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# Transcript of Hearing

**Date:** April 18, 2024

**Case:** New Cingular Wireless/Yeshiva of Greater Washington, Montgomery County

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Conducted on April 18, 2024

<p style="text-align: center;">1</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----x</p> <p>4 In Re: :</p> <p>5 Application of New Cingular : Case No.</p> <p>6 Wireless, PCS, LLC for a : CU 24-14</p> <p>7 "Education Telecommunications" :</p> <p>8 (Temporary) :</p> <p>9 -----x</p> <p>10</p> <p style="text-align: center;">11 HEARING</p> <p>12 Before Hearing Examiner Kathrine Taylor</p> <p>13 Rockville, Maryland</p> <p>14 Thursday, April 18, 2024</p> <p>15 9:31 a.m.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 527865</p> <p>24 Pages: 1 - 42</p> <p>25 Transcribed by: Molly Bugher</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">E X H I B I T S</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">2 NUMBER</th> <th style="text-align: left;">DESCRIPTION</th> <th style="text-align: left;">REFERENCED/ADMIT</th> </tr> </thead> <tbody> <tr><td>3 1</td><td>Application.....</td><td>x/11</td></tr> <tr><td>4 2</td><td>Authorization Letters.....</td><td>x/11</td></tr> <tr><td>5 3</td><td>Statement of Justification.....</td><td>x/11</td></tr> <tr><td>6 4</td><td>Certified Zoning Map.....</td><td>x/11</td></tr> <tr><td>7 5</td><td>Notice List.....</td><td>x/11</td></tr> <tr><td>8 6</td><td>Cover Sheet.....</td><td>x/11</td></tr> <tr><td>9 7</td><td>GSN.....</td><td>x/11</td></tr> <tr><td>10 8</td><td>Site Plan .....</td><td>x/11</td></tr> <tr><td>11 9</td><td>ECP.....</td><td>x/11</td></tr> <tr><td>12 10</td><td>TE Sector (1) .....</td><td>x/11</td></tr> <tr><td>13 11</td><td>AS(1) .....</td><td>x/11</td></tr> <tr><td>14 12</td><td>PD(1) .....</td><td>x/11</td></tr> <tr><td>15 13</td><td>AD.....</td><td>x/11</td></tr> <tr><td>16 14</td><td>ED.....</td><td>x/11</td></tr> <tr><td>17 15</td><td>TPEPD.....</td><td>x/11</td></tr> <tr><td>18 16</td><td>SD.....</td><td>x/11</td></tr> <tr><td>19 17</td><td>EPD.....</td><td>x/11</td></tr> <tr><td>20 18</td><td>SGP.....</td><td>x/11</td></tr> <tr><td>21 19</td><td>Details.....</td><td>x/11</td></tr> <tr><td>22 20</td><td>Site Plan and Notes.....</td><td>x/11</td></tr> <tr><td>23 21</td><td>Power Plan.....</td><td>x/11</td></tr> <tr><td>24 22</td><td>Power Riser.....</td><td>x/11</td></tr> <tr><td>25</td><td></td><td></td></tr> </tbody> </table>	2 NUMBER	DESCRIPTION	REFERENCED/ADMIT	3 1	Application.....	x/11	4 2	Authorization Letters.....	x/11	5 3	Statement of Justification.....	x/11	6 4	Certified Zoning Map.....	x/11	7 5	Notice List.....	x/11	8 6	Cover Sheet.....	x/11	9 7	GSN.....	x/11	10 8	Site Plan .....	x/11	11 9	ECP.....	x/11	12 10	TE Sector (1) .....	x/11	13 11	AS(1) .....	x/11	14 12	PD(1) .....	x/11	15 13	AD.....	x/11	16 14	ED.....	x/11	17 15	TPEPD.....	x/11	18 16	SD.....	x/11	19 17	EPD.....	x/11	20 18	SGP.....	x/11	21 19	Details.....	x/11	22 20	Site Plan and Notes.....	x/11	23 21	Power Plan.....	x/11	24 22	Power Riser.....	x/11	25																	
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<p style="text-align: center;">2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>2 ON BEHALF OF APPLICANT:</p> <p>3 DOUGLAS A. SAMPSON, ESQUIRE</p> <p>4 SAUL EWING, LLP</p> <p>5 1001 Fleet Street</p> <p>6 9th Floor</p> <p>7 Baltimore, Maryland 21202</p> <p>8 Phone: 410.332.8661</p> <p>9</p> <p>10 ALSO PRESENT:</p> <p>11 SAMANTHA TWINAM, SmartLink Representative</p> <p>12 GAURAV BEHL, AT&amp;T Radio Frequency Engineer</p> <p>13 JOSEPH BOZZONETTI, Production Technician 1</p> <p>14 YESUDIAN CRUZ, Production Technician 2</p> <p>15</p> <p style="text-align: center;">16 C O N T E N T S</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr><td>18 OPENING STATEMENT</td><td style="text-align: right;">12</td></tr> <tr><td>19 TESTIMONY</td><td></td></tr> <tr><td>20 JAMES MILLER</td><td style="text-align: right;">15</td></tr> <tr><td>21 GUARAV BEHL</td><td style="text-align: right;">23</td></tr> <tr><td>22 TIMOTHY LEADORE</td><td style="text-align: right;">30</td></tr> <tr><td>23 CLOSING STATEMENT</td><td style="text-align: right;">40</td></tr> <tr><td>24 ///</td><td></td></tr> <tr><td>25 ///</td><td></td></tr> </tbody> </table>		PAGE	18 OPENING STATEMENT	12	19 TESTIMONY		20 JAMES MILLER	15	21 GUARAV BEHL	23	22 TIMOTHY LEADORE	30	23 CLOSING STATEMENT	40	24 ///		25 ///		<p style="text-align: center;">4</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">(Continued)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">3 NUMBER</th> <th style="text-align: left;">DESCRIPTION</th> <th style="text-align: left;">REFERENCED/ADMIT</th> </tr> </thead> <tbody> <tr><td>4 23</td><td>Panel Schedule.....</td><td>x/11</td></tr> <tr><td>5 24</td><td>Approved FCP.....</td><td>x/11</td></tr> <tr><td>6 25</td><td>Exemption Approval Letter.....</td><td>x/11</td></tr> <tr><td>7 26</td><td>Cellular Coverage Map.....</td><td>24/11</td></tr> <tr><td>8 27</td><td>Updated Photo Simulations.....</td><td>21/11</td></tr> <tr><td>9 28</td><td>Applicant Response to Staff Comments.....</td><td>x/11</td></tr> <tr><td>10 29</td><td>Applicants Acceptance.....</td><td>x/11</td></tr> <tr><td>11 30</td><td>MNCPPC Checklist.....</td><td>x/11</td></tr> <tr><td>12 31</td><td>Notice of Hearing.....</td><td>x/11</td></tr> <tr><td>13 32</td><td>TFCG Notice of Action.....</td><td>x/11</td></tr> <tr><td>14 33</td><td>Authorization letter.....</td><td>17/11</td></tr> <tr><td>15 34</td><td>Engineering Certification Letter.....</td><td>38/11</td></tr> <tr><td>16 35</td><td>Yeshiva Letter 2.....</td><td>17/11</td></tr> <tr><td>17 36</td><td>Staff Report.....</td><td>x/11</td></tr> <tr><td>18 36(a)</td><td>Attachments.....</td><td>x/11</td></tr> <tr><td>19 37</td><td>TFCG action notice.....</td><td>22/11</td></tr> <tr><td>20 38</td><td>Updated Site Plans.....</td><td>19/11</td></tr> <tr><td>21 39</td><td>Email.....</td><td>x/11</td></tr> <tr><td>22</td><td>New Cingular Wireless.....</td><td>x/11</td></tr> <tr><td>23</td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td></tr> </tbody> </table>	3 NUMBER	DESCRIPTION	REFERENCED/ADMIT	4 23	Panel Schedule.....	x/11	5 24	Approved FCP.....	x/11	6 25	Exemption Approval Letter.....	x/11	7 26	Cellular Coverage Map.....	24/11	8 27	Updated Photo Simulations.....	21/11	9 28	Applicant Response to Staff Comments.....	x/11	10 29	Applicants Acceptance.....	x/11	11 30	MNCPPC Checklist.....	x/11	12 31	Notice of Hearing.....	x/11	13 32	TFCG Notice of Action.....	x/11	14 33	Authorization letter.....	17/11	15 34	Engineering Certification Letter.....	38/11	16 35	Yeshiva Letter 2.....	17/11	17 36	Staff Report.....	x/11	18 36(a)	Attachments.....	x/11	19 37	TFCG action notice.....	22/11	20 38	Updated Site Plans.....	19/11	21 39	Email.....	x/11	22	New Cingular Wireless.....	x/11	23			24			25		
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<p style="text-align: right;">5</p> <p>1 PROCEEDINGS 2 HEARING EXAMINER TAYLOR: An application of New 3 Cingular Wireless PCS, LLC for a temporary -- for a 4 conditional use for a temporary use of a communications 5 tower located at 2010 Linden Lane in an R-60 zone under the 6 used standards set forth in Article 59, Sections 7 3.5.2.C.2(c) and 3.1.4. So my name is Katherine Taylor. I'm 8 a contract Hearing Examiner here for Howard -- excuse me -- 9 for Montgomery County. I'm just going to go over a few of 10 the housekeeping items here. So basically I'm going to be 11 listening to all the testimony, will review any evidence 12 already submitted that's in the record and any additional 13 evidence submitted at the hearing and then pursuant to the 14 criteria set forth in Article 59, Section 731, I will be 15 rendering an opinion and actually issuing a written decision 16 and order. If you disagree with a decision made by me or -- 17 this is obviously any hearing examiner, there are a few 18 procedures set forth in the Board of Appeals rules and you 19 may appeal any decision within 10 days after the is issued. 20 And again, that's up to the written decision or order is 21 issued. Okay. So what about first is, since we do have some 22 witnesses on Zoom, I'm going to first go into -- have the 23 tech folks go to the Zoom hearing and I'm going to ask each 24 of the people who are attending via Zoom to basically just 25 identify themselves and then indicate whether they intend to</p>	<p style="text-align: right;">7</p> <p>1 witnesses should have made sure that their tech is working. 2 I'm assuming everybody's tech on the Zoom is working okay. 3 If not, raise your hand. Please remain on mute unless you're 4 testifying or speaking. The Zoom is not recorded, by the 5 way. There will be a transcript generated by the court 6 reporter which is the only official record of the hearing. 7 In order to testify you must have your camera on. So 8 hopefully those folks on the Zoom do have that capability 9 and are prepared to be -- have their camera on when they 10 testify. None of the people on Zoom will be able to share 11 their screen. The only shares screen ability is with the 12 tech folks here. So with regard to just the nature of the 13 proceedings, Mr. Sampson, I know you are familiar with the 14 process. Let me do this first. What I would like to do is go 15 into the Zoom and see if there are any people appearing who 16 are not with the Petitioner, because of everybody is with 17 the Petitioner I don't think I need to go over a lot of 18 these housekeeping items. So let's do that, see who is 19 joining us online. I'm looking back here. 20 TECH 1: (Indiscernible). (Inaudible 5:15). 21 TECH 2: The first tech has her camera on. 22 TECH 1: Everybody else needs to be muted. 23 HEARING EXAMINER TAYLOR: So it looks like -- I 24 can see that name. 25 TECH 2: Eli.</p>
<p style="text-align: right;">6</p> <p>1 testify or not. We do have several pre-identified witnesses 2 who were identified in Petitioner's Statement of 3 Justification. Those identified anticipated witnesses are 4 Samantha Twinam. Is that the right way to pronounce it? 5 MR. SAMPSON: That's her name, yeah. 6 HEARING EXAMINER TAYLOR: With SmartLink, LLC. 7 Gaurav Behl who is an AT&amp;T radiofrequency engineer, and 8 Richard Dyer with Morris &amp; Ritchie Associates, Douglas 9 Sampson who just appeared here. You can take your time, Mr. 10 Sampson. 11 MR. SAMPSON: Okay, thank you. 12 HEARING EXAMINER TAYLOR: Is the lawyer for the 13 Petitioner. So just let you know, basically all we did is we 14 were just going to some housekeeping items at this point. 15 MR. SAMPSON: Great. Thank you. 16 HEARING EXAMINER TAYLOR: Just again, for some 17 housekeeping items relating to Zoom, probably by now 18 everybody is familiar with Zoom, but these are hybrid 19 hearings, so we have some people here in person and we also 20 have people online. So please be aware of that and if you 21 wish -- if you are on the Zoom -- in the Zoom meaning, if 22 you wish to speak, please raise your hand or click the raise 23 hand button. Sometimes it's almost easier just to unmute 24 yourself, raise your hand, and say that you want to speak. I 25 think that all of the people who are pre-identified as</p>	<p style="text-align: right;">8</p> <p>1 HEARING EXAMINER TAYLOR: Eli. Eli. Is Eli with 2 you? 3 MR. MILLER: He's the school. He's the director 4 of the school the tower is being placed at. 5 HEARING EXAMINER TAYLOR: So Eli, will you unmute 6 yourself and state your name for the record and state 7 whether you plan to testify? 8 MR. ELI: My name is Daniel Eli. I'm -- 9 HEARING EXAMINER TAYLOR: I'm sorry. Your last 10 name is Eli? Oh, sorry about that. 11 MR. ELI: It's okay. I just keep it short and 12 simple. 13 HEARING EXAMINER TAYLOR: You said it's Daniel 14 Eli? 15 MR. ELI: Yes. 16 HEARING EXAMINER TAYLOR: Do you plan to testify, 17 Mr. Eli? 18 MR. ELI: No, I just want to hear what's going 19 on. 20 HEARING EXAMINER TAYLOR: Okay, so you are 21 observing. 22 MR. ELI: I do have a question, but I may do that 23 off-line. 24 HEARING EXAMINER TAYLOR: Now, if you have a 25 question for anybody else here, you should do that off-line.</p>

