Appendix F to
Acting Executive Directors' Report
on Proposed PCS Plan
Transcript of November 16, 1999 public hearing

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December 3, 1999

Via Lawyer Service

Mr. Larry Liggett,
Pinelands Commission
PO Box 7; 15 Springfield Street
New Lisbon, NJ 08064

RE: Pinelands Public Hearing
SPRI083

Dear Larry:

Enclosed please find a copy of the condensed version of the deposition transcript dated
November 16, 1999. If you have any questions, please do not hesitate to contact the undersigned.

Thank you for your attention to this matter.

Very truly yours,

LAW OFFICES OF ALAN B. ZUBLATT

JAM:sls
Enclosure

BY: James A. Mitchell

REMAINDERS:
In the Matter of:
Pinelands Public Hearing

STATE OF NEW JERSEY
COUNTY OF BURLINGTON

Tuesday, November 16, 1999
Burlington County College
Teleconference Center
Learning Resource Center
County Route 530
Pennington Twp., New Jersey
Commencing at 7:30

PRESENT:
WILLIAM F. HARRISON, Acting Executive Director
JOHN STOKES, Assistant Director
LARRY LIGGET, Manager Planner

APPEARANCES:
ALAN B. ZUBLATT, ESQ.,
Attorney for Sprint Spectrum, LP
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(732) 280-9191

MR. LIGGET: Basically, it's a 63 facility plan, 27 of them are existing facilities, which are shown in red on the map, 30 new facilities are proposed on what I might term as existing structures, and they're noted in three different colors because there's three different situations for those. The blue ones are sites that are for certain, the green ones are probable sites where they will go on existing structures, and the magenta are sites where they intend to build on proposed cellular structures that have not yet been built. There's 30 of those. Six are new facilities that will require new structures. They're denoted by the yellow and the orange on this map. Three of them are in the forest area, two are in the preservation area, and one is in the military or federal district. There's one that may not be built.

There's a technical issue that is described in the plan, has to do with the licensing situation, that could be described. It was also noted in the plan the need for an additional facility, but that one is unable to be sited right now, so it is not located on the map but basically along 70 along this map area where 530 exits in the Browns Mill area.

Six new cells -- and I'll just spend a minute. The six new towers that I'll spend a minute to go over are, there's one proposed down at Estell Manor, cell number 40 down here. There are two proposed along Route 322 in Hamilton Township. They are right on the road in Hamilton Township in the commercial zone. There's one in the western boundary, another one closer, about halfway to the maze area over here. There are two proposed in Woodland Township, one at Four Mile Circle. One is down Route 72, where 530 comes with 72, and the sixth tower is the orange one located somewhere in this vicinity over here, right next to the Whiting area, a little bit to the west of that, right nearby the Fort Dix military facility.

That's a quick summary of the facilities being proposed. And I'll ask Mr. Kam to sort of describe his preliminary findings. They're preliminary because we have to wait for the public comments to be completed and our own analysis to finish the report.

MR. KAM: Our consulting team has looked at this proposal, and in particular we have concentrated on each one of the new facilities, the ones that can be located on existing structures or on structures that have been approved before. We have conducted our own calculations. We have done some testing in the Pinelands area in order to check the validity of computations that we have received from other organizations. We have received information, particularly radiation levels from the providers for those towers about which there were questions. We have checked with the providers and on our own several alternative locations in those cases when things could not be put on existing towers, and we have developed the preliminary opinion that the six new facilities are, indeed, necessary in order to provide the level of service that is comparable in terms of the technical criteria to the level of service that was the basis of the previous plan approved by the Commission for cellular towers.

MR. HARRISON: There's only one member of the public who has signed up at this point to speak, and I'll ask him to come forward.

Lee Rosenzen?

MR. ROSENSEN: Up there or from here?

MR. HARRISON: Wherever the tape recorder will be able to hear you.
My name is Lee Rosensen and tonight I represent both the Pinelands Preservation Alliance and New Jersey Audubon Society. I'm going to read this. It will take a little bit of time, but we have numerous, very serious objections to what's happening here, so I hope you will bear with me.

This testimony was prepared principally by Carlton Montgomery of the PPA, but it is the testimony and the opinion of both PPA and New Jersey Audubon.

"The Pinelands Preservation Alliance and New Jersey Audubon Society submit that the proposed PCS Management Plan, will damage the Pinelands and should be rejected by the Pinelands Commission.

PPA and NJAS will supply additional written comments in the future, even though there's not much time. But we want to start by saying that we are really outraged, really outraged -- and we don't get that way very often -- that the PCS industry and the Commission would present this plan for serious consideration. It is so patently and wholly deficient under the CMP.

"First, as far as procedure, we want to express the strongest possible objection to the procedure that the Commission is using to get this plan through the Commission process. As PPA pointed out at the last policy and implementation committee meeting, the Commission has allowed far, far too little time for the public to analyze and comment on this plan. To us it seems very clear that the Commission is allowing itself to be pushed into steamrolling this plan through under pressure from the PCS providers.

