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LEED Green Associate

July 10, 2018

***VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL***

Melanie.bachman@ct.gov
Siting.council@ct.gov

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

Re: Request for Waiver Under General Statutes § 16-50k(e)

Dear Attorney Bachman:

This office represents T-Mobile Northeast, LLC ("T-Mobile"). On behalf of T-Mobile, I have enclosed an original and fifteen (15) copies of the above-mentioned Request for Waiver Under General Statutes § 16-50k(e).

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jesse A. Langer', is written over a light blue horizontal line.

Jesse A. Langer

Enclosures

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

REQUEST OF T-MOBILE NORTHEAST, : JULY 10, 2018
LLC FOR A WAIVER UNDER :
GENERAL STATUTES § 16-50k(e) :

REQUEST FOR WAIVER UNDER GENERAL STATUTES § 16-50k(e)

In accordance with General Statutes § 16-50k(e), T-Mobile Northeast, LLC (“T-Mobile”) respectfully requests the Connecticut Siting Council (“Council”) to assume jurisdiction over a proposed rooftop telecommunications facility (“Rooftop Facility”) to be located within the midtown campus of Western Connecticut State University (“University”), specifically on the rooftop of the Ruth Haas Library (“Property”).¹

I. BACKGROUND

T-Mobile has identified the Ruth Haas Library building within the midtown campus at the University for a rooftop telecommunications facility to address T-Mobile’s coverage and capacity objectives in the area. In March of 2018, T-Mobile and the University engaged in discussions over the possibility of a telecommunications facility at this location and conducted a design visit to determine the feasibility of this location. In April of 2018, T-Mobile presented a design proposal for the Rooftop Facility, which the University has accepted preliminarily. Since this time, T-Mobile and the University have engaged in discussions pertaining to a lease agreement, with the full intention of signing a lease agreement in the near future. A copy of the University’s correspondence concerning the Rooftop Facility is appended hereto as Attachment A.

¹ The street address for the midtown campus is 181 White Street, Danbury, Connecticut.

The proposed Rooftop Facility would consist of the installation of approximately twelve (12) panel antennas on three (3) three sectors all to be mounted to the roof of the library on the Property. The Rooftop Facility would be located at seventy-feet (70) above ground level. The Rooftop Facility would include a stealth concealment enclosure around the perimeter of the roof to conceal the installation from public view. T-Mobile is continuing to work with the University's architect to ensure the design is agreeable to both parties. The conceptual drawings for the Rooftop Facility are appended hereto as Attachment B.

As noted above, the University has signaled preliminarily that this design is acceptable. Consistent with that support, on June 12, 2018, the University submitted a letter to the Council voicing its support for the Rooftop Facility and requesting that the Council assume jurisdiction over the Rooftop Facility. *See Attachment A*.

II. THE COUNCIL MAY ASSUME JURISDICTION OVER THE ROOFTOP FACILITY UPON T-MOBILE'S REQUEST

Since the Rooftop Facility does not constitute a "Facility," as defined by General Statutes § 16-50i(a), it is typically excluded from the Council's jurisdiction;² however, the Council has the authority to assume jurisdiction over the Rooftop Facility at T-Mobile's request. General Statutes § 16-50k(e) provides: "Any person intending to construct a facility excluded from one or more provisions of this chapter may, to the extent permitted by law, elect to waive such exclusion by delivering notice of such waiver to the council." T-Mobile is requesting such a waiver here.

² General Statutes § 16-50i(a) defines "Facility" to mean . . . (6) such telecommunication 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, as defined in the Code of Federal Regulations Title 47, Part 22,² as amended, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe"

The Connecticut Legislature established a state system of public higher education. General Statutes § 10a-1.³ The University is a “constituent unit” of that state system. General Statutes §§ 10a-1 and 10a-87.⁴ The University, as an extension of the State, is therefore typically immune from municipal land use controls. R. Fuller, 9 Connecticut Practice Series: Land Use Law and Practice (4th Ed.) § 1:5.

