

STATE OF CONNECTICUT  
SITING COUNCIL

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NEW CINGULAR WIRELESS \*

\* June 11, 2013

APPLICATION FOR A CERTIFICATE OF \*  
ENVIORNMENTAL COMPATABILITY AND \* Docket No. 409A  
PUBLIC NEED FOR THE CONSTRUCTION \*

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BEFORE:

Robin Stein, Chairman

BOARD MEMBERS:

James J. Murphy, Jr., Vice Chairman

Robert Hannon, DEEP Designee

Philip Ashton

Edward S. Wilensky

Daniel P. Lynch, Jr.

THE STAFF:

Robert Mercier, Siting Analyst

Melanie Bachman, Staff Attorney

APPEARANCES:

FOR THE APPLICANT, NEW CINGULAR WIRELESS PCS, LLC:

Cuddy & Feder, LLP445 Hamilton Avenue, 14th FloorWhite Plains, New York  
10601

By:

Christopher B. Fisher, Esq.

Lucia Chiocchio, Attorney

FOR THE PARTY, MARC ROSEN & SUSAN PINSKY:

Marc Rosen and Susan Pinsky, Pro SeBarnes Road  
Falls Village, CT 06031

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

CHAIRMAN STEIN: Good afternoon. Sorry for the delay.

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

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

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

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

Canaan, also known as Falls Village, Connecticut.

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

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

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

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

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

The answer is no.

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

I will just start though by swearing you

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

(Whereupon the witnesses were sworn in.)

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

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

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

MR. ROSEN: That's correct.

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

ATTORNEY CHIOCCHIO: No objection.

MR. ROSEN: I have one -

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

MR. ROSEN: Okay.

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

MR. ROSEN: Yes.

CHAIRMAN STEIN: We'll get there.

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

MR. ROSEN: Yes.

MS. PINSKY: Not all of them.

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

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

MR. ROSEN: The numbers five and -

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

MR. ROSEN: Correct.

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

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

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

MS. PINSKY: Well, six we just offered.

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

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

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

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

MS. PINSKY: Canaan.

MR. ROSEN: Canaan. The Town of Canaan Website, other than the Historical Society. It serves as a kind of --equivalent to a Town Mission Statement.

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

MR. ROSEN: Yes.

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

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

CHAIRMAN STEIN: Just let me finish or let us finish this part of the process. And do you offer them as full exhibits?  
  
(Pause).

Do you offer these as full exhibits?

MR. ROSEN: Yes.

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

ATTORNEY CHIOCCHIO: No objection.

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

COMMISSION MEMBER: Could I ask you to speak up.

MR. ROSEN: I will.

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

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

MR. ROSEN: Yes.

CHAIRMAN STEIN: Please go ahead.

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

My wife and I live at 6 Barnes Road.

Immediately adjacent to the proposed access road.

Approximately thirty-five hundred feet of the access way proposed --on the wireless, AT&T cell tower runs along our property line.

As a party to the proceedings we

submitted a letter on May 5, 2013 indicating some of our



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely, Marc Rosen and Susan Pinsky, 6

Barnes Road, Falls Village, Connecticut.  
CHAIRMAN STEIN: Thank you.  
So, now we will begin with the

cross-examination by staff.

Mr. Mercier.

MR. MERCIER: Thank you.

On April 30th, that was when the original

field review was held for the Council. Were you able to

attend that?

MR. ROSEN: Yes.

MR. MERCIER: Okay. Did you go to the

actual site?

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

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

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

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

MR. MERCIER: Okay.

MR. ROSEN: From our home.

MR. MERCIER: When you were walking the

existing drive along your property line did you notice --are there any erosion issues associated with that existing driveway?

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

MERCIER: Erosion onto your property? Any discharge of debris?

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

MR. MERCIER: Okay.

MR. ROSEN: Although, this road gets

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

MR. MERCIER: Okay. Thank you.

I have no further questions at this time.

CHAIRMAN STEIN: Thank you.

Senator Murphy.

SENATOR MURPHY: I have no questions,

Mr. Chairman.

CHAIRMAN STEIN: Mr. Ashton.

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

MR. ROSEN: A Citgo Station.

MR. ASHTON: A Citgo Station?

MR. ROSEN: Yes.

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

MR. ROSEN: The tower?

MR. ASHTON: Yeah. The proposed tower.

MR. ROSEN: I do not believe so, no. No.

In this present location now that it's moved further east.

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

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

MR. ROSEN: I just haven't.

MR. ASHTON: Do you think they might

spoil the stunning and unspoiled beauty of the area with  
their utility poles?

MR. ROSEN: Utility poles have a close

fit on the part of the American landscape for a heck of  
a long time, and I don't think they --I don't think  
they enter so much into people's visual consciousness.

However, I wouldn't mind at some point having those  
lines buried. I think it would be a significant  
improvement.

