EXHIBIT 3

Excerpt of Transcript of Evidentiary Hearing

PUC Case No. 22-2120-PET (Jan. 12, 2023)

Testimony of Kevin Delaney (pp. 32-36)

Attached to Petitioner's Opposition to Intervenors' Motion to Dismiss

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

CASE NO. 22-2120-PET

PETITION OF INDUSTRIAL TOWER AND WIRELESS, LLC REQUESTING A CERTIFICATE OF PUBLIC GOOD, PURSUANT TO 30 V.S.A. SECTION 248a, AUTHORIZING THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS EQUIPMENT OFF OF BORDOVILLE ROAD IN ENOSBURGH, VERMONT --

January 12, 2023
9:30 a.m.

Via videoconference

Evidentiary Hearing held before the Vermont Public Utility Commission, via GoToMeeting, on January 12, 2023, beginning at 9:30 a.m.

P R E S E N T

HEARING OFFICER: Gregg C. Faber, Utilities Analyst

CAPITOL COURT REPORTERS, INC.
P.O. BOX 329
BURLINGTON, VERMONT 05402-0329
(802) 863-6067
EMAIL: info@capitolcourtreporters.com

A P P E A R A N C E S

MICHAEL SWAIN, ESQUIRE
Appearing for the Vt. Department of Public Service
112 State Street
Montpelier, VT 05620
Michael.swain@vermont.gov

MSK ATTORNEYS
Appearing for the Applicant
P.O. Box 4485
275 College Street
Burlington, VT 05401
BY: BRIAN J. SULLIVAN, ESQUIRE
bsullivan@mskvt.com

VALSANGIACOMO, DETORA & McQUESTEN
Appearing for Philippa Dorfman, Charles Hungerford Fourie, Cyrus House, Debra Knutson-Bezerra, Tara Lombardi
P.O. Box 625
Barre, VT 05641
BY: L. BROOKE DINGLEDINE, ESQUIRE
lbrooke@vdmlaw.com

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reducing the height of, you know, say 20, 30, 40 feet, where it would not make any significant appreciable difference to your coverage of your antennas?

A. I believe we submitted that we could go down to 120 feet. And then it would provide no collocation opportunities for any additional carriers at that point.

Q. And why is that? If you're only losing 20 feet out of 100 that's above the tree line?

A. I submitted coverage maps that showed that the difference between the height, and if you review those you can see the difference when you start going down in height how it affects coverage.

Q. Well but you were saying 120. Why don't we take a look at those. Let me get them up on the screen.

Let's see. We have got this one, and we have got -- hang on just a minute. Trying to get them both. All right. So here is side by side. Can you tell me which is which?

A. I don't see anything on the screen.

Q. You don't see anything? Is my screen not being shared?

THE COURT REPORTER: Doesn't look like it.

MR. FABER: No.

MS. DINGLEDINE: I hid the entire

screen.

MR. FABER: Okay. Now we can see it, Ms. Dingledine.

MS. DINGLEDINE: Oh, good. Thank you.

BY MS. DINGLEDINE:

Q. Okay. So these are the side-by-side comparisons of your drawings. The one on the left is the 120. The one on the right is 140. Gosh, they look so similar. Don't you think?

A. If you toggle back and forth between the two when they are on one screen, you can see the difference much better than you can on the screen here.

Q. Well let's try that then. Let me get that one up.

All right. So let's go to the height -- this is the biggest height, 140. And let me see if I can do it quickly. No. That went two of them. Sorry.

All right. That's 140. 120. 140. 120 (changing screen) 140. 120. Do you see much difference there?

A. I can see some difference, but at the same time I did say that 120 would work for us.

Q. So 120 does work. And this mapping is for your walkie-talkie radio system; right?

A. Yes. For the enhanced. That's the radio

system.

Q. Okay. So then if we go down even further another 20 feet to 100 feet. Right now we are on 120. So there is a much more drastic change in that 20 feet than between 140 and 120.

So what you're saying is that one's not good enough for you guys. You would rather have the coverage at 120 at least; right?

A. Correct.

Q. Okay. So I want to go back to this issue of, let me stop sharing for a sec.

All right. So if you cut this down to 120 and did some reasonable mitigation like that, what does that do to the other carriers? Maybe it bumps one of them off or something; right? But they can still go on because they are above the tree lines; correct?