As a result, T-Mobile believes an assumption of jurisdiction would be appropriate in this instance, even though the Rooftop Facility is not a “Facility.” The Council is well versed in the siting of telecommunications facilities and the evaluation of such requests. The Council would, therefore, be able to ensure that the installation and operation of the Rooftop Facility would adhere to all applicable environmental and public safety requirements.

III. CONCLUSION

Based on the information provided above, and appended hereto, T-Mobile respectfully requests that the Council accept T-Mobile’s waiver of the exclusion to the Council’s jurisdiction over the proposed Rooftop Facility under § 16-50k(e). T-Mobile further requests that the Council assume jurisdiction over the proposed Rooftop Facility.

³ General Statutes § 10a-1 provides that “[t]here shall be a state system of public higher education to consist of (1) The University of Connecticut and all campuses thereof, and (2) the Connecticut State Colleges and Universities, which include (A) the state universities, which shall be known collectively as the Connecticut State University System, (B) the regional community-technical colleges, which shall be known collectively as the regional community-technical college system, and (C) Charter Oak State College. “Constituent units” as used in the general statutes means those units in subdivisions (1) and (2) of this section.”

⁴ General Statutes § 10a-1 provides in part that “[t]he Board of Trustees of the Connecticut State University System shall maintain: Western Connecticut State University, Southern Connecticut State University, Eastern Connecticut State University and Central Connecticut State University.” (*Emphasis added.*)

Respectfully submitted by,

T-MOBILE NORTHEAST LLC

By: 

Jesse A. Langer
UPDIKE, KELLY & SPELLACY, P.C.
8 Frontage Road
East Haven, CT 06512
(203) 786-8310
Email: jlanger@uks.com

ATTACHMENT A

(University Correspondence)



Chief Facilities Officer and Associate VP for Campus Planning

June 12, 2018

Melanie Bachman
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

RE: T-Mobile Northeast LLC request for Waiver of Exclusion Request for Connecticut Siting Council to Assume Jurisdiction over a Proposed/Future Telecommunications Facility located 181 White Street, Danbury, CT 06810 (Western Connecticut State University)

Dear Ms. Bachman,

The purpose of this letter is to respectfully support T-Mobile's request that the Connecticut Siting Council undertake the procedural steps needed to exercise and assume jurisdiction over a proposed telecommunications facility, located at 181 White Street in Danbury, Connecticut, at Western Connecticut State University ("WCSU").

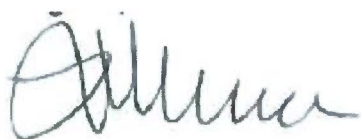
In March of 2018, T-Mobile engaged in discussions with WCSU on the possibility of a telecommunications facility at our mid-town campus location and conducted a design visit to determine the feasibility of this location, T-Mobile has targeted the Ruth Haas Library building at Western Connecticut State University for a potential telecommunications facility. In April of 2018, T-Mobile presented a design exhibit to the University, which was preliminarily accepted. The University and T-Mobile have engaged in discussions pertaining to executing a lease agreement between the two parties, with the full intention of signing a lease agreement in the near future.

We look forward to completing this process and commencing construction once the full Board of Regents for the Connecticut State Colleges & Universities and the State of Connecticut Attorney General's Office has approved the lease agreement.

If you have any questions on this matter, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

Thanks,

A handwritten signature in black ink, appearing to read "Luigi Marcone". The signature is fluid and cursive, with the first letter "L" being particularly large and stylized.

Luigi Marcone
Chief Facilities Officer and Associate VP for Campus Planning
Western Connecticut State University

