



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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August 2, 2016

Keith Coppins
Phoenix Partnership, LLC
110 Washington Avenue
North Haven, CT 06473

RE: **PE1133-Phoenix-20160701** – Phoenix Towers II sub-petition for a declaratory ruling for approval of an eligible facility request for modifications to an existing telecommunications facility located at 158 Edison Road, Trumbull, Connecticut.

Dear Mr. Coppins:

The Connecticut Siting Council (Council) hereby approves your Eligible Facilities Request (EFR) to extend the height of the above-referenced existing facility to accommodate the Town of Trumbull's emergency communications antennas pursuant to the Federal Communications Commission Wireless Infrastructure Report and Order, with the following conditions:

1. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
2. The validity of this action shall expire one year from the date of this letter; and
3. The Petitioner may file a request for an extension of time beyond the one year deadline provided that such request is submitted to the Council not less than 60 days prior to the expiration.

Please be advised that the Council received two letters dated July 29, 2016 objecting to the facility modification on the basis that the sub-petition process is not applicable to non-wireless facilities, the sub-petition seeks action beyond the Council's authority and evidence in the record demonstrates an extension is not necessary.

It should be noted that the Spectrum Act, 47 U.S.C. §1455, established the First Responder Safety Network Authority (FirstNet) "to oversee the construction and operation of a nationwide public safety wireless broadband network (PSBN) and provided dedicated spectrum and other resources for this purpose, including funding from the proceeds of the auctions that the Spectrum Act required and authorized... Congress specifically directed FirstNet to encourage leveraging to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network. And it authorized the Commission to take any action necessary to assist FirstNet in effectuating its duties and responsibilities under the Spectrum Act."¹ The Spectrum Act contributes to the twin goals of commercial and public safety wireless broadband deployment through measures that promote the deployment of the network facilities needed to provide broadband wireless services.

Furthermore, in the Council's final decision on Docket No. 421, dated April 26, 2012, the Council contemplated the Town's emergency communications systems needs and realized that an upgrade to the Town's equipment may occur within two to five years; however, at the time of the proceeding, the Town's design was in a preliminary study phase for a system that was contingent on funding sources not available at the time. As stated in the Docket No. 421 Opinion, "In order to not impede any future upgrades to the Town's emergency communications system, the Council will require that the facility be capable of supporting an extension." A

¹ Federal Communications Commission, Wireless Infrastructure Report and Order, FCC 14-153, October 21, 2014, *available at* <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>.

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condition of the facility approval was to install a tower foundation and tower that is capable of supporting an extension for this purpose.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the EFR dated June 30, 2016.

Thank you for your attention and cooperation.

Very truly yours,



Melanie Bachman
Acting Executive Director

MB/CW

- c: Honorable Timothy M. Herbst, First Selectman, Town of Trumbull
- Rob Librandi, Land Use Planner, Town of Trumbull
- Douglas Wenz, Zoning Enforcement Officer, Town of Trumbull
- Keith R. Ainsworth, Esq., LLC
- Kathleen Thopsey (via email)