

Brian Postlewaite

From: Pare, Edward D. <EPare@brownrudnick.com>
Sent: Friday, October 11, 2019 4:22 PM
To: Shannon Phillips
Cc: David Shapiro; Francis Wright; Brian Postlewaite
Subject: RE: Crown Castle - Eligible Facilities Requests - Notice of Incomplete/Missing Information
Attachments: BS90XS714 - ODAS_N070 Stamped.pdf; BS90XSG72 - ODAS_N071 Stamped.pdf; ODAS_2D-07_BS90XSOCI_CDs (08.27.19).pdf

Good afternoon Shannon and thanks to everyone in Somerville for the timely review of Crown Castle's Eligible Facilities Requests. I copied your email request below and responded in red:

Pursuant to our conversation last night, I am writing to follow up in writing on the attached eligible facilities requests to modify 16 base stations in Somerville filed on September 16, 2019.

Pursuant to 47 C.F.R. §1.40001(c)(3)(i) the City hereby provides Crown Castle via this email communication with written notice that the attached requests are incomplete and submission of the following documentation and/or information is necessary in order for the City to continue its review of these applications:

- 1) Site 70 and Site 71 are missing stamped engineering plans. This is necessary for the City to conduct a review of these applications and ensure they are consistent with state building code requirements as allowed for during Section 6409(a) review; and

Attached, please find the plans stamped by the engineer. My apologies for this oversight.

- 2) The requests are missing information concerning the "color" of the new proposed modifications of transmission equipment that will be placed on the base stations. The current equipment at these locations is painted brown - a condition of prior approval and a concealment element. Without information on the intended color of this new equipment, the City has no way of making a determination on whether Crown Castle's proposed modifications constitute a "substantial change" – whether these requests meet the criteria under 47 C.F.R. §1.40001(b)(7)(v) and (vi) specifically which requires modifications comply with "existing concealing elements" and "prior conditions of approval."

Crown Castle agrees to keep the same color scheme as the existing equipment on all of the locations. I will confirm this commitment in my cover letter transmitting copies of the stamped plans referenced above in item 1. I hope such a commitment will address this issue.

The above-listed information and documentation is necessary and reasonably related to the City's review of whether the attached "eligible facilities requests" meet the requirements of 47 C.F.R. §1.40001. As soon as the City has this requested additional information and/or documentation, it can continue forward with the review of these requests accordingly.

Furthermore, please be on notice by way of this email and our conversation last night that "Site 07" is located entirely on private property- a parking lot of St. Catherine's Church in Somerville- and not on a public right of way. Therefore, the City has no jurisdiction to review- grant or deny- the "eligible facilities request" relative to

that site and will not be issuing a determination thereon. This request for modification should be submitted to the proper property owner which I have been informed is not the City of Somerville.

Crown Castle respectfully withdraws the Eligible Facilities Request for "Site 07" on Belmont Street (copy of plans attached for clarity).

Thanks again and I hope everyone has a great, long weekend.

Ed

brownrudnick

Edward D. Pare, Jr.

Counselor at Law

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Please consider the environment before printing this e-mail

From: Shannon Phillips [mailto:sphillips@somervillema.gov]
Sent: Tuesday, October 08, 2019 11:52 AM
To: Pare, Edward D.
Cc: David Shapiro; Francis Wright; Brian Postlewaite
Subject: RE: Crown Castle - Eligible Facilities Requests - Notice of Incomplete/Missing Information

External E-mail. Use caution accessing links or attachments.

Ed:

As a further point of clarification to # 2 below, the "shroud and antenna" at each of the listed sites in the eligible facilities requests are the specific equipment which were previously painted brown, and which also must be painted brown with these new installations /modifications for the City to determine that these requests comply with 47 C.F.R. §1.40001 and no substantial change is being requested.

Thank you.

