



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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January 18, 2017

Sarah Snell
Site Acquisition Specialist
Empire Telecom USA, LLC
16 Esquire Road
Billerica, MA 01862

RE: **EM-AT&T-156-170113** - AT&T notice of intent to modify an existing telecommunications facility located at 204 Burwell Road, West Haven, Connecticut.

Dear Ms. Snell:

The Connecticut Siting Council (Council) received a notice of intent to modify the above-referenced facility on January 13, 2017.

According to Section 16-50j-71 of the Regulations of Connecticut State Agencies, "...any modification, as defined in Section 16-50j-2a of the Regulations of Connecticut State Agencies, to an existing tower site, except as specified in Sections 16-50j-72 and 16-50j-88 of the Regulations of Connecticut State Agencies, may have a substantial adverse environmental effect."

Staff has reviewed this exempt modification request for completeness and has identified a deficiency. The filing fee submitted was in the amount of \$500.00, instead of the required \$625.00. I am returning the \$500.00 check submitted and attaching a copy of the Modification of Existing Telecommunications Facilities April 2013 filing guide for your review.

Therefore, the exempt modification request is incomplete at this time. The Council recommends that the filing fee of \$625.00 be sent to the Council on or before February 14, 2017. If additional time is needed to provide the amount due, please submit a written request for an extension of time prior to February 14, 2017.

This notice of incompleteness shall have the effect of tolling the Federal Communications Commission (FCC) 60-day timeframe in accordance with Paragraph 217 of the FCC Wireless Infrastructure Report and Order issued on October 21, 2014 (FCC 14-153).

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Very truly yours,

Melanie Bachman
Executive Director

MAB/RDM/laf

Enclosures: \$500.00 Empire Telecom USA, LLC Check No. 10246
Modification of Existing Telecommunications Facilities April 2013 Filing Guide

c: The Honorable Edward M. O'Brien, Mayor, City of West Haven
Joseph A. Riccio, Jr., Commissioner of Planning and Development, City of West Haven
American Tower Corporation, property and tower owner





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Modification of Existing Telecommunications Facilities

April 2013

I. Existing Telecommunications Towers

The Regulations of Connecticut State Agencies — RCSA § 16-50j-72(b) — describe conditions under which modifications to an existing telecommunications facility do not constitute a substantial adverse environmental effect and, therefore, do not need a Certificate of Environmental Compatibility and Public Need to be issued by the Siting Council. In such cases, a company must notify the Council of its intent to make exempt modifications in accordance with RCSA § 16-50j-73. A company must also send a copy of its notice to the chief elected official of the municipality in which the facility is located and the property owner of record, if the property owner of record is different from the owner or operator of the tower and associated equipment.

A notice of intent to make exempt modifications should consist of the following components:

- A narrative that: 1) describes the existing facility including location (with latitude and longitude coordinates), height of tower, and size of the existing equipment compound; 2) describes the nature and extent of the proposed modifications including number of antennas to be installed, type of mounting, centerline height of antennas, and ground equipment to be installed; and 3) describes how the proposed modifications comply with the conditions identified in RCSA § 16-50j-72(b).
- Engineering drawings that depict the existing facility and show the modifications to be made. Drawings should include plan and elevation views.
- An engineering analysis describing the existing tower's structural capability to accommodate the proposed modifications. This analysis should identify any structural changes and/or reinforcements that may be needed to accommodate the proposed modifications. The analysis must be stamped by a Professional Engineer.
- A calculation, based on an approved methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), of the power density of the radio frequency emissions to be generated by the antennas to be installed.
- All documents, including but not limited to maps, shall be dated (ie: effective dates, revision dates, or dates of adoption). If the document date is unavailable, the date the document was obtained shall be provided. Maps must include a key table(s) and a matching source list/table, appropriately organized.

The applicant must submit an original and 2 copies of its notice of exempt modification with a \$625 filing fee (Conn. Gen. Stat. §4-189j; Regs., Conn. State Agencies § 16-50v-1a).

II. Replacement of Damaged Towers

1. A community antenna television tower or telecommunications tower and associated equipment installed adjacent to a damaged or inoperable existing tower and associated equipment in order to maintain continuity of community antenna television service or telecommunications shall not constitute a facility provided that:

(A) such tower and associated equipment shall be removed at the earliest practicable time but in no event later than one year after installation, unless otherwise approved by the Council or unless exempt under subsection (b) of this section in which event the existing damaged or inoperable tower and associated equipment shall be removed no later than one year after installation of the new tower and associated equipment;

(B) the owner or operator of such tower and associated equipment shall give the Council, the property owner of record, if the property owner of record is different from the owner or operator of such tower and associated equipment, and the chief elected official of the municipality in which the tower and associated equipment is located, written notice of the installation or proposed installation of such tower and associated equipment. The owner or operator of such tower and associated equipment shall provide the Council with proof of service of the written notice to the property owner of record, if the property owner of record is different from the owner or operator of such tower and associated equipment, and the municipality in which the tower or associated equipment is located. Notice to all parties shall include the following:

- the location of such tower and associated equipment;
- the reason for its installation; and
- the estimated time such tower and associated equipment shall remain in place.
- the notice shall be given at the earliest practicable time but not later than 48 hours after the installation of such tower and associated equipment; and
- the owner or operator of such tower or associated equipment shall restore the site to its original condition as nearly as practical, subject to such other conditions as ordered by the Council, or its designee.