"Even more importantly, still under the heading of procedure, the Commission is not permitting the public even to see crucial information during the public comment period. I'm referring to the staff analysis of the plan and any technical analysis the Commission has commissioned.

This information is critical to a full and open public review, yet the Commission has not released this information before the public hearing. That kind of information we're talking about is especially important in this case because the PCS plan patently fails to provide a factual and scientific basis for its conclusions, and we learned tonight that the technical report will not be available until after closure of the public comment period and only when the executive director's report is submitted to the Commission, when no more public comments will be allowed.

Thus, the procedure being followed will preclude any public comment on the technical aspects of the plan prior to the Pinelands Commission's vote. That is an outrage.

"The Commission's approach of withholding its own technical analysis seems designed to hinder public comment. For this reason, we ask that the Commission hold open the public comment period until at least four weeks after releasing any technical or scientific analysis that is done on the proposed plan. We don't see how else we can comment.

"As far as the CMP standards are concerned, the CMP -- well, as we've already said, CMP requires that the providers submit a comprehensive plan for the entire Pinelands area 'which demonstrates' compliance with several specific requirements, including, A, that in the preservation, forest and other specified areas, the least number necessary to provide adequate service, least number of towers will be utilized. B, to demonstrate the need for the facility as well as a demonstrated, underlined, demonstrated need to locate the facility in the Pinelands. And, C, that each antenna utilizes an existing communications or other suitable structure to the extent practical.

"The PCS plan fails to satisfy these requirements because, while the plan makes numerous representations with respect to the requirements, it does not demonstrate compliance with these provisions. It simply says we comply. Because the plan does not include any demonstration of compliance, any demonstration of compliance, we believe it would be improper and unlawful for the Commission to approve the plan. The PCS plan does not include or incorporate any demonstration, proof or even evidence to support the plan.

Specifically, there is no evidence to support the claim that each of the new facilities is needed. There is no evidence to support the claim that the new facilities is needed to achieve adequate service, and there is no evidence to support the claim that the plan makes maximum use of existing facilities.

We invite the Commissioners and the staff to point out any evidence in this plan on any of these points. Can you show us where the demonstration exists? We don't think so.
Now, it may be that in private meetings the
PCS industry has persuaded Commission staff on one
or more of these points. If that's true, it's
totally irrelevant because there is nothing in the
plan provided to the public or in the file at the
Commission that we have looked at that constitutes
a demonstration of compliance. Under the heading
of adequate service, the PCS plan does not
demonstrate or even explain that it provides the
least new facilities to provide or to achieve
adequate service. Adequate in the sense that the
CMP uses it.
"We point to pages 34 and 35 of the plan,
which is the section that discusses level of
service. The plan identifies three parameters for
valuing levels of service, things such as
signal-to-interference ratio, drop call ratio,
block call ratio, but the plan does not provide any
figure or explanation of the values that the plan
assumes for each of these parameters as the measure
of adequate service and does not even attempt to
show that the proposed plan will achieve any stated
level of service for each of these three
parameters. Beyond the complete failure to give
the measure of service on which the plan is based,
the plan completely fails to state, much less
satisfy -- I'm sorry -- much less justify the level
of service that currently exists in each area or
the level that will be achieved if the plan is
carried out. Without this kind of information, it is
both theoretically and logically impossible to
claim that the providers have demonstrated
compliance with the CMP requirements.
"About the new tower in the west planes. The
PCS plan proposes to build a tower in the middle of
the west planes. Unlike the prior plan, this plan
effectively states that if the plan is approved, the
providers will build a tower on the west planes.
This is a line in the sand issue for conservation
of the Pinelands. The pine planes are
extraordinary and their scenic value so easily
damaged that the Commission simply should not
permit this tower and should not approve the
current plan so long as it includes this location
for a new tower. It is especially outrageous to us
that the PCS providers would propose this tower in
one of the world's most extraordinary natural
places, while giving not even a scintilla of
evidence that the tower is needed to provide any
kind of level of service. In addition, without

