

STATE OF CONNECTICUT
SITING COUNCIL

* * * * *

NEW CINGULAR WIRELESS PCS, LLC * FEBRUARY 9, 2012
* (3:09 p.m.)
*

PETITION FOR A DECLARATORY RULING *
THAT NO CERTIFICATE OF *
ENVIRONMENTAL COMPATIBILITY AND *
PUBLIC NEED IS REQUIRED FOR THE * PETITION NO. 1010
PROPOSED INSTALLATION OF A *
CONCEALED TOWER ON A WATER TANK *
AND ASSOCIATED EQUIPMENT AT A WATER *
TREATMENT PLANT LOCATED AT *
455 VALLEY ROAD, GREENWICH *
*

* * * * *

BEFORE: COLIN C. TAIT, ACTING CHAIRMAN

BOARD MEMBERS: Larry P. Levesque, DPUC Designee
Brian Golembiewski, DEP Designee
Edward S. Wilensky
James J. Murphy, Jr.
Dr. Barbara Currier Bell

STAFF MEMBERS: Linda Roberts, Executive Director
Christina Walsh, Siting Analyst
Melanie Bachman, Staff Attorney

APPEARANCES:

FOR THE PETITIONER NEW CINGULAR WIRELESS PCS, LLC
(AT&T):

CUDDY & FEDER LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
BY: CHRISTOPHER B. FISHER, ESQUIRE

FOR THE INTERVENORS LEE AND KAORI HIGGINS,
PETER AND ELIZABETH JANIS, AND RICHARD AND SUSAN
KOSINSKI:

BERCHEM, MOSES, AND DEVLIN, P.C.
27 Imperial Avenue
Westport, Connecticut 06880
BY: IRA W. BLOOM, ESQUIRE
MARIO F. COPPOLA, ESQUIRE

HEARING RE: NEW CINGULAR WIRELESS (AT&T)
FEBRUARY 9, 2012 (3:09 PM)

1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of a Petition by New Cingular Wireless PCS LLC
4 (AT&T) for a Declaratory Ruling, held at the Greenwich
5 Town Hall, 101 Field Point Road, Greenwich, Connecticut,
6 on February 9, 2012 at 3:09 p.m., at which time the
7 parties were represented as hereinbefore set forth . . .

8
9
10 ACTING CHAIRMAN COLIN C. TAIT: Ladies and
11 gentlemen, this hearing is called to order this Thursday,
12 February 9, 2012 at 3:07 p.m.

13 My name is Colin Tait, Vice Chairman of
14 the Connecticut Siting Council. Other members of the
15 Council are Brian Golembiewski, the designee for
16 Commissioner Dan Estey, the Department of Environmental
17 Protection; Larry P. Levesque, the designee for Chairman
18 Kevin M. DelGobbo, the Public Utilities Regulatory
19 Authority; James J. Murphy; Edward S. Wilensky; and Dr.
20 Barbara C. Bell.

21 Members of the staff are Linda Roberts,
22 our Executive Director; Melanie Bachman, our staff
23 attorney; Christina Walsh, our Siting Analyst. Our court
24 reporter is Gail Gregoriades and our technician is Joseph

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1 Reese and Aaron DeMarsetti -- DeMarest. Sorry.

2 This hearing is held pursuant to the title
3 -- to the provisions of Title 16 of the Connecticut
4 General Statutes and the Uniform Administrative
5 Procedures Act on a Petition from New Cingular Wireless
6 PCS, LLC, for a Declaratory Ruling that no Certificate of
7 Environmental Compatibility and Public Need is required
8 for the proposed installation of a concealed water -- a
9 concealed tower on a water tank and associated equipment
10 at a water treatment plant located at 455 Valley Road,
11 Greenwich, Connecticut. This petition was received by
12 the Council on October 5, 2011.

13 This position -- this petition is also
14 governed by the Telecommunications Act of 1996, which is
15 administered by the Federal Communications Commission.
16 This act prohibits this Council from considering the
17 health effects of radio frequency emissions on human
18 health and wildlife to the extent the emissions from
19 towers are within the federal acceptable safe limit
20 standard, which standard is also followed by the State
21 Department of Public Health. The federal act also
22 prohibits this Council from discriminating between and
23 amongst providers of functionally equivalent services.
24 This means that if one carrier already provides service

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1 for an area, other carriers have a right to compete and
2 provide service in the same area.

3 As a reminder to all, off-the-record
4 communications with a member of this Council or a member
5 of the Council staff upon the merits of this petition is
6 prohibited by law.

7 The parties and intervenors to the
8 proceeding are as follows: The Petitioner is New
9 Cingular Wireless PCS, LLC, represented by Chris B.
10 Fisher, Esquire of Cuddy and Feder, LLP. The Intervenors
11 are Lee and Karen Higgins, Peter and Elizabeth Janis, and
12 Richard and Susan Kosinski, represented by Ira W. Bloom,
13 Esquire of -- and Mario F. Coppolo, Esquire, of the firm
14 of Berchem, Moses and Devlin.

15 We will proceed in accordance with the
16 proposed agenda, copies of which are available here.
17 Also available here are copies of the Council's Citizens
18 Guide to Siting Council Procedures.

19 At the end of this afternoon's session, we
20 will recess and resume again at 7:00 p.m. The 7:00 p.m.
21 hearing will be reserved for the public to make brief
22 oral statements into the record. I wish to note that
23 parties and intervenors, including their representatives
24 and witnesses are not allowed to participate in the

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1 public comment session. I also wish to note for those
2 who are here and for the benefit of your friends and
3 neighbors who are unable to join us for the public
4 comment session, that you and they may send written
5 statements to the Council within 30 days of the date
6 hereof; and such written statements will be given the
7 same weight as if spoken here at this hearing.

8 If necessary, party and intervenor
9 presentations may continue after the public comment
10 session if time remains.

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

14 Is there any public official here at this
15 time to make -- who wishes to make a public statement?
16 Hearing none, are there any motions?

17 Hearing none, I wish to call your
18 attention to the items shown on the hearing program
19 marked Roman Numeral I-D, Items 1 to 42. Does the
20 intervenor -- does the party or intervenor have an
21 objection to these items that the Council has
22 administratively noticed? They will be so noticed.

23 Will the Petitioner present its witness
24 panel for the purposes of taking the oath.

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1 MR. CHRISTOPHER B. FISHER: Good
2 afternoon, Chairman and members of the Council. Attorney
3 Christopher Fisher with the firm of Cuddy and Feder. I'm
4 here on behalf of the Petitioner, New Cingular Wireless,
5 otherwise known as AT&T.

6 We have four witnesses this afternoon. To
7 my right and to your left is Anthony Wells with C-Squared
8 Systems. Also to my right is Jaclyn Swenson with KJK
9 Wireless, a consultant to AT&T. To my left and to your
10 right is Peter Perkins, a professional engineer with
11 Clough Harbour and Associates. And on the end is Dean
12 Gustafson with VHB.

13 ACTING CHAIRMAN TAIT: Will they stand and
14 be sworn.

15 MS. MELANIE BACHMAN: Please raise your
16 right hand.

17 (Whereupon, the Petitioner's witness panel
18 was duly sworn in.)

19 MS. BACHMAN: Thank you.

20 MR. FISHER: Chairman, we have one item
21 for administrative notice. It's the Council's
22 Comprehensive List of Sites that's maintained pursuant to
23 Public Act 04-226.

24 ACTING CHAIRMAN TAIT: Any objection to us

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1 noticing? So noticed.

2 MR. FISHER: Chairman, we have seven items
3 listed in the hearing program under Roman Numeral II-B.
4 The first is the petition itself, which is noted by the
5 Council as received on October 5th, with a number of
6 exhibits; the second is a Supplemental Submission, dated
7 November 15, 2011; the third is a Supplemental Submission
8 II, dated December 8, 2011; the fourth are AT&T's
9 responses to the Council's interrogatories, dated
10 February 2, 2012; the fifth are AT&T's Supplemental
11 Submission III, dated February 2, 2012; Item 6 is an
12 Affidavit of the Sign Posting, which was received by the
13 Council on February 3rd; and Item 7 is an updated
14 response to the Council's Interrogatory No. 7 by AT&T,
15 and that's dated February 8th. That document, which we
16 served last night, I have provided copies to Christina
17 Walsh and a copy to counsel for the intervenor. If you
18 would accept them for identification.

19 ACTING CHAIRMAN TAIT: So noticed 1
20 through 7 as they appear on the agenda.

21 MR. FISHER: Thank you, Chairman.

22 (Whereupon, Petitioner Exhibit Nos. 1
23 through 7 were marked for identification purposes only.)

24 MR. FISHER: Some of the items that I just

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1 asked the Council to identify are obviously materials
2 that were drafted by my office and others as advocacy on
3 the petition. To the extent that we go through the
4 verification process, I'd ask each of the witnesses to
5 focus on the exhibits and contents that they helped
6 prepare and assist in the preparation.

7 ACTING CHAIRMAN TAIT: Thank you.

8 MR. FISHER: I'd ask each witness did you
9 prepare and assist in the preparation and otherwise
10 procured the information that just was identified as
11 Items B-1 through 7 in the hearing program?

12 MR. ANTHONY WELLS: Tony Wells. Yes.

13 MS. JACLYN SWENSON: Jaclyn Swenson. Yes.

14 MR. PETER PERKINS: Peter Perkins --
15 (audio feedback) -- yes.

16 ACTING CHAIRMAN TAIT: Is everybody awake
17 -- (laughter) --

18 A VOICE: We are now.

19 MR. DEAN GUSTAFSON: Dean Gustafson. Yes.

20 MR. FISHER: And are there any
21 modifications or corrections to the documents that have
22 been submitted that need to be made?

23 MR. WELLS: Tony Wells. No.

24 MS. SWENSON: Jaclyn Swenson. No.

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1 MR. PERKINS: Peter Perkins. No.

2 MR. GUSTAFSON: Dean Gustafson. No.

3 MR. FISHER: And are -- the items that
4 have been identified, are they true and accurate to the
5 best of your belief and do they -- and do you adopt them
6 as your testimony here today?

7 MR. WELLS: Tony Wells. Yes.

8 MS. SWENSON: Jaclyn Swenson. Yes.

9 MR. PERKINS: Peter Perkins. Yes.

10 MR. GUSTAFSON: Dean Gustafson. Yes.

11 MR. FISHER: Chairman, I would ask that
12 you accept the documents into evidence at this time.

13 ACTING CHAIRMAN TAIT: Does any party or
14 intervenor object to the admission of the Petitioner's
15 exhibits? Hearing no objections, they will be admitted
16 as full exhibits.

17 MR. FISHER: Thank you, Chairman.

18 (Whereupon, Petitioner Exhibit Nos. 1
19 through 7 for identification were received into evidence
20 as full exhibits.)

