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# Transcript of Hearing

**Date:** October 21, 2025

**Case:** Network Towers, LLC

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MONTGOMERY COUNTY OFFICE OF ZONING AND  
ADMINISTRATIVE HEARINGS

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IN RE: :  
APPLICATION OF NETWORK TOWERS II, : Case No.:  
LLC : CU 26-02  
-----x

HEARING  
BEFORE KHANDIKILE MVUNGA SOLONI, HEARING EXAMINER  
Rockville, Maryland  
Tuesday, October 21, 2025  
9:35 a.m.

Job No.: 602093  
Pages: 1 - 127  
Recorded By: Lee Utterback-Pair

1           Hearing, held at the location of:

2

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4           MONTGOMERY COUNTY OFFICE OF ZONING

5           AND ADMINISTRATIVE HEARINGS

6           100 Maryland Avenue

7           Rockville, Maryland 20850

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12           Pursuant to agreement, before Lee Utterback-

13   Pair, Notary Public in and for the State of

14   Maryland.

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A P P E A R A N C E S

ON BEHALF OF THE APPLICANT:

SEAN P. HUGHES, ESQUIRE

MILLER, MILLER & CANBY

200-B Monroe Street

Rockville, Maryland 20850

301.762.5212

ALSO PRESENT:

TY MCKINNEY - Witness

YAW OSEI BONSU - Witness

JAMES GOLDEN - Witness

RUSSELL HARTUNG - Witness

PAUL DUGAN - Witness

SAM AVERNA - Witness

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1 P R O C E E D I N G S

2 (Whereupon, the court reporter was duly  
3 sworn.)

4 THE HEARING EXAMINER: Good morning. We  
5 have convened here for a conditional use  
6 application, Case Number CU2602, the Application of  
7 Network Towers II, LLC. It's a public hearing  
8 regarding the above referenced application for a  
9 conditional use for a new telecommunications tower  
10 and facility. With regard to the conditional use  
11 application, the Applicant has the burden of  
12 proving that the application meets the general  
13 requirements and development standards, as set out  
14 in the zoning ordinance. The general requirements  
15 are laid out in Section 59.7.3.1.E of the zoning  
16 ordinance. More specifically, per Section  
17 59-3.5.2.C.2c, Where a telecommunications tower is  
18 allowed as a conditional use, it may be permitted  
19 by the Hearing Examiner under either Section  
20 3.5.2.C.2D or Section 3.5.2.C.2A, Limited Use  
21 Standards.

22 By way of an introduction, my name  
23 is Khandikile Sokoni, K-H-A-N-D-I-K-I-L-E,  
24 S-O-K-O-N-I. I'm sitting as the Hearing Examiner  
25 in this case, which means that I will hear the

1 testimony. I'll review the evidence and I'll  
2 render an opinion on the application pursuant to  
3 the criteria set forth in the zoning ordinance.  
4 I'll jump to the end real quick because, as far as  
5 conditional uses go, this is a telecommunications  
6 case so we are governed by a short clock. I just  
7 want to make -- make sure I mention that we usually  
8 have the record stay open for 10 business days for  
9 purposes of accepting the transcript.

10 In this case, the record will be  
11 held open for 10 business days for the limited  
12 purpose of accepting the transcript -- I'll address  
13 this again at the end in case there are any  
14 additional exhibits that need to be introduced --  
15 then I am supposed to render a decision within 10  
16 days -- 10 calendar days from the close of the  
17 record. By my calculation, my decision in this  
18 case will be due on November 14th. If we keep the  
19 record open for -- for 10 business days until  
20 November 4th, and my decision will be due 10 days  
21 after that, which will be November 14th. I'll get  
22 to that at the end, just in case we have anything  
23 that needs to be added to the record. I'd like to  
24 turn to identification of the parties. Sir, go  
25 ahead.

1 MR. HUGHES: Thank you, Madam Hearing  
2 Examiner. Sean Hughes on behalf of the Applicant,  
3 Network Towers. We do have -- I have potential  
4 three witnesses here. I can introduce their names  
5 now or when they come up. I -- I think also  
6 there's a gentleman in the back from Public Safety  
7 who I think is supportive of the application. And  
8 I think there's also a neighbor who is here either  
9 interested or perhaps with concerns.

10 THE HEARING EXAMINER: Thank you. We'll  
11 get to specific identification of the witnesses a  
12 little later on.

13 MR. HUGHES: Thank you.

14 THE HEARING EXAMINER: Do we have anyone  
15 else? And I'm -- I'm checking. Zoom is running,  
16 so we have -- could I just have a confirmation from  
17 anyone on the Zoom just to make sure you can hear  
18 us? Anyone on Zoom? Can we hear a sound just to  
19 make sure you can hear us? Okay. I think I -- is  
20 that a thumbs up? Yes. Okay. I see a thumbs up,  
21 so I'm guessing they can hear us. Do we have  
22 anyone appearing in opposition, either on Zoom or  
23 in the room? One in opposition.

24 MR. MCKINNEY: Well, I came for the  
25 purpose of listening to find out more about it.

1 I've read most of the information that was put out  
2 on the website. I am a neighbor, so this is going  
3 to be installed directly across the street from my  
4 residence. So that is my concern. I have not yet  
5 rendered an opinion one way or another.

6 THE HEARING EXAMINER: Okay.

7 MR. MCKINNEY: But I -- if there's a  
8 possibility, I do have some additional commentary.

9 THE HEARING EXAMINER: Your name, sir?

10 MR. MCKINNEY: I'm Ty McKinney and I --  
11 my residence is 14212 Cape May Road, Silver Spring,  
12 Maryland, 20904. Okay.

13 THE HEARING EXAMINER: If you -- if you  
14 request to speak during the hearing, please let us  
15 know, and then you identify yourself again at -- at  
16 the mic.

17 MR. MCKINNEY: Yes, ma'am.

18 THE HEARING EXAMINER: But I'm hoping  
19 that information, at least for the record for now,  
20 is sufficient. I would just like to go over some  
21 housekeeping rules. This is a hybrid hearing,  
22 which means we are -- even though we are convened  
23 in this hearing room. We have people on Zoom. To  
24 the people participating electronically by Zoom,  
25 please note that if you wish to speak, you have to

1 have your camera on. At all other times, please  
2 keep your camera off and your microphone muted.  
3 However, when it's time to speak, you have to  
4 unmute yourself and turn your camera on.

5 We also ask that people kindly not  
6 interrupt anyone else who is speaking unless you  
7 are raising a legal objection. That's because the  
8 crosstalk is very difficult for the court reporter  
9 to -- to track. This -- we have a verbatim -- a  
10 verbatim transcript being kept for this proceeding.  
11 There is no video recording. The court reporter's  
12 transcript will be the only official record of this  
13 hearing.

14 And the chat function on Zoom is  
15 disabled. If you wish to speak, kindly raise your  
16 hand. I'm occupied with what's going on in the  
17 room, so if -- we have a Zoom operator who will  
18 assist, but if you're raising your hand and you  
19 feel like no one's noticing, please just unmute  
20 yourself and speak. You will not be able to share  
21 a screen during this hearing. If anyone wishes to  
22 have any exhibit referred to, please draw that to  
23 my attention and we'll pull up the -- the relevant  
24 exhibit.

25 This is an administrative hearing.

1 The order of things will be -- we'll have opening  
2 statements from both parties. For now, it seems  
3 like we have one party, the Applicant, but we  
4 typically have opening statements from both  
5 parties. We have the Applicant go first because  
6 the Applicant has the burden of presenting their  
7 case in chief. If there is any opposition, you --  
8 you may -- the opposition also has the right to  
9 present their case in chief and each side presents  
10 its witnesses and there's cross examination.

11 There's an option for cross examination. Please  
12 note that cross-examination is limited to only the  
13 matters raised in testimony, and then the Applicant  
14 would have an opportunity for rebuttal.

15 Do we have any representatives of  
16 the County present, either from the Department of  
17 Permitting Services -- your name, sir?

18 MR. HARTUNG: I'm Russell Hartung,  
19 Montgomery County Police, Fire, and Rescue,  
20 Technical Support and Communications.

21 THE HEARING EXAMINER: Thank you very  
22 much. Do you need any spellings?

23 THE REPORTER: Just his last name,  
24 please.

25 MR. HARTUNG: H-A-R-T-U-N-G.

1 THE HEARING EXAMINER: Thank you very  
2 much.

3 MR. HARTUNG: Thank you.

4 THE HEARING EXAMINER: Before we go into  
5 the case in chief, are there any preliminary  
6 matters, any new exhibits I need to know about?  
7 Any -- just anything preliminary?

8 MR. HUGHES: Yes, Madam Hearing  
9 Examiner, just a few quick things. The first one  
10 is I wanted to provide the Affidavit of Posting.  
11 Is it okay if I bring that up to you?

12 THE HEARING EXAMINER: Yes, please.  
13 Thank you very much. Thank you.

14 MR. HUGHES: The second thing I'd like  
15 to raise for your consideration -- and it's not  
16 typical, but I don't think it's a big deal, but  
17 it's certainly up to you. I was going to suggest  
18 you consider if Mr. Hartung from Public Safety  
19 could testify out of order due to his schedule.  
20 And maybe he could go before me even because I  
21 don't think he needs to hear our case per se. I  
22 would offer the same to the resident, but I think  
23 he wants to hear the case, but to be considered,  
24 their times, I would offer that up for your  
25 consideration.

1 THE HEARING EXAMINER: Because we do  
2 have -- all the documents have been up on the  
3 record, yes, I -- I certainly would grant the --  
4 the request to have Public Safety official go first  
5 unless there -- are there any objections to that  
6 from anyone? Hearing none, that's -- that is  
7 granted. And like you said, I think the -- the --

8 MR. HUGHES: Mr. McKinney probably wants  
9 to listen --

10 THE HEARING EXAMINER: Wants to hear it.

11 MR. HUGHES: -- but I'd like to offer  
12 that to him if he would like to go first and -- and  
13 decide how long he wants to stay.

14 THE HEARING EXAMINER: Sure. Now, that  
15 said, if any -- if -- once we hear the case, if  
16 after -- you know, if the witness that went first  
17 has left and if there -- there are any questions  
18 that arise that require his attention, I certainly  
19 -- since the record will be kept open for 10  
20 business days, we can ask for any written  
21 clarification. So yes. That -- that -- that's  
22 perfectly fine.

23 MR. HUGHES: Thank you.

24 THE HEARING EXAMINER: Yep. We -- I  
25 should mention, I think -- there should be an



1 exhibit list. There was one at the -- yeah, the  
2 one at the tables here. So as far as exhibits go,  
3 I believe we are -- I just want to make sure I  
4 enter this affidavit that you just handed me. I  
5 believe that will go in as Exhibit 27, but let me  
6 confirm.

7 MR. HUGHES: That's my understanding  
8 too, Madam Hearing Examiner.

9 THE HEARING EXAMINER: All right. I  
10 just -- you have --

11 THE REPORTER: I only have 26.

12 THE HEARING EXAMINER: -- you have 26  
13 exhibits. I believe there was -- let me just  
14 confirm that. Are you able to pull up the exhibit  
15 list, please? Okay. So we now have 26 exhibits.  
16 There was a late addition -- the last addition --  
17 depending on when you last looked at the website,  
18 just please note that Exhibit 26, which is a letter  
19 of support from the Maryland State Senator -- that  
20 has been added as Exhibit 26. That's entered into  
21 the record as Exhibit 26. Although I should  
22 mention, that's a letter that -- I think we did  
23 have elsewhere in the record, but it was addressed  
24 to --

25 MR. HUGHES: I think this might be a

1 second letter from the same senator.

2 THE HEARING EXAMINER: This might be --  
3 this is a second letter.

4 MR. HUGHES: Yes.

5 THE HEARING EXAMINER: Okay.

6 MR. HUGHES: So probably similar in  
7 nature, but yes. Different dates and --

8 THE HEARING EXAMINER: Sounds good.  
9 Could you kindly scroll up a little bit to the  
10 letters? Okay.

11 MR. HUGHES: It might be -- perhaps it's  
12 9?

13 THE HEARING EXAMINER: Okay. Could we  
14 click onto 9, Letter of Support? Yes.

15 MR. HUGHES: Yes.

16 THE HEARING EXAMINER: Okay. So we  
17 previously had a letter dated May 14th, 2025, from  
18 the State Senator. And -- and so Exhibit 26 is a  
19 supplemental -- is an additional letter. Okay. In  
20 which case, the Affidavit of Posting that was just  
21 handed to me is now entered into the record as  
22 Exhibit 27. With that, I'll turn it to you, Mr.  
23 Hughes, to call witnesses. And it sounds like the  
24 first witness will be --

25 THE REPORTER: Just a reminder, if you

1 could unmute your mic when you speak.

2 MR. HUGHES: Sorry. Thank you.

3 THE REPORTER: You -- you're all set.

4 THE HEARING EXAMINER: Okay. Thank you.

5 Thank you for that reminder.

6 MR. HUGHES: Not necessarily my first  
7 witness, but perhaps Mr. Hartung is an interested  
8 person to come up per your approval --

9 THE HEARING EXAMINER: Sure.

10 MR. HUGHES: -- from Public Safety?

11 THE HEARING EXAMINER: Did you -- did  
12 you have an opening statement?

13 MR. HUGHES: I -- I do.

14 THE HEARING EXAMINER: Okay.

15 MR. HUGHES: Should I hold that --

16 THE HEARING EXAMINER: Would you --  
17 would you --

18 MR. HUGHES: Okay.

19 THE HEARING EXAMINER: -- would you  
20 kindly do the opening statement --

21 MR. HUGHES: Yes.

22 THE HEARING EXAMINER: -- first, and  
23 then we'll have --

24 MR. HUGHES: Absolutely. Thank you.

25 THE HEARING EXAMINER: -- the witness.

1                   MR. HUGHES: Good morning, Madam Hearing  
2 Examiner. Sean Hughes from Miller, Miller, and  
3 Canby -- our office is across the street -- on  
4 behalf of the Applicant Network Towers, and they  
5 are here on -- for their anchor tenant, Verizon  
6 Wireless. Thank you for this opportunity. Our  
7 case -- we do expect to have three witnesses and  
8 their names are Mr. Jim Golden from Network Towers.  
9 Mr. Golden officially retired just a few months  
10 ago, but is back consulting because he was  
11 instrumental in this case.

12                   We have Mr. Yaw Bonsu, who's a  
13 civil engineer on the project, and then we have a  
14 Mr. Paul Dugan, who's a radio frequency engineer  
15 from Millennium Engineering. We also have -- who I  
16 do not necessarily expect to call, but Mr. Sam  
17 Aversa, who's here from Network Towers as well. As  
18 -- as -- you were kind enough just to receive the  
19 Affidavit of Posting. We have that now in the  
20 case. I guess another question, these -- all the  
21 exhibits that are listed, are they in the record or  
22 do you need me to ask to move them in at some point  
23 during the hearing?

24                   THE HEARING EXAMINER: You -- why don't  
25 you formally ask to move them in? They are

1 considered in the record, but for the sake of  
2 formality, let's --

3 MR. HUGHES: Thank you.

4 THE HEARING EXAMINER: -- that -- those  
5 are the preliminary since there were no objections.

6 MR. HUGHES: Thank you. I -- I would  
7 please ask that all 26 exhibits be officially  
8 entered into the record of this case.

9 THE HEARING EXAMINER: Request granted.  
10 So all the records -- at this point, through  
11 Exhibits 27 has been --

12 MR. HUGHES: 27. Sorry.

13 THE HEARING EXAMINER: -- entered. So  
14 all exhibits, 1 through 27, are entered into the  
15 record --

16 MR. HUGHES: Thank you.

17 THE HEARING EXAMINER: -- with no  
18 objections.

19 (EXHIBITS 1 - 6, 6A - 6S, 7 - 21, 21A -  
20 21C, 22 and 23, 23A, 25, 25A - 25D, 26  
21 and 27 ADMITTED)

22 MR. HUGHES: Thank you very much. So  
23 again, thank you. This -- this site is as noted --  
24 and -- and first of all, I'd like to thank the  
25 Planning Staff for a very thorough and complete

1 professional report on this case, 2602. That is  
2 Exhibit 24. And as they -- they do a nice job  
3 summarizing it. This is a -- proposed to be  
4 179-foot monopole with Verizon Wireless as the  
5 anchor tenant. It is on the County property. The  
6 subject property is the 14335 Cape May Road, Silver  
7 Spring, which is right off of New Hampshire Avenue  
8 and the ICC Route 200. It is an RE-2C Zone and it  
9 is obviously a for conditional use, which is why  
10 we're here today.

