

COPY



Transcript of the Hearing of

Date: **September 10, 2013**

Volume: **I**

Case: **MESSAGE CENTER MANAGEMENT, INC., and NEW
CINGULAR WIRELESS PCS, LLC**

Printed On: September 23, 2013

United Reporters, Inc.
Phone: 866-534-3383
Fax: 877-534-3383
Email: info@unitedreporters.com
Internet: www.unitedreporters.com

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket Number 439

Application From Message Center Management,
Inc., and New Cingular Wireless PCS, LLC, for
a Certificate of Environmental Compatibility
and Public Need for the Construction,
Maintenance, and Operation of a
Telecommunications Facility Located at Bates
Woods Park, New London, Connecticut.

Council Meeting held at the Jefferson
High School Lecture Hall, 490 Jefferson
Avenue, New London, Connecticut, Tuesday,
September 10, 2013, beginning at 3:30 p.m.

H e l d B e f o r e:

ROBIN STEIN, Chairman

| | |
|---|--|
| <p style="text-align: right;">Page 2</p> <p>1 A p p e a r a n c e s: 2 Council Members Present 3 ROBERT HANNON 4 JAMES J. MURPHY, JR. 5 PHILIP T. ASHTON 6 DR. BARBARA C. BELL 7 DANIEL P. LYNCH, JR. 8 9 Council Staff: 10 MELANIE A. BACHMAN, ESQ., 11 Executive Director 12 ROBERT MERCIER, 13 Siting Analyst 14 AARON DEMAREST, 15 Audio Technician 16 17 For New Cingular Wireless, PCS, LLC, & 18 Message Center Management, Inc.: 19 CUDDY & FEDER, LLP 20 445 Hamilton Avenue, 14th Floor 21 White Plains, New York 10601 22 (984)761-1300 23 By: CHRISTOPHER B. FISHER, ESQ. 24 25</p> | <p style="text-align: right;">Page 4</p> <p>1 for Certificate of Environmental 2 Compatibility and Public Need for the 3 Construction, Maintenance and Operation of a 4 Telecommunications Facility Located at Bates 5 Woods Park in New London, Connecticut. The 6 application was received by the Council on 7 June 21, 2013. 8 As a reminder to all 9 off-the-record communication with any member 10 of the Council or member of the Council staff 11 upon the merits of this application is 12 prohibited by law. 13 The parties to the proceeding 14 are as follows, the Applicant, New Cingular 15 Wireless, and Message Center Management; and 16 Attorney Fisher, the representative from 17 Cuddy & Feder. 18 We will proceed in accordance 19 with the prepared agenda, copies of which are 20 available. Also available here are copies of 21 copies of the Council's guide, Citizens' 22 Guide to Siting Council Procedures. 23 At the end of this afternoon's 24 session we will recess and resume again at 7 25 p.m. The 7 p.m. hearing will be reserved for</p> |
| <p style="text-align: right;">Page 3</p> <p>1 THE CHAIRMAN: Good afternoon, 2 ladies and gentlemen. I'd like to call to 3 our meeting of the Siting Council today, 4 Tuesday, September 10, 2013, at approximately 5 3:30. 6 My name is Robin Stein. I'm 7 Chairman of the Siting Council. Other 8 members of the Council present are Senator 9 Murphy; Mr. Hannon, who's designee from the 10 Department of Energy and Environmental 11 Protection; Mr. Ashton; Mr. Lynch; and Doctor 12 Bell. 13 Members of the staff present 14 are Melanie Bachman who is Executive 15 Director, Bob Mercier -- and I guess publicly 16 I can make that statement -- Mr. Mercier, our 17 Siting Analyst, Aaron DeMarest, audio 18 technician. I'd like to welcome Rob Dixon, 19 our Court Reporter. 20 This hearing is held pursuant 21 to the provisions of Title 16 of the 22 Connecticut General Statutes and of the 23 Uniform Administrative Procedure Act, upon an 24 Application for Message Center Management, 25 Inc., and New Cingular Wireless, PCS, LLC,</p> | <p style="text-align: right;">Page 5</p> <p>1 the public to make brief oral statements into 2 the record. 3 I wish to note, for those who 4 are here and for the benefit of your friends 5 and neighbors unable to join us for the 6 public comment session, that you or they may 7 send written statements to the Council within 8 30 days of the date hereof, and such written 9 statements will be given the same weight as 10 if spoken at the hearing. 11 A verbatim transcript will be 12 made of this hearing and deposited with the 13 city clerk's office in New London, and the 14 Town of Waterford town clerk's office for the 15 convenience of the public. 16 Is there any public official 17 who would like to make a statement at this 18 time? 19 (No response.) 20 THE CHAIRMAN: I wish to call 21 your attention to those items shown on the 22 hearing program marked as Roman Numerals One 23 "D," items 1 through 53. 24 Does the Applicant have any 25 objection to these items that the Council has</p> |

2 (Pages 2 to 5)

| | |
|--|---|
| <p style="text-align: right;">Page 6</p> <p>1 administratively noticed? 2 MR. FISHER: No objection. 3 THE CHAIRMAN: Thank you. 4 Accordingly, the Council 5 hereby administratively notices these 6 existing document statements and comments. 7 Okay. We will now go to 8 appearance by the Applicant. Attorney 9 Fisher, will you present your witness panel 10 for the purposes of taking the oath? 11 MR. FISHER: Yes, thank you, 12 Chairman. Good afternoon. Attorney 13 Christopher Fisher with the firm of Cuddy & 14 Feder here on behalf of the Applicants, 15 Message Center Management and New Cingular 16 Wireless, PCS. 17 We have four witnesses this 18 afternoon. They're listed in the hearing 19 program. Mr. Scott Chasse, our professional 20 engineer; Mr. Mike Libertine, who obviously 21 prepared the visual and other information. 22 Sitting to my immediate left is Chris Gelinias 23 who is with Message Center Management. And 24 to my right is Michael Lawton, who is with 25 SAI, AT&T's consulting engine -- RF engineer</p> | <p style="text-align: right;">Page 8</p> <p>1 facts, an affidavit of sign posting, a public 2 presentation to the extent we will use it at 3 the seven o'clock hearing session, and then 4 resumes of witnesses or those who helped 5 prepare reports that are in the record. 6 If you'll accept them for 7 identification, I can ask the witnesses to 8 verify them. 9 THE CHAIRMAN: Thank you. 10 MR. FISHER: Okay. I'd ask 11 each of the witnesses, did you prepare and 12 assist in the preparation of the items that 13 have been listed in the hearing program under 14 Item II-B, 1 through 12? 15 THE WITNESS (Libertine): Yes. 16 THE WITNESS (Chasse): Yes. 17 THE WITNESS (Libertine): Mike 18 Libertine, yes. 19 THE WITNESS (Gelinias): Chris 20 Gelinias, yes. 21 THE WITNESS (Lawton): Mike 22 Lawton, yes. 23 MR. FISHER: And having 24 reviewed those documents, do you -- and 25 prepared them, do you have corrections that</p> |
| <p style="text-align: right;">Page 7</p> <p>1 on this project. 2 If -- Chairman, if they could 3 be sworn at this time, I can go through the 4 hearing program. 5 THE CHAIRMAN: Yes, please. 6 And Attorney Bachman? 7 MICHAEL LAWTON, 8 CHRISTOPHER GELINAS, 9 MICHAEL LIBERTINE, 10 SCOTT M. CHASSE, 11 called as a witnesses, being first duly 12 sworn by Ms. Bachman, were examined, and 13 testified on their oaths as follows: 14 MR. FISHER: Chairman, listed 15 in the hearing program we have items under 16 Roman numeral II, under the appearance by the 17 Applicant, capital B, they're items 1 through 18 12. First is the application, which as was 19 mentioned, was received by the Council on 20 June 21st along with bulk filed exhibits. 21 Additionally we've provided 22 the Council with the lease agreement with the 23 City of New London, affidavits of publication 24 for notice purposes, response to Council 25 Interrogatories, a prefiled statement of</p> | <p style="text-align: right;">Page 9</p> <p>1 need to be made at this time? 2 THE WITNESS (Chasse): Scott 3 Chasse. No, not at this time. 4 THE WITNESS (Libertine): Mike 5 Libertine. I have one correction I'd like to 6 make behind Tab 5 of the application, which 7 is the visibility analysis on page 1, under 8 project introduction, in the third paragraph. 9 The second -- yeah, second to 10 last sentence indicates that the ground 11 elevation at the facility site is 90 feet. 12 That's incorrect. It should be 126 feet 13 above mean site sea -- above mean sea level, 14 excuse me. 15 Thank you. That's all. 16 THE WITNESS (Gelinias): Chris 17 Gelinias. I do not have any corrections. 18 THE WITNESS (Lawton): Mike 19 Lawton. There is one correction to a typo in 20 the interrogatories. In Answer Number 4, the 21 site that's referenced as SR 1876 is not 22 correct. This is SR 283. 23 MR. FISHER: And with those 24 corrections are those documents true and 25 accurate to the best of your belief?</p> |

