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Transcript of the Hearing of

Date: **December 19, 2013**

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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.

Council Meeting held at the Community
Room, Norwalk Town Hall, 125 East Avenue,
Norwalk, Connecticut, Thursday, December 19,
2013, beginning at 3 p.m.

H e l d B e f o r e :

ROBIN STEIN, Chairperson

<p style="text-align: right;">Page 2</p> <p>1 A p p e a r a n c e s:</p> <p>2 Council Members Present</p> <p>3 JAMES J. MURPHY, JR.,</p> <p>4 Vice Chairperson</p> <p>5 ROBERT HANNON, DEEP Designee</p> <p>6 SENATOR EILEEN DAILY</p> <p>7 PHILIP T. ASHTON</p> <p>8 DR. MICHAEL W. KLEMENS</p> <p>9 DR. BARBARA C. BELL</p> <p>10</p> <p>11 Siting Council Staff Members:</p> <p>12 MELANIE A. BACHMAN, ESQ.,</p> <p>13 Staff Attorney</p> <p>14</p> <p>15 ROBERT D. MERCIER,</p> <p>16 Siting Analyst</p> <p>17</p> <p>18 AARON DEMAREST,</p> <p>19 Audio Technician</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 THE CHAIRPERSON: Good</p> <p>2 afternoon, ladies and gentlemen. I'd to call</p> <p>3 to order the meeting of the Connecticut</p> <p>4 Siting Council. Today is Thursday</p> <p>5 December 19, 2013, at 3 p.m. My name Robin</p> <p>6 Stein. I'm Chairman of the Siting Council.</p> <p>7 We're here on Docket Number 442.</p> <p>8 Other members of the Council</p> <p>9 present are Senator Murphy, Vice Chairman;</p> <p>10 Mr. Hannon, designee from the Department of</p> <p>11 Energy and Environmental Protection;</p> <p>12 Commissioner Caron, designee from the Public</p> <p>13 Utilities Regulatory Authority; Mr. Ashton;</p> <p>14 Dr. Klemens; Dr. Bell; Senator Daily.</p> <p>15 Members of the staff who are</p> <p>16 present are Melanie Bachman who is acting</p> <p>17 Executive Director and Staff Attorney, and</p> <p>18 Robert Mercier, Siting Analyst, and</p> <p>19 Mr. DeMarest who is the sound expert.</p> <p>20 This hearing is held pursuant</p> <p>21 to the provisions of Title 16 in the</p> <p>22 Connecticut General Statutes of the Uniform</p> <p>23 Administrative Procedure Act, upon an</p> <p>24 Application for New Cingular Wireless PCS,</p> <p>25 LLC, for a Certificate of Environmental</p>
<p style="text-align: right;">Page 3</p> <p>1 A p p e a r a n c e s (Cont'd.):</p> <p>2 For the Applicant:</p> <p>3 CUDDY & FEDER, LLP</p> <p>4 733 Summer Street</p> <p>5 Stamford, Connecticut 06901</p> <p>6 (203) 969-9060</p> <p>7 By: CHRISTOPHER B. FISHER, ESQ.</p> <p>8</p> <p>9 For the Intervenor, Cellco Partnership</p> <p>10 d/b/a Verizon Wireless:</p> <p>11 ROBINSON & COLE, LLP</p> <p>12 280 Trumbull Street</p> <p>13 Hartford, Connecticut 06103</p> <p>14 By: KENNETH C. BALDWIN, ESQ.</p> <p>15</p> <p>16 Also Present:</p> <p>17 COMMISSIONER MICHAEL A. CARON,</p> <p>18 Public Utilities Regulatory</p> <p>19 Authority</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Compatibility and Public Need for the</p> <p>2 Construction, Maintenance and Operation of a</p> <p>3 Telecommunication Facility located at 284 New</p> <p>4 Canaan Avenue, in Norwalk, Connecticut. The</p> <p>5 application was received by the Council on</p> <p>6 September 23, 2013.</p> <p>7 As a reminder to all,</p> <p>8 off-the-record communication with a member of</p> <p>9 the Council or member of the Council's staff,</p> <p>10 upon the merits of this application is</p> <p>11 prohibited by law.</p> <p>12 The Applicant, as mentioned,</p> <p>13 New Cingular Wireless, is represented by</p> <p>14 Attorney Fisher. Intervenor is Cellco</p> <p>15 Partnership, Verizon Wireless, represented by</p> <p>16 Attorney Baldwin.</p> <p>17 We will proceed in accordance</p> <p>18 with the prepared agenda, copies of which are</p> <p>19 available. Also available on the table back</p> <p>20 there (indicating) are copies of the</p> <p>21 Council's Citizen Guide to Siting Council</p> <p>22 Procedures. At the end of this afternoon's</p> <p>23 session, we will recess and resume again at 7</p> <p>24 p.m. The 7 p.m. hearing will be reserved for</p> <p>25 the public to make brief oral statements into</p>

2 (Pages 2 to 5)

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1 the record. And I wish to note for parties
2 and intervenors, including their
3 representative witnesses that they are not
4 allowed to participate in the public comment
5 session.

6 I also wish to note for those
7 who are here and for the benefit of your
8 friends and neighbors who are unable to join
9 us, you or they may send written statements
10 to the Council within 30 days of the date,
11 hereon such written statements will be given
12 the same weight as if spoken at the hearing.

13 If necessary party/intervenor
14 presentations may continue after the public
15 comment session if time remains. A verbatim
16 transcript will be made of this hearing
17 deposited with the city clerk's office in
18 Norwalk and the town clerk's office in New
19 Canaan for the convenience of the public.

20 I wish to call your attention
21 to those items shown on the hearing program
22 marked Roman numeral I, the items 1 through
23 58, administrative notice. And Roman number
24 I-B, item one, state agency comments. Does
25 the Applicant or any party/intervenor have

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1 any objection to these items being
2 administratively noticed?

3 MR. FISHER: No, Chairman.

4 MR. BALDWIN: No objection.

5 THE CHAIRPERSON: Okay. Will
6 the Applicant present your witness panel for
7 the purposes of taking the oath?

8 Council staff attorney will
9 administer the oath.

10 MR. FISHER: Good afternoon,
11 Chairman and members of the Council. I'm
12 Attorney Chris Fisher. I'm here on behalf of
13 the Applicant, AT&T.

14 We have five witnesses here
15 this afternoon, Mr. Anthony Wells, Mr. David
16 Vivian, Mr. Robert Foley, Mr. Michael
17 Libertine and Mr. Dean Gustafson. They can
18 be sworn at this time.

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20
21
22
23
24
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1 ANTHONY WELLS,
2 DAVID VIVIAN,
3 ROBERT J. FOLEY,
4 MICHAEL LIBERTINE,
5 DEAN GUSTAFSON,
6 called as a witnesses, being first duly
7 sworn by Ms. Bachman, were examined and
8 testified on their oaths as follows:

9 MR. FISHER: Chairman, we have
10 one addition to our exhibits for
11 identification purposes. It should be
12 identified as Item B-10, under the hearing
13 program. It's a letter from DEEP to
14 Mr. Gustafson. It's dated November 16, 2013,
15 and I will provide Mr. Mercier with copies
16 for the Council.

17 I'd ask our witnesses, for
18 purposes of the hearing program, the items
19 identified B-1 through 10, did you prepare
20 and assist in the preparation of the
21 application and the interrogatories and the
22 other information here listed in the program?

23 THE WITNESS (Wells): Tony
24 Wells, yes.

25 THE WITNESS (Vivian): David

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1 Vivian, yes.

2 THE WITNESS (Foley): Yes.

3 THE WITNESS (Libertine): Mike
4 Libertine, yes.

5 THE WITNESS (Gustafson): Dean
6 Gustafson, yes.

7 MR. FISHER: And do you have
8 any corrections or modifications or additions
9 to the information that's included in those
10 documents at this time?

11 THE WITNESS (Wells): Tony
12 Wells. I have one clarification or
13 correction. The -- in Attachment 1 of the
14 application, which contains the RF report,
15 the -- under each symbol for the site there
16 is a height indication under there.

17 And for the proposed site the
18 height indicated is 137, which is -- is the
19 correct height for the top antenna, but just
20 for clarification the maps will run with that
21 site at the lowest height, which will be
22 117 feet.

23 THE WITNESS (Vivian): David
24 Vivian, no corrections.

25 THE WITNESS (Foley): Robert

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1 Foley, no corrections.
2 THE WITNESS (Libertine): Mike
3 Libertine, no corrections.
4 THE WITNESS (Gustafson): Dean
5 Gustafson, no corrections.
6 MR. FISHER: And with those
7 predications and additions, are the documents
8 true and accurate to the best of your belief?
9 THE WITNESS (Wells): Tony
10 Wells, yes.
11 THE WITNESS (Vivian): David
12 Vivian, yes.
13 THE WITNESS (Foley): Robert
14 Foley, yes.
15 THE WITNESS (Libertine): Mike
16 Libertine, yes.
17 THE WITNESS (Gustafson): Dean
18 Gustafson, yes.
19 MR. FISHER: And do you accept
20 them as your testimony here today?
21 THE WITNESS (Wells): Tony
22 Wells, yes.
23 THE WITNESS (Vivian): David
24 Vivian, yes.
25 THE WITNESS (Foley): Robert

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1 Foley, yes.
2 THE WITNESS (Libertine): Mike
3 Libertine, yes.
4 THE WITNESS (Gustafson): Dean
5 Gustafson, yes.
6 MR. FISHER: Chairman, I ask
7 that you accept the documents into evidence,
8 and we're prepared for cross-examination.
9 THE CHAIRPERSON: Does the
10 Intervenor have any objection to the
11 admission of these exhibits?
12 MR. BALDWIN: No objection.
13 THE CHAIRPERSON: The exhibits
14 are hereby admitted.
15 (Exhibits II-B-1, II-B-1(a)
16 through II-B-1(e), II-B-2 through II-B-8,
17 II-B-8(a) through II-B-8(e), II-B-9 and
18 II-B-10: Admitted in evidence - described in
19 index.)
20 THE CHAIRPERSON: We will now
21 begin with cross-examination of the
22 Applicant.
23 Mr. Mercier.
24 CROSS-EXAMINATION
25 MR. MERCIER: Thank you.

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1 I'd like to just begin with
2 the field review and some of the observations
3 today. If someone could please just describe
4 the balloon fly, the colors and heights and
5 the weather conditions, please.
6 THE WITNESS (Libertine):
7 Certainly. Mike Libertine.
8 The two unipoles that are being proposed were
9 represented today tendered at 140 feet, each
10 with the AT&T proposed location represented
11 by a 4 and a half foot diameter red balloon
12 and the Verizon location demarcated with a
13 black balloon of similar volume.
14 The balloons were up at
15 approximately 10 minutes to 12. They'll stay
16 up until 4:30 this afternoon. Weather
17 conditions were not prime today. We did have
18 some periods of calmness, particularly when
19 the Council showed up to the site visit for a
20 few minutes, but for the most part we've had
21 winds approaching double digits in wind
22 speeds. Then the balloons were -- listed
23 quite a bit.
24 I would say about 70 feet of
25 the string was at more or less a straight

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1 line, but then it intercepted the tree
2 branches. Those trees are anywhere from 60
3 to 80 feet tall on the site. And at that
4 time, above the tree canopy itself, the
5 balloons were pushed over probably anywhere
6 from 30 to 45 degrees at any given time.
7 MR. MERCIER: Thank you.
8 Was the black balloon at
9 140 feet?
10 THE WITNESS (Libertine): Yes,
11 it was.
12 MR. MERCIER: Okay. And the
13 red balloon, does that represent AT&T's
14 location?
15 THE WITNESS (Libertine): It
16 does.
17 MR. MERCIER: And black was
18 Verizon's?
19 THE WITNESS (Libertine): And
20 black was Verizon's today, yes.
21 MR. MERCIER: And they're
22 referred to as the west tower and east tower.
23 Is that the geography there?
24 THE WITNESS (Libertine): The
25 orientation would be -- roughly, yes. Yeah.