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<p>1 So I'm going to indicate that you are observing. Obviously 2 if at some later point there is the determination that you 3 should testify or you want to testify, you should let us 4 know. Okay. The next person, Alexander Leodore. 5 MR. SAMPSON: Yes, Alexander Leodore. He is with 6 MRA. He will actually be testifying in lieu of Mr. Dyer. He 7 is a close colleague of Mr. Dyer who represents MRA so he 8 will be filling in in that realm. 9 HEARING EXAMINER TAYLOR: So Mr. Leodore -- 10 MR. SAMPSON: Leodore. 11 HEARING EXAMINER TAYLOR: Leodore is with Morris 12 &amp; Ritchie Associates? 13 MR. SAMPSON: Yes, and that's; L-E-A-D-O-R-E. 14 HEARING EXAMINER TAYLOR: L-E-A-D-O-R-E, okay, 15 perfect. Samantha Twinam. 16 MR. MILLER: I will be testifying for her. 17 MR. SAMPSON: Samantha Twinam is with SmartLink 18 as well. 19 HEARING EXAMINER TAYLOR: And she is just 20 observing? 21 MR. MILLER: Correct. I'm Alex Miller. I'm her -- 22 I'm the project manager for this. 23 HEARING EXAMINER TAYLOR: And then Gaurav Behl? 24 MR. SAMPSON: Yes, and Gaurav is the -- he is the 25 AT&amp;T radiofrequency engineer who can talk about coverage</p>	<p>1 for AT&amp;T who in this case is New Cingular Wireless, LLC. 2 HEARING EXAMINER TAYLOR: All right. Mr. Sampson, 3 are there any preliminary matters? 4 MR. SAMPSON: Just one question I have and I 5 think already know the answer. But can we assume that all 6 the exhibits that are in the record are already admitted and 7 we don't need to do the -- go through the steps would meet 8 them during the proceedings today? 9 HEARING EXAMINER TAYLOR: So there's nobody here 10 presumably to oppose. So I'm going to go ahead and admit all 11 those records that already -- have already been submitted to 12 the -- to OZAH. If there is an additional document that you 13 intend to submit during the hearing then we will need to 14 admit that separately. 15 MR. SAMPSON: Okay. 16 HEARING EXAMINER TAYLOR: But for the record, I 17 will go ahead and admit all of those documents that have 18 been previously submitted and that are listed on the exhibit 19 list that everybody has a copy of. 20 (Whereupon, previously submitted Exhibits were 21 admitted.) 22 MR. SAMPSON: Fantastic. And we don't have any 23 additional exhibits we plan to enter today. And I don't 24 think we will need all of the exhibits that are here either. 25 HEARING EXAMINER TAYLOR: Right. I think you're</p>
10	12
<p>1 needs. 2 HEARING EXAMINER TAYLOR: And he was pre- 3 identified? 4 MR. SAMPSON: Correct. 5 HEARING EXAMINER TAYLOR: So it doesn't appear 6 there's anybody who is not with Petitioner. 7 MR. SAMPSON: There is one additional person who 8 just joined. 9 HEARING EXAMINER TAYLOR: Oh, I'm sorry. 10 If you will, unmute the person who was -- I can't 11 see -- Will something 07. 12 UNIDENTIFIED SPEAKER: That's me. Yeah, I am with 13 the county and I'm just observing. 14 HEARING EXAMINER TAYLOR: All right, thank you. 15 All right. So if counsel for the Petitioner will identify 16 themselves for the record, please. 17 MR. SAMPSON: Yes. My name is Doug Sampson. I'm 18 in a law firm -- I'm with Saul Ewing. Saul Ewing, LLC. And I 19 work -- 20 (Crosstalk) 8:43) 21 HEARING EXAMINER TAYLOR: Oh, I'm sorry. I've got 22 to say that. Whenever you are speaking to make sure the 23 little thing is green, okay? 24 MR. SAMPSON: Yeah. Again, my name is Doug 25 Sampson. I'm an attorney with Saul Ewing, outside counsel</p>	<p>1 right. All right. So if you like to give an opening 2 statement or a couple of comments and then you can call your 3 first witness. 4 MR. SAMPSON: Sure. So AT&amp;T is here today seeking 5 additional used to build a temporary 122 foot tower. It's a 6 120 foot mod pole with the antenna going up an additional 2 7 feet. And so it's a temporary pole at the Yeshiva School, 8 which is also on a property owned by Montgomery County. This 9 is a bit of a unique situation in that AT&amp;T, Verizon, and T- 10 Mobile all have antennas on a nearby WSSC, the North 11 Woodside water tank located at Seminary Place. WSSC requires 12 rehabilitation of that water tank. And as part of that, as 13 part of the lease agreements that each of the carriers have 14 with WSSC, we need to pull always antennas off of there for 15 an 18 to 24 month period so that WSSC can rehabilitate that 16 water tank. So originally carriers looked into placing a 17 temporary pole on the same WSSC property, however the parcel 18 is just too small for it to fit along with the water tank, 19 especially as they are going to be doing construction on 20 that water tank and will need cranes. So the next step was 21 to see what we can do to relocate for the 18 to 24 months. 22 There's no nearby -- as you will hearing the testimony 23 today, there is no nearby towers or existing buildings that 24 would work. And again, this is a unique situation where you 25 have all three providers that are kind of in the same</p>

