

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

| File Number                                   | PL 18-116, CUP   |                        | Contact              | Steven Robertsor | n, 218-730-5295             |
|---|--|------------------------|----------------------|------------------|-----------------------------|
| Туре  | Concurrent Use Permit to Place Private Obstructions in Public Right of Way/Public Facilities (6 Light Poles) |                        | Planning C           | Commission Date  | September 11, 2018          |
| Deadline                                      | Applica  | tion Date              | August 9, 2          | 018              | ,                           |
| for Action Date I                             |  | tension Letter Mailed  | N/A                  | 90 Days* (237.1  | <b>63)</b> November 7, 2018 |
| Location of Subject 6 Separate Sites Near UMD |  |                        |                      |                  | ·                           |
| Applicant                                     | Verizon V  | Vireless               | Contact              |                  |                             |
| Agent   | Amy Dre  | sch                    | Contact              |                  |                             |
| Legal Description                             |  |                        |                      |                  |                             |
| Site Visit Date                               |  | August 31, 2018        | Sign Notice Date Aug |                  | August 27, 2018             |
| Neighbor Letter Date                          |  | N/A for Concurrent Use | Number of            | Letters Sent     | N/A for Concurrent Use      |

Proposal. The applicant is proposing to "install six small wireless facilities on existing distribution poles that are owned and operated by Minnesota Power within the dedicated public right of way". The six proposed locations are located within a one-mile area surrounding the UMD campus. The attachments will include one exterior mounted panel antenna, and two radio units mounted approximately between at least 23 to 37 feet above the ground. The replacement poles will be approximately 35 feet tall.

**Recommended Action**: Recommend to the City Council to Approve With Conditions.

|         | Current Zoning | Existing Land Use   | Future Land Use Map Designation       |
|---------|----------------|---------------------|---------------------------------------|
| Subject | MU-I           | Public Right of Way | Institutional                         |
| North   | R-1/R-C        | Residential         | Traditional Neighborhood/Preservation |
| South   | R-1            | Residential         | Traditional Neighborhood              |
| East    | R-1/R-2/MU-P   | Residential         | Traditional Neighborhood/Neigh. Comm. |
| West    | R-1            | Residential         | Traditional Neighborhood              |

## **Summary of Code Requirements**

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

- 1) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
- 2) No portion of a public easement proposed of use is being physically occupied by the public.

## Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Future Land Use: Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities.

### **Review and Discussion Items**

- 1) The applicant is proposing six small wireless facilities on existing Minnesota Power Distribution Poles. The attachments for the small cell facilities will include one exterior mounted panel antenna, and two radio units mounted approximately between at least 23 to 37 feet above the ground. The replacement poles will be approximately 35 feet tall.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.
- 3) All six of the small wireless facilities will be similar in general configuration. Ownership of the poles will remain with Minnesota Power, with the poles in dedicated public right of way.
- 4) Each of the six sites and replacement wooden poles will have a structure analysis. The new poles will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities and required public infrastructure.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. The city will own the poles and continue to use them for utility purposes (lighting).
- 6) The UDC generally requires that new wireless facilities follow a location standard: first they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these small wireless facilities would be located on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use-specific standards do not apply in this specific situation.
- 7) The city has the ability to regulate land use, however, the Federal Communications Commission preempts local review on the potential environmental effects of radio frequency (RF) emissions, with the presumption that the applicant and service provider is in compliance with the Commission's RF rules. The applicant has submitted FCC categorical exclusion documentation for all six cites.
- 8) At the time that this memo was written, no written comments from the public have been received. City Engineering was still reviewing the exhibits at the time this staff report was written, and will likely have some requests for changes related to some of the technical aspects of the installations in the right of way.

