

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 440

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

11
12 Continued Public Hearing held at the
13 Connecticut Siting Council, 10 Franklin
14 Square, New Britain, Connecticut, on
15 November 7, 2013, beginning at 1:04 p.m.

16
17 H e l d B e f o r e:

18 ROBIN STEIN,
19 Chairperson

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

2 Siting Council Members:

3 PHILIP T. ASHTON

4 DR. BARBARA C. BELL

5 ROBERT HANNON, DEEP Designee

6 DR. MICHAEL KLEMENS

7 LARRY LEVESQUE, ESQ.

8 DANIEL P. LYNCH, JR.

9 SENATOR JAMES J. MURPHY, JR.,
10 Vice-Chairperson

11

12 Siting Council Staff Members:

13 MELANIE BACHMAN, ESQ.

14 Acting Director,

15 Staff Attorney

16 MICHAEL PERRONE,

17 Siting Analyst

18

19 For the Applicant:

20 CUDDY & FEDER, LLP

21 445 Hamilton Avenue

22 White Plains, New York 10601

23 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

MICHAEL HALLORAN, Zoning Officer

1 THE CHAIRPERSON: Good
2 afternoon, ladies and gentlemen. I'd like to
3 call to order this meeting of the Connecticut
4 Siting Council today, Thursday, November 7,
5 2013, at approximately 1 p.m. My name is
6 Robert Stein, Chairman of the Siting Council.
7 This hearing is a continuation of a hearing
8 that was held on October 24, 2013 at the
9 Colebrook Town Hall in Colebrook,
10 Connecticut. It is held pursuant to the
11 provisions of Title 16 of the Connecticut
12 General Statutes and of the Uniform
13 Administrative Procedure Act upon an
14 application from New Cingular Wireless PCS,
15 LLC, for a Certificate of Environmental
16 Compatibility and Public Need for the
17 construction, maintenance, and operation of a
18 telecommunications facility located at 522
19 Colebrook Road in Colebrook, Connecticut.
20 This application was received by the Council
21 on August 14th of this year.

22 A verbatim transcript will be
23 made of this hearing and deposited with the
24 Town Clerk's Office in the Colebrook Town
25 Hall for the convenience of the public.

1 We'll proceed in accordance with the prepared
2 agenda, copies of which are available on the
3 table there.

4 We will begin with the
5 appearance of the Applicant to verify any new
6 exhibits, marked as Roman numeral II, items
7 B-8 and 9 on the hearing program.

8 Attorney Chiocchio, would you
9 like to begin?

10 MS. CHIOCCHIO: Thank you,
11 Chairman. I'll ask a series of questions of
12 my witnesses in order to verify our exhibits
13 which, as you know, are identified as Roman
14 numeral II-B --

15 THE COURT REPORTER: Excuse
16 me, one moment. Do the mikes work?

17 (Pause.)

18 P A U L L U S I T A N I,
19 M I C H A E L L I B E R T I N E,
20 D E A N G U S T A F S O N,
21 A N T H O N Y W E L L S,
22 D A V I D V I V I A N,

23 having been previously duly sworn, were
24 examined and testified on their oaths as
25 follows:

1 MS. CHIOCCHIO: So I'll start
2 with Paul Lusitani on that end of the table.

3 Did you prepare and assist in
4 the preparation of the exhibits as
5 identified?

6 THE WITNESS (Lusitani): Paul
7 Lusitani. Yes.

8 THE WITNESS (Libertine): Mike
9 Libertine. Yes.

10 THE WITNESS (Gustafson): Dean
11 Gustafson. Yes.

12 THE WITNESS (Wells): Anthony
13 Wells. Yes.

14 THE WITNESS (Vivian): David
15 Vivian. Yes.

16 MS. CHIOCCHIO: Do you have
17 any updates or corrections to the information
18 contained therein?

19 THE WITNESS (Lusitani): Paul
20 Lusitani. No.

21 THE WITNESS (Libertine): Mike
22 Libertine. No.

23 THE WITNESS (Gustafson): Dean
24 Gustafson. No.

25 THE WITNESS (Wells): Tony

1 Wells. No.

2 THE WITNESS (Vivian): David

3 Vivian. No.

4 MS. CHIOCCHIO: Is the
5 information contained therein true and
6 accurate to the best of your knowledge?

7 THE WITNESS (Lusitani): Paul

8 Lusitani. Yes.

9 THE WITNESS (Libertine): Mike

10 Libertine. Yes.

11 THE WITNESS (Gustafson): Dean

12 Gustafson. Yes.

13 THE WITNESS (Wells): Tony

14 Wells. Yes.

15 THE WITNESS (Vivian): David

16 Vivian. Yes.

17 MS. CHIOCCHIO: And do you
18 adopt it as your testimony today in this
19 proceeding?

20 THE WITNESS (Lusitani): Paul

21 Lusitani. Yes.

22 THE WITNESS (Libertine): Mike

23 Libertine. Yes.

24 THE WITNESS (Gustafson): Dean

25 Gustafson. Yes.

1 THE WITNESS (Wells): Tony
2 Wells. Yes.

3 THE WITNESS (Vivian): David
4 Vivian. Yes.

5 MS. CHIOCCHIO: Thank you.

6 We ask that the Council make
7 these full exhibits in this proceeding.

8 THE CHAIRPERSON: Does the
9 Town have any objection?

10 MR. McKEON: No.

11 THE CHAIRPERSON: The exhibits
12 are admitted.

13 (Exhibits Roman II-B-8 and
14 II-B-9: Received in evidence - described in
15 index.)

16 THE CHAIRPERSON: We'll now
17 begin with cross-examination.

18 I'll first see if staff has
19 any questions.

20 Mr. Perrone?

21 MR. PERRONE: Yes, I have a
22 few, Mr. Chairman. Thank you.

23 CROSS-EXAMINATION

24 MR. PERRONE: In the latest
25 wetland delineation map, dated at the bottom

1 October 31st, looking at the alternate
2 access, the pink dotted line, where that
3 intersects Smith Hill Road, if we were to go
4 with that access, that's where the gate would
5 be?

6 THE WITNESS (Gustafson): Dean
7 Gustafson.

8 Yes, and that's essentially
9 across from the playground at the elementary
10 school.

11 MR. PERRONE: I see some
12 existing trees across the street. Would that
13 at least partially screen the view of the
14 gate from the school property?

15 THE WITNESS (Gustafson):
16 Those trees are deciduous in nature, so the
17 screen would probably only be afforded
18 during leaf-on conditions.

19 THE WITNESS (Vivian): If I
20 may, the gate does not always have to be
21 right at street line. You can have the gate
22 inland as well.

23 MR. PERRONE: Also about this
24 alternate access, I understand the proposed
25 access in the application is 1,337 feet long

1 and would involve about 170 trees to be
2 removed. The alternate access is 250 feet
3 shorter. Do you have a rough estimate of the
4 tree removal with the alternate access?

5 THE WITNESS (Gustafson):

6 Having walked the alternate access area, the
7 tree canopy density is similar to the
8 original proposed access route. I don't have
9 an estimate of the number of trees, but it
10 would be no more than what is being proposed
11 for the access road and likely would be
12 reduced from that estimate.

13 MR. PERRONE: Also, I read in
14 the report that this alternate access has a
15 grade comparable to that of the proposed
16 access. Do you know the grade of the
17 alternate access, either an average or a
18 maximum or a range?

19 THE WITNESS (Lusitani): Paul
20 Lusitani.

21 No, we don't have the grade.

22 MR. PERRONE: Okay.

23 THE WITNESS (Gustafson):

24 Having walked both -- Dean Gustafson.

25 Having walked both the

1 original proposed and the alternate, the
2 grades for the alternate are very similar in
3 nature and no steeper than what's currently
4 proposed.

5 MR. PERRONE: Thank you.
6 That's all I have.

7 THE CHAIRPERSON: Thank you.
8 We'll now continue with the Council. I'll
9 start with Mr. Lynch.

10 MR. LYNCH: Mr. Wells, can we
11 revisit the bands between the two lines, the
12 state lines, that is, the Commonwealth and
13 State of Connecticut? You were talking about
14 that it would only be a problem in the 800
15 frequency range. Now, are you going to roll
16 out the LTE, the Cadillac plan out here in
17 Colebrook, or are you going to rely on the
18 800 frequency to carry most of the weight
19 here?

20 THE WITNESS (Wells): The LTE
21 technology, I assume, is what you're
22 referring to, roll out a new technology, and
23 that would be rolled out, but voice-over LTE
24 is not implemented yet. That's probably at
25 least -- that's approximately a year out. So

1 you'd still rely on the existing technology
2 of the bands.

3 MR. LYNCH: So I guess what I
4 want to ask now is, if you're using primarily
5 the 800 band as opposed to where there's no
6 problem up in the 1900s, what do we have to
7 do to alleviate any of the interference
8 between the two bands?

9 THE WITNESS (Wells): It's not
10 so much interference as the inability of a
11 mobile to take a look at two frequencies at
12 the same time. You're on one channel and
13 then looking at information on that same
14 channel, so you can't do that as frequently
15 to go to a whole nother frequency band. So
16 it's really just a limitation of the way the
17 technology works, it's not arrangement of
18 frequency. And you could say, well, okay,
19 well, just push everything up to 1900, and in
20 some cases you do use 1900 as part of a
21 hand-down procedure so you can get more
22 information, but 1900 is more limited
23 coverage so you --

24 MR. LYNCH: Wouldn't 1900 give
25 you a shorter range?

1 THE WITNESS (Wells): Exactly,
2 exactly, which creates a different problem
3 because now you don't get across that border
4 because the range is shorter. Now you're not
5 getting to the border to make that hand-off.
6 So you just have to work around the
7 technology the best that you can.

8 And, as I said before, it's
9 not like it never works. We try to maintain
10 a really high standard with dropped calls and
11 not having those dropped calls, especially on
12 the border areas, but it's not like you're
13 dropping every call up there. It's just
14 significantly more of a challenge.

15 MR. LYNCH: And once 700 is
16 rolled out, that is not really a problem
17 anymore?

18 THE WITNESS (Wells): I think
19 you have that cohesive band across that
20 border, but again just to clarify, the
21 initial roll-out of 700 is data only and no
22 voice over -- no digitized voice pad over
23 that data, but what we refer to as VoLTE,
24 voice over LTE, will be coming shortly.

