

CITY OF LOWELL

PETITION

CITY COUNCIL

At Pole Location

New England Wireless P&S LLC

Small cell site for mobile device data delivery

In City Council

July 24, 2018

Read and hearing ordered for 7PM on

August 14, 2018

**Read, Hearing Held,
Referred to Wire In-
specter, Development
Services**

City Clerk



City Engineer

Review of Utility Company Request for New Conduit/Pole Location

| | | | |
|-----------------------|---|-----------------------|-----------------|
| Applicant Information | | | Project Address |
| Utility | <u>Gas</u> Electric Telephone | <u>1007 Gorham St</u> | |
| (circle one) | <u>(Other)</u> | <u>Lowell, MA</u> | |
| Reason | <u>Small cell site for mobile device data delivery.</u> | | |

Date Submitted 6/21/2018

Review done by Joseph Assenza

| | | | |
|--|----------|---------|-------|
| Sidewalk Material | Concrete | Asphalt | Other |
| Note: material to be replaced in kind (Concrete in full panels) | | | |
| Sidewalk Vaults present | | Y | N |
| Work on Street under a Paving Moratorium | | Y | N |
| Is this location within the Flood Plain? | | Y | N |
| Are ADA requirements being met? | | Y | N |

Comments

Subject to license agreement with the City of Lowell, MA.

Outcome of Review

Approved

Approved With
Comments

Denied

J

Jim Donison, P.E. DPW
Commissioner

7/11/18

6/21/18



City Council
Lowell City Hall
375 Merrimack Street
Lowell, MA 01852

June 18, 2018

RE: Petition of New Cingular Wireless PCS, LLC ("AT&T") for Grant of Location for Telecommunication Wires and Wireless Attachments and Appurtenances: **Project: Area6_24A: Location: 1007 Gorham St, 42.62793 N, -71.307633 W**

Dear Honorable Members of the City Council:

Pursuant to Massachusetts General Laws Chapter 166, Sections 21, 22 and 25A, please find enclosed the petition (the "Petition") of New Cingular Wireless PCS, LLC ("AT&T") for a grant of location for telecommunication wires and wireless attachments and appurtenances to be attached to existing utility poles owned by National Grid/Verizon within the City of Lowell. Included with the Petition are detailed plans that identify the locations where AT&T's proposed attachments will be placed. This includes an area map of the location as well as the utility pole profiles depicting the equipment attachment heights and specs.

AT&T requests that the City schedule a public hearing on this Petition, subject to the requirements of Chapter 166 of the Massachusetts General Laws. Those requirements prescribe that the City mail "written notice of the time and place of the hearing at least seven days prior to all owners of real estate abutting upon that part of the way upon, along, across or under which the line is to be constructed, as such ownership is determined by the last preceding assessment for taxation". It is my understanding that the City will be able to produce this list and I will work with the City Clerk to ensure the letters are sent per these requirements.

Project Description

AT&T proposes to deploy this small cell site in the City of Lowell in order to deal with the rapidly increasing demand on AT&T's wireless network. The small cell site will be mounted on existing National Grid/Verizon utility poles located within the public rights of way. The small cell site will work in conjunction with the existing macro sites installed on rooftops, towers and other structures in and around the City of Lowell. This Petition specifically addresses the following location:

Project: Area6_24A: Location: 1007 Gorham St, 42.62793 N, -71.307633 W

AT&T's radio frequency engineers targeted the proposed location due to the high traffic and data demands on AT&T's network. AT&T's existing macro cell sites are not providing adequate data capacity in this location due to increased population, vehicular and foot traffic, multiple wireless devices used by each person and other contributing factors. This small cell site will work to offload the demand on the macro sites and allow for increased data capacity and speed within the immediate vicinity of the proposed small cell site.

The small cell site will be installed using standard commercially accepted methods in accordance with all applicable federal, state and local laws and regulations. All proposed attachments are to existing poles owned and maintained by National Grid/Verizon. AT&T has entered into a Pole Attachment Agreement with National Grid/Verizon.

The small cell installation on each existing utility pole will include: fiber optic cable(s); remote nodes in a small equipment cabinet H32" x W18" x D12" mounted to the pole at least 8' above ground level; an unobtrusive pole top antenna measuring 24.7" long and 10" in diameter; conduits and cable protectors; and, an electrical meter with shutoff switch. Attached please find design sketches for the site showing the proposed location, pole height, mounting height, equipment specifications and utility plan.