### Staff Recommendation:

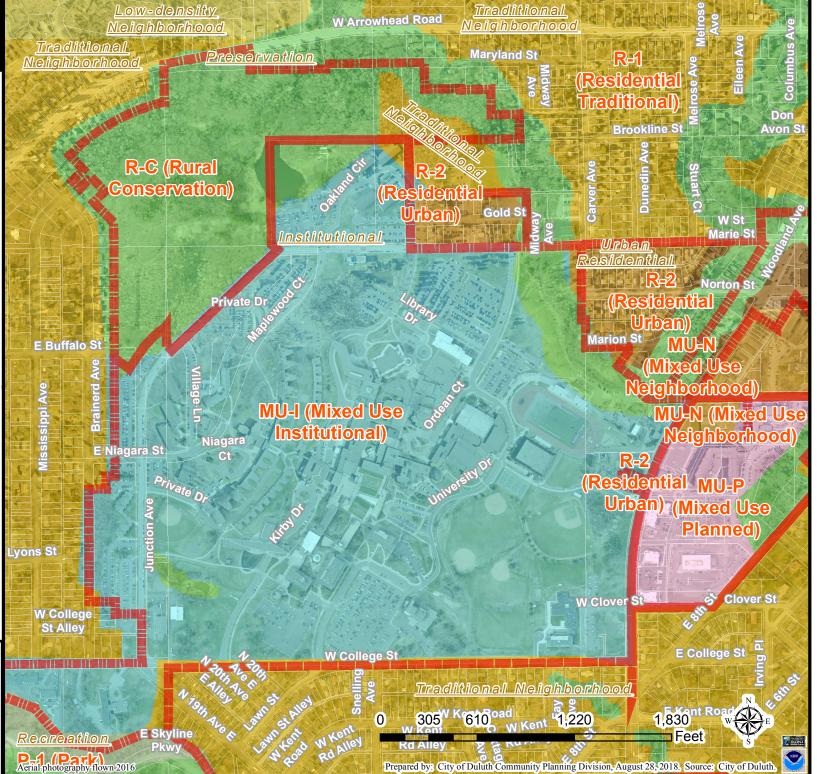
Based on the above findings, Staff recommends that the Planning Commission recommend approval of the two concurrent use permits subject to the following conditions:

1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report

- 2) Applicant, or his or her successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, all other changes must be approved by amending the City Council's approved ordinance.



PL 18-116 Concurrent Use Permit

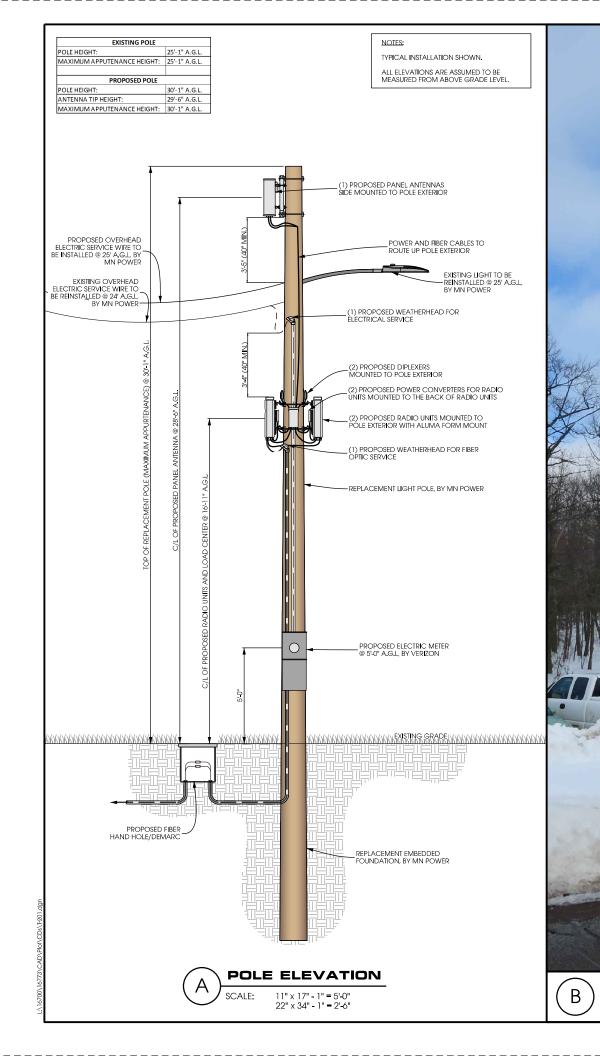




The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

## **DUL BULLDOG SC1 – SC6 PROPOSED VZW SMALL CELL LOCATIONS**





NOTES:

VERIZON TO PROVIDE FINAL RF

CONFIGURATION

**AZIMUTH** 

185°



verizon /

Edge
Consulting Engineers, Inc.