more detailed information on the siting of the
other additional towers, it is impossible to know
whether they, too, will be unacceptable locations.
"Under the heading of industry participation
the PCS plan is not even being presented by all PCS
companies that may want to provide service in the
Pinelands. The Commission has already undermined
the idea of requiring a comprehensive plan by
approving the existing plan, a cell tower plan,
without the PCS providers. The Commission would
simply make a mockery of the comprehensive plan
concept to approve this new plan without even
having all PCS providers involved."
I would like to read how the plan describes
the participants of this plan.
"The plan signatories are those current PCS
providers licensed by the Federal Communications
Commission to provide such service throughout
southern New Jersey, including the New Jersey
Pinelands, as are ready, willing and able to
participate in preparation of such a plan."
"Only a lawyer could write that sentence. And
correct us if we're wrong, but that is not what the
CMP says is necessary. If the Commission goes
forward on this plan, one has to ask what meaning
is there to the requirement that all providers of
the same type of service jointly present a plan.
To go forward on this proposal would be to rewrite
the CMP to require that all providers of the same
type of service who feel like joining in must do
so. In other words, going forward would simply
abandon and negate an expressed requirement of the
CMP."
Our last point is, perhaps, a little
technical, but it shows what a mockery this plan
makes of the CMP's requirements and the concept of
a comprehensive plan.
"The PCS providers state there is at least one
new tower they need but cannot build consistent
with CMP siting requirements, but they want to go
ahead with the other facilities and see if they
can't get around this problem down the road. The
problem with this approach is that it undermines
the reasonable plan in which allegedly each
facilities depends on all the others in an
integrated pattern. This plan conceives that it is
not comprehensive, but is incomplete. The
Commission obviously should not approve an
expressly incomplete plan.
"For all the reasons I've just described, we
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<th>Sheet 4 Page 13</th>
<th>Page 15</th>
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<tr>
<td>1. strongly urge the Commission, strongly urge the</td>
<td>1. an existing structure there, although it's a radar</td>
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<td>2. Commission, to reject this plan as completely</td>
<td>2. and may not be able to take it, so it could go</td>
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<td>3. inconsistent with the CMP.&quot;</td>
<td>3. either way.</td>
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<td>4. Thank you.</td>
<td>4. MR. HARRISON: Are there any other</td>
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<td>5. MR. HARRISON: All right. Are there any</td>
<td>5. members of the audience who has questions of the</td>
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<td>6. other members of the public who have any testimony</td>
<td>6. testimony? Do you want to give your name and</td>
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<td>7. to give?</td>
<td>7. address?</td>
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<td>10. Township. I have a question. Before I say</td>
<td>10. I agree with the gentleman from the Pinelands</td>
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<td>11. anything, in reference to the materials that I was</td>
<td>11. Preservation Group that a lot of this information</td>
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<td>12. given, on one page that was handed out it says that</td>
<td>12. was given out with relatively short notice. And I</td>
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<td>13. site 64 is a new tower, but on the printout that</td>
<td>13. just looked at it very haphazardly, and I have</td>
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<td>14. came inside the plan that I received from the</td>
<td>14. questions regarding the consistency between the</td>
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<td>15. Commission office last week, on the chart it says</td>
<td>15. maps here and the locations and the approved maps</td>
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<td>16. that it will be located on an existing facility or</td>
<td>16. that were done for the other cell towers.</td>
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<td>17. an existing structure, but yet you, again, tonight</td>
<td>17. Particularly, site number 19 looks like that's off</td>
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<td>18. indicated that it was new. And so I'm unsure what</td>
<td>18. of Route 70 in South Hamilton. This is something</td>
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<td>19. that facility is, but my question is if we're</td>
<td>19. that -- you know, how are they able to find an</td>
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<td>20. supposing to be making sure or putting in the plan</td>
<td>20. existing site there while the cellular group</td>
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<td>21. to allow for use of existing structures, we have</td>
<td>21. couldn't find an existing site there? So I just</td>
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<td>22. two cell telephone towers in Manchester Township</td>
<td>22. have a lot of questions. That's the one that I'm</td>
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<td>23. now, we have Sprint that just got approval for one,</td>
<td>23. probably most familiar with in the area, but it</td>
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<td>24. Nextel just came to colocate on one of the cellular</td>
<td>24. just leaves me wanting to know how one group can do</td>
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<td>25. telephone towers, and under the cell plan we have</td>
<td>25. it and why another group can't do that? Because if</td>
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<td>1. two new facilities. I don't understand why there</td>
<td>1. this is possible, that 19 can be used by the PCS</td>
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<td>2. has to be an additional one in Manchester Township?</td>
<td>2. group, why couldn't they remove one more tower out</td>
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<td>3. And obviously whoever is asking for it is not one</td>
<td>3. of the Pinelands program, the other one that was</td>
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<td>4. of the four that we now have. But Nextel has an</td>
<td>4. approved, that there was a tower in Woodland</td>
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<td>5. approval on an existing cell and Sprint has an</td>
<td>5. Township on the border of Tabernacle? That's my</td>
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<td>6. existing approval on the water tower, so I'm</td>
<td>6. question.</td>
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<td>7. finding it hard to believe that under the cell plan</td>
<td>7. MR. STOKES: Moshe, would you care to</td>
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<td>8. and this plan, that Manchester Township is in need</td>
<td>8. respond to that question? It's a little more</td>
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<td>9. of three new sites. And the sites are in the</td>
<td>9. generic standpoint maybe.</td>
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<td>10. forest area.</td>
<td>10. MR. KAM: Let me explain.</td>
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<td>11. MR. LIGGETT: The tower in the</td>
<td>11. What we have checked was the need, and in all</td>
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<td>12. Sprint/Omnipoint plan is to the west of all the</td>
<td>12. cases where we had a question about need, what</td>
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<td>13. towers located in the cellular plan and it fills a</td>
<td>13. we've asked the providers to do is to provide us</td>
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<td>14. gap on Route 70 between the towers located close to</td>
<td>14. with coverage maps. The case actually which was</td>
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<td>15. the border of Ocean and Burlington Counties and</td>
<td>15. just mentioned was a good one because we have tried</td>
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<td>16. Whiting. There's a gap in there. It also is a</td>
<td>16. to see whether one of the existing towers -- we're</td>
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<td>17. special case, and it might be better if Omnipoint</td>
<td>17. talking about 64 -- sorry -- the one we just</td>
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<td>18. addressed that because it has to do with a special</td>
<td>18. mentioned.</td>
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<td>19. licensing problem that they have and their need to</td>
<td>19. MR. STOKES: 19, I believe.</td>
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<td>20. meet an FCC requirement. And there's some</td>
<td>20. MR. KAM: With request to 19, because of</td>
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<td>21. possibility that that one will not be required, as</td>
<td>21. the fact that it was described as one as being on</td>
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<td>22. is mentioned in the text, but I don't know if --</td>
<td>22. an existing structure, we did not do specific</td>
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<td>23. MS. LETMAN: But is it an existing</td>
<td>23. technical checking of alternatives. But the</td>
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<td>24. structure or a new?</td>
<td>24. question that was asked a moment ago regarding the</td>
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<td>25. MR. LIGGETT: There's a possibility of</td>
<td>25. sites in Manchester Township, we have tried our</td>
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best and, in fact, I have the evidence with me, and
I'll be glad to summarize it to try to push this
thing as possible as we could to the east and see
if there is the possibility of coverage of Route
70. And in spite of all attempts to do that, there
simply isn't coverage.