25 MR. LYNCH: So data would

1 include your apps and your streaming and
2 anything you're pulling out of the clouds,
3 that type of stuff?

4 THE WITNESS (Wells): Right.
5 As I said before, everything will merge into
6 a data stream. Even now we talk about voice
7 like it's not a data stream, but it really
8 is. Everything is digitized these days.
9 It's not an analog signal, but in this case
10 it would become an even tighter merge.

11 MR. LYNCH: Thank you.
12 My next question is one for probably your
13 attorney. I want -- I should know what this
14 is, but I don't, and I'm sorry. The Middle
15 Class Tax Relief and Job Creation Act of
16 1912, how does that apply?

17 MS. CHIOCCHIO: Twenty twelve.

18 MR. LYNCH: I wish it was
19 1912. Two thousand twelve.

20 MS. CHIOCCHIO: There's a
21 section within that legislation, federal
22 legislation, regarding collocations on
23 existing facilities and upgrades to existing
24 facilities, so it wouldn't apply to a new
25 tower facility such as the one proposed in

1 this docket.

2 MR. LYNCH: It would or would
3 not? Sorry.

4 MS. CHIOCCHIO: It would not.
5 It would not.

6 MR. LYNCH: Because in hearing
7 what the new FCC chairman says, Walker,
8 Wheeler, whatever his name.

9 MS. CHIOCCHIO: Right, right.

10 MR. LYNCH: He's talking about
11 fast tracking everything. So would this come
12 under that, or would that come under still
13 the '96 act?

14 MS. CHIOCCHIO: The tower? A
15 new tower?

16 MR. LYNCH: No. Well, he's
17 talking about fast tracking all
18 telecommunication and more leasing and all
19 that sort of stuff.

20 MS. CHIOCCHIO: Yeah. I
21 think, you know, Section 6409 is what we call
22 that section of the Middle Class Tax Relief
23 and Job Creation Act. The intent is to help
24 expedite collocations on existing facilities,
25 upgrades to help expedite deployment of

1 wireless services.

2 MR. LYNCH: Thank you.

3 MS. CHIOCCHIO: You're
4 welcome.

5 MR. LYNCH: I should have
6 known that, but I didn't.

7 MS. CHIOCCHIO: That's quite
8 all right. I'm happy to let you know.

9 MR. LYNCH: And I think
10 probably my last question goes to your
11 Interrogatory 24. I was going to let this
12 slide, but I can't do it.

13 Fuel cells. When you give the
14 reason for not using fuel cells, as I read
15 the latter part of your answer, it seems to
16 me that would be all the reasons for actually
17 using a fuel cell at a facility. And this
18 Council, as you heard at the last hearing, is
19 concerned about multiple generators of which
20 one fuel cell could handle all your, you
21 know, back-up power needs. So I was going to
22 let it slide, but I have to make a comment on
23 fuel cells, and hopefully they will be used
24 in the future somewhere other than UConn.

25 MS. CHIOCCHIO: Thank you.

1 MR. LYNCH: That's all,
2 Mr. Chairman.

3 MS. CHIOCCHIO: Duly noted.

4 THE CHAIRPERSON: Okay. I
5 have a question, and then we'll go to see if
6 the Council members have any additional
7 questions beyond what they asked at the last
8 meeting. And there was a good lead in to the
9 issue of generators, and I see what's
10 becoming a sort of typical spirited defense
11 from everybody having their own generator as
12 opposed to sharing a generator, and I found
13 it mostly unconvincing because this issue,
14 while at least if we had four carriers and
15 four generators and if one goes out, three
16 carriers, as long as, of course, it's not
17 AT&T, we'll be in good shape if the tower
18 falls down. And I think Mr. Ashton raised
19 this issue, there are other parts of this
20 that if one element goes, everything goes.
21 So it's just I found that part unconvincing.

22 I understand we're going to
23 get a legal brief on this telling us why, in
24 uncertain terms, we can't even do this, but
25 the only -- well, so that's my only -- my

1 question is I guess if we're talking about
2 potential force or we're talking about 200
3 kilowatt versus 450, whoever is an expert in
4 this area, do the larger ones have a higher
5 failure rate than the smaller ones?

6 THE WITNESS (Vivian): I don't
7 have any data as far as failure rates on the
8 differences. What we spoke to was the data
9 from this as far as noise and refueling.

10 THE CHAIRPERSON: But I think
11 that would be critical to your main argument
12 that somehow the larger one would have a
13 higher failure rate, and therefore, it's more
14 risk rather than having four --

15 THE WITNESS (Vivian): We
16 didn't make the argument that it has a higher
17 failure rate. We just -- what we proposed
18 was that, at that point, it will be a single
19 point of failure for all the carriers that
20 have a cell facility.

21 THE CHAIRPERSON: Right, but
22 if the cell tower falls down or stops working
23 or --

24 THE WITNESS (Vivian): If the
25 cell tower falls down, the generator is going

1 to be inconsequential.

2 THE CHAIRPERSON: Okay. My
3 analogy isn't working, but that's all right.
4 So I'm not convinced by your arguments, and I
5 would like to see a little bit more openness
6 on the part of this applicant related to
7 this. All of the environmental reasons you
8 could say that they're insignificant or
9 minor, but they are minor. One truck is less
10 than four. So I think there are reasons to
11 hopefully be more open on this.

12 Mr. Ashton is trying to
13 respond.

14 MR. ASHTON: What we're
15 talking about with a single backup generator
16 is whether a single mode failure is
17 acceptable. And isn't it true that any cell
18 site is already, whether they have one
19 generator or one per carrier, is subject to a
20 number of single mode failure possibilities?
21 Now I'm looking at you, Mr. Vivian. I'm
22 going to look at Mr. Wells next.

23 THE WITNESS (Vivian): Right.
24 I'm trying to think what other single mode
25 failures you're --

1 MR. ASHTON: Well, Mr. Stein
2 mentioned one, the tower failure, for
3 whatever reason, squirrels chewing the steel
4 and won't wear it out, a culvert washes out
5 in the access road, a bridge washes out on
6 the town road nearby. Society is open to a
7 huge number of single mode failures; isn't
8 that correct?

9 THE WITNESS (Wells): If I
10 might jump in, and again, notwithstanding the
11 point of we don't have data on the exact
12 generator failure rate, but yes, there are
13 often points of failure that are -- that you
14 can't reasonably prevent, you know, to put
15 four towers in one spot is, you know,
16 everything is a balance, as what we discussed
17 before. You know, to avoid a tower failure,
18 you would have to build a tower for each
19 carrier. The environmental impact weighed
20 against the probability of failure on that is
21 significantly different, in my view, of a
22 generator failure. We certainly know that
23 generators fail more frequently than towers
24 fall over.

25 MR. ASHTON: I don't dispute

1 that.

2 THE WITNESS (Wells): And I
3 think, you know, from my viewpoint if you
4 look at the balance of the environmental
5 impact of four towers at the top of a hill to
6 carry four separate carriers, then four
7 generators hidden in the woods and the
8 probability of failure associated with that,
9 while I recognize the argument, I think
10 there's variations and graduate gradations of
11 that argument and the balance thereof.

12 MR. ASHTON: I'll accept that.
13 We already have wide use in Connecticut,
14 complete use in Connecticut, and I believe in
15 other states too, what they call a joint line
16 agreement. Are you familiar with that term?
17 Anybody?

18 THE WITNESS (Vivian): I'm not
19 familiar with that. I'm sorry.

20 MR. ASHTON: At the risk of
21 being sworn in, required to be sworn in so I
22 can testify, a joint line agreement is simply
23 a mechanism to divide up the territory,
24 Connecticut, between the different utilities
25 as to responsibilities for poles. CL&P is

1 the largest supplier and the largest utility
2 in the state, electric utility. AT&T is, I
3 guess, almost exclusively a communication
4 utility. They split the territory up such
5 that each takes responsibility for a portion
6 of the state. In Meriden where I live, for
7 example, the west side of the tracks are all
8 CL&P responsibilities for pole setting and
9 pole maintenance. On the east side it's
10 AT&T. Cheshire, and so forth, each town has
11 their own arrangement, and that's done
12 jointly.

13 I fail to see why it would be
14 unreasonable to have the equivalent of a
15 joint pole agreement in the cell business.
16 You have a cell tower owner who could well
17 assume that responsibility, and as carriers
18 build up on the pole, you'd slide one machine
19 out and put another one in. It happens all
20 the time. If CL&P has a customer coming on
21 line that requires a lot of transformer
22 capacity, the 35-foot class 5 pole is pulled
23 out. It may be a brand new pole, but it's
24 pulled out and a 40-foot class 3 pole is put
25 in its place, a much bigger heavier pole.

1 And AT&T just signs the bill that they get
2 from CL&P. It's a nonissue. And I just fail
3 to see why that kind of possibility wouldn't
4 work here.

5 I have heard the claim of
6 antitrust. I think that's absolutely bogus.
7 I don't see any antitrust implication in
8 sharing a generator. I'd like your reaction
9 to the idea of a tower owner being
10 responsible for the generator.

11 THE WITNESS (Vivian): Well,
12 certainly the tower owner designs up front
13 for capacity for up to four carriers, the
14 foundation and the steel.

15 MR. ASHTON: Sure, absolutely.

16 THE WITNESS (Vivian): Each
17 carrier brings in their own fiber.

18 MR. ASHTON: Their own what?

19 THE WITNESS (Vivian): Fiber
20 or telco.

21 MR. ASHTON: And electronics?

22 THE WITNESS (Vivian): Right.
23 And usually what is done as far as backup
24 generators or backup power, two of the four
25 carriers that you normally think of, Sprint

1 and T-Mobile, don't generally even utilize a
2 backup generator, they just use backup
3 battery packs in their external weather-tight
4 cabinets.

5 MR. ASHTON: That warrants
6 another question for another carrier at a
7 later date.

8 THE WITNESS (Vivian): And
9 that is advantageous to them typically on
10 rooftop build-outs. It was a corporate
11 decision made some time ago, I presume.
12 Certainly at Sprint, when I was there back in
13 the late nineties, it was just more of a
14 cost-saving mechanism, but where space is
15 constrained within a tower compound, that's
16 typically where a shared generator is
17 utilized.

