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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 442

New Cingular Wireless PCS, LLC, Application
for a Certificate of Environmental
Compatibility and Public Need for the
Construction, Maintenance, and Operation of a
Telecommunications Facility Located at 284
New Canaan Avenue, Norwalk, Connecticut.

Continued Public Hearing held at the
Public Utilities Regulatory Authority, 10
Franklin Square, New Britain, Connecticut, on
April 15, 2014, beginning at 1:00 p.m.

H e l d B e f o r e:

ROBIN STEIN, Chairperson

1 A p p e a r a n c e s:

2 Siting Council Members:

3 JAMES J. MURPHY, JR.,

4 Vice Chairperson

5 ROBERT HANNON, DEEP Designee

6 SENATOR EILEEN DAILY

7 PHILIP T. ASHTON

8 DR. MICHAEL W. KLEMENS

9 DR. BARBARA C. BELL

10

11 Siting Council Staff Members:

12 MELANIE A. BACHMAN, ESQ.,

13 Acting Executive Director,

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15 ROBERT D. MERCIER,

16 Siting Analyst

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14 By: KENNETH C. BALDWIN, ESQ.

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1 THE CHAIRPERSON: Good
2 afternoon, ladies and gentlemen. We'll
3 continue discussion about the UConn
4 basketball teams after the meeting, please,
5 thank you.

6 We're here for Docket 442,
7 today, April 15, 2014, at approximately 1:05.
8 My name is Robin Stein. I'm chairman of the
9 Siting Council.

10 This hearing is a reopening of
11 the evidentiary record of Docket 442, is held
12 pursuant to the provisions of Title 16 of the
13 Connecticut General Statute and the Uniform
14 Administrative Procedure Act upon an
15 application from New Cingular Wireless PCS,
16 LLC for a Certificate of Environmental
17 Compatibility and Public Need for the
18 construction, maintenance, and operation of a
19 telecommunications facility located at 284
20 New Canaan Avenue, Norwalk, Connecticut.
21 This application was received by the council
22 on September 23, 2013.

23 A verbatim transcript will be
24 made of this hearing and deposited with the
25 town clerk's office in both Norwalk and New

1 Canaan for the convenience of the public.

2 We'll proceed with the
3 prepared agenda, copies of which are
4 available here.

5 We'll begin with appearance by
6 the applicant, Cingular Wireless PCS, LLC,
7 verify a new exhibit, which is marked as
8 Roman Numeral II, Item B, Exhibit 11 on the
9 hearing program.

10 And Attorney Fisher, would you
11 begin by identifying the new exhibit filed
12 and verifying the exhibit.

13 MR. FISHER: Yes. Good
14 afternoon, Chairman and members of the
15 council, Attorney Christopher Fisher on
16 behalf of the applicant.

17 And we have one new exhibit,
18 prefiled testimony by Mr. Libertine dated
19 April 8th.

20 Mr. Libertine, did you prepare
21 the prefiled testimony that's submitted to
22 the Council for identification purposes?

23 MR. LIBERTINE: Yes, I did.

24 MR. FISHER: And having
25 reviewed it, is it true and accurate to the

1 best of your belief?

2 MR. LIBERTINE: Yes.

3 MR. FISHER: And do you adopt
4 it as your testimony here today?

5 MR. LIBERTINE: I do.

6 MR. FISHER: Thank you.

7 Mr. Chairman, we would ask
8 Mr. Libertine's testimony be accepted by the
9 council at this time.

10 MR. STEIN: Is there any
11 objection?

12 (No response.)

13 THE CHAIRPERSON: Hearing and
14 seeing none, the exhibit is admitted.

15 (Applicant's Exhibit II-B-11:
16 Received in evidence - described in index.)

17 THE CHAIRPERSON: Okay. We'll
18 begin with cross-examination by staff,
19 Mr. Mercier.

20 MR. MERCIER: Thank you.

21 CROSS-EXAMINATION

22 MR. MERCIER: In reading
23 through the comments from the State Historic
24 Preservation Office, I understand they
25 limited the tower to a sleek design after you

1 came up with different alternatives for them.

2 Is it AT&T's interpretation
3 that only a sleek design tower could only
4 reach a height of 140 feet or you can go
5 higher than that?

6 MR. LIBERTINE: With respect
7 to the height and the style, it's my opinion
8 that it clears in the SHPO letter that both
9 the height and the style have been defined as
10 such, so 140 feet with the internal arrays
11 for two towers.

12 MR. MERCIER: Okay. Now, for
13 the two-tower design, is it the intent to
14 construct both towers with the same diameter,
15 whatever that may be?

16 MR. LIBERTINE: I think it's
17 likely. I would have to defer to the radio
18 frequency engineers for each of the carriers,
19 as there may be some minor differentiation in
20 the type of equipment they're using. So it's
21 conceivable they could be of two different
22 dimensions, but I think all along the idea
23 was to do two similarly-styled poles with the
24 same diameters.

25 MR. MERCIER: Thank you.

1 MR. LIBERTINE: But
2 technically, there may be a reason one could
3 go smaller than the other.

4 MR. WELLS: Given the rapid
5 change of technology, it's probably not
6 advisable to limit one versus the other,
7 because a carrier may provide an answer today
8 saying one thing and then the next generation
9 technology comes out or they have a vendor
10 change, and now you're going to be limited,
11 and that will be very hard to change out.

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

15 THE CHAIRPERSON: Thank you.

16 We'll now begin with --
17 continue with cross-examination by the
18 council.

19 Senator Murphy.

20 SENATOR MURPHY: I have no
21 questions of Mr. Libertine, Mr. Chairman.

22 THE CHAIRPERSON: Okay.

23 Mr. Ashton?

24 MR. ASHTON: No questions,
25 thank you.

1 THE CHAIRPERSON: Dr. Bell.

2 DR. BELL: Thank you,
3 Mr. Chairman.

4 Continuing on with the
5 questions about the girth of the tower, so
6 what tower -- sorry.

7 What diameter does AT&T need
8 for the tower at the level of the antennas?

9 MR. VIVIAN: Well, based on
10 the antennas that AT&T requires, it's likely
11 that it would be a minimum diameter of about
12 48 inches at the top.

13 DR. BELL: And is that
14 including TMAs and RRHs?

15 MR. VIVIAN: Yes, the third
16 bay would -- would house the TMAs. There
17 would be two stacked, so six antennas, taking
18 the top two slots, and then the third bay
19 would house the TMAs.

20 DR. BELL: So the 48 inches is
21 just needed for antennas, and the TMAs and
22 RRHs are underneath?

23 MR. VIVIAN: Well, the RRHs
24 will be down in the shelter for this
25 configuration, but the TMAs would be up

1 the --

2 DR. BELL: Would be up with
3 the antennas, forty-eight inches.

4 MR. VIVIAN: -- in that third
5 bay on the tower. Yes.

6 DR. BELL: Okay. And are the
7 antennas multiband antennas?

8 MR. VIVIAN: Yes, they're --
9 so in this case then they're referred to in
10 this case, then, they're OctoPort antennas.

11 DR. BELL: Say again? They
12 are what antennas?

13 MR. VIVIAN: OctoPort
14 antennas.

15 DR. BELL: Okay.

16 My question is, there are
17 instances that we have our approvals of
18 exempt modifications where multiband antennas
19 without TMAs and, more important, RRHs at the
20 same level, can be accommodated within a
21 flagpole type tower that's 36 inches wide.

22 Can you explain or somebody
23 explain why that might be?

24 MR. VIVIAN: Well --

25 DR. BELL: We've got a 48 plan

1 here. We have another situation with an
2 anterior mounting at 36. I'm just asking why
3 that might be.

4 MR. VIVIAN: It likely was --
5 was -- at say the 36-inch was dated, say,
6 six, eight 20 -- a year ago. The antenna
7 vendors changed, and the functionality of the
8 antennas has required larger antennas with
9 wider antennas.

10 DR. BELL: According to your
11 coverage map for this application, the
12 facility has RF design standards that are
13 what I'm calling the old ones, that is, minus
14 74 dBm and minus 82 dBm.