11 I would note that there will be  
12 strong -- strong and ample testimony on behalf of  
13 the need for this cell tower to provide enhanced  
14 connectivity and services to the area. You'll hear  
15 quite a bit of that from Mr. Golden and the long  
16 search in this area to try to find an appropriate  
17 site to provide this enhanced connectivity and also  
18 for Mr. Paul Dugan and the radio frequency engineer  
19 as to the need from a technical standpoint and for  
20 the height of it.

21 And we would -- we were also very  
22 pleased and thankful that the County process does  
23 require an application first to what's called the  
24 tower review committee. That's kind of its  
25 informal name. It's technically called the

1 Transmission Facility Coordinating Group, but it's  
2 really known in this County and beyond as the tower  
3 review committee. And so, as is required, they  
4 have that application process and they review it  
5 from an engineering technical standpoint. And they  
6 did provide a report, which is Exhibit number 4.  
7 And they offered -- and they also offered their  
8 recommendation of approval, a very strong  
9 recommendation of approval.

10 And I would note on Page 2 of their  
11 cover letter in that packet, they wrote a few  
12 things of interest. I won't read all of it, but  
13 just a few quick points. In the second paragraph,  
14 under the bracket called Co-location Options, they  
15 wrote in the second sentence, Our review also  
16 considered 15 existing wireless sites within  
17 one-mile radius of the proposed location. Along  
18 with the maps, Verizon Wireless provided  
19 explanations regarding reasons each site would not  
20 be suitable or available for co-location or  
21 reviewed and documented an application.

22 And then in the last two paragraphs, they  
23 wrote, Our review of the application concludes that  
24 there is a coverage gap in the area specifically  
25 along Route 200, and a new site would be needed to

1 fill the coverage gap. The review included a  
2 thorough examination of not only Verizon Wireless  
3 technical evidence, but an assessment of existing  
4 wireless sites in the area that might help -- that  
5 might offer relief. However, our evaluation found  
6 that no other sites were available to provide the  
7 needed coverage. In conclusion, we find that the  
8 proposed monopole structure will be able to provide  
9 sufficient coverage to mitigate the existing  
10 coverage gap. We recommend this application on its  
11 merits from an engineering review perspective.

12 So very thankful of their thorough  
13 review and professional review, and we agree with  
14 it, and from a technical and independent  
15 standpoint, we'll -- you'll hear testimony from our  
16 perspective as well. But we do support that, and  
17 as well as the Staff reports I mentioned in Exhibit  
18 24, which we think is very thorough and complete.  
19 We've read through that in -- in detail, and we  
20 think they did a fine job. We agree with their  
21 analysis that we do meet each and every criteria  
22 for the conditional use, the general criteria as  
23 the Hearing Examiner noted at the beginning of  
24 7.3.1 and also the specific telecom sections -- as  
25 part of 3.5.5, et cetera.



1                   And we also -- they as -- as the  
2                   Hearing Examiner is aware of, they also provided  
3                   their recommendations and conditions on Page 3 and  
4                   4 of their report. There are nine of those  
5                   recommendations, conditions, and we would be  
6                   pleased to accept all of those conditions if we're  
7                   fortunate enough to be approved here. We think  
8                   they're all reasonable and appropriate and we would  
9                   accept and comply with those conditions.

10                  If I could, I'd like to look at a  
11                  visual and like to pull up the Staff report,  
12                  Exhibit 24, if we could. And then once we get to  
13                  that -- and I appreciate -- I'll -- I'll try not to  
14                  bounce around too much with the exhibits, sir, but  
15                  I -- I will do a little bit of that. But Page 6  
16                  and 8, I'd like to look at each of those in order  
17                  just to give an aerial of where it's located. And  
18                  so, I'll -- as I'm talking about this -- so is it  
19                  okay if I stand up then on occasion?

20                  THE HEARING EXAMINER: Yes, please.  
21                  Uh-huh.

22                  MR. HUGHES: Okay. Thank you. So as  
23                  you can see here, I'm looking at Page -- at the top  
24                  of this, it says 7, but in the Staff report, I  
25                  believe it's Page 6. Yes, Page 6 in the Staff

1 report. And so, you can see in the middle of it is  
2 a big white bubble that says, Subject Property.  
3 That's -- this is the Public Safety -- the County  
4 depot. And the roads that we have here going north  
5 and south it says 650, which is New Hampshire  
6 Avenue, very -- pretty busy road. It goes well  
7 through the County and beyond the County. And  
8 going east and west is the ICC Route 200, which is  
9 a 60-mile-an-hour six-lane road. And then,  
10 obviously, you come in off of New Hampshire and you  
11 take a right onto Cape May. And then quick --  
12 fairly quickly is the -- I believe it's  
13 11-plus-acre County depot property that's been  
14 there for, I believe, close to 30 years.

15 And so, what's interesting is you  
16 come through and the site will be just on the south  
17 side, just below the letter 1 in the middle of the  
18 property. The proposed tower will be right about  
19 there, and we will have some drawings that are in  
20 the packet. We will -- we will drill -- drill down  
21 a little bit more on the -- the compound in the  
22 area. But that is the location and it's going to  
23 -- you'll hear more about it, and the tower  
24 committee was talking about it. There's a big need  
25 around 200 and it will also provide very good

1 coverage in and around that area of the community  
2 to north, to the south, to the east and west.

3 Now, you can see, especially to the  
4 east, there's quite a bit of -- this is Montgomery  
5 County parkland to the east, and then also to the  
6 immediate west, this parkland, that is undeveloped  
7 County parkland. To the north there are some  
8 residences. To the south immediately as I talked  
9 about is Route 200. And even on the other side of  
10 200, there's quite a bit of government trees and/or  
11 parkland.

12 So if we could go skip ahead two  
13 more pages. This is another area on the Staff  
14 report areas -- thank you --and this just kind of  
15 zooms in a little bit on the property. You see,  
16 come in Cape May, come into the -- the depot has  
17 some buildings and they have some other structures  
18 they put where they store equipment and materials.  
19 A lot of it, I think, is for sand and such for bad  
20 weather. And here's the -- to the south, Route  
21 200. The area that we're trying to put in, I'm  
22 pointing to the third white building in the middle,  
23 the small one. It's proposed to build right along  
24 here, that's where the compound will be, and it  
25 will fit in nicely. So it's -- the tower's almost

1 at the furthestmost (sic) part of -- of the  
2 property, going towards Route 200.

3 And I'm sorry. I'm blocking you,  
4 aren't I? Sir, can you see?

5 MR. MCKINNEY: No, I can see it. I know  
6 -- I live there. I know where it is.

7 MR. HUGHES: Yes, sir. Okay. And so,  
8 that's -- that's the location where we're going.  
9 As I said, we believe it's a great location. We --  
10 we -- we're thankful of the support from the tower  
11 review committee and from the Planning Staff. And  
12 with that, that would be my opening statement,  
13 Madam Hearing Examiner.

14 THE HEARING EXAMINER: Thank you.

15 MR. HUGHES: With your permission, which  
16 I think you've granted, I guess we could see if Mr.  
17 Hartung would like to speak first and -- with his  
18 testimony, and he can leave, if he'd like, or stay  
19 long as he wants.

20 THE HEARING EXAMINER: Sure.

21 MR. HARTUNG: Good morning, ma'am.

22 THE HEARING EXAMINER: Good morning.

23 MR. HARTUNG: I can stay --

24 THE HEARING EXAMINER: If -- if you  
25 could kindly press the -- on the microphone. There

1 we go. And for the record, you -- you -- you  
2 introduced yourself earlier. Are we good on that?  
3 Okay. Yes, please.

4 MR. HARTUNG: I am able to stay for the  
5 entire hearing. Just ask if there are questions  
6 after. I can certainly answer any questions that  
7 come before.

8 THE HEARING EXAMINER: You're welcome.

9 MR. HARTUNG: So we take this  
10 opportunity to support the tower for the Castle  
11 Cliff -- Castle Cliff area. We in Public Safety  
12 rely on all carriers, AT&T, Verizon, and T-Mobile.  
13 What they do is they provide services not only to  
14 our cellular phones as backup or radio support if  
15 the radio system fails. On our phones, we have a  
16 app called Zello that goes right into the Public  
17 Safety radio system, and that can be relayed  
18 through cellular technology if our infrastructure  
19 were to fail. The other thing that cell phones and  
20 cellular carriers use with our equipment is our  
21 LIFEPAK, our EKG monitors. An example would be if  
22 you're having a cardiac emergency, we can transmit  
23 your medical situation to the appropriate physician  
24 who can then turn around and say, I want you to do  
25 the following and transport to the following, which

1 is a lifesaving event.

2 The other thing we have in the community  
3 of Cape May, Windmill Lane, Twig -- Twig Terrace  
4 down into the park, we have the -- prevent the  
5 911 call, where citizens have complained to the  
6 sheriff, the police, and fire rescue about not  
7 being able to dial 911 because of the lack of  
8 cellular coverage in that area and the topography  
9 of the community and how it goes down into the park  
10 to the northwest branch. So without this  
11 technology, Public Safety users operate in a  
12 deficiency in the performance of their duties, and  
13 enhancing and putting the tower at the 200, at New  
14 Hampshire Avenue, would greatly support it.

15 The police department took upon  
16 themselves, and we did an analysis of the Castle  
17 Cliff Community and we had officers go out into the  
18 community and try and use their cellular devices  
19 that we provide them within the service of their  
20 job. Within that, more than 50 percent of  
21 everything from New Hampshire and Bonifant to Cape  
22 May out to Briggs Chaney and that entire section  
23 and the lower section going down towards Windmill  
24 and down into the back towards the park was  
25 difficult to get coverage and has no coverage at

1 all. So we have a heat map that we determined they  
2 couldn't get out. So that's another reason why we  
3 support the tower there at Cape May and New  
4 Hampshire. It enhances our services. It supports  
5 fire rescue with the sheriff and the police for  
6 what we do. Do you have any questions?

7 THE HEARING EXAMINER: Do we have any  
8 questions for -- for this witness? Any -- any  
9 questions? No --

10 MR. MCKINNEY: I have some comments I  
11 would like to make, if that's okay.

12 THE HEARING EXAMINER: At -- at this  
13 point, I restricted -- so if you have any of -- any  
14 -- as -- as a member of the public, you can speak  
15 after the case in chief is complete.

16 MR. MCKINNEY: Fine.

17 THE HEARING EXAMINER: If there are  
18 questions specific to this witness, you may ask  
19 them now.

20 MR. MCKINNEY: No.

21 THE HEARING EXAMINER: Okay. Thank you.

22 MR. HARTUNG: Thank you.

23 THE HEARING EXAMINER: Please stand down.

24 MR. HUGHES: Thank you.

25 MR. HARTUNG: Thank you.

1           MR. HUGHES:   Hearing Examiner, I --  
2   first of all, thank you to Public Safety, for their  
3   support and testimony. I also was remiss to not --  
4   it -- it came up, we talked about Exhibits 9 and  
5   26, Senator Kagan's support letter. We appreciate  
6   those sincerely. And there're also Exhibits 7 and  
7   8, which are support letters from the City of  
8   Rockville and the mayor of Gaithersburg. I also  
9   know there was -- I'm trying to -- I don't know if  
10   I'm missing it on the exhibit list. I have -- and  
11   I believe it's in the record, but if it's not, I  
12   can supply a copy. But we also have a support  
13   letter or email from Councilwoman Mink, who  
14   represents this district.

15           THE HEARING EXAMINER: I believe that  
16   appears -- as I did see --

17           MR. HUGHES: Yes.

18           THE HEARING EXAMINER: We -- we did not  
19   receive one directly to OLSA (phonetic), but it was  
20   -- it was actually I think by way of an email from  
21   the Councilmember's office to the Applicant.

22           MR. HUGHES: To Mr. Golden, probably.

23           THE HEARING EXAMINER: Okay. So -- but  
24   it's in there in a roundabout way. It's in there  
25   as an attachment to the Staff report.



1           MR. HUGHES: Very good. Okay. Thank  
2     you. That's right. I appreciate that.

3           THE HEARING EXAMINER: Certainly if you  
4     wanted to -- did -- so did you want to get a -- a  
5     direct letter from me?

6           MR. HUGHES: No, I -- I think it's in  
7     there. That -- that serves the purpose.

8           THE HEARING EXAMINER: Okay.

9           MR. HUGHES: Thank you.

10          THE HEARING EXAMINER: I believe it's in  
11     -- it's in one of the attachments to the -- to  
12     Exhibit 24.

13          MR. HUGHES: That's right. That's  
14     right. Thank you. The other thing I'd like to  
15     address before I call my first witness is as -- as  
16     -- as you noted earlier, Exhibit 25, the Hearing  
17     Examiner's questions to our office. I -- I think  
18     it might be helpful for me to address at least  
19     those partially up front now. With your  
20     permission, I would do that --

21          THE HEARING EXAMINER: Yes.

22          MR. HUGHES: -- for your consideration?

23          THE HEARING EXAMINER: Yes, please.

24          MR. HUGHES: Okay. The first -- I'll --  
25     I'll start with the -- the last questions because

1     that might be -- I'll start with that first, which  
2     is --

3             THE HEARING EXAMINER:   Are we able to  
4     pull that up?   Exhibit 25?

5             MR. HUGHES:   25.

6             THE HEARING EXAMINER:   That was an email  
7     that I sent just -- and I -- recognizing the fact  
8     that it's -- it's an extensive record so the  
9     answers may very well be in the record, but these  
10    are questions I had that I would like addressed.

11            MR. HUGHES:   Understandable.   Yes.   And  
12    so, the last question talks about reference to the  
13    parcel number and plat number and liber and Folio.  
14    And what I'd like to offer with your permission is  
15    almost a judicial notice.   Some of this might be in  
16    the record, but there are four public documents  
17    that I could provide that -- first of all, I'll  
18    state those numbers for you, and then I'll provide  
19    the documentation -- the public documents that that  
20    goes up.   And I guess what I would say is the  
21    parcel number is N, as in Nancy, 760.   The plat  
22    number is 14092 P-A-R-A Good Hope.   And the Liber  
23    and Folio are 5685105.

24            And with your permission, I have --  
25    the first document is Montgomery County Zoning Map

1 from MC Atlas. It has some of this information on  
2 it. And then I also have a copy of the plat that I  
3 will provide. And this one is actually, again,  
4 another public document. It's an agreement from  
5 2014 between Montgomery County and WSSC regarding  
6 their property. But what I note is in the -- in  
7 the second paragraph it represents the Liber and  
8 Folio for -- for the property. And then the last  
9 document is the SDAT page. So with your probation,  
10 I'll bring these up here.

11 THE HEARING EXAMINER: Yeah. Yes,  
12 please. What I would propose is because they're  
13 specifically in response to my questions, Exhibit  
14 25, if we can enter them into the record as Exhibit  
15 25A B, C, D, numbering them (indiscernible). So as  
16 I take them, I -- I do want us to note what the --  
17 the first one I do --

18 MR. HUGHES: Actually, let me do it -- I  
19 think I -- let me give it to you in the order I  
20 said it. I apologize for --

21 THE HEARING EXAMINER: In -- in the same  
22 page.

23 MR. HUGHES: This is what I call the MC  
24 Atlas. A zoning map. A --

25 THE HEARING EXAMINER: And that will be

1 -- the MC Atlas zoning map will be entered as  
2 Exhibit 25A.