1 MR. MERCIER: Thank you. At
2 the site there's a -- would any tree trimming
3 be required or any tree removal, for that
4 matter, be required to develop the site?
5 THE WITNESS (Foley): Yes.
6 This is Robert Foley. In all likelihood, to
7 facilitate the construction, there would need
8 to be some tree trimming, pruning, probably
9 up to about 20 feet high on the trees that
10 are adjacent to the wireless compound area.
11 MR. MERCIER: Okay. So no --
12 you don't plan on any actual trees, just some
13 branches and things of that nature?
14 THE WITNESS (Foley): Yeah.
15 There is no tree removal that is expected to
16 happen to affect the construction. We just
17 need some pruning basically parallel to the
18 proposed fence line.
19 MR. MERCIER: If you see a
20 sick or diseased tree while you're pruning
21 and developing, will you take that down?
22 THE WITNESS (Foley): Yes, in
23 that case, you know, for maintenance
24 purposes, that tree would be removed as part
25 of the construction.

1 MR. MERCIER: Pertaining to
2 the pole design, I understand the upper
3 portion of the tower, I believe, each tower
4 is 36 inches in diameter and --
5 THE WITNESS (Libertine): That
6 -- just for clarification, that we've -- this
7 proposal has been ongoing for quite a while,
8 and because of some of the technological
9 advances that occurred, the simulations were
10 done at 36 inches or are pushing 40 inches,
11 in that range. My understanding is that the
12 minimum width at the top requirement would be
13 a minimum of 40 inches at this time.
14 MR. MERCIER: Okay. Yeah, I
15 was just reading at Tab 3, that 36 looks 40.
16 And I understand that's to accommodate your
17 antenna array and some extra space for future
18 larger, possibly larger antenna set. Is that
19 correct?
20 THE WITNESS (Vivian): Yes,
21 that's correct. The 36 to 40 inches diameter
22 should accommodate our future load.
23 MR. MERCIER: How much space
24 is there now? Say your antennas stick out a
25 certain diameter, how much space is there

1 from the antenna to the proposed casing? Do
2 you know that information?
3 THE WITNESS (Vivian): I'd --
4 I'd have to look at the -- we haven't ordered
5 the tower design specifically, but as you
6 know, for flag poles we do, whatever, let's
7 say a hundred-foot pipe antennas, three --
8 three per sector. So it depends on what type
9 or size of antenna you're going to have, but
10 essentially the 36 to 40 inches will
11 accommodate that, the antennas that AT&T is
12 currently using.
13 MR. MERCIER: Okay. What
14 would the base diameter of this tower be? In
15 the application it states 52 at the bottom.
16 Has that been revised also?
17 THE WITNESS (Vivian): That's
18 -- that's an approximation. And you know,
19 that wouldn't be revised. We -- we'd know
20 the specific, and we would present that
21 structural at the D and M phase after we do a
22 geo -- geotechnical and then to do the
23 loading for the northern tower afterwards.
24 MR. MERCIER: In developing
25 the proposal, I understand you came up with

1 the interior flush mounts. Was the exterior
2 flush mount presented to the State Historical
3 Preservation Office, and what was their
4 feedback on that particular arrangement?
5 THE WITNESS (Libertine): To
6 answer your question, it was. There were
7 several iterations we went through. As I
8 indicated earlier, this -- this particular
9 proposal has gone through several
10 manifestations primarily as a result of our
11 consultations with the State Historical
12 Preservation Office, which goes back several
13 years.
14 Originally, the height,
15 minimum height requirement for AT&T here was
16 150 feet with a full array. That was not
17 going to work from the State Historic
18 Preservation Office's position. So there
19 were several compromises made. We went with
20 some other styles. We did try a flush
21 mounting, though that was not something that
22 was suitable at the time for SHPO.
23 And then we reduced height to
24 140 and using multiple areas within this
25 particular enclosed pole painted brown seemed

1 to do the trick. That also took several
2 field visits, balloon floats and other
3 activities to get to that point. We -- or I,
4 personally, in meeting with the SHPO had some
5 concerns knowing that this was an area for
6 the past 10 or 15 years that all the carriers
7 have looked at, knowing there was a need, and
8 that likely if this site ever moved forward
9 there would be other interests.

10 We discussed the fact that
11 we'd have to make accommodations for others
12 ultimately, and that would be a balancing act
13 with the Siting Council. And so, a long
14 story short, there were some other sites that
15 had been done similarly with twin poles that
16 we pointed to, and that seemed to be
17 reasonable compromise that everybody could
18 live with. And we more or less ended up with
19 a twin 140-foot brown sticks with the
20 internal mounts as the compromise solution.
21 It's not ideal, but it's what -- what we're
22 left with.

23 MR. MERCIER: Were they only
24 concerned with year-round visibility?

25 THE WITNESS (Libertine): No.

1 It's for 130 feet in that particular
2 location. It's not visible at 140 feet, or
3 130-foot monopole, or a traditional platform
4 most likely -- would not be visible. Do you
5 agree?

6 THE WITNESS (Libertine):
7 That? I think I -- I do agree with you in
8 concept. We went around so many different
9 times with so many different proposals that,
10 at this point, we kind of said we're going to
11 live with this because we were able to make
12 it work. I don't disagree. I think there
13 may be some other angles that, if that tower
14 was a full platform, that it might be
15 visible, you know, from portions, certainly
16 seasonally from the parkway.

17 So -- but to answer your
18 question, no, that -- that specific option as
19 a single pole in a different location or in
20 that Verizon location, I don't believe was --
21 was fully explored. I don't think we got
22 that far, quite honestly.

23 MR. MERCIER: Now, for the
24 two-tower configuration there, is AT&T or
25 Verizon responsible for building the, I'll

1 The primary visibility issue, obviously, was
2 the Merritt Parkway. It's a scenic byway.
3 If you came down from the north and were
4 southbound you, probably noticed that, until
5 you were right on top of the site, you really
6 don't see the balloons even this time of
7 year. It's primarily a northbound view line
8 at essentially a few hundred feet as you're
9 approaching that particular exit off of the
10 Merritt that was the concern.

11 There was not a real
12 distinction made between year-round or
13 seasonal and primarily because it's open
14 right there because of the underlying
15 Route 123, so anytime of year, year-round you
16 have the opportunity to see at least one of
17 those poles from that location. So that --
18 that was the -- really the significant view
19 issue that was raised.

20 MR. MERCIER: You know, I was
21 looking at one of your photo, U1, really,
22 where you really can't see the Verizon tower.

23 THE WITNESS (Libertine):
24 That's correct.

25 MR. MERCIER: It's a monopole.

1 call it the municipal, the Verizon tower?

2 THE WITNESS (Vivian): I think
3 what will happen is AT&T will build it on
4 Verizon's behalf with a capital contribution.

5 MR. MERCIER: For site
6 utilities, is it overhead or underground from
7 the street? I saw two different ways in the
8 application.

9 THE WITNESS (Foley): This is
10 Robert Foley. Robert Foley.

11 It is overhead on a new pole
12 line coming in from the street to
13 approximately 100 feet or so away from the --
14 the compound, at which point power and
15 communications will come down a riser and go
16 underground into their respective carriers'
17 facilities.

18 MR. MERCIER: How many -- what
19 poles do you need? One or two or three?

20 THE WITNESS (Foley):
21 Typically, overhead poles, it would be
22 similar in character to what you'd find on --
23 on roadside utilities, how their requirements
24 generally figure every, say, 200 feet or so,
25 approximately.

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1 The -- the facility is roughly
2 825 feet from Route 123. So, you know,
3 certainly, let's say, four poles, perhaps
4 five at a maximum.
5 MR. MERCIER: Thank you. Now
6 were there any state or local entities
7 interested in locating at this facility?
8 Does anybody know?
9 THE WITNESS (Vivian): I'm not
10 aware of any.
11 MR. MERCIER: Could this site
12 accommodate whip antennas in some fashion?
13 THE WITNESS (Vivian):
14 Probably engineer, say, a whip antenna above
15 the top. Given the height and the antennas
16 along with the future communication bays down
17 below, it's not likely to be utilized. So it
18 would simply be a group on top.
19 MR. MERCIER: And that would
20 have to go through another approval process
21 through the program, SHPO?
22 THE WITNESS (Vivian): I think
23 so, but I'll let Mike answer.
24 THE WITNESS (Libertine):
25 That's actually a very good question in this

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1 case. Normally, I would say no, but -- and
2 actually, depending on the size, if the
3 antenna was less than 20 percent of the
4 height of the tower, then it would not, but
5 if it -- and most likely that it would be
6 significantly below that number. Normally
7 those whips are anywhere from 8 to 10,
8 12 feet, so I don't believe it would require
9 that in this case. It's not a significant
10 increase.
11 MR. MERCIER: Is the
12 20 percent, is that something that would be
13 that way in the past, the 20 percent?
14 THE WITNESS (Libertine):
15 Twenty -- 20 percent is a requirement
16 underneath of that. If a modification of or
17 the style of the pole changes and it's
18 increased, there are -- there are several
19 triggers of what is a substantial increase in
20 the tower. That's one them, height.
21 You also, if you expand the
22 compound outside of the existing lease area,
23 that would be another tripper that would have
24 to go back to SHPO. But in this case I -- I
25 can't envision there being a whip that would

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1 require anyone having to go back in this
2 case.
3 MR. MERCIER: Thank you. I
4 have no further questions.
5 THE CHAIRPERSON: Thank you.
6 Senator Murphy.
7 SENATOR MURPHY: Thank you.
8 Thank you, Mr. Chairman.
9 I'm curious about the
10 20 percent you're talking about. Suppose you
11 wanted to raise the pole 10 feet, which is
12 less than 20 percent, do you have to go back
13 to them?
14 THE WITNESS (Libertine):
15 Provided you're not triggering any other of
16 the criteria under the 20 percent rule or the
17 substantial increase rule, no you will not.
18 SENATOR MURPHY: You will not?
19 THE WITNESS (Libertine):
20 Correct, not under NEPA, not under the -- not
21 under the NEPA regulations. I would imagine
22 an increase would have to come back to the
23 Council.
24 SENATOR MURPHY: That's what
25 I'm trying to get at. So, if you increase it

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1 without going back to SHPO, it was within
2 20 percent?
3 THE WITNESS (Libertine):
4 Correct. And again, it didn't -- did not
5 change substantially the style. So, in other
6 words, they could not put a wide array on the
7 outside, but certainly a whip would be in
8 keeping with the style, I'd say, that they
9 wished to --
10 SENATOR MURPHY: What about
11 just in case the pole is the same type of
12 pole --
13 THE WITNESS (Libertine): The
14 same. It would be as long as it stays below
15 that 20 percent rule, then there would not be
16 a requirement.
17 SENATOR MURPHY: Well, the
18 real question I have is that, when I was
19 reading this the other night and then driving
20 down and seeing the poles that are on the
21 Merritt Parkway and interpreting what the
22 Applicants went through to get the agreement
23 that we have before us, and I wanted to ask
24 Attorney Fisher, you know, on the so-called
25 "federal 10 percent rule" that we've been

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1 talking, unfortunately we've never had come
2 to pass, does that 10 percent apply to SHPO
3 as well?
4 MR. FISHER: What
5 Mr. Libertine is describing, there are two
6 separate bodies of the law. The answer is --
7 SENATOR MURPHY: I understand
8 that, but I didn't realize the 20 percent
9 when the question was raised in my mind, so
10 I'd like to satisfy that.
11 MR. FISHER: Sure. The answer
12 to your question is yes. There are two
13 separate bodies of law, though. So for
14 National Environmental Policy Act regulations
15 and what Mr. Libertine is describing on the
16 SHPO consultation --
17 SENATOR MURPHY: I realized
18 that, too, there.
19 MR. FISHER: There's a whole
20 programmatic agreement that deals with
21 extensions and exemption from further --
22 SENATOR MURPHY: I'm just
23 asking you what --
24 MR. FISHER: The other answer
25 is under Section 6409 of the Middle Class

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1 Relief Act --
2 SENATOR MURPHY: Obviously, I
3 have it on the record.
4 MR. FISHER: Yeah.
5 And that was adopted in 2012.
6 That's a whole separate body of law, and
7 that's intended to deal with a requirement to
8 allow infrastructure, like a tower like this
9 to be extended, and it has to be approved.
10 And what the FCC has said, and
11 there are some proceedings right now to
12 provide further guidance on this, but what
13 the FCC has said is that the NEPA rule that
14 Mr. Libertine described is essentially the
15 same rule for purposes of state and local
16 regulatory review in having to approve
17 extensions.
18 SENATOR MURPHY: And the other
19 question I wanted to ask -- is it
20 Mr. Wells -- you talk about the original
21 proposal is 150 feet. On the propagations
22 that I'm sure you've done the 150 feet, what
23 kind of difference does it make in your
24 coverage in comparison to what we had before
25 us at the proposal, essentially ten feet

