



Transcript of the Hearing of

Date: September 16, 2014

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Case: Docket No. 448

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 448

Cellco Partnership d/b/a Verizon Wireless
Application for a Certificate of
Environmental Compatibility and Public Need
for the Construction, Maintenance and
Operation of a Telecommunications Facility
Located at 831 Derby Milford Road, Orange,
Connecticut

Continued Public Hearing held at the
Public Utilities Regulatory Authority, Ten
Franklin Square, New Britain, Connecticut,
Tuesday, September 16, 2014, beginning at
11:01 a.m.

H e l d B e f o r e :

ROBERT STEIN, Chairman

JAMES J. MURPHY, JR., Vice Chairman

1 **A p p e a r a n c e s:**
2 **Council Members:**
3 ROBERT HANNON, DEEP Designee
4 MICHAEL CARON, PURA Designee
5 DANIEL P. LYNCH, JR.
6 DR. MICHAEL W. KLEMENS
7 DR. BARBARA C. BELL
8 SENATOR EILEEN M. DAILY
9 PHILIP T. ASHTON
10
11 **Council Staff:**
12 MELANIE BACHMAN, ESQ.
13 Executive Director and
14 Staff Attorney
15 ROBERT MERCIER
16 Siting Analyst
17
18 For Cellco Partnership, d/b/a Verizon
19 Wireless:
20 ROBINSON & COLE LLP
21 280 Trumbull Street
22 Hartford, Connecticut 06103-3597
23 BY: KENNETH C. BALDWIN, ESQ.
24
25

1 **THE CHAIRMAN:** Good morning,
2 ladies and gentlemen. I'd like to call to
3 order this meeting of the Connecticut Siting
4 Council, today, Tuesday, September 16, 2014,
5 at 11 a.m. My name is Robin Stein. I'm
6 Chairman of the Connecticut Siting Council.
7 This hearing is a continuation
8 of the hearing held on July 17, 2014, at the
9 Shelton City Hall Auditorium in Shelton, and
10 on August 12, 2014, at the Council's offices
11 in New Britain. It is held pursuant to the
12 provisions of Title 16 of the Connecticut
13 General Statutes and of the Uniform
14 Administrative Procedure Act upon application
15 from Cellco Partnership d/b/a Verizon
16 Wireless for a Certificate of Environmental
17 Compatibility and Public Need for the
18 construction, maintenance and operation of a
19 telecommunications facility located at 831
20 Derby Milford Road in Orange, Connecticut.
21 The application was received by the Council
22 on May 13, 2014.
23 A verbatim transcript will be
24 made of this hearing and deposited with the
25 Clerk's Office in the Orange Town Hall and

1 **A p p e a r a n c e s (Cont'd.):**
2 **For the Intervenor:**
3 BERCHEM, MOSES AND DEVLIN, P.C.
4 1221 Post Road East
5 Westport, Connecticut 06880
6 BY: MARIO F. COPPOLA, ESQ.
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1 Shelton City Hall for the convenience of the
2 public.
3 We will now proceed in
4 accordance with the prepared agenda, copies
5 of which are available next to the door
6 there.
7 The Council added one item to
8 its administrative notice list which is
9 listed as Roman numeral I, D, Item 25, Docket
10 446, Cellco Trumbull.
11 And the Council would also
12 like to add Docket No. 307, National Grid
13 Communications-Derby record to its
14 administrative notice list.
15 Does any party or intervenor
16 object to the new administrative notice?
17 MR. COPPOLA: No,
18 Mr. Chairman.
19 **THE CHAIRMAN:** Hearing and
20 seeing none, they are administratively
21 noticed.
22 We will begin with the
23 appearance of the grouped intervenors to
24 swear in the witnesses and to verify their
25 exhibits marked as Roman numeral III, Item B,

1 1 through 10 on the hearing program.
 2 Attorney Bachman, can you
 3 begin by swearing in the Intervenors'
 4 witnesses?
 5 And would you please stand for
 6 that?
 7 ALBERT SUBBLOIE,
 8 DAVID MAXSON,
 9 JILL MACINNES,
 10 GLENN MACINNES,
 11 called as witnesses, being first duly
 12 sworn by Ms. Bachman, were examined and
 13 testified on their oaths as follows:
 14 MS. BACHMAN: Thank you.
 15 MR. COPPOLA: Mr. Chairman, I
 16 would just like to point out to the Council
 17 that we have two additional Intervenors who
 18 are on their way here this morning, one of
 19 which is Senator Gayle Slossberg, the other
 20 is Jacqueline Barbara. Both of them are on
 21 their way in this morning, so they should be
 22 here within the hour.
 23 THE CHAIRMAN: Okay. Thank
 24 you. As you know, we have a lot of ground to
 25 cover, so we're going to start, and when they

1 did you prepare or assist in the preparation
 2 of documents which have been submitted in
 3 this docket and was cited on the program as
 4 Roman numeral III, Subsection B, Numbers 4
 5 through 6?
 6 THE WITNESS (Maxson): Yes, I
 7 did.
 8 MR. COPPOLA: And is the item
 9 which is noticed on the agenda as -- also
 10 known as a hearing program -- as Roman
 11 numeral III, Subsection B, Number 4, your
 12 prefile testimony dated September 8, 2014?
 13 THE WITNESS (Maxson): Yes, it
 14 is.
 15 MR. COPPOLA: Is the item
 16 cited on the hearing program as Roman numeral
 17 III, Subsection B, numbered 5, your CV, dated
 18 September 8, 2014?
 19 THE WITNESS (Maxson): Yes, it
 20 is.
 21 MR. COPPOLA: And finally, is
 22 the item noticed on the hearing program as
 23 Roman numeral III, Subsection B, Item Number
 24 6, the Isotope Report on Analysis of
 25 Proposed Cell Tower, dated September 8, 2014?

1 come in they can join the process.
 2 MR. COPPOLA: I understand.
 3 My apologies to the Commission. As you know,
 4 this hearing was initially scheduled for one
 5 o'clock, and both of them had scheduled
 6 things before that, so they tried to change
 7 their schedule around, so I --
 8 THE CHAIRMAN: But I think you
 9 are well aware of why we changed our
 10 schedule.
 11 Okay.
 12 MR. COPPOLA: Understood.
 13 Thank you.
 14 THE CHAIRMAN: So Attorney
 15 Coppola, could you proceed by verifying the
 16 exhibits you filed in this matter and
 17 verifying exhibits by the appropriate sworn
 18 witnesses?
 19 MR. COPPOLA: Yes. I'd like
 20 to begin with David Maxson, please.
 21 Please state your name for the
 22 record.
 23 THE WITNESS (Maxson): My name
 24 is David Maxson.
 25 MR. COPPOLA: And, Mr. Maxson,

1 THE WITNESS (Maxson): Yes, it
 2 is.
 3 MR. COPPOLA: And are you the
 4 author of that report?
 5 THE WITNESS (Maxson): Yes, I
 6 am.
 7 MR. COPPOLA: And did you
 8 prepare and/or assist in the preparation of
 9 all of the exhibit items that again have been
 10 referenced in the hearing program as Roman
 11 numeral III, Subsection B, Numbers 4 through
 12 6?
 13 THE WITNESS (Maxson): Yes.
 14 MR. COPPOLA: Do you have any
 15 additions, clarifications, deletions or
 16 modifications to those documents?
 17 THE WITNESS (Maxson): I do.
 18 I have a brief comment just to supplement my
 19 report on analysis of the proposed cell
 20 tower, dated September 8, 2014, to reflect
 21 the new information that has come in from the
 22 Applicant. I have three, hopefully, quick
 23 points.
 24 First of all, the Applicant
 25 submitted some new utilization and

1 performance data for two sectors at 700
2 megahertz. This new data does not change my
3 conclusions; in fact, it reinforces them.
4 Likewise, the new utilization and performance
5 data for several newly-deployed 2100
6 megahertz facilities in these sectors also
7 reinforced my original conclusions.

8 Number two, the Applicant says
9 in its new submission that its traffic maps
10 are proprietary, but it does not say whether
11 they even prepared any traffic maps,
12 particularly with respect to the office park
13 in Shelton and the densely-populated area in
14 Sunnyside, when they were developing the
15 Orange North search ring.

16 Number three, the Applicant
17 says its dominant server information is
18 proprietary, but does not say whether they
19 consulted dominant server information in
20 order to arrive at their conclusions about
21 the purported eight sectors purportedly
22 receiving capacity relief from the Orange
23 North facility.

24 And specifically, I would like
25 to point out that in 1995, when I was the

1 Any objection to the --
2 MR. BALDWIN: No objection,
3 Mr. Chairman.

4 THE CHAIRMAN: Okay. We'll
5 continue with the -- is that the extent of
6 the verification?

7 MR. COPPOLA: No. If I just
8 may finish?

9 Mr. Maxson, are these exhibits
10 true and accurate to the best of your
11 knowledge?

12 THE WITNESS (Maxson): Yes,
13 they are.

14 MR. COPPOLA: And do you offer
15 these exhibits as your testimony here today?

16 THE WITNESS (Maxson): Yes, I
17 do.

18 MR. COPPOLA: And do you offer
19 these as full exhibits?

20 THE WITNESS (Maxson): Yes, I
21 do.

22 MR. COPPOLA: Thank you very
23 much.

24 If I may proceed with
25 Mr. Subbloie?

1 expert for the Town of Marlborough in Docket
2 169 before this Council, Mr. Baldwin, on
3 behalf of the same Applicant, then known as
4 Bell Atlantic Mobile, submitted dominant
5 server maps with no claim of propriety of the
6 dominant server maps at that time. I do not
7 see any reason today to claim that dominant
8 server maps are proprietary.

9 And that concludes my addendum
10 to my report. Thank you.

11 THE CHAIRMAN: I assume you
12 have that in writing so we can all have
13 copies of that? It's a little -- a little
14 bit difficult to just absorb -- I mean,
15 usually we have minor corrections or
16 additions. It was quite an addendum you've
17 just provided us, and I think it would
18 probably just help us, as well as the
19 parties, to have that in writing.

20 Do you have that?

21 THE WITNESS (Maxson): I have
22 it in handwriting. It will be on the
23 transcript. I will be happy to transcribe it
24 to hard copy and submit it to the Council.

25 THE CHAIRMAN: Okay.

1 THE CHAIRMAN: Yes.

2 MR. COPPOLA: Please state
3 your name for the record?

4 THE WITNESS (Subbloie):
5 Albert Subbloie.

6 MR. COPPOLA: Could you also
7 please state your address?

8 THE WITNESS (Subbloie): It's
9 908 Rainbow Trail, Orange, Connecticut.

10 MR. COPPOLA: And,
11 Mr. Subbloie, did you assist in and/or
12 prepare the document that's been submitted as
13 your prefile testimony, dated September 12,
14 2014?

15 THE WITNESS (Subbloie): Yes,
16 I did.

17 MR. COPPOLA: Is it your
18 understanding that that document has been
19 noticed in the hearing program as Roman
20 numeral III, Subsection B, Number 7?

21 THE WITNESS (Subbloie): Yes;
22 that's correct.

23 MR. COPPOLA: Do you have any
24 additions, clarifications, deletions or
25 modifications to that document?

1 THE WITNESS (Subbloie): No, I
 2 don't.
 3 MR. COPPOLA: And is that
 4 exhibit true and accurate to the best of your
 5 knowledge?
 6 THE WITNESS (Subbloie): Yes,
 7 it is.
 8 MR. COPPOLA: And do you offer
 9 that exhibit as your testimony here today?
 10 THE WITNESS (Subbloie): I do.
 11 MR. COPPOLA: And do you offer
 12 that exhibit as a full exhibit?
 13 THE WITNESS (Subbloie): I do.
 14 MR. COPPOLA: Thank you very
 15 much.
 16 If I may now proceed with
 17 Mr. Glenn MacInnes?
 18 Please state your name for the
 19 record.
 20 THE WITNESS (G. MacInnes):
 21 Glenn MacInnes.
 22 MR. COPPOLA: And your
 23 address?
 24 THE WITNESS (G. MacInnes):
 25 It's 905 Rainbow Trail.

1 THE WITNESS (G. MacInnes): I
 2 do.
 3 MR. COPPOLA: And do you offer
 4 that document as a full exhibit?
 5 THE WITNESS (G. MacInnes):
 6 Yes.
 7 MR. COPPOLA: Thank you very
 8 much.
 9 If I may, Mr. Chairman,
 10 proceed with Ms. Jill MacInnes?
 11 Please state your name for the
 12 record.
 13 THE WITNESS (J. MacInnes):
 14 Jill MacInnes.
 15 MR. COPPOLA: Your address?
 16 THE WITNESS (J. MacInnes):
 17 It's 905 Rainbow Trail.
 18 MR. COPPOLA: Ms. MacInnes,
 19 did you prepare or assist in the preparation
 20 of the document that is titled, "Prefile
 21 Testimony of Jill MacInnes, dated September
 22 12, 2014"?
 23 THE WITNESS (J. MacInnes):
 24 Yes, I did.
 25 MR. COPPOLA: And is that

1 MR. COPPOLA: Mr. MacInnes,
 2 did you prepare or assist in the preparation
 3 of the document that is titled, "Prefile
 4 Testimony of Glenn MacInnes, dated September
 5 12, 2014"?
 6 THE WITNESS (G. MacInnes):
 7 Yes, I did.
 8 MR. COPPOLA: Is it your
 9 understanding that that item has been noticed
 10 in the hearing program as Roman numeral III,
 11 Subsection B, Number 8?
 12 THE WITNESS (G. MacInnes):
 13 Yes.
 14 MR. COPPOLA: Do you have any
 15 additions, clarifications, deletions or
 16 modifications to that document?
 17 THE WITNESS (G. MacInnes):
 18 No, I don't.
 19 MR. COPPOLA: And is that
 20 exhibit true and accurate to the best of your
 21 knowledge?
 22 THE WITNESS (G. MacInnes):
 23 Yes, it is.
 24 MR. COPPOLA: And do you offer
 25 that exhibit as your testimony here today?

1 document noticed in the hearing program as
 2 Roman numeral III, Subsection B, Number 10?
 3 THE WITNESS (J. MacInnes):
 4 Yes.
 5 MR. COPPOLA: Do you have any
 6 additions, clarifications, deletions or
 7 modifications to that document?
 8 THE WITNESS (J. MacInnes):
 9 No, I don't.
 10 MR. COPPOLA: Is that exhibit
 11 true and accurate to the best of your
 12 knowledge?
 13 THE WITNESS (J. MacInnes):
 14 Yes, it is.
 15 MR. COPPOLA: And do you offer
 16 that exhibit as your testimony here today?
 17 THE WITNESS (J. MacInnes):
 18 Yes, I do.
 19 MR. COPPOLA: And do you offer
 20 that document as a full exhibit?
 21 THE WITNESS (J. MacInnes):
 22 Yes, I do.
 23 MR. COPPOLA: Thank you very
 24 much, Mr. Chairman. That is all the
 25 questions I have for verification of my

1 Intervenor.
 2 THE CHAIRMAN: Is there any
 3 objection to these exhibits?
 4 MR. BALDWIN: No objection,
 5 Mr. Chairman.
 6 I would just note for the
 7 record that there are still the -- I guess we
 8 have to wait for Ms. Barbara to appear before
 9 we can verify her exhibit. So as of right
 10 now I have nine exhibits; is that correct?
 11 THE CHAIRMAN: I believe
 12 that's correct. Yes, sir.
 13 MR. BALDWIN: Thank you. I
 14 have no objection to the exhibits as
 15 admitted.
 16 THE CHAIRMAN: And also we
 17 don't have the prefile testimony from Senator
 18 Slossberg, so we'll have to wait until the
 19 Senator arrives. But the exhibits that have
 20 been verified, we'll admit into the record.
 21 (Intervenors' Exhibits
 22 III-B-1, 4 through 8 and 10: Received in
 23 evidence - described in index.)
 24 THE CHAIRMAN: And we'll now
 25 start with the cross-examination by staff.

1 gave you that map there. Okay.
 2 MR. COPPOLA: Mr. Mercier, if
 3 I may just interject, most municipalities do
 4 have a GRS system that allows them to take
 5 those types of measurements.
 6 MR. MERCIER: Okay.
 7 THE WITNESS (J. MacInnes):
 8 And it was computerized. It was a
 9 computerized measurement.
 10 THE CHAIRMAN: I believe it's
 11 GIS.
 12 MR. COPPOLA: GIS. I'm sorry.
 13 I misspoke.
 14 MR. MERCIER: And did you
 15 perform any measurements of your own, say
 16 with any type of on-line mapping or Google
 17 Earth application, anything of that nature?
 18 THE WITNESS (G. MacInnes):
 19 Early on in the application process, I did a
 20 map, but it was hard to do, you know, it was
 21 with Google Earth, something like that, and
 22 it came out fairly close to where the town --
 23 in the original application there was
 24 reference to the nearest property being 850
 25 feet away being Steven Bespuda's property.

1 Mr. Mercier?
 2 MR. MERCIER: Thank you.
 3 Mr. and Mrs. MacInnes, I just
 4 have a quick question regarding your prefile
 5 testimony that's on page 1. It basically
 6 states that the Town of Orange provided you
 7 with some distances. I believe you listed
 8 578 feet from your property line to the tower
 9 and another number for the dwelling. Do you
 10 have any maps that show that actual
 11 measurement?
 12 THE WITNESS (G. MacInnes): I
 13 believe they did it with a laser or something
 14 like that. This is the actual document they
 15 gave us.
 16 MR. MERCIER: Okay.
 17 THE WITNESS (G. MacInnes): So
 18 they have a way of measuring with the laser
 19 thing the property lines.
 20 MR. MERCIER: So you relied on
 21 a map. Did you actually measure it, or the
 22 town measured it for you?
 23 THE WITNESS (G. MacInnes):
 24 The town.
 25 MR. MERCIER: Okay. And they

1 That was totally incorrect.
 2 MR. MERCIER: Regarding your
 3 property line, in the aerial photography in
 4 the application, there appears to be a gas
 5 line just south of your house. Is that gas
 6 line on your property?
 7 THE WITNESS (G. MacInnes): I
 8 believe that's between my property and the
 9 farm.
 10 MR. MERCIER: Okay.
 11 So it forms a boundary?
 12 THE WITNESS (G. MacInnes):
 13 Yes.
 14 MR. MERCIER: Verizon did a
 15 balloon fly on July 17th, that was their
 16 initial Council field review, and again on
 17 August 29th. Did you have the opportunity to
 18 be at home that day to try to look at the
 19 balloons?
 20 THE WITNESS (G. MacInnes): I
 21 did.
 22 MR. MERCIER: And did you see
 23 any balloons above the trees?
 24 THE WITNESS (G. MacInnes): I
 25 did. I saw balloons through the trees, which

1 I have pictures of. But as importantly, and
2 because I think this goes to -- if I can take
3 a minute -- this goes to the way the process
4 has gone along. They were supposed to be
5 there at 8:30, didn't show up till nine
6 o'clock, actually had flown a white balloon
7 on a blue sky with clouds, and then two red
8 balloons. By the time they changed it out to
9 black, which probably would have been more
10 appropriate, it was 9:30, all very casual.

11 MR. MERCIER: Okay.

12 Well, again, you saw the
13 balloons through the trees. Did you submit
14 any photographs of that for any exhibits to
15 date?

16 THE WITNESS (G. MacInnes):
17 No. I have them here. And this is from my
18 kitchen window. And this was with full
19 foliage, which has been my point all along.
20 All the balloon studies that I've been aware
21 of have been done with full foliage.

22 MR. MERCIER: It's possible we
23 have a copy of the balloon fly photos on
24 their property. Is that something the
25 Council would like?

1 MR. MERCIER: Okay. What
2 color balloons did you actually see during
3 the balloon fly?

4 THE WITNESS (G. MacInnes): I
5 have pictures here of the two red balloons.

6 MR. MERCIER: Okay.

7 THE CHAIRMAN: Was it a black
8 balloon, a white balloon, and two red
9 balloons?

10 THE WITNESS (G. MacInnes):
11 Mr. Chairman, I didn't stay for the black
12 balloon, again, because --

13 THE WITNESS (J. MacInnes): I
14 was there.

15 THE WITNESS (G. MacInnes): --
16 it just seemed to me the process was all on
17 that side. Whenever they were ready, I was
18 to be ready.

19 THE CHAIRMAN: Okay. But you
20 have photos?

21 THE WITNESS (G. MacInnes): I
22 have photos of the red balloons through my
23 kitchen window, which is --

24 THE CHAIRMAN: You've told us
25 a date. Are you prepared to submit those?

1 THE CHAIRMAN: We can accept,
2 yes.

3 MR. BALDWIN: Mr. Chairman,
4 can I just get some clarification? I heard
5 Mr. Mercier talking about a couple of
6 different dates. I wanted to make sure that
7 you were referring to the same dates. The
8 most recent balloon float that the Applicant
9 did -- because I think the balloon float that
10 Mr. MacInnes is talking about, I'm not sure
11 that it's the same balloon float that Mr.
12 Mercier was talking about.

13 MR. MERCIER: Thank you.
14 Can you please just clarify
15 the date of the photos?

16 THE WITNESS (J. MacInnes):
17 The August 29th date, that Friday was the day
18 when they flew the white balloon against the
19 sky, which was hard to distinguish from
20 anywhere because it was white. And then they
21 returned back to the site after we were upset
22 by the white balloon and changed the white
23 balloon to a black balloon, so which was
24 easily visible by many residents and also
25 from our home.

1 Do you want to submit these for the Council?

2 THE WITNESS (G. MacInnes): I
3 can submit them. Currently I have copies.

4 THE CHAIRMAN: Is there any
5 objection by Attorney Baldwin?

6 MR. BALDWIN: Could I see them
7 first, Mr. Chairman?

8 THE CHAIRMAN: Show them to
9 Attorney Baldwin.

10 THE WITNESS (G. MacInnes):
11 There's actually three sets. There's three
12 pictures, three sets.

13 MR. BALDWIN: I have no
14 objection, Mr. Chairman. If we could just
15 get copies of these, I'd appreciate it?

16 THE CHAIRMAN: Okay, yes. We
17 could get copies also for the Applicant. And
18 I'll accept those photos for what they're
19 worth. Thank you.

20 Please continue, Mr. Mercier.

21 MR. MERCIER: Thank you.
22 Just for a point of

23 clarification, have you seen Verizon's
24 visibility analysis as a result of the August
25 29th balloon fly? It's a document dated

1 September 9th.
2 THE WITNESS (G. MacInnes): I
3 did.
4 MR. MERCIER: Okay. If you'd
5 please turn to page -- excuse me, Photo 7?
6 MR. COPPOLA: Which page?
7 MR. MERCIER: It's Photo 7 of
8 the photos attached to the back.
9 THE WITNESS (G. MacInnes):
10 Okay.
11 MR. MERCIER: I just want to
12 verify if this is a picture down your
13 driveway, if this is your address?
14 THE WITNESS (G. MacInnes):
15 That is my address.
16 MR. MERCIER: And that's 905?
17 THE WITNESS (G. MacInnes):
18 It's 905.
19 MR. MERCIER: I just wanted to
20 verify that. Thank you.
21 Mr. Maxson, I have some
22 questions regarding your report. Just for
23 point of clarification, on page 4 in the
24 paragraph above the chart, third sentence
25 from the end, talking about the highlighted

1 not.
2 MR. MERCIER: For the 700
3 megahertz?
4 THE WITNESS (Maxson): That is
5 correct, I do not. And my reasoning is that
6 the 2100 megahertz service is specifically
7 installed to increase the network's capacity
8 for all subscribers. Without including 2100
9 megahertz loading in conjunction with 700
10 megahertz loading, the fact that 700
11 megahertz is showing an exhaustion date in
12 the next year or two, is not substantive.
13 MR. MERCIER: Okay.
14 So, in their charts, they do
15 show the deployment of a 2100 megahertz
16 system on, let me see, three of the sectors
17 that are exhausting?
18 THE WITNESS (Maxson): Yes.
19 MR. MERCIER: Okay.
20 But upon your review, it's my
21 understanding you believe that by deploying
22 that it will relieve capacity off the 700
23 systems?
24 THE WITNESS (Maxson): I'm
25 sorry. Did you say three of the 2100

1 green below, Derby North Gamma sector, and
2 you're referring to the highlight as in the
3 table; however, the highlight in the table is
4 Derby North Beta. Can you clarify which one
5 you intend to have highlighted?
6 THE WITNESS (Maxson): Thanks
7 for catching that. As you might expect, all
8 of these different Derby-named facilities and
9 all these alpha, betas and gammas do
10 sometimes merge in one's mind when putting
11 together written materials. Indeed the table
12 is correct, and the sentence that you cited
13 should say that the sector highlighted in
14 green is Derby North Beta.
15 MR. MERCIER: Thank you.
16 Now, I understand, according
17 to your opening statement, you reviewed
18 Verizon's latest data that was submitted.
19 Now, based on your review, do
20 you believe Verizon has a capacity
21 overloading issue with the four sectors in
22 the 700 megahertz network, four sectors that
23 were identified that is exhausting by mid
24 2016; would you agree with their claim?
25 THE WITNESS (Maxson): I do

1 megahertz systems are exhausting?
2 MR. MERCIER: No, I did not.
3 I said three 700 megahertz systems are
4 exhausting, according to the chart.
5 If those three sectors
6 identified in this chart, if they deployed
7 2100 megahertz equipment, so I just want to
8 understand basically what you're stating is
9 that by deploying the 2100 megahertz system,
10 their 700 will not exhaust as quickly as it's
11 showing; is that correct?
12 THE WITNESS (Maxson): That's
13 correct. Once the 2100 megahertz system is
14 deployed and functioning properly, its
15 purpose is to relieve the capacity needs of
16 that sector, and that's where customers will
17 be diverted when the 700 megahertz component
18 of that sector is busy.
19 MR. MERCIER: I believe on
20 page 15 you say that the 700 megahertz system
21 is the base of the LTE network. So I just
22 want to know what you mean by that actual
23 statement that it's the base of the network?
24 THE WITNESS (Maxson): I
25 apologize. I'm looking for a footnote where

1 I refer to some FCC remarks about the use of
2 higher frequencies as capacity overlay, and I
3 think it was in that context that I was
4 referring to the 700 as the base. That's
5 what they install first. It has the better
6 coverage of the two frequencies; it
7 establishes the service area of a given
8 sector. And for those reasons I call it the
9 base.

10 MR. MERCIER: Okay.

11 Well, the 700 megahertz system
12 serves certain areas a 2100 system can't?

13 THE WITNESS (Maxson): From
14 the same sector, it is almost a 100 percent
15 given that 700 megahertz will penetrate
16 vegetation better than 2100 megahertz. So
17 there may be locations where the 700
18 megahertz signal is adequate and the 2100
19 megahertz signal is not adequate, and that
20 would be at what's called the cell edge.

21 MR. MERCIER: Is it possible
22 to overload the cell edge where the 2100
23 megahertz system can't operate?

24 THE WITNESS (Maxson): Well,
25 it's the sector that would be overloaded. So

1 22, 19.

2 MR. MERCIER: And in general,
3 you do show some hatching on all of those
4 figures, all those maps.

5 Now, by showing the hatching,
6 are you stating this is where a Verizon
7 customer will be -- assuming the Orange North
8 facility was constructed, the proposed site
9 here, a Verizon customer would be transferred
10 to the Orange North facility, is that what
11 your diagram is showing? For instance,
12 Figure 6, showing some blue hatching from
13 Milford Northeast, I'm assuming you're trying
14 to depict that hatched area that was
15 previously served by Milford Northeast but
16 now will be served by the new Orange site; is
17 that what your mapping is?

18 THE WITNESS (Maxson): That's
19 correct. In the context of this being the
20 most likely server map, I'm highlighting the
21 areas where there are small patches of
22 territory, small irregular patches of
23 territory, where the Orange North facility
24 might indeed replace a particular identified
25 facility as the most likely server.