2101 Highway 13 W Burnsville, MN 55337 608.644.1449 voice 608.644.1549 fax www.edgeconsult.com

| PROJECT NO: 20171666352 | LOCATION CODE: 473799 | EDGE PROJECT NO: 16773

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REV. DATE DESCRIPTION INT.

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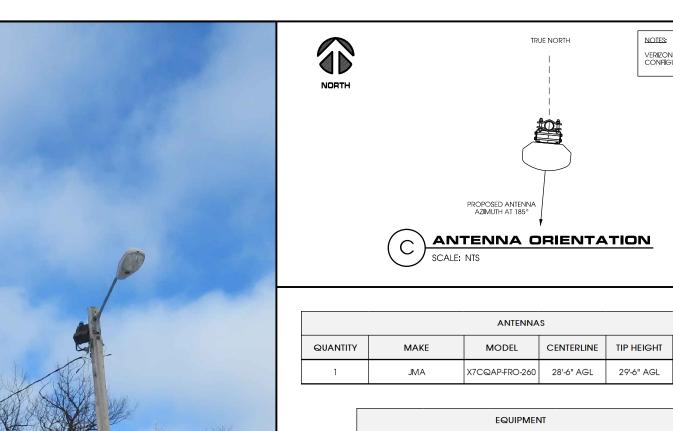
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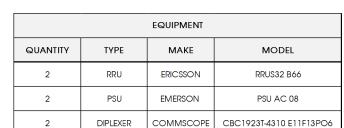
> DUL BULLDOG SC1 1 DULUTH, MINNESOTA REPLACEMENT LIGHT POLE SMALL CELL DRAWINGS

> > SHEET TITLE

SITE ELEVATION

SHEET NUMBER
T-201





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| 16       | COAX | COMMSCOPE | LDF4-50 |  |



