

PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
JULY 1, 2009

A regularly advertised hearing on the application of **ANTHEM TELECOM, LLC (SPP 09-80)** was called to order at 10:45 a.m. in the Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Chairman Rell Woodward presiding.

PRESENT: Rell Woodward
Takashi Domingo
Wallace Ishibashi
Zendo Kern
Shelly Ogata

Brandon Gonzalez, Deputy Corporation Counsel
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner
Maija Cottle, Staff Planner

And approximately 17 people from the public in attendance

ABSENT & EXCUSED: Andrew Iwashita

APPLICANT: ANTHEM TELECOM, LLC (SPP 09-80)

Special Permit to allow the construction of a 150-foot telecommunication tower and related structures on approximately 10,000 square feet of land situated within the State Land Use Agricultural District. The area under consideration is located along the mauka section of Paauilo Mill Road, approximately 1,300 feet mauka of Highway 19, Paauilo, Hamakua, Hawai'i, TMK: 4-3-7: portion of 10.

WOODWARD: Agenda Item No. 5, another communications antennae. Applicant is Anthem Telecom requesting a permit for a 150-foot telecommunication tower and related structures on a quarter of an acre of land within the State Land Use Agricultural District, along the mauka section of Paauilo Mill Road, approximately 1,300 feet mauka of Highway 19, Hamakua. Maija.

COTTLE: Thank you, Mr. Chairman. The Applicant, Anthem Telecom, is requesting a special permit to establish a 150-foot tall telecommunication tower and appurtenant structures on approximately 1,000 square feet of land within the State Land Use Agricultural District. The proposal is located in the Paauilo Mauka area about 1300 feet mauka of

Mamalahoa Highway; and the location of the property is outlined in black. It's the larger property outlined in black on the slide; and the proposed location of the telecommunication tower is shown by a red dot here close to the highway. As I mentioned it's about 1300 feet mauka of the highway. The State Land Use designation as you know is Agricultural and the town of Paauilo is designated Urban by the State Land Use Commission.

This is an aerial photograph of the site and, again, the proposed tower site is outlined in red. It's just on the Hilo side of Paauilo Mill Road. The applicant has submitted an elevation showing what the tower would look like once it's constructed from ground view. And originally the Department sent a recommendation to the Commission for denial. But since that time the Department has met with the applicant again and clarified the signal coverage for the proposed tower as well as the signal coverage for the tower that the Commission approved in June that Cellco had applied for, which is located at about two miles on the Honokaa side of the proposed request. So now we've changed our recommendation to an approval.

WOODWARD: Well, then that's special.

COTTLE: Yes. You should also have received three letters this morning from Alii Wireless Specialists and, I'm sorry, two letters, and AT&T. Are there any questions?

WOODWARD: All right. Any questions for staff?

DOMINGO: Mr. Chairman?

WOODWARD: Yes, Commissioner Domingo.

DOMINGO: I see the signal aspect has been settled by meeting with the applicant. And one of the reasons for the recommendation for denial was that they had not explored the possibility of co-location, another reason is that the land was also identified as Prime Agricultural land. And having settled the issue about the signal, then my question is what about the other issues given that prompted the denial action?

COTTLE: Are you referring to the -?

DOMINGO: You folks are withdrawing all those comments in total or you're just saying that you approve it because you've met with the applicant and determined that everything is settled by your meeting? But, you know, I'm just wondering, the other reasons for denial as specified in the recommendation, you know, are they still valid, or would that need to be put aside?

COTTLE: Well, the primary reason for the denial originally was the co-location issue. Since that time Anthem has brought to our attention that they provided information that they provide telecommunication infrastructure. They build the towers, and they are not actually a wireless service provider, which is why they aren't going to co-locate, because they aren't a service provider, they just provide towers. So that issue was resolved. The signal issue was

resolved as well, as you mentioned. And then the third issue regarding, you know, the use of agricultural land, the telecommunication tower will still take up 10,000 square feet of an area designated as Agricultural land, it's not designated Important Ag land in the General Plan, it's designated Low Density Urban. And so the issue hasn't gone away but we're pointing out that it is a small area, it's 10,000 square feet. Did that answer your question?

DOMINGO: In a way. I just, you know, -.

COTTLE: Okay.

DOMINGO: The thoughts in my mind is that in the past we've approved similar applications, and the reasons stated in this recommendation is somewhat contrary to the reasons given with other applications. And if this were to be applied to those applications then I would think that, you know, others approved would give me second thoughts as to why it was approved, because it had similar questions and concerns. I was just thinking has Planning Department taken a 180 degree turn-around in considering cellular towers?

COTTLE: No. I mean we have several criterias that we look at. You know, we have about eight criterias here that have to be met. So we look at the proposal in whole and look to see how each criteria is met. Sometimes not every criteria is met. If an application comes forward and several criterias aren't met, that creates a greater basis for a denial.

WOODWARD: Okay, any other questions for staff?

DOMINGO: Mr. Chairman, it's not that I was against the application but, you know, for the sake of consistency and uniformity in our decisions I'd just like to make sure that, you know, they're all the same.