15 Can you upgrade these design
16 standards to your new ones, which are minus
17 83 dBm and minus 93 dBm -- that's what we're
18 looking at in Docket 444 -- with a software
19 fix once the system is up or do you simply
20 live with this old standard?

21 MR. WELLS: So the -- I'm
22 struggling a little bit.

23 I don't know if I would call
24 it an old and new standard, because if we
25 refer to it as the old standard, that is

1 still in play, because those technologies
2 still need to be supported. The new standard
3 is for LTE, so when implemented, it would be
4 compatible with LTE.

5 And in RF terms, the path loss
6 is about the same. It's just how you
7 describe those thresholds that changes a
8 little bit.

9 So fundamentally, the maps
10 represent even for LTE approximately what the
11 coverage gaps and filled holes would be.

12 DR. BELL: Thank you.

13 My last question is, would you
14 be willing to design the poles as brick
15 chimneys, brick chimneys, so they would look
16 like a chimney, but they would be brick, in
17 keeping with other Norwalk buildings not in
18 the immediate vicinity but in the same
19 general area, there are buildings that do
20 have brick chimneys.?

21 MR. FISHER: Yeah, let me
22 speak very quick.

23 MR. LIBERTINE: Yes, it is.
24 I'm not sure -- I don't think AT&T is
25 unwilling to consider painting it a full

1 brick so that you'd have that effect.

2 I think I'm struggling a
3 little bit with what we have in place now
4 with the SHPO, who has been very clear. So
5 we'd require another consultation with SHPO
6 to make sure they were comfortable with it.
7 And I don't want to speak for them. I don't
8 think that would be a major concern for them,
9 but I guess I want to hold back from -- I'm
10 not sure -- anytime I go to them, I'm not
11 sure what I'm going to get, so I just -- I'd
12 have to hold that in abeyance, but that I
13 would see right now as our biggest stumbling
14 block because we have an approval at a
15 federal level with NEPA that speaks to
16 specifically a brown painting, so we would
17 have to go back and at least raise that as a
18 consideration with them.

19 DR. BELL: Doesn't it say
20 painting in synch or matching the area?

21 SENATOR MURPHY: To match.

22 MR. LIBERTINE: As to
23 minimize -- right. There is specific
24 language that is in there. It's basically
25 design painted to match adjacent materials

1 and installed to be as non-visible as
2 possible. So certainly there is -- there is
3 potential latitude in there.

4 DR. BELL: Thank you. I
5 understand.

6 MR. FISHER: Go ahead, Robert.

7 MR. FOLEY: Robert Foley,
8 civil engineer.

9 One thing to keep in mind in
10 making some type of cell structure, in
11 particular a chimney at that 145 height, is
12 the base would be a fairly substantial
13 structure.

14 MR. VIVIAN: Painted brick, a
15 similar type of -- make it look like a
16 smokestack.

17 MR. FISHER: Yes, I think we
18 just talking to the witnesses, we want to be
19 clear that the question was painting the
20 proposed structure a brick-like structure
21 versus building a masonry structure.

22 DR. BELL: Yes. I certainly
23 was not -- sorry if -- I understand what
24 you're thinking. I certainly did not
25 mean that. I mean --

1 MR. FOLEY: Red brick paint as
2 opposed to the brown that's been discussed.

3 DR. BELL: Yes.

4 MR. FOLEY: Understood.

5 THE CHAIRPERSON: Mr. Hannon.

6 MR. HANNON: I do have one
7 question. I will admit, I didn't go back and
8 reread the application prior to this meeting,
9 but if my memory serves correctly, I thought
10 that AT&T was originally talking about
11 roughly 40, 42 inches in diameter, and the
12 larger unit would have been Verizon because
13 of their technology.

14 Now you're saying 48 inches,
15 so I'm a little confused in terms of what
16 we're actually looking at.

17 MR. VIVIAN: Well, the antenna
18 vendor and the antenna functionality actually
19 has changed from the time that the
20 application was filed, and, in fact, even
21 through testimony. So the OctoPort antennas,
22 they -- they accommodate more of the future
23 use that AT&T anticipates that the original
24 antennas do not accommodate.

25 MR. HANNON: Then in tying

1 that in with the SHPO decision, were they
2 presented with the 48-inch outer diameter and
3 that's okay or are we still going back to the
4 40-, 42-inch diameter that we originally
5 talked about?

6 MR. LIBERTINE: Right. No,
7 we had a discussion and they recognized that
8 the changing technologies, that there is some
9 flux, and so we talked about the four-foot
10 diameter.

11 There's also a site in Reading
12 on town property where we went through a
13 similar -- not exercise but had a similar
14 scenario where the original application, I
15 believe, was probably in the 40-inch range,
16 maybe 42-inch, and that went to 48 for the
17 exact same reasons that we have here.

18 So to answer your initial
19 question about SHPO, yes, the discussion we
20 had was that there would likely be a 48-inch
21 girth to the tower all the way up and held
22 constant.

23 So that was part of their last
24 understanding in terms of putting it into
25 writing for us.

1 MR. HANNON: Thank you. I
2 have no further questions. Thank you.

3 THE CHAIRPERSON: Mr. Lynch.

4 MR. LYNCH: Just following up
5 on Mr. Hannon's question, Mr. Libertine, you
6 said that the -- when you talked to SHPO, the
7 style and design is going to be -- internal
8 design style, and that's what's been
9 proposed.

10 But either for yourself or for
11 Mr. Wells, as new technology comes along --
12 and as Mr. Vivian just said, we've gone from
13 36 to 48 inches just as this application came
14 up.

15 As new technology comes along
16 and all these older internal design antennas,
17 are they going to be able to accommodate new
18 technology?

19 Because I've noticed in
20 driving throughout New England that some of
21 these older internal design towers, when you
22 add new antennas, they're added to the
23 outside. They're not added to the inside.
24 And so, if any of the three of you would like
25 to rather comment on it, I'd like to know

1 what the new technology is going to actually
2 do for these internal -- can they
3 accommodate? I guess that's my question.
4 Can the future antennas that are coming along
5 the line, whether it's LTE or who knows what
6 else, you know, can they be accommodated by
7 internal antennas or will the antennas go the
8 way of the buffalo?

9 MR. WELLS: It's hard to come
10 up with a definite answer on that, because it
11 really comes down to compromise. and as I've
12 said for years, even before LTE rolled out, I
13 think the Council have heard me, the same
14 refrain from me, is that every time we go
15 internal, I don't like it, you know, do I
16 have it to put up --

17 MR. LYNCH: I was refraining
18 from quoting you, Mr. Wells.

19 MR. WELLS: Well, I haven't
20 change my tune. I still don't like it and
21 it's a compromise.

22 Now, when you're talking
23 about -- you know, we recognize RF engineers
24 don't rule the world, and we have to make
25 some compromises, so that's what we're doing

1 here. how much you can compromise depends on
2 where the site is, what your coverage
3 objectives are and everything else. So
4 really, the answer is on a case-by-case
5 basis.

6 In some cases, yes, you will
7 be able to put them in there and accommodate
8 and sometimes squeak through. Other times
9 you'll be looking for a replacement tower.
10 Other times, as you said, we'll mount them on
11 the outside, and that will provide us enough
12 flexibility because ultimately you're limited
13 by some laws of physics, and that's where the
14 size really comes in. Because what an
15 antenna does is it stacks up RF signals, and
16 puts some delay in them and stacks them up.
17 That's a physical thing that needs to be
18 done. And you change can't that methodology,
19 because it's basic laws of physics.

20 I know that's somewhat of a
21 soft answer, but that's kind of where we are.
22 We try to do it and see what compromises we
23 can make and still not do too much damage to
24 the network and --

25 MR. LYNCH: That gives me some

1 insight as to what I might see in the future.

2 Thank you, Mr. Chairman,
3 that's all my questions.

4 MR. LIBERTINE: Just as a
5 follow-up to that, too, this site is a little
6 unique in the sense of compromise because
7 it's been over ten years that I've personally
8 been involved in it. I think Mr. Vivian has
9 been involved even longer trying to get some
10 type of a site down in that area.