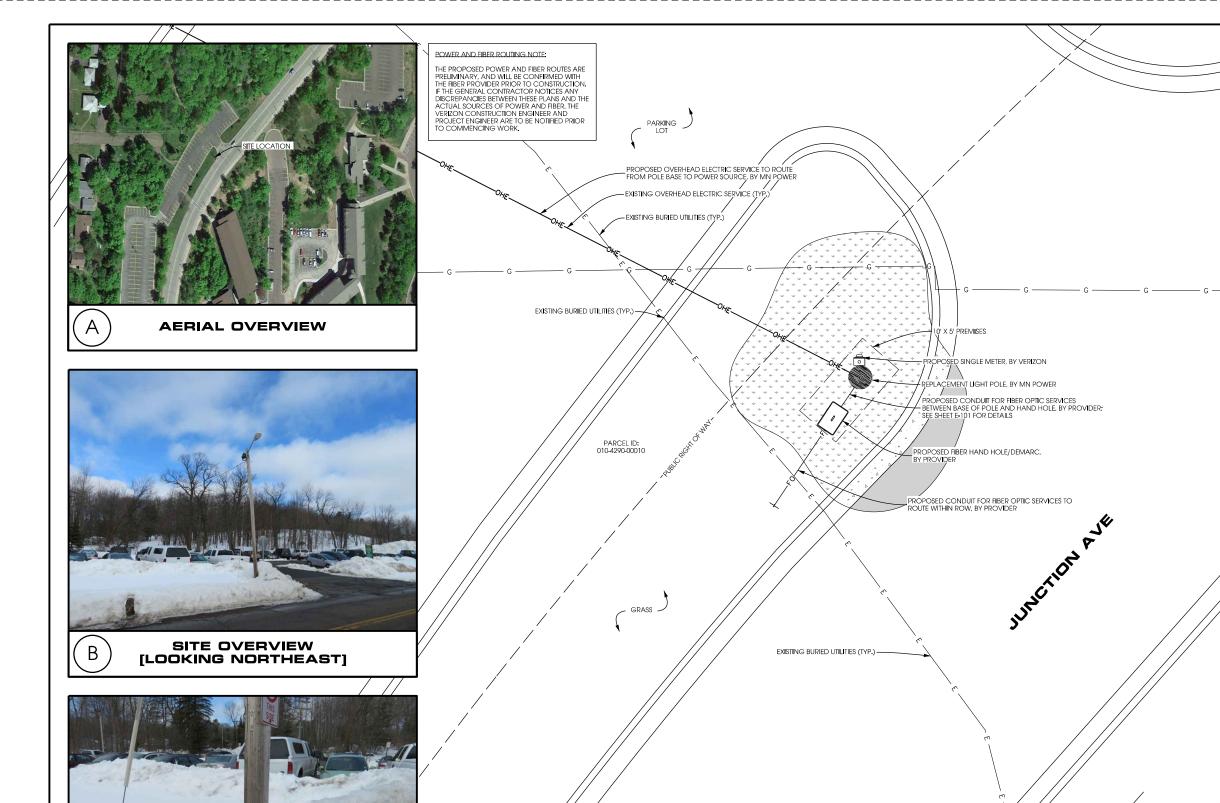




SITE ELEVATION







verizon /

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PROJECT NO: 20171666352

LOCATION CODE: 473799

EDGE PROJECT NO:

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> DUL BULLDOG SC1 1 DULUTH, MINNESOTA REPLACEMENT LIGHT POLE SMALL CELL DRAWINGS

\_ GRASS -

11" x 17" - 1" = 10' 22" x 34" - 1" = 5'

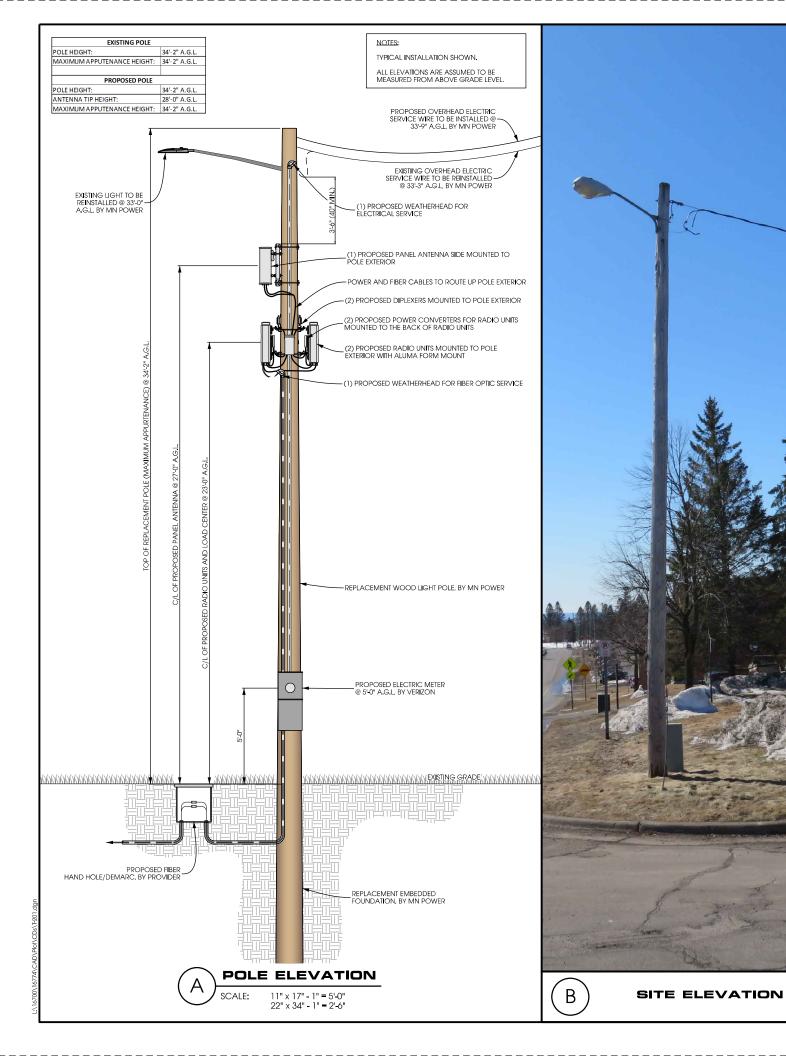
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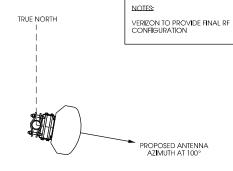
SITE PLAN