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<p style="text-align: right;">13</p> <p>1 situation. So the application here is for a temporary tower. 2 It is by AT&amp;T, but it is on behalf of all three providers. 3 As part of the record, Exhibit 2, there are letters of 4 intent by both Verizon and T-Mobile additionally to co- 5 locate on this tower once it is complete. We've been working 6 closely with the Yeshiva School and Montgomery County to 7 make this happen. Again, this is county owned property and 8 so we are kind of all working in concert to make sure we 9 don't have a blackout of wireless coverage here because as 10 you'll also here to witness testimony today, in addition to 11 residents and businesses in the area, this tower will cover 12 a large portion of 495, with one of the busiest highways in 13 the country. We have three witnesses today, Alex Miller from 14 SmartLink here who can discuss the site history, involvement 15 of the three wireless carriers in selecting this site, 16 Gaurav Behl who is an AT&amp;T radiofrequency engineer, can 17 discuss the coverage needs and the gap that this will 18 create, and Alex Leadore who is with Morris &amp; Ritchie 19 Associates. He is the engineer on the project and can kind 20 of discuss what a temporary tower looks like and take us 21 through the site plans. Briefly, there's two separate ways 22 that we feel that this can be approved under the zoning 23 ordinance. Section 3.1.4 allows for a temporary use. This 24 use does qualify as it is temporary in nature, it's 25 established for a fixed period of time. In this case I</p>	<p style="text-align: right;">15</p> <p>1 HEARING EXAMINER TAYLOR: Understood. Okay, thank 2 you. 3 MR. SAMPSON: And with that, we are ready to call 4 our first witness. 5 HEARING EXAMINER TAYLOR: Okay, thank you. 6 MR. SAMPSON: Alex Miller from SmartLink. 7 HEARING EXAMINER TAYLOR: So for the record, if 8 you would state and spell your name, please. 9 MR. MILLER: Sure. It's James Miller; J-A-M-E-S, 10 M-I-L-L-E-R. 11 HEARING EXAMINER TAYLOR: Please raise your right 12 hand. Do you solemnly promise to -- under penalty of perjury 13 that the statements you're going to make are the whole truth 14 and nothing but the truth? 15 MR. MILLER: I do. 16 HEARING EXAMINER TAYLOR: All right. You may 17 proceed. 18 MR. SAMPSON: All right. Mr. Miller, can you 19 purchase state your name and position with your company? 20 MR. MILLER: Sure. It's James Miller. I am the 21 project manager at SmartLink Group. We are a contractor for 22 AT&amp;T. We go and do all the real estate portion for coverage 23 needs. 24 MR. SAMPSON: And can you talk about your 25 responsibilities specifically at SmartLink?</p>
<p style="text-align: right;">14</p> <p>1 believe county staff recommended three years or less. And 2 does not involve construction or alteration of any permanent 3 structure. And then also under traditional conditional use 4 zoning ordinance Section 3.1.6, and we believe this 5 application satisfies all of those conditions and criteria. 6 So at the end of our witness testimony today, we will ask 7 the Hearing Examiner to adopt the recommendations of both 8 county staff and the tower committee and approve this 9 application for either a temporary and/or a conditional use 10 to build a temporary telecommunications facility. 11 HEARING EXAMINER TAYLOR: Can I just ask you 12 really quickly? So is there any reason why it would only be 13 approved under one of those? Or could it be, for instance, 14 even an alternative? And does that assist the Petitioner in 15 any way? 16 MR. SAMPSON: So for all intents and purposes, 17 either way it doesn't make a huge difference. It was a 18 matter of, because of the exigent nature of this and how 19 quickly -- WSSC wants to the antennas off by the summer. And 20 sometimes it takes a long time to get these approvals 21 through and also to build them. 22 HEARING EXAMINER TAYLOR: Right. 23 MR. SAMPSON: And so we kind of did a dual track 24 and we are pursuing both angles for whatever is the quickest 25 way to get this working for everybody.</p>	<p style="text-align: right;">16</p> <p>1 MR. MILLER: Sure. The specific responsibility is 2 to find a new location for this relocation of the towers 3 from the North Woodside tank. And based off of extensive 4 research and limited buildings and existing buildings and 5 existing telecom structures, the Yeshiva School was the best 6 location for a new temporary tower to provide the coverage 7 needs that would be missed if the site was turned off. 8 MR. SAMPSON: And we will get into the Yeshiva 9 School a little bit more in a moment. Can you talk about 10 specifically which wireless carrier you work with or 11 carriers you work with in your job? 12 MR. MILLER: Of course. I specifically manage the 13 project for AT&amp;T Or New Cingular Wireless PCS. And the other 14 two carriers, T-Mobile and Verizon are in the same situation 15 and they are represented by Sitelink Group. Or I forget the 16 full name. So they have representatives as well. 17 MR. SAMPSON: So talking generally, what exactly 18 are the steps when a need is identified for a new 19 telecommunication facility? What do you do? 20 MR. MILLER: In this case since it was already an 21 existing site we needed to be within about a half-mile, 22 maybe a mile was pushing it coverage-wise, to keep that -- 23 the covers the same. And again, the area of limited 24 buildings and no existing telecom towers to co-locate on. So 25 the next best thing was to find a parcel suitable for a, in</p>