3 (Pages 6 to 9)

| | |
|--|--|
| <p style="text-align: right;">Page 10</p> <p>1 THE WITNESS (Chasse): Scott 2 Chasse. Yes. 3 THE WITNESS (Libertine): Mike 4 Libertine. Yes. 5 THE WITNESS (Gelinias): Chris 6 Gelinias. Yes. 7 THE WITNESS (Lawton): Mike 8 Lawton. Yes. 9 MR. FISHER: And do you adopt 10 them as your testimony here today? 11 THE WITNESS (Chasse): Scott 12 Chasse. Yes. 13 THE WITNESS (Libertine): Mike 14 Libertine. Yes. 15 THE WITNESS (Gelinias): Chris 16 Gelinias. Yes. 17 THE WITNESS (Lawton): Mike 18 Lawton. Yes. 19 MR. FISHER: I thank you, 20 Chairman. 21 We would ask that these be 22 accepted as evidence before the Council. 23 THE CHAIRMAN: Thank you. The 24 exhibits are admitted. 25 (Exhibits 1 through 12:</p> | <p style="text-align: right;">Page 12</p> <p>1 indicated on some of these diagrams as 2 T-Mobile? 3 THE WITNESS (Gelinias): That 4 would be possible, yes. 5 MR. MERCIER: Now, in regards 6 to the -- the tower being constructed, it 7 would support, according to the documents, an 8 extension to 145 feet. I also saw in Tab 3 9 that there was a 165-foot tower listed, the 10 last page on Tab 3. I don't know if 165 was 11 originally contemplated for some reason or -- 12 THE WITNESS (Gelinias): I 13 think that was -- I believe that was the 14 FAA 2C for maximum height, for FAA clearance. 15 MR. MERCIER: Okay. It says 16 top of proposed pole elevation, 165-foot 17 proposed light pole on the last page of 18 Tab 3. 19 THE WITNESS (Gelinias): Right. 20 That was just for FAA clearance height, but 21 the pole itself is not proposed at 165 feet. 22 From an FAA standpoint it -- it would clear 23 up to 165 feet, but we do not intend to do 24 that. 25 MR. MERCIER: Okay. So are</p> |
| <p style="text-align: right;">Page 11</p> <p>1 Admitted into evidence - described in index.) 2 THE CHAIRMAN: We'll now begin 3 with cross-examination. 4 Mr. Mercier? 5 MR. MERCIER: Thank you. 6 Now I understand T-Mobile is 7 on the roof at the school, and there, there 8 could be some modification or demolition of 9 the building -- is that correct -- sometime 10 in the future? 11 THE WITNESS (Gelinias): Yes. 12 There was -- there has been ongoing talk with 13 the City, either a roof placement, repair 14 and/or replacement of the school itself. 15 MR. MERCIER: Would 16 T-Mobile -- does T-Mobile have an existing 17 lease with AT&T to locate on this proposed 18 facility? 19 THE WITNESS (Gelinias): The 20 proposed facility will be owned by MCM. We 21 do not have a lease with T-Mobile at this 22 time. We do, in fact, have one with AT&T. 23 MR. MERCIER: Okay. So it's 24 possible another carrier could come in and 25 take the -- a lower slot, low 115 that was</p> | <p style="text-align: right;">Page 13</p> <p>1 you required to go a little bit higher when 2 you file, or you just did it for safety's 3 sake or something like that? 4 THE WITNESS (Gelinias): Let me 5 correct myself. If the pole were to be 6 extended to its maximum height of 145 feet, 7 because it is being built to be expandable. 8 I had forgotten about the 20-foot whip that 9 we had allotted for, for municipal use. 10 MR. MERCIER: Thank you. 11 THE WITNESS (Gelinias): So, 12 that would drive you to the 165. 13 MR. MERCIER: So if the tower 14 is built 115, and the City decided to locate 15 at that level a whip at the top of the tower, 16 and then an extension came along and you 17 would just relocate them to the 145-foot 18 level? 19 THE WITNESS (Gelinias): They 20 would be at the top, that's correct. 21 MR. MERCIER: So it's not 22 going to be on an arm or something? They're 23 going to be right on the very top part of the 24 pole? 25 THE WITNESS (Gelinias): The</p> |

4 (Pages 10 to 13)

| | |
|---|---|
| <p style="text-align: center;">Page 14</p> <p>1 conversations that we have had would be that 2 it would be mounted to the top. 3 MR. MERCIER: Now, with this, 4 this tower, is a platform foot proposed. Is 5 that correct? 6 THE WITNESS (Gelinias): I'm 7 sorry? 8 MR. MERCIER: Platform. 9 THE WITNESS (Gelinias): 10 Platform, that's correct. 11 MR. MERCIER: Okay. Would 12 that pose any issues with the ospreys in the 13 area? And if so, how do you -- what's the 14 current protocol to remove them from the 15 towers, if you're allowed to? 16 THE WITNESS (Libertine): 17 There, as I'm sure the Council members have 18 seen over the last several years, ospreys and 19 other birds are starting to routinely use our 20 platforms. As a matter of fact, you may have 21 noticed there was a nest in one of the 22 adjacent light stanchions on the -- on the 23 adjacent ballfield that was active this past 24 spring. I'm not sure if it was an active 25 nest for fledgling or for egg laying, but</p> | <p style="text-align: center;">Page 16</p> <p>1 essentially a nest that's being used by a 2 breeding couple and that actually has an egg 3 or eggs in the nest. So that determination 4 has to be made if, in fact, somebody wants to 5 do maintenance on the tower during that time. 6 What typically happens is that if it's an 7 active nest the maintenance is put off until 8 a time when the fledglings have left the 9 nest. And then at that time they're allowed 10 to go up and do the work on the tower. 11 MR. MERCIER: Based on your 12 expertise have they ever damaged the wiring 13 or anything of that nature to the towns 14 themselves. 15 THE WITNESS (Libertine): And 16 just anecdotally, and we've probably visited 17 in the last three years alone -- I know we've 18 been involved, All Points and associates with 19 us have been involved in probably, well, well 20 over 50 facilities throughout New England. 21 We have not seen that kind of damage. 22 Typically they are pretty 23 passive in terms of the equipment, but not so 24 passive when it comes to folks climbing the 25 tower and that type of thing. That's where</p> |
| <p style="text-align: center;">Page 15</p> <p>1 certainly it was used at the time that we 2 were out here back in April and May doing 3 some work at the site. 4 It's possible that they would 5 use one of the platforms. My sense is that 6 typically what we see is that they like to 7 have the highest perch in an area. There are 8 some towers that, although they're at the 9 same above-grade level of 90 feet, or even at 10 this facility, they actually are at ground 11 elevations that are a little bit higher. So 12 they tend to stick a little bit higher into 13 the air. I think this tower, as proposed, is 14 going to be on a level with some of the same 15 plane, if you will. 16 What has routinely happened 17 for most carriers and tower buildings -- and 18 I don't want to speak specifically for MCM, 19 but in terms of osprey nests if they're 20 identified on a platform you are really not 21 allowed to do any work during the active 22 season. So the protocol typically is for 23 there to be verification that it is an active 24 nest. 25 And an active nest is</p> | <p style="text-align: center;">Page 17</p> <p>1 you really run into it. But no, I haven't 2 seen any damage to either the -- any of the 3 antennas or the equipment or the cabling. 4 MR. MERCIER: I was just 5 wondering if there's any type of equipment or 6 something you put above the platform to keep 7 them off. I was looking that your diagrams 8 of the ice shield would keep it away from the 9 light, so I don't know if anything was ever 10 developed. 11 THE WITNESS (Libertine): 12 There are techniques to try to dissuade the 13 birds for building the nest in the first -- 14 in the first place because they do like to 15 fly over with sticks and branches and drop 16 them. That's why these particular triangular 17 platforms are so good for nest building, 18 because the structure allows the nest 19 building to become fairly easy because they 20 literally drop in and then build from there. 21 So there, there are some 22 techniques where you can do shielding and 23 some other things. Scott probably has more 24 experience with some of those than I do. 25 THE WITNESS (Chasse): Yeah.</p> |

Page 18

1 We did a project in -- in Connecticut, in
2 Fairfield at the police department where we
3 installed a cone on the top of the -- the
4 monopole. In that instance, there was osprey
5 nesting at the very apex of -- the platform
6 was level with the top of the tower, and they
7 kept going right on the center of it. And we
8 ended up putting in a cone on the top of it
9 and strapping it down, and it was an
10 effective deterrent.

11 Ospreys are extremely smart,
12 and they're very difficult to get away.
13 They're also so loyal to their prior places
14 of breeding. So there's been studies with
15 pinwheels and putting in lacing, and it's
16 inconclusive at this time.

17 THE WITNESS (Libertine): But
18 those are more temporary measures typically,
19 you know. And then as Scott had indicated,
20 they're pretty smart birds in the sense that
21 a lot of times you'll see them on the second
22 or the third platform down to avoid that top
23 platform which has, you know, in one manner
24 or another has, you know, somebody has tried
25 to dissuade them. And they will come back

Page 19

1 year after year to the same location and
2 rebuild their nests.

3 MR. MERCIER: Okay. Thank
4 you.

5 In regards to the lights, is
6 the City responsible for the maintenance and
7 replacement of the bulbs? Or how is that
8 accomplished if there's a problem with the
9 lights themselves?

