

STATE OF CONNECTICUT  
SITING COUNCIL

\* \* \* \* \*

MESSAGE CENTER MANAGEMENT, INC. \* MARCH 27, 2012  
\* (3:00 p.m.)

APPLICATION FOR A CERTIFICATE OF \*  
ENVIRONMENTAL COMPATIBILITY AND \*  
PUBLIC NEED FOR THE CONSTRUCTION, \* DOCKET NO. 425  
MAINTENANCE AND OPERATION OF A \*  
REPLACEMENT TELECOMMUNICATIONS \*  
FACILITY LOCATED AT \*  
4 DITTMAR ROAD, \*  
REDDING, CONNECTICUT \*  
\* \* \* \* \*

BEFORE: ROBIN STEIN, CHAIRMAN

BOARD MEMBERS: Colin C. Tait, Vice Chairman  
Larry P. Levesque, DPUC Designee  
Edward S. Wilensky  
Daniel P. Lynch, Jr.  
Philip T. Ashton  
James J. Murphy, Jr.  
Dr. Barbara Currier Bell

STAFF MEMBERS: Linda Roberts, Executive Director  
David Martin, Siting Analyst  
Melanie Bachman, Staff Attorney

APPEARANCES:

FOR THE APPLICANT, MESSAGE CENTER MANAGEMENT, INC:

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

FOR THE PARTY, THE TOWN OF REDDING:

PULLMAN & COMLEY, LLC  
90 State House Square  
Hartford, Connecticut 06103  
BY: BRAD N. MONDSCHHEIN, ESQUIRE

FOR THE INTERVENOR, T-MOBILE NORTHEAST, LLC:

COHEN & WOLF, P.C.  
1115 Broad Street  
Bridgeport, Connecticut 06604  
BY: JULIE D. KOHLER, ATTORNEY

HEARING RE: MESSAGE CENTER MANAGEMENT  
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1 . . .Verbatim proceedings of a hearing  
2 before the State of Connecticut Siting Council in the  
3 matter of an application by Message Center Management,  
4 Inc., held at the Redding Community Center, 37 Lonetown  
5 Road, Redding, Connecticut, on March 27, 2012 at 3:00  
6 p.m., at which time the parties were represented as  
7 hereinbefore set forth . . .

8  
9  
10 CHAIRMAN ROBIN STEIN: Ladies and  
11 gentlemen, I'd like to call this hearing to order today,  
12 Tuesday, March 27, 2012 at approximately 3:00 p.m.

13 My name is Robin Stein. I'm Chairman of  
14 the Connecticut Siting Council. And we're here relative  
15 to Docket No. 425 here in Redding.

16 I'd like to introduce the members and  
17 staff; Professor Tait, Vice Chairman, Mr. Levesque, who  
18 is the designee from the Public Utilities Regulatory  
19 Authority, Mr. Ashton, Mr. Lynch, Senator Murphy, Dr.  
20 Bell, and Mr. Wilensky.

21 Members of the staff present are Linda  
22 Roberts, Executive Director; Melanie Bachman, staff  
23 attorney; David Martin, Siting Analyst. Gail  
24 Gregoriades, the court reporter, and Aaron DeMarest, the

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1 audio technician.

2 This hearing is held pursuant to the  
3 provisions of Title 16 of the Connecticut General  
4 Statutes and the Uniform Administrative Procedure Act  
5 upon an application from Message Center Management for a  
6 Certificate of Environmental Compatibility and Public  
7 Need for the construction, maintenance, and operation of  
8 a replacement telecommunications facility to be located  
9 at 4 Dittmar Road in Redding. This application was  
10 received by the Council on January 9, 2012.

11 The application is also governed by the  
12 Telecommunications Act of 1996, which is administered by  
13 the Federal Communications Commission. This act  
14 prohibits this Council from considering the effects of  
15 radio frequency emissions on human health and wildlife to  
16 the extent the emissions from towers are within the  
17 federal acceptable safe limit standard, which standard is  
18 also followed by the State Department of Public Health.  
19 The federal act also prohibits this Council from  
20 discrimination between and amongst providers of  
21 functionally equivalent services. This means that if one  
22 carrier already provides service for an area, other  
23 carriers have the right to compete and provide service in  
24 the same area.

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1                   As a reminder to all, off-the-record  
2 communication with a member of the Council or a member of  
3 the Council staff upon the merits of this application is  
4 prohibited by law.

5                   The parties and intervenors to this  
6 proceeding are the Applicant Message Center Management,  
7 Attorney Fisher from Cuddy and Fisher; the party being  
8 the Town of Redding, Attorney Mondschein of Pullman and  
9 Comley; and the intervenor is T-Mobile Northeast LLC, and  
10 Attorney Kohler.

11                   We will proceed in accordance with the  
12 prepared agenda, copies of which are available here on  
13 the table and in the back I believe. Also available are  
14 copies of the Council's Citizen Guide to Siting Council  
15 Procedures.

16                   At the end of this afternoon's session, we  
17 will recess and resume again at 7:00 p.m. The 7:00 p.m.  
18 hearing is reserved for the public to make brief oral  
19 statements into the record.

20                   I wish to note that parties and  
21 intervenors, including their representatives and  
22 witnesses, are not allowed to participate in the public  
23 comment session.

24                   I also wish to note for those who are here

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1 and for the benefits of your friends and neighbors who  
2 will be unable to join us for the public comment  
3 session, that you or they may send written statements to  
4 the Council within 30 days of today; and such written  
5 statements will be given the same weight as if spoken at  
6 the hearing.

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

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

13 Is there any public official who would  
14 like to speak at this time?

15 If not, we'll go to the motions. The  
16 Applicant, Message Center Management filed a Motion for  
17 Protective Order on March 20, 2012. I'd ask Attorney  
18 Bachman to comment.

19 MS. MELANIE BACHMAN: Thank you, Mr.  
20 Chairman.

21 Message Center Management has filed a  
22 Motion for Protective Order to protect the monthly rental  
23 amount for the lease agreement. Staff recommends that  
24 the motion be granted with the conclusions of law in

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1 Docket 366.

2 MR. PHILIP T. ASHTON: So moved.

3 MR. EDWARD S. WILENSKY: Second.

4 CHAIRMAN STEIN: I have a motion. I have  
5 a second. All those in favor of the motion, signify by  
6 saying aye.

7 VOICES: Aye.

8 CHAIRMAN STEIN: Opposed? Abstentions?  
9 The motion carries.

10 I now wish to call your attention to those  
11 items shown on the hearing program marked as Roman  
12 Numeral I-D, Items 1 through 42. Does the Applicant or  
13 any party or intervenor have any objection to these items  
14 that the Council has administratively noticed? Hearing  
15 and seeing none, accordingly the Council will -- hereby  
16 notices these existing documents, statements, and  
17 comments.

18 Attorney Fisher, would you present your  
19 witness panel for purposes of taking the oath.

20 MR. CHRISTOPHER B. FISHER: Yes. Good  
21 afternoon, Chairman and members of the Council. Attorney  
22 Christopher Fisher on behalf of --

23 COURT REPORTER: Is your microphone on?

24 MR. FISHER: Yes, it is.

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1 (pause)

2 MR. FISHER: Good afternoon, Chairman --  
3 are you picking me up? Good afternoon, Chairman and  
4 members of the Council. Attorney Christopher Fisher on  
5 behalf of the Applicant, Message Center Management.

6 We have three witnesses this afternoon.  
7 To my right Mr. Michael Libertine, also to my right Mr.  
8 Christopher Gelinas, and to my left Scott Chasse. If you  
9 could swear them at this time.

10 MS. BACHMAN: Please raise your right  
11 hand.

12 (Whereupon, the Applicant's witness panel  
13 was duly sworn in.)

14 MR. FISHER: Chairman, we have various  
15 items listed in the -- in the hearing program under Roman  
16 Numeral II, B-1 through 6. They include Message Center  
17 Management's application, which was received by the  
18 Council on January 9th, including attachments, also  
19 referenced are the bulk filed exhibits; Item 2 were  
20 responses to the Council's interrogatories, dated  
21 February 16th; additionally, we filed an Affidavit of  
22 Publication, which was received by the Council on March  
23 16th; the Responses to The Town of Redding  
24 Interrogatories, which are dated March 20th; we also

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1 prefilled the resumes of Mr. Libertine, Mr. Chasse, and  
2 Mr. Gelinias; and filed an Affidavit of Sign Posting,  
3 which the Council received on March 21st. If you'd  
4 accept them for identification, I will go through the  
5 verification process.

6 CHAIRMAN STEIN: Okay.

7 (Whereupon, Applicant Exhibit Nos. 1  
8 through 6 were marked for identification purposes.)

9 MR. FISHER: Okay. I would ask each of  
10 the witnesses did you prepare and assist in the  
11 preparation of the documents that have been identified as  
12 Exhibits B-1 through 6?

13 MR. MICHAEL LIBERTINE: Mike Libertine.  
14 Yes.

15 MR. CHRISTOPHER GELINAS: Chris Gelinias.  
16 Yes.

17 MR. SCOTT CHASSE: Scott Chasse. Yes.

18 MR. FISHER: And Chairman, I would just  
19 note for the record that some of the documents were  
20 prepared and filed by my office; for example, the receipt  
21 of the affidavit of publication and things of that  
22 nature.

23 I'll also ask each of the witnesses are  
24 there any modifications or corrections to the documents?

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1 MR. LIBERTINE: Mike Libertine. No.

2 MR. GELINAS: Chris Gelinias. No.

3 MR. CHASSE: Scott Chasse. No, not at  
4 this time.

5 MR. FISHER: Chairman, I'd just note one  
6 typographical error. On page 4 of the application there  
7 was a spelling error at the very top. My apologies.  
8 That should be upgraded.

9 With those changes, do you adopt as your  
10 testimony the various reports that you individually  
11 prepared or assisted in the preparation of?

12 MR. LIBERTINE: Mike Libertine. Yes.

13 MR. GELINAS: Chris Gelinias. Yes.

14 MR. CHASSE: Scott Chasse. Yes.

15 MR. FISHER: Are the documents true and  
16 accurate to the best of your belief?

17 MR. LIBERTINE: Mike Libertine. Yes.

18 MR. GELINAS: Chris Gelinias. Yes.

19 MR. CHASSE: Scott Chasse. Yes.

20 MR. FISHER: Chairman, I would ask that  
21 you accept them at this time.

22 CHAIRMAN STEIN: Does any party or  
23 intervenor object to the admission of the Applicant's  
24 exhibits? Hearing and seeing none, they are admitted.

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1 (Whereupon, Applicant Exhibit Nos. 1  
2 through 6 for identification were received into evidence  
3 as full exhibits.)

4 CHAIRMAN STEIN: I believe, Attorney  
5 Fisher, you have a point you want to make before we go  
6 into cross-examination?

7 MR. FISHER: Yes, Chairman, thank you. I  
8 did have a conversation with the town's counsel at the  
9 site visit, and it's my understanding that one of the  
10 witnesses may be unavailable. And we would like to  
11 stipulate and waive cross-examination and have the town's  
12 case in chief accepted by the Council without the need  
13 for cross-examination.

14 CHAIRMAN STEIN: Attorney Kohler, are you  
15 in agreement with this?

16 MR. JAMES J. MURPHY, JR.: (Indiscernible,  
17 mic not on.)

18 MR. FISHER: Just for the record, Mr.  
19 Murphy, in response to your question. Obviously the  
20 First Selectman is here. The tree warden I understand is  
21 part-time for the town and employed by other means.

22 MS. JULIE D. KOHLER: We concur. We have  
23 no objection.

24 MR. MURPHY: (Indiscernible) --

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1 MR. BRAD MONDSCHHEIN: If I could, Mr.  
2 Chairman? Brad Mondschein for the --

3 AUDIO TECHNICIAN: Sir --

4 MR. MONDSCHHEIN: Brad Mondschein for the  
5 Town of Redding.

6 If the tree warden needs to be here, we  
7 can make arrangements for him to be here, but he -- he  
8 was not able to stay for the entire hearing, so that was  
9 the reason why we were asking when he would need to be  
10 available. And we understand there was -- there was no  
11 questions for him.

12 MR. MURPHY: (Indiscernible) --

13 MR. MONDSCHHEIN: Okay. So if there are  
14 none, then we also would ask that the Council accept  
15 their testimony absent their presence here.

16 CHAIRMAN STEIN: Mr. Martin, is that okay  
17 with you?

18 MR. DAVID MARTIN: Yes. I didn't have any  
19 questions for the tree warden.

20 CHAIRMAN STEIN: Okay, thank you.

21 (Whereupon, the Town of Redding Exhibit  
22 No. 1 and No. 2 were received into evidence.)

23 CHAIRMAN STEIN: We'll now begin with  
24 cross-examination of the Applicant. We'll start with Mr.

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1 Martin.

2 MR. MARTIN: Thank you, Mr. Chairman. Did  
3 you fly a balloon today at the site? If so, what were  
4 the hours of the flight, what were the weather  
5 conditions, and were they conducive to good visibility in  
6 the surrounding area?

7 MR. LIBERTINE: The simple answer is no  
8 unfortunately. We've not had a great day wind-wise. We  
9 have been at the site as early as 7:30 this morning  
10 making some attempts, but it has been consistently gusty  
11 all day with winds over 10 to 12 miles an hour, and then  
12 gusts exceeding that. And -- although we would normally  
13 make several attempts, in this case because we're so  
14 close to the existing facility, there were some concerns  
15 about having the string get tied up into the existing  
16 equipment. So we will continue to be there until this  
17 evening at 6:00 o'clock for the required eight to six  
18 hours and we'll make some attempts as long as there is an  
19 opportunity to get the balloon up. But it is unfortunate  
20 because today is actually a good day from a visibility  
21 perspective, but the winds are just not cooperative.

22 MR. MARTIN: Thank you. And in addition  
23 to wireless -- (mic feedback) -- wireless carriers, T-  
24 Mobile, AT&T, and Sprint/Nextel, would any paging or

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1 other similar wireless services have antennas on the  
2 replacement tower?

3 MR. GELINAS: There would be no antennas  
4 on the tower other than wireless carriers. We have  
5 offered space to the Town of Redding for public safety.  
6 They have taken advantage of that and will be locating,  
7 so technically there will be something beyond wireless,  
8 but there will be no paging. The paging antenna whip  
9 that we saw on the existing tower today will not be on  
10 the replacement tower.

11 MR. MARTIN: Okay, thank you. And the  
12 tower will be engineered to accommodate the public safety  
13 antennas from the town?

14 MR. GELINAS: That's correct.

15 MR. MARTIN: Okay, thank you. And there  
16 seems to be a discrepancy in the number of residences  
17 that could have a seasonal view of the tower. On page 12  
18 -- (mic feedback) -- of the application it states that  
19 five residential properties would have leaf-off views,  
20 and in the visibility analysis 10 residential properties  
21 are said to have potential seasonal views. Which of  
22 these is correct?