WOODWARD: Yes, that's true. Thank you. Okay, if we could get the applicant and/or their representative to come up and give whatever information they'd like the Commission to hear. I guess you're it. Just one?

FOX: Just me.

WOODWARD: Okay. If I could get you to raise your right hand. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

FOX: Yes, I do.

WOODWARD: Okay, if you'd give us your name and address and then begin your testimony.

FOX: Good afternoon, Commissioners. My name is Keoni Fox. My address is 48-472 Kamehameha Highway, Waikane, 96744. And I'm here on behalf of the applicant, Anthem Telecom.

First of all, a little background about Anthem. Anthem Telecom is a communications tower owner and provider. They are not a wireless service provider. Anthem's core business is the development of wireless telecommunications infrastructure which will allow the co-location of wireless service provider's equipment. And it is my understanding that the Planning Department recently approved a Special Permit for a Verizon telecommunication tower not too far outside of Paauilo town. And my main objective today was to explain to the Commission why the Anthem project is critical to support the wireless networks of its customers and why the recently approved Verizon project is not adequate for co-location.

If the Commission would please give me a few minutes, I actually felt that it would be easier to explain this statement by showing you some maps of existing wireless infrastructure along the Hamakua coastline using a program called Google Earth. Can I have a few minutes to do that?

WOODWARD: If there is no objection, go ahead.

DOMINGO: No objection, Mr. Chairman.

WOODWARD: Go ahead.

FOX: Okay, I'll be quick. Thanks. Thank you. Okay, here is a satellite image of the Paauilo community. And the yellow star you see depicted here on Kamehameha Schools' property is the location of the proposed Anthem telecommunications facility. Now to the west here you'll see a yellow tab, and this is the location of a previously approved special permit for Verizon and Crown Castle. This was for a 250-foot tower. It was approved in 2004; and you can see it's just outside the town of Paauilo. And it's my understanding that this special permit was recently withdrawn, the tower was never built.

A little further west you have the recently approved Verizon project over here. And when Anthem designed this project it was designed to provide a bridge for the gap in service between existing towers above Honokaa and existing towers above Ookala. So if you actually go out west to Honokaa town, I'll zoom in here, above Honokaa town there's a 150-foot tall tower. It's owned by T-Mobile; and on this tower you have T-Mobile, A&T, and Sprint Nextel. On the other hand Verizon is located at a much lower elevation. They have their antennae installed on the rooftop of the Tex Drive Inn which is just makai of the highway, and there really is a considerable difference in elevation here, and it's for this reason that Verizon doesn't provide as good a service along this stretch of the highway as some of the other wireless service providers.

Now it's my understanding that at last month's hearing the Verizon radio frequency engineer testified that the main objective for this new facility was to improve service for Verizon along this stretch of the highway where the other providers are already providing good service. Now if you look east the Anthem Telecom project was designed to hand off signals to the existing

telecommunication facilities above Ookala. And here you have a 180-foot tall tower that's owned by AT&T; and T-Mobile is currently in the process of installing their antennae on this tower. Adjacent to that, Verizon has its antennae on a 200-foot tall Hawaiian Telecom guy tower. And if you go 2 miles further east you actually have a Sprint Nextel facility located here. Here's an 80-foot tall tower just makai of the highway. Verizon has also installed an antennae there. And it's my understanding that Mobi is planning to install an antennae there as well.

So going back to Paauilo, the reason why I wanted to show this to the Commissioners today was because this two-mile difference is considerable for this industry; and by co-locating on the recently approved Verizon tower Anthem's customers will not be able to bridge the gap in coverage between Paauilo town and Ookala. And it's for this main reason that we are asking for the Commission's support of the application today.

WOODWARD: All right, thank you. Anyone have any questions or anything?
Commissioner Ishibashi.

ISHIBASHI: Thank you, Brother Chair. On your, who's going to be using that, your tower? AT&T is going to tap in, Sprint, who?

FOX: The tower was designed to accommodate six wireless service providers. At this time only three providers have committed to co-locating. That includes AT&T, T-Mobile, and Mobi. But Sprint Nextel has also expressed interest in co-locating.

ISHIBASHI: So financially you can supply six different providers?

FOX: Correct, correct. And Anthem has approached Verizon about possibly co-locating as well, but as we know their service areas is different and they're focusing on the Honokaa side.

ISHIBASHI: Okay, thank you.

WOODWARD: Any other questions? Okay, seeing no further questions, thank you, sir. You may be seated. We do have Eric Kaneshiro from AT&T signed up to testify. Okay, if you could raise your right hand. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

KANESHIRO: I do.

WOODWARD: If you will speak into the microphone, and then give us your name and address, and then you're free to begin your testimony.

KANESHIRO: Thank you. Eric Kaneshiro, I represent AT&T Wireless. Address is 1732 Palolo, 96816. Anthem has basically done much of the work. You know, we are co-locating on there. I just wanted to make a point that we really looked hard at the Verizon tower. AT&T and Verizon work well with each other. We work, we looked very hard at that tower.