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1 higher?
2 THE WITNESS (Wells): I don't
3 know. That -- that was a long time ago that
4 we were looking at 150 feet. I don't have
5 that data, that specific data. But we did
6 analyze that at multiple heights, and at
7 heights of above 137 is -- it's a -- it is a
8 diminishing return for us, especially when
9 you start to look at capacity and
10 interference constraints. And the topography
11 in the area is really not helping us a lot to
12 go beyond our currently proposed height.
13 SENATOR MURPHY: That being
14 the case, why was your original proposal for
15 150 feet?
16 THE WITNESS (Wells): It's --
17 as I mentioned, that was quite a long time
18 ago, and the network has changed considerably
19 and the demands on the network has changed
20 considerably, and one of the primary things
21 being the advent of data and changing and
22 implementing LTE technology, which is
23 different, and now here, especially in this
24 area, while there are certainly coverage
25 challenges, capacity has a lot to do with

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1 that. So you have to -- at this point we're
2 looking to the next steps to address capacity
3 just as -- 10 -- 10, 15 years ago you were
4 putting sites on this high-end, high --
5 SENATOR MURPHY: This helps
6 your capacity as well as your coverage?
7 THE WITNESS (Wells): Yes.
8 And again, that -- that's kind of what drives
9 that change is that different dynamic
10 that's -- that's changing over the years.
11 SENATOR MURPHY: So with
12 today's technology and contracts, whatever
13 you did in your first application, is --
14 you're satisfied with the proposed height as
15 it is before us?
16 THE WITNESS (Wells): Yes.
17 Again, because we have to look to those next
18 capacity steps, so if you go too high, you're
19 going to get too much interference. And,
20 actually, we have a higher density of sites
21 proposed than we did back then when we
22 proposed 150 feet.
23 SENATOR MURPHY: Thank you
24 very much.
25 That's all I have,

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1 Mr. Chairman.
2 THE CHAIRPERSON: Dr. Klemens.
3 DR. KLEMENS: Thank you,
4 Mr. Chairman. I just have a few questions.
5 You answered one at the end of
6 the brief submission: Why was it updated?
7 So thank you for providing that and not an
8 updated letter from the national database.
9 I do have a few questions on
10 page number 16, the introductory page. You
11 talk about the distance to the Wetland B
12 compound, more or less, 54 feet. On Tab 3
13 under the Newbury report, more or less 52
14 feet.
15 And going on page 21 of the
16 introductory document, I'm unclear. Is it
17 your position that coming before the Siting
18 Council obviates the need to seek a local
19 wetland approval? Or are you stating that
20 because you are, let's say for argument's
21 sake, 52 feet away from a wetland, you don't
22 require, you're exempt from going to the City
23 of Norwalk, IWA.
24 THE WITNESS (Gustafson): Just
25 for clarification for the wetland, distances

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1 from the proposed compound is 52 feet to the
2 west, 54 feet to the east and 167 feet to the
3 north. To the south is the paved parking
4 lot.
5 With respect to jurisdiction,
6 it's my understanding and -- and Attorney
7 Fisher can -- can weigh in as well, that the
8 Siting Council jurisdiction supersedes local
9 jurisdiction with respect to zoning and
10 wetland issues. They're certainly consulted
11 through the consultation process, but there
12 is not a requirement for securing a local
13 wetland permit.
14 MR. FISHER: And just to
15 supplement and add on to the analysis in the
16 application, one of the things that the
17 Council's guidelines requires is that we
18 provide, in bulk file, any of the local
19 wetlands regulations, and then also in the
20 narrative fashion the same way we do with
21 zoning, to the extent it's not applicable, we
22 still analyze it and provide that analysis to
23 the Council so that they have some
24 understanding of the Applicant's position on
25 what the local regulations would be and how

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1 they might regulate an activity that we're
2 undertaking.
3 DR. KLEMENS: Well, in
4 continuing that line of questioning, assuming
5 that there is prudence in the City of
6 Norwalk's 50-foot setback from a wetland, or
7 a hundred from a watercourse, you're going to
8 be developing up to 52 feet. And I guess
9 that's what I would call black tower, the
10 tower that black balloon is the closest.
11 Correct?
12 THE WITNESS (Gustafson):
13 That's correct.
14 DR. KLEMENS: And do you, in
15 your professional experience, find it really
16 possible to place a development 52 feet away
17 and not have some additional filling, grading
18 impacts that may actually move in closer to
19 that wetland at 52 feet?
20 THE WITNESS (Gustafson):
21 Yeah. The distance that we're providing us
22 from the edge of the fence compound, having
23 been involved in -- in several construction
24 monitoring projects for telecommunication
25 facilities, it would not surprise me if there

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1 is a -- an area within 10 feet of the
2 proposed fence edge that is kind of disturbed
3 and graded, and it's probably a zone where
4 the erosion/sedimentation controls will be
5 installed. So the actual disturbance during
6 construction would, in my opinion, be
7 slightly closer, maybe more on the range of
8 40, 45 feet to wetlands.
9 DR. KLEMENS: So, in fact,
10 that means that actually, contrary to what
11 you have in the document, is you're actually
12 -- you have a two-part statement. The first
13 part saying that you are 52 feet away. It
14 won't have impacts and not going to get a
15 permit from the City of Norwalk because of
16 that.
17 In fact, if you were a private
18 individual, not exempt as you claim you are,
19 or which you portray that you are from local
20 regulation, you, actually, would be getting a
21 wetland permit because actually your impacts
22 are extending well within the regulated area
23 of the City of Norwalk. Is that correct?
24 THE WITNESS (Gustafson): I
25 think that's fair to say in that there, there

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1 will be temporary disturbance during
2 construction that would be within the town --
3 or the City's upland review area.
4 DR. KLEMENS: But that could
5 be minimized, for example, one area by
6 eliminating what I call the black tower.
7 That seems to be -- that area seems to be the
8 most problematic where it's coming closest to
9 the wetlands or some reconfiguration.
10 I'm unclear, actually, whether
11 we have to -- and maybe this is for our
12 Council -- whether we have to approve both
13 towers or not, but certainly the tower with
14 the black balloon, certainly is the one that
15 is coming, what I consider, unacceptably
16 close to a regulated area.
17 THE WITNESS (Gustafson):
18 Yeah. As far as the compound is concerned,
19 its dimensions to support both facilities.
20 It's almost equidistant to both the east and
21 west, so the only way to create an
22 additional, let's say buffer, in quotations,
23 to the nearest wetland you would have to
24 reduce the size of the compound. And -- and
25 I don't think that would support the -- the

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1 proposal that's in front of the Council.
2 DR. KLEMENS: That is the
3 two-pole proposal?
4 THE WITNESS (Gustafson):
5 That's correct.
6 DR. KLEMENS: On page 18, you
7 have an exhaustive list of structures, a
8 proposed site that's not identified, as
9 wilderness area, at the bottom of page 18.
10 You talk about national parkway. Is there
11 any reason why the state parkway, which is --
12 everyone is so concerned about, is not in
13 that listing on that document? Seems an odd
14 omission from my perspective.
15 THE WITNESS (Libertine):
16 Those on page 18, my understanding is that
17 summary is the listing of resources that are
18 typically included within a NEPA, under the
19 National Environment Policy Act. The Merritt
20 Parkway is considered a national scenic
21 byway, so there may be some semantical
22 problems with that sentence. I'm not sure
23 it's called a national parkway, but it's
24 considered a national scenic byway, and that
25 may be one and the same, so that may just be

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1 an error.
2 MR. FISHER: Mike, if we could
3 just, just for purposes of the application
4 for clarification, on page 15 in the
5 application, we go through the historic
6 resource itself. And our office obviously
7 works with all of the consultants in terms of
8 putting the application together, so on page
9 15 that's where that resource is specifically
10 called out because it was, as a practical
11 matter, an issue in this particular
12 proceeding.
13 When you get to page 18 in the
14 application, one of the things we're
15 certainly simply trying to highlight for the
16 Council as a whole is that all of the other
17 NEPA requirements that Mr. Libertine and
18 wireless carriers have to go through, that
19 there are these other categories as well.
20 And, in this particular case, none of them
21 are indicated in this particular application.
22 So it wasn't excluded here purposely. It was
23 addressed earlier in the application.
24 And the only other thing I
25 wanted to just address on the wetlands

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1 reference, on page 21 of the application,
2 when we put an application together, as a
3 project team we certainly get all of the
4 factual data from someone like Mr. Gustafson
5 to put it together in analyzing the local
6 regulations.
7 So, for example, if I was
8 looking at this as a local application and
9 whether or not there would be a permit
10 necessary, in this particular instance, we
11 agreed with the analysis that took place that
12 at 52, 54 feet you're very close to the
13 regulated area and that -- we indicated in
14 the application, is that one of two things
15 would be regulated here locally.
16 Either it was not regulated
17 because we were outside of the 50-foot area,
18 but in all likelihood, because of grading, we
19 would be within an upland review area, and we
20 indicated in the application, on page 21,
21 that our belief would be the City would treat
22 this as a minor regulated activity in the
23 upland review area based on a review of their
24 particular wetlands regulations.
25 We didn't get any comments

1 from the City, so I have no way to say that
2 that is the City's actual position, but as
3 the Applicants, that's our position having
4 reviewed their regulations.

5 DR. KLEMENS: Thank you. Did
6 you tell the City that it was 54 feet away?
7 Did you show them the plans, or did you just
8 tell them that, in your analysis, that it
9 complied with the wetland regulations?

10 MR. FISHER: Typically, what
11 we'll do is we'll have a consultation with
12 the City. And in this particular case our
13 consultation with the City has been with Mike
14 Greene, their director of planning, and that
15 consultation, in this case, dates back
16 several years.

17 I'm not sure the extent to
18 which the City looked at that particular
19 issue, 52 or 54 feet, but this whole
20 application has been served on them, and if
21 they chose to comment they certainly could.

22 DR. KLEMENS: Thank you.
23 This -- would you describe
24 what this extension, the whip-like extension
25 would look like on top of the tower? Your

1 They're very narrow. They are
2 affixed typically to a structure with some
3 type of collar bracket and then just extend
4 above. And usually the reason that is, it's
5 not necessarily that they need that height,
6 but it's usually just so that it doesn't
7 interfere with the carriers and other folks
8 that are on the towers.

9 In this case, if it were to be
10 affixed to one or both of these towers, it's
11 my opinion that the -- the form of that is
12 such that, if you're standing on the
13 property, you'd clearly see it. As you move
14 away and get an eighth of a mile, quarter of
15 a mile away, these things do start to
16 disappear. That's not to say, you know,
17 somebody with good eyesight couldn't pick
18 them out from a quarter mile, but they --
19 it's not -- we're not talking about a 40-inch
20 diameter brown pole. We're talking about a
21 very small appendage to that sticking up
22 above it.

23 Getting back to whether or not
24 SHPO would have an issue with it, it's
25 whether we agree with it or we don't. There

1 position is it doesn't require going back to
2 SHPO, and yet SHPO rejected a 150-foot tower
3 as unacceptable.

4 With the 10-foot antenna
5 extension you're going to have a 150-foot
6 tower, so I don't quite understand --

7 THE WITNESS (Libertine): Let
8 me -- let me try to clarify.

9 DR. KLEMENS: Please. Please
10 do, Mr. Libertine.

11 THE WITNESS (Libertine):
12 Well, first off, there have been no requests
13 from emergency system operators, whether
14 municipal or state, that we're aware of that
15 have asked to use the tower. The question
16 came up as to whether or not there might be
17 interest.

18 If there was, our experience
19 has been that most of the service providers
20 are using whip antennas, and these are
21 typically 2-inch or so diameter dipole
22 antennas that extend -- I've seen them
23 as short as 2 or 3 feet. And, in some of the
24 older systems, I've seen them extend upwards
25 of 18 feet or so in height.

1 are -- there is a programmatic agreement in
2 place nationwide that allows for an extension
3 of a tower under certain conditions, which
4 this would fall under provided it's less than
5 a 20-percent increase.

6 And I'm -- I'm not certain
7 that the fixed antenna extending above it
8 would actually qualify as an extension of the
9 tower. That's something I'd have to look
10 into a little bit closer as -- as it is. So
11 it's -- I think we're talking right now in a
12 little bit of what-if scenarios, but I hope
13 that answers the question. I'm not sure.

