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Transcript of Hearing

Date: August 19, 2024

Case: Telecom Capital Group (CU 24-17)

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1 APPEARANCES	1 PROCEEDINGS
2 ON BEHALF OF MONTGOMERY COUNTY OFFICE OF ZONING AND	2 HEARING EXAMINER: My name is Katie Byrne. We are
3 ADMINISTRATIVE HEARINGS:	3 here for a conditional use case and it's CU-2417 telecom
4 KATHLEEN BYRNES, HEARING OFFICER	4 Capital Group to put a 160 foot high telecommunications tower
5	5 at 22900 Old Hundred Road -- I want to say 100 -- Old Hundred
6 ON BEHALF OF THE APPLICANT:	6 Road -- Old Hundred Road in an AR zone. Under the use of
7 EDWARD DONOHUE, ESQUIRE	7 standards as set forth in article 59-3.5.2C2c this hearing is
8 TRACY L. THEMAK, ESQUIRE	8 being conducted in a hybrid hearing format which means
9 DONOHUE, THEMAK, & MILLER, PLC	9 individuals may participate either in person or hybrid. And
10 117 Oronoco Street	10 it looks like we have -- how many witnesses do we have
11 Alexandria, VA 22314	11 hybrid? One, looks like three, or maybe two.
12 Phone: (703) 549-1123	12 MR. DONOHUE: The first name on the screen there,
13	13 Ms. Themak, is my partner. So that's not considered a
14 ALSO PRESENT:	14 speaker.
15 ARTHUR TAYLOR, Community Representative	15 HEARING EXAMINER: Okay. And Ms. Ponica Siligan
16 KRISTINE POPTANICH, Community Representative	16 (phonetic) she's another hearing examiner. So she's an OZAH
17 JAYDN SHIN, Technician	17 person. And then L23, do we know who L23 is? All right.
18 Kinsey Gibb, Technician	18 Well, we will find out in a moment. Again, so my name is
19 Jeff Kahn, Technician	19 Katie Byrne. I will be the hearing examiner here today. So
20	20 that means I will be listening to testimony, reviewing
21	21 evidence, rendering an opinion on the application pursuant to
22	22 the criteria set forth for conditional uses article 59
23	23 section 7.3.1. As this is a telecom case we have what we
24	24 lovingly refer to as a shot clock case. So we are under
25	25 significant time crunch as you all were as well when staff

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<p style="text-align: right;">5</p> <p>1 got it and when I have it here. So once I'm finished today I 2 have 20 days to render my decision, which means that that 3 will be September 9, if my relations are correct. All right. 4 In addition -- once the decision is completed I will then 5 forward it to the Board of Appeals and send out notice and 6 post in on OZAH's website for a period of anyone can -- for a 7 10 day period and anyone can request an oral argument. If 8 oral argument is not requested in the Hearing Examiner's 9 decision becomes final. All right. So now that we are going 10 to get started a little bit with introductions. So if you 11 could, please tell me your name. 12 MR. DONOHUE: My name is Ed Donohue. And my firm 13 is Donohue, Themak, and Miller. I'm local counsel for 14 Telecom Capital Group. With me is Mr. Mark Fisher who is the 15 president of TCG. 16 HEARING EXAMINER: Thank you, very much. And we 17 are going to go ahead and we are going to check in with the 18 people that we have online. So I'm going to ask our Zoom 19 operator to unmute L23T, please. And if you could identify 20 yourself, Zoom participant, and let us know if you will be 21 testifying today in support or in opposition of this matter. 22 So if you can, unmute them. Hello? All right. Hearing -- 23 they can't hear? 24 TECH: No, they can't hear. 25 HEARING EXAMINER: They can't hear?</p>	<p style="text-align: right;">7</p> <p>1 press the button on those mics. It will be green. That 2 means you're good to talk, right? 3 HEARING EXAMINER: All right. So yes, we have 4 L23T. If you could identify yourself. Please say if you're 5 in support or in opposition of the application. 6 MS. POPTANICH: My name is Kristine Poptanich. 7 Sorry, it doesn't allow me to rename myself. And I'm in 8 opposition. 9 HEARING EXAMINER: Okay, thank you. And if you 10 wouldn't mind, could you spell your name for us? 11 MS. POPTANICH: Of course. K-R-I-S-T-I-N-E. And 12 the last name is; P-O-P-T-A-N, like for tan, I-C-H. 13 HEARING EXAMINER: And I see an A Taylor. 14 MR. TAYLOR: Hi. 15 HEARING EXAMINER: Hi. And if you could identify 16 yourself and please say if you are in support or in 17 opposition of the application. 18 MR. TAYLOR: My name is Arthur Taylor; A-R-T-H-U- 19 R, Taylor; T-A-Y-L-O-R, and I'm against the application. 20 HEARING EXAMINER: All right. And then Ms. Themak 21 is with your firm 22 MR. DONOHUE: Yes. 23 HEARING EXAMINER: And then the other two people 24 that are signed in on Zoom are OZAH employees. 25 MR. DONOHUE: All right. We also have two</p>
<p style="text-align: right;">6</p> <p>1 TECH: Online. 2 HEARING EXAMINER: All right. So I see a person's 3 face, but they -- can you hear us? 4 TECH: They can hear us, yes. 5 HEARING EXAMINER: I want to take that as a no. 6 TECH: Can you hear now? Hello? 7 HEARING EXAMINER: No. 8 MS. POPTANICH: Hello? 9 TECH: Thank you. 10 HEARING EXAMINER: Can you hear us? All right. 11 There seems to be a problem. Let sit tight and see if we can 12 get this rectified. Let me see. Let's check if -- Nana can 13 you still -- 14 TECH: Can you press the button again so we can 15 see what it's doing? 16 (Crosstalk) 17 HEARING EXAMINER: You think it's me? 18 TECH: Yeah, press that. Hello? 19 HEARING EXAMINER: Can you hear us now? 20 MS. POPTANICH: Yes, thank you. 21 HEARING EXAMINER: All right. Problem solved. I 22 needed to press the green button. 23 TECH: And I think you too as well. 24 HEARING EXAMINER: Yes. 25 TECH: When you're speaking if you could just</p>	<p style="text-align: right;">8</p> <p>1 witnesses that we are going to introduce after Mr. Fisher and 2 ask you to qualify them as expert witnesses. But when you 3 are ready we can discuss that. 4 HEARING EXAMINER: Okay, sounds good. All right. 5 So now we have -- is going to go through a little bit now 6 that we've handled our Zoom housekeeping. What I would ask 7 is that this meeting is not being recorded by Zoom. It is 8 only being recorded by our official court reporter. The 9 transcript of this hearing will be the official transcript. 10 That will be the only transcript for this particular case. 11 Actually, for any case before OZAH. And while people are 12 talking, if we could try to avoid crosstalk, because it's 13 hard for the court reporter when he signed to pick things up. 14 I'm guilty of it myself. I will do my best as well to avoid 15 crosstalk. All right. So if you're connected via Zoom, if 16 you could please stay on mute and camera off until you are 17 called to speak. I think, I think everybody we've now 18 resolved how we can do the camera and the microphone 19 function. So I think everybody is aware of that. The chat 20 function has been disabled as well. So please use the raise 21 your hand option whenever possible if you wish to speak. The 22 screen share option also will not necessarily be available 23 for this. The exhibits we have in this particular case have 24 all been uploaded. They are available on OZAH's website. 25 Our Zoom operators, when you need to call up for an exhibit,</p>

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<p style="text-align: right;">9</p> <p>1 they will pull it up for you. They can zoom in. They can 2 move around. They can do all of those things. Individuals 3 participating hybrid should be able to see them at home the 4 same way as we can see them here. They will be on both 5 screens. So generally the nature of these proceedings, they 6 are informal with certain formalities. When you testify you 7 will be testifying under oath. We can do -- we will start 8 with opening statements from the Applicant. The Applicant 9 will go first in the presentation of its factual case. 10 Opposition will proceed with the presentation of their 11 factual case with an opportunity for cross-examination of the 12 Applicant's witnesses. Any other persons then may present 13 any kind of factual case again, with an opportunity for 14 cross-examination. The Applicant will have the last word, 15 will have rebuttal, and provide rebuttal testimony. At this 16 point what I'm going to do is I would normally say does 17 anybody have any objections to any of the exhibits. So what 18 I would like to do right now is for our two individuals who 19 are on Zoom, Mr. Taylor and Ms. Poptanich, which I probably 20 completely butchered your name, which I apologize, if you 21 could both unmute and tell me if you've had an opportunity to 22 review the exhibits that have been available online on OZAH's 23 website. 24 MR. TAYLOR: I did review it this morning. 25 HEARING EXAMINER: Does anybody have any</p>	<p style="text-align: right;">11</p> <p>1 Examiner, Edward Donohue. I think rather than delay with 2 opening statements, and Mr. Fisher, if we can get to the last 3 exhibit, which is your 24. We provided a PowerPoint last 4 week actually. 5 HEARING EXAMINER: Yes. 6 MR. DONOHUE: But we do have -- you have the 7 affidavit of posting? 8 HEARING EXAMINER: Yes. 9 MR. DONOHUE: And then I mentioned the two 10 witnesses we are going to have qualified as experts. Would 11 you like us to present that when they are called? 12 HEARING EXAMINER: When they are called, that 13 would be perfect. And we will go ahead and accept the 14 affidavit of posting and we will make that Exhibit 25. Thank 15 you, so much. 16 MR. DONOHUE: All right Mr. Fisher I'm going to 17 turn up my microphone if you want to turn yours up. 18 HEARING EXAMINER: And before you get started, Mr. 19 Fisher, if you could, raise your right hand. Do you promise 20 to tell the truth, the whole truth, nothing but the truth? 21 MR. FISHER: Yes, I do. 22 HEARING EXAMINER: Thank you. You may proceed. 23 MR. FISHER: Sure. For the record, Mark Fisher, 24 Telecom Capital Group. I'm actually managing member of 25 Telecom Capital Group. And we are located in Calvert County</p>
<p style="text-align: right;">10</p> <p>1 objections to any of the exhibits? And if you do, yet to 2 tell me why. 3 MS. POPTANICH: From Kristine, no, no objections. 4 MR. TAYLOR: No objections. 5 HEARING EXAMINER: Okay, thank you Mr. Taylor. So 6 all the exhibits that are uploaded are going to be deemed 7 admitted. So that just kind of takes care of us one at a 8 timing them. So we will have them all in and they are deemed 9 admitted. At the end of the hearing closing statements from 10 the parties. We have obviously two people so we will see how 11 that goes as we get a little bit closer to the end. My goal 12 is to finish today. I do apologize. I was -- my flight got 13 canceled yesterday. So thank you for being patient and being 14 able to push this back to noon. I appreciate that. All 15 right. Just a reminder for our participants via Zoom, cross- 16 examination is your opportunity only to ask questions about 17 what the witness's testimony is. You do not have to ask the 18 witnesses any questions. You may just make statements when 19 it is time for you to bring your factual case. Again, 20 approval is based on the criteria set forth in the zoning 21 ordinance. We use the standard set forth in 59-7.3.1. 22 Please have all testimony to address that specific criteria. 23 All right. And without further ado, we will go ahead and get 24 started with if you have any opening statements. 25 MR. DONOHUE: Thank you again, Madam Hearing</p>	<p style="text-align: right;">12</p> <p>1 Maryland and Prince Frederick. Here for this particular cell 2 site and it's a 160 foot tall monopole and its purpose is to 3 provide coverage in an area that currently does not have 4 proper coverage, not just for fixed wireless, but also for 5 people remotely. In so doing we had to of course comply with 6 all the laws of Montgomery County to find a site that was 7 located to provide that coverage, but at the same time divide 8 the necessary screening to the extent that we could find such 9 a sigh, which I would say is not an easy thing to do these 10 days, and worked very hard to do that. And I think we've 11 been working on this site now for several years to say the 12 least to get to this point for the hearing. So I appreciate 13 your time listening to us. With that, really the rest of the 14 application goes to -- the presentation goes to all of the 15 technical aspects which are in my mind the most important 16 part of the project. And I'm sure that's what you want to 17 hear as well. 18 MR. DONOHUE: All right. If we could get the 19 PowerPoint advanced to slide 8 as Montgomery County Maryland 20 if I've got my numbering right. 21 HEARING EXAMINER: And if you could make it zoom 22 in a little bit when you get there. 23 MR. DONOHUE: All right. 24 HEARING EXAMINER: And then scootch in a little 25 more.</p>

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<p style="text-align: right;">13</p> <p>1 MR. DONOHUE: That works. Our next witness is 2 Narendra Mangra, who is our RF expert here to talk about 3 need, the location site, and RF, all things attended to RF. 4 He has previously been qualified as an expert before the OZAH 5 hearing in a hearing for a civil site last year. 6 HEARING EXAMINER: And for those who are watching 7 and listening, can you explain what RF is much? 8 MR. DONOHUE: Radiofrequency. 9 HEARING EXAMINER: Thank you. 10 MR. DONOHUE: So his resume has been submitted. 11 He's got both education expertise and is certainly well- 12 qualified as an adjunct professor of RF issues. So he is 13 well-qualified and as I mentioned, previously been qualified. 14 HEARING EXAMINER: So you previously qualified 15 here in Montgomery County? 16 MR. MANGRA: Yes, I did. 17 HEARING EXAMINER: Okay, thank you. I've 18 received -- I have had an opportunity to look at the resume 19 and we have received that. He has experience, qualified as 20 an expert. I see no reason to deny that. So we will go 21 ahead and qualify you as an expert in radiofrequency. 22 MR. DONOHUE: Thank you. And will you folks be 23 advancing slides as needed? 24 HEARING EXAMINER: Yes. 25 MR. DONOHUE: Okay, so just let them know.</p>	<p style="text-align: right;">15</p> <p>1 HEARING EXAMINER: The blue blob does not have 2 wired, all they have is wireless communications? 3 MR. MANGRA: They have satellite. 4 HEARING EXAMINER: Satellite, okay. 5 MR. MANGRA: And that's actually shown in the next 6 graphic. If you could, please advance. So looking at that 7 area you will see there is actually history of underserved or 8 unserved areas and you will see that on the left hand panel. 9 It has been significant improvements in deployments, but on 10 the right if you will see again, that's that blue polygon, 11 there is a zoom in from the FCC. You will see that it is not 12 connected. So those little red circles are essentially areas 13 that are not connected at this point from wireline 14 communications. And again, wireline is copper or fiber. So 15 no cable, none of that basically in those areas that you see 16 in red. So not only does it like wireless communication, but 17 also wireline communications. So if you can, advance to the 18 next slide, please. So the next thing I looked at is 19 essentially from a basic RF point of view or radiofrequency 20 point of view to get an idea what exactly is the 21 communication scenario again from my wireless perspective. 22 So what you're looking at is a terrain profile. And that 23 area simply has a lot of rolling hills. So those little 24 circles around it, it basically shows you change in elevation 25 from the ground. The other thing I look at is essentially</p>
<p style="text-align: right;">14</p> <p>1 (Crosstalk) 2 MR. MANGRA: All right. Thank you, very much. So 3 the preceding slides actually talked about the preponderance 4 of a lot of wireless communications and the industry has 5 moved on to 6G communications and so on. But I would like to 6 direct your attention at this point to the Old Hundred Road 7 candidate site that's located in Barnesville. And as you can 8 see from the graphic there, this site, just to give you a 9 basic idea about the communications environment, is 10 located -- it's located pretty much in the vicinity of a lot 11 of well-traveled roads. So the numbers that you see there 12 are the average daily traffic that we have from Montgomery 13 County Department of Transportation. And is located close 14 to Barnesville. And essentially the main roads that include 15 Old Hundred Road, Beallsville Road, West Harris and of course 16 Comus Road. One thing that piqued my curiosity is the blue 17 blob on the right-hand side, the right-hand side polygon that 18 actually shows wireline communications. So that's fiber and 19 copper types of communications. That is nonexistent in that 20 particular area and that certain area the FCC has identified. 21 HEARING EXAMINER: So just to clarify, the blue 22 blob has nothing? Or the blue blob has wired? 23 MR. MANGRA: Does not have wired. 24 HEARING EXAMINER: Does not have wired? 25 MR. MANGRA: Right.</p>	<p style="text-align: right;">16</p> <p>1 foliage and there are a lot of trees in that area as well. 2 So in addition to that, I looked at that in combination with 3 nearby sites that are providing service to the area where 4 there are homes and essentially look for an ideal location. 5 So this will help me. One thing I would like to point your 6 attention to is Old Hundred Road is actually on the higher 7 elevation. And as you move away from that you will see that 8 the elevation decreases. And I will point out the 9 significance of that shortly. If you were to advance to the 10 next two slides, essentially cover slide, you will see the 11 implications of the terrain and the nearby sites. So on the 12 left hand panel you'll see, for example, the existing service 13 profile. There are some splotches of red in that area. So 14 if you were to drive on that road as I did, you would notice 15 that you will not be able to hold a call. And if you do it 16 will be very poor quality. 17 (Crosstalk) 18 MR. MANGRA: These other areas that you see there 19 are actually nearby sites. And those are the service profile 20 or the coverage area that we are looking at. So essentially, 21 ideally for this type of rule environment for roadways we 22 would at least have a minimum of the yellow area to the green 23 area. That will be good. Anything red is really poor and 24 we're looking at severe degradation at this point. 25 HEARING EXAMINER: So that's almost what your --</p>