MR. ASHTON: Do you think that a cell

tower might vanish from visual consciousness over a  
period of time?

MR. ROSEN: Well, we've been looking at

cell towers as we drive around the northeast quite a  
bit, and we certainly see them and don't enjoy them.

MR. ASHTON: That's not quite the

question. The question is do you think they will  
disappear from visual consciousness?

MR. ROSEN: Visual consciousness.

MR. ASHTON: You've got a particular ax

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

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

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

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

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

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

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

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

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

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

MR. ASHTON: What will be?

MS. PINSKY: Cell towers.

MR. ROSEN: Cell towers are likely to be

--likely to --although some towers --I remember when you drive from Manhattan into New Jersey there was some communication towers of some sort up there for years. That finally fell into the swamp because nobody took them down but they're not of any use anymore. It eventually died and collapsed.

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



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

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

MR. ASHTON: Well, sure. In the realm of

conjecture I don't know if this is going anywhere -ATTORNEY

CHIOCCHIO: We're going off -MR.

ROSEN: One way or the other it's all

conjecture, so ....

MR. ASHTON: Okay. Nothing further.

Thank you.

CHAIRMAN STEIN: Mr. Wilensky.

MR. WILENSKY: Mr. Rosen, just one

question. Is your main objection the visibility of the

tower?

MR. ROSEN: No.

MR. WILENSKY: Or the scheduled road?

MR. ROSEN: No.

MR. WILENSKY: Is it the road to the

tower or is it tower visibility?

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

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

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

MR. WILENSKY: What road did you say,

sir?

MR. ROSEN: Hummm?

MR. WILENSKY: What road did you say?

MR. ROSEN: I said --I meant, Barnes

Road, because the outlet of the access road is on Barnes Road.

MR. WILENSKY: Thank you. Thank you very

much.

Thank you, Mr. Chair.

CHAIRMAN STEIN: Mr. Hangus.

MR. HANGUS: I do not have any questions

at this time.

CHAIRMAN STEIN: Mr. Lynch.

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

I was just going to ask, again, your

voices are fading down at this end. If you could speak

up a little bit more please.

MR. ROSEN: I'm sorry.

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

anyhow. So, it's good.

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

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

Good afternoon. Lucia Chiocchio from Cuddy & Feder here on behalf of AT&T. Were you aware of the history of your

house and your property when you purchased it in 1986?

MR. ROSEN: Yes.

ATTORNEY CHIOCCHIO: And the first time

you sought designation of a natural register was now. At this time?

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

ATTORNEY CHIOCCHIO: Thank you.

Thank you, Chairman.

CHAIRMAN STEIN: Thank you.

And now --stay where you're seated. Now

you get to be the cross-examiner.

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

No?

Is the Chairman of Planning and Zoning here?

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

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

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

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

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

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

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

And there are no notes about the slope.

They just did their part as it approaches. I mean, that would be the --the guidelines for the Road in the 60 feet as it approaches the --the outlet.

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

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

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

ROSEN: I just wondered if there was

something in the DOT regulations that would normally

have called for a leveling out before a road exits?

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

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

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

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

MR. PERKINS: Yes, they do.

MR. LYNCH: Thank you.

Thank you, Mr. Rosen.

MR. ROSEN: And if I may also .... this

is an unmanned facility, public utility facility. So, it wouldn't normally be --there are regulations that address that type of activity.

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

MR. ROSEN: You've answered my question.

Okay. Thanks.

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

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

MR. PERKINS: Are you talking to -MR.

ROSEN: I'm trying to interpret --I

see the -MR.

PERKINS: I'm drawing CO2-A.

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

PERKINS: You're referring from

Barnes Road to -

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

MR. ROSEN: Thank you.

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

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



MR. PERKINS: Yes.

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

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

MR. ROSEN: No. The other end.

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

MR. ROSEN: That's about 250 feet?

MR. PERKINS: That's about 250 feet.

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

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

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

MR. ROSEN: The steepest part in that

section is 30 percent. It varies from -

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

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

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

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

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

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

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

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

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

CHAIRMAN STEIN: MR. Rosen -MR.

ROSEN: It would mean that -CHAIRMAN

STEIN: Mr. Rosen, excuse me.

Can you frame these as questions as opposed to

statements.

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

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

This just relates to disclosure again

from 665 feet to 660 feet. Looking at the plan it looks like a fairly short distance.

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

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

MR. PERKINS: It looks to be approximately in the range of 60 feet or so.  
MR. ROSEN: Oh, 60 feet. That much.

Okay. Okay.

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

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

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

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

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

MR. ROSEN: I see.

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

MR. ROSEN: I see.

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

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

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

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

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

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

CHAIRMAN STEIN: If you would like to have any other questions you may. Unless either of you have any other questions -MR.

ROSEN: I think I've taken enough of

your time. Thank you.

CHAIRMAN STEIN: Okay. Thank you.

Thank you very much.