3 MR. HUGHES: And then the plat for the  
4 property.

5 THE HEARING EXAMINER: The plat will be  
6 entered as Exhibit 25B.

7 MR. HUGHES: I'm just writing some of  
8 this down. Excuse me.

9 THE HEARING EXAMINER: That's fine.

10 MR. HUGHES: And then C would be what I  
11 termed the agreement for the property that shows  
12 the Live and Folio.

13 THE HEARING EXAMINER: Okay.

14 MR. HUGHES: Recorded agreement.

15 THE HEARING EXAMINER: It's a recorded  
16 agreement entered -- it's dated March 28th, 2014.  
17 This will be entered -- entered as Exhibit 25C.

18 MR. HUGHES: And then -- and D would be  
19 copy of the SDAT page for the property.

20 THE HEARING EXAMINER: And this will be  
21 entered as Exhibit 25D.

22 MR. HUGHES: Thank you.

23 THE HEARING EXAMINER: And these --  
24 because they're all public records, we can take  
25 judicial notice of them. I have physically entered

1       them into the record because you have them here,  
2       but having the references, I guess we could have  
3       pulled those up from the public record.

4               MR. HUGHES: Thank you. And then what I  
5       would say as to the first question about whether,  
6       Provide information that proposed use does not  
7       require stormwater management approval or is exempt  
8       from approval per DPS. I would like to provide two  
9       items for Madam Hearing Examiner to consider. The  
10      first one is, again, I think, something you could  
11      take judicial notice from and Kumar Code Section  
12      26.17.0 2.05, which is titled When Stormwater  
13      Management is Required, and under B of that Code  
14      section, it says, The following activities are  
15      exempt from the provisions of this -- of this  
16      chapter. And then two -- B2 says, Any development  
17      that -- I guess there's a typo here, but it says,  
18      Any development that do not disturb -- or maybe  
19      that's right -- do not disturb over 5,000 square  
20      feet of land area.

21              So you'll -- there's information in  
22      the -- on our plan and you'll hear testimony that  
23      the disturbed area is under 4,800 square feet.  
24      That is -- that is on our drawings with Exhibit 6A,  
25      the title page, which is called T1 in the top right

1 corner, where it says Site Information. It might  
2 be left. I think it's -- I wrote right corner, but  
3 it might be left corner, but under the area called  
4 Site information. There'll be testimony to that as  
5 well. And --

6 THE HEARING EXAMINER: What is the  
7 exhibit number?

8 MR. HUGHES: Yeah. Sorry. Exhibit 6.  
9 So Exhibit 6 are -- are drawings and they go -- it  
10 goes A through S. But this would be the page that  
11 is Exhibit 6A, which is the title page, T1.

12 THE HEARING EXAMINER: Okay. And you  
13 did mention that we'll have -- if we could have  
14 testimony on that, that would be --

15 MR. HUGHES: Yes, Madam Hearing  
16 Examiner. And then one other thing I'd like to  
17 provide that is in line with this -- and -- and  
18 perhaps this is judicial notice because it's a  
19 email from a public worker at DPS. But regardless,  
20 I have a copy here for you. We have an email from  
21 Mr. Andrew Kohler, senior permitting services  
22 specialist, Water Resources Department of  
23 Permitting Services for Montgomery County dated  
24 August 5th of this year. And it's a pretty short  
25 email. I -- I -- I will read it if I could.

1                   Montgomery County Code Chapter 19  
2           requires a sediment control plan when there's more  
3           than 5,000 square feet of disturbance and/or more  
4           than a hundred cubic yards of earth movement.  
5           Since the amount you are at in this email below is  
6           less than 5,000 square feet an engineered sediment  
7           control plan is not required at this time. If you  
8           were to go over 5,000 square feet, a water quality  
9           plan, an engineered sediment control plan would be  
10          required. Keep in mind, this work is within the  
11          upper Paint Branch special protection area and may  
12          have existing requirements for zoning and  
13          impervious. However, without a -- a sediment  
14          control plan, I do not think I'm the lead agency on  
15          that (at this time.) If a water quality plan is  
16          eventually needed, then we will need to have a  
17          water quality pre-application meeting, which I will  
18          coordinate. With your permission. I'll bring this  
19          up as well.

20                   THE HEARING EXAMINER: That will be  
21          entered into the record as Exhibit 28.

22                   (EXHIBIT 28 ADMITTED)

23                   THE HEARING EXAMINER: Now, I -- I do  
24          have a question. It doesn't have to be answered  
25          right this minute, but given this, do we have a

1 condition proposed by Planning Staff that addresses  
2 this? And if not, I -- I would be curious to hear  
3 the Applicant's reaction. If I impose the  
4 condition, we don't know what the decision's going  
5 to be. But assuming there was an approval, how  
6 would the Applicant react to a condition that  
7 states -- specifically states that in the event  
8 that the disturbance exceeded 5,000 square feet,  
9 then a sediment control plan would be -- I mean,  
10 it's -- it's -- it's --

11 MR. HUGHES: It's a --

12 THE HEARING EXAMINER: -- it's a  
13 requirement of the law.

14 MR. HUGHES: Right.

15 THE HEARING EXAMINER: But --

16 MR. HUGHES: Very fair and good  
17 question, Madam Hearing Examiner. I don't believe  
18 Staff put it in as a condition because of --  
19 because of the submittal showing that it's below  
20 5,000 square feet. But to your point, we certainly  
21 would not have any concern of a condition that we  
22 have to comply with the law if it, for some reason,  
23 becomes over 5,000 square -- we don't anticipate  
24 that, but we would have no -- no problem with that.

25 THE HEARING EXAMINER: Okay. Thank you.



1                   MR. HUGHES: The second question in  
2 Exhibit 25 from -- from Madam Hearing Examiner was  
3 provide height of the proposed equipment cabinets.  
4 And you will have lot of testimony in that, but I  
5 would also refer -- and again, there's a lot of  
6 information in this file and a lot of drawings. So  
7 it's Exhibit 6 again, which are the engineering --  
8 civil engineering drawings. But Exhibit 6H, which  
9 is the compound plan and 6I. And they -- they show  
10 that it is -- the cabinets are 6 feet, 2 inches in  
11 height.

12                  THE HEARING EXAMINER: Are you able to  
13 kind of pull up Exhibit 6H and 6I?

14                  MR. HUGHES: So --

15                  UNIDENTIFIED SPEAKER: I think it's the  
16 next page.

17                  MR. HUGHES: Okay.

18                  UNIDENTIFIED SPEAKER: Next page.

19                  MR. HUGHES: One more.

20                  UNIDENTIFIED SPEAKER: One more.

21                  MR. HUGHES: Oh, no. Okay. That should  
22 have been H and I.

23                  MR. BONSU: The equipment details are on  
24 A2. That will show the height of the cabinet, if  
25 that's what you're looking for.

1 MR. HUGHES: Which -- which page?

2 MR. BONSU: It's sheet A2. The drawing  
3 stuff.

4 MR. HUGHES: My --

5 THE HEARING EXAMINER: And we can -- we  
6 can reserve if -- if -- if --

7 MR. HUGHES: My apologies.

8 THE HEARING EXAMINER: -- you want to  
9 have one of your witnesses address that issue --

10 UNIDENTIFIED SPEAKER: Yes.

11 THE HEARING EXAMINER: -- when we get to  
12 it.

13 UNIDENTIFIED SPEAKER: Yes. Yes.

14 THE HEARING EXAMINER: Okay?

15 MR. HUGHES: Yeah. That's probably  
16 faster than me fumbling right now.

17 THE HEARING EXAMINER: No, that's fine.

18 MR. HUGHES: Thank you. And their next  
19 question was about show the setbacks for being more  
20 than 1-foot for 1-foot of the height from all  
21 property lines and dwellings. And so, we will have  
22 testimony on that as well, but I will reference,  
23 again, Exhibit 6, but this would be plan -- Page D,  
24 overall site plan, which is on, technically, Page  
25 Z2. And I can show where that is, but we'll have

1 testimony that there are arrows that show those  
2 distances.

3 Should I wait on the live testimony?

4 THE HEARING EXAMINER: We can wait on  
5 the testimony.

6 MR. HUGHES: Yes. Thank you. And the  
7 last question was talking about -- explaining that  
8 there's sufficient -- essentially sufficient space  
9 on the pole and on the ground to meet the County  
10 Code requirement of minimum of three wireless  
11 providers. And we will, again, reference Exhibit  
12 6H, the compound plan, but we will have live  
13 testimony on that.

14 THE HEARING EXAMINER: Okay.

15 MR. HUGHES: So with that, thank you for  
16 your patience, Madam Hearing Examiner. I can call  
17 my first witness, which is Mr. Yaw Bonsu, the civil  
18 engineer involved in this project.

19 THE HEARING EXAMINER: Okay.

20 MR. BONSU: Should I just sit anywhere?

21 MR. HUGHES: Yeah. Come see here.

22 Now, I should have mentioned in the  
23 intro that everything -- all the witnesses that  
24 testify will be testifying under oath and a -- an  
25 omission here. I did not administer the oath for

1 the first witness, but since you're staying right  
2 through at some point, you could step forward and  
3 I'll do that. In the meantime, let me just  
4 administer the oath here.

5 THE HEARING EXAMINER: So could you  
6 please give us your -- your full names and  
7 spellings?

8 THE WITNESS: Yes, ma'am. I hope  
9 everyone can hear me okay. Good morning. My name  
10 is Yaw Osei Bonsu. First name is spelled Y-A-W.  
11 Middle name, O-S-E-I. Last name B-O-N-S-U.

12 THE HEARING EXAMINER: Thank you very  
13 much. You may proceed with the testimony.  
14 Thank you.  
15 Whereupon,

16 YAW OSEI BONSU,  
17 being first duly sworn or affirmed to testify to  
18 the truth, the whole truth, and nothing but the  
19 truth, was examined and testified as follows:

20 EXAMINATION BY COUNSEL FOR THE APPLICANT  
21 BY MR. HUGHES:

22 Q Can you -- can you please tell us a  
23 little bit about your educational and professional  
24 background?

25 A Absolutely. So I started my

1 undergraduate degree in the year, 2010, at Clemson  
2 University located in South Carolina. I finished  
3 that in the year of 2014 in May. Started my career  
4 at a small engineering firm in Baltimore, just  
5 doing some general structural consulting on various  
6 different -- you know, types of infrastructure,  
7 residential, commercial, educational, et cetera. I  
8 did go back to school in 2016 to obtain a master's  
9 degree from Johns Hopkins University located in  
10 Baltimore, Maryland. I completed that degree  
11 successfully in 2018, the month of December. That  
12 same year, I pivoted to the telecommunications  
13 industry.

14 So after about four years of doing  
15 general structural consulting, I proceeded with  
16 about seven years of telecommunications, site  
17 development -- you know, designing all types of  
18 infrastructure towers, rooftop water tanks, you  
19 name it. And I'm currently still employed in that  
20 industry.

21 Q Thank you. During your seven plus years  
22 in the telecom industry, how many cell sites like  
23 this have you worked on, do you think? Or drawings  
24 you've been involved with?

25 A Oh, too many to count with respectfully.

1           Q     It would be more than a dozen?  More  
2     than a 100, 200, 500?  Hard to say?

3           A     More than a 100.

4           Q     Okay.  And have you -- have you ever  
5     testified at hearings like this before or is this  
6     new for you?

7           A     Yes, I have testified at hearings.

8           Q     Do you know if you've ever been  
9     recognized as an expert?

10          A     Yes.

11          Q     And do you recall what it was, if you  
12     recall?

13          A     I believe it was a new tower going up  
14     across the Bay Bridge and I was called upon to --  
15     you know, discuss the site -- you know, similar as  
16     from --

17          Q     As a civil engineer expert?

18          A     Yes, sir.

19          Q     Okay.  I'm hearing --

20                 THE HEARING EXAMINER:  Before -- before  
21     what jurisdiction?  Which body were you testifying  
22     before?

23          Q     Was it Queen Anne's -- is that what you  
24     said?

25          A     Queen Anne's County.  Apologies.

1 Q In Maryland?

2 A Yes, sir. Yeah.

3 Q Eastern Shore? Okay.

4 MR. HUGHES: Now, Madam Hearing  
5 Examiner, I would reference that his bio or resume  
6 is part of Exhibit 23, which was our pre-hearing  
7 statement. And while I don't think it's crucial in  
8 this case, I would ask that you recognize him as an  
9 expert in civil engineering and wireless  
10 infrastructure telecom tower design.

11 THE HEARING EXAMINER: Request is  
12 granted.

13 MR. HUGHES: Thank you.

14 Q Okay. So can you -- we're going to --  
15 we're going to be referencing the drawings,  
16 correct? Which are Exhibit 6. Is that your  
17 understanding?

18 A Yes.

19 Q Okay. And I would say, if you could  
20 just tell us a little bit about the site, and if  
21 there's a particular page, you think will be  
22 helpful as you're explaining this. If you could  
23 tell us so that we can make it clear in the record  
24 and the -- the Hearing Examiner and her Staff can  
25 also perhaps put the page up and -- and if you

1 think it's helpful, you could stand up and point to  
2 it. But essentially, I just want you to paint the  
3 picture and tell us what we're proposing here from  
4 a civil and design standpoint at the property and  
5 inside the property?

6 A Absolutely. I would like to kindly  
7 request that we pull up the aerial plan on Sheet  
8 Z-5.

9 Q Okay. So that will be -- let me go.  
10 Now, here's your plan. The --

11 A The 6G.

12 Q Okay. Yes, 6G. Thank you. You're  
13 faster than I am. And if you could flip it when  
14 you get it to -- you're probably ahead of me on  
15 that.

16 A Sure.

17 Q There you go. Can you actually zoom out  
18 a little bit initially? Just a little bit more.  
19 Okay. Is it -- is that's -- that's as far as it  
20 goes, I think, right? Okay, great. All right.  
21 Yes, sir.

22 A Okay. So as Mr. Sean kindly described  
23 earlier, we have a -- you know, a general area -- I  
24 believe it's a depot -- you know, various different  
25 buildings acting as some type of storage facility.



1 Network Towers is proposing to lease two areas, one  
2 33 by 48-foot long compound here, kind of on the  
3 north or north-south west, trying to -- trying to  
4 get my directions right. And then a separate area  
5 that will house four propane tanks. One currently  
6 being proposed and three in future. The 33 by  
7 48-foot compound will be a shared compound with  
8 three telecommunications areas. We will have a  
9 179-foot monopole kind of in the northeast corner,  
10 and then subsequent three different lease areas to  
11 house equipment for powering the equipment,  
12 bringing fiber to the equipment, so on and so forth.

13           There will be also a power source  
14 located within this fence compound. It's about a  
15 four gang meter stack, if I remember correctly.  
16 Each of those meters will serve each respective  
17 carrier, kind of as a measurement for how much  
18 power they're drawing to power their equipment.  
19 And I believe the fourth one will be left open for  
20 -- you know, future use.

21           The fence is a 7-foot chain link  
22 fence, but there will be vinyl slats installed on  
23 it. I can testify to that a bit later. There's a  
24 sheet later in the set. But that -- that purpose  
25 is to primarily hide all equipment inside of the

1 compound. As we commonly mentioned earlier, the  
2 cabinets for our anchor tenant, Verizon, were about  
3 6-foot 2-inches tall, which is pretty much right in  
4 line with the top of the slider fence. There will  
5 be some barbed wire on top of the fence that  
6 projects above about a foot or so to prevent -- you  
7 know, any disturbance or access from the public.  
8 If you could kindly flip to 6H, Sheet C1?

9 Okay. So this is pretty much a blow-up  
10 of the area where we're just looking at on the  
11 area plan with perhaps a few more details and  
12 annotations. So you can see the monopole indicated  
13 with this radial diagram here in the northeast  
14 corner of the compound. We have three different  
15 lease areas currently -- you know, planned to be  
16 occupied. Our anchor tenant is on the west side  
17 here. You can see their cabinets are -- you know,  
18 shown kind of graphically with these two rectangles  
19 here.

