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STATE OF CONNECTICUT
SITING COUNCIL

Docket No. 440

Application of New Cingular Wireless, PCS,
LLC (AT&T) for a Certificate of Environmental
Compatibility and Public Need for the
Construction, Maintenance, and Operation of a
Telecommunications Facility Located at 522
Colebrook Road, Colebrook, Connecticut

Public Hearing held at the Town Hall,
2nd Floor Meeting Room, 562 Colebrook Road,
Colebrook, Connecticut, on October 24, 2013,
beginning at 3:05 p.m.

H e l d B e f o r e:

ROBIN STEIN,
Chairperson

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

2 Siting Council Members:

3 JAMES J. MURPHY, JR.,

4 Vice Chairperson

5 ROBERT HANNON, DEEP Designee

6 PHILIP T. ASHTON

7 DR. BARBARA C. BELL

8 DANIEL P. LYNCH, JR.

9 DR. MICHAEL KLEMENS

10

11 Siting Council Staff Members:

12 MELANIE BACHMAN, ESQ.

13 Acting Director,

14 Staff Attorney

15 MICHAEL PERRONE,

16 Siting Analyst

17 AARON DEMAREST,

18 Audio Technician

19

20 For the Applicant:

21 CUDDY & FEDER, LLP

22 445 Hamilton Avenue, 14th Floor

23 White Plains, New York 10601

24 (914) 761-1300

25 By: LUCIA CHIOCCHIO, ESQ.

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A p p e a r a n c e s (Cont'd.):
For the Town of Colebrook:
THOMAS McKEON, First Selectman

1 THE CHAIRPERSON: Good
2 afternoon ladies and gentlemen. I'd like to
3 call to order the meeting of the Connecticut
4 Siting Council. Today, Thursday, October 24,
5 2013, at approximately 3:05.

6 My name is Robin Stein. I'm
7 Chairman of the Connecticut Siting Council.
8 Other members of the Council present, Senator
9 Murphy, Vice Chairman; Mr. Hannon, designee
10 from the Department of Energy and
11 Environmental Protection; Mr. Ashton,
12 Dr. Klemens, Dr. Bell, and Mr. Lynch.
13 Members of the staff present are Melanie
14 Bachman, who's the Acting Executive Director
15 and Staff Attorney, and Michael Perrone,
16 Siting Analyst.

17 This hearing is held pursuant
18 to Title XVI of the Connecticut General
19 Statutes and of the Uniform Administrative
20 Procedure Act. Upon Application from New
21 Cingular Wireless, PCS, LLC, for a
22 Certificate of Environmental Compatibility
23 and Public Need for the Construction,
24 Maintenance, and Operation of
25 Telecommunication Facilities Located at 522

1 Colebrook Road, Colebrook, Connecticut.
2 Application was received by the Council on
3 August 14, 2013.

4 As a reminder to all,
5 off-the-record communication with any member
6 of the Council or Council staff upon the
7 merits of the application is prohibited by
8 law.

9 The parties to the proceed --
10 these procedures are New Cingular Wireless is
11 the Applicant, Attorney Chiocchio is the
12 representative, legal representative, and the
13 Town of Colebrook is also a party with
14 First -- the Frist Selectman, Mr. McKeon. We
15 will proceed in accordance with the prepared
16 agenda, copies of which are available here,
17 also available here are copies of the
18 Council's Citizen Guide to Siting Council
19 Procedures. Those are on the table there
20 (indicating). And at the end of the
21 afternoon session, we will recess, and resume
22 the public hearing portion at 7 p.m. And at
23 that hearing, the public will be able to make
24 brief oral statements into the record.

25 I also want to note that

1 parties, including their representatives and
2 witnesses, are not allowed to participate in
3 the public comment session.

4 I also wish to note for those
5 who are here for the benefit of your friends
6 and neighbors who may be unable to join us
7 for the public comment session, that you or
8 they may send written statements to the
9 Council within 30 days of the date hereof,
10 and such written statements will be given the
11 same weight as if spoken at the hearing. If
12 necessary, party presentations may continue
13 after the public comment session if time
14 remains.

15 A verbatim transcript will be
16 made of this hearing and deposited with the
17 Town Clerk's Office in Colebrook for the
18 convenience of the public.

19 I wish to call your attention
20 to those items shown on Hearing Program
21 marked as Roman Numeral I-D, Items 1 through
22 56. Does the Applicant or any party have any
23 objection to the items that the Council has
24 administratively noticed?

25 MS. CHIOCCHIO: Lucia

1 Chiocchio for the applicant. No objection.

2 THE CHAIRPERSON: Thank you.

3 Accordingly, the Council
4 hereby administratively notices these
5 existing documents, statements and comments.

6 Will the Applicant present
7 your witness panel for the purpose of taking
8 the oath.

9 MS. CHIOCCHIO: Thank you,
10 Chairman.

11 Lucia Chiocchio, for the --
12 for the Applicant. To my right, far right,
13 Mr. Paul Lusitani, Civil Engineer, Clough
14 Harbour Associates. Sitting next to him is
15 Mr. Michael Libertine with APT. Sitting next
16 to him is Mr. Anthony Wells, our engineer for
17 AT&T. To my immediate left Mr. Dean
18 Gustafson, also with APT and Mr. David
19 Vivian, Site Acquisition for AT&T.

20 MS. BACHMAN: Please raise
21 your right hand.

22

23

24

25

1 P A U L L U S I T A N I,
2 M I C H A E L L I B E R T I N E,
3 A N T H O N Y W E L L S,
4 D E A N G U S T A F S O N,
5 D A V I D V I V I A N,

6 called as witnesses, being first duly
7 sworn by Ms. Bachman, were examined and
8 testified on their oaths as follows:

9 MS. BACHMAN: Thank you.

10 THE CHAIRPERSON: And could
11 you continue by numbering the Exhibits of
12 your filing you've made and making the
13 request to administratively notice and
14 verifying all exhibits by the appropriate
15 sworn witness.

16 MS. CHIOCCHIO: Thank you,
17 Chairman.

18 The Applicants have exhibits
19 identified in the Hearing Program Roman
20 Numeral II-B, 1 through 7. I'll ask each of
21 the witnesses a series of questions regarding
22 those exhibits.

23 And I'll start with Paul
24 Lusitani.

25 Did you prepare and help in

1 the preparation of the exhibits as
2 identified?

3 THE WITNESS (Lusitani): Paul
4 Lusitani, yes.

5 THE WITNESS (Libertine): Mike
6 Libertine, yes.

7 THE WITNESS (Wells): Tony
8 Wells, yes.

9 THE WITNESS (Gustafson): Dean
10 Gustafson, yes.

11 THE WITNESS (Vivian): David
12 Vivian, yes.

13 MS. CHIOCCHIO: Do you have
14 any revisions or updates to the information
15 contained in the exhibits as identified?

16 THE WITNESS (Lusitani): Paul
17 Lusitani, no.

18 THE WITNESS (Libertine): Mike
19 Libertine, no.

20 THE WITNESS (Wells): Tony
21 Wells, no.

22 THE WITNESS (Gustafson): Dean
23 Gustafson, no.

24 THE WITNESS (Vivian): David
25 Vivian, no.

1 MS. CHIOCCHIO: Is the
2 information contained therein true and
3 accurate to the best of your knowledge?

4 THE WITNESS (Lusitani): Paul
5 Lusitani, yes.

6 THE WITNESS (Libertine): Mike
7 Libertine, yes.

8 THE WITNESS (Wells): Tony
9 Wells, yes.

10 THE WITNESS (Gustafson): Dean
11 Gustafson, yes.

12 THE WITNESS (Vivian): David
13 Vivian, yes.

14 MS. CHIOCCHIO: And do you
15 adopt this as your testimony in this
16 proceeding today?

17 THE WITNESS (Lusitani): Paul
18 Lusitani, yes.

19 THE WITNESS (Libertine): Mike
20 Libertine, yes.

21 THE WITNESS (Wells): Tony
22 Wells, yes.

23 THE WITNESS (Gustafson): Dean
24 Gustafson, yes.

25 THE WITNESS (Vivian): David

1 Vivian, yes.

2 MS. CHIOCCHIO: We ask that
3 the Council admit the exhibits identified.

4 THE CHAIRPERSON: Does a party
5 object to the submission of the applicant's
6 exhibits?

7 (No response.)

8 THE CHAIRPERSON: Okay.
9 Therefore, the exhibits are admitted.

10 (Exhibits Roman II-B1 through
11 II-B-7(e): Admitted in evidence - described
12 in index.)

13 THE CHAIRPERSON: We'll now
14 begin with the cross-examination by
15 Mr. Perrone.

16 CROSS-EXAMINATION

17 MR. PERRONE: Thank you,
18 Mr. Chairman.

19 Did you fly a balloon today?

20 THE WITNESS (Libertine): Mike
21 Libertine. There's certainly been an
22 attempt. We've had periods of -- short
23 periods where the balloon has been at its
24 full height but, for the most part, the winds
25 have been fairly sustained above 10 miles an

1 hour. So it's been difficult. We've lost,
2 since eight o'clock this morning, we just
3 lost our seventh balloon as we were leaving
4 the site, but we will continue until this
5 evening and try to maintain, as best we can,
6 but it's been a pretty challenging day.

7 MR. PERRONE: What is the
8 color and diameter of the balloons?

9 THE WITNESS (Libertine):
10 We've been flying, up to this point, during
11 the day a red four-foot diameter weather
12 balloon. We may intersperse that with black
13 balloons depending upon our supply as we're
14 starting to -- to run down a little bit. And
15 it is tethered to 120 feet. So the balloon
16 is on top of that.

17 MR. PERRONE: And how late
18 this evening do you expect to leave that up?

19 THE WITNESS (Libertine): That
20 will be flown until six p.m.

21 MR. PERRONE: Have any other
22 wireless carriers expressed an interest in
23 collocating on the proposed facility?

24 THE WITNESS (Vivian): David
25 Vivian. I'm not aware of any other carriers

1 intervening at this point.

2 MR. PERRONE: Would AT&T
3 provide space on the tower for municipal
4 emergency services antennas?

5 THE WITNESS (Vivian): David
6 Vivian, yes.

7 MR. PERRONE: Okay. Has the
8 Town expressed an interest in collocating
9 emergency services antennas at this time?

10 THE WITNESS (Vivian): David
11 Vivian, no, they have not.

12 MR. PERRONE: Okay. So would
13 AT&T provide all three services initially,
14 cellular, PCS and LTE?

15 THE WITNESS (Wells): Tony
16 Wells. I think, if I remember the question
17 correctly, you said, "Will they provide all
18 three services, cellular, PCS, and LTE?" I
19 guess to be more accurate, the first two you
20 mentioned are frequency bands not -- not
21 services specifically. But LTE -- AT&T will
22 initially deploy the 1900 and the 800 bands,
23 700 to be followed shortly. And then the
24 technology used would be UMTS and LTE in any
25 manner of those bands.

1 MR. PERRONE: Are you finding
2 that more and more of your traffic is data
3 rather than voice?

4 THE WITNESS (Wells): Yes.
5 Yeah, there's a lot of data traffic these
6 days, and the two are -- are merging rapidly.

7 MR. PERRONE: Would
8 flush-mounted antennas require about 20 feet
9 of additional height?

10 THE WITNESS (Wells): Yes.

11 MR. PERRONE: Could T-arms be
12 used and provide the same coverage as the
13 low-profile platform?

14 THE WITNESS (Wells): I just
15 keep saying my name, right?

16 MS. CHIOCCHIO: That's okay.

17 THE WITNESS (Wells): Still,
18 Tony Wells -- yeah, the T-arms, from -- in
19 our perspective, would -- would supply the
20 same coverage.

21 MR. PERRONE: And just a
22 clarification. In response to Interrogatory
23 Number 13 -- well, let's see. Well, looking
24 back at Number 12, it lists State Highway 183
25 and on Response 13, we have State Highway 183

1 as well Colebrook Road. Just to clarify, so
2 when you say "Colebrook Road," do you mean
3 the coverage outside of Colebrook, and
4 then 183, you mean, the coverage inside
5 Colebrook? Number 13 has both. It has
6 Colebrook Road and 183, so I just wanted to
7 clarify that.

8 THE WITNESS (Wells): I'm not
9 entirely sure. I -- I don't think it is
10 related to the border. I think it's just the
11 way the mapping program would have identified
12 those roads. Sometimes this -- a different
13 segment of the same road would be named
14 differently. I suspect that's -- that's more
15 the case than the fact that it was outside of
16 the area.

17 MR. PERRONE: Okay. But if
18 they're the same route number, we could
19 essentially add them?

20 THE WITNESS (Wells): Correct.

21 MR. PERRONE: Yeah, okay.
22 That's fine.

23 DR. BELL: But just following
24 up on Mr. Perrone's question. In the
25 application on Number -- on page number 10,

1 you have that Colebrook Road is Route 182.