One of the things that needs to be remembered
in this context is that because of the frequencies
that we are dealing with in the PCS system, the
circle of coverage, of RF radiation coverage, in
this case is smaller than the one that we had in
the lower frequencies that were used in the survey
plan. So in spite of the fact that we realized
that it would be very good if we could push this
thing further to the east, there was technically no
way to do that without having a gap along Route 70.

This is typical to all of the cases we have
checked. In each one of these cases we tried to
see if we could push the proposed tower to the
closest facility we knew about, in particular, if
there was one in the cellular plan, and we asked
for explicit plans in order to see if all of the
coverage gaps are covered, and all this information
is with us.

Did I answer the question?

MR. STOKES: Yes. However, I think it
might help, on a more generic basis, forgetting
about number 19, I think the question was if the
cellular plan calls for a new tower at point X, why
can't a PCS company just automatically locate there
or vice-versa? If a PCS company could locate this
facility some distance away on an existing
facility, why can't the cellular companies do
exactly the same thing?

MR. WEBER: For the record, it's the
vice-versa point I'm trying to try make.

MR. KAM: Let me first say in every case
where there was an issue of a new tower, we checked
this possibility. And the reason why it may not
work has to do with a couple of additional issues.
First, as it was mentioned here a little earlier,
we are dealing here with a grid, and there is
interdependence. And as a result, it did happen
from time to time that what looks very attractive,
when you just look at where the other towers are,
it ends up being technically hopeless because of
the fact that it would mean that the whole grid has
to be moved in order to fit the particular tower.

There were several cases, and 19 is not one of them
where -- there was an additional question of

height, and we have to be sensitive to that as well
because in some cases the PCS plan needed certain
heights that were not available in other
facilities.

Did that answer the question?

MR. STOKES: Roughly.

MR. SALEMI: Jack Salemi, Tabernacle.

The PCS plan, is it the same basic objective,
to have a five-mile radius between communication
facilities?

MR. KAM: Okay.

MR. SALEMI: Bear in mind this is the
first time I have had an opportunity to view this
program tonight.

MR. KAM: The basic aim was the same.

The basic aim was the same.

MR. SALEMI: Which was?

MR. KAM: In terms of the coverage
levels and in terms of the signal-to-noise ratios
and the drop rate and the block rate that were
mentioned before. In other words, these were the
same criteria that we have used that we're using in
the cellular telephone.

MR. STOKES: But I think the question
was, does the spacing, is the spacing essentially

the same?

MR. KAM: No. The spacing is somewhat
smaller, and this has to do -- I'm hesitant to
throw a number.

MR. STOKES: Would you describe why?

