



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Petition No. 321 & Petition No. 323
Metro Mobile CTS
Microcellular Interior Sites
June 3, 1994

On May 6, 1994, Metro Mobile CTS of Hartford, Fairfield County, New Haven, New London, and Windham, Inc. (Metro Mobile) petitioned the Connecticut Siting Council (Council) for a declaratory ruling that low-power microcellular sites (microcells) installed within existing buildings are not subject to Council jurisdiction.

Under Connecticut General Statutes (CGS) section 16-50i(a)(6), a "facility" means: "such telecommunication towers, including associated telecommunications equipment, owned or operated by the state or a public service company, as defined in section 16-1, 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, as said council shall, by regulation, prescribe;". However, under section 16-50j-2a(6) of the Regulations of State Agencies (RSA), a "facility" means: "telecommunications towers owned or operated by the state or a public service company as defined in section 16-1 of the General Statutes, or used for public cellular radio communications service as defined in section 16-50i of the General Statutes, which may have a substantial adverse environmental effect." Under section 16-50j-2a(a) of the RSA "associated equipment" means: "... any building, structure, antenna, satellite dish, or technological equipment, including equipment intended for sending or receiving signals to or from satellites, that is an integral part of the operation of a community antenna television tower or telecommunications tower."

Microcells consist of antenna units measuring 6 to 8.25 inches square and 1.4 to 2.2 pounds in weight, mounted on the interior walls or ceiling of a building. The microcell unit is hard-wired to radio transit/receive equipment within a small equipment cabinet, also located entirely within the building.

In rendering a decision the Council must find and determine a public need for a facility, the nature of the probable environmental impact, including every significant adverse effect, including effects on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife.

No regulations explicitly exclude the type of interior facility described by Metro Mobile. However, Metro Mobile contends that because these microcells would not involve the use of towers they are not a "facility", and that because they would be located entirely within a building, they would not have an environmental effect, and therefore not require a Certificate from the Council.

Human exposure to radio frequency electromagnetic fields from microcells would still be under the jurisdiction of the Department of Environmental Protection and be within the American National Standards Institute safety levels, as required by CGS section 22a-162.

On May 12, 1994, Metro Mobile submitted Petition No. 323, a request for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of low-power microcells completely within three Bell Atlantic communications stores: Commercial Plaza, 71 Newtown Road, Danbury; 50 Rockland Road, Norwalk; and Burr Corners, 82 Buckland Street, Manchester, Connecticut. Metro Mobile would install one wall-mounted microcell within each store, consisting of four indoor cellular antennas and a low-power self-contained cell site within a 5.5-foot by 3-foot by 3-foot equipment cabinet. Should the Council approve Petition No. 321, Metro Mobile requests that Petition No. 323 be withdrawn. Metro Mobile later corrected the location of the Norwalk site as 48 Westport Avenue, not 50 Rockland Road.

On May 23, 1994, after discussion of holding a hearing on this petition or for establishing regulations, the Council tabled this item to the next meeting when hearing schedules could be reviewed. The Council now has before it the following options:

Deny - By denying this petition, the Council would continue to receive site specific requests for these types of facilities for Council consideration. Although not a burden at this time, this course of action may involve a work load increase should a substantially larger number of these microcells be proposed for use in existing buildings.

Approve - An outright approval of this petition would establish precedent that these types of antennas are not facilities under the Council's jurisdiction. This action should be reviewed in context with the Council's charge to regulate "such telecommunication towers, including associated telecommunications equipment, owned or operated by the state or a public service company, as defined in section 16-1 or used in the cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe;" (emphasis added).

Specify a hearing - The Council could order a hearing to assist the Council in rendering this ruling. A schedule has been produced for Council review, with a hearing that could be held as soon as June 28, 1994.

Establish regulations - If the Council believes this is a prudent type of exemption, but does not believe there is enough regulatory criteria, the Council may wish to resolve this issue by developing regulations to accommodate interior mounted microcells as exempt modifications. A schedule for regulations making, a hearing, and review by required agencies has been produced for Council review.

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