



4700 Drexel Drive, Highland Park, TX 75205

214-521-4161 office 214-559-9335 fax

## **WIRELESS FACILITY SITING PERMIT APPLICATION FORM**

Completed Permit Application to be submitted to:

Town of Highland Park, Building Inspection Department

Address: 4700 Drexel Drive, Highland Park, Texas 75205

Email: [ksmith@hptx.org](mailto:ksmith@hptx.org)

For more information at the Town contact:

Name: Kirk Smith

Title: Development Services Manager

Telephone: 214-521-4161 (main) 214-559-9408 (direct)

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Two copies to be submitted as paper copies, and a copy in.pdf on an electronic storage device and/or via email to the above email address.

### **TERMS USED IN THIS APPLICATION:**

**“Applicant”** –This is the person or entity that will actually utilize the Project, with the permit in the Applicant’s name.

**“Applicant’s Agent”** -- Applicant’s Agent is the agent for the Applicant in connection with this application and is authorized to sign and submit the application on the Applicant’s behalf.

**“FCC 2009 Declaratory Ruling”** --- Federal Communication Commission Order, *In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c) (7) (B)*, 24 FCC Rcd 13994 (2009).<sup>i</sup>

**“FCC 2014 Wireless Infrastructure Order”** -- Federal Communication Commission Order, *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, \_\_ FCC Rcd \_\_ (Adopted Oct. 17, 2014, Released Oct. 27, 2014) [For Effective dates see end note, but for Section 6409 (a) rules, no earlier than April 8, 2015]. Interpretation of Section § 6409(a) (47 U.S.C. § 1455(a)).<sup>ii</sup>

**“FCC Rules”** –FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al.*

**“Property Owner”** -- Is the underlying owner of the property on which the Project is located.

**“Project”** -- For purposes of this application, the new site or modification/addition to an existing wireless facilities site will be termed the “Project”.

**“Section 322 (c) (7)”** –Federal law, 47 U.S.C. § 332 (c) (7).

**“Section 6409 (a)”** –Federal law, 47 U.S.C. § 1455(a) (Section 6409(a) of the Middle Class Tax Relief Act of 2013).

## **SECTION 1.00: APPLICANT INFORMATION**

### **1.01. Applicant Information:**

1.01.1: Full Legal Name of Applicant: Including full name of individuals, corporate name, LLC, LLP, as applicable.):

1.01.2: Principal Applicant Contact Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Firm Name (If applicable): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Tel: \_\_\_\_\_ Ext: \_\_\_\_\_  
Work Fax: \_\_\_\_\_  
(Optional) Mobile Tel: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
(Optional) Website: \_\_\_\_\_

1.01.3: If applicable, Applicant’s Agent Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Tel: \_\_\_\_\_ Ext: \_\_\_\_\_  
Work Fax: \_\_\_\_\_  
(Optional) Mobile Tel: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
(Optional) Website: \_\_\_\_\_

## **1.02: Underlying Property Owner Information.**

1.02.1: If the underlying owner of the property on which the Project is located (“Property Owner”) is not the same as the Applicant, please include information on the Property Owner’s name, company or firm, title, address, email and telephone number.

1.02.2: If the underlying Property Owner is not the same as the Applicant and does not sign the application acknowledging its consent to file the Application for the Project, please attach a letter of agency appointing the Applicant, or the Applicant’s representative or Applicant’s Agent, as applicable, as the agent for the Property Owner in connection with this Application and as being fully authorized to sign the Application on the Property Owner’s behalf acknowledging the Property Owner’s consent to file the Application for the Project.

Designate this as “Exhibit 1.02.2, Property Owner’s Letter of Agency”.

1.02.3: If the Project is located in the public right-of-way, describe in detail the governmental authority and/or statutory authority, or other legal authority that granted the Applicant the privilege to use the rights-of-way for a wireless facility.

Designate this as “Exhibit 1.02.3, Permission to use R-O-W for wireless facility”.

1.02.4: If the Project is located in the public right-of-way, and will be placed in infrastructure not owned or controlled by the Applicant, such as an existing wireless antenna support tower or utility pole, street light pole, or traffic signal pole, describe in detail the legal basis for the use of that infrastructure, providing copies of pole attachment or other agreements with the owner of the infrastructure.

Designate this as “Exhibit 1.02.4, Permission to use R-O-W infrastructure”.

