



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

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**VIA ELECTRONIC MAIL & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

May 13, 2022

Lucia Chiocchio, Esq
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
lchiocchio@cuddyfeder.com

RE: **PETITION NO. 1495** – New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a small wireless facility on a new 43-foot Connecticut Department of Transportation-owned utility pole that is not used principally for electric distribution service and associated equipment to be located in the Metro-North Railroad right-of-way adjacent to 97 Hamilton Avenue, Stamford, Connecticut.

Dear Attorney Chiocchio:

At a public meeting held on May 12, 2022, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
3. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable.
4. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
5. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the City of Stamford;
6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;

PETITION NO. 1495

May 13, 2022

7. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;
8. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
9. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
10. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated March 10, 2022, and additional information dated April 18, 2022.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,



Melanie A. Bachman
Executive Director

MAB/IN/laf

Enclosure: Staff Report dated May 12, 2022

c: The Honorable Caroline Simmons, Mayor, City of Stamford (mayorsoffice@stamfordct.gov)



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Petition No. 1495
New Cingular Wireless PCS, LLC (AT&T)
97 Hamilton Avenue
Stamford, Connecticut
Small Wireless Facility
Staff Report
May 12, 2022

Introduction

On March 11, 2022, the Connecticut Siting Council (Council) received a petition from New Cingular Wireless, PCS (AT&T) for a declaratory ruling, pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the proposed installation of a small wireless telecommunications facility on a new 43-foot Connecticut Department of Transportation (DOT) owned utility pole to be located within the Metro-North/Amtrak Railroad (MNR) right of way (ROW) adjacent to 97 Hamilton Avenue, Stamford, Connecticut (Petition or Project).

The small wireless facility would be installed on a new wood utility pole that will not be used principally for electric distribution service. It would provide additional coverage and capacity relief to the AT&T network in the surrounding area.

On March 8, 2022, AT&T provided notice of the proposed small wireless facility to the City of Stamford (City), the host property owner and abutting property owners. No comments from the City, host property owner or abutting property owners were received.

On March 15, 2022, the Council sent correspondence to the City stating that the Council has received the Petition and invited the City to contact the Council with any questions or comments by April 9, 2022. No comments have been received.

The Council issued interrogatories to AT&T on April 6, 2022. AT&T provided responses to the Council's interrogatories on April 18, 2022.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition within 60 days of receipt. On April 21, 2022, pursuant to CGS §4-176(e), the Council voted to set the date by which to render a decision on the Petition as no later than June 8, 2022, which is within the 180-day statutory deadline for a final decision under CGS §4-176(i) and is the 90-day decision deadline for a small wireless facility on a new structure under Federal Communications Commission (FCC) regulations.

Jurisdiction

Pursuant to CGS §16-50i(a)(6), the Council has exclusive jurisdiction over telecommunications towers, including associated equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system.

Under Regulations of Connecticut State Agencies §16-50j-2a (30), “Tower” means a structure, whether free standing or attached to a building or another structure, that has a height greater than its diameter and that is high relative to its surroundings, or that is used to support antennas for sending or receiving radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, which is or is to be:

- a) **used principally to support one or more antennas** for receiving or sending radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, and
- b) owned or operated by the state, a public service company as defined in Section 16-1 of the Connecticut General Statutes, or a certified telecommunications provider, or used in a cellular system, as defined in Section 16-50i(a) of the Connecticut General Statutes. (Emphasis added).

The proposed utility pole will be used principally to support the small wireless facility. It would be owned by DOT, a state agency, and operated by AT&T, a certified telecommunications provider. Thus, the Council has jurisdiction over the proposed small wireless facility.

The FCC specifically defined “small wireless facility” in its 2018 Report and Order as facilities that meet each of the following conditions:

1. Mounted on structures 50 feet or less in height including their antennas; or
2. Mounted on structures no more than 10 percent taller than other adjacent structures; or
3. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

The proposed utility pole is 50 feet or less in height including the antennas. It is a “small wireless facility” under the FCC definition.