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<p style="text-align: right;">17</p> <p>1 this case, 120 foot tower to accommodate all three carriers 2 and the coverage needs to keep similar to the North Woodside 3 water tank. 4 MR. SAMPSON: Let's talk about this specific 5 property. Do you know who owns this property? 6 MR. MILLER: Yes, it's the -- Montgomery County 7 owns it in the Yeshiva School has a lease I believe. 8 MR. SAMPSON: I'm going to show you -- I've got a 9 courtesy copy of some of the exhibits here, Examiner Taylor. 10 I'm showing you what Exhibit 35. Do you recognize this 11 document? 12 MR. MILLER: Yes sir, I do. 13 MR. SAMPSON: What is this? 14 MR. MILLER: This is basically an LOA or letter 15 of authorization from the County stating that we are able to 16 proceed with this installation. 17 MR. SAMPSON: And then I'm going to switch back 18 to Exhibit 33. Do you recognize this document as well? 19 MR. MILLER: Yes sir, I do. This is another LOA 20 letter of authorization from the school approving the 21 project. 22 MR. SAMPSON: So is it your understanding -- so 23 you talked a little bit about how T-Mobile and Verizon are 24 in this. And I mentioned in a little bit my opening 25 statement. But can you kind of talk about how all three</p>	<p style="text-align: right;">19</p> <p>1 with a water tank rehab. Typically we can put in on that 2 same parcel, but again with how small it is, I mean there is 3 no room whatsoever. And again, the largest parcel for the 4 tower for three carriers was the current location of the 5 Yeshiva School. 6 MR. SAMPSON: So you mentioned that the Yeshiva 7 School was what was decided. What's specific about that 8 property that made it viable for this new temporary 9 facility? 10 MR. MILLER: One was the location, the vicinity 11 to the tank. Two, how large it was. There was a lot of areas 12 and that's pretty much the main two reasons. And then three 13 would be that both the County and the Yeshiva approved the 14 project. 15 MR. SAMPSON: All right. Examiner Taylor, I'm 16 going to Exhibit 38 now, which is the revised combined site 17 plans. And I'm going to be looking at page C1, which I 18 believe is either the third or fourth page of the document. 19 Now, there it is. All right. So Mr. Miller, I know you 20 didn't prepare the site plans, but you are familiar with 21 them. 22 MR. MILLER: Yes. 23 MR. SAMPSON: Can you just kind of talk about the 24 property over all of why this specific location was chosen 25 for the temporary tower?</p>
<p style="text-align: right;">18</p> <p>1 providers are involved in this situation? 2 MR. MILLER: Sure. I mean, obviously as you 3 stated earlier, AT&amp;T is the one who was filing for the tower 4 itself because it is their tower. And the other two carriers 5 are involved as well. They have submitted, tower committee, 6 have their approvals and obviously will be -- if we receive 7 approval, submitting for their separate building permit 8 applications. So they are as involved as we are in this 9 matter. 10 MR. SAMPSON: And have you been involved in 11 discussions with WSSC as far as having to remove the 12 antennas from that property? 13 MR. MILLER: Not as detailed as other teams. 14 There is a separate team at AT&amp;T that deals with 15 decommissionings of existing sites. 16 MR. SAMPSON: What is your understanding of 17 what's going on at that site? 18 MR. MILLER: I do know that WSSC has informed us 19 that we need to be off, all carriers, by the end of May. And 20 that's what the -- that's what they told us. 21 MR. SAMPSON: And knowing that, what steps did 22 you take to try to identify alternative sites? 23 MR. MILLER: We drove around. We walked a bunch 24 of locations. And again, there's nothing existing. The 25 parcel for -- typically in these situations, this is normal</p>	<p style="text-align: right;">20</p> <p>1 MR. MILLER: Sure. So there were a couple of 2 scenarios when we walked it. The last point, this was the 3 location that Yeshiva approved for us. Obviously we thought 4 it would be best to be away from the school, but since the 5 only areas were like grassy areas where there was a 6 playground where the students, they are outside playing. 7 That was one of the -- that was nixed. So the next suitable 8 was this location that the school pointed out that they -- 9 three or four parking spaces that we are going to be using. 10 And it is also that Mr. Leadore will also probably explain, 11 since is not grass there's no concerns with sediment. It's 12 paved. So there is no concerns. It is also closer to the 13 utilities that the carriers will need, being power and 14 fiber. So all in all, this was a great location for that 15 temporary tower. 16 MR. SAMPSON: And I will get into this a little 17 bit more with Mr. Leadore as far as the specifics, but 18 what's your understanding of the difference between a 19 temporary tower versus sure traditional monopole? 20 MR. MILLER: Sure. Your traditional monopole, you 21 will be digging a foundation that's usually typically 3 to 6 22 feet. Alex could probably explain it more. And it's a huge 23 concrete foundation because obviously it would be permanent 24 to deal with wind and stuff like that. And then a temporary, 25 it's going to be -- there is no trenching, no digging,</p>

