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Seattle, WA 98109

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Please add "PCD File No.  
TWR-22-005"

June 30, 2021

El Paso County  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

Per enumerations/Pikes Peak Regional Department:  
-the address is 365 Command View, please change  
and update address on all documentation

**RE: Add a New Collocation to an Existing Facility - 360 Command View (823722 Dillie + Kuhn)**

Property: 360 Command View  
Colorado Springs, CO 80908  
APN: 54170-01-004  
Property Owner: Colo Military Academy  
2000 Corporate Drive  
Canonsburg, PA 15317  
Zone: CC CAD-O

Please see both comments below:  
- Per Board of County Commissioners Resolution No. 09-346 (PCD File No. AL-09-003) the commercial tower and associated antennas shall have a maximum height of 80 feet measured from the ground surface.  
- Per Federal Eligible Facility criteria, the proposed activity does not meet the "Eligible Facility" request see (47 CFR § 1.6100 - Wireless Facility Modifications B.7.i.A) proposed request increases height of tower by more than 10% .

**Proposal:**

New Cingular Wireless PCS LLC (aka AT&T) needs to improve its coverage and is proposing to extend the existing tower and attach its antennas. On the tower, AT&T proposes to add a 30’ tower extension, (6) antennas, (12) radios (RRH), (3) surge suppressors, (6) power cables, and (3) fiber cables. On the ground, AT&T proposes to add (1) Walk-In-Cabinet (WIC) and a 30kW diesel backup generator. This installation will improve AT&T customers coverage.

These tower modifications meet the standards of an “Eligible Facility” under the Code of Federal Regulations; Title 47; Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications. This narrative will demonstrate that the proposed changes meet these standards.

\* Two sections of the Title 47; Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications were updated on December 2, 2020. These updates are documented in the Federal Register, Doc. 2020–25144. (I can supply a copy, if needed.) Page 14 of the document identifies the replacement of 1.6100 Wireless Facility Modifications,

Section (6) *Site* and Sub-Section (7) *Substantial change, (iv)*. These updated are identified with asterisks.

On the following page are a picture of the tower taken in 2020, a picture showing the parcel where the facility is located, and a narrative demonstrating that the proposal is an Eligible Facility.

**Existing Tower:**



Source: Crown Castle

**Tower Location:**



Arrow is pointing at the existing facility

Source: El Paso County Assessor's Real Property Search - <https://property.spatalest.com/co/elpaso>

**Applicable Code**

Code of Federal Regulations; Title 47; Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications

**§ 1.6100 Wireless Facility Modifications.**

(a) [Reserved]

(b) *Definitions.* Terms used in this section have the following meanings.

(1) *Base station.* A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)–(ii) of this section.

***Response:*** *On the ground, AT&T proposes to add (1) Walk-In-Cabinet (WIC) and a 30kW diesel backup generator. This is illustrated on sheets A-2.1 and A-2.2 of the attached Construction Drawings. This constitutes the changes to the “Base Station” at this facility. The changes do not meet the threshold of a “Substantial Change”.*

(2) *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

***Response:*** *The upgrades to the existing collocation are on an eligible support structure for the purpose of transmitting and receiving radio frequency signals for communication purposes. The proposed changes meet the standards of an Eligible Facility.*

(3) *Eligible facilities request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (i) Collocation of new transmission equipment;
- (ii) Removal of transmission equipment; or
- (iii) Replacement of transmission equipment.

**Response:** *On the tower, AT&T proposes to add a 30' tower extension, (6) antennas, (12) radios (RRH), (3) surge suppressors, (6) power cables, and (3) fiber cables. On the ground, AT&T to add (1) WIC and a 30kW diesel backup generator. This is illustrated on sheets A-2.1, A-2.2, A-3, A-4.1, and A-4.2. The proposed changes meet the standards of an Eligible Facility.*

(4) *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

**Response:** *The tower and base station are in existence and have been previously permitted by El Paso County. The proposed changes meet the standards of an Eligible Facility.*

(5) *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

**Response:** *The tower and base station are in existence and were lawfully constructed. The proposed changes meet the standards of an Eligible Facility.*

\*(6) *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.