11 So it's obviously a very
12 critical area, and I think you take what you
13 can get. And in this case we've had, you
14 know, some competing interests in terms of
15 the SHPO considerations, the carrier needs,
16 as well as trying to put together an
17 application we felt we could come to the
18 siting counsel with. I mean, it's clear that
19 AT&T only needs one tower, but in all our
20 discussions all along, it was very clear, and
21 we made it clear to the SHPO going back to
22 2009, that one facility probably was not
23 going to cut it. And it would be very
24 difficult for me to stand before you folks
25 and say, yeah, we're just going to take care

1 of AT&T, knowing full well there that there
2 are other carriers that have the same exact
3 needs out there.

4 So this site is a little
5 unique in that sense, and I think that's why
6 the compromise is probably easier for people
7 to kind of gulp, and say, Well, we're going
8 to take what we can get.

9 MR. LYNCH: Mr. Libertine,
10 seeing that you've dealt with SHPO, if it
11 gets to a point where -- in the future like
12 we were discussing where new antennas need to
13 be added and they go not internally but
14 externally, I can't ask you to speak for
15 SHPO, but do you think that would do away
16 with the compromise?

17 MR. LIBERTINE: I can speak
18 pretty confidently on this one that we'll see
19 pigs fly before you see external antennas on
20 those poles. Someone would have to go back
21 to SHPO to get that overruled, and it was
22 pretty clear when we sat with them last month
23 that in this particular site in this
24 particular case, two internal mounted poles,
25 that's what you're going to get at 140 feet.

1 Live with it.

2 So like I say, that's -- yes,
3 I agree. I see this a lot now, you're right,
4 there are a lot of modifications to former
5 what we'll call flag poles. You see some of
6 them that look like the --

7 MR. VIVIAN: The blisters.

8 MR. LIBERTINE: Yes, the
9 blisters at the top where they've kind of
10 bumped them out. That can't happen here just
11 because of the limitations with that, but it
12 is happening, there's no question. We're
13 seeing it.

14 MR. LYNCH: Thank you.

15 SENATOR MURPHY: Let him
16 finish first.

17 THE CHAIRPERSON: He's
18 finished.

19 SENATOR MURPHY: Okay, go
20 ahead. Senator Murphy. I had a -- just a
21 question out of curiosity, Mr. Libertine,
22 your feeling as to -- with SHPO and this
23 council, you've had discussions with them
24 about the girth of 48 inches in diameter.

25 MR. LIBERTINE: Correct.

1 SENATOR MURPHY: What would be
2 the situation if this council -- I'm not
3 saying it's going to happen -- decided that
4 for future advancements maybe we'll approve a
5 50-inch girth?

6 Do you have to go back to
7 them? Although this letter doesn't say
8 anything about girth.

9 MR. LIBERTINE: No. I feel
10 comfortable with a few inches one way or the
11 other. I think we have that leeway, similar
12 to Dr. Bell's question about kind of the
13 color of it. There is some leeway there.

14 SENATOR MURPHY: That was
15 going to be my second question.

16 MR. LIBERTINE: If, in fact,
17 the council said we want to go to -- I'll
18 pick a number -- 60 inches, I think I'd be a
19 little uncomfortable without a discussion to
20 at least acknowledge that to them. Their
21 reaction may be the same. They may say,
22 look, as long as we keep it internal, another
23 foot, we don't care. I don't know that for a
24 fact. I'm just kind of playing this out.

25 But I think there's a balance

1 point there where we say, yeah, you can kind
2 of -- you can play with that a little bit
3 because it's not specific.

4 What I don't want to see is
5 something a year and a half from now when
6 it's up and operating and I get a call
7 personally from someone at SHPO saying looks
8 nothing like what you told me it was going to
9 look like and my credibility is in the
10 toilet. So that's where, you know, I kind of
11 make that judgment, I get?

12 SENATOR MURPHY: Right. I can
13 appreciate -- I can appreciate that.

14 So again, not assuming we're
15 going to do it but if the council were to
16 approve something disguise or painting, like
17 a chimney, do you feel you have to go back to
18 them or if we felt that it matched adjacent
19 materials?

20 MR. LIBERTINE: Yes, I
21 think -- I've got to separate two things
22 here. I've got a federal compliance
23 program --

24 SENATOR MURPHY: I'm kind of
25 asking for a comfort level because --

1 MR. LIBERTINE: And I would be
2 comfortable with that.

3 SENATOR MURPHY: Your comfort
4 level and mine would be a lot different, you
5 see?

6 MR. LIBERTINE: But -- but as
7 a matter of just courtesy, I would reach out
8 and let them know that this was the decision,
9 I feel it's consistent, but I want to let you
10 know. Because they're not tracking these
11 dockets; and again, I just wouldn't want them
12 to be surprised.

13 Let's not forget, this is,
14 again, I hate to keep --

15 SENATOR MURPHY: Well, you've
16 got to deal with them all the time. I
17 understand.

18 MR. LIBERTINE: Yeah, and I
19 hate using word "unique," because this one
20 is. Unfortunately this has got just so many
21 layers of uniqueness to this particular
22 docket. But we also have the folks in SHPO
23 now, no one there has the institutional
24 experience and knowledge of this site going
25 back just a few years, because there's been

1 such a high turnover rate, so it's a whole
2 new cast of characters over there.

3 So they are looking at it kind
4 of after the fact, so I think they've
5 accepted the brown stick, for lack of a
6 better term. I'm not sure they would be that
7 opposed to another option that, as long as
8 you suggested, it's consistent with the
9 surrounding materials. And I think we have a
10 brick building out there. And as Dr. Bell
11 has suggested, we've got Norwalk and a long
12 history of mill buildings and those types of
13 things. So from my perspective, I think that
14 is consistent, and I would hope they would
15 see that, if that was the decision.

16 I don't think they can come
17 back and say no, we're going to change our
18 mind, because we would not be in a position
19 to have to -- I don't feel we have to reopen
20 that consultation process.

21 SENATOR MURPHY: Okay. Thank
22 you very much. Thank you, Mr. Chairman.

23 THE CHAIRPERSON: Sure.

24 Commissioner Caron.

25 COMM. CARON: Mr. Chairman,

1 all set here. No questions.

2 THE CHAIRPERSON: Senator
3 Daily.

4 SENATOR DAILY: I have no
5 questions, thank you.

6 THE CHAIRPERSON: Thank you.

7 MR. HANNON: Phil does.

8 MR. ASHTON: I've got a few.

9 THE CHAIRPERSON: Mr. Ashton.

10 MR. ASHTON: This docket is
11 one of the most troubling to me that I've
12 encountered in almost 14 years.

13 You met with SHPO. Did SHPO
14 give any rationale for saying two is better
15 than one? To me, that flies in the face of
16 reality.

17 MR. LIBERTINE: Let -- I'm
18 going to try to answer it to the best of my
19 abilities.

20 MR. ASHTON: This is hearsay
21 evidence, I understand that, but --

22 SENATOR MURPHY: It's somebody
23 else's opinion, too.

24 MR. LIBERTINE: Well, they --
25 I also put this in my prefiled testimony,

1 because it was very clear. Our
2 discussions -- they view the Merritt Parkway
3 as a linear resource.

4 MR. ASHTON: Okay.

5 MR. LIBERTINE: And from their
6 perspective, every site is going to be
7 different. They recognize that we're all
8 going to be faced with sites along the
9 Merritt Parkway within the viewshed as we
10 move forward. That's the reality.

11 MR. HANNON: They're there
12 already.

13 MR. LIBERTINE: In this case,
14 they felt as though the slim profile with the
15 setting that we have and the brief views that
16 are going to be achieved, that that would be
17 a better solution than a single mounted pole
18 with the wide arrays at the top.

19 That's not to say -- they made
20 this very clear -- that every site would they
21 propose that we do the same thing. There are
22 going to be some sites where they say, look,
23 maybe an 80-foot tower with full arrays is
24 going to be fine, you know, at a DOT facility
25 or something along the road.

