



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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**VIA ELECTRONIC MAIL**

November 17, 2020

Anne Marie Zsamba  
Site Acquisition Specialist  
Crown Castle  
3 Corporate Park Drive, Suite 101  
Clifton Park, NY 12065

**RE: EM-AT&T-155-200930** – AT&T notice of intent to modify an existing telecommunications facility located at 29 South Main Street, West Hartford, Connecticut.

Dear Ms. Zsamba:

The Connecticut Siting Council (Council) hereby denies your request to modify the above-referenced existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies.

This exempt modification request was submitted to the Council on September 30, 2020. Council staff reviewed this request for completeness and identified a deficiency more fully described in the attached November 9, 2020 notice of incompleteness letter. In the November 9, 2020 letter, the Council recommended that Crown Castle provide a Radio Frequency (RF) Emissions Report that accounts for both the ground level and the top floor of the parking garage, on or before December 7, 2020.

On November 10, 2020, the Council received the attached correspondence in response to its November 9, 2020 notice of incompleteness letter. The correspondence argues that the Council's November 9, 2020 notice of incompleteness letter is ineffective in tolling the FCC 60-day shot clock for a decision on the exempt modification request because it was not issued within 30 days of receipt of the request. It further demands the Council to adhere to the 60-day FCC shot clock and render a favorable decision on the basis that the report submitted with the November 10, 2020 correspondence "adequately addresses the concerns raised" in the Council's November 9, 2020 notice of incompleteness letter.

In support of this conclusion, the November 10, 2020 correspondence further states that the grey areas shown in the RF exposure simulation diagram depicted on page 13 of the initial RF emissions report provided with the request indicates the maximum permissible exposure (MPE) at the top of the parking garage is "less than 5% of the Federal Communication Commission's MPE standard for publicly accessible areas." However, the November 10, 2020 correspondence submitted in response to the incomplete request does not provide the calculated power density of the RF emissions to be generated by the proposed antennas for the accessible area on the top floor of the parking garage.

Please be advised that our publicly accessible records reflect Council acknowledgment of several exempt modification requests for the above-referenced facility between 2006 and 2017. **All of the previously acknowledged exempt modification requests for AT&T and Sprint provided RF emissions values for both the top of the parking garage and the ground level.**

These records are available on the Council's website at the following links:

[https://portal.ct.gov/-/media/CSC/2\\_EMS-medialibrary/WestHartford/SoMainSt/ATT\\_CING/emcing155159060616filingSoMainStpdf.pdf](https://portal.ct.gov/-/media/CSC/2_EMS-medialibrary/WestHartford/SoMainSt/ATT_CING/emcing155159060616filingSoMainStpdf.pdf)

[https://portal.ct.gov/-/media/CSC/2\\_EMS-medialibrary/WestHartford/SoMainSt/ATT\\_CING/emcing155120719completefileSoMainStpdf.pdf](https://portal.ct.gov/-/media/CSC/2_EMS-medialibrary/WestHartford/SoMainSt/ATT_CING/emcing155120719completefileSoMainStpdf.pdf)

[https://portal.ct.gov/-/media/CSC/2\\_EMS-medialibrary/WestHartford/SoMainSt/Sprint/emsprint155140409filingSoMainSt1pdf.pdf](https://portal.ct.gov/-/media/CSC/2_EMS-medialibrary/WestHartford/SoMainSt/Sprint/emsprint155140409filingSoMainSt1pdf.pdf)

[https://portal.ct.gov/-/media/CSC/2\\_EMS-medialibrary/WestHartford/SoMainSt/ATT\\_CING/emcing155160422filingSouthMainStpdf.pdf](https://portal.ct.gov/-/media/CSC/2_EMS-medialibrary/WestHartford/SoMainSt/ATT_CING/emcing155160422filingSouthMainStpdf.pdf)

[https://portal.ct.gov/-/media/CSC/2\\_EMS-medialibrary/WestHartford/SoMainSt/Sprint/emsprint155171106filingSouthMainStpdf.pdf](https://portal.ct.gov/-/media/CSC/2_EMS-medialibrary/WestHartford/SoMainSt/Sprint/emsprint155171106filingSouthMainStpdf.pdf)

[https://portal.ct.gov/-/media/CSC/2\\_EMS-medialibrary/WestHartford/SoMainSt/ATT\\_CING/emcing155171108filingSouthMainStpdf.pdf](https://portal.ct.gov/-/media/CSC/2_EMS-medialibrary/WestHartford/SoMainSt/ATT_CING/emcing155171108filingSouthMainStpdf.pdf)

Thus, the proposed modification is not in compliance with the exemption criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies and is hereby denied.