Proposed Small Wireless Facility

AT&T’s proposed facility would provide network coverage and/or capacity relief in this area of Stamford, and along the MNR in the 700/1900/2100 MHz frequency range.

The proposed site is located within the DOT-owned MNR ROW adjacent to 97 Hamilton Avenue. It is bounded by Hamilton Avenue to the north, the MNR ROW to the west and two properties owned by the Connecticut Light and Power Company to the east and south. The site is zoned Light Industrial. Land use surrounding the site is commercial, utility and railroad. The nearest residential property line from the proposed facility is approximately 213 feet beyond the MNR ROW to the west.

The proposed utility pole would have a height of approximately 43 feet¹ above ground level (agl) and be located in the DOT ROW about 30 feet south of Hamilton Avenue and about 85 feet east of the MNR. The pole would be located approximately 3 feet from the edge of the adjacent unpaved utility access road. AT&T would install two square panel antennas measuring 23.3 inches high by 23.3 inches long by 6 inches wide, at a centerline height of approximately 42 feet agl. An equipment cabinet would be mounted on the side of the pole. The bottom of the equipment cabinet would be approximately 12 feet 9 inches agl. The facility would be capable of providing 5G wireless services.

Two remote radio heads would be installed within the equipment cabinet. A service disconnect box would be attached to the pole at 10 feet agl, and a meter socket with lever bypass would be installed at 5 feet agl.

¹ The proposed wood utility pole would be approximately 50 feet in length. Approximately 7 feet would be buried.

Electrical and telephone service would run overhead from an existing utility pole located about 20 feet northeast of the proposed facility.

No backup power is proposed for this small wireless facility. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the Federal Communications Commission (FCC). At present, no standards for backup power for CMRS providers have been promulgated by the FCC.

The estimated cost of the facility is \$50,000.

Public Safety

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed pole would be structurally adequate to support the proposed loading.

The calculated power density would be 9.6 percent of the applicable limit using a -10 dB off-beam adjustment. The maximum power density at the level of the nearest utility lines to the AT&T antennas would be approximately 24.4 percent of the FCC's general limit (4.9 percent of the FCC's occupational limit).

A radio frequency (RF) safety/caution sign with an emergency contact number visible from the ground would be placed on opposite sides of the equipment cabinet.

The installation will not impact or interfere with any of the existing public utilities within the ROW and Project area. AT&T will contact Call Before You Dig prior to any excavation activities to confirm the proposed installation will not impact any existing underground utilities.

Environmental

The site is located in the MNR ROW among existing utility structures and railroad infrastructure. Development of the facility would not require tree removal and would result in minimal ground disturbance.

The site is not located within a Federal Emergency Management Agency- designated flood zone. The nearest wetland is off-site approximately 3,141 feet to the east of the site. The site is not within a Department of Energy and Environmental Protection Natural Diversity Database buffer area.

The proposed utility pole would not have a significant visual impact on the surrounding area due to the numerous utility poles and railroad infrastructure in the immediate area. Existing vegetation would screen the facility from some views.