Shannon T. Phillips, Esq.
Assistant City Solicitor
City of Somerville
93 Highland Avenue
Somerville, MA 02143
[617-625-6600, ext.4403](tel:617-625-6600)

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From: Shannon Phillips
Sent: Tuesday, October 08, 2019 11:48 AM
To: Pare, Edward D.
Cc: David Shapiro; Francis Wright; Brian Postlewaite
Subject: RE: Crown Castle - Eligible Facilities Requests - Notice of Incomplete/Missing Information

Ed:

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- 1) Site 70 and Site 71 are missing stamped engineering plans. This is necessary for the City to conduct a review of these applications and ensure they are consistent with state building code requirements as allowed for during Section 6409(a) review; and
 - 2) The requests are missing information concerning the “color” of the new proposed modifications of transmission equipment that will be placed on the base stations. The current equipment at these locations is painted brown - a condition of prior approval and a concealment element. Without information on the intended color of this new equipment, the City has no way of making a determination on whether Crown Castle’s proposed modifications constitute a “substantial change” – whether these requests meet the criteria under 47 C.F.R. §1.40001(b)(7)(v) and (vi) specifically which requires modifications comply with “existing concealing elements” and “prior conditions of approval.”

The above-listed information and documentation is necessary and reasonably related to the City’s review of whether the attached “eligible facilities requests” meet the requirements of 47 C.F.R. §1.40001. As soon as the City has this requested additional information and/or documentation, it can continue forward with the review of these requests accordingly.

Furthermore, please be on notice by way of this email and our conversation last night that “Site 07” is located entirely on private property- a parking lot of St. Catherine’s Church in Somerville- and not on a public right of way. Therefore, the City has no jurisdiction to review- grant or deny- the “eligible facilities request” relative to that site and will not be issuing a determination thereon. This request for modification should be submitted to the proper property owner which I have been informed is not the City of Somerville.

Please do not hesitate to contact me should you have any further questions or concerns.

Shannon T. Phillips, Esq.
Assistant City Solicitor
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Somerville, MA 02143
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From: Pare, Edward D. [mailto:EPare@brownrudnick.com]
Sent: Wednesday, September 25, 2019 8:59 AM
To: Jessica Fosbrook <jfosbrook@somervillema.gov<mailto:jfosbrook@somervillema.gov>>
Cc: Francis Wright <fwright@somervillema.gov<mailto:fwright@somervillema.gov>>; David Shapiro <DSHAPIRO@somervillema.gov<mailto:DSHAPIRO@somervillema.gov>>
Subject: RE: Crown Castle - Eligible Facilities Requests - Modifications to Small Cell Wireless Facilities in the Public Rights of Way

Good morning. I am following up on our eligible facilities requests which were submitted last week. As I mentioned, I'd be happy to schedule a meeting to review the filings and answer any questions.

Thanks.

Ed

<image001.jpg>

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Counselor at Law

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Please consider the environment before printing this e-mail

From: Pare, Edward D.
Sent: Monday, September 16, 2019 6:06 PM
To: 'jfosbrook@somervillema.gov<mailto:jfosbrook@somervillema.gov>'
Cc: 'fwright@somervillema.gov<mailto:fwright@somervillema.gov>';
'DSHAPIRO@somervillema.gov<mailto:DSHAPIRO@somervillema.gov>'
Subject: Crown Castle - Eligible Facilities Requests - Modifications to Small Cell Wireless Facilities in the Public Rights of Way

Hi Jessica. I copied Frank and David because I have worked with them on other wireless matters in Somerville in the past.

On behalf of Crown Castle, attached is a courtesy copy of our eligible facilities request to modify 16 existing base stations in Somerville. These are all existing small cell facilities and we seek the Engineering Department's review pursuant to the Federal Spectrum Act and the Small Cell Standards of the City of Somerville. I understand and agree that this email does not constitute the filing but I want to send along the cover letter in the event you'd like to discuss. As noted in the cover letter, a complete package is being submitted via federal express.

Once you receive the filings, I would be happy to schedule an in person meeting if that would help facilitate the review. I would be able to review the submissions with you and your staff, answer any questions and discuss the federal requirements.

I look forward to working with you on this project.

Thanks.

Ed

<image001.jpg>

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