



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

136 Main Street, Suite 401
New Britain, Connecticut 06051
Phone: 827-7682

Petition No. 260
Staff Report
Petition to Amend Regulation
16-50j-72(c)

On October 23, 1990, Metro Mobile CTS of the Northeast, Inc., Metro Mobile CTS of New of Hartford, Inc., Metro Mobile CTS of New London, Inc., Metro Mobile CTS of New Haven, Inc., and Metro Mobile CTS of Fairfield County, Inc., petitioned the Council for the amendment of regulations of Connecticut State Agencies (RSA) 16-50j-72(c).

Under RSA 16-50j-72(c) "Placement of community antenna television towers and head-end structures, telecommunications towers, and associated telecommunications equipment, owned or operated by the state or public service company, as defined in section 16-1 of the General Statutes, or used in a cellular system, as defined in the code of Federal Regulations Title 47, part 22, as amended, on any non-facility tower, shall not constitute a substantial environmental effect when the changes on the existing non-facility tower:

- (1) Have received a ruling by the Council that such a facility would not cause a significant change or alteration in the physical and environmental characteristics of the site;
- (2) Do not extend the boundaries of the site;
- (3) Do not increase noise levels at the site boundary by 6 decibels or more;
- (4) Do not increase the total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to Section 22a-162 of the Connecticut General Statutes; and
- (5) Have received all municipal zoning approvals and building permits.

In short, the regulation allows telecommunications facilities under the jurisdiction of the Council to be placed on existing telecommunications towers that are not under the jurisdiction of the Council, as an exempt modification so long as five conditions are met. The five conditions consist of a ruling from the Council that the facility would not cause a significant change or alteration in the physical and environmental characteristics of the site, will not extend the boundaries of the site, will not increase noise levels at the site boundary by six decibels or more, will not increase the total radio frequency power density at the site to or above the DEP ANSI standard, and have received all municipal zoning and building approvals.

The petitioners proposed to expand this exempt class to introduce installations on and in existing buildings and other structures which are neither existing tower sites nor existing non-facility towers.

The petitioners contend that the proposed amendment is a logical extension of RSA 16-50j-72(c) which provides for exemptions on existing non-facility towers; would significantly reduce the resources required to be expended by the Council and applicants for the processing of proposals for minor installations; and would be consistent with clearly stated legislative goals to promote the sharing of towers.

However, in a response to an interrogatory, the petitioners indicated that they might seek to engage the certification process to regulate this type of project if denied by municipal zoning and building officials.

Although the Council's legal counsel at the Attorney General's office has indicated that the Council has considerable latitude in prescribing what types of telecommunications facilities may have a substantial adverse environmental effect by regulation, the Council should consider the outcome of this petition which would allow entirely new facilities to be sited on entirely new sites with the purposes of the Public Utility Environmental Standards Act.