**Response:** *The current boundaries of the site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed. The current site meets the standards of an Eligible Facility.*

(7) *Substantial change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

The portion of section referenced in the response applies to horizontal separation, not vertical. Federal criteria provides an example of where horizontal separation would take place such as a rooftop. The omitted section of 47 CFR § 1.6100 - Wireless Facility Modifications B.7.i.A states "in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act."

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

**Response:** *The existing tower is 80' tall. AT&T proposes a 30' tower extension that will allow a 19'-6" separation from other carriers antennas. This increases the height of the tower by one additional antenna array with separation from the nearest existing antenna array not exceeding 20'. Not a Substantial Change and meets the standards of an Eligible Facility.*

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the **edge of the tower more than twenty feet**, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, 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;

**Response:** *The antenna mount, with antennas, will protrude from the edge of the tower by about 7', which is less than the allowed 20'. Not a Substantial Change and meets the standards of an Eligible Facility.*

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights of-way and base stations, 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;

**Response:** *AT&T will add (1) WIC and a 30kW diesel backup generator. Not a Substantial Change and meets the standards of an Eligible Facility.*

\*(iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

**Response:** *The proposed collocation will include a 17' x 22' compound expansion. This is less than the 30' allowed in any direction. This excludes access and utility easements. Not a Substantial Change and meets the standards of an Eligible Facility.*

(v) It would defeat the concealment elements of the eligible support structure; or

per BOCC Resolution 09-346 condition of 80 feet of maximum height for tower and associated antennae exists. Please revise proposed request.

**Response:** *There are not any concealment elements (elements design to resemble something other than a cell tower) on this facility. The proposed additions to the facility will conform with existing camouflage requirements. Not a Substantial Change and meets the standards of an Eligible Facility.*

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

**Response:** *The proposed changes do not affect the siting approval of the construction or modification of the eligible support structure or base station equipment and is compliant with the thresholds identified in § 1.40001(b)(7)(i) through (iv). There is not a Substantial Change and therefore meets the standards of an Eligible Facility.*

(8) *Transmission equipment.* Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**Response:** *AT&T's facility meets the standards of a Transmission Facility. It comprises of an equipment shelter, antennas, fiber-optic cables and other equipment that is ancillary to the operation of the facility. AT&T's facility meets this definition.*

(9) *Tower.* Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

***Response:*** *Crown Castle's tower has Commission (FCC)-licensed and authorized antennas used for wireless communication services. The tower meets this definition.*

(c) *Review of applications.* A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) *Documentation requirement for review.* When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

***Response:*** *AT&T has provided information to establish that the proposed changes meet the standards of an Eligible Facility. Information beyond this determination is not required and is therefore not provided.*

(2) *Timeframe for review.* Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) *Tolling of the timeframe for review.* The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to



documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) *Failure to act.* In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) *Remedies.* Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

The attached information provides a description of what is proposed and demonstrates how it is an Eligible Facility. Please let me know if you have any questions or need any additional information.

Sincerely,

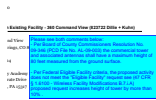


Zach Phillips  
Crown Castle  
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503.708.9200

In the letter of intent applicant is proposing excavation, please include a statement confirming the proposed activity will not adversely impact adjacent properties or existing drainage patterns.

# Letter of Intent\_v1.pdf Markup Summary

1 (3)



**Page Label: 1**  
**Author: Carlos**

Please see both comments below:  
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2880 International Circle, Suite 110  
Colorado Springs, CO 80910

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**Author: Carlos**

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**Page Label: 1**  
**Author: ashmathy**

Per enumerations/Pikes Peak Regional Department:  
-the address is 365 Command View, please change and update address on all documentation

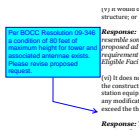
6 (1)



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**Author: Carlos**

The portion of section referenced in the response applies for horizontal separation, not vertical. Federal criteria provides an example of where horizontal separation would take place such as a rooftop.  
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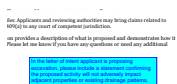
7 (1)



**Page Label: 7**  
**Author: Carlos**

Per BOCC Resolution 09-346 a condition of 80 feet of maximum height for tower and associated antennae exists. Please revise proposed request.

9 (1)



**Page Label: 9**  
**Author: Carlos**

In the letter of intent applicant is proposing excavation, please include a statement confirming the proposed activity will not adversely impact adjacent properties or existing drainage patterns.