10 THE WITNESS (Gelinas): The
11 City itself maintains the light stanchions,
12 the bulbs, yes.

13 MR. MERCIER: So do they have
14 access to the compound and things of that
15 nature, or they can do it outside the
16 compound? Or --

17 THE WITNESS (Gelinas): We
18 actually had a conversation with them this
19 week. Based on what I'm told, they would
20 have access from outside. Then can --
21 oftentimes they'll come in with a fire truck,
22 the bucket. So in that particular instance
23 they would have access from outside.
24 Certainly if they needed to get into the
25 compound, we would make those arrangements.

Page 20

1 MR. MERCIER: Were the lights
2 themselves factored into the structural
3 analysis, you know, for the wind speed and
4 things of that nature?

5 THE WITNESS (Gelinas):
6 Absolutely.

7 THE WITNESS (Chasse): Yes,
8 they were.

9 MR. MERCIER: Do you know if
10 the -- the lamp portion, just out of
11 curiosity, are those rated to the specific
12 winds also, just the lamps where, you know,
13 the bulbs go in?

14 THE WITNESS (Chasse):
15 Offhand, I don't know. I believe that what
16 intended to be right now is to replace in
17 kind what is there. So if it's there, will
18 be replaced, and if it has withstood the
19 loads until now, it will stand in the future.

20 MR. MERCIER: Okay. Thank
21 you. I just had a question on the visibility
22 diagram that was on Tab 5, the last page of
23 the map itself.

24 Well, almost near the end.
25 I'm just looking at the

Page 21

1 enlargement area on the map up in the corner.

2 THE WITNESS (Libertine):
3 Uh-huh.

4 MR. MERCIER: And I just -- I
5 just see the location. It looks like it's
6 a -- the pinpoint location for the tower is
7 more in the wooded area.

8 THE WITNESS (Libertine):
9 Yeah. But that's a registration issue.
10 You're right that probably should be shifted
11 just a little bit further to the north. But
12 it really doesn't throw things off in terms
13 of the analysis. That's a placeholder.

14 The actual coordinates are
15 placed into the model. So it's, again, it's
16 more of a registration when you go and
17 generate the maps themselves. It's the same
18 with the photo locations. At -- at those
19 scales sometimes they may be off a little bit
20 in terms of visually, but where they're
21 actually modeled, they're modeled to the
22 real-world coordinates.

23 MR. MERCIER: Okay. Thank
24 you.
25 And also looking at the

| | |
|---|---|
| <p style="text-align: right;">Page 22</p> <p>1 enlargement I see over to the east side, just 2 beyond the thousand foot radius mark, there's 3 a lot of seasonal visibility. It looks like 4 some type of apartment complex. 5 THE WITNESS (Libertine): 6 Correct. 7 MR. MERCIER: And now, just 8 inside the thousand foot line, there is an 9 area that kind of extends toward the tower. 10 That is the apartment complex kind of extends 11 towards the tower, but I don't see any 12 seasonal there. Is there any particular 13 reason why? 14 THE WITNESS (Libertine): 15 It's -- there's -- actually there's a wooded 16 area that is in between the tower and that 17 area. And what happens is you need to be -- 18 you need to be set back further east to a 19 certain point to be able to see above that 20 tree line, even with the mass -- it's a 21 fairly thick mass of trees. So that's why if 22 you're too close to that tree line you're 23 actually -- you're -- actually your angle of 24 proposed, does not allow you to actually see 25 the top of it.</p> | <p style="text-align: right;">Page 24</p> <p>1 but what is the state standard? 2 THE WITNESS (Chasse): That is 3 the state standard as well. 4 SENATOR MURPHY: That is the 5 State standard? 6 THE WITNESS (Chasse): Yes. 7 SENATOR MURPHY: And New 8 London standards are the same? 9 THE WITNESS (Chasse): Correct. 10 SENATOR MURPHY: All right. 11 Thank you very much. 12 Just curiosity, on the public 13 information meeting which was held back in 14 March, what type of attendance did you have? 15 THE WITNESS (Gelinias): We had 16 one couple attend. 17 SENATOR MURPHY: One couple? 18 THE WITNESS (Gelinias): From 19 nearby residents. 20 SENATOR MURPHY: And what was 21 their concern? Visibility? RF? Or we may 22 hear it tonight, too. 23 THE WITNESS (Gelinias): 24 Actually, after we spoke with them, they had 25 no concerns.</p> |
| <p style="text-align: right;">Page 23</p> <p>1 MR. MERCIER: Okay. I have no 2 further questions at this time. Thank you. 3 THE CHAIRMAN: Thank you. 4 We'll continue with questions 5 from the Council. 6 Senator Murphy? 7 SENATOR MURPHY: Thank you, 8 Mr. Chairman. Just a few questions. 9 The reports you have on the 10 noise regulations, as I read them, just deals 11 with the regulations promulgated by New 12 London. Does anyone on the panel know the 13 standard of New London's noise regulations in 14 comparison to the State's? Is the State's 15 higher? Lower? Or the same? 16 I didn't see that they 17 addressed whatever standard the State of 18 Connecticut has, and if they're the same or 19 less, then I don't see a problem there. 20 THE WITNESS (Chasse): The 21 city standard was, excuse me, for a B emitter 22 to an A emitter of 55 dBA during the day, 45 23 at night. That is the standard, the state 24 standard. 25 SENATOR MURPHY: I read that,</p> | <p style="text-align: right;">Page 25</p> <p>1 SENATOR MURPHY: Okay. 2 THE WITNESS (Gelinias): They 3 came out and said we just wanted to see what 4 it would look like. 5 SENATOR MURPHY: All right. 6 Okay. Thank you very much. 7 In reference to the increase, 8 potentially, of the tower and the foundation 9 that's being constructed, as I understand the 10 answers to Mr. Mercier's questions, the 11 foundation that's planned to be installed as 12 a part of the construction would limit the 13 tower itself to 145 feet. Forget the whip 14 antenna. 145 feet would be the top of the 15 tower. Is that -- is my understanding 16 correct? 17 THE WITNESS (Chasse): That's 18 correct. 19 SENATOR MURPHY: Okay. The 20 lights will be on at 85 feet again, I guess. 21 How many carriers can go between the light 22 and where AT&T is planning on going at 113? 23 It's an oddball number, isn't it? 24 THE WITNESS (Chasse): Yeah. 25 Two -- two are currently proposed along with</p> |

7 (Pages 22 to 25)

| | |
|--|---|
| <p style="text-align: right;">Page 26</p> <p>1 an ice shield over the top of the -- the 2 lights themselves, in the event of any 3 shedding ice from the antennas above. 4 So you -- you'd be reducing 5 the separation between the two, but it may be 6 possible to squeeze -- 7 SENATOR MURPHY: You believe 8 you can put in two? 9 THE WITNESS (Chasse): Yes. 10 SENATOR MURPHY: And for you, 11 Mr. Lawton, and I know you don't speak for 12 other carriers, but you're experienced in 13 this field and based upon your experience in 14 having worked in this RF industry, what is 15 the likelihood of other carriers asking to go 16 on a height higher than AT&T, which would be 17 an increase of height in the tower? 18 THE WITNESS (Lawton): I'm 19 afraid that's a really hard question to 20 answer without knowing -- 21 SENATOR MURPHY: Well, I know. 22 I know you're not going to give me a 23 definitive answer, but give me -- give me 24 your best guesstimate as to what you think. 25 THE WITNESS (Lawton): I don't</p> | <p style="text-align: right;">Page 28</p> <p>1 Maybe we can take a look at that. 2 SENATOR MURPHY: And 3 Mr. Gelinis, any discussions with AT&T about 4 what height they might like on this tower if 5 they're required to move from the rooftop? 6 THE WITNESS (Gelinis): I'm 7 sorry. T-Mobile? 8 SENATOR MURPHY: T-Mobile. 9 I'm sorry. 10 THE WITNESS (Gelinis): We 11 actually did, and they had approved the 12 105-foot level, which is why we've shown them 13 there potentially, where we had given them 14 the information about the facility. And they 15 said, you know, if they were -- if they were 16 to move, that they could, in fact, use the 17 105-foot height. 18 SENATOR MURPHY: And then 19 could anticipate them at 95? If it's RF 20 feasible you could put another carrier there? 21 THE WITNESS (Gelinis): At 95 22 we have the light stanchions, we have the 23 cone and then the light structures. So we've 24 got 95 for the lighting, and we've maintain 25 that height because that's where they are</p> |
| <p style="text-align: right;">Page 27</p> <p>1 have any idea -- 2 SENATOR MURPHY: Would under 3 115 satisfy other carriers? 4 THE WITNESS (Lawton): I mean, 5 I think the -- the most reasonable way to 6 look at it would be to look at the one other 7 carrier who is located in this general area, 8 which is T-Mobile, and they're on the roof. 9 And I'm not sure what the 10 height of the roof compared to the -- the 11 height of the tower will be, but I would 12 imagine they would be looking for something 13 somewhat similar. 14 SENATOR MURPHY: To what they 15 have? 16 THE WITNESS (Lawton): To what 17 they have currently on the roof of the high 18 school here. 19 Other than T-Mobile and AT&T, 20 I have absolutely no knowledge of where -- I 21 mean, we can see from the towers where 22 Verizon's surrounding sites are, but I have 23 not totally looked at maybe how their 24 coverage might be in this area, similar to, 25 you know, Sprint and that sort of thing.</p> | <p style="text-align: right;">Page 29</p> <p>1 now. And from a design standpoint for the 2 lighting of the ballfields, we didn't want to 3 change those height -- heights, because 4 they're -- they're engineered for light 5 coverage. 6 SENATOR MURPHY: So if 7 T-Mobile goes on at 95, that would be the 8 only one that could go on between the light 9 stanchions realistically? 10 THE WITNESS (Gelinis): 11 T-Mobile would go at -- lights at 95, 12 T-Mobile potentially at 105, AT&T at 115. 13 And what we've seen on the 14 development side here is that although I know 15 we're trying to talk about reducing height, 16 we've seen some of the size of the antennas 17 actually increase. You know, we've gone from 18 4-foot to 8-foot, and some are a little 19 larger than that. So to reduce the 20 separation of those platforms -- 21 SENATOR MURPHY: It would be 22 difficult? 23 THE WITNESS (Gelinis): I'm 24 certainly not an engineer, but from the space 25 standpoint we could see that being a problem.</p> |