21 ACTING CHAIRMAN TAIT: We will now begin
22 the cross-examination of the Petitioner. Miss Walsh.

23 MS. CHRISTINA WALSH: Thank you. The
24 responses to the Council's interrogatories No. 6 states

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1 that AT&T would use a battery backup system for power
2 outage, and that those batteries would provide eight to
3 twelve hours of power when the batteries are new. How
4 much capacity do those lose over time? Is there a point
5 at which they have to be replaced and are they checked?

6 MR. WELLS: They are checked monthly. I
7 don't know what the rate of replacement is, but that is
8 part of the monthly routine, is to check the batteries
9 and -- and their lifespan.

10 MS. WALSH: Okay. And if a power outage
11 is of a longer duration, a generator is brought into the
12 site?

13 MR. WELLS: Yes, assuming we can get
14 access to the site at that time.

15 MS. WALSH: Okay. Does AT&T intend to
16 plan any landscaping around the side of the compound that
17 faces Valley Road to provide any screening?

18 MR. PERKINS: Yes, we could provide
19 whatever shrubbery the Council so directs.

20 MS. WALSH: Okay. And that tree that was
21 mentioned in one of the exhibits as being a hazard tree,
22 would that tree be removed from the time of installation
23 of the antennas if approved?

24 MR. GUSTAFSON: AT&T would coordinate that

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1 with Aquarion, but it -- it is our assessment that that
2 tree does pose as a hazard to the water tank, so it would
3 be prudent to remove it at that time.

4 ACTING CHAIRMAN TAIT: Mr. Gustafson, how
5 large a tree can you successfully transplant to that
6 site? How tall that will live?

7 MR. GUSTAFSON: For the soil conditions
8 that are at that location, you could probably
9 successfully plant a 10 to 12-foot tall tree. It would
10 require irrigation, particularly for the first couple of
11 years so the root ball gets established. But I think
12 anywhere from 8 to 10, no more than 12 feet, and you
13 could have some success --

14 ACTING CHAIRMAN TAIT: Even with the
15 evergreens?

16 MR. GUSTAFSON: I would imagine that the
17 preference would be for evergreens.

18 ACTING CHAIRMAN TAIT: Thank you.

19 MS. WALSH: Would each of the frequency
20 bands that are being proposed to be installed at this
21 site be used for voice? Meaning the cellular, the PCS,
22 and the LTE bands, would those all be used for the
23 purpose of carrying voice?

24 MR. WELLS: Eventually. And it -- it

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1 changes over time depending on the capacity needs and the
2 overlapping coverage from surrounding sites. But it
3 really -- it really is a process that's going to migrate
4 and you can't say at any particular point which band will
5 cover voice and which will cover data. And certainly as
6 the technology progresses, there will be -- there won't
7 even be a distinction between voice and data carriers,
8 they'll all be through one, as it is on our UMTS channels
9 currently.

10 MS. WALSH: Okay. So the coverage plots
11 that show a larger gap along the roadways using a PCS
12 signal would still be able to carry the signal if
13 somebody was on a call by switching over to a different
14 frequency band or --

15 MR. WELLS: Yeah. If the higher
16 frequencies are used, those would be used in closer to
17 the site. And then as you approach the limit of the
18 site, it would hand down to another frequency if you
19 originated on that higher frequency.

20 MS. WALSH: Regarding Exhibit 7, which is
21 the new aerial photograph, where was the data layer
22 obtained that redrew the Class 1 watershed property?

23 MR. GUSTAFSON: It depends on what data
24 layer you're asking about.

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1 MS. WALSH: The -- the data layer that
2 contains the line that was drawn showing where the Class
3 1 property --

4 MR. GUSTAFSON: Yeah -- alright. Thank
5 you for the clarification. The -- the boundaries that
6 were provided depicting the different Class 1, 2, and 3
7 watershed boundaries were reviewed through staff at
8 Aquarion, and taking into account the existing watershed
9 drainages that flow down through the Mianus River. And
10 those were confirmed by staff at Aquarion.

11 MS. WALSH: Okay, who -- who typically
12 determines that classification? Is it based on a
13 distance from the water source or is it just based on
14 drainage or is there some agency that specifies the
15 classification?

16 MR. GUSTAFSON: It -- it's first
17 determined by drainage, what'd draining into the public
18 supply watershed that will make a determination whether
19 it's Class 1, 2, or 3. It has to be water company land.
20 And then for various classifications for either 1 or 2, 2
21 would be in this particular case for the Mianus River,
22 anything within 150 feet of the public supply watershed
23 boundary of the Mianus River would be Class 2. Anything
24 outside 150 feet would be Class 3 land. The water

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1 companies generally make those designations. And then
2 for formal determinations, they petition the Department
3 of Public Health.

4 MS. WALSH: Okay, thank you. Does AT&T
5 have information about the dropped call rate in the area
6 at this time?

7 MR. WELLS: Not specifically for this
8 area. It's hard to determine a dropped call rate for a
9 target area like this because the coverage, No. 1, is so
10 sparse that -- what we refer to instead of dropped call
11 rates there's two measures that we use. One is what we
12 refer to as ineffective attempts, where you try to make
13 the call and are unsuccessful in establishing that call,
14 and two is the dropped call.

15 This -- the area is so weak in many of the
16 areas that establishing ineffective call attempts is
17 impossible because the signal is not even strong enough
18 to reach to the tower to register. Then -- and there are
19 also so many sites reaching into that particular area
20 that you can't really identify which sectors of which
21 site are dropping for that particular area because the
22 cell sectors are covering way too much beyond what they
23 should be, and so it's hard to say okay in this small
24 area these is are the drops coming from here. What we do

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1 know is the signal is way below acceptable signal levels.
2 And during drive testing there were several dropped calls
3 within that area.

4 MS. WALSH: Okay. Do you have an estimate
5 of the range of signal level in the area?

6 MR. WELLS: The range is anywhere from
7 borderline coverage near the tank to some areas below
8 negative 100 dBm to the areas to the north and the gaps.

9 MS. WALSH: And what signal level does
10 AT&T design for?

11 MR. WELLS: Negative 84 dBm for outdoor
12 in-vehicle coverage.

13 MS. WALSH: Could you estimate the
14 difference in coverage that would come from if AT&T
15 located antennas directly on the tank, on either the side
16 or the top of the tank?

17 MR. WELLS: We -- we did look at that at
18 lower heights and it is a little difficult to predict
19 because as you saw on the site, we're already pretty much
20 into the tree line as it is. And so the effect of what
21 we refer to as ground cover trees and such in the area
22 that significantly block the signal make it very hard to
23 predict. But looking at some of the lower height models
24 we've done in similar environments, it opens up a gap --

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1 even a reduction in 10 feet opens up significant gaps
2 along Westover Road. And I -- also, I think I responded
3 that our minimal signal level is neg 84, but it is
4 negative 82 dBm.

5 MS. WALSH: Could the concealed structure
6 that's being proposed be widened to be the same diameter
7 as the water tank itself so that it would be just a
8 straight line going up rather than a smaller diameter on
9 top of the tank?

10 MR. PERKINS: At this point no. There's
11 two stages in the proposed concealment. There's some
12 framing to support the antennas. The framing is
13 encompassed by a circumference that matches the tank, and
14 then the antennas themselves are surrounded by a shield
15 that the circumference is smaller than the tank, and that
16 portion cannot be increased. Our calculations show that
17 that would start to exceed the factor safety of
18 overturning on an empty tank.

19 MS. WALSH: And could somebody just
20 describe the balloon flight that occurred today?

21 MR. PERKINS: Yes. We put up a 16-inch
22 diameter red balloon at 8:00 o'clock this morning. It
23 lasted about an hour and a half. And then we put up a
24 second balloon, and that lasted 45 minutes. At noon we

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1 put up a 36-inch diameter yellow at approximately 75 feet
2 southwest of the actual tank to get it away from the
3 trees so at least we would have a balloon up for the rest
4 of the day. That balloon, to my knowledge, is still up.
5 There was probably a breeze between five and ten, which
6 caused the balloon to not achieve its full height
7 straight up. It was at an angle.

8 MS. WALSH: Okay. So the weather
9 conditions today were generally windy?

10 MR. PERKINS: Yeah. I would say that,
11 yes.

12 MS. WALSH: And what time will the balloon
13 stay until?

14 MR. PERKINS: Until 4:00 o'clock.

15 MS. WALSH: Okay. Okay, no further
16 questions. Thank you.

17 ACTING CHAIRMAN TAIT: Miss Walsh, you all
18 done? Dr. Bell.

19 DR. BARBARA C. BELL: Thank you, Mr.
20 Chair.

21 The -- the compound house or shelter
22 building, did you consider putting that anywhere else
23 around on the back of the tank for instance where -- or --
24 - I guess you really couldn't put it on the other -- on

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1 the driveway side -- but I'm just curious about how you
2 selected that particular spot?

3 MS. SWENSON: I can answer that. We were
4 given a specific location, the one that we're using, by
5 Aquarion as to the only place we could place the shelter.
6 They were quite specific for the area.

7 DR. BELL: Okay, thank you. Mr. Wells, I
8 noticed that in the design for the antennas in the
9 shrouded part of the structure you've included a space
10 for a -- for other antennas to be mounted for perhaps
11 another carrier, perhaps more AT&T antennas. Does that
12 sound right to you?

13 MR. WELLS: You're referring to the four
14 per sector I assume, correct, at the -- at the 60-foot
15 centerline?

16 DR. BELL: Yeah.

17 MR. WELLS: Yes. Yeah, those -- those
18 would be reserved for AT&T's purposes --

19 MS. SWENSON: Underneath --

20 MR. WELLS: Oh, underneath we're talking -
21 -

22 DR. BELL: I think I'm talking about
23 Drawing C-02.

24 MR. WELLS: Oh, I' sorry. Yes, those --

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1 those would be for a potential future carrier.

2 DR. BELL: Okay. So my question is, is
3 there enough separation between those hypothetical
4 antennas and the antennas that AT&T is planning to use or
5 if -- if the separation is closer than usual, can -- I
6 just wondered if you could comment on -- on that?

7 MR. WELLS: Ideally we would have 10-foot
8 center to center -- well ideally we would have 20 to 25
9 feet center to center if the RF guys had their say, but
10 we -- we generally recognize that there's a compromise --
11 in order to keep visibility at a minimum that we need to
12 compromise and go to a 10-foot center to center. That's
13 -- that's our comfort level and mine in particular
14 having done a lot of field interference analysis.

15 In this case, you know, we recognize we're
16 very space constrained and we want to allow carriers more
17 separation and so -- also from an RF perspective I'm not
18 overly comfortable with it, but it's one of those
19 compromises you need to make because RF guys don't get to
20 do what they want all the time.