## **1.03: Representations on submitting the Application:**

1.03.1: If the Applicant is an individual, they must sign their full name on the cover page to the Application, representing that: 1.) they have read and understand the Application and; 2.) to the best of their knowledge the answers and information submitted with the Application are true and correct.

1.03.2: If the Applicant is not an individual, an Applicant’s in-house representative must sign their full name on the cover page to the Application, representing that: 1.) they have the authority to act for the business entity of the Applicant; 2.) they have read and understand the Application; and 3.) to the best of their knowledge the answers and information submitted with the Application are true and correct.

1.03.3: If neither the Applicant nor the Applicant’s in-house representative signs the application form, please attach a letter of agency appointing the above named Applicant’s Agent as the

agent for the Applicant in connection with this application and as being fully authorized to sign and submit the application on the Applicant's behalf. The Applicant's Agent must sign their full name on the cover page to the Application, representing that: 1.) they have the authority to act for the business entity of the Applicant; 2.) they have read and understand the Application; and 3.) to the best of their knowledge the answers and information submitted with the Application are true and correct.

Designate this as "Exhibit 1.03.3: Applicant's Letter of Agency."

**SECTION 2.00: TYPE OF WIRELESS FACILITIES APPLICATION FOR PURPOSES OF FEDERAL LAW: SECTION 332(C) (7) OR SECTION 6409 (A).**

The type of wireless facility Project determines the review time under federal law for the Town to act in deciding to grant or deny a permit. The three possible Town review periods, depending on type of project, are:

- 150 days is the default, but rebuttable presumptive time for the Town to review and act on all new wireless facility sites and projects that do not qualify as either a Section 322 (c) (7) "collocation" on an existing tower or a Section 6409 (a) modification to an "eligible" existing tower or existing base station.
- 90 days is the default, but rebuttable presumptive time for the Town to review and act on a Section 322 (c) (7) "collocation" on an existing tower, when supported by complete documentation submitted with the application.
- 60 days is the time allowed for the Town to review and act on a Section 6409 (a) "eligible facilities request" for modification of an existing tower or existing base station, when supported by complete documentation submitted with the application.

Both a Section 322 (c) (7) "collocation" on an existing tower and a Section 6409 (a) modification to eligible an existing tower or existing base station have detailed restrictions to qualify. If the Applicant is asserting that the Project qualifies for either of those two types of projects, complete the below questions, and provide the requested information in full to avoid a delay in you application's review for incompleteness.

The Town review times start when the application is filed, but can be tolled (not counted) if the application is incomplete. Section 332 (c) (7) presumptive times are rebuttal by the Town, and the Town does not waive, but reserves its right to rebut those times as not reasonable under the circumstances.<sup>iii</sup> All of the Town review times may be extended by the Applicant, with mutual, written agreement.<sup>iv</sup>

30 day review for completeness of the application for purposes of the Town review period:

If the Town determines the application is incomplete it will provide written notice to the Applicant within 30 days of filing of the application that the application is incomplete, detailing the missing information and citing where that information was required. The

remaining time for the Town to review the application does not start again until the supplemental information has been provided to the Town in full.

For the maps and drawings required, the following standards apply in the Town's determination of completeness. The size of each submitted map, drawing, Project elevation renderings and/or photographs and photo simulations must be no smaller than 11" by 8.5." Each must use the same streets names and legends.

***Please provide following information in complete detail:***

**2.01: Presumption that the Application is for a project that does not qualify as either a Section 322 (c) (7) "collocation" on an existing tower or a Section 6409 (a) "eligible facility" modification to an existing tower or base station:**

The Town will conclusively presume that the Application's Project is neither a collocation project qualified under Section 322 (c) (7) nor is it an "eligible facility" request for modification under Section 6409 (a), unless the Applicant clearly asserts that it is, providing the below requested information in Section 2.02 or Section 2.03, as applicable, in full and in complete detail.

If the above presumption is correct, please check here\_\_\_, indicating YES, and go to Section 3.

If the above presumption is not correct, complete Section 2.02 or Section 2.03, as applicable.