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<p>17</p> <p>1 the before and after shot? 2 MR. MANGRA: Correct. And at the right hand side 3 is essentially the proposed site height of 156. So if we 4 were to put the site in that location at 156 feet, we would 5 notice that it does cover some of the areas, actually quite a 6 lot of the areas that are intended, including the areas that 7 have a wireline deficiency at this point. So not only does 8 it provide wireless services for roadways and homes, but also 9 gives the ability for home Internet for perhaps a fixed 10 wireless access later on. So we are basically asking for a 11 maximum height of 156 feet and that should accommodate three 12 carriers at 136, 146, and 156 feet. And if we were to go to 13 the next slide -- 14 HEARING EXAMINER: All right. I think they are 15 having trouble viewing it on the Zoom. So are we good now? 16 (Crosstalk) 17 HEARING EXAMINER: Okay, it was a screen selection 18 issue, okay. 19 TECH: We're good. 20 HEARING EXAMINER: We are, okay. All right. 21 MR. DONOHUE: Do we need to go back at all? 22 HEARING EXAMINER: Let's see. Let's go back to -- 23 for those of you watching on Zoom, if you couldn't see it, 24 lets us go back to some of the quick overview slides 25 because -- the blue blob. There we go. So there's the one</p>	<p>19</p> <p>1 highlight the fact that those are existing and near sites? 2 MR. MANGRA: So the existing site that you will 3 see as a combination of red, yellow, and green. So these are 4 different service signals that we are looking at. For in 5 vehicle coverage were looking at essentially having, 6 basically anywhere from like 90 to like 95 deep. It's really 7 a power rating for us to be a will to say we have service, we 8 have the ability to have service, I should say. And the 9 areas that are read basically shows that it is very poor, 10 that service. So if you were to make a call it will most 11 likely break up and then it would be very degraded if you're 12 able to get onto the network. So what you see on the left 13 inside his essentially the areas that are impacted, 14 especially along Old Hundred Road. And on the right-hand 15 side for the proposed site, by filling in those particular 16 areas, you'll see that it covers Old Hundred Road, it covers 17 the area with the blue polygon, and also covers the area of 18 Comus Road and basically fills in the coverage and joins in 19 with the neighboring sites as well. 20 HEARING EXAMINER: And remind me, the red circles 21 are essentially dead zones or poor zones? 22 MR. MANGRA: Areas that were being targeted. 23 HEARING EXAMINER: That are being targeted, okay. 24 MR. MANGRA: Right. 25 HEARING EXAMINER: So that's the goal?</p>
<p>18</p> <p>1 with the blue blob that identifies if there is only wired or 2 nothing. 3 MR. MANGRA: There are no wire connections at this 4 point. 5 HEARING EXAMINER: No wired connection to that 6 point. And that was called out to the next one and then the 7 red circles, there is nothing. 8 MR. MANGRA: That shows you the homes that are 9 impacted right now that is available on the FCC website, that 10 is correct. 11 HEARING EXAMINER: And then we scroll down to this 12 one and it's the terrain. 13 MR. MANGRA: That is correct. 14 (Crosstalk) 15 HEARING EXAMINER: So the old one on the 100 -- 16 dang it. The Hundred Road is at a higher elevation and you 17 can see that from the ridge. 18 MR. MANGRA: Correct. 19 HEARING EXAMINER: All right, I just -- it's good 20 for me to repeat it because then you know, sticking. And 21 then we have the before and after shot. And I think this is 22 where we connected, right? 23 MR. DONOHUE: Okay, so let me interrupt from him 24 if I can. Nerendra, would you please explain the 25 significance of the colors starting with the green and</p>	<p>20</p> <p>1 MR. MANGRA: That is correct, yes. 2 HEARING EXAMINER: All right, thank you. That's 3 helpful. 4 MR. MANGRA: And in summary, the next slide 5 basically shows that essentially there is very little 6 coverage here whether we are looking at from a wireless were 7 a wireline perspective. And essentially the location was 8 chosen to be a will to meet the needs of the residential 9 roads and essentially the height at 156 antenna mounting 10 height for the maximum would basically allow for 136, 146, 11 and 156 carriers. 12 HEARING EXAMINER: And explain the numbers, the 13 significance of the numbers. 14 MR. MANGRA: Different service providers can 15 basically be -- can operate at those particular heights. So 16 we could have three service providers, three different ones, 17 for example, one at 136, one at 146, and one at 156. 18 HEARING EXAMINER: Okay, all right. That makes 19 sense, thank you. 20 MR. DONOHUE: When we get to the civil engineer 21 he's going to show you the profile of the tower and he can 22 indicate the special relationship between the talk segment 23 and third tier. But it's a good point to ask him a question 24 if I can. 25 HEARING EXAMINER: Sure.</p>

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<p style="text-align: right;">21</p> <p>1 MR. DONOHUE: Narendra, would you explain the -- 2 when you refer to a height of 156 feet, we've used 160 feet 3 to describe the structure. Can you explain the difference? 4 MR. MANGRA: Sure. The 156 feet or 136, 146, 156 5 feet, those are really the centerline of the antenna. So 6 it's basically a big panel and that's actually the center of 7 the antenna. The tower itself actually goes up further and 8 there is lightning rods and other protections for the tower. 9 From an RF point of view we are looking at 156 as a 10 centerline for the antenna to be mounted. But that is on the 11 overall height of the actual structure. It takes into 12 account many different areas and such as lightning rods. 13 MR. DONOHUE: My next question, if you know. This 14 application would have been reviewed and recommended by the 15 Tower Committee; is that correct? 16 MR. MANGRA: That is correct. It was under 17 substantial review with several plots that were sent back and 18 forth to me to review. Or actually was sent for review, that 19 is correct. 20 HEARING EXAMINER: And could you explain to the 21 Tower Committee is for our individuals who are on Zoom? 22 MR. MANGRA: Essentially -- basically these are 23 staff of Montgomery County that basically review it. I have 24 forwarded it to TCG and basically they had sent it over to 25 Montgomery County.</p>	<p style="text-align: right;">23</p> <p>1 basically conduct the study and they say this is the annual 2 traffic per year and divide it by 306 five days. So if 3 there's a peak season issue here where people are necessarily 4 going to Sugarloaf for different times of the year, you'll 5 see more of a spike. So in some cases more traffic and some 6 cases less traffic. But on an average annual data traffic to 7 735 to 3700 were almost 3800 vehicles. And depending on the 8 locality, generally speaking 400 is considered low-volume. 9 So these are clearly above low-volume roads. 10 MR. DONOHUE: So is it fair to say that vehicle 11 counts as a way to inform the carrier's decision about need, 12 demand? 13 MR. MANGRA: Yes, these are vehicles, but 14 obviously there would be more than one passenger in that 15 vehicle. So that means the design has to accommodate a lot 16 of people that may be using a device at that point. 17 MR. DONOHUE: I, thank you. Those are all my 18 questions. 19 HEARING EXAMINER: Thank you. For the individuals 20 who are on Zoom, I do see a hand raised. So now it's your 21 opportunity to ask questions of this witness. And I will go 22 with Mr. Taylor first just because I saw your hand first. 23 You can unmute. 24 MR. TAYLOR: Can you hear me? 25 HEARING EXAMINER: Yes.</p>
<p style="text-align: right;">22</p> <p>1 HEARING EXAMINER: Okay, thank you. 2 MR. DONOHUE: And the mass in the data that was 3 submitted to the Tower Committee, that was prepared by you; 4 is that correct? 5 MR. MANGRA: That is correct. It was submitted by 6 way of, I believe Mr. Ryan Dear. 7 HEARING EXAMINER: Thank you. 8 MR. DONOHUE: And you know what the recommendation 9 of the Tower Committee was? 10 MR. MANGRA: The recommendation was it was 11 positive for 156 feet. 12 MR. DONOHUE: Very good. Thank you. Oh, at the 13 outset, and I forgot which slide we were on, but you 14 mentioned vehicle counts. Can you tell us the significance 15 of the vehicle traffic in the area surrounding the site? 16 MR. MANGRA: Sure. Generally speaking the higher 17 the number -- and that's going back to the site -- 18 HEARING EXAMINER: That was the first slide with 19 the blue blob. 20 MR. MANGRA: The very first slide, right. 21 Generally speaking the lower the number the less traffic, the 22 higher the number, more traffic. So by looking at a glance 23 would notice that for example 3794 is higher traffic. 24 Essentially what that means, it's not that any day you will 25 see 3794 vehicles on a day. It means over the year MDOT</p>	<p style="text-align: right;">24</p> <p>1 MR. TAYLOR: Okay, so -- 2 HEARING EXAMINER: And if you could turn your 3 camera on too because it's help for us to see you. 4 MR. TAYLOR: Oh, okay. On slide 10, you guys were 5 talking about the red dots that were not getting prior 6 connections. And I know that the -- there are several green 7 thousand the upper corner of that. And the one that has the 8 single red dot there in that corner is my neighbor. And I'm 9 surprised that they don't have the connection since we all 10 got Verizon wireless fiber-optic cables there. So I wondered 11 how accurate these guys are at this point at least outside of 12 the blue area. Can the witness speak to how accurate the 13 dots are? 14 MR. MANGRA: Certainly. That's an excellent 15 question actually. And essentially the FCC has made a lot of 16 progress tracking the deployment of different types of 17 services. So these maps are generated by the FCC and the 18 service providers actually have to report on what they serve 19 and where they cover. Furthermore, their availability, if 20 there is any discrepancy, anyone can go in and issue a 21 challenge to that data. So essentially the FCC is the one 22 that is monitoring that particular information set. 23 MR. TAYLOR: And how recent is the data? 24 MR. MANGRA: This data set, it was pulled up in 25 July, but it reflects technically December of last year. So</p>

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<p style="text-align: right;">25</p> <p>1 basically it's about December 2023. Every six months it's 2 updated. 3 MR. TAYLOR: The other question I had was on 4 slide -- or slide 13 just was a screen (indiscernible). And 5 I saw also on your slide 36 and has a similar plot. And 36 6 you get into the advantages of 156 feet versus 136 feet. Is 7 there any real reason that the 136 feet should -- it would be 8 any disadvantage at 136 one is there a particular need for 9 156? Especially if you cover that blue blob that you 10 originally referred to. If the goal was the blue blob, it 11 seems like the 136 would satisfy it. The other problem with 12 this is, as you see above Comus Road, there is a big gap in 13 the Thurston area which is the next main road above that red 14 circle. It doesn't seem like this tower will really satisfy 15 the Thurston gap on Old Hundred. So I was wondering if you 16 could address whether the 136 would be a satisfactory 17 solution for the blue blob at least. 18 MR. MANGRA: Well, the design was actually to 19 cover Old Hundred Road and Comus Road area all the way down 20 to the West Paris. As the significance of doing that we were 21 able to cover the polygon as well. So it was not really 22 designed to only cover that area that you see with the blue 23 blob. It is actually intended to cover much more than that. 24 So that's why we have the highest that are recommended. 25 Furthermore, as you recall, I think you may have seen the</p>	<p style="text-align: right;">27</p> <p>1 HEARING EXAMINER: Actually Mr. Taylor, just so we 2 are sure of the question that you're asking, I think were you 3 asking the witness why not just 136. Won't 136 get the job 4 done for the whole thing? Is that what you're asking? 5 MR. TAYLOR: That is essentially what I'm asking. 6 It seems like it would, but the witness seems to be asking 7 for 156 or higher. And I don't understand why. 8 HEARING EXAMINER: Right. Right. 9 MR. TAYLOR: But I'm asking up 136 would be 10 satisfactory. 11 HEARING EXAMINER: So now I think he understands 12 the question. 13 MR. MANGRA: So 156 will definitely cover a lot of 14 the impacted areas. 136 you're starting to see the service 15 starting to break apart. So you will see it will -- 16 basically the minimum service that is needed, the minimum 17 height to cover that particular area and be able to 18 accommodate additional carriers that are also lack in service 19 in that area. So this is not for one carrier. All of the 20 carriers and so far like that particular coverage in that 21 area. 22 HEARING EXAMINER: So you need the 156 to 23 accommodate all of the carriers? 24 MR. MANGRA: That is correct. 25 HEARING EXAMINER: The 136 would not accommodate</p>
<p style="text-align: right;">26</p> <p>1 terrain map that you will see rolling hills. And as you go 2 up and down the little deviations from the terrain, that is 3 the significance of the hiring tonight. It will give you 4 that ability to do so. And thirdly, for 130 6B, that is 5 actually the minimum to provide coverage for that particular 6 area. So to accommodate service providers we would want to 7 be to have 136, 146, and 156 feet. But 156 is the preferred 8 height to cover those particular areas. The lower you go, 9 obviously there is a problem. 10 MR. TAYLOR: In this particular case, 136 would it 11 satisfy the primary needs? 12 MR. MANGRA: Yes, it would. Those lots are 13 actually to highlights, the areas that will start to break 14 apart. 15 HEARING EXAMINER: So 136 satisfies it? 16 MR. MANGRA: That's correct, yes, for the lower 17 side, but one -- 18 HEARING EXAMINER: For the lowest height? 19 MR. MANGRA: For the lowest height, yes. 20 HEARING EXAMINER: But -- 21 MR. DONOHUE: That's not what he was asking. He 22 wanted to know if you can go to 136 as the highest height. 23 MR. MANGRA: Oh, no. No, that will not work. 24 HEARING EXAMINER: Now, I didn't think that -- 25 MR. MANGRA: Sorry.</p>	<p style="text-align: right;">28</p> <p>1 all of the carriers and it would break up? 2 MR. MANGRA: That is correct, yes. 3 HEARING EXAMINER: Okay, Mr. -- 4 MR. TAYLOR: How many carriers do you need? 5 MR. MANGRA: Well, we have three nationwide 6 carriers at this point. 7 MR. TAYLOR: And they are all interested in this 8 spot? 9 MR. MANGRA: So the code actually for the tower is 10 actually to accommodate three service providers. So that is 11 the reason for having that particular height. 12 MR. TAYLOR: Is that a requirement? 13 MR. MANGRA: According to the code, yes. 14 MR. TAYLOR: The code requires that every tower 15 has the ability to have three service providers? 16 MR. MANGRA: That is correct. 17 MR. DONOHUE: Nerendra, can I ask you whether the 18 Tower Committee asked you to prepare plots at 136 feet? 19 MR. MANGRA: Yes, they did. 20 MR. DONOHUE: And were they curious as is Mr. 21 Taylor, about the minimum height necessary to address the gap 22 in coverage? 23 MR. MANGRA: That is correct. And I provided many 24 different heights ranging from as low as 96 all the way up. 25 And by looking at all of these sites it was determined that</p>