SHEET NUMBER

C-101









| ANTENNAS |      |                |            |            |         |
|----------|------|----------------|------------|------------|---------|
| QUANTITY | MAKE | MODEL          | CENTERLINE | TIP HEIGHT | AZIMUTH |
| 1        | JMA  | X7CQAP-FRO-260 | 27'-0" AGL | 28'-0" AGL | 100°    |

| EQUIPMENT |          |           |                         |  |  |
|-----------|----------|-----------|-------------------------|--|--|
| QUANTITY  | TYPE     | MAKE      | MODEL                   |  |  |
| 2         | RRU      | ERICSSON  | RRUS32 B66              |  |  |
| 2         | PSU      | EMERSON   | PSU AC 08               |  |  |
| 2         | DIPLEXER | COMMSCOPE | CBC1923T-4310 E11F13PO6 |  |  |

| CABLING  |      |           |         |  |
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| QUANTITY | TYPE | MAKE      | MODEL   |  |
| 16       | COAX | COMMSCOPE | LDF4-50 |  |



















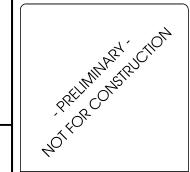
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| PROJECT NO:      | 20171666352 |
|------------------|-------------|
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| EDGE PROJECT NO: | 16774       |