**2.02: 47 U.S.C. § Section 332 (c) (7) collocation project:**

If the Applicant asserts that this Project is eligible and fully qualifies as a 47 U.S.C. § 332 (c) (7) collocation project request as defined in *FCC 2009 Declaratory Ruling*,<sup>v</sup> attach a detailed written statement describing the reasons upon which the applicant believes that that the Project is eligible for 47 U.S.C. § 332 (c) (7) collocation treatment, to include at a minimum complete answers to the below questions in 2.02.1 below:

2.02.1: Detailed engineer sealed drawings of the measurements described below:

- (1) Detailed information on the existing tower where the collocation is to be placed, to include but not be limited to copies of the initial application and permit, and any subsequent modification applications and permits, even if denied.
- (2) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna on the tower increases the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.

- (3) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.
- (4) If the mounting of the proposed antenna exceeds the size limits set forth in (2) (height) and/or (3) (width/protrusions), is it asserted it was necessary to either avoid interference with existing antennas or to shelter the antenna from inclement weather or to connect the antenna to the tower via cable? Explain in detail. Please provide detailed engineer sealed drawings of supporting these asserted claims.
- (5) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.
- (6) Detailed information on the existing tower where the collocation is to be placed as to whether the mounting of the proposed antenna involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones? Explain in detail. Please provide detailed engineer sealed drawings of these measurements.
- (7) Please include a detailed map depicting the sites' boundary of the property owned or leased for purposes of the tower Project, and the location of the tower Project within that boundary, and depicting the tower Project as it is at the time of the application, and after the requested collocation, in both an overhead format, and in elevations from each side. Please provide detailed engineer sealed drawings of this depiction.

Designate this attachment as "Exhibit 2.02.1, Section 332 (c) (7), Eligible Collocation Project".

Go to Section 3.

**2.03: Section 6409 (a) eligible facilities request for modification:**

If the Applicant asserts that this Project is an eligible facility request for modification under Section 6409 (a) as it does not "substantially change the physical dimensions" of an existing tower or base station, as those terms are defined in *FCC 2014 Wireless Infrastructure Order* and FCC Rules, please attach a detailed written statement describing the basis of the assertion that Section 6409 (a) applies to this Project and why it meets the applicable requirements as set for in FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al*, to include complete answers to the questions in 2.03.1 below:

2.03.1. Provide detailed information and detailed engineer sealed drawings of the measurements described to answer the questions below, at a minimum providing documentation or information to the extent reasonably related to the request for modification to allow the Town to determine whether the request for modification meets the detailed requirements set for in FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al*:

- (1) Is the Project an “eligible facility” as either a “tower” or a “base station” as defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (1) and (9)? Explain in detail.
- (2) Provide detailed information on how the tower or base station to be modified as the Project meets the definition of “existing” in FCC Rules, 47 C.F.R. § 1.40001 (b) (5). Include with this explanation copies of the initial application and permit of the tower or base station, and any subsequent modification applications and permits, even if denied, and of any Town required conditions placed on the initial or subsequent permits, such as, but not limited to, safety, setbacks, fencing, landscaping, and concealment or stealth requirements.
- (3) Provide detailed information and documents on the “site” of the tower or base station to be modified by the Project as “site” is defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (6), to allow the Town to determine the “site” for purposes of compliance with Section 6409 (a) eligibility. Please include a detailed map depicting the sites’ boundary of the property owned or leased for purposes of the Project, and the location of the Project within that boundary, and depicting the tower or base station as it is at the time of the application, and after the requested modifications, in both an overhead format, and in elevations from each side.
- (4) If the Project is located in the public right-of-way, describe by providing maps and drawings to fully depict the area asserted to be in proximity to the structure and to other transmission equipment already deployed on the ground, to include the location of the tower or base station and transmission equipment already deployed on the ground within that proximity area, depicting the tower or base station as it is at the time of the application, and after the requested modification, in both an overhead format, and in elevations from each side. Include the basis of the assertion as to the area in proximity to the eligible structure.<sup>vi</sup> Explain in full detail to include maps and drawings to allow the Town to determine the “site” for purposes of compliance with Section 6409 (a) eligibility.
- (5) Is the request to modify a “collocation”, as defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (2), or a removal or replacement of “transmission equipment”, as defined in FCC Rules, 47 C.F.R. § 1.40001 (b) (8)? Explain in detail.
- (6) To the extent the modification Project includes replacement in the form of “hardening” of the tower or base station, please provide analysis by a licensed engineer as to why this hardening is necessary for an eligible Section 6409 (a) collocation, replacement, or removal of transmission equipment, and percentage of the structure that is being replaced.<sup>vii</sup>
- (7) Provide detailed information on how the requested modification of the tower or base station to be modified by the Project does not “substantially change the physical dimensions” of the existing tower or base station, as those terms are defined in FCC

