



**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 & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 9, 2022

Daniel Patrick, Esq.
Cuddy & Feder LLP
45 Hamilton Avenue, 14th Floor
White Plains, NY 10601
dppatrick@cuddyfeder.com

RE: **PETITION NO. 1542** – 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 Eversource-owned utility pole that is less than 50 feet in height and is not used principally for electric distribution service, and associated equipment within the public right of way adjacent to 40 Amelia Place, Stamford, Connecticut.

Dear Attorney Patrick:

At a public meeting held on December 8, 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, and with the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. RF access restriction and caution signage shall be installed at the site in compliance with FCC guidance;
3. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
4. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
5. 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;
6. 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;

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7. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
8. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by AT&T shall be removed within 60 days of the date the antenna ceased to function;
9. 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;
10. If the facility ceases to provide wireless services for a period of one year the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council within 90 days from the one year period of cessation of service. The facility owner/operator may submit a written request to the Council for an extension of the 90 day period not later than 60 days prior to the expiration of the 90 day period; and
11. This Declaratory Ruling may be transferred or partially transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. 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. Both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

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 October 3, 2022, and additional information received on November 9, 2022.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/lm

Enclosure: Staff Report dated December 8, 2022

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

STATE OF CONNECTICUT)

: ss. Southington, Connecticut December 9, 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. 1542 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 December 9, 2022

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1542 has been forwarded by Certified First Class Return Receipt Requested mail, on December 9, 2022, to all parties and intervenors of record as listed on the attached service list, dated October 5, 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) | Daniel Patrick, Esq. Cuddy & Feder LLP 45 Hamilton Avenue, 14 th Floor White Plains, NY 10601 Phone: (914) 761-1300 dppatrick@cuddyfeder.com |
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Petition No. 1542

New Cingular Wireless PCS, LLC

40 Amelia Place, Stamford, Connecticut

Small Wireless Facility

Staff Report

December 8, 2022

Introduction

On October 3, 2022, the Connecticut Siting Council (Council) received a petition from New Cingular Wireless PCS, LLC (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 facility on a new 45-foot Eversource-owned utility pole to be located within the public right-of-way (ROW) adjacent to 40 Amelia Place, 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. The primary purpose of the proposed facility is to supplement network service along the Metro-North Railroad (MNR). It would also provide additional coverage and capacity relief to the AT&T network in the surrounding area.

On September 30, 2022, AT&T provided notice of the proposed small wireless facility to the City of Stamford (City) and abutting property owners. No comments from the City or abutting property owners were received.

On October 5, 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 June 11, 2022. No comments were received.

The Council issued interrogatories to AT&T on October 25, 2022. AT&T provided responses to the Council's interrogatories on November 9, 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 November 10, 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 January 3, 2023, 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 Eversource and operated by AT&T, a certified telecommunications provider. Thus, the Council has jurisdiction over the proposed small wireless facility.

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 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 to a portion of southwestern Stamford. The proposed service area is a mix of residential and commercial use and includes the MNR. AT&T would provide wireless services in the 700/800/1900/2100 MHz frequencies. All frequencies are capable of providing 5G services.

The proposed site is located within the public ROW along the north side of Amelia Place, near the intersection with Bonner Street. The new utility pole would be placed along a strip of grass between the street and a sidewalk that borders a residential property at 67 Bonner Street. Amelia Place extends in an east-west direction. Property owned by the City is located to the east, beyond the corner of Amelia Place and Bonner Street. 40 Amelia Place, a residential property is located west of 67 Bonner Street. Property owned by Eversource is located to the south, across Amelia Place.

AT&T investigated the use of existing nearby utility poles for the facility and determined it was not feasible to use the poles across Amelia Place due to utility company regulations, including, but not limited to, a prohibition on attachments to utility poles with risers. Locating a new pole within the ROW on the opposite side of Amelia Place was also determined not to be feasible because there is not enough space between the poles for the installation of a new pole and AT&T equipment.

Land use surrounding the site is a mix of residential, commercial and industrial. The pole is within a One Family/Two Family Residence Zoning District. The nearest residential property line from the proposed facility is approximately 6 feet to the north at 67 Bonner Street. Property across the street is within an industrial zone.

The proposed utility pole would have a height of approximately 38 feet¹ above ground level (agl) and would be located in the public ROW about 6 feet south of the ROW boundary and about 3 feet north of Bonner Street. AT&T would install two square panel antennas measuring 23.3 inches in height by 23.3 inches in width by 6 inches in depth, side-mounted at the top of the pole at a centerline height of approximately 38 feet agl.

An equipment cabinet would be mounted on the side of the pole with the bottom of the cabinet approximately 13 feet agl. Two remote radio heads would be installed within the equipment cabinet. A service disconnect box would be attached to the pole at approximately 10 feet agl.

Electrical and telephone service would run overhead from a nearby existing utility pole located across Amelia Place southwest of the proposed facility.

