

**Melanie Bachman**

Acting Executive Director/Staff Attorney



# ***Connecticut Siting Council - Jurisdiction and Procedure – Small Cell Telecommunications Facilities***

## **Connecticut Association of Zoning Enforcement Officials**



October 5, 2016





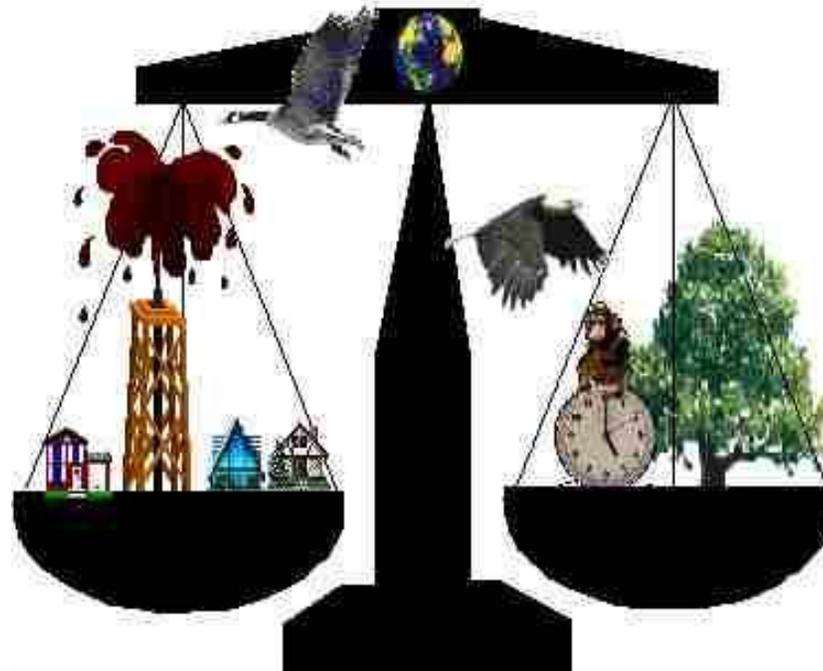
# STATUTORY AUTHORITY

- **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**



# FEDERAL COMMUNICATIONS COMMISSION PREEMPTION TELECOMMUNICATIONS ACT OF 1996

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 FACILITIES

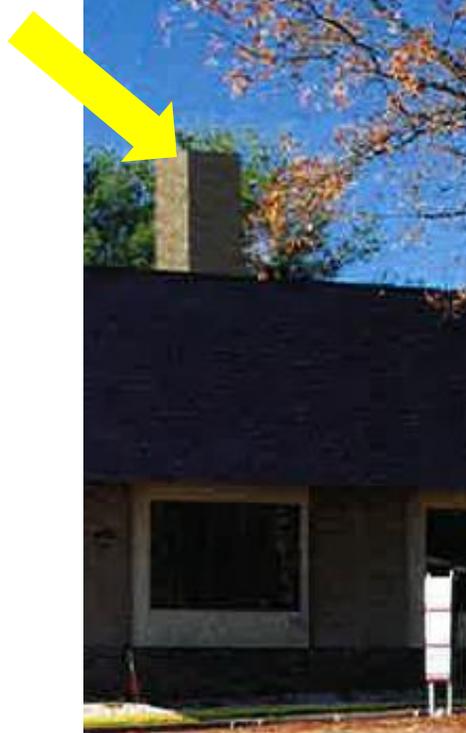


- Community antenna television towers and head-end structures
- Telecommunications towers and associated equipment that are used in a cellular system
- Distributed Antenna Systems (DAS) and Small cells
- Collocations or shared use of existing towers or structures
- Modifications to existing telecommunications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



“macrocell”

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)

# What is a “small cell?”

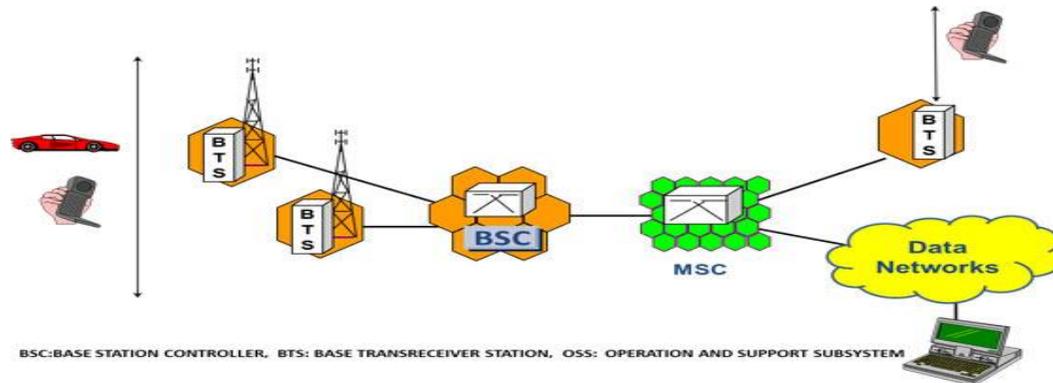


“microcell”