I guess you could sit there or sit

(indiscernible). We're going to continue cross-examination of the applicant by the Council. Several of us already did this. I believe Mr. Hannon has --oh, Mr. Mercier, do you have something?

MR. MERCIER: Yes. Thank you.

Staying with the plans TO-2a we were just

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

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

MR. MERCIER: Ten feet?

MR. PERKINS: 60 feet I would say.

MR. MERCIER: Okay. So, from elevation

665 which Mr. Rosen was talking about to elevation 660 on that diagram that's probably about maybe 15/20 feet according to the scale on this map?

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

MR. PERKINS: I've got elevation 660 just

after the D in Barnes Road.

MR. MERCIER: That's correct.

MR. PERKINS: And I've got 775 almost up

to the property line?

MR. MERCIER: That's correct.

MR. PERKINS: So, going down the driveway

and going down Barnes Road is about 60 feet to get from 665 to 660.

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

pipe?

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

MR. MERCIER: That's correct.

MR. PERKINS: From the property line,

what's that distance?

MR. MERCIER: That's right.

It goes to what Mr. Rosen was talking about.

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

contour -MR.

MERCIER: Yes.

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

MR. MERCIER: Okay.

MR. PERKINS: That's about 20 --a little

more than 20 feet. So, that would be elevation 665 to

661.

MR. MERCIER: Okay. So -MR.

PERKINS: Four feet drop in elevation.



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

MR. PERKINS: Yes.

MR. MERCIER: Let's move on.

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

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

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

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

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

MR. MERCIER: Thank you.

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

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

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

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

MR. MERCIER: Okay. Thank you. There as previous testimony about vehicles having to backup off the driveway or back down

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

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

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

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

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

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

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

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

Are there any hazard concerns?  
Typically what's it involve?

MR. PERKINS: Well, it's not atypical for

remote sites like this. Assist vehicles have been used when you're doing --typically doing grades, anything over about 20 to 25 percent. And it's been done on many cell sites.

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

MR. PERKINS: They were there, yes.  
And, in fact, there's also several sites, like ski areas and things of that sort.

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

Again, that was on May 14th.

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

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

MR. PERKINS: Right.

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

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

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

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

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

through mobile because it's higher power.

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

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

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

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

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

MR. PERKINS: Which map are you referring

to?

MR. MERCIER: 86. Figure 86 and Figure

2.

MR. PERKINS: Oh.

MR. MERCIER: The second --two maps.

MR. PERKINS: Right.

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

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

MR. MERCIER: Okay. So, it's Route 63.

Does it also encompass Under Mountain Road based on your zoom in, if you can tell?

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

MR. MERCIER: Okay. Thanks.

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

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

MR. MERCIER: Okay. Thank you.

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

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



And also we did some profiles from the suggested site. Some simple elevation profiles where you simply draw a line --you can do this in Google Earth even --from the site at a particular height to the point of interest. And if you draw some simple lines from there --which is not the way to do propagation, but you do first analysis, you can see that signal we basically had to propagate through dirt and come out with some rock to get to those areas that Mr. Cooper shows coverage. And in all my years of experience have I never seen a signal like these --that these frequencies drill through dirt or mountains. You know, further --I don't want to belabor the mountain --the modeling too much, but Mr. Cooper also asserted that his model was a deterministic model, I think he referred to it as, which didn't require any model tuning. In all my years of experience I never experienced a model that didn't require tuning. If you think about the reason that you tune a model, you have to tune a model, because a model in somewhat simplified terms takes into account two effects. One is the drain and, you know, how are you blocked, is the signal blocked by terrain and how much. And the other is we refer to as clutter,

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

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

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

And, again, two things .... one, I don't believe there is such a thing as a deterministic model because of situations I've described. With variances in the clutter they have to be identified or tuned for it. And, two, even if you take it back to a simpler step of just symbol to a rain blockage. The areas covered from Mr. Cooper's model show that you can go from the proposed site to those target areas basically through --drill through dirt and rock to get that signal to those areas, which just doesn't happen.

MR. MERCIER: Thank you.

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

THE WITNESS: Street level was used on -

not in our testimony, and I've heard the term before, but it's not a useful measure because it assumes you are, as it sounds, like you're standing on a street to

make a measurement.

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

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

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

MR. MERCIER: Thank you.

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

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

MR. GUSTAFSON: It's information --Dean

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

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

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

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

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

MR. MERCIER: Okay. I'm just looking at

the map and it says proposed site is next to a cleared area, which is shown on your map as a noncore or forest area. That's a cleared area.

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

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

MR. GUSTAFSON: I don't know. We did

some comparison of --and if you look at their photograph of the existing road, it can be.

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

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

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

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

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

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

MR. MERCIER: Okay. Thank you.  
I have no further questions.

CHAIRMAN STEIN: Thank you.  
We will just go through all the members

to see if anybody has any additional questions.  
Senator Murphy.