21 DR. BELL: Okay, thank you. Thank you,
22 Mr. Chair, those are my questions.

23 ACTING CHAIRMAN TAIT: Mr. Levesque.

24 MR. LARRY P. LEVESQUE: Mr. Wells, the --

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1 AUDIO TECHNICIAN: Microphone, sir.

2 MR. LEVESQUE: The electric power there on
3 the pole close to the tank, does that pose any
4 interference for the service? Does -- you're going to
5 use -- that pole will stay there?

6 MR. WELLS: Yes -- I assume -- yeah. I'm
7 getting confirmation that it is -- I didn't -- the pole I
8 guess is going to stay there and it will be fine. It
9 won't interfere with RF.

10 MR. LEVESQUE: Okay. Thank you very
11 much.

12 ACTING CHAIRMAN TAIT: Jerry.

13 MR. JAMES J. MURPHY, JR.: I have no
14 questions, Mr. Chairman, at this time.

15 ACTING CHAIRMAN TAIT: Brian.

16 MR. BRIAN GOLEMBIEWSKI: Thank you. Mr.
17 Gustafson, are you speaking here for both environmental
18 and visibility?

19 MR. GUSTAFSON: Just environmental.

20 MR. GOLEMBIEWSKI: Okay.

21 MR. GUSTAFSON: Visibility is Mr. Perkins.

22 MR. GOLEMBIEWSKI: Okay. I don't know how
23 familiar you are with the site, but as I crossed Valley
24 Road today, there were two houses that seemed to have

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1 direct views of the tank almost at -- I don't want to say
2 eye level, but the house -- the first floor, the second
3 floor, it was visible -- or it appeared that it would be
4 visible from all -- from the ground, the first floor, and
5 second floor. And maybe this is a dual question, are --
6 is there some -- and I think someone asked a little bit
7 before about this -- is there some combined planting plan
8 that could address some of those visibility issues?
9 Because it seemed like when I went on some of the other
10 properties, actually some plantings on the neighbors' or
11 abutting properties would actually have more effect to
12 screen than potentially some of the areas on Aquarion. I
13 mean is there some plan that could be negotiated or
14 presented?

15 MR. FISHER: That sounds like a
16 combination of questions and the --

17 MR. GOLEMBIEWSKI: Okay --

18 MR. FISHER: -- on the -- to the extent
19 it's a legal --

20 MR. GOLEMBIEWSKI: On the host property -
21 -

22 MR. FISHER: On the host property we can
23 address that. And to the extent it would be plantings
24 off-site, we would obviously have to talk with those

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1 property owners.

2 MR. GOLEMBIEWSKI: And get permission to
3 do that. Okay.

4 MR. FISHER: Do you want to address the
5 outside --

6 MR. PERKINS: The antennas structure,
7 concealed structure is going on top of the tank --

8 MR. GOLEMBIEWSKI: Yeah --

9 MR. PERKINS: -- I -- I don't think any
10 plantings that we could get in there would immediately
11 conceal that for many years. And then by the time they
12 grew to the point where they could conceal a hundred
13 percent, the power company would cut them down like they
14 were out there today cutting those branches down --

15 MR. GOLEMBIEWSKI: Okay --

16 MR. PERKINS: -- so I would say that as
17 far as concealing the -- or making the concealed tower
18 and hiding it behind plantings, I don't think that's
19 feasible on the subject property.

20 MR. GOLEMBIEWSKI: Okay. And then the
21 issue of making the concealment structure or shroud,
22 whatever you want to call it, the same diameter as the
23 tank, you said there was some analysis done that showed
24 that if the tank was empty, it would make -- it may cause

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1 it to fail?

2 MR. PERKINS: Correct. Yes.

3 MR. GOLEMBIEWSKI: Okay. And is that
4 something that's in the record?

5 MR. PERKINS: I don't know if those --
6 what we've submitted in the record is the calculations of
7 the nine-foot diameter that show it is feasible --

8 MR. GOLEMBIEWSKI: Okay --

9 MR. PERKINS: -- so I don't think we show
10 all the scenarios that are not feasible.

11 MR. GOLEMBIEWSKI: Okay. But your
12 professional opinion is if it matched the diameter of the
13 existing tank, that there is a problem with stability or
14 failure?

15 MR. PERKINS: Yes, on the existing tank.

16 MR. GOLEMBIEWSKI: Okay.

17 MR. PERKINS: Now there could be
18 possibilities where you build an external skeleton around
19 the tank --

20 MR. GOLEMBIEWSKI: Oh, I see. An entire -
21 - oh, okay --

22 MR. PERKINS: -- and disconnect from the
23 tank --

24 MR. GOLEMBIEWSKI: Yes --

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1 MR. PERKINS: -- however, that makes the
2 whole facility -- if you were then going to shroud that
3 framing, it would make the whole facility larger in
4 diameter and more visible.

5 MR. GOLEMBIEWSKI: Okay.

6 ACTING CHAIRMAN TAIT: Did you discuss
7 this with Aquarion, the empty water tank problem? Did
8 you discuss --

9 MR. PERKINS: We -- we were working with
10 one of their engineers. We just picked a shroud diameter
11 that worked with the tank considering the tank being
12 empty, and we didn't go beyond that. Once we had a
13 scenario that worked and we were comfortable it worked,
14 we stopped there.

15 ACTING CHAIRMAN TAIT: And your opinion is
16 that it wouldn't work any higher?

17 MR. PERKINS: Yes, that's my -- attached
18 to the existing tank, it would not work any higher.

19 ACTING CHAIRMAN TAIT: It would create a
20 safety problem on the tank itself?

21 MR. PERKINS: It would violate the
22 recommended factor of safety in the current design
23 codes.

24 ACTING CHAIRMAN TAIT: The design codes of

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1 what organization?

2 MR. PERKINS: ASCE and the State of
3 Connecticut.

4 ACTING CHAIRMAN TAIT: Okay, thank you.

5 DR. BELL: Mr. Chairman --

6 ACTING CHAIRMAN TAIT: Sorry Brian -- oh -
7 - Dr. Bell.

8 DR. BELL: Just to ask a follow-up
9 question. You did study -- actually looked at extending
10 the structure, the concealed structure 10 feet, right, to
11 accommodate a hypothetical future carrier in an earlier -
12 - in response to the Council's earlier question?

13 MR. PERKINS: That's correct.

14 DR. BELL: So you have a -- when you say
15 that you can't extend it farther, you're -- that's based
16 not just on the question today, but rather a previous
17 study that you did before this hearing in response to a
18 Council question, is that correct?

19 MR. PERKINS: That's correct.

20 DR. BELL: Thank you. That's my question,
21 Mr. Chair.

22 ACTING CHAIRMAN TAIT: Brian.

23 MR. GOLEMBIEWSKI: Just a couple more.

24 Mr. Gustafson, the proposed equipment shed or whatever

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1 you want to call it, is that located outside of the
2 hundred-year flood zone, or Mr. Perkins?

3 MR. GUSTAFSON: Yeah, and Mr. Perkins can
4 feel to weigh in. It's -- from an elevation standpoint,
5 the proposed shelter is outside -- it's outside both the
6 hundred and the five-hundred year.

7 MR. GOLEMBIEWSKI: Okay. So -- so its
8 location is consistent with flood management regulations
9 and standards for municipality and the state --

10 MR. GUSTAFSON: That's correct.

11 MR. GOLEMBIEWSKI: Okay. I noticed that
12 there was a National Diversity Database shaded area and I
13 just want to make sure that there's -- I think it's in
14 here -- there's a letter from my department saying there
15 are no concerns with any state listed species?

16 MR. GUSTAFSON: That's correct.

17 MR. GOLEMBIEWSKI: Okay.

18 MR. GUSTAFSON: Yeah, we submitted a full
19 request form with materials that are consistent within
20 this petition, and they determined that there would be no
21 -- no effect on listed species.

22 MR. GOLEMBIEWSKI: Okay. And what's the
23 closest the construction would come to a flagged wetland
24 or watercourse?

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1 MR. GUSTAFSON: The -- one of the corners
2 of the proposed equipment shelter is approximately 55
3 feet away from the nearest wetland.

4 MR. GOLEMBIEWSKI: Okay. And would you be
5 using any erosion controls during construction to avoid
6 any migration?

7 MR. GUSTAFSON: There would be. And in
8 particular the -- any soil disturbance would have a silt
9 fence to contain any possible release of sediment. And
10 then if you look at the natural drainage from that area,
11 it would essentially cascade to the south/southeast, and
12 on to the paved surface. There are two catch basins, you
13 may have noticed, and those would be fitted with silt
14 socks during construction as well in case anything
15 migrated onto the pavement.

16 MR. GOLEMBIEWSKI: Okay. And I know there
17 was some talk about one of the larger pine trees
18 potentially being removed. Would any other vegetation in
19 that area between Valley Road and the tank need to be
20 removed for construction?

21 MR. GUSTAFSON: I -- I don't believe so.

22 MR. GOLEMBIEWSKI: Okay. Alright. That's
23 all I have. Thank you.

24 ACTING CHAIRMAN TAIT: Thank you. Mr.

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1 Wilensky.

2 MR. EDWARD S. WILENSKY: Yes. I don't
3 know who has the answer -- what height was the yellow
4 balloon flown today? Mr. Perkins.

5 MR. PERKINS: We had 64 feet of line out.
6 But because of the wind, the balloon was at an angle and
7 did not achieve the 64 feet.

8 MR. WILENSKY: Did not exceed what, I'm
9 sorry?

10 MR. GOLEMBIEWSKI: Sixty-four --

11 MR. PERKINS: Sixty-four feet.

12 MR. WILENSKY: So in other words, what --
13 when I saw it, it was at an angle --

14 MR. PERKINS: That's correct --

15 MR. WILENSKY: -- so it was not going --
16 you were not able to fly it straight up, is that
17 correct?

18 MR. PERKINS: That's correct.

19 MR. WILENSKY: So it never really reached
20 the -- in other words, it was tough to determine where
21 that height was based on the flying of the balloon
22 today?

23 MR. PERKINS: That's correct.

24 MR. WILENSKY: As I understand it, the

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1 backup power will be what? You will not have backup
2 power, is that what was said here? Mr. Wells.

3 MR. WELLS: There will be battery backup
4 power installed on site.

5 MR. WILENSKY: Have you thought of a fuel
6 cell here because that seems to be concern about the
7 backup power and the fuel cell?

8 MR. WELLS: Yeah. I don't believe for
9 this location -- and I think the -- my understanding --
10 and power is a little bit out of my expertise range, but
11 my -- my understanding of the current problems with the
12 fuel cell is maintaining those and having somebody who's
13 qualified to maintained those. I think that's -- that
14 seems to be the current problem with those --

15 MR. WILENSKY: So --

16 MR. WELLS: -- again --

17 MR. WILENSKY: So in other words, you feel
18 that the battery -- the battery backup would be the
19 proper way -- or the better way to go, is that what
20 you're saying, Mr. Wells?