23 A VOICE: (Indiscernible) --

24 MR. DANIEL P. LYNCH, JR.: It was more of

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1 a curiosity question, Mr. Gelin. What is the nature of  
2 the paging? Is it obsolete? Is it gone or does somebody  
3 still use it somewhere?

4 MR. GELINAS: (Indiscernible) --

5 COURT REPORTER: I'm sorry --

6 MR. GELINAS: Yes, paging -- paging has  
7 faded.

8 MR. LYNCH: I was -- I'm reading it and  
9 I'm wondering where the hell it went. Thank you.

10 MR. LIBERTINE: Mr. Martin, to answer your  
11 question, this is probably a matter of miscommunication  
12 between myself and Attorney Fisher's office. The -- the  
13 actual number of residences with potential seasonal  
14 visibility with leaf-off condition is actually 10. And  
15 that was just my -- I should have circled back with them  
16 and -- I think there was an addition issue there.

17 MR. MARTIN: Okay, thank you. Could you  
18 generally describe what -- the visibility of the  
19 replacement tower, how that would compare to the existing  
20 tower?

21 MR. LIBERTINE: Certainly. There's a bit  
22 of a history with this site. As you saw today, we have a  
23 slim profile pole out there today with more or less close  
24 contact arrays or flush mounted antennas. The original

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1 proposal for this application to the town initially was  
2 to come in with a monopole at the suggested height. And  
3 as everybody on the Council is well aware, with the  
4 technological changes that are kind of occurring in the  
5 industry, it's getting more and more difficult to  
6 accommodate those close contact arrays, so the idea was  
7 to put up a full platform. There were consultations with  
8 the town. Some concerns came up over the view lines and  
9 overall views of a more industrial looking tower, and so  
10 ultimately the idea of the tree came into play.

11 With that as a preface, one of the things  
12 that had kind of come out from the consultations with  
13 neighbors and the town was that they wanted to minimize  
14 views. And one of the ways we thought we might be able  
15 to achieve that was to use a stealth design with the  
16 tree.

17 Essentially, I guess to answer your  
18 question straight up, I don't think there's going to be  
19 an enormous amount of additional views. But that being  
20 said, I think what we've tried to accomplish here is to  
21 actually improve anyone who does have a view of the  
22 tower, depending upon the time of year because they'll be  
23 looking at a fully clad monopine, so that all of the  
24 actual infrastructure -- we still can get the full arrays

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1 in, which meet the objectives of the carriers, but at the  
2 same time can conceal those behind the branches. So, I  
3 think it is actually a net gain in terms of reduced  
4 visibility. Obviously, if you know it's a monopine and a  
5 facility, you will be able to pick that out from close  
6 range. But I think certainly -- and I think you saw it  
7 today, even this time of year without the leaves on the  
8 trees, there's a sufficient amount of mass of hardwoods  
9 in that area so that even views through the trees tend to  
10 break that direct line up. And I think this is going to  
11 make a big difference in terms of anybody who now can  
12 look through the trees and see what's there today, I  
13 think it's going to be a much softer image because  
14 they're going to be really looking at what will look from  
15 any kind of a distance as a pine tree.

16 MR. MARTIN: Okay, thank you. And how  
17 would you maintain service for the existing carriers  
18 during the time the existing tower is taken down and the  
19 new tower is erected and put into service?

20 MR. CHASSE: A temporary mounting facility  
21 would be implemented, a cell-on-wheels, a COW --

22 MR. MARTIN: Okay --

23 MR. CHASSE: -- perhaps a ballasted  
24 temporary monopole structure. We're looking at the area

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1 to the south end of the compound development, remove the  
2 trees that are shown to be removed, put in the temporary  
3 facility there, and cut everybody over while the existing  
4 guy tower is being decommissioned.

5 MR. MARTIN: Would you need just one  
6 temporary facility for the two carriers that are on there  
7 now or would each carrier have its own temporary  
8 facility?

9 MR. CHASSE: It's possible to put both of  
10 them on the same.

11 MR. MARTIN: Okay, thank you. And could  
12 you describe what MCM's current plans are for screening  
13 the facility? I'm particularly referring to vegetative  
14 plantings and the fencing?

15 MR. CHASSE: Yeah. The base of the  
16 monopine structure, the expanded compound is proposed to  
17 be surrounded by wood slate fencing, eight feet high, all  
18 with -- the plans currently show plantings of  
19 Arborvitaes. There's 37 of them that will ring the  
20 perimeter of the compound, six-foot on center, eight-feet  
21 high planting. The intent of that is to at a mature  
22 height of say 12 to 15 feet that the Arborvitaes will  
23 adequately screen any appurtenances within the compound  
24 that eclipse the eight-foot fence, namely the shelter

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1 that's there. Typically they're like 11 feet tall above  
2 grade. I know that there's been questions raised about  
3 the deer browse susceptibility to the Arborvitae. We  
4 have proposed to put a three-foot offset of deer fence  
5 around the perimeter of those plantings to help keep the  
6 grazing to a -- non-existent.

7 MR. MARTIN: And also at the site visit  
8 you mentioned some additional trees --

9 MR. CHASSE: Mmm-hmm --

10 MR. MARTIN: -- that would be put down the  
11 access road. Could you describe those please?

12 MR. CHASSE: Certainly. Similar to the  
13 compound, the north face of the compound can't afford to  
14 have the Arborvitaes planted against it due to the  
15 vehicular access, utilities, and so forth. There is a  
16 view that would be observed from the property to the  
17 north, I believe that's 8 Dittmar, and that that property  
18 we propose to show a line of 10 Arborvitaes again at the  
19 eight-foot planting height to screen the view of the  
20 north side of the compound from that -- any views from  
21 that particular property.

22 MR. MARTIN: And would these Arborvitae  
23 have some deer fencing around them as well?

24 MR. CHASSE: Yes.

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1 MR. MARTIN: Okay. And if the Council  
2 were to require a yield point to be designed into the  
3 tower, at what height would you recommend placing one?

4 MR. CHASSE: Well that's a good question.  
5 The proposed tower before you is a 120-foot monopole  
6 structure with the top branching going to 127 feet above  
7 grade. The nearest property line is 122 feet away.  
8 Therefore, simple math, the yield point would be at five  
9 feet down from the tower. However, that's not the tower,  
10 it's tree branches. With that said, the proposal today  
11 is for future growth to a 140-foot tower with the tree  
12 branches extending up to 147. If one was to look at a  
13 yield point for the total potential structure, the yield  
14 point would be at 122 feet up, i.e. two feet up on the 20  
15 feet extension. That's more or less where the yield  
16 points would be. At the proposed 120-foot tower, the  
17 tower would fall on to the property if it were to fall  
18 like a tree. The branches, the top seven feet of the  
19 branches or five feet of those branches would  
20 theoretically eclipse the property line.

21 MR. MARTIN: Okay, so your -- you seem to  
22 say that the existing -- the 120-foot monopole would not  
23 need a yield point?

24 MR. CHASSE: That's correct.

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1 MR. MARTIN: But the -- you would need to  
2 put a yield point in if you extended the tower?

3 MR. CHASSE: Correct, about two feet up on  
4 the extension.

5 MR. MARTIN: Okay. Alright. Those are  
6 all my questions for Message Center Management, Mr.  
7 Chairman.

8 CHAIRMAN STEIN: Thank you, Mr. --  
9 (indiscernible) -- sorry -- thank you. Professor Tait.

10 MR. COLIN C. TAIT: The coverage in miles  
11 -- the coverage in miles is 14.39 feet? Is that my  
12 understanding?

13 A VOICE: T-Mobile --

14 MR. FISHER: Chairman Tait, I think that's  
15 actually T-Mobile's information, and they'll be coming up  
16 after us.

17 MR. TAIT: Alright. Okay. Behind Tab 3,  
18 just to clarify, in the second -- in the second paragraph  
19 and elsewhere you talk about the tower being expandable  
20 to 147. Just to be clear, it will be structurally -- the  
21 foundation will be able to be increased, but this  
22 proceeding tonight will not authorize that?

23 MR. FISHER: That's correct. We have not  
24 applied for --

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1 MR. TAIT: If you want to go higher, you -  
2 - you'll come back?

3 MR. FISHER: Yes.

4 MR. TAIT: Okay. Just so the audience is  
5 aware of that, the expandable to 147 is not a done deal  
6 in any sense. Okay.

7 You mentioned that the location is the  
8 same as the existing lattice tower. That's not quite  
9 accurate is it? How far away is the base of the new  
10 tower?

11 MR. CHASSE: Approximately four feet.

12 MR. TAIT: Okay. I thought you had  
13 indicated it -- and lastly, you say vehicle access to the  
14 facility will be using the existing driveway. I didn't  
15 see an existing driveway from what -- your map shows it  
16 going around in a circle. You call it a gravel  
17 driveway?

18 (pause)

19 MR. TAIT: You come in on Dittmar Road  
20 where you currently come in. But then you swing wide to  
21 the north, right?

22 MR. CHASSE: That's correct. There's a  
23 gravel and dirt road that runs up along --

24 MR. TAIT: Is there one there that we

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1       couldn't see?

2                       MR. CHASSE:  Yeah.  I drove my truck up it

3       --

4                       MR. TAIT:  Okay --

5                       MR. CHASSE:  -- to get up to the facility.

6                       MR. TAIT:  It just wasn't obvious to me -

7       -

8                       MR. LIBERTINE:  I think where you folks  
9       parked up the main driveway to the home, you kind of then  
10      walked up the slope directly --

11                      MR. TAIT:  Yes --

12                      MR. LIBERTINE:  -- and you kind of  
13      circumvented going around it.  It kind of hugged that --  
14      I guess it would be the western side of the property line  
15      against Dittmar Road, and then -- then heads into the  
16      facility.

17                      MR. TAIT:  And so that's where you -- and  
18      are you going to improve it?

19                      MR. CHASSE:  There will be some minor  
20      grading to it, but it's intact as it is.  It just needs -  
21      - there's some ruts that need to be ironed out and some  
22      additional gravel tossed through there.

23                      MR. TAIT:  Okay.  Thank you.

24                      CHAIRMAN STEIN:  Mr. Levesque.

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1 MR. LARRY P. LEVESQUE: Good afternoon.  
2 Behind Tab 3 on your site plan, SP-1, when I draw a line  
3 from the house to the northwest to the entry front of the  
4 site of the compound, it doesn't seem like the Arborvitae  
5 block the view on that plan. They take a bend around the  
6 road there.

7 MR. CHASSE: There's a bonus room above  
8 the garage on the southwest corner of that residence that  
9 has windows on it, and that's what it's intended to  
10 screen.

11 MR. LEVESQUE: Okay. But it -- and you  
12 may remember better than I do of whether they had like a  
13 deck on the back of their house or anything -- like their  
14 driveway -- I'm just thinking from looking at this map  
15 that extending a row of trees more perpendicular to the -  
16 - to that northwest property line might block more than  
17 even taking the curve? I'm not sure --

18 MR. CHASSE: Where the tree line angle --  
19 where the proposed Arborvitaes angle to the southeast,  
20 you're saying to swing that a little bit more easterly?

21 MR. TAIT: A little bit more westerly --

22 MR. LEVESQUE: Yeah, or northerly, you  
23 know --

24 MR. CHASSE: Counterclockwise?

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1 MR. LEVESQUE: Yeah. Take a look at it  
2 when you do the final --

3 MR. GELINAS: Okay.

4 MR. LEVESQUE: And then I think you  
5 brought it up with -- Mr. Libertine, can you look at your  
6 photosimulations. Start with No. 6.

7 MR. LIBERTINE: Yes, sir.

8 MR. LEVESQUE: The plan as Mr. Chasse  
9 said, the new tower would be only a few feet from the  
10 existing one. So I guess the photosimulation of where  
11 you located the tree is about the same location?

12 MR. LIBERTINE: That's correct.

13 MR. LEVESQUE: The -- the balloon is not  
14 in the correct spot?

15 MR. LIBERTINE: No, it's not. There had  
16 been some -- excuse me -- there had been some give and  
17 take about the location early on. And we flew the  
18 balloon at a little bit different location offset. And  
19 what we did was we then superimposed the photosimulation,  
20 accommodating the new location that was decided upon  
21 afterwards. We also had some issues with again floating  
22 a balloon that close to that tower, so we had to offset  
23 by more than just a couple of feet.

24 So yes, the -- so in fact you're right,

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1 the balloon is actually shown from a different location  
2 than where the proposed tower will be located. But the  
3 photosimulations are accurate to the location of the  
4 proposed pole.

5 MR. LEVESQUE: Yeah, they seem like the  
6 balloon was --

7 MR. LIBERTINE: No, you're absolutely  
8 right when you look at the picture --

9 MR. LEVESQUE: -- off by a different  
10 amount, and in some other of the views too --

11 MR. LIBERTINE: Yes, in some --

12 MR. LEVESQUE: -- but I can see you sort  
13 of -- you tried to match --

14 MR. LIBERTINE: And depending upon your  
15 angle, it really accentuates -- that probably -- we  
16 should have called that out in the report, but that's a  
17 very good observation. You're absolutely right.

18 MR. LEVESQUE: Okay. Thank you very  
19 much.

20 CHAIRMAN STEIN: Thank you. Senator --  
21 Senator Murphy.

22 MR. MURPHY: Thank you, Mr. Chairman.  
23 Just a few items.

24 Just to clear it up, Mr. Chasse, in

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1 discussing the height of the tower, you mentioned 147,  
2 you've discussed 140 about the yield point. We're really  
3 talking now about a tower structure of 120, expandable to  
4 140, and the other seven really is to camouflage, so that  
5 there's no misunderstanding?

6 MR. CHASSE: That's correct.

7 MR. MURPHY: And it's the intention of the  
8 Applicant unless we were to choose otherwise, you don't  
9 plan a yield point in the 120-foot structure?