The Telecommunications Act of 1996 (the "Act")

Without the installation, AT&T would be unable to provide specifically established coverage and capacity objectives. The utility pole is located within the limited geographic area whereby AT&T's radio frequency engineers determined that a wireless facility is required. The Act imposes substantial restrictions affecting the standard for granting the requested relief. The ACT provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the FCC's Declaratory Ruling commonly referred to as the "shot clock".

We have attached to this petition a generic emissions report demonstrating that the low power antenna will comply with applicable FCC standards with respect to emissions.

For the convenience of the City Council, AT&T has provided a proposed Form of Order for your consideration.

Should you have any questions, or would like any additional information prior to the public hearing please do not hesitate to contact me at (774) 261-0043 or jiacoviello@clinellc.com. AT&T will be present at the public hearing to answer any questions you may have as well.

Thank you,

Jeff Iacoviello



Jeffrey Iacoviello | Site Acquisition Consultant
750 W Center St, Floor 3 | West Bridgewater, MA 02379
Mobile: 774.261.0043 | Fax: 617.249.0819
jiacoviello@clinellc.com | www.centerlinecommunications.com

PETITION FOR LOCATIONS FOR TELECOMMUNICATIONS WIRES AND WIRELESS ATTACHMENTS AND APPURTENANCES

To THE CITY COUNCIL OF THE CITY OF LOWELL, MASSACHUSETTS

Pursuant to Massachusetts General Laws, Chapter 166, Sections 21, 22 and 25A, and the City Ordinances of the City of Lowell, Massachusetts, NEW CINGULAR WIRELESS PCS, LLC ("AT&T") requests that it be granted locations for and permission to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable(s), remote nodes and pole top antennas to be attached to existing National Grid/Verizon utility poles, located upon and along the following public ways within the City of Lowell, as depicted on the attached plans. In addition, AT&T seeks permission to install conduit or direct bury cable(s) as depicted on the plans submitted.

Wherefore, AT&T requests that, after due notice and public hearing as provided by law, that it be granted locations for permission to construct the telecommunications wires and wireless attachments and appurtenances upon, along and under the public ways within the City of Lowell as depicted on the plans filed herewith. AT&T also submitted additional information in support of this Petition.

Respectfully submitted,

NEW CINGULAR WIRELESS PCS, LLC ("AT&T")

By: Jeff Iacoviello
Site Acquisition Consultant
Centerline Communications, LLC

ORDER FOR LOCATION FOR TELECOMMUNICATIONS WIRES AND WIRELESS ATTACHMENTS AND APPURTENANCES

By the City Council

Of the City of Lowell, Massachusetts, _____, 2018

ORDERED:

That pursuant to Massachusetts General Laws, Chapter 166, NEW CINGULAR WIRELESS PCS, LLC ("AT&T") is hereby granted locations for and permission to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable(s), remote nodes and pole top antennas, to be attached to existing National Grid/Verizon utility poles, located upon, along and under the public ways within the City of Lowell, as substantially shown on the plans filed with said Petition. In addition, AT&T is hereby granted permission to install conduit or direct bury fiber cable(s) as depicted on the plans submitted.

The forgoing permission is subject to the following conditions:

1. The telecommunications wires and wireless attachments and appurtenances shall be installed and operated in compliance with all applicable federal and state laws and regulations.
2. AT&T shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of AT&T or its agents or servants, or in any manner arising from the rights and privileges granted by the City.
3. AT&T shall comply with the requirements of existing City Ordinances, as may be applicable and such as may hereafter be adopted governing the construction and maintenance of said telecommunications wires and wireless attachments and appurtenances, so far as the same are not inconsistent with the laws of the United States or of the Commonwealth of Massachusetts.

I hereby certify that the foregoing was adopted at a meeting of the City Council of the City of Lowell, Massachusetts, held on the _____ day of _____, 2018.

City Clerk

APPROVED

We hereby certify that on _____, 2018, at _____, o'clock at _____, a public hearing was held on the Petition of NEW CINGULAR WIRELESS PCS, LLC ("AT&T") for permission to construct and maintain telecommunications wires and wireless attachments and appurtenances, including fiber optic cable(s), remote nodes and pole top antennas, to be attached to existing utility poles, located upon, along and under the public ways within the City of Lowell and to install conduit or direct bury fiber cable(s) as indicated in the plans described in the order herewith recorded, that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the telecommunications wires and appurtenances of AT&T under said order, and that thereupon said order was duly adopted.

City Council of the City of Lowell

CERTIFICATE

I hereby certify that the forgoing is a true copy of a grant of location order and certificate of hearing with notice adopted by the City Council of the City of Lowell, Massachusetts, on the _____ day of _____, 2018, and recorded with records of location orders of said City, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of the Massachusetts General Laws, as amended.

Attest:

City Clerk