14 DR. KLEMENS: You did. And so
15 visually it's a de minimis visual increase
16 because of its narrowness.

17 THE WITNESS (Libertine):
18 That -- that would be my opinion,
19 Dr. Klemens. And I can only say from at
20 least anecdotal data in dealing with SHPO in
21 the last 15 or 17 years, that that is
22 typically not their concerns, those type of
23 things. They recognize the need for those,
24 and they balance that.

25 If we were talking about

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1 extending the tower, that would be something
2 that, you know, under most -- most
3 circumstances they'd want at least, you know,
4 be aware of. But again, there's no
5 obligation under NEPA to do that if you stay
6 within that, that range.
7 DR. KLEMENS: Thank you.
8 The size of the shared
9 concrete pad is to accommodate two towers.
10 Would one way possibly reduce the size of
11 that pad, particularly the portion proximal
12 to the wetland, the 52? Would using a shared
13 generator for both towers reduce the actual
14 hard infrastructure and make a tighter pad?
15 THE WITNESS (Foley): The
16 compound, these are typically designed not as
17 a -- as an entire concrete pad, but there
18 would be individual foundations for the --
19 the structures with the utilities brought up
20 underneath the equipment shelters themselves.
21 Servicing as, a general rule, is you know, a
22 crushed stone that would allow the expansion
23 to occur as individual carriers and their
24 particular facilities are developed within
25 the -- the compound limits.

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1 You know, generator
2 installations would be similar, you know,
3 with -- with something appropriately sized
4 for each individual carriers' electrical
5 requirements in a -- in a backup emergency
6 capacity.
7 DR. KLEMENS: But you have a
8 certain amount of developed area there that's
9 going to be developed and disturbed and made
10 into a compound. Would you need less surface
11 area, whether it's paved, crushed stone or
12 not, to have a single shared generator which
13 would require a space?
14 THE WITNESS (Foley): I would
15 not. I would not necessarily say so because
16 a shared generator is obviously going to be a
17 larger size. The equipment itself is going
18 to have a larger footprint. The fuel storage
19 for that larger generator, you know, may not
20 -- a belly tanker arrangement underneath on
21 the generator on a skid may not be
22 appropriate for each individual carriers'
23 backup requirements. You know, there's a lot
24 of backup mechanical electrical engineering
25 that would need to go into that type of

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1 installation.
2 DR. KLEMENS: Well,
3 notwithstanding all of that, and
4 notwithstanding the fact that I recognize
5 that those wetlands on the site are somewhat
6 perturbed, have been disturbed, I would
7 love to see some way to get that one tower or
8 that area further away from the wetland. I
9 have only one additional question.
10 THE WITNESS (Wells): If I
11 might, Dr. Klemens, just to -- related to
12 that matter, another consideration in
13 designing that compound is a separation
14 between those two towers because the antennas
15 are at the same height here. So we, when
16 designing a compound there does need to be
17 some distance between those two towers.
18 DR. KLEMENS: Well, if you're
19 going to ask -- then I'll ask you my next.
20 You answered the next question. I'll ask a
21 question: Why can't the whole thing be
22 flipped 90 degrees and have it -- have the
23 towers instead of being east-west,
24 north-south?
25 THE WITNESS (Vivian): Yeah.

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1 So actually, if you take a look at, say,
2 sheet S4 in the plans, under Tab 3 in the
3 application, you see a dotted line that shows
4 the leased area, because we did anticipate
5 there might be, at the council level, some
6 requests there to shift the site one way or
7 another. So shifting the entire compound,
8 that really is, under the lease, I think it's
9 possible.
10 DR. KLEMENS: It is possible?
11 THE WITNESS (Vivian): Yes, we
12 would just -- obviously, the difference, we
13 would have to do some additional tree
14 clearing to the rear of the parking lot.
15 DR. KLEMENS: You can't flip
16 it -- I'm not saying flipping it into the
17 forest and wetlands and flipping it to where
18 all those dumpsters were sitting in the
19 armory. I'm not saying flipping it. I'm
20 saying flipping it into where the cars are
21 parked, not flipping it further into the
22 woodland.
23 THE WITNESS (Vivian): Well,
24 this is -- this is the area that has been
25 given to us under S4. You can see that line

1 there.
2 So you can shift it east. You
3 can shift to the west. You can shift and you
4 can put the entire thing oriented
5 north-south.

6 DR. KLEMENS: Only one
7 additional comment and I will pass on to
8 other people.

9 On your avian analysis, this
10 particular instance, actually, we would point
11 out that we're not doing any clearing, tree
12 clearing, unlike the two other dockets where
13 I have taken you to task on that. I actually
14 agree with your conclusions on Point 8, that
15 by not clearing you're not going to affect
16 any migratory birds. That's all, and I thank
17 you.

18 THE WITNESS (Libertine):
19 Dr. Klemens, can -- I think we need to make
20 one clarification. We just realized that the
21 dimensions we were discussing may be a little
22 bit different from what we had said. And I'm
23 going to let Rob speak. I don't want to
24 steal his thunder, but behind Tab 3, if
25 everyone goes to sheet S3 that might help

1 clarify this 52-foot offset.

2 MR. HANNON: Yes. On that
3 sheet S3, the 52 feet, that dimension is --
4 is actually given from what I -- what, you
5 know, it's really just the closest
6 disturbance to the wetlands which we
7 acknowledge, but in this case that
8 disturbance is to the electric panel cabinets
9 and communications cabinets that would be out
10 at the -- the limits of the compound
11 construction. That is not necessarily the --
12 the pole, nor any of the associated equipment
13 facilities within the 50-by-80 fenced area.

14 The -- the pole to the east
15 and the 54 feet, that is to actually -- that
16 54 feet is to the limit of, as we currently
17 have, the limit of disturbance design for the
18 site. There is, on sheet S4, a detailed site
19 plan of the compound as it's conceptually
20 laid out currently. And that 54-foot
21 plus-or-minus dimension, as shown on S3,
22 would be on that -- call it -- let me get my
23 bearings here -- on this, you know, that
24 northeast corner from what is the limit of
25 disturbance where we are showing, you know,

1 the extent of the improvements.

2 So, you know, there would be,
3 you know, as -- as acknowledge that there is
4 perhaps a likelihood of a few feet of
5 encroachment out beyond that, but I believe
6 these dimensions as shown, and they are
7 approximate, but they are reasonably accurate
8 to, you know, what we would actually be
9 touching, so to speak, in constructing the
10 facility.

11 DR. KLEMENS: Thank you. I
12 have no further questions.

13 THE CHAIRPERSON: Thank you.
14 Dr. Bell.

15 DR. BELL: Thank you,
16 Mr. Chair.

17 Mr. Wells, I wanted to ask you
18 a couple questions about your various
19 coverage maps. And I'm going to lead up to a
20 general question about the philosophy
21 statement that you make in Tab 1, page 2, but
22 first just a couple of detailed questions.

23 On the map that shows
24 distances to neighboring sites, you --
25 there's a search ring SR2841 that's -- and

1 then sort of the north-central portion of
2 that map. And it's colored blue, which --
3 and it's in the shape of a tower, but -- you
4 indicated the towers, but I'm a little
5 confused by that.

6 If it's actually a tower
7 installation, which it appears to be from
8 other places and not a search ring, then why
9 is it blue and not orange, which would be a
10 standard 850 coloring? Or is it really a
11 search ring and not a tower ring? You have
12 2841 listed in other places.

13 THE WITNESS (Wells): Yeah.
14 I'm -- I'm sorry. That is a mistake. That,
15 that should be a star, a blue star.

16 THE WITNESS (Vivian): Just
17 for edification, that 2841 is the Silver Hill
18 Hospital in New Canaan. It's not built yet.

19 DR. BELL: Oh, okay. All
20 right. And then in terms of you have on all
21 these maps, you have the orange color
22 indicating 850 megahertz existing sites, but
23 I'm a little confused by that. That doesn't
24 mean they only have 850. They probably have
25 a number of different frequencies that AT&T

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1 owns. Correct?
2 Why are you labeling them 850?
3 Or is that because you've done the
4 propagations at the 850 frequency?
5 THE WITNESS (Wells): That is
6 because we've done the eight -- the
7 propagation at 850.
8 DR. BELL: Okay.
9 THE WITNESS (Wells): So in
10 the future -- and we can think of a better
11 label. We can think of a better label
12 offhand for it, but I understand the
13 question. So --
14 DR. BELL: I understand. I
15 know it's a problem labeling these maps, so
16 I'm just trying to understand. But let me
17 now get to my question about the
18 philosophy -- is on page 2 behind Tab 1.
19 You have one, two, three, four
20 pages of philosophy -- four paragraphs of
21 philosophy, as I see it, and I'm trying to
22 arrive at a shorter and somewhat more
23 operational understanding of those
24 philosophies. So I came up with this
25 paraphrase which I am not -- understand this

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1 is just for understanding, not for judgment
2 one way or another.
3 I think what this, these four
4 paragraphs are saying that could be sort of
5 abbreviated by saying AT&T has to design for
6 shorter more numerous sites to better utilize
7 its frequencies because it has more 1900-2100
8 frequencies than the 850 to 700 frequencies.
9 While the opposite is true for Verizon, let's
10 say just for the sake of the argument. Would
11 a paraphrase like that be somewhat close to
12 your description of the design change that
13 AT&T is trying to make?
14 THE WITNESS (Wells): Yes,
15 that is somewhat close, which is why I'm not
16 an English major. You can tell from the
17 writing here. There so -- but with -- with
18 at least one cautionary -- actually there
19 were two points, but I forgot the first
20 already. Essentially that's correct.
21 Oh, yeah. The first -- the
22 first point is I would not always
23 characterize it as shorter. I would -- in
24 place of shorter, I might say more limited,
25 you know, smaller coverage areas, because

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1 depending on where you are, you may still end
2 up with a 150-foot site and it still may not
3 cover a lot because of where it is.
4 So technically, you know, say,
5 the philosophy is correct. I would just
6 engineeringwise rephrase it slightly there.
7 DR. BELL: Okay. I understand
8 that.
9 THE WITNESS (Wells): And the
10 other point would be, as far as the bandwidth
11 in each frequency, it's not necessarily --
12 let's see which -- generally I think that's
13 true, but it's more driven by what's
14 currently utilized in each bandwidth. I
15 think the AWS band might have about the same
16 total bandwidth as 850, but it is, to your
17 general point, a utilization of that total
18 bandwidth, I think is -- is a bit more
19 technically accurate piece of that.
20 And then the final -- yeah.
21 And as far as -- and the last comment is I'm
22 not sure about the Verizon, you know, with
23 their utilization and -- but Verizon is here,
24 so I'm sure you can ask them that question
25 afterward.

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1 DR. BELL: Fair enough. Okay.
2 Thank you for those corrections, and that
3 helps me understand.
4 I just have one other question
5 that follows up, or a couple of questions
6 that follow up about Mr. Mercier's questions
7 about the size of the towers.
8 You mentioned that 2841 is the
9 Silver Hill tower, and I did want to ask
10 about that. I'm trying to -- I can tell that
11 these two towers, which are being proposed
12 here are not quite the slim flagpoles that
13 you have at some other places. But what I'd
14 like to know is how they compare with the
15 size of the Silver Hill single tower, which
16 AT&T is on or has applied to be on, just to
17 give me a sense of comparison because that
18 structure is more like a chimney; in other
19 words, it's fatter, it's definitely fatter,
20 and it seems to me that maybe this tower is
21 being described as somewhere in between a
22 very slim flagpole, like the original ones,
23 and a chimney type. But I'm just trying to
24 get a little sense of context here. Could
25 you tell me, Mr. Vivian, what the dimensions

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1 are?
2 THE WITNESS (Vivian): Well,
3 I -- I looked at some schematics. The tower
4 itself has not been ordered, nor built yet,
5 but one that is now just on air, back on the
6 5th of December, is at 28 Great Oak Lane in
7 Redding, and that's a flag there. That was a
8 80-foot flagpole in Redding and that, that
9 would be similar in diameter at the top.
10 DR. BELL: To the one proposed
11 here?
12 THE WITNESS (Vivian): Yes.
13 DR. BELL: So we don't know
14 about the Silver Hill one.
15 THE WITNESS (Vivian): Right.
16 DR. BELL: Although we were
17 given testimony at the Silver Hill about what
18 it would be approximately, but -- and I guess
19 we can --
20 THE WITNESS (Vivian): I'd
21 have to go back, not having been involved in
22 the initial D and M with the tower structure
23 there. I know that we revised the D and M to
24 primarily just for the compound
25 configuration. So I'm not positive, and I

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1 prefer not to -- to say specifically.
2 MR. FISHER: Dr. Bell, we'd be
3 happy to, though, because if there's an
4 approved D and M for that Silver Hill
5 T-Mobile proposal, even though it's not
6 built, we can get a copy of that and be able
7 to late-file a comparison, if you'd like, on
8 what that diameter is and what this is likely
9 to be.
10 DR. BELL: That -- that would
11 help. And are you installing the RRHs, the
12 radio heads, or the TMAs inside the tower
13 along with your antennas?
14 THE WITNESS (Vivian): Yes.
15 That's -- with this type of installation
16 everything is inside.
17 DR. BELL: Okay. Thanks for
18 that answer.
19 And just one more question.
20 Maybe you don't know this, but in your
21 presentation -- one of your presentations you
22 referred to a survey the Town of Norwalk did.
23 And I just wondered if you have any
24 information as to when that was done or how
25 it was done.