1 So they're going to look at
2 each site individually. Is it somewhat
3 arbitrary? Yes, I think there's -- they have
4 an opinion on how they want to look at these
5 things. And in this case, they felt this was
6 the best solution. And in this case, yes,
7 two was better than one for --

8 MR. ASHTON: For what it's
9 worth, I have no problem with them looking at
10 this as a linear facility. It is.

11 Having said that, I don't know
12 how it relates to one versus two in Norwalk.
13 I've been by that site half a dozen times
14 since we had our original hearing with my
15 wife, and I've asked her open-ended
16 questions, and I got answers that are very
17 similar to mine. I've asked in my own heart,
18 is this thing visible? You know, I've blown
19 by the place, knowing full well where it is.
20 I had a lot of work experience in that area,
21 and it just amazed me that they want to put
22 up two bigger than one which does a better
23 job, and, by the way, in my opinion
24 professionally, is a much safer facility.

25 We don't think much about the

1 people that have to work on these damn
2 antenna arrays, and I've watched them and
3 I've talked to workers without them knowing
4 who I am, and they are clearly convinced the
5 platform is a far safer arrangement to work
6 in, and that would be my belief as a
7 professional in the field, too.

8 So I'm utterly baffled,
9 utterly baffled by the position of the SHPO,
10 and it significantly undermines their
11 credibility in my mind.

12 I -- to me, it's ridiculous.

13 THE CHAIRPERSON: Mr. Lynch,
14 did you have a comment, question.

15 MR. LYNCH: I wasn't going to
16 comment, but Mr. Ashton opened up the door
17 here.

18 I think myself and maybe
19 Mr. Baldwin sitting in the back here are the
20 only ones that remember the two tower wars
21 that existed back in the eighties, where one
22 carrier was going to have a tower right next
23 to the other carrier. Is SHPO setting a
24 precedent here where we're going back to
25 those days?

1 MR. LIBERTINE: I don't
2 believe so. I think they truly in their
3 minds and hearts believe -- and again,
4 they're looking at this I hate to say with
5 blinders on, but they're not taking into
6 account the very legitimate issues that
7 Mr. Ashton has raised here in terms of safety
8 and all these other technical considerations,
9 all these other things that do factor in to
10 our perspective. They're looking solely at
11 the historical significance of the Parkway
12 and the viewscape.

13 So -- but to answer your
14 question, no, I don't think they're making --
15 as a matter of fact, I think it's just the
16 opposite. I think what they're doing in
17 terms of a precedence is saying we are not
18 going to look this as a -- we're going to
19 look at it as a linear resource. We're not
20 going to look at each site as though they're
21 all the same. Every single one is going to
22 have their own characteristics in terms of if
23 we have a tower on that property, is there
24 going to be another tower around the corner.
25 Or are we going to have something in this

1 case that blends so that as you're going by
2 at 50 miles an hour, they're almost going to
3 look like the trees that are in the area.
4 That's their perspective.

5 So I don't believe they're
6 setting a precedent to go back to the twin
7 towers by any stretch of the imagination.
8 They made that very clear in our meeting,
9 that this was not going to be something they
10 were going to be approving or be requiring on
11 a regular basis.

12 MR. LYNCH: Another question I
13 have, Mr. Libertine, seeing that you're
14 dealing with them, is that: Well, you're
15 going down the Merritt, from the Sikorsky
16 Bridge to the New York line, there are --
17 granted they're not in the right-of-way, but
18 there are existing towers all along that
19 route.

20 MR. LIBERTINE: Agreed. And
21 some are full monopoles or full lattice
22 towers that are -- you know, they've got
23 eight different carriers and all sorts of
24 dishes on them. You're absolutely right. So
25 there is -- there is a major dilemma going on

1 in my mind in terms of how this kind of the
2 history has kind of unfolded. Some of those
3 predated siting counsel -- I'm sorry,
4 predated SHPO's involvement in these; some
5 didn't. So from my perspective, it is a
6 little bit willy-nilly, so it's --

7 MR. ASHTON: Mr. Libertine --
8 I'm sorry, maybe Mr. Vivian or Mr. Wells,
9 suppose this council in its infinite wisdom
10 in trying to split the baby into little
11 pieces decided that, okay, we think that the
12 two-tower solution is lousy. We'll go along
13 with a single brown stick with flush-mounted
14 antennas. No platform, just flush-mounted
15 antennas. I don't know if you can squeeze
16 two per sector up on that level or not.

17 What would that do to the
18 technical answer? Would that work at all?
19 Would it work some of the time but not all of
20 the time? What would it be?

21 MR. WELLS: You could --

22 MR. VIVIAN: Well, you're
23 talking about a flush-mounted antenna
24 configuration versus internal mounts?

25 MR. ASHTON: Yes.

1 MR. WELLS: He also mentioned
2 two antennas per sector.

3 MR. VIVIAN: Well, no. What
4 he's trying to do is he's trying to get us to
5 just utilize the top 20 feet.

6 The problem is, is that
7 particularly with the antennas that we have
8 now, it requires two TMA -- tower-mounted
9 amplifiers -- per antenna.

10 So for six antennas, you're
11 going to also need 12 TMAs.

12 MR. ASHTON: Well, it would
13 seem to me that you -- I'm going to ask a
14 question, but just let me preface it for a
15 second.

16 It would seem to me that with
17 one antenna, you'd get some measure of
18 capacity and coverage. It might fail at peak
19 times where the load picks up substantially
20 or it might not work as well as you'd like,
21 but does that give you part of the answer
22 that you're looking for here?

23 MR. WELLS: I might be
24 confused in the question.

25 I mean, you're proposing --

1 MR. ASHTON: It's a half
2 solution, Mr. Wells, rather than the full
3 solution, the full array that you'd like to
4 put there.

5 MR. WELLS: Right. But with
6 the flush-mount configuration, you would
7 still have only three antennas per level
8 Correct, because that's what you're? That's
9 what you're assuming?

10 MR. ASHTON: Uh-huh. Uh-huh.

11 MR. WELLS: So it is, in my
12 perspective, certainly better than -- than
13 the internal arrays, especially if there was
14 some flexibility to mechanically down-tilt
15 the antennas for two reasons: One, I just
16 mentioned the mechanical down-tilt of that,
17 and then probably I think that would be --
18 I'm not particularly mechanically inclined,
19 but I think that would be easier -- you would
20 have more flexibility for antenna
21 orientation, physical antenna orientation,
22 too.

23 You might be able to instead
24 of putting the antennas 120 degrees apart,
25 maybe you have two at 120 degrees apart and

1 maybe another 80 degrees off of that which
2 provides some flexibility for optimization.

3 So in levels of degree, that
4 would certainly be preferable to me.

5 Whether that meets with SHPO -- because now
6 you've put it on the outside and whether -- a
7 spec, Mr. Libertine --

8 MR. ASHTON: No. but it's no
9 platform, which is what I'm hearing is SHPO's
10 big problem.

11 MR. LIBERTINE: Well, in this
12 case, the discussion has been internal
13 arrays.

14 So let's say if the council
15 were to approve a single tower, which I
16 believe -- I can't speak for AT&T -- I
17 believe they can live with, I'm not sure
18 that -- obviously it doesn't work for
19 Verizon, so we have competing interests
20 there. But from the SHPO's perspective, they
21 expect internal arrays.

22 So if the decision was we're
23 going to allow, from the council's
24 perspective, external rays and that changes,
25 we have a whole other mechanism now. We're

1 going to have an adverse effect from SHPO,
2 and that means we'll have to petition the
3 FCC, which is laborious and expensive and
4 time-consuming.

5 It can be done. I can't tell
6 you whether or not they would overrule it or
7 not, but that puts us in a very awkward
8 position from that standpoint. It's been --
9 it's been clear in all our discussions it's
10 been internal arrays only, and that was the
11 decision that came from SHPO.

12 MR. ASHTON: I have to say,
13 I'm very disappointed SHPO would not
14 participate in the hearing, but they throw
15 these missiles over the wall and expect us to
16 swallow them hook, line and sinker, when I
17 think they're crazy.