Facility Construction

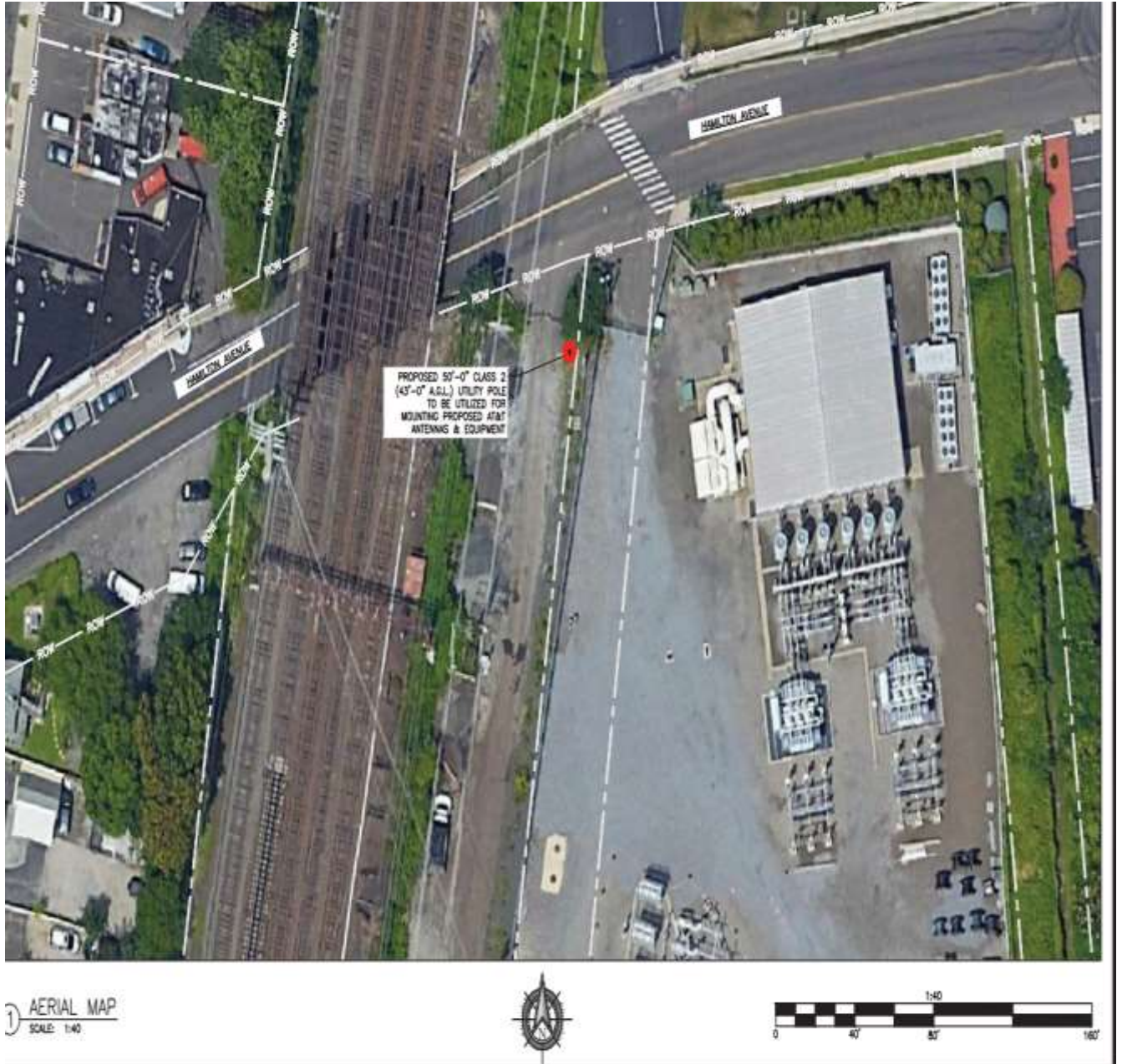
The construction of the small wireless facility is anticipated to take 90 days working Monday through Friday.