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21	1 everything is above ground. It will be weighted down with 2 ballast mounts or with ballast weights. And again, there's 3 going to be no disturbance. 4 MR. SAMPSON: So once this site is no longer 5 needed, what will happen with this very tower? 6 MR. MILLER: It would be taken apart and the 7 antennas obviously would be coming off -- or the topside 8 equipment would be coming off first, so antennas, RHs, the 9 amounts that are -- the antennas and equipment are 10 installed, and then the towers themselves would come down. 11 And then all the miscellaneous ground equipment, cabinets, 12 would be removed. 13 MR. SAMPSON: I'm also going to take you to 14 Exhibit 27 briefly. And are you familiar with this exhibit? 15 MR. MILLER: Yes, these are -- I believe the 16 photo simulations that we provided. 17 MR. SAMPSON: And I know -- and MRI prepared this 18 as well? 19 MR. MILLER: That's correct. 20 MR. SAMPSON: Just briefly, kind of just take us 21 through what this exhibit shows. 22 MR. MILLER: So this is typically a rendering or 23 a simulation of what the tower will look like existing. This 24 is the typical request from jurisdictions, landlords, et 25 cetera. Again, the top as it states, the top would be AT&T	23	1 two carriers: 2 MR. MILLER: Correct. 3 HEARING EXAMINER TAYLOR: Okay, that's my 4 question. All right. You can call your next witness. 5 MR. SAMPSON: Next up will be Gaurav Behl. 6 MR. BEHL: Yeah, hi. Good morning. 7 MR. SAMPSON: Good morning Mr. Behl. Can you 8 just -- well, sorry. 9 HEARING EXAMINER TAYLOR: Mr. Behl, will you 10 spell -- state and spell your name, please what 11 MR. BEHL: Yeah. My name is Gaurav Behl; G-A-U-R- 12 A-V. Last name, Behl; B-E-H-L. 13 HEARING EXAMINER TAYLOR: And will you raise your 14 right hand? And do you solemnly swear under penalty of 15 perjury that the statements you are going to make are the 16 whole truth and nothing but the truth? 17 MR. BEHL: Yes, I do. 18 HEARING EXAMINER TAYLOR: Thank you. You can go 19 ahead. 20 MR. SAMPSON: All right. Mr. Behl, can you 21 explain your responsibilities with AT&T in your position? 22 MR. BEHL: Yeah, I'm the radiofrequency engineer 23 for AT&T. I basically work on the recycle. And my primary 24 responsibility is to identify the need for additional sites 25 we need to deploy in the Washington, Baltimore market.
22	1 and then below would be the other carriers, T-Mobile and 2 Verizon. Off the top of my head I don't recall which 3 carriers could be at which height. 4 MR. SAMPSON: And one additional, Exhibit 37. Do 5 you know what this document is? 6 MR. MILLER: Yes, this looks like this is the 7 tower committee recommendation for approval. 8 MR. SAMPSON: And I understand that originally 9 the approval for this was back on October 2023. What was -- 10 was this done in April earlier this month? 11 MR. MILLER: Correct. 12 MR. SAMPSON: Can you just explain what that was? 13 MR. MILLER: This was the standard tower 14 committee submittal to Montgomery County for our proposed 15 tower with the equipment and the -- which also referenced 16 Verizon and T-Mobile's applications as well. 17 MR. SAMPSON: So this was updating the prior 18 approval from Montgomery County? 19 MR. MILLER: Oh, I'm sorry, yes. Sorry, yes. 20 MR. SAMPSON: Examiner Taylor I have no further 21 questions, unless you have any for Mr. Miller. 22 HEARING EXAMINER TAYLOR: I just have one 23 question, but this may actually be in the letters submitted 24 by the other carriers. But is it the intent that if this is 25 an AT&T leased pole that -- then is it leased to the other	24	1 MR. SAMPSON: When you say radiofrequency, what 2 do you mean by that? 3 MR. BEHL: So radiofrequency is basically the 4 communications between the mobile tower and the cell phone. 5 So they talk to each other using frequency rates. So how 6 that communications happens and what all needs to happen in 7 the background, that's called the radiofrequency network in 8 very simple, layman terms. 9 MR. SAMPSON: What's your educational background 10 very briefly? 11 MR. BEHL: Yeah, I got my bachelors in 12 engineering and computer science way back in 2000. So I've 13 been working in the RF (phonetic) industry for 24 plus years 14 now. 15 MR. SAMPSON: Besides AT&T, who else have you 16 worked for the past 24 years? 17 MR. BEHL: So I worked with Sprint, 18 (indiscernible), Samsung, Ericsson. And then my initial work 19 was in India for carriers there. 20 MR. SAMPSON: So what we would like to the real 21 quick is go to Exhibit 26. And Exhibit 26 I believe is the 22 radiofrequency maps for this site. Are you familiar with 23 these Mr. Behl? 24 MR. BEHL: Yes, I am. 25 MR. SAMPSON: Did you prepare these?