1 I think, if I understand the question
2 correctly, if I had an office park that was
3 at the cell edge and not getting 2100
4 megahertz very well, I would want to either
5 put a full cell site near the office park to
6 offload capacity, or I might put a small cell
7 with 2100 megahertz and/or 700 megahertz in
8 that edge.

9 So there could be
10 circumstances where there's enough demand at
11 the cell edge that the 2100 megahertz
12 relieving capacity in the rest of the cell is
13 not enough, but under most circumstances 2100
14 megahertz coverage covers the majority of the
15 same cell as the 700 megahertz. So you can
16 offload 700 megahertz of capacity at 2100
17 megahertz near the facility in order to make
18 700 megahertz available to people on the edge
19 who don't have access to 2100.

20 MR. MERCIER: Thank you.

21 I just have a question
22 regarding your maps in Sections 10, 11, 12
23 and 13. Those are on pages -- let's see
24 here.

25 THE WITNESS (Maxson): 20, 21,

1 MR. MERCIER: In Section 11,
2 that's Figure 7 on page 20, the paragraph
3 after the actual figure, and it talks about,
4 you know, your hatched area totals about 35
5 acres, approximately half of which is river
6 and wooded open space. I didn't see that
7 amount of detail for the previous one in
8 Section 10. Did you do any type of
9 quantitative or size of the area that you're
10 showing hatched?

11 THE WITNESS (Maxson): I do
12 not recall doing it on the -- Figure 6 is the
13 one you're asking about.

14 MR. MERCIER: Yes. That's
15 correct.

16 THE WITNESS (Maxson): And I
17 would be happy to do so, if that's something
18 that is important to the Council.

19 MR. MERCIER: I was just
20 wondering if it was in there. Thank you.

21 Now, in regard to your most
22 likely server mapping, is there any other
23 information that Verizon could have provided
24 to you to fine tune or create a more accurate
25 most likely server map than what you

1 presented here?
2 THE WITNESS (Maxson): The
3 only, I think, minor issue is the
4 establishment of a threshold for most likely
5 server mapping. Generally we do not use the
6 same threshold for most likely server mapping
7 as we use for coverage mapping. If the
8 Applicant were to have revealed its Link
9 budget for LTE 700 megahertz coverage and
10 likewise for 2100 megahertz coverage, I could
11 refine the threshold.

12 And, for instance, in Figure 7
13 you see some little areas of white. Those
14 might be slightly larger or slightly smaller
15 with a different threshold. But other than
16 that, I think the basic information that we
17 received regarding the antennas and the
18 orientations and the power levels and those
19 sorts of things were sufficient for us to do
20 the most likely server mapping that we did.

21 MR. MERCIER: Do you need
22 Verizon's dominant server information to
23 create any refinements to this map?

24 THE WITNESS (Maxson): I do
25 not. I think the Council would benefit from

1 a great question. Within the area encircled
2 by the cell sites, the six cell sites with
3 the eight sectors in question all pointed in
4 the direction of Northern Orange and Southern
5 Derby, that is a reasonable representation of
6 the most likely server. When you get out to
7 the fringes, for instance, to the northwest
8 of Shelton and Derby, I may be showing
9 coverage that comes from Derby Gamma that
10 would, in fact, be replaced by coverage from
11 yet another cell site farther away, but I
12 don't expect any of those cell sites farther
13 away would have any material impact on most
14 likely server performance within the subject
15 area of the Orange North facility.

16 DR. BELL: Thank you. That's
17 my question, Mr. Chairman.

18 THE CHAIRMAN: Thank you.
19 Mr. Ashton?

20 MR. ASHTON: Thank you.
21 Having just received some of
22 the testimony this morning, I'm scrambling to
23 try to read it and digest it.

24 Is it fair to say -- to the
25 MacInneses -- that your testimony is exact,

1 seeing Verizon's most likely server
2 information, which I think would very likely
3 confirm what my analysis shows, not exactly
4 the same, but I would expect it to be very
5 close.

6 MR. MERCIER: Thank you. I
7 have no further questions at this time.

8 THE CHAIRMAN: Thank you.
9 We'll now continue with
10 cross-examination by the Council.

11 Vice Chairman?

12 THE VICE CHAIRMAN: I have no
13 questions at this time, Mr. Chairman.

14 THE CHAIRMAN: Dr. Bell?

15 DR. BELL: Thank you,
16 Mr. Chair. I just have a question of
17 Mr. Maxson.

18 Is it your intention that the
19 mapping that you've provided in your report
20 that we've just been discussing can be made
21 independent of your knowledge of other
22 Verizon towers in the general area wider than
23 the area where you have the specific
24 information?

25 THE WITNESS (Maxson): That's

1 you and your wife, the substance is exactly
2 the same, so if I address one, I don't have
3 to address the other?

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

6 MR. ASHTON: At the back of
7 the testimony you make recommendations. And
8 this is on page 9, the answer to Question 11.
9 I'd like to explore those a little bit, if I
10 can. You suggest moving the tower closer to
11 the Bepuda property, but you don't say how
12 much. How much closer are you talking about?

13 THE WITNESS (G. MacInnes): I
14 mean, we're making those recommendations with
15 an eye toward the tower currently being 578
16 feet from my property, and he's got a 34.6
17 acre farm to position the tower.

18 MR. ASHTON: I'm familiar with
19 the property, and I've been there, but I'm
20 looking to quantify what you've got written
21 there as an objective.

22 THE WITNESS (G. MacInnes):
23 Right. I think we're in a 200 to 300-foot
24 range toward his farm, the farm buildings.

25 MR. ASHTON: All right.

1 The next one is: "Any
2 generator used by Cellco, or any future
3 telecommunications company, cannot use any
4 liquid fuel source." Why?
5 THE WITNESS (G. MacInnes): I
6 think we worry about the environment, and we
7 worry about the wetlands. There's been a lot
8 of discussion about that.
9 MR. ASHTON: Do you drive a
10 car? I'm not being smart.
11 THE WITNESS (G. MacInnes): I
12 do.
13 MR. ASHTON: And how many --
14 is your fuel tank on that car double
15 bottomed?
16 THE WITNESS (G. MacInnes): I
17 don't know.
18 MR. ASHTON: Would you accept
19 the fact that it's not?
20 THE WITNESS (G. MacInnes): I
21 would.
22 MR. ASHTON: And you don't
23 consider that a hazard to the environment?
24 THE WITNESS (G. MacInnes): I
25 haven't had that hazard --

1 THE WITNESS (G. MacInnes):
2 Decibel, right.
3 MR. ASHTON: Do you have any
4 quantitative figure for that?
5 THE WITNESS (G. MacInnes): I
6 don't. Again, I --
7 MR. ASHTON: Would you accept
8 a figure that might be consistent with the
9 zoning law as being acceptable?
10 THE WITNESS (G. MacInnes):
11 Again, in the context of the site being 578
12 feet from my property.
13 THE WITNESS (J. MacInnes): If
14 I could just say --
15 MR. ASHTON: Whether it is or
16 not --
17 THE WITNESS (G. MacInnes): I
18 hear it. I hear it.
19 THE WITNESS (J. MacInnes): If
20 I can just speak for one moment? Since I'm
21 the home dweller and I am home more of the
22 time than Glenn is, I can only tell you that,
23 without refoilage, sound tends to vibrate
24 around like a valley area there. So the
25 sound of anything in the trees or around the

1 MR. ASHTON: I'm sorry?
2 THE WITNESS (G. MacInnes):
3 This is industrial -- this is an industrial
4 generator with gasoline.
5 MR. ASHTON: Industrial,
6 commercial or residential, what's the
7 difference in terms of a hazard?
8 THE WITNESS (G. MacInnes):
9 Right. I don't think I'm driving through
10 wetlands and protected property with species
11 or farmlands with my car, and I think there's
12 a difference between a spill on 95 and in the
13 middle of wetlands. I would say that's a
14 difference.
15 MR. ASHTON: I don't want to
16 get into an argument here.
17 THE WITNESS (G. MacInnes):
18 I'm not arguing.
19 MR. ASHTON: I would suggest
20 that there's a little difference.
21 "Equipment shed must be
22 soundproof." Now, normally things are not
23 100 percent soundproof. They have a dB
24 rating. do you know what I'm talking about,
25 a decibel rating?

1 farm, tractors, anything like that, is very
2 obvious when there is no leaf foliage. So
3 any kind of machinery that would be near this
4 tower is going to affect us from a sound
5 perspective. We're going to hear it. And
6 that is why we were looking for
7 soundproofing. It is definitely -- there's
8 also the construction noise that's going to
9 take place which is going to be terrible,
10 trucks going in, cement being powered. I
11 mean, the sound will really be extremely
12 disruptive to the residents who live there.
13 There's no doubt about it.
14 MR. ASHTON: You have no
15 quantitative figures though?
16 THE WITNESS (J. MacInnes): I
17 do not.
18 MR. ASHTON: Okay.
19 This is Number E, as in
20 Edward, "Cellco is required to construct a
21 special dry well to absorb the rainwater
22 runoff that will be increased due to the
23 added surface area."
24 Are you looking for a flood
25 protection type of scheme, is that what it

1 is?
 2 THE WITNESS (G. MacInnes):
 3 That is part of it, and part of it's just to
 4 protect the water since they're building a
 5 base. Whereas the water used to land there
 6 and be absorbed into the ground, now it's
 7 running off. So there needs to be the
 8 appropriate measure to allow for rain to run
 9 off.
 10 MR. ASHTON: I don't recall
 11 the specific details here, but let's assume
 12 for argument's sake that you're talking about
 13 a 100-by-100 fenced area, which is generous
 14 from my experience.
 15 THE WITNESS (G. MacInnes):
 16 Right.
 17 MR. ASHTON: That's 10,000
 18 square feet of which typically the vast
 19 majority is pervious, is crushed stone. Why
 20 would you require a special runoff
 21 consideration for something that's less,
 22 substantially less than 10,000 square feet
 23 that's pervious?
 24 THE WITNESS (G. MacInnes):
 25 It's less than what it is today. You're

1 which is the most -- the cheapest or most
 2 least expensive way to do it, or you can
 3 bring the tower or the panels in closer.
 4 MR. ASHTON: Well, in Item F
 5 you refer to the fact that antenna panels
 6 should be as close as possible.
 7 THE WITNESS (G. MacInnes):
 8 Right.
 9 MR. ASHTON: I'm trying to
 10 understand what the difference between F and
 11 G is.
 12 THE WITNESS (G. MacInnes):
 13 It's all related. You can also camouflage
 14 the pole. It doesn't have to be a bright
 15 color, it doesn't have to be -- it has to
 16 blend in --
 17 MR. ASHTON: So, arguendo, a
 18 brown pole would be, in your opinion,
 19 camouflaged?
 20 THE WITNESS (G. MacInnes):
 21 More camouflaged, yes.
 22 MR. ASHTON: Cellco is -- Item
 23 H, "Cellco is required to plant trees at
 24 least 40 feet tall." Isn't that a rather
 25 difficult phenomenon? Are you aware of any

1 taking farmland, and you're putting an
 2 industrial generator and industrial equipment
 3 on a farmland near residences.
 4 MR. ASHTON: But doesn't
 5 runoff transcend classification, residential,
 6 industrial or commercial? For example, a
 7 residential home has, in many cases, 5,000 or
 8 6,000 square feet of driveway, which is
 9 absolutely impervious, plus the projection of
 10 the house which may be another couple
 11 thousand square feet. Does that warrant a
 12 special flood protection device on that one
 13 property?
 14 THE WITNESS (G. MacInnes):
 15 No. But I have such a property; I have
 16 allowed for the appropriate drain-off of
 17 water.
 18 MR. ASHTON: Thank you.
 19 The cell tower -- Number G,
 20 "The cell tower should be state-of-the-art
 21 camouflaged." What do you define as that?
 22 THE WITNESS (G. MacInnes):
 23 Well, you have options in building -- and I'm
 24 not a technologist, but you can build a
 25 monopole, and you can extend the antennas,

1 landscaping where people plant 40-foot high
 2 trees?
 3 THE WITNESS (G. MacInnes): I
 4 am not specifically aware. I'm trying to
 5 protect my property.
 6 MR. ASHTON: I understand. I
 7 understand where you're coming from.
 8 THE WITNESS (G. MacInnes):
 9 And these are designs, as a citizen, that I'm
 10 trying to recommend. All right?
 11 Now, I made a lot of
 12 recommendations, and I've had a lot of
 13 conversations to try to find a middle ground
 14 with the farmer, and now here we are -- so
 15 these are my recommendations. These are
 16 mine. You don't have to sign up for them.
 17 MR. ASHTON: I'm not arguing.
 18 THE WITNESS (G. MacInnes):
 19 And maybe that there is no such thing as a
 20 40-foot tree. I'm trying to protect the
 21 visibility of my property. The whole back of
 22 my house looks right at the cell phone tower,
 23 right at it. If you can't see it on those
 24 pictures, I'll highlight it for you, but it
 25 looks right at it. I have a big picture

1 window in the back. Anything I can do,
2 whether it's camouflage, antenna span, trees,
3 I'm trying to protect the value of my
4 property.

5 THE WITNESS (J. MacInnes):
6 And what we have to look at every single
7 morning when we wake up, and that is going to
8 be the focal point. We have a beautiful
9 living room with a beautiful picture window,
10 and during the months of the year when there
11 are no leaves, every single person who enters
12 our home is going to see a cell phone tower.
13 I can't imagine that there's anyone in this
14 room that would want that for themselves. I
15 can't. I can't imagine that.

16 THE WITNESS (G. MacInnes): We
17 are spending -- we're going to spend time
18 talking about 40-foot trees when the elephant
19 in the room, to me, as a citizen again and as
20 an intervenor, is whether the tower is really
21 needed. The initial application from May
22 13th, whenever it was filed, May 23rd, was
23 based on coverage, and it mentioned capacity,
24 but all the maps were coverage maps. And
25 then, when we had the first hearing, it felt

1 MR. ASHTON: We have a
2 difference of opinion.

3 THE WITNESS (G. MacInnes): If
4 you want to camouflage the tower, you can do
5 things such as make it look like a silo.
6 We're near a farm.

7 MR. ASHTON: Okay. I'm not
8 going to go any further down that road, but
9 thank you for your answers.

10 Mr. Maxson, why do you think
11 that there is a proposal before the house
12 from Verizon for a cell tower in this
13 location?

14 THE WITNESS (Maxson): I would
15 recommend to you a book entitled, "The
16 Abilene Paradox." It describes pretty
17 clearly the psychology of groups. And what I
18 see on occasion is an application for a
19 wireless facility that's really unnecessary.
20 It goes through the entire process, and no
21 one is willing to say oops we made a mistake,
22 and they continue to pursue an application
23 for a facility that's unnecessary.

24 MR. ASHTON: So, as I
25 understand what you're saying, you think that

1 like, well, that's not going to work, let's
2 default to capacity, and that conversation
3 happened.

4 So it's a little too loose and
5 easy for me, and I'm saying this with
6 respect, that the Applicant can keep changing
7 the story and has not answered the questions,
8 the basic questions, of whether the tower is
9 needed. This is my property. This is my
10 neighborhood. This is where I live, and they
11 are very loose with the facts and very eager
12 just to put it up. What you're seeing now,
13 in my view, is backtracking. They can't win
14 on coverage. They can't win on capacity.
15 They're trying to make an argument out of
16 nothing.

17 MR. ASHTON: No one is denying
18 your right to express your opinion as a
19 property owner. What I'm trying to do is
20 find out what you mean by some use of
21 nonspecific language in your recommendation.
22 It's as simple as that.

23 THE WITNESS (G. MacInnes): I
24 think it's fairly specific. Plant 40-foot
25 trees.

1 this started out as a mistake and it's been
2 perpetuated internally as a mistake because
3 someone is reluctant to say we really don't
4 need it; is that fair to say?

5 THE WITNESS (Maxson): Yes.

6 MR. ASHTON: And that's true
7 even if it's in the order of magnitude of a
8 half-million-dollar expenditure?

9 THE WITNESS (Maxson): The
10 size of the expenditure doesn't matter. In
11 the book "The Abilene Paradox" the author
12 talks about these kinds of group errors that
13 are made by major multinational corporations.

14 MR. ASHTON: What do you think
15 with regard to the book? What's your
16 opinion?

17 THE WITNESS (Maxson): I'm
18 sorry, my opinion about?

19 MR. ASHTON: What we've been
20 talking about. You're quoting a book to me.
21 I'm looking for David Maxson's opinion.

22 THE WITNESS (Maxson): It's my
23 opinion that this group of people who have
24 put together this tower proposal who
25 identified this search ring used the wrong

1 methodology to identify the search ring, and
 2 now they're defending it. They're using
 3 coverage analysis to defend a capacity
 4 argument.
 5 MR. ASHTON: Thank you.
 6 Nothing further.
 7 THE CHAIRMAN: Thank you.
 8 MR. COPPOLA: Mr. Chairman, if
 9 I could just address, the Commissioner had
 10 some questions of one of the Intervenors.
 11 Just to clarify, in fairness to my clients,
 12 you know, they've tried to give what is their
 13 opinion of the application and suggestions as
 14 to how they think it could be improved.
 15 Certainly they're by no means experts in
 16 certain areas such as, you know, Mr. MacInnes
 17 is not an arborist nor an expert in designing
 18 these type of facilities. And I understand
 19 the Commissioner's desire to try to
 20 understand what their suggestions were. So
 21 just so you understand --
 22 MR. ASHTON: Absolutely, I
 23 understand, but the recommendations were not
 24 specific, and I tried to draw specificity out
 25 of them. I didn't ask what their background

1 and forth.
 2 MR. ASHTON: I understand
 3 that.
 4 MR. COPPOLA: And certainly
 5 we're all trying to make an effort here to
 6 make recommendations and make even more clear
 7 with testimony.
 8 MR. ASHTON: I don't know
 9 where we're going with this, but --
 10 MR. COPPOLA: I just wanted to
 11 address the point. Thank you.
 12 THE CHAIRMAN: Yes.
 13 MR. LYNCH: Mr. Coppola, can
 14 you speak up a little bit? I'm sitting right
 15 on top of you, and I can barely hear you.
 16 MR. COPPOLA: Of course.
 17 THE CHAIRMAN: We'll now go to
 18 Mr. Hannon.
 19 MR. HANNON: Thank you, Mr.
 20 Chair. I just have a couple of questions
 21 sort of along the same lines as Mr. Ashton
 22 said.
 23 I'm just trying to get a
 24 clarification so that I have a better
 25 understanding of a couple of the issues that

1 was. I could have.
 2 MR. COPPOLA: I understand
 3 what you were trying to do, and I just wanted
 4 to address --
 5 MR. ASHTON: There's no
 6 argument on my part.
 7 MR. COPPOLA: No, I know. I
 8 just wanted to address the issue that
 9 certainly it's something that my clients are
 10 sensitive about because they're trying to
 11 make their reasonable best efforts to be
 12 helpful, and I just wanted to be clear to you
 13 that that's what was aimed at by filing this
 14 testimony. And I understand where you were
 15 going.
 16 MR. ASHTON: They can file any
 17 testimony they want. That's their privilege.
 18 They are property owners. They claim, and I
 19 have no reason to doubt it, that they look
 20 out on this proposed facility. My
 21 questioning was solely on the wording that
 22 was used in the recommendations to derive a
 23 little more specificity, period.
 24 MR. COPPOLA: I understand
 25 that. And I just wanted to address that back

1 you raised about your concerns on the
 2 application. And I'm not sure that I fully
 3 understand what you mean by Number 5.
 4 "Imbalanced cost to benefit ratio between the
 5 claimed potential benefit of the radio
 6 frequency coverage that will allegedly be
 7 realized by the proposed tower versus the
 8 negative environmental impacts." I'm not
 9 sure exactly what you mean, so if you can
 10 elaborate a little?
 11 MR. COPPOLA: Who's that
 12 directed to, Mr. Commissioner?
 13 MR. HANNON: Well, it's in the
 14 MacInnes testimony. And then I also believe
 15 it also ties in with Mr. --
 16 THE WITNESS (Subbloie): I'll
 17 take that one. I appreciate the question. I
 18 think the concept that we meant to talk about
 19 there was when putting in a cell tower,
 20 there's a reason why there's a committee
 21 here: There's a lot to be discussed.
 22 There's environmental risk, there's
 23 aesthetics, there's all kinds of issues that
 24 arise, and we're just weighing the fact that,
 25 if you look at David Maxson's report, it

1 doesn't appear there's a great value that's
2 going to come from this tower. And when we
3 weigh that up against the risks, the costs,
4 the noise, all the things that will impact
5 that we have outlaid here, we think it's
6 pretty imbalanced. That was what we meant by
7 that.

8 Had there been a huge need for
9 capacity in that region, a huge need, and
10 there were gaps and people, you know, major
11 gaps -- and again, we hired a third-party to
12 objectively evaluate this -- but that balance
13 may be different, but it feels like this is
14 pretty imbalanced to the cost to the
15 environment, to the people, all the elements
16 that we laid out. That's what we meant by
17 that point.

18 MR. HANNON: Then in Number 8
19 you talk about a clear violation of property
20 rights. Can you explain what those
21 properties rights are?

22 MR. COPPOLA: Excuse me. Did
23 you say page 8 or number 8?

24 MR. HANNON: Number 8, the
25 concerns that you have about the application.

1 backyard on a farm, and that's where that
2 came from, in my personal opinion.

3 THE VICE CHAIRMAN: The
4 restriction then is one way?

5 THE WITNESS (J. MacInnes):
6 I'm sorry?

7 THE VICE CHAIRMAN: The
8 restriction is one way?

9 THE WITNESS (G. MacInnes):
10 Yes, it is.

11 THE WITNESS (J. MacInnes):
12 Correct.

13 THE VICE CHAIRMAN: You can't,
14 but they can?

15 THE WITNESS (J. MacInnes):
16 That's correct.

17 THE WITNESS (G. MacInnes): We
18 have restrictions on our deed that prevent us
19 from doing simple things like putting up a
20 fence, putting up a shed, and they were all
21 imposed by the Bspudas. Now here I am 570
22 feet away from the cell phone tower.

23 MR. HANNON: And is your
24 property part of the subdivision, so there
25 were restrictive elements associated with the

1 Number 8 says, "clear violation of property
2 rights." I'm asking what property rights.

3 THE VICE CHAIRMAN: Part of
4 Question 5.

5 THE WITNESS (J. MacInnes): If
6 I can respond to that? I think what we are
7 doing here is we are referring to the signing
8 of our deed. When we purchased the property,
9 which was in August, was just a year ago, we
10 had -- a portion of the deed was
11 significantly about the beautification of our
12 neighborhood and certain elements that we
13 were not allowed to change the environmental
14 landscape that we were living on based on
15 preserving the beautification of our
16 neighborhood.

17 That included getting
18 permission to establish or put up a shed or a
19 fence of any type on our property. And when
20 we wrote this, we feel that we have clearly
21 been violated by having to sign a deed where
22 we could not change the beautification of the
23 neighborhood, yet the very person who sold
24 the property to the builder and made those
25 rules is now putting a cell tower in our

1 entire subdivision?

2 THE WITNESS (G. MacInnes):
3 No. As I understand it, only those
4 properties that about the farm had those
5 restrictions.

6 THE WITNESS (Subbloie): We
7 are across the street from that. I think
8 they were sold at a separate time.

9 THE WITNESS (G. MacInnes):
10 They were.

11 MR. COPPOLA: And by way of
12 clarification, those restrictions were
13 imposed, ironically, by Mr. Bspuda.

14 MR. BALDWIN: Mr. Chairman --
15 MR. COPPOLA: Just to address
16 a point, but to answer your question, but not
17 by the Town of Orange zoning regulations or
18 subdivision regulations, if that was the
19 question you were asking. I just wanted to
20 clarify that for you.

21 THE CHAIRMAN: Okay.
22 Attorney Baldwin.

23 MR. BALDWIN: I would like the
24 answers to come from the witnesses,
25 Mr. Chairman, and not from the attorney.

1 MR. COPPOLA: I'm just
 2 clarifying --
 3 MR. BALDWIN: He's not a
 4 witness in this proceeding.
 5 MR. COPPOLA: I'm just
 6 clarifying a point about the zoning
 7 regulations.
 8 THE CHAIRMAN: Okay. But I
 9 think for what's it's worth, I think we
 10 understand.
 11 Mr. Hannon, any other --
 12 MR. HANNON: I have no other
 13 questions at this time.
 14 THE CHAIRMAN: Mr. Lynch?
 15 MR. LYNCH: Not at this time,
 16 Mr. Chairman.
 17 THE CHAIRMAN: Dr. Klemens?
 18 DR. KLEMENS: Thank you.
 19 Thank you, Mr. Chairman. I have a few
 20 questions.
 21 I understand from the revised
 22 new visual report, which I imagine you've
 23 seen, that All Points Technology was given
 24 access to 908 Rainbow Trail, which I believe
 25 is the people to your left, Barbara and

1 an hour. They decided to fly -- who flies a
 2 white balloon? You can't see a white balloon
 3 on a blue and white sky. To me that was very
 4 insulting. And then they said we'll go back
 5 and change it. I've got to be honest with
 6 you, going through where I've been and
 7 everything I've seen --
 8 DR. KLEMENS: Sir, could you
 9 just answer my question? Did you or did you
 10 not --
 11 THE WITNESS (G. MacInnes): I
 12 am. Eventually I denied access to the
 13 property because of time.
 14 DR. KLEMENS: Thank you.
 15 Are you aware that there is a
 16 proposal to move the tower 150 feet further
 17 along the ridge toward the Bspuda Farm?
 18 THE WITNESS (G. MacInnes): I
 19 saw the question being asked. Whether it's a
 20 proposal or not, I thought it was -- I
 21 thought that the Applicant denied it.
 22 DR. KLEMENS: It's unclear
 23 because, actually, in the interrogatory
 24 that's the one thing I -- I'm assuming that
 25 it is okay because they've answered a lot of

1 Subbloie's property. They were denied access
 2 to 907 Rainbow Trail. Were you approached
 3 for access to your property?
 4 THE WITNESS (G. MacInnes): I
 5 think there's -- I think the report is
 6 probably incorrect. It's 905 Rainbow Trail,
 7 which is our property.
 8 DR. KLEMENS: It's 905 Rainbow
 9 Trail?
 10 THE WITNESS (G. MacInnes): I
 11 think that's what they intended to say. It's
 12 incorrect.
 13 DR. KLEMENS: We'll get to
 14 that later. But you denied access?
 15 THE WITNESS (G. MacInnes):
 16 No, I granted access. Their attorney said
 17 they would be at my 905 Rainbow Trail at
 18 8:30. I have a pretty busy schedule. I
 19 moved meetings around and made sure I was
 20 there at 8:30. No one was present until nine
 21 o'clock. At nine o'clock I asked about the
 22 balloons, and they flew a white balloon
 23 against the blue and white sky. That to me
 24 was somewhat insulting.
 25 Now, here I was waiting a half

1 questions around it, but actually they did
 2 not answer the interrogatory yes or no. They
 3 did say yes or no concerning behind the
 4 farmhouse.
 5 But if it was moved 150 feet
 6 away, would that at least address some of
 7 your concerns? Would that be a better
 8 outcome for you?
 9 THE WITNESS (G. MacInnes):
 10 Better is relative. I don't think the tower
 11 is warranted.
 12 DR. KLEMENS: Okay. I'm going
 13 to go back to the same set of questions that
 14 Mr. Ashton was asking you about.
 15 When you say a liquid fuel
 16 source you don't think should be there
 17 because of the wetlands, you're aware that
 18 the propane, the propane and diesel are both
 19 liquefied fuels. Are you talking that
 20 neither of them, or are you referring to
 21 diesel in your concern?
 22 THE WITNESS (G. MacInnes): I
 23 didn't get that specific. I'm saying liquid
 24 fuel source. I'm thinking that preventing a
 25 leak.