Sincerely,

*s/ Melanie A. Bachman*

Melanie Bachman  
Executive Director

MAB/IN/emr

Enclosure: Council Incomplete Letter Dated November 9, 2020  
Crown Castle response to incomplete request dated November 10, 2020

c: Council Members

The Honorable Shari Cantor, Mayor, Town of West Hartford ([mayor@westhartfordct.gov](mailto:mayor@westhartfordct.gov))  
Matthew Hart, Town Manager, Town of West Hartford ([townmanager@westhartfordct.gov](mailto:townmanager@westhartfordct.gov))  
Todd Dumais, Town Planner, Town of West Hartford ([todd.dumais@westhartfordct.gov](mailto:todd.dumais@westhartfordct.gov))  
Lucia Chioocchio, Esq., Cuddy & Feder LLP ([lchiocchio@cuddyfeder.com](mailto:lchiocchio@cuddyfeder.com))  
Daniel Patrick, Esq., Cuddy & Feder LLP ([dpatrick@cuddyfeder.com](mailto:dpatrick@cuddyfeder.com))

November 10, 2020

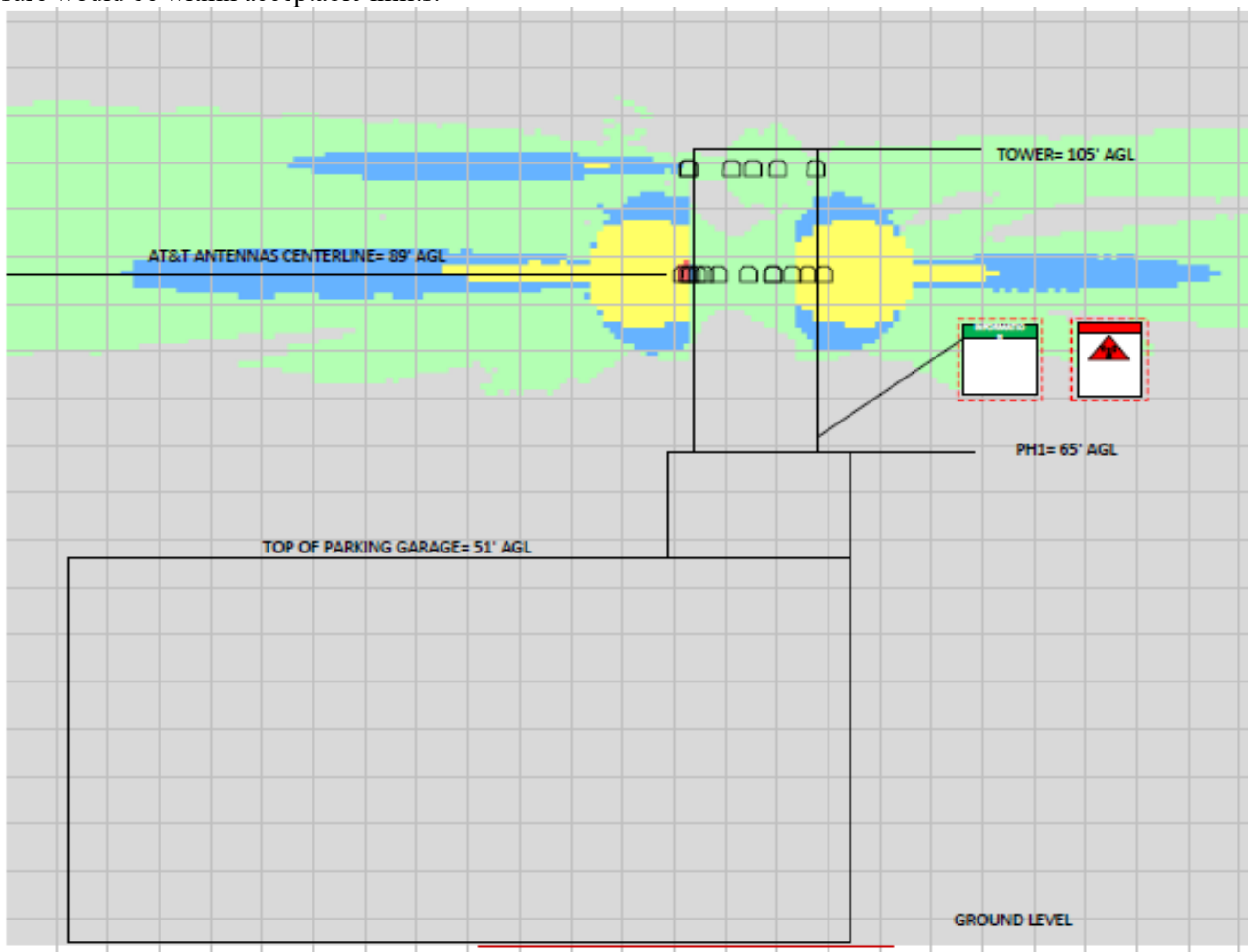
Melanie A. Bachman  
 Executive Director  
 Connecticut Siting Council  
 10 Franklin Square  
 New Britain, CT 06051

