

5G Council Round Table (9:00am – 10:00am)

April 8, 2021

Location: Microsoft Teams

In attendance for the 5G Council Meeting: Laura Cruickshank, AVP for Planning Design, University of Connecticut; Paul Hinsch, Office of Policy and Management, State of CT; Doug Moore, Facilities Director, Department of Administrative Services; Graham Stevens, Bureau Chief of Water & Land Use, Connecticut Department of Energy and Environmental Protection; Peter Calcaterra, Office of Strategic Planning, Bureau of Public Transportation (DOT) [in place for Richard W. Andreski]; Keith Epstein [in place for Armen Beermann], Connecticut State Colleges & Universities; Nick Simmons, Office of the Governor.

Agenda:

9:00am – 9:10am: Introductory Remarks & Announcements
9:10am – 9:40am: Council Member Discussion on Submitted Materials
9:40am – 9:50am: Public Input
9:50am – 9:55am: Council Members Vote
9:55am – 10:00am: Closing Remarks

Meeting Notes:

PH: Okay, let's begin. We have a quorum of council members to make a vote. All three applications are from AT&T. All are small cell facilities on light poles. Because they are 5G technology, they will be slightly larger.

LC: It is also worth noting that we had two community college sites in the application and we wanted to wait for Keith to have input.

PH: The first one is in Danbury. Low power facility at the site.

KE: I know the site well. I am just seeing this application but I know it well and am comfortable with it.

LC: Antennae's are 24.7" in height. Simply a bigger box for potential 5G application later. This will augment 4G application and allow room for growth

KE: Want a manufactures cut of light fixture, pole, and box. These are good drawings but when you look at the drawings, it says they sit on a 2x3 box. Plus these poles need foundations so if they are doing a pole-to-pole replacement, we need those foundation details. Is the foundation suitable in place now. I do not want to sign off on something that could be a design build.

LC: Good point. I was prioritizing location but we do need to consider structure

KE: We also need the same thing for the Bridgeport application. They need to have it fully designed first. I want to go out to Danbury and Manchester and do a field survey. Especially Manchester, because nothing is on a metal base and it is at the entrance of the campus. Danbury, I am a bit less hesitant on. Is there compensation for the power that they are pulling?

PH: No, we do not get compensated for their use of energy but I do not know that we should as they may use their own. We receive an application fee of \$1,000 and an annual fee of \$270, which is according to FCC guidelines.

LC: You may have existing cables and infrastructure in place that they may easily tap into, so that is something to check into.

KE: AT&T does have a large cell tower, so I am curious why they did not look to site on that location.

PH: I am imagining they are not using the towers because these are being used as boosters. At least, that's what I imagine.

KE: The Board of Regents controls our land use so any decision made I need to take to the Board. IS there a state license agreement that I can bring to them?

PH: Whatever the vote is on this, is the final decision. It would not require Board approval if we approved. That was the intent of the legislation. The carriers could not get an answer. A lot of times because there was no reward. Remember, this is *use* of our property but we also delve into safety and health, along with aesthetics.

KE: Every year, we get requests like this but many times the issues is aesthetics.

GS: Interesting. We have many conversations with AT&T and T-Mobile but they are willing to do anything we need of them. From aesthetics to the electric bill.

PH: Maybe if we voted and it's a yes. We made it conditional, subject to a few important factors.

KE: I am not opposed but would appreciate their matching of aesthetics and finalizing details.

LC: I will echo Graham. They will work with you and do anything you need. I have good experience with them in this regard at UCONN.

GS: Maybe the council can approve conditionally as was mentioned—such as cut sheets, aesthetics, and electric usage approvable within reason by property owners. They are all about getting approval and making these as inconspicuous as possible.

KE: Are there any other permits that need to be in place or requested? At the Danbury site, it is at a major intersection around a retail center.

PC: If any of these affect DOT permits, an encroachment permit would need to be filled out. We are going through that process to understand everything that is needed. If it is a state-owned road and not DOT, an encroachment permit will not be needed.

KE: Okay. I need to talk about License agreement with my legal team.