But bottom line of it is -. We sent in a letter, and I think there it reflects where the Anthem tower is literally almost dead center between AT&T's facility at Ookala and Honokaa. And if we move further west to the Verizon tower we would probably be coming in for some sort of repeater or another installation somewhere between the Verizon tower and Ookala. There would definitely be about a mile or two hole. I know most of you are familiar with the area, it's very wooded, a lot of mountains, very tough terrain to cover. So that extra two miles in a flat area it's no problem; but in an area like this it's very essential to be where it needs to be. Again, it's not that we're not co-locating, whether we co-locate it on Verizon or on the Anthem. It really became a coverage issue.

Now I think the second thing that I wanted to point out was I am not exactly sure how tall the Verizon tower is, but I was led to believe it was 130 feet. If all five carriers are to locate there, that means that the bottom carrier is about 60, 70 feet. That won't even come close to getting even into Paauilo town. So the reality of it is there has to be a second tower or that other tower has to be substantially higher, in the 200 plus feet. And so I'll just answer any questions any of you may have.

WOODWARD: Any questions? Okay, seeing none, thank you, sir. You may be seated. All right. And that's it for public testimony. I'd be willing to entertain a motion if somebody would like to make a motion. Commissioner Ogata.

OGATA: With regards to Anthem Telecom LLC, SPP 09-80, I move that we approve.

WOODWARD: All right. Any discussion? Okay, seeing none, Maija, if you'll take the vote please.

COTTLE: Commissioner Ogata?

OGATA: Aye.

COTTLE: Commissioner Domingo?

DOMINGO: Aye.

COTTLE: Commissioner Ishibashi?

ISHIBASHI: Aye.

COTTLE: Commissioner Kern?

KERN: Aye.

COTTLE: And Mr. Chairman?

WOODWARD: Aye.

COTTLE: Motion passes five to zero.

WOODWARD: All right. Very good. You'll be notified writing, sir. Did you have something to say? We're actually kind of through with this, but if you had something you wanted to tell me, go ahead.

FOX: No, I'm sorry. I just thought you were going to ask if the applicant was okay with the conditions. And we just had one question I wanted to bring to your attention. It's kind of, it's kind of odd, it's Condition No. 3. The Planning Department asked if the tower could be painted to blend in with the surroundings. And Anthem definitely wants to minimize the visual impacts on the community; and painting of towers is typical. We almost always paint the towers to blend in with the surroundings. Unfortunately, this area of the Hamakua coastline has, is an area where native Hawaiian sea birds apparently migrate from the mountains to the sea. And the telecommunication industry, the different wireless service providers have to produce a number of environmental reports. And one is an FCC NEPA checklist. Because of the seabirds in this area, there's something that the FCC and the Fish and Wildlife Service is requiring us to do. It's called a Section 7 consultation.

WOODWARD: Yeah, I saw that. It's about 20 pages that is in the back of this thing.

FOX: It's fairly long, and there was a lot involved with that. And because there is the slight risk that one of these seabirds could hit the tower, I guess, when it's flying or going from its sleeping place on the mountain down to its fishing grounds -.

WOODWARD: They're nocturnal. They're just, they fly in the dark, and they crash into things.

FOX: Well, Anthem did complete the Section 7 compliance. But a letter from the Fish and Wild Life Service to the FCC dated December 19, 2008, which was made part of the application, states that the US Fish and Wild Life Service is recommending that the pole be painted as bright a shade of white as local government agencies will permit in order to increase the tower's visibility to Newell's shearwater and Hawaiian Petrel seabirds.

WOODWARD: Very good, just do it. I understand where you're coming from.

FOX: Well, the problem with it is if we paint this tower bright white it's going to be a lot more visible. We almost always paint them brown or green cause that really blends in a lot better. And it looks like Fish and Wildlife is giving us some flexibility there. I mean, they say shade of white so, you know, we can kind of work on that with the Department. I just wanted to make sure you folks are okay with that.

WOODWARD: I would suggest that you just, if there's a question that comes up that you just handle that directly with the Planning Department.

FOX: Okay. I just wanted to bring that to your attention.

WOODWARD: Okay. Yeah, cause we've already decided the issue. But you're right. You know, if the Fish and Wild Life has something, some significant reason for doing something otherwise I'm sure the Planning Department is not going to stand in your way of what color it gets painted. So I would just suggest that if the issue comes up just handle it with the Planning Department. Okay?

FOX: Okay, thank you. Thank you very much.

WOODWARD: All right, you bet.

DOMINGO: Not white.

COTTLE: Mr. Chairman?

WOODWARD: Yes, Maija.

DOMINGO: Not white.

COTTLE: I just want to clarify the motion. Ms. Ogata said to approve. Is that approve with conditions?

WOODWARD: Yes, exactly.

COTTLE: Thank you.

DOMINGO: Not white, yeah, but -?

WOODWARD: All right. Thank you.

The discussion ended at 11:17 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary
Windward Planning Commission