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1 MR. FISHER: Dr. Bell, I have
2 probably the most information about that, so
3 if it's okay, I'll try to answer your
4 question. That was the Town of New Canaan,
5 and Town of New Canaan had surveyed its
6 residents. And I can double-check, because
7 someone from New Canaan, I think, is in the
8 audience, but that data is within the last
9 two to three years, probably within the last
10 two years.
11 THE WITNESS (Vivian): They
12 were actually constantly updating it, and the
13 most recent on the Town website was
14 approximately a year ago.
15 DR. BELL: And do you know
16 anything about how they did it?
17 THE WITNESS (Vivian): It was
18 somewhat unscientific. I do know that they
19 have a tower commission, if you will, or a
20 utilities commission.
21 MR. FISHER: They have a
22 utilities commission. They publicized it.
23 I'm not sure of the exact logistics of how
24 they collected the data, but I think they put
25 it on their website, and they tried to

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1 encourage residents to go to the website and
2 fill out and respond to questionnaires. So
3 for lack of a better word, it was a "survey,"
4 and it was voluntary, and it was really
5 digital web-based, I believe.
6 DR. BELL: Okay. Thank you
7 very much. Those are my questions,
8 Mr. Chair.
9 THE CHAIRPERSON: Thank you.
10 Mr. Hannon.
11 MR. HANNON: Thank you,
12 Mr. Chair.
13 Being out at the site today,
14 in terms of the visibility of the towers,
15 when you're out on the armory parking lot and
16 you're looking through the woods and you can
17 see a number of homes fairly close, are those
18 homes subject to seeing the tower during the
19 summer months?
20 THE WITNESS (Libertine):
21 Those homes, there are probably four or five
22 heading back parallel to the Merritt and then
23 looking out towards -- and that is actually
24 New Canaan. No, that is a fairly -- it's
25 about 400 plus feet of woods. We've done

1 both leaf-on and leaf-off balloon floats and
2 crane float -- or crane tests here as well.
3 There's not a lot visibility year round from
4 those homes. Certainly this time of year
5 there'll be some through the trees, but for
6 the most part, no. I think there's -- with
7 one exception that's on the road in New
8 Canaan.
9 Bear with me one second.
10 I believe that's Carter
11 Street, and I think during the summertime
12 there are two homes that may be able to see a
13 portion of it just at the tree line. But in
14 terms of -- it's not just -- it's Poquonock
15 Lane or Poquonock Trail, excuse me, that is
16 that, as we were looking at the compound that
17 you saw through the trees beyond the power
18 line -- or the gas line cut.
19 There are some other roads, so
20 I'm not sure it's actually Poquonock that
21 those roads are -- that those homes are on,
22 but you're just a little too close, so the
23 tower themselves will not go above the
24 treeline from that perspective. Certainly
25 this time of year, as you can see, you can

1 see the back of the homes. There will be
2 some bleed-through.
3 MR. HANNON: I've got a couple
4 of questions about the generators simply
5 because I'm just not sure the numbers sort of
6 add up, talking about the proposed generator
7 on the site. The estimated run time is 48
8 hours, for example, with 200 gallons of fuel.
9 So I'm kind of curious about
10 you're also talking about running it roughly
11 30 minutes a week, 52 weeks a year. You're
12 saying it only needs 66 gallons of fuel. The
13 numbers just don't seem quite right, so I'm
14 just wondering how you came up with that.
15 THE WITNESS (Vivian): Right.
16 That's not per year, but that's until the
17 next scheduled refill and semiannual
18 maintenance visit.
19 MR. HANNON: What I'm reading
20 is the weekly testing requires approximately
21 66 gallons of fuel, annually. And it just
22 seems pretty low if you're saying that you're
23 going to run it 24 hours a day and that's --
24 you're going to go do more than a hundred
25 gallons. So I'm just --

1 THE WITNESS (Vivian): Right.
2 Yeah. And that's -- that's essentially what
3 standard load is, as opposed full load --
4 full loading in an emergency situation.
5 MR. HANNON: With sort of the
6 price of diesel fuel the way it is, it also
7 sounds like, based on some of the numbers
8 that we've seen, this doesn't appear to be a
9 really efficient generator. It seems to run
10 for a short time based on the same quantity
11 of fuel. So I'm just curious if you've done
12 any searching for different types of
13 generators that might be more efficient than
14 the ones proposed here.
15 THE WITNESS (Vivian): I'll
16 take that under advisement.
17 MR. HANNON: I have no other
18 questions.
19 THE CHAIRPERSON: Thank you.
20 Senator Daily.
21 SENATOR DAILY: Thank you. I
22 don't have any questions at this time.
23 THE CHAIRPERSON: Mr. Ashton.
24 MR. ASHTON: Thank you.
25 You haven't yet talked about

1 the hundred-year flood, of course, the
2 hundred-year flood line relative to the site.
3 THE WITNESS (Vivian): I know
4 in interrogatories we -- we delineated 500.
5 THE WITNESS (Gustafson):
6 Yeah. The facility is not located within the
7 hundred year floodplain. As far as to the
8 distance to the actual hundred-year linear
9 site of your floodplain, I don't know if we
10 have that information.
11 MR. ASHTON: Would the
12 equipment be above the hundred-year
13 floodplain?
14 THE WITNESS (Gustafson): Yes,
15 it would. It's not -- we have confirmed that
16 the facility, the proposed facility is not
17 within a floodplain.
18 MR. ASHTON: I got a little
19 bit of a shock, I guess, it was yesterday
20 visiting a site in New Canaan -- not New
21 Canaan, North Haven, where you had dutifully
22 put in all facilities above the hundred year
23 floodplain, and they're sitting smack in
24 front of the station with a transformer which
25 had to be 3 feet below the floodplain. So

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1 we've got a little bit of a, you know, whew.
2 Are you talking with CL&P
3 about things like that so you prepare, and
4 you told your facilities to withstand a
5 hundred-year flood, they are also
6 withstanding building theirs to withstand the
7 same flood?
8 THE WITNESS (Vivian): Once --
9 once the tower site and the location and
10 everything is -- is approved, then we do a
11 utility walk and they go take a look at that.
12 And if you need to elevate -- elevate it,
13 then an elevated platform of some sort
14 that --
15 MR. ASHTON: Well, it's not
16 applicable here. But I'm concerned that, as
17 diligent as you guys have been, the carriers,
18 all of them, we've got a problem that our
19 friends in the electric business are not
20 understanding what the rest of the world is
21 doing.
22 MR. FISHER: I can just
23 generally, Mr. Ashton, we have -- actually
24 it's timely. We have a meeting coming up
25 with CL&P to talk about all of our

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1 provisioning of tower sites with utilities,
2 their process. So I can put that on the list
3 to make sure we actually have that
4 conversation. It's a little bit more of the
5 tariff level, but we'll have that
6 conversation.
7 MR. ASHTON: I would recommend
8 you would do that, but to me, if you're going
9 to do one, you have to do other. That makes
10 sense.
11 As I looked at the site,
12 standing in the parking lot and looked in
13 what I will call an easterly direction, there
14 was a fairly large tree with, obviously, a
15 big branch broken off facing the compound. I
16 know you said you're not going to remove any
17 trees, but wouldn't it be prudent to remove a
18 tree line that was obviously very sick?
19 THE WITNESS (Vivian): I would
20 say that, generally, when you go out and do
21 your tree cutting, the contract would also
22 take a look for prudence and would -- would
23 trim as was previously mentioned.
24 MR. ASHTON: I didn't mean
25 more trimming. I think you need ground line

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1 trimming in this case. It's really a big
2 branch.
3 THE WITNESS (Foley): Yeah. I
4 know the tree that you're referencing, and it
5 looks like it's lost a limb or a partial bit
6 of the trunk. It may have been, you know, a
7 double at some point.
8 Yeah. A tree and vegetation
9 like that, you know, will be looked at at the
10 time of construction, and if it's diseased
11 and, you know, reached the end of its life,
12 it obviously will be prudent to take it down.
13 MR. ASHTON: So it's no trees
14 planned to be taken down other than those
15 that are sick/diseased stage?
16 THE WITNESS (Foley): Unless
17 it's sick/diseased or, you know, would
18 potentially be a liability problem or
19 introduce a liability problem.
20 THE WITNESS (Vivian): I will
21 say it's a mercy killing.
22 MR. ASHTON: The pole line
23 coming into the site, I have to be honest
24 with you, I did not notice it. I was looking
25 at the neighborhood and the facilities.

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1 There is an existing pole line coming in.
2 Are those poles going to be replaced?
3 THE WITNESS (Foley): Right
4 now what we have on the -- the drawings, as
5 they're presently prepared, is a new pole
6 line to service the facility. If it's
7 alternate -- if CL&P, in consultation with
8 them, if there ends up being an improvement
9 into the service brought into the site in
10 total, that's something that will be worked
11 out. But as it stands right now we're
12 proposing a new dedicated overhead line going
13 back to the proximity of the compound, at
14 which point it would go down into a riser
15 over to service cabinets and into the -- into
16 the site by underground.
17 MR. ASHTON: Mr. Foley, have
18 you testified before?
19 THE WITNESS (Foley): I have
20 not, to be honest with you.
21 MR. ASHTON: I guess I might
22 as well start by breaking in with an
23 objection. This Council and this member, in
24 particular, takes a dim view of overhead
25 lines supplying to the communication

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1 facilities for two reasons: One is
2 reliability and the other is appearance.
3 And insofar as CL&P is going
4 to have to rebuild those lines, it would be
5 my humble -- not humble opinion, they ought
6 to go right back to New Canaan Avenue and tap
7 the New Canaan Avenue primary and go
8 underground at that source, not come across
9 the street and set a pole there and go
10 overhead across the street, but do it right.
11 We had one docket where an
12 individual simply could not do that, and I
13 reminded them that water and sewer and gas
14 and telephone and a few others go
15 underground. He said we can't do it and take
16 the electric underground. And I had to
17 remind him, ask him if he knew what my
18 background was. Trust me, you can go
19 underground in a case like that.
20 And so I would urge that you,
21 as you're laying out this, this facility and
22 others, seriously look at undergrounding.
23 The cost consequences are not that bad. It
24 is out of the way, and it does give you some
25 protection.

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1 THE WITNESS (Vivian): If I
2 may? The decision to go overhead here was
3 primarily to try to minimize the disturbance
4 just given the proximity to the wetlands, but
5 if the Council wanted to have underground,
6 certainly AT&T typically, especially in
7 remote heavily treed areas, we could go
8 underground in that.
9 MR. ASHTON: Mr. Vivian, you
10 too, you can get a gold medal for doing an
11 underground job in a ticklish area in a
12 masterful manner.
13 THE WITNESS (Libertine): Mr.
14 Ashton, just to, I guess, follow up on that
15 and hopefully give a little bit more light on
16 it.
17 If an underground route were
18 to be feasible from a landlord perspective it
19 would likely have to go through that pavement
20 area. We do have wetlands, you know, in
21 close proximity to the edge, so we'd want to
22 stay in developed areas. And again, I just
23 don't know if that's something the landlord
24 is willing.
25 MR. ASHTON: Well, it sounds,

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1 Mr. Libertine, as I looked it, it appeared
2 the pole line was right at the edge of the
3 paved area.
4 THE WITNESS (Libertine): Yes,
5 it is.
6 MR. ASHTON: And that's where
7 I was postulating an underground conduit,
8 just to be blunt.
9 THE WITNESS (Libertine):
10 Well, then we, again, we're just moving
11 closer to wetlands there. So again, it's a
12 balancing act. You know --
13 MR. ASHTON: We have roads
14 that run through wetlands. We have sewers
15 that run through wetlands. We build bridges.
16 I know your technology is good enough and
17 your mind is creative enough that you can
18 build an underground conduit line right smack
19 through a wetlands, and next spring it will
20 never be --
21 THE CHAIRPERSON: We may have
22 a variety of views on this.
23 THE WITNESS (Libertine): I'm
24 glad you said that, Chairman. Thank you.
25 I'll be quiet now.