18 I think it's an unsafe, ugly
19 arrangement they're proposing, and it's not
20 functional at all. Thank you.

21 THE CHAIRPERSON: Okay. I
22 think Mr. Mercier.

23 MR. MERCIER: Yes. Follow-up
24 earlier to a discussion you had earlier,
25 Mr. Libertine, about the dimensions of the

1 tower.

2 I believe you said up to 60
3 inches, you think SHPO will be okay with but
4 maybe beyond --

5 MR. LIBERTINE: No, let me --
6 no.

7 Well, there was a discussion
8 about if we approved another couple of
9 inches, 50 inches was used.

10 MR. MERCIER: Okay.

11 MR. LIBERTINE: And I said if
12 it was a couple of inches one way or the
13 other, I'd be very comfortable with that. I
14 used the example. But if we're talking
15 arbitrarily going up to 60, now that's
16 another foot. Then I think I would want to
17 have a discussion with SHPO upfront, whereas
18 if you folks approve 50, as a courtesy I
19 would let them know this is the final
20 decision, but I wouldn't feel as though that
21 was something that was going to change.

22 MR. MERCIER: What would your
23 thought be on the 56 inches? I believe
24 that's what Verizon indicated they would
25 like, according to their materials.

1 MR. LIBERTINE: Fifty-six
2 inches?

3 MR. MERCIER: That's correct.

4 MR. LIBERTINE: Yes, I don't
5 know -- the discussions we had at the time a
6 month ago we spoke about 48 and, you know, I
7 think it was language or at least some
8 discussion about, yeah, you know, that can go
9 a couple of inches one way or the other.

10 I don't think -- and again,
11 it's hard, because I don't want to speak for
12 SHPO. I don't think necessarily the width
13 was the big concern. It was the external
14 arrays and the -- what I'll call the
15 traditional industrial appearance of -- of a
16 steel monopole with the 12- to 14-foot-wide
17 antenna arrays.

18 So I do believe regardless,
19 whatever the decision is, as a courtesy, I
20 will write to SHPO and just let them know
21 that this was the final decision and this is
22 what will be done. And it is consistent with
23 the language in the letter, so even at 56
24 inches, it's starting -- yes, it's starting
25 to push a little bit more than maybe my

1 comfort zone is, but the fact is, it's still
2 consistent with what their conditions are,
3 which is design and painted to match adjacent
4 materials and installed to be as non-visible
5 as possible. As long as it meets the
6 carriers' needs, I think they're going to be
7 okay.

8 Again, if we started talking
9 about something that starts to approach a
10 silo, that would be a whole different
11 discussion here. But I think -- I think we
12 have some flexibility there. Where it begins
13 and ends and whether it's 56 inches, 54 or
14 60, I don't know what their comfort level is,
15 but I think that's certainly within the realm
16 of reason.

17 THE CHAIRPERSON: Attorney
18 Fisher.

19 MR. FISHER: Chairman, if I
20 could just have leeway to comment, because I
21 was with Mr. Libertine with respect to some
22 of these consultations back in '09 on some of
23 the site visits and some of the conversations
24 with SHPO, I think --

25 SENATOR MURPHY: Was it the

1 same people?

2 MR. FISHER: No, different --
3 different personnel.

4 I think that Mr. Ashton's
5 point for purposes of this docket, AT&T would
6 very much like to have the flexibility to
7 present to you these kinds of options. And
8 in my role as counsel, and I think
9 Mr. Libertine's role and even Mr. Vivian's
10 role, part of our objective from day one has
11 been to try to maintain as much operational
12 flexibility for our client on this project.

13 We are in a position as
14 applicants, and it this is why I had asked
15 for permission to give comment as counsel,
16 where essentially what Mr. Libertine is
17 saying is that we don't have legal
18 flexibility to give you some of those
19 options, and that's being imposed because of
20 the proximity of the Merritt Parkway and
21 SHPO's considerations.

22 And when the counsel reopened
23 procedurally we went back to SHPO
24 specifically to try at to try gain some
25 additional flexibility.

1 So I think Mr. Libertine --
2 I'll refer back to him at this point, but I
3 just wanted to give the council that
4 perspective.

5 Our entire objective has been
6 to try to obtain as much operational
7 flexibility. That has been taken away from
8 the legal effect of the SHPO determination.

9 THE CHAIRPERSON: Okay. thank
10 you, Mr. Lynch.

11 MR. LYNCH: One last question.
12 More of a hypothetical question.

13 Now that the Japanese own
14 Sprint, it's my understanding that they're
15 coming back with a vengeance, could we see
16 three towers in this location?

17 MR. WELLS: Hard to say, of
18 course, but my inclination is probably not.
19 But anytime you run these limitations as the
20 council has heard me say, again, it's a
21 compromise, right?

22 So you're giving up something
23 here, and you're not reducing -- the
24 robustness of where you place these towers
25 does two things. One, it may limit the

1 collocation, but it's unlikely that this --
2 to me, a more feasible scenario would be
3 Sprint would be pushed lower, they would go
4 on this, be pushed lower, not achieve their
5 objectives, but rather than go another pole,
6 they may put another site somewhere down the
7 road.

8 And that site may have been
9 needed somewhere in the future anyway, but
10 now you're hastening that future, as -- as
11 you do every time we make a compromise in our
12 network.

13 We try to -- try to place the
14 sites, again, wherever the RF guys want them,
15 but we don't get what we -- what we want, so
16 you have to make that compromise. And when
17 you make that compromise, something has to
18 give. That's what a compromise is, right?

19 So what gives? You either
20 say, all right, people are just going to drop
21 calls here and we're going to have subpar
22 service and not be able to provide 911 where
23 you want it, or, okay, now we need a fill-in
24 site because we didn't hit this objective.

25 And I know that's something

1 the council struggles with all the time.
2 It's east to say let's reduce this visibility
3 and that's all there is to it, mission
4 accomplished. But yes, okay, that did it for
5 there, but now look -- look what happens in
6 the future. Now you got to build something
7 else somewhere, hastening that process.

8 THE CHAIRPERSON: Thank you.
9 I'm now going to go -- Attorney Baldwin, do
10 you have any cross-exam?

11 MR. BALDWIN: No,
12 Mr. Chairman.

13 THE CHAIRPERSON: But now
14 we'll get -- have the appearance of the
15 intervenors. Do a brief switch.

16 I understand that the
17 witnesses have already been sworn in, so
18 we'll go right to cross-examination.

19 M A R K B R A U E R,
20 having been previously duly sworn, was
21 examined and testified further on his
22 oath as follows:

23 MR. BALDWIN: Mr. Chairman, we
24 have one additional exhibit that I think we
25 need to verify before proceeding --

1 MR. STEIN: Okay. I'm sorry.

2 MR. BALDWIN: After the close
3 of the prior hearing we submitted
4 interrogatory responses to the council,
5 Set 2, dated February 20, 2014, and we offer
6 them at this time for identification
7 purposes, subject to verification by
8 Mr. Brauer.

9 THE CHAIRPERSON: Okay. Is
10 there any objection to these being -- so you
11 want to go through the verification.

12 MR. BALDWIN: Sure, thank you.

13 Mr. Brauer, did you prepare or
14 assist in the preparation of the responses to
15 Interrogatory Set 2 dated February 20, 2014?

16 THE WITNESS (Brauer): Yes.

17 MR. BALDWIN: And do you have
18 any corrections modifications, additions or
19 deletions to offer at this time?

20 THE WITNESS (Brauer): I do
21 not.

22 MR. BALDWIN: Is the
23 information contained in the -- those
24 responses true and accurate to your
25 knowledge?

1 THE WITNESS (Brauer): Yes, it
2 is.

3 MR. BALDWIN: And do you adopt
4 those responses as your testimony today?

5 THE WITNESS (Brauer): I do.

6 MR. BALDWIN: Mr. Chairman, I
7 offer them as a full exhibit.

8 THE CHAIRPERSON: Any
9 objection?

10 (No response.)