1 DR. KLEMENS: But do you think
2 that a leak of propane would be as dangerous
3 as a leak of diesel to the wetlands?
4 THE WITNESS (G. MacInnes): I
5 don't -- probably not, but I'm not an expert
6 on that.
7 DR. KLEMENS: Okay. Thank
8 you.
9 Under E you say that Cellco is
10 required. Could you enlighten me as to
11 required by whom?
12 THE WITNESS (G. MacInnes):
13 These are my requests that they would be
14 required.
15 DR. KLEMENS: Okay. Fine.
16 And under F, you're talking
17 about flush mount antennas. Would you
18 support the use of flush mount antennas on a
19 pole even if that resulted in the pole being
20 taller? Because I think, if you put a lot of
21 flush mounts, you'd have the arrays that come
22 out, but if they go up in a pole, you may end
23 up with a taller structure. It's a balancing
24 act.
25 THE WITNESS (G. MacInnes): I

1 THE WITNESS (J. MacInnes):
2 Like a silo or a barn or something, a water
3 tower. It's been done before.
4 DR. KLEMENS: Okay. Thank you
5 for your responses.
6 No further questions,
7 Mr. Chairman.
8 THE CHAIRMAN: Senator Daily?
9 SENATOR DAILY: Thank you,
10 Mr. Chairman. I have no questions at this
11 time.
12 THE CHAIRMAN: Mr. Caron?
13 MR. CARON: Hello,
14 Mr. Chairman.
15 Mr. Maxson, you made a point
16 that you don't think this is an appropriate
17 application for -- there's no identified
18 need. Did you mean -- I went quickly through
19 your testimony here. Did you mean at this
20 time? I got the impression that you don't
21 think this is the right time, that coverage
22 isn't quite necessary, but it may in the
23 future. Did I read that properly, or did I
24 get the gist?
25 THE WITNESS (Maxson): I would

1 mean, another point. The tower was 103, and
2 now it's 123. That all changed too.
3 To answer your question, I
4 don't know. I don't know how much taller.
5 Does that mean 150? Does that mean 200? I
6 don't know. I'm not a technologist. I come
7 back to the fact is the tower needed at all.
8 DR. KLEMENS: But that aside,
9 if the tower is needed --
10 THE WITNESS (G. MacInnes):
11 How much taller, I don't know.
12 DR. KLEMENS: And when you
13 talked camouflaging, you're aware that some
14 towers are actually done in two colors where
15 the lower is brown and the upper is white to
16 camouflage them?
17 THE WITNESS (G. MacInnes):
18 Yes.
19 DR. KLEMENS: Would that be
20 the type of camouflaging that would be
21 helpful?
22 THE WITNESS (G. MacInnes):
23 That would be one, or seeing that it would be
24 potentially moved closer to the farm
25 buildings. It could be --

1 say that at sometime in the future if there
2 is a capacity overburden, particularly on the
3 Derby North Beta sector, that a facility in
4 the northern part of Orange might be
5 required, but whenever that time occurs, the
6 rest of the network will have been modified
7 and tweaked and adjusted, and small cells may
8 have been put in and these sorts of things.
9 So it would not be the same framework. It
10 would not be the same network environment in
11 the future. So it's not -- it's not -- I
12 don't think it would be appropriate for me to
13 say that this particular cell tower, this
14 particular location might be needed in the
15 future. I don't see any evidence of that.
16 MR. CARON: So just for
17 argument's sake, hypothetically, the Council
18 determines that the Applicant did not provide
19 enough evidence that, in fact, there's a
20 coverage need here at this time, but within
21 two years maybe they come back with a new
22 application that they determine that there
23 is, in fact, a need and demonstrate that,
24 just for argument's sake, would that have
25 anything -- so would the Intervenor,

1 yourselves, still be back here presuming that
 2 they could show a need and some of the others
 3 just go away?
 4 THE WITNESS (Maxson): I can't
 5 predict the future. I think I've pointed out
 6 in my report that where the need is most
 7 salient. I still argue with the 700
 8 megahertz, 2100 megahertz, but where the need
 9 is most salient is up north in Derby where
 10 Derby North and Derby North Gamma and Derby
 11 Beta are supposedly being overloaded, at
 12 least at 700 megahertz, and to the south near
 13 Milford Northeast there's projected overload.
 14 And a facility at the proposed
 15 location won't address those needs, so the
 16 Applicant would be -- if they're still
 17 pursuing those needs, would be splitting the
 18 difference and doing separate facilities to
 19 address those two different areas, at which
 20 point the impact of those new facilities,
 21 whether they're small cells or microcells or
 22 full cell sites, will affect what the results
 23 are in Northern Orange, and it may very well
 24 be that this same cell tower would not be
 25 necessary in the future because they would

1 MR. COPPOLA: Yes,
 2 Mr. Chairman. I appreciate that.
 3 THE CHAIRMAN: So if the two
 4 additional witnesses would rise and take the
 5 oath, I'd appreciate that.
 6 JACQUELINE BARBARA,
 7 GAYLE SLOSSBERG,
 8 called as witnesses, being first duly
 9 sworn by Ms. Bachman, were examined and
 10 testified on their oaths as follows:
 11 MR. COPPOLA: Mr. Chairman,
 12 would it be appropriate for me at this time
 13 to ask a few verification questions to --
 14 THE CHAIRMAN: Yes.
 15 MR. COPPOLA: If I may start
 16 with Ms. Barbara, please state your name for
 17 the record.
 18 THE WITNESS (Barbara):
 19 Jacqueline Barbara.
 20 MR. COPPOLA: Could you please
 21 state your address?
 22 THE WITNESS (Barbara): It's
 23 908 Rainbow Trail, Orange, Connecticut.
 24 MR. COPPOLA: And did you
 25 prepare or assist in the preparation of the

1 realign the network.
 2 MR. CARON: Okay. Thank you.
 3 If I could ask the residents,
 4 the MacInneses, you mentioned you signed a
 5 deed, as Senator Murphy mentioned, one-sided.
 6 Is it possible or are you aware of plans of
 7 the farm owner to subdivide further property
 8 abutting you all?
 9 THE WITNESS (G. MacInnes):
 10 I'm not aware of that.
 11 THE WITNESS (Subbloie): We're
 12 not aware of that either.
 13 MR. CARON: Concerning the
 14 testimony, I went through all of them rather
 15 quickly. They look like they're all the same
 16 testimony. I'm not sure there's really any
 17 difference.
 18 JACQUELINE BARBARA: That's
 19 correct.
 20 THE CHAIRMAN: Hold on a
 21 minute. Excuse me. We have two additional
 22 witnesses that have not been sworn in. So,
 23 since we're going to be asking questions, I
 24 believe it would be useful to swear them in
 25 at this time.

1 document that is titled on the hearing
 2 program, "Prefiled Testimony of Jacqueline
 3 Barbara," dated September 12, 2014?
 4 THE WITNESS (Barbara): I did.
 5 MR. COPPOLA: And is it your
 6 understanding that that document is listed on
 7 the hearing program as Roman numeral III,
 8 Subsection B, Number 9?
 9 THE WITNESS (Barbara): Yes.
 10 MR. COPPOLA: Do you have any
 11 additions, clarifications, deletions or
 12 modifications to that document at this time?
 13 THE WITNESS (Barbara): I do.
 14 There's only one revision, and that would be
 15 that I have one child who's name is Marcus,
 16 and he's four years old, not two.
 17 MR. COPPOLA: I apologize for
 18 that.
 19 THE WITNESS (Barbara): That's
 20 okay.
 21 MR. COPPOLA: And is that
 22 document true and accurate to the best of
 23 your knowledge?
 24 THE WITNESS (Barbara): It is.
 25 MR. COPPOLA: Do you offer

1 that exhibit as your testimony here today?
 2 THE WITNESS (Barbara): I do.
 3 MR. COPPOLA: And do you also
 4 offer that exhibit as a full exhibit today?
 5 THE WITNESS (Barbara): Yes,
 6 as a full exhibit.
 7 MR. COPPOLA: Thank you very
 8 much.
 9 Would you please state your
 10 name for the record?
 11 THE WITNESS (Slossberg):
 12 Gayle Slossberg.
 13 MR. COPPOLA: And Ms.
 14 Slossberg, are you a state senator?
 15 THE WITNESS (Slossberg): Yes,
 16 I am.
 17 MR. COPPOLA: And what
 18 district do you represent?
 19 THE WITNESS (Slossberg): I
 20 represent the 14th Senatorial District
 21 covering Milford, Orange, parts of West Haven
 22 and Woodbridge.
 23 MR. COPPOLA: And is the
 24 subject property within your district?
 25 THE WITNESS (Slossberg): Yes,

1 MR. COPPOLA: And do you offer
 2 that document as a full exhibit today?
 3 THE WITNESS (Slossberg): Yes.
 4 MR. COPPOLA: I have no
 5 further questions, Mr. Chairman.
 6 THE CHAIRMAN: Do you have any
 7 objection?
 8 MR. BALDWIN: No objection.
 9 THE CHAIRMAN: The exhibits
 10 are admitted. I can't seem to find the
 11 Senator's testimony, but it must be here
 12 someplace.
 13 MR. COPPOLA: That was
 14 submitted back on August 11th, Mr. Chair.
 15 THE CHAIRMAN: All right.
 16 Thank you. I'll take your word for it.
 17 (Intervenors' Exhibits
 18 III-B-2, 3 and 9: Received in evidence -
 19 described in index.)
 20 THE CHAIRMAN: So continue,
 21 Mr. Caron.
 22 MR. CARON: Thank you,
 23 Mr. Chairman.
 24 So, I was asking the
 25 homeowners, and Senator Slossberg is welcome.

1 it is.
 2 MR. COPPOLA: Did you prepare
 3 or assist in the creation of a document which
 4 is listed on the program as Roman numeral
 5 III, Subsection B, Number 3, titled, "Profile
 6 Testimony of Senator Slossberg"?
 7 THE WITNESS (Slossberg): Yes,
 8 I did.
 9 MR. COPPOLA: And is that
 10 dated August 11, 2014?
 11 THE WITNESS (Slossberg): Yes.
 12 MR. COPPOLA: Do you have any
 13 additions, clarifications, deletions or
 14 modifications to that document at this time?
 15 THE WITNESS (Slossberg): No,
 16 I do not.
 17 MR. COPPOLA: And is that
 18 exhibit true and accurate to the best of your
 19 knowledge?
 20 THE WITNESS (Slossberg): Yes,
 21 it is.
 22 MR. COPPOLA: And do you offer
 23 that exhibit as your testimony here today?
 24 THE WITNESS (Slossberg): Yes,
 25 I do.

1 You're not here as a resident of the area?
 2 THE WITNESS (Slossberg): No,
 3 I'm not. I'm here in my official capacity on
 4 behalf of the entire delegation that filed a
 5 request to intervene.
 6 MR. CARON: So I had a
 7 question on page 4 of the testimony, and I
 8 was confirming that, for the most part, it's
 9 all pretty much similar, if not identical,
 10 language.
 11 So on page 4, part D, you talk
 12 about negative impact on property values and
 13 neighbors. And on the second line the
 14 sentence starts, "Documented studies show
 15 adverse financial impact on property values."
 16 Did you happen to submit any
 17 of the documented studies?
 18 THE WITNESS (G. MacInnes): I
 19 did not. That was as a result of the
 20 research. I didn't submit them. I can.
 21 MR. CARON: I guess it would
 22 be nice to see the title of the studies, the
 23 authors, the time frame.
 24 THE WITNESS (G. MacInnes):
 25 Sure.

1 MR. CARON: And where they
 2 were done. Although, you also recognize that
 3 the Council doesn't necessarily recognize the
 4 affected property values?
 5 THE WITNESS (G. MacInnes):
 6 Right.
 7 THE CHAIRMAN: I'm not sure
 8 how many more Late-Files at this point, so I
 9 just --
 10 MR. CARON: Perhaps,
 11 Mr. Chairman, just a list of some of the
 12 studies cited would be enough. If we wanted,
 13 we could get them ourselves.
 14 MR. COPPOLA: Mr. Chairman, we
 15 can provide a certified appraisal for
 16 purposes as -- but it had been discussed a
 17 few minutes ago that it's not something that
 18 is under the purview of the Council to
 19 consider. However --
 20 THE CHAIRMAN: I would stop
 21 right there, and I don't really think, given
 22 what the counsel just said, I --
 23 MR. COPPOLA: We'd be more
 24 than happy to do so.
 25 THE CHAIRMAN: That really is

1 I'm sorry.
 2 MR. CARON: Your contention is
 3 that Mr. Gustafson's company just used other
 4 studies and made no personal or direct
 5 observations?
 6 THE WITNESS (G. MacInnes):
 7 That's correct.
 8 THE WITNESS (J. MacInnes):
 9 Based on our information.
 10 THE WITNESS (Subbloie): If I
 11 try to remember back to this, and I think we
 12 were concerned that there wasn't a
 13 comprehensive amount of work done on the
 14 impact of the wildlife, and that's what we
 15 meant by that. I think that came out in the
 16 last hearing. Right?
 17 MR. CARON: Thank you,
 18 Mr. Chairman. That will do it for now.
 19 THE CHAIRMAN: Thank you.
 20 Just a couple of questions for
 21 Mr. Maxson.
 22 Am I correct that the growth
 23 and the use of particularly nonvoice data by
 24 various Smart phones to everything else,
 25 technology is increasing at a considerable

1 not under our purview, so I'm not sure why --
 2 MR. CARON: Thank you,
 3 Mr. Chairman.
 4 On page 7 in the second
 5 paragraph, the first sentence states, "that
 6 the entire report is premised upon
 7 Mr. Gustafson's company's review of other
 8 studies and no personal or direct
 9 observations."
 10 So you're saying Mr. Gustafson
 11 made no direct personal observations?
 12 THE WITNESS (J. MacInnes): I
 13 think you're --
 14 THE WITNESS (G. MacInnes): It
 15 might be --
 16 MR. CARON: Page 7.
 17 THE WITNESS (G. MacInnes):
 18 There are differences between --
 19 MR. CARON: Okay. So I'm
 20 reading off of Mr. MacInnes.
 21 THE WITNESS (J. MacInnes):
 22 Oh, yes, it's right here.
 23 MR. CARON: Page 7, second
 24 paragraph, you're saying --
 25 THE WITNESS (G. MacInnes):

1 rate? I'm not talking about right here. I'm
 2 talking in general.
 3 THE WITNESS (Maxson): Yes, I
 4 agree.
 5 THE CHAIRMAN: And is it
 6 therefore not true -- and again I'm not being
 7 specific as to locations -- that capacity
 8 will become an increasing issue as well as
 9 coverage?
 10 THE WITNESS (Maxson):
 11 Absolutely.
 12 THE CHAIRMAN: Okay. Thank
 13 you.
 14 And just one more question,
 15 and anybody can answer either yes or no. Is
 16 the farm, to the best of your knowledge,
 17 where the cell tower is proposed, is that a
 18 working farm?
 19 THE WITNESS (G. MacInnes):
 20 Yes.
 21 THE WITNESS (Subbloie): We
 22 believe so, yes.
 23 THE CHAIRMAN: I'll just take
 24 the first yes.
 25 THE WITNESS (G. MacInnes):

1 There's fields. There's cows.
 2 THE WITNESS (J. MacInnes):
 3 There's cows.
 4 THE CHAIRMAN: But I assume
 5 they don't make any noise?
 6 THE WITNESS (J. MacInnes):
 7 They do.
 8 THE WITNESS (G. MacInnes):
 9 They do.
 10 THE WITNESS (Subbloie): Cows
 11 are loud.
 12 THE CHAIRMAN: We'll now go to
 13 cross-examination by Attorney Baldwin.
 14 MR. BALDWIN: Thank you,
 15 Mr. Chairman. I don't have any questions for
 16 Senator Slossberg, but for the Intervenors,
 17 particularly the neighbors of Rainbow Trail.
 18 Throughout your testimony you
 19 referred to certain environmental claims,
 20 environmental issues, visibility issues. I'm
 21 assuming that the opinions that you've
 22 expressed in your testimony are those based
 23 on the information that's currently contained
 24 in the record, reports, the application,
 25 reports submitted by the experts on behalf of

1 did not. This has already taken quite a bit
 2 of time from our regular living we do every
 3 day.
 4 MR. BALDWIN: Thank you.
 5 None of you hold any degrees
 6 in environmental studies, environmental
 7 science, wetland biology, wildlife biology or
 8 related environmental sciences; is that
 9 correct?
 10 Mr. MacInnes?
 11 THE WITNESS (G. MacInnes): I
 12 do not.
 13 MR. BALDWIN: Mrs. MacInnes?
 14 THE WITNESS (J. MacInnes): I
 15 do not.
 16 MR. BALDWIN: Mr. Subbloie?
 17 THE WITNESS (Subbloie): No.
 18 THE WITNESS (Barbara): No.
 19 MR. BALDWIN: Thank you.
 20 And none of you are certified
 21 real estate appraisers or members of the
 22 appraisal institute; is that correct?
 23 THE WITNESS (Barbara): No,
 24 we're not. I'm not a certified appraiser.
 25 THE WITNESS (Subbloie): I'm

1 the Applicant; is that correct, Ms. Barbara?
 2 THE WITNESS (Barbara): Yes.
 3 MR. BALDWIN: Mr. Subbloie?
 4 THE WITNESS (Subbloie): Yes.
 5 In addition, we were at the hearing the last
 6 time, and were able to see the interactions.
 7 MR. BALDWIN: Mr. MacInnes?
 8 THE CHAIRMAN: Mr. Baldwin,
 9 could you move that mike closer to you?
 10 MR. BALDWIN: Sure.
 11 THE CHAIRMAN: Thank you.
 12 THE WITNESS (G. MacInnes): I
 13 think it's based on the information received
 14 from the Applicant and also our expert,
 15 technical expert.
 16 MR. BALDWIN: Non RF type. So
 17 you didn't prepare any additional reports,
 18 environmental reports or studies in support
 19 of your testimony?
 20 Mr. MacInnes?
 21 THE WITNESS (G. MacInnes): No.
 22 MR. BALDWIN: Mrs. MacInnes?
 23 THE WITNESS (J. MacInnes):
 24 No.
 25 THE WITNESS (Subbloie): We

1 not other than I know that Jackie and I would
 2 not buy the house if that tower were there.
 3 MR. BALDWIN: I'll take that
 4 as a no.
 5 Mr. MacInnes?
 6 THE WITNESS (MacInnes): I had
 7 a realtors license 20 years ago.
 8 THE WITNESS (J. MacInnes): I
 9 did too. I had a realtors license as well,
 10 but that was 20 years ago.
 11 MR. BALDWIN: Thank you.
 12 You expressed concern in your
 13 testimony, I think universally, about concern
 14 for the proposed tower on a generally
 15 residential neighborhood. I assume, though,
 16 you're talking -- your comments earlier today
 17 focused on your residential neighborhood; is
 18 that correct?
 19 THE WITNESS (Subbloie): We've
 20 talked as a group in a neighborhood, and we
 21 care about all the neighborhoods in the area.
 22 And even in our discussions about potentially
 23 moving it away from the Rainbow Trail, we
 24 made it very clear we're not trying to impose
 25 the same burden or issue on another

1 neighborhood. We as a group were pretty
 2 concerned about that.
 3 MR. BALDWIN: But you would
 4 agree, wouldn't you, that there are other
 5 residential neighborhoods around some of
 6 those alternative locations that you
 7 suggested?
 8 THE WITNESS (Subbloie): I
 9 would. We just didn't have the time to go
 10 look at the impact of every other
 11 neighborhood. That was a crusade we -- you
 12 know, we're busy. We're trying to do our
 13 best here.
 14 THE WITNESS (J. MacInnes): We
 15 had hoped that Verizon would do that.
 16 THE WITNESS (G. MacInnes):
 17 And you have a 34.6 acre farm to place the
 18 tower, and Mr. Bspuda has chosen to sell the
 19 property, develop the property, and then put
 20 a cell phone tower right next to the
 21 property. He has alternatives.
 22 MR. BALDWIN: I'm okay.
 23 You've answered the question. Thank you.
 24 Last question, and I guess
 25 this is from the MacInnes testimony. On page

1 before the Council you did so representing
 2 parties or intervenors that were opposed to
 3 the proposed tower site in each of those
 4 proceedings?
 5 THE WITNESS (Maxson): No.
 6 MR. BALDWIN: Which deviated
 7 from that?
 8 THE WITNESS (Maxson): A
 9 clarification. In some cases I've worked for
 10 municipalities and not intervenors. Perhaps
 11 that's what you meant by "parties."
 12 MR. BALDWIN: Any parties?
 13 THE WITNESS (Maxson): Very
 14 good. Yes.
 15 MR. BALDWIN: And were those
 16 municipalities that you referred to, were
 17 they opposed to the application that you were
 18 involved with at that time?
 19 THE WITNESS (Maxson): Either
 20 opposed to the application or in some cases
 21 opposed to the specific location but willing
 22 to support other alternatives. That was the
 23 case in Marlborough.
 24 MR. BALDWIN: Okay. Thank
 25 you.

1 4 of the report you talk about all the visual
 2 analyses performed during leaf-on conditions.
 3 I would just direct your attention -- did you
 4 review the application, and, in particular,
 5 this is Applicant's Exhibit 1 behind Tab 9,
 6 where the initial visual report includes
 7 photo simulations that are during a leaf-off
 8 condition; isn't that correct?
 9 THE WITNESS (G. MacInnes):
 10 Yes, without access to my property. So
 11 you're not looking out my kitchen window like
 12 the pictures, you're not looking out my deck.
 13 MR. BALDWIN: I'm good. Thank
 14 you.
 15 THE WITNESS (G. MacInnes):
 16 Okay.
 17 MR. BALDWIN: Just a few
 18 questions, Mr. Chairman, for Mr. Maxson.
 19 Mr. Maxson, you stated that
 20 you've appeared before the Siting Council
 21 before -- I think I'm familiar with that --
 22 is that correct?
 23 THE WITNESS (Maxson): Yes.
 24 MR. BALDWIN: And is it fair
 25 to say that each time that you've appeared

1 You've never worked for a
 2 wireless carrier like Verizon Wireless or
 3 AT&T or T-Mobile; is that correct?
 4 THE WITNESS (Maxson): Sure, I
 5 have.
 6 MR. BALDWIN: You were
 7 employed by one of the wireless carriers?
 8 THE WITNESS (Maxson): As a
 9 contractor, but yes.
 10 MR. BALDWIN: Okay.
 11 MR. ASHTON: What nature of
 12 contracting are you referring to?
 13 THE WITNESS (Maxson): My
 14 first experience with working for a wireless
 15 provider was in 1988 with Cellular One in the
 16 Boston area. They hired me for my radio
 17 frequency expertise, particularly with
 18 respect to radio frequency energy safety
 19 compliance. And since then I've had
 20 occasional opportunities to work for smaller
 21 wireless providers and tower companies that
 22 need coverage maps and analysis of that sort.
 23 I've testified on behalf of a tower company
 24 in court.
 25 So I do not do what

1 Connecticut sees me doing all the time. I am
2 not always in opposition to wireless
3 facilities.

4 MR. ASHTON: Thank you.

5 MR. BALDWIN: To prepare your
6 testimony and your report, did you perform
7 any drive tests in the Orange and Derby area?

8 THE WITNESS (Maxson): I did
9 not.

10 MR. BALDWIN: Did you have
11 access to any of Verizon's current or future
12 frequency deployment plans in the area?

13 THE WITNESS (Maxson): Only
14 what the Applicant has put on the record,
15 which is quite thin.

16 MR. BALDWIN: Did you have any
17 access to any information regarding the
18 availability of resources and the loading on
19 the adjacent cell sites in the area other
20 than what's been provided?

21 THE WITNESS (Maxson): I have
22 not.

23 MR. BALDWIN: Did you have any
24 access to Verizon's customer data or customer
25 feedback information?

1 Marlborough had a preference for one of the
2 alternative locations. So it was not so much
3 opposing a tower as it was opposing a tower
4 that was proposed in the primary location
5 than proposed.

6 MR. LYNCH: Thank you.

7 THE CHAIRMAN: Dr. Klemens?

8 DR. KLEMENS: Mr. MacInnes,
9 did I hear correctly when Attorney Baldwin
10 asked you about the visual analysis that your
11 response to it was that they didn't do it
12 from your house, and earlier you told me you
13 denied them access to your property?

14 THE WITNESS (G. MacInnes):
15 Let me clarify.

16 DR. KLEMENS: Please.

17 THE WITNESS (G. MacInnes): So
18 when they did the leaf-off visual analysis,
19 they didn't request to get on my property and
20 take pictures from my property. They did it
21 from the driveway, which is not the correct
22 vantage point because the property slopes
23 down. That was done -- and that's in the
24 original application, so that was done
25 without even my knowledge.

1 THE WITNESS (Maxson): I have
2 not.

3 MR. BALDWIN: Do you know how
4 much 1900 megahertz spectrum Verizon Wireless
5 has in its New Haven County market?

6 THE WITNESS (Maxson): I did
7 not look closely at 1900 megahertz, no.

8 MR. BALDWIN: Do you know how
9 Verizon plans to deploy that 1900 megahertz
10 frequency in the New Haven County market?

11 THE WITNESS (Maxson): I am
12 not clairvoyant.

13 MR. BALDWIN: Thank you.
14 I have nothing further, Mr.
15 Chairman.

16 THE CHAIRMAN: Mr. Lynch?

17 MR. LYNCH: Mr. Maxson, I
18 apologize. I heard you say that you worked
19 for a municipality, but I didn't hear the
20 end. Did you say that the municipalities
21 were supporting towers or opposed to towers?
22 I didn't hear the end. I'm sorry.

23 THE WITNESS (Maxson): As a
24 consultant, and I gave the example of the
25 Docket 169 Marlborough case. The Town of

1 So, the only evidence we have
2 during the leaf-off process was when they
3 didn't request access to my property. Had
4 they, the pictures you have in front of you
5 would be much more stark.

6 DR. KLEMENS: Thank you.

7 No further questions,
8 Mr. Chairman.

9 THE CHAIRMAN: Mr. Mercier?

10 MR. MERCIER: Thank you.

11 I just had one question
12 regarding camouflage. Earlier you talked
13 about potentially a silo, if it was near the
14 barn, or a brown pole. Did you have any
15 thoughts on a tree tower in the proposed
16 location?

17 THE WITNESS (G. MacInnes): I
18 haven't seen -- and I'm a -- I mean, I
19 haven't seen that pulled off effectively. To
20 me it always looks like a gigantic tree, and
21 I guess it depends on the height where you
22 end up at the end of the day, the height of
23 the tower.