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

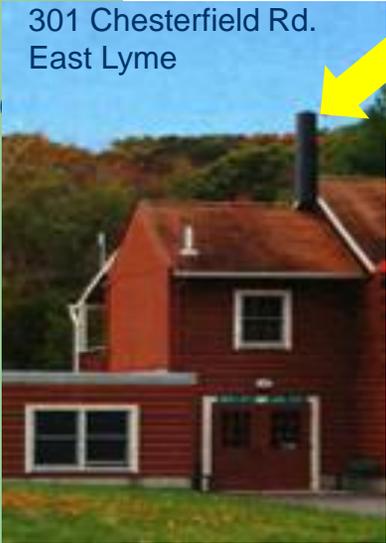
## What is a “base station?”



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



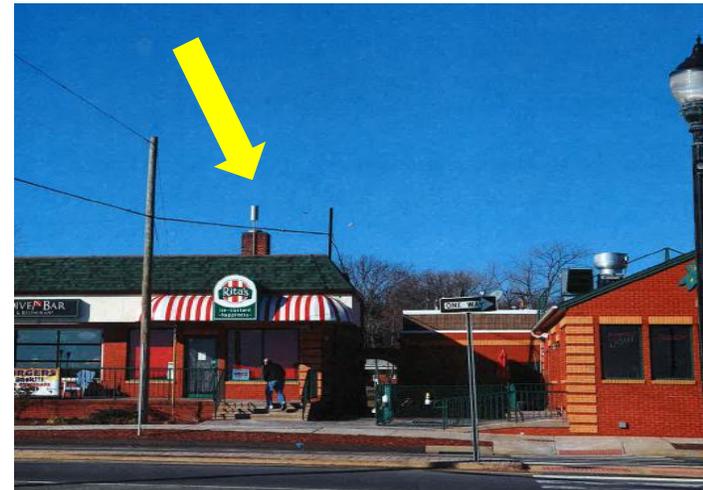
140 Route 32  
Franklin



212 Deans Mill Rd.  
Stonington



2 Ocean Ave.  
West Haven



37 Main St.  
Jewett City



Econo Lodge Motel  
Southington



# 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

**Substantial  
Adverse  
Environmental  
Effect**



**No Substantial  
Adverse  
Environmental  
Effect**

# PETITION FOR A DECLARATORY RULING PROCESS

## Notice of filing of petition

- Petitioner must submit copy to chief elected official of host municipality
- Additional notice requirements for certain types of petitions

## Public Field Review

- Depending on type of action requested, a public field review may be held at the site
- Any interested persons may attend public field review

## Decision

- 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

# FCC WIRELESS INFRASTRUCTURE REPORT AND ORDER ELIGIBLE FACILITIES REQUESTS

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

The screenshot shows the homepage of the Connecticut Siting Council website. At the top left is the CSC logo, which consists of a stylized house icon above the letters 'CSC' and the text 'CONNECTICUT SITING COUNCIL' below it. To the right of the logo is the text 'CONNECTICUT SITING COUNCIL'. Below this is a dark blue navigation bar with white text links: 'Home', 'About Us', 'Pending Matters', 'Decisions', 'Forms', and 'Contact Us'. The 'Pending Matters' link is circled in red. On the left side of the page, there is a vertical sidebar with a blue header containing a photo of Robert Stein and the text 'Robert Stein Chairman'. Below this are several menu items: 'Filing Guides', 'Meetings & Minutes', 'Public Participation', 'Audio Link to New Britain Hearing Rooms', 'Programs & Services', 'Telecommunications Database', 'Publications', 'Other Resources', 'Statutes & Regulations', 'Electric Transmission Upgrade Projects', and 'Frequently Asked Questions'. At the bottom of the sidebar is a 'Calendar' icon for January 2011. In the center of the page is a photograph of a brick clock tower with a white cupola and a green dome. Below the photo is the text 'Welcome to the Connecticut Siting Council.' At the bottom right of the page is a large version of the CSC logo.



# Contact Us

**Robin Stein**  
Chairman

**Melanie Bachman**  
Acting Executive Director  
Staff Attorney

**Connecticut Siting Council**  
**10 Franklin Square**  
**New Britain, CT 06051**  
**(860) 827-2935**  
**[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)**