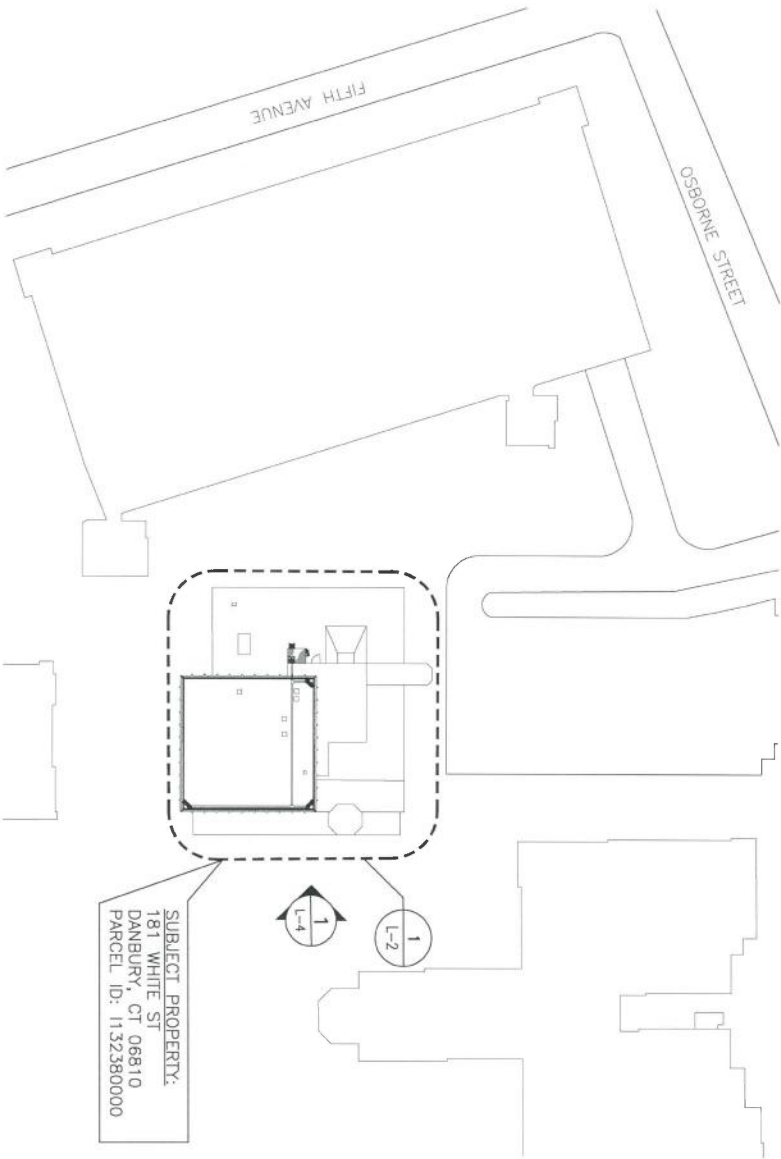
Cc: Keith Epstein
Mark Case
John Murphy

ATTACHMENT B

(Conceptual Drawings)

NOTES:

1. PROPOSED T-MOBILE INSTALLATION SHALL CONSIST OF TWELVE (12) PANEL ANTENNAS, (1) 2' MICROWAVE DISH AND (1) GPS UNIT, MOUNTED AT A TOP OF ANTENNA ELEVATION OF ±70 FT A.G.L. BEHIND PROPOSED ANTENNA CONCEALMENT ENCLOSURE SCREEN. IN ADDITION THE INSTALLATION OF NINE (9) RRUS, ADJACENT TO ANTENNA SECTOR LOCATIONS, THREE (3) HYBRID LINES AND (2) 1/2" COAX CABLE RUNNING INSIDE A PROPOSED NON-PENETRATING CABLE TRAY.
2. UTILITIES FOR THE PROPOSED FACILITY TO BE ROUTED WITHIN THE EXISTING BUILDING. FINAL CONDUIT ROUTING TO BE DETERMINED/COORDINATED DURING THE CONSTRUCTION DOCUMENT PHASE OF THE PROJECT.



1
L-1
SITE PLAN
SCALE: 1" = 80'



LEASE EXHIBIT

THIS LEASE PLAN IS DIAGRAMMATIC IN NATURE AND IS INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION AND SIZE OF THE PROPOSED WIRELESS COMMUNICATION FACILITY. THE SITE LAYOUT WILL BE FINALIZED UPON COMPLETION OF SITE SURVEY AND FACILITY DESIGN.

SITE COORDINATES: LAT.: 41°-24'-03.87" N
 LNG.: 73°-26'-46.93" W
GROUND ELEVATION: 395.0' ± A.M.S.L.
 COORDINATES AND GROUND ELEVATION BASED ON FAA-ZL SURVEY CERTIFICATION PREPARED BY CENTEK ENGINEERING, INC. DATED APRIL 10, 2018.