SENATOR MURPHY: I have nothing further.

CHAIRMAN STEIN: Mr. Ashton?

MR. ASHTON: Nothing.

CHAIRMAN STEIN: Mr. Wilensky.

MR. WILENSKY: Just give me one second,

Mr. Chairman.

(Pause.)

Yes. In the wintertime how often will

you go up to that tower?

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

MR. WILENSKY: In other words, you're

saying if it was necessary?

MR. PERKINS: That's correct.

MR. WILENSKY: I thought it was necessary

at least to service these units at least once a month?

MR. PERKINS: Um -MR.

WILENSKY: And my question really is

how do you plan to get access during the winter weather when there's so much snow on the ground? In fact, I remember going back a year or so ago and we couldn't get up the mountain.

How do you plan getting up that mountain?

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

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

MR. PERKINS: That can be done remotely.

MR. WILENSKY: Oh, okay. Thank you.

Is there ever a situation or ever a time

that fire equipment is needed at one of the sites?



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

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

one -MR.

GUSTAFSON: I'm aware of only one.

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

MR. GUSTAFSON: There was a case --it

was actually during the construction process. Somebody was adding something to a tower and doing some welding and got a little too close to the existing co-ax. That's the only fire situation that I've been aware of. And that was --again, that was during construction.

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

MR. GUSTAFSON: We could.

MR. WILENSKY: (indiscernible)

MR. GUSTAFSON: I would think so. It's

--if we needed to get up there we would --would be able to move vehicles and clear land it as needed to get up there.

Likely what would happen would be --it

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

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

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

CHAIRMAN STEIN: Thank you. Mr. Hannon.

MR. HANNON: Thank you, Mr. Chairman. I believe at he first meeting you stated

there would be no blasting on site; correct?

MR. PERKINS: That's correct.

MR. HANNON: Okay. I'm looking at the

document that's dated April 15th so you have the correct reference. On tab 3, page 2, you talk about encounters with bedrock and the rock out process anticipated, therefore rock cutting activities are expected during construction. Can you be more specific what you mean by rock cutting activities?

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

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

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

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

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

MR. PERKINS: I believe the design storm,

according to the hydraulics made for designing soil is the ten year storm, and that's what we used.  
MR. HANNON: So, you did not do an

analysis of any larger storms?

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

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

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

accordingly.

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

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

MR. HANNON: Well, based on the design -

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

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

of the swale leading toward the inlet of the pipe.

MR. PERKINS: And if I'm reading the maps correctly it looks as though you're talking about underground phone and electricity from the pole on the string up to where the proposed cell tower is. That will stay on what I would consider to be the northern eastern side of the road, of the proposed drive. Is that correct?

It's all on one side of the road. I didn't see any crossing over or anything along those lines.

MR. PERKINS: And that's what we propose at this time.

MR. HANNON: But you also state in here that the underground utilities, they will be underground. But you also have storm drainage that's being proposed, in an essence the same area as the underground utilities. There's no profile. There's nothing that talks about that. So, I'm curious as to how the utilities would go in in conjunction with the storm drainage system?

MR. PERKINS: The utilities would be put to the side of the --any drainage system. When I said the details of a utility profile would be part of final

design.

MR. HANNON: When you say to the side, are you talking about between the swale and the road, or outside of the swale?

MR. PERKINS: It may be either place.

We'd look at the impacts, I guess, and make a determination of where they fit best with the least amount of work.

MR. HANNON: Okay. Because the concern that I would have on that is if the underground utility trench goes outside of the swale that's going to intercept a lot of the water and that's not what it's designed for. So, I would be very concerned about that type of a scenario.

MR. VIVIAN: If I may, I've also -I've been --before I was on the AT&T project I was with the tower developer. We did a few tower sites up in Vermont where we ran into a similar situation where we were concerned about erosion control. But we actually ran the conduit right up the middle of the road.

MR. HANNON: Okay.

MR. VIVIAN: So, it's --that can be

accommodated.

MR. HANNON: No, I'm just trying to get

an idea because it's not explained in here where it's going, other than the fact that you've got underground utilities.

I mean, it is shown on the eastern and northern side of the road, not this side of the road.

MR. PERKINS: And ultimately the final design has to be determined when we do a site position with CL&P as well.

MR. VIVIAN: When you commented on the utility trench intercepting water, it's not an open trench.

MR. HANNON: I understand.

MR. VIVIAN: Oh, okay.

But any time you go in and you put a

trench in it tends to gather water. It does not make it

so much beyond that.

MR. VIVIAN: Right.

MR. HANNON: So, what I'm concerned about

is if you put the utilities on the outside of the swale, in essence you're intercepting water and redirecting it to a spot that it's not designed to go.

MR. VIVIAN: Right. And there's

mitigation measures such as collars and things like -MR.

HANNON: That's why I don't



participate --this is an area that I don't seem very concerned about, so ....