2 THE WITNESS (Wells): And
3 you -- I'm sorry. You said it was 182 or you
4 said 183?

5 DR. BELL: Well, if you look
6 at your -- at your -- on page 10 of the
7 Application near Section 3, it says: Site
8 specific Public Need. Then --

9 THE WITNESS (Wells): Right.
10 Oh, I see.

11 DR. BELL: Then in the third
12 line down it says: Communications network
13 along Routes 182, paren, Colebrook Road;
14 182-A and 183. Now maybe there's a typo in
15 those.

16 MS. CHIOCCHIO: Yes, Route 183
17 is Colebrook Road. Yes.

18 DR. BELL: Okay. All right.

19 MR. PERRONE: Regarding the
20 sign affidavit, I see the photo of the sign.
21 It had showed Tues -- it had shown Tuesday as
22 the day, was that corrected?

23 THE WITNESS (Vivian): This is
24 David Vivian. Yes, it was. So when we were
25 made aware of that fact, I think it was the

1 day after it was posted, we -- we put the
2 patch to correct to correct the date to
3 Thursday.

4 MR. PERRONE: Okay. So it was
5 corrected about a day after approximately?

6 THE WITNESS (Vivian): Yes.

7 MR. PERRONE: Okay. Turning
8 to the frequency analysis in the Application,
9 page 10. Does AT&T have any future plans to
10 cover Route 183 to the northwest of the site?

11 THE WITNESS (Wells): This is
12 Tony Wells. We don't currently have a search
13 ring for that area. But certainly you can
14 see a gap there that anticipate filling in at
15 some point. Exactly when, we're not sure
16 yet.

17 MR. PERRONE: Okay. Going
18 back to the interrogatories, response to
19 Question 13, when the coverages are provided
20 for 117 feet, 107 feet. It appears that the
21 coverage increases slightly on Colebrook Road
22 and Route 183 when the height decreases from
23 117 to 107. I was just wondering why that
24 is.

25 THE WITNESS (Wells): From --

1 on Colebrook Road?

2 MR. PERRONE: Yes. Colebrook
3 Road --

4 THE WITNESS (Wells): Yeah.

5 MR. PERRONE: -- it goes up a
6 little bit and also on 183 it goes up a
7 little bit with a height decrease.

8 THE WITNESS (Wells): Yeah,
9 those are very minimally. We're talking
10 hundredths of a mile. A few hundredths of a
11 mile. So what's likely happening there is
12 that the -- the antennas have beam width
13 associated with them, both horizontal --
14 horizontal and vertical. So you're -- the
15 main -- the main focus of the antenna is
16 generally out at the horizon, we occasionally
17 put some down tilt in, et cetera. But if you
18 were to focus that antenna right at that and
19 then went up and down continuing just to
20 focus on that spot, then you -- then you
21 wouldn't have that increase. But what may
22 have happened -- what probably happens here
23 as you go down a little bit, now you're
24 changing where you are on that antenna
25 pattern relative to that particular location.

1 So the antenna, you get a little less power
2 because you're up a little higher, and then
3 you drop down a little bit lower. The
4 antenna pattern comes into play here.

5 Again, you know, we're talking
6 -- you know, we're talking hundredths of a
7 mile here.

8 MR. PERRONE: Okay.

9 Turning to Interrogatory
10 Response Number 26, this one is about the
11 noise analysis. I understand -- I understand
12 the distance in the calculation is 114 feet.
13 And I was just curious, is that from the AC
14 units to the property line?

15 THE WITNESS (Wells): Yeah,
16 that was the average distance from the AC
17 units to the property line.

18 MR. PERRONE: Okay. And now
19 also noise related, Interrogatory Response
20 Number 45, which is in Set II. There's
21 mention of a wood-line fence with a sound
22 blanket to reduce noise levels. I was just
23 wondering how that could be done. Would you
24 use a wood fence for the entire compound, or,
25 perhaps, install one section of this with the

1 sound blanket inside the compound?

2 THE WITNESS (Lusitani): Paul
3 Lusitani.

4 It can -- it can be done
5 either way. You can it on the southern fence
6 line or you can just do a fence around the
7 actual equipment. Usually, the closer you
8 are to the equipment, the more effective it
9 would be. So I would suggest just doing
10 something around the equipment itself.

11 MR. PERRONE: Would you be
12 able to achieve compliance with the noise
13 standards with that?

14 THE WITNESS (Lusitani): Paul
15 Lusitani.

16 Yes. The blankets will reduce
17 it within appropriate levels.

18 MR. PERRONE: And also about
19 the proposed chain-link fence design, would
20 that have barbed wire?

21 THE WITNESS (Lusitani): Paul
22 Lusitani. No, it would not have barbed wire.

23 MR. PERRONE: All right.
24 Regarding the zoning of the subject property,
25 is some of the property an R-2 and some of

1 the property is in the Village District? I
2 was looking at the abutters map and that's
3 where I saw that.

4 THE WITNESS (Vivian): David
5 Vivian.

6 Yes, that's correct. If you
7 look on Sheet C-01 of the plans you can --
8 you can see the Village District delineated
9 under zoning, along the westerly --
10 northwesterly portion of the property.

11 THE WITNESS (Lusitani): Paul
12 Lusitani. It's a district though, it's not a
13 separate zone. As you see there parcels
14 within the Village District are also
15 designated Zone R-2.

16 MR. PERRONE: Okay. And also,
17 while we're on that abutters map, could the
18 proposed access be shifted to the north to
19 avoid the wetlands? I see there's a gap with
20 no wetlands to the north.

21 THE WITNESS (Vivian): We did
22 not investigate that part of the property
23 from a wetlands standpoint, so I can't
24 testify whether or not we could avoid
25 wetlands.

1 MR. PERRONE: And also, just
2 hypothetically, if you did that, would that
3 put the gate almost in line with the school?

4 THE WITNESS (Lusitani): Paul
5 Lusitani.

6 Yes, the gate would be just
7 about in line with the school.

8 MR. PERRONE: Okay. Turning
9 to the Conservation Commission comments.
10 Okay. Those are dated October 21st. The --
11 the additional questions and suggestions,
12 they're on pages 4 and 5. There's two
13 sections. The wetland buffer advancement
14 planting and invasive plant, and the vernal
15 pool protections. I'm just wondering if AT&T
16 could respond to those. Does AT&T think they
17 would be able to accommodate those?

18 THE WITNESS (Gustafson): We
19 can -- we have discussed it amongst the
20 project team and -- Dean Gustafson -- and we
21 do have some responses that we can, I think,
22 satisfy the majority of -- of the concerns by
23 the Conservation Commission. And I can kind
24 of go over those and try to be as brief as I
25 can, just go by item by item, if you'd like.

1 MR. PERRONE: Sure.

2 THE WITNESS (Gustafson): For
3 the vernal pool protections, Item A, there's
4 a comment with respect to if construction
5 work is planned during the migration period
6 March 1st to May 30th.

7 And if construction would
8 occur during that time period, we would
9 employ additional protective measures that
10 would include daily sweeps by the
11 environmental monitor for amphibians and
12 reptiles no more than a half-hour before the
13 start of construction each day, as well as
14 the installation of syncopated silt fencing
15 patterns to allow for the passage of
16 migrating amphibians and reptiles during that
17 migration period.

18 We have employed this -- these
19 type of techniques particularly the
20 syncopated silt fencing pattern on other
21 construction projects including another
22 telecommunicating -- telecommunication
23 projects in close proximity to vernal pools
24 and found them to be very successful and
25 minimizing the disturbance of migration of

1 amphibians and reptiles.

2 The second item is Item B, it
3 essentially rehashes some of the protective
4 measures that are stated in my earlier
5 report, "The Preliminary Wetland Impact
6 Analysis," dated August 5, 2013, which goes
7 into -- into detail on the various protective
8 measures that we would employ during
9 construction due to the proximity of the
10 wetland resource areas that may provide
11 amphibian breeding habitat.

12 So the response to that is
13 essentially some of the information I've
14 already identified.

15 For Item C, modifying the
16 access road and create a wider buffer from
17 Wetland II. I have discussed this with Paul
18 Lusitani to see if it's a feasible -- if it's
19 feasible to shift the access road in
20 proximity to Wetland II further to the south,
21 closer to the southern property boundary to
22 allow for a hundred-foot non-disturbed buffer
23 to Wetland II. And that is feasible and we
24 can revise the site plans accordingly to
25 allow for a greater buffer to Wetland II.

1 For Item D, it's respect to
2 ensuring no large rocks or uses riprap on the
3 roadsides or bed. Again, I -- I conferred
4 with Paul Lusitani to see if we can eliminate
5 the use of riprap or large stones for the
6 access road, side slopes, as well as the
7 drainage swales, and we can. In particular
8 the drainage swales, we will convert to grass
9 swales that will require the use of tar-free
10 and forest-wood mats because of the slopes
11 that we are -- we are dealing with. So that
12 can be accomplished.

13 The last item is Item E, is to
14 request to -- or to allow Elizabeth Corrigan
15 to review the final site plans. We -- we
16 don't have any objection to taking
17 Ms. Corrigan's comments during the D&M phase,
18 at which point we will be providing
19 additional details of the protective measures
20 that are actually on the -- on the D&M plans.
21 And we'd welcome any comments that she could
22 -- could provide.

23 MR. PERRONE: Mr. Lusitani,
24 about the -- the proposed access, what is the
25 grade, either an average grade or a maximum

1 grade?

2 THE WITNESS (Lusitani): The
3 grade varies from 2 percent to 18 percent.

4 MR. PERRONE: Okay.

5 And the -- and the other
6 access, the one from Colebrook Road, I
7 understand there was issues with a water
8 pipe. Could you tell us more about that.

9 THE WITNESS (Lusitani): Paul
10 Lusitani.

11 Yes. There's a well on the
12 property with a well pipe going under the
13 existing clear path and it feeds some of the
14 abutting properties, and some of the abutters
15 had some issues with that. So we decided to
16 get away from accessing the property from
17 that side to alleviate -- alleviate their
18 concerns and access it from Smith Hill Road.

19 MR. HANNON: Mr. Lusitani,
20 can you keep your voice up.

21 THE WITNESS (Lusitani): Yes.

22 MR. HANNON: Thank you.

23 MR. PERRONE: Do you think
24 there's a way to go around that or that
25 wasn't investigated?

1 THE WITNESS (Lusitani): Paul
2 Lusitani.

3 Yeah, we thought we could
4 protect it or replace it, but we felt it was
5 best to satisfy the abutters.

6 MR. PERRONE: Okay. Regarding
7 the backup generator, would the fuel tank
8 have double wall or some type of containment
9 in case of a leakage?

10 THE WITNESS (Lusitani): Paul
11 Lusitani.

12 Yes, it has a double wall.

13 MR. PERRONE: Okay. Would
14 there also be some containment for oil -- oil
15 or coolant like a recessed floor or?

16 THE WITNESS (Lusitani): Paul
17 Lusitani.

18 There's no plans for a
19 recessed floor.

20 MR. PERRONE: Okay. And also,
21 would the generator run periodically, like a
22 weekly exercise or?

23 THE WITNESS (Vivian): David
24 Vivian.

25 I think it cycles -- it cycles

1 about every two to three days for about a 20-
2 to 30-minute period.

3 MR. LYNCH: Mr. Chairman --

4 MR. PERRONE: Mr. Libertine --

5 THE CHAIRPERSON: Just a
6 minute. Mr. Lynch.

7 MR. LYNCH: Mr. Vivian, as far
8 as the running or testing of the emergency
9 generator, and you said two or three -- it
10 could be two or three times a week. This is
11 going to be a two-part question. The first
12 part is how often does it get refueled and
13 topped off? That's one.

14 And now on a totally different
15 plane, when you're calculating the db's for
16 the noise calculations you have the
17 air-conditioning stuff -- noise in here, is
18 that -- are you calculating the noise that it
19 generated when the generators are -- the
20 noise that is produced, rather, when the
21 generators are running to be tested?

22 THE WITNESS (Vivian): I'm
23 going to let Mr. Lusitani speak to the noise
24 question.

25 As far as the refueling,

1 that's -- that's done simply on an as-needed
2 basis and that that fuel level will be
3 needed. It's probably about an -- I mean,
4 this is kind of just an educated guess, about
5 once a month or so...

6 MR. LYNCH: Could you repeat
7 that. I couldn't -- your voices are fading
8 down at this end.

9 THE WITNESS (Vivian): As --
10 as far as -- I'm sorry. As far as refueling
11 the emergency generators, it's more on a
12 as-needed basis. But it typically is
13 about --

14 THE WITNESS (Wells): I think
15 you're correct on the fuel but just -- just
16 one point on monitoring the fuel levels,
17 there is a low-fuel level alert alarm that
18 goes back to the AT&T NOC in the event that
19 it does reach a certain level.