A. No. I submitted some studies that showed what happened at the available heights if we went down to 120 feet. It would reduce their coverage to a point where it would almost be completely useless.

Q. Okay. How interested are they right now with only a 20-foot higher tower than the 120 you say won't work for anybody?

A. At this point we don't have a commitment from a carrier.

Q. Okay. So explain to me from a vertical standpoint if your antenna are being affixed on the top that's 140, and they go up to 158 or whatever, who gets the next vertical feet down? Where are these carriers vertically on that tower that you have these other -- that many spaces for cell carriers?

A. So the diagram that you had presented during Mr. Voci's testimony displayed it fairly well. So --

Q. Okay. I'll bring it up for you. The one that's the sketch drawing?

A. Yes.

Q. Okay. Let me get that up. Okay. I'm getting better at this now. All right. So this guy?

A. You'll see -- a-hum.

Q. That's even better. Let me get it up so we can see.

So you're at the top of the tower at 140. And then somebody's going to go on at 122. Well they wouldn't be able to if the top of the tower were at 120 because you would be down here; right? At the top of the 120. So you would lose that carrier. But what about -- these guys are still there. These guys are still there. The 112, 102, 92 and 82 are still there.

So how is it that if it works for them on a tower that has the height that you want and it works for a

carrier at 112, 102, 92 and 82, then why wouldn't it work for the remaining four of them instead of five? Or 1, 2, 3, 4, 5. Yeah. You would lose these guys but that's all. Right?

A. So we don't represent the individual carriers. What this diagram is showing you is what the tower will be structurally and physically capable of holding for equipment on it. Those lower heights the coverage is diminished quite a bit, and it is likely that they may not use those lower heights because it doesn't provide the coverage that they need.

Q. The only height that you are losing for a cell carrier is at the 122 and-a-half foot level. Correct?

A. No. That's not correct. So if you take a look at the diagram, and move everything down, you'll see that at 120 feet the top antennas would go up vertically above the tower. And then below the tower there is one that goes down vertically. And so that's a 13-foot tower. So that would knock the next available space for the wireless carrier down to around 100-foot level.

Q. All right. So 120 and you needed 13 feet for that antenna; is that right?

A. Correct.

Q. Okay. So that's 107 feet. You can put somebody there.

A. Well they need 10 feet of vertical separation between them, so you would need more than that.

Q. Well right now we are looking at a 13-foot difference; right? Or was it 15 maybe. A little bit.

A. Those antennas --

Q. Okay. So right now the top of the tower is 140, and you're able to put a cell carrier at 122 and-a-half. Right? I can do my math, that's 117.5. So you can put your first cell carrier at 117 and-a-half feet.

And then it looks like you drop them every 10 feet. So you could have -- let's do this in steps. You're at the tower at 120; right?

A. This is the scenario that she is presenting, so yes, we are at 120.

Q. Okay. So if you go to 120 what's the height at which the highest cell carrier guy can go?

A. Approximately 100 feet.

Q. Because we are going to need -- what was it? I'm trying to understand what the isolation distance for your 13-foot antenna is.

A. We need 10 feet of vertical separation between the antennas of each carrier including ourselves.

Q. So you only need 10 feet or 13 from the top cell carrier?

A. So in this case we are the top cell -- we are the top carrier. And so we have one antenna that comes down 13 feet. And then between that antenna and the next available carrier we need 10 feet of vertical separation.

Q. Okay. So if we put somebody at 120, you at 120, tell me the number that the cell carrier can go at.

A. Approximately a hundred feet.

Q. A hundred feet. All right. And then there is another cell carrier at 90; right?

A. Correct.

Q. And then at 80; correct? Yes?

A. If that height works for a carrier.

Q. Well you have 82.5 right here. Do you think 2 and-a-half feet is going to make that much difference that they are not going to be able to get on the tower?

A. Again, that's -- this represents what the tower is structurally capable -- physically capable of handling as far as weight and antennas.

Q. Okay. All right. So is 120-foot tower capable of holding one less cell carrier than what you proposed at 140?

A. Physically and structurally, yes.

Q. Okay. So you don't expect anybody to rent that 82.5 height level, do you?

A. I can't speak to that because I'm not the