24 MR. MERCIER: Okay. Well --

25 THE WITNESS (G. MacInnes): My

1 thinking is two things happen: If you move
 2 it closer to the farm and the farm buildings
 3 and you made a silo, it would seem sort of
 4 natural.
 5 THE WITNESS (Subbloie): The
 6 two of those together would be good, a silo
 7 near the barn. I happen to drive a lot in
 8 the corridor, the New Jersey Turnpike, I do
 9 the Hutch, and, you know, we all see the big
 10 looming tree with the -- you know it well. I
 11 guess it's better than a tower, but it looks
 12 like a tower hidden by a bunch of fake
 13 branches.
 14 MR. MERCIER: Understood.
 15 And specifically, from your
 16 property and your view through the trees and
 17 in the fall or winter, do you think that a
 18 tree tower would be beneficial from that
 19 viewpoint rather than some other type of
 20 camouflage? That's just my question.
 21 THE WITNESS (J. MacInnes): If
 22 you look at the visibility study that was
 23 done with the leaves off, the tower, whether
 24 it's a tree or whether it's a pole, is so
 25 obvious because of the height and because of

1 where it is -- but you see this gigantic
 2 thing sticking out of the --
 3 THE WITNESS (Subbloie): Near
 4 the Mobile station.
 5 THE WITNESS (G. MacInnes):
 6 Yeah, sticking out of the woods, and you know
 7 it's a cell phone tower disguised as a tree.
 8 MR. MERCIER: Okay. Thank
 9 you.
 10 THE CHAIRMAN: Any other
 11 questions from anybody?
 12 Yes, Mr. Lynch.
 13 MR. LYNCH: Mr. and
 14 Mrs. MacInnes, if I hear you correctly, you
 15 would prefer seeing a silo in coordination
 16 with the barn as a preferred alternative?
 17 THE WITNESS (G. MacInnes):
 18 Yes, and closer to the farm buildings; that's
 19 correct.
 20 MR. LYNCH: Thank you.
 21 THE CHAIRMAN: Yes, Dr.
 22 Klemens.
 23 THE WITNESS (Subbloie): We
 24 confirm that as well.
 25 MR. LYNCH: Sorry. I didn't

1 the location on the farm, there is no way to
 2 deny that anyone is going to question what
 3 this is. It's going to be obvious that this
 4 is a cell tower. We would prefer not to have
 5 the tower, but if we were going to have a
 6 pole versus a tree and that's what we have to
 7 have, then the tree is better than the pole
 8 because at least it looks, you know,
 9 somewhat, you know --
 10 THE WITNESS (G. MacInnes): If
 11 I can, just you have to appreciate the
 12 visibility of this, and I may not be clear,
 13 and I'm probably not doing a good job
 14 explaining it. You have to understand the
 15 contour of the property in that if you look
 16 on that page 7 or wherever you see the
 17 driveway, but the property slopes down and
 18 that's where the easement is for the gas
 19 line, and then it slopes up to the tower or
 20 to the proposed tower site. So you're pretty
 21 much par with it. And that's the problem,
 22 you're looking right at it in the leaf off.
 23 So to Jill's point, you can
 24 disguise it. And to Al's point, you drive
 25 down the Merritt and see this -- I forget

1 mean to leave anybody out.
 2 DR. KLEMENS: I don't have
 3 this data. Maybe it's in the application
 4 package. What is the elevation, ASL
 5 elevation of your property; do you know that?
 6 THE WITNESS (Subbloie): I
 7 did. I don't recall.
 8 DR. KLEMENS: Maybe we have
 9 that.
 10 THE WITNESS (Subbloie): We do
 11 sit up over the Housatonic River. It's
 12 almost -- there's a cliff behind our
 13 properties but I --
 14 DR. KLEMENS: He may have this
 15 in the application.
 16 THE WITNESS (Subbloie): It
 17 may be 120, 150 feet. I don't recall.
 18 DR. KLEMENS: Thank you.
 19 No further questions. I'll
 20 refer to the application.
 21 THE CHAIRMAN: Okay.
 22 MR. COPPOLA: I believe that
 23 Mr. Maxson was going to look to see if he can
 24 find that information from what was submitted
 25 by Verizon.

1 THE CHAIRMAN: Okay. Well,
 2 either now or after lunch or whenever okay.
 3 We're now going to continue with the --
 4 MR. COPPOLA: Excuse, Mr.
 5 Chairman. I have some redirect questions --
 6 is it appropriate now before you go to
 7 break -- of the witnesses?
 8 THE CHAIRMAN: Attorney
 9 Baldwin, do you have any objection?
 10 MR. BALDWIN: No,
 11 Mr. Chairman.
 12 MR. COPPOLA: Just a couple
 13 quick questions of Mr. and Mrs. MacInnes.
 14 MR. ASHTON: Use the mike.
 15 Your voice does not carry well.
 16 MR. COPPOLA: Thank you very
 17 much.
 18 Mr. MacInnes, when Mr.
 19 Libertine went to your property the last time
 20 to do a second balloon float, did you give
 21 him access to your property when he showed up
 22 that morning?
 23 THE WITNESS (G. MacInnes):
 24 The second balloon float?
 25 MR. COPPOLA: Yes.

1 him access but for the fact that they had to
 2 leave. Is that correct, Mr. MacInnes?
 3 THE WITNESS (G. MacInnes):
 4 Yes, that's exactly right. And I think it is
 5 consistent with the approach and the tone of
 6 this process, and that I find --
 7 THE CHAIRMAN: We also heard
 8 that three times.
 9 Can we go on, please?
 10 MR. COPPOLA: Yes.
 11 Mr. Maxson, Attorney Baldwin
 12 asked you about certain documents and
 13 information that Verizon has not provided to
 14 you but which the Intervenors have requested
 15 as part of this docket?
 16 THE WITNESS (Maxson): Yes.
 17 MR. COPPOLA: And would it be
 18 helpful for you to have that information and
 19 records?
 20 THE WITNESS (Maxson): Yes, it
 21 would.
 22 MR. COPPOLA: And if Verizon
 23 was willing to provide that information and
 24 documentation to you, would you agree to
 25 execute a confidentiality agreement whereby

1 THE WITNESS (G. MacInnes):
 2 Meaning when he took the black balloons or --
 3 MR. COPPOLA: Yes, the second
 4 time that he came when he initially came to
 5 the property.
 6 THE WITNESS (G. MacInnes):
 7 When he initially came to the property,
 8 absolutely, until such time as I found out
 9 they were floating a white balloon.
 10 MR. COPPOLA: But when he
 11 initially came to the property, you gave him
 12 access; is that correct?
 13 THE WITNESS (G. MacInnes):
 14 Absolutely.
 15 MR. COPPOLA: And he did not
 16 come on time that morning. Correct?
 17 THE WITNESS (G. MacInnes):
 18 That's correct.
 19 THE CHAIRMAN: Attorney
 20 Coppola, he's told us that two or three
 21 times. He's given us that whole scenario.
 22 MR. COPPOLA: I just want to
 23 confirm one issue was that when
 24 Mr. Libertine -- that at one point they had
 25 to go to work. It wasn't that they denied

1 you would agree to keep the information and
 2 documentation that you receive confidential
 3 and only to use that information for purposes
 4 of evaluating this application as part of
 5 Docket 448?
 6 THE WITNESS (Maxson): If that
 7 is something that my clients would accept, I
 8 would be happy to comply with that, yes.
 9 MR. COPPOLA: If I may then,
 10 Mr. Chairman, ask each of the clients would
 11 you agree to execute a confidentiality
 12 agreement if Verizon was to provide this
 13 other additional information and
 14 documentation whereby the documents and
 15 information would be sealed as part of the
 16 record of this Docket 448 and only used for
 17 purposes of this docket?
 18 THE WITNESS (G. MacInnes):
 19 Yes.
 20 MR. COPPOLA: Mrs. MacInnes?
 21 THE WITNESS (J. MacInnes):
 22 Yes.
 23 MR. COPPOLA: Mr. Subbloie?
 24 THE WITNESS (Subbloie): Yes.
 25 THE WITNESS (Barbara): Yes.

1 MR. COPPOLA: I have no
 2 further questions, Mr. Chairman.
 3 THE CHAIRMAN: Yes, Dr.
 4 Klemens.
 5 DR. KLEMENS: I just have one
 6 question for the MacInnes family.
 7 As I understand or the analyst
 8 gave, your house sits at about 160 to 180
 9 feet ASL, and the current tower is proposed
 10 at 134 ASL, and the proposed alternative
 11 relocation is at about 150 ASL. You said you
 12 preferred the relocation further away, but
 13 are you aware that as you go further away --
 14 THE WITNESS (J. MacInnes):
 15 It's higher.
 16 DR. KLEMENS: -- it's going to
 17 be higher?
 18 THE WITNESS (G. MacInnes):
 19 Yes.
 20 DR. KLEMENS: Are you aware of
 21 that?
 22 THE WITNESS (G. MacInnes): I
 23 am. The ASL I'm not familiar with. So
 24 you're taking 130 and you add 120 on top of
 25 that, that's what you're saying?

1 short recess?
 2 THE CHAIRMAN: We're going to
 3 break at one.
 4 MR. COPPOLA: So you would
 5 like us to switch right now?
 6 THE CHAIRMAN: Yes.
 7 (Whereupon, a recess was taken
 8 from 12:32 until 12:35 p.m.)
 9 THE CHAIRMAN: Attorney
 10 Baldwin. So we're back on the record.
 11 THE WITNESS (Slossberg):
 12 Excuse me, Mr. Chairman. I apologize. I
 13 came into the hearing a little later today,
 14 and it was before noon. I apologize. I
 15 didn't recognize when the appropriate point
 16 was for me to jump in, and I did, with your
 17 indulgence and the members of the Siting
 18 Council. If you don't mind, I would just
 19 like to make a brief statement on behalf of
 20 the delegation and members since we have
 21 intervened and there were no questions for me
 22 for cross-examination.
 23 So I apologize if I've gone a
 24 little bit out of order here, sir.
 25 THE CHAIRMAN: I mean, is

1 DR. KLEMENS: I'm just saying
 2 that the current site and the proposed re --
 3 as you go further down the ridge, it's going
 4 to get higher.
 5 THE WITNESS (G. MacInnes):
 6 Yes, the tower -- I think further away it's
 7 safer, in my mind, and visually if you make
 8 it a silo near the farm buildings, I think
 9 that's a viable alternative.
 10 DR. KLEMENS: Thank you.
 11 Thank you, Mr. Chairman.
 12 THE CHAIRMAN: Thank you.
 13 Okay. Okay. We'll now
 14 continue cross-examination of the Applicant
 15 by Attorney Coppola. However, I believe
 16 there may be some new exhibits that Attorney
 17 Baldwin may wish -- okay.
 18 So, to do this, we need to
 19 take as short a time recess as possible
 20 because Attorney Baldwin and his crew have to
 21 sit there, and you guys can sit wherever you
 22 want.
 23 (Witnesses excused.)
 24 MR. COPPOLA: Are we taking a
 25 lunch recess now, Mr. Chairman, or just a

1 this -- we'll allow you, but let me just say
 2 that normally the testimony is prefiled, and
 3 the purpose of what we've been doing is
 4 cross-examination, not for people to make
 5 additional statements. However, if it could
 6 be relatively brief. And I don't know how
 7 that -- whether or not it will open the need
 8 to do cross-examination. It does make it a
 9 little cumbersome.
 10 Go ahead.
 11 THE WITNESS (Slossberg):
 12 Thank you, Mr. Chairman -- I appreciate your
 13 indulgence -- and the members of the Siting
 14 Council. And again, I apologize for the lack
 15 of proper procedure here.
 16 And I did just want to say
 17 that we've looked at some of the documents.
 18 I'm obviously not an expert in this area as
 19 the Applicants are or the members of the
 20 Siting Council, but it seems to me that their
 21 obligation here is to establish a need. And
 22 based on the responses that I've seen and
 23 listened to for the testimony when I've been
 24 able to be here, I don't believe that that
 25 need has been established. Ultimately you

1 will be the decision makers in that regard,
 2 but when there is such concern on the part of
 3 the residents on the other side, I know that
 4 you will look very carefully to determine
 5 whether there is, in fact, need, and I don't
 6 believe that that has been established.
 7 But I think really the bigger
 8 issue here for me and for the delegation is
 9 that we believe that there are better
 10 locations for this cell tower and that there
 11 are sites that are more suitable to placing
 12 this tower that will not be as potentially
 13 detrimental to the neighborhood or the public
 14 health, safety, or welfare or the
 15 environmental concerns that have been cited.
 16 To that end, I believe that it
 17 would make a lot of sense to push the parties
 18 here to find more suitable locations. I know
 19 that the Intervenorers that you've heard from,
 20 the nonelected official Intervenorers, are
 21 willing to negotiate to work with other
 22 parcels to even potentially purchase another
 23 piece of land that would be more suitable
 24 where there may be some public benefit both
 25 to the town and the community as a result,

1 bring this forward, and on the other side of
 2 this the balance of power here is you've got
 3 residents who have to take their own time and
 4 their own dollars to hire an expert.
 5 In that instance, I would ask
 6 this Siting Council to give all the parties a
 7 little bit more opportunity to really ensure
 8 that we have found, in fact, the best place
 9 to site this.
 10 And so, we have some real
 11 concerns, as I'm sure you know. It's not
 12 every day that you have an entire state
 13 delegation intervening in one of these
 14 applications, but we are, in fact, very
 15 concerned. It is a bipartisan delegation
 16 that has intervened in this matter.
 17 So I thank you for your
 18 indulgence, Mr. Chairman. I don't believe
 19 that I've introduced any -- probably not any
 20 new real facts, but I would hope that the
 21 Siting Council would take that to heart, as I
 22 know you do take your jobs very seriously.
 23 Thank you for the time and energy that you
 24 expend and with the service that you give to
 25 our state in considering these matters very

1 and then if this Siting Council were, in
 2 fact, to find a need, that that location
 3 would be beneficial to all and have less
 4 adverse effects. I know that they're in
 5 discussions to do that right now.
 6 And so I guess really the big
 7 question that I would have for you is, if
 8 there is even an inkling of a need here, it's
 9 not clear to me that this is something that
 10 has to happen in the immediate future, that
 11 there is no harm done in looking at this
 12 application and giving all of the parties an
 13 opportunity, say six months, just to
 14 determine if there is a more suitable
 15 location. There really isn't any need to be
 16 doing this right now if, in fact, there is a
 17 need at all.
 18 And again, I would leave that
 19 up to the experts to argue about, but just
 20 remind everyone -- and I guess maybe this is
 21 more even just for the elected officials --
 22 you know, the idea here obviously is you've
 23 got an applicant that's a business. This is
 24 what they do; they hire experts. They have a
 25 huge team of people working 24 hours a day to

1 carefully.
 2 So thank you, Mr. Chairman,
 3 for your time and indulgence.
 4 THE CHAIRMAN: Thank you.
 5 MR. LYNCH: Senator, you're
 6 not suggesting in your comment that these new
 7 locations should be in lower-income
 8 neighborhoods, are you?
 9 THE WITNESS (Slossberg): Oh,
 10 no, sir, none whatsoever. No. As a matter
 11 of fact, I think some of those locations that
 12 have been -- that were being pursued are
 13 actually other areas that are nearby that
 14 would provide an opportunity that if the
 15 intervenors were to negotiate with those
 16 landowners, they would be more along the
 17 lines of open space where you would have a
 18 cell tower, and then the rest of the property
 19 would be donated to the town for open space.
 20 So there would be a great
 21 environmental benefit in terms of
 22 conservation, there would be less disruption,
 23 less disruption to the neighborhood. You'd
 24 certainly have a lot less opposition from the
 25 neighbors and from the delegation in terms of

1 participating. And depending upon what
2 arrangements it would be, perhaps it would
3 even be a benefit financially to the town if
4 that land was then given to the town for
5 their purposes, they would be able to collect
6 some income for that.

7 So there are great potentials
8 for -- that would be much better than the
9 scenario that we're looking at right now.

10 MR. LYNCH: Thank you for
11 clarifying that.

12 THE WITNESS (Slossberg): Oh,
13 absolutely. And thank you for the question,
14 sir.

15 THE CHAIRMAN: Well, we
16 appreciate your comments. We are certainly
17 always open to hearing whatever alternatives,
18 and there were, I think, in a previous
19 hearing suggested, and I'm sure the Applicant
20 would also be interested.

21 I will say, based on some
22 limited experience with the Siting Council,
23 that there are very few areas in Connecticut
24 which don't impact somebody. And we've
25 had -- we've actually had applications, not

1 ago. It's my understanding that somebody
2 passed away recently, and so there's a
3 property that has recently become available
4 because of someone's death, and the First
5 Selectman had suggested that my clients
6 consider purchasing it, and no surprise,
7 donating it to the town. I had immediately
8 contacted Verizon's attorney. I think that
9 the response was that at this time or
10 something that they wouldn't consider it and
11 the fact that there's already this pending
12 application. And in fairness, we don't have
13 any legal right to at this point. It was
14 something, again, that was suggested by the
15 First Selectman recently to my clients. And
16 it's not pushing the burden to some other
17 neighborhood. It was suggested by the town.

18 THE CHAIRMAN: Well, that also
19 could but unfortunately --

20 MR. COPPOLA: By the way, the
21 municipality thought it was less impact --

22 THE CHAIRMAN: I really want
23 to move this --

24 THE WITNESS (Slossberg):
25 Mr. Chairman, if I may, and I just wanted to

1 my favorite, where the applicant has actually
2 proposed two and said pick them, and we've
3 had two neighborhoods duking it out. So it's
4 not -- I wouldn't go so far as saying put
5 them into the low-income neighborhoods where
6 we tend to historically put our energy
7 facilities there, but that's a whole other
8 issue. But it is a challenge, number one.

9 The other point is this
10 process didn't start today or yesterday.
11 There was considerable -- even before it
12 became a formal application, my
13 understanding, there's a -- and maybe
14 Attorney Baldwin will clarify -- but there's
15 a process with the municipality. But if
16 something comes up either now or very soon,
17 we're more than glad to hear it.

18 MR. COPPOLA: Mr. Chairman, if
19 I could just make a quick comment with
20 regard, I think it was a follow-up to Senator
21 Slossberg's comment about another appropriate
22 property. One had come up to my clients at
23 the suggestion of the First Selectman. And
24 you just referenced the fact that there had
25 been discussions with the town many months

1 respond to one small item. And that is given
2 the position that I'm in in the delegation, I
3 don't have the luxury of saying let's push it
4 from one neighborhood to the other. I
5 represent both of them. So I can't take them
6 from one section and say, here, put them over
7 here, this will be better because somebody
8 else will be impacted. I still represent the
9 people over there.

10 My interest here, and the
11 reason that the delegation has intervened in
12 this instance, is because I know this
13 neighborhood. I know it very well. I know
14 there are lots of parcels that are
15 potentially available. This parcel that just
16 became available really creates an
17 opportunity for us to look at that so --

18 THE VICE CHAIRMAN: How far is
19 it from this proposed location?

20 THE WITNESS (Slossberg): You
21 know, I don't --

22 THE WITNESS (Subbloie): Maybe
23 half a mile.

24 THE CHAIRMAN: But wait a
25 minute. It's not on the table now. It could

1 be. You can have your own -- certainly
2 whether you or the first selectman wants to
3 bring it directly to the Applicant, but right
4 now we're dealing with an application before
5 us. And I don't want to say anything because
6 this just -- we're just not getting anywhere.
7 I mean, I appreciate what you've said. I
8 appreciate there may be an opportunity.
9 We're not clairvoyant as far as when people
10 pass away or not.

11 So, if something comes up and
12 the parties, intervenors want to continue the
13 discussion, that's fine, but right now we
14 have something that's before us, and we
15 really have to keep this process moving.

16 THE VICE CHAIRMAN: Just one
17 thing I'd like to point out is the Siting
18 Council does not participate in selecting
19 proposed locations. So suggesting them to us
20 is just nice for them to hear really, but we
21 do nothing towards going out and trying to
22 put it together because we're supposed to
23 hear it for basically the first time when the
24 application comes in, and we're not supposed
25 to get involved.

1 statute is very clear they're not supposed to
2 talk to us beforehand, you know,
3 off-the-record communications, you run into a
4 lot of problems. I just wanted to make it
5 clear, and I'm sure you understood, Senator,
6 but for your constituents to understand that
7 we don't participate in picking the places.
8 We just decide whether or not there's a need
9 and the other considerations as to whether
10 it's yes or no.

11 THE WITNESS (Slossberg):
12 Well, I thank you very much, and I again
13 thank you for the indulgence. And with the
14 application just in front of you, I just
15 reiterate that we have very serious concerns
16 about whether there is actually a need for
17 this; and if there is a need, whether that
18 need is now.

19 Thank you very much,
20 Mr. Chairman, and members of the committee.

21 THE CHAIRMAN: Thank you.
22 We'll now, if I may, continue
23 with the Applicant, I believe you have an
24 additional witness that needs to be sworn in?

25 MR. BALDWIN: We do,

1 So, our role that possibly
2 you're suggesting that we look at other
3 sites, we don't -- that's not part of what we
4 do, if you follow what I'm trying to say.

5 THE WITNESS (Slossberg):
6 Believe me, as a member of my state
7 delegation, I understand that. I think
8 that's actually a very good point for me to
9 be able to take back to my colleagues that,
10 given this scenario, I mean, when you talked
11 about power plants and asked the question, I
12 come from Milford. I live in Milford. We
13 have two power plants. I don't know that
14 there are a lot of other towns that have more
15 than one power plant. We've got two sitting
16 in our small city. So I certainly understand
17 them being there and what you're talking
18 about and the value of potentially giving the
19 Siting Council the purview to take a broader
20 look in terms of location as opposed to just
21 saying yea or nay to this particular one.

22 THE VICE CHAIRMAN: I'm not
23 really asking for that because I think it's
24 really not a good idea for us to participate
25 before the application comes in. I mean, the

1 Mr. Chairman. And just to clarify also,
2 Mr. Chairman, I'd like to take the
3 opportunity. While this discussion of an
4 alternative site that one of the Intervenors
5 may purchase is something that we heard about
6 or I heard about in my discussions with
7 Attorney Coppola, we still don't have a
8 precise location for that property, so we
9 don't know what we're talking about and where
10 we're talking about an alternative location.

11 With that, we do have one
12 additional witness. We mentioned at the last
13 hearing his name is Eric Davison. He is with
14 Davison Environmental, and I offer him to be
15 sworn at this time.

16 THE CHAIRMAN: Thank you.
17 Please rise.

18 ERIC DAVISON,
19 called as a witness, being first duly
20 sworn by Attorney Bachman, was examined
21 and testified on his oath as follows:

1 JUAN LATORRE,
 2 JAIME LAREDO,
 3 CARLO CENTORE,
 4 SANDY CARTER,
 5 DOUG TALMADGE,
 6 MIKE LIBERTINE,
 7 DEAN GUSTAFSON,
 8 having been previously duly sworn, were
 9 examined and testified further on their
 10 oaths as follows:
 11 MR. BALDWIN: Mr. Chairman, we
 12 have three additional exhibits that I'd like
 13 to verify and have admitted before we
 14 recommence cross-examination by the
 15 Intervenors, as I suspect that some of the
 16 information in those interrogatory responses
 17 and visual studies might be subject to
 18 additional cross-examination. They are
 19 listed in the hearing program under Roman II,
 20 Items B, 14, 15 and 16, as listed.
 21 And I would ask my witnesses,
 22 did you prepare or assist in the preparation
 23 of those exhibits listed in the hearing --
 24 the new exhibits listed in the hearing
 25 program.

1 THE WITNESS (Centore): No.
 2 MR. BALDWIN: Mrs. Carter?
 3 THE WITNESS (Carter): No.
 4 MR. BALDWIN: Mr. Talmadge?
 5 THE WITNESS (Talmadge): No.
 6 MR. BALDWIN: Mr. Libertine?
 7 THE WITNESS (Libertine): I do
 8 have just one to Exhibit 16, which is the
 9 supplemental visual assessment which was
 10 pointed out by the Intervenors. There was a
 11 correction regarding the property that has
 12 been referred to. Both on page 2 in the
 13 text, first paragraph, the fifth line,
 14 reference is to 907 Rainbow Trail. That
 15 should be 905. It's repeated in the table
 16 below on the same page for Photo 7 caption,
 17 and then again in the actual photographs. In
 18 the documentation as an attachment it would
 19 be Photo 7 again. In that case it's
 20 incorrect and it just reads Number 7. That
 21 should read Number 905.
 22 MR. BALDWIN: Thank you.
 23 Mr. Gustafson?
 24 THE WITNESS (Gustafson): No.
 25 MR. BALDWIN: Mr. Davison?

1 Mr. Latorre?
 2 THE WITNESS (Latorre): Yes.
 3 MR. BALDWIN: Mr. Laredo?
 4 THE WITNESS (Laredo): Yes.
 5 MR. BALDWIN: Mr. Centore?
 6 THE WITNESS (Centore): Yes.
 7 MR. BALDWIN: Mrs. Carter?
 8 THE WITNESS (Carter): Yes.
 9 MR. BALDWIN: Mr. Talmadge?
 10 THE WITNESS (Talmadge): Yes.
 11 MR. BALDWIN: Mr. Libertine?
 12 THE WITNESS (Libertine): Yes.
 13 MR. BALDWIN: Mr. Gustafson?
 14 THE WITNESS (Gustafson): Yes.
 15 MR. BALDWIN: Mr. Davison?
 16 THE WITNESS (Davison): Yes.
 17 MR. BALDWIN: Do you have any
 18 corrections, modifications or clarifications
 19 to any of those exhibits that you might make
 20 at this time?
 21 Mr. Latorre?
 22 THE WITNESS (Latorre): No.
 23 MR. BALDWIN: Mr. Laredo?
 24 THE WITNESS (Laredo): No..
 25 MR. BALDWIN: Mr. Centore?

1 THE WITNESS (Davison): No.
 2 MR. BALDWIN: With those
 3 modifications, is the information contained
 4 in those exhibits true and accurate to the
 5 best of your knowledge?
 6 Mr. Latorre?
 7 THE WITNESS (Latorre): Yes.
 8 MR. BALDWIN: Mr. Laredo?
 9 THE WITNESS (Laredo): Yes.
 10 MR. BALDWIN: Mr. Centore?
 11 THE WITNESS (Centore): Yes.
 12 MR. BALDWIN: Mrs. Carter?
 13 THE WITNESS (Carter): Yes.
 14 MR. BALDWIN: Mr. Talmadge?
 15 THE WITNESS (Talmadge): Yes.
 16 MR. BALDWIN: Mr. Libertine?
 17 THE WITNESS (Libertine): Yes.
 18 MR. BALDWIN: Mr. Gustafson?
 19 THE WITNESS (Gustafson): Yes.
 20 MR. BALDWIN: Mr. Davison?
 21 THE WITNESS (Davison): Yes.
 22 MR. BALDWIN: And do you adopt
 23 the information in those exhibits as your
 24 testimony today?
 25 Mr. Latorre?