Page 30

1 SENATOR MURPHY: Okay. I have
2 no other questions, Mr. Chairman. Thank you.
3 THE CHAIRMAN: Thank you.
4 Mr. Ashton?
5 MR. ASHTON: I'm a little bit
6 baffled about the 145 feet. My understanding
7 of your testimony and what's in here is that
8 the 145 is the limit you can construct
9 without FAA required lighting. Is that
10 correct? Or it's the limit you can
11 construct, period?
12 THE WITNESS (Gelinas): No.
13 The limits, the FAA limit is 165 feet, which
14 would be the 145-foot tower facility plus the
15 20-foot whip. We've designed a pole with
16 a --
17 MR. ASHTON: And so the 145 is
18 the one. If you go beyond that, you have the
19 light, or you can't construct?
20 THE WITNESS (Gelinas):
21 Beyond 165, you would light.
22 MR. ASHTON: Okay. Okay. So
23 if the whips could be mounted a little down
24 the pole, would that give you some advantage?
25 THE WITNESS (Gelinas):

Page 31

1 Heightwise, potentially, yes.
2 MR. ASHTON: Why don't you
3 propose that, come down 5 feet?
4 THE WITNESS (Gelinas): For?
5 MR. ASHTON: Does it give you
6 any advantage?
7 THE WITNESS (Gelinas): I
8 don't know that it gives an advantage from a
9 cover standpoint from -- for the municipal
10 whips.
11 MR. ASHTON: I noticed the
12 towers out there were kind of brown and as I
13 looked at that brown I decided it was really
14 a red, red brown, a commodity that we more
15 familiarly know as rust. What kind of a
16 tower are you proposing to replace those
17 rusting poles with? Another rusty pole?
18 THE WITNESS (Gelinas): No,
19 sir. It would be a steel monopole.
20 MR. ASHTON: It would be what?
21 THE WITNESS (Gelinas): Steel
22 monopole.
23 MR. ASHTON: Rusty -- no.
24 They were steel at one time, but they just
25 rusted.

Page 32

1 THE WITNESS (Gelinas): No,
2 stand -- standard monopole design. It would
3 not be a --
4 MR. ASHTON: A standard
5 monopole design with what kind of covering?
6 THE WITNESS (Chasse): I
7 believe initially a galvanized finished is
8 what's being proposed. So it would look like
9 the silver ones that are on the other field
10 and not the gray, the rusted ones.
11 MR. ASHTON: Why don't you put
12 up, like, weathering steel that look like the
13 poles that are right there?
14 THE WITNESS (Chasse): That's
15 possible. Absolutely.
16 MR. ASHTON: You know, I know
17 I don't have any stock in a steel mill. I
18 want to assure everybody, but I am pushing
19 because I think those, the weathering steel
20 has a distinct visibility advantage and I'd
21 look for Mr. Libertine to jump all over me if
22 that was not the case.
23 I have no further questions.
24 Thank you.
25 THE CHAIRMAN: Thank you. And

Page 33

1 I think Mr. Libertine knows better than to
2 jump over --
3 MR. ASHTON: Well, he has to
4 jump a little higher than some people might,
5 but --
6 THE CHAIRMAN: Particularly in
7 this setting.
8 Dr. Bell?
9 DR. BELL: Thank you,
10 Mr. Chair.
11 On Tab 1, page 5 there's a
12 table of your handoffs. It's page 5 of
13 Tab 1, I think.
14 Yeah. So -- and then in
15 Tab 2 -- no. Yeah, Tab 2 in your search
16 material, you have a list of 14
17 communications facilities located within
18 approximately four miles of the site, many of
19 which are currently being used by AT&T, you
20 say. So -- however there are -- there are,
21 on that second table, the site search table,
22 there are five sites being used by AT&T.
23 Whereas on the handoff table in back of
24 page -- under Tab 1, there are eight sites.
25 So I'm -- so there's three

Page 34

1 missing sites, so to speak, and I'm trying to
2 figure out why are those three sites that are
3 missing from the site search table not within
4 four miles of the site? Do you see what I'm
5 saying?
6 If they're handoff sites, they
7 would, by logic, be relatively nearby. There
8 are no distances listed on these tables. So
9 I'm trying to figure out how to reconcile
10 these tables.
11 THE WITNESS (Lawton): I
12 actually looked at this earlier today, and I
13 cross-referenced them myself and found the
14 ones that were duplicated and did find that
15 there's one in Groton, 29 Skyview Terrace.
16 The water tank is not listed here. That's in
17 the northern end of Groton, so it's probably
18 -- it may have fallen out of the -- the
19 four-mile radius.
20 DR. BELL: You mean it's
21 outside the four-mile radius?
22 THE WITNESS (Lawton): That
23 was my conclusion, yes. There, there are two
24 actual water tanks. The -- the one that's
25 listed as CT 5729, CT 5738 are both water

Page 35

1 tanks along the coast of the river. CT 5729
2 is further south and CT 5738 is further
3 north. And as you can see, if you look at
4 the plots, I don't think CT 5738 would show
5 up there either, because I think it's a
6 little bit too far north.
7 DR. BELL: So these really
8 aren't legitimate -- legitimate, what's that
9 word? They -- they aren't -- they really
10 would not be frequently used as handoff
11 sites?
12 THE WITNESS (Lawton): Right.
13 They're not. What the technical term would
14 be. They wouldn't be the "first tier
15 neighbors," the first ring of sites around.
16 They -- they would probably
17 be -- a handoff may be built because, on a
18 particular hilltop, you may find a
19 circumstance to hand off between -- or on the
20 bridge between New London and Groton, where
21 it rises up. There may be a location there
22 where you might hand between them, but
23 they're not -- they wouldn't be the primary
24 neighbors.
25 DR. BELL: Okay. Thank you.

Page 36

1 One more of these table deals.
2 Also for you, Mr. Lawton. In Tab 4, there's
3 a data table that you put together for the
4 FAA. It's page 3 of 3 of the FAA material.
5 And it has five columns, one labeled, "Low
6 Frequency, High Frequency," and so forth.
7 Now, on the next page, there's
8 the power density calculation. Okay? And so
9 I'm going to look at both of those. So I
10 look at -- I know you have certain
11 frequencies that you're using. So you're
12 using 700, 850, and 1900. So I looked, I
13 tried to find the closest one to 700 in
14 either the low-frequency or the
15 high-frequency tables.
16 So then I find 698 is close to
17 700. I find 851 is close to 850, and I find
18 in the second column, 1910 is closest to
19 1900. Do you see what I'm doing?
20 Okay. Now, under ERP, I look
21 at the corresponding ERPs, and I come up with
22 one thousand five hundred and sixteen forty
23 going up in frequency. Right? Now I look at
24 the ERP in the PD table, which is -- I'm not
25 used to seeing the FAA frequency tables, so

Page 37

1 that's new. But I have used a PD table and I
2 know that the ERP is what you calculate
3 from --
4 THE WITNESS (Lawton): Uh-huh.
5 DR. BELL: -- to power the
6 City and that's the SARs, and the exposure.
7 And I see for all of these frequencies I see
8 the exact same ERP, 500. So I can't figure
9 out how to reconcile the FAA table with the
10 ERP table.
11 THE WITNESS (Lawton): I mean,
12 I think the best way to kind of look at
13 these, the MPE table, which is the one that I
14 -- we've done, the -- it doesn't really have
15 a page number, but the one that says "SAI" on
16 the top right corner there, is the initial
17 potential -- the initial installation.
18 The -- the way the site would be configured
19 at launch would be with UMTS at 850, UMTS at
20 1900 and LTE at 700.
21 These other frequencies are
22 frequencies that AT&T is licensed to use in
23 this market, but we may not initially use
24 either because they were reserved for future
25 capacity or various other business reasons.

