with some rock to get to those areas that  
10 Mr. Cooper shows coverage. And in all my years of  
11 experience have I never seen a signal like these -- that  
12 these frequencies drill through dirt or mountains.

13                   You know, further -- I don't want to  
14 belabor the mountain -- the modeling too much, but  
15 Mr. Cooper also asserted that his model was a  
16 deterministic model, I think he referred to it as, which  
17 didn't require any model tuning. In all my years of  
18 experience I never experienced a model that didn't  
19 require tuning. If you think about the reason that you  
20 tune a model, you have to tune a model, because a model  
21 in somewhat simplified terms takes into account two  
22 effects. One is the drain and, you know, how are you  
23 blocked, is the signal blocked by terrain and how much.

24                   And the other is we refer to as clutter,

1 for lack of a better term. Which is trees, houses, the  
2 surrounding environment. And you think about how the  
3 surrounding environment -- how a signal is effected by  
4 its surrounding environment -- let's take trees for  
5 example. If you have a cluster of trees you need to  
6 know how tall that cluster of trees are. How separated  
7 those trees are, because if you have a dense cluster of  
8 trees and the signal is propagating through those trees,  
9 that's significantly different than a loose cluster of  
10 trees that are separated out. Or even the height of  
11 those trees, or even what type of trees those are,  
12 because any propagation model is significantly affected  
13 by the type of trees. Whether they're a coniferous tree  
14 or deciduous how many branches they have on them, which  
15 all leads to some variances in the models, but there is  
16 not enough -- there is not a database accurate enough to  
17 say, okay, we have a span of trees here. These are  
18 separated by this distance, and they're this height, and  
19 they have this type of easel, let's assign this model to  
20 that. And that's just trees.

21 Then when you get into buildings and  
22 other effects, that's the reason you have to tune a  
23 model. And with all the carriers and years of  
24 experience I've never heard -- well, I've -- I've had

1 companies try to sell stuff that say you don't have to  
2 do this model, but Field Tests prove that that's not an  
3 accurate model. So, there is a significant difference  
4 -- back to your original question. There is a  
5 significant difference, because there's a difference in  
6 the modeling.

7 And, again, two things .... one, I don't  
8 believe there is such a thing as a deterministic model  
9 because of situations I've described. With variances in  
10 the clutter they have to be identified or tuned for it.

11 And, two, even if you take it back to a  
12 simpler step of just symbol to a rain blockage. The  
13 areas covered from Mr. Cooper's model show that you can  
14 go from the proposed site to those target areas  
15 basically through -- drill through dirt and rock to get  
16 that signal to those areas, which just doesn't happen.

17 MR. MERCIER: Thank you.

18 What is the minimum level of service AT&T  
19 is seeking in building -- there was a term called street  
20 level views in previous testimony.

21 THE WITNESS: Street level was used on --  
22 not in our testimony, and I've heard the term before,  
23 but it's not a useful measure because it assumes you  
24 are, as it sounds, like you're standing on a street to

1 make a measurement.

2 And we've shown plots at both -- in  
3 building and in a vehicle level. So, wherever possible  
4 we want to achieve even building levels. Certainly  
5 there's a lot of areas in this where buildings don't  
6 exist. So, if there are no buildings, you certainly  
7 don't eat those same building levels, but we do show  
8 both the building and vehicle levels.

9 MR. MERCIER: Okay. So, I guess what  
10 you're saying is the minimum in vehicle, but you prefer  
11 in building where you can get it?

12 THE WITNESS: Yes, because -- users these  
13 days, there's the in building -- or the in vehicle is  
14 certainly -- but record in metric, but the use between  
15 buildings has grown and continues to grow.

16 MR. MERCIER: Thank you.

17 Let's see. Looking at that fragmentation  
18 map, that was provided in -- Nancy's responses to the  
19 Siting Council Interrogatories. Set 2 I think that is,  
20 Tab 4.

21 I'm trying to understand how -- again,  
22 was this prepared by -- this information is by DEEP?  
23 The Department of Environmental --

24 MR. GUSTAFSON: It's information -- Dean

1 Gustafson. It's information and it's available through  
2 the center. UConn's -- UConn's center for -- let me  
3 just get the name -- Center for Landuse in education and  
4 research. There is a published document that goes along  
5 with it, and the information that's presented in that  
6 graph is digitally available as a GIS link as well.

7 MR. MERCIER: Do you know how the  
8 information is contained in it? Whether it repairs the  
9 map, how it's obtained.

10 MR. GUSTAFSON: I believe it was a  
11 compilation of the various studies that were done in  
12 2006 though aerial photo interpretation.