1 THE WITNESS (Latorre): Yes.
 2 MR. BALDWIN: Mr. Laredo?
 3 THE WITNESS (Laredo): Yes.
 4 MR. BALDWIN: Mr. Centore?
 5 THE WITNESS (Centore): Yes.
 6 MR. BALDWIN: Mrs. Carter?
 7 THE WITNESS (Carter): Yes.
 8 MR. BALDWIN: Mr. Talmadge?
 9 THE WITNESS (Talmadge): Yes.
 10 MR. BALDWIN: Mr. Libertine?
 11 THE WITNESS (Libertine): Yes.
 12 MR. BALDWIN: Mr. Gustafson?
 13 THE WITNESS (Gustafson): Yes.
 14 MR. BALDWIN: Mr. Davison?
 15 THE WITNESS (Davison): Yes.
 16 MR. BALDWIN: Mr. Chairman, I
 17 offer them as full exhibits.
 18 THE CHAIRMAN: Thank you.
 19 Does the Intervenor object to
 20 the admission of these exhibits?
 21 MR. COPPOLA: No,
 22 Mr. Chairman.
 23 MR. BALDWIN: Mr. Chairman, if
 24 I could just real quickly, since we have
 25 Mr. Davison here who's verified the last

1 objection to that exhibit that Mr. Davison
 2 just verified?
 3 MR. COPPOLA: No,
 4 Mr. Chairman.
 5 THE CHAIRMAN: Okay. Exhibits
 6 are admitted.
 7 (Applicant's Exhibits II-B-14
 8 through 16: Received in evidence - described
 9 in index.)
 10 THE CHAIRMAN: We're going to
 11 break in a few minutes, but if you want to
 12 start, Mr. Mercier, for cross-examination.
 13 MR. MERCIER: I just have a
 14 question regarding the diesel generator that
 15 is proposed.
 16 Could you describe the type of
 17 leak protection you have?
 18 THE WITNESS (Centore): Those
 19 generators are equipped with a dual wall
 20 containment tank directly below the
 21 generator, and then the equipment room floor
 22 itself is designed to take the full load of
 23 fuel and any other fluids in the generator
 24 creating what's called a tertiary form of
 25 containment. So there's three levels of

1 time, but I also would like to ask Mr.
 2 Davison to verify previously adopted Exhibit
 3 10, in particular Attachment 1, which is
 4 Mr. Davison's report. Included in Attachment
 5 1 of that exhibit that's the vernal pool and
 6 eastern box turtle habitat and assessment.
 7 Mr. Davison, you prepared the
 8 report included in Exhibit 10, Attachment 1?
 9 THE WITNESS (Davison): I did.
 10 MR. BALDWIN: And do you have
 11 any corrections, modifications or
 12 clarifications to offer to that exhibit?
 13 THE WITNESS (Davison): No, I
 14 do not.
 15 MR. BALDWIN: And is the
 16 information contained in that exhibit true
 17 and accurate to the best of your knowledge?
 18 THE WITNESS (Davison): It is.
 19 MR. BALDWIN: And do you adopt
 20 it as your testimony today?
 21 THE WITNESS (Davison): I do.
 22 MR. BALDWIN: Thank you.
 23 Thank you, Mr. Chairman. I
 24 have nothing further.
 25 THE CHAIRMAN: Okay. Any

1 protection for the fuel as Verizon installs
 2 them at their facilities.
 3 MR. MERCIER: Thank you.
 4 Now, in the application
 5 there's a series of site plans behind tab
 6 one. It shows abutters' topographic
 7 information in some of the plans also.
 8 What's the base mapping you use? How do you
 9 verify that this map you're using is correct?
 10 THE WITNESS (Centore): The
 11 map used as the abutters' map uses available
 12 mapping at the town. The GIS map was used to
 13 prepare this particular map. The actual site
 14 survey and compound area, that's a Class D
 15 survey, and then a topo survey is conducted
 16 for the preparation of that level of mapping.
 17 MR. MERCIER: Do you believe
 18 that the town mapping is correct for the
 19 abutter map you created?
 20 THE WITNESS (Centore): I do.
 21 MR. MERCIER: What's the
 22 distance, based on your map, to the MacInnes
 23 property? Do you have that information?
 24 THE WITNESS (Centore): I do
 25 have that information taken by scaling of

1 that map to the MacInnes property line, and
 2 we get a distance of 590 feet to the property
 3 line, which is pretty close to the 578 feet.
 4 A 12-foot variance in this level of survey is
 5 reasonable to see.
 6 MR. MERCIER: Thank you.
 7 And I apologize. Do you have
 8 the distance to their residence?
 9 THE WITNESS (Centore): The
 10 distance to their residence, there's a bus
 11 there of some sort. The way we do that is
 12 this survey map doesn't help us with that, so
 13 we superimposed a GIS map, which is you're
 14 taking an aerial image to locate the
 15 structure on the property. So that distance
 16 that we have is 860 feet. We also double --
 17 hecked that distance with Google Maps and
 18 came up with a distance of 847 feet. There's
 19 a bus there of about 40-some-odd feet, and
 20 that could be to where it's measured on the
 21 residence. So without more specific
 22 information, that's about as close as we're
 23 going to get with this type of mapping that
 24 we have available to us.
 25 MR. MERCIER: Okay.

1 AFTERNOON SESSION
 2 1:48 P.M.
 3
 4 ERIC DAVISON,
 5 JUAN LATORRE,
 6 JAIME LAREDO,
 7 CARLO CENTORE,
 8 SANDY CARTER,
 9 DOUG TALMADGE,
 10 MIKE LIBERTINE,
 11 DEAN GUSTAFSON,
 12 having been previously duly sworn, were
 13 examined and testified further on their
 14 oaths as follows:
 15 THE CHAIRMAN: Okay. I'd like
 16 to reconvene the meeting that we recessed for
 17 lunch, and we'll continue.
 18 Mr. Mercier, do you have
 19 additional questions?
 20 MR. MERCIER: Thank you.
 21 I guess I'll just begin by
 22 referring from time to time to Mr. Maxson's
 23 report.
 24 Now, in the application,
 25 Verizon's application, that is, it did state

1 You mentioned you used Google
 2 Earth as an application to verify certain
 3 distances?
 4 THE WITNESS (Centore): Yes.
 5 MR. MERCIER: How accurate is
 6 that application based on your use of it?
 7 THE WITNESS (Centore): It
 8 could be up to 20, 25 feet off, somewhere in
 9 that range, only because of the quality of
 10 the image and superimposing it on the mapping
 11 that we have available to us.
 12 MR. MERCIER: Thank you.
 13 I have no questions at this
 14 time, no further questions.
 15 THE CHAIRMAN: Okay. Thank
 16 you. We're going to have a 45-minute break
 17 for lunch. We'll resume at 1:45. Thank you
 18 all.
 19 (Whereupon, the witnesses were
 20 excused, and a recess for lunch was taken at
 21 12:59 p.m.)
 22
 23
 24
 25

1 that eight sectors surrounding the site would
 2 add significant capacity relief from the
 3 proposed site. I just want to know how do
 4 you define significant capacity relief for
 5 Verizon's network?
 6 THE WITNESS (Latorre): Jay
 7 Latorre. Capacity relief generally comes
 8 when the mobile device, what we refer to as
 9 user equipment or UE, has additional sectors
 10 or technologies frequencies to connect to the
 11 LTE network. Significant capacity relief
 12 could mean a number of different things, but
 13 overall means that the technologies that
 14 currently exist now have an additional option
 15 to access the LTE network. That could mean
 16 that the mobile device now has a new sector
 17 to attach to. That could mean that it has,
 18 you know, some sort of new frequency, such as
 19 the 2100 megahertz band for the wider
 20 bandwidth to access the network with
 21 additional resources.
 22 What I also need to clarify is
 23 that just because a sector is not determined
 24 to be currently exhausting, does not
 25 necessarily mean that a sector cannot be

1 significantly capacity relieved, meaning that
2 if the deployment of a new facility results
3 in a dramatic shift in traffic from an
4 existing sector to a newly designed and
5 deployed sector, that could still be
6 considered a significant capacity relief.

7 We don't have a specific data
8 point because there are so many pieces of the
9 LTE network to describe, you know, how the
10 LTE network is managed, how it is attached to
11 by the user, but in an overall sense that's
12 what we would say as significant capacity
13 relief. We want to make sure that the user
14 device has as many options as possible to
15 access the network.

16 MR. LYNCH: Mr. Latorre, could
17 you define "softing" for the record?

18 THE WITNESS (Latorre): I'm
19 sorry. Could you restate the question?

20 MR. LYNCH: You used the term
21 "softing." Can you define that for the
22 record?

23 THE WITNESS (Latorre):

24 Softing?

25 MR. LYNCH: I thought that's

1 THE WITNESS (Laredo): That is
2 correct. Jaime Laredo. That is correct.
3 There might be instances that one will
4 receive more upload compared to the other,
5 but technically, based on the data that we
6 analyzed, yes, that is correct.

7 MR. MERCIER: Okay. I see in
8 the data you have here highlighted in yellow
9 has projected exhaust dates. In those four
10 that are listed, that's on your 700 megahertz
11 system; is that correct?

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

14 MR. MERCIER: Okay. How does
15 deployment of the 2100 megahertz system
16 affect the 700, if it has any effect at all?

17 THE WITNESS (Laredo): If you
18 can refer to the next page to that, there's a
19 table that says surrounding sectors exhaust
20 date history. You might notice that, for
21 example, Shelton 2, during June of 2014, it
22 went out from the list. That only means that
23 the deployment of AWS actually helped
24 off-load Shelton to Beta, but it is not
25 enough, so it continued to be included in the

1 what he said for the capacity. You said when
2 a site is --

3 THE WITNESS (Latorre): Oh,
4 exhausted is what I said.

5 MR. LYNCH: Sorry. That makes
6 more sense.

7 THE WITNESS (Latorre): Yes,
8 exhausted, not softing.

9 MR. MERCIER: Based on your
10 current submission that was on September 9th,
11 there's still eight sectors listed in your
12 chart. This is an attachment for, I believe,
13 the third page the chart begins.

14 MR. BALDWIN: Just so we can
15 clarify, Mr Mercier, we're talking about
16 Applicant's Exhibit 14?

17 MR. MERCIER: Yes. I'm sorry.
18 Cellco's Exhibit 14, dated September 9th.
19 It's attachment 4.

20 MR. BALDWIN: Thank you.

21 MR. MERCIER: Thank you.

22 So all eight of these sectors
23 will, in Verizon's view, receive -- will
24 receive significant capacity relief; is that
25 a correct statement?

1 list of exhausting sectors in the future.

2 MR. MERCIER: Okay. So I
3 understand, the volume of data that is being
4 transmitted by these four highlighted sectors
5 projected to exhaust, even though you're
6 deploying a 2100 megahertz system which
7 off-loads data from 700 to 2100, you're still
8 projecting exhaustion?

9 THE WITNESS (Laredo): That is
10 correct. It is because of the fact that this
11 still doesn't have the exact same footprint
12 as what was stated earlier, the nature of the
13 700 footprint compared with the 2100
14 megahertz footprint. The 2100 megahertz
15 footprint is shorter than the 700, and that
16 only means that some of the traffic is beyond
17 what the 2100 megahertz frequency can cover,
18 and in that effect those traffic were not
19 off-loaded from the existing 700 megahertz.

20 MR. MERCIER: Okay. So you
21 would have no overload on the 2100 megahertz
22 system on Derby Connecticut Beta, Derby North
23 Connecticut Gamma or Shelton 2, there would
24 be no exhaustion of the 2100 system in the
25 short-term that is beyond three years?

1 THE WITNESS (Latorre): For
 2 the next three years, currently we're not
 3 projecting any exhaust; that's correct.
 4 MR. MERCIER: Okay. So then I
 5 understand, so your 700 system only can take
 6 a certain amount of data from 2100 because it
 7 projects out farther and gathers more data;
 8 is that correct?
 9 THE WITNESS (Latorre): You're
 10 on the right track. There's a couple of
 11 factors that come into play here. The first
 12 thing is to reemphasize what Mr. Laredo
 13 stated is that the 2100 megahertz footprint,
 14 due to the nature of its wavelength, has
 15 limitations in how well it can move away from
 16 the cell to the potential user devices. So
 17 there's that limitation. There's going to be
 18 a gap where 2100 megahertz coverage becomes
 19 poor, that the user device determines that
 20 700 megahertz will be a better experience.
 21 The second thing to consider
 22 is device penetration. Obviously, there are
 23 different devices that have different
 24 technologies deployed into them. And while
 25 Verizon Wireless has been selling AWS or 2100

1 the 2100 system would operate on?
 2 THE WITNESS (Laredo): Jaime
 3 Laredo. That is correct.
 4 MR. MERCIER: With the 700
 5 megahertz maps, that's the first set, does
 6 this show the effective area of LTE coverage,
 7 the 700 megahertz?
 8 THE WITNESS (Laredo): That is
 9 correct based from our propagation tool.
 10 MR. MERCIER: And by
 11 "effective," I mean it reaches a certain
 12 threshold which I assume you identified here
 13 as neg 85?
 14 THE WITNESS (Latorre): I can
 15 speak to that. What you've said, that is
 16 correct that the coverage that we show for
 17 700 megahertz in purple identifies the
 18 threshold where the site's projected coverage
 19 goes from what we would deem reliable to what
 20 we would deem unreliable.
 21 I do want to make one
 22 correction that was identified for the record
 23 here. On the Exhibit 1, Attachment 6, and
 24 this is going to be for the four RF
 25 propagation maps identified for 700 megahertz

1 megahertz capable devices for some time
 2 doesn't necessarily mean that every person in
 3 the area has that device yet. So there will
 4 be some people who may be within the 2100
 5 megahertz footprint but lack a capable device
 6 to use the network, and so they'll have to
 7 stay on 700 megahertz.
 8 The other thing to consider is
 9 there may be, within a footprint, certain
 10 channel conditions such as the loading of the
 11 particular frequencies at a time where the
 12 device may favor one frequency over the
 13 others, although as a very general rule when
 14 the device is within the footprint of 2100
 15 megahertz and the channel conditions are
 16 sufficient for that device to use it
 17 effectively, we do, to the best of our
 18 ability, design the network so that the
 19 device makes the decision to use the 2100
 20 megahertz software -- frequency. Excuse me.
 21 MR. MERCIER: Thank you.
 22 I'm in the application. There
 23 was coverage maps that are behind Tab 6, 2100
 24 megahertz map. What are you attempting to
 25 show there? Now, is this the effective area

1 coverage without the facility, 700 megahertz
 2 coverage with the facility, 2100 megahertz
 3 coverage without the facility and 2100
 4 megahertz coverage with the facility. Again,
 5 that's Exhibit 1, Attachment 6.
 6 In the section where it says
 7 "Coverage is depicted at a signal threshold
 8 of neg 85 dBm," it should read, "Coverage is
 9 depicted at a signal threshold of 120 dB
 10 RLOPL." And that acronym stands for Reverse
 11 Link Operational Path Loss.
 12 I do want to just quickly
 13 comment that this was brought up as a
 14 question for the Intervenor if they were
 15 examined by Cellco, and I can understand the
 16 confusion because it does appear that the
 17 maps seem to be mislabeled. I want to
 18 apologize for that. But I want to clarify
 19 for both counsel, the Intervenor and all
 20 other parties that the data you're seeing
 21 here is accurate. It is depicted LTE
 22 coverage at a signal level that Verizon
 23 Wireless deems to be reliable coverage. The
 24 only omission was that the signal threshold
 25 label was incorrect, but the data that's

1 presented first as far as the maps in purple
2 showing what Verizon Wireless determines as
3 the threshold of reliable coverage on the LTE
4 network is accurate, and we can stand behind
5 that. I just want to take the opportunity to
6 correct that signal threshold.

7 MR. COPPOLA: I'm sorry.
8 Mr. Chairman, could it just be clarified what
9 document he was referring to? I believe he
10 said Exhibit 1, Attachment 6. If you could
11 just state what -- Mr. Chairman, if you could
12 ask the date of the document and then also
13 where it is in the program just so we -- I
14 just want to make sure I'm referring to the
15 right document.

16 MR. BALDWIN: It's Exhibit 1,
17 Attachment 6. Exhibit 1 is the application.

18 THE CHAIRMAN: Of May 13?

19 MR. BALDWIN: Right.

20 MR. COPPOLA: I just want to
21 make sure.

22 MR. ASHTON: And also, could
23 you define what the acronym is you used?

24 THE WITNESS (Latorre): Sure.
25 So to restate, RLOPL is Reverse Link

1 120 dB, one two zero.

2 MR. LYNCH: Is that negative
3 or is that positive?

4 THE WITNESS (Laredo): That's
5 positive.

6 MR. LYNCH: Thank you very
7 much.

8 THE WITNESS (Laredo): You're
9 welcome.

10 MR. MERCIER: So that unit you
11 just described, that's just another way --
12 that's always associated with the LTE mapping
13 you may present before us?

14 THE WITNESS (Laredo): Jaime
15 Laredo. Yes.

16 MR. MERCIER: It's a unit
17 specific to that network?

18 THE WITNESS (Laredo):
19 (Nodding head.)

20 MR. MERCIER: Thank you.
21 Staying with these coverage

22 plots in Tab 6 of the original application,
23 specifically the LTE proposed service that's
24 the second map, do they indicate in any way
25 what adjacent sectors will be relieved by the

1 Operational Path Loss, and basically what the
2 Reverse Link stands for is meaning the signal
3 from the transmitter, the antennas at the top
4 of the tower, to the receiver unit, the user
5 equipment, your cell phone or your iPad, et
6 cetera, et cetera. And what it's basically
7 measuring is all of the different attenuation
8 factors or reduction of signal that can occur
9 in the network from the point the signal
10 leaves to the point it is received by the
11 user device. So that could be just simple
12 path loss that comes with being X amount of
13 miles away from the cell. It can take into
14 account reflection or refraction of the
15 signal that can occur as the signal travels
16 from the antennas down to the user device.

17 MR. ASHTON: Thank you.
18 That's helpful.

19 MR. LYNCH: Mr. Laredo, you
20 had a number that you -- what was that
21 number?

22 THE WITNESS (Laredo): That's
23 the 120 dB.

24 MR. LYNCH: Say that again?

25 THE WITNESS (Laredo): That's

1 proposed site?

2 THE WITNESS (Latorre): I can
3 take that. Jay Latorre.

4 As we testified to previously,
5 areas where the shade of purple where the
6 Orange North facility is overlapping with the
7 existing coverage, with existing coverage
8 from the surrounding sites, are opportunities
9 for the user to use the Orange North
10 facility, whereas today they have no such
11 other opportunity from this facility to gain
12 access to the LTE network. So in that sense
13 these all present opportunities for
14 particular off-load.

15 As we've mentioned previously,
16 coverage maps in regards to capacity off-load
17 have to be taken, you know, with the fact
18 that there were many other parameters in the
19 LTE network. So as far as loading of the
20 adjacent sectors, you know, the various
21 capacity constraints of the other sectors
22 when determining that whether or not the
23 technology is going to move the user device
24 from Orange North to, let's say, some of the
25 area in the Derby area that it's going to be

1 overlapping with this proposed facility or
 2 the Shelton 2 area. But at a high level,
 3 given the fact that we're projecting our
 4 coverage to extend into areas that we know
 5 today are being serviced by sectors in and
 6 around the area, some of which are capacity
 7 exhausted, we feel this facility is going to
 8 allow us to give our users an additional
 9 option to access the network.

10 MR. MERCIER: Now, referring
 11 to Mr. Maxson's report on page 4, he presents
 12 a chart which shows sectors that Verizon
 13 identified that have capacity relief, and he
 14 analyzed those sectors based on some type of
 15 modeling. Four of those sectors that's based
 16 on Mr. Maxson's modeling would have
 17 absolutely no capacity replacement. Those
 18 are Shelton 2 Beta, Orange 2 Gamma, Orange 3
 19 Alpha and Orange 3 Gamma. I guess I'm not
 20 understanding the difference between the
 21 information you're presenting and information
 22 he is presenting as to what level of capacity
 23 relief would be offered. I don't know if you
 24 have an opinion or any type of information
 25 you could present in regards to his mapping.

1 me as to what you would characterize -- is
 2 any amount of off-load significant to a new
 3 site, I guess my question is?
 4 THE WITNESS (Latorre): Jay
 5 Latorre.
 6 To answer your question, yes,
 7 I mean, a couple of things to take into
 8 consideration. I'd like to refer back to the
 9 report, the Cisco report, Cisco Visual
 10 Networking Index that was submitted to the
 11 Council. Again, if you look on page 2 --
 12 MR. MERCIER: I'm sorry.
 13 Could you identify where that is?
 14 THE WITNESS (Latorre): Sure.
 15 Attorney Baldwin, could you
 16 please identify where that lies in our
 17 exhibit?
 18 It's the Cisco Visual
 19 Networking Index: Global Mobile Data Traffic
 20 Forecast update, 2013 --
 21 MR. BALDWIN: This is the
 22 Council's administrative notice Item Number
 23 49.
 24 MR. MERCIER: Thank you.
 25 THE WITNESS (Latorre): Thank

1 THE WITNESS (Laredo): Jaime
 2 Laredo.
 3 I just want to add that, other
 4 than the coverage plots that we normally look
 5 at, we also evaluate the area based from
 6 other data-like drive tests and actual
 7 traffic locations. So it might appear that
 8 some of the sectors are totally not going to
 9 experience any off-load from Orange North
 10 facility, but based from actual drive tests,
 11 we can pinpoint and confirm with the help of
 12 traffic data location where a facility will
 13 be off-loading a sector or not. And based
 14 from my analysis, it will do an off-load for
 15 the rest of the surrounding sectors whether
 16 it's very small up to a really significant
 17 amount of off-load.

18 MR. MERCIER: Did you just say
 19 it either could be very small and up to a
 20 significant area of off-load?
 21 THE WITNESS (Laredo): That's
 22 correct.
 23 MR. MERCIER: So when you say
 24 small area, I mean, is there an amount of
 25 acreage or any type of figures you can give

1 you, Attorney Baldwin.
 2 MR. COPPOLA: Mr. Chairman,
 3 can I ask that if witnesses are going to
 4 refer to documents in the record that they
 5 reference where the document is in the record
 6 just so everybody can follow along?
 7 THE CHAIRMAN: Well, that's
 8 what we just went through.
 9 MR. COPPOLA: Because there's
 10 been other opportunities during
 11 this document. I'm just asking if the
 12 witness can refer to the page where the item
 13 is, that's all, in the record.
 14 THE CHAIRMAN: Okay.
 15 MR. COPPOLA: Thank you.
 16 THE WITNESS (Latorre): On the
 17 beginning of page 2 at the end of the first
 18 paragraph it states, "In 2013, on an average,
 19 a smart device generated 29 times more
 20 traffic than a nonsmart device." And so, as
 21 we've stated previously, the traffic demand
 22 that we're seeing on our network is
 23 increasing tremendously.
 24 Now, to your point as far as,
 25 you know, do you need to reach a certain

1 amount of acreage, coverage in order to, you
 2 know, create significant off-load. No, you
 3 don't. You may have power users that reside
 4 in a single home that are downloading, you
 5 know, movies every day that can be generating
 6 a significant amount of traffic. You may
 7 have a single office building within the
 8 network where, geographically speaking, it's
 9 not relatively big, but there are 100 users
 10 inside all using Verizon Wireless phones and
 11 iPad tablets using the LTE network that are
 12 creating a significant amount of demand on
 13 the network in a relatively small location.
 14 So -- but it is also possible that, if
 15 coverage of a proposed facility extends into
 16 overlapping coverage with a significant -- of
 17 another facility's coverage area and the
 18 traffic is spread out along the area, that's
 19 another opportunity for significant capacity
 20 off-load.

21 MR. MERCIER: Thank you.
 22 I have no further questions at
 23 this time. Thank you.

24 THE CHAIRMAN: Thank you.
 25 We'll now go to the Council.

1 or no.

2 THE WITNESS (Libertine): The
 3 answer is yes.

4 THE VICE CHAIRMAN: The answer
 5 is yes. Thank you, Mr. Libertine.

6 And in Question 5, it's very
 7 clear that the answer is no, but in the
 8 response it indicates that, in the
 9 considerable time spent with the lessor on
 10 the location, an area near the home and the
 11 barns was declared off limits by the lessor
 12 or proposed lessor. How far a distance from
 13 the home and particularly the barns? I
 14 assume, Mr. Libertine, you did the
 15 discussions or participated in those?

16 THE WITNESS (Libertine): I
 17 did, sir, and several times. I don't know if
 18 I can give you a specific distance from a
 19 home or a structure, but what I can tell you
 20 is --

21 THE VICE CHAIRMAN: Tell us
 22 what you can.

23 THE WITNESS (Libertine):
 24 Okay. Dating back to the very first time we
 25 went out to the site or the property,

1 Senator Murphy?

2 THE VICE CHAIRMAN: Thank you,
 3 Mr. Chairman.

4 In reference to the
 5 interrogatory responses of September 9th,
 6 just a couple of things. Question 4, the --

7 MR. BALDWIN: Mr. Murphy,
 8 could you just clarify? There were two sets.
 9 Are these the responses to the Council's
 10 interrogatories?

11 THE VICE CHAIRMAN: This is in
 12 response to the Council's -- yes. I'm sorry.

13 MR. BALDWIN: Thank you.
 14 This is Exhibit 14?

15 THE VICE CHAIRMAN: If you say
 16 so.

17 And Question 4 and 5 deal with
 18 potential other locations. Question 4 asks
 19 if the lessor is amenable to the movement
 20 near the ridge on the -- near the 150-foot
 21 topographic contour and, if so, explain why.

22 You give a response but no
 23 answer yes or no to that question. So for
 24 the record, I assume it's yes because you
 25 wanted to answer it, but tell me if it's yes

1 Mr. Bspuda let us know roughly what the
 2 boundaries were of his property. There had
 3 been some work done ahead of time, so we
 4 understood what he owned. He made it clear
 5 that there were areas that he would allow us,
 6 and there were areas where he would not.
 7 Specifically, he was concerned with the fact
 8 that he does hay and maintain a large portion
 9 of the property.

10 And so we started talking
 11 about areas, from our perspective, that we
 12 felt as though would be potential options,
 13 and those being somewhat centrally located on
 14 the property using some type of buffer where
 15 we could. That led us over to the original
 16 location in that general area because it met
 17 most of the criteria. RF was happy with it.
 18 We had an elevation, ground elevation they
 19 could live with. We had some screening from
 20 all neighbors and some screening from the
 21 road, and it clearly would allow us to get
 22 access to it while avoiding impacting any of
 23 his ongoing farm operations.

24 That being said, after we got
 25 into some of the discussions during these

1 proceedings, we did go back and ask about
 2 some specific locations, one being this area
 3 that actually Mr. Ashton, I think, had
 4 originally put on the table as to consider.
 5 And when we looked at that general area, we
 6 collectively came up with the location we are
 7 now presenting because we moved it
 8 significantly up the ridge line a little bit
 9 so that we were able to get further away from
 10 wetlands, push it closer to the property
 11 owner's house, albeit it 100 feet or so, and
 12 we were able to still maintain some buffering
 13 certainly from the road. I think the buffer
 14 to the northeast and south really didn't
 15 change a whole heck of a lot, but certainly
 16 moving it closer to the road itself we
 17 started to get some -- I certainly had some
 18 concerns about opening up the views directly
 19 along the road there. So it was more or less
 20 a compromise.

21 The problem about moving it
 22 any further up there, we started to get into
 23 some really open areas where now it was a
 24 much more prominent location from a
 25 visibility standpoint to the road and

1 the lessor to lease the space?
 2 THE WITNESS (Libertine): I
 3 think that's a fair representation, sure.
 4 Yes.

5 THE VICE CHAIRMAN: I have no
 6 other questions, Mr. Chairman.

7 THE CHAIRMAN: Thank you.
 8 Dr. Bell?

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

11 I just wanted to ask the RF
 12 engineers a version of the same question that
 13 I asked Mr. Maxson, which is you are showing
 14 us coverage maps appropriately colored so
 15 that we can see certain coverage areas and
 16 certain places where you would be able to
 17 relieve capacity on the sectors of the
 18 surrounding towers.

19 My question is: Is there
 20 significant capacity relief being provided by
 21 other towers in a larger circle or adjacent
 22 circles to this circle that we're discovering
 23 that can provide capacity relief?

24 THE WITNESS (Laredo): To
 25 answer the question, there is none. Only the

1 primarily for the neighbors to the south and
 2 to the east.

3 So I guess when we said that
 4 certain areas were off limits, there were,
 5 and those were the active portions of the
 6 property. Now it does so happen that his
 7 home or the areas I guess I would say to the
 8 east where the barns are, that's all actively
 9 hayed and maintained as well. And so we
 10 really didn't consider that more so because I
 11 had real concerns. It's all open. We had no
 12 vegetative buffer there whatsoever. So we
 13 felt as though, going with the traditional
 14 style, that we would try to do something
 15 again that's centrally located on the
 16 property, and I think we accomplished that
 17 from that perspective. So that's kind of the
 18 background of the discussions that we've had
 19 with him on that.

20 THE VICE CHAIRMAN: So let me
 21 ask you in summary then from your discussions
 22 and the attitude of the proposed lessor and
 23 your opinion, having done this a few times
 24 before, that this is probably as far as you
 25 can move it and still get an agreement from

1 immediate sectors serving that area are
 2 serving that location.

3 DR. BELL: Thank you. That's
 4 my question, Mr. Chair.

5 THE CHAIRMAN: Mr. Ashton?

6 MR. ASHTON: Senator Murphy
 7 asked -- his first question was my question,
 8 so thank you. I'm all set.

9 THE CHAIRMAN: Mr. Hannon?

10 MR. HANNON: I have no
 11 questions at this time.

12 THE CHAIRMAN: Mr. Lynch?

13 MR. LYNCH: Just two,
 14 Mr. Chairman. One of them to Mr. Latorre.

15 You mentioned earlier that the
 16 data -- delivering data is far outpacing
 17 delivering Voice and so on, and that's
 18 putting a strain on your system and building
 19 out your network.