MR. VIVIAN: Oh, okay.

MR. HANNON: Going to some of the maps -

I guess one --this is just a question, and I don't know what has been done or if there is an issue or there's not an issue.

There's language on the maps talking about a perpetual easement. But I guess when my question comes in is because you are proposing to relocate part of the road over where there is the perpetual easement. Is that something that's been covered, documentation, when addressed to deal with that change?

MR. PERKINS: The deed only states that there's a 30 foot easement centered along an existing road on the property. So, I --there is a hierarchy to legal definitions. Not being a land attorney I don't know which view would hold. Certainly it would seem to me the more specific thirty foot dimension is superior to a nonspecific center line of existing road. At this point we're merely showing that it's --we're interpreting that there's a thirty foot right of way across that property that they have a right to use, and

we're showing a feasible alternative to where the road could possibly go.

MR. HANNON: I just think the deeds need to accurately reflect where that is, because I'm --if --again, it's off an existing road, I do have a concern about that.

MR. VIVIAN: Do you mind if we take like a nice --such as dealing with the maps in 4.

One of the things I'm not positive what you mean --I think it's dealing with some drainage, but at several places you have some language. It's a TC-Path, typical. In looking at the topography it looks as though if that's sort of where the natural drainage is --is that correct, or does it mean something else?

MR. PERKINS: Is the time of concentration pack used in the analysis --in the hydraulic analysis. And it's the point that's most remote --the point in the drainage area that's most remote from the outlet.

MR. HANNON: Okay.

And again, go back, to the comment earlier. It looks like it's on 4E and that's why I was writing a question.

If you look at the two culverts it look

as though the one further to the west, it looks like it's about a four feet depression. So, this is why I was kind of wondering why there wasn't at least some explanation on it, because that's fairly deep.

I just was reviewing one in the Town I live in and they were proposing to put a six foot fence around it because of safety hazards. That's why it kinda caught my attention.

A question on the compound. You've got the AT&T equipment shelter, 3 further --or future carriers, and one 4'x8' pad for generators. One of the things that we've been talking about is, I think at least at a minimum, looking at going in with the largest size pad .... I think our preference would be to see one generator on site and not four different generators. So, I'm just wondering if that's something that can be looked at?

MR. PERKINS: Well, we can certainly do that.

Typically the two right now that they did --the carriers that are licensed in that area --the two that used the emergency generators are AT&T and Verizon. Verizon has their own generator internal at their shelter.

The other two carriers typically are either T-Mobile or Sprint. They use --most use back up batteries, but -MR.

HANNON: Yeah. Because I mean I would think that you have a good idea -

MR. PERKINS: There's enough space where we could lease, you know, instead go with one large generator.

MR. HANNON: I think that's going to accommodate. It's where the council has been going recently, so I just wanted to bring that up.

It's been done in other dockets too. I think that covers it.

CHAIRMAN STEIN: Thank you.

Mr. Lynch.

MR. LYNCH: I have two questions,

Mr. Chairman.

The first one for Mr. Wells.

Earlier in a question from Mr. Mercier

you mentioned that the focus of your network is more or less transforming from the in building --from the good olde days of yesterday when we used to be strictly Mobile, and my question is as far as network usage, is

that transformation also happening with regards to people that use their phones or tablets for streaming video games, help storage in the clouds, all the different apps. GPS driving coverage from the days that it used to be strictly ... hello, are you there?

MR. WELLS: Yes. Very much so.

And even a bunch --it's getting harder and harder to distinguish between data and voice these days because pretty soon with LT it's going to be the same data stream, the same channel and everything else.

And even on UNTS its the same data stream.

And further, it's not just a Facebook

Application these days. We had one doctor recently where the emergency --the first responders talked about the need for the data services to send, for example, I think --I don't know if it was x-rays or whatever. Some type of medical data back. And there's a lot of applications for public safety that require data applications as well. It's becoming very much a data centrix network, and even voice is considered the data centrix these days and it's headed more and more so in that direction.

MR. LYNCH: Your marketing has that trend going too. So, I just caught wind of it.

My second question is for Mr. Vivian.

The emergency generator, you use diesel; correct?

MR. VIVIAN: Yes.

MR. LYNCH: How often is that diesel

generator --I know it's --one a month you start it up. How often is that diesel generator topped off. And my question is to get those --you know, following up on Mr. Rosen's question earlier, how often when they do top these off, is that diesel truck able to negotiate this access road simply?

MR. VIVIAN: Well, that's two kinda

separate questions, so -MR.

LYNCH: They are, yes.

MR. VIVIAN: I'll maybe handle the second

one first since most of the focus or concern has been with the State Grade. For this type of a site, what you would do is you would have a four wheel vehicle, and you would probably make two trips up --let's say a hundred gallon -

MR. LYNCH: So, you're not bringing a

diesel truck, as we know it, up that road?

MR. VIVIAN: Correct.