18 MR. ASHTON: Isn't it true
19 also that the communication industry, like
20 the power industry, and sometimes in
21 collaboration with them, develop standards,
22 ANSI standards, under the IEEE? Why couldn't
23 this be the subject of a standard? I
24 understand what you're saying. I'm not
25 disagreeing with it, but what I'm trying to

1 push you guys into doing is a little bit more
2 collaborative thinking to make it a more
3 efficient, less intrusive system. We don't
4 have each carrier with an access road to a
5 tower for good reasons. It makes no sense.
6 Why is this an approach to standby
7 generation, battery or generation or fuel
8 cell, or what have you, a reasonably similar
9 type issue to be looked at?

10 THE WITNESS (Wells): In part
11 in answer to that question, and again, well,
12 I'll not trying to be argumentative, just
13 trying to provide --

14 MR. ASHTON: You're welcome to
15 argue with me. That's all right. I've been
16 argued with before.

17 THE CHAIRPERSON: Actually --

18 THE WITNESS (Wells): I'm a
19 little hesitant about that. You know,
20 another distinguishing factor, you mentioned
21 the access road, and I would provide a
22 similar response that I did with the four
23 towers. The environmental impact versus --

24 MR. ASHTON: Sure.

25 THE WITNESS (Wells): To me

1 it's not even -- it's not really in the realm
2 of the same magnitude that we're talking
3 about for generators for environmental impact
4 and probability of failure.

5 MR. ASHTON: I accept that,
6 Mr. Wells.

7 THE WITNESS (Wells): It's a
8 similar thing.

9 And the other thing that comes
10 into play is control of your service. For
11 example, if you said, okay, from now on AT&T
12 will -- let's not -- let's share facilities
13 as well as our backhaul. Now let's have AT&T
14 have Verizon control the quality and up-time
15 of their facility by maintaining of their
16 cell site, by maintaining their backhaul.
17 Now, if you look at the environmental impact
18 of separate facilities, you would argue
19 that's minimal. And now AT&T has control
20 over the quality, complete control over the
21 quality, up-time and everything else of that
22 backhaul.

23 Now, if you're talking the
24 generator, that also relates directly to that
25 up-time and can have a significant impact.

1 And, you know, if I were you, part of my
2 response to that would be, well, develop an
3 SLA and make somebody adhere to an SLA.
4 Well, having been involved in SLAs in
5 multiple aspects of the business before, it's
6 fine to put something in place, and I'm sure
7 you've seen it before having dealt with
8 contractors on your end, you have an SLA and
9 it's a lot of work to maintain it. And
10 sometimes no matter how much work you put in
11 to maintaining it, you know, if that
12 generator goes down, then there's a lot of
13 finger pointing, and in the meantime, your
14 service and reputation has suffered at the
15 expense of somebody else maintaining it, but
16 you don't have control and access to that,
17 that critical part of your network.

18 MR. ASHTON: I can understand
19 there's some cons, but I also believe there's
20 some pros. Let me approach it a little
21 differently. A cell tower and the backhaul,
22 the backhaul is all over AT&T equipment,
23 isn't it, in Connecticut?

24 THE WITNESS (Wells): I'm
25 not -- I don't --

1 MR. ASHTON: The utility plant
2 is all AT&T, isn't it?

3 THE WITNESS (Wells): I'm not
4 sure, but I'd be surprised if that was the
5 case everywhere.

6 MR. ASHTON: They're the only
7 ones who --

8 THE WITNESS (Wells): But you
9 may know better than I do.

10 MR. ASHTON: They're the only
11 ones who are running cable along the streets,
12 aren't they, optical fiber?

13 THE WITNESS (Wells): Along
14 the streets, but yeah, I'm not even sure
15 along the streets. Again, I think you're
16 probably in a better position to answer that
17 than I am.

18 MR. ASHTON: Allowing for
19 optical fiber only on the streets, some may
20 get up on utility ground wires, what have
21 you, this combination arrestor and optical
22 fiber; there may be some along the railroad
23 or a pipeline or what have you. But let's,
24 just for sake of argument, exclude those more
25 unusual arrangements and talk about the

1 cables along the street. They are all AT&T,
2 as far as I know, unless New York Tel has a
3 little bit in Greenwich.

4 THE WITNESS (Wells): Yeah,
5 perhaps.

6 MR. ASHTON: So aren't you, a
7 cell phone provider, a Sprint, whoever it may
8 be, aren't you all relying on AT&T for the
9 backhaul?

10 THE WITNESS (Wells): If it's
11 AT&T, we're okay with that.

12 MR. ASHTON: I'm sorry?

13 THE WITNESS (Wells): If it's
14 AT&T, we're okay with that, but yeah,
15 that's -- but I understand your argument on
16 that.

17 MR. ASHTON: I don't see it as
18 substantially different.

19 THE WITNESS (Wells): Right.
20 Well, yeah.

21 MR. ASHTON: Because trees
22 come down on cables as well as power lines,
23 believe me.

24 THE WITNESS (Wells): True.
25 And I'm not sure, I'd have to look because

1 I'm surprised if AT&T is the only way to get
2 fiber backhaul. I think there are other
3 providers. And the other aspect of that is
4 that when you design your network, you also,
5 especially for a hub site, you define
6 diversity paths.

7 Now, even though -- yeah, if
8 I'm Verizon, I probably don't like that under
9 AT&T's control, but you have to live with it,
10 and you also develop a diversity path, which
11 I think -- and again, I have to check because
12 I don't know, but I've always thought that
13 that backhaul facility that, yeah, AT&T may
14 own the poles, but there are other paths
15 through that provide you that diversity for
16 your backhaul.

17 MR. ASHTON: Okay. I'm going
18 to leave it where we think there probably is
19 a largely exclusive but maybe some other
20 possible outlets. I don't know, and I
21 haven't --

22 THE WITNESS (Wells): I don't
23 either.

24 MR. ASHTON: I haven't done a
25 study of the whole thing, but I know AT&T

1 covers Connecticut pretty thoroughly.

2 THE CHAIRPERSON: We'll go
3 around, but I'd like to --

4 MR. ASHTON: I just wanted to
5 pick up on your point. That's all.

6 THE CHAIRPERSON: I appreciate
7 that, but I think we're talking about cases
8 of emergency. I mean, the generator is for
9 cases of emergency. And I think what the
10 State and everything I've read about the
11 response to the storms has talked about, you
12 know, when we do have an emergency, whether
13 it's a storm or something else, we need to
14 collaborate and we need everybody to
15 collaborate. And so I think, at that point,
16 to where I think at least some members, maybe
17 all members, of the Council feel very
18 strongly that this is an area we should be
19 moving in that direction as opposed to
20 everybody retreating into their bunker and
21 saying, you know, this we can't. So, with
22 that --

23 THE WITNESS (Wells): And if I
24 just may say one final thing in that I think
25 that may be -- that's probably a valid point

1 that maybe there's some efficiency in that
2 up-time, but again, I would just go back to
3 the very cautionary methodology here because
4 if you give up control of those generators
5 and now it's under control of somebody else,
6 they may not have that same vested interest.
7 And, you know, as you said, everybody should
8 be very interested in that up-time, but if
9 you have to develop an SLA for somebody that
10 owns a tower over here and that's not your
11 generator and it's somebody else over here,
12 when that storm hits and trying to manage all
13 those SLAs to make sure everybody is doing
14 their job -- you don't get too many test
15 runs, and then when that storm hits, you
16 don't want something -- to put in place
17 something that's not manageable.

18 MR. ASHTON: Mr. Chairman, I
19 can argue that a single generator on a site
20 actually brings benefits in terms of
21 cooperation because you may find it more
22 attractive to put a single machine on a site
23 for backup where it would back up all
24 carriers, including those that just have
25 battery backup. I can vividly remember in

1 Storm Sandy the Lowe's parking lot near me
2 was like an import parking lot at the docks
3 at San Diego for cars. There were hundreds
4 of generators there, and we know the carriers
5 were scrounging for them. Well, if there's
6 an incentive to put one big one in that can
7 solve the problem, you've gotten rid of some
8 of your logistics. I don't want to press the
9 point. We've made ours.

10 THE CHAIRPERSON: Senator
11 Murphy, do you have anything?

12 SENATOR MURPHY: I have no
13 further questions.

14 THE CHAIRPERSON: Mr. Ashton,
15 you have other questions?

16 MR. ASHTON: Yeah, I have a
17 couple.

18 Help me out. There's been a
19 lot of talk about upgrading the NESC
20 standards. Has that come to pass, your
21 withstand for wind and ice, has that been
22 upgraded recently?

23 THE WITNESS (Lusitani): Paul
24 Lusitani.

25 I'm not aware of any updates

1 to the --

2 MR. ASHTON: Okay. So as far
3 as you know, it hasn't changed and isn't
4 likely to change?

5 THE WITNESS (Lusitani):
6 Right.

7 MR. ASHTON: It was pretty
8 stringent but --

9 THE WITNESS (Lusitani): Yeah,
10 I'm sure it's --

11 MR. ASHTON: We had questions.
12 We were wondering about it. Okay.

13 I have a question for
14 Mr. Libertine. One of the things that has
15 bugged me, and I know it's been a source of a
16 little bit of merriment here, is my
17 persistence in trying to get rid of
18 galvanized structures and go to weatherized
19 steel. Do you have an opinion as to the
20 relevant visibility of galvanized versus
21 weatherized steel which is a brownish type
22 thing, U.S. Steel's trademark was COR-TEN and
23 Bethlehem back when I knew it was Mayari-R?

24 THE CHAIRPERSON: Is the
25 question related to this specific case or --

1 MR. ASHTON: Yes. We've got a
2 tower here and --

3 THE CHAIRPERSON: Okay. I
4 just want to make sure it wasn't a general --

5 THE WITNESS (Libertine): I
6 think in the case of using the weathered
7 steel that kind of gives it that rust color,
8 I think a large pole that you're right up on
9 top of, I'm not sure it makes a whole heck of
10 a lot of difference. I tend to I think agree
11 with your position. As you start to move
12 away and you have intervening trees and other
13 what I'll call visual clutter, I think
14 there's an argument that can be made that the
15 brown or rust color certainly starts to fade
16 into the background.