MR. KAM: Two reasons. One of them has
to do with propagation because of the fact that
we're dealing with different frequencies. And in
addition to that, there is the problem of
absorption. It so happens that the wavelength that
we are using in the case of PCS systems gets much
closer in terms of physical size to some of the
needles of the pines and, as a result, there is
some -- in some cases more absorption. We were in
some cases -- and let me explain how the process
worked. It looked to us from just doing
computations in the lab that something could work,
and then in field test actually seeing how much
absorption there is, we found -- that is, we
received results from experiments, to be precise,
that showed that there is more absorption than what
one would assume just looking at the topography
and, as a result, in some cases you found yourself
with a radii which are much smaller than the one
that we could tolerate in the case of the cellular
MR. HARRISON: Ms. Stetson?

MS. STETSON: Faith Stetson, Evesham Township.

When Larry was giving a summary of the plane, he indicated that Sprint and Omnipoint were included in this plan and that there were other providers that were not going to be part of this plan which may be providing service in the area.

What happens when they come before you with an additional tower request, how is that going to be handled? Are we going to have to amend this again?

MR. HARRISON: In order to build a tower outside of a regional growth area or a Pinelands town, they would have to come in and amend -- and seek an amendment to the PCS plan.

MR. LIGGETT: They would also have to operate from the cellular plan and the PCS plan as a basis, so any change would have to be based upon a change to those things, so this is like a building block, if you like.

MS. STETSON: I have one other question.

I noticed -- and I just got this report today -- facility 28 from Sprint is going to be located in Evesham Township and it matches up with facility 9 proposed by BAM. Has that issue with Bell Atlantic still intended to pursue a facility in Evesham still remains an open matter. However, Bell Atlantic has informed us that they do not intend to pursue a tower in the near future. Thus, it is not of immediate concern to them, and their discussions with the township within the past couple of months have focused on other aspects of the ordinance within which Bell Atlantic had concerns, and Evesham Township has indicated its willingness to adjust some of those provisions of the ordinance.

So I guess the best way I can answer that is that it remains that the specific location siting of the tower in Evesham still remains an open matter. However, Bell Atlantic has informed us that they do not intend to pursue a tower in Evesham still remains an open matter. However, Bell Atlantic has informed us that they do not intend to pursue a tower in the near future. Thus, it is not of immediate concern to them, and their discussions with the township within the past couple of months have focused on other aspects of the ordinance within which Bell Atlantic had concerns, and Evesham Township has indicated its willingness to adjust some of those provisions of the ordinance.

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MR. LIGGETT: Well, first of all, this plan is structured slightly differently from the cell plan. The cell plan was structured roughly at five miles and less technical feasibility said it was less. And that's generally the case, it is less. This plan has a similar provision, but much more technically drawn, drawn with a half mile radius. And if it's beyond that, it might work.

And the issue of shrinking for the cell plan, that's a certified adopted plan. There was some talk about us changing our regulations and perhaps taking a different approach, and those talks are ongoing with the Commission and they may occur or may not, but those are problematic because they are not right now we have a certified cellular plan and it has a five-mile maximum radius, if you like.

MR. STOKES: Just to make sure that Larry's point was clear, this plan indicates that in the vast majority of cases, the PCS companies would be able to locate or would be required to locate their facility within a half mile of the location that's shown on the map, but there is some opportunity, as the plan indicates, that it might vary, it might be more than that in some cases. So it is much more tightly defined, but it's not an

MR. HEINOLD: Okay. That's good to know.

The ongoing discussions before the Pinelands Commission, does that involve the potential requirement that all towns must pass an ordinance?

MR. HARRISON: Well, there are a couple of things here. When the Commission adopted the cell tower provisions initially, there was a requirement that the towns at that point adopt provisions that did that, and all towns have done that. We were considering regulations that would have had towns adopt ordinances in response to approved local communication facility plans. The Commission's policy and implementation committee had a number of problems with those draft regulations and they are on a very far back burner at this point in time.

MR. HEINOLD: I guess the only thing I would say from the township's perspective is we've been heavily involved -- I guess as heavily involved as we feel we can be in terms of being at the table and at least staying for a part of the discussion, and I feel -- I guess the township has gone to great lengths and done what it can to

in the nearby future on this facility 9 or facility
28 for Sprint, how are they -- what are they going
do? 6
3