20 We have an ice bridge to provide a  
21 path for our cabling to travel from our cabinets to  
22 the tower, and then up the tower to our equipment.  
23 We have a pad in the back for a generator for  
24 backup power. And then the four gang meter stack  
25 at the top of the compound that I described. And

1 then if you -- in the northeast corner, we have our  
2 separate lease area with the propane tanks, one  
3 proposed and two future. Actually I apologize. I  
4 said three future earlier.

5 Q Thank you. And -- are you -- so your  
6 design that you're looking at right there, a  
7 compound plan Page --

8 A Correct.

9 Q -- which we said is -- 6H, that we're  
10 looking at. You mentioned it can hold three  
11 providers' equipment on the ground is in your --  
12 you're -- you're comfortable with that -- that --  
13 that's sufficient?

14 A Correct. They are graphically shown  
15 with these rectangles here. Verizon is currently  
16 proposing a 12 1/2-foot by 21-foot. Then we have a  
17 future 12 by 20 and a future, 10 by 15.

18 Q Very good. And could -- what about --  
19 could we look at the next page, which is 6I, the  
20 tower elevation? And can you tell us a little bit  
21 about the pole and what it's designed to hold?

22 A Absolutely. So the pole will be a  
23 radial, hollow, multi-sided or smooth round steel  
24 structure, 179-foot tall. Each carrier would  
25 propose to take a different elevation within their

1       respective envelope with a little bit of separation  
2       in between the two. The pole would be designed for  
3       all of the critical and pertinent atmospheric  
4       events, such as ultimate in design wind speeds,  
5       atmospheric ice loading, and, of course, it's on  
6       self (indiscernible).

7               Q       So -- go ahead. Keep going. Sorry.

8               A       I was just going to talk -- talk a  
9       little bit about how those loads are generated and  
10       the design of that. So wind speeds are actually  
11       based on experimental data. 25, 50-year and a  
12       100-year events and we design for the worst case.

13              Q       And so, it shows at least that the pole  
14       will hold at least three providers or three  
15       platforms; is that correct?

16              A       Correct. With some -- you know,  
17       sufficient reserve capacity for good engineering  
18       judgment.

19              Q       Okay. Very good.

20                    BY MR. HUGHES: And can you -- I'm also  
21       going to ask you if we could jump to -- back to 6D,  
22       which is the overall site plan?

23                    THE HEARING EXAMINER: Sorry. Before we  
24       leave that --

25                    MR. HUGHES: Yes.

1 THE HEARING EXAMINER: -- exhibit, a  
2 quick question.

3 THE WITNESS: Yes, Madam.

4 THE HEARING EXAMINER: There's a note.  
5 On the note it says, I -- I'm seeing a double  
6 negative. I want to make sure I -- so there's your  
7 little box there with the note, No tower  
8 elimination is not required or proposed.

9 THE WITNESS: Yeah.

10 THE HEARING EXAMINER: That first note  
11 in the box?

12 MR. HUGHES: Oh, good question. Thank  
13 you.

14 BY MR. HUGHES:

15 Q Is -- is -- thank you. That was a  
16 question I meant to ask. Will this tower require  
17 lighting? Is it your understanding it will not  
18 require lighting; is that correct?

19 A That is my understanding pertinent --  
20 you know, pertinent upon -- you know, direction  
21 from the FAA.

22 Q And is it our position, which is, I  
23 think the County Code, that if for some reason FAA  
24 requires it, we would comply, but our analysis is  
25 showing that it's not required. Is that your

1 understanding?

2 A Absolutely and gladly.

3 Q Yes. Okay. And -- and once the site is  
4 built, are you familiar with how often it might be  
5 visited?

6 A Yes. So our techs do like to -- not  
7 all, but our techs do like to come and -- you know,  
8 examine the site, check the tower for plumbness.  
9 That's about every three to five years for the TIA  
10 Code. Also, as it pertains to the ground  
11 equipment, the backup generators do like to be  
12 tested -- you know, once a month or once every two  
13 months or so.

14 Q Okay.

15 A But that wouldn't require any climbing  
16 of the tower or anything.

17 Q Okay. Okay. And it's an unmanned  
18 facility; is that correct?

19 A Correct.

20 Q Okay. And it's pretty quiet and silent,  
21 is that fair to say? The compound?

22 A Yes. Especially given that our  
23 equipment is so high up on the tower, any sound  
24 would really be close to none.

25 THE HEARING EXAMINER: This -- this

1 testing you're talking about is -- in terms of  
2 Staff -- you know what -- I know you said one to  
3 two times a month. How -- what's the -- what's the  
4 size of a crew? How long will they be there? Just  
5 give us a sense of what the maintenance or testing  
6 is like?

7 MR. BONSU: Yeah, sure. Are you  
8 referring to the backup generator I was describing?  
9 Like the testing of that?

10 BY MR. HUGHES:

11 Q Well, it -- it -- let -- let's answer as  
12 best you're comfortable. Mr. Golden can also  
13 elaborate on that as well.

14 A Yeah.

15 Q But as best you can answer to any of the  
16 visits, I think the Hearing Examiner's trying to  
17 figure out how many people typically come? How  
18 many vehicles? If you're familiar with that,  
19 great. If you're not sure, that might be for  
20 another witness?

21 A Yeah, sure. I can speak to it a little  
22 bit. In my experience, it's usually, they bring a  
23 truck. It's usually one or two techs at a time.  
24 They'll come --

25 Q Technicians?

1           A     Sorry. Technicians. Yes. Sorry. I'm  
2     using abbreviations. They'll turn on the generator  
3     just to make sure it's working fine. That usually  
4     runs about 30 minutes to an hour, and then they  
5     leave the site, so -- the generator is a little  
6     noisy if you're familiar with -- you know,  
7     generators on how they behave. But again, it's not  
8     an extended period of time, just --

9           Q     When -- when would the generator come on?

10          A     If there was any knockout to the power  
11     source that's coming in from Pepco, which is the  
12     power provider at this site and the generator would  
13     automatically switch on.

14          Q     So typically it's during an emergency  
15     situation when power's not to the area?

16          A     Correct.

17          Q     To allow the cell service to continue;  
18     is that correct?

19          A     Correct.

20               MR. HUGHES: Thank you. Any other  
21     questions on this page, Madam Hearing Examiner?

22               THE HEARING EXAMINER: No. Thanks.

23               MR. HUGHES: I would ask to see 6D,  
24     please, the overall site plan.

25          Q     On this Page -- I know there's a lot of



1 information on this. It's -- it's probably easier  
2 for someone like you who's an expert in this area,  
3 but can you tell us if it shows and where it shows  
4 -- and if so, what the numbers are related to  
5 setbacks to each direction for the property lines  
6 and also to the nearest offsite residence?

7 A Yes. So we have our property line kind  
8 of denoted by this dash line that kind of runs  
9 around the perimeter of the property. We have a  
10 208.5 dimension from the outside of the tower to  
11 the property line on the south side. We have  
12 another -- I believe that's a 651-foot five  
13 dimension to the north side of the property line.  
14 This is majority a wooded area back here, and then  
15 on the north side, the nearest residence is  
16 780-foot -- 0.2-feet. Just correct me. I think  
17 that's an 8 or a 6.

18 Q And then you also have -- is it correct  
19 you have a Line 317 to the east, going up to the  
20 east?

21 A Correct.

22 Q And then to the -- the closest to the  
23 south, southwest is -- can you read that number?  
24 It might be hard.

25 A Yeah, 181.2 feet. Can I have that sheet

1 as well? Clarity on that.

2 MR. HUGHES: Can Madam Hearing Examiner  
3 see those, or do you want him to point --

4 THE HEARING EXAMINER: On mine it looks  
5 like 181.2.

6 MR. BONSU: Yes.

7 THE HEARING EXAMINER: Yes.

8 MR. HUGHES: Very good. Let me -- madam  
9 Hearing Examiner, give me one second. Those might  
10 be my questions for Mr. Yaw.

11 BY MR. HUGHES:

12 Q Is there anything else you wanted to add  
13 about the -- the -- I think you've covered it, but  
14 is there anything else you wanted to add about the  
15 design or -- or the compound?

16 A No. I just want to reiterate that the  
17 tower will be, you know, designed, signed, and  
18 sealed by a structural engineer licensed in the  
19 state of Maryland who will go through all the  
20 proper permitting processes. In addition to that,  
21 each carrier component to go on the tower will be  
22 required to submit a set of construction drawings  
23 with similar analysis to go through the same  
24 motions as far as permitting and approval goes.

25 Q One second, please. There is a

1 condition of approval that Staff has recommended,  
2 Planning Staff, Number 3, that says, At the  
3 completion of construction, before the support  
4 structure may be used to transmit any signal, and  
5 before the final inspection required by building  
6 permit, Applicant must certify to the Department of  
7 Permitting Services that the height and location of  
8 the support structure conforms with the height and  
9 location of the support structure on the building  
10 permit. If we're fortunate enough to be approved  
11 in that condition as one of those, is that  
12 something that you and your team and your company  
13 would agree to?

14 A Absolutely. And to go a step further,  
15 the construction companies that are hired to  
16 install the tower and all the equipment, they are  
17 required to submit a closeout package that comes  
18 with photos, measurements of everything that was  
19 installed in the area that we can use to confirm  
20 that information.

21 Q And there's also a Condition number 6  
22 that said, The support structure must be removed at  
23 the cost of the owner of the telecom tower when the  
24 telecom tower is no longer in use by the wireless  
25 communication carrier for more than 12 months. Is

1       that a -- if we're approved and that's a condition,  
2       is that something your company would also agree to,  
3       or Network Tower would agree to?

4             A       Yes.

5             Q       Thank you.

6             MR. HUGHES:  Madam Hearing Examiner,  
7       those will be my direct questions for this witness,  
8       please.

9             THE HEARING EXAMINER:  Can I just try  
10       and find something on the setbacks?

11            MR. BONSU:  Yes, ma'am.

12            THE HEARING EXAMINER:  Please let me  
13       know if I'm wrong, but I -- it -- it sounds to me  
14       like the Applicant is proposing to comply with  
15       stricter setbacks than is required by the zoning  
16       ordinance.  And the -- my question is based on the  
17       fact that -- I mean, when you have a property, you  
18       have a main structure, and then you have accessory  
19       dwellings, and the setbacks differ --

20            MR. BONSU:  Yes.

21            THE HEARING EXAMINER:  -- based on --  
22       you know, the setbacks for the accessories will be  
23       less stringent than, say, the setbacks for your  
24       primary structure.  So are these -- thank you so  
25       much for pointing out the setbacks, but what are --

1 for someone who's trying to figure out, is this  
2 strict? Is it -- is this what is required? Is it  
3 stricter? Is this less stringent? Yes?

4 MR. HUGHES: Could -- could I add a  
5 little bit to that information?

6 THE HEARING EXAMINER: Yes, please.

7 MR. HUGHES: Yes. So -- yeah, so what's  
8 required is one for one, so 179 feet to each  
9 direction. And so, to the north, which is where  
10 the residences are, we're at 651 feet, which is  
11 three and a half times the setback distance. So  
12 again, that's 179. We have to be at least 179 to  
13 meet the requirement of the Code, and we are at  
14 651, which is three and a half times. And then to  
15 the east is 317, so, you know, that's not -- you  
16 know, we have to be 179, so that's adding another  
17 hundred and almost 40 feet to that direction.

18 Now, to the south and southwest,  
19 which we're closing up on, getting close to the  
20 ICC, is less. We're still meeting those at 280 and  
21 181, but we -- again, that's what -- part of the  
22 reason why we're so pleased with this site, is it's  
23 serving this need, but it's also backing up to the  
24 rear of the property, which backs up to the ICC and  
25 as -- as far -- almost as far away on this property

1 as we can be from the residences to the north. And  
2 it has to be 300 feet away from the closest  
3 residence, and we are 780 feet, which is again  
4 about over two and a half times the required  
5 distance.

6 THE HEARING EXAMINER: Thank you. And  
7 that's -- you -- your -- in your professional  
8 assessment, you're agreeing with that analysis?

9 MR. BONSU: Yes, that would be  
10 consistent with my opinion as well. You know, we  
11 generally place this with (indiscernible) in mind.  
12 Obviously, there's a lot of residences up here, and  
13 we picked a -- you know, a location that was as far  
14 away from that as possible within the compound that  
15 would jibe with all our designs as far as where  
16 we're bringing power and fiber in from.

17 THE HEARING EXAMINER: Thank you. And  
18 I'm assuming you've -- you've reviewed the Staff  
19 report, Exhibit 24. Is there anything in the Staff  
20 report that stands out to you as something you  
21 disagree with, or are you in agreement with the  
22 Staff analysis in the Staff report?

23 MR. BONSU: I haven't reviewed it in too  
24 much detail, so I'll have to look at that.

25 MR. HUGHES: I would just, add as a team

1 we have. And as I mentioned earlier, if we're  
2 fortunate enough to be approved here, we would  
3 gladly accept all the conditions of approval from  
4 the Staff.

5 THE HEARING EXAMINER: Okay. Thank you.  
6 No -- no further questions from me.

7 MR. HUGHES: No? Thank you.

8 MR. BONSU: Okay.

9 MR. HUGHES: Thank you.

10 MR. BONSU: Okay.

11 MR. HUGHES: Appreciate it.

12 MR. BONSU: Yeah, thank you.

13 MR. HUGHES: I would call my next  
14 witness as Mr. Jim Golden.

15 THE HEARING EXAMINER: As -- as -- as  
16 any of the expert witnesses are being qualified, if  
17 you could kindly pull up their respective resumes  
18 that are attached to the -- the pre-hearing  
19 statement is Exhibit --

20 MR. HUGHES: 23, I think.

21 THE HEARING EXAMINER: -- 23, and these  
22 -- these resumes are attached to that.

23 MR. HUGHES: Yeah. Thank you, Madam  
24 Hearing Examiner. And I apologize. Did you swear  
25 everyone in, or do you need to --

1 THE HEARING EXAMINER: I need to swear  
2 every witness in, so I'll do that now. Could you  
3 please state your full names for the record?

4 MR. GOLDEN: My name is James Golden.

5 THE HEARING EXAMINER: Spellings?

6 MR. GOLDEN: G-O-L-D-E-N.

7 Whereupon,

8 JAMES GOLDEN,  
9 being first duly sworn or affirmed to testify to  
10 the truth, the whole truth, and nothing but the  
11 truth, was examined and testified as follows:

12 BY MR. HUGHES:

13 Q Mr. Golden, can you please tell us a  
14 little bit about your educational and professional  
15 background?

16 A Yes. I -- a BS in economics. Graduated  
17 in 1983. I started working at Verizon in 1994. I  
18 spent 25 years at Verizon.

19 Q And just for clarity, Verizon --

20 A Wireless.

21 Q -- is the current name now?

22 A Yeah.

23 Q But it had some prior names, but it's  
24 all been essentially --

25 A Yeah.



1 Q -- Verizon or Bell Atlantic or --

2 A Yeah. I started at Bell Atlantic, then  
3 Bell Atlantic Mobile Systems, then Verizon  
4 Wireless, Bell Atlantic's -- Atlantic's Mobile, and  
5 finally Verizon Wireless since 1999. Just one  
6 pointer. I don't think my whole resume got -- got  
7 put on there correctly.

8 Q I think that's my mistake.

9 A I -- I have a -- I have a copy I can --  
10 can add.

11 THE HEARING EXAMINER: You can -- we can  
12 take that. And would you like us to do a  
13 substitution or just -- you know what I will do?  
14 If we can take that, we'll supplement -- this would  
15 be Exhibit -- as a pre-hearing statement, it's  
16 Exhibit 23. We can make this Exhibit 23 -- 23A.  
17 So if -- if you do want to supplement your --

18 MR. GOLDEN: Yeah, I -- I would.

19 THE HEARING EXAMINER: Yes.

20 MR. HUGHES: I apologize. I know I have  
21 -- I brought some copies of his resume.

22 MR. GOLDEN: You can just take this.

23 MR. HUGHES: Well, if you -- all right.  
24 Let me hand this in here, over here.

25 THE HEARING EXAMINER: So anything

1 that's been provided in hard copy here will need --

2 MR. HUGHES: Electronic.

3 THE HEARING EXAMINER: -- an electronic  
4 submission as well.

5 MR. HUGHES: Okay.

6 THE HEARING EXAMINER: I'm entering into  
7 the record the -- an additional resume for Mr.  
8 James Golden, and this will be entered without  
9 objection as Exhibit 23A.

