



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

June 13, 2016

Jeffrey Barbadora
Real Estate Specialist
12 Gill Street, Suite 5800
Woburn, MA 01801

RE: TS-EYE-077-160606—EyeTower request for an order to approve tower sharing at an existing telecommunications facility located at 266R Center Street, Manchester, Connecticut.

Dear Mr. Barbadora:

The Connecticut Siting Council (Council) received the tower share request for the above-referenced facility on June 6, 2016.

According to Section 16-50j-90 of the Regulations of Connecticut State Agencies (RCSA), “no tower share application shall be approved until a complete application containing all information deemed relevant by the Council has been filed. Relevant information shall at a minimum include that listed in Section 16-50j-89 of the Regulations of Connecticut State Agencies...”

Staff has reviewed this tower share request for completeness and has identified a deficiency in compliance with the criteria set forth in Connecticut General Statutes §16-50aa and RCSA §16-50j-89. The tower share request submitted on June 6, 2016 incorrectly cited to the criteria pertaining to exempt modifications under RCSA §§ 16-50j-72(b)(2) and 16-50j-73.

Tower share requests are governed by Connecticut General Statutes §16-50aa, stating that if the Council finds that the proposed shared use of the facility is technically, legally, environmentally and economically feasible and meets public safety concerns, the Council shall issue an order approving such shared use. A tower share request must comport with RCSA §16-50j-89 and state in detail how the proposed shared use will be technically, legally, environmentally and economically feasible and meets public safety concerns. The Tower Share Application Guide is enclosed for your convenience.

Therefore, the tower share request is incomplete at this time. The Council recommends that EyeTower provide the necessary tower sharing information on or before July 11, 2016. If additional time is needed to gather the requested information, please submit a written request for an extension of time prior to July 11, 2016.

This notice of incompleteness shall have the effect of tolling the Federal Communications Commission (FCC) 60-day timeframe in accordance with Paragraph 217 of the FCC Wireless Infrastructure Report and Order issued on October 21, 2014 (FCC 14-153).

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,

Melanie A. Bachman
Acting Executive Director/Staff Attorney

MAB/FC/lm

c: The Honorable Jay Moran, Mayor, Town of Manchester



Scott A. Shanley, General Manager, Town of Manchester
James Davis, Zoning Enforcement Officer, Town of Manchester
Council Members

Enclosure



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Tower Share Application Guide

August 2013

Connecticut General Statutes § 16-50aa directs the Council to approve the shared use of a telecommunications facility provided that the Council finds that such shared use is technically, legally, environmentally, and economically feasible and meets public safety concerns. In such cases, the applicant may notify the Council of its intent to share a telecommunications facility per Conn. Gen. Stat. § 16-50aa and R.C.S.A. §16-50j-88. The applicant should also send a copy of the notice to the chief elected official of the municipality in which the facility is located and the property owner.

A tower share application must comply with the requirements under R.C.S.A. §16-50j-89 and include the following components:

1. A narrative that: 1) describes the existing facility and appurtenances including location (with latitude and longitude coordinates), height of tower, name of owner/operator of the tower, and size and components of the existing equipment compound; 2) describes the nature and extent of the proposed modifications including the type and number of antennas to be installed, type of mounting, centerline height of antennas, and ground equipment to be installed; and 3) statements explaining how the proposal is technically, legally, environmentally, and economically feasible and meets public safety concerns per Conn. Gen. Stat. § 16-50aa.
2. Engineering drawings that depict the existing facility and appurtenances and show the modifications to be made. Drawings should include plan and elevation views. These documents shall include created on dates, effective dates, revision dates, or dates of adoption. If no such dates are available the document shall include the date the document was obtained.
3. An engineering analysis describing the existing tower's structural capability to accommodate the proposed modifications. This analysis should identify any structural changes and/or reinforcements that may be needed to accommodate the proposed modifications. The analysis must be stamped by a Professional Engineer licensed in the State of Connecticut.
4. A letter from the owner of the facility that the owner agrees to the proposed shared use of the facility.
5. A description of any potential environmental impact associated with the proposed shared use, including, but not limited to, on visibility, wetlands and water resources, air quality and noise. Sources of noise shall be identified and in compliance with state and local noise control regulations.
6. A calculation, based on an approved methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), of the power density of the radio frequency emissions to be generated by the existing antennas and the antennas to be installed.
7. Such information as the applicant may consider relevant.

8. Such additional information as the Council may request.

The applicant must submit an original and 15 copies of its tower share application with a \$625 filing fee. (Conn. Gen. Stat. §4-189j; Regs., Conn. State Agencies §16-50v-1a).

If the owner of the facility agrees to the proposed shared use, the applicant shall comply with reasonable conditions established by the owner concerning the shared use of the facility. The Council may arbitrate any issue between the owner of the facility and the applicant concerning the establishment of or compliance with any such conditions. Conn. Gen. Stat. §16-50aa(c)(1).

In the event that the owner of the facility refuses permission to share the facility, the applicant may bring the issue of the proposed shared use to the Council. Upon written request by the applicant, the Council shall initiate a feasibility proceeding per Conn. Gen. Stat. § 16-50aa(c)(2) to determine whether the proposed shared use is technically, legally, environmentally and economically feasible and meets public safety concerns. R.C.S.A. §16-50j-89(b).

If the applicant and owner of the facility cannot agree on fair compensation for the proposed shared use, or if the Council, following a feasibility proceeding, orders the shared use of a facility but the parties cannot agree on fair compensation for such shared use, the parties may either submit the issue of fair compensation to arbitration or petition the Superior Court to determine the issue.