MR. STOKES: What this plan does is it
4 would afford the PCS companies an opportunity to
5 pursue those sites independent of the cell
6 companies. So if, indeed, the Sprint or Omnipoint
7 or both of them feel they have an immediate need
8 for that facility, then they would be free to seek
9 approvals from Evesham Township.
10
MS. STETSON: I would just like to close
11 by saying I really don't think the public had
12 enough time to review this plan, and I would ask,
13 echoing the sentiments of the PPA and the Audobon
14 Society, that the public comment portion be
15 extended, extended especially until we get some
16 input from the staff and the experts to the need
17 question when it's finally resolved. I'd like to
18 see an extension.
19
MR. HARRISON: Mr. Heinold?
20
MR. HEINOLD: Doug Heinold from the firm
21 of Parker, McCoy & Criscuolo. We represent the
22 Township of Evesham.
23
What was indicated is exactly right in terms
24 of what has happened along Evesham's journey in
25 this. Originally we became interested because Bell
26 Atlantic Mobile had a site selected which was very
27 close to a residential area, and given the overall
28 area, the township was very concerned that that
29 site was selected. We were the first township to
30 pass an ordinance that was approved by Pinelands to
deal with this issue. There was actually
31 litigation filed where we sort of hatched things
32 out with Bell Atlantic Mobile, and that has been
33 resolved. What we did was sit down with them and
34 Pinelands and work out some solutions to their
35 concerns with regard to setbacks and so forth.
36
I guess my first question is, there's been some suggested revisions in terms of how the plan
37 is going to work, the already existing plan, and
38 these radiuses that are set up, radii -- I'm not
39 sure how the word is, but the five miles, it was my
40 understanding that that was going to become smaller
41 in the future, that what the providers were saying
42 was we don't have enough -- we can't be as flexible
43 as we thought we could in terms of moving anywhere
44 within a five mile radius, we need to be more
45 specific about where we site.
46
Is that accurate? And what's the status on
47 that?
<table>
<thead>
<tr>
<th>Pinelands Commission</th>
<th>November 16, 1999</th>
<th>Public Hearing</th>
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<tr>
<td>PAGE 29</td>
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<tr>
<td>1 accommod. And it took us a long time, I don't</td>
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<td>2 think it's any secret, to get Bell Atlantic Mobile</td>
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<td>3 to talk to us, and we finally were able to talk to</td>
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<td>4 them and work things out with them.</td>
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<td>5 If the situation is now that these groups of</td>
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<td>6 people are coming along with the understanding that</td>
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<td>7 there was going to be a tower there and maybe the</td>
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<td>8 need is not there for Bell Atlantic Mobile and the</td>
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<td>9 other providers under the prior plan, I'm wondering</td>
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<td>10 if there's any potential for movement on their part</td>
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<td>11 in light of the fact that there may not be a tower</td>
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<td>12 going up by Bell Atlantic Mobile, that there may</td>
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<td>13 not be that colocation opportunity and then, as a</td>
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<td>14 result, if we're so constrained by that half mile</td>
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<td>15 radius --</td>
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<td>16 MR. STOKES: Well, let me suggest this.</td>
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<td>17 One, I think that the PCS companies would probably</td>
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<td>18 be more than willing to sit down with the township</td>
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<td>19 to discuss the matter in more detail. Secondly, we</td>
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<td>20 ought not to presume that the PCS companies have</td>
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<td>21 the same need, limitations and constraints that the</td>
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<td>22 cellular companies do. So, for example, I know</td>
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<td>23 that there are some existing structures within that</td>
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<td>24 general area and it is conceivable -- I mean, I</td>
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<td>25 can't guarantee it, but it is conceivable that</td>
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<td>26 technical limitations that may have affected the</td>
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<td>27 cellular company's use may not have the same affect</td>
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<td>28 on the PCS companies, so there might be some</td>
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<td>29 opportunities that weren't all that feasible with</td>
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<td>30 the cellular companies, but I think -- and we can</td>
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<td>31 confirm that with the PCS companies -- that they</td>
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<td>32 would be willing to sit down with the township at</td>
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<td>33 the appropriate time to discuss the particulars of,</td>
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<td>34 you know, the need and the opportunities, the</td>
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<td>35 alternatives, that are available within each --</td>
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<td>36 MR. HEINOLD: Okay. And I understand</td>
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<td>37 under the plan they're looking within maybe the</td>
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<td>38 next five years. It's not one of their top</td>
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<td>39 priority sites at this point. But we're here,</td>
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<td>40 we're going to be part of the contribution.</td>
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<td>41 MR. ZUBLATT: I'll be glad to address</td>
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<td>42 the when you're ready.</td>
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<td>43 My name is Alan Zublatt. I'm the attorney for</td>
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<td>44 Sprint. I didn't want to interfere with the</td>
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<td>45 public's comments. But if you wish now, I would be</td>