Conclusion

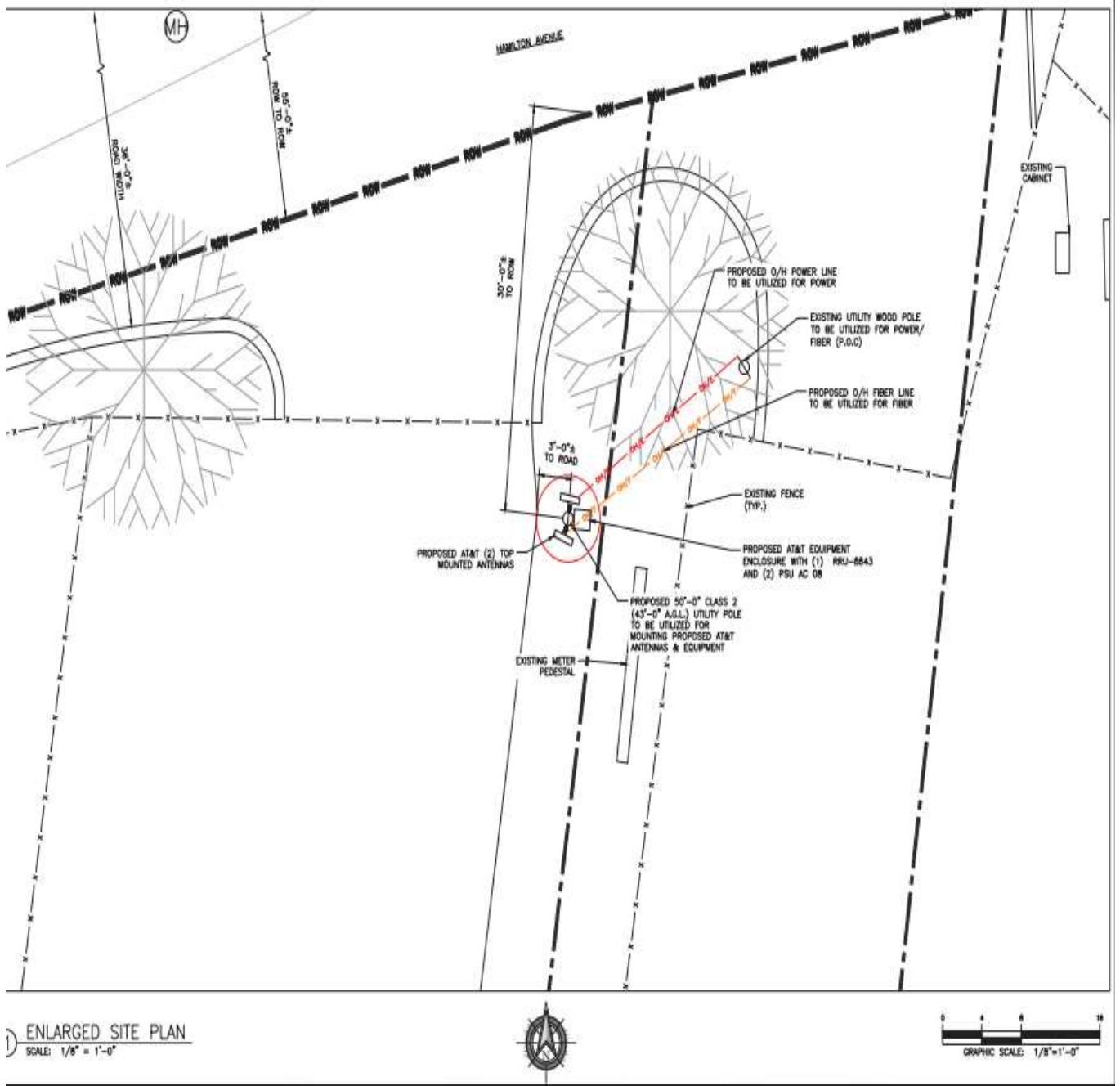
If approved, staff recommends the following condition:

1. Approval of any project changes be delegated to Council staff;
2. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities; and
3. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable.