RE: **EM-AT&T-155-200930** – AT&T notice of intent to modify an existing telecommunications facility located at 29 South Main Street, West Hartford, Connecticut

Dear Ms. Bachman:

I am in receipt of your notice of incomplete correspondence dated November 9, 2020 for the above noted exempt modification filing.

The November 9<sup>th</sup> correspondence issued by the Council provides that the RF emissions report prepared by Site Safe, LLC and dated June 9, 2020 does not account for the RF emissions on the top floor of the parking garage which is accessible to the general public. I respectfully ask that the submitted report be reviewed again. Page 13 of the report provides an elevation view of the parking garage and facility. It also provides a colored exposure simulation of the percentage of acceptable FCC public exposure limits. Both the ground level and top of the parking garage at 51' AGL are assessed as gray which is less than five percent of the permissible FCC public exposure limit. Please see below. Even at the penthouse AGL of 65' public exposure would be within acceptable limits.



Moreover, page nine of the report defines the spatial average of 0'-6'. This spatial average gives a comparable reference to that of an average height person. The spatial ground average remains at less than one percent and within the gray color at the ground level as well.

To correct the record, please note that I submitted AT&T's exempt modification application to the Council on September 30, 2020. For the Council's notice of incompleteness to have effectively tolled the Federal Communications Commission (FCC) 60 day shot clock pursuant to Paragraph 217 of the FCC Wireless Infrastructure Report and Order (FCC 14-153), the Council's incomplete correspondence would have had to have been issued on or before October 30, 2020. Paragraph 217 provides "...an initial determination of incompleteness tolls the running of the period only if the State or local government provides notice to the applicant in writing within 30 days of the applicant's submission." On behalf of AT&T, I ask that the relevant sixty-day timeframe for consideration of this application to be considered as still running continuously as of our submission date of September 30<sup>th</sup>, despite the Council's letter dated November 9, 2020.

We believe this report adequately addresses the concerns raised in the Council's correspondence of November 9, 2020. Please confirm our exempt modification filing is complete and the applicable sixty-day period for review has not been tolled. Thank you kindly.

Sincerely,

*Anne Marie Zsamba*

Anne Marie Zsamba  
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The Foundation for a Wireless World.

CrownCastle.com



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November 9, 2020

Anne Marie Zsamba  
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**RE: EM-AT&T-155-200930** – AT&T notice of intent to modify an existing telecommunications facility located at 29 South Main Street, West Hartford, Connecticut.

Dear Ms. Zsamba:

The Connecticut Siting Council (Council) received a notice of intent to modify the above-referenced facility on September 9, 2020.

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 request. The radio frequency (RF) emissions report prepared by Site Safe, LLC and dated June 9, 2020, does not account for the RF emissions on the top floor of the parking garage which is accessible to the general public.

Therefore, the exempt modification request remains incomplete at this time. The Council recommends that Crown Castle provide an RF report that accounts for both the ground level and the top floor of the parking garage, on or before December 7, 2020. If additional time is needed to gather the requested information, please submit a written request for an extension of time prior to December 7, 2020. **Please provide an electronic version of the requested information for the incomplete exempt modification to be rendered complete and processed. Please include the Council's exempt modification 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).

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

Sincerely,

*s/Melanie Bachman*

Melanie Bachman  
Executive Director

MAB/IN/emr