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<td>46 glad to make a statement, and hopefully we'll</td>
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<td>47 address a lot of the issues that were raised</td>
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<td>48 tonight.</td>
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<td>49 MR. STOKES: Why don't we ask Mr.</td>
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<td>50 Heinold if he has anything else?</td>
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Kelly McArdle & Associates (732) 280-9191
| MR. HARRISON: | Mr. Weber? |
| MR. WEBER: | Just getting back to this |
| whole question with the explosive use of cellular technology, be it PCS or whatever, everyone's having them. Once we go down this path, aren't we going to then say, okay, well, if we trim the usage, then there's not enough towers. They're going to say, well, we have more need, so there's going to need to have more towers to handle the capacity of higher utilization. So where does the Pinelands Commission draw a line? Because, you know, if the need that's set up, you know, whatever this "need" keeps coming up to be is going to continue to just skyrocket, so where do you draw the line? I mean, are we going to review this every couple of years when there's a new need for more towers because, you know, capacity issues are raised again. |
| MR. HARRISON: | Mr. Salemi? |
| MR. SALEMI: | I think there should also be a concern about the safety of driving in an automobile or any kind of vehicle while talking using a cellular phone. I think many states are taking a very strong look at this whole concept of |
| driving, talking and having accidents. In Philadelphia or Pennsylvania they just killed a little girl. They're looking to make it illegal to drive a vehicle and talk on a telephone at the same time. I think we should be very careful with overdevelopment of an industry that might be under very strict control, especially here in our Pinelands region and everywhere. |
| MR. HARRISON: | Are there any other members of the audience who have any testimony concerning the PCS plan? |
| Mr. Zublatt? |
| MR. ZUBLATT: | Thanks. |
| My name is Alan Zublatt. I'm the attorney for Sprint Spectrum, LP. We've been involved with the Pineland's staff now in the arduous process for an excess of a year, and there are underlying documentation and testing with Mr. -- it's Kam, right? -- as well as Pineland's staff, Mr. Liggett, Director, Mr. Harrison, as well as Assistant Director Stoks. I want to give you the Sprint Spectrum plan and try to bridge the gaps between what you're worried about and what Sprint's point of view is and how we can work together in terms of the concerns that you have. And I want to do that in two or three different areas, if I may. The first being a general statement, which most of you from seeing a lot of your faces at the cellular proceedings, you'll have heard before. The second I want to deal with colocation, and particularly colocation because out of all the sites that are being proposed, only five or six are new towers, new construction, in this PCS plan. And Sprint, as you'll hear in a minute, intends to proceed actively and aggressively and go after those colocation sites, whether they are built now or are just sitting there having been approved so that they -- in terms of the cellular plan, so the reality is that five or six will be new, and probably only five of those five and six. As far as any municipality that has a concern, our position is clearly we will work with that municipality within the confines of the existing plan to do things that can work. Now, with that in mind, that's what I propose to do in hopefully five, no more than seven or eight minutes with you. So I'm going to just check with some notes to make sure we don't leave out anything in terms of what you've said. Firstly, we all know and we hear it every day with the change of the -- of what's happening in terms of television commercials themselves that there's an explosive growth, not only in the Internet, but in terms of wireless communication and this revolution in communications along with the rapid development of wireless technology offers. Sprint believes, obviously, there are many benefits to the public who reside in and travel through the Pinelands, and these relates to three major areas, necessity, convenience and safety, and if there's coverage issues or there's capacity issues, that convenience, that necessity and safety, are the things that most people buy phones for. It's estimated now there are over 69 million subscribers to wireless in general in the U.S. who rely on wireless communications for personal safety, to enjoy more contacts with friends and families -- I don't want to sound like a commercial -- and to make more productive use of their personal and professional time. Most importantly, 600,000 911 calls are made each year, which not only benefits the sender, but the recipient itself,
Now, that certification and approval doesn't mean they can go out and build. This is a stage, this is a framework, this is only a master plan, an important step for sure in terms of the overall process, but it doesn't in any way relegate us or put us in a position of being able to build at all. It's a major stage in the start of the process which now goes before a variety of different entities, and that's the second really point that I wanted to make to you. This layer of federal law called Section 704 related sections of the Telecommunications Act established a national policy that has to be reconciled with a Pinelands' rules and regulations obviously to promote the rapid introduction of wireless technology. There's no question about it, that's what the purpose of it was. The government wanted to enhance 911, the government wanted the carriers to enhance throughout the country its network to provide adequate coverage. It established through Section 704 and related sections certain guidelines for the state and local zoning authorities, municipalities, the Pinelands Commission, which it did not have -- did not have before when you had your Comprehensive Management Plan, so this was a new layer that was thrown into the mix that no doubt in your mind intruded into the process of preservation, and the goal was to try to preserve and reconcile the two, and that's what this process, this part one of the process is. There are probably three to seven different parts. It preserved local zoning authority in terms of the municipalities, but the authority in terms of the local zoning was limited and, in some cases, as you know, preempted, some of those are familiar with it, that's the health impact of electromagnetic frequency emissions. The FCC regulation spelled out their wireless service providers must build-out their systems to provide adequate services to the public. They prohibited -- a point that was brought out by someone before -- they prohibited the discriminatory treatment of one carrier group over another carrier group and the required local governments to provide and apply their rules equally and consistently. They strongly encourage, they couldn't mandate, but they strongly encouraged colocation, and we're going to talk about that right now.