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1 THE CHAIRPERSON: So?
2 MR. ASHTON: That's it. Thank
3 you.
4 THE CHAIRPERSON: Commissioner
5 Caron.
6 COMM. CARON: Mr. Chairman,
7 being at the end of the line, one has the
8 benefit of having had all the best questions
9 asked and answered. So with that, I'm
10 satisfied. Thank you, sir.
11 THE CHAIRPERSON: You're
12 somewhat in the same position I am, that you
13 think you have a nice long list, and then by
14 the time you get here -- I just have a
15 question. I don't even know if -- I think
16 this organization, and I don't know the
17 proper name of the -- the Merritt Parkway
18 Conservancy, have you consulted with them?
19 THE WITNESS (Libertine): We
20 did not formally, but as part of the SHPO
21 consultation, there was correspondence and
22 consultation between that office and that
23 particular interagency so they've been part
24 or had been part of this in the past.
25 THE CHAIRPERSON: Okay. Thank

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1 you.
2 Next we have -- if the
3 Intervenor, Cellco has any questions?
4 MR. BALDWIN: I have no
5 questions, Mr. Chairman.
6 THE CHAIRPERSON: So now you
7 get to come up here. You didn't get off
8 quite that easy.
9 I think if you guys want to --
10 you want to just sit at this table here and
11 maybe -- it depends how many people are you
12 going to bring up.
13 MR. BALDWIN: Good afternoon,
14 Mr. Chairman. For the record, Kenneth
15 Baldwin with Robinson & Cole on behalf of
16 Verizon Wireless.
17 We're here today as an
18 intervenor in this proceeding. And we have
19 three witnesses to offer for the Council's
20 cross-examination. To my left is Sandy
21 Carter, regulatory manager with Verizon
22 Wireless. To the far right, my far right is
23 Mr. Mark Brauer, radio frequency engineer,
24 and a new face that we'd like to introduce to
25 the Council, Mr. Ryan Ulanday, another radio

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1 frequency engineer with Verizon Wireless.
2 He's so new that we didn't even have time to
3 put a name plate together for him, and I
4 apologize for that.
5 I offer them at this time to
6 be sworn, Mr. Chairman.
7 THE CHAIRPERSON: The staff
8 attorney/executive director will swear you
9 in.
10 M A R K B R A U E R,
11 R Y A N U L A N D A Y,
12 S A N D Y C A R T E R,
13 called as a witnesses, being first duly
14 sworn by Ms. Bachman, were examined and
15 testified on their oaths as follows:
16 MR. BALDWIN: Mr. Chairman,
17 Verizon Wireless has two exhibits that I
18 would like to offer this afternoon that are
19 listed in the hearing program under Roman
20 numeral III, Section B, Items 1 and 2. They
21 are Verizon's request to intervene in this
22 proceeding, dated November 4, 2013, and
23 Verizon's responses to interrogatories dated
24 November 26th. And I offer them at this
25 time, subject to verification by my

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1 witnesses.
2 THE CHAIRPERSON: Thank you.
3 Will you proceed with the verification?
4 MR. BALDWIN: Thank you,
5 Mr. Chairman.
6 If I could ask my witnesses,
7 did you prepare or assist in the preparation
8 of the two exhibits listed in the hearing
9 program under Roman III-B, Numbers 1 and 2.
10 Mrs. Carter?
11 THE WITNESS (Carter): Yes, I
12 did.
13 MR. BALDWIN: Mr. Ulanday?
14 THE WITNESS (Ulanday): Yes, I
15 did.
16 MR. BALDWIN: Mr. Brauer?
17 THE WITNESS (Brauer): Yes, I
18 do.
19 MR. BALDWIN: Now, do have any
20 corrections, modifications, deletions or
21 additions to add to those exhibits at this
22 time? Mrs. Carter?
23 THE WITNESS (Carter): No, I
24 do not.
25 MR. BALDWIN: Mr. Ulanday?

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1 THE WITNESS (Ulanday): No, I
2 don't.
3 MR. BALDWIN: Mr. Brauer?
4 THE WITNESS (Brauer): No, I
5 do not.
6 MR. BALDWIN: And is the
7 information contained in those exhibits true
8 and accurate to the best of your knowledge?
9 Mrs. Carter?
10 THE WITNESS (Carter): Yes, it
11 is.
12 MR. BALDWIN: Mr. Ulanday?
13 THE WITNESS (Ulanday): Yes.
14 MR. BALDWIN: Mr. Brauer?
15 THE WITNESS (Brauer): Yes.
16 MR. BALDWIN: And do you adopt
17 the information in those exhibits as your
18 testimony today? Mrs. Carter?
19 THE WITNESS (Carter): Yes, I
20 do.
21 MR. BALDWIN: Mr. Ulanday?
22 THE WITNESS (Ulanday): Yes, I
23 do.
24 MR. BALDWIN: Mr. Brauer?
25 THE WITNESS (Brauer): Yes, I

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1 do.
2 MR. BALDWIN: Mr. Chairman, I
3 offer them as full exhibits.
4 THE CHAIRPERSON: Thank you.
5 Does the applicant have any
6 objection?
7 MR. FISHER: No objection.
8 THE CHAIRPERSON: Then these
9 exhibits are admitted.
10 (Exhibits III-B-1 and III-B-2:
11 Admitted in evidence - described in index.)
12 THE CHAIRPERSON: And we'll
13 now proceed with cross-examination starting
14 with Mr. Mercier.
15 CROSS-EXAMINATION
16 MR. MERCIER: Thank you.
17 Regarding the tower heights
18 you selected, is there any particular reason
19 why you did not choose to go up to higher
20 locations on the east tower?
21 THE WITNESS (Ulanday): With
22 the propagations we got from our planning
23 tool, we determined that the 117-foot antenna
24 location would be the best height that we
25 need for Verizon wireless antennas.

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1 MR. MERCIER: What would
2 happen if they did go higher?
3 THE WITNESS (Ulanday): If we
4 go higher, we will see more overlap in our
5 existing cell sites and more interference --
6 could cause more interference.
7 MR. MERCIER: Okay. Thank
8 you. In the response to Interrogatory 4,
9 there was a discussion regarding the diameter
10 of the pole as far as the outer casing. And
11 it stated that you could not fit under the
12 current configuration, proposed diameter,
13 that is your radio heads were tower-mounted
14 amplifiers. Does that sound correct?
15 THE WITNESS (Carter): Yes, it
16 is.
17 MR. MERCIER: What diameter
18 would these two items be able to be
19 accommodated?
20 THE WITNESS (Carter): We
21 would need to have a 42-inch diameter at our
22 antenna locations.
23 MR. MERCIER: Okay. Thank
24 you. I have no other questions at this time.
25 THE WITNESS (Brauer): If I

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1 could just add to that, the -- that would be
2 for the antennas only with -- with the down
3 tail brackets to be able to move the antenna
4 slightly to the top of my system later.
5 The remote radio heads that we
6 have begun to deploy quite a bit are -- are
7 wider and deeper. It would be -- it would
8 have to be larger than that to fit those up
9 in there, but I don't have an exact number.
10 MR. MERCIER: Okay. So just
11 to clarify, I believe they said that the
12 tower was 40s at the top. So are you
13 assuming it's 42 as design?
14 THE WITNESS (Brauer): No.
15 The 42 would be normal. Yeah, it would be
16 the requirement for the antennas and to be
17 able to take those antennas and be able to
18 tilt them in the future to optimize it, to be
19 able to optimize the system, but I wanted to
20 add in because I heard the term "remote radio
21 head," those are -- those are physically
22 larger. They're deeper.
23 That would not fit behind a
24 42-inch enclosure, but I don't have an exact
25 number as to how large it would have to be.

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1 MR. MERCIER: Do you know if
2 it's significantly larger, like, a couple
3 inches or one?
4 THE WITNESS (Brauer): It
5 would be significant. I would probably be, I
6 would guess, in the neighborhood of 6 inches
7 more.
8 MR. BALDWIN: Maybe we could
9 take that as a homework assignment. We might
10 be able to find that information during the
11 dinner break.
12 MR. MERCIER: I appreciate
13 that. Thank you.
14 THE CHAIRPERSON: Senator
15 Murphy.
16 SENATOR MURPHY: Thank you,
17 Mr. Chairman.
18 In follow-up to that, you've
19 obviously heard the testimony from the
20 Applicant as far as 36, 40 inches, which --
21 but you're on a different pole than that. Is
22 your arrangement that you're going to design
23 so-called "black pole" depicted today? Is
24 that the deal? Or I just assume that these
25 two poles are going to be identical in

1 appearance. So just straighten me out. What
2 is it?

3 THE WITNESS (Carter): I don't
4 know if the -- the poles have been
5 structurally designed with the exact
6 dimensions. Obviously, we have to work with
7 AT&T, since they will own the poles, but we
8 need to have a pole designed for us that will
9 accommodate our antennas.

10 SENATOR MURPHY: I can
11 appreciate that. Have you had a discussion
12 with the applicant about your needs as to the
13 size of the poles?

14 THE WITNESS (Carter): I've --
15 no. We've -- we've discussed that we have a
16 need for the location and what our heights
17 need to be, but I don't know if it's gone
18 beyond that at this time.

19 SENATOR MURPHY: So I take it,
20 if the two poles are going to be identical in
21 size for appearance sake, it's going to be
22 larger than you've represented to us because
23 you can't get by with that. Is that
24 essentially what you're telling me, the 40
25 you can't use, these 42 and maybe with the

1 impact.

2 THE WITNESS (Carter): We -- I
3 cannot answer that. We did not supply any
4 information to SHPO, so that would be under
5 the purview of AT&T.

6 DR. KLEMENS: So it's possible
7 one of these may look more like, to use Dr.
8 Bell's language, one may look more like a
9 flagpole and one may look more like a
10 chimney. I'm trying to wrap my arms around
11 what visual differences we're going to see,
12 proportionally what that's going to look
13 like. But it's different. I mean, it's at
14 least a 20 percent larger diameter tower.

15 MR. BALDWIN: If I could,
16 Mr. Chair, I'm trying to recall the testimony
17 we heard from AT&T. I thought what we heard
18 was that there was, at this point, they were
19 somewhere between 36 and 40 inches.

20 SENATOR MURPHY: That's
21 correct.

22 MR. BALDWIN: So I think where
23 we are is -- we're, right now we're 2 inches
24 diameter larger from that, that upper range,
25 if need be, to maintain what Verizon Wireless

1 heads more?

2 THE WITNESS (Carter): Right.
3 For our antennas and for the down-tilters,
4 which was explained by Mr. Brauer, we would
5 need 42-inch diameter at our antenna location
6 without any remote radio heads.

7 SENATOR MURPHY: And that's
8 pretty far up. Is it 117?

9 THE WITNESS (Carter): We are
10 at 117 and 107. 117 and 107.

11 SENATOR MURPHY: Right. Okay.
12 Well, I guess it's answered as best you can
13 today. We're just going to have to keep this
14 in mind, I guess.

15 I have no further questions,
16 Mr. Chairman.

17 THE CHAIRPERSON: Dr. Klemens?

18 DR. KLEMENS: Not many
19 questions. The only two questions I had, and
20 going back to SHPO, when the plans were shown
21 to SHPO -- and maybe that's not your
22 question -- were they aware that the towers
23 were actually going to be -- or the flagpoles
24 were going to be disparate sizes? Because as
25 I understand, SHPO is about visual and visual

1 would need.

2 SENATOR MURPHY: That's
3 without radio heads.

4 MR. BALDWIN: Without radio
5 heads. Correct.

6 DR. KLEMENS: What I'm getting
7 at is actually the -- how dissimilar they
8 would look because visual is such an
9 important -- how dissimilar these towers
10 might actually look. When I looked at the
11 plans, in sort of my mind, these were two
12 very similar towers. Now it's what's coming
13 out is -- and I'm trying to understand how
14 dissimilar they might actually look.