10 MR. HUGHES: Thank you.

11 BY MR. HUGHES:

12 Q And Mr. Golden, tell us, you've been  
13 working in wireless for nearly 30 years; is that  
14 correct?

15 A Correct.

16 Q And how many projects like this do you  
17 think you've worked on over those years, if you  
18 could guesstimate?

19 A Personally, I've worked on hundreds, and  
20 my team -- when I've managed a team of real estate  
21 construction and engineering, it was probably 1,000  
22 of new cell sites in the -- in the five-state area  
23 of around D.C.

24 Q And when you say new cell sites, you  
25 mean brand new towers?

1           A     Brand new -- brand new towers.

2           Q     Okay.

3           A     And -- and some co-locations on existing  
4     --

5           Q     So co-location is when a tower or a  
6     building or a water tank are existing, and you put  
7     the antennas on that; is that correct?

8           A     Correct.

9           Q     Okay. So you think on new towers like  
10    this and antennas going on an existing structure,  
11    you've worked on thousands?

12          A     Over 1,000, and then at we've done  
13    probably 10,000 upgrades on --

14          Q     What's -- what's an upgrade?

15          A     An upgrade to -- like, when we were  
16    upgrading from 1X analog to digital, 2G, 3G, 4G,  
17    and 5G.

18          Q     So is it fair to say that's when you go  
19    to an existing cell site, telecom site, and you  
20    kind of upgrade the equipment?

21          A     Exactly.

22          Q     Okay.

23          A     Yeah.

24          Q     Okay.

25          A     I've been involved with multiple stadium

1 sites in the Washington, D.C. area, M&T Bank, FedEx  
2 Field; done a number of trials, 5G and 4G trials  
3 over the years. We were the first market to do 4G  
4 in the United States. My team and I were proud of  
5 that. So I've -- I've managed real estate  
6 construction engineering for about 20 years --

7 Q Okay.

8 A -- in five states.

9 Q Have you ever testified in hearings like  
10 this before?

11 A Yes, Montgomery County in the 90s and  
12 Queen Anne County recently in -- last summer.

13 THE HEARING EXAMINER: And -- and you  
14 have been qualified before the Montgomery County  
15 Boards as an expert?

16 MR. GOLDEN: Yes. Yes.

17 THE HEARING EXAMINER: Okay. Do you  
18 have a case number you could -- that -- that --  
19 that -- that you might recall, a case name?

20 MR. GOLDEN: Avenel was the -- the site.

21 MR. HUGHES: I could probably pull that,  
22 but I guess I would -- for -- for your -- with your  
23 consideration, I may offer him as an extra witness  
24 in -- in telecommunications real estate, although  
25 again, in his case, I don't think it's crucial, but

1     it would be nice. We can try to pull that, because  
2     I -- I wasn't involved in that case. That was a  
3     long time ago. I don't know if he was officially  
4     recognized as an expert or just somebody with a lot  
5     of knowledge on that case and in the wireless  
6     industry.

7             THE HEARING EXAMINER: Are you seeking  
8     to have him qualified as an expert in this case?

9             MR. HUGHES: I -- I would -- I would ask  
10    for your consideration that he be recognized as a  
11    -- after his 30-plus years 1,000 plus sites, as  
12    expert in telecommunications real estate.

13            THE HEARING EXAMINER: Okay. Your  
14    request is granted.

15            MR. HUGHES: Thank you.

16    BY MR. HUGHES:

17            Q     Mr. Golden, you're familiar with this  
18    project; is that fair to say?

19            A     Yes. I've been involved with this  
20    project, well, for a long time. Back in 2006,  
21    Verizon issued the ring for this area.

22            Q     Can you tell us what a ring is?

23            A     Yeah, a search ring is issued by the  
24    radio frequency engineers to target an area for a  
25    new site.

1           Q     And that's to enhance the wireless  
2 coverage where there's -- it's not --

3           A     Right.

4           Q     -- deemed not sufficient?

5           A     Exactly. So that was issued in 2006, so  
6 -- but the -- the location was so difficult that  
7 there was a lot of starts and stops to the -- to  
8 the -- to trying to find the site. And then most  
9 recently, when at -- at Network Towers, I was  
10 brought in and targeted the Colesville Depot site  
11 as -- as the best solution after close to 20 years  
12 of not only Verizon, but AT&T and T-Mobile trying  
13 to find a site in the area. So we -- we looked at  
14 probably 15 -- 15 sites in the area within a mile  
15 radius of -- of where we're at right now. We -- we  
16 were looking at everything from community centers,  
17 churches, parks, elementary school, a small farm,  
18 and all of them did not pan out either because they  
19 couldn't get zoned, the landlords wouldn't agree to  
20 a -- a lease, or the County did not want to lease  
21 at that time, so -- keep going?

22          Q     Very good. No, that's good.

23          A     Okay. Good.

24               MR. HUGHES: I would reference Exhibit  
25 Number 4, the Tower Review Committee report. And

1 if we could pull that up, it's a big packet, but I  
2 believe it's only on Page 4.

3 Q Is it your understanding that the Tower  
4 Committee report on Page 4 lists 12 nearby  
5 alternatives that were considered, and briefly  
6 explains why they were all deemed insufficient; is  
7 that your understanding?

8 A Yeah. So this list is actually from  
9 AT&T. They provided a list, and I'll get into it  
10 later, but these are the -- these are the -- these  
11 are most of the properties that were looked at.  
12 There's actually a couple more including -- and a  
13 location of MNCPPC property in the area.

14 Q When you say MNCPPC, is that --

15 A Yeah, I'm sorry.

16 Q -- no. That's Maryland-National Capital  
17 Park and Planning Commission, which is also known  
18 as Park and Planning or the Planning Department in  
19 Parks.

20 A Yes.

21 Q Is that fair to say?

22 A Yes.

23 Q Very good. So bottom line here, it  
24 sounds like this is something you're familiar with.  
25 It's been worked on for nearly 20 years and had a

1 lot of challenges for, I guess, many reasons; is  
2 that fair to say?

3 A Yeah. The difficulty of trying to find  
4 a site to serve the area, especially when probably  
5 90 percent of -- 90 percent of the area is parkland  
6 and MNCPPC doesn't like cell sites on these Spring  
7 Valley parks. So we basically had limited options.  
8 And it wasn't -- it wasn't until we went back to  
9 the County in -- in I guess it was September of  
10 2023 when we contacted Tom Williamson of the  
11 Montgomery County Real Estate Department, we posed  
12 the going -- we posed -- I think AT&T was rejected  
13 on the Colesville Depot site at one point, we went  
14 back and asked again if we could do it, to go on  
15 that site.

16 It was the best location. It was  
17 industrial nature, and it was far -- far away from  
18 -- farthest away of any property from residential.  
19 And we asked about him getting us approval to do  
20 that. So in September, 2023, we sent a proposal to  
21 him. He brought it to his superiors. The  
22 Colesville Depot manager on site approved us and  
23 let us -- let us move forward. And then in  
24 January, 2024, the County executive's chief of  
25 Staff, at -- at the request of a number of people,



1 including Councilperson Mink and Senator Barbara  
2 Kagan, allowed us to present our case to them.

3 And we presented our case and in --  
4 and that was in January of 2024. And that took --  
5 and that's when Russell Hartung came and he  
6 presented his case to the County, as well, and we  
7 proceeded to negotiate with the County at that  
8 point. It took about four or five months, but the  
9 County executive obviously was approving it of us  
10 proceeding. So that was a big change in -- in the  
11 history of this -- this -- this project.

12 So by August of 2024, we had signed  
13 a letter of intent with the County, and we had a  
14 right of entry agreement to start engineering. And  
15 by June, 2025, we finally got Tower Committee  
16 approval. That's the long and short of everything.  
17 So it's been -- it -- it -- it took a long time to  
18 get to this point and it took about a year since we  
19 got the -- the -- you know, the informal approval  
20 from the County to proceed.

21 And so, I think we've got a lot of  
22 -- obviously a lot of support for it. And of all  
23 the sites that I've done recently in years, it's --  
24 it's probably the best site for what we're doing  
25 because it's industrial nature and there's already

1 big trucks running in and out. It's pretty much  
2 hidden from three sides from the -- during the --  
3 the residential area to the north, there's a lot of  
4 trees. And you go three feet one way, you don't  
5 see it. You go 10 feet the other way and you don't  
6 see it. So that's -- that's pretty much the  
7 summary of how we got through that.

8 Q So -- so is it fair to say that whenever  
9 you're trying to build a new tower, like, there's  
10 certain real estate zoning and construction  
11 considerations that have to be evaluated?

12 A Yeah.

13 Q And so, this one, a -- a big one was the  
14 real estate consideration. Because the County has  
15 to be careful that it can fully utilize its  
16 properties for its needs, correct?

17 A Correct.

18 Q So I guess it sounds like after talking  
19 to them multiple times, they found a way to provide  
20 enough space to do their operations and allow this  
21 tower site to be on the site; is that correct?

22 A Yeah. The location we ended up at was  
23 within a curved area that was backed up against the  
24 storage -- white storage units there. We're not --  
25 we're not going outside of any area. The -- it --

1 it was already exactly -- it was already stoned in  
2 and they had -- they were storing containers there.  
3 They're gone today. I drove by. But we're not --  
4 we're not taking any really usable space so much.

5 There was some difficulties in that  
6 there was a lot of drainage pipes that were running  
7 through. And you might have seen in that -- that  
8 -- one of the exhibits where there's black lines  
9 running through in a number of ways. So we had to  
10 strategically fit the location and be able to allow  
11 to have the three carriers enough space, and then  
12 we had to go to another area for the propane tanks.  
13 So all in all, it's -- it's -- we've -- we've  
14 pigeonholed into a great location, enough space for  
15 everything to work.

16 Q Very good. Thank you. And earlier, I  
17 referenced the Tower Committee Report Exhibit 4.  
18 And I -- I read that the -- in the second to last  
19 paragraph, Page 2, The review included a thorough  
20 examination of not only Verizon Wireless technical  
21 evidence, but assessment of existing wireless sites  
22 in the area that might offer relief. However, our  
23 evaluation found that no other sites were available  
24 to provide the needed coverage. And I guess that's  
25 what you've said. You -- you concur with that

1 position by the Tower Committee?

2 A Yes, I concur.

3 Q And that ties into Page 4, which was up  
4 there, the 12 and also the other items that you --  
5 you noted, there were other considerations, other  
6 sites; is that fair to say?

7 A That -- I concur with that, yes.

8 MR. HUGHES: Madam Hearing Examiner, he  
9 was talking about the location a little bit. I'd  
10 like to, if I could, refer to Exhibit 19, which is  
11 the photo simulation.

12 Q And if I could, Mr. Golden, can you tell  
13 us when we say photo simulations, what is that?  
14 How is that created?

15 A Yeah. So we have a -- a -- we have  
16 internal and external professionals that do -- they  
17 -- they -- we raise a balloon. We take a laser and  
18 -- and -- and determine the height of it. And then  
19 they -- the balloon is three feet in diameter so it  
20 gives us some -- gives us the ability to -- to --  
21 to do the photos sims so it's to scale. And then  
22 we -- at -- I think we picked a lot of the sites,  
23 but we also went to the Staff, County Staff, and --  
24 and picked all the locations that, by the -- by the  
25 Code, it has to be within a mile, within one mile.

1 And -- and so on this particular Exhibit 19 here --

2 Q And what is -- this is the aerial with  
3 the map? Is that what this --

4 A This is -- this --

5 Q -- this -- this page of Exhibit 19?

6 A -- this -- this identifies all the  
7 locations we took pictures from.

8 Q And in the bottom right hand corner it  
9 says, Castle Cliff location map just to identify  
10 this?

11 A Yeah. And -- and then red is -- is  
12 non-visible and green is visible. And so, as you  
13 can see, there's -- view 1 is on the ICC entrance  
14 ramp to the south of the site, and then View 2 and  
15 View 4 are on Cape May Road. And View 3 is on the  
16 road behind there. And then View 5 was across New  
17 Hampshire. And that view, view shed, was across  
18 New Hampshire and through telephone pole lines and  
19 all that.

20 Q And Mr. Golden, I'm -- we're going to go  
21 through the photos sims rather quickly in a moment.

22 A Okay.

23 Q But is it fair to say that the ground  
24 compound clearly is screened and not visible  
25 offsite; is that fair to say? The ground compound?

1           A     I would say, yes, it -- it cannot be --  
2     it -- no, it could not be seen from the ground  
3     because of the -- the structures around it and the  
4     trees around it, so --

5           Q     Okay. But with most towers, at some --  
6     certain vantage points, because they do have  
7     height, if you're looking for it it can be seen  
8     from certain vantage points; is that fair to say?  
9     It's not that it's invisible?

10          A     Yes.

11          Q     But per this map, it shows -- gives an  
12     idea of where it might be visible and where it's  
13     not visible; is that fair to say what this map  
14     summarizes, that you just testified to?

15          A     Yeah. Yeah, it was -- the -- the  
16     terrain in this area is very, very -- it's not flat  
17     at all. So there were -- there were areas I  
18     thought you would be able to see, but you couldn't  
19     because of the trees, and then the -- the elevation  
20     changes. So other than, obviously, the -- the  
21     neighbor across the street, there was some -- it  
22     was so close even with the large trees.

23          Q     And is -- is it your understanding that  
24     this tower will not require lighting at the top?

25          A     It won't require a light. We've already

1 reviewed that and there -- it doesn't have to be  
2 registered or have a light because it's under 199  
3 -- 199 feet.

4 Q And then there's additional criteria,  
5 though?

6 A Pardon?

7 Q Some -- some -- some towers under 199  
8 feet might have to be lit if they're near airports  
9 or flight paths or something.

10 A Right.

11 Q But you've done enough review for this  
12 one that it's not required here?

13 A Right. We have -- we have a -- we've  
14 done the -- now -- we haven't -- we haven't --

15 MR. GOLDEN: We -- we filed it?

16 MR. AVERNA: Uh-huh.

17 MR. GOLDEN: And we got it back?

18 MR. AVERNA: Yep.

19 Q All right.

20 A All right. We have -- we're fully  
21 approved --

22 Q You have -- FAA reviewed it?

23 A We have FAA approval (indiscernible).

24 Q That no lights -- okay. So our position  
25 here is it's not required per the FAA, the federal

1 government. If, for some reason, at some point it  
2 was required, we would certainly comply with the  
3 law. But that's not what's going to happen --

4 A Correct.

5 Q -- under the current situation?

6 A Correct.

7 Q And obviously, since it's no lights,  
8 when it's dark out it's not going to be visible,  
9 correct?

10 A Maybe from ambient light from the depot,  
11 but I don't think so.

12 Q Okay. All right. And can you tell us a  
13 little bit about how often it's visited and what  
14 it's visited for?

15 A Yeah, sure. Once the site is built, the  
16 -- it's -- it's every couple of months, actually,  
17 on the carrier side, on the Verizon side, AT&T and  
18 all. Everything is done remotely now. 20 years  
19 ago, there would be a lot more visitation. There  
20 is no landscaping or there is no grass cutting or  
21 anything required. As far as the -- the generators  
22 will run every -- in the case of Verizon, it's  
23 every Tuesday, 3:00, and they're running remotely.

24 If there's a problem with the  
25 generator, like Yaw was saying -- Yaw -- excuse me



1 -- they will send a tech out, a technician out.  
2 But there is basically no traffic from the three  
3 carriers. Unless they're upgrading the site,  
4 they're changing antennas or changing equipment  
5 inside the cabinets, there is nobody really coming  
6 there more than -- you know, at the most once every  
7 month or two.