In 704 in fact sheet number two, question number 11 deals with the colocation policy of the
usually when it hopefully we'll implement that very shortly.

changing areas of place. of the others hopefully

But it's all coming to the point where there is an carved it down to five, perhaps
colocated sites that require new installations and the bulk

of counties many be different than in other counties. outside before we got to the

called for in terms of the court cases that govern this, we have incorporated very carefully small, defined

and or use variance approval that still must be

adhered to when this process takes place in terms of

of the approval and certification of this plan.

This plan also is governed by a whole series of rapidly developing and changing -- usually when it

changes, it's a lawyer's dream -- changing areas of

law in terms of the court cases that govern this,
both federal district court cases as well as state
court cases, and state court cases in certain

counties many be different than in other counties.

But it's all coming to the point where there is an incremental series of steps that have to take

place.

So I hope that you can see that this

reconciliation and this process tonight is just the first stage in a relatively long process or short

process, depending upon how proactive carriers
become, both with the cellular plan as well as the municipalities, as well as the residents of the Pinelands, as well as the Pineland's Commission.

Because before we can build a site, we still have to deal with and demonstrate we're in compliance
when we locate that site within the area that we're talking. We're only talking about broad areas now.

When we actually locate this site, we still must go to the Pinelands Commission and make sure we
comply with the specific siting criteria. This is not an approval tonight or a going forward of those specific sites. It still has to go through all the steps that I've just described.

Now, this plan is also substantially similar in many ways to what was approved after a three or four-year process for better or for worse last time around with the cellular plan. Sprint strongly
adopts and strongly confirms the colocation process in its plan and looks forward to proactively working to ensure the rapid develop as many
colocational opportunities as possible in conformity with the policies enumerated in the cellular plan, and we expect the cellular industry to comply and we expect and certainly will comply as well.

And in terms of applicable law and in terms of the Pinelands process itself, which worked, I know, arduously in terms of providing for colocation -- and there were questions a long time ago, I remember, does it work. We know it can work and we intend to make sure it works, because the bulk of our build-out is related to colocation. That's why there are only five, possibly six, doubtful six, new sites. They're either existing structures or colocational structures. So we intend an ambitious program of colocation and we've talked about our position with the Pinelands Commission and hopefully we'll implement that very shortly.

So basically what I tried to pose for you is we have incorporated very carefully small, defined ring sites utilizing the outside-in approach that the Pinelands wanted in terms of valuation of sites outside before we got to the Pinelands and we carved it down to five, perhaps six, doubtful, sites that require new installations and the bulk of the others will hopefully be the other way.

There was a question raised about one site

that might never be built involving Omnipoint and one of the statements of the plan. I know Mr. Stilwell is here. I don't know if you want to make a comment on that site or not in terms of that inquiry, but in terms of Sprint, clearly that's the goal that we truly want to accomplish here. We saw what went on. We read the transcripts of the last time. We recognize your need, and we intend to act on them in the way I've described. And I will be in touch with Evesham as well as any other municipality. If it gets within the plan, the Pinelands Commission has no problem, if there's something offered that's a viable alternative within the confines of the plan. I don't believe Evesham is going to be a problem, much less any other facility that's available that still works from the radio frequency point of view.

I thank you for your time.

MR. HARRISON: Mr. Stilwell, do you have any comments on behalf of Omnipoint?

MR. STILWELL: I don't have any voice either, so it's going to be difficult for me to do that, but Mr. Zublatt's comments on behalf of Omnipoint, at least with respect to colocation and of course with respect to the willingness of
Omnipoint to do what it's always done, which is to work with other carriers of municipalities with attempts to locate.

With respect to a couple of sites for which there were specific questions, I think the plan itself talks about the border issue that involves site number 64 and simply an FCC concern that requires us to obtain approval from a licensed entity that has a license in that area in order for us to be able to cross a boundary in a way that's acceptable from a regulatory standpoint. The entity that we need to deal with currently is in bankruptcy and, therefore, is not available to be negotiated with, but we would expect at some future point in time some entity will control that license who will be available. And if normal conventions are followed, I think we should be able to work something out. If we can't work something out, then we would obviously fall back on the proposal to build that particular site.

MR. HARRISON: Are there any other comments from members of the audience? Last chance.

MR. WEBER: Last, but not least, I really applaud the Pinelands Commission here for doing the job that they've done over the last several years. The description was arduous, and the underlying tone of this arduous process has really created some fairness in all this because I've observed over five years in this that the municipalities, other than Evesham, that have done a really great job has really been bullied by the large telecommunication companies coming into the townships like Woodland with ten lawyers with a relatively low ability to handle this and do their own research, so I really applaud the Commission for standing their ground pushing colocation. The Pinelands didn't push colocation. The Telecommunication Act might say it in there, but there was no major desire to have that happen, so my hats off to you all.

MR. HARRISON: Any further comments?

With that, we'll close the hearing at 12 after eight. I'll reiterate, written comments have to be submitted by Monday, November 22. They can be sent by mail, hand delivered, E-mail. If you want the E-mail address, we can give it to you afterwards. Thank you all for coming.

(Meeting adjourned.)