21 MR. WELLS: For now it's the practical way
22 to go because of, like I said, the lack of the ability to
23 get people to service the alternative technologies.

24 MR. WILENSKY: Have you looked at other

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1 areas around? Is there any area other than this water
2 tank that would suffice and serve AT&T? Would you know
3 that, Mr. Wells?

4 MR. WELLS: None that we can find. As you
5 can -- if you're over in that area, it's predominantly a
6 residential area. And the alternative is really to build
7 a new structure somewhere in that area. And that's --
8 there's quite a bit of terrain and tree cover in that
9 area and it makes RF propagation quite challenging. So
10 you need to be near that area, but it's largely a
11 residential area --

12 MR. WILENSKY: Thank you very much --

13 MR. WELLS: -- and this is the only
14 structure that we found that exists and requires in our
15 view minor modifications to accommodate it.

16 MR. WILENSKY: On one of the visuals you
17 show the -- it looks like a lattice tower on Westover
18 School -- on Westover School property. How far away is
19 that? And that's View 10.

20 MR. PERKINS: That's about one and a half
21 miles.

22 MR. WILENSKY: Are you on that at the
23 present time?

24 MR. WELLS: Pete, could you give me the

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1 address for that?

2 (pause)

3 MR. WELLS: If that's Katonah Lane, then
4 we are. And we actually looked at all the -- overlaid
5 our sites with the Siting Council database. And anything
6 that's in the Siting Council database or in the
7 surrounding area, we're either on or very close to an
8 existing Siting Council --

9 MR. WILENSKY: If you're not on this
10 tower, would that suffice -- would that serve your
11 needs?

12 MR. WELLS: It would not, no. It's --
13 it's significantly south. As Peter mentioned, that's
14 about --

15 MR. WILENSKY: What, north -- would it be
16 north of the property --

17 MR. WELLS: Pete, can you verify that that
18 is Katonah Lane?

19 MR. WILENSKY: It would be north --
20 northwest --

21 (pause)

22 MR. WELLS: Yeah, our -- our information
23 shows that is Katonah Lane, which is approximately a mile
24 and a half or so south -- southeast of the proposed site

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1 --

2 MR. WILENSKY: Southeast, okay --

3 MR. WELLS: -- and -- and there's
4 significant terrain between -- between that site and the
5 coverage area.

6 MR. WILENSKY: So in other words, Mr.
7 Wells, would that serve or are you saying it would not
8 serve your --

9 MR. WELLS: We're on it, and it doesn't
10 serve --

11 MR. WILENSKY: Oh, you're on it.

12 MR. WELLS: Right.

13 MR. WILENSKY: Oh, okay. So are there --
14 and then the other question -- my last question is, and I
15 think you've answered it, are there other properties that
16 would be suitable for you in that other -- in this area
17 other than the water tank?

18 MR. WELLS: None -- none that we can find.
19 And we certainly -- you know, the first thing we do is
20 download the database of Siting Council sites available
21 on your website, and overlay them with our existing sites
22 to see if there is anything closer to the target area
23 that we may have missed, and we -- we send our real
24 estate folks out to search the area. But as we said,

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1 it's a predominantly residential area. And to find a
2 tall structure that can get above the tree level is very
3 tough in this area.

4 MR. WILENSKY: Okay, thank you. Thank
5 you, Mr. Chairman.

6 ACTING CHAIRMAN TAIT: Will you review for
7 us the -- will there be any noise from this facility that
8 the neighbors can hear? There's no generator. You'll
9 bring in power when you have to?

10 MR. WELLS: That's correct.

11 ACTING CHAIRMAN TAIT: There's a battery
12 backup?

13 MR. WELLS: There's -- there's an HVAC
14 unit. And Pete might be better to address the noise
15 issue.

16 MR. PERKINS: Yeah. There -- there is an
17 AC unit for cooling in the summertime.

18 ACTING CHAIRMAN TAIT: And that will be in
19 the equipment shelter?

20 MR. PERKINS: That will be in the
21 equipment shelter, but it exhausts out the side of the
22 shelter. There is a hum from that. I don't know what
23 the decibel level is, but it's -- if you can imagine an
24 AC unit in your house.

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1 ACTING CHAIRMAN TAIT: That's -- that's
2 the level of the noise?

3 MR. PERKINS: Yes.

4 ACTING CHAIRMAN TAIT: And it will be
5 enclosed?

6 MR. PERKINS: The --

7 ACTING CHAIRMAN TAIT: In the equipment
8 shelter?

9 MR. PERKINS: Yep.

10 MR. GOLEMBIEWSKI: Can I follow up on
11 that?

12 ACTING CHAIRMAN TAIT: Yes.

13 MR. GOLEMBIEWSKI: You would have the spec
14 for the unit, right, and you would then know what it
15 generated for noise, and then you would know the distance
16 to the closest house, right?

17 MR. PERKINS: We would have all that
18 information --

19 MR. GOLEMBIEWSKI: Okay, is that something
20 --

21 MR. PERKINS: -- AT&T specs the equipment
22 --

23 MR. GOLEMBIEWSKI: Okay --

24 MR. PERKINS: -- so we'd have to check

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1 through them --

2 MR. GOLEMBIEWSKI: But I guess what I'm
3 saying is you -- you can find that answer out, right --

4 MR. PERKINS: Yes --

5 MR. GOLEMBIEWSKI: -- and then --

6 ACTING CHAIRMAN TAIT: Then we would like
7 it --

8 MR. GOLEMBIEWSKI: Yeah --

9 ACTING CHAIRMAN TAIT: -- before our next
10 hearing.

11 MR. GOLEMBIEWSKI: And then you could come
12 -- or whatever you needed to do --

13 ACTING CHAIRMAN TAIT: To make --

14 MR. GOLEMBIEWSKI: Thank you.

15 ACTING CHAIRMAN TAIT: Larry -- how much
16 traffic will be generated by this facility? The
17 frequency and what sort of --

18 MR. WELLS: Once the site is built from an
19 operational standpoint, generally an SUV type vehicle
20 once a month for a technician to do periodic maintenance.

21 ACTING CHAIRMAN TAIT: And that would be
22 it?

23 MR. WELLS: That's correct.

24 ACTING CHAIRMAN TAIT: How long of a

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1 construction period do you think it will take?

2 COURT REPORTER: One moment please.

3 MR. WELLS: I think construction on this
4 site would go relatively quickly. There's no foundations
5 to build, so I would say in the range of maybe three
6 months total.

7 ACTING CHAIRMAN TAIT: From start to
8 finish?

9 MR. WELLS: From start to finish.

10 ACTING CHAIRMAN TAIT: And when would you
11 plan to start it if approved?

12 MR. WELLS: I don't have that information.

13 ACTING CHAIRMAN TAIT: Is it weather
14 sensitive?

15 COURT REPORTER: One moment please.

16 MR. PERKINS: No, this particular site is
17 not weather sensitive because we're not waiting for frost
18 in the ground. It would be welding -- cad-welding to the
19 tank and then placing a structure on top of the ground,
20 which would probably be pre-cast.

21 ACTING CHAIRMAN TAIT: Larry.

22 MR. LEVESQUE: Yeah. You noticed a
23 concern about -- a concern from the neighbors about
24 liquid fuels at the site. Is there a gas line on this

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1 street for use for the generator?

2 ACTING CHAIRMAN TAIT: There's no
3 generator.

4 MR. PERKINS: Yeah, we are not proposing
5 any generator for this facility. It's battery backup
6 only.

7 MR. LEVESQUE: How much time does that
8 give you?

9 MR. PERKINS: I think Mr. Wells said about
10 eight hours.

11 MR. WELLS: Yes, depending on load and
12 other considerations, approximately eight hours.

13 MR. LEVESQUE: And then what do you do for
14 prolonged outages?

15 MR. WELLS: Then -- then you may deploy a
16 portable generator in those cases.

17 MR. PERKINS: Or let the site go down.

18 MR. LEVESQUE: Okay, thank you.

19 ACTING CHAIRMAN TAIT: Dr. Bell.

20 DR. BELL: Just to follow up on this
21 generator question, Aquarion must have a generator for
22 their equipment, right, or maybe more than one? Would
23 that be a fair assumption?

24 MR. FISHER: I'm aware that they do.

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1 Based on land records they do have a generator on site
2 and I did obtain some information from Aquarion regarding
3 that, yes.

4 DR. BELL: Did -- did you have any
5 discussion about problems that they might have had with
6 their generator? I'm just curious whether they -- being
7 near the water there, I'm just curious about any history
8 that they might have had with their generator?

9 MR. FISHER: I didn't ask them that
10 question, but from what I understand, they have a 600-
11 kilowatt diesel generator on site. That comes from local
12 planning and zoning records and my conversation with
13 their real estate manager. I would have to -- and Jackie
14 could get additional information if you want it on that
15 topic.

16 DR. BELL: Would it -- well before I --
17 before I say please get the information, I guess my
18 question would be would it be possible for you to use
19 their generator? Have you had any experience with
20 anything like that with other facilities that are on
21 water company property?

22 MR. FISHER: I don't have any experience.
23 I think they would have a legal concern with shared use.
24 And I think Mr. Perkins and Miss Swenson could talk more

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1 about what that would take on this site from a factual
2 standpoint.

3 DR. BELL: I guess -- okay.

4 MS. SWENSON: It was mentioned to them and
5 they showed no interest in sharing the generator.

6 DR. BELL: Thank you. I guess that's
7 about as far as we can go.

8 ACTING CHAIRMAN TAIT: Any other questions
9 from the Council? Before we turn to cross-examination by
10 the intervenor, we're honored to have Senator Scott
11 Frantz here. Would you like to say a few words to us and
12 the audience?

13 SENATOR SCOTT FRANTZ: Yes. I won't take
14 long -- spoke from the audience, not near a mic) -- and
15 thank you, Mr. Chairman, I greatly appreciate that. And
16 thank you to all the Siting Council Members. I know it's
17 a thankless job and it was a long drive for many of you
18 to come all the way down to the southwestern part of
19 Connecticut, and it's greatly appreciated. And I know
20 your job is very very difficult.