Page 38

1 They wouldn't use them initially, but they
2 may choose to use them in the future.
3 So I think whoever filled out
4 the FAA analysis and submitted that
5 information put everything that AT&T was
6 licensed for on this list. Rather we did the
7 MPE for everything that would be initially
8 configured at the site.
9 DR. BELL: But this says --
10 THE WITNESS (Lawton): As far
11 as the -- I'm sorry.
12 DR. BELL: But that doesn't
13 quite -- I under -- I think I understand what
14 you're saying, but that doesn't quite make
15 sense, because there are a number of 800
16 frequencies here -- well, let's just stick
17 with the 700 frequency.
18 There's only one number that's
19 anywhere close to 700 and that's the 698
20 frequency. So that's -- and that has an ERP
21 of a thousand.
22 THE WITNESS (Lawton): So
23 the -- I was going to get to the ERP. The
24 ERP is the maxim, and in fact -- I noticed on
25 this the -- if you look specifically at the

Page 39

1 800 band, you see 806 to 824, 824 to 849, 851
2 to 866, 869 to 894. In that band there's
3 actually -- there's frequency pairs, so you
4 have a frequency for your downlink
5 communication from the tower to the mobile,
6 or terminal as we now call them, and an
7 uplink communication from the terminal to the
8 tower.
9 The first set there, the 806
10 to 8 -- 806 to 824, 824 to 849, 851 to 866,
11 those are all uplink frequencies. So they
12 actually wouldn't even be transmitted by the
13 tower itself. The tower itself would only be
14 transmitting the higher frequencies there.
15 So they -- this, this table is
16 -- is comprehensive as of all the frequencies
17 that they're licensed for. Some of them may
18 never be used at the tower. Some of them may
19 be used by mobiles in the area.
20 And as far as the ERP, that's
21 -- these are, I think, sort of ceiling
22 values. Or we didn't prepare the FAA filing,
23 so I think these are -- this is just sort of
24 general boilerplate. This is the maximum
25 that AT&T would be allowed to transmit in --

Page 40

1 at this site by the FCC.
2 But, when we do the MPE, we
3 use the actual limit of what they would
4 transmit rather than what they're allowed.
5 They don't necessarily transmit as much as
6 they're allowed, because again getting back
7 to uplink versus downlink, if -- if the
8 communication doesn't exist between a
9 lower-powered mobile back to the site there's
10 no sense in having the communication exist
11 from the site to the mobile. So it's not a
12 limitless amount of power that you can
13 transmit.
14 If -- we call it balancing the
15 path. You don't want to -- you don't want to
16 turn the power up at the site so much that
17 the mobile cannot talk back to the site and
18 have a successful communication.
19 DR. BELL: Okay. Thank you.
20 My next question has to do
21 with the letter from Attorney Fisher to Mayor
22 Finizio dated May 25, 2013. And the question
23 is: Was the meeting held on March 20th, or
24 it has to do with the date of the meeting,
25 which I guess is the public hearing, and it

Page 41

1 says that the letter is dated March 25, but
2 it says the meeting was on May 20th. That
3 doesn't make too much sense.
4 So I'm guessing it was
5 March 20th and not May 20th?
6 MR. FISHER: Yes, so taking a
7 look at behind Tab 6 the date of the letter
8 of March 25th should, in all likelihood,
9 reflect May 25th, not March because the --
10 DR. BELL: Okay. So it's the
11 date of the letter that's wrong?
12 MR. FISHER: It's just the
13 date of the letter. I just want to verify
14 one thing by looking at the exhibit.
15 Hang on just a second.
16 Yeah. I'm sorry. The
17 notice -- I'm just going back in time here.
18 So the exhibit and the notice we had, we had
19 this noticed for March 20th. So I believe
20 actually it's the body of the letter that
21 should be corrected, from May 20 to
22 March 25th -- I'm sorry March 20th.
23 So the second paragraph down,
24 for the record, the correction to my letter
25 dated March 25th should be the second line of

Page 42

1 the second paragraph; instead of May that
2 should be March.
3 DR. BELL: And then on the --
4 so on your responses to the Council's
5 questions, Question Number 1, Answer
6 Number 1, the last sentence of the answer
7 says: "The information used for the list of
8 the abutting property owners was originally
9 obtained in the spring of 2013 in advance of
10 the May 20, 2013, public information
11 meeting."
12 MR. FISHER: Yeah. So A1
13 should similarly be corrected from May to
14 March.
15 DR. BELL: Okay.
16 Now, if we look at Tab 6,
17 Exhibit 2 -- I made up these questions a
18 while ago so -- okay. Exhibit 2 is the -- it
19 looks like a PowerPoint presentation of some
20 kind.
21 MR. FISHER: Yes, that's
22 correct. That was a PowerPoint presentation
23 that representatives of Message Center
24 Management and myself presented to the public
25 at that information session.

Page 43

1 DR. BELL: So was that also at
2 the March 20th meeting?
3 MR. FISHER: Yes.
4 DR. BELL: Because that's --
5 that's dated, at some point here,
6 January 22nd of '13, and it may have been
7 made on January 22nd. I was just trying to
8 figure out if there was an extra hearing in
9 there. That was the point of my question.
10 MR. FISHER: The -- I think
11 some of the exhibits do have a date on it.
12 For example, that that site Locus Map is
13 dated January of 2013. That entire package,
14 that exhibit, if you will, was a PowerPoint.
15 So everything behind Exhibit 2
16 of the letter behind Tab 6 was a PowerPoint
17 presented to the public.
18 DR. BELL: Okay. So basically
19 we're working with just one public meeting
20 that was on March 20th?
21 MR. FISHER: There was one
22 public meeting, pursuant to the municipal
23 consultation process, that we engaged in, but
24 there were several public meetings that were
25 held before the Planning and Zoning

Page 44

1 Commission and the City Council as part of
2 the lease process as well.
3 DR. BELL: Okay. Thank you.
4 That's it on my questions.
5 Thank you, Mr. Chair.
6 THE CHAIRMAN: Thank you.
7 Mr. Lynch?
8 MR. LYNCH: Thank you,
9 Mr. Chairman. The first thing I have to say
10 is actually a comment and not a question yet.
11 And that involves the sections in your
12 application that deal with the changes in
13 usage, you know, from the national broadband
14 plan and talking about security and emergency
15 services.
16 I just want to -- you put
17 these in the last few of your applications.
18 I hope you continue to do that because it's a
19 great complement. And it actually shows how
20 the need for towers has changed over the
21 years, because it's totally evolved into a
22 different area than calling.
23 Now for my questions.
24 Mr. Libertine, you mentioned
25 the osprey and the nesting, and then you said

Page 45

1 the nesting period.
2 What would that period be? A
3 month or days or time when?
4 THE WITNESS (Libertine): It's
5 a few months. It's typically late spring
6 through the summer. So generally it can be
7 anytime between May and September. It can
8 extend as long as into early November
9 depending upon where you are, especially on
10 the coast.
11 MR. LYNCH: Uh-huh. Thank
12 you.
13 And another question for
14 Mr. Libertine, or whomever. The tree canopy
15 out there seemed to be pretty high. So does
16 that -- would that preclude a carrier going
17 to 85 feet, or 75 feet as far as, you know,
18 being any type of interference or -- with,
19 you know, putting up an antenna array?
20 THE WITNESS (Lawton):
21 Generally, carriers don't like to put their
22 antennas within the tree canopy or below the
23 tree canopy, but in particular a specific
24 need, it could be something that somebody
25 might be interested in. If you think about

Page 46

1 where the tower is on the border of the
2 ballfields, if a carrier had a need to
3 provide coverage to this school, they --
4 MR. LYNCH: So they'd have to
5 angle their antennas in different directions,
6 in other words?
7 THE WITNESS (Lawton): Right.
8 They would -- there would be no tree blockage
9 in this direction if -- if their coverage
10 objective was so limited as to be just the
11 school or the ballfields and the school or
12 something like that. They -- it could be a
13 usable site at a lower height for them.
14 MR. LYNCH: That brings me to
15 the whip antenna, and that's going on top of
16 the tower. Your centerline is 111, and
17 that's going above, and it's less than the --
18 the base would be less than the 10-foot
19 separation. Is -- would that cause any
20 problems to your system?
21 THE WITNESS (Lawton): In
22 terms of interference with municipal
23 facilities, there -- there is sometimes a
24 concern, and that's, you know, typically, if
25 they're at their own height, it's -- it's not

Page 47

1 going to be a problem. But that's something
2 that in various other locations AT&T works
3 through with the municipalities to -- so that
4 they can continue to meet their needs and
5 AT&T is not interfered with.
6 Typically the -- the
7 interference will be from the municipal
8 facility to AT&T, rather than the other way
9 around because the municipal facilities tend
10 to be more -- transmit at higher power, where
11 the AT&T facility is also -- is operating
12 full-duplex. So receive signals are coming
13 in and it could be -- it can be a problem,
14 but it's not a problem that hasn't been
15 worked out in the past.
16 MR. LYNCH: Okay. Now whip
17 antennas are usually omnidirectional, and
18 your section -- equipment is all in sections.
19 THE WITNESS (Lawton): Correct.
20 MR. LYNCH: Is that what
21 you're working out, how that --
22 THE WITNESS (Lawton): The
23 directionality of the antennas can help, but
24 sometimes filters need to be installed in
25 the -- in the base station to compensate for

Page 48

1 the frequencies that the -- and there are a
2 number of different municipal bands that
3 different police, fire and different towns
4 would use.
5 So it's -- it's not
6 necessarily a one-size-fits-all solution in
7 terms of how to make sure that that
8 interference doesn't occur, but -- but with
9 it being an omnidirectional antenna, it is a
10 little bit more difficult because it is
11 transmitting, you know, the municipal, it's
12 transmitting in all directions.
13 MR. LYNCH: Thank you very
14 much.
15 My next question, and I've
16 asked this in a number of hearings, but I
17 just want to get this in the transcript, is
18 that the current design of your network and
19 all the other carriers is basically a design
20 that brings in data services and not -- and
21 its secondary concern is the calling days,
22 or, can you hear me now?
23 And I just want to get your
24 answer in response to that. I know it's
25 going to be and I just wanted it in the