20 MR. LYNCH: You anticipated my
21 next question as far as that was concerned.
22 How -- how do they know when to refuel.
23 Thank you.

24 THE WITNESS (Wells): I'll
25 give that credit to our attorney.

1 MR. LYNCH: And one other
2 follow up to that, Mr. Ashton just clued me
3 in here. The alarm doesn't really -- it
4 tells you it needs to be refueled but it
5 doesn't tell you what the refueling
6 scheduling would be, so if the alarm goes off
7 or it reaches a level where it sets off a
8 signal, how -- what's the time -- the time
9 period between the signal going off and
10 something being refueled, I guess?

11 And the reason I'm asking is
12 because when we're talking about emergency
13 situations, if that tank is low we're not
14 going to get the hours out of that emergency
15 generator that you have listed here. So, all
16 I'm saying, I think refueling of these
17 generators is important.

18 THE WITNESS (Wells): I -- I
19 don't remember the exact percentage. There's
20 different ways to monitor fuel levels. The
21 way, I believe, AT&T is currently doing it is
22 through a contact. You can do it and
23 actually get the actual fuel level, whether
24 it's 90 percent, 80 percent and the number of
25 gallons in the tank, or you can use the

1 generator's controller, which is a preset
2 level, and I'm pretty sure that a quarter of
3 a tank. So, you know, you can make the
4 calculations from there. I didn't -- I don't
5 remember what was in the report for -- for a
6 duration that the generator would run at full
7 level, so it would be one -- one quarter of
8 that once you get that alert.

9 MR. LYNCH: Again, when it
10 reaches that one-quarter level when is the
11 timeframe that that would get refueled to be
12 topped off? I mean is that something that's
13 checked on a -- your weekly visit to the --
14 or monthly visit, whatever it is, to the
15 site?

16 THE WITNESS (Wells): Yeah.
17 Yes. Usually, yeah. So your hope is that
18 you don't reach that. I mean, that's the --
19 that's called the critical fuel level, so,
20 but during those maintenance windows you'll
21 -- you'll recognize that it's part of the
22 check to see what the fuel level actually is
23 because there is a fuel gauge on there. The
24 gauge is just it's not always record only,
25 it's only used through the contact closures.

1 So, but certainly in a storm
2 event, that's -- that's when determinations
3 are made, you know, they -- whether you
4 should be fueling ahead of the contact
5 closure going off or not.

6 MR. LYNCH: And the refueler,
7 the diesel refueler, is that something you
8 contract out to or is that a -- something you
9 would just call up and say, you know, we need
10 more fuel? Or is that something that
11 contractors deliver on a regular -- would be
12 delivered by a regular company or, I guess, a
13 standard company, I guess?

14 THE WITNESS (Vivian): Right.
15 Well there are -- this is Dave Vivian. There
16 are companies that are -- that are contracted
17 by AT&T operations to refuel the generators.
18 And what I might add is that if there's a
19 large storm that's predicted, typically what
20 they'll do is they'll do sort of a special
21 deployment to make sure that they're at full
22 capacity.

23 MR. LYNCH: All right.
24 Mr. Lusitani, we're over to you as far as the
25 noise calculations for the -- that you have

1 in here for the AC, the air-conditioners
2 running. Are -- when the diesel generator,
3 emergency generator is being tested, is that
4 also calculated in in the noise levels we
5 have in here?

6 THE WITNESS (Lusitani): The
7 noise level, I believe is the same whether
8 it's running or being tested. So it's --

9 MR. LYNCH: Are you saying the
10 operation of the diesel generator would not
11 add to the -- the noise levels in the
12 compound?

13 THE WITNESS (Lusitani): Are
14 you saying a difference between when we test
15 the generator and when it's actually running.
16 Is that the question?

17 Yeah, we did two studies. One
18 with the two AC units and the generator and
19 one with just the two AC units. The
20 difference is very minimal.

21 MR. LYNCH: I'm sorry. Your
22 voices are fading down at this end as far as
23 Mr. Ashton pointed out. Could you -- could
24 you please repeat that.

25 THE WITNESS (Lusitani): We

1 did two studies. One with the -- the
2 generator and the two AC units running
3 simultaneously. And then we did a second
4 with both AC units running simultaneously.

5 MR. LYNCH: Are those
6 calculations in here? Because all I saw was
7 the -- the numbers for the two -- the two AC
8 units running simultaneously.

9 THE WITNESS (Lusitani): Yes.
10 I believe they were submitted with
11 Interrogatory Set Two.

12 MR. LYNCH: Could you point
13 that out for me? I just -- if it's in here,
14 I just didn't -- do it after the break.

15 Thank you.

16 THE WITNESS (Lusitani): I
17 believe it's behind Interrogatory Set Two,
18 Tab 1.

19 MR. LYNCH: Thank you.

20 THE CHAIRPERSON: Mr. Perrone,
21 you want to continue?

22 MR. PERRONE: Yes. Thank you.

23 Mr. Libertine, when deciding
24 between a monopine versus monopole, is the
25 existing tree height a factor? For example,

1 this site averages about 65.

2 THE WITNESS (Libertine): It
3 certainly is a factor. It always comes into
4 play. But probably more important is the
5 aspect and the -- I guess, the overall view
6 shed. This is an interesting site because
7 there's not a lot of visibility. And
8 actually, this is probably a good time to go
9 on the record. I'd like to turn everyone's
10 attention to Tab 5 in the application, in the
11 back where we have the two visibility maps.
12 We did -- we actually did multiple balloon
13 floats during leaf-on conditions over the
14 spring, late spring and summer. We had some
15 challenging weather where we had good weather
16 in the morning and then kind of ran into some
17 wind, so I visited the site and have flown
18 balloons at this site on three separate
19 occasions. Again, all with leaf-on.

20 And there was a little bit of
21 a question mark in terms of when the leaves
22 are off the trees would there be some
23 additional areas of visibility. And this
24 morning when it was fairly calm for a little
25 bit of time, I did notice that right here in

1 the center of town there are very spotty
2 views through the trees. They are not what I
3 would consider to be very prevalent but if
4 you're standing in the right location and
5 know what you're looking for you can
6 certainly see the balloon from a few
7 locations. That's not reflected on these
8 maps. Essentially where Photo Number 5 is
9 shown on the map, that's essentially the
10 area, and that's kind of right where we are
11 for a very short stretch.

12 So I wanted to make that
13 clear, because I do believe, and I did
14 mention that it's likely that there could be
15 some seasonal views in this general area but
16 we just couldn't determine that during the
17 times we flew the balloon. That being said,
18 from this particular area, because of the
19 screening of the intervening trees even with
20 the leaves off and with the broad plateau of
21 the hill, in that type of a situation a tree
22 tower would work very effectively.
23 Obviously, the -- the pine tree look works
24 very well when you're looking through trees
25 in -- whether it's deciduous forest or even a

1 coniferous forest or a general mix. And
2 here, you kind of have that mix, although
3 it's much more heavily deciduous. The
4 challenge we always have is those near views
5 pretty much are eliminated because it blends
6 in so well. The only real, what I'll call
7 prevalent view, is to the southwest where
8 Viewpoint Number 6 is shown. And if you look
9 at that corresponding simulation, you can see
10 how that rises significantly above the
11 treeline from that location. It's a very
12 short stretch of the road, but it's very --
13 it's probably 40 feet above the treeline from
14 that perspective.

15 That's where the challenge in
16 the tree tower comes in. I think -- I don't
17 know if any of you folks came in through
18 Winsted and when you took 183, if you look to
19 the left and saw the Winchester tree, that
20 rises significantly above the treeline;
21 however, as you start to come around and that
22 lowers on the horizon, it works great.

23 So I guess it's my long-winded
24 answer, but to get to your point, there's
25 always that tradeoff. And on this site, we

1 kind of struggled back and forth and
2 initially, I'm kind of the opinion that I
3 don't think a tree is necessary here. On the
4 other hand, I can understand an argument for
5 it, because it's kind of one of those ones
6 where it's right in the middle. So tree --
7 tree height certainly plays some role, but
8 it's usually the slope and the aspect
9 combined with that tree height that really
10 kind of gives you that -- that overall
11 effect.

12 This one, you know, I think if
13 you did a tree tower here, I think if you
14 were on Stillman Road and were looking back
15 over where View 6 is, it would probably jump
16 out and you'd know it was a tower. Similar
17 to certain aspects on the Winchester tree.
18 From other areas, you probably would never
19 even know what you were looking at because
20 again, it would be a fairly effective screen.
21 This is -- this one is a challenging one
22 because, again, there's not a lot of overall
23 visibility.

24 I'm not sure that answered
25 your question, but I did want to get that

1 other portion on the record, but it is not
2 only a function of tree height, I guess is --
3 is the -- I guess is the easy and short
4 answer.

5 MR. PERRONE: No, that
6 answered it. Thank you.

7 In the Colebrook Land
8 Conservancy, there's discussion about Hale
9 Barn, H-a-l-e. Could you describe the
10 visibility of the tower from Hale Barn?

11 (Pause.)

12 THE WITNESS (Libertine): Bear
13 with me one moment while I get to that. I
14 apologize.

15 DR. BELL: Mr. Libertine, just
16 for starters on this question, could you just
17 identify on the visibility map where Hale
18 Barn is because there's a confusion about
19 that.

20 THE WITNESS (Libertine):
21 That's -- certainly.

22 DR. BELL: So let's start with
23 that. Thank you.

24 THE WITNESS (Libertine): That
25 -- sure. That's where I'm trying to get to,

1 too, to make sure I'm talking about the --
2 the specific location.

3 (Pause.)

4 THE WITNESS (Libertine):

5 Okay. Thank you for your patience.

6 Stillman Hill Road and the
7 Route 183 intersection is essentially to the,
8 I guess I'll call that, to the east or right
9 of View Number 6. Essentially, 183 Colebrook
10 Road is the main road that is -- it's labeled
11 183 but more or less at the bottom of the
12 visibility map, the aerial face, that runs
13 west of our site. Stillman Hill Road is
14 actually part of, I guess it's labeled as
15 182, although I'm not sure that's actually
16 182 on this map, but it is -- but it does
17 come at that intersection.

18 So essentially it's to the
19 right of -- it's that intersection to the
20 right of Photo Location Number 6. That's in
21 a hollow. So there is no direct view from
22 that particular intersection. So we would
23 not anticipate -- we did not see any views
24 from that intersection at all. I'm not sure
25 which side of the road it's on, but if it's

1 at -- if it's at that intersection and those
2 -- and anywhere in those open fields, it
3 doesn't -- it doesn't poke into view from
4 there until you start to rise to the west
5 along the hill.

6 MR. PERRONE: Okay. Could you
7 also describe the visibility from the
8 Colebrook Consolidated School.

9 THE WITNESS (Libertine): That
10 's the school on Smith Hill Road that's
11 adjacent --

12 MR. PERRONE: Yes.

13 THE WITNESS (Libertine): --
14 to the property?

15 Yes. We could not see the
16 balloon at any time during the floats that we
17 did during the spring. I checked today again
18 when the balloon was up and could not see it,
19 so we're confident that they are not going to
20 be views. And I actually walked to both ends
21 of the property, so I went out to the field
22 at the edge of the woods, which gives you at
23 least a best perspective of the hill. Again,
24 the hill is a fairly broad plateau, which
25 really works the vantage, and the tress are

1 fairly high, obviously, the tower is above it
2 because that's the only way it's going to
3 propagate but it works from a visual
4 perspective when you're in kind of that near
5 view.

6 Again, until you get down at
7 this location here and start to head out of
8 town near the cemetery, there are very spotty
9 seasonal views. You won't see it during the
10 leaf-on season. But this time of year, if
11 you know what you're looking for through the
12 trees, you'll be able to get a few views here
13 and there, primarily coming back into town
14 from the north, southbound. And that's
15 reflected around Viewpoint Number 3 on the
16 photo location map.

17 MR. PERRONE: Could you
18 summarize the number of homes with seasonal
19 year-round views of the town?

20 THE WITNESS (Libertine):
21 Sure.

22 MR. PERRONE: And the streets,
23 if you have that.

24 THE WITNESS (Libertine):
25 Sure.

1 Under the analytical results
2 in the report, we actually have called those
3 out. They're, as I said earlier, I'll start
4 with the distant views on Stillman Hill Road
5 or which is State Route 182. That's about
6 eight-tenths of a mile from the site to the
7 southwest, and there are some open
8 agricultural fields. As you crest that hill
9 there are two fairly large properties that do
10 have residences on them, so I am -- I know in
11 front of one, for sure. We were at --
12 actually the picture is taken more or less in
13 front of that property where the home is.

14 There's another home across
15 the street that is surrounded by landscaping
16 and trees. I conservatively said that home
17 would also have some views year round, so
18 those two. There would be two on Stillman
19 Hill Road.