17 Now, I say that with the, I
18 guess, the qualifier that there are some sun
19 conditions that the opposite would probably
20 be true, but I think given what we normally
21 see here for atmospheric conditions and, you
22 know, the average sky that we see in New
23 England, I'd say that the darker color tends
24 to work in a situation like this because we
25 are buried in the woods.

1 MR. ASHTON: Okay.

2 THE WITNESS (Wells): If I
3 might add to that, and I don't know what that
4 comprises of physically, but I almost
5 couldn't -- I almost had to jump in midway
6 into his sentence because I was up at a tower
7 site at 3 a.m. on Tuesday --

8 MR. ASHTON: And you couldn't
9 see it.

10 THE WITNESS (Wells): -- all
11 night in the wind because of rust issues and
12 intermod associated with rust. And that may
13 not be the same thing, I don't know, but as
14 soon as I hear the word "rust," my heart
15 started to flutter because the intermod
16 associated with that and tracking that down,
17 it's a nightmare. And again, I don't know,
18 just as soon as I heard "rust," I almost left
19 the room.

20 MR. ASHTON: Let's not get
21 into it, but it is a steel which rusts very
22 slightly, but the rust then becomes virtually
23 impenetrable, so it no longer continues
24 rusting. There's examples of weathered steel
25 all over the place, highway bridges, railroad

1 bridges, electric towers, and so forth.
2 I wonder if, Mr. Vivian, do you know is there
3 any material economic difference in the cost
4 of a weathering steel tower versus
5 galvanized?

6 THE WITNESS (Vivian): If
7 there is, I'm not aware of it specifically,
8 and it doesn't matter. Just to add one
9 further point as far as aesthetics, say
10 visibility through the trees, when you
11 have -- each site has its own most
12 appropriate application. And as an
13 alternative I've put up, in my past, at
14 least, I'd say, 10 to 15 where the monopole,
15 the galvy steel, was painted.

16 MR. ASHTON: The problem is
17 from my experience is that paint peels off.

18 THE WITNESS (Vivian): No. If
19 you order it painted, then it's baked at the
20 manufacturer.

21 MR. ASHTON: All right.
22 Mr. Wells, I've got a couple of questions for
23 you, and one of them was born out of an
24 article I read very recently. We are losing
25 hard wired residential customers by the

1 barrel full, and I think the national figure
2 is that we've lost about -- or about a third
3 of the customers have disconnected from the
4 hard wire system, not quite that high in
5 Connecticut, but it's clearly moving.

6 If you take this a little
7 further, what does this mean as far as
8 communication between towers which now go
9 through the AT&T cables that we talked about?
10 If you don't need hard wire out in the
11 streets to serve a customer, does that imply
12 a major change in the way we're going to
13 connect these towers?

14 THE WITNESS (Wells): Well,
15 two things from that. I wonder about that --
16 my first guess is that statistic referenced
17 voice calls only and that a lot of those
18 people who disconnected voice are still using
19 the data services.

20 MR. ASHTON: Could be. I
21 don't know. I'm just reporting what the
22 tendency is.

23 THE WITNESS (Wells): And I
24 think most studies I've seen that it's
25 cutting the cord for landline, although it

1 raises an interesting question on whether
2 they're also cutting the cord for data, which
3 I suspect is a much smaller percentage.

4 MR. ASHTON: You're getting a
5 lot of data now on your E4 system.

6 THE WITNESS (Wells): Yes.
7 And the increasing bandwidth through the air
8 makes it a possibility, certainly.

9 So one thing it does is
10 require the need for that solid backhaul and
11 diversity and making that very robust and
12 also increasing the capacity which, again,
13 puts more pressure on that backhaul.

14 So as you can tell earlier, I
15 don't know enough about backhaul to
16 completely answer that question and how that
17 backhaul is routed from site to site, but
18 generally you would certainly need to make
19 sure your backhaul, your bandwidth available
20 and your modulation schemes are efficient in
21 pushing us toward LTE even more quicker to
22 accommodate that growth.

23 MR. ASHTON: As I was having
24 my beer and apple pie late at night, the
25 question popped into my mind as I thought

1 about this. Are we heading for the day where
2 telephone wires along the street, which we
3 have a shared mode, are no longer going to be
4 required? You know, I'm going to be long
5 gone, and you probably will be too, but is
6 this something that might be happening in the
7 future?

8 THE WITNESS (Wells): You
9 certainly couldn't rule that out, and I think
10 the thing that would slow it down is that
11 increasing demand for data. Even though -- I
12 mean, we're pumping so much more data through
13 the air than we ever dreamed -- you know,
14 sitting around a parking lot commiserating
15 because we're only getting 4 meg down the
16 other day, and we weren't getting 20 megs was
17 unbelievable from the 56 K days. But
18 certainly if you looked at it only from the
19 voice perspective, I would say that's a much
20 easier leap. And I think eventually you
21 could -- the probability of getting there
22 down the road is high even for data, but
23 that, I think, would be the --

24 MR. ASHTON: Thank you very
25 much.

1 Thank you, Mr. Chairman. I
2 appreciate your indulgence.

3 THE CHAIRPERSON: Mr.
4 Levesque?

5 MR. LEVESQUE: No new
6 questions.

7 THE CHAIRPERSON: Mr. Hannon?

8 MR. HANNON: I do have one.
9 It's more to get a clarification.

10 On the supplemental
11 information that was submitted on November
12 1st, Question 5, Answer 5, the first sentence
13 in Answer 5 talks about the potential vernal
14 pool habitat associated with Wetland IV. I
15 believe that's wrong. I think it's supposed
16 to be Wetland II because on the second page
17 it refers to vernal pool habitats and Wetland
18 II and III. And also going back to the
19 original application, Wetland IV is a very
20 small, isolated depression, which might be
21 associated with a charcoal pit. So I think
22 that's just a typo, and I wanted to get a
23 clarification on that.

24 THE WITNESS (Gustafson): That
25 is a typo. The first sentence reference

1 should be for Wetland II, not IV.

2 MR. HANNON: Thank you. No
3 other questions.

4 THE CHAIRPERSON: Yes,
5 Mr. Lynch.

6 MR. LYNCH: We were talking
7 about emergency situations, and you do a nice
8 job talking about 911, extended 911, how
9 Connecticut complies. My question is do you
10 offer to the towns that you're a resident in
11 any type of reverse 911 situation like
12 there's a storm coming and, you know, there's
13 a multivehicle accident somewhere or -- you
14 know, because my town does that. I get them
15 all the time on my cell phone and my regular
16 phone where the town actually calls and tells
17 you, you know, what emergencies are in the
18 town. You know, there's been a prison break
19 in my town, something like that. Is that
20 service also offered through you to the town,
21 or should I ask the town?

22 THE WITNESS (Vivian): The
23 only thing I can think of as far as, say,
24 cell facilities is that if the town desires
25 to use space for their public safety on the

1 tower, that that's always offered free of
2 charge.

3 MR. LYNCH: So you're saying
4 that's a separate public safety system rather
5 than --

6 THE WITNESS (Vivian): Yes.

7 MR. LYNCH: -- you know,
8 something that you would -- okay, that's all
9 I wanted to know.

10 THE CHAIRPERSON: Okay, thank
11 you.

12 Dr. Klemens?

13 DR. KLEMENS: Hello, I have a
14 couple of questions. The first one deals --
15 and forgive me if this again is my newness to
16 the Council, but I have in my notes that if
17 additional carriers are going to come on the
18 tower, the height would be extended to 140
19 feet; is that correct?

20 THE WITNESS (Wells): Well, it
21 would depend on the carrier's height
22 requirements and what frequency they're
23 operating at, what their coverage
24 requirements are.

25 THE WITNESS (Vivian): I think

1 what we -- in the original hearing what we
2 were discussing was that we can make or
3 design up front as an extendable. AT&T only
4 needs 120 feet, but for a monopole you need
5 to design both the foundation and the steel
6 for the end use. And so the question had
7 arisen that if we were only at 120 feet,
8 there would be limited utility once you start
9 to go down, and so what, in fact, you could
10 do instead would be to design an end use of
11 140 feet, and you'd have essentially a new
12 docket for extending from the 120 feet and
13 let that carrier demonstrate its need where
14 it would not be able to take, say, the third
15 or fourth slot down on the 120-foot pole.

16 DR. KLEMENS: I find this
17 somewhat troubling, and again, this might be
18 my newness to the Council, because all the
19 visuals that were done were done at the
20 120-foot tower. You sit in the center of
21 Colebrook and the historic district south,
22 and the balloon just touched the trees. So
23 in a way, although I understand it would come
24 back for a tower sure docket, again, I find
25 it kind of -- wouldn't it have made more

1 sense to have done the visual on the worst
2 case scenario to have been more transparent
3 to the community?

4 THE WITNESS (Vivian): Well,
5 in this case, AT&T is only proposing 120
6 feet. The discussion regarding an extendable
7 up to say 140 would only be to accommodate
8 some unknown carrier who hasn't intervened at
9 this point, and it would be incumbent on them
10 to float a new balloon, provide new visuals,
11 things of that sort, and essentially almost
12 like a new docket and demonstrate their need
13 for that higher height.

14 DR. KLEMENS: I find it kind
15 of troubling. On one hand we're trying to
16 encourage tower sharing, which makes good
17 sense. We have the whole generator
18 discussion, which I also agree with my
19 colleagues on, but we also have this thing.
20 It's almost like if this is going to be used
21 by anybody else, it's almost invariably
22 probably going to have to get higher because
23 I understand the data that you described in
24 the last hearing of the actual ability to
25 actually get signals in the lower positions

1 on the pole. So it's kind of a -- it doesn't
2 make sense to me that one is -- one didn't go
3 forward and show the full extent if, in fact,
4 this is really a tower to be shared. It's
5 very easy to the say, well, it's going to be
6 the responsibility of the next person, but I
7 come from a planning background, and you
8 should have planned for what it is, not what
9 it might be, and plan for the worst case
10 scenario.