21 I'm going to come out publicly against the
22 location of this cell phone tower and the facilities that
23 are going to accompany it primarily because I'm concerned
24 about the fact that at some point during a catastrophic

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1 storm -- and we've seen too many of those here in the
2 last couple of years between Irene in March 2010 and the
3 more recent snowstorm -- where the battery backup systems
4 work for up to maybe 18 hours in some cases and then they
5 go dead. And we are so dependent on cell phone
6 technology communication these days, that we know for a
7 fact that we have to for public safety reasons move
8 generators in, whether it's a portable smaller unit or
9 whether it's a larger one that comes in on the back of a
10 truck or a trailer, or if the communication carrier
11 decides that it's within their interest to put in a
12 permanent backup station in place, we know that there's
13 going to be fuel on site. And I'm sure you've covered
14 the sensitivity of the area because we're talking about a
15 public drinking water supply right there that the river
16 feeds into. And we just had a terrible experience up
17 here, just a couple of miles as the crow flies up here
18 last week, where there was an oil spill that came from
19 exactly this kind of a situation, and it was not caught
20 quickly enough and it -- we don't know what the extent of
21 the damage is. But it being a public drinking supply,
22 I'm very concerned about it.

23 I know the area very well. I drive on
24 Valley Road just about every day twice, and certainly

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1 during session to get to the Merritt Parkway to get up to
2 Hartford, and I'm always on my Blue Tooth, the cell
3 phone, and I plan for the 45 seconds of no coverage every
4 time I go through there. And you know what, it's okay.
5 It's okay. People understand. It really doesn't bother
6 me that much. There are some areas that I think are such
7 that, you know, we don't necessarily have to have that
8 kind of cell phone coverage unless it's for public safety
9 purposes. And I don't know what the outline of that is
10 in that particular area.

11 I'm a firm believer and a great champion
12 of technological advancements in this area. And I know
13 for a fact that there are some wonderful ideas that are
14 coming down the road, some proven and some yet to be
15 proven, that would lend itself to a much more attractive,
16 much more environmentally friendly situation to cover
17 that area where you have the black hole or the
18 interrupted coverage. And you know, if you think about
19 how it all works in the cities, you know, you're
20 basically talking about big canyons and they have
21 repeaters all over the place, and there's almost
22 ubiquitous cell phone coverage. Even in Grand Central
23 Station when you're getting on to the train, you get it
24 about 95 percent of the time. So the technology is

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1 there and -- and I'm hopeful that the carrier would have
2 some patience and maybe deploy some of the newer
3 technology.

4 And finally -- I know you had your site
5 visit and I'm sorry I missed that with you, but I'm sure
6 it was comprehensive. If you walk into some of those
7 residences down there and you walk into some of the
8 children's bedrooms and you look right out their window
9 at the proposed location, that this seems eerily and
10 scarily close to those particular rooms.

11 So again, technological advances I think
12 could be the answer here. Believe me, I don't want to
13 hold up anything that's going to contribute to public
14 safety and the continuance of people who need these new
15 kind of cell phones, but it's a sensitive area for two
16 reasons; the proximity to the residences and the
17 proximity to the Mianus River which feeds into a public
18 drinking supply.

19 And with that, I have some written
20 testimony. I will try to make it tonight, but I can't
21 say for sure, so I really appreciate the time today, Mr.
22 Chairman. And once again, thank you all very, very
23 much.

24 ACTING CHAIRMAN TAIT: You're welcome,

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1 Senator. What time is it?

2 A VOICE: It's 4:00.

3 ACTING CHAIRMAN TAIT: Is the intervenor
4 ready for cross-examination?

5 MR. MARIO COPPOLA: For the record, Mario
6 Coppola from the law firm of Berchem, Moses, and Devlin
7 in Westport, Connecticut. I'm here with my partner, Ira
8 Bloom, also from the law firm of Berchem, Moses, and
9 Devlin. Mr. Chairman, may I begin?

10 ACTING CHAIRMAN TAIT: Yes.

11 MR. COPPOLA: Thank you. In addition to
12 the consultants that you have here today, who
13 participated on behalf of AT&T with regard to evaluating
14 the proposed site?

15 MS. SWENSON: I initially approached
16 Aquarion.

17 MR. COPPOLA: I'm sorry?

18 MS. SWENSON: I'm sorry. I said I
19 initially approached Aquarion. Is that your question?

20 MR. COPPOLA: Well the question was who on
21 behalf of AT&T participated in evaluating the proposed
22 site, for example, for the purpose of evaluating radio
23 frequencies, any environmental impact, compliance with
24 any local, state, or federal regulations, public safety,

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1 etcetera?

2 MR. FISHER: Maybe we could take each one
3 of those in order because --

4 MR. COPPOLA: Sure, that would be fine. I
5 guess starting with radio frequencies, was there anybody
6 in addition to the consultants that you have here today
7 who participated in evaluating that issue for AT&T?

8 MR. WELLS: There were radio frequency --
9 there are radio frequency engineers at AT&T who do the
10 initial review and in conjunction with us for final
11 approval for these sites.

12 MR. COPPOLA: And do you have the names
13 of those people who participated with regard to this
14 site?

15 MR. WELLS: I believe it was -- I don't
16 remember his last name -- Radu -- how do you pronounce
17 his last name --

18 MR. FISHER: It's Alecsandru.

19 MR. WELLS: Radu Alecsandru.

20 MR. COPPOLA: Was there anyone else that
21 participated with regard to evaluating that issue for
22 this site?

23 MR. WELLS: Not that I'm aware of.

24 MR. COPPOLA: Okay. I guess next was the

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1 environmental impact or potential environmental impact on
2 the site?

3 MR. GUSTAFSON: Other staff involved in
4 that evaluation include Corrine Kelsey and Matthew
5 Davison.

6 MR. FISHER: And if I could add as well,
7 there are other analyses that are done by AT&T that might
8 fall into the category that you've described that's
9 environmental, like the NEPA review and others. So there
10 are other consultants or in-house individuals who are
11 responsible for the broad topic of environmental review,
12 yes.

13 MR. COPPOLA: Would AT&T be able to
14 provide the names of those people who participated on
15 behalf of AT&T to evaluate any environmental impact on
16 the site?

17 MR. FISHER: Certainly.

18 MR. COPPOLA: Okay. The next is public
19 safety. Would it be the same people who evaluated the
20 environmental or potential environmental impact on the
21 site?

22 MR. FISHER: Could you just clarify about
23 what you mean by public safety?

24 MR. COPPOLA: Any public safety issues;

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1 for example, the tank structure there, potential
2 collapse. I guess ensuring the loading capacity, that
3 the tank could hold the proposed structure, and any other
4 public safety issues there.

5 MR. PERKINS: Yes, there were several
6 people involved. Paul Lusatanni is one. John -- John
7 Montgomery is another. And there are some other
8 structural engineers. I'd have to get their names and
9 provide that.

10 MR. COPPOLA: Finally with regard to
11 evaluating compliance with any local, state, or federal
12 regulations, was there anybody in addition to your
13 consultants here today that evaluated that issue or
14 issues?

15 MR. FISHER: Internal to AT&T there is a
16 process that includes loosely what I would call real
17 estate and construction. So there's an AT&T manager.
18 There's also a firm by the name of SAI, and their firm
19 employs Jackie Swenson's firm. So there a number of
20 people involved in that process to evaluate those types
21 of issues. Then obviously I, as counsel, assist at some
22 point in the process.

23 MR. COPPOLA: And so with regard to any of
24 the people mentioned in response to any of these

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1 questions, would AT&T be able to provide the names and
2 addresses of these people and positions as consultants
3 who are employees of AT&T?

4 MR. FISHER: Yes.

5 MR. COPPOLA: Okay, thank you. How is the
6 proposed site currently being used by Aquarion?

7 MS. SWENSON: It's my understanding it's a
8 water treatment facility. Beyond that, I really -- I
9 can't answer the question beyond that.

10 MR. COPPOLA: Does anybody on the panel
11 know how Aquarion uses the proposed site as a water
12 treatment facility?

13 (pause)

14 MR. COPPOLA: I would assume that's a no?

15 MR. FISHER: If you mean by way of their
16 operational details, I don't think anybody on this panel
17 has the capacity to answer that question, no.

18 MR. COPPOLA: Did anybody from AT&T
19 inquire with Aquarion as to how they were using the
20 property?

21 MR. FISHER: It might help us if you'd
22 just clarified the question because, generally speaking,
23 the process does involve estate contact and there's
24 information exchanged, so there are individuals within

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1 Aquarion who share information with AT&T as part of their
2 discussions. But beyond that, as I mentioned, I don't
3 think anyone has the capacity to go into detail of how
4 Aquarion operates that facility. And I would also submit
5 that it's not germane to this proceeding.

6 MR. COPPOLA: Well -- well I guess for
7 various reasons we think it is germane to this
8 proceeding. For example, I believe it was Mr. Perkins
9 who stated earlier that the water tank was empty or that
10 there was a presumption that the water tank was empty.
11 Is that correct?

12 MR. PERKINS: No, that's not correct.

13 MR. COPPOLA: Okay. Do we know if the
14 water tank is empty currently?

15 MR. PERKINS: We've been informed the
16 water tank is full currently.

17 MR. COPPOLA: Okay. So there is -- so
18 some information you have -- so I guess with regard to
19 the water tank, AT&T has --

20 ACTING CHAIRMAN TAIT: Do you have some
21 particular questions rather than just a broad one?

22 MR. COPPOLA: Sure. With regard to the
23 water tank, do we have any knowledge as to what the
24 current use of it is?

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1 MR. PERKINS: We know that it is used to
2 store water. And we don't know exactly what they use
3 that water for. It has been reported to us that it is
4 drinking water.

5 MR. COPPOLA: So it's been reported to
6 AT&T that there's drinking water that's being stored in
7 the tank, is that correct?

8 MR. PERKINS: That's the current
9 information I have.

10 MR. COPPOLA: Okay. With regard to the
11 water tank, what tests were done to test, for example,
12 the walls of the water tank?

13 MR. PERKINS: We use an ultrasonic
14 measuring device to determine the thickness of steel.
15 And we climbed the tower, took measurements, and took
16 random measurements.

17 MR. COPPOLA: Yeah. Does the Council have
18 copies of these tests that were done?

19 (pause)

20 MR. FISHER: The record can reflect just
21 that the witness is showing me a drawing that I do not
22 believe is in the record that contains some of the
23 information that was just referenced.

24 MR. COPPOLA: So will a copy of that be

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1 submitted into the record then?

2 MR. FISHER: Yes. By way of
3 representation whether it's in the form of an
4 interrogatory or otherwise, we can supply that type of
5 documentation --

6 MR. COPPOLA: Okay --

7 MR. FISHER: -- yes.

8 MR. COPPOLA: Thank you. What
9 determinations were made as to the loading capacity of
10 the water tank? I guess this question would be directed
11 to Mr. Perkins again.

12 MR. PERKINS: Could you be more specific
13 please?

14 MR. COPPOLA: Sure. With regard to weight
15 loading, how much weight could be loaded on to the water
16 tank? What type of tests were done by AT&T and what were
17 the results of those tests?