20 And then there's one home
21 that's directly across from the entrance to
22 the cemetery here on Colebrook Road, which is
23 Route 183, just north of town, where standing
24 at the edge of their driveway and the road, I
25 could not see it, but I've conservatively

1 said that there could be seasonal views.
2 There may even be a spot year-round view from
3 some portion of that property, but I couldn't
4 access the property. So conservatively I say
5 that. Also there would be one property here
6 on Colebrook Road that could potentially see
7 it.

8 There are seasonal views
9 during this time of year when the leaves are
10 off the trees from portions of the cemetery.
11 There is a house that abuts the cemetery to
12 the north, potentially they could see it.
13 There's a lot of trees intervening so that
14 one I'm a little less -- it's conservative --
15 conservatively I guess I would say two along
16 this road and two from Stillman Hill, and
17 that would probably be a very conservative
18 number.

19 The homes nearby, from what we
20 can tell, will not have views at any time of
21 the year. There's just too much intervening
22 tree cover with the acreage that we have, and
23 you've also got the slope of the hill that's
24 working to our advantage as well.

25 You may have seen it, I don't

1 know if anyone looked when we were on Smith
2 Hill Road mingling before we went up to the
3 site, the balloon was at full height. I was
4 looking for it the whole time, I couldn't see
5 it through the trees this time of year, which
6 was consistent with what we've seen every
7 time out. But again, now that the leaves are
8 falling, things can open up, but I'm fairly
9 confident that you're not going to see
10 anything along Smith Hill Road as well.

11 MR. PERRONE: Could you also
12 describe the visibility from the Colebrook
13 Center Historic District about a half mile
14 north.

15 THE WITNESS (Libertine): Yes,
16 which is essentially where we are. And
17 that's the part that I would like to go on
18 the record, that's a little bit different
19 than what we're showing here. That there is
20 a small portion right here where we are, that
21 if you were standing in the street, you would
22 be able to see it for a very short amount of
23 time. But again, you have to kind of look
24 through the trees to actually see it. And
25 we're looking at a red balloon, so it was --

1 you know, it was fairly easy to pick out as
2 you're kind of moving around.

3 Even a monopole, I think is
4 going to be lost somewhat in the structure of
5 the intervening trees, so I don't consider
6 those to be really prevalent views, and I
7 think the -- the State Historic Preservation
8 Office which weighed in, even a few years
9 ago, there had been some photo simulations
10 that had been presented to them during
11 leaf-off that was fairly consistent with what
12 we're seeing today.

13 So, again, it's not something
14 that is -- it's not rising above the tree
15 line. It's through intervening trees, so
16 it's a fairly negligible view line to it,
17 but it does exist, and I thought it was
18 important to get that on the record.

19 MR. PERRONE: Okay. I don't
20 know if you would have this, but is this
21 site, this section of Colebrook located
22 within the Housatonic Valley National
23 Heritage area?

24 THE WITNESS (Libertine): I
25 don't have that readily available. I could

1 certainly find out.

2 MR. PERRONE: Okay. And then
3 if there are any impacts to that.

4 And my last question. This
5 goes back to the site search. I understand --
6 the site search is in Tab -- under tab 2.
7 That there were two copulas that were looked
8 at. One at the Senior Center, one at the
9 town hall. I know those were rejected by
10 AT&T's engineers. Were those rejected
11 because of insufficient height?

12 THE WITNESS (Vivian): David
13 Vivian. That's correct.

14 MR. PERRONE: Okay. Thank
15 you. That's all I have.

16 THE CHAIRPERSON: Senator
17 Murphy will now have the questions from the
18 Council.

19 SENATOR MURPHY: Thank you,
20 Mr. Chairman. Just a few items. There was a
21 public information hearing on the 4th of
22 April. What was the attendance and what was
23 the reaction of those attendants at that
24 meeting? I assume a number of people might
25 have appeared over there.

1 MS. CHIOCCHIO: Thank you.
2 Lucia Chiocchio, I -- I am probably the best
3 person to talk about that.

4 That was a couple of years ago
5 when we started the municipal consultation.
6 And the attendance was about -- about 25 to
7 30 folks expressing concern at that time, we
8 had proposed the access drive from Colebrook
9 Road. There was concern, as you heard
10 earlier, about the existing spring and well
11 on that property. And that was mainly the
12 concern with respect to the site.

13 SENATOR MURPHY: And just out
14 of curiosity, was the balloon float done as a
15 result of being asked for at that meeting?

16 MS. CHIOCCHIO: Yes. We --
17 we --

18 SENATOR MURPHY: Because it
19 was done a week later.

20 MS. CHIOCCHIO: Right. We --
21 we offered to fly a balloon and noticed that
22 for the community and we did, when I spoke
23 with the First Selectman a few months back,
24 we also provided notice of another balloon
25 float that we had done for the visual report.

1 SENATOR MURPHY: And I
2 understand from the material that based upon
3 the First Selectman's feelings there was no
4 informational meeting done since that time?

5 MS. CHIOCCHIO: Correct.
6 Basically, the site had not changed.

7 SENATOR MURPHY: All right.

8 Mr. Wells, on your
9 propagations, I assume you did propagations
10 higher than 120 or 117 is the center line?

11 THE WITNESS (Wells): Yes, we
12 did.

13 SENATOR MURPHY: If you went
14 up 10 feet, what would be the difference in
15 your propagations? Would it cover more
16 territory or height not -- does it -- because
17 I understand there's not always an increase.

18 THE WITNESS (Wells): It would
19 cover more, yes. But we didn't feel
20 substantially more. What we do is we started
21 at a fairly high height, 180, 190 feet, and
22 start lowering that. Well, generally we
23 start at 180 assuming, you know, if we know
24 there's no way you're going to get 180 we
25 don't start there. But generally we start at

1 a high level, and then just start reducing
2 the tower height in 10-foot increments in our
3 model, and start to see where we feel there
4 are -- there are significant differences
5 whether on major roadways or the cumulative
6 counts of the roads and population and
7 everything else. And at 120, is essentially
8 where we felt that was that breakpoint.

9 And 130 yes, there is more
10 coverage and at 180 there's even more. And
11 if you asked me as an RF engineer what do I
12 want? I want 195? But can I sit here and
13 justify that? I don't know. You know, I
14 would like 195 because it provides more
15 coverage, but I don't think I can reasonably
16 sit here and convince you why, you know, that
17 it substantially more coverage.

18 But at 120 versus 110 versus
19 100, I think I can say with confidence that
20 that is an appropriate height and that there
21 is a tradeoff there that's worth it.

22 SENATOR MURPHY: Okay. Which
23 leads me to the -- to the next question. The
24 tower is designed for four carriers, three in
25 addition to the Petitioner, the Applicant

1 here. And I know that you don't speak for
2 other carriers or what have you, but being an
3 expert in the field, what's your best guess
4 as to how viable those spots are under your
5 117 center line?

6 THE WITNESS (Vivian): They
7 are viable, because even at those lower
8 heights you do pick up additional coverage.
9 I would have concerns at the higher
10 frequencies at 1900 megahertz where there are
11 more carriers there than at the 800
12 megahertz, and I would be surprised if collo
13 applications requested an increased height to
14 accommodate those frequencies.

15 SENATOR MURPHY: And as I
16 understand it, the tower is being constructed
17 at the base at least, so that it could
18 possibly be increased to 20 feet which is the
19 standard which --

20 THE WITNESS (Vivian): I'm not
21 sure that it's a standard but, yes,
22 usually -- usually, especially when you're
23 talking about something under say, a 150 --

24 SENATOR MURPHY: And in this
25 instance the -- and in this instance the

1 answer is yes.

2 THE WITNESS (Vivian): Yes.
3 You can make it an extendable up to say, 150.

4 SENATOR MURPHY: And
5 Mr. Libertine, if this tower were to be at
6 140, what difference would you give us in
7 your visibility analysis?

8 THE WITNESS (Libertine):
9 Well, I think it would be two-fold. I think
10 certainly there would be some increased areas
11 that are at the proposed height. We're not
12 seeing it when we start to get visible from
13 certain locations. I can't point to specific
14 locations, but my gut tells me that we're
15 going to start to see some increased overall
16 visibility.

17 I wouldn't say it's
18 substantial, but I think some of the higher
19 locations that look across the valley towards
20 our site would certainly start to pick it up.

21 And, of course, always, the
22 character now becomes the consideration,
23 because 20 feet starts to push it
24 significantly higher, above the treeline, so
25 those locations where we're seeing it today

1 is going to be that much further above the
2 treeline. I think I would have certainly
3 some concerns about this location downtown,
4 and heading into downtown which is the
5 historic district, and I think the DSHPO
6 might also have some concerns. If we were
7 going to go with that type of an increase,
8 SHPO would be required to review it again
9 because it's over a 10 percent increase.

10 SENATOR MURPHY: And if it
11 were 140 what, if any, change would there be
12 to your answer regarding monopine?

13 THE WITNESS (Libertine): I
14 think in that case, I'd probably be a
15 proponent of a monopine knowing and
16 recognizing that from distant locations it's
17 going to look like a Winchester tree, for
18 lack of a better term. But I think it would
19 be -- I think the benefits would offset it
20 because the nearer views, within a half mile,
21 especially from this area, I think would
22 still be fairly negligible because you'd be
23 looking through other trees, and so I think
24 the pine would be fairly effective.

25 SENATOR MURPHY: Great. Thank

1 you.

2 I have no other questions,
3 Mr. Chairman.

4 THE CHAIRPERSON: Dr. Klemens.
5 We usually go unless --

6 DR. KLEMENS: Yes, I do have
7 questions.

8 The first question is
9 generated by the heightening the tower. That
10 would not -- would that require guy wires?

11 THE WITNESS (Vivian): David
12 Vivian. No, this would be a self supporting
13 monopole.

14 DR. KLEMENS: Thank you.

15 I have some questions about
16 vernal pools and other issues. But I have
17 one other just general question, and forgive
18 my ignorance, I'm new to this and maybe this
19 is a redundant question, but there, on page
20 12 of the application, its introduction,
21 there is a statement that repeater is
22 micro-cell transmitters to transmitters and
23 DOS systems are not practical here. Maybe
24 you could educate me why, why they're not?

25 THE WITNESS (Wells): Tony

1 Wells.

2 The first I guess, DAS, I
3 don't know if we spelled that out, DAS is an
4 antenna system and repeaters, micro-cells and
5 distributed antenna systems are generally
6 lower power and lower height technology. For
7 example, a distributed antenna system in a
8 lot of areas, they're mounting antennas on
9 telephone poles along a roadway. Micro-cell
10 is also limited in -- in power generally.

11 So the -- the limitation with
12 those is, again, the height and the power
13 that you can transmit out of them. And in an
14 area like this where you're surrounded by
15 hills and trees, where trees significantly
16 weaken the signal from Point A to Point B,
17 and if you're already in the trees because
18 you're -- you're at say 50 feet or 40 feet on
19 a telephone pole, you are pretty much line of
20 sight. If you can't see it, you're probably
21 not getting a signal from it.

22 So if you could imagine the
23 complexity of providing service, if you look
24 at the map that we've provided, a coverage
25 area that we can achieve from this site, you

1 can imagine you had to place antennas
2 everywhere you can see them to achieve that,
3 that equipment coverage, it becomes quite a
4 challenge in an area like this.

5 DR. KLEMENS: Thank you.

6 On page 17 of the summary, the
7 worst-case emissions from proposed facility
8 are just 10.8 percent the Federal MPE
9 standard. If you had three other carriers on
10 the tower, would that still fall below the
11 federal standards?

12 THE WITNESS (Wells): Yes, it
13 will. And this is, when we -- just for
14 clarification -- Tony Wells -- when we say,
15 "Worst-case" we -- we do the calculations as
16 if the antennas were pointed at the ground.
17 But as I mentioned earlier, the antenna has a
18 pattern. It's much like a flashlight beam
19 that if -- if you're shining it in a
20 particular spot, it illuminates that spot,
21 but if you're standing below that, that beam,
22 that light is significantly attenuated. In
23 -- in the -- for the Siting Council
24 generally, when do a calculation, we assume
25 the antennas are pointed at the ground, and

1 is a very worst-case. In practice, even with
2 three carriers on this tower, if you go out
3 and make measure -- actual measurements,
4 you'd probably be at around that 10 percent
5 or below.

6 DR. KLEMENS: Okay. Thank
7 you.

8 The generator. There was
9 discussion earlier about the generator.
10 Again, is that generator for the tower or if
11 there were additional carriers would there be
12 additional generators involved?

13 THE WITNESS (Vivian): David
14 Vivian.

15 The generator we were
16 discussing and what we're proposing is a 50
17 kW diesel power generator specifically for
18 AT&T's equipment. Typically, if, say,
19 Verizon would also have their own generator
20 which is enclosed in a shelter.