Page 49

1 transcript.
2 THE WITNESS (Lawton): Yeah.
3 And in fact, I mean, this is one thing that's
4 -- AT&T is kind of evolving what they need to
5 provide to their customers based on what the
6 customers are doing with their mobile devices
7 or terminals.
8 And, you know, where in the
9 past you had a network that was built to
10 provide coverage primarily to highways,
11 primarily to people in their cars or walking
12 around on the street and mobile, now people
13 are using things -- their devices in -- in a
14 more stationary, often within buildings, and
15 looking for higher data rates, which a higher
16 data rate requires a higher level of
17 coverage.
18 And so, when you look at this
19 site, I mean, when you look at the plot you
20 can see there there's -- it looks relatively
21 well filled within the yellow coverage, but
22 the green coverage is lacking. And what
23 that's showing is that in this high school
24 you would have a difficult time, as those of
25 us who are AT&T subscribers have, in various

Page 50

1 areas throughout the high school. You'd have
2 a difficult time using your phone for voice
3 and then to use a high data rate would be
4 even more difficult.
5 So one of the things that AT&T
6 is kind of evolving the way they think is
7 where you have a coverage plot here that's
8 somewhat two-dimensional. The reality is
9 that the need is more three dimensional in
10 terms of taking advantage of all the
11 frequencies that they have.
12 Where the coverage plot shows
13 where the coverage can be provided, but it
14 doesn't show where high data rates and high
15 capacity can be provided to the customers,
16 which is a much more stringent, you know. If
17 we -- if we looked at this at some of the
18 higher frequency levels that we saw in the
19 FAA analysis, the 2100 megahertz, these --
20 these blobs would be significantly smaller.
21 And so that's sort of where AT&T is evolving,
22 is trying to use those frequencies
23 effectively to provide a capacity improvement
24 and data, higher data rates throughout the --
25 their service area.

Page 51

1 The other thing that -- that
2 this site does, and I took a look at the
3 surrounding sites, both at the statistics for
4 voice and data -- and a lot of the sites
5 pointed into this area -- even though we're
6 showing that there's -- there's pretty good
7 coverage here, a lot of the sites pointed in
8 this area have unsatisfactory lost-call
9 rates.
10 And, in fact, the antennas
11 pointed into this specific area have
12 unsatisfactory lost-call rates on some of the
13 higher frequencies, like, the surrounding
14 sites will have both 1900 and 850. So the --
15 a customer on, for example, CT 5221, if they
16 were on 1900 would not see the same coverage
17 that would show here. They -- they have less
18 coverage than what would be shown here. And
19 they could conceivably, if they walk into
20 their house or walk into the school or walk
21 into a building, lose a voice call.
22 Similarly, if they were trying
23 to use a data service and they walked -- and
24 they were -- went to a location with weaker
25 coverage, they would -- the data would either

Page 52

1 not work, there would be latency problem, or
2 the data rate would just go to nothing.
3 MR. LYNCH: It's my
4 understanding, but correct me if I'm wrong,
5 that most of your data services will be
6 coming in on the 700 frequency, the LTE
7 rather than the higher, you know,
8 frequencies, the 2,000 band.
9 THE WITNESS (Lawton):
10 Initially that's true. The -- and in fact,
11 currently the LTE service, it's data only.
12 There is no -- at -- at this moment in time
13 there is no voice service on the LTE bands.
14 There's no mobile devices made for that yet.
15 There will be.
16 There's also -- AT&T is
17 limited in terms of, you know, when you look
18 at the -- the way that the network is
19 designed and this, the spectrum that they
20 have, those 700 megahertz frequencies, and
21 the 850 megahertz frequencies even, are more
22 valuable in terms of providing service and
23 less -- and maybe the other higher-band
24 frequencies are where you get a lot more
25 capacity.

Page 53

1 So if a -- if a user is close
2 to a site and they're on the -- the lower
3 frequency, that's almost a waste of spectrum,
4 if you can follow that. And they want to be
5 on the higher frequency. You want -- you
6 want to take advantage of the higher
7 frequencies when you can when you can put a
8 subscriber on that.
9 And that's -- so LTE, as it's
10 rolled out, the initial frequency that AT&T
11 is rolling out LTE at is 700. The next
12 frequency will be 1900 or 2100 depending on
13 what licenses are available in a given
14 metropolitan area. I think here it would be
15 1900, but eventually LTE would also be on
16 2100. So you'd be -- you'd have people --
17 you'd be -- the network is evolving to have
18 people to have needs to provide high data
19 rate on high frequency in a -- in a very
20 coverage-limited environment, which is why
21 the sites are getting closer together.
22 MR. LYNCH: Is this something
23 like T-Mobile would be evolving in, this
24 again, that they don't have the lower
25 frequencies?

Page 54

1 THE WITNESS (Lawton):
2 T-Mobile, I -- has -- doesn't have 850,
3 doesn't have 700. Or they may have 700 in
4 some areas, but it's somewhat limited. So
5 they, they would be somewhat already limited
6 because the coverage plots in there, their
7 overall sort of umbrella coverage network is
8 limited by their lowest frequency where AT&T
9 has advantage of having a lower frequency.
10 The -- and also for them as
11 they put -- data requires more coverage,
12 faster data requires better coverage, and
13 better coverage is harder to provide at a
14 higher frequency, if anybody follows that.
15 MR. LYNCH: Now here's another
16 thing I want to get on the record for future
17 administrative notice. It doesn't -- it
18 involves this application, but it's really
19 for future.
20 And this application here is
21 an application that is for a replacement
22 tower that is, you know, going up in height.
23 It's going to be arranged on a similar type
24 pole, but not the same pole. And this is
25 just me being a jerk, but you know, I have a

Page 55

1 pet peeve about replacement towers that the
2 council members know.
3 And so what we have here is
4 something I've been talking about for years
5 that, you know, it should come -- others
6 should come before us and don't necessarily.
7 So beg my indulgence, and I just wanted to
8 get that going.
9 No more questions,
10 Mr. Chairman.
11 THE CHAIRMAN: Thank you.
12 Mr. Hannon?
13 MR. HANNON: Thank you.
14 I just have one -- some of my
15 questions were already asked and answered.
16 I'm curious about if the tower
17 is extended in height up to 145, what does
18 that do for visibility?
19 THE WITNESS (Libertine): It
20 certainly starts to make the footprint
21 expand. I think what you'll see is, if we
22 would go up to that height you're probably
23 talking about some more distant views above
24 the trees most likely extending visibility
25 further to the north where there's some high

Page 56

1 elevations.
2 And then perhaps somewhat --
3 somewhat to the south there, the -- the areas
4 to the south are very well developed. More
5 the downtown area is really to the south of
6 the site, so you've got a lot of obstructions
7 of buildings and that type of thing. But I
8 think you're going to see a modest increase
9 in visibility. It would be hard to give it a
10 numerical value.
11 I do know from when we did our
12 reconnaissance that one of the things that
13 struck me was, and I kind of touched on this
14 earlier, because we've got various levels of
15 terrain on the complex itself, and there are
16 multiple light stanchions out there, all are
17 within that 90-foot range. There may be some
18 that are 10-feet taller, but some are at
19 significantly higher elevations, 20, 30 feet.
20 What struck me was, when I
21 went out to the what I'll call the outlying
22 areas, beyond a mile -- and granted, this was
23 during the daytime. I'm sure at night when
24 the lights are on you have a whole different
25 experience, although that, that shouldn't

Page 57

1 change in terms of where our lights are going
2 to be.
3 But what I did notice was
4 there was a lot of staggering of those
5 lights, and some of the lights looked
6 significantly taller than others. My guess
7 is that some of those ones that I could see
8 that were not ours, because our balloon is
9 flown at the proposed height, we could not
10 see the balloon, but I could still make out
11 some of the higher stanchions.
12 I think that's what we're
13 going to see. And again, what struck me was
14 to the north I think it expands a little bit.
15 There's one area to the northwest -- bear
16 with me just one moment. I'll give you that
17 general area. And I don't have the name of
18 the roads, but as you get out about a mile
19 plus, there is one stretch where there's some
20 elevated fields.
21 If you look at the map in --
22 behind Tab 5, the aerial photo to the west,
23 or the left of the numerals 4 and 5 that
24 depict the photo locations, you'll see some
25 areas of seasonal visibility in orange. I

