



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

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VIA ELECTRONIC & CERTIFIED MAIL RETURN RECEIPT REQUESTED

July 22, 2022

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

RE: **PETITION NO. 1512** – 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 37-foot 6-inch state-owned replacement light pole and associated equipment to be located in the southeastern portion of the Manchester Community College campus off Ramey Drive near the Bicentennial Band Shell entrance in Manchester, Connecticut.

Dear Attorney Chiocchio:

At a public meeting held on July 21, 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 Town of Manchester;
6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;

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 May 16, 2022, and additional information received on June 21, 2022, and July 6, 2022.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/CMW/lm

Enclosure: Staff Report dated July 21, 2022

c: The Honorable Jay Moran, Mayor, Town of Manchester (jmoran@manchesterct.gov)
Steve Stephanou, General Manager, Town of Manchester (sstephanou@manchesterct.gov)

STATE OF CONNECTICUT)

: ss. Southington, Connecticut July 22, 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. 1519 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 July 22, 2022

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1519 has been forwarded by Certified First Class Return Receipt Requested mail, on July 22, 2022, to all parties and intervenors of record as listed on the attached service list, dated May 25, 2022.

ATTEST:



Lisa A. Mathews
Office Assistant
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 (AT&T)	Lucia Chiocchio, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 Phone: (914) 761-1300 lchiocchio@cuddyfeder.com



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Petition No. 1512

New Cingular Wireless PCS, LLC (AT&T)

Manchester Community College campus - off Ramey Drive

Manchester, Connecticut

Small Wireless Facility

Staff Report

July 21, 2022

Introduction

On May 17, 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 37-foot 6-inch state-owned light pole located on the Manchester Community College (MCC) campus off Ramey Drive near the Bicentennial Band Shell entrance, Manchester, Connecticut (Petition or Project).

The small wireless facility would be installed on a new galvanized steel pole that is painted white and will not be used principally for electric distribution service. It would provide additional coverage and capacity relief to the AT&T network on MCC's campus and in the surrounding area.

On May 13, 2022, AT&T provided notice of the proposed small wireless facility to the Town of Manchester (Town), the host property owner and abutting property owners. No comments from the Town, host property owner or abutting property owners were received.

On May 18, 2022, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the Town to contact the Council with any questions or comments by June 16, 2022. No comments have been received.

The Council issued interrogatories to AT&T on June 7, and June 23, 2022. AT&T provided responses to the Council's interrogatories on June 21, and July 6, 2022, respectively.

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 July 7, 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 August 15, 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 light pole will be used principally to support the small wireless facility. It would be owned by the Connecticut State Colleges and Universities, 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 any 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 light pole is 50 feet or less in height including the antenna. 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 Manchester in the 1900/2100/5150 MHz frequency range.

The proposed site is located within the southeastern portion of the MCC campus off Ramey Drive near the driveway to the Bicentennial Band Shell. The MCC campus is bounded by Interstate 384 to the north, Hillstown Road to the west, Wetherell Street to the south and an Eversource Energy right-of-way to the east. The site is zoned Rural Residential. Land use surrounding the site is residential, farmland and commercial. The nearest residential property line from the proposed facility is approximately 379 feet to the south.

The proposed pole would have a height of approximately 37 feet 6 inches¹ above ground level (agl). A light fixture will not be installed as the proposed pole would be located adjacent to an existing light pole with a height of approximately 27 feet 10 inches agl. The pole would be galvanized steel and painted white. It would be installed within a grassy area approximately 20 feet south of the edge of the on-campus driveway to the Bicentennial Band Shell.

AT&T would install one square panel antenna measuring 23.3 inches in height by 23.3 inches in width by 6 inches depth, at a centerline height of approximately 36 feet 3 inches agl. A 2-foot 6-inch by 2-foot 6-inch by 4-foot tall equipment enclosure would be beneath the pole. The antenna would be made of white fiberglass to match the proposed pole. The facility would be capable of providing 5G wireless services.

Two remote radio heads and associated equipment would be installed within the equipment enclosure at the base of the tower.

Electrical and telephone service to the facility is in the design phase.

¹ The pole itself would be 33 feet 6 inches and attached to a 4-foot tall enclosure at the base of the pole.

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 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 9.9 percent of the applicable limit using a -10 dB off-beam adjustment.

The nearest rooftop is approximately 210 feet northwest of the proposed pole.

A radio frequency (RF) safety/caution sign with an emergency contact number visible from the ground would be placed on opposite sides of the pole seven feet below the bottom of the antenna.

The installation will not impact or interfere with any existing public utilities within the MCC campus 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 adjacent to an existing light pole. 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 600 feet to the south. The site is not within a Department of Energy and Environmental Protection Natural Diversity Database buffer area.

The proposed pole would not have a significant visual impact on the surrounding area as it would appear similar to the existing adjacent light pole.