Rules, 47 C.F.R. § 1.40001 (b). Explain in detail, specifically, including detailed licensed engineer sealed drawings, on how the requested modification of the tower or base station Project is to be modified, to include:

- a. Increases in the height of the tower or base station to be modified;
- b. Increases in the width and/or protrusions of appurtenances and/or transmission equipment from the tower or base station to be modified;
- c. Increases in the transmission equipment/cabinets on the ground of the site of the tower or base station to be modified;
- d. Detail on any excavations and deployment outside the current site including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.
- e. How the requested modification of the tower or base station does not defeat any previously required concealment (stealth) conditions from prior permits;
- f. How the requested modification of the tower or base station complies with any other previously required Town conditions from prior permits, other than those allowed by the “substantial change” thresholds identified in FCC Rules, 47 C.F.R. § 1.40001(b)(7)(i)-(iv).

What constitutes a “substantial change” are detailed in the definition in FCC Rules, 47 C.F.R. § 1.40001 (b) (8), including how each item listed above is measured (i.e., height, width, protrusions of appurtenances, number of cabinets). Please provide all documents and information to the extent reasonably related to the request for modification to allow the Town to determine whether the request for modification meets the detailed requirements set for in FCC Rules, 47 C.F.R. § 1.40001 Wireless Facility Modifications, *et al.*

Designate this attachment as “Exhibit 2.03.1, Section 6409(a) Eligible facility request for modification that does not substantially *change* the physical dimensions of an existing tower or base station”

Go to Section 3.

### **SECTION 3.00: GENERAL PROJECT INFORMATION**

#### **3.01: Project Street or other Physical Address designation used to locate:**

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Project Description:

To the extent not answered in detail in Section 2 above, please provide answers to either 3.01.1 and 3.01.2 or 3.01.3 and 3.01.4, as applicable:

3.01.1 Detailed map depicting the boundary of the property owned or leased for purposes of the Project, and the location of the proposed Project within that boundary

including street names, addresses of buildings or residences in at least 300 yards of proximity to that area including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

3.01.2 Detailed drawings to scale depicting the existing wireless facilities structure as it is at the time of the application, as applicable, and as the Project will be after the requested modification, in both an overhead format, and in elevations from each side including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

3.01.3 If the Project is located in the public right-of-way, describe the location by providing maps to depict the area with 200 feet of the Project, including street names, addresses of buildings or residences and the area asserted to be in proximity to the Project, to include the location of the Project structure within that area, including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

3.01.4 Detailed drawings to scale depicting the existing wireless facilities structure as it is at the time of the application, as applicable, and as the Project will be after completion, in both an overhead format, and in elevations from each side including any physical, wireline, interconnections to other locations, noting existing wireline connections and new ones.

Maps and drawings are to be prepared and sealed by a licensed Texas Professional Engineer.

Designate the maps and drawings as "Exhibit 3.01.1, Project Description, Maps and Drawings."

**3.02: Requested photo/elevation renderings to be submitted with the Application:**

*(Not applicable for a fully qualified Section 6409 (a) eligible facility's request to modify.)*

**3.02.1: Project Elevation Renderings and/or Photographs and Photo Simulations.**

- (1) To the extent not provided in other responses, where the Project as proposed by the Applicant can be seen at ground level from the street, or from the 1<sup>st</sup> floor within or on buildings within 500 feet of the Project provide four elevation renderings and/or photographs and/or photo simulations of the Project, including its tower, base station, antennas, antenna concealment/stealth coverings, equipment cabinets, back-up generators, and lights, as applicable.
- (2) A map detail showing each location where that elevation renderings and/or photographs and/or photo simulations were taken, together with the Project site, and the direction to the site from each elevation renderings and/or photographs and/or photo simulations must be included.

The Applicant should submit elevation renderings and/or photographs and/or photo simulations as set out above, and may be requested by the Town to provide additional elevation renderings and/or photographs and/or photo simulations to allow the Town to visualize the Project as completed. By their submittal with the application, Applicant represents that the elevation renderings and/or photographs and/or photo simulations are accurate and reliable representations of the current project site and the proposed Project to be constructed or modified, and that the Applicant is fully aware that the Town will rely on all of the elevation renderings and/or photographs and/or photo simulations provided when it considers granting or denying the Application for this Project.