13 MR. MERCIER: Do you know if it's  
14 periodically updated?

15 MR. GUSTAFSON: 2006 is the date of the  
16 data. To my knowledge it hasn't been updated since  
17 then.

18 MR. MERCIER: Okay. I'm just looking at  
19 the map and it says proposed site is next to a cleared  
20 area, which is shown on your map as a noncore or forest  
21 area. That's a cleared area.

22 Then there's the dotted line you drew,  
23 which is the existing driveway. But that doesn't show  
24 that as a forest fragmentation area, so I was wondering

1 if you knew what -- with the rooter can it clear and  
2 what they use to generate this data.

3 MR. GUSTAFSON: I don't know. We did  
4 some comparison of -- and if you look at their  
5 photograph of the existing road, it can be.

6 And if you look at their photograph of  
7 the existing road, the canopy is fairly well closed  
8 leading up to the cabin. And what would -- the dotted  
9 line that's projected on this graph represents existing  
10 access drive up to the cabin, as well as the extension  
11 for the proposed modified location.

12 So, if there was an encroachment that was  
13 represented by -- by this graph whole depiction of the  
14 forest fragmentation it would only show up to the cabin.  
15 But I believe that the canopy closure is strong enough  
16 that they didn't -- they didn't interpret that as a  
17 fragment -- existing fragmentation.

18 MR. MERCIER: Okay. Because I also see  
19 that on this map with two roads. It's Lower Barrack  
20 Road and Aspen Hill Drive, which are in the southern  
21 portion of this map, where -- I can understand why it  
22 showed -- it doesn't show on the fragmentation there.

23 MR. PERKINS: I can speak to that only  
24 having driven the area quite a bit. Those are both

1 paved roads, at least for portions, and they're public  
2 access with some residence off them. And I think it's  
3 just a matter of fact that they are also very heavily  
4 canopied and are likely not quite as wide as some of the  
5 main roads.

6 MR. GUSTAFSON: That's just our  
7 conjecture with really -- there isn't -- the information  
8 that's published by Clair for this study doesn't have  
9 the details on what the metrics were for determining how  
10 they were identifying less than minimum area to show an  
11 existing fragmentation.

12 MR. MERCIER: Okay. Thank you.

13 I have no further questions.

14 CHAIRMAN STEIN: Thank you.

15 We will just go through all the members  
16 to see if anybody has any additional questions.

17 Senator Murphy.

18 SENATOR MURPHY: I have nothing further.

19 CHAIRMAN STEIN: Mr. Ashton?

20 MR. ASHTON: Nothing.

21 CHAIRMAN STEIN: Mr. Wilensky.

22 MR. WILENSKY: Just give me one second,

23 Mr. Chairman. (Pause.)

24 Yes. In the wintertime how often will

1 you go up to that tower?

2 MR. PERKINS: Probably only if there was  
3 an outage that required maintenance.

4 MR. WILENSKY: In other words, you're  
5 saying if it was necessary?

6 MR. PERKINS: That's correct.

7 MR. WILENSKY: I thought it was necessary  
8 at least to service these units at least once a month?

9 MR. PERKINS: Um --

10 MR. WILENSKY: And my question really is  
11 how do you plan to get access during the winter weather  
12 when there's so much snow on the ground? In fact, I  
13 remember going back a year or so ago and we couldn't get  
14 up the mountain.

15 How do you plan getting up that mountain?

16 MR. PERKINS: They wouldn't -- they would  
17 not access it unless they had to for an outage.

18 MR. WILENSKY: Could I just follow that  
19 up. What about checking your back up? Does that have  
20 to be done on a periodic basis?

21 MR. PERKINS: That can be done remotely.

22 MR. WILENSKY: Oh, okay. Thank you.

23 Is there ever a situation or ever a time  
24 that fire equipment is needed at one of the sites?



1                   You haven't ran into a situation of that  
2 type?

3                   MR. PERKINS: I haven't, but I'm aware of  
4 -- there was a -- there was like an electrical fire at  
5 one --

6                   MR. GUSTAFSON: I'm aware of only one.

7                   MR. PERKINS: That is the one that I  
8 remember.

9                   MR. GUSTAFSON: There was a case -- it  
10 was actually during the construction process. Somebody  
11 was adding something to a tower and doing some welding  
12 and got a little too close to the existing co-ax.  
13 That's the only fire situation that I've been aware of.  
14 And that was -- again, that was during construction.

15                   MR. WILENSKY: Do you have or do you have  
16 access to equipment or to the subcontractor to plow that  
17 road if necessary?

18                   MR. GUSTAFSON: We could.

19                   MR. WILENSKY: (indiscernible)

20                   MR. GUSTAFSON: I would think so. It's  
21 -- if we needed to get up there we would -- would be  
22 able to move vehicles and clear land it as needed to get  
23 up there.