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| REV.          | DATE       | DESCRIPTION            | INT. |
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| Α             | 04/24/2018 | PRELIM SMALL CELL DWGS | MWI  |
| В             | 04/26/2018 | PRELIM SMALL CELL DWGS | MWI  |
| С             | 07/26/2018 | PRELIM SMALL CELL DWGS | MWI  |
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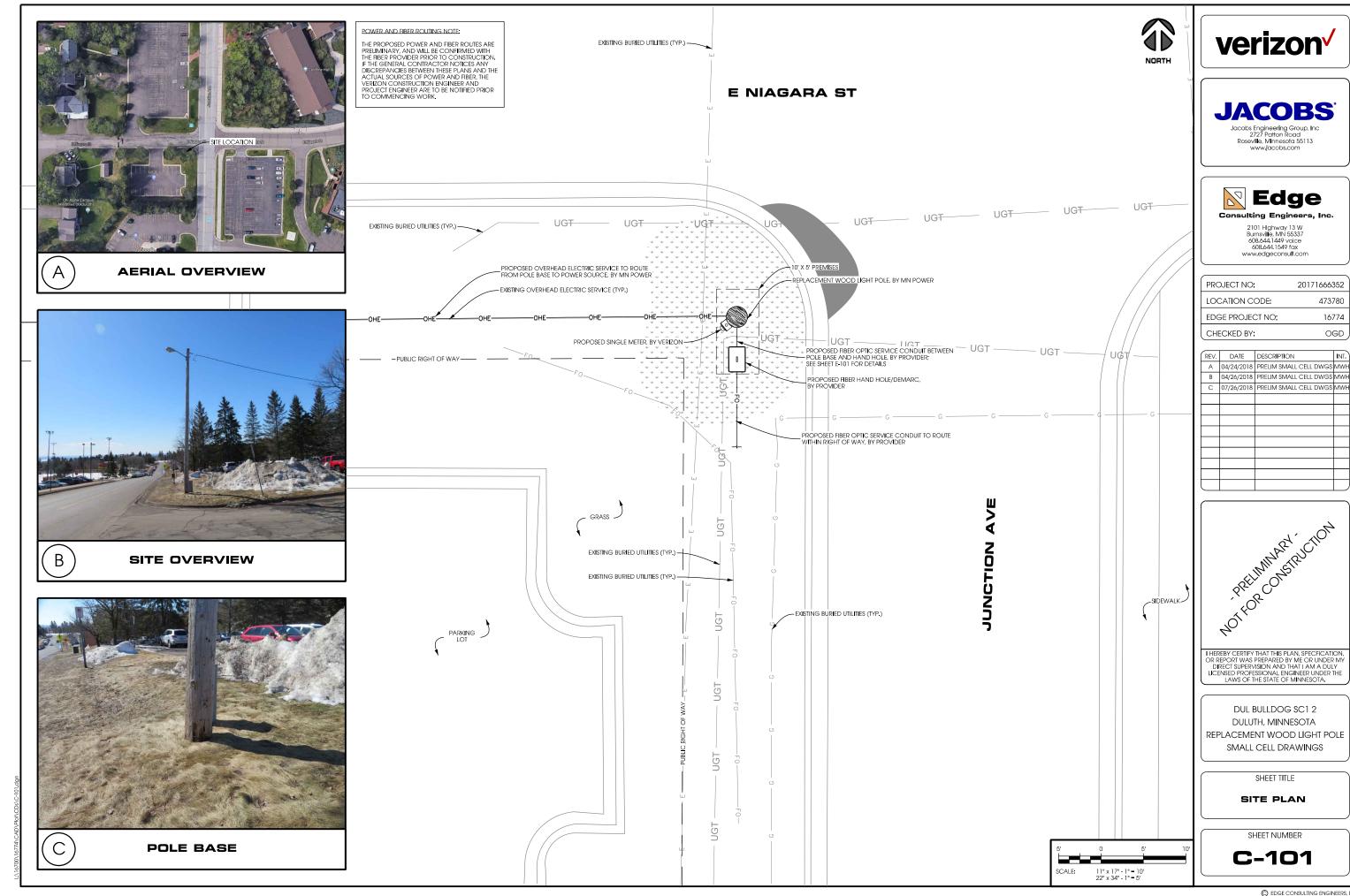
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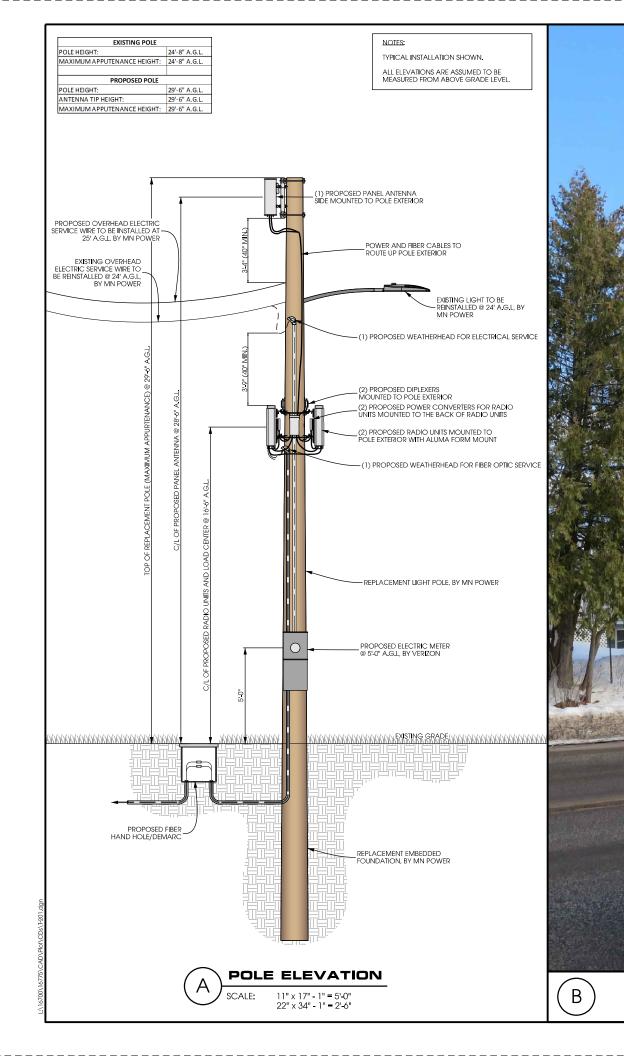
DUL BULLDOG SC1 2 DULUTH, MINNESOTA REPLACEMENT WOOD LIGHT POLE SMALL CELL DRAWINGS

SHEET TITLE

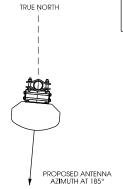
SITE ELEVATION

SHEET NUMBER









NOTES:

VERIZON TO PROVIDE FINAL RF CONFIGURATION

**ANTENNA ORIENTATION** 

| ANTENNAS |      |                |               |               |         |
|----------|------|----------------|---------------|---------------|---------|
| QUANTITY | MAKE | MODEL          | CENTERLINE    | TIP HEIGHT    | AZIMUTH |
| 1        | JMA  | X7CQAP-FRO-260 | 28'-6" A.G.L. | 29'-6" A.G.L. | 185°    |

| EQUIPMENT |          |           |                         |  |  |
|-----------|----------|-----------|-------------------------|--|--|
| QUANTITY  | TYPE     | MAKE      | MODEL                   |  |  |
| 2         | RRU      | ERICSSON  | RRUS32 B66              |  |  |
| 2         | PSU      | EMERSON   | PSU AC 08               |  |  |
| 2         | DIPLEXER | COMMSCOPE | CBC1923T-4310 E11F13PO6 |  |  |

| CABLING  |      |           |         |  |  |
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| QUANTITY | TYPE | MAKE      | MODEL   |  |  |
| 16       | COAX | COMMSCOPE | LDF4-50 |  |  |