10 MR. CHASSE: That's correct.

11 MR. MURPHY: In the discussions with the  
12 town -- well let me back up -- Mr. Libertine, in looking  
13 at your report, we looked at the two out-of-state  
14 facilities in your photographs and what have you, and it  
15 just struck me that they do a better job than the one in  
16 Windsor. But that's just my perception --

17 MR. LIBERTINE: I -- I'm sorry, could you  
18 repeat -- did I look at what -- I'm sorry, I didn't pick  
19 up --

20 MR. MURPHY: The -- the view of the trees,  
21 the one in Windsor and the one in New York and the one --

22 MR. LIBERTINE: Oh, yes --

23 MR. MURPHY: -- and the town has indicated  
24 a preference for a tree disguise similar to the one in

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1 Windsor --

2 MR. LIBERTINE: Mmm-hmm --

3 MR. MURPHY: -- and it just struck me, and  
4 maybe it's just me, that the two out-of-state ones really  
5 did a better job of disguising the tower than did the one  
6 in Windsor --

7 MR. LIBERTINE: Well you bring up a very  
8 good point. We -- we looked at a lot of different  
9 specimens that are out there. The Windsor tree is  
10 probably upwards of more than 12 years old now. It's a  
11 very good facility. This photograph probably -- or the  
12 photograph that's in the responses to the interrogatories  
13 probably don't do it justice for its setting. The  
14 primary views -- that was taken from a parking lot right  
15 next to the tree, about 216 feet away so we could make  
16 some comparisons. That tree was really camouflaged from  
17 I-91. And if you drive I-91 southbound and look over in  
18 that area, the tree is very hard to pick out because it's  
19 in a row of other trees, of other White Pines of about  
20 similar height. So it works very good from that  
21 particular location.

22 With that being said, the other two  
23 facilities, the Rensselaerville, New York -- I can never  
24 get that right -- and the Jamaica, Vermont trees are much

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1 newer. Jamaica was built last year. And I believe the  
2 New York tree is less than three years old. I tend to  
3 agree with you. I think the actual shape of those trees  
4 tend to look more like a natural pine. They don't  
5 necessarily have the same benefits of having I guess the  
6 disguise within a group setting. They're kind of apples  
7 to oranges when you compare them from a little bit of a  
8 distance. Quite honestly, I'm not sure why the Jamaica,  
9 Vermont tree was even a tree. This thing is so remote  
10 and you can't see it from any location other than if you  
11 drive up this road. It seemed excessive.

12 But I would agree with you, I think that  
13 the newer styles -- I think the manufacturers and the  
14 designers have started to get it over the last several  
15 years. They've certainly come a long way in terms of the  
16 branching. I think the Windsor tree on face value,  
17 looking at it in this particular analysis with this  
18 picture, looks a little too symmetrical to me, so it  
19 almost takes on a little bit of a fake look. I think  
20 what we'll --

21 MR. MURPHY: (Indiscernible) -- the point  
22 that I'm really driving at is has there been a dialogue  
23 with the town since you have done this work on the two  
24 out-of-state to afford them the opportunity to view and

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1 discuss the other options -- the options other than  
2 Windsor? I hate to have to go into something when  
3 there's something better that might be done for the  
4 neighbors and for the town. That's really the point I  
5 wanted to get at. I realize that they -- they're looking  
6 for a disguise as a tree. And I just like you to come up  
7 with the best disguise you can get.

8 MR. GELINAS: We actually have not had  
9 dialogue directly since evaluation of those facilities.  
10 However, what we've proposed in our application is one of  
11 those facilities, a Valmont structure, camouflaged by the  
12 same --

13 MR. MURPHY: But Valmont did not do the  
14 Windsor one --

15 MR. GELINAS: That -- that is correct.  
16 I'm referring to the two out-of-state --

17 MR. MURPHY: Right --

18 MR. GELINAS: We're actually proposing the  
19 type of facilities that were constructed with the out-of-  
20 state review, which were built by Valmont --

21 MR. MURPHY: Right --

22 MR. GELINAS: -- as well as their  
23 camouflage company.

24 MR. MURPHY: Okay. So the type of tree is

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1 yet to be determined if we disguise the tree.

2 MR. FISHER: If I could just comment  
3 because it was part of the consultation process? It  
4 really was a dialogue between the town, the neighbors and  
5 Message Center Management. And the closest example we  
6 could give them was the one in Windsor. And if -- my  
7 recollection at least of the conversation was that looked  
8 to be generally consistent --

9 MR. MURPHY: Okay --

10 MR. FISHER: -- with an acceptable -- I'm  
11 not sure it was that specific.

12 MR. MURPHY: The reason I raise it is the  
13 interrogatories or what have you refer to the Windsor  
14 style. And I don't want us to think we're stuck with  
15 Windsor because the town comes in with the preference of  
16 Windsor when it may not be the case.

17 And -- it was really a question of  
18 curiosity with the tree warden not being here, but the --  
19 and my question basically was going to be why the  
20 prefiled testimony about plantings on neighbors'  
21 property? Is there anyone on the -- here that would know  
22 that?

23 MR. LIBERTINE: My --

24 MR. MURPHY: Mr. Libertine.

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1 MR. LIBERTINE: I was at the consultation  
2 meetings when the town and the neighbors were there and  
3 the -- the general discussion ensued regarding screening.  
4 The -- from my perspective, I don't remember specifically  
5 talking about screening on people's property versus just  
6 general screening as we've proposed. With that being  
7 said and some of the things that have been brought up  
8 into light, particularly in the prefiled testimony of the  
9 tree warden, I think there's -- from my perspective there  
10 seems to be -- I guess the -- the -- as though it's a  
11 given that that should be done, I think what we're  
12 proposing is more than sufficient. I --

13 MR. MURPHY: Well you see, my -- my  
14 concern is that -- because it's my understanding we  
15 cannot order you to do plantings off the property --

16 MR. LIBERTINE: Right --

17 MR. MURPHY: -- and it seemed as if it was  
18 addressed as an issue that we really can't --

19 MR. LIBERTINE: I think --

20 MR. MURPHY: -- formally handle --

21 MR. LIBERTINE: I think I can safely say -  
22 -

23 MR. MURPHY: -- and I didn't want there to  
24 be a misunderstanding when we're all done.

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1                   MR. LIBERTINE: That's a good point. And  
2 I think I can safely say from MCM's perspective if we  
3 really felt as though that was a necessity --

4                   MR. MURPHY: You'd do --

5                   MR. LIBERTINE: -- then I think we would  
6 entertain that -- I'm sure -- and again I don't want to  
7 speak for them, but I'm sure they have entertained it.  
8 But I think in our discussions and in light of what the  
9 tree warden came back with, I think we're kind of meeting  
10 that objective by doing what we're doing. I -- I agreed  
11 with everything he said with the exception of coming from  
12 the preface that it must be on adjacent property owner's  
13 property.

14                   We really felt as though the tree itself,  
15 the monopine itself is really solving 90 percent of what  
16 I'll the screening issue. Now I recognize that there is  
17 a compound and though it's going to be in a nice, you  
18 know, wood clad fence style, there still are going to be  
19 some appurtenances that are going to eclipse the top of  
20 that by a couple of feet. So we felt as though it made  
21 sense to ring that as best we could and then by the  
22 example down the road -- and again that was just an  
23 example -- I think the placement -- the specific  
24 placement can certainly be worked out in terms of

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1 shielding 8 Dittmar from a direct view into the compound.  
2 So again, that was the idea, was -- if we were going with  
3 a monopole, I think we'd have probably a whole different  
4 discussion about screening. But because we're coming in  
5 with the actually pine tree style, it seemed to really  
6 kind of fit the bill, so -- I guess I've said enough.

7 MR. MURPHY: Thank you. Those are my  
8 questions, Mr. Chairman.

9 CHAIRMAN STEIN: Thank you. Dr. Bell.

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

12 Picking up on my colleague's questions  
13 about the tree and the -- the trees and the absence of  
14 the tree warden, but you're here, in his prefiled  
15 testimony -- first of all, I think there's a simple error  
16 and so -- it's at the bottom of page 2, he -- he talks  
17 about three properties, Coffey, Ignatenko, and Friedman.  
18 And I'm -- and maybe -- some of them seem to run into  
19 each other. So I just want to make sure that everybody  
20 is straight on that, and maybe the tree warden -- and  
21 maybe you could relate to the tree warden that he might  
22 have mixed up the properties just from my reading.

23 But -- okay. I don't know -- (mic  
24 feedback) -- I don't understand what -- how removing a

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1 line of deciduous trees would -- I understand how  
2 removing a line of deciduous trees would push back the  
3 wooded portion of the property, but I don't understand  
4 why that would be a good idea since you're trying to  
5 maximize screening rather than minimize it. So there's -  
6 - I'm a little confused about that.

7 MR. LIBERTINE: Dr. Bell, how I  
8 interpreted that was the removal of some of the deciduous  
9 trees would open up the canopy to allow the understory,  
10 and in this case, you know, the new plantings of conifers  
11 to be more robust. And -- and I think if we were talking  
12 about a different situation where we were trying to  
13 generate that type of a landscape effect, I'm in total  
14 agreement. The challenge we have here is that by  
15 removing any deciduous canopy, you're actually starting  
16 to remove some of the things that actually are even in  
17 the wintertime doing a very good job of making this  
18 facility fairly difficult to see. I don't know if you've  
19 had a chance to kind of walk around the compound, but if  
20 you looked into the neighbors' yards, you could see that  
21 all of the neighbors have some form of a tree line.  
22 Granted it is deciduous, so this time of year you can see  
23 through it and you can see the homes, but that mass does  
24 provide quite a bit of what I'll say is kind of a

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1 softening effect or breaking it up so you're not looking  
2 directly at this facility. So I had my concerns from  
3 that standpoint when I read his testimony. I agree with  
4 him in the sense that yeah, that would be great to  
5 release these trees into full sunlight.

6 The other thing that I had some concerns  
7 with -- again if we are talking about plantings closer to  
8 the facility and even at the edge of the property is that  
9 I think the screening we're trying to achieve here is  
10 really again 15 feet, 20 feet maximum, because again  
11 we're introducing a pine tree style facility here. So  
12 actually, I think the over-story works to our advantage  
13 by suppressing those trees so that they'll stay thicker  
14 and not bolt to full maturity quicker. So it would still  
15 remain -- the screen would still work. These -- these  
16 trees will still survive, they just won't maybe grow at  
17 the pace they would if they were to be opened up into  
18 full sunlight. So I think we can kind of achieve what  
19 the idea that he's put down here, be it not on the  
20 properties, but on our property to essentially achieve  
21 the same end means. So that's how I interpreted that  
22 though in terms of opening up the canopy.

23 DR. BELL: Okay. Thank you for that  
24 explanation.

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1 MR. LIBERTINE: And I may be wrong, but  
2 that was my interpretation.

3 DR. BELL: I do -- I do understand. That  
4 helps me a lot.

5 Moving now to the trees, the screening on  
6 the access drive. So you have control over that area  
7 where the trees are proposed to screen the property to  
8 the north -- screen the compound from the property to the  
9 north, right?

10 MR. LIBERTINE: Yes.

11 DR. BELL: What I couldn't understand is  
12 that in a response to one of the Council's question, the  
13 March 20th responses, Question No. 10B I believe it is,  
14 there's a suggestion that the discussion of -- well all  
15 this discussion about what to do on private property is  
16 on account of the possibility that the landowner would  
17 remove the screening that you are proposing apparently.  
18 So, I -- I don't quite understand that. If you have -- I  
19 can understand how if you were proposing screening  
20 somewhere where you didn't have control, then the  
21 landowner might be able to remove that screening. But I  
22 don't understand why there would be some doubt about  
23 whether the screening would remain where you have  
24 control?

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1 COURT REPORTER: One moment please.

2 (pause - tape change)

3 MR. FISHER: Maybe I could do the  
4 introductory legal control part and then turn it back  
5 over to Mike on the actual screening component.

6 Message Center Management would control by  
7 way of easement an area around the driveway, which  
8 includes those areas of the trees and the bend, and then  
9 they would also have a ground lease parcel, which  
10 includes the tower compound and the landscaping that's  
11 been shown around the outside of the compound. So they  
12 would have legal control over that area and that would be  
13 irrespective of the property owner. And to the extent  
14 there were something that happened to any landscaping,  
15 they would have the ability to put that back in. Other  
16 areas on the property they would not control. And I  
17 think that was the question that was raised through the  
18 town as to other areas and any landscaping on the  
19 property. And that really goes more to Mr. Libertine's  
20 testimony on those questions.

21 DR. BELL: I see. Okay. So that brings  
22 us back to what you were just talking about, which is  
23 something that you might do close to -- in an area where  
24 you --

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1                   MR. LIBERTINE: The only -- the only  
2 deciduous trees that are scheduled to come down are the  
3 seven that were pointed out today around the compound.  
4 And that's really to facilitate the new tower. Those  
5 are, you know, literally right around the compound  
6 itself. To my knowledge there are no plans -- and I  
7 can't speak for the property owner -- but I would imagine  
8 there's little value in him bringing down any of the  
9 trees that kind of ring his property as it is today. So,  
10 I'm -- I was a little confused by the question, quite  
11 honestly. I didn't participate in the answer to that  
12 particular question, but my feeling is that I don't think  
13 there are -- well I don't think there are any plans for  
14 him to be taking down those trees. They've been there  
15 their full maturity.

16                   The other thing I would ask is what we're  
17 proposing to do from a screening standpoint is if those  
18 trees for some reason were to decay or to come down or he  
19 were to cut them down, and I'm talking the deciduous  
20 trees on property borders, what we are proposing here is  
21 going to have an effective screen nonetheless.  
22 Personally I'd love to see all the trees stay just the  
23 way they are because I think that extra mass -- even  
24 today it's very difficult to pick that tower out from a

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1 lot of locations standing on the property lines --

2 DR. BELL: Okay --

3 MR. LIBERTINE: I don't think I really  
4 answered your question, but I was just confused on that  
5 question, quite honestly, when I saw it, so -- I don't  
6 think we have any control over what a property owner does  
7 outside of, you know, the lease area --

8 DR. BELL: Yeah -- no, I --

9 MR. LIBERTINE: -- unfortunately --

10 DR. BELL: -- I've got a -- I've got a  
11 better bead on it I think now.

12 Turning to the question of the Windsor  
13 monopine or the other monopines, I'd just point out that  
14 on drawing SP-2 you have a -- there's a drawing of the  
15 tower and then sort of in gray superimposed in the  
16 background is a little sketch of what the tree would look  
17 like. Now I can -- all I can say about that little  
18 sketch is it doesn't look like the Windsor tree. And so  
19 my question is, is that really meant to be a real sketch  
20 of what you're proposing or is it just kind of a generic  
21 tree sketch, which you've put in there quite fine to just  
22 indicate that it's going to be a monopine?

23 MR. CHASSE: It is a generic monopine  
24 that's shown. A lot of the final determinations as to

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1 what type, the Windsor versus the Vermont and so forth,  
2 was subsequent to the publishing of these drawings.

3 DR. BELL: Okay. I -- I just wanted to  
4 get clear on that. Thank you.

5 And Mr. Libertine, first of all, thank you  
6 for the additional map, which is something we don't see  
7 all the time. I'm not sure we've seen it before, showing  
8 the close-up visual. On page 5 of your visual report,  
9 you have a statement -- you have a note down at the  
10 bottom of the page. And the very last sentence of that  
11 note says VHB has determined that when viewing a proposed  
12 facility at this format size, which is explained in the  
13 previous sentence, it's important to provide the largest  
14 representational image while maintaining an accurate  
15 relation of sizes between objects within the frame of the  
16 photograph. I don't -- I'm not sure if I remember seeing  
17 that sentence before in your boilerplate. And I'm not  
18 exactly sure what it means.