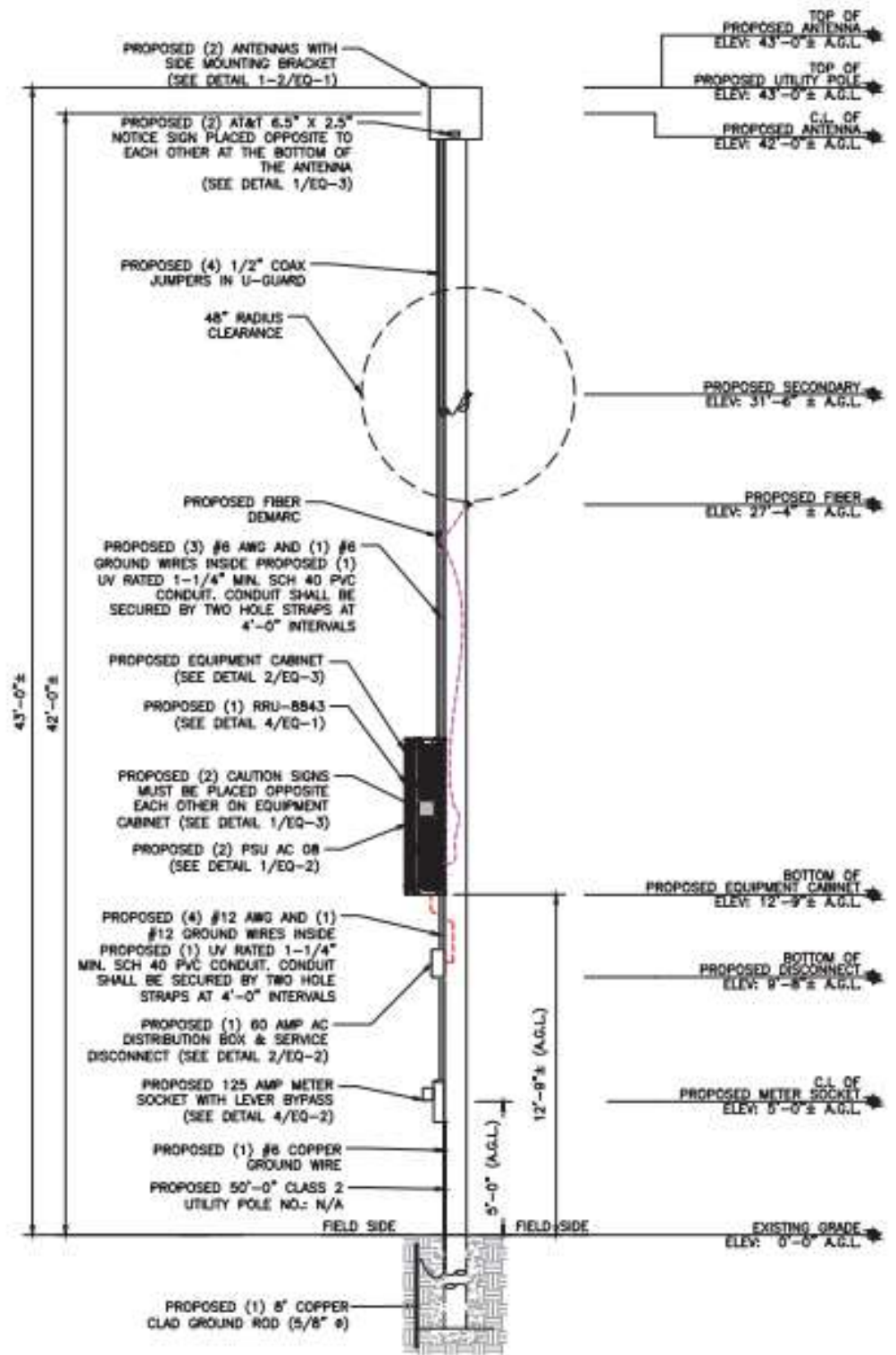
Aerial View



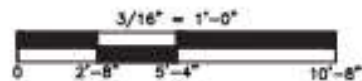
Site Plan



Site Elevation




① POLE ELEVATION
 SCALE: 3/16" = 1'-0"



Photosimulation of Proposed Facility



 PHOTO SIMULATION

STATE OF CONNECTICUT)

: ss. Southington, Connecticut May 13, 2022

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Decision and Staff Report in Petition No. 1495 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

STATE OF CONNECTICUT)

: ss. New Britain, Connecticut May 13, 2022

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1495 has been forwarded by Certified First Class Return Receipt Requested mail, on May 13, 2022, to all parties and intervenors of record as listed on the attached service list, dated March 15, 2022.

ATTEST:

/s/ Lisa A. Fontaine

Lisa A. Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> E-mail	New Cingular Wireless PCS, LLC	Lucia Chiochio, Esq Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, New York 10601 Phone (914) 761-1300 lchiochio@cuddyfeder.com