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<p style="text-align: right;">29</p> <p>1 we need at least 136 feet. 2 MR. DONOHUE: Is 156 feet the minimum height 3 necessary to achieve the coverage. 4 MR. MANGRA: The 156 feet is the minimum height 5 necessary to satisfy the code. 6 MR. DONOHUE: And is that what the Tower Committee 7 recommended at the end of all of the analysis and all of the 8 questions? 9 MR. MANGRA: That is correct, yes. 10 MR. DONOHUE: Thank you. 11 HEARING EXAMINER: Mr. Taylor? 12 MR. TAYLOR: The other question is, you have 13 proposed a site this on the west side of Old Hundred, yet 14 you're trying to cover a blue blob that seems to be on the 15 east side of Old Hundred. Would it not be better to find a 16 location that was on the east side of Old Hundred? 17 MR. MANGRA: So there is a lot of factors that we 18 are looking at here to be able to cover that. So the site 19 objectives are actually provided in the walk-through earlier. 20 And it's actually Old Hundred Road and Comus Road and West 21 Terrace. The covers that you see with the different colors 22 and radiation from this site, they will be able to provide 23 the signals for me intended to be able to cover those 24 particular areas. As you move, if you look at the terrain 25 and you go on the west side of Old Hundred Road, the terrain</p>	<p style="text-align: right;">31</p> <p>1 is part of the consideration for the location of the site. 2 MR. DONOHUE: Which means the elevation, right? 3 MR. MANGRA: That is correct. The -- when I'm 4 referring to the relative geometry, it has to do with 5 relative geometry of the elevations and how does the site 6 impact different areas. 7 MR. TAYLOR: Thank you. Those are my current 8 questions. 9 HEARING EXAMINER: Thank you, Mr. Taylor. 10 MR. MANGRA: Thank you. 11 HEARING EXAMINER: And we will switch to Ms. -- I 12 know I'm pronouncing your name wrong. 13 MS. POPTANICH: Kristine works well. 14 HEARING EXAMINER: Kristine, we would love to hear 15 from you. 16 MS. POPTANICH: I have a few questions for you, 17 sir. Thank you for going through your slides. In the -- I 18 will first use the blue blob area because that's how you 19 referred to it. In the blue blob area which is -- OKAY. 20 Sorry. The blue blob area which seems to be like the real 21 focus and drive of the fact these poor people don't have 22 service through their wireless. A lot of people out here are 23 very familiar with that and has satellite. They are good to 24 go. So given that most people out here do have ways of 25 getting around this, how many people in that blue blob area</p>
<p style="text-align: right;">30</p> <p>1 is more feasible to be able to provide service to the 2 intended covers objectives. You'll also as a benefit are 3 able to cover areas that are -- that have no or for wire 4 communications capabilities. And that includes West Harris 5 as well as the main area in the blue polygon. So to be -- to 6 satisfy those needs we need at least 156 feet to be able to 7 satisfy the code and provide coverage to be able to 8 accommodate all of these service areas. It is not only about 9 the blue polygon. It is also about the different coverage 10 objectives for Comus Road as well as West Harris and Old 11 Hundred Road. 12 MR. DONOHUE: Would you like us to go back to the 13 topo map so you can explain the preference? 14 MR. TAYLOR: If the objective is to cover Comus 15 Road, wouldn't it be better to place it near the intersection 16 of Comus and Old Hundred? 17 MR. MANGRA: The objective is to cover West Harris 18 Road, Old Hundred Road, and Comus Road. And if you were to 19 go to the exhibit for the terrain analysis you will see -- 20 HEARING EXAMINER: Go to the terrain. 21 MR. MANGRA: The different rolling hills profiles. 22 And that actually -- we are looking at relative geometry as 23 it relates to the terrain. So just because you're close to 24 the one area it's always the case to provide service to it. 25 It has to do with the relative geometries as well. And that</p>	<p style="text-align: right;">32</p> <p>1 have actually requested this? How many have supported it? I 2 don't see anybody in the room that doesn't seem to be 3 associated with the project. So how many residents are 4 pounding on the door? Maybe this is a question for Mr. 5 Fisher instead. How many people are demanding this because I 6 haven't seen specifically how -- you know, I saw the slides 7 that yes are using Internet more, but how many people 8 specifically in that area, and that blue area have requested 9 this site? 10 MR. MANGRA: So the intent of this site is 11 actually to cover Old Hundred Road, Comus Road, and West 12 Harris and Beallsville Road. So -- 13 MS. POPTANICH: Oh, okay. So then it -- I'm sorry 14 then. All right. I misunderstood. So if (indiscernible) is 15 not relevant, you're saying that's not the purpose, the 16 purpose is West Comus, Comus Old Hundred. How many people on 17 those roads have written in and are sitting that I can't see 18 in the audience. How many people have requested this from 19 the actual community? How many letters do you have in hand 20 showing that these people want this, this service? Just out 21 of curiosity. 22 MR. FISHER: No, I appreciate the question. The 23 answer to that question is the way cell tower hearings go is 24 when people don't show up at means they support it. It's 25 contrary to common sense. When people do show up at means</p>

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1 they don't support it. So --
2 MS. POPTANICH: Oh, I would actually disagree with
3 that, sir, because the experience that I've been talking to
4 my neighbors about is everyone thinks this is a done deal,
5 which is why they don't show up. So unless you're experts on
6 human behavior at this point, right? But I would not argue
7 that people don't show up. I think there is a lot of apathy
8 because people don't think that they have a voice or a say.
9 So going back to my question just so I can be clear. How
10 many residents of this area have specifically requested this
11 service?
12 MR. MANGRA: The area that we are looking at along
13 Old Hundred Road, it has a very poor coverage. And the --
14 MS. POPTANICH: Sir, sir, I know you are
15 recognized as an expert, but I live on the Old Under Road. I
16 can carry a call from my house to Thurston. There is a dead
17 zone on Thurston down by 270 and if you told me you were
18 going to put up a tower by 270, I would be all for it because
19 Thurston has a ton of accidents and people can't even call
20 for help because there is a dead zone. So specific to my
21 question -- but if you can't answer my question or you don't
22 have any, just please like -- because I have other questions.
23 So I don't want to belabor the point. Do you have a list of
24 residents who have asked for this service?
25 MR. DONOHUE: Madam Hearing Examiner --

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1 HEARING EXAMINER: Certainly.
2 MR. DONOHUE: This is our RF expert.
3 HEARING EXAMINER: Correct.
4 MR. DONOHUE: And his testimony pertains to
5 need --
6 HEARING EXAMINER: Correct.
7 MR. DONOHUE: Location, and things that are
8 attendant to RF like health effects, those kinds of things.
9 HEARING EXAMINER: Correct.
10 MR. DONOHUE: If the question is, are there
11 letters in the file or letters on the record the indicated
12 support for the tower, though witness -- the neighbors
13 conceded there are not. What the witness will explain is
14 that this is what the carriers are doing to try to address
15 things like dropped calls, block calls, busy networks, et
16 cetera. He can explain those things. He can't explain why
17 there are no letters of support in the record. That's
18 just --
19 MS. POPTANICH: No, not whether they are and
20 evidence (indiscernible) so there aren't, okay.
21 (Crosstalk)
22 MS. POPTANICH: So you said -- you talked about --
23 you said you can't make calls on this road. Do you have the
24 data that shows you can't? You mentioned that you trouble on
25 this section and that you had had a dropped call. What

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1 section -- what portion of this section were you driving?
2 I'm just curious.
3 MR. DONOHUE: I drove basically --
4 MS. POPTANICH: Where did you lose it? Where
5 specifically did you lose it?
6 MR. MANGRA: I was actually on a call actually.
7 So that was -- the calls started to break up quite a lot.
8 And I almost dropped the call on Old Hundred Road. So --
9 MS. POPTANICH: Where on Old Hundred Road were
10 you? Were you heading towards 270? Were you heading towards
11 Barnesville? I just want to understand your testimony.
12 MR. MANGRA: I was headed to 270 in that
13 direction.
14 MS. POPTANICH: Yeah, see that's the thing is
15 there is a dead zone on Old Hundred Road. It has nothing to
16 do with the section of Old Hundred. It does have to do with
17 the person. So, okay. So you have an actual -- do you have
18 anything that shows the number of dropped calls at this
19 particular section? That this is the section at issue? Just
20 surprised to hear you say you can't make calls in the section
21 because we make them all the time.
22 MR. MANGRA: Okay, so --
23 MS. POPTANICH: Even on Verizon.
24 MR. MANGRA: Right. So that's actually the point.
25 There is one carrier that there. They're actually up to

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1 three carriers that provide service in that particular area.
2 So they don't all have the same experience. That's one
3 thing. The second thing is, in your case you're able to hold
4 it. That may not be the case with others. I was actually on
5 a call that almost dropped. So I was actually -- I was
6 speaking to someone as I was driving past there and it
7 actually dropped. Sorry, it almost dropped. And so it's
8 week. The coverage depends on where you are and how many
9 people are on the network and the signal that you happen to
10 have, what type of device you have, what carrier you have.
11 But it does not negate the point of that area is weak, right?
12 MS. POPTANICH: Thank you. I appreciate your
13 willingness to answer my questions.
14 MR. MANGRA: And I will also point out from the
15 terrain a map that that was actually on the more elevated
16 area. As I pointed out when we went to the train, if you
17 look through that you'll see Old Hundred Road is actually on
18 the higher terrain. So even when you are to look at the
19 existing plot, you'll see different areas of poor coverage on
20 Old Hundred Road, but outside of it you may run into
21 problems. And so that's one thing. And the next thing is
22 essentially we are looking at the coverage objectives again
23 for Old Hundred Road, Comus Road, and West Harris Road.
24 MS. POPTANICH: So just one more question since
25 you brought up terrain. It is correct to say there are areas

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<p style="text-align: center;">37</p> <p>1 of Old Hundred Road that are increased elevation in between 2 Comus Road and this proposed site? Is that not true? 3 MR. MANGRA: I mean -- 4 MS. POPTANICH: That are uninhabited? 5 MR. MANGRA: If you want to look at the train map, 6 yeah, there are different points that are higher, some that 7 are lower. But continue please. 8 MS. POPTANICH: So there are uninhabited, not in 9 clusters of homes areas that are higher up on Old Hundred 10 Road and that are in this target area? 11 HEARING EXAMINER: I mean, if you can answer that 12 question, go ahead. 13 MS. POPTANICH: Well, he is the (indiscernible) 14 expert (indiscernible). 15 HEARING EXAMINER: Well no, I mean -- but -- 16 MR. FISHER: As a civil engineer. 17 HEARING EXAMINER: Yeah, that -- he is more the 18 radiofrequency as far as the layout and the land and 19 occupation, and that is more of a civil engineering question. 20 But I think what your questions might be going to is need, 21 right? 22 MS. POPTANICH: Need and whether this is the right 23 place. But I guess my question is that in his presentation 24 he does on all these things, he made assertions about the 25 need and the blue blob. He made assertions about the fact</p>	<p style="text-align: center;">39</p> <p>1 property owner with the county zoning and accounting zoning 2 ordinance. And in many cases we will find willing property 3 owners but the zoning doesn't work. In other cases we will 4 find willing property owners in the setback doesn't work from 5 their property. In other cases it's elevation. So it is an 6 incredibly arduous and complicated process. And when a site 7 is chosen, sometimes is not necessarily the most optimum 8 location, but it's the only location that is available given 9 the county zoning, given the elevation, and also given the 10 willing property owners willing to enter into an agreement to 11 have a cell tower on their property. And so that information 12 is then sent to Verizon, the information as to the location 13 that we found that would be useful for the property owner and 14 for the cell tower company. Bryson then said yes, that was 15 from our standpoint. That then begins the process of land- 16 use which is of course -- it could be a multiyear process, 17 which is how we got here. So it's always understandable when 18 there is testimony of why not dislocation versus that until 19 you overlay the county zoning ordinance, the elevation, and 20 the willing property owners, which by the way, something that 21 is not necessarily readily available because you have to 22 literally knock on doors and/or send letters property owners 23 in order to be a little make them aware of the opportunity. 24 HEARING EXAMINER: What role if any does the FCC 25 play in selection or need? Is that a question for him?</p>
<p style="text-align: center;">38</p> <p>1 that this is the right place (indiscernible) as of the 2 elevations. So that's why I was thinking as he was asserting 3 facts about the elevation being an important part that he 4 could answer whether there are other places that have better 5 elevation profiles in the same stretch. 6 HEARING EXAMINER: Can you answer that? Or is 7 that more the civil engineer question? 8 MR. MANGRA: No, I mean depending on who 9 (indiscernible) yes, that would have to be a different group. 10 HEARING EXAMINER: Well, let me ask you kind of a 11 follow-up to her question. How is need assessed? And Mr. 12 Fisher, this might be a question more for you maybe then this 13 witness. So who -- how does it start? I guess how do you 14 make that determination that there is a need? 15 MR. FISHER: Sure. We're notified by a carrier 16 that they have a need. And in this particular case the 17 carrier is Verizon. And Verizon indicates where in the 18 search area that they would like the site to go. There is an 19 optimum location and then there are alternate locations. 20 Then we have to look at the elevation. So if for example the 21 elevation is really low in some areas of that search ring in 22 which we have to find a site, then we would have to build a 23 taller tower, which is exactly what no one wants including 24 us, by the way. Then inside that search area we have to find 25 a willing property owner. Then we have to overlay that one</p>	<p style="text-align: center;">40</p> <p>1 MR. DONOHUE: Can we answer that. Yeah, what 2 is -- 3 HEARING EXAMINER: Or, you know -- 4 MR. DONOHUE: No, it's a fair question. Really 5 none at this level. At the outset when the carriers first 6 get their license there is a build requirement for them to 7 meet certain metrics in calendar year one, two, and three. 8 Beyond that, the SEC regulates things like health effects and 9 tells you that you can't consider health effects, those kinds 10 of things. They register the sites with the FCC for approved 11 and built and so they monitor those sites, but they really 12 don't have -- they do provide information which is helpful. 13 Narendra explained earlier about how the FCC database allows 14 and informs his decision about steps you need. But on a per 15 site basis there really not involved. 16 MR. FISHER: They -- I will just clarify one 17 thing. They are involved with respect to the environmental 18 review and historical review to the extent that the site has 19 an impact on local historical or national historical 20 properties. And that's obviously a very important thing. So 21 the FCC does review that along with the Shippo and ANIPA, all 22 of which is required. And then they also do review the 23 height of the tower as it relates to air traffic, whether it 24 be helicopters or small planes or actual airplanes. 25 MR. DONOHUE: So let's talk about that since we</p>

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1 mention it. This tower at this location at this height, is
2 liked and required on this tower?
3 MR. FISHER: No lighting is required.
4 MR. DONOHUE: In this county, which is different
5 really from--
6 HEARING EXAMINER: Every other county.
7 MR. DONOHUE: Most every other county. I'll be
8 honest. I'll say it.
9 HEARING EXAMINER: For sure.
10 MR. DONOHUE: We have the Tower Review Committee.
11 And Narendra explained earlier the Tower Review Committee
12 does assess things like need and publication and things like
13 Mr. Mazullo is going to testify to as the setbacks in those
14 kinds of things, visibility of the site. So our next witness
15 will explain the relationship of the Tower Committee as it
16 pertains to Montgomery county as opposed to taking sort of
17 the macro, the FCC level down to the microlevel at Montgomery
18 County.
19 HEARING EXAMINER: All right. Kristine, I didn't
20 mean to cut you off, but you got me thinking and asking
21 questions that I thought would be helpful. So thank you for
22 that. And do you have any other questions?
23 MS. POPTANICH: No, I'm very good now. Thank you,
24 so much.
25 HEARING EXAMINER: Thank you. Any -- I think that

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1 kind of satisfies, I'm pretty sure all of my questions.
2 MR. DONOHUE: We're going to keep him here anyway.
3 HEARING EXAMINER: You're going to keep him here?
4 Yeah, yeah.
5 MR. DONOHUE: Yeah.
6 HEARING EXAMINER: Okay, we are going to keep
7 going. All right.
8 MR. DONOHUE: Thank you. We told everybody line
9 so he --
10 HEARING EXAMINER: Okay, all right. I kind of
11 threw lunch out the window for everybody, did not?
12 MR. DONOHUE: No worries.
13 HEARING EXAMINER: I apologize for that.
14 MR. DONOHUE: Marc --
15 (Crosstalk)
16 MR. DONOHUE: Mr. Mazullo, thank you for joining
17 us. You have been qualified as an expert witness before this
18 Board; am I correct?
19 MR. MAZULLO: That's correct.
20 MR. DONOHUE: And your education and your
21 bachelor's degree in your master's degree are in civil
22 engineering; is that correct?
23 MR. MAZULLO: That's correct.
24 MR. DONOHUE: And you're licensed in the state of
25 Maryland, correct?