19 MR. LIBERTINE: Well hopefully I can  
20 explain this. We've -- we've struggled at times with the  
21 lens setting. Obviously, we try to maintain a 50  
22 millimeter lens setting because it tends to be the best  
23 representation of what we see in the field or what we see  
24 naturally. One of the challenges we have though is when

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1 we're very close to a site or within a certain range,  
2 showing it in a 50 millimeter format like that doesn't  
3 really do justice to the setting, so you're really  
4 focusing just on maybe a big -- in this case a big  
5 monopine with no context. So what we do is sometimes we  
6 will step back in those cases and shoot it at 35  
7 millimeters, sometimes as low as 22 millimeters to  
8 provide more of a range. So that all I was trying to put  
9 across here was to make -- or to help folks understand  
10 that when we present some of the photographs, the  
11 majority of them are going to be shot in a 50 millimeter  
12 format, others we -- again we step back so that we can  
13 provide you with really an understanding of what is that  
14 in relationship to its environment as opposed to this  
15 kind of standalone thing that's just hanging out in  
16 space.

17 And so the six and a -- specifically that  
18 six and a half by nine and a half format is really the  
19 format of the photos we're showing here. So whenever we  
20 can, it's our intention to show it with a 50 millimeter  
21 lens, but there are times when we will do it again with a  
22 lens that gives you more of a wide angle. That's all I  
23 was really trying to explain.

24 DR. BELL: Yeah, okay. I -- I understand

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1 that. I -- so it's the -- the six and a half by nine and  
2 a half format is the fixed thing --

3 MR. LIBERTINE: That --

4 DR. BELL: -- you have to do that to fit  
5 into this notebook?

6 MR. LIBERTINE: That's correct. Excuse  
7 me.

8 DR. BELL: Okay. I understand. Thank  
9 you for that explanation. Those are my questions, Mr.  
10 Chair.

11 CHAIRMAN STEIN: Thank you. Mr. Ashton.

12 MR. ASHTON: (Indiscernible) --

13 COURT REPORTER: Is your mic --

14 MR. ASHTON: Yeah, thank you. The -- the  
15 tree warden's report indicates, and my experience tends  
16 to confirm, that Arborvitae have a tough time with deer.  
17 Are there any -- we haven't heard from you as to  
18 alternatives or additional species that you think might  
19 work here. Question 1, what are they?

20 And Question 2. My understanding of the  
21 purpose of screening is it's really to make an object as  
22 invisible, to disappear, to be camouflaged as much as  
23 possible. And isn't -- isn't it true that a very  
24 consistent regimented screening, i.e. a row of bushes all

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1 the same size in a straight line tends to make people  
2 focus on that rather than to make an object disappear?  
3 So you've got two questions rolled into one --

4 MR. LIBERTINE: Okay --

5 MR. ASHTON: -- and I'm looking at you,  
6 Mike.

7 MR. LIBERTINE: Let me -- let me start  
8 with the second one and work backwards. I don't disagree  
9 with you. I think one of the limitations we have here in  
10 terms of circling the compound, for lack of a better  
11 term, is as you noticed it's on a bit of a knoll --

12 MR. ASHTON: Yeah --

13 MR. LIBERTINE: -- we could certainly step  
14 some trees down so that it would have more of that soft  
15 look as opposed to that hard line that you suggested.  
16 The only thing that I felt here and one of the reasons I  
17 didn't suggest it is because Scott and I worked back and  
18 forth on how -- what might be the best thing to do -- the  
19 -- one of the reasons I felt in this particular case it  
20 wasn't going to have a major difference was because there  
21 are other Christmas trees, for lack of a better term, on  
22 this property, albeit not right in that area, but it  
23 tends to give that -- to take away a little bit of that  
24 focus as you had suggested. I think we certainly are

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1 open to trying to do a little bit more staggered effect  
2 if everybody thinks that would work. My only concern  
3 there is you'd be coming down the slope a little bit so  
4 you -- and maybe that wouldn't be a bad thing either,  
5 that we'd have varying heights as well --

6 MR. ASHTON: Well doesn't it depend on the  
7 viewing angle --

8 MR. LIBERTINE: It does --

9 MR. ASHTON: -- I mean coming from the  
10 north you're not inhibited by the slope, are you?

11 MR. LIBERTINE: No. From the north,  
12 you're absolutely right --

13 MR. ASHTON: And coming from the east, you  
14 are somewhat inhibited by it --

15 MR. LIBERTINE: Right --

16 MR. ASHTON: -- and as you work southward  
17 --

18 MR. LIBERTINE: And from the south --

19 MR. ASHTON: -- it's more inhibited?

20 MR. LIBERTINE: Yes, absolutely.

21 MR. ASHTON: So that we can attack this by  
22 degree if --

23 MR. LIBERTINE: Agreed -- agreed.

24 MR. ASHTON: Would it help -- let's go to

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1 the first question then --

2 MR. LIBERTINE: Mmm-hmm --

3 MR. ASHTON: -- there's alternate species  
4 that could be mixed in to make it look a little bit more  
5 natural rather than regimented?

6 MR. LIBERTINE: No question. I mean the  
7 obvious thing that comes to mind, and I think the tree  
8 warden said it, was, you know, a Blue Spruce. I think  
9 any spruce, you know, would be very consistent with  
10 Christmas trees that are there. They're not native, but  
11 they also are fairly deer resistant. And there have been  
12 other docket I've been involved in where we've discussed  
13 this at length where those type of species are robust,  
14 they tend to discourage deer browsing, they don't lose  
15 their lower branches, which is a very important feature  
16 here --

17 MR. ASHTON: Yeah --

18 MR. LIBERTINE: -- obviously we wouldn't  
19 want to do White Pine because that's going to defeat the  
20 purpose over time. They also can be managed like a  
21 Christmas Tree, so the shape can be maintained. We don't  
22 want those trees certainly around the compound growing to  
23 mature heights -- well they're going to grow eventually  
24 to mature heights. They're going to have to be trimmed

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1 on the inside, but you wouldn't see those from the  
2 outside anyways --

3 MR. ASHTON: Yeah --

4 MR. LIBERTINE: -- so yeah, I think your  
5 point is a good one. The Arborvitaes obviously are the  
6 least management intensive, but we do have the deer  
7 browsing situation --

8 MR. ASHTON: Right --

9 MR. LIBERTINE: -- and they tend to stay  
10 conical. So the idea was doing something along those  
11 lines would work. But I think we're obviously open to,  
12 you know, using an alternative species or a mix if that's  
13 the case.

14 MR. ASHTON: The placement of the  
15 Arborvitae along the driveway about 50 feet more or less  
16 northeast of the compound, as you look on the diagram  
17 that is primarily intended I guess to provide screening  
18 from the house to the north. Would you agree?

19 MR. LIBERTINE: Yes, sir.

20 MR. ASHTON: As I look at the diagram, the  
21 -- half of those trees are almost in a perfect line, so  
22 that -- from the compound to that house so that they  
23 appear as a block of trees but rather just a single tree,  
24 one in back of the other. Is there anything that can be

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1 done reasonably within the arrangements you have with  
2 the property owner to break up that format so it's less  
3 formal and more casual, more informal, where, you know,  
4 there's little space between a trees and it doesn't look  
5 as though it's been meticulously planted, but rather it  
6 looks like it occurs there by nature and hence would fit  
7 as natural screening rather than dogmatic screening?

8 MR. LIBERTINE: Again, it's a great point,  
9 Mr. Ashton. I think in this case from a -- from a lease  
10 perspective, we -- we're limited to 20 feet centerline  
11 off the road. I think we certainly could have  
12 discussions with the property owner to plant some outside  
13 of the lease area so that it would be more again of a  
14 staggered effect. Personally, I think in light of some  
15 of the comments that have come out today, rather than  
16 wrapping it right along the road, it might make sense to  
17 actually kick it out away from the road so that you're  
18 providing again kind of a --

19 MR. ASHTON: A smattering --

20 MR. LIBERTINE: -- smattering of trees  
21 exactly --

22 MR. ASHTON: Yeah --

23 MR. LIBERTINE: -- and I think that would  
24 actually screen that backyard more effectively than what

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1 may be represented here. And again this is just a  
2 representation. But again, your point is a good one in  
3 that having some irregularity to it --

4 MR. ASHTON: Yeah --

5 MR. LIBERTINE: -- would still provide the  
6 screen, but it would make it look a little bit more  
7 natural.

8 MR. ASHTON: So is irregularity something  
9 we could look at in the D&M plan -- (laughter) --

10 MR. CHASSE: Just a point of  
11 clarification. Again, the intent of that row is to  
12 screen the compound.

13 MR. ASHTON: I understand.

14 MR. CHASSE: Okay. I just wanted to make  
15 sure.

16 MR. ASHTON: But again, by being perfectly  
17 regular, I would argue it attracts the eye rather than  
18 causes the eye to skip over it.

19 MR. CHASSE: Understood.

20 MR. ASHTON: At the risk of hurting  
21 somebody's feelings, the one thing that struck me as I  
22 walked through that compound was not the visual impact of  
23 the tower and its associated devices on the ground, but  
24 all the claptrap around the yard and the site. Is the --

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1 is it possible that the property owner might do something  
2 to alleviate that? And I seem to remember making this  
3 comment back almost 10 years ago too on this site -- and  
4 I may be wrong -- but it's the kind of thing to me makes  
5 the eye swing over to a site and say what the hell is all  
6 of this.

7 MR. GELINAS: I think --

8 MR. ASHTON: I'm going beyond I suspect  
9 what your abilities are, but maybe persuasiveness would  
10 carry a point.

11 MR. GELINAS: Well, we certainly do have  
12 an open dialogue with the property owner. But I will say  
13 over the course of time -- and we understand and  
14 appreciate your comments, you know, from the view today--  
15 however, he has worked quite a bit to clean up the  
16 property. He's rebuilt a barn on the property --

17 MR. ASHTON: I noticed that --

18 MR. GELINAS: -- he has -- he has --

19 MR. ASHTON: -- and he's rebuilding  
20 something else too on the property.

21 MR. GELINAS: He's rebuilding a number of  
22 items --

23 MR. ASHTON: Yeah --

24 MR. GELINAS: -- but he has removed a

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1 number of obstructions that were on the property --

2 MR. ASHTON: Some of it's just a matter of  
3 picking it up --

4 MR. GELINAS: I understand that --

5 MR. ASHTON: -- or dumping it as the case  
6 may be.

7 MR. GELINAS: And I think -- I think some  
8 of that has been in process. I think what we viewed  
9 today was some of it in process.

10 MR. ASHTON: Well I'm not going to flog it  
11 to death, but I'll leave a word to the wise. Thank you,  
12 Mr. Chairman.

13 CHAIRMAN STEIN: Thank you, Mr. Ashton.  
14 Mr. Wilensky.

15 MR. WILENSKY: Yes. Mr. Libertine, we  
16 talked about the balloon flight. And I gather you were  
17 not able to fly the balloon today at the site visit?

18 MR. LIBERTINE: No, sir, we lost a few --

19 MR. WILENSKY: Did you --

20 MR. LIBERTINE: -- in a couple of  
21 attempts, especially early on --

22 MR. WILENSKY: -- did you fly the balloon  
23 at a previous -- at a previous time -- was --

24 MR. LIBERTINE: Yes --

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1 MR. WILENSKY: -- have you been able to  
2 fly that balloon at an earlier date?

3 MR. LIBERTINE: Yes. In fact, we did it  
4 for the visual report that's here. It was about 40 feet  
5 from where the proposed tower and existing tower is. But  
6 yes --

7 MR. WILENSKY: At the proposed height of  
8 127 or 147?

9 MR. LIBERTINE: At 127.

10 MR. WILENSKY: And was there any comment  
11 from the public concerning that or --

12 MR. LIBERTINE: I don't believe we did a  
13 publicly noticed float at this particular site --

14 MR. WILENSKY: Oh, okay --

15 MR. LIBERTINE: -- so I did not get any  
16 direct feedback. We did get feedback during the  
17 consultation process with the town and the neighbors in  
18 terms of the facility and -- that's how we came to decide  
19 upon a tree here, because again the original proposal was  
20 for a standard monopole with platforms.

21 MR. WILENSKY: Okay. When you had that  
22 committee, I gather the committee -- and I don't know who  
23 would have the answer to this -- visited some of the  
24 various sites where there are monopines or they visited

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1 the Windsor site and liked that Windsor site, is that  
2 correct?

3 MR. FISHER: As part of the consultation  
4 with the town, which included consultation with the  
5 neighbors, that site in Windsor was pointed out. And I  
6 believe one of the neighboring property owners actually  
7 visited it, traveled to it, and communicated back through  
8 the First Selectman to us --

9 MR. WILENSKY: So somebody from the town  
10 or the neighbors did visit that Windsor site?

11 MR. FISHER: One of the neighbors, yes.

12 MR. WILENSKY: Did they visit other sites,  
13 because you depict a couple of other sites in Vermont or  
14 wherever it is? Did they visit the other sites or the  
15 only one they actually looked at was -- or that person  
16 looked at was the one in Windsor, was that it?

17 MR. FISHER: I don't know the answer to  
18 that. We pointed out the Windsor location and they -- I  
19 know that they communicated back that they did in fact  
20 visit that site and provided comments back through the  
21 town to us as part of --

22 MR. WILENSKY: Did they like the Windsor  
23 site?

24 MR. FISHER: I wouldn't want to say --

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1 MR. WILENSKY: Did that person like the -

2 -

3 MR. FISHER: I wouldn't want to say that  
4 they liked it, but they thought that it did a good job of  
5 screening the tower, which is how we were led to  
6 proposing a monopine as part of this proposal because the  
7 original consultation started as a monopole and a couple  
8 of different locations on the property.

9 MR. WILENSKY: Now you talk about a 127-  
10 foot height here of a monopine, also expanded to 147.  
11 Have you ever seen a 147 monopine?

12 MR. LIBERTINE: Not specifically, but I've  
13 seen a 160-foot monopine. I see it pretty regularly  
14 driving up Route 44 in Winchester.

15 MR. WILENSKY: The one on the way to --

16 MR. LIBERTINE: Which was originally a  
17 monopole. And actually in fairness to everybody  
18 involved, if you're not on Route 44 and you look at that  
19 facility from alternate locations, it actually works very  
20 well. It's unfortunately that on the Route 44 side it  
21 looks like -- well if you onto Google, I think somebody  
22 labeled it the Connecticut Redwood.