21 DR. KLEMENS: So
22 theoretically, one could anticipate that you
23 could have four -- four generators there if
24 the tower was to used to the capacity that's
25 on the plans with four different fueling

1 schedules, because one of the things that
2 have been talked about is the infrequency of
3 the use of the driveway for maintenance which
4 is a big issue, when we talk about vernal
5 pool species and critters and everything.
6 But the idea is you're going to have one --
7 one maintenance visit a month. But if we had
8 the tower and was fully capacitized, for fuel
9 alone, we could be having four visits a
10 month. Is that correct?

11 THE WITNESS (Vivian): Well,
12 yes and no. Typically, the only two carriers
13 to my knowledge that are utilizing the full
14 emergency as their back power source are
15 Verizon and AT&T. The others use battery
16 back-up, T-Mobile, Sprint, MetroPCS in this
17 area.

18 DR. KLEMENS: Okay. Thank
19 you.

20 THE CHAIRPERSON: Just to let
21 you know, this is -- this is an issue that
22 the Siting Council, at least I think we feel
23 pretty strongly about that industry is going
24 to have to come to grips with this issue of
25 either a shared versus multiple generators.

1 I think just listening to the question from
2 Dr. Klemens is -- it's pretty clear that if
3 this were to be fully -- have four carriers
4 each with their own generator and each with
5 their own system, their own schedule, and
6 maybe even different fuels, it just
7 doesn't -- it doesn't make sense.

8 So this is something that we
9 are encouraging, I think at every meeting
10 that, in this case, AT&T starts thinking
11 seriously about how to deal with this issue,
12 because it's -- I don't think we're I think
13 we've -- we've -- we're not happy with the
14 answers we're getting tat this point. We
15 just don't think it's looking into overall
16 needs, if there is a, both on a routine
17 basis, and also if there's a major storm.

18 I mean, it just -- it just
19 doesn't make sense that there would be --
20 everybody would be doing their own thing.
21 You're sharing a tower, so you ought to
22 figure a way to share generators. Okay.

23 DR. KLEMENS: Now, I'm going
24 to move now to -- to wetlands and to know a
25 little bit a more about the about cell

1 towers.

2 My first question is, are
3 there -- was there any attempt or effort made
4 to consult with the Army Corps of Engineers,
5 and are these jurisdictional wetlands as
6 defined by the Army Corps?

7 THE WITNESS (Gustafson): We
8 have -- Dean Gustafson. We have submitted a
9 category one determination request under the
10 Connecticut General Permit to the Army Corps
11 of Engineers. It is in receipt. It is
12 currently being reviewed by the Army Corps of
13 Engineers.

14 The majority of the wetlands
15 would be considered jurisdictional with the
16 possible exception of Wetland IV which I
17 don't believe has the hydrology or the
18 vegetation to be classified as -- as a
19 federal wetland.

20 The other wetland systems, in
21 my opinion, would certainly be jurisdictional
22 and certainly, the one wetland system that we
23 do have direct impact, Wetland III, is in my
24 opinion, clearly a jurisdictional wetland.

25 DR. KLEMENS: Moving to

1 Wetland III, which I did walk up the road and
2 look as that would be to the southeast on the
3 site walk, and clearly there is, as you have
4 indicated, there is a signature of a vernal
5 pool as you get quite far back from the
6 entrance way. How far back is that ponded
7 area where you have the bare muck and soils
8 and the appearance of ponding for a
9 significant portion of time, how far back is
10 that from the entrance road in feet?

11 THE WITNESS (Gustafson): From
12 the nearest location of the proposed access
13 road it's approximately 250 to 300 feet to
14 what I would qualify as potentially cryptic
15 vernal pool type habitat within kind of the
16 southeastern reach of Wetland III, close to
17 the property boundary and Smith Hill Road.

18 DR. KLEMENS: Now, you're
19 having 700 and -- was it 701 foot -- square
20 feet of wetland loss on Wetland Number III
21 from the entrance road. You're aware of the
22 -- the guidance document issued by the Army
23 Corps of July 2011 that talks about
24 calculating loss of forest habitat around
25 vernal pools as in part of your calculation.

1 Are you aware of that?

2 THE WITNESS (Gustafson): I am
3 aware of that document.

4 DR. KLEMENS: Can you tell us
5 how many square feet of forest associated
6 with that vernal pool within the 750 feet of
7 that vernal pool? How many square feet of
8 forest are going to be taken by the proposed
9 road and clearing?

10 THE WITNESS (Gustafson): We
11 have not performed that calculation but we
12 could provide that information to the
13 Council.

14 DR. KLEMENS: Do you think it
15 might be over 5,000 square feet that would
16 move you -- in total, the forest plus the
17 fill that would move you to a different
18 permit category?

19 THE WITNESS (Gustafson): Yes,
20 I -- I do believe that there would be that
21 potential.

22 DR. KLEMENS: Okay. Thank
23 you.

24 On Vernal Pool Number II or
25 the wetland we looked at in the field, I

1 looked at that and saw that the -- we sort of
2 looked at it and we had a discussion in the
3 field that that looked like it didn't have a
4 lot of permanent hydrology, you have in your
5 report that you were there in early May, two
6 visits in May, it didn't have any water, then
7 in the last visit in May I believe you said
8 in the field was about a foot of water?

9 THE WITNESS (Gustafson):

10 That's correct. Our -- our dates of our
11 investigation were May 14th and 16th to
12 perform the initial delineation of wetland
13 resources in proximity to the proposed
14 project. During both of those dates, all of
15 the wetlands, including Wetland II, did not
16 show any evidence of inundation. There was
17 just soil saturation near the surface in some
18 locations.

19 However, they're preceding --
20 not preceding that. After that date, we
21 inspected the wetland areas on May 30th of
22 this year following some -- some intense rain
23 the previous seven to ten days, and at that
24 point, we did observe inundation in
25 Wetland III at some shallow inundation

1 essentially in the southeastern end of
2 Wetland III. Most of the inundation levels
3 were six inches or less, with exception of
4 some isolated areas which approached 12
5 inches of inundation. And then for
6 Wetland II, the -- the deepest portion of
7 Wetland II we observed inundation
8 approximately 12 inches deep.

9 DR. KLEMENS: That leads me to
10 another question. Did you observe inundation
11 in the vernal pool, putative vernal pool
12 section of Wetland III? Did you observe that
13 in your early visits? Was it inundated?

14 THE WITNESS (Gustafson):
15 During our early visits in May it was not
16 inundated. It was just saturated to the
17 surface.

18 DR. KLEMENS: Would you agree
19 or that that vernal -- that, what you call
20 Vernal Pool II is fairly marginal vernal pool
21 habitat compared to Vernal Pool Number III?

22 THE WITNESS (Gustafson): I
23 would agree with that statement.

24 DR. KLEMENS: Excuse me. I'd
25 like to now move to the avian resource

1 analysis that was done. It's on Tab
2 Number 4.

3 And as I understand, it's a
4 desktop analysis, so there's no actual
5 fieldwork actually ornithological fieldwork
6 done on the site. Is that correct?

7 THE WITNESS (Gustafson): That
8 is correct. It is -- it is a desktop review
9 of available resources.

10 DR. KLEMENS: I'd like to
11 direct your attention to numbered at the end,
12 under the U.S. Fish and Wildlife Service,
13 Communications Towers Compliance, on Point
14 Number 4, the guidance is the tower should
15 not be sited in or near wetlands, and your
16 response is that the site is not within a
17 wetland. Would you say that the site is near
18 a wetland?

19 THE WITNESS (Gustafson): Yes.
20 The site is approximate to a wetland.

21 DR. KLEMENS: But possibly if
22 the road is moved would that improve it? The
23 tower pad would still remain near the
24 wetland, correct, if you were to move the
25 road as may have been suggested by the

1 Conservation Commission?

2 THE WITNESS (Gustafson):

3 Yeah, moving the access road certainly will
4 improve the situation for Wetland II as far
5 as creating additional buffer for that
6 wetland system.

7 DR. KLEMENS: Under the Fish
8 and Wildlife Service, Number 8, I'm somewhat
9 troubled by this, where they ask if --
10 your -- the response that they are -- and
11 this is if I'm correct, and please tell me if
12 I'm not, that I believe that the U.S. Fish
13 and Wildlife Service guidance document here
14 refers to migratory. Their focus is on
15 migratory bird species.

16 THE WITNESS (Gustafson):
17 That's correct. That's my understanding as
18 well.

19 DR. KLEMENS: Okay. So if you
20 did no field, on-site field investigations,
21 how could you reach the conclusion under
22 Number 8 that significant numbers of
23 breeding, feeding or roosting birds are not
24 known to habitually use the proposed tower
25 construction area?

1 THE WITNESS (Gustafson):

2 We're basing that conclusion on the
3 information that's contained in the front of
4 that document, that goes -- it references
5 various other sources that indicate areas of
6 potential bird concentrations.

7 So, I agree with you that it's
8 not based on actual field data, observing
9 information from the site, but we are relying
10 upon various sources, data sources that would
11 lead one to in -- to believe that there was
12 potential for significant bird concentrations
13 on this particular property or not. And
14 based on those data sources, none were in --
15 were identified on the subject property,
16 hence, we drew that conclusion.

17 DR. KLEMENS: And I'm a little
18 bit foggy on this because there's hawk data,
19 there's important bird areas, there's water
20 fowl, but concentrations of migratory birds
21 can be in many different places, I mean,
22 important bird areas are just -- are
23 acknowledged areas. Actually, I -- I just
24 don't see how that can really be supported
25 by -- I don't believe, I don't believe you've

1 made, in my opinion, a case for that
2 statement.

3 THE WITNESS (Gustafson):

4 The -- and I will -- I would just, I guess,
5 point you to an early part of our discussion
6 with our understanding of the main intent of
7 satisfying the criteria from the U.S. Fish
8 and Wildlife Service as far as siting
9 facilities, and that directly relates to a
10 potential impacts to migratory birds. And
11 considering that, you know, the potential for
12 this habitat to support, and I agree with
13 you, you know, water fowl is going to be
14 limited. It's probably going to be mainly
15 Neotropical species. They're going to use
16 some of the forest canopy for either roosting
17 or breeding habitat.

18 And as far as impacts to
19 migration and Neotropical species, the height
20 of this facility is at such a low height that
21 it will not result in an adverse impact to
22 those species because we are certainly well
23 below the heights that are typically
24 associated with potential impacts of
25 migratory species. Also the tower is not

1 lit. It's not a guided tower, so that helps
2 mitigate for any of those potential impacts.

3 DR. KLEMENS: That's in your
4 submission and I agree with that. But, for
5 example, forest interior species: Would you
6 expect forest interior species to be breeding
7 in that forest as you see it now?

8 THE WITNESS (Gustafson): Yes,
9 I would.

10 DR. KLEMENS: And do you
11 expect that that habitat that that habitat
12 would be rendered less suitable for forest
13 interior migratory bird breeding species
14 after the road is constructed and the tower
15 is put in place?

16 THE WITNESS (Gustafson): I
17 would certainly anticipate some level of
18 impact --

19 DR. KLEMENS: Thank you.

20 THE WITNESS (Gustafson): --
21 because of the removal of mature tree growth.

22 DR. KLEMENS: Now, we've
23 already gone through the wetlands. So you
24 did -- you did no actual field sampling for
25 any -- for any larval amphibians or any --

1 any kind of actual field -- fieldwork?

2 THE WITNESS (Gustafson):

3 That's -- that's correct.

4 On -- on the 30th, we did do
5 some dip-netting, but it was essentially just
6 a few days after some intense rain, so those
7 pools would have essentially just had filled
8 within the past couple days, so we did not
9 see anything in them. I wasn't surprised we
10 didn't see anything because it was so -- it
11 was such a brief event, but we did not follow
12 up with additional biological sampling later
13 that's in the spring season.

14 DR. KLEMENS: Okay.

15 THE WITNESS (Gustafson): So
16 that's why we -- we took a conservative
17 approach, assumed that it would support at
18 least some level of breeding habitat, so
19 that's why the protective measures were
20 recommended to be employed, should the
21 facility be approved by the Council, during
22 construction to minimize the impact to
23 those -- those resources.

24 DR. KLEMENS: Moving along to
25 the vernal pool protective recommendations.

1 Is there any reason why we
2 just could have completely, as I've seen in
3 other projects, rather than have all this
4 elaborate avoidance and monitoring, could we
5 just avoid -- avoid construction in the
6 vernal pool activity, the height, which is
7 basically, you have it correct, is March 1st
8 to May 30th. Actually it may be a bit
9 earlier, if you have Jefferson salamanders on
10 site, which we don't know, they would be
11 migrating already in -- in February. But is
12 there any reason why construction can just
13 not be avoided in -- in that time of heaviest
14 of potential vernal pool activity?