11 THE WITNESS (Vivian): What it
12 is is 120-foot multicarrier pole.

13 DR. KLEMENS: Do you
14 understand where I'm coming from on this?

15 THE WITNESS (Libertine): We
16 certainly do.

17 DR. KLEMENS: Thank you.

18 THE WITNESS (Libertine): The
19 challenge is we just used a 20-foot extension
20 as an example. There's a possibility someone
21 could come in and say we need 160 feet or 130
22 or 170. We just don't know. So the problem
23 with trying to plan ahead and say, okay,
24 let's try to do a visual that will give
25 enough information so that you can kind of

1 understand, I guess, the gamut potentially
2 down the road, I could pick -- let's pick
3 150, 150 may not be representative, and so
4 that's the challenge we have.

5 And so we've taken the
6 position that the lead applicant who's
7 driving the height, that's the height we need
8 today. And as you can probably appreciate,
9 there are several towers that have been built
10 that only one carrier is on at that top
11 height, and it's been like that for five or
12 six years or more in some cases. So it's a
13 challenge. I'm not sure how we could do that
14 without picking a height of maybe 190 feet
15 and then just doing that in all cases. I'm
16 not sure that's going to be all that
17 beneficial either.

18 So it's -- I recognize where
19 you're coming from. I'm just not sure what
20 the answer would be without getting into
21 something where we're really speculating.
22 What I would hate to do, then, is have that
23 color everybody's thought on the actual
24 siting when we're really only talking about
25 120. And yes, I think if we went to 140 or

1 150, I think the town center starts to become
2 in jeopardy in terms of visual impacts.

3 So you bring up a very good
4 point. I wish I had a better answer for you,
5 but it's something we struggled with.

6 THE CHAIRPERSON: Dr. Bell?

7 DR. BELL: Just to pursue this
8 in another direction, whose -- suppose we
9 said let's get some data on this, in other
10 words, for X number of towers discussed over
11 a period of one year or five years or ten
12 years, how many towers got raised in
13 petitions -- not dockets usually -- at what
14 height. Okay, so we had 20 percent or 30
15 percent or all 100 percent of towers raised
16 to and by an average of 20 feet, just, I
17 mean, hypothetical.

18 So, if we're thinking about
19 getting data like that, what I'm thinking
20 about is does that become our job then
21 because we're the ones who have all the data
22 for our given locations, or do the carriers
23 keep data like that for some reason? I mean,
24 you probably know who collocates where you
25 have equipment whether or not you did the

1 initial docket for the tower because you have
2 to -- the radio frequency engineers have to
3 deal with the possible interference or with
4 tuning your frequencies against those other
5 carriers, don't you, so you have a pretty
6 good sense, at any given location, who else
7 is on the tower?

8 THE WITNESS (Libertine): I'll
9 speak first on that. I think Tony that may
10 be because we have the 10-foot separation.
11 I'm not sure how much that factors in. One
12 of the challenges I think the carriers would
13 have is that, as you're probably aware, a lot
14 of times AT&T, in this case, is here as the
15 applicant to build the tower. In a year or
16 two from now that tower may be owned by
17 somebody else, and so, at that point, I'm not
18 sure they track if a tower is extended. So
19 data may be skewed if it came from the
20 carriers, plus you're talking about trying to
21 get all the tower manufacturers -- I'm sorry,
22 all the tower builders and the carriers to
23 put the data and then someone is still going
24 to have to integrate it. I do think from the
25 Siting Council's database that information

1 would probably be fairly easy to --

2 THE CHAIRPERSON: Yes, we have
3 that information. A good homework lesson for
4 us.

5 THE WITNESS (Libertine): I
6 think it would be a good start because I
7 think you're right, I think in most cases
8 you're only talking a 10 or a 20-foot
9 extension because that was probably all the
10 capacity the tower could -- you know, they
11 could always overbuild the foundation for a
12 20-foot extension or typically do --
13 otherwise, if it goes any higher than that,
14 you're probably talking about a tower
15 replacement at that point.

16 So, I think the data could
17 easily be culled so that we could see that
18 percentage. Here's the challenge that I
19 have, and I think Dr. Klemens brought up a
20 good one because this is a great example. If
21 we went up 20 feet in this case, I don't
22 think the overall footprint would grow
23 substantially. There would be a percentage
24 increase, but that area, we actually flew the
25 balloon higher on one of our outings because

1 there was no visibility. I was having a hard
2 time understanding how could we not see this
3 thing. It was that good a site except for
4 one or two locations. But in this case --
5 and it's not always the case -- I think what
6 changes dramatically is the character of the
7 view where you can see it, especially the
8 sensitivity of the town center. That's not
9 always the case, so everyone is a little bit
10 different.

11 And so I think the data would
12 be helpful, but I'm not sure we could come up
13 with something that we say this is kind of
14 the average of each one of these sites. If
15 it goes up 10 feet, you see this type of an
16 increase; if it goes up 20, you see this type
17 of a percentage increase because it's the
18 character of those views that often are the
19 ones that really make a big difference.
20 So again, I think it would be a great
21 exercise to go through, and I think it would
22 help us understand a little bit more about
23 how many of these -- it may not be as many as
24 we -- I'm not sure. In the time I've been
25 doing this, I've been involved in probably

1 extensions or replacements I could probably
2 count on less than two hands. So, you know,
3 not to say I'm involved in all the dockets,
4 but I've been involved in a fair amount, so
5 they do occur, but I'm not sure they occur
6 quite as much as maybe we think or maybe the
7 perception that we have.

8 DR. BELL: Okay. So we've now
9 given ourselves some homework. I just have
10 one other way of thinking about this. Since
11 X number of years ago the law from the FCC
12 has changed to -- and if I were a lawyer, I
13 could spit out the section, but basically
14 what's been said is that the FCC gives the
15 power to the carriers or to the tower owners,
16 in some cases the carriers, to extend the
17 height of the tower by -- I think it's 20
18 percent or there's a given percent; is that
19 correct?

20 MS. CHIOCCHIO: That's
21 correct.

22 DR. BELL: Okay. And that law
23 changed not too long ago, maybe two years
24 ago, not the law, but the provision that
25 I'm --

1 MS. CHIOCCHIO: Right.

2 DR. BELL: -- that I'm crudely
3 referring to. You know what I'm talking
4 about. Would it make sense to at least fly
5 the balloon in the first instance at the
6 position that, by law, would be allowed under
7 this provision?

8 MS. CHIOCCHIO: That can
9 certainly be done.

10 Mike, do you want to address
11 that as far as physical impacts?

12 THE WITNESS (Libertine): The
13 value that they use is basically the 10
14 percent rule is essentially what --

15 DR. BELL: It's 10 percent,
16 not 20 percent?

17 THE WITNESS (Libertine): --
18 they historically called it. And that really
19 relates more to your consultation with the
20 state historic preservation office. But if
21 in fact, the Council, in their guidance
22 document, wanted to make that something that
23 the carriers need to consider, I certainly
24 don't see a real downside to it. The only
25 thing -- and this is something we would have

1 to make folks aware of -- oftentimes during
2 the tech portion we are asked to do public
3 balloon floats. I might have some concern
4 about floating a balloon 20 feet or 15 feet
5 higher than what we're proposing because I
6 think it may create some confusion to folks
7 who are reviewing it, but that's a little bit
8 of a different issue. That may not -- that
9 could be something we could do separately
10 there. Sometimes it's overlap. Sometimes we
11 end up flying the balloon on those days and
12 doing our work at the same time. We can get
13 around that.

14 I guess my only comment would
15 be I fundamentally don't have a major problem
16 with that, but I'd want to see that somehow
17 be done in a way that everybody is kind of on
18 the same playing field so that it's not just
19 instituted for a particular docket or, in
20 other words, it would have to -- I think you
21 folks would have to put something in your
22 guidance docket saying this is what we want
23 to see because it's certainly easy enough to
24 do. It doesn't take any more time to do it,
25 so I don't see a downside from that, but I

1 would want to do something -- I would want to
2 make sure we have safeguards in place, that
3 we're just not confusing the -- I guess the
4 matter when it comes to more of -- I think
5 outside of this realm is where we have some
6 confusion from some folks, but again, that's
7 something we would have to deal with.

8 So I think, fundamentally,
9 it's not a bad planning strategy, but as I
10 say, I also -- I guess my only reluctance is
11 I'm not sure the extension issue is as great
12 historically as maybe we think. Now this may
13 change. With everything that's happening in
14 the industry and the need for more capacity
15 and everything else, maybe this will change.
16 Maybe we'll see that people are coming back
17 on a regular basis now because it is getting
18 harder and harder to site these things.

19 So we're trying -- you have no
20 idea how hard we try to push the radio
21 frequency engineers down. If they had their
22 druthers -- and I'm not speaking necessarily
23 of just Tony because Tony is usually one of
24 the more reasonable folks to deal with -- but
25 if they want 150 or 160 on every tower, they

1 would just take it, but they recognize that
2 we have to come and defend it.

3 THE WITNESS (Vivian): Mike,
4 you could use, as an example, one of the
5 places where AT&T did go through a petition
6 for a tower extension and the RF engineer
7 initially wanted a 30-foot extension and
8 structurals, the whole thing, because it was
9 built as a 150-foot extendable but was
10 stacked to 120. But we consulted with Mike's
11 group as far as the difference in visual
12 impact, and he suggested a 10-foot extension
13 would be much -- there was a significant
14 difference in the visual impact, and so we
15 twisted some arms, accepted a little bit less
16 robust coverage and went for a 10-foot
17 extension in that particular example.

18 THE CHAIRPERSON: I want to --
19 excuse me. We have representatives of the
20 town patiently waiting, so I would just want
21 to keep -- this is an important issue, and I
22 do thank you for bringing it up, and it's
23 something with our homework assignment we
24 should look into as well as the applicant.
25 Of course, it would be really helpful if,

1 when a new application came in, that the
2 other carriers would give us and give them --
3 do a little bit of planning too and let us
4 know whether, at some future date, they might
5 be interested, but that may be asking too
6 much.

7 But continue, Dr. Klemens.

8 DR. KLEMENS: I now want to go
9 from the top of the tower to the ground where
10 I'm apparently much more comfortable anyway.
11 I want to talk to you about the wetlands. Is
12 there any reason that we can't -- because I
13 understand that after the hearing there's
14 still information we can request -- why we
15 can't get a sort of functions and values,
16 Army Corps methodology functions and values
17 assessment, for the various wetlands? We've
18 had discussion that Wetland IV is -- I don't
19 know if I would even call it a wetland if I
20 saw it in the field. Could we sort of get
21 that sort of written up in a functions and
22 values statement, you know, for the value?
23 It's pretty standard stuff.

