Town Planners
Western Connecticut Council of Governments
Luncheon

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September 14, 2016
Comstock Community Center, Wilton, CT
Overview

• Verizon’s Small Cell Program
• Utility Pole Regulatory Process
• CSC Authority and Jurisdiction
PURA Pole Attachment Authority

- National Broadband Policy
- In Connecticut – PURA exclusive jurisdiction over distribution poles
  - Poles Located Within Public Rights of Way
  - Distribution Pole on Private Property
- Pole owners
  - VZW Does Not Own Poles
  - Limited to Existing Utility Pole Locations
PURA Pole Attachment Authority

- C.G.S. § 16-234 – Notice and Consent
  - Adjoining Property Owners
  - VRAD History
  - Public Safety Standard
- PURA issues “Construction Plan Approval”
PURA Process

- Site selected
- Adjoining property owners identified
  - Adjoining owner map shows properties within 140 ft. radius of pole in yellow
- Notice letters sent – wait 30 days
- Three categories of responses:
  - No comment – presumed consent
  - Comments; Questions; Concerns
  - Objections
- PURA filing: construction plan application plus attachments – LE; adjoining property owner’s list and map; consent or comments/objections
  - Chief Elected Municipal Official receives a copy of the PURA Application
Small Cell Installations in Connecticut

- First PURA Approval in December 2015
- 146 Approvals to Date in 58 Municipalities
  - 49 Awaiting Approval
- 42 Constructed in 22 Municipalities
 Lease Exhibit (Farmington)
 Lease Exhibit (Farmington)
Top-Mounted Wireless Small Cell Installation (Old Lyme)
Side View of Small Cell Equipment (Old Lyme)
Side-Mount Antenna Example (MA)
Connecticut Siting Council - Jurisdiction and Procedure – Small Cell Telecommunications Facilities

Western Connecticut Council of Governments Planners’ Lunch

September 14, 2016
STATUTORY AUTHORITY

- Uniform Administrative Procedure Act, C.G.S. §4-166, *et seq.*
- Public Utility Environmental Standards Act, C.G.S. 16-50g, *et seq.*
- Regulations of Connecticut State Agencies, §16-50j-1, *et seq.*
CSC PURPOSE

To balance the need for:

Adequate and reliable public utility services at the lowest reasonable cost to consumers

Need to protect the environment and ecology of the state
Interaction with Federal, Regional and State Entities

Council on Environmental Quality

Public Utilities Regulatory Authority

Office of Policy and Management
State and local authorities are preempted by the FCC on several matters relative to cell tower siting:

- Public Need
- Network Operations
- Radio Frequency Emissions
- Competition Among Providers
- Spectrum
SITING COUNCIL JURISDICTION
TELECOMMUNICATIONS FACILIT

- Community antenna television towers and head-end structures
- Telecommunications towers and associated equipment that are used in a cellular system
- Distributed Antenna Systems (DAS) and Small cells
- Collocations or shared use of existing towers or structures
- Modifications to existing telecommunications towers and associated equipment
Jurisdictional to CSC

Electric transmission line structure attachments

Small cell installation concealed in faux chimney

Free standing telecommunications towers
Non-jurisdictional to CSC

Light pole attachments

Electric distribution pole attachment

Antenna installations around circumference of functioning water tank
What is a “tower?”

A structure, whether free standing or attached to a building or another structure that is **used principally** to support one or more antennas

R.C.S.A. §16-50j-2a(30)
A small cell is a small, low-power wireless base station that functions like a cell in a mobile wireless network.

FCC Wireless Infrastructure Report and Order at ¶30
A base station is equipment at a fixed location that enables authorized wireless communications between user equipment and a communications network. It does not encompass a tower or any equipment associated with a tower.
Small Cells

- 301 Chesterfield Rd., East Lyme
- 752 Bloomfield Ave., Windsor
- 140 Route 32, Franklin
- 212 Deans Mill Rd., Stonington
- 37 Main St., Jewett City
- 2 Ocean Ave., West Haven
- Econo Lodge Motel, Southington

[Images of various locations and buildings are shown.]
PETITION FOR A DECLARATORY RULING

Evaluation of whether a proposed facility or modification to an existing facility would not have a substantial adverse environmental effect and therefore, would not require a CECPN.
**PETITION FOR A DECLARATORY RULING PROCESS**

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<th>Notice of filing of petition</th>
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<td>• Petitioner must submit copy to chief elected official of host municipality</td>
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<td>• Additional notice requirements for certain types of petitions</td>
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<th>Public Field Review</th>
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<td>• Depending on type of action requested, a public field review may be held at the site</td>
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<td>• Any interested persons may attend public field review</td>
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<th>Decision</th>
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<td>• Within 60 days of receipt of petition, Council must take action to approve, deny, set date for decision, hold a public hearing or start regulation-making process</td>
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State and local authorities may not deny and shall approve any request for collocation, removal or replacement of equipment on an existing wireless tower provided it does not constitute a “substantial change in the physical dimensions” of a tower.
What is a “substantial change in the physical dimensions” of a tower?

- Increase in existing height of tower by > 10%
- Addition of an appurtenance protruding from edge of tower > 20 feet
- Installation of > standard number of equipment cabinets
- Change that entails any excavation or deployment outside of the current site
Eligible Facilities Request Filings
Petition No. 1133 (EFRs)

Notice of EFR filing
- Requesting entity must submit notice with a copy of EFR to chief elected official of host municipality and abutting property owners

Contents of EFR
- EFR must include location and history of existing facility for which modifications are requested with a detailed description of how the modifications meet FCC criteria, a site plan, structural analysis report and radio frequency power density report

Decision
- No later than 60 days after receipt of an EFR, if the EFR meets the FCC criteria, the Council must approve the EFR
Siting Council Website