15 THE WITNESS (Vivian): David
16 Vivian. No, I think that AT&T could accept a
17 condition to avoid construction during that
18 period.

19 DR. KLEMENS: Thank you.

20 Moving on. I'm sorry there's
21 no pagination here, but under Protective
22 Measures, the removal of the Herpetological
23 sweeps, I would ask you to -- you're
24 carefully grasping them in both hands, that
25 sort of implies, at least to me, a large

1 animal like a turtle or a snake. Would you
2 consider maybe if you're gathering amphibians
3 that they should be put in a moist tank
4 rather than be put in cans?

5 THE WITNESS (Libertine): I
6 think that's yes.

7 DR. KLEMENS: Thank you.

8 Now, a lot of reliance has
9 been placed in this document, and I'm not
10 on -- the letter from Dawn McKay and National
11 Diversity Data Base, and there is an inherent
12 conflict in this letter. I'd like for you to
13 comment on that. The first paragraph
14 Ms. McKay says: "She has determined that the
15 proposed activities will not impact to any
16 extant populations of Federal or State
17 Endangered, Threatened, or Special Concern
18 Species that occur in the vicinity of this
19 property."

20 And yet, in the second
21 paragraph: "This information is not
22 necessarily the result of comprehensive or
23 site-specific field investigations.
24 Consultations with the Data Base should not
25 be substitutes for on-site surveys required

1 for environmental assessments."

2 So, although you have this
3 letter from the state, do you think that
4 possibly it would have been useful to have
5 done some specific fieldwork, as well for
6 some of the other species that could be there
7 or did you take -- oh, I let you answer, and
8 then I follow up on it.

9 THE WITNESS (Gustafson): The
10 second part of their letter that you
11 reference is standard language.

12 We rely upon the database to
13 identify natural occurrence, the number of
14 species, in which case we'd investigate
15 further the potential impact, otherwise, and
16 unless we saw it, maybe a unique habitat
17 during our initial wetland investigation it
18 would be the way we would conduct our
19 studies.

20 DR. KLEMENS: So you interpret
21 this basically as -- this letter addressed
22 any potential endangered threatened special
23 species. Receiving this letter is sufficient
24 to indemnify or satisfy the requirement?

25 THE WITNESS (Libertine): Dr.

1 Klemens, if I could. We've wrestled with
2 this probably what, 15 years. We have spoken
3 to that, and it's as -- as Mr. Gustafson
4 alluded to one of the first things you do
5 when you go and see a site, is try to
6 determine whether there may be a potential
7 for any habitat so that we can screen the
8 site. We have to use NDDB, but we don't rely
9 solely on them. We try to use our best
10 judgment. The challenge we have is that
11 we're talking about trying to understand
12 whether or not, you know, there are species
13 of concern or even threatened species, so
14 it's very challenging for us to try to obtain
15 site-specific information because we're
16 really not sure in a lot of cases what we'd
17 be really be looking for. It's almost like
18 we're opening up that Pandora's box.

19 So it is a challenge and I
20 recognize where you're coming from, so we're
21 somewhat limited in that capacity.

22 But with respect to this
23 language, because I've always had the same
24 issue with this language. As an LEP in the
25 state of Connecticut, I will tell you that

1 this agency has propensity of having this
2 type of, I won't say double standard, but
3 conflicting information in almost all of
4 their approval letters. It's just something
5 that we've always kind of wrestled with. So
6 that it gives us an opportunity to say yes,
7 we've been able to clear the site, but
8 there's always the potential for the --
9 either the state or another agency to come
10 back and say, "Well, there's some new
11 information that's just been brought to the
12 table," or "We'd like you to look further
13 into it."

14 So unfortunately, it's
15 something that I'm not sure how we resolve
16 that.

17 DR. KLEMENS: Well, there is
18 such an investment of resources, technical
19 resources, legal resources, citizen
20 resources, council resources, I don't --
21 really, I don't understand why, who makes the
22 decision, certain projects do real biological
23 studies and other ones to do it this way.
24 And I would -- I would hope that maybe as we
25 go down the road, that people would spend

1 more time looking at the sites, gathering
2 site-specific information, as is noted in the
3 second paragraph, because I think that would
4 make -- I think it would make for a much
5 better review. There's a lot of speculation
6 that we're engaging in now, which is, I
7 understand we're here now at that point, but
8 gathering biological data on applications
9 such on this, on wetlands, on vernal pools,
10 on biodiversity, on avian resources, I think
11 would strengthen these applications
12 tremendously from my perspective.

13 THE WITNESS (Libertine):
14 Understood. I will say that working with
15 AT&T and Verizon in particular, we have often
16 been in the position where either
17 Mr. Gustafson or myself or others on the
18 team, have identified certain species and we
19 have reached out to the DEEP, so we're at
20 least adding to the NDDB in that capacity.
21 But I understand where you're coming from,
22 and it's a valid issue.

23 DR. KLEMENS: I don't think
24 you're going to be seeing any more letters
25 quite this definitive coming out of the NDDB,

1 because I actually spoke to people at the
2 NDDB today, and that particular language is
3 incorrect in the first paragraph. But that's
4 what you have to work with, so....

5 THE WITNESS (Libertine): Fair
6 enough.

7 DR. KLEMENS: Thank you.
8 That's it. Thank you.

9 THE CHAIRPERSON: Dr. Bell.

10 DR. BELL: Thank you,
11 Mr. Chair.

12 Mr. Libertine, just looking at
13 the yellow hatched area in your visibility
14 map, the population of abutters probably --
15 it's a small area compared to many yellow
16 hatched areas I've seen. Do you think that
17 the population of actual abutters to whom you
18 sent the letter covers that area or there are
19 other people who are not abutters who still
20 live in that area? I'm just curious.

21 THE WITNESS (Libertine): I'm
22 sorry. In the -- in the yellow or in the
23 orange that surrounds the actual site?

24 DR. BELL: No, just -- I'm
25 just looking at the yellow, the year-round

1 visibility.

2 THE WITNESS (Libertine):

3 Well, they're certainly not abutters, that's
4 almost a mile away, so they would not have
5 been contacted directly as part of the
6 application.

7 DR. BELL: Okay. Mr. Wells,
8 in your response to Question Number 13 in our
9 first set of -- sorry, 35, in our first set
10 of questions, this has to do with the whole
11 flush-mount issue. And you're basically
12 saying, giving the answer that we've heard
13 before which is that you can't put flush --
14 you can't mount antennas flush because -- or
15 that it's -- it's not reasonable to mount the
16 antennas flush, because then you'd have to
17 mount several layers to get up to 12 or 15
18 antennas.

19 But I'm just focusing in on
20 this particular boilerplate language that we
21 see. We had an -- on September 6th we had an
22 EM modification on our list at 530 Bushy Hill
23 Road in Simsbury in which you simply put
24 multi-band antennas in into a flagpole. The
25 flagpole wasn't the minimum flagpole. It got

1 extended a little bit, but the way flagpoles
2 do sometimes, but basically it was a flush
3 mount or close to flush mount configuration.
4 And since they were multiband antennas they
5 covered several frequencies. I don't know
6 whether it was exactly the number of
7 frequencies it covered in that particular
8 installation.

9 But my question is could you,
10 for homework, give us the three most recent
11 installations of the type I'm talking about
12 where you put multiband antennas in close
13 configuration, closer than you're planning,
14 say, for this tower. And -- and justify
15 those three installations, in terms of the
16 argument you make here, which is that, quote,
17 AT&T usually reserves flush mounting or
18 similar structures to cases where historic or
19 documented scenic views might be impacted.

20 Do you understand what I am
21 asking for? I don't know if you're the
22 proper person to ask, maybe Mr. Vivian, but
23 at any rate, that's what I'm trying to get at
24 some specific examples of where you have
25 mounted these antennas close to the tower in

1 a multi -- using multiband antennas which
2 would satisfy the problem in cases where
3 historic or documented scenic views are
4 involved.

5 Here, you're saying,
6 presumably according to that argument,
7 according -- you're saying documented or --
8 historic or documented scenic views are not
9 involved. And I'm looking for the
10 documentation on three recent cases, the one
11 in Simsbury would be one recent case.

12 THE WITNESS (Wells): Right.
13 Yeah, we can -- we can look at that with
14 certainly Mr. Vivian and our attorney's help
15 on that. And although that, I would say that
16 probably raises a -- a good correction, for
17 lack of a better word. From an RF
18 standpoint, I guess I would say more
19 generically, we'll do it where we absolutely
20 have to and have no choice, and that's kind
21 of what leads to this language on the
22 visibility aspect. I suspect, and I don't
23 know the particulars of Simsbury in
24 particular, but I suspect that that was an
25 existing site and to rebuild that site so

1 it'll accommodate either T-arms or a platform
2 was not going to happen, so that's what we
3 had to do.

4 And as you've heard me say
5 before, you can do things mechanically, it
6 doesn't make it a good idea. You know, we've
7 talked about antenna separation before, can
8 we put a -- you know, yes, we can put
9 antennas right on top of each other, but it
10 creates, believe me, it creates problems and
11 I've dealt with those problems in the field
12 and it becomes a matter of compromise.

13 So, yes, we'll look that up.
14 But I think you're -- your -- to the point
15 you raise, probably, highlights some
16 fallacies in our wording. And again, from --
17 simply from an RF engineering perspective,
18 it's when we have to. And when we have to
19 includes the visibility. And Mr. Libertine
20 may say, Look, this is the way to go and you
21 have to do this because this is, you know,
22 this is not going to be met well with the
23 community, or an existing structure in that
24 case which is not covered in this language,
25 as I think you pointed out.

1 THE WITNESS (Libertine):

2 Dr. Bell, I don't have recent examples that I
3 can just rattle off. I'm sure we can get
4 some. My experience has been typically we
5 have been, and kind of building off what
6 Mr. Wells, that we've been, I don't want to
7 use the word forced, but we've certainly had
8 to go back to the drawing board in those
9 areas that are scenic or historic because we
10 have had consultation with the State Historic
11 Preservation Office and they've said, Look,
12 you've got to come up with some other
13 solution. So it becomes that compromise
14 which limits, you know, collocation and some
15 other things, so I -- yeah, I'm trying to
16 think of one that's been recent, but nothing
17 comes to mind. Although, there are several
18 that we're kind of in consultation right now
19 where we may be running down that road where
20 we may have no other option just because we
21 are faced with being in or approximate to a
22 historic district or the Merritt Parkway.

23 DR. BELL: Well, I mean, that
24 would be covered if you can -- when that's
25 the case, then that's covered by that

1 language I just quoted.

2 THE WITNESS (Libertine):

3 Right.

4 DR. BELL: What Mr. Wells is
5 talking about is another type of situation
6 where there really is no scenic -- documented
7 scenic resources or documented historic
8 situation, but you have to because you
9 can't -- you have to raise the height of the
10 tower because the existing tower you can't
11 spend the money to put in an entirely new
12 tower, so you've come up with this thing.

13 So I'm --

14 THE WITNESS (Vivian):

15 Dr. Bell, if I may. This is Dave Vivian.

16 I can -- I can give you an
17 example relatively recent, the tower has been
18 stacked, we're still waiting for -- for our
19 Telco to come through, but in the Town of
20 Redding, and during consultation with both
21 the planning -- Planning Commission and with
22 the Selectman, there was a tradeoff in their
23 discussion because for, I forget what the
24 docket number was, but it's -- it's 28 Great
25 Oak Lane. It's behind the DPW yard. It's in

1 full view where you can see the tower from an
2 elementary school across the soccer field.

3 So they grappled with what
4 AT&T's minimum height was requirement of 150
5 feet in this case versus where you could see
6 it, that visibility. And the Town in that
7 instance, in order to produce the lease and
8 whatever, decided to go the 30-foot higher
9 with 180-foot flagpole.

10 THE WITNESS (Libertine):
11 Right. That's a great example.

12 THE CHAIRPERSON: Did you need
13 the 180 feet as you testified?

14 THE WITNESS (Vivian): I'm
15 sorry.

16 THE CHAIRPERSON: Did you need
17 the 180 feet?

18 THE WITNESS (Vivian): Yes, we
19 needed the 180 feet because then at that
20 point essentially have flush --

21 THE WITNESS (Libertine): Beca
22 use of the flush mounts.

23 THE WITNESS (Vivian): --
24 mount they're internal mounts but it's
25 essentially the same as a flush mount but

1 they wanted it to actually look like a
2 flagpole.

3 DR. BELL: Well, I think
4 Mr. Wells and I are kind of the same
5 wavelength in the sense that I would like --
6 I would genuinely like some examples. I
7 asked for three. And if you -- if you want
8 to offer that as one, that's okay. That's an
9 example where you -- where you got acceptance
10 from the town. But at any rate, I'd just
11 like to get an example base so that the
12 language, if necessary, can be adjusted. I'm
13 just -- if there's a problem with the
14 language, then we need to adjust the
15 language.