11 THE CHAIRPERSON: Hearing and
12 seeing none, the exhibit is hereby admitted
13 as part of the record. k.

14 So I'll now go to
15 cross-examination, staff.

16 CROSS-EXAMINATION

17 MR. MERCIER: Thank you. I
18 did read through the -- the responses and
19 interrogatories, and I just have a couple of
20 questions on the remote radio heads.

21 Does it matter if they're
22 placed behind or below the antennas
23 performancewise of the site?

24 THE WITNESS (Bauer): Not
25 particularly. As long as they're not too far

1 away or -- whether they're behind or below,
2 there shouldn't be a difference.

3 MR. MERCIER: And just so I
4 understand, if the remote radio heads were
5 placed in a stacked arrangement according to
6 your diagram, there's that EDP box which now
7 extends below into the other antenna array
8 location.

9 Is that what this diagram
10 depicts?

11 THE WITNESS (Bauer): Yes,
12 the -- the drawing SK-1, Detail 2, with the
13 47-inch does show our site distribution box
14 below. We put together our dimensions and
15 tried to make them fit in those -- in the
16 stealth sections of the pole, in the internal
17 configuration, and it just -- it simply
18 wouldn't fit, so we had to move it down
19 slightly.

20 MR. MERCIER: So would each --
21 according to your equipment you're going to
22 place on that tower, you're going to need two
23 slots, two antenna locations, I think it's
24 117 and 107.

25 Now, would each of those

1 heights need the ED5, ED1, EDP box?

2 THE WITNESS (Bauer): Well,
3 what's happening is because of the two
4 sections for the antennas, we would need
5 the third section for the -- the OVP box.

6 MR. MERCIER: Okay. So it's
7 just one box for both sets of antennas?

8 THE WITNESS (Bauer): Yes,
9 that one box will service both sets of
10 antennas.

11 MR. MERCIER: Okay. That was
12 my question. Thank you.

13 Since the bottom antenna array
14 will be located at 107, and according to the
15 construction, I believe the construction
16 drawings, there's no other location below
17 that, would stacking the -- the remote radio
18 heads, would that force you to go to 127?

19 Do you understand my question?
20 Where if you need a third location for your
21 EDP box, where would it go?

22 THE WITNESS (Bauer): I
23 believe I do understand the question.

24 And the way it's set up now, I
25 believe it's -- it was a five-slot --

1 MR. MERCIER: Oh, it was
2 five-slot.

3 THE WITNESS (Bauer): -- bay.
4 And I think the one oh -- if I'm not
5 mistaken, the 107 was the lowest bay. From
6 an RF standpoint, the 107 and the 117 were
7 what Verizon needs for service in the area.
8 I'm not sure if the best way to proceed would
9 be to ask for the tower to be designed with
10 another slot lower or to do as you say, make
11 them push up one section.

12 MR. MERCIER: Okay. So the
13 bottom line is, you need three slots if they
14 were in a stacked arrangement to reduce the
15 diameter and how that would be arranged would
16 be a further determined?

17 THE WITNESS (Bauer): Correct.

18 MR. MERCIER: Thank you.

19 I have no further questions on
20 that.

21 THE CHAIRPERSON: Thank you.
22 Senator Murphy.

23 SENATOR MURPHY: I have no
24 questions, Mr. Chairman.

25 MR. STEIN: Mr. Ashton.

1 MR. BALDWIN: Mr. Brauer, if I
2 could pick on your technical smarts for a
3 second, for a pole about 130-foot high
4 without platforms, what would be the diameter
5 of the pole that you would be expected to be
6 working at, approximately, 18, 20, or
7 something like that?

8 THE WITNESS (Brauer): For
9 just the antennas to be --

10 MR. ASHTON: The level you're
11 looking at, what would be the diameter of
12 that pole?

13 THE WITNESS (Brauer): Well
14 our --

15 MR. ASHTON: Not the antennas,
16 just the pole.

17 THE WITNESS (Brauer): Oh,
18 that I am not sure of that at all. That --
19 that would be more of a structural --

20 MR. BALDWIN: Are we talking
21 in an internal configuration?

22 MR. ASHTON: No, external
23 diameter of the pole, a single monopole, what
24 would be the diameter of that pole at the
25 height you're looking at, approximately?

1 MR. BALDWIN: For a
2 traditional external mounted antenna?

3 MR. ASHTON: For whatever.
4 I'm just trying to get at the diameter of the
5 pole.

6 THE CHAIRPERSON: Well, if the
7 applicant doesn't have an answer --

8 MR. LIBERTINE: Well, I can
9 speak to normally we see standard poles
10 tapering anywhere from 32 to 36 inches when
11 you start approaching the top. I've seen
12 them go as low or as small as 28 inches. I
13 don't think --

14 MR. ASHTON: So you're talking
15 something in the range of three feet; is that
16 it?

17 MR. LIBERTINE: Yeah, maximum,
18 sure.

19 MR. ASHTON: Thirty inches to
20 three feet is a working area, a working --

21 MR. LIBERTINE: Yeah, I'd say
22 that's reasonable.

23 MR. ASHTON: Okay. If you
24 had -- and if you would then add antennas
25 mounted to the pole, how much additional

1 radius does that create?

2 MR. BRAUER: In a flush-mount
3 configuration?

4 MR. ASHTON: Yes.
5 Approximately.

6 THE WITNESS (Brauer): If I
7 could just do some quick math, please?

8 (Pause.)

9 THE WITNESS (Brauer): I would
10 expect that to be in the neighborhood of
11 about 86 inches total.

12 MR. ASHTON: Say again?

13 THE WITNESS (Brauer): I would
14 expect that to be in the neighborhood of
15 approximately 86 inches, in that -- in that
16 range.

17 MR. ASHTON: What is 86
18 inches? How are you measuring that?

19 THE WITNESS (Brauer): Well,
20 they -- they've given the --

21 MR. ASHTON: is that radially
22 from the center of the pole?

23 THE WITNESS (Brauer):
24 Diameter.

25 SENATOR MURPHY: Across,

1 right?

2 THE WITNESS (Brauer): all the
3 way across. So if you had the --

4 MR. ASHTON: Let me repeat,
5 then. Let me try to see if I've got it
6 straight.

7 You're going to have a
8 36-inch-diameter pole, and so you're going to
9 add 50 inches measured -- diameter to that,
10 is that right, to get your 86? That sounds
11 high to me for a flush-mounted antenna.

12 (Pause.)

13 THE WITNESS (Brauer): I would
14 like to do that math over.

15 (Pause.)

16 THE WITNESS (Brauer): So
17 given the diameter of the pole at six inches
18 plus an antenna, which stands off some of
19 the lower -- the lower frequency antennas are
20 approximately eight inches deep, plus
21 another, I believe, four inches for the
22 mounting hardware, that would put us at right
23 around 60 inches.

24 MR. ASHTON: Sixty.

25 THE WITNESS (Brauer): Six

1 zero.

2 MR. ASHTON: Everybody in the
3 group comfortable with that? Okay.

4 Now I got another question.
5 What was the diameter of the shroud that
6 was going to -- is going to surround the
7 antennas as proposed in the two-antenna
8 solution here, in the two-pole solution here?

9 THE WITNESS (Brauer): I
10 believe we had -- we had a few scenarios with
11 that. There was the -- the scenario we just
12 had our antennas inside, which -- which was
13 42 inches, and this was a -- putting the
14 remote radio heads underneath the antennas,
15 which brought that out to 47 inches. And
16 then if we were able to put our fiber
17 distribution box in, we had to move the
18 remote radio heads behind the antennas, which
19 drove it out to 56 inches.

20 MR. ASHTON: So you're telling
21 me that the diameter where it's encased in a
22 fiberglass shroud, if you will, is less, is
23 less than it would be would be if it was
24 freestanding with no shroud; is that right?

25 THE WITNESS (Brauer): Well,

1 it depends on which configuration we're
2 talking about, because I'm assuming that with
3 a six-inch monopole style diameter to start
4 with that we're putting the remote radio
5 heads underneath so we're not -- we're not
6 having to -- we're not having to bump the
7 antennas out all that far in order to fit
8 them.