20 Now, this is more of a
 21 suggestion than a question because Mr.
 22 MacInnes had a very good point this morning
 23 because that really isn't being addressed in
 24 your application. It's in there, Council
 25 members can see it, but laymen might --

1 Mr. MacInnes and the rest don't really see
2 that.
3 So, in the future maybe, as we
4 continue in this, you can actually explain a
5 little bit better how the data -- well,
6 basically I think you're caught between a
7 rock and a hard place. Your marketing people
8 are saying one thing, your R&D people are
9 doing another, and you're trying to build out
10 for the both of them, so you're being -- I
11 think in the future or even now you have to
12 say, hey, what's coming now is a tsunami of
13 data, the Voice is gone. "Can you hear me
14 now," we don't have that anymore, and I just
15 think you have to do a better job explaining
16 that to people. Again, it's more of a
17 suggestion and a comment than a question, but
18 you know --
19 THE WITNESS (Latorre): Thank
20 you. We will continue to work diligently to
21 ensure that the argument that we present is
22 as accurate as possible and as clear as
23 possible to all parties involved.
24 I just want to add, if I could
25 clarify your point, because I know we had

1 MR. LYNCH: And again, if
2 you'd just present that in a simpler manner.
3 I think all the Council members understand
4 what you're saying, but the general public
5 laypeople do not.
6 So thank you very much.
7 THE WITNESS (Latorre):
8 Understood. Thank you.
9 MR. LYNCH: Mr. Libertine, you
10 know in the past you and I have -- you know
11 I'm not a tree lover as far as stealth goes,
12 but I am -- Mr. Ashton and I are probably the
13 only ones on the Council that remember when a
14 silo was built, and I would just like to get
15 your opinion on the silo.
16 THE WITNESS (Libertine):
17 Well, certainly silos can be accomplished.
18 They have been done. There's some of varying
19 heights. In this case if we were to consider
20 a silo, I don't think we'd be considering it
21 in the location that we've chosen. I think,
22 as the Intervenors had suggested, if a silo
23 was placed next to the existing barn, could
24 that blend in? Certainly. We would be
25 talking about a structure that's probably

1 previously spoken about Voice being dead, and
2 I just want to clarify that. We had spoken
3 previously talking about the fact that our
4 LTE service is going to host our data focus
5 voice service. Actually, yesterday we began
6 our soft launch of our Voice over LTE service
7 nationwide which means today Verizon Wireless
8 customers can go into a store and opt in to
9 start beginning the Voice over LTE service.
10 MR. LYNCH: I didn't mean to
11 really speak to Voice as yet. What I wanted
12 to say is it's not the primary delivery of
13 your network anymore, and it's more data
14 delivery service than anything else. I'm not
15 saying it's dead. I'm just saying it's been
16 placed to a second position in your network.
17 THE WITNESS (Latorre): I
18 think it's accurate to say that today most
19 people communicate through means of
20 nonspeaking communication, whether it be text
21 messaging or interacting on things like
22 Twitter, but we do expect that the now live
23 implementation of our Voice over LTE data,
24 which uses data, it's going to further drive
25 data demand for the next couple of years.

1 going to be in the 115 tall range to
2 accommodate a dome at the top where we only
3 need a 100-foot level, but it certainly can
4 be done.
5 To accommodate the type of
6 antenna arrays at full platform, we're
7 talking about a diameter of a minimum of
8 about 20 feet in diameter or so, so it would
9 be a fairly large structure. We never
10 considered the location by the barn just
11 because we were really looking at areas -- we
12 had a very, very large property. In fact, we
13 had two abutting properties that totaled
14 somewhere in the range of like 70 acres.
15 So our feeling was if we could
16 find a location that would be somewhat
17 centrally located to keep it as far away from
18 neighboring properties and again taking
19 advantage of the natural screening that's out
20 there, so we didn't really go to the length
21 of starting to go down that road, but
22 certainly a silo certainly could be designed
23 and constructed to accommodate antennas.
24 There's no question about that.
25 MR. LYNCH: I'll leave it at

1 that. Thank you.
 2 No more questions, Mr.
 3 Chairman.
 4 THE CHAIRMAN: Dr. Klemens?
 5 DR. KLEMENS: I'm going to
 6 continue with the silo question because --
 7 MR. LYNCH: Do I get a thank
 8 you, Dr. Klemens?
 9 DR. KLEMENS: Thank you,
 10 Mr. Chairman, and thank you, Mr. Lynch.
 11 You're saying that the silo,
 12 at that particular location, would not be
 13 appropriate?
 14 THE WITNESS (Libertine):
 15 Well, I don't think it would be as
 16 appropriate because we have existing
 17 structures. Could the shelter be designed to
 18 be a small shed that would look somewhat like
 19 a farm outbuilding and then have a silo next
 20 to it? Yes. I think there's a scale issue
 21 that we start to get into when we start
 22 talking about this type of a structure.
 23 DR. KLEMENS: That's what I'm
 24 getting at.
 25 THE WITNESS (Libertine): A

1 constructability over the original location
 2 and generally in the area we're looking at
 3 the alternate 90 or 100 feet away, the
 4 combination of the natural features that
 5 were there and the distances to neighboring
 6 properties all worked from the vantage point
 7 of making it as buffered as it can be.
 8 I think we all realize that if
 9 you stick something up in the air 100 feet or
 10 so, someone is going to be effected. That's
 11 the reality of the situation. But, you know,
 12 all things being equal, we felt as though
 13 this was a very appropriate location, and
 14 with some stealthing, and whether that's
 15 painting the facility, going with a tree
 16 style, we felt as though we could further
 17 minimize any of those visual impacts.
 18 DR. KLEMENS: How wide is the
 19 pole that you're going to put up in
 20 comparison to the --
 21 THE WITNESS (Centore): This
 22 is Carlo Centore.
 23 You're looking at anywhere
 24 from 6 to 8 feet at the base of the tower and
 25 then tapering down to about 2 feet at the

1 structure of let's even say we could do it at
 2 105 feet, and I'm just going to use that, I
 3 don't know because I'm not the designer.
 4 Maybe Mr. Centore may want to chime in at
 5 some point on the actual height to
 6 accommodate it and everything that needs to
 7 go in it. But I know from experience we're
 8 talking about platforms that typically are 14
 9 feet in horizontal width. So to fit inside
 10 there and have some working space around it
 11 and framework and all the other appurtenances
 12 that have to be done to make something that
 13 can actually withstand the structural
 14 considerations, we're probably talking
 15 something in the neighborhood of about 20
 16 feet in diameter. So again, using those
 17 dimensions in that area we start to get into
 18 a bit of a larger footprint. I think the
 19 compound would have to be expanded to
 20 accommodate both that and then the equipment
 21 on the ground itself.
 22 So anything can be done with
 23 enough money and space, but I think in this
 24 case I looked at it from my perspective.
 25 Once we started getting an understanding of

1 top.
 2 DR. KLEMENS: And the platform
 3 arrays?
 4 THE WITNESS (Centore): It's a
 5 14 or 16-foot face on the platform, depending
 6 on what type of platform they use.
 7 DR. KLEMENS: So, in your
 8 professional opinion, Mr. Libertine, for the
 9 neighbors on Rainbow Trail would a silo be a
 10 much more visible intrusion on the landscape
 11 than a pole with the standard platform
 12 arrays?
 13 THE WITNESS (Libertine): From
 14 a purely surface area perspective, I would
 15 say that through the trees for the areas on
 16 Rainbow Trail where we feel there's going to
 17 be some views through the trees, yes, you
 18 would probably have more of -- yes, you would
 19 certainly have more area that would be
 20 potentially visible, absolutely.
 21 DR. KLEMENS: And how would
 22 that -- and this is somewhat abstract -- how
 23 would this compare with the standard tower
 24 with antenna platforms painted as the recent
 25 docket we had in Ridgefield where the base

1 was painted brown and the top painted
 2 something to blend into the sky much like a
 3 white balloon?
 4 THE WITNESS (Libertine): I
 5 think it would -- certainly you'd have much
 6 less of an area that could potentially be
 7 opened up through trees. Obviously, a lot of
 8 it depends on your perspective, where you're
 9 standing and what's in front of you, because
 10 it's fairly thick woods, and we've said all
 11 along that there are going to be some areas
 12 along Rainbow Trail, primarily on that
 13 southern side of the road, where there's
 14 going to be some seasonal views, but I think
 15 that obviously a thinner or narrower object
 16 in that location is going to be much much
 17 less visible now.
 18 DR. KLEMENS: And I won't use
 19 the word "painted"; I'll use the word
 20 "colored" to follow Mr. Ashton's lead. If it
 21 were colored light, would that be less
 22 visible, whitish, grayish?
 23 THE WITNESS (Libertine): The
 24 reason I hesitate on that is because we don't
 25 get -- I'm not sure there are many days that

1 south, as you can see behind Tab 9 in the
 2 application, there is going to be a
 3 significant amount of tree or tower, whatever
 4 the end game is, if this were to get approved
 5 and constructed, is going to be significantly
 6 above the trees from some of those
 7 perspectives.
 8 Speaking solely to the Rainbow
 9 Trail area, my feeling is a tree tower would
 10 be almost impossible to tell from the
 11 distances that we're talking of what it is.
 12 Now, if you know what it is, you can point to
 13 it and say, see that evergreen, that's a
 14 tower. But if you didn't know, my experience
 15 would tell me that through that amount of
 16 trees at those distances I'm not sure you'd
 17 be able to discern it unless you knew what it
 18 was.
 19 DR. KLEMENS: Reading your
 20 report, it seems to me that one of the
 21 biggest differences is actually going to be
 22 the Milford Derby Road that a tree is much
 23 more visible?
 24 THE WITNESS (Libertine):
 25 There's no question. It tends to loom over

1 are like one another in terms of the sky
 2 color in New England. We get all sorts of
 3 variability. So it's tough to say. I think
 4 something certainly that tapers or
 5 transitions from brown or whatever the lower
 6 portions are to something that is an
 7 off-white with a blue tinge certainly would
 8 have some benefit in blending in.
 9 My own personal feeling on
 10 this particular site, and it's a balancing
 11 act because I'm going to tell you right now,
 12 as much as I think one of the Intervenors
 13 talked about the Hutchinson Parkway tree,
 14 which is kind of a red-headed stepchild for
 15 any of these type of faux trees, and granted,
 16 it was built probably 15, 17 years ago, the
 17 interesting thing about that tower is it is
 18 hideous from the Hutch. I don't think
 19 anybody here would say anything other. But
 20 if you go into the back neighborhood where
 21 that was actually intended to screen it, it
 22 actually works pretty darn well.
 23 So my only point is there's
 24 never the perfect situation for a tree no
 25 matter how well it's done. Anyone to the

1 that field. You're very close to the road.
 2 Again, one of the reasons why we chose the
 3 original location, Dr. Klemens, was -- and I
 4 understand, again, we're trying to balance a
 5 lot of things, but purely from a visible
 6 standpoint, we were able to tuck it down just
 7 enough over that knoll so that it took a
 8 little bit of the curse off it for lack of a
 9 better term.
 10 DR. KLEMENS: I think that's
 11 well documented in these new visuals.
 12 I'm going to move now just to
 13 the vernal pool and the vernal pool studies.
 14 Who prepared Attachments 1 and
 15 3? Was it All-Points or Mr. Davison?
 16 MR. BALDWIN: Are we talking
 17 about interrogatories --
 18 DR. KLEMENS: I'm sorry.
 19 That's correct, Attorney Baldwin. It's
 20 September 9, 2014, responses to the
 21 interrogatories of the Council.
 22 MR. BALDWIN: Set III.
 23 Exhibit 14.
 24 THE WITNESS (Gustafson): Dr.
 25 Klemens, those maps were produced by

1 All-Points through -- in collaboration with
2 Mr. Davison who collected some of the field
3 data.

4 DR. KLEMENS: Well, I have two
5 questions, and they pertain equally to maps 1
6 and maps Attachment 3. The area that is on
7 the other side of the Derby Milford Road, as
8 I understand, when one does these
9 calculations -- and I've done a fair number
10 of them -- that basically when you have an
11 area that is separated by a pretty high
12 volume road that that area is removed, is
13 considered not available and should not be
14 indicated in green, but probably should be
15 taken out of the calculation and indicated in
16 red, because, although it's forested, it's
17 not really available anymore?

18 THE WITNESS (Davison): That
19 is a common procedure, although not part of
20 the BDP manual or not spelled out
21 specifically; that is, that has developed now
22 that it's been around for 12 years, to be a
23 common procedure to exclude wooded areas even
24 if they're suitable habitat if they're across
25 a busy road. I didn't ask for or review any

1 road. This road just didn't strike me as a
2 road that should be excluded in that fashion.
3 Again, that's not something that's in the BDP
4 analysis, that's something that's just sort
5 of developed over the years.

6 DR. KLEMENS: Well, I guess we
7 can agree to disagree on that.

8 I'd also like to talk to you
9 about the exclusion of the cemetery, why the
10 cemetery was not included as habitat?

11 THE WITNESS (Davison): I
12 asked APT to exclude that only because I
13 walked the back of the cemetery, and it's
14 bounded by a -- probably about as wide as
15 this table -- a stone wall that's set, that's
16 mortared, and it's a fairly thick wall. It's
17 not a traditional tossed wall that you'd see
18 on the edge of a farm field. It's got broad
19 sides, it's topped about 3 or 4 feet, and
20 it's mortared. So I thought that was a
21 conservative approach to exclude that area
22 even though it's not -- technically not
23 suitable habitat. I just didn't see much
24 opportunity for animals to move into that.

25 DR. KLEMENS: I agree with

1 traffic study. It was just based on my
2 observations being on the site a couple of
3 times, and I didn't think the traffic volumes
4 were that significant, and I didn't see a lot
5 of obstruction across the road in terms of
6 curbing, catch basins, things like that. It
7 seemed like there was the ability for animals
8 to flow across that road so --

9 DR. KLEMENS: How many car
10 trips an hour are there on the road?

11 THE WITNESS (Davison): I
12 can't answer that. I'm not sure if we have
13 that information.

14 DR. KLEMENS: Because
15 generally the standard is pretty low when you
16 look at the toads on roads book, the standard
17 is somewhere between 8 and 15 car trips an
18 hour to form a barrier.

19 THE WITNESS (Davison): I
20 generally apply that technique when we're
21 talking about multilane roads and a really
22 wide clear road and it's, you know, either a
23 highway or nearly so, something like that,
24 something that's got real significant traffic
25 volume and that's a more than a single-lane

1 that.

2 Just humor me. If you were to
3 exclude, let's say we were to exclude the
4 area on the other side of Route 34, would you
5 still be compliant with the Calhoun and
6 Klemens best development practice manual?
7 You probably can't answer that right now.

8 THE WITNESS (Davison): I
9 think, yeah, I would agree with pool one is
10 the one I probably can't answer off the cuff
11 because of larger area and the critical
12 transfer of habitat for pool one lies across
13 that road, and that is also the pool that was
14 closer to the 25 percent threshold. I think
15 pool two would definitely not be an issue.

16 DR. KLEMENS: Is it possible,
17 if we were to use that same approach, that
18 actually, as it sits now, even without the
19 tower as proposed, that that already is a
20 noncompliant habitat if we used the rationale
21 of excluding the habitat on the other side of
22 34?

23 THE WITNESS (Davison): Other
24 side of 34? I'm sorry.

25 DR. KLEMENS: The opposite

1 side of 34. I'm asking you is it
 2 possible that --
 3 THE WITNESS (Davison): For
 4 pool one?
 5 DR. KLEMENS: Yes.
 6 THE WITNESS (Davison): It's
 7 possible. It's at present 20.58 percent, so
 8 that could easily be another 4 percent.
 9 DR. KLEMENS: So the existing
 10 base condition may already be noncompliant?
 11 THE WITNESS (Davison):
 12 Correct. Without the biology, it could push
 13 it to a lower tier pool; yes, that's correct.
 14 DR. KLEMENS: Thank you.
 15 Okay. A couple questions
 16 about the box turtle. You've answered most
 17 of them. But it's my understanding that
 18 pasture uses, including mowing, help maintain
 19 a mosaic of habitats. And I got a sense from
 20 reading your report that the fact that the
 21 habitat was mowed actually made it less
 22 viable for box turtles. So could you explain
 23 that to me, please?
 24 THE WITNESS (Davison): I know
 25 what you're referring to. There's a comment

1 DR. KLEMENS: But overall, in
 2 terms of the landscape matrix and overall
 3 maintaining open habitats through mowing and
 4 grazing, beneficial for the box turtle?
 5 THE WITNESS (Davison):
 6 Absolutely. I mean, the bottom line is you
 7 wouldn't have early successional habitat
 8 without those activities; so yes, that's
 9 correct.
 10 DR. KLEMENS: So the
 11 distinction is one or two turtles being run
 12 over by a mower versus a landscape that
 13 actually maintains them?
 14 THE WITNESS (Davison): Yes,
 15 it was more a comment on the timing. In
 16 other words, the farmer doesn't care about
 17 the box turtle; he cares about maintaining
 18 his pasture, so in other words, he's not
 19 managing the site for that particular
 20 species.
 21 DR. KLEMENS: Has the farmer
 22 ever seen a box turtle?
 23 THE WITNESS (Davison): He
 24 said he did not. I asked him that, and he
 25 started describing to me aquatic turtles, but

1 in the report. I could pull it out. But
 2 that was based on, you know, I saw the
 3 pasture. You see that it's an open area.
 4 You see that it's anthropogenic in nature
 5 that it's either mowed or pastured, you know
 6 that somebody is maintaining that.
 7 So in speaking to the farmer,
 8 just bumping into him out in the field, he
 9 explained to me this area doesn't always look
 10 like this, I usually let the cows in here,
 11 they usually spend more time in here, either
 12 that or I brush hog it. And so that
 13 statement was just intended to say, you know,
 14 depending on when -- you know, there could be
 15 a time, there could be a really bad time for
 16 the farmer to go in there and brush hog that
 17 field.
 18 And I was just trying to say
 19 that that area might not always look so good
 20 for box turtles. If I had come in there two
 21 days after he had brush hogged it and it was
 22 early in the season when we'd expect turtles
 23 to be out there basking, and I was basically
 24 trying to say that that could be detrimental
 25 as opposed to beneficial.

1 I did ask him that.
 2 DR. KLEMENS: And the very
 3 last question is that you've suggested in
 4 your report that the development of the cell
 5 tower is akin to the development of a
 6 single-family house. And the implication to
 7 me then is that a single-family house is a
 8 relatively benign activity, and as most of
 9 our cell towers are basically equivalent to
 10 development of a single-family house, why are
 11 we even having these discussions about
 12 environmental impact if that's your rationale
 13 that a single-family house is not an impact?
 14 I'd just like you to explain that to me.
 15 THE WITNESS (Davison): I
 16 think I was trying to maybe put it into
 17 perspective, trying to put the overall
 18 footprint of the project in perspective. In
 19 other words, on a daily basis around
 20 Connecticut you see 20, 30, 40-acre parcels
 21 going into 10, 20, 30-lot subdivisions and
 22 beyond, and you see box stores go in and none
 23 of them getting this level of scrutiny and
 24 thought put into the ecological impact. So
 25 that probably was a better way to word that,

1 but I was just -- it sort of felt to me that
2 in this particular site 20,000 square feet of
3 developed area, to me, seems like a small
4 impact, and I was attempting to put it into
5 perspective. And certainly there are sites
6 where you could, if you put 20,000 square
7 feet of activity on the wrong habitat, that
8 can have a significant impact, but here in a
9 pasture with a gravel road traveling through
10 a mowed field, to me, seems like not a
11 significant impact.

12 DR. KLEMENS: Would you agree
13 that -- talking about placing this -- would
14 you agree that basically the placement of
15 this pad, this single-family house type
16 structure, would be less impactive to the box
17 turtle if it was moved to the 150-foot
18 contour area that we've been discussing as
19 opposed to where it is that you did say in
20 your interrogatories was the interface
21 between the hibernation and the seasonal
22 foraging habitat?

23 THE WITNESS (Davison): I do.

24 And I think this is in our response --

25 DR. KLEMENS: Yes, it is.

1 Has Cellco ever sited a cell
2 tower on a working farm before?
3 THE WITNESS (Centore): One
4 that I'm recently aware of is in Old Lyme.
5 It's an existing silo, but the equipment was
6 incorporated into one of the old chicken
7 sheds that was on the property. And then
8 there's a property in Woodstock that has a
9 tower on it on a farm property.

10 MR. CARON: Is anyone aware on
11 any of these sites, especially on a working
12 farm, whether three levels of containment of
13 liquids has ever been breached?

14 THE WITNESS (Centore): I'm
15 not aware of any Verizon sites here in
16 Connecticut that have breached their
17 containment on their diesel generators.

18 MR. CARON: Mr. Gustafson, if
19 I could ask you, your name came up earlier in
20 the previous cross concerning Mr. MacInnes'
21 point that it did not appear that you had any
22 personal or direct observations of the site.
23 Did you or any of your staff actually have
24 personal or direct observations of the site?
25 I wanted to give you an opportunity to

1 THE WITNESS (Davison): --
2 that shifting the tower to the south, getting
3 it away from that band of habitat that
4 creates the edge of forest and edge of
5 pasture is beneficial. So another 100 feet
6 south or so and getting it next to that mowed
7 field to me is an improvement.

8 DR. KLEMENS: So would you
9 agree then it's not basically the size of the
10 impact as well, but it has to be taken in
11 tandem to where that is located?

12 THE WITNESS (Davison):
13 Absolutely.

14 DR. KLEMENS: Okay. I have no
15 further questions, Mr. Chairman.

16 THE CHAIRMAN: Thank you.
17 Senator Daily?

18 SENATOR DAILY: Thank you,
19 Mr. Chairman. I don't have any questions
20 now.

21 THE CHAIRMAN: Commissioner
22 Caron?

23 MR. CARON: Thank you,
24 Mr. Chairman. Just a couple of quick
25 questions just to the panel in general.

1 respond.

2 THE WITNESS (Gustafson): Yes,
3 I've been on the property, as well as my
4 staff, on several occasions.

5 MR. CARON: All right. Thank
6 you.

7 Thank you, Mr. Chairman.
8 Nothing further.

9 THE CHAIRMAN: Okay. We'll
10 now go to cross-examination by the
11 Intervenor, Attorney Coppola.

12 MR. COPPOLA: I'll try to
13 speak louder so everyone can hear me.

14 Thank you, Mr. Chairman.

15 Mr. Latorre, Attorney Baldwin
16 had asked the question earlier of Mr. Maxson
17 as to whether he has always appeared on
18 behalf of clients opposed to applications.

19 Have you ever appeared on
20 behalf of clients who were opposed to any
21 telecommunications application?

22 THE WITNESS (Latorre): I have
23 not.

24 MR. COPPOLA: Mr. Laredo, have
25 you ever appeared on behalf of any client

1 that was opposed to any telecommunications
2 application?

3 THE WITNESS (Laredo): I have
4 not.

5 MR. COPPOLA: Mr. Latorre, in
6 your career, have you always worked for a
7 telecommunications company?

8 THE WITNESS (Latorre): Before
9 working for a telecommunications company, I
10 did serve for three years as a software
11 design engineer before coming to Verizon
12 Wireless.

13 MR. COPPOLA: And, Mr. Laredo,
14 with regard to your experience within this
15 industry, have you always worked with
16 telecommunications companies?

17 THE WITNESS (Laredo): Yes.

18 MR. COPPOLA: Mr. Latorre,
19 Attorney Baldwin had asked Mr. Maxson if he
20 had access to certain records and information
21 from Verizon before we had the break.

22 Do you believe that Mr. Maxson
23 needed some of those records and information
24 in order to complete his analysis?

25 THE WITNESS (Latorre): I

1 records. The information Mr. Maxson doesn't
2 have available to him is the Verizon Wireless
3 proprietary data such as our operation, our
4 link budget --

5 MR. COPPOLA: Excuse me. If
6 you'd just go slow.

7 THE WITNESS (Latorre): Sure.
8 Our link budget, our drive data analysis, our
9 traffic map analysis that Verizon Wireless
10 uses to make strong determinations on what
11 proposed facilities will do for both coverage
12 and capacity enhancements to the network.

13 MR. COPPOLA: So I just want
14 to make sure I'm correct. So did you just
15 testify that he's missing the link budget,
16 number one; number two, the drive data
17 analysis; and number three, the traffic map
18 analysis? Is that correct?

19 THE WITNESS (Latorre): He's
20 not purveyed to have that data; that's
21 correct.

22 MR. COPPOLA: Okay. But is
23 there anything else that I'm missing? So
24 those three documents. Is there anything
25 else that he should have?

1 think the report that Mr. Maxson put together
2 basically speaks for itself. He makes a
3 number of assumptions based on the data that
4 he has available to him, and there's a lot of
5 contradictions.

6 He speaks, for example -- I
7 want to refer to the page for your benefit.
8 And again, this is the Isotrope report on
9 analysis of proposed cell.

10 MR. COPPOLA: I'd appreciate
11 it if you can answer the question that's been
12 asked as well before you --

13 THE WITNESS (Latorre):
14 Certainly. Okay. Mr. Maxson does not have
15 all the data that is available to Verizon
16 Wireless that could allow him to make a
17 accurate and truthful depiction on what the
18 potential coverage and capacity benefits of
19 this site could be.

20 MR. COPPOLA: So, what
21 information and records is he missing? I'd
22 like to know if you could list those for me,
23 please?

24 THE WITNESS (Latorre): Jay
25 Latorre. He's not missing any information in

1 THE WITNESS (Latorre): Those
2 three documents are data that would provide
3 or allow an engineer to better assess the
4 demand and capacity and coverage of a
5 particular area.

6 MR. COPPOLA: How about the
7 Connecticut Siting Council, in order to
8 accurately assess this application, would
9 they also need to have that same information?

10 THE WITNESS (Latorre): Jay
11 Latorre.

12 Verizon Wireless has worked
13 very diligently to convey to all parties,
14 both the Council and the Intervenors, all the
15 information we use on a daily basis to
16 identify our need for coverage and capacity
17 in a particular area, keeping in mind that we
18 have an obligation to present as much
19 compelling data as possible and at the same
20 time ensuring that we are protecting some of
21 our most confidential data that we use in our
22 overall analysis. We've provided significant
23 data here that helps to frame our argument in
24 regards to what our coverage and capacity
25 needs are, as you've seen in some of the

1 previous submissions.
 2 MR. COPPOLA: But I'd like you
 3 to answer my question though.
 4 My question is: Does the
 5 Siting Council need the three documents that
 6 you just testified that Mr. Maxson needed in
 7 order to assess this application; those are
 8 the link budget, the drive data analysis, and
 9 the traffic map analysis?
 10 My question is: If Mr. Maxson
 11 needed that information and records in order
 12 to properly assess this application, then
 13 would the Siting Council also need that
 14 information in order to do the same exercise?
 15 THE WITNESS (Latorre): No, we
 16 don't feel so. We feel the data that we
 17 provided all parties creates a compelling
 18 argument for why Verizon Wireless needs a
 19 capacity and coverage argument for this
 20 facility. I merely just wanted to provide to
 21 you as to why Mr. Maxson's report lacks all
 22 the data necessary to create a compelling
 23 argument.
 24 MR. COPPOLA: But just so --
 25 because I'm really confused. So is it

1 perhaps hasn't got the answer he wants, but
 2 he's gotten an answer.
 3 MR. COPPOLA: The answers keep
 4 changing, Mr. Chairman. I'm just trying
 5 to -- this is an important --
 6 THE CHAIRMAN: Well, try one
 7 more time, and then I have a follow-up
 8 question for Mr. Latorre.
 9 MR. COPPOLA: -- a very
 10 important point, so I just want to clarify
 11 here.
 12 Could Mr. Maxson accurately
 13 review this application without those three
 14 documents and that information which you have
 15 testified before that he should have
 16 reviewed?
 17 THE WITNESS (Latorre): No, he
 18 doesn't have the capability to do that.
 19 MR. COPPOLA: So let me ask
 20 the question. If he doesn't have the
 21 capability to accurately review this
 22 application without that information, then
 23 doesn't the Connecticut Siting Council
 24 members also need that same information in
 25 order to accurately review the application?