16 If there is, in every case, a
17 historic or scenic justification, then we
18 don't need to adjust the language and there
19 is a justification. But one way or the
20 other, I'm feeling there's a gap here.
21 Something needs to be adjusted.

22 THE WITNESS (Vivian): Right.
23 It can be strengthened, and I would agree
24 with Mr. Wells -- this is Dave Vivian, again,
25 I'm sorry -- in that it's -- the carriers for

1 the most part prefer not to go with that type
2 of a configuration because there are
3 limitations.

4 But, for instance, there's a
5 docket that is just bringing up, it's down in
6 New Canaan or rather Norwalk at the Armory
7 Facility, where we were impacted there by the
8 State Historic Preservation Officer because
9 the historic nature of that portion of the
10 Merritt Parkway. And so there what AT&T is
11 proposing, and I'm sure that in this case
12 Verizon will also intervene since they've --
13 they've actively been pursuing the site as
14 well, we did two flagpoles, you know, because
15 we anticipated based on the need of both AT&T
16 and in this case Verizon for having those
17 multiple levels within a flagpole. But the
18 flagpole configuration was designed almost
19 entirely because of the -- the State Historic
20 Preservation Office, and so what we're doing
21 is we're proposing two, one for AT&T and one
22 for Verizon to accommodate then the
23 limitations on collocation.

24 THE WITNESS (Wells): So just
25 to make sure the record is clear. I think,

1 for me, I get your point. We say that we're
2 doing this for, you know, high visibility or
3 whatever the language we put in there. I
4 think that needs to be changed.

5 And again, from an RF
6 perspective, it's not a design character,
7 it's not a -- it's a pure design
8 consideration, and when we don't have to, we
9 will not because if you build a whole
10 network, the more of those you have in your
11 network, the more problems you will have in
12 your network.

13 So, but we will -- but I get
14 your point that the language does not meet up
15 with what I just said, so we will go back and
16 get those examples, but I can almost a
17 hundred percent guarantee you that each
18 answer will have its own particular
19 considerations that, yeah, RF said don't do
20 this, real estate said suck it up, you're
21 going to have to do this.

22 DR. BELL: Okay. Moving right
23 along.

24 Mr. Vivian or Mr. Wells, does
25 the list of sites that were considered, the

1 available sites, either one, include the
2 public safety network sites or do you know
3 anything about the public safety network in
4 this region around here?

5 THE WITNESS (Vivian): Well,
6 generally -- this is Dave Vivian. The --
7 you're referring to the site search summary
8 and the sites that were considered. Is that
9 correct? If there are public safety
10 facilities that are available then certainly
11 they're considered. I was not aware of any
12 within the search area itself.

13 DR. BELL: Okay.

14 THE WITNESS (Wells): Other
15 than the -- the Town of Colebrook
16 firehouse --

17 THE WITNESS (Vivian): Right.

18 THE WITNESS (Wells): -- was
19 -- was looked at.

20 DR. BELL: Okay.

21 THE WITNESS (Vivian):
22 Although that one wasn't looked at -- looked
23 at by me, that was by a previous Set
24 Acquisition specialist because that's well
25 outside of the ring --

1 DR. BELL: Okay.

2 THE WITNESS (Vivian): -- and
3 I would not have considered it in my search
4 in the first place.

5 DR. BELL: And you -- you have
6 since -- since the public safety people have
7 not asked to be on the site you're proposing,
8 they either -- they're operating in some
9 other way or they're on some other set of
10 sites or they're coordinating with another
11 community, but neither you nor Mr. Wells
12 knows about the plan of public safe -- the
13 public safety network in this area. Is that
14 correct?

15 THE WITNESS (Wells): I do not
16 other -- other than, again, the one example I
17 mentioned is the firehouse --

18 DR. BELL: Yes.

19 THE WITNESS (Wells): --
20 considerably north of the search area.

21 DR. BELL: Okay.

22 THE WITNESS (Vivian): And
23 just bear in mind that public safety operates
24 at a much lower frequency so it is more
25 efficient, certainly, than -- than what we've

1 been granted license to operate under.

2 DR. BELL: Yes. I understand
3 that. I just want to integrate a little bit
4 of whatever knowledge you have on that point.

5 Okay. I have just one more
6 question, it's a question about noise to
7 Mr. Lusitani.

8 There are -- there are two
9 noise calculations that you did, one was in
10 -- I don't know if you did it, but at any
11 rate, it was in handwriting and then there
12 was an update to that. Is that correct?

13 THE WITNESS (Libertine): Yes,
14 that's correct.

15 DR. BELL: Okay. So in
16 looking and comparing those two, I can see --
17 I can see one change that you made which was
18 to do a different set of calculations to be
19 more specific on distance. So I understand
20 that. But the main change I noticed was a
21 change in the tree buffer factor at the end
22 when you finally get that in. Because in
23 the -- in responses to the CSC Number 1, you
24 have a five to eight decibel drop for every
25 hundred feet of vegetation. And in Response

1 Number 2, the figure changes to three to
2 eight. So I assume that's a federal figure.
3 And I'm wondering why did that change?

4 THE WITNESS (Lusitani): When
5 I initially researched how tree buffers
6 impacts noise, I found the five-to-eight
7 drop. And -- and when I continued to
8 research I found one on the federal highway
9 website, they had a more thorough discussion
10 and it was a lower drop, I believe, three to
11 five decibels, so I went with the more
12 conservative three to five and updated.

13 DR. BELL: Okay. Thank you.
14 I was just curious because I, you know,
15 didn't -- didn't know whether that had
16 dropped in the -- in the federal guidance for
17 some reason but it was just in the
18 research -- in doing your research. Okay.

19 I think those are my
20 questions. Thank you, Mr. Chair.

21 THE CHAIRPERSON: Mr. Hannon.

22 MR. HANNON: Thank you,
23 Mr. Chair.

24 Some of the questions I have
25 go back to what you had originally proposed

1 to the town in terms of the access to the
2 site, which I think was like a little over
3 1800 feet, and how that ties in with the
4 current proposal which is the 1337, I guess.

5 And, I guess the reason I'm
6 asking that is because it looks as though
7 from a grade perspective that you may
8 actually be able to get a road into this site
9 in between where you originally proposed off
10 of that existing road. And where you
11 currently it proposed it sort of somewhere in
12 the middle. So that you would be east of the
13 existing proposed road. It looks like the
14 topography would be less steep, and the big
15 thing to me is it also gets all the
16 construction away from Wetland Number III.

17 So can you please discuss
18 that, if you've even looked at that as a
19 possibility?

20 THE WITNESS (Vivian): I'm
21 sorry. Could you -- could clarify what
22 you're proposing again? This is Dave Vivian.

23 MR. HANNON: Sure. Right now
24 you're proposing is -- what you're presenting
25 is the access off of Smith Hill Road.

1 THE WITNESS (Vivian): Uh-huh.

2 MR. HANNON: Originally, when
3 the proposal came in it was off -- I forget
4 the name of the road off the top of my head.

5 THE WITNESS (Vivian):
6 Colebrook Road.

7 MR. HANNON: Okay. Colebrook
8 Road there.

9 You said because of some of
10 the neighbors where they were concerned about
11 the water pipe in that area you wanted to
12 stay away from that area. I have no problem
13 with that.

14 But where you take the road
15 off of Smith Hill and swing it to the East
16 and it comes around up the hill, you start
17 off with a very steep slope, I'm asking if
18 you looked at the possibility of taking the
19 road and swinging it to the west and coming
20 up to the site that way so that it ends
21 basically where you had originally proposed
22 the location off of Colebrook Road. Because
23 the big thing that does, for me, is it gets
24 it away from Wetland Number III, which seems
25 to be most viable of all the wetlands on the

1 site.

2 THE WITNESS (Vivian): We
3 could do it I guess. We hadn't investigated
4 it that way but it seems, at least on its --
5 on its face, to be another alternative. I
6 haven't -- I haven't walked that -- that
7 route, but I now understand what you're
8 saying. In other words, circling to the west,
9 and, you know, one -- circling one way versus
10 the other.

11 MR. HANNON: Yeah, and in
12 essence, coming up where you had originally
13 proposed accessing --

14 THE WITNESS (Gustafson):
15 Right. Uh-huh.

16 MR. HANNON: -- the compound.

17 And then just to follow up on
18 that, a question that I have is: Is Wetlands
19 Number I, as it's currently shown, is that
20 the same as the Wetland area that was
21 designated as C-1 through C-6 when it was
22 originally proposed to the town? It looks
23 like it is, but I just want to get a
24 confirmation on that.

25 THE WITNESS (Gustafson): That

1 is correct. They're -- they're one in the
2 same wetland areas --

3 MR. HANNON: Okay.

4 THE WITNESS (Gustafson): --
5 with just different flag designations.

6 And in that Wetland I we are
7 showing the full extent of that wetland
8 system on the subject property. Actually,
9 the bulk of that wetland system lies on the
10 adjoining property to the south.

11 With -- with respect to your
12 early discussion on alternate access road
13 coming off of Smith Hill Road but sweeping
14 more to the west and then coming at a more
15 kind of southerly approach, the proposed
16 tower. The only -- we did not investigate
17 that part of the property from a wetlands
18 standpoint.

19 MR. HANNON: Uh-huh.

20 THE WITNESS (Gustafson): I
21 will just point out that Wetland V we are
22 just showing the southern limits of that
23 wetland system and that wetland does extend,
24 I can't determine how far it extends to the
25 north, but that wetland system does extend

1 further to the north and is more expansive as
2 you move to the north, the limits of which we
3 didn't -- it would outside, it's well outside
4 our study area to begin with, so that if we
5 do investigate that we'd have to determine
6 the full limits of Wetland V to determine if
7 that wetland system eventually drains into
8 Wetland III or if it's another isolated, you
9 know, larger wetland system.

10 MR. HANNON: Yeah, I'm just
11 looking at it as possibly an alternative to
12 stay further away from Wetland III --

13 THE WITNESS (Gustafson): Yeah

14 .

15 MR. HANNON: -- in particular.

16 THE WITNESS (Gustafson):

17 Yeah, I would just say it would require
18 further investigation from a wetland
19 perspective to determine if there would be
20 additional impacts with an alternate route.

21 MR. HANNON: And then the last
22 question, and I believe there was a --
23 Mr. Vivian, I think you agreed to this about
24 possibly even putting a condition on when
25 work be done so that that like March 1st to

1 May 30th period dealing with any vernal pool
2 issues, that something that would be
3 accommodated so....

4 THE WITNESS (Vivian): Yes.
5 There's no reason to have to go -- to go
6 through hoops for say a one and a half or two
7 month period, other than the marketers get,
8 you know, get -- getting out their little
9 trackers for a date on that.

10 MR. HANNON: Okay. Thank you.
11 I have no further questions.

12 THE CHAIRPERSON: Mr. Ashton.

13 MR. ASHTON: Okay. Quickly,
14 the monopole, proposed monopole, what kind of
15 a finish are you thinking of using on that,
16 galvanized or?

17 THE WITNESS (Vivian): We
18 typically go with a galve steel, yes, sir.

19 MR. ASHTON: Why not something
20 a little different?

21 THE WITNESS (Vivian): Well,
22 as an alternative, for instance, to a
23 monopine, I've had some situations where
24 instead what we do is go with like a flat
25 sort of chocolate brown, so for instance,

1 where you can see it through in a leaf-off
2 condition were the only time you're going to
3 see it --

4 MR. ASHTON: You don't have a
5 problem with that, though?

6 THE WITNESS (Vivian): I'm
7 sorry.

8 MR. ASHTON: You don't have a
9 problem with anything other than -- okay.

10 THE WITNESS (Vivian): No.

11 MR. ASHTON: The equipment
12 shelter, what's that going to be, precast
13 concrete?

14 THE WITNESS (Vivian): Yes.

15 MR. ASHTON: Okay. The diesel
16 storage tank, you say it was -- you're going
17 to run your generator two to three times a
18 week for how long?

19 THE WITNESS (Wells): I
20 think -- I'm sorry.

21 MS. CHIOCCHIO: Go ahead. Go
22 ahead.

23 THE WITNESS (Wells): I think
24 that might be an overestimate.

25 THE WITNESS (Vivian): Yes, it

1 is.

