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## **Verizon Wireless 60-Day Eligible Facility Request Modification of Existing Wireless Base Station**

**Request Date:** September 22, 2022

**Jurisdiction:** El Paso County

**Departments:** Planning and Community Development

**Site Address:** 15475 Gleneagle Drive, Colorado Springs, CO 80123

**Verizon Wireless Contact:** Lori Paiz / [lori@q3consulting.com](mailto:lori@q3consulting.com) / 303.915.4076

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This document serves as Verizon Wireless's eligible facilities request to modify an existing wireless base station at the above-referenced site address. This eligible facilities request must be approved administratively under Section 6409 of the Federal Spectrum Act and Federal Communications Commission ("FCC") rules. Review by El Paso County is limited to determining whether the proposed modification qualifies as an eligible facilities request that does not substantially change the physical dimensions of the wireless base station. All permits necessary to commence construction must be approved within 60 days of the request date set forth above, subject to tolling for incompleteness.

For this request, Verizon Wireless attaches the following applications for all the permits required by El Paso County to commence construction of the modification:

1. Site plan review
2. Building permit
3. Traffic control plan

Verizon Wireless submits the application fees in the amount of \$TBD with this application by check or electronic payment.

### **Project Description**

The existing wireless facility owned by Bethesda Ministries was permitted and issued through El Paso County on 7/21/2016

To accommodate new wireless technologies, Verizon Wireless proposes to

TO BE REMOVED:

- (10) - EXISTING ANTENNAS
- (6) - RADIOS
- (3) - 2260 OVPS

TO BE INSTALLED:

- (3)-NHH-65A-R2B ANTENNAS
- (3)-NHH4-65A-R3B ANTENNAS
- (3)-AIR6449 ANTENNAS
- (3)-4408 CBRS RADIOS
- (3)-8843 RADIOS
- (3)-BSAMNT-SBS-1-2 DUAL MOUNTS
- (1)-6648 BBU
- (1)-DC UP CONVERTOR
- (1)-6x12 LI HYBRID CABLE
- (2)-4520 OVPS
- (3)-6627 OVPS
- (3)-EXHAUST FANS & (3)-HOUSINGS
- (3)-LOUVERS
- ANY OTHER ASSOCIATED HARDWARE, CABLES, & STRUCTURAL MODIFICATIONS

No additional changes are proposed for the modification.

### **FCC Rules for Eligible Facilities Requests**

The Spectrum Act states that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”<sup>1</sup> An “eligible facilities request” is defined to include any collocation, removal, or replacement of existing equipment.<sup>2</sup>

The FCC adopted rules providing legally binding guidance on key terms of the Spectrum Act, notably defining “substantial change” with the six thresholds described below.<sup>3</sup> The FCC requires that qualifying eligible facilities requests be approved within 60 days, subject to tolling for incompleteness.<sup>4</sup> The 60-day period begins when an applicant takes the first procedural step required by a local government, and submits written documentation.<sup>5</sup> The only submittal documents a local government can require are those relevant to determining if a proposed modification qualifies as an eligible facilities request.<sup>6</sup> If a local government does not render a decision within the 60-day period, an eligible facilities request can be deemed granted by operation of law.<sup>7</sup>

### **The Proposed Modification Does Not Constitute a “Substantial Change”**

Below are the FCC’s six “substantial change” thresholds for a wireless base station,<sup>8</sup> each followed by an explanation that the proposed modification does not exceed that threshold.

- 1) It increases the height of the structure by more than 10% or more than ten feet, whichever is greater.

*N/A – Does not increase the height of the structure by more than 10% or more than ten feet.*

- 2) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

*N/A – Does not involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.*

- 3) It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four; or, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

*N/A – Does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four; or, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.*

- 4) It entails any excavation or deployment outside the current site (as defined at 47 C.F.R. § 1.6100(b)(6)).

*N/A – Does not entails any excavation or deployment outside the current site (as defined at 47 C.F.R. § 1.6100(b)(6)).*

- 5) Would defeat the concealment elements of the eligible support structure.

*N/A – Does not defeat the concealment elements of the eligible support structure.*

- 6) Does not comply with conditions associated with the siting approval of the construction or modification of the existing facility, unless the non-compliance is due only to a change in height, width, etc., that does not exceed the first four thresholds.

*There are no prior conditions of approval that would render the modification to be non-compliant, aside from any conditions that would be preempted by the first four “substantial change” thresholds.*

In sum, the modification clearly qualifies as an “eligible facilities request” under the Spectrum Act and FCC rules, because it does not exceed any of the thresholds such that it would “substantially change” the physical dimensions of the existing wireless base station. Failure to process this eligible facilities request and approve all necessary permits within 60 days may result in the request being deemed granted by operation of law.

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<sup>1</sup> 47 U.S.C. § 1455(a)(1).

<sup>2</sup> 47 U.S.C. § 1455(a)(2).

<sup>3</sup> See Report and Order FCC 14-153, 29 FCC Rcd. 12865 (FCC October 17, 2014); see also Report and Order FCC 20-153, 85 FR 78005 (FCC October 27, 2020).

<sup>4</sup> See 47 C.F.R. § 1.6100(c)(2), (3).

<sup>5</sup> Declaratory Ruling 20-75, 35 FCC Rcd 5977, ¶ 16 (FCC June 9, 2020).

<sup>6</sup> See 47 C.F.R. § 1.6100(c)(1).

<sup>7</sup> See 47 C.F.R. § 1.6100(c)(4).

<sup>8</sup> See 47 C.F.R. § 1.6100(b)(7).