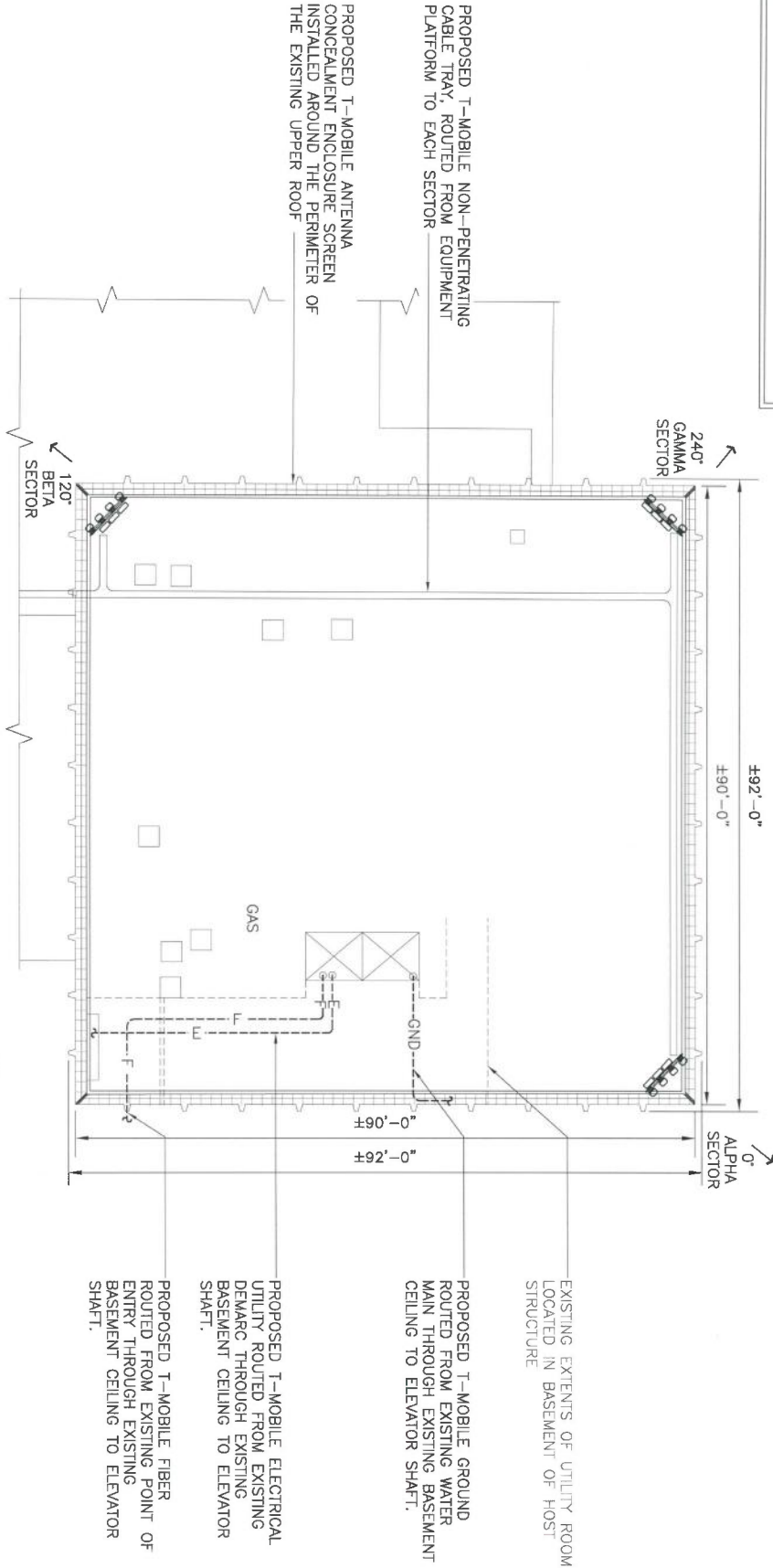
SITE KEY PLAN
SCALE: 1" = 200'