| | |
|---|--|
| <p style="text-align: right;">Page 58</p> <p>1 don't, unfortunately, know the name of that 2 road, but I remember that's a fairly elevated 3 area. 4 I think you'd start to see 5 some visibility there as well as some of 6 these smaller areas to the east and 7 northeast. Again, just north of 95 where 8 Route 1 crosses you'll see there's an area in 9 orange up there. That's a fairly elevated 10 neighborhood. I think from those type of 11 locations where you have that elevation above 12 you'd start to be able to see it. 13 I don't know if I would call 14 it a substantial increase of visibility. 15 Again, we've got -- what works to the 16 advantage here is that our area is somewhat 17 on a plateau here as it stands. So areas 18 kind of further to the south and the 19 southeast, you tend not to be able to look 20 here because you've got some good breaks of 21 topography. 22 But certainly, if we're 23 talking about going up from, right now 115, 24 another -- well, that would be another 30 25 feet, certainly it's going to open up some --</p> | <p style="text-align: right;">Page 60</p> <p>1 some ice shedding from the antennas or the 2 superstructure above it. So it was strictly 3 for -- for that protection. 4 DR. BELL: I see. Okay. 5 Thank you. No more questions. 6 Thank you, Mr. Chairman. 7 THE CHAIRMAN: Okay, a 8 follow-up to Mr. Hannon's question. And this 9 is really a question for us to think about 10 not to be answered today, but when we have 11 these presentations where you come up with a 12 height, and my understanding is you do your 13 analysis based, particularly a visibility 14 analysis based on that height. And then you 15 say, oh, by the way, this is expandable to 16 another 30 feet if some other carriers want 17 to go on it. 18 And so my question, which you, 19 since I don't think this is the last time 20 that you're going to be before this Council, 21 and to us, is particularly, should we be 22 asking for an analysis at 145 feet or 23 115 feet? 24 And it may not be -- may not 25 be tonight, but I'm sure there are -- there</p> |
| <p style="text-align: right;">Page 59</p> <p>1 some increased areas of visibility, no 2 question about it. It's just hard for me to 3 say exactly where they would be, but my 4 general impression is, those areas that we 5 had reconned, we had seen some of the higher 6 stanchions, so my guess is those certainly 7 would be some areas where we would see it. 8 MR. HANNON: I have no further 9 questions. 10 DR. BELL: This is just one -- 11 THE CHAIRMAN: Turn on your -- 12 DR. BELL: Just one very quick 13 follow-up. 14 Did you or the school dream up 15 the night sky -- the Dark Sky shields on the 16 lights? 17 THE WITNESS (Libertine): Oh, 18 the shielding? 19 DR. BELL: The shielding? 20 THE WITNESS (Libertine): 21 That's ice shielding. That really has 22 nothing to do with Night Sky compliance or 23 anything like that. It will be the same 24 exact lights that are there today. This to 25 protect the actual bulbs in case you have</p> | <p style="text-align: right;">Page 61</p> <p>1 will be occasions where people are very 2 concerned about that, you know, that spread. 3 And we can say okay, when we -- when and if 4 we get to that, you'll have to come back to 5 us, although we also know, under federal law, 6 you could go 10 percent without even coming 7 back to us. 8 So I -- if you want to answer 9 my question, feel free, but I think it's 10 something we all have to think about. 11 MR. FISHER: Not something we 12 can necessarily answer, but just I think it's 13 a really helpful dialogue for us as 14 applicants going forward. We can certainly 15 do additional analyses, whether it's on our 16 own as part of applications, or in response 17 to interrogatories. 18 I guess, you know, just as the 19 Applicant's representative, and it's not 20 necessarily testimony, but thinking back on 21 various approaches, we as an industry have 22 taken, not just we as the Applicants who are 23 before you, I remember many dockets where, 24 because collocation of your structure is part 25 of the statutory criteria the Council has to</p> |

| | |
|---|--|
| <p style="text-align: center;">Page 62</p> <p>1 consider, it's one of our concerns always as 2 an applicant is presenting something that has 3 the feasibility collocation, regardless of 4 impact, for the Council to consider. 5 So in many of these, many of 6 these older dockets, I remember we would come 7 in with more than the applicant needed. 8 Maybe the applicant only needed a hundred 9 feet, but we would propose, not an expandable 10 structure, we would propose a 150-foot 11 structure capable of collocation, and we 12 would approach it from that perspective. And 13 we would have the facility, including all the 14 visual and other impacts, and analyze it and 15 offer it to you. Then, in some cases, we 16 would come and we would go the reverse. We'd 17 go a hundred in expandable. 18 I'm not sure there's a perfect 19 solution or a perfect answer, but we, as 20 applicants, can certainly respond to the 21 Council's request for information either way. 22 We choose to present an application and make 23 sure you have the data you would like to see 24 in evaluating these applications. 25 THE CHAIRMAN: Thank you.</p> | <p style="text-align: center;">Page 64</p> <p>1 threshold, I think things can change, so it's 2 something, yeah, I think it's something we 3 have to at least consider. 4 THE CHAIRMAN: Did I open a 5 can of something? 6 Mr. Lynch? 7 MR. LYNCH: Mr. Fisher is 8 correct. In some of the early applications 9 did have higher heights than were being 10 proposed. They were banking for other 11 carriers. 12 But -- and you can correct me 13 if I'm wrong, Mr. Fisher, but my recollection 14 is that the Council was opposed to banking 15 higher heights. And we stopped, you know, if 16 you didn't need it, you didn't get it. 17 THE WITNESS (Libertine): That 18 was certainly our interpretation. We started 19 to come away with, we would be better off, as 20 applicants at least, to simply asking for 21 what we needed, but showing you that it 22 could, in feasibility, from a structural 23 point of view, be collocatable and build them 24 that way. 25 But that raises a different</p> |
| <p style="text-align: center;">Page 63</p> <p>1 And also -- and the Council 2 tends to also say how low can you push it? 3 And of course, that goes against the 4 collocation. So I don't -- I don't have an 5 answer, and maybe we'll just be grappling 6 with this issue every time. But it is -- 7 THE WITNESS (Libertine): 8 Mr. Chairman, if it helps, one 9 of -- this is a unique case because now we're 10 talking, and I started doing the math. I 11 said, yeah, this is, you know, a 30-foot 12 extension as opposed to, typically, the 13 towers are built from a foundation standpoint 14 to accommodate an additional 20 feet. 15 And my experience is that, 16 when you go 10 or 20 feet above what's 17 proposed, you typically don't increase the 18 overall view shed substantially. You 19 certainly can change the character of those 20 views between the, you know, what would be 21 proposed and then 20 feet from those areas, 22 especially within a quarter-mile or a 23 half-mile from the site. 24 But you bring up a good point. 25 When you start pushing above that 20-foot</p> | <p style="text-align: center;">Page 65</p> <p>1 question on, you know, what would be the 2 process for that future expansion and what 3 might it look like? And so I think we can 4 appreciate both perspectives, but we 5 certainly took the choices going back ten 6 years from prior to go with lower heights and 7 saying they're expandable, as opposed to 8 coming in with higher heights and dealing 9 with the impacts of the higher heights. 10 THE WITNESS (Lynch): That's 11 my recollection also. 12 Thanks. 13 THE CHAIRMAN: Just -- oh. 14 THE WITNESS (Gelinas): If I 15 may, just from a development standpoint as an 16 infrastructure provider, it's our goal to 17 design the facility from a structural 18 capability or capacity in the event that is 19 necessary. 20 From a -- what we've seen is 21 that, as these towers approach capacity from 22 either collocation or new equipment that's 23 being put on, the replacement and/or 24 reinforcement is, not only very expensive, 25 but logistically very difficult.</p> |

Page 66

1 So we try to be proactive as
2 a -- as an infrastructure provider to
3 initially overdesign the capable --
4 capability of the tower. And that's why you
5 see the ability for expansion shown in the
6 drawings as well.
7 THE CHAIRMAN: Dr. Bell.
8 DR. BELL: Yes, Mr. Chairman.
9 You did open a can of worms, but I don't
10 have --
11 THE CHAIRMAN: I only said,
12 can of. I didn't say what kind of a can I
13 was opening.
14 DR. BELL: Just a comment.
15 It's -- of course, we know that it's very
16 expensive to actually do these visibility
17 analyses at different levels, and so forth,
18 but it seems to me it's an opportunity for
19 Mr. Libertine and his company to think of
20 some text that could give us a little kind of
21 a, you know, a template for an explanation.
22 For instance, I'll just say
23 it's very helpful to have these aerial views,
24 which we haven't always had. We've sometimes
25 had the, simply the topographic visibility

Page 67

1 maps. Now we have both. We have a
2 topographic visibility map and an aerial map.
3 That's very helpful in different ways.
4 But one of the ways is the
5 exercise you just went through where you
6 pointed to the aerial map. And you said, you
7 see up here in the Northwest you can see
8 there are fields there. And we could see
9 there are fields, because we're looking at an
10 aerial map. And then we can obviously get
11 the point you were trying to make, which was
12 in that area, obviously, the -- when it went
13 up then we were -- there would be more
14 visibility up there.
15 So one could think of an
16 example for instance, if the height were
17 lowered and there were an opportunity for a
18 stealth application, well, then maybe a
19 monopine would not look so bulky in that
20 particular application, you know, when it
21 wasn't going up quite so far.
22 What I'm getting at is is
23 there some sort of template blurbs you could
24 write that would instruct the user on how to
25 -- on what at that -- at certain types of