23 MR. WILENSKY: Is that the one on -- from  
24 -- the way from Winsted --

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1 MR. LIBERTINE: Yes --

2 MR. WILENSKY: -- to Norfolk?

3 MR. LIBERTINE: -- yes.

4 MR. WILENSKY: And that I think --

5 MR. LIBERTINE: And that tower is --

6 MR. WILENSKY: I think we did that, but I  
7 believe the town -- or the town wanted that type of  
8 tower?

9 MR. TAIT: (Indiscernible) --

10 MR. LIBERTINE: My recollection is --

11 MR. WILENSKY: I hear Professor Tait in  
12 the background -- (laughter) --

13 MR. LIBERTINE: We did have some neighbors  
14 who came out from one of the ancillary roads who came out  
15 and said that from their perspective a tree would work  
16 very well. And quite honestly, they were right, from  
17 their perspectives the tree works very good from their  
18 yards because it's going up the slope, so they don't have  
19 that -- it's now towering. The 44 perspective  
20 unfortunately is about 70 feet above the tree line, so it  
21 -- you know, it -- it's actually a good looking tree.  
22 Professor Tait and I worked very closely with Verizon on  
23 modifying the branching on that because when it was first  
24 built, it was a lot more sparse. But at the end of the

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1 day when it's that far above the tree line, it makes for  
2 a very different perspective --

3 MR. TAIT: It's looking better --

4 MR. LIBERTINE: Oh, absolutely, there's no  
5 question. It -- if we could just get the other trees to  
6 grow another 40 feet, it would look spectacular --  
7 (laughter). But -- but I didn't -- I didn't mean to be  
8 facetious, but there are some very tall specimens.  
9 There's -- certainly 130 feet for some of these  
10 facilities we saw in Vermont. There are some naturally  
11 growing pine trees you'll find scattered around the state  
12 that certainly top 110 feet.

13 MR. WILENSKY: I think doctor -- Mr.  
14 Chairman, I think Dr. Bell --

15 CHAIRMAN STEIN: Yeah --

16 MR. WILENSKY: -- had her hand up.

17 CHAIRMAN STEIN: Dr. Bell.

18 MR. WILENSKY: I'll yield to Dr. Bell.

19 DR. BELL: While we're talking about this  
20 subject, in your chart of -- in -- I guess it's a T-  
21 Mobile chart of handoff sites for this tower that you're  
22 proposing, there's listed a tower in Easton on Route 2, a  
23 monopine at 180 feet, so -- that's 180 feet. So I'm just  
24 throwing this out there. I'm just curious if you have

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1 seen that one and whether that could -- you could comment  
2 on that one since Mr. Wilensky was asking?

3 MR. LIBERTINE: It's -- it's at the town  
4 landfill. I'm familiar with the facility itself. It's  
5 been a long time since I've gone out and looked directly  
6 at that pole. I will say this, it actually works fairly  
7 well in its setting just because again it's surrounded by  
8 quite a bit of woods. But it is 180 feet, so -- again,  
9 from some perspectives 180 feet is going to look like 180  
10 feet just because of that perspective. But again, the  
11 idea for these, and especially in this particular  
12 setting, is to soften direct views.

13 Our views at this facility even today are  
14 very very limited. Once you get off the property,  
15 there's not a lot of direct line to the site. There are  
16 some on neighboring properties. But I think once the  
17 leaves come out, they drastically reduce. I don't  
18 remember any homes in the area that has windows directly  
19 facing back towards that facility on our property, which  
20 made it a little bit easier for me when we were really  
21 thinking about -- even the monopole I felt would have  
22 been okay here, but I think the tree is a much better  
23 substitute just because again any views that will be  
24 attained through the trees are going to be so soft now

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1 because of this kind of natural feature, or more natural  
2 feature, that I think it really does do the camouflage or  
3 meets the objective of that camouflage. But -- yeah, 180  
4 feet, that's -- that's a big facility.

5 DR. BELL: Thank you. Thank you, Mr.  
6 Chair.

7 CHAIRMAN STEIN: Okay. Mr. Ashton has a  
8 quick question.

9 MR. ASHTON: Just one thing. There is no  
10 Route 2 in Easton to my knowledge. I don't know what the  
11 route is, but it's not 2. 2 runs east of the river.

12 MR. LIBERTINE: Yeah, that's out my way.

13 MR. ASHTON: I'm sorry?

14 MR. LIBERTINE: That's out my way. Yeah,  
15 Route 2 -- I'm not sure what that -- is that in the T-  
16 Mobile information?

17 DR. BELL: It says -- it says -- it does  
18 say Route 2, but then it also says 275 North Street.

19 CHAIRMAN STEIN: Make that a homework  
20 assignment. Mr. Wilensky, do you want to continue?

21 MR. WILENSKY: Yes. One -- one last  
22 question. I'm just curious about this. We talk about  
23 coverage -- we talk about coverage to the various roads.  
24 You know, there's less and less -- there are less and

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1 less fewer and fewer phones being used in automobiles.  
2 In fact, the cell phone is banned in automobiles in the  
3 State of Connecticut unless you have hands-free. Why so  
4 much emphasis and why so much talk about that in these  
5 applications because there are fewer and fewer people  
6 that supposedly should be using cell phones in  
7 automobiles today? Does anybody have any kind of an  
8 answer or expression to that -- an answer to that?

9 MR. FISHER: I could -- I could probably  
10 give a policy objective on that and maybe T-Mobile could  
11 answer from their perspective, but I think the industry  
12 as a whole in the United States has seen a strong  
13 migration, and it's not just about roadway coverage, it's  
14 about in-home coverage as well, so --

15 MR. WILENSKY: Well I realize it's in-home  
16 coverage, but there's still talk about, you know,  
17 coverage on the various roads. And I think -- but it  
18 talks about primary in automobiles. And -- well I'll ask  
19 T-Mobile that. Okay.

20 MR. FISHER: As we move forward I think as  
21 an industry, we should talk in terms of coverage in  
22 different environments and not just vehicle.

23 MR. WILENSKY: Thank you -- thank you, Mr.  
24 Fisher. Mr. Chairman, thank you very much.

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1 CHAIRMAN STEIN: Okay. Mr. Lynch.

2 MR. LYNCH: Just as an aside, I'll follow  
3 that up with T-Mobile too so they know about it.

4 Just as a plug, I'm probably the only one  
5 in the building that drives by the Windsor site at least  
6 twice a day. It works very well from late spring to  
7 summer and fall. You don't even know it's there. Mr.  
8 Libertine and I have talked about it before. But I think  
9 you're right, the grouping is what actually sets it  
10 aside.

11 And Mr. Chasse, I'm not an engineer or a  
12 construction guy. If my friends see me pick up a hammer,  
13 they panic -- (laughter) -- but I was trying to -- I was  
14 reading your interrogatory on blasting and you said  
15 there's a ledge there. Explain to me why there wouldn't  
16 -- I couldn't really understand why there would be really  
17 no blasting needed.

18 MR. CHASSE: Message Center Management has  
19 already taken the liberties of performing a geotechnical  
20 investigation of the proposed monopine location. The  
21 results of that indicated that there's eight feet of  
22 fill, half a foot of glacial till, and then eight and  
23 half feet below grade it's bedrock, it's weather schist.  
24 With that said, we took that information, coordinated

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1 with Valmont Industries to come up with alternative  
2 foundation types. We then took that information and went  
3 to -- one of the options came back as a 90-inch drill  
4 shaft down 23 feet into the rock. That obviously  
5 requires special equipment. We reached out and spoke  
6 with LUC, which is a large commercial drilling company  
7 who does a lot of the transmission line boring work. We  
8 spoke with them and came back with a couple of ideas. We  
9 went back to Valmont and we discussed doing a shallower  
10 foundation that could be drilled and rock anchored into  
11 the bedrock, therefore we won't need to blast. They  
12 believe that they'll be able to hole-ram or chip some of  
13 the imperfect surface so what we can get a nice level  
14 bed, put in some structural fill, put in the rock  
15 anchors, and then pour the foundation around the rock  
16 anchor, so the rock that's there will actually be  
17 supporting the tower.

18 MR. LYNCH: Now that makes more sense.  
19 Thank you. You're talking about cut -- you're expanding  
20 the compound --

21 MR. CHASSE: Mmm-hmm --

22 MR. LYNCH: -- and you're talking about  
23 cut and fill.

24 MR. CHASSE: Yeah.

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1 MR. LYNCH: As I looked at SP-1 and in  
2 walking around the compound this afternoon, to the west  
3 and to the back is -- can that all be done without cut  
4 and fill or will you need some type of retaining wall for  
5 those slopes?

6 MR. CHASSE: We're showing two-to-one  
7 slopes on the west and south side. It's about 180 yards  
8 of fill that are called for in that area to bring the  
9 compound level up to -- close to what's existing there.

10 MR. LYNCH: So you would not -- and I'm  
11 looking at where you have the silt fence here on -- maybe  
12 they have -- you know, the cut and fill would alleviate  
13 any type of retaining wall being needed?

14 MR. CHASSE: Yeah, we looked at that  
15 originally. We entertained doing the retaining wall, but  
16 given that it's three contour elevations, that we thought  
17 to go ahead and feathered it out on a two to one slope  
18 would be adequate.

19 MR. LYNCH: Alright, thank you. Mr.  
20 Gelinas, after the two storms last fall, there's a lot of  
21 talk about backup power -- and I'm going to bring this up  
22 with T-Mobile also -- do you know whether AT&T has a  
23 backup generator on site in your -- in their compound?

24 MR. GELINAS: My understanding is they --

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1 well not my understanding -- they do not. My  
2 understanding is that T-Mobile will be operating a backup  
3 battery --

4 MR. LYNCH: In the event that they have to  
5 bring in a portable backup generator, either diesel or  
6 propane -- and my question is two-fold -- (1) can they  
7 come up the access road, is that easy enough to come up?  
8 And (2) is there enough room in the compound to support  
9 one or maybe even three portable generators so that they  
10 can run?

11 MR. GELINAS: With the expanded compound  
12 there would be room for additional if -- if necessary.

13 MR. LYNCH: Okay --

14 MR. GELINAS: And the road certainly is  
15 passable, yes.

16 MR. LYNCH: The rest of my questions are  
17 for T-Mobile. Thank you, Mr. Chairman.

18 CHAIRMAN STEIN: Thank you, Mr. Lynch.  
19 Yeah, following up on the backup, which again may be for  
20 both -- more for T-Mobile -- but obviously there's  
21 concern. I believe there's some legislation -- was or is  
22 pending regarding backup power. How does it work now?  
23 Does -- does the applicant -- in this case do you provide  
24 the backup power or does each party that goes on, whether

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1 it's T-Mobile or AT&T or Verizon, or whoever, do they  
2 then subsequently provide their own?

3 MR. GELINAS: Oftentimes it's location  
4 specific. There are locations where a common generator  
5 can be provided. There are also situations where -- or  
6 locations where individual carriers would bring in their  
7 own backup power.

8 CHAIRMAN STEIN: In this case is there any  
9 reason not to have common -- a common backup carrier for  
10 a more significant duration than I believe the battery  
11 that's been suggested here?

12 MR. GELINAS: It is something that we've  
13 discussed internally and it is something that we're  
14 reviewing as a company, yes.

15 CHAIRMAN STEIN: Because I -- do you have  
16 -- do you know what your -- what is being proposed now?

17 MR. GELINAS: We have not proposed a  
18 common generator at this point, but we have -- we have  
19 begun to have those discussions; what size would be  
20 required, what would be the loading for each of the  
21 carriers. We do have a -- Nextel does have the ability  
22 to bring in their own generator by contractual agreement.  
23 But a common generator to minimize actually the most  
24 efficient use of compound space as well as accommodate

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1 the backup power needs, those are items that we are  
2 discussing as a company at this point.

3 CHAIRMAN STEIN: At this point do you know  
4 the -- if it were to be battery, do you know how long  
5 they would last?

6 MR. GELINAS: Well if we were to provide  
7 it, it would not be battery. It would be a backup  
8 generator if MCM were to provide it. The battery  
9 information probably is best addressed by T-Mobile with  
10 regard to their installation.

11 CHAIRMAN STEIN: Do you have any -- would  
12 you have an objection if in the D&M phase that this  
13 Council required that there be a common backup power?

14 MR. FISHER: As the lawyer leans over to  
15 his client, we'd probably have to take that under  
16 advisement and discuss what that may mean as far as an  
17 actual condition to deploy a generator. We could talk  
18 about designing for that as a possibility.

19 CHAIRMAN STEIN: I mean I'll leave at that  
20 other than to say it sounds like it would be incredible  
21 efficiency if it was. And in a common sense it might be  
22 to everybody's advantage, but I'll let it go at that.  
23 Dr. Bell.

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

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1 (indiscernible) -- but I do have a question -- well while  
2 we're on this subject, there is a discrepancy between  
3 what -- and ideas about how many carriers are supposed  
4 to be on this tower or -- what it could be designed for  
5 and what it is designed for potentially. One statement  
6 says there are to be four other carriers and one  
7 statement says three. And so I'm just asking in line  
8 with this question about how many could fit into the  
9 compound or a common generator. In MCM's response to the  
10 Council of February 16th is the one that says three. And  
11 All Points technology wrote a memo with various numbered  
12 statements, which wasn't exactly a response to the  
13 Council, but was a memo with numbered statements, and No.  
14 9 says four.

15 MR. CHASSE: A clarification. The two  
16 existing carriers that are there are two, and that being  
17 Sprint/Nextel and AT&T. Today's applicant, T-Mobile,  
18 would be No. 3. There would be future growth for a  
19 fourth carrier. And then if the town actually came on,  
20 there would be five.

21 DR. BELL: Okay. And so the three in the  
22 February 16th response were referring to T-Mobile, AT&T,  
23 and Nextel, is that correct?

24 MR. CHASSE: Yes.

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1 DR. BELL: Okay, got it. Thank you.

2 Thank you, Mr. Chair.

3 CHAIRMAN STEIN: Mr. Lynch.

4 MR. LYNCH: Mr. Gelinas, just in follow up  
5 to the comment backup generator or three separate  
6 generators, would you have in your discussions -- or  
7 would you have any restrictions on what that fuel source  
8 might be, diesel, propane --

9 MR. GELINAS: We wouldn't necessarily have  
10 --

11 AUDIO TECHNICIAN: A microphone, sir.

12 MR. GELINAS: We would not necessarily  
13 have restrictions on the fuel source.

14 MR. LYNCH: And Mr. Chasse, you just  
15 mentioned that the town even though they're not coming  
16 on, if they do come on, wouldn't they come on with some  
17 type of whip that would go up through the top of the  
18 tree?

19 MR. CHASSE: In our initial discussions  
20 that I'm aware of were discussing 175, right at the  
21 bottom of the branches. And as long as it's not a dipole  
22 antenna that has the loops on them, the whip antennas  
23 should be okay within the tree.