1 clear -- let me just make sure I'm clear.
 2 Okay? Did you testify that Mr. Maxson needed
 3 to review the link budget, the drive data
 4 analysis, and the traffic map analysis in
 5 order to accurately review this application?
 6 THE WITNESS (Latorre): If he
 7 had that data available to him, he could make
 8 a more accurate depiction of the potential
 9 location.
 10 MR. COPPOLA: But didn't you
 11 just testify before that he actually needed
 12 that information in order to accurately
 13 analyze this application?
 14 THE WITNESS (Latorre): Yes,
 15 but that data that I just described is not
 16 available to him.
 17 MR. COPPOLA: But you're still
 18 testifying, though, that he actually needs
 19 this information; is that correct?
 20 MR. BALDWIN: Mr. Chairman, I
 21 think we've answered the question at least
 22 three or four times now.
 23 MR. COPPOLA: I don't think
 24 the question has been answered.
 25 MR. BALDWIN: Mr. Coppola

1 THE WITNESS (Latorre): No.
 2 MR. COPPOLA: Okay. That's
 3 where I'm confused.
 4 THE CHAIRMAN: Mr. Latorre,
 5 I'd like to follow up with --
 6 THE WITNESS (Latorre):
 7 Certainly.
 8 THE CHAIRMAN: You commented
 9 that there's some inconsistencies in Mr.
 10 Maxson's report. Could you please elaborate
 11 on that?
 12 THE WITNESS (Latorre): I'm
 13 happy to. I'm not going to point out every
 14 inconsistency. I'd just like to highlight a
 15 couple of points that I made in reviewing Mr.
 16 Maxson's report, and I'll refer to the page
 17 numbers.
 18 The first thing I want to
 19 refer to is at the end of page 3 identified
 20 in the report. I apologize for that.
 21 On page 3, Mr. Maxson makes
 22 the statement that -- and this is in
 23 paragraph three, he makes a couple of
 24 different statements. He states that
 25 "850/1900 megahertz CDMA coverage is

1 irrelevant." He makes the statement that
2 "2100 megahertz LTE service is a capacity
3 overlay to 700 megahertz and is not in itself
4 a coverage issue." He tries to make a point
5 that just because Verizon Wireless may not be
6 deploying certain technologies initially,
7 that somehow they're irrelevant to the
8 application.

9 Verizon Wireless has a strong
10 tradition as we deploy cell sites to a
11 particular area to put up all the necessary
12 antennas that we need to, once the cell or
13 facility comes on air, to evaluate the
14 network and determine if additional
15 technologies are necessary to deploy that.
16 And we've seen that, for example, as we've
17 grown out our 700 megahertz system and seen
18 increased loading, the need to add our 2100
19 megahertz spectrum at a majority of our
20 locations throughout Connecticut.

21 And we've also testified
22 previously that, in the coming years, we'll
23 be making preparations to deploy our 1900
24 megahertz LTE technologies, which is one of
25 the reasons why when we propose facilities we

1 network for voice calling." That's
2 inaccurate given the testimony we've provided
3 today and that we've mentioned previously is
4 that our LTE technology is going to be
5 hosting our Voice over LTE service, and in
6 addition, we'll be providing Voice services
7 now to customers who wish to opt in.

8 I'd like to go to page 6. He
9 makes a point -- he wants to make a point
10 that if, you know, the Verizon network CDMA
11 technology is soon to be inconsequential
12 because 2G and 3G CDMA technologies are now
13 on track for full sunset in six years, and he
14 cites an article from Fierce Wireless
15 entitled, "Verizon Wireless Plans to Shutter
16 Its 2G and 3G CDMA Networks by 2021." That's
17 footnote 6 for your reference. Verizon
18 Wireless has to maintain its CDMA network for
19 as long as our customers still have a need
20 for our legacy voice and data services.

21 And that's a key point I want
22 to make sure that the Council and the
23 Intervenors understand. It's, just because
24 we're adding LTE to our existing network and
25 growing our 2100 megahertz spectrum, it does

1 already bring those antennas up there just to
2 make sure that they are ready for us when
3 Verizon Wireless determines there's a need to
4 add that information.

5 Another thing I'd like to make
6 mention to is on page 5, and we've talked
7 about this previously. Mr. Maxson states
8 that -- at the end of page 5 before the
9 footnotes he states that "LTE phones also
10 rely on the CDMA network for voice calling,"
11 and he does have a footnote that says, "Press
12 reports indicate Verizon is beginning to turn
13 on its Voice over LTE services nationwide."
14 You know, he makes the statement that seems
15 to suggest that -- and I can read verbatim
16 here, you know: "The robust use of the CDMA
17 network should simply be the use of CDMA for
18 voice services by all subscriber phones."

19 That's incorrect. The CDMA
20 network that we have today is still growing
21 because of the use of our EVDO service or 3G
22 data service, so that's not the only reason
23 that our CDMA network is still growing.

24 And he also makes the
25 statement, "LTE phones also rely on CDMA

1 not imply that this technology for CDMA is
2 simply just going to run away. And I think
3 we've seen with the old analog days that
4 technologies will be available so as long as
5 our customers need them for as long as they
6 need them to the best of our ability.

7 He makes a point -- and this
8 is also on page 6 on Section 2. He states at
9 the high level, the 2100 megahertz coverage
10 map is irrelevant. And I think the point
11 that Mr. Maxson is maybe trying to convey is
12 that because they're overlaying 700 megahertz
13 coverage in the area, that looking at
14 coverage for 2100 megahertz is really
15 irrelevant, and I disagree with that
16 statement. The different frequencies all
17 have different coverage maps. That's
18 something we've all seen. They have
19 different antennas, they have different
20 radios, different powers, et cetera, et
21 cetera.

22 If I can refer you back to --
23 I just want to make reference to the RF
24 coverage plots, which are Exhibit 1,
25 Attachment 6. If you refer to plots 3 and 4,

1 which are the ones -- the plots entitled for
2 2100 megahertz coverage, you see that in the
3 area of the Orange North facility there are
4 coverage gaps where we can't provide our 2100
5 megahertz service to our customers. And
6 anywhere that we have a 2100 megahertz
7 coverage gap, that will not allow us to
8 off-load 700 megahertz technologies in that
9 area.

10 You've heard the testimony of
11 Mr. Laredo that at all of our existing
12 facilities we've been working to add 2100
13 megahertz services to the area, and in spite
14 of that, in every location the 700 megahertz
15 coverage is continuing to show demand. It's
16 showing, you know, in some cases increased
17 demand. The addition of 2100 megahertz
18 services does not simply eliminate the issue
19 of capacity. It's simply one of the many
20 ways we have available to us to help off-load
21 some of our 700 megahertz capacity while we
22 search for additional facilities to provide
23 additional capacity resources in the area.

24 MR. COPPOLA: Mr. Chairman.

25 THE CHAIRMAN: Yes, sir.

1 in the Shelton 2 Connecticut Beta sector, if
2 you look at the table that states,
3 "Surrounding sectors exhaust date history,"
4 what you've seen here is that this thought
5 that because a sector is not exhausting today
6 means that we've got nothing to worry about
7 is just not accurate. I mean, we've got
8 three sectors in this area that need capacity
9 relief. We have the Shelton 2 Connecticut, a
10 site that, you know, analysis through the end
11 of June showed no potential for capacity
12 relief -- capacity need or exhaustion within
13 the next three years.

14 In the next month's data
15 through growth and traffic demand showing
16 that we are now approximately a year and a
17 half away from capacity exhaustion, and at
18 the same time we see additional sectors, you
19 know, continuing to show increased demand
20 with a demand date coming up. For example,
21 Milford Northeast, through our latest set of
22 data, shows that we've met exhaust, we are
23 now exhausting on that sector.

24 And the point I want to make
25 here is that we've cited through our data and

1 MR. COPPOLA: I'm sorry. Was
2 he done?

3 THE WITNESS (Latorre): I
4 think I have a couple more points, please.

5 I want to refer everyone to
6 page 9 where Mr. Maxson makes a statement on
7 point 5 on page 9 that the "Initial claim is
8 excessive and unsubstantiated." And he's
9 making the points that essentially here that
10 because some of the surrounding sectors may
11 not currently be calling for exhaust in the
12 area, that somehow that our claim that this
13 site will provide capacity relief to
14 surrounding sectors is excessive.

15 Now, we've seen in the
16 previous testimony just from last month --
17 and, Mr. Baldwin, could you please refer all
18 parties to the RF data sheet that showed
19 capacity demand, sir?

20 Is that Exhibit 14?

21 MR. BALDWIN: Exhibit 14,
22 Attachment 4.

23 THE WITNESS (Latorre): Thank
24 you, Attorney Baldwin.

25 We've seen here, for example,

1 we've cited and we've seen through the Cisco
2 Visual Networking Index document that's
3 Administrative Notice to the Council Number
4 49 that data is growing at an exponential
5 rate, and Verizon needs to have facilities in
6 place to meet this demand. We're already
7 seeing it along a number of sectors, and we
8 expect the demand to grow.

9 And I want to make sure that
10 we explain that point to all parties involved
11 because we don't feel this initial claim is
12 excessive and unsubstantiated. We've got
13 several sectors in an area that are
14 exhausting, and as time grows, that exhaust
15 and that demand is only going to increase.
16 We've always seen that with our network.

17 I want to just make another
18 statement really quickly just so we can
19 confirm and eliminate any potential
20 confusion. I know data may have come in to
21 the Council at different times. Mr. Maxson
22 states on page 11 under Section 7: "Capacity
23 data is incomplete and insufficient." He
24 makes the statement, "The Applicant has
25 provided no evidence that the 2100 megahertz

1 network element is even providing service."
2 I just want to again refer the Council back
3 to the previous document, which is Exhibit
4 14.

5 Attorney Baldwin, I think you
6 said it was --

7 MR. BALDWIN: Two.

8 THE WITNESS (Latorre):

9 Attachment 2. Thank you.

10 MR. BALDWIN: Attachment 4.

11 THE WITNESS (Latorre):

12 Attachment 4. Thank you.

13 And we do cite now our data
14 analysis showing our current demand for the
15 AWS service or 2100 megahertz service at our
16 Derby facility, our Derby North facility and
17 our Shelton 2 facility. And they present a
18 great point because what you're seeing here
19 is that, for example, in the case of Derby
20 North versus Derby North Connecticut AWS,
21 you're seeing, for example, the -- and let's
22 refer to the Gamma sector here.

23 We're seeing that with the
24 activation of AWS, we've taken from a forward
25 data volume perspective a good chunk, let's

1 assessment, but when he was asked previously
2 about it, he said that he wasn't clairvoyant,
3 he wasn't sure what Verizon Wireless's plans
4 were for the 1900 megahertz spectrum.

5 Now, what we've testified to
6 previously, and Mr. Laredo and I have both
7 testified to this, is that Verizon Wireless
8 is actively laying the groundwork to deploy
9 our 1900 megahertz LTE services as the
10 existing 3G legacy network can be removed
11 from there. So that is a fact. That's one
12 of the reasons why we're deploying 1900
13 megahertz antennas at the proposed Orange
14 North facility to prepare for that.

15 He also makes a statement
16 here, again, just to read it, that "The 1900
17 megahertz spectrum will provide an additional
18 20 megahertz of new LTE spectrum to further
19 spread out demand." This just isn't simply
20 true. Verizon has to own 20 megahertz' worth
21 of PCS spectrum, 1900 megahertz spectrum, in
22 order to provide 20 megahertz of new LTE
23 spectrum to further spread out demand.
24 Verizon Wireless doesn't own 20 megahertz of
25 1900 megahertz spectrum in this area, so we

1 say roughly 35 percent or 33 percent of the
2 forward data volume for that overall site on
3 the Gamma sector, and moved users in the busy
4 hour from the 700 megahertz spectrum to the
5 AWS spectrum. And that's great. That's a
6 really good capacity off-load for us. And
7 we've moved, you know, a good chunk of the
8 average active connected users over to AWS as
9 well.

10 That's the result of a
11 spectrum being deployed and having devices
12 readily available. And still, in spite of
13 that, we still have the propensity to exhaust
14 in the next roughly two years. So that data
15 is there, and I just wanted to clarify that.

16 There's another point Mr.

17 Maxson makes that I just want to clarify
18 here. Also, on Number 7, he makes a
19 statement: "Moreover at some point well
20 before 2021, the 1900 megahertz spectrum will
21 become available for conversion to LTE
22 service. This provides an additional 20
23 megahertz of new LTE spectrum to further
24 spread out demand."

25 Now, this is Mr. Maxson's

1 can't possibly provide that much additional
2 capacity at this facility at that frequency
3 level.

4 We can provide the 5 megahertz
5 F block that we currently own, and there is a
6 potential, as we've seen in the past in the
7 industry, that as technologies are ready to
8 be deployed in an area and the different
9 companies are working on that, there is
10 occasionally spectrum swaps where different
11 companies will come to a business agreement
12 to share different frequencies, and it's all
13 managed by the FCC. As RF design engineers,
14 we can only testify to what we know we own
15 today, and we don't own 20 megahertz of 1900
16 megahertz spectrum, so we can't -- I deem
17 that inaccurate.

18 THE CHAIRMAN: I think
19 Mr. Lynch also had a question.

20 MR. LYNCH: I'd like to clear
21 up a little misnomer about analog. This
22 Council heard for a number of years that
23 analog would be supported by Verizon, and
24 your competitors all said the same thing.
25 You're not alone. And myself and former

1 member of the Council, Mr. Walinski, were
2 analog holdouts. And it came to a point
3 where we were told that, as of a certain
4 date, analog would no longer be supported by
5 us or any carrier, so it was a forced ending
6 to analog. It wasn't -- you didn't support
7 it all the way through. So I just -- so we
8 had to switch over to digital, and so on, so
9 I just wanted to --

10 THE WITNESS (Latorre): No,
11 you're absolutely correct, and thank you for
12 your input. I should have more accurately
13 stated that Verizon will work to provide, as
14 necessary, services of legacy, services and
15 devices, but there will be a cutoff point,
16 and that's accurate, as well, for some of our
17 existing services.

18 So thank you for the
19 clarification.

20 MR. LYNCH: Thank you. Some
21 of us that still have "dumb phones" like
22 myself, I'm looking forward to that date.

23 THE WITNESS (Latorre):
24 Understood. Understood.

25 MR. COPPOLA: Mr. Chairman,

1 answer, though, to the first question is the
2 FCC is the one who preempts the public need.

3 DR. KLEMENS: So they say even
4 the anticipation going forward --

5 THE CHAIRMAN: I'm not sure
6 how they determine --

7 THE WITNESS (Latorre): That's
8 a great question. So let's refer back again
9 to -- I think it's Exhibit 14 and Attachment
10 4, and let's just look at the -- it's on page
11 3. And we'll look at the Orange North
12 Connecticut list of surrounding sectors.

13 So first your question about,
14 you know, kind of current public need versus,
15 you know, proposed or future need. As we go
16 through the sites identified in the summary
17 section in yellow as currently having a
18 projected date to exhaust, we've got a couple
19 of different things going on here. So first,
20 again, to state to the current need, the
21 Milford Northeast Alpha sector, which is
22 going to have capacity relief from the
23 proposed Orange North facility, is exhausting
24 today. It's taking on too much traffic, and
25 we need to come up with a solution for that.

1 should I continue?

2 DR. KLEMENS: Mr. Chairman?

3 THE CHAIRMAN: You have a
4 question, Dr. Klemens?

5 DR. KLEMENS: I just have a
6 question, and maybe this is my naivete as one
7 of the newer members of the Council, but when
8 we talk about public need -- and what I hear
9 a lot of is this anticipatory public need --
10 when does the anticipation rise to the level
11 of being public need?

12 And the other question is, if
13 someone could explain to me, I'm looking at
14 the 2100 megahertz map, and I'm seeing the
15 difference of the new coverage just on the
16 ground being very minimal if you look at the
17 purple and the small areas that are included.
18 What is the missing piece that I'm missing on
19 this between these maps and what's being
20 stated?

21 THE CHAIRMAN: Are you asking
22 me?

23 DR. KLEMENS: No. I'm asking
24 Mr. Latorre.

25 THE CHAIRMAN: I think the

1 That's happening today.

2 DR. KLEMENS: Mr. Latorre, I
3 understand these two things, but how do we
4 know this particular one is going to do it?
5 That's what I -- I understand this chart. I
6 understand the exhaustion. I understand
7 these two maps that you've shown. How do I
8 know that this site is going to help those
9 areas?

10 THE WITNESS (Latorre):
11 Verizon Wireless has presented our data, and
12 we've done our due diligence in terms of
13 looking at our traffic maps and all the data
14 that we presented here to show that the areas
15 where Milford Northeast is currently
16 providing coverage overlap of areas that the
17 Orange North facility could potentially
18 provide coverage, should it be built as we
19 described in the application. Verizon
20 Wireless does this through looking at the
21 existing drive data, through the maps that
22 we're looking at here, and a host of other
23 data that we presented today that suggests
24 that the orientation of the sectors, the
25 coverage, et cetera, is going to provide

1 overlapping coverage where users can get onto
2 Orange North, whereas today they're kind of
3 on the fringe of Milford Northeast.

4 Looking at this, I mean, we
5 have an area here bounded by Shelton 2,
6 Derby, Derby North, the Orange 2 and 3, and
7 Milford Northeast. We have a gap in the
8 middle. We need something there that's going
9 to allow for Milford Northeast and these
10 other sectors to have a new server to use our
11 services.

12 Now, you know, obviously,
13 Verizon Wireless is always looking at, you
14 know, additional potential opportunities in
15 the area, and that may mean that, in addition
16 to the deployment of this facility, we may
17 need to add further frequencies, as we've
18 been talking about and talking about the AWS
19 technologies, and we've talked about our PCS
20 technologies as well. But based on the data
21 that we have today, we are confident that
22 this facility is going to provide some
23 much-needed capacity relief to the Milford
24 Northeast facility and the other facilities
25 you've identified.

1 not as if we have additional spectrum that we
2 can slowly push into the site at a given
3 frequency level. We can add additional
4 frequencies, to our point, but we can't just,
5 you know, make up additional 700 megahertz
6 spectrums to add.

7 Now, the other thing to keep
8 in mind with the creation of a data-centric
9 network is, unlike CDMA, we have to be
10 careful in the areas where we provide
11 significant overlap between sites and the
12 areas where we have minimal overlap. There
13 are instances in the LTE network or LTE
14 technology where, if you have too much
15 overlap, you can degrade service even though
16 you've now got multiple services in the area.
17 So as we've always done in the past, in
18 addition to deploying these new topologies,
19 new locations, such as Orange North, after
20 the deployment we may have to do, you know,
21 further optimization, you know, down tilts of
22 existing antennas, for example, to make sure
23 that we've verified the overlap to be an
24 acceptable level to provide prime performance
25 for our customers in as many places as

1 DR. KLEMENS: And then the
2 only other question I have is are we barking
3 up the wrong tree trying to make these towers
4 short? It mean, this seems to be
5 exponentially growing. Would we be better
6 off as a matter of policy permitting fewer
7 taller towers that could serve needs rather
8 than all these 120, 110, 130-foot towers?

9 THE WITNESS (Latorre): That's
10 a great question. I think one of the things
11 we have to balance as we design a
12 data-centric network is the way the two
13 technologies operate. So CDMA was great
14 because you could just put our 3G voice, 3G
15 data because you could just find the tallest
16 mountain and get your coverage out there to
17 as many users as possible, and if you had
18 additional needs for demand, you could add,
19 you know, a card into the shelter, and now
20 that site can add additional services or
21 different carriers.

22 LTE doesn't work that way.
23 When you deploy LTE at a particular
24 frequency, Verizon Wireless deploys our
25 entire spectrum through our radio. So it's

1 possible.

2 DR. KLEMENS: Thank you.
3 And thank you for indulging
4 these questions, Mr. Chairman.

5 MR. COPPOLA: Mr. Chairman,
6 can I, just as a point of order,
7 Mr. Chairman? Within the last 20 or so
8 minutes of testimony Mr. Latorre has referred
9 to a significant amount of information and
10 records that aren't in the record.

11 And so two things: Number
12 one, I'd ask that if he's not going to --
13 well, I guess first and foremost, if he's not
14 going limit his comments to information and
15 records that is within the record, there is a
16 duty to disclose that information in this
17 record; otherwise, my second point is we have
18 no opportunity to be able to respond to that.
19 I think that's, quite frankly, a deprivation
20 of the due process rights of the Interveners
21 here.

22 THE CHAIRMAN: I disagree with
23 you because my understanding is every time he
24 cited something, he's gotten a source.

25 And two, the purpose of all of

1 our hearings are to elicit information so
2 that the Council can make an intelligent and
3 well-thought-out response to the application.
4 So I just don't agree with your objection.
5 We've asked questions, and he's answered. I
6 don't know how -- I mean, we can't answer the
7 question by just citing a source, just like
8 your witness also provides -- in fact, this
9 morning we got something verbally. We didn't
10 even see it in writing.

11 So I would -- let's --

12 Commissioner Caron, did you have --

13 MR. CARON: Mr. Chairman, I
14 observed our court reporter, Lisa's, fingers
15 are swelling, and I thought this might be a
16 good time for maybe a ten-minute break. I
17 make that as a suggestion.

18 THE CHAIRMAN: We were going
19 to go to four o'clock, so a ten-minute break
20 would -- we'll take a five-minute break.

21 THE COURT REPORTER: You can
22 keep going, if you want.

23 MR. COPPOLA: Mr. Chairman, if
24 we only have half an hour, I'd ask that we
25 keep going.

1 that has not been entered into the record, I
2 would ask that that data be entered into the
3 record. And if the ruling is going to be of
4 the Siting Council that they can refer to
5 data, new information, facts, which have not
6 been supported into the record, then I would
7 just like the objection to make a ruling on
8 that issue because I don't think that it's,
9 from a matter of fairness, from a due process
10 rights standpoint, I do not believe they
11 could be entering data into the record
12 without having it --

13 THE CHAIRMAN: My problem is I
14 don't agree with you that he's submitted data
15 that's not in the record. I just think he
16 has elaborated on data, and he and Attorney
17 Baldwin cited the sources of the data. But
18 you can, obviously, have your own objection,
19 but let's continue.

20 Are you finished, or can we --
21 with the original question?

22 THE WITNESS (Latorre): I
23 think what I presented is sufficient in
24 regards to the original question, sir.

25 THE CHAIRMAN: Okay. Thank

1 THE CHAIRMAN: Let's keep
2 going.

3 Attorney Baldwin, do you want
4 to comment on the objection that was raised
5 with the way I'm handling this?

6 MR. BALDWIN: No. I think,
7 Mr. Chairman, you had a right. One of the
8 things -- we can't get all of Mr. Latorre's
9 and Mr. Laredo's thoughts on paper. They are
10 experts. A lot of what he's testifying to,
11 obviously, comes from his experience and from
12 his knowledge of what Verizon Wireless does
13 and how it works, so I think that's why he's
14 here as an expert. We've provided
15 information that we think was relevant and
16 answered questions that were asked, but as
17 with Mr. Maxson and any expert, they're going
18 to be offering their opinions as to what that
19 information means, and I think that's
20 entirely permissible and consistent with
21 Council practice.

22 MR. COPPOLA: Mr. Chairman,
23 just one point. I think we're missing the
24 issue. The issue is, if he's going to refer
25 to data that has -- data, not opinions, data

1 you.

2 MR. COPPOLA: If I may
3 continue, Mr. Chairman?

4 THE CHAIRMAN: Attorney
5 Coppola, will you please continue with your
6 cross-examination.

7 MR. COPPOLA: Yes. Thank you.
8 So, Mr. Latorre, you testified

9 that Mr. Maxson would need to review the link
10 budget as part of his analysis in order to
11 accurately review this application. Correct?

12 THE WITNESS (Latorre):
13 Correct.

14 MR. COPPOLA: So has Verizon
15 provided the link budget yet to the either
16 Siting Council or Intervenors?

17 THE WITNESS (Latorre): We
18 have not.

19 MR. COPPOLA: Okay. And
20 what's the date of the link budget? Is there
21 a date to that document?

22 THE WITNESS (Latorre): Can
23 you repeat the question, please?

24 MR. COPPOLA: Is there any
25 other way to refer to it other than just link

1 budget, the document?
 2 THE WITNESS (Latorre): Oh,
 3 okay. I understand.
 4 MR. COPPOLA: I don't need a
 5 detailed explanation, just is there a date
 6 for it or another name it's known by?
 7 THE WITNESS (Latorre): There
 8 is no document. It's a way to calculate the
 9 what we call coverage footprint of an LTE
 10 network. It's a standard way of -- there's
 11 no specific document that I could cite.
 12 MR. COPPOLA: But did Verizon
 13 review a link budget or create a link budget
 14 with regard to this application?
 15 THE WITNESS (Latorre): Yes.
 16 MR. COPPOLA: Okay. So, they
 17 created a link budget, but you said there's
 18 no document that resulted in it. I'm
 19 confused by that.
 20 THE WITNESS (Latorre): Okay.
 21 I can clarify. So Verizon Wireless, at a
 22 national level, has identified what our link
 23 budget needs to be to provide a reliable and
 24 robust LTE network. Now, I am aware of what
 25 that link budget is. That's proprietary and

1 MR. LYNCH: But it's not
 2 broken down into regions or localities or
 3 anything?
 4 THE WITNESS (Latorre): I want
 5 to make sure I understand this correctly.
 6 That is the standard given out by our
 7 national headquarters.
 8 Now, I think to answer the
 9 spirit of your question, specifically within
 10 Connecticut, that's the standard we use, but
 11 it is possible that other states, for
 12 example, or other areas may deviate the
 13 overall link budget to meet the needs of
 14 their local engineers. I can't speak for
 15 them. I can only speak for us.
 16 MR. LYNCH: Thank you.
 17 MR. COPPOLA: Could you give
 18 me an example of a link budget?
 19 And actually let me amend the
 20 question. With regard to this application,
 21 how is a link budget relevant?
 22 THE WITNESS (Latorre): How is
 23 the link budget relevant? Well, we've
 24 mentioned previously that the cutoff for
 25 reliable coverage in these maps is 120 dB

1 sensitive material, and I've worked
 2 diligently, along with Mr. Laredo, to provide
 3 as much information as I can regarding what
 4 we deem the reliable footprint of the LTE
 5 network that we're describing here is. I
 6 don't have a specific document. It's more
 7 built into our various propagation tools to
 8 better show where our reliable coverage is
 9 versus unreliable coverage, but I don't have
 10 a specific document.
 11 MR. COPPOLA: Is there any
 12 data associated with --
 13 THE CHAIRMAN: Mr. Lynch has a
 14 question.
 15 MR. LYNCH: I just have one
 16 follow-up question.
 17 MR. COPPOLA: Sure.
 18 MR. LYNCH: Is that link
 19 budget based on -- you said it came from
 20 that, but is that a national budget, is that
 21 a localized budget, is it a regional budget?
 22 THE WITNESS (Latorre): Sure.
 23 The standard for Verizon Wireless is a
 24 national budget, and that's what we're
 25 describing here today.