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1 MR. MAZULLO: That is correct.
2 MR. DONOHUE: Have you also been involved in
3 expert testimony in litigation before?
4 MR. MAZULLO: Yes.
5 MR. DONOHUE: And you've also done a fair amount
6 of work with the carriers, the tower builders, and others
7 over the years, correct?
8 MR. MAZULLO: Yes, that is correct.
9 MR. DONOHUE: All right. We will submit Mr.
10 Mazullo as an expert witness as well, Madam Hearing Examiner.
11 HEARING EXAMINER: We will accept him as an expert
12 witness.
13 MR. DONOHUE: All right Marc, before we turn the
14 mic over to you, I want to -- I know you've heard the earlier
15 testimony. But I want you to address some of the questions
16 the ad to do with terrain, but also be sure that we address
17 things like setback, the size of the site, visibility of the
18 site to the surrounding areas, those kinds of things.
19 (Crosstalk)
20 MR. DONOHUE: You want to go to and we will go
21 there.
22 MR. MAZULLO: Well, let me just basically give you
23 a little bit of an overview of the site. The site is on a
24 property called the Greenland property which is a -- I think
25 it's a proximally a 41 acre property. It is a horse farm.

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1 It does have residence on the property. And it is
2 approximately, I would say about 70 percent covered with
3 forests. I think it was 35 acres of forest land on the
4 property. And what we're proposing to do here is to build a
5 communication site on the property with a 160 foot monopole,
6 that's the height to the top of the monopole plus a 4 foot
7 lightning rod on top of that monopole. And it will be able
8 to support up to five carriers. The carrier elevations would
9 be elevation 156, 146, 136, 126, and 116. On the ground the
10 monopole is set in a compound that is surrounded by a chain-
11 link fence. The physical size of the compound is 60 x 60.
12 The lease area for the project is 80 x 80. Overall the
13 project will take up about 10,000 ft. of land space between
14 the driveway, the parking, and the compound. The site itself
15 is situated in the East -- on the east side of the property
16 close to Old Hundred Road. And often times people question
17 what was the rationale for why the site was placed there. As
18 Mark Fisher explained earlier, a lot of it has to do with
19 having a willing landlord so that you can actually lease the
20 space on the property and try to meet the specific
21 requirements of where the carrier once the tower cited on the
22 property to be able to provide the best coverage. In this
23 particular case what we are trying to do is to have the least
24 amount of impact to the landlord's property, meaning we
25 didn't want to have a long axis road to the site, just trying

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1 to keep it so that it has the least impact with land
2 disturbance, tree clearing, et cetera. So the site has been
3 specifically targeted to be in that east corner as close to
4 Old Hundred Road as we can put it and to be able to meet the
5 zoning requirement setbacks. The site has to meet a one-to-
6 one setback in the zone which means that we need to have
7 approximately 164 feet to the north and south property lines.
8 MR. DONOHUE: Excuse me Marc, can we advance the
9 slides to I believe it's 15?
10 HEARING EXAMINER: 15?
11 MR. DONOHUE: I believe so. Marc, these are the
12 civil drawings that your firm prepared and submitted as part
13 of the conditional use permit and also Tower Review Committee
14 et cetera, correct?
15 MR. MAZULLO: That is correct.
16 MR. DONOHUE: So when you're talking about
17 setbacks, the orientation of the site, the location, et
18 cetera, you are referring to the civil drawings that are in
19 front of you?
20 MR. MAZULLO: That is correct.
21 MR. DONOHUE: Thank you.
22 MR. MAZULLO: So maybe we should advance to the
23 next slide. So this slide shows the overall site plan. And
24 you can see that the tower is located in what would be the
25 southeast corner of the property up against Old Hundred Road.

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1 And it shows the setbacks they are, but I think we have a
2 slide that will so a little bit of an enlarged view of the
3 corner, the southeast corners of the property.
4 HEARING EXAMINER: Scroll down one?
5 MR. DONOHUE: Yeah, we will go to the next one.
6 MR. MAZULLO: Yes. Yeah. Here we go.
7 MR. DONOHUE: Yeah.
8 MR. MAZULLO: So this slide shows you the
9 southeast corner of the property. So it's an 80 x 80 lease
10 area with a 60 x 60 pence compound and the 160 foot monopole.
11 And is basically built a little to the northwest of an
12 existing old logging trail road. So we are utilizing part of
13 that logging trail road, improving that, providing access
14 down to the site and a parking space for a turnaround. And
15 if you look at the topography, you can see from the existing
16 driveway off Old Hundred Road, the topography is dropping as
17 we come off Old Hundred Road, somewhat significantly. Since
18 the site is that site elevation is elevation, I think it's
19 495 grade-wise.
20 HEARING EXAMINER: So from Hundred Road down?
21 MR. MAZULLO: Well, yes. Let me start here.
22 Yeah, at Hundred Road, the grade elevation is in the 550
23 range and the site elevation is 549. So there is some grade
24 drop further down. So the site is surrounded by trees. The
25 tree heights are running relatively around 80 feet. If we

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1 could go to the next life. This is a slide that shows the
2 compound and the compound is of sufficient size to provide
3 the infrastructure to hold five carriers plus telephone
4 facilities and facilities for monitoring the electric power
5 the site would use. If we can go to the next slide. This is
6 an elevation of the monopole. And this elevation here
7 actually shows the 160 foot monopole, 4 foot lightning rod.
8 This is showing three carriers, but the monopole will be
9 designed for five carriers. Chain-link fence surrounding the
10 site at the bottom and the surrounding tree.
11 MR. DONOHUE: So Marc, that is a good point.
12 Maybe you've covered it. But when Narendra was explaining
13 the center point of the antenna, that is shown on your
14 profile?
15 MR. MAZULLO: Right. Right. If you look at the
16 profile, the top dimension on the left is showing the overall
17 height of the structure at 160 feet above the ground level.
18 And if you look at the second line down you'll see that's the
19 red center, what we call the red center, which is the center
20 of the antennas for the top carrier. And that would be at
21 156 feet. And what that does is that keeps what would be
22 standard a foot tall antennas below the top of the monopole
23 itself.
24 MR. DONOHUE: And that separation between the
25 antennas, is that standard?

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1 MR. MAZULLO: Yes, the standard separation between
2 carrier antennas in this market is 10 feet.
3 MR. DONOHUE: And then what's shown on the ground
4 there, I guess that's fencing but the tower or the compound
5 detail that you showed earlier, what are the rectangular
6 boxes that you showed earlier?
7 MR. MAZULLO: Those regular boxes are what we call
8 carrier lease areas which are typically 10' x 20' and
9 physical ground space area. And the carriers typically in
10 this day and age will put freestanding cabinets, radio
11 cabinets in the lease area on concrete pads.
12 HEARING EXAMINER: And what are in the cabinets?
13 Is that just the electrical equipment?
14 MR. MAZULLO: Yeah. Well, there's power
15 rectification equipment and things that control the radios
16 for the antennas. And then in terms of -- I want to go back.
17 If we could go back to the second slide that shows the
18 enlarged --
19 (Crosstalk)
20 MR. MAZULLO: Right there, yeah. I just wanted to
21 point out some of the setbacks here. So the requirement of
22 zoning in this zone, the AR zone is basically two things. We
23 have to be 300 feet from the closest residential structure
24 and we need to meet a one-to-one setback to the existing
25 property lines. So there is a house across Old Hundred Road

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<p style="text-align: right;">49</p> <p>1 across from the site that you could see on the first slide 2 that -- 3 HEARING EXAMINER: Just for everyone, when you say 4 one-to-one setback, what do you mean? 5 MR. MAZULLO: That means that the physical 6 distance between the bottom of the monopole and the property 7 line would be equal to the height of the monopole. 8 HEARING EXAMINER: Thank you. 9 MR. MAZULLO: So if the monopole is 160 feet, the 10 setback needs to be 160 feet. So in this case where we have 11 the setbacks at 202 feet to the north and 183 feet to the 12 south, so we are tucked in between the two property lines 13 because the property is relatively narrow at the Old Hundred 14 Road east side of the property. And it widens out as you 15 head to the west. And then in terms of the setbacks in the 16 east-west direction, the East setback is 259 feet and that's 17 from the monopole to Hold Hundred Road and to the west side 18 it's 1186 feet. So we meet the setbacks and in terms of the 19 relative position of the monopole to the closest residential 20 structure, we are 408 feet from the monopole to the closest 21 house which is on the east side of Old Hundred Road. There 22 is a house to the north side of the driveway and that is at 23 440.9 feet. So in terms of zoning we do meet all the setback 24 requirements for the siting on the property. 25 MR. DONOHUE: Though setbacks are set out in your</p>	<p style="text-align: right;">51</p> <p>1 requirement. 2 HEARING EXAMINER: But there is no tree variance 3 on this -- for this particular property? 4 MR. MAZULLO: No. 5 HEARING EXAMINER: And there is no critical rezone 6 issues here? 7 MR. MAZULLO: No. No. 8 HEARING EXAMINER: All right, because basically 9 you're going to clear out the required area and then reforest 10 off-site because the 70 percent as you said of this property 11 is already forested? 12 MR. MAZULLO: Correct. 13 HEARING EXAMINER: All right. So no critical tree 14 zone -- tree zone? Tree root issues and no tree variances? 15 MR. MAZULLO: No. No. 16 MR. DONOHUE: Not that we're aware of. So we do 17 have some photographs we wanted to show you of the very 18 robust tree cover there that Marc is going to cover. But is 19 there anything else on the civil drawings Marc, that you want 20 to cover before we move on? 21 MR. MAZULLO: I think that pretty much covers -- 22 HEARING EXAMINER: Do you know the name of the 23 watershed of the area? Is this property in a watershed? And 24 if so, do we know what the name of it is? 25 MR. MAZULLO: I don't know.</p>
<p style="text-align: right;">50</p> <p>1 drawing, Z1; is that correct? 2 MR. MAZULLO: That's correct. There is a table in 3 the upper left-hand corner next to the map, the city map. 4 MR. DONOHUE: Thank you. 5 HEARING EXAMINER: And then tell me again the 6 square footage leased. I think you said -- 7 MR. MAZULLO: The lease area is 80 x 80, which is 8 6400 square feet. And the compound is 60 x 60. And the 9 reason we do that is sometimes we are required to put 10 landscaping around the outside of the compound and is always 11 good to have the space to put inside the lease area. In this 12 particular case what we are trying to do is to maintain as 13 much tree cover as possible. So there is a forest 14 conservation plan that has been filed and approved by the 15 County and it does -- it dictates that we are taking 2000 16 ft. of forest it area and that's all that we can take. And 17 I'm trying to think. We are putting that back. The 18 forestation requirement is being done at an off-site facility 19 to meet the requirements of the county with regard to that. 20 HEARING EXAMINER: Are you going to talk about the 21 tree variance at all? Or can we talk about that now? I 22 think there -- isn't there a tree variance? Did I see 23 something in the report for the forest conservation plan that 24 there was a tree variance? Or am I wrong? 25 MR. MAZULLO: Well, there is an after forestation</p>	<p style="text-align: right;">52</p> <p>1 HEARING EXAMINER: All right. 2 MR. MAZULLO: It may be on the -- 3 HEARING EXAMINER: I might have a few questions 4 for staff because we didn't get the staff report because it 5 takes a little while. And then I was kind of going through 6 it and I was like, let me ask you all first and if you don't 7 have them what I might do is -- 8 MR. DONOHUE: Right. 9 HEARING EXAMINER: We're going to -- I'm going to 10 leave the record open anyway because I'm going to ask for 11 next without a transcript. So hopefully if I need them to -- 12 one of my questions was the name of the watershed of the 13 subject property. If there isn't one, that's fine. But I 14 will double check that with staff. And then the other one 15 was generally for conditional uses, regular or telecom or 16 otherwise, I kind of -- I want to know what the surrounding 17 neighborhood is. And they -- 18 MR. DONOHUE: They do cover that in the staff 19 report. 20 HEARING EXAMINER: All right, but they usually 21 give me a nice picture and I don't think I have a picture. I 22 like a good picture. But that's all right. No worries. All 23 right. Those are just some of the things I was like, I'll 24 just ask while we're here. 25 MR. DONOHUE: It shown on page 4 of the staff</p>

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<p style="text-align: right;">53</p> <p>1 report and it's a nice picture with a red outline with our 2 compound -- our whole property. 3 HEARING EXAMINER: Did I miss that? So the 4 property is the surrounding neighborhood? 5 MR. MAZULLO: The yellow is the property. 6 HEARING EXAMINER: Oh no, I see it. Never mind. 7 I got you. 8 MR. DONOHUE: Figure 1, the vicinity map -- 9 HEARING EXAMINER: Yeah, vicinity map. 10 MR. DONOHUE: Delineated neighborhood in bold red. 11 HEARING EXAMINER: All right. How did I miss 12 that? 13 MR. DONOHUE: Well, you were on an airplane. 14 HEARING EXAMINER: I was trying to get on an 15 airplane. You're right about that. All right, thank you. 16 Sorry, didn't mean to throw you off track. But I just -- 17 (Crosstalk) 18 MR. MAZULLO: Okay, yeah. All right. So we can 19 go to the photo sims next. So what normally happens when a 20 site is selected is there is generally a requirement to 21 produce some photo simulations so that the staff -- 22 HEARING EXAMINER: Which page do you need? Oh, we 23 are going to photos? 24 MR. DONOHUE: Sorry. After the drawings. 25 TECH: There's also somebody that lifted their</p>	<p style="text-align: right;">55</p> <p>1 to get everything back if you went whee, right? 2 MR. MAZULLO: Right, for the three hour period. 3 And during the period that the balloon was flying I drove 4 around. I took approximately, I think 154 photos from a 5 bunch of essentially predetermined locations around the site. 6 And if you look at the first slide -- and then from that we 7 selected eight representative locations. We were trying to 8 find some places that would be what we would consider pretty 9 prominent view shifts. 10 HEARING EXAMINER: So does the arrows on this 11 particular photo tell me what? 12 MR. MAZULLO: They tell you where the photo -- the 13 tip of the end of the arrow, the starting point of the arrow 14 is where the person, myself, was situated with a camera and 15 took a number of photos from that location, the purpose of 16 which is to see if you could see the balloon from that 17 location. So we -- in this document -- we prepared this 18 document. The first page basically shows you where the site 19 is and where the photos were taken from. And they are 20 numbered photos one, two, three, four, five, six, seven, 21 eight. And they are basically along Old Hundred Road, 22 Barnesville Road, Old Baltimore Road, Cornus Road, Peach Tree 23 Road. Those are the specific locations of the roads. So the 24 idea is we are trying to drive around basically in a circle 25 around the site to see what the visibility looks like with</p>
<p style="text-align: right;">54</p> <p>1 hand up. 2 MR. MAZULLO: There you go. 3 HEARING EXAMINER: Mr. Taylor, I see you have your 4 hand up. If you could -- wouldn't mind holding your 5 questions and so we get to the end of this witness and then I 6 will -- then you can ask him whatever you want. 7 MR. TAYLOR: Okay. 8 HEARING EXAMINER: Okay, thank you. 9 MR. MAZULLO: Okay, so there is a requirement to 10 produce photo simulations. It's not very specific so we try 11 to overdo was required forest photo simulations. Usually it 12 says provide a photo a third of a mile from the site or 13 something along that line. So in this particular case what 14 we do for photo simulations is we fly a balloon, a helium 15 balloon at the height of the tip of the monopole which would 16 be the 160 feet in this case. And that was done on July 7, 17 2021. We had a small group of people there. We had some 18 observers from the community look at it. And while the 19 balloon was put up implying, we call it flying, it's 20 basically stationary. It was lifted up through the tree 21 canopy. 22 HEARING EXAMINER: Is it tethered I guess? 23 MR. MAZULLO: It is tethered, yeah. And there was 24 a person at the base of it for the full -- for the hour. 25 HEARING EXAMINER: Yeah, I guess it would be hard</p>	<p style="text-align: right;">56</p> <p>1 the balloon in the air. So that's page 1. Page 2 is the 2 first photo sim. And this photo Sim was taken directly 3 across the street from the site looking through the woods. 4 As you might would expect you would be able to virtually see 5 some parts of the monopole, the tops of the monopole through 6 the clearing in the woods, which is the case here. The lower 7 inset photo is a photo that actually shows the balloon. And 8 the photo before, the monopole is superimposed into the 9 photo. So in the lower right-hand corner is in inset. I'm 10 sorry, lower left hand corner is a little inset. That's the 11 photo without the superimposed monopole. And if you look 12 very carefully in that photo you would see a little reddish 13 circle in there which is the tip of the monopole. No, that's 14 a sign on a tree. 15 HEARING EXAMINER: On a tree. 16 MR. MAZULLO: It's blurred. 17 HEARING EXAMINER: All the way up? 18 MR. MAZULLO: No, it's in there. 19 (Crosstalk) 20 MR. MAZULLO: Zoom it in -- 21 MR. DONOHUE: Part of the lines. 22 MR. MAZULLO: Yeah, zoom up a little bit. It's a 23 little reddish -- it's very difficult to see without having 24 the full picture. But it is visible from the street. And it 25 should be. It's 259 feet into the woods. So there is some</p>