24 MR. LYNCH: Thank you, Mr. Chairman.

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1 CHAIRMAN STEIN: We'd now like to go to  
2 cross-examination by the town. Attorney Mondschein. If  
3 you want to come up and -- you can sit here at the end if  
4 that's okay with you. Thank you.

5 (pause)

6 MR. MONDSCHHEIN: Thank you, Mr. Chairman,  
7 and good afternoon.

8 I'm going to start, if I could, with the  
9 question of the backup power. Since I believe that the  
10 town expressed their interest to have some facilities on  
11 that tower -- it was actually done as a correspondence  
12 from myself to the counsel from MCM, is that correct?

13 MR. FISHER: Yes, we did have that  
14 correspondence.

15 MR. MONDSCHHEIN: And that -- since that  
16 time, we haven't spoken though, have we, about the town  
17 going on the tower?

18 MR. FISHER: No, I -- I took Attorney  
19 Mondschein's request and passed it along on to my client,  
20 who's had subsequent conversations with town officials.  
21 And I would defer to them on those conversations.

22 MR. MONDSCHHEIN: Okay. Has the town  
23 expressed the fact that they would like to go on the  
24 tower, but they would only go on if there was backup

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1 generation on site?

2 MR. GELINAS: No. Actually, we've  
3 followed up with the town a couple of times since the  
4 initial correspondence. The town would go on the tower  
5 even in the event that there is not backup power.

6 MR. MONDSCHHEIN: Thank you. The site  
7 visit to Windsor, Connecticut by one of the residents,  
8 that was suggested, was it not, by MCM to have one of the  
9 residents go and look at it?

10 MR. GELINAS: It was provided as an option  
11 for viewing.

12 MR. MONDSCHHEIN: And the Vermont and  
13 Rensselaerville towers, those were not provided to anyone  
14 of the town or the residents until your interrogatory  
15 responses, correct?

16 MR. GELINAS: As we get into the design  
17 and more involved with the monopine itself, we went to  
18 the New York and the Vermont facilities as examples of  
19 our manufacturer Valmont.

20 MR. MONDSCHHEIN: But those weren't  
21 provided --

22 MR. GELINAS: That's correct --

23 MR. MONDSCHHEIN: -- the residents -- the  
24 residents would not have known about those until the

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1 interrogatory responses?

2 MR. GELINAS: That is correct.

3 MR. MONDSCHHEIN: And the Vermont and New  
4 York towers were done by Valmont?

5 MR. GELINAS: That's correct.

6 MR. MONDSCHHEIN: Was the Windsor one done  
7 by Valmont?

8 MR. GELINAS: I don't believe it was.

9 MR. MONDSCHHEIN: And it's your suggestion  
10 that Valmont be the developer, correct?

11 MR. GELINAS: That's correct.

12 MR. MONDSCHHEIN: And in the statement, I  
13 believe it was by Valmont, there's an explanation as to  
14 branches per foot, 23 inches or 26. Can someone explain  
15 that?

16 MR. LIBERTINE: They use a measurement of  
17 either 2.3, 2.5, or 3.2 branches per foot.

18 MR. MONDSCHHEIN: Thank you.

19 MR. LIBERTINE: I'm not really sure how  
20 that measurement -- you know, I think it's a matter of  
21 yes, the branches are spaced at certain intervals. And  
22 what it really comes down to is they have a less -- they  
23 have what they'll consider to be their sparsest branching  
24 to what would be considered their fullest branching

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1 pattern, but it -- it is a fairly narrow range. But it  
2 just provides for having that flexibility of how much  
3 loading goes on the tower and what the actual shape looks  
4 like.

5                   Conversely when we talk about the Windsor  
6 tree, which was done by another company, they don't use  
7 that same nomenclature unfortunately. When we asked them  
8 what their branching pattern was or spacing, they said  
9 that that was a dense spacing. When I further pushed  
10 them, they said well essentially we on average try to  
11 space the branches not uniformly, but about three to five  
12 feet apart from one another. So everybody has  
13 unfortunately their own nomenclature, so it's hard to  
14 make kind of an apples and apples type of, you know,  
15 comparison unfortunately.

16                   MR. MONDSCHHEIN: What is the plan for the  
17 tree in Redding?

18                   MR. LIBERTINE: To my knowledge that has  
19 not been pinned down yet. We've assumed that we would  
20 have this discussion today and then work that out during  
21 the D&M phase with the manufacturer and with the input  
22 from the town and the Council.

23                   MR. MONDSCHHEIN: Would you be able to  
24 provide an updated visual with the proposed branches per

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1 foot that you have for this site?

2 MR. LIBERTINE: We -- we certainly could  
3 provide it. We -- that would be down the road. It would  
4 have to be -- my experience with these designs are that  
5 once the designer is selected, and obviously the initial  
6 Council decision is a go, once we get into the D&M phase,  
7 then yes the manufacturer or the designer of the  
8 camouflage will typically provide actually a schematic  
9 that shows exact placements with measurements not only of  
10 where they will fall along the actual trunk of the tree,  
11 but each of the individual branching, their length, their  
12 dimensions, and that type of thing.

13 So yes to answer your question, we could  
14 from that, and we have in the past, developed a 3-D model  
15 for them and then be able to do a simulation, but that's  
16 kind of moving down the road a bit because until we get  
17 to that point, it's -- it's -- you can't do it until you  
18 have that actual design in place.

19 COURT REPORTER: One moment please.

20 (pause - tape change)

21 MR. MONDSCHHEIN: Ready? Let's talk a  
22 little bit about the fall zone. I believe that you had  
23 talked about the fact that you would not put a yield  
24 point into this site, correct?

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1 MR. CHASSE: It's not physically possible  
2 to put a yield point in the branches.

3 MR. MONDSCHHEIN: You could put a yield  
4 point though below the branches, correct?

5 MR. CHASSE: Yes.

6 MR. MONDSCHHEIN: And so if you put them --  
7 if you put the yield point below the 120-foot mark, that  
8 would prevent any part of the tower, including the  
9 branches, from falling onto the neighbors' property?

10 MR. CHASSE: Yes.

11 MR. MONDSCHHEIN: And what -- what height  
12 would that be, would you be able to put a yield point in  
13 that?

14 MR. CHASSE: Probably somewhere in the 90  
15 to 100-foot range above grade.

16 MR. MONDSCHHEIN: And just for the purpose  
17 of the members of the public who might be here, what's --  
18 can you just explain what a yield point is?

19 MR. CHASSE: In the unlikely event of a  
20 monopole failure -- there's three types of failure;  
21 sheer, compression, and overturning moment. The one of  
22 interest with a yield point would be due to wind loading  
23 that would cause localized buckling of the tubular  
24 structure, the monopole itself. You would get a -- they

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1 would design it such that there was a -- everything meets  
2 code, but -- that one particular area would only meet  
3 code, the rest of it would be more or less over-designed,  
4 and that it would allow for that kink to occur on the  
5 pole, that it would therefore -- once it gets to its  
6 yield point, it would kink a little bit. And then  
7 because it's kinking, the surface area that's available  
8 to it for the wind is less, so it would kink a little  
9 more. And then eventually it would get to the point that  
10 it's buckled over or kinked over and that the wind  
11 loading wouldn't have any effect on it. So in essence,  
12 it doesn't fall like a tree. It basically buckles unto  
13 itself.

14 MR. MONDSCHHEIN: Thank you. Who performed  
15 the noise evaluation?

16 MR. CHASSE: One of our acoustical  
17 engineers, HMB Acoustics.

18 MR. MONDSCHHEIN: And when they performed  
19 the noise evaluation, did they take into effect the HVAC  
20 equipment on site?

21 MR. CHASSE: Yes, they did.

22 MR. MONDSCHHEIN: And what type of HVAC  
23 system did they take into account?

24 MR. CHASSE: I believe it's MOHAIR Compact

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1 2's.

2 MR. MONDSCHHEIN: And how many did they  
3 assume on site?

4 MR. CHASSE: There's two currently on  
5 site. However, the carriers use the HVAC units in a lead  
6 lag control, one is backup. Only one runs at a time.  
7 They're five ton units. So one HVAC unit would have been  
8 considered.

9 MR. MONDSCHHEIN: Do you know if T-Mobile  
10 is planning on hooking into that system?

11 MR. CHASSE: T-Mobile has exterior  
12 equipment and doesn't use air-conditioning units.

13 MR. MONDSCHHEIN: So there would be no  
14 additional HVAC noise coming from the property?

15 MR. CHASSE: From today's application,  
16 no.

17 MR. MONDSCHHEIN: And where was the  
18 measurements taken from that are in your noise  
19 evaluation?

20 MR. CHASSE: Along the four property  
21 lines, basically where you see on sheet S-A1 where we're  
22 showing the closest distance to the property lines. And  
23 those distances are memorialized in the report -- let's  
24 see -- to the east 62 feet, to the north 110 feet, to the

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1 south 288 feet, and to the west 353 feet.

2 MR. MONDSCHHEIN: Are you aware that the  
3 neighbors have complained about noise from the compound  
4 in the past?

5 MR. CHASSE: I was advised of that, yes.

6 MR. MONDSCHHEIN: And it's -- and if you  
7 read page 1 -- I believe it is -- page 1 of your report -  
8 -

9 MR. CHASSE: Mmm-hmm --

10 MR. MONDSCHHEIN: -- the allowable noise  
11 level at the property line at nighttime is 45 dBa?

12 MR. CHASSE: Correct. That's the state  
13 standard.

14 MR. MONDSCHHEIN: And in fact, the closest  
15 point, which is the east -- is that correct, the east is  
16 closest?

17 MR. CHASSE: Yes.

18 MR. MONDSCHHEIN: Is actually just barely  
19 below that, 44, correct?

20 MR. CHASSE: It's at 44, correct. It  
21 meets the standard.

22 MR. MONDSCHHEIN: There's -- there are  
23 abilities to have that noise reduced, is that correct?

24 MR. CHASSE: Yes, if noise was in excess

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1 of the standard.

2 MR. MONDSCHHEIN: But even if noise is not  
3 in excess of the standard, it can still be reduced,  
4 correct?

5 MR. CHASSE: Yes.

6 MR. MONDSCHHEIN: And how can that be  
7 reduced?

8 MR. CHASSE: Several means. There's sound  
9 attenuating blankets that can be positioned in front of  
10 the noise source. There's baffling systems. You can  
11 modify the fan speed of the HVAC unit. All of these  
12 engineering controls, for lack of a better term, are ways  
13 to reduce the amount of noise emitted.

14 MR. MONDSCHHEIN: And I believe you put in  
15 your study that you reduced the noise by 5 dB?

16 MR. CHASSE: Correct. dBa.

17 MR. MONDSCHHEIN: dBa. Thank you. And  
18 that was because of the fencing?

19 MR. CHASSE: That's correct. There's an  
20 absorption factor associated with the fence and the trees  
21 that you're allowed to reduce based on the absorption  
22 quality of that material.

23 MR. MONDSCHHEIN: And you can -- you can  
24 actually install as well around the fencing blankets,

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1 correct?

2 MR. CHASSE: Yes. That tends to be cost  
3 prohibitive. It's very expensive.

4 MR. MONDSCHHEIN: To put blankets around  
5 the fencing?

6 MR. CHASSE: Yes. Usually if -- if it's  
7 required because the standard isn't being met, we install  
8 -- put a backboard up right at -- like a goal post, and  
9 you go ahead and put the blanket right about two feet  
10 away from the emitter so that that noise goes right into  
11 the blanket and it's knocked down however many dBa that  
12 blanket is worth.

13 MR. MONDSCHHEIN: Thank you. I guess --  
14 Mr. Libertine, I guess these questions are for you  
15 regarding screening. Was there not a discussion about  
16 whether to place screening around the perimeter of the  
17 Paradise property?

18 MR. LIBERTINE: I recollect there was  
19 discussions about select locations around the property,  
20 yes.

21 MR. MONDSCHHEIN: And that's around the  
22 perimeter and not just around the compound, correct?

23 MR. LIBERTINE: Yes.

24 MR. MONDSCHHEIN: And wasn't it told to the

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1 neighbors that you would talk to Mr. Paradise and try and  
2 get permission from him to place screening around the  
3 perimeter of the property?

4 MR. LIBERTINE: I don't recall that  
5 particular discussion, no.

6 MR. MONDSCHHEIN: Have you had discussions  
7 with Mr. Paradise about putting screening around the  
8 perimeter of the property?

9 MR. LIBERTINE: I have not. I can't speak  
10 for MCM.

11 MR. MONDSCHHEIN: Has anyone at MCM had  
12 discussions with Mr. Paradise about that?

13 MR. GELINAS: I should take a step back  
14 and just say with regard to screening on the neighbors'  
15 properties, it may have been requested, but it was not  
16 offered during those conversations. It was discussed,  
17 but it was not -- certainly not agreed upon.

18 With regard to conversations with Mr.  
19 Paradise, we've not had those conversations because it  
20 was specifically asked at the time that the screening be  
21 on the neighbors' properties, and they had expressed a  
22 concern about it being removed.

23 MR. MONDSCHHEIN: Do you know why they were  
24 expressing a concern about it being removed?

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1 MR. GELINAS: I believe there's -- there's  
2 -- I don't know quite honestly.

3 MR. MONDSCHHEIN: There may be issues  
4 between neighbors?

5 MR. GELINAS: I believe there is, but  
6 we're -- we're really not privy to them.

7 MR. MONDSCHHEIN: And for the different  
8 types of trees that we're talking about, you would not  
9 disagree that Hemlocks and Spruces would be more deer  
10 resistant than Arborvitaes, correct?

11 MR. LIBERTINE: I'd -- I'd agree with  
12 that, yes.

13 MR. MONDSCHHEIN: And they would provide  
14 the same type of screening that we're looking for in this  
15 situation?

16 MR. LIBERTINE: They'd -- yes, they would  
17 provide a similar screen, yes, overall. They -- they  
18 grow different, you know, characteristics than --

19 MR. MONDSCHHEIN: They're not as fast  
20 growing obviously, but --

21 MR. LIBERTINE: No -- no.

22 MR. MONDSCHHEIN: And then -- I believe  
23 it's on -- I believe it's on SP-1 that we see that row of  
24 trees along the north. In order for that to be -- that

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1 means that's along the perimeter of the easement, is that  
2 correct?

3 MR. CHASSE: Yes, it's shown along the  
4 north -- the north edge of the existing access road.

5 MR. MONDSCHHEIN: Is that the edge of the  
6 easement as well?

7 MR. CHASSE: I believe so.

8 MR. MONDSCHHEIN: And do you -- do you have  
9 permission from Mr. Paradise to swing that tree out -- to  
10 swing that tree line out?