Designate as “Exhibit 3.02.1, Project Elevation Renderings and/or Photographs and Photo Simulations.”

**SECTION 4.00: EXISTING ZONING REQUIREMENTS AND ANY VARIANCES / WAIVERS REQUESTED.**

4.01.1: Provide information on the existing zoning regulations or other Town land use and/or safety code requirements at the Project site that may be applicable to the Project.

4.01.1: If the Project is not in full compliance with the existing zoning regulations or other Town requirements or conditions of prior permits at the Project site provide detail as to how it is non-compliant, and if a variance and/or waiver is requested by the Applicant for each instance of non-compliance, and why the variance/waiver is requested, except for qualified Section 6409 (a) Applicants.

4.01.2: For qualified Section 6409 (a) Applicants, to the extent not answered above in Section 2.03.1 (7) f. above, provide details if the Project complies with any other previously required Town conditions from prior permits, and/or existing zoning regulations or other Town requirements at the Project site other than those allowed by the “substantial change” thresholds identified in FCC Rules, 47 C.F.R. § 1.40001(b)(7)(i)-(iv), and if not, and if a variance and/or waiver is requested by the Applicant for each instance on non-compliance, and why the variance/waiver is requested.

Designate this as “Exhibit 4.01, Existing zoning regulations or other Town requirements at the Project site and requested variances/waivers.”

**SECTION 5.00: PROJECT USE AND PURPOSE** (Not applicable for a fully qualified Section 6409 (a) eligible facility's request to modify.)

5.01: Principal Use of the Project: (One or more, as applicable)

If for private use, such as an amateur radio, describe generally in a written statement.

If for broadcast radio, broadcast TV, or satellite connectivity for data or cable television, describe generally in a written statement.

If for commercial public cellular telephone, to include, but not limited to a network for "personal wireless services" as defined in Section 322 (c) (7) (C), or a network for "commercial mobile service", as defined in 47 U. S.C. § 332 (d), Enhanced Specialized Mobile Radio, Specialized Mobile Radio, Microwave, PCS telephone, Small Cell, or a Distributed Antenna System (DAS), describe generally in a written statement.

If for other uses, (e.g., Wi-Max or Wi-Fi), describe generally in a written statement.

5.02: If applicable, indicate whether the purpose of the Project is:

(One or more, as applicable)

\_\_\_ Adding commercial cellular network without adding significant new radio frequency coverage area to a network for "personal wireless services", as defined in Section 322 (c) (7) (C) and/or to a network for "commercial mobile service", as defined in 47 U. S.C. § 332 (d).

\_\_\_ Providing significant new radio frequency coverage in an area not already served by radio frequency coverage to a network for "personal wireless services", as defined in Section 322 (c) (7) (C) and/or to a network for "commercial mobile service", as defined in 47 U. S.C. § 332 (d).

\_\_\_ Increasing the existing radio frequency signal level in an area with existing radio frequency coverage to a network for "personal wireless services", as defined in Section 322 (c) (7) (C) and/or to a network for "commercial mobile service", as defined in 47 U. S.C. § 332 (d).

\_\_\_ Intended to close or reduce an asserted "significant gap" in a wireless telecommunications cellular network, including to a network for "personal wireless services", as defined in Section 322 (c) (7) (C) and/or to a network for "commercial mobile service", as defined in 47 U. S.C. § 332 (d).

\_\_\_ Other. Attach a written statement fully describing all portions or elements of the "Other" dominant purpose of this Project.

Designate this exhibit as "Exhibit 5.02, Other Purpose of this Project."