18 MR. PERKINS: The -- the calculation that
19 we did that we felt is controlling is the overturning of
20 the tower assuming that the tower is empty. So assuming
21 that the tank is empty, it has minimum weight to resist
22 being pushed over by wind. And then we put various
23 structures on the top of it at different alternatives and
24 applied wind load to it, and then looked at the factor

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1 safety of the tank being pushed over.

2 MR. COPPOLA: Mr. Perkins, did you just
3 testify that the tests were based on the assumption that
4 the tank would be empty? Is that correct?

5 MR. PERKINS: The calculations for
6 overturning were done assuming the tank is empty.

7 MR. COPPOLA: Okay. And didn't you just
8 testify earlier that it is your understanding that the
9 tank is actually full of water?

10 MR. PERKINS: That is correct.

11 MR. COPPOLA: So why would the tests have
12 assumed the tank was empty when AT&T had knowledge that
13 the tank was actually full of water?

14 MR. PERKINS: Because it's -- if the tank
15 is full of water, it actually improves stability. So to
16 analyze the tank in its minimum stability, you assume it
17 has the minimum weight, which is empty.

18 MR. COPPOLA: So therefore, if the tank is
19 full of water, that's actually just going to increase the
20 stability. And that's why the test was done assuming
21 that the tank would be empty, devoid of any water inside
22 it, correct?

23 MR. PERKINS: That is correct, yes.

24 MR. COPPOLA: Do you -- do you know if

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1 AT&T -- I'm sorry -- do you know if Aquarion's use of the
2 proposed site will be impacted in any way by AT&T's
3 construction or future servicing of the proposed tower?

4 MR. PERKINS: I do not know. There would
5 be some shared use of the driveway. All that
6 coordination would happen directly with Aquarion and
7 between the contractor at the time of construction.

8 MR. COPPOLA: Did Aquarion communicate to
9 anybody on this panel that it planned to change its use
10 once the tower -- well I guess during construction of the
11 tower or once the tower was constructed?

12 MR. FISHER: Objection. I believe your
13 terminology of change of use has a legal significance
14 that you're trying to ascribe to it. So if you could ask
15 your question maybe in a different manner, that would be
16 helpful.

17 MR. COPPOLA: Okay. Did -- does anybody
18 on the panel -- did anybody on the panel have
19 communications with AT&T -- with Aquarion where Aquarion
20 suggested that it would change the current use of its --
21 or use or operations of the property because of the
22 construction or future existence of the tower at the
23 site?

24 (pause)

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1 MR. COPPOLA: I assume the answer is no?
2 Okay.

3 MS. SWENSON: No, that never came up in
4 the conversation.

5 MR. COPPOLA: Would you please describe
6 the power sources that will be used by AT&T at the -- at
7 the proposed site?

8 MR. PERKINS: Again I'm not a power
9 engineer, but we are proposing taking power from the
10 utility pole that's right next -- in proximity of the
11 shelter. And it's my understanding that as -- the
12 facilities are run off of batteries and the power is used
13 to charge the batteries and run the air-conditioner.

14 MR. COPPOLA: So is it fair to say that
15 the proposed facilities will not use any fuel or natural
16 gas as a power source?

17 MR. PERKINS: That is correct at this
18 time, yes.

19 MR. COPPOLA: Now with regard to the
20 temporary mobile generator that was referenced in AT&T's
21 responses to prehearing interrogatories dated February 2,
22 2012, how will that temporary mobile generator be
23 powered?

24 MR. PERKINS: I don't know the fuel

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1 source. They may be -- there are various fuel sources,
2 there's propane, gasoline, diesel --

3 MR. COPPOLA: But it would be a fuel
4 source that would power the mobile generator, is that
5 correct?

6 MR. PERKINS: That would be correct.

7 MR. COPPOLA: The State Senator earlier
8 had mentioned an incident in New York where there was a
9 diesel fuel spill resulting from a generator that was
10 owned by Verizon Wireless. Is anybody on the panel
11 familiar with that incident?

12 MR. FISHER: I don't believe anyone on the
13 panel is familiar with it. I did see the news report
14 though.

15 MR. COPPOLA: Mr. Chairman, may I
16 introduce to the panel an article with regard to this
17 incident as well as to the Siting Council?

18 ACTING CHAIRMAN TAIT: Who wrote the
19 article?

20 MR. COPPOLA: The article was written by
21 the Greenwich Times. May I show it to counsel first and
22 see if he has any objection?

23 ACTING CHAIRMAN TAIT: I think that would
24 be the first thing to do.

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1 MR. COPPOLA: Okay.

2 ACTING CHAIRMAN TAIT: This is an article
3 that they aren't familiar with.

4 MR. COPPOLA: Well I think that Attorney
5 Fisher testified that he was familiar with an article --

6 ACTING CHAIRMAN TAIT: He didn't --

7 MR. COPPOLA: -- but I don't know if it
8 was this --

9 ACTING CHAIRMAN TAIT: He didn't testify.
10 He said he read --

11 MR. COPPOLA: I'm sorry. He -- he stated,
12 that's correct.

13 ACTING CHAIRMAN TAIT: And your purpose?

14 MR. COPPOLA: The purpose is to inquire
15 about whether possible -- about an incident -- about
16 whether an incident similar to this could happen at the
17 proposed site.

18 ACTING CHAIRMAN TAIT: Then why don't you
19 phrase that question.

20 MR. COPPOLA: Okay.

21 ACTING CHAIRMAN TAIT: Newspaper articles
22 as evidence is a little bit -- I know we can take in
23 hearsay, even rank hearsay, but I would prefer not to.

24 MR. COPPOLA: Okay.

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1 MR. FISHER: Is there -- I'm sorry, I was
2 being asked a question by my witness --

3 ACTING CHAIRMAN TAIT: I think you're
4 going to get a question that is describing an accident,
5 saying could this happen at your site.

6 MR. FISHER: Okay.

7 MR. COPPOLA: The question is, the
8 incident which took place on approximately --

9 ACTING CHAIRMAN TAIT: I don't think we
10 need that --

11 MR. COPPOLA: Okay, Mr. Chairman --

12 ACTING CHAIRMAN TAIT: -- just describe
13 the accident that you want them to -- the hypothetical
14 accident you want them to respond to.

15 MR. COPPOLA: Well actually it's not a
16 hypothetical --

17 ACTING CHAIRMAN TAIT: Well then that can
18 go into your case.

19 MR. COPPOLA: I'm sorry?

20 ACTING CHAIRMAN TAIT: As far as this
21 groups knows, it's a hypothetical question, right --

22 MR. COPPOLA: Yes, it is a hypothetical -
23 -

24 ACTING CHAIRMAN TAIT: -- could something

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1 like this happen at this site --

2 MR. COPPOLA: Yes --

3 ACTING CHAIRMAN TAIT: We're all
4 interested in that, and let's ask that question --

5 MR. COPPOLA: Okay --

6 ACTING CHAIRMAN TAIT: -- and not
7 referencing a newspaper article.

8 MR. COPPOLA: Fair enough. Is it possible
9 that if there is a backup generator which runs on fuel,
10 that that backup generator could have a leak that could
11 flow into one of the public water sources that is nearby
12 to the subject property?

13 ACTING CHAIRMAN TAIT: There that wasn't
14 so difficult.

15 MR. COPPOLA: No.

16 MR. PERKINS: I would suggest that, yes,
17 any engine that they put could have a leak or could be
18 dropped or spilled. I would suggest that the location of
19 such a temporary piece of equipment would be placed such
20 that it is downstream of the intake for the public water
21 supply. For those who were at the site today, you see
22 there's a curb all the way around the parking lot that is
23 higher than the proposed site for the shelter. So that
24 if a piece of equipment did leak, that spill were it not

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1 in some sort of containment, which also could be done,
2 would go down in the driveway and go downstream rather
3 than into the intake of the water supply.

4 MR. COPPOLA: So -- so just to clarify, is
5 it your statement that if there was a fuel spill at the
6 property because of a problem with one of the backup
7 generators there, that the fuel would not flow into one
8 of the water sources that is adjacent to the property or
9 on the property?

10 MR. PERKINS: No, I wouldn't say that
11 exactly. I'd say my testimony is that if something were
12 brought out there, a piece of equipment that contained
13 liquid, and everything manmade has the potential to fail,
14 that liquid could spill out. Depending on where you
15 place that piece of equipment and where the spill
16 occurred, the likelihood of where it would flow would be
17 down the driveway rather than -- it would be below the
18 dam rather than above the dam. And that would be if the
19 piece of equipment were not installed in some type of
20 containment to contain any potential spill.

21 So is your question that if there was a
22 spill of fuel from a backup generator, that it wouldn't
23 be likely to flow into one of the bodies of water there,
24 but that it is possible -- but that it is possible, is

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1 that correct?

2 MR. COPPOLA: There's the possibility of a
3 fuel spill if you put -- if you put something in there
4 that contained fuel, there's the possibility it would
5 spill?

6 ACTING CHAIRMAN TAIT: If the Council
7 views that as a problem, would you do your best to comply
8 with what we think was necessary?

9 MR. PERKINS: Yes. There are -- there are
10 many steps that can be taken, including placing --

11 ACTING CHAIRMAN TAIT: This is a public
12 water supply and so anything placed there ought to be
13 minimized --

14 MR. PERKINS: Certainly.

15 ACTING CHAIRMAN TAIT: -- when you come up
16 with plans and thoughts of how you would like to propose
17 it.

18 MR. PERKINS: Mmm-hmm.

19 MR. COPPOLA: Would AT&T consider a
20 restriction that it would not be able to use any backup
21 generator or any power source whatsoever at the property
22 which would run on any fuel?

23 MR. FISHER: I would have to consult with
24 AT&T on that. We would certainly take it under

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1 advisement and consider it, but we would obviously
2 reserve the right --

3 ACTING CHAIRMAN TAIT: How --

4 MR. FISHER: -- to object to such a
5 condition.

6 ACTING CHAIRMAN TAIT: How would it work
7 without fuel?

8 MR. COPPOLA: It -- well --

9 ACTING CHAIRMAN TAIT: The alternative
10 would be to shut the site down.

11 MR. COPPOLA: Mr. Chairman, it would be a
12 temporary generator.

13 ACTING CHAIRMAN TAIT: Yeah, so it would
14 be temporary -- but all I'm saying is without any fuel, a
15 temporary generator won't be there. Does natural gas
16 create the same sort of problems as other fuels as far as
17 the public water supply?

18 MR. PERKINS: I -- no. They evaporate.
19 So --

20 ACTING CHAIRMAN TAIT: Could --

21 MR. PERKINS: -- certainly a restriction
22 could be a propane generator.

23 ACTING CHAIRMAN TAIT: A portable propane
24 generator?

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1 MR. PERKINS: A portable propane.