SITE ELEVATION







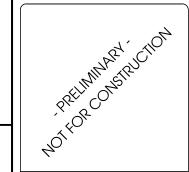




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| EDGE PROJECT NO: | 16775       |
| CHECKED BY:      | OGD         |

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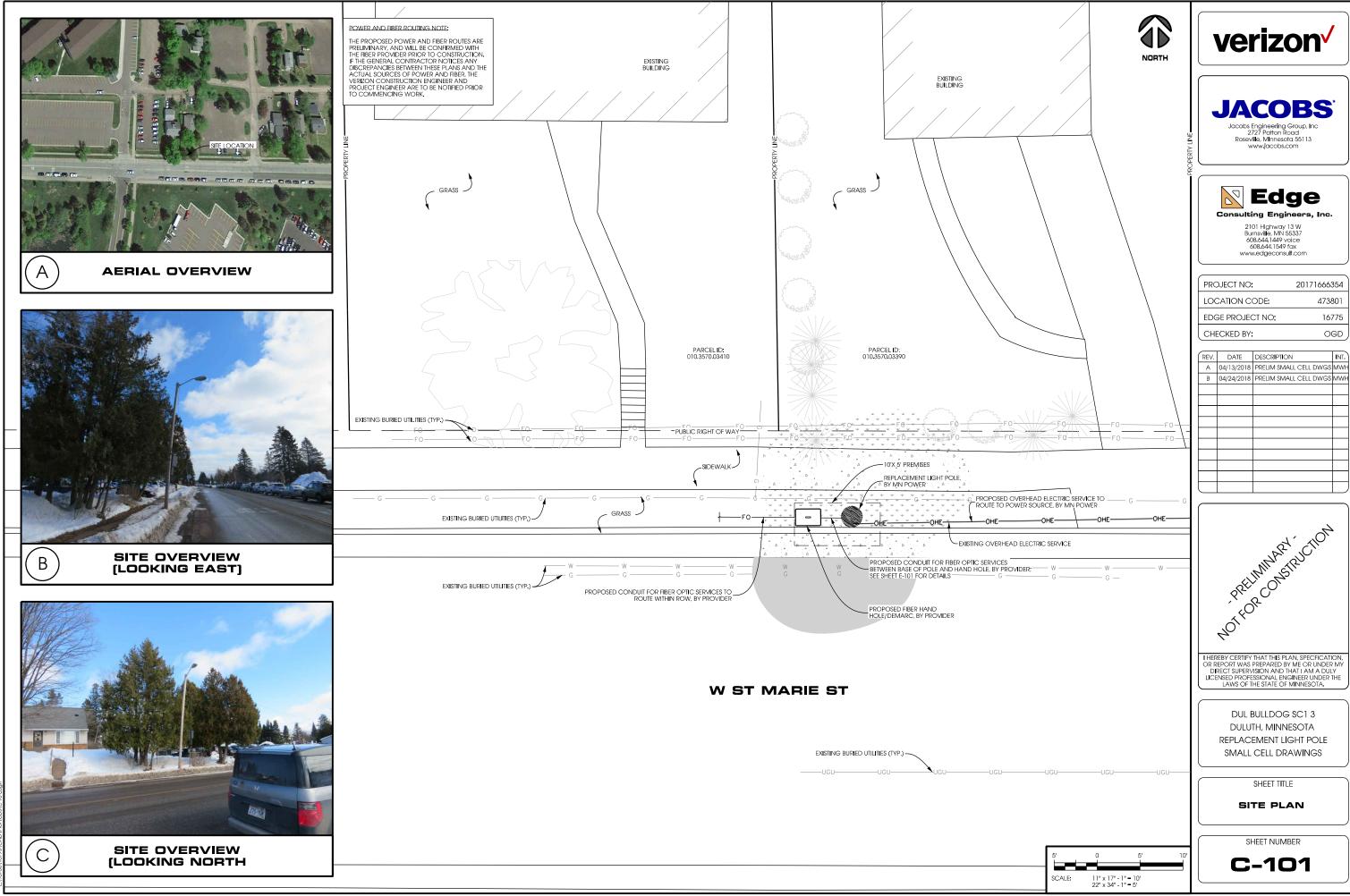
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DUL BULLDOG SC1 3 DULUTH, MINNESOTA REPLACEMENT LIGHT POLE SMALL CELL DRAWINGS