15 MR. BALDWIN: He is sworn, so
16 perhaps Mike Libertine might be able to
17 comment more appropriately on that visual
18 impact and the difference in the tower
19 diameter that you're speaking of,
20 Dr. Klemens. If that's okay with the
21 Council, if we could do that, that would be
22 helpful.

23 THE WITNESS (Libertine): Thank
24 you.

25 Dr. Klemens, the -- I wanted

1 to step back for a just second and remind
2 everybody that because of the history of the
3 site, and we go back so far, things have
4 changed in the industry quite a bit in terms
5 of the, I guess, the requirements. In the,
6 what I'll call the old days, which really
7 weren't that long ago, some of these what we
8 call the slim-style flagpoles that used to
9 be, you know, 24 inches, 30 inches at the
10 base and they would taper to maybe 18 inches
11 at the top, those are pretty much obsolete,
12 and they're actually being replaced in a lot
13 of locations.

14 So when we were looking at
15 this site, and this goes back to the 2009,
16 2010, there was still an opportunity to
17 probably squeeze antennas into something that
18 tapered to about, you know, 36 inches,
19 40 inches max at the top.

20 The SHPO's perspective really
21 had very little to do with the diameter of
22 the pole. And I think, you know, and again,
23 I don't want to put words into SHPO's mouth,
24 but we had a lot of discussions about the
25 major concern being the external antennas.

1 As you know, a lot of the monopoles that you
2 see out there, these external arrays can
3 extend 12 to 14 feet out. That was really
4 the major concern.

5 She did not want -- or the
6 individual at the time who was reviewing this
7 project, did not want to have an impact on
8 the Merritt, from her perspective, where we
9 had these external arrays. So we had shown
10 her both a site in Massachusetts off of I-90,
11 the Mass Pike, that has twin poles that are
12 more in the 42 and maybe 44-inch diameter
13 range, as well as the two facilities that are
14 in Greenwich at Round Hill Road -- and for
15 the life of me, I apologize, I just don't
16 know what the actual diameters are of those.

17 So I think to get to your
18 question, my opinion would be that the both
19 poles be of a similar diameter to accommodate
20 what the carriers need. I don't think the
21 difference between 38 inches or 42 inches is
22 going to have a major visual effect, again if
23 we keep everything on the inside. And again,
24 I think that would embody the spirit of what
25 SHPO was trying to accomplish with this

1 particular proposal.

2 There was no actual site
3 design that was put before them in terms of
4 dimensions other than the height. The height
5 was something that had been discussed over
6 and over again, but the actual physical
7 diameter of the pole was never really
8 something that became a major consideration.
9 I would agree, if we're starting to talk
10 about something that's 5 feet wide that might
11 be whole different consideration, but we're
12 talking a matter of a couple of inches in
13 diameter. I think once you get off the
14 property you're not -- you wouldn't be able
15 to tell the difference between 36 or
16 42 inches, in my opinion.

17 DR. KLEMENS: Well, if the
18 technology, as you just stated, is evolving,
19 the need for these larger heads and that
20 maybe both poles should be made somewhat
21 larger to accommodate future changes in
22 technology in a way we talked about looking
23 forward --

24 THE WITNESS (Libertine): I
25 personally agree with that a hundred percent.

1 I think, in this case, I would not want to
2 see a taper. I think the -- again, the style
3 of this pole, we're not trying to make this
4 look like a flagpole. Number one, it's going
5 to be brown. It's not going to have a flag
6 flying off of it.

7 And SHPO had stated to me
8 several times they're not big fans of faux
9 flagpoles. If we're going to be a tower,
10 it's going to be a tower, but in some cases
11 they want to try to minimize that visual
12 effect, which is, I think, what we tried to
13 accomplish here.

14 So I would agree with you. I
15 think a minimum design criteria should be
16 something that gives some flexibility to the
17 carriers. And I think -- I don't think SHPO
18 would have any concerns with that, again if
19 we kept everything on the inside.

20 DR. KLEMENS: So you can make
21 both towers the same size, and that would
22 also give the ability as far as technology
23 changes, that there would be some built-in
24 ability to expand, and that would maybe look
25 visually less disharmonious. But you're

1 saying it's not that much anyway.
2 THE WITNESS (Libertine): Yes.
3 It's not, but I would agree. I would like to
4 see them be symmetrical in shape and form,
5 and I think that's something we could work
6 with the Council through on the D and M plan,
7 because I think there are some questions that
8 need to be answered. Certainly AT&T has not
9 pinned down exactly the size they need. And
10 again, I note -- again, things are changing
11 almost weekly in terms of what needs to go on
12 some of these towers.
13 DR. KLEMENS: Once you build
14 with a little bit of future in mind rather
15 than the present?
16 THE WITNESS (Libertine):
17 Agreed. Hope that helped.
18 Thank you.
19 DR. KLEMENS: Thank you. And
20 I just have one more question. Did anybody
21 from the Verizon team have any thoughts about
22 moving that tower, how to move that tower
23 beyond the 52 feet and getting the whole
24 thing a little bit away from the wetlands,
25 which is a concern of mine?

1 MR. BALDWIN: While the
2 witnesses gather their thoughts for that
3 answer, can I just clarify, Dr. Klemens? I
4 was looking at the plans that you were
5 referring to at the time during that
6 testimony. And I just wanted to make sure I
7 was understanding it currently.
8 If I look at Sheet C3, the --
9 DR. KLEMENS: C3?
10 MR. BALDWIN: I'm sorry S3.
11 The distance from that corner
12 of the compound to the wetland on the, I
13 guess, it's the easterly side of the compound
14 is the 54-foot dimension.
15 DR. KLEMENS: I believe it was
16 meant that it was 52 to -- 52 or 54 from the
17 edge of the compound. And I realized the
18 tower isn't there, but I'm sort of wondering
19 how we can get this compound shrunk, for
20 argument's sake, to maybe 65 feet from the
21 wetland. That way you would also take into
22 account the disturbance that's associated,
23 and you would actually have a compound that
24 is at least complying with the 50-foot
25 undisturbed setback that is provided for in

1 the City of Norwalk wetland regulations.
2 MR. BALDWIN: Thank you.
3 THE WITNESS (Brauer): And if
4 I could just weigh in on the towers' relation
5 to each other. One of the worst things that
6 you can do for an antenna system is to put
7 some sort of an obstruction in front of it.
8 And because we have these two towers side by
9 side what happens to the antenna pattern, as
10 that energy envelope develops and goes into
11 the environment, if you have a physical
12 obstruction it warps that antenna pattern and
13 it ends up not doing what you thought it was
14 supposed to do.
15 Now, when you have two towers
16 that are already this close -- I believe they
17 are approximately 65 feet apart already -- in
18 my opinion, you would already have some form
19 of antenna pattern degradation because of
20 these two poles side by side. I personally
21 would not want to see them any closer than
22 they already are. It would just -- it would
23 just make matters worse.
24 DR. KLEMENS: I'm not
25 advocating that the towers get closer, but

1 the towers exist as two structures that have
2 to be spatially separated. But we have this
3 sort of very square standardized compound,
4 and we have a wetland. Why can't the
5 compound itself be reconfigured in a way that
6 respects and gives a greater setback from
7 those eastern -- I guess it's the wetlands
8 most proximal to the parkway?
9 I understand the issue of the
10 tower separation, but we have this perfectly
11 sort of square sort of footprint. Why can't
12 we do something, thinking outside the box,
13 and think about getting away from the
14 wetlands? That's what I'm talking about.
15 I'm not talking about moving the towers
16 closer together.
17 But all the important things
18 that go with the towers, the crushed path,
19 the pads, the generators, can't those be
20 reconfigured in some way to keep, let's say
21 for argument's sake, everything 65 feet from
22 the furthest point from a wetland,
23 understanding that you've got maybe 10 feet
24 where you're going to have grading and that's
25 where you have real wetland protection.

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1 I'm not asking you to move the
2 towers closer. I'm asking you to move all
3 the other things that are associated with it.
4 It could mean reconfiguring.
5 It might not be as perfectly square a pad.
6 It may be triangular or something with two,
7 you know, V-shaped or two -- I mean, there
8 are many different ways to do it. I mean,
9 people tend to think of things always in
10 squares. Let's try to think outside, no pun
11 intended, the box on the footprint of the
12 other structures.
13 THE WITNESS (Carter): As for
14 Verizon, I would say yes, as long as the
15 tower separation would not cause us any
16 interference, we would have no objection to
17 it changing, but we don't control the lease
18 area or the compound design, but we certainly
19 have no objection to it.
20 DR. KLEMENS: Thank you.
21 Thank you, Mr. Chairman.
22 THE CHAIRPERSON: Dr. Bell.
23 DR. BELL: Thank you,
24 Mr. Chair. I just have one question that
25 goes back to my -- the question that I asked

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1 to Mr. Wells.
2 Am I correct in thinking that
3 Verizon has more bandwidth availability in
4 the 850 to 700 frequencies than AT&T
5 generally does?
6 THE WITNESS (Brauer): Well,
7 depending on which part of the state of
8 Connecticut you're in, it does change a
9 little bit. But in Fairfield County, in
10 particular, we do have a substantial amount
11 of PCS spectrum and AWS spectrum that does
12 total out to be more than our 850 and our
13 700.
14 DR. BELL: Okay. I'm
15 factoring that in my understanding. Thank
16 you.
17 That's my question, Mr. Chair.
18 THE CHAIRPERSON: Thank you.
19 Mr. Hannon?
20 MR. HANNON: Thank you,
21 Mr. Chair.
22 One question I have is sort of
23 a general question. I noticed that in your
24 response that you are talking about a battery
25 backup system for up to about eight hours.

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1 Can you give me an idea, other than the two
2 very nasty weather events over the last
3 couple of years, if power does go out at one
4 of these facilities, what are you usually
5 looking at time wise?
6 THE WITNESS (Carter): I'm
7 sorry, Mr. Hannon. I'm not sure we
8 understand the question.
9 MR. HANNON: I'm just curious,
10 if power goes out at one of the cell tower
11 sites, I know that you talk about backup
12 generators and things of that nature. And we
13 had two major weather events over the last
14 two years where you were out, like, eight to
15 ten days. So I'm just curious, when power
16 does go out, is there sort of an average time
17 frame in which the power is out? Does it go
18 out for an hour? A day? I'm just curious.
19 THE WITNESS (Carter): I'm not
20 aware of any average. I mean, you could lose
21 power at a cell site for an hour. If you
22 have a bad storm you could lose power. You
23 could lose power, then we have the backup
24 batteries and then the backup generator, but
25 power could be out to a site for two or three

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1 days, depends on the storm.
2 MR. HANNON: I was just
3 curious if there was sort of, maybe like, an
4 average of typically what you would look at.
5 And is the eight-hour battery pack usually
6 sufficient? I mean, is it the case in
7 99 percent of the outages? Or I'm just
8 trying to get an idea, because we talked a
9 lot about the generators and things of that
10 nature, and I don't know if we've ever really
11 talked about the length of time they might
12 need to run. It's just a question.
13 THE WITNESS (Carter): Yeah.
14 We do have an eight hour battery backup, but
15 the way that it works is that, if power is
16 lost to a site, the battery backup would kick
17 in, but then right after that the emergency
18 generator kicks in. So we're not utilizing
19 those batteries for eight hours, but they are
20 available for eight hours. The generator
21 would go, automatically go. There might be a
22 minute or so in between, but then the
23 generator would kick in.
24 MR. HANNON: So the batteries
25 would not be on for the eight-hour period?