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<p style="text-align: right;">57</p> <p>1 visibility obviously from the location directly across from 2 the monopole looking West at the site. 3 MR. DONOHUE: Before we leave slide 1, Marc, would 4 you explain the simulation that shown in the big picture, if 5 you will? We talked about the inset. 6 MR. MAZULLO: Right. I talked about the inset. 7 Okay so in the big picture you can see if you look in the 8 dead center of that you can -- 9 HEARING EXAMINER: I see the little yellow arrow 10 at the site is that right? 11 MR. MAZULLO: Right. And if you look at the 12 little yellow arrow it's pointing down to the top sector 13 which would be the Verizon sector of (indiscernible), it's on 14 top of that pole. 15 HEARING EXAMINER: Got it. Okay. 16 MR. MAZULLO: So that's the simulation for that. 17 The -- so that's -- it's 290 feet from where the photo was 18 taken looking into the woods in a westerly direction. 19 And then the second photo was taken on Old Hundred 20 Road. It is taken to the south, approximately 2160 feet from 21 the site looking back towards the site. So that's .4 miles 22 away and obviously what's going on here is your coming down 23 the hill and you're looking back up the hill. You can see 24 the road is going down and then back up and monopole is 25 sticking up above the tree. The tree is there.</p>	<p style="text-align: right;">59</p> <p>1 MR. DONOHUE: Okay. 2 MR. MAZULLO: And the ground elevation at this 3 point is 617 feet. This photo is at a distance from the 4 monopole location of 5840 which is 1.1 miles away. 5 MR. DONOHUE: That's number 4, right? 6 MR. MAZULLO: That's number 4. Number 5 is a 7 little closer to the site and we're heading down Old Hundred 8 Road, heading southwest. We're opposite approximately 23120 9 Old Hundred Road. And here again the monopole would be about 10 in a little to the left of center. It would be on tree would 11 be on the tree line. And we're here at a ground elevation 12 573 and the monopole would not be visible from this location. 13 This kind of ties in with the silliness that was referred to 14 by RAF engineer. There's a lot topographical change here. 15 We're going up and down hills. So that covers photos 1, 2, 16 3, 4, and 5. And then photo number 6 is from approximately 17 17201 West Old Baltimore Road. And this is a photograph that 18 is looking northwest in the monopole is visible from this 19 particular location as you can see. It's right in the center 20 of the photo. And this is from a distance of 2100 feet away 21 which is .4 miles. Ground elevation at this photograph 22 location was 505 feet. So the next photo is photo 7 and it 23 is from approximately 22620 Peachtree Rd. in Body, Maryland 24 and so pretty predominant house on this road with a very 25 large field in front of it.. The monopole is not visible</p>
<p style="text-align: right;">58</p> <p>1 MR. DONOHUE: And the distance there, Marc? 2 MR. MAZULLO: Yes. 3 MR. DONOHUE: The distance is what? 4 MR. MAZULLO: Oh the distance is 2160 feet; 2160 5 feet. 6 MR. DONOHUE: Thanks. 7 MR. MAZULLO: And the ground elevation of the 8 photograph is 441 feet. 9 MR. DONOHUE: Okay. Number 3. 10 MR. MAZULLO: Number 3. Number 3 is at the 11 intersection of Barnesville Road and Old Hundred Road. And 12 that photo is 4700 feet, which is .89 miles from the site and 13 it's not visible. So a lot of tree cover from this location 14 and you would not be able to see the monopole. The ground 15 elevation here as a reference is 558 feet. The next photo is 16 photo number 4 and this photo is from 2360 Old Hundred Road 17 in Barnesville looking southwest. And the tree pole, I'm 18 mean, I'm sorry, the monopole from this location is not 19 visible. 20 MR. DONOHUE: Where would be looking for the 21 balloon if it's in the center of that shot? 22 MR. MAZULLO: It would be -- photo 4. Well, or 23 looking -- if the road is to the left, if you look in the 24 upper left-hand corner it would be essentially in the center 25 of the photo behind those dark green trees.</p>	<p style="text-align: right;">60</p> <p>1 from this location and the ground elevation at the location 2 of the photograph is 593 feet. This would be a distance of 3 7150 feet from the monopole which is 1.35 miles. And the 4 last photograph is from the west side of the area on Comus 5 Road looking back to the southeast towards the monopole. And 6 this is from approximately 18100 Comus Road. And again, the 7 monopole -- the monopole would not be visible from this 8 particular location. This was a ground elevation 454 feet. 9 The distance to the monopole from this location is 8590 feet 10 which is 1.62 miles. So the general area around the site 11 location is very agricultural. There are some houses located 12 adjacent to the siding location to the north and there are 13 some residential homes on Connelley Road to the south and 14 east of site. Generally speaking it a very rustic, rural, 15 open area with our particular property being very heavily 16 treed which hides a lot of the monopole. 17 HEARING EXAMINER: Quick question. Rustic Roads 18 Committee, was there any conversations with him? Did they 19 have any specific recommendations? 20 MR. MAZULLO: Rustic Roads Committee? 21 HEARING EXAMINER: Mm-hmm. 22 MR. MAZULLO: Well, I could tell you that we did 23 have a gentleman from the Rustic Roads Committee at the site 24 today we flew the balloon. I don't have his name that. 25 HEARING EXAMINER: I just -- did they provide any</p>

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1 feedback to you?
2 MR. DONOHUE: They came out the day of the balloon
3 tests and they -- as Marc explained they had -- there was
4 someone on premises. Somebody there where the balloon is
5 tattered to answer questions and it was that kind of exchange
6 of what are you doing.
7 MR. MAZULLO: Right. They did drive around. They
8 were there for a couple of hours. They asked us to leave the
9 balloon out for an additional 15 minutes so they can view it
10 from some other location.
11 HEARING EXAMINER: Okay.
12 MR. MAZULLO: And we did. So that we had the
13 balloon out essentially from 9:00 in the morning until, I
14 want to say 11:45. You can't fly them all day because in
15 July it's hot and they don't last all day. They lose the
16 helium and lose the lift. So we accommodated them and I
17 don't really think there was much in the way of follow up.
18 HEARING EXAMINER: So you didn't hear anything
19 back from them?
20 MR. DONOHUE: No, ma'am.
21 MR. MAZULLO: Yeah.
22 HEARING EXAMINER: No specific recommendations or
23 requests?
24 MR. DONOHUE: No. Although we of course told him
25 about the hearing and told him about the case number and

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1 indicated that it's a public process. They could participate
2 and we gave them our information.
3 HEARING EXAMINER: Okay. Thank you.
4 MR. DONOHUE: Yes, ma'am. Mark, just to clarify,
5 you talked about taking photos, talked about the nature of
6 the balloon flight, maybe this is obvious, but your company
7 did the balloon test, correct?
8 MR. MAZULLO: Yes, that's correct.
9 MR. DONOHUE: So these photographs were actually
10 taken by you and the distances you're giving is that your
11 testimony, correct?
12 MR. MAZULLO: That is correct.
13 MR. DONOHUE: All right. Earlier, Mr. Fisher
14 mentioned the role of the FCC and Shippo, those kinds of
15 things. Did you hear that testimony?
16 MR. MAZULLO: Yes, I did.
17 MR. DONOHUE: Do you know what the determination
18 was from the Shippo or any of that?
19 MR. MAZULLO: I can't really testify to that.
20 MR. DONOHUE: Okay. I'll ask Mr. Fisher that. I
21 thought I had -- that I would ask you what I had you on the
22 stand. All right. Anything else on the civil drawings that
23 you want us to know about?
24 MR. MAZULLO: I think that pretty much covers
25 the --

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1 MR. DONOHUE: Right. And the day of the balloon
2 flight was safe while ago, the date of the balloon flight was
3 July 7th?
4 MR. MAZULLO: Right. And I would say that I did
5 physically visit each of the locations that were photographed
6 on August 16th, which was Friday, just to have a look and see
7 if there were -- anything stood out as a change over the last
8 three years. And the answer would be no. Although the trees
9 are a little taller in some places what looked like mowed
10 grass was now a field, but in essence there's really been
11 no -- no development in the area around this monopole site.
12 MR. DONOHUE: And what about on our site? I'm
13 sure you want to the premises, right?
14 MR. MAZULLO: Yes, I did.
15 MR. DONOHUE: Any change there?
16 MR. MAZULLO: No.
17 HEARING EXAMINER: So this has been a three-year
18 process?
19 MR. MAZULLO: Well, it was interrupted by COVID.
20 HEARING EXAMINER: Well.
21 MR. MAZULLO: As many things have been.
22 HEARING EXAMINER: Right.
23 MR. MAZULLO: So it has taken some time.
24 HEARING EXAMINER: Are there any things that, I
25 guess my question and maybe this question is for you. Is

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1 everything active? Is there anything that needs to be
2 extended as far as times approvals or anything like that?
3 MR. DONOHUE: No, we're very current. You know,
4 we've refiled- we've resubmitted with the Tower Review
5 Committee and we have to file with you -- with OZAH within 90
6 days of the Tower Review Committee. We did that. We
7 actually had to go back to the Tower Committee a couple of
8 times just to revive their recommendation.
9 HEARING EXAMINER: Okay.
10 MR. DONOHUE: But we're current. Yes, ma'am.
11 HEARING EXAMINER: Just checking. Because I know
12 it is a long process and I know there are X number of days
13 that you have to get through and things like that. While
14 we're kind of talking, we talked about how the reforestation
15 is going to be off site and there was an exhibit that did
16 come to OZAH from Rustic Roads and they made a recommendation
17 that they thought there should be screening around --
18 MS. THEMAK: Hello?
19 HEARING EXAMINER: Hello?
20 MS. THEMAK: Madam Hearing Examiner, this is Tracy
21 Themak. (Indiscernible) in that conversation and I was
22 looking over the --
23 HEARING EXAMINER: Oh. Sorry. My eyeballs aren't
24 what they used to be.
25 MS. THEMAK: No, it's fine. I am, of course, part

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<p style="text-align: right;">65</p> <p>1 of the Applicants team, and I actually handled the 2 correspondence with Rustic Roads and Mark Beall with staff. 3 I'm sorry if I'm jumping in I -- 4 HEARING EXAMINER: That's okay. No, no, no. If 5 you can answer the question on behalf of the Applicant. 6 That's fantastic. 7 MS. THEMAK: Yes. So we actually -- as I was in 8 charge of coordinating with that. We actually -- they had 9 submitted a recommendation earlier that, you know, way 10 earlier in the process, you know in the extended process 11 here. And then Mark Beall, put me in touch with them and 12 said, you know, you've already waited, do you need to wait 13 again? They said yes, we would, we would like to see the 14 presentation again. So I took them through the, you know, 15 the more current proposal, not a lot of changes but we went 16 through it again and what they wanted to see was potentially 17 some additional landscaping around the base of the compound 18 and what the telecom would look like, specifically a 19 graduated paint scheme model. And so we did have that paint 20 scheme model so it's been prepared. And I do believe they 21 came out with some recommendations. And I -- Mark can speak 22 more than -- given the heavy existing vegetation in the area 23 we didn't -- I don't believe any, Mark will correct me if I 24 am wrong on this, additional landscaping at this time was 25 necessary because there's so many trees around. However, I</p>	<p style="text-align: right;">67</p> <p>1 have had more correspondence with the committee than I did, 2 but we provided them what they wanted most recently and then 3 got, you know, their determination. So I just didn't want 4 you to think -- 5 HEARING EXAMINER: Okay. 6 MS. THEMAK: -- and (indiscernible) and the fact 7 that they did go back to Rustic Roads on that. What they 8 wrote in the (indiscernible). 9 HEARING EXAMINER: Because that was the only 10 letter that I have is the 2022 and I didn't see any Rustic 11 Roads letters in the attachments from staff so I didn't know. 12 And that was one of the other things that we had talked 13 about. 14 MR. DONOHUE: Right. 15 HEARING EXAMINER: Because it had taken so long I 16 didn't know where we were in that process. But that's 17 helpful. Thank you. 18 MS. THEMAK: Great. Thank you so much. I'm sorry 19 for the interruption. 20 HEARING EXAMINER: No, no, no. That's okay. 21 MS. THEMAK: Thank you. 22 MR. DONOHUE: And just for the record, Mark Beall 23 is the planner associate with the Planning Board associated 24 and submitted his planning report dated August 9th of 2024. 25 HEARING EXAMINER: And just for those who are on</p>
<p style="text-align: right;">66</p> <p>1 noted staff did recognize that if for some reason more 2 deforestation took place in the space between Old Hundred 3 Road and the compound that the Applicant would then provide 4 the additional landscape around the base of the compound to 5 maintain that screening and low visibility. And then, 6 finally what resulted from that second recommendation from 7 Rural Roads with the staff at this point wasn't 8 recommending -- it wasn't requiring the additional -- 9 HEARING EXAMINER: Right. I noticed the letter 10 that I had in the file is old. 11 MS. THEMAK: And there might be a more recent one. 12 I don't know whether there is a more recent one. I don't 13 know if they ever -- I don't know if they got another 14 official weigh in. All I know is Mark said he would 15 investigate the landscaping around the base of the tower and 16 can you send staff a photo sim of the project. We submitted 17 those and again, part of that determination was that neither 18 would be required at this time. 19 HEARING EXAMINER: Okay. All right. That's -- so 20 as far as the -- because I have nothing else other than the 21 2022 letter from Rustic Roads and I wasn't aware of the skin 22 and the coloration. 23 MS. THEMAK: Yeah. 24 HEARING EXAMINER: All right. 25 MS. THEMAK: That happened in 2024 and they may</p>	<p style="text-align: right;">68</p> <p>1 Zoom, and just to reiterate for everyone here that Planning 2 Staff is essentially the independent third party that OZAH 3 looks to for more detailed reports. So their full staff 4 report and the attachments are in evidence and I will be -- I 5 have reviewed them and I will be reviewing them again in 6 light of testimony now that has been submitted. 7 MR. DONOHUE: All right. I think we're going to 8 let Mr. Mazullo rest and I'm going to ask Mr. Fisher one or 9 two question and then we can rest. 10 HEARING EXAMINER: Can we -- I think we have some 11 questions from -- 12 MR. DONOHUE: Oh yes, sorry. 13 HEARING EXAMINER: -- from Mr. Turner. Mr. 14 Turner? 15 MR. DONOHUE: Taylor. 16 HEARING EXAMINER: And then also from Ms. -- from 17 Kristine but we'll start with Mr. Turner. 18 MR. TAYLOR: Taylor. 19 HEARING EXAMINER: Taylor, dang it. Sorry. I 20 can't see that far. 21 MR. TAYLOR: I don't know if you guys got some of 22 the Rustic Roads thing. I saw that letter as well and I was 23 wondering if there was any mockups of the brown paint scheme 24 that they had asked for in that request that we can see or -- 25 in the new light of the -- Tracy's testimony. If we can see</p>