8 Q Okay. So it's unmanned and has very  
9 limited visits --

10 A Right.

11 Q -- because the electronics, I guess, are  
12 dealt with remotely is what you're saying?

13 A Yeah. Through fiber, yes.

14 Q Okay.

15 A And then the two parking spots the  
16 County gave us, we don't -- we're not required to  
17 have -- you know, pup the spots. But they -- they  
18 wanted to make sure that they noted where we were  
19 parked.

20 MR. HUGHES: Madam Hearing Examiner,  
21 would you like us to walk through the photos sims  
22 rather quickly or -- or since they're in the  
23 record, is that sufficient for you?

24 THE HEARING EXAMINER: I -- I think  
25 that's sufficient.

1                   And I'd just, while we have you on  
2     the front lines, clarify. So in terms of -- in --  
3     in your assessment, can you think of any public  
4     facilities that are required to support this? You  
5     know, I mean, if we are dealing with a residential,  
6     for instance, you worry about things like, you  
7     know, fire department and schools and, you know,  
8     the pedestrian access. So for this kind of  
9     facility, what public -- are there any public  
10    facilities that -- that -- that -- that are needed  
11    to support this?

12                  MR. GOLDEN: No.

13   BY MR. HUGHES:

14           Q     You don't need water?

15           A     No, we don't need water.

16           Q     You need power, correct?

17           A     We need power. We need electric power.

18   We've got a pass --

19           Q     Although that's private, a private  
20    company.

21           A     Right, right.

22                  THE HEARING EXAMINER: Private?

23                  MR. GOLDEN: Yeah. There is no -- well,  
24    we're actually doing a -- a service through the --  
25    the -- the people on the -- at the depot. All the

1 workers there can't -- they can't -- they can't  
2 receive phone calls inside the building. All the  
3 -- they have -- they -- they use all three carriers  
4 and they -- they complained about the service. So  
5 they were happy to see the service -- you know, the  
6 -- the site being done there because it helps them  
7 do their job, as well.

8 BY MR. HUGHES:

9 Q Because it's unmanned and silent,  
10 essentially, very little public services are  
11 needed. However, the Staff report, I believe  
12 Exhibit 24, again, does talk about that the closest  
13 fire department is about 1.5 miles away, Hillendale  
14 Fire Department; is that -- is that your  
15 recollection?

16 A Yeah, I -- I believe so. Yes.

17 Q So to Madam Hearing Examiner's  
18 questions, these are -- well --

19 A There's -- there's also no cost to the  
20 -- to the County or the public. So our company  
21 would pay for all the -- all of the costs for the  
22 installation. The carriers would pay for their  
23 installation. So there's no cost to -- to the  
24 public at all.

25 Q Thank you. I'm going to ask you some

1 other questions related to the zoning Code, Mr. --  
2 Mr. Golden. Is it your understanding that the  
3 Tower Committee recommendation was drafted within  
4 the 90-day time period of acceptance of the  
5 application, you're in compliance with that, is  
6 that your understanding?

7 A Yes.

8 Q And -- and --

9 A We -- just one. We did go back. We got  
10 approved, and then went back to make -- make sure  
11 it was within 90 days of us filing. So we went  
12 back. We went through twice.

13 Q The most recent time being in June,  
14 correct?

15 A Yeah. They concurred, yeah, June.

16 Q Okay. And is it your understanding that  
17 as Staff wrote in their Staff report, Exhibit 24,  
18 Page 23, that it is not in the historic area. Any  
19 scenic setback would include the master plan area;  
20 is that correct?

21 A That's correct.

22 Q And you already heard the testimony  
23 about the setbacks to the distances in the  
24 residences, and you concur with those, that those  
25 are all met and exceeded in most cases?

1           A     Yeah. The -- and I just want to add one  
2     thing, that the -- the location that we ended up at  
3     was at the County suggestion, and it met -- it --  
4     it didn't interfere with their ongoing business or  
5     work, and it did meet and exceed all the setbacks  
6     that were required, so it worked out perfect.

7           Q     Okay. And certainly, as you've met --  
8     you've testified you worked closely with the County  
9     on this application, and they obviously are  
10    supportive in part of this review and application  
11    submission; is that correct?

12          A     That's correct.

13          Q     And Mr. Golden, a Code section states  
14    that the support structure must be identified by  
15    assigned two square feet or smaller fixed to  
16    support the structure, or any equipment building.  
17    Sign must identify the owner and the maintenance  
18    service provider of the support structure or any  
19    attached tenant. Provide the telephone number or  
20    person to contact during -- regarding the  
21    structure. Sign must be updated and Hearing  
22    Examiner notified within 10 days of any change of  
23    ownership. Is that -- if -- if you're granted  
24    approval, would you comply with such a Code  
25    requirement and/or condition?

1           A     Yes.

2           Q     Okay. And also each telecom tower owner  
3 is responsible for maintaining it in a safe  
4 condition. Would the network towers commit to such  
5 Code requirement and/or condition of approval?

6           A     Yes, we would.

7           Q     And you're certainly aware that this and  
8 as Staff is supported in -- in their recommendation  
9 of approval, that this RE-2C zone does allow a  
10 tower via this conditional use process?

11          A     Correct.

12          Q     And I would reference you to Staff  
13 report Exhibit 24, Page 30, which I think you're  
14 familiar with where it talks about required minimum  
15 lot areas development standards, minimum lot areas,  
16 minimum setbacks, maximum height, vehicle parking.  
17 The Staff report on that page shows that you are in  
18 compliance with all those. Do you concur with that?

19          A     Yes, I concur.

20          Q     Thank you. You had already mentioned  
21 this, but the no parking spaces are technically  
22 required for Telecom Tower; is that correct?

23          A     Correct.

24          Q     But even so, the County was kind enough  
25 to provide two spaces that you -- you guys would

1 utilize as needed. Is that fair to say?

2 A That's correct.

3 Q Okay. And regarding landscaping,  
4 outdoor lighting, Staff wrote in their report that  
5 due to the nature of tolerance operations, outdoor  
6 lighting is not needed nor proposed, but the  
7 application existing on site lighting will remain  
8 unchanged. Do you support that and agree that  
9 lighting is landscaping -- I'm sorry -- that --  
10 yeah, the landscaping and lighting is sufficient?

11 A I do.

12 Q Okay. And -- and it was already  
13 testified too about the fencing around the  
14 compound. Did you -- you concur that Staff wrote  
15 that no additional screening is required. Would  
16 you concur with that Staff wrote that on Exhibit  
17 24, Page 31? Do you concur?

18 A I would concur and I -- I would say that  
19 there really wouldn't be any room to do any  
20 additional screening. It was --

21 Q Would it serve any -- would it serve any  
22 purpose? Tell -- tell us what's around? What --  
23 how -- where it could be visible, the ground  
24 compound?

25 A It -- it -- based on the setbacks we're

1 -- we're up -- we're up against the existing curb  
2 where there isn't any landscaping and the -- the  
3 only place you'll see the equipment from  
4 potentially as you're driving down the ICC at 70  
5 miles an hour --

6 Q To -- to the south?

7 A To the south. But you won't see it from  
8 the north where the neighbors are.

9 Q The ground compound?

10 A The ground compound.

11 Q And again, to the south is the ICC, but  
12 there are still some trees that need --

13 A The trees there as well.

14 Q So it'd be challenging to see --

15 A Yes.

16 Q -- the grounding there. Okay. Thank  
17 you. And about signage. You're not required --  
18 you're not requesting any signage other than what  
19 was mentioned before that's required by the County;  
20 is that correct?

21 A Correct.

22 Q And Staff wrote in Exhibit 24, Page 31  
23 through 32, about conforming with the  
24 recommendations of the master plan. They did a  
25 very thorough review of that. Some of what they



1 wrote is, The project is compatible with the  
2 surrounding area, will not hinder the residential  
3 appearance of the neighborhood nor require  
4 minimization of impact from lighting, signage, or  
5 other physical improvements. Do you concur with  
6 Staff's detailed review that it does comply with  
7 the Cloverly master plan?

8 A I agree. I concur.

9 Q Thank you. Staff also did an extensive  
10 review on Page -- again, Exhibit 24, Page 32  
11 through 35, about the site being harmonious with  
12 and will not alter the character of the surrounding  
13 neighborhood in a manner inconsistent with the  
14 plan. Some of what they wrote was, The towers  
15 proposed height, setbacks design, location,  
16 brackets, within the site. And within the general  
17 neighborhood context along with existing trees and  
18 landscaping will allow the facility to blend  
19 appropriately with the surrounding neighborhood.  
20 Would you agree with that?

21 A I would agree.

22 Q And they -- they wrote further, While  
23 telecom tower cannot be fully screened from view  
24 above the tops of the surrounding tree line, this  
25 site in particular will not have a negative impact

1 on the area as it generates negligible traffic,  
2 does not require parking, will not generate noise,  
3 vibrations or odors. The extensive tree covering  
4 area, the abiding Maryland 200 highway to the south  
5 and large setbacks will screen the project from the  
6 road in private property and will contribute to  
7 some screen there, concealment of the tower. Would  
8 you also concur with that?

9 A I would. I would, yes, I concur.

10 Q Thank you. Staff also noted on Page 33  
11 of Exhibit 24, That this site will not when  
12 evaluated conjunction with existing and approved  
13 conditional in the uses in this neighboring  
14 residential detect zone, increase the number  
15 intensity or scope of the conditional uses  
16 sufficiently to affect the area adversely or alter  
17 the predominantly residential nature of the area.  
18 Would you concur with that?

19 A I would.

20 Q And they -- and they wrote -- they went  
21 on the note that the majority -- okay. No, let me  
22 skip that. Staff also on Pages 34 through 35, did  
23 extensive review about adequate public facilities,  
24 which the Hearing Examiner was asking about  
25 earlier. And -- and this was on Page 34 through

1 35. Do you support their view that there was, you  
2 know, limited need for public facilities and that  
3 it -- it -- it would pass any adequate facilities  
4 required here as a result?

5 A Yeah. I think we're taking a very  
6 minimal area and everything else is -- is being  
7 provided by the us and the carriers.

8 Q Yeah.

9 A So it's a facility.

10 Q It's an unmanned facility, it is not an  
11 office with people?

12 A Yeah, there's very little traffic. The  
13 noise is like an air conditioner. As far as the  
14 equipment goes, it's like a home air conditioner  
15 when it's on and there's no smell, there's nothing  
16 impactful to the neighbors or the community.

17 Q Thank you. And is it your understanding  
18 in this case a preliminary plan of subdivision is  
19 not required?

20 A That's right.

21 Q And we've had multiple discussions, I  
22 think about the limited number of traffic, but you  
23 guys did have to supply a transportation exempt --  
24 exempt -- exemption statement. And that usually is  
25 granted if there's fewer than 50 weekday peak hour

1 trips. Is it -- so you certainly qualify that  
2 since you mentioned it's usually a trip once every  
3 month or two. Is that fair to say?

4 A Yeah. I -- I concur with that.

5 Q Staff also did an extensive review on  
6 again, Exhibit 24, Pages 35 through 37, about  
7 potential harm to neighbor as a result of  
8 non-inherent and in -- in combination of inherent  
9 adverse effects. And they -- they concluded,  
10 Considering existing service shortages identified  
11 with the plan area. The provision of the proposed  
12 tower will provide a necessary neighborhood service  
13 and support the health, safety, and welfare of the  
14 neighboring residents. There are no expected  
15 impacts to the neighborhood's public realm.  
16 Overall Staff determine proposal will not have any  
17 non-inherent effects at this location that exceed  
18 typical conditions. Would you support and agree  
19 with that assessment?

20 A I would agree to that. And I -- I would  
21 also like just to make -- make -- make a note that  
22 Councilperson Mink and her Staff, Chris William,  
23 are -- had -- they've had a number of requests from  
24 the community to improve coverage at the -- at the  
25 local schools and in the -- the area of the -- the

1 community center of Good -- good Hope Community  
2 Center, and that she -- I think she described it as  
3 an equity thing that there was -- that the  
4 residents need the coverage and they deserve the  
5 coverage and if we're able to provide it, she  
6 completely supported it. And she wrote that in our  
7 letter, I think. So -- so yes. Like, I -- I  
8 concur with that. And I think -- I think that the  
9 -- the -- the large amount of the communities  
10 asking for it.

11 Q Thank you. And we're almost done with  
12 Mr. Golden. Again, on Exhibit 24, Staff are on  
13 Page 37, That the proposal is for the operation of  
14 unmanned telecommunications tower with a -- within  
15 a fenced area of an existing maintenance depot and  
16 no reconstruction alteration of any existing  
17 structures proposed. Do -- do you concur with that  
18 statement?

19 A I concur with that, yes.

20 Q And is it your position that this tower  
21 facility at this 11 plus acre government depot that  
22 backs up the route 22, blends inappropriately?

23 A I do. I think it's a good -- good  
24 location for this type of installation.

25 Q Thank you.

1                   MR. HUGHES: Madam Hearing Examiner,  
2                   those would be my questions -- direct questions  
3                   from Mr. Golden.

4                   THE HEARING EXAMINER: Thank you. Do we  
5                   have any member of the public wishing to  
6                   cross-examine this witness? You may step forward.  
7                   And may I ask -- maybe not necessarily. I don't  
8                   know which witness would address this, but I know  
9                   that there's a condition in the proposed by Staff  
10                  around the forest conservation plan. So I would  
11                  like someone to speak to forest conservation plan  
12                  applicability or none, you know, just sort of to  
13                  speak to any requirements of the forest  
14                  conservation plan.

15                  MR. HUGHES: I may keep him up here if I  
16                  could then.

17                  THE HEARING EXAMINER: Okay. Do you  
18                  want to do that before the cross examination starts?

19                  MR. HUGHES: Is -- is that okay?

20                  THE HEARING EXAMINER: That's fine.

21 BY MR. HUGHES:

22                  Q     Okay. Mr. Golden, is it your  
23                  understanding that County Staff ask that you guys  
24                  do a forest conservation red line or amendment  
25                  because there is an existing forest conservation

1 plan for this government property?

2 A Yes.

3 Q And the amendment was very minor in  
4 nature because of the small footprint that you're  
5 utilizing on 11-foot -- 11 plus acre property; is  
6 that correct?

7 A Yeah, we were completely outside of the  
8 forest conservation area.

9 Q And you're not taking down any trees or  
10 that kind of (crosstalk)?

11 A No, we're not cutting any trees down.  
12 We're completely outside of the whole forest  
13 conservation plan. We did a red line. The -- the  
14 -- the original engineering firm, it took us a long  
15 time to find, but they ended up updating it, red  
16 lining and sending to the County Staff. They  
17 reviewed it and they were okay with it. But I  
18 think we're just being asked to provide a final one  
19 when we're done constructing. But bottom line is,  
20 we're going up the middle of the property and I  
21 don't know if there's a -- an exhibit that shows  
22 that the conservation equipment is on the outside.

23 THE HEARING EXAMINER: Okay. I believe  
24 in the record, we do have I believe it's Exhibit  
25 11, the Forest Conservation Exemption Form. Is

1       that --

2               MR. GOLDEN:   Yeah.   Yes.   That, I can  
3       just confirm --

4               THE HEARING EXAMINER:   I -- I -- okay.

5               MR. GOLDEN:   So this is -- this is the  
6       forest conservation area here.   Here's our --  
7       here's our location.

8               THE HEARING EXAMINER:   Okay.   So we are  
9       looking at Exhibit 11, right?   Are we looking at  
10      Exhibit 11?

11              MR. GOLDEN:   Yeah.

12              THE HEARING EXAMINER:   Thank you.

13              MR. GOLDEN:   Exhibit 11.

14              THE HEARING EXAMINER:   Yes.   Thank you.

15              MR. GOLDEN:   Yeah, I don't know what  
16      happened here, but -- yeah.   So -- so -- so the  
17      shaded area is the forest conservation plant area,  
18      and then this is our tower site location.   And then  
19      all we're doing is going right up the -- right --  
20      right up and out.   We don't touch any of this.   So  
21      there's -- not even our -- there was a question  
22      about fiber and power, and we were originally going  
23      to go through this area, but then we redirected it  
24      and did the study, an underground study, and now  
25      we're going right through the middle away from the



1 forest conservation.