11 MR. CHASSE: That just transpired moments  
12 ago, so no I don't.

13 MR. MONDSCHHEIN: You have not talked to  
14 him about that in the past?

15 MR. CHASSE: Personally, no.

16 MR. LIBERTINE: I don't think any of us  
17 have. That -- that came up as an option. And as I had  
18 suggested because it's outside the lease area, we would  
19 have to have that discussion.

20 MR. MONDSCHHEIN: At the same time you have  
21 that discussion with Mr. Paradise, could you have  
22 discussions about putting trees along the perimeter as  
23 well?

24 MR. GELINAS: We're getting into an area

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1 again that the issue has been not only the planting of  
2 the trees but also the responsibility and maintenance. I  
3 think we have to also bring into focus -- if the intent  
4 is to screen the compound, I believe we're making those  
5 efforts between a proposed monopine with bark cladding,  
6 as well as the screening around the compound itself, as  
7 well as additional screening within the access easement  
8 area. If we're -- if we're trying to screen something  
9 else, we're really not involved in that.

10 MR. LIBERTINE: One --

11 MR. MONDSCHHEIN: Go ahead.

12 MR. LIBERTINE: One thing I'd add -- we're  
13 talking about select locations. If we were to talk about  
14 specifically that row of trees along the roadway and we  
15 were to think about putting those along the property  
16 boundary as just an example, we -- when we talk about the  
17 property boundary, there's a stonewall there and there's  
18 several mature trees with root systems. So I think when  
19 we were looking at this, we wanted to again maintain the  
20 integrity of as many trees -- certainly along the  
21 property boundary, all of them. We have to lose the  
22 seven that are around the compound just because of the  
23 intrusion into the facility itself. But there are some  
24 limitations. But I think certainly going outside of what

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1 I'll call the 20-foot easement that accompanies the road  
2 is certainly a possibility. But again, that's going to  
3 have to be a discussion between MCM and the property  
4 owner.

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

7 CHAIRMAN STEIN: Okay, thank you. Cross-  
8 examination by T-Mobile. No -- all set? Do you want to  
9 formally express your --

10 MS. KOHLER: T-Mobile does not have any  
11 cross-examination for the panel, Mr. Chairman -- (pause)  
12 -- T-Mobile does not have any cross-examination, Mr.  
13 Chairman.

14 CHAIRMAN STEIN: I guess you can come back  
15 up and we'll now have the appearance by T-Mobile.

16 (pause)

17 CHAIRMAN STEIN: Okay, I'm going to allow  
18 a one and a half minute stretching break and then we want  
19 to keep -- keep moving. So hold on just a minute while  
20 everybody gets back in their seats.

21 (pause)

22 CHAIRMAN STEIN: Attorney Kohler, do you  
23 have witnesses to swear in?

24 MS. KOHLER: I do, Mr. Chairman. To my

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1 right is Hans Fiedler, the Development Operations Manager  
2 for T-Mobile Northeast. And to my left is Scott  
3 Heffernan, RF Engineering Director for EBI, Incorporated.  
4 Mr. Chasse has also remained here in case there are any  
5 questions that involve him. If they could stand to be  
6 sworn.

7 (Whereupon, T-Mobile's witness panel was  
8 duly sworn in.)

9 MS. BACHMAN: Thank you.

10 MS. KOHLER: Mr. Chairman, T-Mobile offers  
11 the four exhibits listed under Roman Numeral III-B. No.  
12 1 is the attachment 1, propagation plots and RF  
13 information that's included in MCM's application, dated  
14 January 6th; 2, the responses to the Council's  
15 interrogatories, dated February 15, 2012; 3, the prefiled  
16 testimony of Scott Heffernan, dated March 15, 2012; and  
17 finally the responses to the Town of Redding's  
18 interrogatories, dated March 20, 2012. We'd offer those  
19 to be made full exhibits -- for identification purposes  
20 at this time.

21 CHAIRMAN STEIN: Okay.

22 (Whereupon, T-Mobile Exhibit Nos. 1  
23 through 4 were marked for identification purposes.)

24 CHAIRMAN STEIN: And would you like to

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1 verify the exhibits?

2 MS. KOHLER: I would, sir. Mr. Fiedler,  
3 did you supervise or prepare or assist in the preparation  
4 of Exhibits 2 and 4?

5 MR. HANS FIEDLER: I did.

6 MS. KOHLER: Do you have any additions,  
7 corrections, or deletions to make to those exhibits?

8 MR. FIEDLER: I do not.

9 MS. KOHLER: And are they true and  
10 accurate to the best of your knowledge?

11 MR. FIEDLER: Yes.

12 MS. KOHLER: And do you adopt them here  
13 today as your testimony?

14 MR. FIEDLER: Yes, I do.

15 MS. KOHLER: Mr. Heffernan, did you  
16 prepare, assist, or supervise in the preparation of  
17 Exhibits 1, 2, 3, and 4?

18 MR. SCOTT HEFFERNAN: I did, yes.

19 MS. KOHLER: And do you have any  
20 additions, corrections, or deletions to make to those  
21 exhibits?

22 MR. HEFFERNAN: I do not.

23 MS. KOHLER: And are they true and  
24 accurate to the best of your knowledge?

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1 MR. HEFFERNAN: Yes, they are.

2 MS. KOHLER: And do you adopt them here  
3 today as your testimony?

4 MR. HEFFERNAN: I do.

5 MS. KOHLER: With that, Mr. Chairman, I'd  
6 ask that they be accepted as full exhibits.

7 CHAIRMAN STEIN: Are there any objections  
8 to accepting these exhibits? Hearing and seeing none,  
9 they are accepted.

10 (Whereupon, T-Mobile Exhibit Nos. 1  
11 through 4 for identification were received into evidence  
12 as full exhibits.)

13 CHAIRMAN STEIN: And we'll now go to  
14 cross-examination, starting with Mr. Martin of staff.

15 MR. MARTIN: Thank you, Mr. Chairman. As  
16 long as Mr. Chasse is still up on the panel, I'd just  
17 like to ask him would MCM's lease area be the same as the  
18 compound area?

19 MR. CHASSE: The expanded compound area,  
20 yes.

21 MR. MARTIN: Okay, thank you. And now for  
22 T-Mobile, in an interrogatory response T-Mobile indicated  
23 that its dropped call rate in this area was around eight  
24 percent. What is T-Mobile's target rate for dropped

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1 calls that indicate satisfactory coverage in an area?

2 MR. HEFFERNAN: Well the target rate is  
3 obviously zero percent. However, anything higher than a  
4 two percent dropped call rate raises a red flag.

5 MR. MARTIN: Okay, thank you. And  
6 according to another interrogatory response, T-Mobile  
7 would still have coverage gaps on Route 58 and Route 107  
8 with its antennas on this tower. Do you have any plans  
9 for another facility in this area to cover these gaps?

10 MR. FIEDLER: We do. This specific  
11 facility is one of four that we had identified for the  
12 Redding area. All four locations were identified based  
13 on preexisting locations. So the other three, one of  
14 which -- or two of which are AT&T facilities, one that I  
15 believe is not yet built, which is on 34 Great Oak Lane.  
16 The other one is a flagpole facility on 22 Wayside Lane.  
17 And then there is a Sprint tower facility at 186 Black  
18 Rock Turnpike.

19 MR. MARTIN: Okay, so you could cover the  
20 gaps that would still remain by just going on existing  
21 towers without any new towers?

22 MR. HEFFERNAN: Correct.

23 MR. MARTIN: Okay, thank you. And what  
24 frequencies would T-Mobile use for its LTE service that

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1 was mentioned in its responses?

2 MR. HEFFERNAN: There would be a mix. LTE  
3 would be broadcasted on the 1900 as well as the 2100  
4 frequency bands.

5 MR. MARTIN: Okay. I guess -- the other  
6 carriers that I have seen use LTE service, their services  
7 are usually -- are the 700 frequency?

8 MR. HEFFERNAN: Correct. For carriers  
9 that are licensed for those frequencies, they can re-band  
10 and put that technology on those frequencies.

11 MR. MARTIN: Okay.

12 MR. HEFFERNAN: Currently, T-Mobile has  
13 frequencies in the 1900 and 2100-megahertz --

14 MR. MARTIN: So you don't own any  
15 frequencies in the 700 --

16 MR. HEFFERNAN: Currently, we do not, no.

17 MR. MARTIN: Okay. So you can apply the  
18 LTE technology to the frequency bands that you do have?

19 MR. HEFFERNAN: We can, yes.

20 MR. MARTIN: Okay, thank you. And does  
21 T-Mobile designate certain frequencies for --  
22 specifically for voice transmission and others for data  
23 transmission?

24 MR. HEFFERNAN: Currently, it does not.

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1 MR. MARTIN: Okay. So you use all your  
2 frequencies for either voice or data?

3 MR. HEFFERNAN: Correct. In any given  
4 area we are licensed a particular frequency block and we  
5 do broadcast and provide service for data and voice  
6 across those frequencies.

7 MR. MARTIN: And would the LTE frequencies  
8 transmit both voice and data?

9 MR. HEFFERNAN: That's correct --

10 MR. FIEDLER: No -- sorry, Scott. For  
11 clarification, the frequency bank being used for the LTE  
12 will -- is part of our voice and data. However, we will  
13 carve out a series of spectrum that will be for LTE and  
14 we will not carry voice traffic at this given time.  
15 That's something that's still yet to be developed with  
16 regards that frequency band and how we allocate that  
17 use.

18 MR. MARTIN: So it would only be for data  
19 transmission?

20 MR. FIEDLER: The LTE portion megahertz-  
21 wise, yes.

22 MR. MARTIN: Okay. And how is the growing  
23 consumer demand for data transmission services affecting  
24 T-Mobile's network capacity?

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1                   MR. HEFFERNAN: Well as -- as the demand  
2                   and the subscribers move towards higher data rate  
3                   devices, it does obviously take up a much wider bandwidth  
4                   to be able to provide those services to the customers.  
5                   And it does tie up more resources in providing better  
6                   data rates to the customers.

7                   In addition to capacity, you also have to  
8                   look at signal quality, how good is the signal that's  
9                   being provided to the customers. You know, so right now  
10                  we are playing with that balance of trying to provide  
11                  those high data rates to customers that are in probably  
12                  less than optimal coverage. So it does put a strain on  
13                  the network. However, I mean at the current time T-  
14                  Mobile does have the frequency band and the spectrum  
15                  available to provide the capacity that it needs to.

16                  MR. MARTIN: Can you foresee a point where  
17                  the demand for data transmission and -- I guess it seems  
18                  to me that there's more and more data being transmitted  
19                  rather than just the voice transmission that we were used  
20                  to a few years ago. Do you -- can you foresee a point  
21                  where there's just too much demand for frequency or  
22                  bandwidth that you just don't have the technology to be  
23                  able to provide all the data that's being requested by  
24                  the consumers?

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1 MR. HEFFERNAN: Well theoretically you  
2 could hit that point. However, as the demand increases,  
3 carriers are always a few years ahead of the curve -- you  
4 know, hopefully -- and in analyzing what can be purchased  
5 for additional spectrum, as well as better technologies  
6 that will have higher compression rates or different  
7 modulation schemes that will allow for faster data rates  
8 through a narrower bandwidth.

9 MR. MARTIN: Is LTE such a technology that  
10 allows for I guess more efficient data transmission?

11 MR. HEFFERNAN: Well it's efficient in the  
12 point that it takes the entire spectrum and it's a  
13 scalable technology, so you can -- you can carve out  
14 exactly what you need based upon the demand in a given  
15 area. But again, if -- if you hit your limit -- if you  
16 have 20 megahertz of spectrum and you hit that wall -- I  
17 mean 20 megahertz is a lot of traffic -- if you hit that,  
18 hopefully your plan already includes a contingency plan  
19 of purchasing other spectrum or offloading traffic in  
20 some manner.

21 But the answer to your question is yes,  
22 theoretically you could hit that point, but traffic  
23 planning groups, and for all the carriers, try to stay a  
24 few years ahead of the curve on that.

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1 MR. MARTIN: How much more bandwidth is  
2 available for like wireless technology or wireless  
3 carriers to purchase? Aren't there some points where the  
4 bandwidth -- the frequency bandwidth is pretty much  
5 allocated to various users?

6 MR. HEFFERNAN: Well it definitely is  
7 finite as to what is available and what the government  
8 has put out to purchase. However, there are continual  
9 talks with the FCC about where to grab other spectrum  
10 from. There's unlicensed spectrum, you know, 2.1  
11 gigahertz, 2.4 in the 5-gigahertz range, as well as some  
12 of the lower frequencies like you were talking about,  
13 700. So there is always the availability of taking some  
14 of that spectrum that's allocated for government use or  
15 unlicensed use like you might have in a home device. You  
16 know, obviously if there's a chance for them to sell it  
17 and make a good amount of money and they can do it and  
18 yet keep the services that they need available for  
19 government agencies, that's something that they're always  
20 looking to do. As of right now, what that path is, I  
21 can't honestly answer that, but I know that there are  
22 groups that just analyze that and look to the future, you  
23 know, the next five or ten years as to where -- what  
24 spectrum will be made available for the carriers.

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1 MR. MARTIN: Okay, thank you. And --

2 MR. FIEDLER: Conversely though I will add  
3 it's -- you also have to look at the handsets that are  
4 communicating with the network. So the one side is the  
5 signal that we're sending out and the other side is the  
6 handset that's then signaling back to us. The way in  
7 which we transfer data is also a way that you can gain  
8 efficiencies in your spectrum. So how the phone is  
9 packeting, what it's asking for, how often it's asking  
10 for things, those -- those are ways that we can get  
11 greater efficiencies through our frequency bands.

12 The other component of that is looking at  
13 -- to your earlier question of voice and data, that we  
14 are seeing a migration of our 2G devices. So our first  
15 original handsets from a voice perspective as consumers  
16 are upgrading towards a more smart phone, 3G, 4G kind of  
17 device, we're seeing the voice traffic shift to that  
18 platform or frequency because it will initiate its  
19 coverage through the 3G platform and then whether or not  
20 it moves to a 2G environment. So as we start to migrate  
21 away from that 2G frequency band for voice and perhaps  
22 data because it is synonymous, then we can now farm that  
23 spectrum and put it into other avenues. And that's the  
24 path that we're taking with regards to LTE because it has

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1       come up in previous dockets as to well what's T-Mobile's  
2       LTE plan. Our LTE plan is that we'll be taking megahertz  
3       blocks from our 1900 band, which is in the voice and  
4       date, and -- which is part of the PCS band, and we will  
5       reserve that so that we can do more of a UMTS in that  
6       1900 band. And then we will take some of our AWS  
7       spectrum and we will turn that into our LTE, which we'll  
8       dedicate towards a data environment. And quite frankly  
9       in simplistic terms, we're just taking the megahertz of  
10      spectrum and we're allocating the appropriate  
11      synchronization so that we can get the quality of service  
12      that your handset wants, and based on that and capacity  
13      or its struggle to do that will dictate whether we deploy  
14      more spectrum to that geographic area, to that cluster of  
15      sites, to that one site. And then as we migrate forward,  
16      then you reach that ceiling of whether there is  
17      sufficient spectrum or not. But it's always -- there's  
18      more components than just the actual signal that we  
19      transmit.