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18 (69 to 72)

<p style="text-align: center;">69</p> <p>1 the new painting scheme. And then, you, Tracy I believe said 2 it wasn't actually required, but it would be nice to be able 3 to see what exactly is proposed to mitigate the coloration of 4 the tower. But my question is, you guys took pictures in 5 July. How come you didn't take the pictures in December? 6 There is a big difference between the road and 7 characteristics of the road and visibility in summer versus 8 in winter when all the foliage is gone. Is there any way for 9 you guys to mock up these pictures since you had the height 10 et cetera? If you mock it up without having the leaves? 11 MR. MAZULLO: Okay. Let me back up. So in answer 12 to what I think the first question was why did we do it in 13 July. So the reason was the photo sims are required to make 14 the submittal for the Tower Committee. The Tower 15 Committee -- the project started in April or May and the 16 photo sims were done in the course of the normal timing of 17 the event and that's when they were done. And all the 18 projects -- if this project had started in November the photo 19 sims might have been done in December. So it was not to 20 deliberately not have tree cover, it was just the timing of 21 the project that dictated when we put a balloon up to do the 22 photo sims it was summer. 23 HEARING EXAMINER: Okay. And then I guess the 24 second part of Mr. Taylor's question was the skin. Right. 25 So what color is the plan, what is it going to look like?</p>	<p style="text-align: center;">71</p> <p>1 MR. MAZULLO: Yes. 2 MR. TAYLOR: You mentioned on slide 17 that there 3 was going to be the ability to have five different carriers. 4 MR. MAZULLO: Yes. 5 MR. TAYLOR: And yet the code says that we only 6 need three based on the previous testimony. And you also 7 specified that you have some at 116, some at the next level 8 and then at 136. So I guess the question I have is could 9 this site be created so that it had, like, three and they 10 only went up to -- and they only went up to 136 foot level. 11 And the slide is -- you guys need -- what -- slide 17 is not 12 what's showing. 13 MR. MAZULLO: That's the setback table. 14 HEARING EXAMINER: Scroll down, guys and let's 15 just see what -- 16 MR. MAZULLO: I think he's -- 17 MR. DONOHUE: Mr. Taylor were you asking -- 18 MR. TAYLOR: That's going up -- good, go back up 19 one. And right. Because these are on that and on the right. 20 MR. DONOHUE: That part is, yeah. Were you asking 21 to show the profile? The tower profile? Or the setback? 22 MR. TAYLOR: No. No, I'm interested in the site 23 setback for a different question. If in this picture this 24 lower left corner -- 25 HEARING EXAMINER: This lower left movement --</p>
<p style="text-align: center;">70</p> <p>1 MR. MAZULLO: I think the recommendation from 2 staff and it would be our recommendation is that you don't 3 paint the monopole. It becomes a maintenance issue of 4 repainting it every five years when you do that. That's one. 5 Mr. Fisher could address that a little further. And I think 6 the other question the gentleman asked was could we show you 7 the photo sims with the leaves off the trees and I would say 8 that would be somewhat difficult to do unless we, you know, 9 flew the balloon during the actual time. And I would point 10 out that this is just a representation of what it looks like 11 from those particular locations. We were trying to 12 deliberately find places where you can see the monopole so 13 that all the photo sims didn't show that it wasn't visible 14 from some area. The monopole is going to be visible from 15 some places. I mean you just can't -- there's an infinite 16 number of places you could possibly take photos from. So 17 we're not saying that it can't be seen from everywhere, or it 18 can only be seen from these specific places. So it's just 19 the nature. If you build something that's 80 feet taller 20 than the surrounding trees it's going to be obvious from some 21 places. We try to make it as minimal as possible by citing 22 it in areas that would detract from that. But that's just 23 the way it is. 24 MR. TAYLOR: Okay. The following question, slide 25 17, it shows the setbacks and you mentioned that --</p>	<p style="text-align: center;">72</p> <p>1 MR. TAYLOR: -- of the picture -- 2 HEARING EXAMINER: -- so you can see that. 3 MR. TAYLOR: Yeah. There you go. If you go down 4 a little bit more. You can see that the compound at the 5 southeast corner that they're putting the site on and you can 6 see that there's a mark from -- 408 feet from that house 7 across the street. And there's 613 foot from the site to the 8 house that's just north of it, which is my house. The 9 question I have is in that picture that shows five carriers 10 and that's what I was thinking about the five carriers. The 11 question I had was why do we need -- if you only need three 12 carriers by code and 136 feet would cover it is there an 13 actual need for it being 156 feet? Because if it doesn't 14 have to go to 156 feet based on your setback issues could you 15 actually move the site closer to the north -- the south 16 corner? Further from the other two properties? 17 MR. DONOHUE: Madam hearing examiner I'm not going 18 to object. 19 HEARING EXAMINER: Right. 20 MR. DONOHUE: But I'm going to try to clarify. 21 Because -- 22 HEARING EXAMINER: Yes, I agree. 23 MR. DONOHUE: Mr. Mazullo is a civil engineer. 24 HEARING EXAMINER: Right. 25 MR. DONOHUE: And he can address setbacks and he</p>

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1 can address the size of the compound and he can -- he can
2 offer testimony about the five carriers. But he's not our RF
3 expert and our RF expert testified that 156 center of antenna
4 was the middle necessary to meet the need. So if we need to
5 call that witness back we can do that, but these questions
6 pertain to the civil drawings. Is that clear?
7 HEARING EXAMINER: Right. So Mr. Taylor, this
8 particular witness can't necessarily say is 156 the right
9 height. That was the prior witness. And if I'm hearing you
10 as well that, like, why we need five. And I think that's
11 probably a good question for Mr. Fisher because I know that
12 just understanding the different telecom cases that we've had
13 before it's always been a requirement that we have a minimum
14 of three but make a room for five because it's a fair --
15 fairness thing. I think Mr. Fisher can you explain why we
16 need five?
17 MR. FISHER: Sure. It's a great question. The
18 answer is that in the event there are additional carriers who
19 start to rollout services that, at this point none of us have
20 even thought of that you don't have to build another cell
21 tower. And so the three primary carriers that were talking
22 about, AT&T, Verizon, and T-Mobile; they require 160 foot
23 height. But there may be other services offered at some
24 later date by other carriers are even by the existing income
25 but carriers that require the lower levels. So to be prudent

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1 we build the cell tower and have ports that are available on
2 the cell tower to accommodate those carriers just so we don't
3 have to build another cell site. I would also like to
4 address the painting. This is important. So I've been doing
5 this for 30 years. I started when about five percent of the
6 population had a cell phone. And there weren't digital
7 phones. And I can tell you that on the painting issue we are
8 happy to do that. However, it is not environmentally
9 friendly. A cell site is painted after its built. It's not
10 painted prior to because otherwise you trash the pole as
11 you're installing it in which case you have to repaint it
12 anyway. And when you paint a cell site it's sprayed. And so
13 it's not the best fit for the environment in my opinion. And
14 then, you have to repaint it on a regular basis as analogous
15 to the water tower. When you see antennas from cell phone
16 companies on water towers they have to be removed from time
17 to time because that water tower has to be painted. The pole
18 is harder to paint because of course, you know you have to
19 make sure that X marks the spot as you're spraying the pole.
20 And we did this once as requested by a town in southern
21 Maryland and it was really close to the water and now they
22 regret that because now it has to be painted. Once it's
23 painted, it has to be painted on a regular basis, otherwise,
24 it will rust. Whereas if it's not painted it will rust.
25 HEARING EXAMINER: Can I ask a -- Mr. Taylor, if

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1 you have more questions will get to them but I'm going to ask
2 one kind of follow-up question. So does that mean all three
3 carriers would be at the 156 height?
4 MR. FISHER: No.
5 HEARING EXAMINER: No. Okay. Is that -- did I
6 miss my opportunity?
7 MR. TAYLOR: Yeah. That's all right. They're
8 both named Mark so it's a fair --
9 HEARING EXAMINER: Okay.
10 MR. FISHER: Note the top carrier is that 156.
11 HEARING EXAMINER: Okay.
12 MR. FISHER: So let's say that would be Verizon.
13 T-Mobile expressed an interest. They typically take the next
14 spot down so that would be at the 146. The next carrier
15 would take the next slot.
16 HEARING EXAMINER: So the carrier that would have
17 the maximum amount -- I guess trying to get the maximum
18 amount of coverage based on its customers that would get the
19 top spot?
20 MR. FISHER: The first carrier to identify the
21 need.
22 HEARING EXAMINER: The first carrier to identify.
23 Okay, first come first served kind of thing.
24 MR. FISHER: Yes.
25 HEARING EXAMINER: Okay. I understand. Mr.

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1 Taylor, sorry if I took them far afield but go ahead and ask
2 any additional questions or if there are any clarification
3 you need from that.
4 MR. TAYLOR: Yeah. So this thing has to be
5 hundred 56 feet high which seems -- I'm still puzzled about.
6 Then the setback, why is it 183 feet? Why should the
7 setback -- or could the setback be 156 feet?
8 MR. FISHER: While I'll have Mark Mazullo, the
9 civil engineer answer that question, the first part of your
10 question is 156 feet is the center of the top of the antenna
11 which is Verizon. But Verizon's antennas are approximately
12 eight feet. So they will be four feet above that centerline
13 of 156 which brings the overall height to 160 feet. So go
14 ahead, Marc.
15 MR. MAZULLO: Okay. So I think the question is
16 why did we not use the 160 foot setback to the North East
17 property line; is that the question?
18 MR. TAYLOR: Why can't you move this thing south
19 more? Right now it has hundred 30 feet -- 183 feet from this
20 drawing, from the center to the southwest property line.
21 What could that not have been 160 feet?
22 MR. MAZULLO: Okay. Well, first of all we're
23 trying not to block the trail that is to the south side of
24 the monopole compound. You see there's a trail that runs --
25 you can't really see it in that but if you look at the blowup

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1 next slide --
2 HEARING EXAMINER: Can you slide one down for me?
3 MR. MAZULLO: There's some existing trails that
4 emanate in that area and were trying not to block that one.
5 MR. TAYLOR: But if they -- if you --
6 (Crosstalk)
7 MR. TAYLOR: -- that was a logging road that you
8 were on --
9 MR. MAZULLO: Yeah, right.
10 MR. TAYLOR: So couldn't you just improve the
11 logging road a little bit more and move it --
12 MR. MAZULLO: No, there --
13 MR. TAYLOR: -- move it over?
14 MR. MAZULLO: So the logging road is the road that
15 it basically comes off the driveway and runs in a southwest
16 direction below the site.
17 HEARING EXAMINER: And Kristine, I see you. We
18 will get to you in one moment.
19 MR. MAZULLO: So at any rate --
20 MR. TAYLOR: Right.
21 MR. MAZULLO: I mean, given the topography, the
22 minimum setbacks that are required where the landlord wanted
23 the site to be, this is where we put it. Could it be moved a
24 little? We prefer not to. To meet the setbacks we possibly
25 could. The landlord might not like that position. This is

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1 where they asked us to put it on their property.
2 HEARING EXAMINER: So we're talking 26 feet?
3 MR. MAZULLO: Yeah, it's -- right. It's not
4 material in terms of distance really.
5 MR. TAYLOR: Well, it's 26 feet further feet for
6 my children's play area so I would consider it, at least in
7 my opinion, personally.
8 MR. DONOHUE: Anything else, Marc?
9 MR. MAZULLO: No.
10 MR. DONOHUE: Okay. Mark, anything?
11 HEARING EXAMINER: Mr. Taylor, anything else for
12 these witnesses?
13 MR. TAYLOR: No. Thank you.
14 HEARING EXAMINER: Okay. Thank you. Kristine.
15 MS. POPTANICH: Hello, this is for Marc Mazullo.
16 I have a couple of comments and a question. I just want to
17 first thank you because I feel like you've been instilled by
18 faith and humanity. The fact that he went back to these
19 specific places in August just to make sure that they didn't
20 substantially look different. That makes me feel good about
21 the process. I have similar concerns about the fact that six
22 months out of the year it doesn't look quite as green. I
23 mean, quite as green around here. But the question I -- the
24 one question I have for you is when you've been doing all
25 your photos did any of them -- did you go out to Sugarloaf,

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1 that iconic view that looks over this exact space? Did you
2 by chance take a view from there so what we can see what it
3 would look like from that iconic Sugarloaf overlook?
4 MR. MAZULLO: Well, at the time that the photo
5 sims were done, no.
6 MS. POPTANICH: Yeah, so --
7 MR. MAZULLO: No.
8 MS. POPTANICH: Okay. Thank you. That was my
9 only question. Thank you.
10 HEARING EXAMINER: Thank you.
11 MR. DONOHUE: I have a follow-up question or two
12 for Mr. Fisher.
13 HEARING EXAMINER: Sure.
14 MR. DONOHUE: I think we're done with Mr. Mazullo,
15 but if you'll stick around?
16 HEARING EXAMINER: Thank you, Mr. Mazullo.
17 MR. DONOHUE: Would you come back up please? Sit
18 over here.
19 MR. MANGRA: Okay.
20 MR. DONOHUE: Remember there was an exchange with
21 Mr. Mazullo questions that we really thought you ought to be
22 up here for, right? And I think there was initially some
23 confusion about the separation of the antenna which Marc
24 explained from a civil engineer in that sense but would you
25 please explain the stacking of the antenna and the separation

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1 of it?
2 MR. MANGRA: Sure. It depends on the antenna
3 patterns. So it's going to be looking at the -- we have to
4 look at the beam patterns and radiation patterns for the
5 antenna when it puts out the signal and we want to make sure
6 those are isolated from each other so we don't have
7 interference between two different carriers. So at this
8 point the 10 feet is actually the minimum height. Before it
9 was slightly more. So it's now 10 feet separation is
10 acceptable.
11 MR. DONOHUE: So there was some questions about
12 the carriers beyond the initial three, the five carriers as
13 Mr. Mazullo explained. Do you have an opinion as to whether
14 the rad center of say 96 feet or 106 feet do you have an
15 opinion as to how effective that's going to be from those
16 heights?
17 MR. MANGRA: Well, I think Mr. Fisher answered
18 that question pretty much. So the plots were actually
19 submitted for 96 feet and 116 feet, and 126 feet and so on
20 and it was reviewed. So it doesn't break apart in certain
21 areas. So it will be weaker coverage there. But if there
22 are going to be additional carriers and then they will have
23 to look at the comprehensive footprint anyways. And those
24 additional carriers they may only be -- they may only look at
25 different areas. They may have a specific segment such as

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1 those areas where we have to put polygons. So it really
2 depends on who the fourth and the fifth carrier and the
3 coverage objectives and their overall comprehensive plan.
4 MR. DONOHUE: And what about a provider like
5 Ditch? Might they take advantage of one of the lower
6 heights?
7 MR. MANGRA: They could. They could.
8 MR. DONOHUE: And last question, we asked you
9 earlier about the minimum height necessary to achieve
10 Verizon's objective and I believe your explanation was that
11 156 feet was the minimum height necessary to meet their
12 objective; is that correct?
13 MR. MANGRA: That is correct.
14 MR. DONOHUE: And that is rad center, 156 feet is
15 rad center structure being 160 feet, correct?
16 MR. MANGRA: That's correct.
17 MR. DONOHUE: Thank you very much.
18 HEARING EXAMINER: Just a couple of quick
19 questions. In your experience so we get -- we have the big
20 three that you guys have discussed. How often does that
21 happen that you get that fourth and fifth? I mean Mr. Fisher
22 you might know anecdotally for 30 years that that would
23 happen because you have this established pole.
24 MR. FISHER: It definitely happens. For example,
25 and of course all throw this to Narendra in a minute based on

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1 our FAM splitting signals and so forth, and frequencies but
2 when you're on the Beltway those were the legacy, those are
3 the legacy cell sites. The first cell sites built. And the
4 first company in the DC area was Sprint PCS that built out
5 digital which of course is no longer. There were some
6 Nextel -- but when you drive around the Beltway those are the
7 oldest sites and if you notice and you do notice, I know you
8 do there are sometimes five and six antenna arrays at
9 different heights. And there's an explanation for that for
10 that antenna array.
11 HEARING EXAMINER: Well, why do you see what you
12 see when you drive around the Beltway? How about that?
13 MR. MANGRA: Okay. To basically add a little bit
14 more information to what Mark just mentioned I think -- I
15 thought you all did pretty well anyways. But so the original
16 designs were actually to look at population, road density for
17 vehicles, major traffic interchanges, airports, points of
18 interest, those were the main objectives. And that's really
19 where the main targets because we wanted to cover a lot of
20 different populations sets and to make sure that we were able
21 to able to meet the FCC mandates for coverage. So right now
22 that's why you see quite a lot of different topology there.
23 But it has evolved over time. As networks evolve and you got
24 more people coming in and you have more services you have
25 what's called cell densification or cell splitting.

