



Crown Castle  
116 Inverness Drive East  
Suite 300  
Englewood, CO 80112

June 16, 2020

Via Digital Submittal

County of El Paso, CO  
Development Services  
1880 International Circle, Suite 110  
Colorado Springs, CO 801910

RE: El Paso County File Number PPR206 – Review Comments  
Eligible Facilities Request to modify equipment on a communications tower  
located at: BLANEY ROAD, COLORADO SPRINGS, CO, 80929

To Whom It May Concern:

As you may be aware, on February 22, 2012, Congress enacted “collocation-by-right” legislation preempting delays in the process of zoning the collocation of transmission equipment on existing wireless communications facilities (“Section 6409(a)”).<sup>1</sup> Section 6409(a) mandates that local governments must approve any eligible facilities request (EFR) for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

The EFR waiting for approval is for equipment modifications to an existing wireless facility, with no substantial changes as defined in Section 6409. A tower removal is not occurring, nor is any assignment or sublease as defined in our lease. We sometimes provide a redacted copy of our lease as a courtesy to determine our rights to submit applications and make modifications. We do not consider the Landlord’s consent to the Tower Removal Agreement to be a necessary item in determining the validity and approval of the EFR. Nor should it be made a condition of our lease with the landlord, or of the original siting approval.

For these reasons we decline the request to obtain Landlord’s written consent to the Tower Removal Agreement and ask that you move forward with an approval of the zoning application.

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<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012)

Thank you for your cooperation.

Regards,

*Craig Chagnon*

Craig Chagnon  
Network Real Estate Specialist  
801-979-9077



# Agency Review Comments

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## Project

<b>Project Name</b>	2160 Blaney Road Tower Modification
<b>Applicant</b>	Crown Castle - Craig
<b>File Number</b>	PPR206
<b>Project Manager</b>	Petra Rangel ( <a href="mailto:petrarangel@elpasoco.com">petrarangel@elpasoco.com</a> )
<b>Status</b>	Active
<b>Created</b>	12/10/2019 2:57:28 PM

## Review Comments (9)

Link	Agency	Comment	Date
	County Attorney - Development Review	Thank you for submitting the lease. Under Paragraph 16, the Landlord must consent to any assignment of the rights under the lease, unless the assignee meets certain criteria which are not applicable to the County. Are you able to obtain Landlord's written consent to the Tower Removal Agreement?	6/16/2020 9:29:11 AM
	Falcon Fire Protection District	Fire has no objections or concerns	4/22/2020 3:07:29 PM
	County Attorney - Development Review	Because the applicant is not the owner of the property, it must provide documentation, such as a lease, that it has the legal right to enter the property to install and remove the CMRS facility AND the legal authority to assign such rights of entry and removal to El Paso County in the Tower Removal Agreement.	3/30/2020 10:04:21 AM