MR. LYNCH: Okay.

MR. VIVIAN: And then the first question

is a little bit more of a gray area, I would think, and then I'm not exactly the expert because once it's constructed I'm not as involved with the operations on, say, the AT&T side of the house, but ... you know, other than waiting, you know, actually run through a whole emergency situation where, you know, you have to come in, you know, every 48 hours or so to top it off. Other than that, you know, you've got your cycling. So, I would be speculating, but I'm saying probably about every six months or so they would have one.

MR. LYNCH: The reason I ask is you say

you have a diesel generator, or what, in an emergency situation for so many hours. But that's provided that it is topped off. It's been running for --let's say at the end of that six month period you could be down to half a tank and it won't run for the period that you -

MR. VIVIAN: Oh, no. I'm 95 percent sure

that AT&T certainly look. Most carriers that address things well would not allow their emergency backup generator to run down to that level.

MR. LYNCH: That's what I was getting at.

Thank you very much.

No more questions, Mr. Chairman.

CHAIRMAN STEIN: Thank you.

Mr. Ashton has a question?

MR. ASHTON: Mr. Wells, have you ever

heard of Skata?

MR. WELLS: I have.

And is Skata a remote application that

allows you to interrogate or operate equipment at a distance.

MR. VIVIAN: Yeah. I didn't --it's

going to be a little bit more detail. You know, Skata

is somewhat of a generic term. And if we're talking

specifically for generators there is --there's two ways

to monitor a generator. One is through simple contact

closures and you can get low fuel alerts, et cetera.

The other is there's a mod --what's

referred to as a modless architecture, and you can get

all kinds of information off of there and actually back

haul it through your switch, because everything is

going, --he's in that backhoe these days.

He can actually connect in, get some mod

bust information and get anything from exhaust

temperature be to exact fuel levels and RPMs. All kinds

of information.

MR. ASHTON: Is it fair to say that

Skata, in whatever manifestation it chooses, does away



with a lot of the on site checking.

MR. VIVIAN: Yes. More and more. From

batteries to generators to all kinds of things.

MR. ASHTON: Okay.

CHAIRMAN STEIN: Alright. I have just a

couple. I just want to clarify. And I'm sure, maybe just for Attorney Chioocchio, I'm not sure.

On changed conditions. And I'm referring

and done it, hopefully it's comprehensive to a document

you submitted on February 15th, AT&T's motion to the

Siting Council to reverse it's final decision in Docket

409 issuing a certificate for a modified tower facility.

And after the initial paragraph you have --I guess it's

Item 1, change conditions. I just want to make sure

under that --what are changed conditions, because I

understand that's one of the things we have to rule on.

And the first item we talked about is the

decision of the Connecticut District Court. So, is that

decision --is that a changed condition that you're

going to site that you want us to cite? The decision of

the court?

ATTORNEY CHIOCCHIO: To a certain extent,

yes, because, as you know, we're here with this

alternative or modified site as part of the negotiations

--settlement negotiations regarding that litigation.  
So, yes, that would be one of the changed conditions.

CHAIRMAN STEIN: Okay. The second one,  
we have copies of Conn Dot's traffic statistics for  
Canaan. Now, I'm not clear if this is submitting new  
data. Is the data showing changed conditions or is it  
just that you're submitting data you didn't submit  
originally?

ATTORNEY CHIOCCHIO: I think with respect  
to changed conditions the data supports the new federal  
policies in fact that have emerged since the docket 409  
proceedings regarding the goals and policies to provide  
coverage to areas such as Falls Village. And  
specifically Litchfield -

CHAIRMAN STEIN: Excuse me.

Specifically -ATTORNEY  
CHIOCCHIO: Specifically

Litchfield County and Falls Village.

CHAIRMAN STEIN: Is that the FCC's, I  
don't know, 2011 third party drive that --and those  
census blocks that they identified. Is that what you're  
talking about or is this something separate?

ATTORNEY CHIOCCHIO: Well, the specifics  
--right. That specific data with respect to Falls

Village.

CHAIRMAN STEIN: But the reference to -

I don't know where it is --mobility, fund phase one eligible. Areas that that -

ATTORNEY CHIOCCHIO: Correct. And with respect to the FCC policy and the Federal policy to provide broadband and wireless services to rural areas.

CHAIRMAN STEIN: So, you're saying that's changed conditions because of that additional material that FCC has?

ATTORNEY CHIOCCHIO: Correct. They would identify this area as an area that needs coverage.

CHAIRMAN STEIN: Okay. Is there any other just changed condition that you're citing. I don't see any. I see the modified siting location and the tower facility is your response, but that's not a changed condition. Are you saying that's a changed condition also?

ATTORNEY CHIOCCHIO: Well, I think in combination with the decision by the courts, AT&T has sought an appeal of a decision. As part of the negotiations with the State we're proposing this modified site. Scott produced visibility. It does provide as much coverage as our original proposed site,

but, you know, we're proposing it for the council's consideration, and that's changed conditions.