<p>T-MOBILE CTFF039 181 WHITE STREET DANBURY, CT 06810</p>	<p>CENTEK engineering Centered on Solutions™ www.CentekEng.com (203) 488-0580 (203) 488-8587 Fax 63-2 North Branford Road, Branford, CT 06405</p>	<p>T-Mobile</p>	<table border="1"> <tr> <th>REV.</th> <th>DATE</th> <th>ISSUED BY</th> <th>CHECKED BY</th> <th>DESCRIPTION</th> </tr> <tr> <td>B</td> <td>04/27/18</td> <td>KAW</td> <td>CAG</td> <td>LEASE EXHIBIT - REVISED PER CLIENT COMMENTS</td> </tr> <tr> <td>A</td> <td>04/23/18</td> <td>CDZ</td> <td>CAG</td> <td>LEASE EXHIBIT - ISSUED FOR CLIENT REVIEW</td> </tr> </table>		REV.	DATE	ISSUED BY	CHECKED BY	DESCRIPTION	B	04/27/18	KAW	CAG	LEASE EXHIBIT - REVISED PER CLIENT COMMENTS	A	04/23/18	CDZ	CAG	LEASE EXHIBIT - ISSUED FOR CLIENT REVIEW
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<p>DATE: 04/17/18 SCALE: AS SHOWN JOB NO.: 18027200</p>	<p>DATE: 04/17/18 SCALE: AS SHOWN JOB NO.: 18027200</p>	<p>SHEET NO. L-1</p>																	

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1
L-2
PROPOSED ROOF CONFIGURATION
SCALE: 1" = 16'



SHEET NO.
L-2

T-MOBILE
CTFF039
181 WHITE STREET
DANBURY, CT 06810

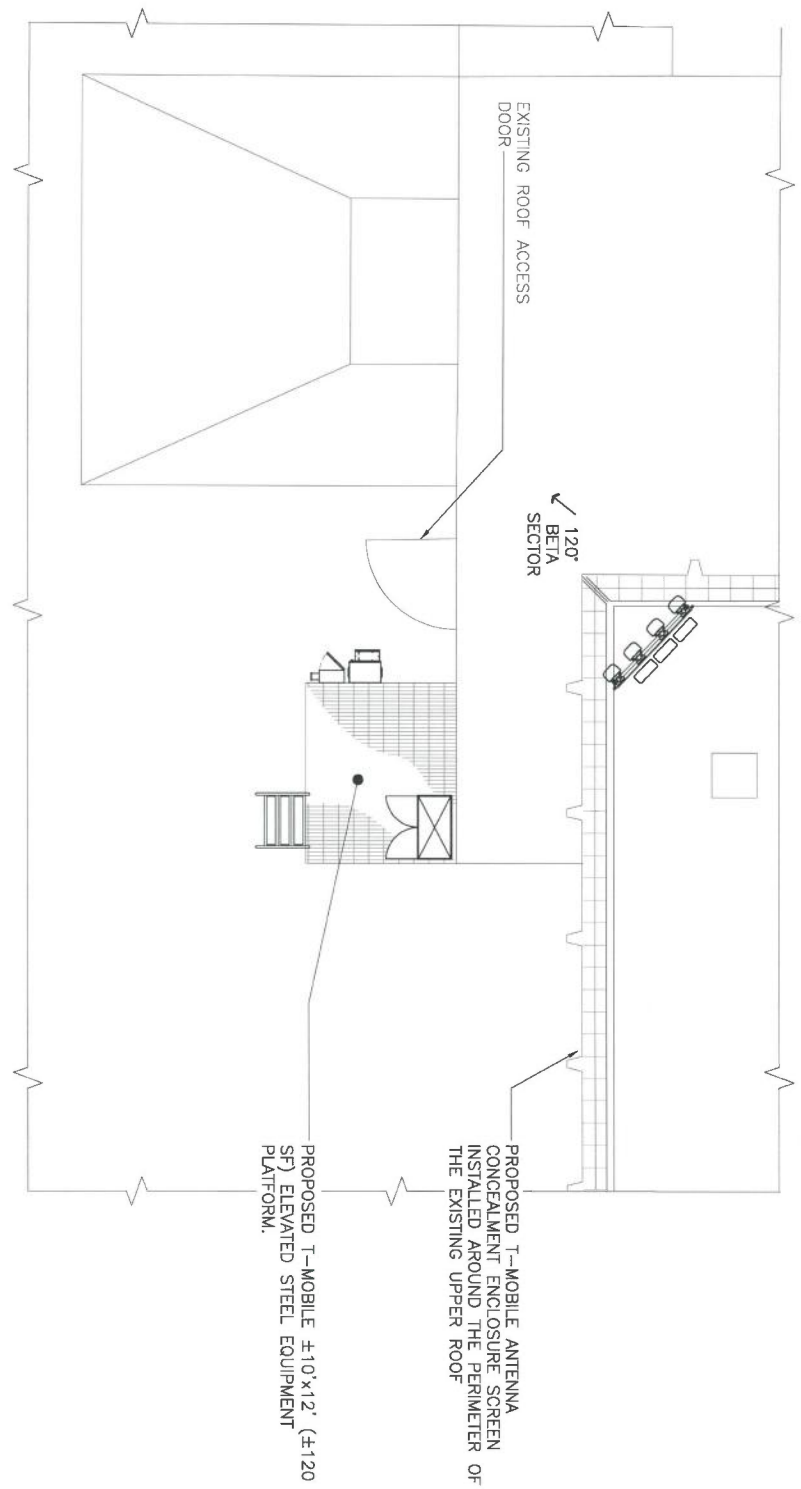
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(203) 488-8587 Fax
63-2 North Branford Road, Branford, CT 06405



