



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
Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

September 15, 2022

Kristina Cottone
Real Estate Specialist
Smartlink, LLC
85 Rangeway Road
Building 3, Suite 102
North Billerica, MA 01862
kristina.cottone@smartlinkgroup.com

RE: EM-AT&T-089-220711 – AT&T notice of intent to modify an existing telecommunications facility located at 723 Farmington Avenue, New Britain, Connecticut.

Dear Kristina Cottone:

The Connecticut Siting Council (Council) is in receipt of your email correspondence dated September 14, 2022 regarding the above-referenced AT&T request for exempt modification indicating that the Council approved the request on August 9, 2022. Your correspondence included a Portable Document Format (pdf) attachment on Council letterhead dated August 9, 2022 approving the request for exempt modification. A copy of your August 9, 2022 pdf is attached for reference.

Please be advised that the Council has no record, in electronic or hard copy, of the preparation of, or issuance of, a decision letter approving this request for exempt modification.

First, the Council received a request for exempt modification from AT&T for a site located at 1 Hartford Square in New Britain on June 24, 2022. The Council received the above-referenced request for exempt modification for the site located at 723 Farmington Avenue in New Britain on July 11, 2022. The Council approved the AT&T request for the 1 Hartford Square site on August 1, 2022. The conditions of approval listed in your August 9, 2022 pdf related to the 723 Farmington Avenue site are identical to the conditions of approval in the Council's August 1, 2022 approval of the 1 Hartford Square site. Furthermore, the second page header and file path in your August 9, 2022 pdf refer to the 1 Hartford Square site.

Second, the Council issued notice of an incomplete request for exempt modification for the above-referenced 723 Farmington Avenue site to you at Smartlink, LLC (Smartlink) on August 17, 2022. In the Council's August 17, 2022 incomplete notice, it states, in relevant part:

Staff has reviewed this exempt modification request for completeness and has identified a deficiency in the filing. The proposed antenna mount that is not compliant with the Council's Decision and Order for Docket No. 303 dated June 28, 2005. Condition No. 2 of the above referenced Decision and Order states "Panel antennas shall be installed on the monopole using a flush or T-arm mounting configuration." The exempt modification request indicates that AT&T intends to install its equipment on a platform antenna mount. This is not in compliance with the Council's condition of approval.

Therefore, the exempt modification request is incomplete at this time. The Council recommends that AT&T provide a structural analysis, a mount analysis and construction drawings that are in compliance with the Council's condition of approval on or before September 13, 2022 or submit a motion to reopen Docket No. 303 to modify the condition requiring T-arm or flush mounts for antennas on the subject tower. If additional time is needed to gather the requested information, please submit a written request for an extension of time

prior to September 13, 2022. **Please provide an electronic version and one hard copy of the requested information for the incomplete tower share filing to be rendered complete and processed. Please include the Council's tower share identification number referenced above with the submittal.**

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).

A copy of the August 17, 2022 incomplete notice letter is also attached for reference.

As is evident from the Council's August 17, 2022 notice of an incomplete request for exempt modification, the above-referenced July 11, 2022 AT&T request for exempt modification at the 723 Farmington Avenue site is not in compliance with the conditions of the Council's June 28, 2005 Decision and Order (D&O) in Docket No. 303. Neither the requested information in the Council's August 17, 2022 notice of an incomplete request for exempt modification nor a motion to reopen Docket 303 to modify the antenna mount condition was submitted to the Council by September 13, 2022. Had the information been submitted, the conditions of approval for the above-referenced July 11, 2022 AT&T request for exempt modification at the 723 Farmington Avenue site would have included the following condition, consistent with the Council's D&O and the Council's approval of other requests for exempt modification at this site:

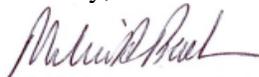
1. Panel antennas shall be installed on the monopole using a flush mount or T-arm configuration consistent with Condition No. 2 of the Council's Decision and Order in Docket No. 303;

Please be advised that Smartlink submitted a request for exempt modification on behalf of AT&T for the 723 Farmington Avenue site on November 27, 2018. Three notices of an incomplete request for exempt modification were issued on November 30, 2018, December 5, 2018 and January 14, 2019 for the same reason referenced in the Council's August 17, 2022 notice of an incomplete request for exempt modification – lack of compliance with Condition No. 2 of the Council's D&O in Docket No. 303. The 2018 AT&T exempt modification request was eventually approved on March 11, 2019 with T-arm antenna mounts in compliance with the Council's D&O in Docket No. 303.

At no time while the above-referenced request for exempt modification was pending with the Council did Smartlink indicate an August 9, 2022 decision letter approving this site was received from the Council or respond to the Council's August 17, 2022 notice of an incomplete request for exempt modification by the September 13, 2022 deadline; therefore the Council issued a letter to Smartlink denying the exempt modification request for this site on September 14, 2022.

Please also be advised that the Council is concerned about the authenticity of the pdf attachment to your September 14, 2022 e-mail correspondence and the amount of staff resources expended in researching its authenticity.