24                   Likely what would happen would be -- it

1 would be worked the same as, say, cell sites that are up  
2 on ski mountains. Things of that sort where you'd go up  
3 -- you'd go up with a skidoo with your equipment.

4 MR. WILENSKY: Oh, okay. Thank you,  
5 Mr. Chairman.

6 MR. PERKINS: Plus I guess -- you know,  
7 regarding your question of fire too. The shelters are  
8 all -- are generally equipped with a line type system so  
9 that if something happens during -- after construction  
10 is over that that would take care of a fire that  
11 occurred. Say the electronics somehow went south.

12 CHAIRMAN STEIN: Thank you.  
13 Mr. Hannon.

14 MR. HANNON: Thank you, Mr. Chairman.

15 I believe at the first meeting you stated  
16 there would be no blasting on site; correct?

17 MR. PERKINS: That's correct.

18 MR. HANNON: Okay. I'm looking at the  
19 document that's dated April 15th so you have the correct  
20 reference. On tab 3, page 2, you talk about encounters  
21 with bedrock and the rock out process anticipated,  
22 therefore rock cutting activities are expected during  
23 construction. Can you be more specific what you mean by  
24 rock cutting activities?

1                   MR. PERKINS: Yeah. That would be with  
2 the retanicle means of rock removal. Not explosive.  
3 So, it would be either devices on hydraulic equipment or  
4 hydraulic mechanical ramps, breaking rock.

5                   MR. HANNON: On, again, tab 3, page 5 you  
6 talk about swales shall be designed where the minimum  
7 three inches -- if no out of bank damage would be  
8 expected. What do you mean by that?

9                   MR. PERKINS: That is if the -- if the  
10 swale is over top and water froze out of the swale and  
11 down the slope. If there is a condition where that  
12 would wash out the slopes you would typically design for  
13 a greater free board, a greater factor of safety if you  
14 exceed in the capacity of the swale.

15                   In this particular case we don't  
16 anticipate that there's going to be any conditions  
17 substantially different than the swale itself so we do  
18 not expect damage to occur from overtopping the swale.

19                   MR. HANNON: But is that based just on  
20 the ten year peak storm? Or did you also look at the  
21 25, 50 and 100? I'm just curious as to whether or not  
22 an analysis was done on that and whether or not there  
23 would be any problems with the proposed swale?

24                   MR. PERKINS: I believe the design storm,

1 according to the hydraulics made for designing soil is  
2 the ten year storm, and that's what we used.

3 MR. HANNON: So, you did not do an  
4 analysis of any larger storms?

5 MR. PERKINS: I believe the pads -- the  
6 outflow pads, I believe are designed to a higher storm  
7 level. I would have to check that.

8 MR. HANNON: Okay. Then -- you have a  
9 section then dealing with the culverts. On page 6 you  
10 talk about -- I guess there are a couple of different  
11 swale designs and it also -- it states that the swales  
12 were graded to have a trapezoidal cross section. That's  
13 one good deed. It has the one foot flat bottom to the  
14 one side slopes. Where space was constrained V shaped  
15 swales were used. But I didn't see anything on the  
16 plans that identified what type of swale you were  
17 proposing in a given area. Is there information on  
18 that?

19 MR. PERKINS: Not at this time. It can  
20 be picked up if you look -- if you study the contours  
21 you would be able to tell which ditches, which swales  
22 have the flat bottom and which have the V bottom. If  
23 this moves forward, as the plans become more detailed  
24 that information will become -- will be labeled

1 accordingly.

2 MR. HANNON: And part of the reason I  
3 bring that up is because then on like pages 8 and 9  
4 where you do have some information about the culvert  
5 design and talk about the outlets must be protected, as  
6 you look at some of the details on Map 4E and also CO-2D  
7 it shows what I would consider to be little detention  
8 basins, but yet the explanation about the culvert system  
9 does not talk about that at all. Is there a reason why  
10 that was omitted from that section?

11 MR. PERKINS: I'm not sure I know what  
12 you mean by detention basins.

13 MR. HANNON: Well, based on the design --  
14 based on the details that are provided I believe that  
15 you call it a depression. But seeing as how one of  
16 those depressions looks to be about four feet deep, and  
17 those are upgrading of the two pipes. There's one at --  
18 upgrading of each of the pipes. But yet it's shown on  
19 map 4-E. It's also shown on CO-2D, but yet it is not  
20 described whatsoever in the culvert analysis. I'm just  
21 curious as to why?

22 MR. PERKINS: It's just part of the swale  
23 design before you do the inlet analysis of the culvert.  
24 So, it's not designed as a retention basin. It's part