



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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www.ct.gov/csc

May 22, 2017

Adam Wolfrey
Consultant
c/o New Cingular Wireless, PCS, LLC
Centerline Communications, LLC
95 Ryan Drive, Suite 1
Raynham, MA 02767

RE: TS-CING-143-170503 - New Cingular Wireless, PCS, LLC request for an order to approve tower sharing at an existing telecommunications facility located at 136 Wright Road, Torrington, Connecticut.

Dear Mr. Wolfrey:

The Connecticut Siting Council (Council) received your request to modify the above-referenced facility on May 3, 2017. On May 10, 2017, the Council sent you a letter stating that your filing was incomplete because it incorrectly referenced the citations and criteria for an exempt modification rather than a tower share request, see attached. Attached to the May 10, 2017 letter was the Council's Tower Share Application Guide.

On May 19, 2017, the Council received a tower share submission for AT&T's proposed installation on the above-referenced facility. However, the filing still does not comply with the Council's Tower Share application criteria and references regulations for exempt modification filings. Again, 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 Regulations of Connecticut State Agencies §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.

Therefore, the tower share request is still incomplete. The Council recommends that AT&T submit a revised tower share request on or before June 5, 2017. If additional time is needed to gather the requested information, please submit a written request for an extension of time prior to June 5, 2017.

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
Executive Director

MAB/CW

c: The Honorable Elinor C. Carbone, Mayor, City of Torrington
Martin Connor, City Planner, City of Torrington
Daniel Laub, Cuddy & Feder
Christopher B. Fisher, Cuddy & Feder
Council Members

Enclosure



c: The Honorable Elinor C. Carbone, Mayor, City of Torrington
Martin Connor, City Planner, City of Torrington
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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.