2 MR. HUGHES: And that's -- Hearing  
3 Examiner, I can add further clarity to this topic  
4 because, like you, we understand we're in  
5 compliance, but we were able to -- and I'd like to  
6 give Mr. McKinney a copy as well. But we were able  
7 to just yesterday, in fact, able to get an email  
8 from the Planning department that does say, I'm  
9 confirming that the Staff Environment Climate  
10 Division of Montgomery County Planning reviewed the  
11 redline submitted in conjunction with the CU. The  
12 plans are in conformance with the force  
13 conservation plan, and preliminary final water  
14 quality plan approved that. So --

15 THE HEARING EXAMINER: Do -- do we have  
16 a -- I know there's been references to the forest  
17 conservation plan. Do we have a forest  
18 conservation plan number that we can reference?

19 MR. HUGHES: Yes, it's -- it's in this  
20 -- it's in this letter.

21 THE HEARING EXAMINER: Wonderful.

22 MR. HUGHES: So if I could provide this  
23 to you as a -- as a new exhibit. And essentially  
24 what this does is, as -- as Mr. Golden has  
25 testified to, as our plan shows, we -- we are in

1 compliance with the initial forest conservation,  
2 but we're not violating it in any way. And  
3 further, Planning Staff, the professionals, have  
4 reviewed it by a red line, and they say in this  
5 email that you guys are in compliance, that  
6 everything is fine, that -- on that topic.

7 THE HEARING EXAMINER: Thank you. If  
8 I'm counting correctly, I think, wait, this would  
9 be entered as Exhibit 29. And I -- any objections  
10 to entering this email from Planning? Hearing  
11 none. Any objections?

12 MR. MCKINNEY: No.

13 THE HEARING EXAMINER: Okay. Hearing  
14 none, this email dated October 20, 2025, from  
15 Planning regarding the forest conservation plan is  
16 entered into the record as Exhibit 29.

17 (EXHIBIT 29 ADMITTED)

18 MR. HUGHES: Thank you for that. And  
19 with that, I will turn it back to you and Mr.  
20 McKinney.

21 THE HEARING EXAMINER: For  
22 cross-examination, yes. So if you have any  
23 questions for the witness? And questions are  
24 restricted to the testimony that was given.

25 MR. MCKINNEY: Okay. Well, I'll just be

1 very brief. I do -- Madam Examiner, would you like  
2 me to reintroduce myself, or can I just speak?

3 THE HEARING EXAMINER: If you -- please  
4 state your -- just state your name again.

5 MR. MCKINNEY: I'm Ty McKinney, and I'm  
6 a resident on Cape May Road, 14212 in Silver  
7 Spring, Maryland. And for this particular witness,  
8 I really have, I guess, just one or two questions,  
9 one -- to ask Mr. Golden during the discussion was  
10 speaking regarding real estate considerations that  
11 had been taken. And one of the things that I'm  
12 concerned about is not just health issues, which is  
13 my main concern, but also about my property value,  
14 being that I've put in a considerable amount of  
15 money into my property over the last eight years  
16 that I've owned it there. And I would like to know  
17 from him, what is his history and knowledge  
18 regarding the transitioning or sale of real estate  
19 in areas where these monopolies are visible?

20 Because in my case, I certainly  
21 believe, at 179 feet, I will be able to stand on my  
22 front porch and see this apparatus, which might be  
23 discouraging for a lot of potential purchasers of  
24 my property should I decide to sell it.

25 MR. GOLDEN: I -- over 30 years of doing

1     this with Verizon, I've -- we've -- we've had some  
2     cases where we've had real estate appraisers come  
3     in and do an appraisal. Every appraisal that's  
4     ever been done showed no -- no -- no value change.  
5     In fact, more and more today, what I'm seeing as  
6     I'm doing these zoning hearings across the area, it  
7     actually adds value to the house because before you  
8     didn't have wireless coverage, now you do, and  
9     people are clamoring for it. So I'm seeing a -- a  
10    -- a -- a major shift towards it's a value add to  
11    have it close by and performing well.

12                 That's my opinion, only my opinion.  
13    But that's what I'm seeing. Years ago, nobody  
14    wanted to see these. Nobody wanted these in their  
15    neighborhood, in the '90s, 2000s, and then I think  
16    it's just changed. It's just a -- it's everyone  
17    wants connectivity. And inside your house, if you  
18    have wifi, you can connect your phone to wifi.  
19    That's fine. If you're driving down the ICC, and  
20    you get -- or -- or driving in your neighborhood  
21    and you want to call the police, as Russell Hartung  
22    just testified, it's invaluable to have good  
23    coverage and be able to connect, in my opinion.

24                 MR. MCKINNEY: Well, since you just  
25    brought --

1 MR. GOLDEN: I -- I actually --  
2 personally, I live right across the street from  
3 one, a lighted one in Annapolis, and I -- I -- I've  
4 lived there for 25 years. And my personal, I don't  
5 even notice it even though it's blinking at night  
6 in my -- in my porch. I see it from half a mile  
7 away.

8 MR. MCKINNEY: Well, I will have to take  
9 edge your word on that. I don't know that, and I'm  
10 certainly not going to drive up to your home in  
11 Annapolis.

12 Madam Examiner, is it okay for me  
13 to address the issue regarding Mr. Hartung in  
14 emergency services? I'm just -- at your direction.

15 THE COURT: Are you -- have you -- are  
16 you -- do you have any further questions for --

17 MR. MCKINNEY: No, ma'am. I don't have  
18 any further questions for Mr. Golden.

19 THE HEARING EXAMINER: Okay. You may  
20 step down, and, yes, we can have you back. Yes.  
21 And thank you. Let's administer the oath. Okay.  
22 And please restate your name for the record.

23 MR. HARTUNG: Russell Hartung,  
24 H-A-R-T-U-N-G.  
25 Whereupon,

1                   RUSSELL HARTUNG,  
2     being first duly sworn or affirmed to testify to  
3     the truth, the whole truth, and nothing but the  
4     truth, was examined and testified as follows:

5                   THE HEARING EXAMINER: Thank you very  
6     much. And because you previously testified, I  
7     hadn't administered the oath, are you confirming  
8     that everything you said then was true and nothing  
9     but the truth?

10                  MR. HARTUNG: Yes, ma'am.

11                  THE HEARING EXAMINER: Thank you. You  
12     have some questions?

13                  MR. MCKINNEY: Yes, ma'am. My question  
14     for Mr. Hartung -- is that correct?

15                  MR. HARTUNG: Yes.

16                  MR. MCKINNEY: -- is that does he have  
17     any evidence or -- or any incidences that have  
18     occurred where the failure of communications in  
19     that area have hampered the ability of the  
20     emergency response team to respond appropriately to  
21     -- to any incidents? Is there any evidence of that?

22                  MR. HARTUNG: We, Montgomery County  
23     Police, who I worked for now -- I've previously  
24     worked for Montgomery County Fire and Rescue for  
25     over 13 years as a communications and installation

1 of technology and service to the community with  
2 911. We received calls from Councilman Mink's  
3 office, and the community who was down on Twig --  
4 twig Terrace down into Good Hope, and the other  
5 low-lying areas were complaining. And she asked us  
6 in fire, rescue, and police to please investigate  
7 what the problem was.

8 We reached out to all the cellular  
9 partners that we deal with, T-Mobile, AT&T, and  
10 Verizon. They did a study of the area. We then  
11 went to the County police and asked them to do a  
12 hot study to where they send police cars into the  
13 area where they get fuel every day that you see or  
14 the fire apparatus, and they created a hot map of  
15 where they didn't get service.

16 So police or fire would say, we don't  
17 have any service here for our MDC. The MDC  
18 is a device that receives the 911 call, dispatches  
19 the fire trucks, and then they have a cellular  
20 phone by AT&T on the truck that is the backup to  
21 the radio system, as I mentioned earlier for the  
22 Zello radio system. When that failed, that's when  
23 we went forward and started talking to our  
24 providers and said, what can you do for us, because  
25 the community is complaining?

1                   We don't have specifics, a specific  
2 incidents of where the citizen did not get service  
3 right away, but the Councilmember and other people  
4 in the community complained to her at a community  
5 event and asked us to take it forward. And that's  
6 how we determined we needed to do something in that  
7 area.

8                   MR. MCKINNEY: Okay. But as I heard you  
9 respond, and I think you said it yourself, there's  
10 no specific that you can present here that would  
11 indicate that because of a lack of communication,  
12 emergency services were hampered. I certainly want  
13 emergency services, but I've been living in that  
14 area now for the last eight years. And I have not  
15 come across a circumstance, I would say -- and I'm  
16 not saying that there's not sometimes a loss of  
17 call or something like that. However, I'm sure  
18 losing a phone call or what have you is not  
19 specific to that location, that that could happen  
20 anywhere at any time.

21                   So I just -- just want to make sure  
22 that this body is putting ahead the importance of  
23 health related issues over and above making phone  
24 calls. I know that you said Councilman Mink and,  
25 from what I understand, Senator Kagan and maybe



1 even others from the political realm have supported  
2 this going forward. However, in my opinion, their  
3 first duty and responsibility is to ensure -- if  
4 they want to satisfy their constituency, to ensure  
5 that they do nothing that injures them health-wise.  
6 That should be first and foremost, no matter what.

7 MR. HARTUNG: That is first and  
8 foremost, and we got all the information from the  
9 community of the Good Hope Rec Center where  
10 Councilmember Mink and Staff had a huge community  
11 meeting. And they could not make a 911 call from  
12 the community center because of the lack of  
13 degradation of services of the cellular. So that's  
14 what started this whole thing and us looking into  
15 it, and that's why we sent the apparatus out to do  
16 our review and study specifically that we did  
17 ourselves.

18 MR. MCKINNEY: May I ask you, when did  
19 that meeting occur? Because I didn't -- I didn't  
20 receive any information for it.

21 MR. HARTUNG: I don't have a specific  
22 date. It's been going over four years that we've  
23 been going through this situation.

24 MR. MCKINNEY: Okay. All right. Thank  
25 you.

1 MR. HARTUNG: Uh-huh.

2 THE HEARING EXAMINER: May I just  
3 clarify? You mentioned health related concerns,  
4 and I just want --

5 MR. MCKINNEY: Yes, ma'am.

6 THE HEARING EXAMINER: -- to make sure I  
7 understand what health related concerns  
8 specifically are you addressing?

9 MR. MCKINNEY: Just from being  
10 constantly in and around in the presence of those  
11 electromagnetic -- of fields, if you will. That is  
12 what, you know, my -- you know, my concern is. And  
13 I don't know if anyone has done a long term study  
14 on the effects of that. I know Mr. Yaw said  
15 something to the effect that he's been involved in  
16 engineering, at least 100 of these types of  
17 monopoles. And if so, has anyone ever done a  
18 study, say, 10 years down the road of the health  
19 effects of -- of those people that were living in  
20 close proximity as I will be, you know, to those --  
21 that -- that type of apparatus? I don't know. I  
22 know I don't have health issues now, and I'm  
23 certainly, you know, trying to prevent them.

24 THE HEARING EXAMINER: Thank you very  
25 much. And to the Applicant, I just would like to

1 pause. I mean, I know we are sitting -- this is a  
2 zoning application, and so I know that this body  
3 has some constraints on what we can review outside  
4 of land use and zoning. Are you able to speak to  
5 whether this body has any authority to review any  
6 health related issues?

7 You may step down.

8 MR. HUGHES: Yeah.

9 THE HEARING EXAMINER: Thank you.

10 MR. HUGHES: Yeah. Can I actually do  
11 one redirect question?

12 THE HEARING EXAMINER: Oh, sorry.

13 MR. HUGHES: And I -- let me ask one  
14 question to him, and then I'll answer this topic --

15 THE HEARING EXAMINER: Thank you.

16 MR. HUGHES: -- about the health.

17 EXAMINATION BY COUNSEL FOR THE APPLICANT

18 BY MR. HUGHES:

19 Q Can -- we were talking about safety and  
20 timing. So with your permission, you tell me if  
21 this is a fair redirect, can -- I -- I've heard the  
22 term in 911 and Public Safety and accidents called  
23 the Golden Hour. Are you familiar with that term?

24 A Yes, I am.

25 Q Can you explain what that is?

1           A     So basically it's the first PSAP, the  
2     Public Safety Answering Point, gets the first 911  
3     call and gets into the system. And anyone who  
4     calls will tell the dispatcher what is wrong. And  
5     that first Golden Hour, whether it's someone who's  
6     fallen on the trail that goes behind this  
7     neighborhood and they walk their dogs, or they're  
8     in their yard, or they're on their roof having a  
9     medical emergency, the first Golden Hour is to get  
10    them to the most appropriate hospital and  
11    treatment. If they're traumatically injured or in  
12    need of immediate medical care, that is a high  
13    priority. The Golden Hour, is that for life  
14    sustaining events, such as a heart attack, a  
15    stroke, a fall, or something else.

16           Q     Serious car accidents?

17           A     Serious car accidents to everything  
18    where the paramedics determine you have to get to  
19    the best facility, whether it's by land or by air.

20                   MR. HUGHES: I lied. Can I ask one more  
21    question?

22                   THE HEARING EXAMINER: Yes.

23           Q     Are you familiar with the ICC, and are  
24    there many car accidents in this area on the ICC,  
25    if you're aware?

1           A     I am very familiar. Everything from the  
2     Route 95 corridor all the way along the ICC, it's  
3     -- people consider it a speedway, and we run  
4     crashes every day, every night. Some are  
5     traumatic, and some are not able to be called that.  
6     And we do it every day, multiple times a day.

7           Q     Thank you.

8                     MR. MCKINNEY: May I -- may I state --  
9     make a statement regarding his commentary?

10                    THE HEARING EXAMINER: So the order of  
11     things is we have testimony, we have cross, and  
12     then there's a redirect. I -- I -- I -- I -- I  
13     will be flexible here. We're in an administrative  
14     proceeding. So you may -- you may comment. Yes.

15                    MR. MCKINNEY: Well, I appreciate that.  
16     And I appreciate what Mr. Hartung said. It's not  
17     -- I'm not voicing what I'm voicing out of  
18     ignorance regarding what he said. I'm actually the  
19     former vice chair of the Police Advisory Commission  
20     in this County. So I'm quite aware of the  
21     emergency necessity of what's going on here. But  
22     despite that, I still want to know first and  
23     foremost about the health related issues.

24                    MR. HUGHES: And I think that's a fair  
25     question topic. And so, I'll answer that from

1 before.

2 THE HEARING EXAMINER: Thank you.

3 MR. HUGHES: What I'll say to the topic  
4 of health is two things. One is kind of a legal  
5 thing, and one is information we will provide, and  
6 that's in the record. So I think as the County's  
7 aware and probably the Hearing Examiners aware, the  
8 federal government has set out that if we are in  
9 compliance with the FCC emissions, radio wave  
10 health emissions. If we are in compliance with  
11 that, that is not then a reason that a local  
12 government can deny an application.

13 And our -- our -- the record does  
14 show we are in compliance, and we have live  
15 testimony on that. And that is via Exhibit, I  
16 think, 13. Let me check. Yeah. Exhibit 13 and  
17 Mr. Dugan, my third and final witness, is an  
18 engineer with experience in radio frequency, so  
19 designing of cell sites like this and also  
20 evaluating the healthy emissions.

21 And so, Exhibit 13 is a detailed  
22 report that he's done that shows how low the  
23 emissions are from the cell tower. And usually  
24 they are quite low from the cell tower, and he can  
25 explain why. So we -- we will be our record shows

1 in his testimony will be -- we will be in  
2 compliance, but it's a -- I understand Mr.  
3 McKinney. It's a very fair question, and we will  
4 have some testimony in the report. And then he may  
5 certainly want to have some follow up questions to  
6 -- to our expert or what I think will be recognized  
7 as an expert.

8 THE HEARING EXAMINER: Mr. McKinney,  
9 thank you very much for your testimony and for your  
10 cross examination. You may come back after we have  
11 the next witness.