**SECTION 6.00 “SIGNIFICANT GAP” QUESTIONS, IF APPLICABLE:**

*(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

6.01: Is this Project intended to close or reduce an asserted “significant gap” in a wireless telecommunications network, to include a network for “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or for “commercial mobile service”, as defined in 47 U. S.C. § 332 (d) (sometimes referred to collectively as “cellular network”)? If the answer is yes, attach a written statement, signed and sealed by an engineer licensed in Texas, including his or her designated primary area of engineering practice, and if it is not electrical engineering, then include a copy of his or her Supplementary Experience Record (SER) as filed with the Texas Board of Professional Engineers, Rule 133.97 (j), and explaining why he or she is competent without a designated primary area in the engineering branch area of electrical engineering concerning Radio Frequency (RF) engineering analysis. In such written statement provide full details describing the following:

- (1) Geographic boundary of the claimed significant gap area, attaching a street-level map showing that geographic boundary of the claimed significant gap.
- (2) Describe the size of the claimed significant gap area in square miles; and
- (3) Set out and explain the definition of and/or what constitutes a “significant gap” as used by Applicant in this Project.
- (4) If the term or of what constitutes a significant gap as set out above is different than the term significant gap is used or applied by the wireless industry generally, if known, and/or the FCC, if known, explain the differences and the reasons for the differences.
- (5) Where the Applicant has relied on external data sources to factually support the claimed significant gap area, identifying those sources and:
  - a. Whether the claimed significant gap affects a significant number of commuters on particular roadways, and if so, name each roadway, and include addresses by blocks, and how affected; and
  - b. Describe the number of potential cellular network users in the claimed significant gap area; and
  - c. Describe the number of potential cellular network users in the claimed significant gap area who may be affected by the claimed significant gap; and
  - d. Describe whether the proposed Project is needed to improve weak signals in a cellular network or to fill a complete void in coverage in a cellular network, and provide Radio Frequency (RF) engineering analysis proof of either; and
  - e. If the claimed significant gap covers roads on which the cellular network users lack roaming capabilities, identify such roads by name and block

address within the claimed significant gap area and provide road use information about each such road; and

- f. If one or more “drive tests” was conducted within the claimed significant gap area, discuss in detail the methodology of how the test(s) were conducted, including details about the test equipment by manufacture, model numbers and years in service, if more than 2 years, and calibration maintenance records, if applicable, and location of the test equipment, including any antennas in or on the test vehicle. Provide the objective data collected during the drive test in standard portable spreadsheet format; and
  - g. If the claimed significant gap affects a retail commercial district, show the boundaries of the district on the map; and
  - h. If the claimed significant gap poses a public safety risk, describe in detail the claimed risk, and the basis for this claim, including any correspondence (email or in writing) from or to the public, if any; and to or from any public safety officials (fire, police, others), if any, concerning or relating to this claimed public safety risk; and
- (6) If the claimed significant gap is based in whole or in part on factors related to switching center capacity; dropped calls; failed hand-offs; interference from or to other cell sites; site hopping; degraded cellular radio frequency signals; and/or any failure to meet any carrier transmission goal or percentage goal, attach at least the most recent twelve months of historical data by month documenting at least:
- a. The results or numerical data of each claimed metric and range of each parameter;
  - b. the wireless carrier’s numerical and percentage requirements for each such claimed perimeter;
  - c. the total number of calls attempted for each month both successfully and unsuccessfully completed;
  - d. the total number of calls that were not completed including failed originations; failed hand-offs; and non-normal call terminations; and (5) for every such claimed parameter that is not categorized by way of number or percentage, provide the data in the way kept by the carrier.

Designate this exhibit as “Exhibit 6.01, Basis of “significant gap” closing as a purpose of this Project.”

**6.02: Alternative Candidate sites to close the significant gap, if applicable:**

*(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

6.02.1: Did the Applicant, or anyone working on behalf of the Applicant, secured or attempted to secure any leases or lease-options or similar formal or informal agreements in connection with this Project for any sites other than the proposed Project site? If yes, please provide the

physical address of each such other location(s), and provide a narrative with technical explanation, to include a Radio Frequency (RF) engineering analysis, as to why each such other site was not used as the project site, including identifying and discussing all alternative sites considered to close the significant gap.

6.02.2: Are there any sites in lieu of the site proposed by Applicant that could either close the significant gap claimed or reduce the significant gap to be less than significant, with less impact on the community as compared with a single site? If yes, please provide the physical address of each such other location(s), and provide a narrative with technical explanation to include a Radio Frequency (RF) engineering analysis, as to why each such other site was not used as the project site, including identifying and discussing all alternative sites considered to close the significant gap. If the answer is no, please explain in narrative format the basis for that answer.

6.02.3: If there were no alternative sites were reviewed by the Applicant, or anyone working on behalf of the Applicant, please answer why in technical detail to include a Radio Frequency (RF) engineering analysis.