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1 Basically, you have the coverage but the cells may not be
2 able to cover as much and provides service like they should
3 have. so they basically break it down and have splitting to
4 cover that. And now you have different technologies such as
5 we view all from 1G, 2G, 3G. We've heard about 5G but
6 they're working on 6G. And there's a possibility now of
7 having different types of services such as precision
8 agriculture. Agriculture, one of the main areas was there
9 was no coverage. Why are we even talking about it? So it is
10 more of an interest now about having coverage in these
11 particular areas to be able to have precision agriculture,
12 your telehealth services you're connected vehicles, smart
13 cities, rural development, there's quite a lot of potential.
14 And as the market expands and we have more services we also
15 have the possibility, a real possibility, of expanding the
16 digital divide where, you know, areas that lack coverage
17 might actually fall behind quite a lot, significantly.
18 HEARING EXAMINER: This kind of goes back to one
19 of Kristine's questions earlier when she talked about need.
20 And you just talked about mandated coverage. I mean does
21 this area satisfy the FCC mandated coverage?
22 MR. MANGRA: As a consequence of the license and I
23 guess that would be more of a contract question there are
24 certain requirements as far as covering a maximum percentage
25 of the population within a certain timeframe. So you would

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1 think to see a lot more coverage in an urban area. So as far
2 as whether the carrier meets its particular objective that
3 would be up to the individual calculations of that particular
4 carrier.
5 HEARING EXAMINER: And how much -- and maybe --
6 question; really, like, how much does that go into it? Is it
7 more a Verizon customer service thing or is it meeting their
8 requirements with the FCC? Or both?
9 MR. FISHER: It's both. Its driven by competition
10 and Verizon and also the FCC making sure that they provide
11 the coverage requirements of the FCC. As you might imagine,
12 Verizon, often want share information because they are
13 very -- by that information I mean their objective of what
14 they're actually trying to -- additional services they might
15 cover --
16 HEARING EXAMINER: Right.
17 MR. FISHER: -- that others may not.
18 HEARING EXAMINER: It's a competition -- an
19 industry competition thing so they're not going to
20 necessarily tell you. They're just going to tell you they
21 need a pole.
22 MR. FISHER: It is. And I'm kind of nerdy in this
23 way and Narendra and I are very good friends. I live in farm
24 country myself. And John Deere is actually a tech company
25 now. People think they actually build tractors and they do,

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<p style="text-align: right;">85</p> <p>1 but they actually are a tech company and so the idea is, of 2 course, in farm country is to have these attractors farm 3 without ever having a human being operating them. And they 4 are on autopilot. An since latency is an important issue and 5 so forth these are all possibilities for the future, for the 6 lower levels on the cell site as an example. But Verizon, to 7 your point, they're not going to disclose to us their 8 conversations that they or may not be having with John Deere 9 or anyone else for that matter. 10 HEARING EXAMINER: All right. Okay. Going back 11 to one of Mr. Taylor's questions. I mean obviously, he would 12 prefer that this all be as far away from his property as 13 possible, right. Sounds like he's got a young family, his 14 kids play outside. He's enjoying the rural area. I mean, we 15 touched briefly on, I guess, environmental issues and you 16 talked about painting being more of a hazard than a help. 17 What if anything, can we tell Mr. Taylor about this pole the 18 closeness to his house and family? 19 MR. DONOHUE: From the RF emissions standpoint? I 20 mean, we're not allowed to -- they're -- 21 HEARING EXAMINER: We can't get into -- 22 MR. FISHER: I'm in -- 23 HEARING EXAMINER: We can't talk about it at all. 24 Okay. 25 MR. DONOHUE: You are not allowed to base your</p>	<p style="text-align: right;">87</p> <p>1 requirements after the pole goes up they would have to do the 2 testing and they would have to submit it to the FCC and they 3 would have to meet the minimum standards for emissions? 4 MR. MANGRA: Right. Yes specifically the EMF MPE 5 testing. 6 HEARING EXAMINER: Okay. All right. 7 MR. DONOHUE: Let me ask this. Mr. Mangra, what's 8 the risk to the carrier if they exceed the MF levels? 9 MR. MANGRA: There are certain things that they 10 will have to do and that would include -- if they do -- in 11 this particular case it's not really an issue but if that's 12 the case they will have to have signage and so on. But 13 usually carriers want to avoid that. So they basically want 14 to make sure the site is compliant. 15 MR. DONOHUE: Is this on an individual basis the 16 sites are all in full compliance with FCC? 17 MR. MANGRA: That is correct, yeah, right. No 18 matter what I predict, there is a different guidelines that 19 they have to follow. 20 MR. DONOHUE: Right. 21 HEARING EXAMINER: Okay. Let me just make sure 22 I'm not missing anything. I'm just going back over my notes. 23 I think my note was not necessarily surrounding it was the 24 Rustic Roads as, like, part of the master plan and 25 surrounding area. So I think we covered that. Square</p>
<p style="text-align: right;">86</p> <p>1 decision based on so called health effects, RF emissions. 2 HEARING EXAMINER: Okay. 3 MR. DONOHUE: That's the prohibition. 4 HEARING EXAMINER: All right. 5 MR. DONOHUE: But if there are questions about 6 what the RF levels are and if we do have from our witness 7 that's -- 8 HEARING EXAMINER: Yeah. I mean, it's a thing for 9 Mr. Morris and Mr. Taylor's point and I think -- and Ms. 10 Kristine talked about Rustic Roads and view and view shed and 11 those important things. I think that -- those seem to be the 12 issues that I heard. And you guys in your closing you can 13 correct me if I'm wrong, but understood that I can't make my 14 decision based off of that. But I think sometimes it helps 15 to hear it as a parent. 16 MR. MANGRA: Sure. That -- it is -- especially 17 for an environment -- and the height that we're talking about 18 for the antenna, it's not the main concern but never the less 19 the carriers actually after its -- these antennas are 20 deployed they actually do maximum permissible emission test 21 and they actually do go by that particular report. So they 22 do take care of that. And there's SEC specifications such as 23 OET 65 that addresses all of the different -- 24 HEARING EXAMINER: So they would be -- they would 25 have to satisfy FCC emission after -- like so their</p>	<p style="text-align: right;">88</p> <p>1 footage, we covered that. Number of carriers, you guys 2 covered that. And you don't believe there is a tree variance 3 has been requested to your knowledge? 4 MR. FISHER: That is correct. 5 HEARING EXAMINER: Okay. Did you guys receive any 6 comments from anybody after they came out for the for the 7 balloon testing or at any point in this process? Any 8 community -- 9 MR. DONOHUE: We haven't directly. Mark? 10 MR. FISHER: No. We haven't. I don't know if 11 staff have heard anything on it. 12 MR. DONOHUE: I just want to ask Mr. Fisher just a 13 couple of questions. 14 HEARING EXAMINER: Sure. Absolutely. 15 MR. DONOHUE: Mr. Fisher, you mentioned earlier 16 the environmental review of 106 Shippo, would you tell us 17 what the outcome of those reviews were? 18 MR. FISHER: No impact. 19 MR. DONOHUE: Okay. And did the Tower Committee 20 accept them and take them into consideration those? 21 MR. FISHER: Yes. They were submitted to the 22 Tower Review Committee and they -- then their report as part 23 of the review. 24 MR. DONOHUE: And those would be the section 106 25 and Shippo, correct?</p>

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1 MR. FISHER: Correct.
2 MR. DONOHUE: No effect on historical resources
3 or --
4 MR. FISHER: Correct.
5 MR. DONOHUE: Let's talk about the Tower Committee
6 just for a moment because in this environment there are no
7 power lines and no existing structures for co-location so one
8 of their reviews, one of the first things so the Tower review
9 asks of an Applicant is what can you do to co-locate antenna,
10 correct?
11 MR. FISHER: Correct.
12 MR. DONOHUE: So what are the --
13 HEARING EXAMINER: What does co-located antenna
14 mean?
15 MR. DONOHUE: I'll get there.
16 HEARING EXAMINER: Okay.
17 MR. DONOHUE: So for example if the main use is
18 for Pepco had transmission lines in the proximity of the site
19 here would one of the questions of the Tower Committee be why
20 couldn't they co-locate on the transmission towers?
21 MR. FISHER: Correct.
22 MR. DONOHUE: What about -- we mentioned water
23 tanks will mentioned water tanks and the painting issue
24 MR. FISHER: Yes.
25 MR. DONOHUE: If there was a large WSOC water tank

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1 in the area would you be asked why couldn't the antenna be
2 located the water tank?
3 MR. FISHER: Not just asked,, it would be
4 required.
5 MR. DONOHUE: All right. So in this instance when
6 they said what about co-location on existing infrastructure
7 you said what?
8 MR. FISHER: There is none. There isn't any.
9 MR. DONOHUE: All right. And that's the role of
10 the Tower Committee, correct?
11 MR. FISHER: That is correct.
12 MR. DONOHUE: And the other role of the Tower
13 Committee is to look at the minimum height necessary to
14 address the need, correct?
15 MR. FISHER: Right.
16 MR. DONOHUE: So when I asked Narendra about the
17 propagation maps and those kind of things that's the role of
18 the Tower Committee in this process, correct?
19 MR. FISHER: Correct.
20 MR. DONOHUE: All right. And the Tower Committee
21 recommended what?
22 MR. FISHER: They recommended approval.
23 MR. DONOHUE: That's all I have, Madam Hearing
24 Examiner. Thank you.
25 HEARING EXAMINER: All right. Thank you.

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1 HEARING EXAMINER: All right. Now that we're at
2 the conclusion of the hearing. I would ask, Mr. Taylor, do
3 you have any more questions for this witness? For Mr.
4 Fisher?
5 MR. TAYLOR: I don't think so.
6 HEARING EXAMINER: All right. Thank you. And Ms.
7 Kristine, do you have any questions for Mr. Fisher?
8 MS. POPTANICH: Not for Mr. Fisher, no.
9 HEARING EXAMINER: Okay. Thank you.
10 So this then should -- well, actually, I can't
11 conclude because I need to hear individually from Mr. Taylor.
12 You now have the ability to tell me anything you would like
13 to tell me.
14 MR. TAYLOR: Well, yeah. I wonder about the need
15 for this because we have fiber optic cable in this area and
16 we have -- and I've been teleworking there -- I teleworked
17 there before briefly moving to California, before we had the
18 fiber-optic cable and we were using hotspots and I was
19 teleworking fine from there. And the presentation earlier
20 specified that the need was because of teleworking. Well,
21 all of the people in the area have resolved that sort of to
22 some degree, and it's gotten much better since I moved back
23 to the area and fiber optics were available. So I wonder
24 about the need. But maybe the Conway area doesn't have
25 that -- a lot of that -- doesn't have connectivity but it

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1 seems like that's they should be working to get Verizon fios
2 and fiberoptics rather than treat them -- a cell phone tower.
3 If the objective is to get safe calls for us when we're
4 driving the question becomes null. We're in the exiter, we
5 can put down our phones for a bit, especially when we're
6 driving. Maybe the question also is having a cell phone
7 tower in the middle of the ag preserves seems like counter to
8 it's purpose of the ag preserve. And if the objective of
9 this is to cover gaps along Old Hundred Road, along Comus
10 Road they knew surely that there were much more significant
11 further along up past Comus Road and the intersection of Old
12 Hundred. So placing something to cover that area it seemed
13 to be -- you know, it was to cover this section. It seemed
14 to be a better placement for it I understand the difficulty
15 of getting home ownership and other such to actually place
16 these things so I don't know whether they -- even if I
17 claimed there was a better place for it, it may not be a
18 practical solution for the tower company and perhaps they
19 (indiscernible). So there would be some thoughts that I had.
20 And the other thing I have as Kristine was pointing out is
21 the view. And I think photo 2 showed it will be directly up
22 the hill as you're driving you'll see it every day on that
23 rustic road. You'll also see it from Sugarloaf Mountain
24 which is a historic -- we have it marked that everybody that
25 lives in the DC area goes to see the views. And having a 156

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1 foot tower will be more noticeable. If we could -- if it was
2 practical to make it 136 foot tower it wouldn't be as much of
3 a visible mark against the landscape from Sugarloaf Mountain.
4 But it seems like 136 foot would cover their -- it seems in
5 that coverage slide that runs, slide 36 and it's where, you
6 know, it's a guess would be more on Comus Road that there
7 would be minimal -- so it seems like it's a cost-benefit
8 analysis would -- if 136 would be acceptable. I am, of
9 course, not an expert and the expert testimony is 156 for
10 some reason is necessary. I didn't understand why. That's
11 my thoughts.
12 HEARING EXAMINER: Thank you, Mr. Taylor.
13 Kristine?
14 MS. POPTANICH: Yes. Thank you. imagine that
15 yourself Madam Hearing Examiner and everyone sitting at that
16 table has heard every not in my backyard argument that is
17 possible, that's ever been, you know, created in existence
18 and I think what's frustrating about this process from a
19 resident perspective and the reason why I don't think more
20 residents are here is because their family has just said, you
21 know, were not allowed to talk about health issues. Well,
22 that's kind of the elephant in the room, right, for most
23 families, right by having this in their back yard. But what
24 we -- but focusing in on what we do know, there is report,
25 after report, after report not only on healthy issues but on

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1 the economic damage to property values of people who do --
2 are in proximity of these towers. Between the one neighbor
3 who is benefitting financially, who literally at the cost of
4 everyone around it. And you know, maybe it would be more
5 equitable to leave like a little community money in the pot
6 so that there is benefit for everybody. But there is real
7 economic damage and this isn't, again, it's not a health
8 issue, this is a known thing. And you know there are health
9 issues and I can't be factored into your decision making like
10 tobacco and (indiscernible) but I doubt that. I think there
11 are two really unique circumstances about this I would ask
12 you Madam Haring Officer to really focus on. One is that
13 this the agriculture reserve. This is not downtown
14 Rockville, this is not Gaithersburg. This is not an urban
15 area where by necessity it is going to be in somebody's back
16 yard, it's going to be somewhere that's near kids. There are
17 miles, several hundred, up and down this area. This is a
18 residential cluster and its miles in one direction and miles
19 in the other direction that do not have the same
20 concentration of houses. It simply does not have to be here.
21 And most likely economically it has to be there. But as you
22 started to hear from them they said, well, it's because we
23 want other people in there, because -- it doesn't have to be
24 there. They are making an economic choice at the expense of
25 the residents in the Ag Reserve who live here precisely