No backup power is proposed for this small wireless facility. If power is lost to the small wireless facility, existing macro-facilities and other small wireless facility equipment in the area would be able to support AT&T's network. 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 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 cumulative power density would be 7.4% of the applicable limit at ground level at a distance of approximately 87 feet from the facility using a far field approximation.

Radio frequency (RF) safety/caution signs with an emergency contact number visible from the ground would be placed on the equipment cabinet, and disconnect switch.

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 a public ROW among existing utility structures and nearby 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 approximately 0.26 miles from 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 existing utility poles and railroad infrastructure in the immediate area. Existing vegetation would screen the facility from some areas.

¹ The proposed wood utility pole would be approximately 45 feet in length. Approximately 7 feet would be buried.

Facility Construction

The construction of the small wireless facility would be completed within 90 days. Work hours are Monday through Friday between 8:00 a.m. and 5:00 p.m.

Conclusion

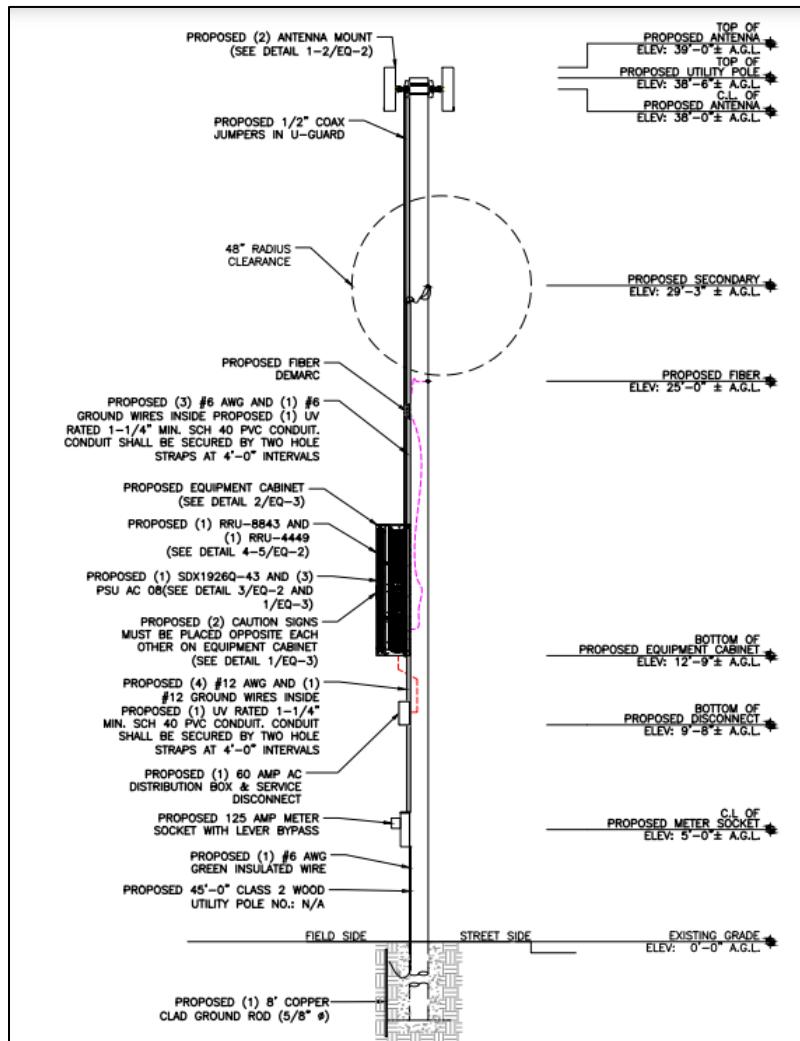
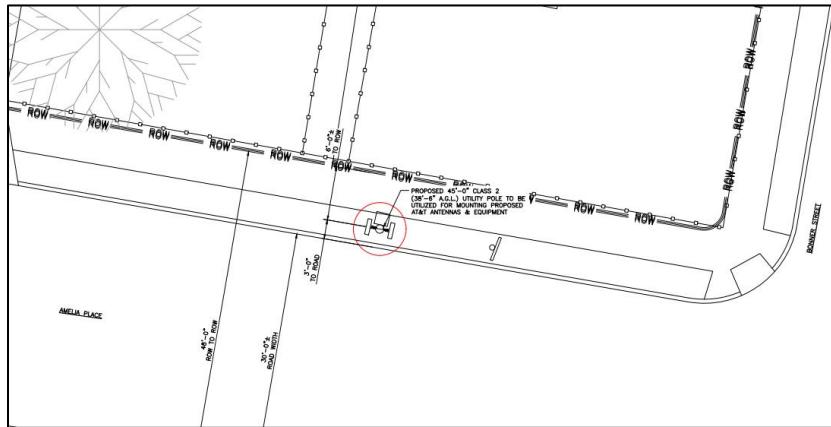
If approved, staff recommends the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. RF access restriction and caution signage shall be installed at the site in compliance with FCC guidance; and
3. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable.

Aerial View



Site Plans



Photosimulation of Proposed Facility

