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

- Office of Policy and Management
- Public Utilities Regulatory Authority
- Connecticut Department of Transportation
- Connecticut Office of Energy and Environmental Policy
- Connecticut Environmental Quality Council
- Council on Environmental Quality
- U.S. NRC
- ISO New England
- Federal Aviation Administration
- Department of Defense
- Department of Energy
- FCC
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?”

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

“macrocell”

R.C.S.A. §16-50j-2a(30)
What is a “small cell?”

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.
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 vs. 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
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