Page 68

1 locations to expect if the height went up or
2 if there were an option for going down.
3 You -- you'd have all of the blurbs on your
4 computer and then you just print out the ones
5 that applied in that particular one. Do you
6 see what I'm saying?
7 THE WITNESS (Libertine): I
8 think -- I think, in theory, I definitely
9 hear you. And I'm -- I'm taking some notes
10 because I think there's some good ideas that
11 are coming out here that quite honestly,
12 don't really increase the real level of
13 effort.
14 We're already out in the
15 field. We're already modeling. So for us to
16 float a balloon 20 or 30 feet higher and
17 have, you know, multicolored flags which we
18 often do, I'm a little -- I get reluctant to
19 do that if it's a public float. And you can
20 understand why because people automatically
21 get in their minds, on my gosh, they're going
22 for 170 feet.
23 And for me to try to explain
24 to somebody, or our client to try to explain
25 to somebody, no, we're doing that so that we

Page 69

1 can at least, hopefully, answer some
2 questions that we think we may get at the
3 Council. But you bring up a very good point.
4 I'm not sure a template works necessarily,
5 but the idea that you're suggesting, I think,
6 has a lot of merit, and it's something I'm
7 going to give more consideration to.
8 The reason I say -- templates
9 are great except every single study area, no
10 matter how many times I've done this, the
11 characteristics always seem to change enough
12 so that you just can't take a paragraph and
13 plunk it in there. But the idea of, you
14 know, kind of the example of what I stepped
15 through, I think I can certainly add
16 something that will help the Council
17 understand that if, in fact, this was going
18 to be extendable, here are some thoughts that
19 I would have based on some modeling and some
20 of the in-field, you know, observations that
21 I had so that we could expect -- maybe I
22 could start to get to a point where I'd feel
23 comfortable at least putting some kind of
24 numerical value that maybe would expand 10
25 percent and these are the areas that would be

| | |
|--|--|
| <p style="text-align: right;">Page 70</p> <p>1 most affected. 2 So I think the discussion is a 3 good one, and I'll certainly be able to 4 start, you know, weaving that into some -- 5 some future ones that hopefully will make 6 your job a little bit easier. 7 DR. BELL: Thank you. 8 Thank you, Mr. Chair. 9 THE CHAIRMAN: Okay. It was a 10 hopefully useful discussion. 11 My last question has to do 12 with the backup power. I understand diesel 13 is being proposed also with a battery. And 14 of course, the question which we ask whether, 15 most of the time, anyway, is it's a very -- 16 it seems to be a very tight area, and when we 17 looked at it with, you know, the potential 18 for others, the question of sharing as 19 opposed to each one as they come in. 20 And you know, I know there 21 we've heard both pros and cons on this, but 22 something we sort of want to encourage all 23 applicants to look at and particularly the 24 entity that's building this, which is not 25 necessarily the same as, you know, who's</p> | <p style="text-align: right;">Page 72</p> <p>1 I guess, theoretically that that could 2 happen. But I think we -- I think I can 3 speak for the Council, that we certainly want 4 to encourage this, and we're -- we are 5 waiting for some applicants to say, yeah, 6 we'll do it. But not quite there yet. 7 Okay. Any other questions? 8 If not -- 9 Yes, Mr. Mercier? 10 MR. MERCIER: Yeah. Just for 11 the record, could you please describe the 12 balloon fly that occurred today. 13 THE WITNESS (Libertine): 14 Certainly. We have made an attempt to 15 maintain a balloon at the proposed height of 16 the modified facility. We started at about 17 five minutes to noon today. We're going to 18 have a balloon up until six. 19 Up until about the time we 20 were standing at the site, we were not -- we 21 were not really treated to a very good day. 22 The breeze was continually over ten miles an 23 hour and the balloon was not attaining it's 24 full height. I think by the time we left 25 things had calmed down quite a bit. I have</p> |
| <p style="text-align: right;">Page 71</p> <p>1 going to be on it, that's something we want, 2 you know, to seriously look at. 3 I see somebody has already hit 4 the green button. So -- 5 THE WITNESS (Gelinas): Thank 6 you. 7 We know that that's a concern 8 and certainly an interest, and it is 9 something that we discuss internally. At 10 this point we haven't seen a genuine 11 reduction in, you know, whether it be 12 environmental impact or other, than perhaps a 13 little bit of space that may be saved. You 14 know, one concern in sharing that we have had 15 expressed to us is if, in fact, there is a 16 failure, if there's a failure there then it 17 becomes a failure for all as opposed to an 18 individual failure. 19 So it is certainly something 20 that we would -- we continue to have a 21 dialogue about as well. 22 THE CHAIRMAN: Well, okay. I 23 don't -- I'm not sure I totally buy the 24 failure for one versus failure for all if the 25 things are built properly, but I'm sure that,</p> | <p style="text-align: right;">Page 73</p> <p>1 not been in touch yet with my associate in 2 the field to see how things have been going. 3 I had not lost the balloon up to that point, 4 but certainly we were not getting it to full 5 height. 6 It seems as though, by the 7 time we left, we were getting a better 8 representation of what height that would be 9 constructed at. And as we say, we'll have it 10 up at six o'clock this evening. 11 MR. MERCIER: Thank you. 12 THE CHAIRMAN: Okay. The 13 Council will recess until 7 p.m., at which 14 time we'll have the public comment session. 15 Thank you. 16 (Whereupon, the witnesses were 17 excused and the above proceedings were 18 concluded at 4:46 p.m.) 19 20 21 22 23 24 25</p> |

| Page 74 | | Page 76 | |
|---------|---|---------|--------------------------------------|
| 1 | CERTIFICATE | 1 | I N D E X (Cont'd.) |
| 2 | I hereby certify that the foregoing 73 | 2 | EXHIBIT DESCRIPTION PAGE |
| 3 | pages are a complete and accurate | 3 | b. New London Inland Wetland and 10 |
| 4 | computer-aided transcription of my original | 4 | Watercourse Regulations, |
| 5 | verbatim notes taken of the Council Meeting | 5 | January 23, 2012 |
| 6 | in Re: DOCKET NO. 439, APPLICATION FROM | 6 | |
| 7 | MESSAGE CENTER MANAGEMENT, INC., AND NEW | 7 | C. New London Plan of 10 |
| 8 | CINGULAR WIRELESS PCS, LLC, FOR A CERTIFICATE | 8 | Conservation and Development, |
| 9 | OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC | 9 | September 27, 2007 |
| 10 | NEED FOR THE CONSTRUCTION, MAINTENANCE, AND | 10 | |
| 11 | OPERATION OF A TELECOMMUNICATIONS FACILITY | 11 | d. New London Zoning Regulations, 10 |
| 12 | LOCATED AT BATES WOODS PARK, NEW LONDON, | 12 | dated December 21, 2012 |
| 13 | CONNECTICUT, which was held before ROBIN | 13 | |
| 14 | STEIN, Chairman, at the Jefferson High School | 14 | e. Technical Report 10 |
| 15 | Lecture Hall, 490 Jefferson Avenue, New | 15 | |
| 16 | London, Connecticut, on September 10, 2013. | 16 | 2 Lease Agreement, received 10 |
| 17 | | 17 | June 28, 2013 |
| 18 | | 18 | |
| 19 | | 19 | 3 Affidavit of Publication, 10 |
| 20 | | 20 | received June 28, 2013 |
| 21 | | 21 | |
| 22 | Robert G. Dixon, CVR-M 857 | 22 | 4 Responses to Council 10 |
| 23 | Notary Public | 23 | Interrogatories, dated |
| 24 | UNITED REPORTERS, INC. | 24 | September 5, 2013 |
| 25 | 90 Brainard Road, Suite 103 | 25 | |
| | Hartford, Connecticut 06114 | | |
| Page 75 | | Page 77 | |
| 1 | I N D E X | 1 | I N D E X (Cont'd.) |
| 2 | WITNESSES MICHAEL LAWTON | 2 | EXHIBIT DESCRIPTION PAGE |
| 3 | CHRISTOPHER GELINAS | 3 | 5 Pre-Filed Statement of Facts, 10 |
| 4 | MICHAEL LIBERTINE | 4 | dated September 5, 2013 |
| 5 | SCOTT M. CHASSE Page 7 | 5 | |
| 6 | EXAMINERS: | 6 | 6 affidavit of Sign Posting, 10 |
| 7 | Mr. Fisher Page 7 | 7 | received September 5, 2013 |
| 8 | Mr. Mercier Page 11, 72 | 8 | |
| 9 | | 9 | 7 Public Presentation, received 10 |
| 10 | APPLICANT EXHIBITS | 10 | September 5, 2013 |
| 11 | (In evidence.) | 11 | |
| 12 | EXHIBIT DESCRIPTION PAGE | 12 | 8 Resume of Michael Libertine 10 |
| 13 | 1 Application for a Certificate 10 | 13 | |
| 14 | of Environmental Compatibility | 14 | 9 Resume of Scott Chasse 10 |
| 15 | and Public Need filed by Message | 15 | |
| 16 | Center Management, Inc. and New | 16 | 10 Resume of Dean Gustafson 10 |
| 17 | Cingular Wireless PCS, LLC, | 17 | |
| 18 | received June 21, 2013, and | 18 | 11 Resume of Christopher Gelinias 10 |
| 19 | attachments and bulk file | 19 | |
| 20 | attachments including: | 20 | 12 Resume of Mike Lawton 10 |
| 21 | Bulk file exhibits: | 21 | |
| 22 | | 22 | |
| 23 | a Zoning District Map, City of 10 | 23 | |
| 24 | New London | 24 | |
| 25 | | 25 | |