20                   MR. MARTIN: Okay, thank you. I think I  
21      almost understand what you said -- (laughter).

22                   The design thresholds for T-Mobile's UMTS  
23      service, which you identified as neg 98 dBm for in-  
24      vehicle and neg 91 dBm, seem to be lower than what we're

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1 accustomed to seeing, which is usually around neg 84 or  
2 neg 76. Is this a function of the UMTS technology?

3 MR. HEFFERNAN: Yes, it is.

4 MR. MARTIN: Okay. And do you know what  
5 the design thresholds would be for the LTE service?

6 MR. HEFFERNAN: To my knowledge, they  
7 haven't been -- they haven't been put out from corporate  
8 yet.

9 MR. FIEDLER: Right now we're mirroring  
10 our UMTS coverage objectives and thresholds.

11 MR. MARTIN: Okay, thank you. And when do  
12 you anticipate your LTE service being rolled out?

13 MR. FIEDLER: The initial plans now are  
14 looking towards 2013. We have not nailed down exactly  
15 when.

16 MR. MARTIN: Okay. Would this require  
17 additional and separate antennas dedicated to LTE or do  
18 you have like dual band -- dual frequency antennas that  
19 would do LTE as well as your other frequencies?

20 MR. FIEDLER: So the -- the antennas  
21 proposed for this facility incorporate the ability to do  
22 that and it's -- it's a dual band where it can handle LTE  
23 and UMTS, and in some cases it can handle PCS. So  
24 forgive me, it's a smart antenna, so it can -- it can

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1 handle multiple technologies.

2 MR. MARTIN: Okay, thank you. Those are  
3 my questions, Mr. Chairman.

4 CHAIRMAN STEIN: Thank you. Professor  
5 Tait.

6 MR. TAIT: No questions.

7 CHAIRMAN STEIN: Mr. Levesque.

8 MR. LEVESQUE: No questions.

9 CHAIRMAN STEIN: Senator Murphy.

10 MR. MURPHY: No questions, Mr. Chairman.

11 CHAIRMAN STEIN: Dr. Bell.

12 DR. BELL: Thank you, Mr. Chair. Mr.  
13 Heffernan, how close is the facility identified as CT-  
14 11115F that you have on your coverage maps?

15 (pause)

16 MR. HEFFERNAN: It looks to be just under  
17 a mile --

18 COURT REPORTER: Sir, please put your mic  
19 on --

20 MR. HEFFERNAN: Sorry. It looks to be  
21 just under a mile and a half away.

22 DR. BELL: Thank you. In looking at the  
23 coverage maps for 110 versus 120, to me it looks as if  
24 you're not really -- the coverage really doesn't change

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1 much to the south either on the east or west side, but  
2 north of the site there's clear improvement from 110 to  
3 120. Would -- is that a correct -- would you agree with  
4 that characterization?

5 MR. HEFFERNAN: That's correct. The --  
6 the reasoning for going to the 120-foot mark was to --  
7 you can see up by the junction of Sunset Hill Road and 58  
8 the coverage does tend to start to overtake the terrain  
9 in that area and to provide coverage, whereas at the 110-  
10 foot mark there is a pretty distinct area where it falls  
11 below the minimum design threshold. Once we do overcome  
12 that terrain, that's where we came up with the minimum  
13 design height for that area.

14 DR. BELL: The CT-11115F that I asked you  
15 about is in the north. So the maps of the -- of the 110-  
16 foot comparison are hard to read because you have -- the  
17 ones that came to us anyway have blue and yellow streaks  
18 in them and they don't look quite like the other ones.  
19 Are yours exactly the same as the maps in the  
20 application, the coverage maps?

21 MR. HEFFERNAN: By blue and yellow streaks  
22 are you referring to the town boundaries that were in  
23 here or --

24 DR. BELL: No.

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1 MR. HEFFERNAN: Oh, it looks like there  
2 was a bad print on here --

3 DR. BELL: It's not -- it's not reproduced  
4 well. I'm just trying to deal with that --

5 MR. HEFFERNAN: Exactly. I do have a copy  
6 that you can -- that you can have that shows the 110 and  
7 the 120-foot. You know, if it's something that we have  
8 to get a fresh set of copies over, we can do that.

9 DR. BELL: Thank you.

10 MR. HEFFERNAN: I didn't realize that came  
11 through looking differently on your side.

12 (pause)

13 DR. BELL: Okay, this is -- this is good,  
14 this helps. Okay. Now the intersection of Sunset Hill  
15 Road and Black Rock Turnpike, right, were right at the  
16 spot that I've been looking at. I just don't -- I do see  
17 some improvement at 120 feet, but I would -- you are  
18 getting -- you are getting some coverage at 110 feet, but  
19 -- but without making any representations on my part, let  
20 me just -- let me just ask it this way, basically there's  
21 -- this is the one spot really where there's any  
22 difference because CT-11115 is doing a lot of the  
23 coverage in this area anyway, so that the proposed site  
24 isn't -- while it's much better to the north if you view

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1       it as a standalone, it's really not doing that much work  
2       up in this area, except in this very one spot.  Would --  
3       would -- is that a correct characterization?

4                   MR. HEFFERNAN:  Well in analyzing it  
5       between the differences of 110 and 120 feet --

6                   DR. BELL:  Yes --

7                   MR. HEFFERNAN:  -- I would say as a  
8       percentage of potential footprint you're correct.  
9       However in every site, especially in New England where  
10      you have terrain that makes kind of an omni-directional  
11      perfect coverage pattern a non-reality, there typically  
12      is a weakest link in some direction.  And that becomes  
13      our kind of litmus test as to where the site is going to  
14      work for us.  In this instance it happened to be that  
15      that little space along 58 and the junction of Sunset  
16      Hill Road, that became the weakest link that we had to  
17      overcome.  You're right, there isn't a lot of difference  
18      to the south.  But again, we do have to design to the  
19      weakest link within that design footprint.

20                   MR. FIEDLER:  There is -- just so we're  
21      clear, I know from the analysis and from the maps, but  
22      110 feet isn't available for us to locate at.  So we're  
23      sort of -- you know, 120 is the next stop on the proposed  
24      facility.  But to the south we do get significant gain

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1 and we do pick up along State Highway 58 and then  
2 bleeding into again the other facilities that we're  
3 proposing to co-locate on. So it is giving us  
4 significant to the south --

5 DR. BELL: You -- you think it is  
6 significant to the south?

7 MR. FIEDLER: To the south --

8 DR. BELL: You're reading it as  
9 significant down there? I don't see any difference.

10 MR. FIEDLER: For the proposed facility  
11 going to the south?

12 DR. BELL: No, the difference between 110  
13 and 120.

14 MR. FIEDLER: Oh, I see. You are correct.

15 DR. BELL: Okay. I just -- I think I just  
16 wanted to know where your key point was, and you've said  
17 that, so I think that's the end of my questions. Thank  
18 you.

19 CHAIRMAN STEIN: Thank you. Mr. Ashton.

20 MR. ASHTON: No questions, thank you.

21 CHAIRMAN STEIN: Mr. Wilensky.

22 MR. WILENSKY: Just a follow-up question  
23 to what I asked prior to this. Why do you emphasize or  
24 propose or talk about the coverage for vehicles or

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1 vehicle coverage more so when there's fewer and fewer  
2 vehicles --

3 A VOICE: I think --

4 MR. WILENSKY: -- and having hand-held  
5 telephones? Mr. Chasse --

6 MR. FIEDLER: I'll start. From a consumer  
7 perspective the smart phone devices are being used for  
8 not only just voice. So if they are in a cradle in the  
9 car, they are using some form of directions, GPS  
10 direction, a navigation system, which does have to  
11 interact with our network during that process.

12 Also one of the largest download features  
13 that we're finding from our smart phone users is Pandora  
14 Music. So people are using that as a music device as  
15 they're driving. So if -- if you're driving and you need  
16 to download that song, that needs to have a signal in  
17 order to continue that repetition of downloading those  
18 files. And those files are quite large. So we -- we use  
19 them as a barometer to tell the quality of service that  
20 our data service is providing.

21 MR. WILENSKY: You're throwing terminology  
22 at me that I'm not that familiar with. Pandora means  
23 what?

24 MR. FIEDLER: It's -- in simplistic terms

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1 it's a free music system --

2 MR. WILENSKY: It's just a slang  
3 expression --

4 MR. FIEDLER: -- that you could put in  
5 whatever type of genre of music you like and it will  
6 stream to you those songs that it selects, and it comes  
7 through your device -- on any Android device or any Apple  
8 device free of charge.

9 CHAIRMAN STEIN: It makes long rides to  
10 site visits more -- (laughter) --

11 MR. WILENSKY: As you can attest to.  
12 Thank you, Mr. Chairman.

13 CHAIRMAN STEIN: Mr. Lynch.

14 MR. LYNCH: Mr. Martin asked some of the  
15 questions that I was going to ask, but you were talking  
16 about data and services, Mr. Fiedler and Mr. Heffernan,  
17 and you just mentioned Pandora and streaming. What else  
18 is coming? I found out the other day that I can do --  
19 with an attachment I can swipe my debit card and do my  
20 banking. You know, give me an idea of what's coming on  
21 this LTE special block yet? What are you going to pull  
22 out of the clouds?

23 MR. FIEDLER: So from an application  
24 standpoint whatever you can think of is most likely going

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1 to come, it's just a question of when it gets perfected -  
2 -

3 MR. LYNCH: You can get apps for anything  
4 right now.

5 MR. FIEDLER: Right. So from our  
6 perspective, we're providing the platform that allows  
7 that data transmission to take place. Once that exists  
8 and at the speeds that we're projecting to deliver -- and  
9 quite frankly, all the wireless carriers are projecting  
10 to deliver -- that opens the environment for application  
11 providers to go to the next level and say well what else  
12 can I do with this. So --

13 MR. LYNCH: I'm going to go over to Mr.  
14 Wilensky here, we're not -- most of these applications  
15 that you're talking to, streaming you know, they're  
16 really more for use on a smart phone at your phone or on  
17 an iPad at your home, on an Android at your home.  
18 They're not -- I'm not going to beat a dead horse -- but  
19 they're not -- your primary purpose in all your bells and  
20 whistles that are coming is not driving in the car.

21 MR. FIEDLER: It's -- it's not the primary  
22 for driving in the car, but it is a large component that  
23 we have to address because it's the seamlessness of the  
24 devices, alright --

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1 MR. LYNCH: I --

2 MR. FIEDLER: -- so -- and then you have  
3 to recognize that there's passengers in the vehicles that  
4 are not driving that are thumbing away on these devices.  
5 So the landscape changes.

6 And just -- just from a numbers  
7 perspective, in January of 2011, nationally it was 11  
8 percent penetration of smart phone devices. In January  
9 of this year, the country is at 48 percent penetration  
10 for smart phone devices. So it's -- it's -- the more  
11 that those devices are there, the more those devices are  
12 pinging the networks for quality of service assurances.  
13 And once it knows that, then it's opening itself up to  
14 whatever data applications your phone is asking for. And  
15 quite frankly, a lot of phones -- and I don't mean to cut  
16 you off -- a lot of phones are asking for things even  
17 though you don't even know. The apps are running, but  
18 they're pinging the networks.

19 MR. LYNCH: I know. And I'm just -- all  
20 I'm really saying, and I'm not going to beat the dead  
21 horse any more, is when we start prioritizing, you know,  
22 the usage of all the devices, where it used to be mobile,  
23 now it's primarily standalone or in-home. That's all I'm  
24 saying. And --

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1 MR. FIEDLER: I guess the only thing I --  
2 in the future you can foresee that vehicles will have  
3 embedded mobile devices as well. So I think -- I think  
4 it will continue to be a nice discussion.

5 CHAIRMAN STEIN: Attorney Fisher, do you  
6 have any cross-examination?

7 MR. FISHER: I just a quick --  
8 (indiscernible) --

9 CHAIRMAN STEIN: Because it is time for  
10 dinner, so --

11 (pause)

12 MR. FISHER: Mr. Heffernan, you were  
13 testifying earlier I believe in response to Commissioner  
14 Bell's questions about the coverage differences between  
15 120 and 110 feet, is that correct?

16 MR. HEFFERNAN: That is correct.

17 MR. FISHER: And Mr. Fiedler, you  
18 mentioned that Sprint/Nextel currently has antennas  
19 located at 110 feet centerline on the existing tower, is  
20 that correct?

21 MR. FIEDLER: Correct.

22 MR. FISHER: And then in reviewing the  
23 plans, is it also true that AT&T has antennas at the 95-  
24 foot centerline on the tower?

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1 MR. FIEDLER: Yes, that's correct.

2 MR. FISHER: So is it fair to say the next  
3 available height for T-Mobile would be either 85 feet or  
4 on an expanded tower to 120 feet?

5 MR. HEFFERNAN: Correct.

6 MR. FISHER: And at 85 feet would the  
7 coverage from this particular location be degraded to the  
8 point where it's not reliable for use in your network?

9 MR. HEFFERNAN: To meet the coverage  
10 objective of this ring, yes.

11 MR. FISHER: So a 120-foot structure here  
12 is necessary in order for T-Mobile to provide its service  
13 in the area?

14 MR. HEFFERNAN: That's correct.

15 MR. FISHER: Thank you.

16 CHAIRMAN STEIN: And I'm remiss, I have a  
17 -- I have a question. Backup power, what are you  
18 proposing and the duration that you're proposing it?

19 MR. FIEDLER: We are proposing a battery  
20 backup solution at this facility. The duration would be  
21 12 to 16 hours.

22 CHAIRMAN STEIN: Would you have any  
23 objection if I guess in the D&M the Council were to  
24 consider -- I don't know what you call it -- a collective

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1 solution of backup for a longer duration?

2 MR. FIEDLER: We would need to review what  
3 that solution would be and what the arrangements would be  
4 to utilize that.

5 CHAIRMAN STEIN: Okay. Now the town, you  
6 -- I assume you have a number of --

7 COURT REPORTER: Mr. Chair, is your  
8 microphone on?

9 CHAIRMAN STEIN: Oh --

10 MR. MONDSCHHEIN: We do not have any  
11 questions. Thank you.

12 CHAIRMAN STEIN: Oh, okay. That was -- so  
13 at this point we will break. We will resume the public  
14 hearing at 7:00 p.m. I want to thank you.

15

16 (Whereupon, the hearing adjourned at 5:09  
17 p.m.)

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