Designate these Responses to 6.02.1 through 6.02.3 as “Exhibit 6.02, Alternative Candidate Site to Close the Significant Gap Information.”

6.02.4: If the Town required the Applicant to designate one or more sites as alternative sites to the proposed site for the Project, would that requirement “unreasonably” discriminate against the Applicant from among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or “commercial mobile service”, as defined in 47 U. S.C. § 332 (d)? If the Applicant’s response asserts that either unreasonable discrimination or a prohibition or effective prohibition would occur, explain in detail in narrative form the technical, to include a Radio Frequency (RF) engineering analysis, why it would do so.

Designate this Response as “Exhibit 6.02.4, Town requirement of the Applicant to designate alternative sites to the proposed site for the Project will prohibit or have the effect of prohibiting the Applicant from providing any interstate or intrastate telecommunications service”.

**6.03: Proposed site, as the one and only one location to close the significant gap, if applicable**  
*(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

6.03.1: Does the Applicant considered the proposed site as the one and only one location within or outside of the Town that can close the significant gap? If yes, provide a technically detailed explanation supported by comprehensive radio frequency data and other necessary information fully describing why the proposed site is the one and only one location within or

outside of the Town that can possibly close the significant gap to include a Radio Frequency (RF) engineering analysis.

Designate this Response as “Exhibit 6.03.1, Proposed site as the one and only one location to close the significant gap information”.

6.03.2: If the Town denied the application at the site proposed for the Project, would that denial “unreasonably” discriminate against the Applicant from among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or “commercial mobile service”, as defined in 47 U. S.C. § 332 (d)? If the Applicant’s response asserts that either unreasonable discrimination or a prohibition or effective prohibition would occur, explain in detail in narrative form the technical, and other reasons why it would do so to include a Radio Frequency (RF) engineering analysis.

Designate this Response as “Exhibit 6.03.2, Town denial of this Project at this site will prohibit or have the effect of prohibiting the Applicant from providing any interstate or intrastate telecommunications service”.

**6.04: Least intrusive means to close the significant gap, if applicable:**

*(Not applicable for a fully qualified Section 6409 (a) eligible facility’s request to modify.)*

6.04.1: Is the proposed Project the least intrusive means to close the significant gap claimed and described above? If yes, attach a written statement describing at a minimum, why this project is the least intrusive means to close the significant gap claimed, to include a Radio Frequency (RF) engineering analysis and other information you relied on in reaching your affirmative determination in above.

Designate this Response as “Exhibit 6.04, Proposed Project as the least intrusive means to close the significant gap information”.

6.04.2: If the Town required the Applicant to have a less intrusive Project, to include a reduction in height and/or width, or to have concealment or stealth requirements, would those requirements would any of those requirements “unreasonably” discriminate against the Applicant from among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of “personal wireless services”, as defined in Section 322 (c) (7) (C) and/or “commercial mobile service”, as defined in 47 U. S.C. § 332 (d)? If the Applicant’s response asserts that either unreasonable discrimination or a prohibition or effective prohibition would occur, explain in detail in narrative form the technical, and other reasons why it would do so to include a Radio Frequency (RF) engineering analysis.

Designate this Response as “Exhibit 6.04.2, Town requirement of the Applicant to have a less intrusive Project, to include a reduction in height and/or width, or to have concealment or stealth requirement, will prohibit or have the effect of prohibiting the Applicant from providing any interstate or intrastate telecommunications service”.

**SECTION 7.00: WIRELINE PHYSICAL INTERCONNECTIONS BETWEEN THE PROPOSED SITE AND OTHER SITES THAT USE THE PUBLIC RIGHTS-OF-WAY:**

7.01: If the Project is to be physically interconnected by new wireline “back haul” on, over or under public rights-of-way, please provide the following, as applicable:

- (1) Identify by physical street address of the public rights-of-way, and the managing jurisdiction of the public-rights-of-way (City, County, or State).
- (2) Technical detail of the proposed method of the physical wireline interconnection, including, but not limited to: overhead, underground, conduits, leased capacity of others, *noting existing wireline connections and new ones.*
- (3) Detailed maps and drawings depicting the connections between the proposed Project site and the other sites where they are to be on, over or under public rights-of-way, *noting existing wireline connections and new ones.*
- (4) Detailed information as to the Applicant’s governmental grant of authority to use such public-rights-of-way for this purpose of physically interconnecting the Project to any other site or sites by the name of the approving governmental authority, including related documents (e.g., ordinances, franchise, agreements, license or permits), and/or applicable statutes by citation or other means of granting the Applicant (or others) the privilege to place private facilities in the public rights-of-way for private use to connect wireless facilities’ sites.