CHAIRMAN STEIN: Okay. I guess it's --I would advise you not to turn around. When we started we should have started --we should continue this for at least another half hour, hour, otherwise we're all going to get drenched, but .....

No, there was a method to my madness when

I said don't turn around.

So .... yes, sir.

MR. MERCIER: I just have a follow up

question if you would be so kind. I can't --going back to try to look at the drainage and I can't tell based on these maps what's what. Is there any way to provide a larger scale map?

They have to come up with a map somehow,

and so I was just curious if there was something larger scale because everything looks like a B to me.

ATTORNEY CHIOCCHIO: Could we perhaps

both file a large scale identical to the --it's already in the record. Thank you.

CHAIRMAN STEIN: Once upon a time, two

years ago, the chair thought that large scale maps

should be presented along with everything else, so ....

in case somebody came up with a question like that we would have one readily available. Maybe some day that will happen.

Thank you all. Again, I apologize for

the delay in starting.

Before closing -ATTORNEY

CHIOCCHIO: Mr. Chairman, I'm

sorry. We have a few questions on redirect for my

witnesses.

CHAIRMAN STEIN: Okay. Sure.

ATTORNEY CHIOCCHIO: Very few. We'll

shorten this out.

I would like to start with Mr. Libertine.

Have you had a chance to review the maps

provided in the 2013 plan of conservation development

for advertising?

MR. LIBERTINE: Yes, I have.

CHAIRMAN STEIN: And based on those maps

can you confirm that the Town suggested Alternative 5 is in an area designated as public space?

MR. LIBERTINE: Based on cross referencing the plan of conservation resources map and our maps, the location that Mr. Cooper identified is Location 5. To confirm that that cite location does

fall within an area that is identified as preserved open space.

ATTORNEY CHIOCCHIO: Thank you.  
And with respect to visibility and

mabusha, can you give us a very brief summary of the overall shed area and the visibility of the tower.

MR. LIBERTINE: With the modified location the visibility, as would be expected to a certain degree of shifts. In this case it shifted a bit dramatically. What we had in the certificate cite --I called the main areas of visibility where the tower would have been visible above the tree line. It was in an area that was roughly in the southwest to northwest portion of the Route 7 and 63 Barnes Road intersection area, moving westward on Route 7 and then a little bit southward toward the Village.

It was a small or a short stretch along Route 63 and Under Mountain Road area, and then areas along --I'm sorry. Excuse me, Route 63 and the Mystic Mountain Road area. And then another area along --to the north, along Under Mountain Road. What's happened as we go to the modified location, the area in the Route 7/Route 63 intersection itself to the village has pretty much been eliminated. There's a short stretch on Route

7 to the northwest where you would still see both locations. That's been significantly minimized. It's essentially a wash along that stretch of Route 63 that I spoke of in that Mystic Mountain Road intersection general area. We're just essentially southeast of our site. There's slightly more visibility associated on Under Mountain Road with the proposed modified location, which would be somewhat expected because we moved that significantly to the East, which is closer to that road, but my recollection from the original hearings for that certificate site was we heard quite a bit of feed back from the town that the gateway area --that Route 7, 63 intersection was really one for the major areas of concern. And so that's why we looked so hard and tried to eliminate that, which I think we accomplished with our modified location.

ATTORNEY CHIOCCHIO: Thank you.

Mr. Gustafson, can you clarify or provide a little more detail on your statistic of 70 acres of clearing when you talk about forest fragmentation.

MR. GUSTAFSON: I would be happy to.

The 70 acres of development they do reference in our response to the council. I have two interrogatories. Question 12 relates to a metric --as

defined by UConn clears. It uses an Edgewood metric and it's just three hundred feet from the proposed development. So, the 70 acres does have to wait for land clearing or development, and it relates to this schedule fact, and as part of an analysis of forest fragmentation. So, we took the legal length of the access road, but in 65 linear feet times six hundred and twelve feet. Looked at the road, plus 300 feet to either side. Plus they were already on the compound and that equals approximately 70 acres.

ATTORNEY CHIOCCHIO: Thank you.

And can you provide a little bit more detail on the Multi Species Protection Plan for construction that you talked about at the last hearing.

MR. GUSTAFSON: The Specified protection plan would follow similar protocols that we've submitted to the council on previous dockets that have been approved both by the Connecticut Department of Energy and Environmental Protection, as well as the counsel.

I'll reference two dockets. 434 which is Verizon W. Htfd relo. It's a pending docket. We submitted a protection plan for the eastern box turtle which was a special concern, the species. That plan was approved by DDAV. And the previous docket to that was



docket 397, which is, again, a Verizon facility. East Woodstock. We submitted a species protection plan for reptiles and amphibians. Particularly in relationship to our overall pool habitat and that was approved by the Siting Council.