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<p>25</p> <p>1 MR. BEHL: Yes.</p> <p>2 MR. SAMPSON: So can we first discuss what the</p> <p>3 different colors here mean? The legend has green, yellow,</p> <p>4 and blue. Can you explain what the different colors kind of</p> <p>5 stand for here?</p> <p>6 MR. BEHL: Yes, so if you go back to the first</p> <p>7 side. So what we're showing here is the existing coverage</p> <p>8 that we get out of this tower with we call it work base. So</p> <p>9 the three color, it represents what is a signal that was</p> <p>10 received by users. The green represents what we call the</p> <p>11 excellent coverage or real (indiscernible) coverage. Yellow</p> <p>12 is soft, less than that. They call it good. And blue is the</p> <p>13 marginal coverage where you think the call (indiscernible).</p> <p>14 And the white spots that you see demonstrate that you will</p> <p>15 not have coverage there in those areas. So excellent</p> <p>16 coverage, good coverage, and moderate coverage are the three</p> <p>17 colors for this.</p> <p>18 MR. SAMPSON: And in moderate coverage, is there</p> <p>19 concerns about dropped calls or inability to connect to</p> <p>20 broadband or anything like that?</p> <p>21 MR. BEHL: Yes. So (indiscernible) area and if</p> <p>22 you go in and out using your phone for data services you</p> <p>23 won't get much -- you know, you don't get a lot of coverage</p> <p>24 in those areas.</p> <p>25 MR. SAMPSON: There is a black circle here</p>	<p>27</p> <p>1 us. One, a high residential area. A lot of people live</p> <p>2 there. Plus the I-495. As you said in your opening remarks</p> <p>3 this is one of the busiest highways in the country, a lot of</p> <p>4 people travel through this. And people want to have the</p> <p>5 ability to make calls while they are traveling. So a dropped</p> <p>6 call is, you know, certainly -- and especially now in the</p> <p>7 times we live I think a lot of people work from home. So</p> <p>8 they rely on their cell phone coverage to make -- to get</p> <p>9 their work done. And we expect there will be a lot of</p> <p>10 trouble for people if the site goes off and we are not able</p> <p>11 to readdress the coverage with some other means.</p> <p>12 MR. SAMPSON: I want to go down to the third page</p> <p>13 of this document now. Again, this is Exhibit 26 for the</p> <p>14 record. What does this depict here?</p> <p>15 MR. BEHL: So you see a second dot, black dot, we</p> <p>16 call it demand. That's the location of the temporary pole we</p> <p>17 are proposing. And this map shows what the coverage would</p> <p>18 look like if we are able to get the site up and running and</p> <p>19 kind of the AT&amp;T track center. And you have to sort of</p> <p>20 compare this with the original, what we have from the water</p> <p>21 tank. And my assessment is that what you will lose, most of</p> <p>22 the dropping back will bring it back if the temporary tower</p> <p>23 comes back on.</p> <p>24 MR. SAMPSON: Did you examine any other sites in</p> <p>25 looking at this temporary facility?</p>
<p>26</p> <p>1 indicated by Boyer Place. What does that represent?</p> <p>2 MR. BEHL: That is the location of the water tank</p> <p>3 which we are supposed to get off of.</p> <p>4 MR. SAMPSON: If we can go to the next map. So</p> <p>5 sorry, you said this is the existing coverage as it exists</p> <p>6 today, correct?</p> <p>7 MR. BEHL: Correct.</p> <p>8 MR. SAMPSON: So we go to the next map. What does</p> <p>9 this map depict?</p> <p>10 MR. BEHL: This is the proposed coverage for the</p> <p>11 water tank can (indiscernible) off. So as you can see,</p> <p>12 you're going to get a lot of green and yellow changes. And</p> <p>13 more white space coming up. So the greater the network is,</p> <p>14 we do have sites to the west. That's why you don't see a</p> <p>15 large impact to the west, but the east, northeast you see a</p> <p>16 bigger void has opened up. So this is the area, and</p> <p>17 family -- you know this is the area where 495 and a lot of</p> <p>18 homes and businesses up there. They will see an</p> <p>19 deterioration of their coverage and there will be areas</p> <p>20 where they will actually be no coverage after this water</p> <p>21 tank goes off.</p> <p>22 MR. SAMPSON: Based on your almost 25 years of</p> <p>23 expense in the industry, how concerning to you is this</p> <p>24 particular hole of coverage?</p> <p>25 MR. BEHL: This is going to be real challenge for</p>	<p>28</p> <p>1 MR. BEHL: Yes. So in general, whenever we have</p> <p>2 situations like this, whenever we are putting in a new site</p> <p>3 or whenever we are asked to get off any particular site, the</p> <p>4 first thing we do is we look at existing structures. So we</p> <p>5 issue a location or a map, as we call it a searching map to</p> <p>6 SmartLinks. And the first step is to go find is there any</p> <p>7 existing structure there. Unfortunately in this area there</p> <p>8 are no existing structures of suitable height or any</p> <p>9 buildings here where that we could go and locate. So we were</p> <p>10 left with no other option but to propose a new monopole on</p> <p>11 this property.</p> <p>12 MR. SAMPSON: In addition to the commercial</p> <p>13 emergency and nonemergency wireless networks here, is the</p> <p>14 site equipped with something called FirstNet?</p> <p>15 MR. BEHL: Yes. So FirstNet is a special pole.</p> <p>16 It's a dedicated network for the first responder. So after</p> <p>17 9/11 there was a need that first responders should be able</p> <p>18 to get on the network and they should not face additional</p> <p>19 regular issues when there is an emergency. So the federal</p> <p>20 government and AT&amp;T, they are partners in that. AT&amp;T build</p> <p>21 the first network for the first responders. All 50 states</p> <p>22 they agree to this, they are part of this program. And AT&amp;T</p> <p>23 is the only carrier who is authorized to build the FirstNet</p> <p>24 network for the country. So then what happens is on each and</p> <p>25 every AT&amp;T tower we deploy the specific equipment which is</p>



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1 dedicated to FirstNet only. It is special FCC that has the  
2 approved spectrum, the FirstNet spectrum. It is dedicated  
3 for police and actually where only the first responders can  
4 get on it and if there's any congestion out there in  
5 emergencies those people can still make the calls because  
6 they have this dedicated bandwidth to be able to do that.  
7 MR. SAMPSON: So if the tower is decommissioned  
8 from the water tank, what effect will that have on FirstNet  
9 in addition to wireless networks?  
10 MR. BEHL: So again, water tank has FirstNet up  
11 and running on it. So if the tank goes down there won't be  
12 any FirstNet service available. And if you go back to slide  
13 number 2, those areas, the FirstNet signal will no longer be  
14 there. So anybody who has a FirstNet device will not be able  
15 to make those calls because you need coverage there for them  
16 to make the calls.  
17 MR. SAMPSON: And last question Mr. Behl. Is  
18 there any reason to believe two years from now when the  
19 tower is -- the water tank is ready to have antennas go back  
20 on, is there any reason to believe that there is not a  
21 benefit to AT&T going back there from a coverage standpoint?  
22 MR. BEHL: No, we can definitely go back to the  
23 water tank because more or less these are -- these coverages  
24 so there's no need to put two sites there. Like to  
25 complement each other, so we can go back to water tank and

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1 get that like it was before, or it is right now today.  
2 MR. SAMPSON: All right. I have no further  
3 questions. Examiner Taylor?  
4 HEARING EXAMINER TAYLOR: I don't have any, thank  
5 you.  
6 MR. BEHL: Thank you.  
7 HEARING EXAMINER TAYLOR: All right. You may call  
8 your next witness.  
9 MR. SAMPSON: All right. Our final witness today  
10 is Alexander Leadore from Morse & Ritchie Associates.  
11 HEARING EXAMINER TAYLOR: Would you state and  
12 spell your name for the record, please?  
13 MR. LEADORE: Absolutely. My name is Alexander  
14 Leadore; A-L-E-X-A-N-D-E-R. And then Leadore; L-E-A-D-O-R-E.  
15 HEARING EXAMINER TAYLOR: And raise your right  
16 hand, please. Do you solemnly swear under the penalty of  
17 perjury that the statements you are going to make are all  
18 truth and nothing but the truth?  
19 MR. LEADORE: Yes.  
20 HEARING EXAMINER TAYLOR: All right, thank you.  
21 MR. SAMPSON: All right. Mr. Leadore, can you  
22 explain your responsibilities with MRA?  
23 MR. LEADORE: Sure. I am a senior structural  
24 engineer at Morris & Ritchie Associates. I put together the  
25 design, the drawings, and everything associated with the