Designate this as “Exhibit 7.01, Wireline/backhaul interconnections in the Public Rights-of-Way Information.”

**SECTION 8.00: LEASE ALLOWANCE OF ADDITIONAL WIRELESS FACILITIES AND/OR PROVIDERS:**

*(Optional response, at Applicant’s sole discretion.)*

8.01: To the extent not confidential, will the Proposed Site be available for use by other wireless providers?

8.02: To the extent not confidential, does the lease agreement require written consent from the landowner/landlord to allow other wireless providers and/or additional wireless facilities?

8.03: To the extent not confidential, does the lease agreement have any limitations as to:

- (1) size- length, width, height, weight of facilities on the tower, or limitations as to the exact placement of the wireless antenna array and/or its “footprint”; or
- (2) any limitations of any other any additional wireless facilities to be placed on the tower by applicant or other wire?

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<sup>i</sup> *FCC 2009 Declaratory Ruling* is downloadable at:

[https://apps.fcc.gov/edocs\\_public/Query.do?mode=advance&rpt=cond](https://apps.fcc.gov/edocs_public/Query.do?mode=advance&rpt=cond)

<sup>ii</sup> *FCC 2014 Wireless Infrastructure Order* is downloadable at: <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>.

*Effective dates of the FCC 2014 Wireless Infrastructure Order:*

April 8, 2015: Section 6409 (a) rules are effective *April 8, 2015* (90 days after the Jan. 8, 2015 publication in the Federal Register (FR). *2014 Wireless Infrastructure Order*, ¶ 242), except to the extent Office of Management and Budget (OMB) approval is required, *2014 Wireless Infrastructure Order*, ¶ 286.

Sections requiring OMB approval are to be effective sometime after Jan. 20, 2015, but no earlier than April 8, 2015: The FCC determined the following portions of the Section 6409 (a) FCC rules require OMB approval before they are effective: 47 C.F.R. §§ 1.40001 (c) (3) (i) [detailed city document request for supplemental information to toll the 60 days “shot clock” due to 30 day notice of incompleteness]; 1.40001 (c) (3) (iii) [City 10 day review of supplemental information, and subsequent request to submit information to further toll the “shot clock”]; and 1.40001 (c) (4) [60 day failure to act “deemed granted”].

The link to the FCC’s OMB approval request is: [FR Notice](#). OMB action on this will be some time after Jan. 20, 2015, when comments are due. Until the OMB acts and the FCC publishes a notice of that OMB approval, those parts of the FCC Rules are not effective. *2014 Wireless Infrastructure Order*, ¶ 289. See FR also Jan. 8, 2015, at page 1238, <http://www.gpo.gov/fdsys/pkg/FR-2015-01-08/pdf/2014-28897.pdf>

Feb. 9, 2015: The balance of the Order on NHPA, NEPA and clarification of *FCC 2009 Declaratory Ruling* and Section 332 (c) (7) are effective 30 days from FR publication. *2014 Wireless Infrastructure Order*, ¶ 289, or Feb. 9, 2015. See FR also Jan. 8, 2015, at page 1238.

<sup>iii</sup> See *2009 Declaratory Order* ¶¶ 32 and 42, and FN 99; *FCC 2014 Wireless Infrastructure Order*, ¶ 216.

<sup>iv</sup> 47 C.F.R. § 1.40001(c).

<sup>v</sup> *2009 Declaratory Ruling*, ¶ 46. A Section 332 (c) (7) “collocation” project is one that does not “substantial increase in the size of a tower”. *2009 Declaratory Ruling*, footnote 146 states that a “substantial increase in the size of a tower” occurs when:(1) [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or (2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or (3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size

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limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or (4) [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.”

<sup>vi</sup> 47 C.F.R. § 1.40001 (b) (6).

<sup>vii</sup> *FCC 2014 Wireless Infrastructure Order*, ¶ 180-81. Replacement may be of “transmission equipment”, and may include hardening of the structure as a whole “where such hardening is necessary for a covered collocation, replacement, or removal of transmission equipment, but does not include replacement of the underlying structure.”