1 reverse link operational path loss. That is
 2 a result of the various parameters and
 3 calculations that go into our LTE network
 4 which overall compromise -- comprise the link
 5 budget.
 6 MR. COPPOLA: What are those
 7 parameters?
 8 THE WITNESS (Latorre): There
 9 are a number of parameters that go into
 10 calculation of a link budget. I can describe
 11 some of those parameters to you, but I can't
 12 give you those specific values.
 13 MR. COPPOLA: Why?
 14 THE WITNESS (Latorre):
 15 Because that is the heart of how a wireless
 16 service provider designs a network. And
 17 providing that data in a public forum would
 18 allow any other competitor to evaluate how
 19 we're designing our network and then look to
 20 ways to undermine our goals of designing, you
 21 know, our network through, you know, work
 22 that they're doing on their end. Providing
 23 that specific data is the heart of what we
 24 use to determine our reliable -- I should say
 25 our coverage maps in regards to where we deem

1 reliable coverage exists.
 2 MR. COPPOLA: But you just
 3 testified that without this information we
 4 can't accurately review this application.
 5 Correct?
 6 MR. BALDWIN: I don't think
 7 that's what Mr. Latorre is saying.
 8 MR. COPPOLA: Excuse me?
 9 MR. BALDWIN: Perhaps we can
 10 go back to the transcript and get the exact
 11 question. Mr. Chairman, we've had the same
 12 question in different forms about four or
 13 five different times now. Mr. Latorre has
 14 stated that this information is confidential
 15 and proprietary, cannot be disclosed. If
 16 Mr. Coppola wants to talk about generally
 17 what the link budget involves, I think Mr.
 18 Latorre can go there. The exact values, as
 19 he stated, are protected and confidential.
 20 MR. COPPOLA: First of all,
 21 I've asked different questions, and I haven't
 22 asked the same question multiple times, so I
 23 disagree with Attorney Baldwin's comment or
 24 objection there.
 25 With regard to the link

1 your question, and I don't want to walk
 2 around it. It's just, as a design engineer
 3 and not a staff attorney for Verizon
 4 Wireless, it's not my call to state whether
 5 or not, even with some kind of nonbinding or
 6 nondisclosure agreement, whether or not that
 7 would be sufficient for Verizon Wireless to
 8 release that information.
 9 MR. COPPOLA: But in your
 10 capacity as a technical person within
 11 Verizon, it's your understanding, though,
 12 that the reason that that information can't
 13 be released is because it would be an issue
 14 with regard to competitors. Correct?
 15 MR. BALDWIN: Mr. Latorre has
 16 answered that question a number of times.
 17 THE CHAIRMAN: I think we --
 18 again, I think you're beating that one to
 19 death.
 20 MR. COPPOLA: Let me move on
 21 to the drive data analysis. Is there a
 22 document that encompasses your drive data
 23 analysis?
 24 THE WITNESS (Latorre): We did
 25 perform drive data analysis and regularly

1 budget, could any of that information be
 2 disclosed if the parties agree to enter into
 3 a confidentiality agreement so that that
 4 information is not available to any of your
 5 competitors?
 6 THE WITNESS (Latorre): As a
 7 design engineer for Verizon Wireless, it's
 8 not my call. I couldn't be able to speak to
 9 whether or not, legally, we'd be able to do
 10 that.
 11 MR. COPPOLA: But let me ask
 12 you this question then in your position: If
 13 this information is disclosed in a
 14 confidential way so that none of your
 15 competitors would be able to see that
 16 information, would that take care of the
 17 concern that you just stated before in your
 18 testimony about releasing that information?
 19 THE WITNESS (Latorre): No,
 20 that wouldn't take away any concern because
 21 we, as a company, feel strongly enough about
 22 the proprietary nature of that data that, you
 23 know, that -- let me rephrase this.
 24 I have to actually go back and
 25 restate what I said previously. I understand

1 perform drive data analysis throughout our
 2 network and for this area. There is no
 3 document that can be submitted with the
 4 application because showing what our coverage
 5 levels are through drive data is considered
 6 proprietary.
 7 MR. COPPOLA: But you
 8 testified earlier that this application can't
 9 be accurately reviewed without having an
 10 opportunity to review that information
 11 though. Correct?
 12 THE WITNESS (Latorre): I
 13 testified that a third-party consultant
 14 doesn't have all the information necessary to
 15 provide an accurate approval or review of the
 16 proposed facility and can't properly convey
 17 all of the benefits of the proposed facility
 18 because they don't have the data -- all of
 19 the data that Verizon Wireless uses to make
 20 decisions about location of new facilities.
 21 MR. COPPOLA: So, therefore,
 22 no one other than any -- so, therefore, no
 23 one except for members of Verizon Wireless
 24 who have this proprietary information could
 25 assess -- accurately assess the public need

1 for this proposed tower then. Correct?
 2 THE WITNESS (Latorre): I
 3 don't agree with that statement because I
 4 think we've given a host of information.
 5 We've shown coverage maps that show where the
 6 proposed facility is going to provide
 7 reliable coverage and had identified some
 8 coverage holes that this facility is going to
 9 help address.
 10 We've also shown to make sure,
 11 for everyone's benefit, where the coverage
 12 goes from reliable to unreliable, and that
 13 explained significantly the fact that where
 14 the reliable or unreliable cutoff ends
 15 doesn't necessarily mean that there won't be
 16 some users that use some of that -- won't
 17 continue to use that network. It just
 18 reaches an unreliable point.
 19 I think we've provided to all
 20 parties significant data that summarizes the
 21 demand increase that we've seen in our
 22 network over the last year plus. We've
 23 provided the sectors specifically which are
 24 going into exhaust or soon to be exhausting,
 25 and we've even gone so far as to provide, to

1 Verizon's responses to the Intervenors'
 2 interrogatories request for production, which
 3 is dated September 9, 2014. Because we don't
 4 have a lot of time, I'll just try to go
 5 quickly through this.
 6 MR. BALDWIN: Is that Exhibit
 7 15?
 8 MR. ASHTON: Mr. Chairman?
 9 MR. COPPOLA: Yes, I believe
 10 that would be --
 11 THE CHAIRMAN: Mr. Ashton has
 12 a question.
 13 MR. ASHTON: May I inquire,
 14 Counsel, just one second?
 15 On your last line of
 16 questioning, you asked again whether or not
 17 Verizon has provided adequate information for
 18 Mr. Maxson to form a conclusion, and the
 19 answer is no. That's a black or a white
 20 picture, and I'm wondering if there's not a
 21 gray.
 22 Is the volume and type of
 23 information that you have provided adequate
 24 to have Mr. Maxson form a reasonable picture
 25 of the network and how this proposed facility

1 the best of our abilities and the best of our
 2 knowledge of the data that we have today,
 3 some of the really specific data that Verizon
 4 Wireless uses to determine the need for
 5 additional facilities in the area; for
 6 example, sharing with all parties real data
 7 from our LTE network that summarizes at peak
 8 hour our forward data volume, average
 9 scheduled eligible users, and average active
 10 connections for a host of different sectors.
 11 And we feel that all of this
 12 data that we've presented, as well as the
 13 citations we've mentioned from Administrative
 14 Notice Number 49 regarding the significant
 15 growth of LTE capacity all around the world
 16 and also in the United States, shows the need
 17 for this facility.
 18 MR. COPPOLA: However,
 19 Mr. Maxson is still missing some information
 20 which will allow him to conclude accurately
 21 whether or not this application is needed?
 22 That's a yes or no question.
 23 THE WITNESS (Latorre): Yes.
 24 MR. COPPOLA: Okay. Moving
 25 on, I'd like to just draw your attention to

1 works, maybe not to the last 15 places to the
 2 right of the decimal, but does it give a
 3 pretty clear indication as to whether or not
 4 this facility is needed, in your opinion?
 5 THE WITNESS (Latorre): My
 6 opinion is that we've provided significant
 7 data that would allow someone to make a
 8 reasonable assessment of what the potential
 9 off-load and capacity relief of this proposed
 10 site and its overall function would be.
 11 However, in reviewing Mr. Maxson's report, I
 12 don't feel that he was able to reach
 13 conclusions based on the data today that are
 14 accurate and accurately depict the proposed
 15 location's enhancement to our network.
 16 MR. ASHTON: Thank you.
 17 MR. COPPOLA: Mr. Chairman,
 18 moving on for Mr. Latorre with regard to the,
 19 again, document that is set forth in the
 20 program as Exhibit Number 15. There was some
 21 issue with the numbering of the question of
 22 the interrogatories which was corrected by
 23 Verizon, which we appreciate.
 24 With regard to the request for
 25 information and interrogatory which was

1 initially Numbers 54 and corrected as 63, the
 2 question was --
 3 MR. BALDWIN: Can we just have
 4 a page number?
 5 MR. COPPOLA: Sure. That's
 6 page 20 of your responses.
 7 And the question was, "In the
 8 process of establishing the Orange North
 9 search ring, did Verizon perform any
 10 researching or analysis of the geographic
 11 areas to which any or each particular
 12 existing sector is the dominant server?" And
 13 the response was that "Cellco's RF design
 14 engineers reviewed topographic and geographic
 15 information through the use of its
 16 proprietary geo plan RF propagation modeling
 17 tool."
 18 Mr. Laredo, was the geo plan
 19 RF propagation modeling tool which Verizon
 20 relied upon to establish its Orange North
 21 search ring disclosed within the record of
 22 this proceeding?
 23 THE WITNESS (Laredo): I'm
 24 sorry. Can you repeat the question for me,
 25 please?

1 antenna orientations, and the antenna models,
 2 et cetera, and that data is stored in the geo
 3 plan tool, and that's been shared with all
 4 parties.
 5 MR. COPPOLA: And then the
 6 next question is this: I'd ask if,
 7 Mr. Chairman, if I ask a yes-or-no question,
 8 if it could be answered in that fashion just
 9 so we can move things along because we don't
 10 have a lot of time?
 11 Did you use the RF propagation
 12 modeling tool to predict the dominant server?
 13 THE WITNESS (Laredo): Yes.
 14 MR. COPPOLA: With regard to
 15 Interrogatory Number 55, also renumbered 64
 16 on page 20 of Exhibit 15, did Verizon rely
 17 upon -- let me retract that question.
 18 With regard to Question Number
 19 55, also 64, as Exhibit 15, on page 20, are
 20 there any documents in Verizon's possession
 21 pertaining to any research and/or analysis
 22 that Verizon performed in geographic areas to
 23 which any or each particular existing sector
 24 is the dominant server which hasn't been
 25 disclosed as part of this record?

1 MR. COPPOLA: Was the geo RF
 2 propagation modeling tool which Verizon
 3 relied upon to establish the Orange North
 4 search ring disclosed as part of the record
 5 of this proceeding? And that's a yes or no
 6 question.
 7 THE WITNESS (Laredo): The
 8 answer is no.
 9 MR. COPPOLA: Could Verizon
 10 provide that information now as part of this
 11 proceeding?
 12 THE WITNESS (Latorre): Jay
 13 Latorre. What we can provide is the fact
 14 that the geo plan tool RF propagation
 15 modeling tool was used to create what we call
 16 shapefiles, which depict our coverage to show
 17 the maps that have been identified in
 18 exhibit -- I just want to make sure I get the
 19 right location for you -- Exhibit 1,
 20 Attachment 6.
 21 So, as so far as some of the
 22 various data elements required to produce
 23 this information, we shared information as
 24 far as the lat and long of existing
 25 facilities, their antenna heights, their

1 MR. BALDWIN: Mr. Chairman,
 2 that's the question -- that is the question
 3 that was asked in the interrogatory response,
 4 and that's been answered in the interrogatory
 5 response.
 6 THE CHAIRMAN: So what is the
 7 answer?
 8 THE WITNESS (Laredo): No.
 9 MR. COPPOLA: Okay. The
 10 answer is no that there is no information
 11 that we're missing; is that correct?
 12 MR. BALDWIN: Mr. Chairman, I
 13 would refer the Council and the Intervenors
 14 to the response to Question 64 or 55.
 15 THE CHAIRMAN: It's answered
 16 in there.
 17 MR. COPPOLA: I was a little
 18 confused about the answer. That's why I was
 19 asking the question.
 20 The response was data
 21 information incorporated into Cellco's geo
 22 plan modeling tools proprietary can't be
 23 disclosed. It didn't answer the -- it wasn't
 24 a straight answer as to whether there is
 25 information and documentation that they

1 relied upon with regard to that request, so
 2 it was a little --
 3 THE CHAIRMAN: I think it's
 4 clear now.
 5 MR. COPPOLA: With regard to
 6 Interrogatory Number 57, also numbered as 66
 7 on page 21 of Exhibit 15, is it correct that
 8 there's certain records and information
 9 pertaining to any research and/or analysis
 10 that Verizon performed where the existing and
 11 proposed Orange North sectors will be the
 12 dominant server which hasn't been disclosed
 13 so far in this proceeding?
 14 MR. BALDWIN: Same objection,
 15 Mr. Chairman.
 16 THE WITNESS (Laredo): No.
 17 THE CHAIRMAN: Isn't it the
 18 same answer?
 19 MR. COPPOLA: I guess if I'm
 20 not going to get a response, does that mean
 21 that objection is sustained? I'll just move
 22 on.
 23 THE CHAIRMAN: I believe it's
 24 been answered.
 25 MR. COPPOLA: I thought he

1 So how much?
 2 THE WITNESS (Laredo): I don't
 3 have the exact answer.
 4 MR. COPPOLA: Could you give
 5 me an approximate answer?
 6 Excuse me. Mr. Chairman, I
 7 would ask that if I ask one of the witnesses
 8 a question that another witness doesn't speak
 9 to him while he --
 10 MR. BALDWIN: Mr. Chairman --
 11 THE CHAIRMAN: No. I'm sorry,
 12 we want to get the best answer. So that's
 13 happened at every meeting I've been where
 14 they can collaborate on an answer. I'm
 15 sorry.
 16 MR. COPPOLA: All right. Just
 17 let the record reflect that then. Thank you.
 18 THE WITNESS (Laredo): It
 19 would create some new dominance in the
 20 service area.
 21 MR. COPPOLA: What will create
 22 some new dominance in the service area?
 23 THE WITNESS (Latorre): The
 24 Orange North facility will provide some areas
 25 where it will become more dominant than where

1 said the answer was no, so that's why I'm
 2 asking the question.
 3 THE CHAIRMAN: All right, go
 4 ahead. Say it loud so I can hear it.
 5 THE WITNESS (Laredo): No.
 6 THE CHAIRMAN: Thank you.
 7 MR. COPPOLA: Mr. Laredo, does
 8 your dominant server map show Orange North
 9 providing any dominant coverage over Derby
 10 Beta or Derby North Gamma service areas?
 11 THE WITNESS (Laredo): I'm
 12 sorry. Can you please refer to which
 13 specific information?
 14 MR. COPPOLA: I guess I'm
 15 referencing the dominant server map that you
 16 referenced -- that has been referenced within
 17 this proceeding but hasn't been disclosed.
 18 THE WITNESS (Laredo): Yes.
 19 MR. COPPOLA: So the question
 20 is: Does your dominant server map show
 21 Orange North providing any dominant coverage
 22 over Derby Beta or Derby North Gamma service
 23 areas?
 24 THE WITNESS (Laredo): Yes.
 25 MR. COPPOLA: It does. Okay.

1 today the Derby North Beta and Gamma sectors
 2 are currently the most dominant server in the
 3 area.
 4 MR. COPPOLA: Could you please
 5 mark that on a map for us so that we have a
 6 clue as to what location you're referring to?
 7 THE WITNESS (Latorre): I'm
 8 unable to do that, documenting the specific
 9 areas where a particular installation is
 10 dominant or not dominant. It goes into an
 11 area of propriety that we're unable to go
 12 into.
 13 MR. COPPOLA: Mr. Chairman,
 14 maybe this is an appropriate time to make
 15 this request. There seems to be a lot of
 16 information and records which we do not have
 17 in the record which, apparently, Verizon is
 18 relying upon to establish its claim here that
 19 there's a public need for this tower. I
 20 think it's an absolute deprivation of the due
 21 process rights of my clients. Furthermore, I
 22 think it's impossible for this Council to be
 23 able to accurately consider this application
 24 without that information and records which
 25 Verizon has clearly indicated were part of

1 their consideration for making the -- for
2 rendering the decision that there's a public
3 need for this tower.

4 Therefore, my question is
5 this: If there's an issue about or a concern
6 about competitors being able to have this
7 information, then I would request, just as we
8 do in property tax assessment valuation cases
9 right at the tax court across the courtyard
10 here at the New Britain Courthouse, that we
11 enter into a confidentiality agreement
12 whereby those records and information are
13 sealed in this record and only available to
14 the parties of this proceeding.

15 That is a standard practice in
16 property tax assessment appeals cases where
17 similarly commercial property owners are
18 concerned about the information pertaining to
19 their income and expenses which would be
20 necessary for the court and the parties to be
21 able to consider in order to establish an
22 accurate valuation of the fair market value,
23 the true and actual value of a property. I
24 think it's a very analogous, if not an exact
25 situation --

1 Council has to decide whether we've met our
2 burden on the need issue based on the
3 information that we've provided, the same way
4 that the Intervenors have to make their case
5 and try and convince the Council that we
6 haven't made our case.

7 So to put the burden on
8 Verizon, as the Applicant, to provide
9 proprietary information that it has never
10 disclosed in my 25 years of doing this, I
11 think will get us nowhere, but again, there's
12 a burden on the Intervenor side also.

13 MR. COPPOLA: Mr. Chairman,
14 just in response to that, it is literally,
15 based on the testimony we heard today,
16 impossible for Mr. Maxson or, quite frankly,
17 any other individual to get certain
18 information and records that Verizon has
19 relied upon as part of this application
20 unless Mr. Maxson or some other person here
21 in this room gets a job at Verizon. And it
22 is patently unfair to not require the
23 disclosure of those records and information
24 which Verizon has relied upon to come to
25 certain conclusions with regard to its claims

1 THE CHAIRMAN: I'm not sure it
2 is, but let me ask -- it may be or may not
3 be. Let me ask Attorney Baldwin, one, to
4 respond and, two, is that something that you
5 would -- your client would consider?

6 MR. BALDWIN: Mr. Chairman,
7 we're happy to go ask the question. I'm
8 confident from our experience that this
9 information will not -- the company will not
10 agree to disclose this information.

11 Let me mention something else
12 too. As Mr. Laredo and Mr. Latorre stated,
13 they have provided the Council with
14 substantial information that they believe
15 makes their case for the need for this
16 facility, and we stand by that.

17 The Intervenors have hired
18 their own RF expert. He's very capable, if
19 you read his credentials, of producing
20 information that makes his case, and he's
21 done some of that in his report. Most likely
22 -- I think he calls them most likely server
23 plots. He can do drive tests; he may have to
24 go hire somebody to do it. He could do other
25 things that makes his case. Ultimately, the

1 in this case.

2 So I think the Council has to
3 require the disclosure of those documents and
4 information, and I think the position should
5 be that if Verizon is unwilling to do so,
6 then I think the Siting Council has no choice
7 but to deny this application.

8 Furthermore, Mr. Chairman, my
9 expert just kind of whispered in my ear here
10 that it's his belief or memory that in a
11 docket that he was involved in, which did
12 involve Verizon -- was that in Connecticut?

13 THE WITNESS (Maxson): Yes.

14 MR. COPPOLA: -- in
15 Connecticut, I guess Verizon's predecessor,
16 Bell Atlantic, Docket Number 169, there was
17 information under seal in that docket, and I
18 would assume that there's been other dockets
19 where some information has been under seal at
20 some point.

21 Again, this is a standard
22 practice in other agency hearings and
23 certainly in court proceedings.

24 THE CHAIRMAN: Mr. Hannon.
25 MR. HANNON: I would like to

1 raise this question to you: Based on what
 2 you just said, then theoretically there
 3 should never be another cell tower built in
 4 this state. Correct?
 5 MR. COPPOLA: No.
 6 MR. HANNON: Why? Because if
 7 people are saying that it's proprietary
 8 information and they're not willing to give
 9 it up, based on what you just said, we can't
 10 make a positive determination, so there would
 11 not be another cell tower built in the state,
 12 so how would you explain building out the
 13 systems?
 14 MR. COPPOLA: Well, you know,
 15 just as I said, in property tax assessment
 16 appeals --
 17 MR. HANNON: I'm not talking
 18 about property taxes. I'm talking about
 19 this.
 20 MR. COPPOLA: Let me finish.
 21 If I may just respond, where there is certain
 22 proprietary information such as a landlord
 23 that had income and expense information
 24 that's relevant to determining the valuation
 25 of a property, similarly here, if there's

1 something. May I?
 2 THE CHAIRMAN: Say something.
 3 DR. KLEMENS: I think all
 4 these witnesses are sworn. The testimony is
 5 sworn. It's a job of the Council to look at
 6 the testimony to determine the credibility of
 7 the witnesses to make their case. I think
 8 that's a substantively different standard
 9 than someone who wants to go take an
 10 application and look for things to punch
 11 holes in it. So I think to inflate the
 12 concept that we can't make a decision based
 13 on what we have because Mr. Maxson can't
 14 adequately review it is erroneous. That's my
 15 opinion.
 16 THE CHAIRMAN: Well, I haven't
 17 seen or heard --
 18 MR. HANNON: I agree with Dr.
 19 Klemens.
 20 THE CHAIRMAN: I haven't seen
 21 or heard a motion. And I also remember Mr.
 22 Maxson being a number of times before this
 23 Council and issuing reports, and I don't
 24 remember ever Mr. Maxson raising the issues
 25 that he couldn't provide -- people may not

1 information and records which Verizon has
 2 which Verizon claims are necessary to review
 3 in order to be able to accurately consider
 4 the application, then they have to be
 5 disclosed.
 6 THE CHAIRMAN: Okay. The way
 7 I'm going to handle this, I'm going to put
 8 everybody on the Council on the spot and ask
 9 whether you think we -- because there's two
 10 things: One is do we really need this
 11 additional information; and then the second
 12 is if there's a consensus that we do, then we
 13 can ask, with no guarantee we'll get it,
 14 remembering, you know, past practices, and I
 15 don't believe this issue to this extent has
 16 ever come up so --
 17 MR. COPPOLA: Mr. Chairman
 18 just --
 19 THE CHAIRMAN: Wait.
 20 (Pause.)
 21 THE CHAIRMAN: So let me
 22 just -- is there any Councilman who wants to
 23 make a motion that we should ask the
 24 Applicant for this additional information?
 25 DR. KLEMENS: I'd like to say

1 have agreed with it, but he didn't have the
 2 information to provide.
 3 Okay. We've already received
 4 your answer on that. The Council does not
 5 feel that we need this additional information
 6 that you believe your expert does in order
 7 for the Council to make a decision. We're
 8 going to rely on the combination of experts
 9 we have before us.
 10 MR. COPPOLA: Just to clarify,
 11 I don't think that he needs that -- I haven't
 12 made the determination that he needs that
 13 information. Mr. Latorre testified that he
 14 did.
 15 And with regard to other
 16 matters that Mr. Maxson has been involved in,
 17 I doubt that there was a member of the
 18 witness panel that said that Mr. Maxson
 19 was -- specifically that Mr. Maxson was
 20 missing certain information and records and
 21 that Mr. Maxson could not render an accurate
 22 conclusion without that information in the
 23 record.
 24 So I'll just leave that in the
 25 record that we've made this request because

1 Mr. Latorre, Verizon's expert, said that our
 2 expert couldn't render an accurate conclusion
 3 unless he had it. So I've leave it at that,
 4 Mr. Chairman.
 5 THE CHAIRMAN: Well, to the
 6 extent you made a motion and now you've gone
 7 in complete circles, I'm going to deny the
 8 request that we request Verizon to provide us
 9 with proprietary information. So I'm going
 10 to leave it at that.
 11 Attorney Coppola, how much
 12 longer is your questioning?
 13 MR. COPPOLA: I have a
 14 significant amount of questioning to continue
 15 with. Would you like me to end at this time,
 16 Mr. Chairman?
 17 THE CHAIRMAN: Well, your
 18 significant is about as helpful as asking
 19 capacity significance so --
 20 MR. COPPOLA: I can't predict
 21 how long the witness is going to take to
 22 answer certain questions. I have a number of
 23 questions. I could go as quick as possible,
 24 but I can't control how long it takes
 25 somebody to answer a question.

1 CERTIFICATE
 2 I hereby certify that the foregoing 235
 3 pages are a complete and accurate
 4 computer-aided transcription of my original
 5 stenotype notes taken of the Continued
 6 Council Meeting in Re: DOCKET NO. 448,
 7 CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
 8 APPLICATION FOR A CERTIFICATE OF
 9 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
 10 FOR THE CONSTRUCTION, MAINTENANCE AND
 11 OPERATION OF A TELECOMMUNICATIONS FACILITY
 12 LOCATED AT 831 DERBY MILFORD ROAD, ORANGE,
 13 CONNECTICUT, which was held before ROBERT
 14 STEIN, Chairman, and JAMES J. MURPHY, JR.,
 15 Vice Chairman, at the Connecticut Siting
 16 Council, Ten Franklin Square, New Britain,
 17 Connecticut, on September 16, 2014.
 18
 19
 20
 21 -----
 22 Lisa R. Warner, L.S.R. 061
 23 Court Reporter
 24 UNITED REPORTERS, INC.
 25 90 Brainard Road, Suite 103
 Hartford, Connecticut 06114

1 THE CHAIRMAN: Okay. I'm
 2 going to adjourn the meeting. We're going to
 3 continue the hearing on October 23, 2014,
 4 also at 11 a.m. So please make sure those
 5 who intend to come here know it's 11 a.m.
 6 MR. COPPOLA: I will make
 7 sure, Mr. Chairman.
 8 THE CHAIRMAN: Copies of the
 9 transcript for this portion of the hearing
 10 will be filed at the Orange Town Clerk's
 11 Office and Shelton at the City Clerk's
 12 Office.
 13 Anyone who has not become a
 14 party or intervenor that wishes to make his
 15 or her views known, may file written
 16 statements with the Council.
 17 Thank you.
 18 (Whereupon, the witnesses were
 19 excused, and the above proceedings were
 20 adjourned at 3:58 p.m.)
 21
 22
 23
 24
 25

1 I N D E X
 2 WITNESSES ALBERT SUBBLOIE
 3 DAVID MAXSON
 4 JILL MACINNES
 5 GLENN MACINNES Page 334
 6 JACQUELINE BARBARA
 7 GAYLE SLOSSBERG Page 396
 8 EXAMINATION
 9 Mr. Coppola Page 335, 396, 422
 10 Mr. Mercier Page 347, 417
 11 Mr. Baldwin Page 406
 12
 13 WITNESSES ERIC DAVISON Page 441
 14 JUAN LATORRE
 15 JAIME LAREDO
 16 CARLO CENTORE
 17 SANDY CARTER
 18 DOUG TALMADGE
 19 MIKE LIBERTINE
 20 DEAN GUSTAFSON Page 442
 21 EXAMINATION
 22 Mr. Baldwin Page 442
 23 Mr. Mercier Page 448
 24 Mr. Coppola Page 501
 25

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	INTERVENORS' EXHIBITS	
	(Received in evidence.)	
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1		
2		
3		
4	III-B-1 Request to intervene from	
5	Subbloie, et al., 7/16/14	346
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7	III-B-2 Request to intervene from	
8	Senator Slossberg, et al.,	
9	7/25/14	400
10		
11	III-B-3 Prefiled testimony of Senator	
12	Slossberg, et al., 8/11/14	400
13	III-B-4 Prefiled testimony of David	
14	Maxson, 9/8/14	346
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16	III-B-5 Curriculum Vitae of David	
17	Maxson, 9/8/14	346
18	III-B-6 Isotope Report on Analysis of	
19	Proposed Cell Tower,	
20	9/8/14	346
21	III-B-7 Prefiled testimony of Albert	
22	Subbloie, 9/12/14	346
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24	III-B-8 Prefiled testimony of Glenn	
25	MacInnes, 9/12/14	346
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	(Received in evidence.)	
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1		
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4	II-B-14 Applicant's responses to	
5	Council's interrogatories,	
6	Set III, 9/9/14	448
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8	II-B-15 Applicant's responses to	
9	Intervenor Subbloie, et al.,	
10	interrogatories, Set II,	
11	9/9/14	448
12	II-B-16 Applicant's supplemental	
13	visual assessment, submitted	
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15		
16		
17	(Reporter's Note: All exhibits were retained	
18	by counsel.)	
19		
20		
21		
22		
23		
24		
25		