24 THE WITNESS (Gustafson): We
25 can certainly provide that documentation.

1 DR. KLEMENS: Great. Thank
2 you.

3 THE CHAIRPERSON: Just on a
4 procedural basis, it would be -- because if
5 we get that as a Late-File, we have to then
6 hold another hearing. If we get it as part
7 of our D&M plan, then we can --

8 DR. KLEMENS: Whatever is
9 easiest as long as we get it at some point.

10 MS. CHIOCCHIO: We can provide
11 that as part of our D&M filing.

12 DR. KLEMENS: I want to talk
13 about the alternatives because I understand
14 you basically have your first route; then you
15 have alternative two, which is a jog around
16 Wetland Number IV, takes it a little bit to
17 the south. That's the green. And then you
18 have your second alternative, which is your
19 new access route. I'm sorry, alternative --
20 you call the red dotted line your alternative
21 access route; then you have alternative
22 number two is your green dotted line. The
23 green dotted line is a variant on your
24 original access route. Correct?

25 THE WITNESS (Gustafson):

1 Correct. And that's to avoid the 100-foot
2 vernal pool envelope for Wetland II.

3 DR. KLEMENS: Right. You
4 basically have taken it outside of the
5 envelope.

6 Could, as part of your D&M
7 plan, to be -- could you give us actually
8 whatever the route is decided upon, actually
9 the percentage of forest cleared and sort of
10 the matrix that -- I mean, you're familiar
11 with seeing that on other projects where you
12 actually take a look at what percent of the
13 100 to 750 foot will be cleared?

14 THE WITNESS (Gustafson): Yes.

15 DR. KLEMENS: And expressed as
16 a percentage?

17 THE WITNESS (Gustafson): We
18 can provide that calculation.

19 DR. KLEMENS: Okay, great.
20 That would be helpful.

21 Now, on Wetland Number V, I'm
22 looking at -- this is this a new route -- and
23 I assume we don't have a chance to go walk
24 that route unless -- we just have to accept
25 what this is because we never walked this

1 route?

2 THE CHAIRPERSON: The answer
3 is yes, but we have to then have another
4 hearing.

5 DR. KLEMENS: Forgive me. I'm
6 not trying to -- I'm just trying to learn
7 here.

8 THE CHAIRPERSON: That's not
9 the end of the world.

10 DR. KLEMENS: No. It's
11 getting colder though. Colebrook is not a
12 warm place to walk in the woods.

13 Let me try to understand this
14 new route a little bit because we didn't walk
15 this route in the field. I understand that
16 it comes below Wetland Number V. And I see
17 you've got wetland flags V, 0.1, 524. And
18 how much further back -- and the wetland
19 obviously has an artificial end to it at the
20 property line. How big is this wetland? Do
21 you have any sense of how much more extensive
22 this wetland is?

23 THE WITNESS (Gustafson): In
24 the figure that you're looking at, we did
25 provide some shading of that wetland area as

1 far as its approximate westerly extent. So
2 we didn't delineate the westerly edge, we
3 just delineated the easterly edge in
4 relationship to the alternate access road,
5 but the shading that we're providing is a
6 general approximation of the breadth of that
7 wetland on the subject property.

8 DR. KLEMENS: Great. Okay.
9 That's very helpful. Thank you.

10 THE WITNESS (Gustafson): As -
11 - and I don't mean to interrupt. As it
12 extends further to the north, the wetland
13 does appear to maintain that same breadth for
14 a certain distance, and then it looks like it
15 necks down at some point. We investigated
16 for a few hundred feet beyond north of the
17 property line, but that was the extent of our
18 study area.

19 DR. KLEMENS: And this is a
20 hillside, sort of a sloping wetland. Are
21 there breakouts of perennial seepages in
22 there, or is it just a wet slope?

23 THE WITNESS (Gustafson): It's
24 primarily a wet slope. There are a couple of
25 very seasonal small intermittent stream

1 channels. There isn't one extensive one that
2 runs essentially the entire gamut from south
3 to north. It's kind of a shallow graded
4 system. The intermittent water course is no
5 more than 6 inches deep and 2 feet across,
6 and it's not continuous through the wetland
7 system. There are some areas that it looks
8 like there's some seasonal seepage where
9 essentially the slopes go from convex to
10 concave, but those are -- those, based on the
11 sole profiles that we looked in those areas,
12 it's a seasonal saturation situation across
13 that entire wetland system.

14 DR. KLEMENS: So, based on
15 your best professional judgment, you would
16 not consider these to be important for stream
17 salamanders based on that?

18 THE WITNESS (Gustafson): I
19 would not. I don't see that character in
20 that wetland system to support that.

21 DR. KLEMENS: Thank you. I
22 have no further questions.

23 THE CHAIRPERSON: Thank you.
24 Dr. Bell?

25 DR. BELL: Thank you,

1 Mr. Chair.

2 I just want to raise the
3 question of access from the other side from
4 Route 83 or Colebrook Road. Mr. Hannon
5 raised that in the first hearing, but I would
6 like to just ask if you have any actual
7 figures on the length of that access road and
8 any comparable other figures to what we have,
9 the information we have for the currently
10 proposed and the alternative access roads?

11 THE WITNESS (Lusitani): I do
12 have some figures for that access. The road
13 length is about 1,800 feet. The trees to be
14 removed is 97.

15 MR. LYNCH: Can you speak up a
16 little bit?

17 THE WITNESS (Lusitani): The
18 trees to be removed is 97. The grade varies
19 from zero percent to 13 percent. And that's
20 really all I have.

21 DR. BELL: It's okay. And the
22 principal reason that you're not using that
23 proposal or that idea is that there's a water
24 pipe that extends up that road that the
25 abutters are worried might be disturbed or

1 broken or something like that?

2 THE WITNESS (Vivian): Yes,
3 that's correct. It came up during the
4 original town consultation, and so to
5 accommodate those concerns, we came up with
6 this alternate access off of Smith Hill Road
7 as an alternative.

8 DR. BELL: Okay. And I'm
9 correct in thinking from the descriptions
10 that there would be no wetland issues
11 involved in that particular access?

12 THE WITNESS (Gustafson): I
13 can't say with any certainty that that would
14 be the case. We didn't -- our study area
15 didn't include that original access road. By
16 the time we were asked to do wetland
17 investigation of the property, we were
18 looking at access only from Smith Hill Road,
19 so we never looked at that part of the
20 property.

21 Looking at a previous
22 delineation done by another consultant on
23 that side of the property, there are wetlands
24 on that westerly end of the property. I
25 don't have a sense on the extent of those

1 wetlands, so there still is a potential for
2 at least activity in proximity to wetlands
3 with that route.

4 DR. BELL: Okay. Thank you.
5 Thank you, Mr. Chair.

6 THE CHAIRPERSON: Thank you,
7 Dr. Bell.

8 Representatives of the town,
9 Mr. McKeon and Mr. Halloran, do you have any
10 questions?

11 MR. McKEON: Yes.
12 Mr. Halloran has -- he's our zoning and
13 wetlands enforcement officer. He has some
14 questions first, and I have a couple to
15 follow up after him.

16 CROSS-EXAMINATION

17 MR. HALLORAN: My name is Mike
18 Halloran. I have a couple of questions that
19 just came up. They have nothing to do with
20 zoning at all.

21 If you raise the tower, does
22 the drop zone change? If you're talking
23 about this height, you're 120 feet from the
24 line, is that -- does the drop zone then
25 change, or is it --

1 THE WITNESS (Vivian): Well,
2 if the tower were raised, say, in the
3 discussion we're talking about as far as
4 extendables, certainly one times the tower
5 height is what's usually referred to as the
6 fall zone. So if you raise it from 120 to
7 140, then your fall zone is 140 feet versus
8 120 feet.

9 MR. HALLORAN: And how far is
10 this proposed site right now from the
11 property line?

12 THE WITNESS (Lusitani): It's
13 130 feet from the property line, but I'd also
14 like to add that we can design a break point
15 in the tower where it actually collapses on
16 itself so it wouldn't actually fall the tower
17 height.

18 MR. HALLORAN: Okay. The
19 other question I had when you were talking
20 about maintenance -- now you have to really
21 help me here -- were you saying that every
22 company would have its own generator?

23 THE WITNESS (Vivian): Well,
24 generally that is the case, but generally
25 what it is, in fact, is that Verizon Wireless

1 and AT&T maintain emergency backup power with
2 generators. The remaining carriers use
3 battery backup in their cabinets.

4 MR. HALLORAN: So there
5 wouldn't be four generators roaring up there
6 at any one time?

7 THE WITNESS (Vivian): The
8 discussion has been assuming that even
9 carriers that don't currently utilize
10 generators would utilize generators.

11 MR. HALLORAN: All right. I
12 don't know anything about that, but just a
13 question I had. Thank you.

14 So now back to the zoning and
15 wetlands. The compound, you talk about 75
16 feet by 75 feet, but it's on a 45-degree
17 angle to the property. So how close is the
18 fenced-in area to the property line of the
19 Campbell, is that what it is, Campbell?

20 THE WITNESS (Vivian):
21 Campbell is the southerly.

22 MR. HALLORAN: And then with
23 that how close is the green alternate 2, how
24 close is that to the line?

25 THE WITNESS (Lusitani): The

1 compound is about 60 to 70 feet from the
2 property line.

3 MR. HALLORAN: It is that far?

4 THE WITNESS (Lusitani): Yes.

5 MR. HALLORAN: Because I kind
6 of scaled it, and I thought it was a wee bit
7 closer, but I guess I could be -- I've been
8 wrong before.

9 THE WITNESS (Vivian): It
10 looks -- just with my exacto scaling, the
11 southern tip looks to be almost exactly 60
12 feet.