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1 because we put down our phones as Mr. Taylor said. The other
2 thing that I would suggest that it is also very, very higher
3 in where they're planning on building. So again it's kind
4 of-- they have a homeowner who wants to lease their land
5 because of the corner that she doesn't use and it's really,
6 really far away from her home. But that doesn't necessarily
7 mean it was the only choice. I understand the a lot of time,
8 and Monday, and effort has gone into this property but it
9 doesn't mean still intuitively is the right choice. On the
10 second issue that though going to ask you to consider is the
11 impact to Sugarloaf. People go to that mountain and drive up
12 that mountain. They go to the very first lookout and it
13 looks out exactly over that portion that they're talking
14 about. And now, looking out -- literally if you've ever been
15 up there and taken a picture save it because it's about how
16 to have a telephone pole in the middle of it, an antenna
17 tower in the middle of that picture. That's an iconic view.
18 When I reached out to the Sugarloaf Association to ask them
19 about whether they had any views on that they said they
20 weren't even aware of it. So going back to the issue of why
21 are there not people in the room, that everyone who is not in
22 the room is supporting it. That is not true. They're just
23 not aware. There may be traffic high enough to qualify, yes,
24 people are driving back and forth but people are driving back
25 and forth on Old Hundred. They don't necessarily know of

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1 this hearing. They don't even know what it's about. As the
2 case of what this hearing is about does not necessarily mean
3 they are correct. So that Sugarloaf view is a reason. We
4 have local businesses who thrive off of people coming out for
5 that, who call it a wonderful, idyllic scene that they get
6 when they look at that first overlook and so it's the exact
7 stretch of it. So I would just ask you to consider the
8 impact there. In terms of my ask, Madam Hearing Examiner,
9 you know I would ask you to consider the impact of Sugarloaf.
10 But I would ask you to very, very carefully consider the rest
11 of those recommendations, not from the banking perspective.
12 I felt that information of why that's not wise is, hey it
13 sounds completely understandable. But if you'll notice in
14 that letter they did have other recommendations such as
15 vegetation. In fact, the type of vegetation they recommended
16 is evergreens so it would not expose the lower portions of
17 the tower during winter the same way that were concerned
18 about. So I would ask that you really review their
19 recommendations and ask them not to just protect the sides of
20 the road but ask them to protect the sides that face other
21 homes, other people. When you're coming up the hill you
22 don't want to see that stuff. So I think there are things
23 that could be done to make it so that while this may not
24 be -- this may be a pill that has to be swallowed by those of
25 us who live in the houses in this area, there are ways to

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1 help us to make it a little less noxious and that would be
2 appreciated. In one final thing that I don't understand is
3 that I noticed in the staff report that there was a lack of
4 community correspondence but I can send you an email that I
5 sent to staff asking about this. So now my concern is
6 whether -- when it said there was no community correspondence
7 if they missed mine, who else did they miss that reached out?
8 It's just as it's a challenging situation to have an
9 assertion that somehow people not showing up during the
10 workday is indicative of community acceptance. There is --
11 it really does seem like there is -- like they have somebody
12 who is interested in this has reverse engineered -- or tried
13 to, the community demand for that. But without any evidence
14 of community demand you're putting up a burden that attacks
15 our entire community so that one property owner can benefit.
16 And it just seems like, that that lack of community
17 correspondence -- first of all you need to look at why. Why
18 it wasn't registered and just how -- I want to make sure
19 that true community demand is what is driving this and not
20 (indiscernible) some company who doesn't care about the Ag
21 Preserve, doesn't care about the views, doesn't care about
22 things that local residents do. That's all I have.
23 HEARING EXAMINER: Thank you. You have the last
24 word but I would ask that as part of your rebuttal is talk to
25 me about compatibility. It is one of the findings that I

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1 have to make for a conditional use of tell me how this is
2 compatible.
3 MR. DONOHUE: All right. So the whole thing is I
4 have (indiscernible) and I'll get to compatibility but let
5 me -- actually let me address the need because it's the
6 county -- it -- as we mentioned earlier, it does the County
7 does have the benefit of the tower review committee which is
8 a multi-disciplinary group so Park and Planning is there, DPS
9 is there, fire and EMS are all there, and the folks that are
10 there to take a dispassionate view of what the needs are for
11 certain coverage areas. One of the things that's often
12 omitted and Narendra talked about it a while ago, he was
13 talking about -- it's about mobility. So it's about the
14 ability of folks in vehicles, passengers, folks on the side
15 of the road with a break down, an accident, the ability to
16 reach 911. So the folks with land lines and the folks with
17 these solutions solved through files from other -- in their
18 homes doesn't help the many, many visitors to Sugarloaf, to
19 the various points of interest in the upper county, the
20 Barnesville area. So a suggestion that well, there's a
21 landline solution or a Wi-Fi solution doesn't address the
22 multi-need. One of the things the Tower Review Committee
23 does is it tries to take a good look at that and say all
24 right we are talking about many, many vehicles. Many, many
25 customers who rely on wireless activity. In terms of use and

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1 visibility as Mr. Mazullo explained, we flew the balloon for
2 half a day. We tried to take views that we thought were
3 relevant and important, some of which were in very close
4 proximity to the balloon. One was directly in front of it
5 and the suggestion that perhaps we could improve things by
6 landscaping on the ground, we'll take that. Mr. Fisher
7 indicated to me he certainly open to look at landscape
8 improvements on the ground. We think there's tree cover
9 there sufficient to screen the compound but if some ground
10 escaping, some hardscape -- landscaping, excuse me, in the
11 foreground there would address things I think that's
12 certainly appropriate. We have addressed the painting
13 scheme; we don't think that's advisable. Both for
14 environmental reasons, for maintenance reasons, and really
15 for visibility, you know, the paint schemes seem to call
16 attention to the structure when we really want this to sort
17 of fall to the background and be less visible. I think the
18 galvanized really is the best solution. The county has
19 embraced that; that's why Park and Planning didn't require
20 anything like a stealth option or a painting scheme. I
21 mentioned the planning review. We have the planning staff
22 recommendation. We are very pleased to see that
23 recommendation. Mr. Fisher has indicated that that all
24 conditions for approval are acceptable, and as I said we will
25 also address a landscaping. We're going to leave the record

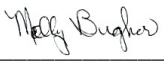
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1 open in any event so we can address that. You mentioned
2 compatibility. It's twofold because what you're trying to
3 address is a federal need of the wireless networks in an area
4 that doesn't have, as mentioned, water tanks or power lines,
5 these kinds of things. So we don't have the ability to
6 co-locate an antenna on existing structures. They don't go
7 on trees. So we are proposing a structure that will address
8 a need, a wireless need in the area that has a lack of any
9 vertical real estate which is necessary for the antenna.
10 That's the reason really that the staffing Tower Committee
11 and planning board looked at the bona fides and put people
12 that ran this through their paces and said what about a lower
13 height? What about two sites? What about -- we get the
14 question about the smaller cells and the like. It's about
15 (indiscernible) we admit that, but we think we addressed the
16 visibility through the photo simulations. We think the sides,
17 the setbacks, and the tree cover on the site make it a highly
18 appropriate site and we think that the compatibility is more
19 than addressed. And finally, while we are here the benefits
20 of wireless activity, Mr. Mazullo was able to let us know
21 that the proximity of Sugarloaf Mountain to the base of the
22 tower was 2.3 miles. That's a significant distance. I've
23 been up to the top of Sugarloaf, perhaps everybody in the
24 room has been up there. You can probably see a dozen towers
25 from up there of this or greater height. You can also see

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<p style="text-align: right;">101</p> <p>1 the Dickerson power plant. But 2.3 miles is a pretty 2 significant distance from Sugarloaf. Yes, this is an iconic 3 place. It's a wonderful place to go visit and a lot of folks 4 go visit it on weekends. In the fall it will be all the more 5 beautiful when you go up there and if anybody is in trouble 6 on the Comus Road or the hopefully we'll have coverage. 7 HEARING EXAMINER: So I guess for Mr. Fisher or 8 Mr. Mangra, would you say, like, when you think compatibility 9 do you think, like for like. But you have that exhibit that 10 had the number of cars on the road. Are we at a point where 11 compatibility and road by road is based on cell coverage? 12 Are we there? Am I making myself clear? Because when I 13 think of -- I hear what you're saying. It's a very difficult 14 thing to identify compatibility. Your mind goes to three 15 houses on one street, three houses on another street. You 16 know, we think other conditional uses have gotten transit 17 oriented development where you're going to have higher 18 densities of homes, like those kinds of things are easy. But 19 you know they raise a good point, you're in the Ag Reserve 20 but there's still houses. There's still cars. There's still 21 need. We talked about John Deere and the different 22 digital -- I mean I guess what I'm trying to say is a cell 23 tower compatible with an Ag use? 24 MR. DONOHUE: Well there are -- 25 HEARING EXAMINER: I want them to answer it.</p>	<p style="text-align: right;">103</p> <p>1 increasing. And it has obviously increased significantly 2 over time. And so you have this FCC mandate and then you 3 also have those same time Verizon who wants to cover a lot of 4 different things. One of which element is traffic which is 5 increasing. And as Narendra mentioned precision agriculture. 6 There is this convergence of sensor technology that is 7 computing with cell sites and of course precision agriculture 8 as you mention which calls for using a lot less pesticides 9 and other kinds of harmful materials as a result of that 10 sensor technology and driven tractors if you will, all of 11 which are run off of wireless networks. And so in that sense 12 and there is enormous compatibility and this is not some pie- 13 in-the-sky stuff. This is happening in real time as we 14 speak. And as we have more and more labor shortages, the 15 inability to find people to do these kinds of things 16 manually, this kind of enhancement is occurring even faster 17 and we're seeing it. 18 MR. DONOHUE: Madam Hearing Examiner, I just want 19 to mention one slide that we glossed over, and it is slide 6 20 in our slide deck. 21 HEARING EXAMINER: Okay. 22 MR. DONOHUE: And this doesn't have to do as much 23 with -- do you have the PowerPoint up? 24 HEARING EXAMINER: Oh, in the PowerPoint not the 25 exhibit. Is that where you were before? Let's just go to</p>
<p style="text-align: right;">102</p> <p>1 MR. DONOHUE: But they can explain. There are 2 many of them in the Ag and serving the Ag area. 3 HEARING EXAMINER: Right. So then tell me how a 4 cell tower is compatible with an ag use. Either one of you. 5 MR. MANGRA: Sure. I guess I can go first. It 6 has the ability to expand the agriculture into different 7 areas. So right now the FCC actually has a task force on 8 precision agriculture for that very need to make sure that 9 there is adequate coverage to be able to promote that 10 industry. So we are looking at potential for expanding 11 precision agriculture, and having sensors to monitor crops, 12 monitor for leaf disease and a whole bunch of different areas 13 related to that towards the entire food supply chain. And 14 agriculture can actually be a hub for rural development 15 because if you have the necessary coverage to be able to 16 provide precision agriculture and so on you will have the 17 ability with perhaps a little upgrade here and there to have 18 other access to those types of services such as telehealth 19 for example, or education, or what have you. So it actually 20 can act as a hub for that. But it's primarily for 21 agriculture itself it has the ability to open up that 22 particular industry. 23 HEARING EXAMINER: Okay. Thank you. 24 MR. FISHER: I would just add that on the issue of 25 compatibility with traffic, we know that traffic is</p>	<p style="text-align: right;">104</p> <p>1 page 6. 2 MR. DONOHUE: We had the question about homes. So 3 this is not the Ag question this is a home question, right. 4 HEARING EXAMINER: Okay. 5 MR. DONOHUE: And this is from CTIA so the 6 national trade association, Cellular Technology Industries 7 Association. In their most recent data says that reliable 8 wireless matters to 67 percent of homebuyers. It matters 9 slightly above good schools above affordable housing and 10 above good commuting time. So the connectivity is a more and 11 more important parameter, a more important indicator of the 12 homes of value to buyers. 13 HEARING EXAMINER: Okay. 14 MR. DONOHUE: So increasingly what we're seeing is 15 when we get to the question about property values it's really 16 flipping the script a little bit. Property values are 17 being -- I'm not going to look at a home that doesn't have a 18 pretty robust signal already. Yes, I can get a repeater. 19 Yes I can get a wireless router but if I don't have a good 20 enough signal for that wireless router to use, I'm not going 21 to be able to work from home. I'm not going to be able to do 22 the things kids doing school work et cetera. So it is 23 increasingly important test. So we've got the angle -- 24 MR. TAYLOR: For buyers. 25 HEARING EXAMINER: Hold on. Hold on. Let him</p>

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105	1 finish. I'll call you in a minute. 2 MR. DONOHUE: Well you did indicate that we were 3 going to have the last word. 4 HEARING EXAMINER: I did. 5 MR. DONOHUE: So that's our last word. 6 HEARING EXAMINER: So for Mr. Taylor and Ms. 7 Kristine, you guys were done. So that was their rebuttal, 8 their last word. 9 MR. TAYLOR: Yes, ma'am 10 HEARING EXAMINER: So technically I can't have you 11 necessarily say anything else, but then because then I would 12 have to give them another rebuttal. 13 MR. DONOHUE: Well you -- 14 HEARING EXAMINER: You know what I mean. So 15 I'm-- 16 MR. DONOHUE: We're resting. 17 HEARING EXAMINER: All right. 18 HEARING EXAMINER: So I guess Mr. Taylor, I think 19 your -- I mean, I think your shout out was except for buyers. 20 MR. DONOHUE: I'm going to object to that. 21 HEARING EXAMINER: All right. And then Ms. 22 Kristine I know you had your hand up and I'm going to -- 23 there's going to be an objection because the time for you 24 guys to talk is closed because their rebuttal -- they 25 MS. POPTANICH: I never got it. I looked through	107	1 going to remain open until the 26th. So if you could send me 2 information as well, about the landscape before then. 3 MR. DONOHUE: Yes, ma'am. 4 HEARING EXAMINER: That will be great. You can 5 send that via email. And all the exhibits that have been 6 submitted we have 25 including the data I believe, the 7 posting. Yes. Are accepted. The record is open for the 8 transcript on the 26th and for additional information on 9 landscaping. And my decision will be rendered by Monday, 10 September 9th. And to reiterate again, it will go to the 11 Board of Appeals if we posted on our website. Anyone that 12 wishes to, essentially, object they would have to appeal to 13 the board of appeals within 10 days of the issuance of that 14 decision. Again, thank you for our people who participated 15 via Zoom and thank you all. And we are off the record and 16 that ends the hearing. 17 (Off the record at 2:20 p.m.) 18 19 20 21 22 23 24 25
106	1 it I just got their (indiscernible). 2 HEARING EXAMINER: All right. Thank you. All 3 right. I appreciate everyone being here. I appreciate the 4 time. I appreciate you guys starting later for me. 5 Christine, Mr. Taylor, I appreciate both of you here -- being 6 here. It doesn't bother me a little bit that you sent an 7 email Christine and that wasn't included in the planning 8 staff-- staff report so I will reach out to them on that. 9 The record -- we will leave the -- how long does it take for 10 an expedited? 11 COURT REPORTER: Currently it is August 28th. 12 HEARING EXAMINER: Yeah. 13 COURT REPORTER: If you want to get it before 14 that? 15 HEARING EXAMINER: Can I get it before then? 16 COURT REPORTER: What day would you like? 17 HEARING EXAMINER: Well, I mean, I'll have to see. 18 So right now on the 28th. Today's the 19th. Any way -- 19 well, let's see. Could I get it on the 26th? 20 COURT REPORTER: Next Monday? 21 HEARING EXAMINER: Yeah. Next Monday. Because 22 that will -- that give me two weeks with the transcript. And 23 I think -- did I ask you guys for something? 24 MR. DONOHUE: We offered to address landscape. 25 HEARING EXAMINER: Right. And so the record is	108	1 CERTIFICATE OF TRANSCRIBER 2 I Molly Bugher, do hereby certify that the 3 foregoing transcript is a true and correct record of the 4 recorded proceedings; that said proceedings were transcribed 5 to the best of my ability from the audio recording as 6 provided; and that I am neither counsel for, related to, nor 7 employed by and of the parties to this case and have no 8 interest, financial or otherwise, in its outcome. 9 10  11 _____ 12 MOLLY BUGHER, CDLT-161 13 14 15 16 17 18 19 20 21 22 23 24 25

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