

# DRAFT

**Petition No. 1504  
New Cingular Wireless PCS, LLC (AT&T)  
45 Connair Road  
Orange, Connecticut  
Small Wireless Facility  
Staff Report  
June 3, 2022**

## **Introduction**

On April 1, 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 §4-176 and §16-50k, for the proposed installation of a small wireless telecommunications facility on a new 41-foot 3-inch AT&T-owned utility pole to be located along the public right-of-way (ROW) adjacent to 45 Connair Road, Orange, Connecticut (Petition or Project).

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

On March 30, 2022, AT&T provided notice of the proposed small wireless facility to the Town of Orange (Town), the host property owner and abutting property owners. No comments from the Town, host property owner or abutting property owners were received.

On April 1, 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 May 1, 2022. No comments have been received.

The Council issued interrogatories to AT&T on May 12, 2022. AT&T provided responses to the Council's interrogatories on May 23, 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 May 26, 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 30, 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 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 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 Orange, and along the Amtrak railroad in the 700/1900/2100 MHz frequency range.

The proposed site is located along the public ROW on property owned by KSS Associates LLC. It is bounded by Connair Road to the north/northwest, and commercial properties to the east, west and south. The site is zoned Light Industrial District #2. Land use surrounding the site includes commercial development and the railroad. The nearest residential property line from the proposed facility is approximately 900 feet to the south.

The proposed wood utility pole would have a height of approximately 38.5 feet<sup>1</sup> above ground level (agl) plus an approximately 3-foot steel extension on top. The pole would be located approximately 3 feet from the public ROW and 4 feet from the edge of Connair Road. 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, at a centerline height of approximately 41-foot 3-inches 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.

Electric and telephone service would run overhead from an existing utility pole located directly on the opposite side of Connair Road.

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.

---

<sup>1</sup> The proposed wood utility pole would be approximately 45 feet in length. Approximately 6.5 feet would be buried.

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 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 3.4 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 the sides of the equipment cabinet.

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

### **Environmental**

The site is located along the public 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 3,664 feet to the northwest 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 existing 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 between 8:00 a.m. and 5:00 p.m.

### **Conclusion**

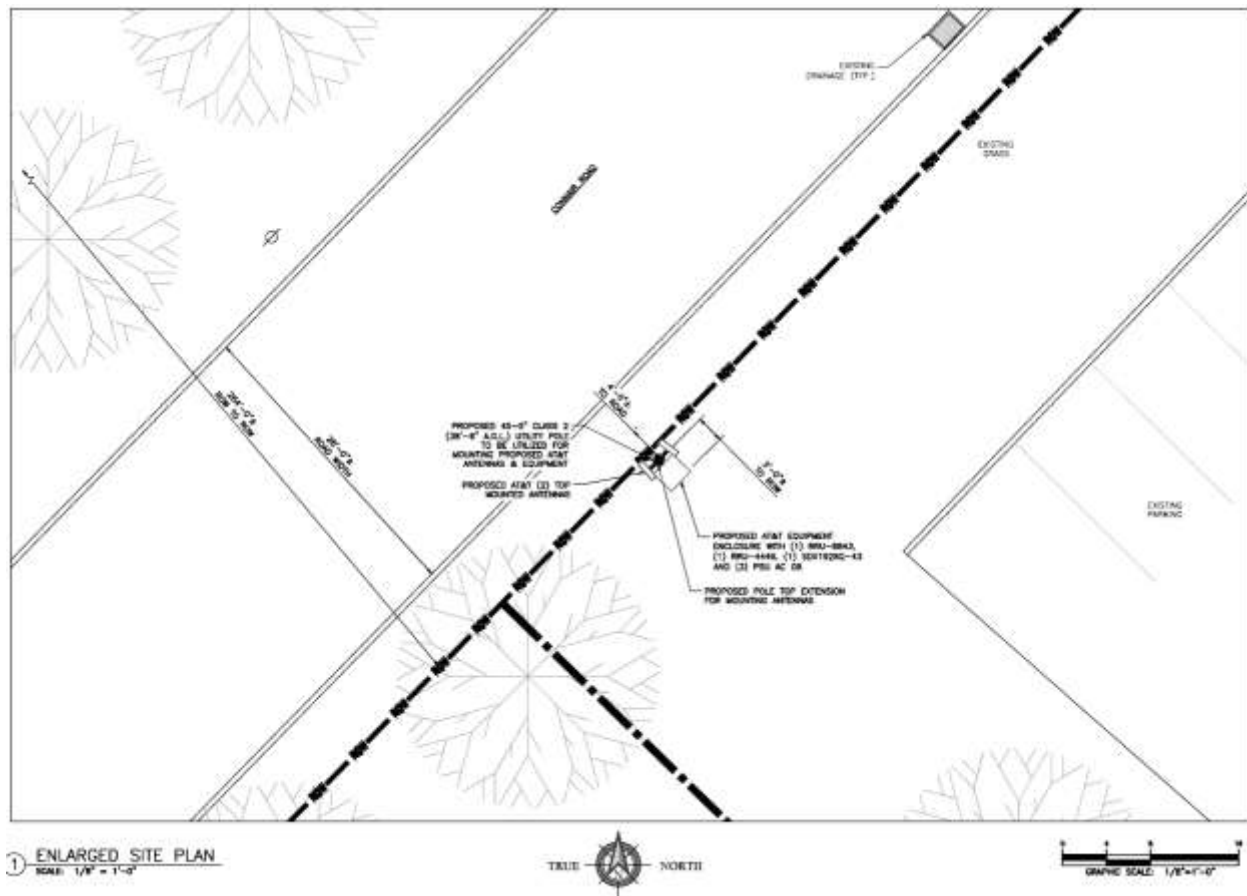
If approved, staff recommends the following conditions:

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.

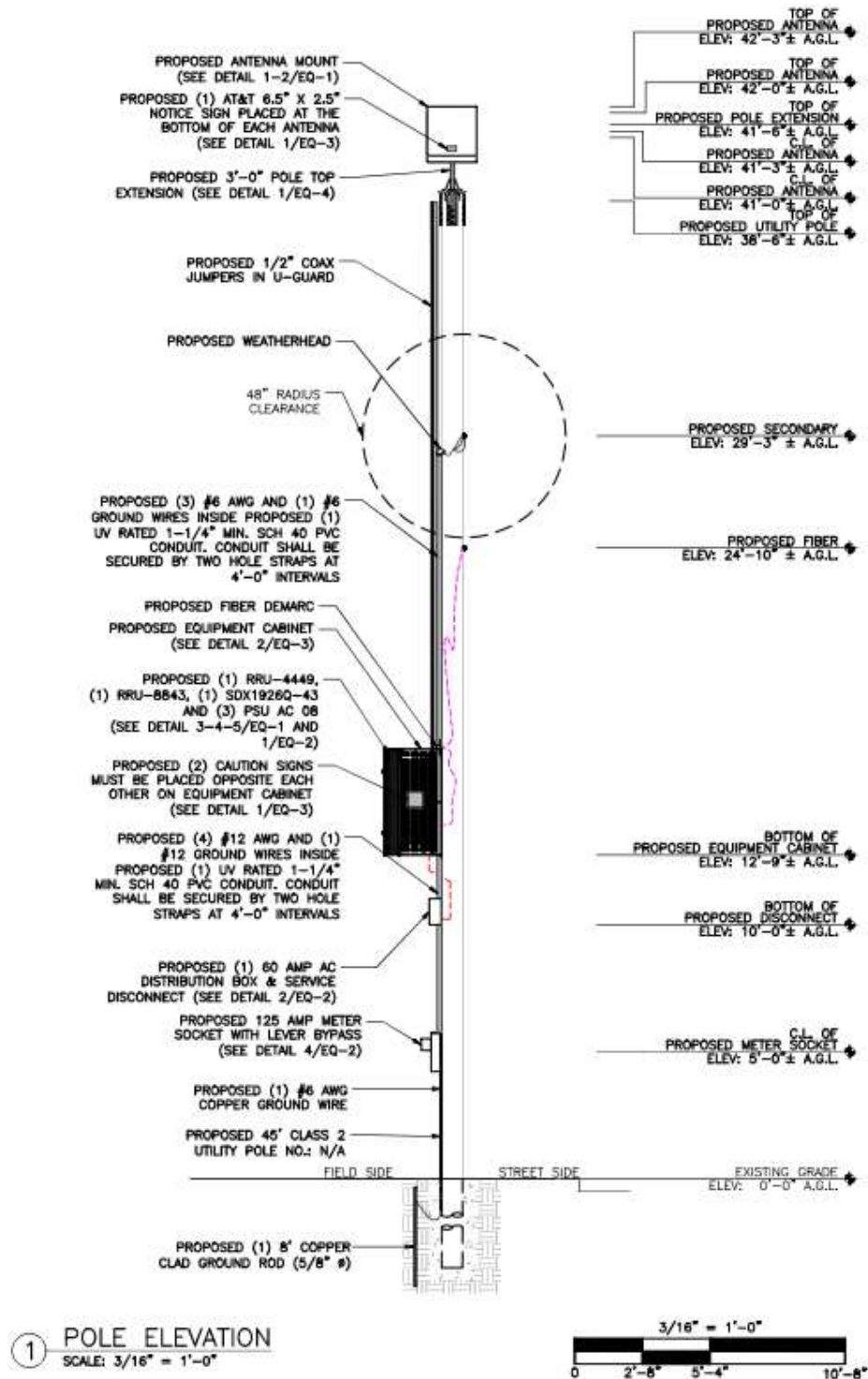
### Aerial View



# Site Plan



## Site Elevation



**Photosimulation of Proposed Facility**