2 THE WITNESS (Wells): In my
3 experience --

4 THE WITNESS (Vivian): It's
5 more like once a -- once a --

6 THE WITNESS (Wells): Yeah,
7 it's either once a week or once every couple
8 weeks.

9 MR. ASHTON: Once a week.
10 Okay. How long does it run?

11 THE WITNESS (Vivian): It's
12 around 20 to 30 minutes.

13 MR. ASHTON: And does it run
14 at full load or is it run at disconnected?

15 THE WITNESS (Vivian): I'm not
16 sure of that myself. Do you know, Tony?

17 THE WITNESS (Wells): I --

18 MR. ASHTON: I mean is it a
19 full exercise of all the equipment including
20 the flow over?

21 THE WITNESS (Wells): I'd have
22 to check. You can run it either way. I
23 don't know --

24 THE WITNESS (Vivian): Yeah.

25 MR. ASHTON: I think you can

1 but I'm trying to find out what.

2 THE WITNESS (Wells): -- what
3 the protocol is, yeah.

4 THE WITNESS (Vivian): Right.

5 THE WITNESS (Wells): I'll
6 have to --

7 THE WITNESS (Vivian): I don't
8 know how AT&T ops determines that.

9 MR. ASHTON: Okay. We never
10 really answered how often you get a refueling
11 up at the roadway to take care of the tank.
12 First of all, now we correct ourself to once
13 a week rather than two and a half times a
14 week. And then the next thing is we don't
15 know how long it runs. I think it would be
16 nice to get an answer on that. How often do
17 you refuel your generator? And speaking of
18 the generator, what is your objection to
19 running a backup generator for all the
20 carriers that come on a system, on an
21 installation? I'm looking at you,
22 Mr. Vivian. I think you're the ring leader
23 here.

24 THE WITNESS (Vivian): I know.
25 I'm trying to hide my eyes.

1 MR. ASHTON: You can't hide.

2 THE WITNESS (Vivian): It can
3 be done. One of the -- one of the
4 considerations is that AT&T typically says,
5 Listen, we need to have X amount of power.
6 They like to have control over it
7 particularly in say remote sites like this,
8 particularly where you don't have any
9 expressed interest near term.

10 MR. ASHTON: Yeah, but we can
11 help that, can't we?

12 THE WITNESS (Vivian): With
13 any other carrier --

14 MR. ASHTON: No tickie no
15 shirtie.

16 THE WITNESS (Vivian): Then at
17 that point, what the Council is asking AT&T
18 in this example, but with other carriers for
19 new cell tower sites --

20 MR. ASHTON: Okay.

21 THE WITNESS (Vivian): -- is
22 to maybe overdesign ultimately.

23 MR. ASHTON: I want to
24 emphasize what the Chairman said.

25 THE WITNESS (Vivian): Uh-huh.

1 MR. ASHTON: That we're going
2 to move towards requiring this if we're not
3 already at that point. You share a structure
4 don't you?

5 THE WITNESS (Vivian): Yes.

6 MR. ASHTON: You share a
7 leased area, don't you?

8 THE WITNESS (Vivian): More or
9 less.

10 MR. ASHTON: It's a common
11 lease.

12 THE WITNESS (Vivian): Right.
13 Within -- within -- yes.

14 MR. ASHTON: Yeah. In many
15 cases -- in some cases I know you share a
16 common control house, facilities house.
17 Don't you?

18 THE WITNESS (Vivian): Yes.

19 MR. ASHTON: You share a
20 common road, don't you? You share a common
21 power supply, don't you? You share a common
22 communication link too, I believe.

23 THE WITNESS (Wells): Well,
24 not that far.

25 MR. ASHTON: All right. But

1 the point -- the point is, this is done
2 normally. And there is a reluctance, I
3 understand, to go to separate -- to go to a
4 common generator, but I don't understand it
5 can't be philosophical, because
6 philosophically you're already in bed.

7 THE WITNESS (Wells): Can I --
8 and if I might, just --

9 MR. ASHTON: Sure, I'll argue
10 it.

11 THE WITNESS (Wells): -- in
12 this discussion, if I could ask you some
13 questions, I'll further this discussion with
14 internal folks at AT&T. But the one question
15 that it comes to mind for me how would you --
16 this site, for example, I don't -- I believe
17 we don't have anybody interested currently.

18 MR. ASHTON: Right. No
19 problem.

20 THE WITNESS (Wells): So how
21 would -- how would you propose you size a
22 generator initially for -- would it be --
23 because you can have, as you've seen on many
24 sites, right, it could be anywhere from only
25 us to six carriers on there.

1 MR. ASHTON: Yeah.

2 THE WITNESS (Wells): So how
3 -- how would -- how would we initially --

4 MR. ASHTON: I would -- I
5 would employ a guy named Tony Wells to come
6 up with some recommendations.

7 This already goes on all over
8 Connecticut because there are such things as
9 joint line agreements where in one town or
10 part of one town AT&T is the custodian of the
11 poles, in the other part of the town CL&P in
12 most of the state, UI in parts, are the
13 custodians. And they've worked out a system
14 where they can do this sort of thing. I
15 don't think it's incumbent on the Council to
16 do it. I think it's incumbent on the
17 operators to figure out a way to do it. My
18 god, we operate New England Power Pool with a
19 gazillion utilities as though it was one
20 entity. They've been doing it for years.

21 THE WITNESS (Wells): Right.
22 You know, and I -- yeah.

23 MR. ASHTON: So, you know, and
24 I think, I have respect for your genius, and
25 I want you to plan on this. I'm not being

1 flattering. I'm being practical.

2 THE WITNESS (Wells): Right.

3 MR. ASHTON: I think there's
4 every opportunity for you guys to get serious
5 to come up with an answer to it. Okay. Let
6 me move on because I'm going to get yelled at
7 for running up too much time.

8 My understanding is that the
9 underground utility -- or the utilities are
10 going to come off a pole on the east side of
11 Smith Street and go out overhead to a new
12 pole on the west side and then go underground
13 and up the right-of-way. Can't we guys get
14 to agree that we're going to go underground
15 off that east side of the road so we go
16 underground, under the street, there's no
17 technical reason is there you can't?

18 National Electric Safety Code
19 does make provision for bare conductor,
20 plastic conductor, or steel -- pardon me.
21 Plastic conduit or steel conduit, different
22 depths. And if I remember right, with steel
23 you only have to go seven inches down. I
24 wouldn't recommend it. I'd go deeper than
25 that but that's -- it is not a mission

1 impossible. We had this interesting
2 conversation up in East Hartford I remember
3 once.

4 By the way, do you top off
5 these fuel tanks before you get -- if you
6 hear a storm is coming in?

7 THE WITNESS (Vivian): That's
8 what I -- that's been my understanding from
9 AT&T operations.

10 MR. ASHTON: Okay.

11 THE WITNESS (Vivian): And
12 certainly the history from I think it was
13 whatever the -- was it Sandy? Whenever the
14 last storm was that they certainly did --
15 they did a lot of coordination beforehand as
16 far as -- as far as predeployment.

17 MR. ASHTON: I don't want to
18 get into the timing of business days, but I
19 would strongly recommend you go back and bore
20 in with that -- that question and make sure
21 the answer is satisfactory. AT&T or any
22 carrier is going to look with a very green
23 face if they have storm and they didn't top
24 off. You know it and I know it.

25 Okay. Geez, my boss says no,

1 that's it for now, and I respect my boss.

2 Thank you.

3 THE CHAIRPERSON: We're going
4 to adjourn the this portion of the hearing.

5 MR. LYNCH: Mr. Chairman,
6 could I just get --

7 THE CHAIRPERSON: You only
8 have one question?

9 MR. LYNCH: One quick
10 question. Very quick for Mr. Wells.

11 THE CHAIRPERSON: But I have
12 about 20. No.

13 MR. LYNCH: I've got a lot
14 more questions but I want to get this one on
15 the record before I forget.

16 Mr. Wells, we're close to the
17 Commonwealth of Massachusetts, the property
18 line, I mean, the state lines and you
19 reference a couple of towers that you may
20 hand off to in Massachusetts, one is seven
21 miles one is 11 miles away. It's behind
22 Tab 1, page 8.

23 My question is, are there --
24 when we come to state lines like that, aren't
25 there different bands that you have to -- I

1 mean, doesn't one state have one license band
2 and the other state have the other. Is that
3 a problem here?

4 THE WITNESS (Wells): It's --
5 it's a -- it is a problem at -- at the 800
6 megahertz frequency band. We're operating
7 also at 1900 down to 700 and up in AEWS we
8 have those spectrums. Those are okay.

9 There is a challenge, let's
10 say, at 800 megahertz because you do have a
11 separate frequency block. And now in a
12 typical handoff scenario, to be quick for the
13 Chairman, in a typical handoff scenario,
14 you're on this channel and you're also
15 monitoring other cells on that same channel
16 or frequency band usually the same channel
17 now, the problem is now if you have another,
18 you're operating over in that other band, now
19 you're not monitoring that and seeing and
20 comparing what you're on every 80
21 milliseconds. It's actually that fast. So
22 what you have to do is -- is say, well,
23 pretty close. I think I'm good. Go. And
24 you hope for the best.

25 It's -- it actually works

1 better than I just articulated and because I,
2 you know, I drive between Connecticut and
3 Mass. a lot, and it works better but it's not
4 the -- the elegant every 80 millisecond
5 comparison and cool algorithm that engineers
6 like, that's sometimes referred as a Hail
7 Mary. But it actually does work, again, much
8 better than I just described.

9 THE CHAIRPERSON: Okay. We
10 really, we're going to have to break. So
11 we're going to resume at seven p.m. for the
12 public portion of the hearing.

13 (Whereupon, the witnesses were
14 excused, and the above proceedings were
15 adjourned at 5:00 p.m.)

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1 CERTIFICATE

2 I hereby certify that the foregoing 109
3 pages are a complete and accurate
4 transcription of a digital sound recording
5 taken of the Public Hearing in Re: DOCKET
6 NO. 440, APPLICATION OF NEW CINGULAR
7 WIRELESS, PCS, LLC, FOR A CERTIFICATE OF
8 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED F
9 FOR THE CONSTRUCTION, MAINTENANCE, AND
10 OPERATION OF A TELECOMMUNICATION FACILITIES
11 LOCATED AT 522 COLEBROOK ROAD, COLEBROOK,
12 CONNECTICUT, which was held before ROBIN
13 STEIN, Chairperson, at the Town Hall, Second
14 Floor Meeting Room, 562 Colebrook Road,
15 Colebrook, Connecticut, on October 24, 2013.

16

17

18

19

20

21

Guy B. Raboin, President

22

Notary Public

23

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24

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1 I N D E X

2 WITNESSES PAUL LUSITANI

3 MICHAEL LIBERTINE

4 ANTHONY WELLS

5 DEAN GUSTAFSON

6 DAVID VIVIAN Page 7

7 EXAMINATION

8 Mr. Perrone Page 10

9

10 EXHIBITS

11 (Admitted in Evidence.)

12 EXHIBIT DESCRIPTION PAGE

13 II-B-1 Application for a Certificate 11

14 of Environmental Compatibility and

15 Public Need field by New Cingular

16 Wireless, PCS, LLC, received

17 August 14, 2013, and attachments

18 and bulk filing including:

19

20 B-1(a) Colebrook Plan of Conservation 11

21 and Development, effective 9/1/05

22

23 B-1(b) Colebrook Zoning Regulations, 11

24 Amended June 16, 2011

25

	I N D E X (Cont'd.)		
	EXHIBIT	DESCRIPTION	PAGE
1			
2			
3	B-1(c)	Colebrook Zoning Map	11
4			
5	B-1(d)	Colebrook Inland Wetland &	11
6		Watercourse Regulations,	
7		Revised June 11, 1990	
8			
9	B-1(e)	Technical Report	11
10			
11	II-B-2	Affidavit of Publication,	11
12		dated August 21, 2013	
13			
14	II-B-3	Applicant's responses to	11
15		Council Interrogatories,	
16		Set I, dated October 3, 2013	
17			
18	II-B-4	Applicant's responses to	11
19		Council Interrogatories,	
20		Set II, dated October 17, 2013	
21			
22	II-B-5	Applicant's Pre-filed	11
23		Statement of Facts in Lieu of	
24		Direct Testimony dated	
25		October 17, 2013	

	I N D E X (Cont'd.)	
1	EXHIBIT DESCRIPTION	PAGE
2	II-B-6 Affidavit of Sign Posting,	11
3	Received October 18, 2013	
4		
5	II-B-7 Witness' resumes, received	11
6	October 18, 2013	
7		
8	B-7(a) Michael E. Libertine, LEP,	11
9	Director of Siting and	
10	Permitting, All-Points Technology	
11	Corporation, P.C.	
12		
13	B-7(b) Dean Gustafson, Senior	11
14	Wetlands Scientist, All-Points	
15	Technology Corporation	
16		
17	B-7(c) Paul Lusitani, P.E., Project	11
18	Engineer, CHA	
19		
20	B-7(d) David Vivian, Site	11
21	Acquisition Specialist, Site	
22	Acquisitions, Inc.,	
23		
24	B-7(e) Anthony Wells, Managing	11
25	Partner C Squared Systems	