9 MR. ASHTON: Boy, I'm totally
10 confused.

11 What you're saying to me, what
12 I'm hearing, is that if we want to skinny
13 down these facilities, we always, always
14 ought to put them in a shroud; is that right?

15 THE WITNESS (Brauer): I
16 personally would not say that. Either shroud
17 or if you want to skinny them down to some
18 sort of a flush-mount configuration.

19 MR. LIBERTINE: There are
20 some cases where it may make sense to do
21 what's kind of a halfway point between what's
22 considered flush-mounting and traditional,
23 where you can kind of squeeze things down to
24 maybe we'll say a four-foot array as opposed
25 to an eight- or twelve-foot array?

1 So there are different
2 dimensional options. Again, it comes down to
3 site, the kind of the site specifics, and the
4 esthetics and all these different compromise.

5 MR. ASHTON: I don't see the
6 site specifics getting into this. This is
7 technical, not geographical, because you're
8 talking electronic equipment. You're not
9 doing anything to strengthen the foundation
10 or what have you, so I'm not sure I agree
11 with you on your premise.

12 MR. LIBERTINE: Well,
13 obviously, I'm going from a performance
14 standpoint, because obviously there's
15 still -- there's -- we're still -- you're
16 still compromising going with a flush-mount
17 as opposed to internal. We could probably
18 gain a little bit, from what I heard from
19 Mr. Wells, and I don't want to speak for
20 Mark, or Mr. Brauer, but I'm guessing there
21 were kind of incremental advantages to
22 starting to get that separation and multi
23 antennas. And so that's all I was speaking
24 to, that there are different -- different
25 sets of arrays that can be used for different

1 technical issues, which also help with
2 slimming things down.

3 MR. ASHTON: I'm going to pass
4 this. This is going in nowhere.

5 THE CHAIRPERSON: Okay.
6 Dr. Bell.

7 DR. BELL: Thank you,
8 Mr. Chair.

9 In the post-hearing brief that
10 you wrote us on January 21st, on page 3, you
11 accept the necessity of not installing RRHs
12 and TMAs, and so you accept a reduced
13 coverage footprint.

14 Then later you responded to
15 our questions on February 20th. And on
16 page 2 of that document, I'm paraphrasing a
17 little, you say that if RRHs can't be
18 installed, Verizon would have to accept
19 several wireless service compromises that are
20 unacceptable. So I can't quite understand
21 the apparent change from acceptance to
22 nonacceptance.

23 We were -- Mr. Welles, Wells
24 was talking earlier about how you first state
25 what you really want and then you sometimes

1 have to compromise.

2 This seems to be going in the
3 opposite direction, and perhaps I'm
4 misreading, but that's how I'm reading the
5 two documents.

6 MR. BALDWIN: I'm sorry,
7 Dr. Bell, can you give me the reference to
8 the post-hearing brief on page 3?

9 DR. BELL: That's on page 3.
10 You say in the first paragraph under the
11 heading "Unipole Tower Design," then it says,
12 "Cellco's antenna configuration, maybe in
13 reading that heading is where my
14 misreading from.

15 Anyway, you say -- you give a
16 certain configuration, and then you say this
17 configuration will impact Cellco's network
18 performance by reducing the coverage
19 footprint, and that seems to be an acceptance
20 of a reduced coverage footprint.

21 MR. BALDWIN: And I'm not sure
22 I -- I understand your second point,
23 Dr. Bell, regarding acceptance. It's -- it's
24 more of a factual statement that the
25 configuration as originally discussed would

1 result in a reduction in the coverage
2 footprint, hence, the compromise in the
3 network, but not necessarily a position one
4 way or the other of accepting that. It's
5 just the reality of this.

6 DR. BELL: Okay. I understand
7 that. That's -- that's what you say in
8 the -- in this post-hearing brief,
9 January 21st.

10 THE WITNESS (Brauer): Uh-huh.

11 DR. BELL: It's a factual
12 statement that you could -- you would operate
13 the tower with a reduced -- that your
14 equipment with a reduced coverage footprint,
15 yes? We can take out the word "acceptance,"
16 I agree.

17 MR. BALDWIN: Yeah, I think
18 that's correct, that that --

19 DR. BELL: You would be
20 planning to operate with a reduced coverage
21 footprint?

22 MR. BALDWIN: Right, based on
23 the configuration that is available to
24 Verizon Wireless, correct.

25 DR. BELL: Okay. Now, my

1 problem comes with the -- when we get to the
2 answers to our questions, which you gave us
3 on February 20th, you say -- you are arguing
4 here in the answer to Question Number 3 at
5 the bottom of page 2 that you don't want to
6 operate at a reduced coverage footprint, that
7 you must have the RRHs in order not to reduce
8 your coverage footprint.

9 THE WITNESS (Brauer): In --
10 whenever we design a site, we always want to
11 design it for -- as robust a system as we
12 can, to give us the greatest flexibility, the
13 greatest future expandability. In any
14 scenario that we begin to do those
15 compromises, it depends on what we're left
16 with at the end.

17 If we were dealing with only a
18 42-inch-diameter pole with just the antennas
19 and we had to eliminate our remote radio
20 heads from -- from the antenna paths, we
21 would -- if that was all that we could
22 operate with, it would be very similar to, as
23 Mr. Wells testified, that we would
24 compromise what we're trying to accomplish,
25 and it may give us -- it may facilitate the

1 need for another facility or some other
2 solution that is down the road, we may have
3 to bring in earlier than we'd like to.

4 DR. BELL: I -- I understand
5 why you don't want to accept the compromise
6 that you previous -- it seems to me that you
7 previously in the post-hearing brief were
8 accepting a limitation not be -- and I bring
9 back the word "accept." That was just my
10 word. It was -- you maybe didn't really
11 accept it, but you had to because there were
12 limitations, so you said that's the way we'll
13 operate it.

14 Now, in answers to the
15 question, you essentially are saying we
16 aren't going to operate it that way. We're
17 going to operate it more to our liking, which
18 is to include the RRHs and increase the
19 coverage footprint, that's the -- the
20 conflict I was seeing in this statement, and
21 I was just wondering about the explanation.

22 I guess from the answers that,
23 again, I probably am getting into something
24 similar to what Mr. Ashton was saying, that
25 we're somehow operating at cross-purposes and

1 I'm speaking at cross-purposes somehow. And
2 this is -- we're just going to get into a
3 talk about compromise, which I think we all
4 understand that compromises have to be made.

5 And so I think -- I guess I
6 just have to go with trying to understand
7 you -- your facility as proposed has RRHs in
8 order to maintain a certain coverage
9 footprint and that if -- and a certain -- and
10 your current design for the pole includes the
11 RRHs, and if you have no chance for whatever
12 reason to install the RRHs, that would not be
13 an acceptable design for this particular
14 location, and you would not be able to
15 operate under those -- under that limitation?

16 THE WITNESS (Brauer): You are
17 correct, in that we are proposing -- we would
18 like to use the remote radio heads. We would
19 not walk away from the site if it were
20 further compromised. However, we would have
21 to take a look at what we've lost by not
22 being able to -- not being able to push the
23 site as far as we could to get as much out of
24 it as we could, and it may dictate the need
25 for another facility in the future.

1 DR. BELL: Okay. Thank you.

2 Thank you, Mr. Chair.

3 THE CHAIRPERSON: Thank you.

4 Mr. Hannon.

5 MR. HANNON: I have one

6 question, and depending upon the answer,

7 there may be two.

8 What size outer diameter tower
9 are you looking for?

10 THE WITNESS (Brauer): The
11 ideal scenario is the 56-inch, which was part
12 of the interrogatories on February 20th.
13 That gives us the greatest flexibility in
14 terms of being able to change out antennas,
15 give us room for more radio heads and the OPV
16 box in -- without having to take up a third
17 section. That would be our ideal diameter.

18 MR. HANNON: And the next
19 down?

20 THE WITNESS (Brauer): The --
21 the 47-inch is our next preferred. We can
22 still get our remote radio heads up by the
23 antennas where we -- where we'd like them to
24 be, it would just -- because of the size of
25 the -- of the OVP box, we would have to take

1 another piece to be able to fit it in.