13 MR. HALLORAN: Okay. On the
14 October 3rd questions, on Question Number 31
15 you talked about the cut and fill for the
16 yellow on the proposed driveway, 790 yards
17 total cut and fill. How many yards would be
18 in the alternate and the Alternate 2, was
19 that on there? I didn't see it, and I don't
20 know if --

21 THE WITNESS (Lusitani): We
22 don't have that information for you.

23 MR. HALLORAN: You don't have
24 the information?

25 THE WITNESS (Lusitani): No.

1 THE WITNESS (Vivian): That
2 again could be provided with the D&M plan.

3 MR. HALLORAN: Am I asking too
4 many questions?

5 THE CHAIRPERSON: No, you're
6 doing fine. And you listened to us.

7 MR. HALLORAN: I've got eight
8 pages.

9 Let's see, the red one is the
10 alternate access red route. It's a fairly
11 straight line. If you were to hold your
12 exacto pen there, it's a fairly straight
13 line. And if you were to cut a -- was it a
14 20-foot swath, is that what you have, you're
15 considering a 20-foot cut?

16 THE WITNESS (Vivian):
17 Generally 20 feet is the clearance that the
18 utility company likes, at least for
19 underground utilities.

20 MR. HALLORAN: So this would
21 be the driveway, though?

22 THE WITNESS (Vivian): The
23 driveway is generally around 12-foot wide
24 itself.

25 MR. HALLORAN: But the whole

1 cut, the whole opening would be 20 feet?

2 THE WITNESS (Vivian): Yes.

3 MR. HALLORAN: Okay. So it
4 might -- I think you changed it at one point
5 so you wouldn't be seeing it from the road,
6 is that -- am I way off on that? Your
7 original yellow one was so you would not be
8 seeing it from the road, is that the
9 driveway, if you were looking straight up the
10 driveway, or is that not --

11 THE WITNESS (Vivian): Well,
12 the original yellow --

13 MR. HALLORAN: The
14 yellow one --

15 THE WITNESS (Vivian): --
16 access driveway.

17 MR. HALLORAN: Yellow access
18 driveway.

19 THE WITNESS (Vivian): Was our
20 best guess at circumnavigating the existing
21 wetlands from cutting in from there.

22 MR. HALLORAN: Okay. There's
23 no way to reconfigure so you would not see it
24 there, is there, or is that --

25 THE WITNESS (Gustafson):

1 Having walked that route for the alternate
2 access route, there's enough sinuosity in
3 that that you will not be able to sit on
4 Smith Hill Road and look up the access road
5 and see the actual facility.

6 MR. HALLORAN: You would not
7 be able to?

8 THE WITNESS (Gustafson): No.

9 MR. HALLORAN: Okay.

10 THE WITNESS (Vivian): It does
11 appear to be at an angle, and we had
12 discussed also about the security gate up on
13 the access road can be set back. Primarily
14 that access gate is typically there just to
15 prevent ATV traffic and things of that sort,
16 curiosity seekers.

17 MR. HALLORAN: I have two more
18 quick ones. Right where this red access road
19 is there seems to be a well or something at
20 the end of the road. Did anybody notice that
21 sticking up out of the ground?

22 THE WITNESS (Gustafson):
23 There is well cover. It's about 50 feet
24 further to --

25 MR. HALLORAN: The north?

1 THE WITNESS (Gustafson):
2 Actually to the south along Smith Hill Road.
3 So we're close to it, but we're not right on
4 top of it with this alternate access.

5 MR. HALLORAN: I don't know
6 where it is.

7 THE WITNESS (Gustafson): I
8 have no information on it other than it looks
9 like --

10 MR. McKEON: It's an old
11 shallow well.

12 MR. HALLORAN: The last
13 question -- it's not a question. It's a
14 concern I have. Somebody talked about the
15 elevation. If I'm correct that the yellow
16 line, the original access route, starts at
17 1,260 feet and it goes up to 1,365, the
18 elevation, and the driveway length is 1,337
19 feet. It's a rise of 105 feet.

20 The red access alternate
21 access route goes from 1,240 to 1,365 and
22 1,080 feet. So that's a rise of 125 feet.
23 Is that a concern or -- someone talked about
24 the grade. Is that -- I mean, I don't know
25 if that's steep or if that's a concern or not

1 a concern. I mean, there's a big difference
2 in elevation.

3 THE WITNESS (Vivian): Well,
4 actually, I mean, most of that difference say
5 length versus elevation or shift, most of
6 that difference, the red route, as you refer
7 to it, the alternate access starts lower, but
8 it's a more direct route. So basically when
9 you're starting from say the same elevation
10 line from where the original yellow access
11 drive is there, those contours, just looking
12 at it here, we haven't surveyed the
13 alternate, are very similar. They are almost
14 basically just doing what we refer to in Navy
15 flight terms a Polish heart attack. We're
16 going around Wetland Number IV and Number II
17 just from different routes, but the actual
18 contours when you start at that level are the
19 same.

20 MR. HALLORAN: Okay. All
21 right. That's it. Thank you.

22 THE CHAIRPERSON: Okay. First
23 selectman.

24 CROSS-EXAMINATION

25 MR. McKEON: Mr. Libertine,

1 you had stated that there was a slight view
2 from the center of town with the leaf-off
3 condition?

4 THE WITNESS (Libertine):
5 That's correct.

6 MR. McKEON: Does CFPA have to
7 be advised of this at all?

8 THE WITNESS (Libertine): No.
9 They're aware that -- well, just to give some
10 history, when the site was first brought up a
11 few years back, they were made aware with
12 photo simulations. I was not involved in
13 that work, and I just don't remember if they
14 mentioned a leaf-off condition or not. In my
15 submission I did discuss that, and I offered
16 some photo simulations. Again, that was a
17 leaf-on condition. But they are aware that
18 there could be, and I believe that's likely
19 why we got a what I would consider a
20 conditional effect.

21 In the letter they do ask for
22 the tower to be designed in such a way that
23 it would be as minimally intrusive visually
24 as possible. Typically that's the response
25 we get when there are potential leaf-off or

1 any time of year views from a sensitive
2 resource.

3 MR. McKEON: You had also
4 stated that if there was a location that the
5 tree would work and seeing that the
6 conservancy, the historical groups, and the
7 town has requested that AT&T use that model,
8 is that a possibility that that can happen?

9 THE WITNESS (Libertine): It's
10 certainly a possibility we can discuss, and
11 it's something I know, in the past, AT&T has
12 certainly been willing to entertain. And as
13 I said, I stand by that. I think in this
14 case there are some major benefits in going
15 towards a tree. I always temper it because,
16 again, there is that one view from Stillman
17 Hill Road that it's not going to look like a
18 tree from there. I mean, it can still be
19 done well, but it's going to be significantly
20 above the tree line. So that's the balancing
21 act.

22 But to answer your question,
23 yes. The other option in this case, painting
24 everything, including the antennas, may also
25 serve a pretty good function. It's certainly

1 not going to look like a tree, but it's not
2 going to be the white and the steel that you
3 would see from a traditional monopole.

4 MR. McKEON: I don't think the
5 view would be too much considering we have to
6 look at the one in Winsted on a daily basis.

7 THE WITNESS (Libertine):
8 That's a whole different ball game, correct.

9 MR. McKEON: A lot of my
10 questions are weather related because of the
11 conditions we have in Colebrook and the
12 issues that I've gone through for the last
13 two years with snowstorms, I have to say that
14 when it comes to CL&P and AT&T, I grade CL&P
15 above AT&T for performance and reaction to
16 the issues. Mr. Ashton had asked if any
17 wires that were coming across Smith Hill Road
18 could go under the road. Is it possible that
19 we could keep all the wires underneath
20 ground?

21 THE WITNESS (Wells): Yes.

22 THE WITNESS (Lusitani): It's
23 a possibility, but usually at the road the
24 utility company does what they want to do.
25 We can suggest it but --

1 MR. McKEON: Could you repeat
2 that answer? I'm sorry, I couldn't hear it.

3 THE WITNESS (Lusitani): It's
4 possible to go underground, but usually at
5 the road, crossing the road, the utility
6 company tells us what they want, and we
7 adhere to what they want.

8 MR. ASHTON: You don't say
9 anything?

10 THE WITNESS (Lusitani): We
11 can make suggestions, but they do what they
12 want.

13 MR. ASHTON: I think we may
14 have words to say on that.

15 MR. McKEON: I do know that
16 they, with some of the houses in town, that
17 they're offering if your wires are ripped off
18 your house from a tree during the storm that
19 they are offering to replace them underground
20 from the pole to the house at their cost in
21 lieu of replacing them above ground to the
22 resident's house at their cost. So they are
23 pushing to get them underground so -- this
24 goes back to issues that I had in the last
25 two snowstorms over the past few years. On

1 Question Number 23, the tower has a backup
2 generator, backup battery of four to six
3 hours, and your fuel supply of 200 gallons is
4 for 48 hours. And having in the past two
5 storms one time we lost land lines for five
6 days, we lost cell service for up to seven
7 days because there was no capability of
8 getting in to either fuel up that generator
9 or bring another generator in. Will AT&T
10 have some kind of plan that they can submit
11 to the town that in the case of this
12 happening that there is an emergency plan so
13 that we don't have this problem, seeing that
14 the cell service is going to be very
15 important to the center of town?

16 THE WITNESS (Vivian): Well,
17 AT&T has a whole emergency, you know,
18 deployment system. They're housed out in
19 Meriden at this point. I don't know that we
20 can have a plan specific to Colebrook. We
21 can try to articulate what the standard plan
22 is. When you have an extended backup or
23 power outage like we experienced back then,
24 generally it was not the generator or the
25 power itself that was the problem, it was

1 that the lines, the land lines and/or fiber
2 had been knocked out for miles and miles. So
3 you can't sit there and say, okay, any kind
4 of storm going forward we'll always be able
5 to provide service.

6 MR. McKEON: I disagree with
7 you because, AT&T, you've got transformers
8 like on the end of the streets that have
9 batteries in them that power your lines, and
10 it took five days for them to get a generator
11 up to recharge those batteries, so I went
12 five days with no land lines and, like I
13 said, up to seven days with no cell service
14 because there was no generators placed by
15 AT&T.

16 You state that the swath is
17 going to be 20 feet, the road would be 12
18 feet. I plow driveways also, and I can tell
19 you that if you have a 12-foot driveway with
20 a 20-foot off site, are you going to have any
21 way to stabilize the additional 8 feet to
22 push the snow during the winter months
23 because you'll never be able to -- with a
24 12-foot gravel road, you'll never be able to
25 push the snow back in place to get any fuel

1 trucks up there or any vehicles up there.