PH: The legislation has all of that in there. It will cover all liability. What we are trying to do is be consistent and use the same application and process.

KE: I am grateful for all of that and agree with you. That's great.

LC: The Bridgeport and Danbury is displayed for reference.

GS: Do we need to craft the conditions, if these will be voted upon today?

PH: I would say so. Yes.

GS: Are there federal issues to consider with respect to the weigh station in Bridgeport?

PC: There are but there are uses we can have by our right-of-way. I am not an expert.

PH: You are right. Since we are not in the right-of-way. we have oversight of this.

LC: There was one comment from a resident with concern about the site being by their swing set. However, it is beyond feet. Well within FCC guidelines.

PH: Right. AT&T was trying to be good neighbors in this instant. They are well within their boundaries as defined by AT&T. The concerned party received approved engineer and health studies, but they still wanted to keep their complaint.

LC: I also do not think there are guideline by which we can reject a request according to a complaint like this.

PH: Correct. These public inputs are important, but this instance AT&T is within their bounds.

PC: Could send me this application along with the three others. This Bridgeport site is on DOT property and I want to review briefly before voting.

LC: I will forward to you now.

GS: For efficiency, we could add a condition to allow DOT to ensure compliance with federal rules and regulations pertaining to this facility.

PC: There are public utilities installed in our right-of-way all the time, but when we get into access, there is limited things we can do, so we want to be careful here. I am having someone look at the Bridgeport weigh station right now. Should be good to go on the vote.

KE: Have you considered photo-metrics for these poles they are replacing? To match light quality and such.

LC: Yes, I have. They are willing to give you anything needed.

PC: So the Greenwich site already came to us and we turned it down. It has limited access facilities and we are not allowing anything installed there as well as our infrastructure. If telecoms are interested, we encourage them to use UI or other utilities. We would ask that the council vote "no" on the Greenwich site.

NS: Could I ask why we have these policies within DOT?

PC: It has been a long-standing policy and there are certain difficulties with limited access facilities that need to be accounted for.

LC: So theoretically, DOT has turned down this application and it has been submitted to the 5G Council. Does the Council vote supersede it?

PH: Yes, it does.

GS: The only thing I have to say to support DOT is there are federal restrictions to use these facilities. I just wrote up this conditional language and sent it to everyone. Can we vote quickly before ending the meeting?

LC: Are there questions from DOT that we need to consider later?

PH: I would agree. Let's hold off.

PC: I would ask the council to vote no. I am not sure why this came to the council?

PH: If it is rails or rights-of-way facilities, it is within the council. If it is in the public right-of-way, then it is not within the councils bounds.

GS: We need to check for federal restrictions.

LC: Can we get some guidance and have another meeting next week? The federal restrictions have precedent.

PC: We can submit verbiage to help clarify for DOT properties.

PH: How long ago did they submit this to DOT?

PC: A few months ago. We have received lots of these. That's why we are updating our encroachment process to secure fees for these.

PH: We need to be consistent within the Council and the relevant agency if these have already been submitted to an agency.

GS: Should we vote on the other two? Keith are you good with approval with these contingencies?

KE: Yes, I am.

LC: I am fine with voting on the community college sites—Danbury and Manchester—as long as Keith is. We can wait for the DOT.

KE: I am.

PH: With DOT, even if we voted yes, AT&T would still be subjected to receiving approval on the encroachment permit.

Vote.

GS: I hereby approve motions contingent upon the conditions outlined below.

LS: Seconds the motion.

No further discussion raised.

Ayes: Doug Moore, Peter Calcaterra, Paul Hinsch, Keith Epstein, Graham Stevens.

Nays: None

Conditions of Approval:

Draft conditions for Manchester and Danbury requests:

The use of said property for such small cell installation is approved conditioned upon the following:

1. Approval by the Agency of aesthetic features of the structures or facilities to be installed on such property, for example appearance, placement, type, use and operation of appurtenant structures, or luminescence;
2. Approval by the Agency of the structural measures planned to protect the structures or facilities; and
3. Mutual resolution of the use of Agency electricity and fiber optic utilities or approval of installation of any required new electrical or fiber optic utilities.