1 THE WITNESS (Carter): That is
2 correct.
3 MR. HANNON: Okay. Thank you.
4 That helps clarify that. And the other
5 question, I'll go back to something I had
6 mentioned earlier, you have in your response
7 that a typical 210-gallon fuel tank can run
8 continuously for, like, four days. You know,
9 we've got different numbers, so I just want
10 to make sure that that is correct.
11 I've seen different numbers
12 for how long the generators can run. If
13 you've got roughly 200 gallons, we saw
14 earlier there was material that came in and
15 said it could run for 48 hours. You've got
16 information that says it can run for four
17 days. I'm just curious.
18 THE WITNESS (Carter): Yeah.
19 That is what -- that is the information we
20 are given by our construction people, and it
21 may depend on loads or the size of the
22 generator, but that is the information that
23 we have.
24 MR. HANNON: Okay. And the
25 generator that's proposed here will be inside

1 the building?
2 THE WITNESS (Carter): Yes, it
3 is. Yes, it is.
4 MR. HANNON: Thank you. I
5 have no further questions.
6 THE CHAIRPERSON: Senator
7 Daily.
8 SENATOR DAILY: Thank you. I
9 have no questions at this time.
10 THE CHAIRPERSON: Mr. Ashton.
11 MR. ASHTON: Thank you.
12 Mr. Baldwin, could you indulge
13 me by calling Mr. Libertine again for a
14 second?
15 MR. BALDWIN: Absolutely.
16 MR. ASHTON: You're very kind.
17 Mr. Libertine, in all of the
18 questions about the flagpole type of
19 structure, you raised in my mind the question
20 as to whether a monopole stick, if I can call
21 it that, with flush mounted antennas would
22 serve the same purpose and would they be
23 acceptable to SHPO?
24 THE WITNESS (Libertine): I
25 think they would be acceptable to the

1 carriers, and I think probably preferable,
2 but we were denied that as one of the options
3 on an early rendition of this particular
4 proposal.
5 MR. ASHTON: But your
6 testimony was really getting at the height of
7 the structures.
8 THE WITNESS (Libertine): I'm
9 sorry?
10 MR. ASHTON: Your earlier
11 testimony, a few minutes ago, was getting at
12 the height. SHPO is concerned about height.
13 THE WITNESS (Libertine): It
14 was a combination. It was a height and
15 the -- the horizontal expansion of the
16 appurtenances or the -- the array.
17 MR. ASHTON: But wouldn't a
18 flush-mounted antenna system be less in
19 diameter than these flagpoles? Because
20 really what you've got is a flagpole inside a
21 transparent RF transparent covering, isn't
22 it?
23 THE WITNESS (Libertine):
24 Yeah. I think, in the case of
25 these, they're going to be closer to some

1 kind of an exhaust stack, is what they're
2 really going to look like, which again, I
3 don't think that's a bad thing necessarily,
4 but I think that's the reality. They're not
5 going to look like flagpoles.
6 But to get to your question,
7 we proposed that, and flush mounts are great
8 because they give a lot of opportunity for
9 tilting the antennas and doing some things
10 that you lose going inside. The only problem
11 with that is, when we talk about flush mount,
12 they're not really flush. I mean, we still
13 have a few inches off, and I think that may
14 have been the concern.
15 Again, I don't want to put --
16 MR. ASHTON: They're not
17 arching arms. They're not on --
18 THE WITNESS (Libertine):
19 Correct.
20 MR. ASHTON: They're bolted
21 directly to the structure, and so your
22 antennas are internally in a flagpole, aren't
23 they?
24 THE WITNESS (Libertine): Yes,
25 but they're not seen on the outside, and I

1 think that -- I'm not arguing with you. I
2 agree with you. I'm just relaying the, if I
3 may say, painful process that we went through
4 and that certainly was fully explored, and it
5 was clear that that would not be an
6 acceptable option from their perspective.

7 And I think that, and again I
8 don't want to put words in anybody's mouth,
9 including AT&T's, but my feeling is that this
10 was not a site to draw the line in the sand
11 on because we felt we could compromise and
12 make it work. And, after nearly ten years, I
13 think we threw out the white flag and said
14 you win this time. And I don't know how else
15 to put it.

16 I agree with you. I think
17 flush mounts would give a lot more
18 opportunity. I can't speak to the RF and
19 whether there's an advantage even in reducing
20 one of the --

21 MR. ASHTON: I remember that
22 in a separate question, but I'm looking to
23 you to give me judgment on visibility.

24 THE WITNESS (Libertine):
25 Yeah. I don't think it will

1 to mind is not -- is not having to worry
2 about how much you -- how much distance you
3 have in between your mounting point, and your
4 RF transmitter material, so you're not
5 pigeonholed, if you will, in the birdcage.
6 So just -- just the antennas and you can't do
7 anything else. So being able to put the
8 remote radio head there are -- any variety of
9 antennas is advantageous.

10 MR. ASHTON: Can you put up
11 dual frequency antennas and operate them on
12 one level rather than on two levels?

13 THE WITNESS (Brauer): It
14 certainly is technically feasible. We have
15 done it on certain, some other sites. When
16 you go into a single antenna, though, what
17 you end up with is what's affecting one of
18 your services, if you need to optimize that
19 service or that frequency band, it's directly
20 tied into your other frequency bands that may
21 be demanded upon to do other tasks.

22 So if you have, let's say, all
23 of your voice services going through that
24 antenna along with all your data services
25 going through that antenna you wouldn't be

1 be a major difference in visibility doing
2 flush mounts. That was my feeling all along,
3 and I felt that would probably be the best
4 compromise. It was not acceptable to SHPO.

5 And the only thing I'll add
6 is, if we were to consider that at this
7 point, that's a complicated and probably very
8 costly process to go through because we would
9 probably have to go and petition the FCC,
10 which is a legal proceeding. So there are --
11 there are some considerations that we took
12 under advisement, and again, that's how we
13 ended up here.

14 MR. ASHTON: I won't pick on
15 you anymore.

16 THE WITNESS (Libertine): It's
17 not picking on me.

18 MR. ASHTON: So I'll pick on
19 you with this question. What is the
20 advantage, or are there any or not, on a
21 flush-mounted antenna on a brown stick as
22 opposed to a flush mounted antenna inside a
23 birdcage, i.e., a flagpole.

24 THE WITNESS (Brauer): Well,
25 certainly the most obvious thing that comes

1 able to optimize those independently. If you
2 have to twist the antenna, all your services
3 have to go with it. If you have to
4 physically move the antenna, all your
5 services have to go with it.

6 MR. ASHTON: Is that a
7 material problem here?

8 THE WITNESS (Brauer): Well,
9 that's why we're proposing the -- the two
10 center lines so we have some flexibility.

11 MR. ASHTON: I understand
12 that, but you haven't answered my question.
13 Is that a serious issue here?

14 THE WITNESS (Brauer): I don't
15 believe it will be here because of the usage
16 patterns we see here are pretty consistent.
17 We have the highway and some state roads and
18 a lot of residential. Although it's not
19 ideal, I don't believe it would be a huge
20 issue.

21 MR. ASHTON: Okay. If you had
22 your choice, would you go with a flush
23 mounted on a stick or the flagpole?

24 THE WITNESS (Brauer): I would
25 personally choose flush mount.

1 MR. ASHTON: Thank you. No
2 further questions.
3 COMM. CARON: Chairman, I'm
4 all set.
5 THE CHAIRPERSON: I guess we
6 now go to cross-examination if any.
7 MR. FISHER: No questions,
8 Chairman. Thank you.
9 THE CHAIRPERSON: Yes, we have
10 a follow-up question.
11 DR. KLEMENS: I have a
12 conditional question, because I've been
13 hearing all this, and I understand that this
14 has been driven by SHPO, the configuration we
15 have now, but I just have a question, and I
16 just want this to get on the record. We now
17 have two towers that are not flagpoles, but
18 actually now called sort of smokestack like
19 at 150 -- 140 feet.
20 Could you have -- and I think
21 I know the answer, but I'd like to get it on
22 the record, could you have accompanied two
23 carriers on a flagpole or a pole with
24 flush-mount antennas at 150 feet? Because I
25 want to sort of get it in the record at

1 actually where SHPO has been driving, because
2 I think visual impacts are extremely
3 subjective.
4 Some people think wind
5 turbines are ugly. Some people think they're
6 works of art, so I think it's a very
7 subjective statement, and I think it's very
8 important for the public to understand where
9 this is driven under what concerns and where
10 we are now.
11 I'm not asking you to go back.
12 I understand it's been ten years to get here,
13 but I think I'd like to know at one point one
14 could have accomplished this and how one
15 could have accomplished this with a single
16 pole and how high that would have been, just
17 to put it into the record.
18 THE WITNESS (Brauer): Where
19 our top centerline in was an overlap with
20 AT&T by 10 feet. So certainly, if the tower
21 was 10 feet taller -- and I'm not going to
22 answer for AT&T -- but if they were to slide
23 up that 10 feet, yes, we could be on the same
24 structure.
25 DR. KLEMENS: So, as I

1 understand it, we are constructing these two
2 sort of smokestack-like small smokestacks for
3 basically a 10-foot difference that could
4 have accommodated both carriers. I think
5 it's a very important point to put into the
6 record if that's the case.
7 THE WITNESS (Brauer): We
8 have, but we're also not the only carriers
9 out there, too, there's T-Mobile, this Metro
10 PCS, there's Sprint. If the one structure
11 was full, we would probably end up going to
12 the second one anyway if they wanted to come
13 into the picture.
14 DR. KLEMENS: But right now we
15 have two carriers in the picture, and they
16 could have been accommodated on 150-foot
17 tower with flush-mount antennas? A single
18 tower?
19 THE WITNESS (Brauer): Yes.
20 DR. KLEMENS: Thank you.
21 THE WITNESS (Carter):
22 Dr. Klemens, if I may just add
23 to that for a moment? Having worked with
24 SHPO myself, I agree with what you're saying
25 that you could possibly have 150-foot pole

1 and accommodate the two carriers with
2 flush-mounted antennas.
3 We had a docket a while ago in
4 Branford where we also had to deal with SHPO
5 to get an approval. We couldn't even get a
6 tower approved there. We had to build a fake
7 water tank. So we may look at it from RF
8 standpoint and a carrier standpoint, but if
9 SHPO doesn't agree to the height or to the
10 type of tower we do not get an approval for
11 them.
12 DR. KLEMENS: And I understand
13 that, Ms. Carter. I just think it's
14 important because something is lost in this
15 proceeding, I think, for the public to know
16 that people are saying why are these two
17 things going up? I think it's important to
18 understand that there was a technical
19 solution that could have accommodated both
20 these carriers.
21 And I personally -- my sense
22 is two is a much greater visual impact. Two
23 at 140, much greater visual impact than on at
24 150 with flush mounts. That's my personal
25 opinion, but I'm not SHPO.

1 THE CHAIRPERSON: And let me
2 see if I understand this, because we
3 generally ask for an advisory opinion from
4 SHPO on most -- and I can be corrected, but
5 this because it triggers the NEPA, that
6 therefore the SHPO maybe -- to us, we may
7 consider it advisory but to the carriers it's
8 not. Is that --

9 MR. BALDWIN: Every tower site
10 requires a NEPA review, so it's critical to
11 the carrier every time we build a structure
12 like this or any tower.

13 So back in the old days when
14 prior to the NEPA requirements, I think the
15 SHPO, in my experience the SHPO's
16 recommendations were more advisory. I think
17 the Council, as a matter of practice,
18 followed those recommendations at the time,
19 but now it has become more, I'd say, more
20 critical to the process because they do play
21 such a major role nationwide through the
22 National Environmental Policy Act.

23 THE CHAIRPERSON: Thank you.
24 We're now going to adjourn this portion of
25 the hearing, and we'll reassemble at 7 p.m.,

1 at which time we'll have the public comment
2 section.

3 (Whereupon, the witnesses were
4 excused and the above proceedings were
5 adjourned at 4:56 p.m.)
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1 CERTIFICATE
2 I hereby certify that the foregoing 106
3 pages are a complete and accurate
4 computer-aided transcription of my original
5 verbatim notes taken of the Siting Council
6 Meeting in Re: DOCKET NO. 442, APPLICATION
7 FROM NEW CINGULAR WIRELESS PCS, LLC, 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 Community Room, Norwalk
15 Town Hall, 125 East Avenue, Norwalk,
16 Connecticut, at 3 p.m., on December 19, 2013.
17
18
19
20
21

22 _____
23 Robert G. Dixon, CVR-M 857
24 Notary Public
25 UNITED REPORTERS, INC.
90 Brainard Road, Suite 103
Hartford, Connecticut 06114

1 I N D E X
2 WITNESSES ANTHONY WELLS
3 DAVID VIVIAN
4 ROBERT J. FOLEY
5 MICHAEL LIBERTINE
6 DEAN GUSTAFSON Page 8
7 EXAMINATION:
8 Mr. Mercier Page 11
9

10 WITNESSES MARK BRAUER
11 RYAN ULANDAY
12 SANDY CARTER Page 71
13 EXAMINATION
14 Mr. Mercier Page 74
15

16 EXHIBITS
17 (Admitted in evidence.)
18 EXHIBIT DESCRIPTION PAGE
19 II-B-1 Application for a Certificate 11
20 of Environmental Compatibility
21 and Public Need by New Cingular
22 Wireless PCS, LLC, received
23 September 23, 2013.
24
25

DOCKET NO. 442
December 19, 2013

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