REV.	DATE	DRAWN BY	CHK'D BY	DESCRIPTION
B	04/27/18	KAW	CAG	LEASE EXHIBIT - REVISED PER CLIENT COMMENTS
A	04/23/18	CDZ	CAG	LEASE EXHIBIT - ISSUED FOR CLIENT REVIEW

LEASE EXHIBIT

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1
L-3

PROPOSED EQUIPMENT AREA

SCALE: 1" = 8'

APPROXIMATE NORTH

SHEET NO.
L-3

T-MOBILE

CTFF039

181 WHITE STREET
DANBURY, CT 06810

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T/PROPOSED T-MOBILE ANTENNAS AND ANTENNA CONCEALMENT ENCLOSURE
EL. ±70'-0" A.G.L.

T/UPPER ROOF
EL. ±60'-0" A.G.L.

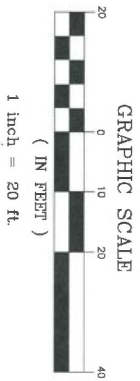
T/FINISHED GRADE
EL. 0'-0" (DATUM)

PROPOSED T-MOBILE UTILITIES ROUTED FROM DEMARC IN BASEMENT THROUGH CEILING AND VERTICALLY UP EXISTING ELEVATOR SHAFT TO ROOF.



1
L-4

EAST ELEVATION
SCALE: 1" = 20'



SHEET NO. L-4	DATE: 04/11/18 DRAWN: AS SHOWN JOB NO.: 100720	T-MOBILE CTFF039 181 WHITE STREET DANBURY, CT 06810	CEN TEK engineering Centered on Solutions™ (203) 488-0580 (203) 488-8587 Fax 63-2 North Branford Road, Branford, CT 06405 www.CentekEng.com		<table border="1"> <tr> <td>REV.</td> <td>DATE</td> <td>DRAWN BY/CHK'D BY</td> <td>DESCRIPTION</td> </tr> <tr> <td>B</td> <td>04/27/18</td> <td>KAW</td> <td>CAG LEASE EXHIBIT - REVISED PER CLIENT COMMENTS</td> </tr> <tr> <td>A</td> <td>04/23/18</td> <td>CDZ</td> <td>CAG LEASE EXHIBIT - ISSUED FOR CLIENT REVIEW</td> </tr> </table>	REV.	DATE	DRAWN BY/CHK'D BY	DESCRIPTION	B	04/27/18	KAW	CAG LEASE EXHIBIT - REVISED PER CLIENT COMMENTS	A	04/23/18	CDZ	CAG LEASE EXHIBIT - ISSUED FOR CLIENT REVIEW
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