2 MR. HANNON: Okay. Then this
3 last question goes to Mr. Libertine.

4 You are saying 48 inches, 50
5 inches may not be an issue.

6 Fifty-six?

7 MR. LIBERTINE: Well, as I
8 said earlier when Mr. Mercier asked the
9 question, I think -- I think it still meets
10 the intent of the decision, the conditional
11 language. As I said earlier, just because of
12 my relationship with SHPO, I would feel
13 compelled to, at least as a courtesy, let
14 them know that that's the decision. I don't
15 anticipate that they would come back and
16 reverse their decision because of it.

17 MR. HANNON: I have no other
18 questions.

19 THE CHAIRPERSON: Okay.

20 Mr. Lynch.

21 MR. LYNCH: I don't have any
22 questions, but I would like to apologize to
23 Mr. Baldwin for referring to him with regards
24 to those thrilling days of yesteryear and
25 tower sitings. Please accept my apologies.

1 MR. BALDWIN: Not necessary.

2 I do remember those days, unfortunately.

3 THE CHAIRPERSON: Thank you.

4 Commissioner Caron?

5 COMM. CARON: No questions,

6 Mr. Chairman.

7 THE CHAIRPERSON: Senator

8 Daily?

9 SENATOR DAILY: No questions,

10 Mr. Chairman. Thank you.

11 THE CHAIRPERSON: Okay. Does
12 the applicant have any cross-examination?

13 MR. FISHER: We have redirect.
14 No questions for the intervenor Verizon,
15 though.

16 THE CHAIRPERSON: Okay.

17 Redirect, so I guess that
18 means we do another musical chair swap. I
19 assume this is going to be relatively
20 concise, this redirect?

21 MR. FISHER: Yes. Thank you,
22 Chairman.

23 I just had a few questions
24 relative -- for some of the witnesses for the
25 docket as a whole so that we could bring back

1 to the full proceeding.

2 Mr. Vivian, just in terms of
3 your search for sites in this particular area
4 of Norwalk and New Canaan, are you aware of
5 any alternative site that's practical or
6 feasible as to implement compared to this
7 proposal?

8 MR. VIVIAN: No, I am not.

9 MR. FISHER: And is it your
10 opinion that AT&T wouldn't have invested the
11 time and effort in this particular docket
12 with the state given the years and date if
13 there were such a site?

14 MR. VIVIAN: Oh, yes, if there
15 was a viable alternative, we would have moved
16 on them several years ago, probably.

17 MR. FISHER: And
18 Mr. Libertine, as far as the overall visual
19 effect of the proposed facility, do you
20 believe the facility as proposed would have
21 a -- an adverse effect on any particular
22 resource, whether it be a resident, a
23 neighborhood, other than the Parkway?

24 MR. LIBERTINE: I -- I do not.
25 I don't believe it's going to have an adverse

1 effect on the Parkway either, but no, we --
2 we are very well shielded from any
3 residential receptors. So I don't -- I don't
4 foresee there being a whole heck of a lot of
5 visibility associated with the facility or
6 both facilities, for that matter.

7 MR. FISHER: And
8 Mr. Gustafson, there was some testimony
9 previously about wetlands.

10 Is it your opinion that any of
11 the proposed disturbances around the tower
12 compound would be minor even under Norwalk's
13 wetland regulations?

14 THE WITNESS (Gustafson):
15 Yes, they would be. The Norwalk
16 inland/wetland agency, their regulations
17 regulate a 50-foot upper limit review area to
18 wetlands and the proposed facility is located
19 outside, although it's close to 50 feet, it's
20 located outside the 50-foot upper limit
21 review area, and their regulations stipulate
22 that minor regulated activity projects
23 include development that does not consist of
24 any fill within an upland review area, or
25 doesn't include any direct wetland impact or

1 septic system installation within upland
2 review areas.

3 So this -- this project in my
4 view would -- would satisfy those
5 requirements for a designation as a minor
6 regulated activity per the Norwalk Inland
7 Wetland agency regs.

8 MR. FISHER: Is it, therefore,
9 your opinion the project has no adverse
10 effect on wetlands?

11 MR. GUSTAFSON: Yes, it is.
12 There would be no likely adverse effect to
13 wetlands for the development of this proposed
14 facility?

15 MR. FISHER: Okay. And,
16 Mrs. Wells, finally, you seem to be the
17 individual on the panel who has had to make
18 the most compromises, but is it your opinion
19 that AT&T is willing to make those
20 compromises in order to provide service? And
21 could you just summarize the nature of that
22 service and what AT&T would be unable to
23 provide without this facility?

24 MR. WELLS: Yes. While we are
25 making compromise, the -- even in the

1 proposed SHPO configuration, the site still
2 provides significant coverage where we have
3 service deficiencies along the Merritt
4 Parkway and the surrounding area where
5 numerous people, businesses and residents
6 exist. So we do need this site to cover
7 those areas, and even with the compromise, it
8 still serves a very viable purpose, sir.

9 MR. FISHER: And then finally,
10 one last question for you, Mr. Vivian, and
11 then I'll go back to the Council.

12 In consultation with the City
13 of Norwalk and the Town of New Canaan, did
14 they express an opinion about this site,
15 whether it was preferred as far of the
16 location and siting of a facility?

17 MR. VIVIAN: Yes, actually,
18 both communities and public officials
19 directed the carriers to -- to this
20 particular site.

21 MR. FISHER: Thank you,
22 Chairman.

23 THE CHAIRPERSON: Thank you.

24 Before closing this hearing,
25 the Connecticut Siting Council announces that

1 briefs and proposed findings of fact may be
2 filed with the Council by any part party or
3 intervenor no later than May 15th of this
4 year. Submissions of briefs or proposed
5 findings of fact are not required by the
6 Council rather, we leave it to the choice of
7 the parties and intervenor. Anyone who has
8 not become a party or intervenor but who
9 desires to make his or her view known may
10 file written statements with the council
11 within 30 days of today's date. The council
12 will issue draft findings of fact and
13 thereafter parties, intervenors may identify
14 errors or inconsistencies between the
15 council's draft findings of fact in the
16 record, however no new information, no new
17 evidence, no argument, and no reply briefs
18 without our permission will be considered.

19 Copies of the transcript,
20 again, of this hearing will be filed with the
21 town clerk's office in Norwalk and New
22 Canaan, and I hereby declare this heard
23 adjourned.

24 Thank you all.

25 (Whereupon, the witnesses were

1 excused, and the above proceedings were
2 adjourned at 2:15 p.m.)

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1 CERTIFICATE

2 I hereby certify that the foregoing 70
3 pages are a complete and accurate
4 computer-aided transcription of my original
5 stenotype notes taken of the Continued Public
6 Hearing in Re; DOCKET NO. 442, NEW CINGULAR
7 WIRELESS PCS, LLC, APPLICATION FOR A
8 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
9 AND PUBLIC NEED FOR THE CONSTRUCTION,
10 MAINTENANCE, AND OPERATION OF A
11 TELECOMMUNICATIONS FACILITY LOCATED AT 284
12 NEW CANAAN AVENUE, NORWALK, CONNECTICUT,
13 which was held before ROBIN STEIN,
14 Chairperson, at the Connecticut Siting
15 Council, 10 Franklin Square, New Britain,
16 Connecticut, on April 15, 2014.

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19
20 -----
21 Jill K. Ruggieri, C.R.R.,
22 R.M.R., L.S.R. 506
23 Court Reporter
24
25

1 I N D E X

2 WITNESSES ANTHONY WELLS

3 DAVID VIVIAN

4 ROBERT J. FOLEY

5 MICHAEL LIBERTINE

6 DEAN GUSTAFSON

7 Cross-Examination

8 Mr. Mercier Page 147

9

10 WITNESS MARK BRAUER Page 185

11 Cross-Examination 197

12

13 APPLICANT'S EXHIBITS

14 (Received in evidence.)

15 EXHIBIT DESCRIPTION PAGE

16 II-B-11 Prefiled testimony of Michael 147

17 Libertine dated April 8, 2014

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