2 ACTING CHAIRMAN TAIT: Thank you.

3 MR. COPPOLA: If there are any future
4 telecommunication carriers which would co-locate at the
5 subject property, does AT&T at this time know whether or
6 not they would be using any fuel as a power source
7 there? Is there any way for AT&T to know that at this
8 time?

9 MR. WELLS: The equipment that any other
10 carrier would run would be similar to AT&T. And each
11 carrier has their own philosophy on backup. So I assume
12 the same questions that you asked of us would be asked of
13 them. And any restrictions placed on us, would be placed
14 on them as well.

15 MR. COPPOLA: Let's start with the
16 primary power source. As a primary power source is it
17 possible that if a future carrier was to locate at the
18 proposed site, that a future carrier would use a power
19 source that would be generated by some sort of fuel or
20 natural gas?

21 MR. WELLS: I think that's highly
22 unlikely. It's not a -- it's not a practical approach.
23 I'm not aware of any installation that uses that as their
24 primary power source just for practical reasons of

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1 constantly bringing in fuel and refueling. And we're
2 close to the utilities here, so it doesn't make any sense
3 to do so. I can't imagine a scenario where they wouldn't
4 want to use that as their primary power source.

5 ACTING CHAIRMAN TAIT: Any carrier that
6 wants to co-locate would come before this Council and be
7 subject to our approval.

8 MR. COPPOLA: Understood. In the
9 supplemental submission No. 2 that was dated December 8,
10 2011, AT&T stated that it had received local approvals
11 for antenna attachment on the water tank at the proposed
12 site in 2001. So I assume that everybody on the panel is
13 familiar with that prior design for an antenna attachment
14 on the water tank back in 2001?

15 MR. FISHER: I don't believe anybody on
16 the panel was part of that proceeding in 2001. But to
17 the extent that they've seen the submission, yes, I think
18 that they're familiar with it to that extent.

19 MR. COPPOLA: Okay. Could anyone testify
20 as to why there was a change in design from the antenna
21 attachment that was proposed back in 2001 to the
22 currently proposed tower that is the subject of this
23 petition?

24 MR. WELLS: I wasn't involved in the

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1 details of the 2001 activity, but I -- I can say that
2 since 2001, I mean 10 or 11 years ago, the technology has
3 changed significantly, and so has our network, so it's
4 not surprising that the design -- the design would
5 change over a 10-year span. We've added additional
6 frequencies, different technologies, so a lot of changes
7 in 10 years.

8 MR. COPPOLA: Why was the antenna
9 attachment that was approved by the local commissions
10 here in Greenwich not constructed?

11 MR. WELLS: I believe that was simply a
12 business decision at the time, but I'm not -- I'm not
13 directly familiar with it. But budget cycles being what
14 they are and priorities change from year to year, and it
15 may have been by the time they got the approval, that the
16 budget -- the budget had been used up on another site at
17 that time, but I'm not -- I'm not a hundred percent sure
18 of that.

19 MR. FISHER: I don't think anyone on the
20 panel has that information. That would be something that
21 AT&T in 2001 -- we could certainly endeavor to get that
22 information, but nobody on the panel has direct knowledge
23 of that.

24 MR. COPPOLA: Is anybody on the panel

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1 familiar with the report that was obtained by the Town of
2 Greenwich from a company called Isotrop Wireless? And
3 the report is entitled Assessment of Options for the
4 Placement of a Wireless Facility in the Vicinity of North
5 Mianus and Greenwich, Connecticut, and that report was
6 dated February 28, 2001.

7 MR. WELLS: I'm somewhat familiar with
8 it.

9 MR. COPPOLA: Okay. Does anybody --
10 anyone else on the panel familiar with that report?

11 MR. FISHER: Yes, I am. I'm aware of it.

12 MR. COPPOLA: I'm sorry, I misstated the
13 date. It's February 28, 2011 and not February 28, 2001
14 for the record.

15 Mr. Chairman, with regard to this report,
16 may I provide a copy to the witness who has stated that
17 he's familiar with it -- and it looks like he might
18 already have a copy of it as well though his counsel.

19 ACTING CHAIRMAN TAIT: Show it to Attorney
20 Fisher first --

21 COURT REPORTER: A microphone please, Mr.
22 --

23 MR. FISHER: I'm aware -- I am aware -- I
24 am aware of the report, Chairman. Without knowing what

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1 it's being offered for, I understand it generally to be a
2 consultant's report that the town procured with respect
3 to a T-Mobile facility. So I'm not sure what it's being
4 offered for, whether it's relevant, or whether it
5 addresses issues that are germane to this proceeding, but
6 counsel hasn't identified yet what he intends to use it
7 for.

8 ACTING CHAIRMAN TAIT: Yeah.

9 MR. COPPOLA: There's an analysis on page
10 30 and 31 of this report which describes the subject
11 location and provides a brief analysis of it.

12 ACTING CHAIRMAN TAIT: Mr. Wells, are you
13 --

14 MR. WELLS: I have --

15 ACTING CHAIRMAN TAIT: -- familiar with
16 that page?

17 MR. WELLS: Yes, I have what I believe to
18 be a copy of the report --

19 ACTING CHAIRMAN TAIT: Okay --

20 MR. WELLS: -- but that particular page is
21 --

22 ACTING CHAIRMAN TAIT: Let's make sure we
23 have the same document.

24 MR. COPPOLA: Yes. May I approach?

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1 ACTING CHAIRMAN TAIT: Yes.

2 (pause)

3 MR. COPPOLA: Mr. Chairman, may I provide
4 the Council with copies of the report?

5 ACTING CHAIRMAN TAIT: Let's see what
6 we're going to do with it first.

7 (pause)

8 ACTING CHAIRMAN TAIT: I understand you're
9 going to ask Mr. Wells some questions about that
10 analysis?

11 MR. COPPOLA: Yes.

12 MR. FISHER: I would like to object to
13 this line of inquiry. This information I believe at
14 least as to the extent the pages are referenced, relates
15 to alternative sites and alternatives which I don't
16 believe are legally relevant to this petition.

17 ACTING CHAIRMAN TAIT: And your claim of
18 relevance of this petition is?

19 MR. COPPOLA: My claim of relevance is
20 that with regard to a few lines that are on page 30 and
21 31, it describes the topography and characteristics of
22 the proposed site. And I guess my questions are with
23 regard to those few statements that are here in the
24 report --

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1 ACTING CHAIRMAN TAIT: Why don't --

2 MR. COPPOLA: -- and I have questions with
3 regard to any information that was pertinent to the T-
4 Mobile application that was discussed within this
5 report.

6 ACTING CHAIRMAN TAIT: So you're going to
7 ask whether he agrees with that physical description?

8 MR. COPPOLA: Yes. May I ask the
9 question?

10 ACTING CHAIRMAN TAIT: Yes.

11 MR. COPPOLA: Okay.

12 ACTING CHAIRMAN TAIT: He was there this
13 afternoon and --

14 MR. COPPOLA: Thank you. Mr. Wells, with
15 regard to the report, have you been able to identify page
16 30 and page 31 of the report?

17 MR. WELLS: I am.

18 MR. COPPOLA: The report states that -- on
19 page 31, the second sentence, despite its height and its
20 position at river level in the valley, the 55-foot
21 height does provide patchy coverage to the north Mianus
22 area, this is due to the salad bowl effect discussed
23 above --

24 MR. WELLS: Did you say 55-foot height?

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1 MR. COPPOLA: Fifty-foot height. Do you
2 agree with that statement or the description of the
3 proposed site?

4 MR. WELLS: The proposed site at 50 feet -
5 - I don't know how -- generally I guess. I mean when you
6 say patchy coverage, I don't know exactly what that --
7 that's not typically descriptive. So generally patchy
8 at 50 feet, I guess depending on your description of
9 patchy.

10 MR. COPPOLA: Okay. And what is your
11 description of patchy coverage?

12 MR. WELLS: I don't -- I refer to gaps in
13 terms of square miles and length of roads. I don't have
14 those statistics at 50 feet. We're proposing 60.

15 ACTING CHAIRMAN TAIT: Yes, Brian.

16 MR. GOLEMBIEWSKI: I just -- does this
17 report cover -- are we talking about the same coverage
18 gap, Mr. Wells, because it seems like it's apples and
19 oranges if we aren't?

20 MR. WELLS: It -- the -- the plots
21 themselves are -- I have a copy -- a black and white copy
22 as was also just handed to me, so the coverage plots
23 themselves are hard -- are a little bit difficult to
24 discern. But generally, we did place those sites within

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1 our model and they are significantly to the south and
2 don't --

3 MR. GOLEMBIEWSKI: So when he says north
4 Mianus area, we're talking about the same general
5 coverage --

6 MR. WELLS: On this --

7 MR. GOLEMBIEWSKI: -- of targeted area?

8 MR. WELLS: In reference to this
9 particular page, I believe so, yes.

10 MR. GOLEMBIEWSKI: Okay. Thank you.

11 MR. WELLS: But -- but the sites -- but
12 there's -- there's several sites under discussion here.
13 This particular page points to the water tank. There are
14 sites significantly further to the south that are also
15 referenced in other places in the report.

16 MR. GOLEMBIEWSKI: It would not be apples
17 to apples alternatives --

18 MR. WELLS: No.

19 MR. GOLEMBIEWSKI: Thank you.

20 DR. BELL: Mr. --

21 COURT REPORTER: One moment please.

22 (pause - tape change)

23 ACTING CHAIRMAN TAIT: Dr. Bell.

24 DR. BELL: Thank you, Mr. Chair. Mr.

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1 Wells, we talked -- Mr. Wells, are we talking apples to
2 apples in terms of GSM, UMTS, LTE, the frequencies and
3 the technologies that AT&T is planning to use?

4 MR. WELLS: That I don't know. I'm -- it
5 may be in here and maybe perhaps I just didn't read the
6 report closely enough, but I didn't see where there were
7 details that listed what the transmit power was at the
8 site or what the receive -- the particular receive signal
9 levels -- well, I guess there is a thing here, neg 85 --
10 but I don't know what configurations were used, what
11 transmit power was used. But again, it may be in here
12 and maybe I just missed it, but I didn't see enough
13 information to determine that.

14 DR. BELL: Okay. And T-Mobile has a
15 different configuration of towers surrounding this area.
16 Would that be fair to say?

17 MR. WELLS: Yes --

18 DR. BELL: They're on different sites in
19 the surrounding -- in the surrounding area. Because I
20 guess what we're looking at is a situation where there
21 isn't another tower in the exact area that anybody is
22 trying to cover in this part of Greenwich, would that be
23 correct --

24 MR. WELLS: Yes --

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1 DR. BELL: -- or you're all trying to
2 cover it from -- sort of from the margins, is that a fair
3 characterization?