III. Modification of Existing Towers Under Council Jurisdiction

None of the following shall constitute a modification to an existing community antenna television or telecommunications tower that may have a substantial adverse environmental effect:

- (1) Routine general maintenance and one-for-one replacement of facility components that is necessary for reliable operation;
- (2) 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 the total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standards adopted by the Federal Communications Commission pursuant to Section 704 of the

Telecommunications Act of 1996, as amended, and the State Department of Energy and Environmental Protection, pursuant to Section 22a-162 of the Connecticut General Statutes;

(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, or

(3) Replacement of an existing CATV tower or telecommunications tower and associated equipment with a tower that is no taller than the tower to be replaced and that does not support public service company or state antennas, or antennas to be used for public cellular radio communications emitting total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standard adopted by the Federal Communications Commission pursuant to Section 704 of the Telecommunications Act of 1996, as amended, and the State Department of Energy and Environmental Protection pursuant to Section 22a-162 of the Connecticut General Statutes.

IV. Modification of Existing Towers Not Under Council Jurisdiction

Placement of community antenna television towers and head-end structures, telecommunications towers, and associated telecommunications equipment, owned or operated by the state or a public service company, as defined in Section 16-1 of the Connecticut General Statutes, or used in a cellular system, as defined in the code of Federal Regulations Title 47, Part 22, as amended, on any existing non-facility tower, shall not constitute a substantial adverse environmental effect when the changes on the existing non-facility tower:

(1) Have received an acknowledgment from the Council that such a facility would not cause a significant change or alteration in the physical and environmental characteristics of the site;

(2) Do not extend the boundaries of the site by any dimension;

(3) Do not increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state and local criteria;

(4) Do not increase the total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standard adopted by the Federal Communications Commission pursuant to Section 704 of the Telecommunications Act of 1996, as amended, and the State Department of Energy and Environmental Protection pursuant to Section 22a-162 of the Connecticut General Statutes; and

(5) Have received all municipal zoning approvals and building permits, where applicable.

V. Temporary Use of Cellular Equipment

The temporary use of telecommunications equipment shall not constitute a facility provided that:

(1) The temporary use is necessary to provide emergency or essential telecommunications service to areas of local disaster or events of statewide significance.

(2) Any provider of temporary telecommunications service for an event of statewide significance shall provide to the Council for its approval 30 day advance written notice of the development of such temporary service. The provider shall also provide the property owner of record, if the property owner of record is different from the provider, and the chief elected official of the municipality in which the

temporary facility is to be located, advance written notice not less than 30 days prior to the installation. Such notice shall include:

- (A) The location of the temporary telecommunications equipment;
 - (B) A letter from the property owner of record, if the property owner of record is different from the provider, authorizing use of the property for the temporary telecommunications service;
 - (C) The height and power density of the temporary telecommunications equipment;
 - (D) The noise levels of the temporary telecommunications equipment measured at the property lines;
 - (E) The estimated time the temporary telecommunications equipment shall be in use, including the approximate start and end dates; and
 - (F) The specific reasons for the installation, including, but not limited to, the nature of the event.
- (3) Any provider of temporary telecommunications service at an area of a local disaster shall provide to the Council written notice not later than 48 hours after the deployment including:
- (A) The location of the temporary telecommunications equipment;
 - (B) A letter from the property owner of record, if the property owner of record is different from the provider, authorizing use of the property for the temporary telecommunications service;
 - (C) The height and power density of the temporary telecommunications equipment;
 - (D) The noise levels of the temporary telecommunications equipment measured at the property lines;
 - (E) The estimated time the temporary telecommunications equipment shall be in use, including, but not limited to, the hours of operation of the temporary telecommunications equipment and conditions that would render the use of the temporary telecommunications equipment no longer necessary; and
 - (F) The nature of the emergency.
- (4) In no event shall temporary use of telecommunications equipment exceed 30 days unless the Council and the property owner of record, if the property owner of record is different from the provider, grant approval for an extension.

VI. Notice of Intent to Modify

The owner or operator of any tower and associated equipment claiming such tower and associated equipment is exempt pursuant to Section 16-50j-72 of the Regulations of Connecticut State Agencies shall give the Council the chief elected official of the municipality of the site and the property owner of record, if the property owner of record is different from the owner or operator of the tower and associated equipment, notice in writing prior to construction of its intent to construct such tower and associated equipment, detailing its reasons for claiming exemption. (Regs., Conn. State Agencies § 16-50j-73)

This overview is designed to answer general questions and provide basic information. Reference should be made to the appropriate statutes and regulations for specific regulatory language. Asserting a person's rights and privileges is his or her responsibility. Although it is not obligatory, it is a person's prerogative to obtain legal counsel.