12 MR. MCKINNEY: Okay.

13 MR. HUGHES: I will call Mr. Paul Dugan,  
14 please.

15 MR. DUGAN: Good morning.

16 THE HEARING EXAMINER: Good morning.  
17 Could you just restate your name with the spelling?

18 MR. DUGAN: Sure. Paul Dugan, D-U-G-A-N.

19 THE HEARING EXAMINER: Thank you very  
20 much.

21 MR. HUGHES: Thank you, Mr. Dugan. Can  
22 you -- and I will reference Exhibit 23 and his bio,  
23 if we could bring that up?

24 Madam Hearing Examiner, I know it's  
25 buried in there. I'm sorry we don't have an exact

1 page number; I don't, in front of me. But I think  
2 that's -- his is quite long. It must be towards  
3 the end. It's not -- so I had it. I think that  
4 might be it.

5 MR. DUGAN: There you go. There you go.

6 MR. HUGHES: Just go back a little bit.

7 MR. DUGAN: Go back. Right there.

8 Right there. Yeah.

9 Whereupon,

10 PAUL DUGAN,

11 being first duly sworn or affirmed to testify to  
12 the truth, the whole truth, and nothing but the  
13 truth, was examined and testified as follows:

14 EXAMINATION BY COUNSEL FOR THE APPLICANT

15 BY MR. HUGHES:

16 Q Okay. So can you tell us a little bit  
17 about your educational and professional background,  
18 Mr. Dugan?

19 A Sure. I have a Bachelor of Science in  
20 Electrical Engineering from Widener University in  
21 Chester, Pennsylvania. Also have a Master's in  
22 Electrical Engineering from Widener as well. I am  
23 -- I have 45 years experience in a design,  
24 performance, operation, and maintenance of wireless  
25 telecommunication systems. I'm a registered



1 professional engineer in 13 states. Ten in the  
2 Northeast. I just picked up three additional  
3 states in the past year, Colorado, Illinois, and  
4 Iowa.

5 Q And so, one of those states you're  
6 licensed in is Maryland; is that correct?

7 A Yes. And also Maryland has 24 counties  
8 or municipalities. I've testified in 22 of the 24.

9 Q And you've been recognized as an  
10 external in all of this?

11 A Yes.

12 Q Okay. So about how many telecom tower  
13 sites like this one do you think you've worked on  
14 in -- in your career?

15 A Forty-five years, it must be over --  
16 over 1,000.

17 MR. HUGHES: Okay. All right. Madam  
18 Hearing Examiner, I'd like to offer him as an  
19 expert in radio frequency engineering and wireless  
20 infrastructure design.

21 THE HEARING EXAMINER: On the basis of  
22 his resume and testimony, your request is granted.

23 MR. HUGHES: Thank you.

24 Q Mr. Dugan, can you -- and I -- can you  
25 in layman's terms for us, can you explain to us

1 about this site location, what it's needed for, and  
2 what it will provide?

3 A Sure. It'll provide a new coverage to  
4 the communities in this area. It's -- it's  
5 well-placed because it's a junction of two major  
6 roads that carry an enormous amount of traffic,  
7 that'll serve a whole bunch of communities, to name  
8 a few, Colesville Manor. Let's see. Old Salem  
9 Village, North Sherwood Forest, Colesville Park,  
10 Good Hope, and Paint Branch Farms to the south. So  
11 it'll serve a number of residential communities, as  
12 well as the adjoining roads through the area,  
13 including Cape May Road and Good Hope Road and  
14 others.

15 Q And have you visited the site?

16 A Yes.

17 Q And what did you learn on that visit?

18 A I do -- when I visited a site, I -- I  
19 checked the signal levels and data throughput  
20 speeds with my handheld iPhone. The data  
21 throughput speeds are weak to non-existent.

22 Q Okay. And then are you familiar with  
23 Exhibit 12, which are -- this is called Engineering  
24 Radio Frequency RF Propagation Maps?

25 A Yes.

1                   MR. HUGHES: Could we pull up that  
2 exhibit, please?

3                   Q     And can you explain what these maps show?

4                   A     Sure. These are -- these are radio  
5 frequency modeling of the existing facilities. All  
6 those that you see in this first map --

7                   Q     Is that the -- is that the first one?  
8 Thank you.

9                   A     Yeah. This is existing coverage from  
10 the existing facilities that are currently serving  
11 subscribers today.

12                  Q     Can you go up there and point to where  
13 the site is?

14                  A     Sure.

15                  Q     Area. Thank you.

16                  A     Sure. This is the -- this -- the  
17 location of the site subject to this application,  
18 and -- but that's -- that's not currently on, but  
19 the next -- the next map will show what --

20                  Q     So what does it show right now? What do  
21 those colors tell us, and what does this map tell  
22 you as an expert?

23                  A     Oh, okay. The different colors  
24 represent different single level thresholds. So  
25 the stronger, which is the red, you have the best

1 data throughput speeds and the best in-building  
2 coverage for buildings in the area. So as you --  
3 as you get further from the site, it transitions to  
4 a yellow and green color. Obviously, this -- the  
5 blue -- the blue represents where the single level  
6 is the weakest. And certainly wouldn't have good  
7 service in those -- in these areas, especially  
8 surrounding the Castle Cliff site.

9 MR. HUGHES: Okay. And can we go to the  
10 next slide?

11 Q Okay. So what -- what is it? Is this  
12 showing if it's approved, what it would look like;  
13 is that correct?

14 A That's correct. It will -- it will  
15 actually provide about a mile and a half in all  
16 directions of new coverage. That equates to  
17 several square miles of new -- new coverage to the  
18 -- to the -- the folks that live and traverse this  
19 community.

20 Q Very good. Thank you for that. Are you  
21 -- I think you can take a seat, I believe. And can  
22 you tell us -- so this is -- this is with the  
23 proposed height. Can you tell us why this proposed  
24 height is requested and needed here?

25 A Sure. The location and height of a --

1 of antenna array determine what the -- what area  
2 the site will serve. If the site were lowered in  
3 -- in height, it would reduce the footprint of what  
4 the -- the area that the -- that the site will  
5 serve because the -- these handhelds require line  
6 of sight visibility to the antennas. So it needs  
7 to be enough height to fulfill the objectives. It  
8 certainly can't be too high, because if it's too  
9 high, it'll generate unnecessary interference with  
10 other sites. So it needs to be an -- an optimum  
11 height to serve objectives and no higher.

12 Q Very good. Okay. Are you familiar with  
13 the Tower Review Committee's recommendation review  
14 and recommendation on -- on this site?

15 A Yes.

16 Q That's Exhibit 4. I think I read this  
17 earlier, but they concluded on Page 2 of their  
18 recommendation: Our review of the application  
19 concludes there is a coverage map gap in the area  
20 bracket, specifically along Route 200, and a new  
21 site would be needed to fill the coverage gap. The  
22 review included a thorough examination of not only  
23 Verizon wireless technical evidence, but an  
24 assessment of existing wireless sites, an area that  
25 might offer relief. However, our evaluation found

1 that no other sites were available to provide the  
2 needed coverage. In conclusion, we find a proposed  
3 mono structure will be able to provide sufficient  
4 coverage to mitigate the existing gap. We  
5 recommend this application on its merit from an  
6 engineering review perspective. Are you familiar  
7 again with the report in that recommendation?

8 A Yes.

9 Q And do you concur with that  
10 recommendation review?

11 A I do.

12 Q Okay. And are you also familiar with  
13 that the Planning Staff also did a review, and they  
14 also concurred with the TRC report that a site was  
15 needed here, and this height and location were  
16 appropriate?

17 A Yes.

18 Q Okay. Now, we -- we were talking a  
19 little bit about health considerations and health  
20 review a few minutes ago. I'm going to ask if we  
21 could pull up, please Exhibit 13, which is titled  
22 Safety Compliant. Is this a report that you  
23 created; is that correct?

24 A That's correct. At the request of Mr.  
25 Golden, I prepared that report back in January of

1     this year. That is a determination and  
2     certification that the proposed facility will  
3     comply with the federal communication commission  
4     exposure limits and guidelines that are put in  
5     place to protect the health, safety, and welfare of  
6     the public.

7           Q     And can you tell us, how do you create  
8     that, and what does this tell -- tell us? Besides  
9     being in compliance? Can you give us a little more  
10    detail?

11          A     Yeah. I mean, just to share with you  
12    though, on the first page, where the -- where  
13    there's the dotted section that defines the antenna  
14    configuration, all the specifics of the center line  
15    height, what's called the azimuth, which is the --  
16    the direction each sector is pointing. The bands  
17    that are propagating.

18                The next section shows the -- the  
19    power levels of each -- of each band. And I  
20    explained how I provide the -- the -- the equation  
21    for exposure is -- is on the top of Page 2, right  
22    there. Using the far field power density equations  
23    from the FCC bulletin OET 65. The power density at  
24    any given distance from the antennas is equal to,  
25    and it gives you the formula there to calculate the

1 power density. Now -- but the -- the bottom line  
2 is the -- the RF exposure at any location near the  
3 proposed antennas will be below 1 percent of the  
4 FCC exposure limits.

5 Q Okay. So --

6 A 1 -- below 1 percent.

7 Q -- theoretically, it could be 99 -- 98  
8 percent more and still be in compliance?

9 A Yes.

10 Q Okay. And are -- are you aware, does  
11 FCC also build in an extra safety factor on top of  
12 that? Are you aware there are any type of safety  
13 factor?

14 A Yeah. They set the limits, like -- like  
15 50 to 100 fold below would be any detectable form  
16 of -- of heating and -- and tissue. So there is a  
17 considerable safety factor built into that exposure  
18 exposure of them as themselves.

19 Q To -- to let me ask a question. Tell me  
20 if it's fair and correct. Based upon this 1  
21 percent or less that you said this system will  
22 emit, I one time at a public meeting, an -- an  
23 engineer like you said, theoretically, you could  
24 put up then 99 of these and you'd still be in  
25 compliance. Roughly, is that a fair point it might



1 be -- is that fair to say roughly that that would  
2 still be in compliance?

3 A Yes.

4 Q But in this case, based on what we're  
5 projecting, it's less than 1 percent, correct?

6 A Yes. And I'm not only basing my  
7 opinions on theoretical calculations, but I spent  
8 my entire career performing measurements with  
9 calibrated instruments near antennas.

10 MR. HUGHES: Right. Then those would be  
11 my questions for Mr. Dugan.

12 THE HEARING EXAMINER: Thank you. Do we  
13 have cross-examination?

14 MR. MCKINNEY: No, I've read his letter  
15 thoroughly.

16 THE HEARING EXAMINER: Okay.

17 MR. HUGHES: Thank you. Those would be  
18 my witnesses, Madam Hearing Examiner.

19 THE HEARING EXAMINER: Okay. Did you  
20 have any closing statements?

21 MR. HUGHES: It'd be very brief.

22 THE HEARING EXAMINER: Okay.

23 MR. HUGHES: Yes, ma'am. So first of  
24 all, thank you for the time and all the Staff here  
25 helping and -- and also people who've come to

1     testify. We appreciate the opportunity. And we --  
2     we -- we -- we -- we believe the record is very  
3     thorough and complete. Very strong Staff reports  
4     from the Planning department, very strong  
5     recommendation from the County's Tower Review  
6     Committee independently of the engineering need  
7     here for testimony that we will be in compliance  
8     with any safety regulations from the FCC.

9             There's a real need here that, not  
10    just you hear from our documents and from our  
11    testimony, but I would reference the multiple  
12    support letters that we have. We're especially  
13    thankful of the leadership of some of our elected  
14    officials: Senator Kagan, who provided two letters,  
15    Councilwoman Mink's email, and also letters from  
16    City of Gaithersburg and Rockville who have an  
17    interest in the area because all of the people who  
18    travel in ICC.

19            We do believe this will provide a  
20    really nice benefit to the community. Yes, it will  
21    serve the ICC, which is a busy road. I travel it  
22    quite a bit myself. There's a lot of accidents,  
23    but it will provide enhanced wireless services and  
24    connectivity on the site as was testified to to  
25    help the County personnel and also to the community

1 around there, for the people who live, travel, and  
2 work around there.

3 For essential, non-essential, and  
4 emergency communications, we believe it meets all  
5 the Code criteria at the County level, which we're  
6 focused on here. But certainly, any other  
7 requirements, the state and federal, including FAA  
8 and FCC, and we would ask for the support and  
9 approval from Madam Hearing Examiner. And we would  
10 certainly, as I've noted, we would welcome and  
11 accept if the conditions of approval that Staff  
12 have proposed. So with that, I thank you and close  
13 out and welcome any additional questions.

14 THE HEARING EXAMINER: Thank you very  
15 much.

16 MR. HUGHES: Thank you.

17 THE HEARING EXAMINER: Mr. McKinney, did  
18 you want to -- did you have any kind of closing  
19 statement, anything you wanted to say in summary?  
20 Not necessarily questions, but any statement you  
21 would like to present?

22 MR. MCKINNEY: Yes. Thank you, Madam  
23 Examiner. I would just like to caution and remind  
24 you and all of the political supporters of their  
25 obligation and responsibility to protect us, the

1 public, because we rely on you to do so. So I  
2 don't have the personal means myself to -- to  
3 collect the necessary information for testing. And  
4 I don't know if there's been any evidence presented  
5 here of any long term effects where these monopolies  
6 have been placed. I would really like to know that  
7 and I will personally look into that again.

8 And other than that, I -- I'm not  
9 here just to be oppositional for the purpose of  
10 being oppositional. I thank Mr. Hughes for his  
11 extension of welcome and how he's tried to keep me  
12 abreast through providing information to me  
13 regarding what these proposals are. But I guess my  
14 statement is is just use caution in assessing these  
15 because we, the public, rely on you and our Council  
16 to do the very best that you possibly can to  
17 protect us regardless of what other benefits these  
18 kind -- kinds of things may bring to individual  
19 businesses or persons. So Thank you.

20 THE HEARING EXAMINER: You're welcome.  
21 Thank you. Before I close the record, I know we  
22 got -- we -- we got in -- we are now at Exhibit 29.  
23 Am I correct that there's nothing -- aside from the  
24 transcript, there's nothing additional we need to  
25 add -- add to the record; is that correct?

1 MR. HUGHES: I -- I think that's  
2 correct, Madam Hearing Examiner. I will need to  
3 ask, perhaps, to move the last few in, and then I  
4 need to afterwards send you all electronic copies --

5 THE HEARING EXAMINER: Electronic copies.

6 MR. HUGHES: -- of the new ones.

7 THE HEARING EXAMINER: And on the basis  
8 of having a -- I -- I -- I think I -- I accepted  
9 that --

10 MR. HUGHES: You did? Okay.

11 THE HEARING EXAMINER: -- so I think  
12 those --

13 MR. HUGHES: Thank you.

14 THE HEARING EXAMINER: -- everything  
15 through Exhibit 29 is officially in the record now.  
16 The electronic copies, as long as they are  
17 identical to the -- to the paper copy. So for the  
18 limit, the -- the -- the record will be closed --  
19 is closed, except being kept open for the limited  
20 purpose of accepting the Court reported transcript  
21 and electronic copies of any hard copy exhibits  
22 that were presented here.

23 With that, the record is closed to  
24 everything else. We expect the transcript no later  
25 than November 4. And then I'll have 10 days after

1     that, which is November 14th to issue a written  
2     decision. And with that, the hearing is closed. I  
3     would like to just thank everybody for your  
4     participation and -- and, you know, and your  
5     cooperation. It -- it takes a lot to get this, you  
6     know, certain extensive record together. I also  
7     would like to thank the Staff and OZAH because  
8     behind the scenes, I know there's lots of moving  
9     parts. And so, thank you to everybody. And the --  
10    the -- the hearing is closed.

11               MR. HUGHES: Thank you.

12               THE HEARING EXAMINER: Thank you.

13               (Off the record at 11:55 a.m.)

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

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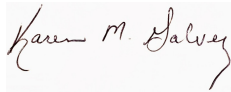
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18 FOR THE STATE OF MARYLAND

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KAREN M. GALVEZ  
PLANET DEPOS, LLC  
October 27, 2025



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