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1 carrier installations.  
2 MR. SAMPSON: So Rich Dyer actually signed the  
3 engineering plans we are going to look at today. Can you  
4 explain who he is?  
5 MR. LEADORE: Yeah. He is the partner in charge  
6 and he is operating as the engineer of record for these  
7 plans.  
8 MR. SAMPSON: But you worked on these plans as  
9 well?  
10 MR. LEADORE: Correct. I put these plans together  
11 and did most of the analysis work here.  
12 MR. SAMPSON: And are you also a certified and  
13 licensed engineer in Maryland?  
14 MR. LEADORE: I am, yes. I'm certified and  
15 licensed in Maryland and Virginia.  
16 MR. SAMPSON: Can you briefly explain your  
17 educational background?  
18 MR. LEADORE: I got a bachelor of engineering at  
19 Penn State in 2013 and I've been working at Morris & Ritchie  
20 for about 11 years now.  
21 MR. SAMPSON: Did you do anything before Morris &  
22 Ritchie? Or did you go straight there from graduation?  
23 MR. LEADORE: I did some construction inspection  
24 work at the very beginning of my career, but I've been at  
25 Morris & Ritchie since.

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1 MR. SAMPSON: Great. So I would like to go to  
2 Exhibit 38 in the record, which are the site plans in this,  
3 and just kind of have you walk us through those little bit.  
4 And we don't need to go through all 19 pages of this, but I  
5 would like to highlight the high points. So if we go back  
6 to -- it's around page C1 here. What are we looking at here  
7 exactly?  
8 MR. LEADORE: So this is the overall site plan  
9 that shows the property location, the adjacent right of  
10 ways, and the adjacent dwellings, and adjoining properties.  
11 It also shows setbacks of the properties so that we're  
12 meeting any required zoning setbacks. It also shows setbacks  
13 for the dwellings in this case to illustrate which dwellings  
14 are in close proximity to the temporary tower.  
15 MR. SAMPSON: Let's break it down a little bit  
16 here. First of all, this site is located between existing  
17 school buildings. Are there any benefits from an engineering  
18 standpoint of having the tower located where it is on the  
19 property?  
20 MR. LEADORE: Mostly from a construction and  
21 foundation standpoint. The towers is on top of the ground  
22 and if we are on an existing paved area there is no need to  
23 prepare the site. There is no land disturbance so our crew  
24 can come in -- our crew can come in and just prep the top of  
25 the pavement to set a tower based on top of it.

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1 MR. SAMPSON: And are there any benefits as far  
2 as taking this back to its original existing condition when  
3 a temporary use is complete?  
4 MR. LEADORE: It's very easy to clean up since  
5 there is no land disturbance. It's just removing the tower  
6 base, removing the gravel, and everything goes right back  
7 there. It just paved asphalt once everything is done.  
8 MR. SAMPSON: How about from a utility  
9 perspective being in close proximity to the existing  
10 buildings?  
11 MR. LEADORE: Yes, so the utilities are coming  
12 from inside the existing school. So as close as you can get  
13 to it, that just helps so you won't have to have any  
14 conduits underground or above grade for any substantial  
15 amount of time. It's punching right through the building and  
16 you are right there at your site.  
17 MR. SAMPSON: You mentioned the setbacks there.  
18 Can you just kind of walk is to that little bit? Do you know  
19 what -- first of all, do you know the height of the tower?  
20 MR. LEADORE: Yeah. The total height is 122 feet.  
21 The pole itself is 120. The extra to be comes from the base  
22 assembly. In the setbacks are the -- from the centerline of  
23 the tower to the adjacent property lines or the adjacent  
24 houses in the area.  
25 MR. SAMPSON: And are you aware in the zoning

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1 code that there is a one-to-one setback to adjacent property  
2 lines?  
3 MR. LEADORE: Correct, yes.  
4 MR. SAMPSON: And --  
5 MR. LEADORE: You need that setback in all four  
6 directions on the closest property lines.  
7 MR. SAMPSON: And are you aware of an additional  
8 requirement here in the adjacent resident zones that you  
9 need to be at least 300 feet from nearby dwelling units?  
10 MR. LEADORE: We were aware of them and we knew  
11 that we were going to have to do a variance at the onset of  
12 this.  
13 MR. SAMPSON: So what we are depicted here are  
14 the dwelling units that are within that 300 foot setback; is  
15 that right?  
16 MR. LEADORE: That is correct, yes. The dwellings  
17 as shown in the setbacks so within 300 foot and I think the  
18 southeast most just over that 300 foot. That was our barrier  
19 for how many setbacks we try to squeeze into the site plan.  
20 MR. SAMPSON: Can you discuss why -- because  
21 there do appear to be positions on the property where you  
22 could admit that 300 foot setback from all dwelling units.  
23 Can you claim why this location was chosen compared to  
24 another location?  
25 MR. LEADORE: My Anderson was that this location

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1 was more preferable to the landlord at the onset of the  
2 project. I believe there were other locations that were  
3 looked at to the south in the grassy area there. But it was  
4 determined that those would not be ideal for the landlord.  
5 MR. SAMPSON: If we go to the next page, page C2.  
6 Can you explain what this depicts here?  
7 MR. LEADORE: Sure, absolutely. This is a zoom in  
8 of the compound plan. So the overall dimensions of the  
9 fenced in area where the temporary tower and the equipment  
10 will be. And it shows the retaining structure that is going  
11 to be used to contain that gravel so the tower is level.  
12 MR. SAMPSON: So the circle there in the center,  
13 is that the pole itself?  
14 MR. LEADORE: Correct, yeah. The circle is the  
15 pole in the square surrounding that is the actual base  
16 assembly. And we've got gravel and the retaining structure  
17 there as well. To the south is the Verizon and T-Mobile  
18 equipment. And to the east is the required utility  
19 attachments to connect the power to the site.  
20 MR. SAMPSON: And if we go to the next page, page  
21 C3, this is an elevation view of the monopole. Can you just  
22 kind of walk us through what this shows?  
23 MR. LEADORE: Yeah, absolutely. So the overall  
24 elevation the pole is 122 feet. And as stated, that's 120  
25 feet for the tower and about to fit for the base assembly

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1 that the tower rests on. And to the right is the --  
2 specifically these are the AT&T construction drawings. So  
3 this is the AT&T layout at the top of the tower.  
4 MR. SAMPSON: Can you explain the difference  
5 between a temporary facility as is proposed here versus a  
6 more permanent monopole that would be in the ground?  
7 MR. LEADORE: Sure, absolutely. This location, if  
8 we were to do a permanent monopole that would be a drilled  
9 pier and it would probably be about 7 feet wide and probably  
10 30 feet deep just as a rough estimate. Whereas the temporary  
11 tower sits on a 20' x 20' steel assembly and it's held in  
12 place with concrete ballast blocks that total somewhere in  
13 the vicinity of 120,000 pounds.  
14 MR. SAMPSON: And from a social engineering  
15 standpoint, are there any concerns with the nature of a  
16 temporary tower versus a permanent inground tower?  
17 MR. LEADORE: The main concern would be  
18 settlement underneath the base of the tower. But we ran and  
19 the calculations and the amount of bearing pressure  
20 underneath the base of the tower is not a concern in this  
21 specific location.  
22 MR. SAMPSON: Examiner Taylor, before I move from  
23 the site plan, is there anything you would like to ask him  
24 about it while we have this exhibit up?  
25 HEARING EXAMINER TAYLOR: I do have a couple of