2 THE WITNESS (Vivian): Well,
3 generally, in the winter months, it's only
4 cleared on an as-needed basis, and that would
5 be in an emergency situation only.

6 MR. McKEON: So that road
7 would never be opened up during the winter
8 months?

9 THE WITNESS (Vivian):
10 Typically not.

11 MR. McKEON: Also, so that
12 means that gravel roads freeze more, they get
13 icy, and if you're going to have to get in
14 there for an emergency, you're going to have
15 to spread chemicals down. I have a problem
16 right now with my school where I have to use
17 bottled water because of salt, and the salt
18 has contaminated the well there. Do you use
19 any product on your roadways now going in
20 that I have to worry about that that runoff
21 will run over into my school yard again after
22 I put a new well in?

23 THE WITNESS (Vivian): Not
24 that I'm aware of. Typically you put down
25 under your subgrade you put down a mat for

1 weed control more than anything.

2 MR. McKEON: Will you have any
3 kind of camera system up there for vandalism?
4 Because I can tell you that the ATVs, they
5 are up there on a regular basis now. My
6 feeling is and I would strongly suggest that
7 that may be done -- that it should be done.
8 I have them at the school. I have them at
9 other facilities there.

10 THE WITNESS (Vivian):
11 (Nodding in the affirmative.).

12 MR. McKEON: And I have one
13 question for my superintendent of our schools
14 who's curious on what your start and complete
15 dates would be, if you know, because he
16 doesn't really want to go through another
17 school year with no cell service.

18 THE WITNESS (Vivian): It
19 takes from the time that D&M, say, is
20 approved, and then you pull the local permit
21 because we would still go through a building
22 permit with the building official with
23 third-party review on the steel and
24 everything. Typically it takes about three
25 to four weeks from clearing, excavation,

1 foundation, cure and then stacking the tower.
2 The utility easement also is something that
3 sometimes, as far as having the cell site
4 operational, is the one that takes time.

5 MR. McKEON: So you think
6 there's a possibility of next September?

7 THE WITNESS (Vivian): Yes.
8 Generally what happens is that once you get
9 an approval, an initial approval from the
10 Siting Council and the certificate, that's
11 when we initiate the easement because CL&P's
12 process can be time consuming.

13 MR. McKEON: Thank you. No
14 more questions, Mr. Chairman.

15 THE CHAIRPERSON: Thank you.
16 I just had a follow-up on that question on
17 the proposed alternative route, I guess the
18 one that's shown in red, and the question was
19 the amount of cut and fill. And I understand
20 you don't have the numbers, but can you give
21 us some sense of, since it's 200 feet shorter
22 than the originally proposed, would it be
23 equal or less than the original one or --

24 THE WITNESS (Lusitani): I
25 would expect it to be less based on a percent

1 reduction of the road length.

2 THE CHAIRPERSON: Okay, don't
3 go anywhere. We'll now proceed with the
4 appearance of the party, Town of Colebrook,
5 and Attorney Bachman with swearing in of the
6 party's witnesses. So if you would both rise
7 and take the oath.

8 T H O M A S M C K E O N,

9 M I C H A E L H A L L O R A N,

10 called as witnesses, being first duly
11 sworn by Ms. Bachman, were examined and
12 testified on their oaths as follows:

13 THE CHAIRPERSON: And we'll
14 just go through the exhibit verification
15 process.

16 Mr. McKeon, you have offered
17 exhibits listed under the hearing program as
18 Roman numerals III-B-1 and 2 for
19 identification purposes?

20 THE WITNESS (McKEON): Yes.

21 THE CHAIRPERSON: Any
22 objection to marking these exhibits?

23 MS. CHIOCCHIO: No objection.

24 THE CHAIRPERSON: Okay.

25 Mr. First Selectman, did you prepare or

1 assist in the preparation of Exhibits III-B-1
2 and 2?

3 THE WITNESS (McKeon): Yes,
4 Mr. Chairman.

5 THE CHAIRPERSON: Do you have
6 any additions, clarifications, deletions or
7 modifications to the documents?

8 THE WITNESS (McKeon): No.

9 THE CHAIRPERSON: Are the
10 exhibits true and accurate to the best of
11 your knowledge?

12 THE WITNESS (McKeon): Yes.

13 THE CHAIRPERSON: And do you
14 offer these exhibits as your testimony here
15 today?

16 THE WITNESS (McKeon):
17 Correct. Yes.

18 THE CHAIRPERSON: And you
19 offer them as full exhibits?

20 THE WITNESS (McKeon): Yes.

21 THE CHAIRPERSON: Any
22 objection?

23 MS. CHIOCCHIO: No objection.

24 THE CHAIRPERSON: So we'll
25 admit these as full exhibits to the

1 proceedings.

2 (Exhibits Roman III-B-1 and
3 III-B-2: Received in evidence - described in
4 index.)

5 THE CHAIRPERSON: And now we
6 will begin cross-examination.

7 Mr. Perrone.

8 CROSS-EXAMINATION

9 MR. PERRONE: Thank you,
10 Mr. Chairman.

11 I had asked AT&T this, but
12 just to confirm, if approved, would the town
13 have any plans to collocate emergency
14 services antennas on the tower?

15 THE WITNESS (McKeon): Not at
16 the moment. We do have an antenna on the
17 north side of town that's an LCD 911 tower,
18 but at the moment, no.

19 MR. PERRONE: Thank you.
20 That's all I have.

21 THE CHAIRPERSON: Okay.
22 Senator Murphy?

23 SENATOR MURPHY: I don't have
24 any questions.

25 THE CHAIRPERSON: Mr. Ashton?

1 MR. ASHTON: No, thank you,
2 Mr. Chairman. That was my question.

3 THE CHAIRPERSON:

4 Mr. Levesque?

5 MR. LEVESQUE: No questions.

6 Thank you.

7 THE CHAIRPERSON: Mr. Hannon?

8 MR. HANNON: I have no

9 questions.

10 THE CHAIRPERSON: Mr. Lynch?

11 MR. LYNCH: No questions, Mr.

12 Chairman.

13 THE CHAIRPERSON: Dr. Klemens?

14 DR. KLEMENS: No questions,

15 Mr. Chairman.

16 THE CHAIRPERSON: Dr. Bell?

17 DR. BELL: I have one

18 question, Mr. Chairman.

19 When I asked the other panel
20 about the original possible alternate access
21 from Route 83, you heard their reply that was
22 given. Is it still the town's preference
23 that we work with access from Smith Hill Road
24 as opposed to 83?

25 THE WITNESS (McKeon): Yes.

1 There is an active spring on the adjoining
2 property owners where that road off of
3 Colebrook Road would go, and they're very
4 opposed to it. And my feeling is that would
5 be a lot of aggravation basically. I think
6 Smith Hill Road would be the better entrance.

7 DR. BELL: Thank you. That's
8 my question, Mr. Chair.

9 THE CHAIRPERSON: Just to make
10 sure I understand, your preference is --

11 THE WITNESS (McKeon): Is
12 Smith Hill Road.

13 THE CHAIRPERSON: Right. But
14 also your preference as far as the type of
15 facility would be a tree?

16 THE WITNESS (McKeon): Yes,
17 Mr. Chairman.

18 THE CHAIRPERSON: Thank you.
19 And now the Applicant, do you
20 have any cross-examination?

21 MS. CHIOCCHIO: No questions
22 for the Town. Thank you.

23 THE CHAIRPERSON: Before
24 closing the hearing, the Siting Council
25 announces that briefs and proposed findings

1 of fact may be filed with the Council by any
2 party no later than December 9, 2013.

3 Submission of briefs or proposed findings of
4 fact are not required by the Council, rather
5 we leave it to the choice of the parties.

6 Anyone who has not become a
7 party but who wishes to make his or her views
8 known to the Council, may file written
9 statements with the Council within 30 days of
10 today.

11 The Council will issue draft
12 findings of fact, and thereafter parties and
13 intervenors may identify any errors or
14 inconsistencies between the Council's draft
15 findings of fact and the record. However, no
16 new information, no new evidence or argument
17 and no reply briefs without permission will
18 be considered.

19 Again, copies of the
20 transcript of this hearing will be filed at
21 the Colebrook Town Clerk's Office. I hereby
22 declare this hearing adjourned. And thank
23 you all for your participation.

24 MS. CHIOCCHIO: Thank you.

25 THE CHAIRPERSON: Drive home

1 safely.

2 (Whereupon, the witnesses were
3 excused, and the above proceedings were
4 adjourned at 2:36 p.m.)

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1 CERTIFICATE

2 I hereby certify that the foregoing 89
3 pages are a complete and accurate
4 computer-aided transcription of my original
5 stenotype notes taken of the Continued Public
6 Hearing in Re: DOCKET NO. 440, APPLICATION
7 OF NEW CINGULAR WIRELESS, PCS, LLC, FOR A
8 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
9 AND PUBLIC NEED FOR THE CONSTRUCTION,
10 MAINTENANCE, AND OPERATION OF A
11 TELECOMMUNICATION FACILITIES LOCATED AT 522
12 COLEBROOK ROAD, COLEBROOK, CONNECTICUT, which
13 was held before ROBIN STEIN, Chairperson, at
14 the Connecticut Siting Council, 10 Franklin
15 Square, New Britain, Connecticut, on
16 November 7, 2013.

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21

Lisa L. Warner, L.S.R. 061

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Court Reporter

23

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1 I N D E X

2 WITNESSES DEAN GUSTAFSON

3 MICHAEL LIBERTINE

4 PAUL LUSITANI

5 DAVID VIVIAN

6 ANTHONY WELLS Page 156

7 CROSS-EXAMINATION

8 Mr. Perrone Page 159

9 Mr. Halloran Page 216

10 Mr. McKeon Page 224

11

12 WITNESSES THOMAS McKEON

13 MICHAEL HALLORAN Page 234

14 CROSS-EXAMINATION

15 Mr. Perrone Page 236

16

17 EXHIBITS

18 (Received in evidence)

19 EXHIBIT DESCRIPTION PAGE

20 II-B-8 Supplemental Submission

21 I, dated October 31, 2013 159

22

23 II-B-9 Supplemental Submission

24 II, dated November 1, 2013 159

25

I N D E X (Cont'd.)

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EXHIBIT	DESCRIPTION	PAGE
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III-B-2	Pre-Filed testimony, October 15, 2013	236