

## **Modification of Existing Telecommunications Facilities**

### Modifications of Existing Telecommunications Towers

The Regulations of Connecticut State Agencies — RCSA § 16-50j-72(b)(2) — describe conditions under which modifications to an existing telecommunications facility do not constitute a substantial adverse environmental effect and, therefore, do not need a Certificate of Environmental Compatibility and Public Need to be issued by the Siting Council. In such cases, a company must notify the Council of its intent to make exempt modifications in accordance with RCSA § 16-50j-73. A company must also send a copy of its notice to the chief elected official of the municipality in which the facility is located.

A notice of intent to make exempt modifications should consist of the following components:

- A narrative that: 1) describes the existing facility including location (with latitude and longitude coordinates), height of tower, and size of the existing equipment compound; 2) describes the nature and extent of the proposed modifications including number of antennas to be installed, type of mounting, centerline height of antennas, and ground equipment to be installed; and 3) describes how the proposed modifications comply with the conditions identified in RCSA § 16-50j-72(b)(2).
- Engineering drawings that depict the existing facility and show the modifications to be made. Drawings should include plan and elevation views.
- An engineering analysis describing the existing tower's structural capability to accommodate the proposed modifications. This analysis should identify any structural changes and/or reinforcements that may be needed to accommodate the proposed modifications. The analysis must be stamped by a Professional Engineer.
- A calculation, based on an approved methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), of the power density of the radio frequency emissions to be generated by the antennas to be installed.
- All documents, including but not limited to maps, shall be dated (ie: effective dates, revision dates, or dates of adoption). If the document date is unavailable, the date the document was obtained shall be provided. If a map includes a key table(s), a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.

The applicant must submit an original and 25 copies of its notice of exempt modification with a \$500 filing fee.

### Replacement of Damaged Towers

A community antenna television tower or telecommunications tower and associated equipment installed adjacent to a damaged existing tower and associated equipment in order to maintain continuity of community antenna television service or telecommunications shall not constitute a facility requiring a Certificate provided that:

1. Such tower and associated equipment shall be removed at the earliest practicable time, but in no event later than nine (9) months after installation, unless otherwise approved by the Council or unless exempt under Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies, in which event the existing damaged tower shall be removed no later than nine (9) months after installation of the new tower;
2. The owner or operator of such tower and associated equipment shall give the Council written notice of the installation or proposed installation of such tower and associated equipment, which notice shall set forth: a) the location of such tower and associated equipment, b) the reason for its installation, and c) the estimated time such tower and associated equipment will remain in place;
3. The notice shall be given at the earliest practicable time, but not later than 48 hours after the installation of such tower and associated equipment; and
4. The owner or operator of such tower and associated equipment shall restore the site to its original condition as nearly as practical, subject to such other conditions as ordered by the Council. (Regs., Conn. State Agencies § 16-50j-72 (a))

#### Modification of Existing Towers Under Council Jurisdiction

None of the following shall constitute a modification to an existing community antenna television or telecommunications tower that may have a substantial adverse environmental effect:

1. Routine general maintenance and one-for-one replacement of facility components that is necessary for reliable operation;
2. Changes on an existing tower site that do not increase the tower height, extend the boundaries of the tower site, increase noise levels at the tower site boundary by six (6) decibels, and add radio frequency sending or receiving capability which increases the total radio frequency electromagnetic radiation power density measured at the tower site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to General Statutes § 22a-162; or
3. Replacement of an existing community antenna television tower or telecommunications tower and associated equipment with a tower that is no taller than the tower to be replaced and that will not support public service company or State antennas, or antennas to be used for public cellular radio communications emitting total radio frequency electromagnetic radiation power density measured at the tower site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to General Statutes § 22a-162. (Regs., Conn. State Agencies § 16-50j-72 (b))

#### Modification of Existing Towers Not Under Council Jurisdiction

Placement of community antenna television towers and head-end structures, telecommunications towers, and associated telecommunications equipment, owned or operated by the State or a public service company as defined in General Statutes § 16-1 or used in a cellular system, as

defined in the Code of Federal Regulations, Title 47, Part 22, as amended, on any existing non-facility tower, shall not constitute a substantial environmental effect when the changes on the existing non-facility tower:

1. Have received a ruling by the Council that such a facility would not cause a significant change or alteration in the physical and environmental characteristics of the site;
2. Do not extend the boundaries of the site;
3. Do not increase noise levels at the site boundary by six (6) decibels or more;
4. Do not increase the total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to General Statutes § 22a-162; and
5. Have received all municipal zoning approvals and building permits. (Regs., Conn. State Agencies § 16-50j-72 (c))

#### Temporary Use of Cellular Equipment

The temporary use of cellular equipment shall not constitute a facility provided that:

1. The temporary use is necessary to provide emergency or essential telephone service to areas of local disasters or events of statewide significance.
2. Any provider of temporary cellular telephone service for an event of statewide significance shall provide to the Council for its approval thirty (30) day advance written notice of the development of such temporary cellular service stating: a) the location of the portable site and a letter from the property owner authorizing use of the property for the temporary service; b) the height and power density of the portable system; c) the estimated time the portable site will be in use; and d) the reasons for the installation.
3. Any provider of temporary cellular telephone service at an area of a local disaster shall provide to the Council written notice within 48 hours of the deployment stating: a) the location of the portable site and a letter from the property owner authorizing use of the property for the temporary service; b) the height and power density of the portable system; c) the estimated time the portable site will be in use; and d) the nature of the emergency.
4. In no event shall temporary use of cellular equipment exceed thirty (30) days unless the Council grants approval. (Regs., Conn. State Agencies § 16-50j-72 (d))

#### Notice of Intent to Modify

The owner or operator of any tower and associated equipment claiming such tower and associated equipment is exempt pursuant to Section 16-50j-72 of the Regulations of Connecticut State Agencies shall give the Council and the chief elected official of the municipality of the site notice in writing prior to construction of its intent to construct such tower and associated equipment, detailing its reasons for claiming exemption. (Regs., Conn. State Agencies § 16-50j-73)

This overview is designed to answer general questions and provide basic information. Reference should be made to the appropriate statutes and regulations for specific regulatory language. Asserting a person's rights and privileges is his or her responsibility. Although it is not obligatory, it is a person's prerogative to obtain legal counsel.