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1 questions. So looking at page C1, I think that's Exhibit 38,  
2 yes. So the -- along the east boundary of the site, the  
3 entire school site, those are the residences that you  
4 identified, correct? With the lines showing the setbacks?  
5 MR. LEADORE: That is correct, yes.  
6 HEARING EXAMINER TAYLOR: There is a little  
7 square or rectangle kind of underneath the proposed location  
8 that isn't identified. It looks like it's probably a  
9 building. And I just wondered if you know -- that isn't a  
10 resident; is that correct?  
11 MR. LEADORE: That is correct. That is either a  
12 playground or a sculpture. I don't recall offhand, but it is  
13 not a residence, no.  
14 HEARING EXAMINER TAYLOR: And are all of those --  
15 all of those identified houses are actually in a residential  
16 district; is that correct?  
17 MR. LEADORE: That is correct, yes.  
18 HEARING EXAMINER TAYLOR: And then just so I've  
19 got the parties straight. You mentioned that this location  
20 on this site was the best for the landlord, but I'm assuming  
21 you are referring to Montgomery County?  
22 MR. SAMPSON: The Yeshiva.  
23 HEARING EXAMINER TAYLOR: Or the school?  
24 MR. LEADORE: The Yeshiva School, yes.  
25 HEARING EXAMINER TAYLOR: Those are going to be

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1 the --  
2 MR. MILLER: The tenants?  
3 HEARING EXAMINER TAYLOR: Sub -- yeah, correct.  
4 Right. Basically it will be a sublease; is that right? From  
5 the school to AT&T?  
6 MR. MILLER: So in this question, yes.  
7 HEARING EXAMINER TAYLOR: So the landlord is the  
8 Yeshiva School and then the owner, of course of the land --  
9 MR. MILLER: So both the County and the Yeshiva  
10 will be signing the agreement.  
11 HEARING EXAMINER TAYLOR: Okay, all right.  
12 MR. MILLER: If that's request.  
13 HEARING EXAMINER TAYLOR: Thank you, yes. That's  
14 all I have.  
15 MR. SAMPSON: Very quickly I just want to turn to  
16 Exhibit 34 and go to page 2. Mr. Leadore, do you recognize  
17 this document?  
18 MR. LEADORE: Yes, this is the engineering  
19 certification for the tower.  
20 MR. SAMPSON: And without reading through all of  
21 it, can you just explain generally what this engineering  
22 certification states?  
23 MR. LEADORE: It's just a certification in  
24 advance of completing the analysis worth it states that the  
25 temporary monopole will be designed to support up to three


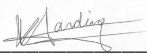
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1 carriers at present elevations of 118 feet, 108 feet, and 98  
2 feet above grade level. It's really just a preliminary  
3 statement that the tower is capable of supporting these  
4 antennas and it will be designed as such.  
5 MR. SAMPSON: Great. Thank you, very much. And  
6 we're finished with that exhibit. I believe we're going to  
7 have to ask you this when we had the site plans up, but can  
8 you explain the benefit to placing a temporary tower on  
9 already paved land versus say a grassy area?  
10 MR. LEADORE: Absolutely. I kind of touched on a  
11 little bit. If you place it on a grassy area you have to  
12 clear and prep the land. You have to prep the surface for  
13 the tower. That creates the sort of area that changes the  
14 layout of the land. If you're on a paved area you don't have  
15 to do any of that. It's already been paved. It's already  
16 impervious. It's already working to storm water and it does  
17 not trigger any regulatory reviews from an environmental  
18 standpoint. So there is no ground disturbance.  
19 MR. SAMPSON: Great. I have no further questions.  
20 HEARING EXAMINER TAYLOR: All right. Do you --  
21 and you have no other witnesses?  
22 MR. SAMPSON: No other witnesses, correct.  
23 HEARING EXAMINER TAYLOR: I'm assuming no new  
24 people have popped into the Zoom?  
25 TECHNICIAN 1: That is correct.

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1 HEARING EXAMINER TAYLOR: Any closing comments?  
2 MR. SAMPSON: I would just reemphasize again, the  
3 nature of this is very unique where you have all three  
4 carriers working in concert to try to prevent basically a  
5 covers blackout for a very heavily residential area, a very  
6 heavy commuter area. We've worked with county staff closely  
7 on this. They've been wonderful to work with. They felt this  
8 give this to in an expedited manner. They put conditions in  
9 place at AT&T and the other carriers find acceptable as far  
10 as reducing the setback from the dwelling units to 108 feet  
11 to make sure that we are still beyond that one to one from  
12 any dwelling units. But it still makes sense within the code  
13 to get the public service upgrade on this and preserving the  
14 cellular service in the area. So we would just ask again  
15 that they Hearing Examiner adopt the recommendations of the  
16 county staff and the tower committee and approve issues.  
17 HEARING EXAMINER TAYLOR: Understood. Thank you.  
18 So at this point we are -- we will conclude the hearing. The  
19 record will be open however for an additional 10 days after  
20 today to receive the transcript. After we receive the  
21 transcript the record will be closed. But as of this point,  
22 the record is closed to all other evidence except for the  
23 transcript. And then the decision is required to be rendered  
24 within 30 days of the closing of the record, which is 10  
25 days from today. I understand that there is an urgent nature

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<p style="text-align: right;">41</p> <p>1 to this. So I will do my absolute best to get a decision out 2 as soon as possible after that 10 day period when the 3 transcript is entered into the record. 4 MR. SAMPSON: Great, thank you. 5 HEARING EXAMINER TAYLOR: All right. All right. 6 So we will go off the record and turn off the recording. 7 (Off the record at 10:19 a.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">43</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Molly Bugher, do hereby certify that this 3 transcript was prepared from the digital audio recording of 4 the foregoing proceeding; that said transcript is a true and 5 accurate record of the proceedings to the best of my 6 knowledge, skills, and ability; and that I am neither 7 counsel for, related to, nor employed by any of the parties 8 to the case and have no interest, financial or otherwise, in 9 its outcome. 10  11 _____ 12 Molly Bugher, CDLT-161 13 April 29, 2024 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">42</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, Konly Harding, the officer 3 before whom the foregoing proceedings were taken, do 4 hereby certify that any witness(es) in the foregoing 5 proceedings were fully sworn; that the proceedings 6 were recorded by me and thereafter reduced to 7 typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings are 9 a true and accurate record to the best of my 10 knowledge, skills and ability; and that I am neither 11 counsel for, related to, nor employed by any of the 12 parties to this case and have no interest, financial 13 or otherwise, in its outcome. 14 15 16  17 _____ 18 KONLY HARDING 19 NOTARY PUBLIC FOR THE STATE OF MARYLAND 20 21 22 23 24 25</p>	

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Transcript of Hearing  
 Conducted on April 18, 2024

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