Sincerely,



Melanie A. Bachman
Executive Director

Enclosures: e-mail and pdf attachment from Kristina Cottone, dated September 14, 2022
Council Notice of Incomplete Request for Exempt Modification, dated August 17, 2022

c: The Honorable Erin Stewart, Mayor, City of New Britain, Mayor@NewBritainCT.gov
Telecommunications Industry Service List
Council Members

From: Kristina Cottone <kristina.cottone@smartlinkgroup.com>
Sent: Wednesday, September 14, 2022 11:20 AM
To: Robidoux, Evan <Evan.Robidoux@ct.gov>
Cc: mayor@newbritainct.gov; CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: RE: Council Denial Letter for EM-AT&T-089-220711 (Farmington Avenue, New Britain)
Importance: High

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Evan,

I have already received an approval on 8/9/2022, attached. Was this denial letter sent in error?

Thank you,

Kristina Cottone
Real Estate Project Manager
Smartlink
c. 978-551-8627

From: Robidoux, Evan <Evan.Robidoux@ct.gov>
Sent: Wednesday, September 14, 2022 11:14 AM
To: Kristina Cottone <kristina.cottone@smartlinkgroup.com>
Cc: mayor@newbritainct.gov; CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: Council Denial Letter for EM-AT&T-089-220711 (Farmington Avenue, New Britain)

Warning: This message was sent from outside the company and could contain attachments. Please do not open unless you recognize the source of this email and know the content is safe.

Please see the attached correspondence.

Evan Robidoux
Clerk Typist
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



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VIA ELECTRONIC MAIL

August 9, 2022

Kristina Cottone
Real Estate Specialist
Smartlink, LLC
85 Rangeway Road
Building 3, Suite 102
North Billerica, MA 01862
kristina.cottone@smartlinkgroup.com

RE: **EM-AT&T-089-220711** – AT&T notice of intent to modify an existing telecommunications facility located at 723 Farmington Avenue, New Britain, Connecticut.

Dear Ms. Cottone:

The Connecticut Siting Council (Council) hereby acknowledges your notice to modify this existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies with the following conditions:

1. Any deviation from the proposed modification as specified in this notice and supporting materials submitted to the Council shall render this acknowledgement invalid;
2. Any material changes to this modification as proposed shall require the filing of a new notice with the Council;
3. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
4. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
5. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
6. Any nonfunctioning antenna and associated antenna mounting equipment, or other equipment at this facility owned and operated by AT&T shall be removed within 60 days of the date the antenna or equipment ceased to function;
7. The validity of this action shall expire one year from the date of this letter; and
8. The applicant may file a request for an extension of time beyond the one year deadline provided that such request is submitted to the Council not less than 60 days prior to the expiration.

The proposed modifications including the placement of all necessary equipment and shelters within the tower compound are to be implemented as specified here and in your notice dated June 7, 2022.
The

modifications are in compliance with the exception criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies as changes to an existing facility site that would not increase tower height, extend the boundaries of the tower site by any dimension, increase noise levels at the tower site boundary by six decibels or more, and increase the total radio frequencies electromagnetic radiation power density measured at the tower site boundary to or above the standards adopted by the Federal Communications Commission pursuant to Section 704 of the Telecommunications Act of 1996 and by the state Department of Energy and Environmental Protection pursuant to Connecticut General Statutes § 22a-162. This facility has also been carefully modeled to ensure that radio frequency emissions are conservatively below state and federal standards applicable to the frequencies now used on this tower.

This decision is under the exclusive jurisdiction of the Council. Please be advised that the validity of this action shall expire one year from the date of this letter. Any additional change to this facility will require explicit notice to this agency pursuant to Regulations of Connecticut State Agencies Section 16-50j-73. Such notice shall include all relevant information regarding the proposed change with cumulative worst-case modeling of radio frequency exposure at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin 65. Thank you for your attention and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melanie A. Bachman".

Melanie A. Bachman
Executive Director

MAB/RDM/emr

c: The Honorable Erin Stewart, Mayor, City of New Britain (Mayor@NewBritainCT.gov)



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August 17, 2022

Kristina Cottone
Real Estate Specialist
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RE: EM-AT&T-089-220711 – AT&T notice of intent to modify an existing telecommunications facility located at 723 Farmington Avenue, New Britain, Connecticut.

Dear Ms. Cottone:

The Connecticut Siting Council (Council) received a notice of intent to modify the above-referenced facility on July 11, 2022.

According to Section 16-50j-71 of the Regulations of Connecticut State Agencies, "...any modification, as defined in Section 16-50j-2a of the Regulations of Connecticut State Agencies, to an existing tower site, except as specified in Sections 16-50j-72 and 16-50j-88 of the Regulations of Connecticut State Agencies, may have a substantial adverse environmental effect."

Staff has reviewed this exempt modification request for completeness and has identified a deficiency in the filing. The proposed antenna mount that is not compliant with the Council's Decision and Order for Docket No. 303 dated June 28, 2005. Condition No. 2 of the above referenced Decision and Order states "Panel antennas shall be installed on the monopole using a flush or T-arm mounting configuration." The exempt modification request indicates that AT&T intends to install its equipment on a platform antenna mount. This is not in compliance with the Council's condition of approval.

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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,

A handwritten signature in dark ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie A. Bachman
Executive Director

MAB/rm/emr