And quickly, the protection plan validity included a number of elements. It would include an education program of the contractors. They will be working on the project, so they are sensitive to the environmental condition of the property and the potential for encountering a variety of wild life.

Provide insulation measures along the prospect perimeter to prevent any potential conflicts with construction and any wildlife that may walk into the project location. Those isolation measures generally consist of barrier control, so just silk fence.

Independent inspection of the perimeter controls to ensure proper maintenance during construction. A periodic sweep to the project to ensure the perimeter controls are working properly or installed properly.

During their initial installation as well as during the duration of the construction project. And

finally, the reporting of any findings of wild life

encounters during the project.

ATTORNEY CHIOCCHIO: Thank you.

MR. GUSTAFSON: You're welcome.

ATTORNEY CHIOCCHIO: Just a few questions

for Mr. Wells.

Based on your experience and working with

other carriers can you provide an estimate of the worse

case cumulative power density from a site as proposed.

MR WELLS: Using fairly concerted

calculations we would be under 50 percent of the

standard. And That's using some very conservative

calculations. That's some very conservative

calculations based on some unmeasured and more realistic

calculations. This site will probably come in around 10

percent for the FCC NPA standards.

ATTORNEY CHIOCCHIO: Thank you.

And you had looked at or we had looked at

the existing CL&P powerlines in the area and we had

determined that they were not --they would not provide

coverage to the area targeted for coverage. Can you

explain a little bit about why that's so.

MR. WELLS: Well, primarily distance and height. And they're too far away and too short to be an

exhibit.

ATTORNEY CHIOCCHIO: Very good. And can you explain a little bit about the single loans that are shown on the plot and the white areas that are on the plots. They don't indicate other signal levels that are not relying on coverage. Can you explain?

MR. WELLS: Well, we show two levels as discussed in response to one of Mr. Mercier's questions. We show E building and vehicle levels for reliable coverage. It doesn't mean that if there is not a color assigned to the map, it's in one of our white areas that there is. No coverage at all simply means below the reliable coverage standard.

And you may be able to make calls sometimes in those areas. It's simply not == there are two effects that happen. One is it is not reliable coverage in that area, even though you may be able to make calls sometimes. As capacity starts to increase on those sites, those areas become worse and worse. And then further, those white areas also effect the areas the you do have coverage in. Because a site is trying to each him to cover those areas, or sites, and those sites are working too hard to cover those areas, which further affects both the coverage and capacity of those

existing surrounding sites.

In previous hearings I was asked about issues where in emergency conditions what happens. Well, those white areas, exacerbate those emergency conditions. And because those surrounding sites are already working hard, now you throw capacity issues on top of that, and those areas are becoming even more problematic.

ATTORNEY CHIOCCHIO: Thank you.

And one last question for Mr. Vivian regarding the proposed access drive realignment. Can you explain the realignment in that one area.

MR. VIVIAN: Yes. I guess I could refer to a sheet CO-2A which shows the proposed realignment. The easement within D is described on parcel 2, which is where we realigned it to. The existing road is contrary to the parcels described in the easement which would improve parcel one and bleeds over onto parcel 1 and onto --well, it's not referenced here but the adjoining property, which is actually 18 Barnes Road, Map 5, Lot 17 owned by the Higgins.

So, the realignment is an attempt to bring the access drive into alignment with the description of the deed.

Thank you, Mr. Vivian.  
That's all. Thank you, Chairman.  
CHAIRMAN STEIN: I thank you. Before

closing this hearing the Siting Council announces briefs and findings of fact may be filed with the council by any party or intervener no later than July 11, 2013.

The submission of briefs or proposed findings of fact are not required by this council, but rather we leave it to the choice of parties eminent readers. Anyone who has not become a party or intervener, but who desires to make his or her views known to the council, may file written statements with the council within 30 days of today.

The council will issue direct findings of fact, and thereafter parties and intervenors may identify areas of inconsistencies between the Council's draft findings of fact and the record. However, no new information, no new evidence, no argument, no reply briefs without our permission will be considered by the Council.

Copies of today's transcript will be filed with the Falls Village Town Clerk's office. It looks like we have a break in the weather so I'm going to declare the hearing adjourned, and drive home safely.

CERTIFICATION

STATE OF CONNECTICUT)

) ss.

COUNTY OF HARTFORD )

I, Nancy E. Paretti, a Notary Public in and for the State of Connecticut, do hereby certify that the foregoing record is a correct and verbatim computer-aided transcription of the proceeding set forth.

I further certify that I am neither counsel for, nor related to, nor employed by any of the parties to the action in which this proceeding is taken and further certify that I am not related to, nor an employee of any attorney or representative employed by the parties thereto, nor am I financially interested in this action.

In witness whereof I have hereunto set my hand and affixed my notarial seal this date, July 3, 2013.

Nancy E. Paretti

Notary Public  
My commission expires February 28, 201

