



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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CERTIFIED MAIL RETURN RECEIPT REQUESTED

August 2, 2018

Jesse A. Langer, Esq.
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510

RE: T-Mobile Northeast, LLC Request for Connecticut Siting Council to Assume Jurisdiction over a Proposed Non-Jurisdictional Telecommunications Facility to be located at Western Connecticut State University, Ruth Haas Library, 181 White Street, Danbury, Connecticut, pursuant to Conn. Gen. Stat. §16-50k(e).

Dear Attorney Langer:

At a public meeting held on August 2, 2018, the Connecticut Siting Council (Council) considered and approved T-Mobile Northeast, LLC's request for the Council to assume jurisdiction over the proposed, non-jurisdictional rooftop telecommunications facility to be located at Western Connecticut State University (WCSU), Ruth Haas Library, 181 White Street, Danbury, Connecticut pursuant to Connecticut General Statutes (C.G.S.) §16-50k(e) and allow T-Mobile to submit a petition for declaratory ruling for the construction, maintenance and operation of the proposed rooftop facility at WCSU pursuant to C.G.S. §4-176 and §16-50k.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other telecommunications facility.

Enclosed for your information is a copy of the staff report for this matter.

Sincerely,

Robert Stein
Chairman

RS/MAB/laf

Enclosure: Staff Report dated August 2, 2018

c: The Honorable Mark D. Boughton, Mayor, City of Danbury
Sharon Calitro, Director of Planning & Zoning, City of Danbury



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Request from T-Mobile Northeast, LLC for the Connecticut Siting Council to assume jurisdiction over a Proposed Non-Jurisdictional Telecommunications Facility to be located at Western Connecticut State University, Ruth Haas Library, 181 White Street, Danbury, Connecticut

Staff Report

August 2, 2018

On July 11, 2018, the Connecticut Siting Council (Council) received correspondence from T-Mobile Northeast, LLC (T-Mobile) respectfully requesting the Council assume jurisdiction over a proposed rooftop telecommunications facility to be located at Western Connecticut State University (WCSU), Ruth Haas Library, 181 White Street in Danbury.

Pursuant to Connecticut General Statutes (CGS) §16-50k(e), "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. Such provisions shall thereafter apply to each facility identified in such notice from the date of its receipt by the Council."

Under CGS §16-50i (a)(6), the Council has jurisdiction over "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, as amended, which may have a substantial adverse environmental effect..."

Under Regulations of Connecticut State Agencies §16-50j-2a (23), "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."

If the proposed rooftop telecommunications facility were to be owned or operated by WCSU, it would be under the Council's jurisdiction pursuant to CGS §16-50i(a)(6) as the facility would be "owned or operated by the state." WCSU is a constituent unit of the state system of public higher education. Here, T-Mobile would be the owner and operator of the proposed facility that is to be located on WCSU property.

By letter dated June 12, 2018, WCSU respectfully requested the Council undertake the procedural steps needed to exercise and assume jurisdiction over the proposed telecommunications facility. In that correspondence, WCSU also indicated that a lease agreement has been negotiated and is in the process of being approved by the Board of Regents for the Connecticut State Colleges and Universities and the Attorney General's Office.

On July 11, 2018, the Council provided notice of T-Mobile's correspondence to the Telecommunications Industry Service List, as well as Mayor Boughton, the Planning Director for the City of Danbury and the Chief Facilities Officer at WCSU, and requested submission of comments regarding T-Mobile's request for the Council to assume jurisdiction over the proposed rooftop telecommunications facility on or before July 26, 2018.

On July 16, 2018, the Director of Planning for the City of Danbury submitted correspondence indicating the City has reviewed T-Mobile's request for the Council to assume jurisdiction over the proposed rooftop telecommunications facility atop the Ruth Haas Library at WCSU and has no objections to the Council assuming jurisdiction in this matter. No other comments were received.

Staff recommends the Council assume jurisdiction over the proposed non-jurisdictional telecommunications facility and allow T-Mobile to submit a petition for a declaratory ruling for the construction, maintenance and operation of the rooftop telecommunications facility at WCSU pursuant to CGS §4-176 and §16-50k.