



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

December 10, 2019

Jeffrey Barbadora
Crown Castle
12 Gill Street, Suite 5800
Woburn, MA 01801

RE: **EM-AT&T-064-191105** – AT&T notice of intent to modify an existing telecommunications facility located at 441 Homestead Avenue, Hartford, Connecticut.

Dear Mr. Barbadora:

I am following up on our phone conversation earlier this afternoon with regard to the above-referenced exempt modification to replace 3 existing antennas with 3 new antennas and to conduct tower mount modifications at the existing telecommunications facility located at 441 Homestead Avenue in Hartford that was approved by the Connecticut Siting Council (Council) on November 26, 2019. During our conversation, you referenced that the City of Hartford is requiring Crown Castle to pay a \$750 fee and to apply for the full zoning process. **This is not legally required.**

Pursuant to its authority under the Public Utility Environmental Standards Act, the Council issued a Certificate of Environmental Compatibility and Public Need to Metro Mobile CTS of Hartford, Inc. for the construction, operation and maintenance of this 140-foot monopole telecommunications facility on April 9, 1990. **This facility is under the exclusive jurisdiction of the Council.**

Please be advised that the Council has exclusive jurisdiction over the construction, maintenance, operation and modification of telecommunications facilities throughout the state of Connecticut. Under Connecticut General Statutes (CGS) §16-50i (a)(6), the Council has jurisdiction over “*telecommunications towers, including associated telecommunications equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system...*” (Emphasis added). The above-referenced 140-foot monopole telecommunications facility in the City of Hartford is a telecommunications facility over which the Council has exclusive jurisdiction and for which the Council is required by statute to approve any facility modifications.

Additionally, CGS §16-50x(a) states in pertinent part: “Notwithstanding any other provision of the general statutes to the contrary, ... *the council shall have exclusive jurisdiction over the location and type of facilities and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section... Whenever the council certifies a facility pursuant to this chapter, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies...*” (Emphasis added).

Requests for exempt facility modifications are governed by Regulations of Connecticut State Agencies (RCSA) §16-50j-72: “... any modification to a facility that the Council,... has determined satisfies the criteria of this section shall be deemed not to have a substantial adverse environmental effect and shall not



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require a certificate... *modifications to facilities, including, but not limited to, change-outs and installations of antennas on existing telecommunications towers...*, upon Council acknowledgment... may qualify for such exemption.” (Emphasis added). The Council acknowledged this request for an exempt facility modification on November 26, 2019.

Furthermore, pursuant to RCSA §16-50j-72(b), requests for exempt facility modifications must meet the following criteria:

“Changes on an existing site that do not:

- (A) Increase the tower height;
- (B) Extend the boundaries of the site by any dimension;
- (C) Increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state and local criteria;
- (D) Add radio frequency sending or receiving capability which increases total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standards adopted by the Federal Communications Commission...;
- (E) Cause a significant adverse change or alteration in the physical or environmental characteristics of the site; and
- (F) Impair the structural integrity of the facility, as determined in a certification provided by a professional engineer licensed in Connecticut.”

The above-referenced request for exempt modification was properly submitted to the Council on November 5, 2019 indicating that on or about November 5, 2019, written notice of the request for an exempt modification was provided to the chief elected official of the City of Hartford. This is compliant with the notice requirements for a request for an exempt modification under RCSA §16-50j-72. On November 6, 2019, the Council sent correspondence to the Mayor and City of Hartford representatives notifying them that the request for exempt modification had been filed with the Council and requesting any comments on the request for exempt modification to be filed by November 20, 2019. A copy of the Council’s November 6, 2019 correspondence is attached for your convenience. The Council did not receive any comments or concerns about the requested facility modification from the City of Hartford. The requested facility modification met the criteria for an exempt facility modification under RCSA §16-50j-72(b) and it was therefore approved by the Council on November 26, 2019.

According to the statutory and regulatory authority cited above, the Council has exclusive jurisdiction over the existing telecommunications facility and the Council’s review and approval of an exempt modification of a jurisdictional project, such as the subject telecommunications facility, “shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies.”

If you have any further concerns or questions, please feel free to contact me at 860-827-2951.

Thank you.

Sincerely,



Melanie A. Bachman
Executive Director