Facility Construction

The construction of the small wireless facility is anticipated to take 90 days working Monday through Friday between 8:00 a.m. and 5:00 p.m.

Conclusion

If approved, staff recommends 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; and
3. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable.

Aerial View



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THE
REFORMED

SITE PLAN

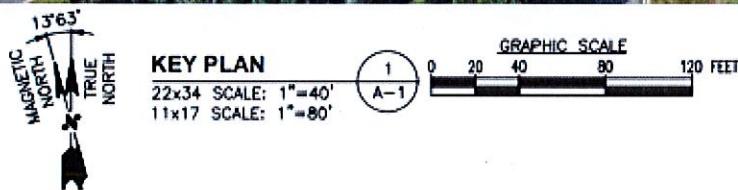
22x34 SCALE: 1"=200'
11x17 SCALE: 1"=400'

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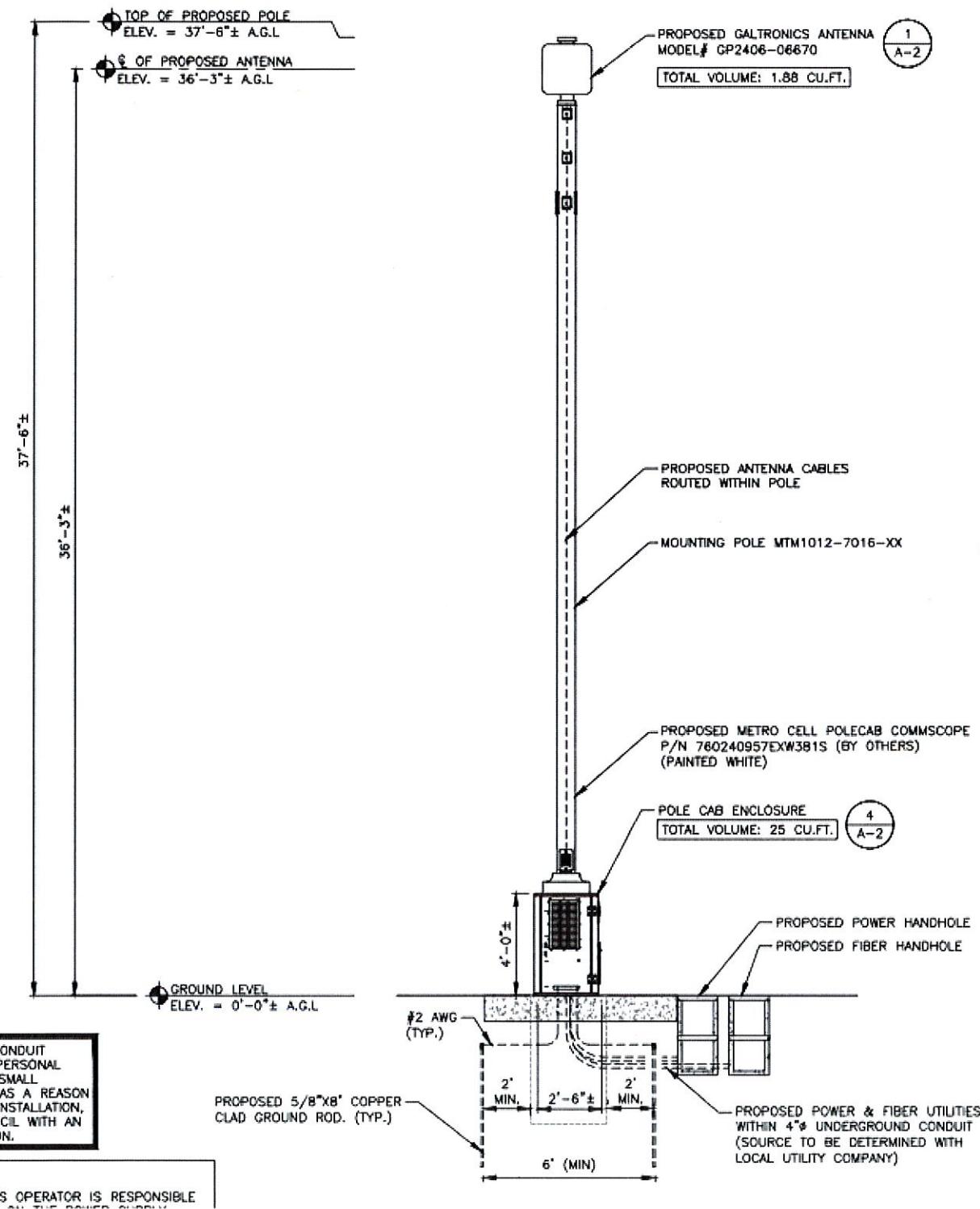
GRAPHIC SCALE

0 100 200 400 600 FEET

Site Location



Site Elevation



Photosimulation of Proposed Facility