4 MR. WELLS: Yes, although I hesitate to
5 say trying to cover it within those margins because what
6 coverage is provided was not an attempt at a design from
7 the surrounding sites to reach into here because that's
8 not practical. What is happening is that several sites
9 are reaching in and creating a problem with the rest of
10 our network because they're extending beyond their
11 coverage. So generally yes, but I don't want to
12 characterize it as that was the design and that's how we
13 intended to cover this area because that simply doesn't
14 work.

15 To your other question, certainly I don't
16 know what T-Mobile's configuration is and exactly where
17 they are in the surrounding sites, but certainly their
18 configuration -- their link budget is different. You
19 know, this shows a map of negative 85 dBm. Our link
20 budget is negative 82 dBm. I don't know what the
21 transmit power --

22 ACTING CHAIRMAN TAIT: It seems to me
23 we're going fairly far a field. Is that your use of the
24 report adequate per his response?

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1 MR. COPPOLA: Yes, at this time, Mr.
2 Chairman. Mr. Chairman, would you like me to offer
3 copies to the Council or no?

4 ACTING CHAIRMAN TAIT: Does anybody want a
5 copy of the -- why don't you put one in for the record --
6 I don't think -- do the Council members want individual
7 copies? Okay, pass them out.

8 MR. FISHER: Mr. Chair --

9 ACTING CHAIRMAN TAIT: The paper --

10 A VOICE: Wait, he might have an
11 objection.

12 MR. FISHER: I -- I did have an objection
13 --

14 ACTING CHAIRMAN TAIT: Oh --

15 MR. FISHER: -- as to that document being
16 submitted for the record. I didn't have an objection to
17 the statement that was on page 31 being used in the form
18 of a question.

19 ACTING CHAIRMAN TAIT: Okay. And your
20 objection is?

21 MR. FISHER: It's not relevant to this
22 proceeding. It was a consultant's report related to a T-
23 Mobile proposal south of here and it relates functionally
24 as I understand the report to a discussion of

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1 conventional raw land tower alternatives for that site.

2 ACTING CHAIRMAN TAIT: I think we'll let
3 it in for what it's worth.

4 MR. COPPOLA: Thank you, Mr. Chairman.

5 ACTING CHAIRMAN TAIT: And I guess we'll
6 give it an exhibit number?

7 MR. FISHER: It will have to be the
8 intervenor's exhibit.

9 ACTING CHAIRMAN TAIT: It will an
10 intervenor's exhibit.

11 MR. COPPOLA: Okay. Exhibit No. 1.

12 ACTING CHAIRMAN TAIT: No. 1.

13 MR. COPPOLA: Thank you.

14 (Whereupon, Intervenor Exhibit No. 1 was
15 received into evidence as a full exhibit.)

16 ACTING CHAIRMAN TAIT: You may continue,
17 Mr. Coppola.

18 MR. COPPOLA: Okay, thank you. Is -- is
19 AT&T aware of the deed of the proposed site? The deed --
20 let me be a little bit more clear, the deed from the Town
21 of Greenwich to the Greenwich Water Company, which was
22 dated on October 5, 1953?

23 MR. FISHER: Objection as to relevance.

24 MR. COPPOLA: Well it's -- it's the deed

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1 of the --

2 ACTING CHAIRMAN TAIT: The question is are
3 you aware --

4 MR. COPPOLA: Yes -- the first question
5 was is AT&T aware of the -- of the deed? There's a deed
6 restriction --

7 MR. FISHER: Objection --

8 MR. COPPOLA: -- in the deed, and that's
9 what the relevance is.

10 ACTING CHAIRMAN TAIT: We've faced this
11 problem before on title to land and we have no
12 jurisdiction to decide it one way or the other. They
13 either have it or they don't. And that's a question for
14 the Superior Court.

15 MR. COPPOLA: Well --

16 ACTING CHAIRMAN TAIT: If -- if your claim
17 is that there's a deed restriction and they can't go
18 forward, you ought to pursue that, but this Council has
19 no jurisdiction over that.

20 MR. COPPOLA: Understood, but the
21 questions were -- I guess the questions that I was going
22 to ask were with regard to any conversations between
23 Aquarion and AT&T regarding the deed restriction and if
24 Aquarion has any knowledge of the deed restriction,

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1 etcetera. That was my line of questioning.

2 ACTING CHAIRMAN TAIT: I'm not sure we can
3 handle -- I mean --

4 MR. COPPOLA: Okay --

5 ACTING CHAIRMAN TAIT: Yeah, I think it
6 would just be beyond our competence.

7 MR. COPPOLA: Okay. Before AT&T filed
8 this petition, what considerations were made for the
9 visual impact on neighboring properties from the proposed
10 tower?

11 MR. PERKINS: Can you rephrase the
12 question?

13 MR. COPPOLA: Sure. When AT&T designed
14 the proposed tower, what design changes were made to
15 lessen the visual impact on neighboring properties?

16 MR. PERKINS: We chose to shroud the
17 framework that holds up the antennas and the antennas in
18 a radio transparent material, painted the same color as
19 the tank itself to make the tank appear like it just got
20 a little bit taller.

21 MR. COPPOLA: Were there any other design
22 changes or considerations made by AT&T with regard to
23 the visual impact on neighboring properties or was that
24 it?

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1 MR. PERKINS: I think that sums it up.

2 MR. COPPOLA: Did AT&T consider any
3 landscaping in order to try to lessen the visual impact
4 of the proposed tower on any neighboring properties?

5 MR. PERKINS: We can consider plantings.
6 I think I addressed that question from the Council a
7 little bit easier. Typically, we don't propose them, but
8 certainly we're willing to provide them if asked by
9 abutters or by the Council.

10 MR. COPPOLA: With regard to any potential
11 design changes of the proposed tower, is it possible to
12 make any changes to the design that would lessen the
13 visual impact on neighboring properties but still allow
14 AT&T to achieve its desired cover?

15 MR. FISHER: Objection as to the form of
16 the question. I think it assumes that there is an
17 impact.

18 MR. COPPOLA: Mr. Chairman, anybody --

19 ACTING CHAIRMAN TAIT: Repeat the question
20 please.

21 MR. COPPOLA: To the best of my ability
22 I'll repeat the question. Are there any design changes
23 that could be made to lessen the visual impact on
24 neighboring properties while still achieving the desired

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1 coverage that AT&T seeks with regard to this application?
2 And with regard to impact on the neighboring properties,
3 it is -- it has been stated throughout the application
4 that neighboring properties could see the tower --

5 ACTING CHAIRMAN TAIT: If it's just the
6 word impact to the properties, change the word --

7 MR. COPPOLA: -- so certainly there's --

8 ACTING CHAIRMAN TAIT: -- visual effect.

9 MR. COPPOLA: -- visual effect --

10 MR. FISHER: Or visibility.

11 ACTING CHAIRMAN TAIT: Visibility, fine.

12 MR. COPPOLA: Okay.

13 ACTING CHAIRMAN TAIT: Do you have any
14 suggestions for them to consider or are you asking them
15 to --

16 MR. COPPOLA: The question was are there
17 any design changes that could be made to lessen the
18 visibility to neighboring properties while still allowing
19 AT&T to achieve its desired coverage?

20 ACTING CHAIRMAN TAIT: Thank you.

21 MR. PERKINS: Visibility is really
22 subjective to every -- to the individual. When -- you
23 could do multi colors rather than the solid green. We
24 talked about that where you'd paint half the addition a

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1 green like the tank and then at some point paint the top
2 half white or blue so it doesn't appear as a solid piece.
3 There was discussions about not concealing it at all
4 because pipes used to support the antenna might closely
5 represent tree branches, but those are all subjective to
6 the individual beholder. So I would suggest that
7 certainly AT&T is willing to listen to suggestions.

8 MR. COPPOLA: With regard to the point you
9 just made about concealing the tower, if -- or concealing
10 the antennas that are inside the tower, if the antennas
11 that are in the tower were not concealed, would AT&T be
12 able to have antennas that are shorter in height and
13 would still allow AT&T to achieve its desired coverage?

14 MR. WELLS: Do you mean the antennas
15 mounted lower, the antennas shorter, or the length of the
16 antenna, decreasing the length -- the total length of the
17 antennas?

18 MR. COPPOLA: Yeah, would the length of
19 the antennas be able to be shorter if there was no tower
20 around them?

21 MR. WELLS: No.

22 MR. COPPOLA: No?

23 MR. WELLS: No. The length of the antenna
24 -- there's a parameter of the antenna called gain, which

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1 is the amount of the energy that you focus with an
2 antenna, and that's directly related to the length. And
3 the length of those antennas determines how much coverage
4 you can get out of a site. And given the already low
5 height, it's challenged already. So the length of the
6 antenna is not determined by the arrangement of the
7 antennas on the tank. It's the fact that we need that
8 much coverage and that much gain from the antennas.

9 MR. COPPOLA: So under those circumstances
10 could the height of the proposed tower be lower than what
11 has been proposed without compromising the coverage that
12 AT&T seeks to gain by this proposed tower, is that
13 correct?

14 MR. WELLS: That is correct. I was trying
15 to think of -- when you say under no circumstances, I'm
16 trying to think of any possible circumstance. But I mean
17 if you're going to lower the height, that's going to
18 reduce the coverage and -- no, I can't think of a
19 scenario where that would not result in a reduction of
20 coverage.

21 ACTING CHAIRMAN TAIT: Mr. Coppola, I
22 think the Council would be interested if you have any
23 suggestions that you -- when you come back to New Britain
24 if you have any suggestions that you ask of the Applicant

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1 if they could do it, that might be helpful.

2 MR. COPPOLA: We have -- we're in the
3 process of retaining an expert to assist us with
4 evaluating whether there are any --

5 ACTING CHAIRMAN TAIT: Yes. So --

6 MR. COPPOLA: -- alternative plans that
7 would be acceptable to our clients --

8 ACTING CHAIRMAN TAIT: Okay --

9 MR. COPPOLA: -- and hopefully AT&T.

10 ACTING CHAIRMAN TAIT: The evidentiary
11 hearing on the 22nd would be a good time to let us know.

12 MR. COPPOLA: Yes. Mr. Chairman, we have
13 no further questions at this time.

14 ACTING CHAIRMAN TAIT: Okay. Any other
15 questions from the Council?

16 We will take a break now until 7:00 p.m.
17 for the public session. To let people know, the
18 evidentiary part of this hearing is not finish. We will
19 continue it on the 22nd of February in New Britain.
20 You're all invited. But tonight's session is just for
21 the public to let us know their thoughts. If you can't
22 come back tonight, you have 30 days from today to send in
23 written comments for our consideration. But the hearing
24 for -- the hearing tonight is not for the parties, it's

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1 for the public to give us their thoughts from their
2 perspective.

3 So we'll stand adjourned until 7:00
4 o'clock.

5
6 (Whereupon, the hearing adjourned at 4:45
7 p.m.)

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