SHEET TITLE

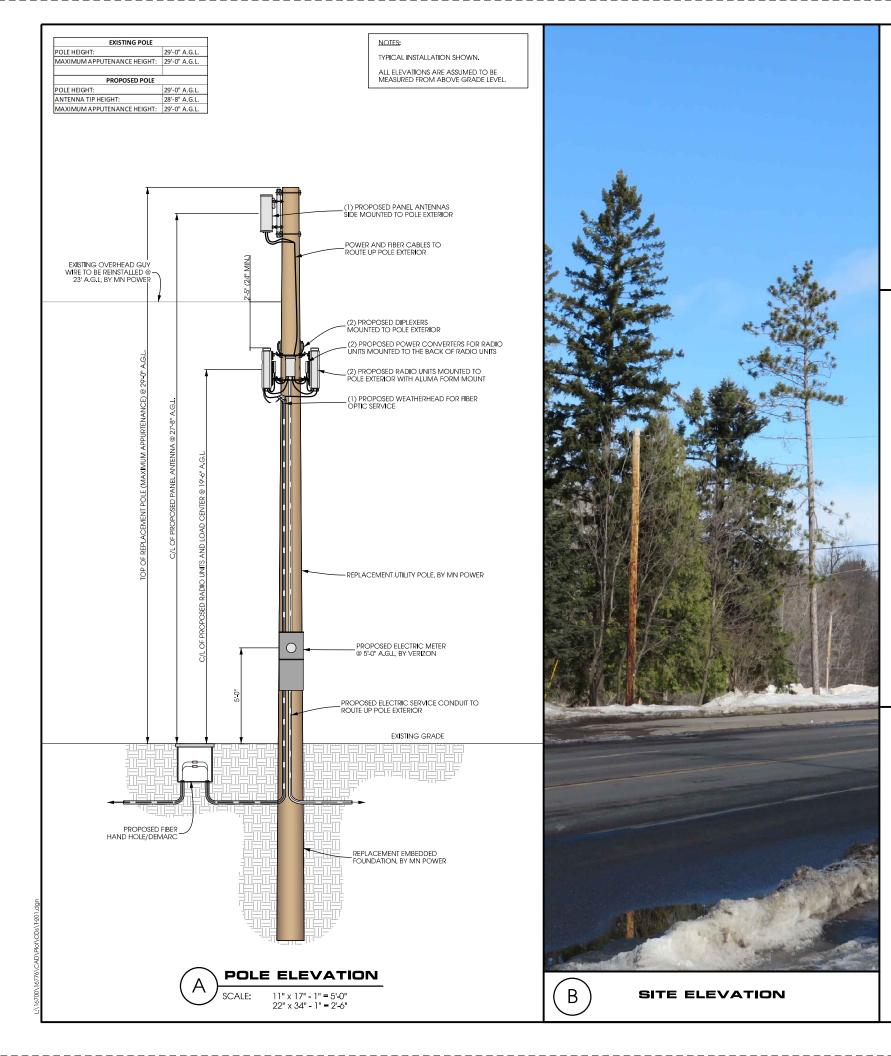
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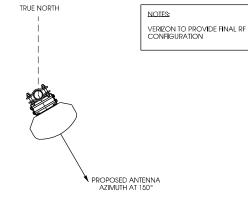


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| ANTENNAS |               |                |            |            |         |
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| QUANTITY | QUANTITY MAKE |                | CENTERLINE | TIP HEIGHT | AZIMUTH |
| 1        | JMA           | X7CQAP-FRO-260 | 27'-8" AGL | 28'-8" AGL | 150°    |

| EQUIPMENT |          |           |                         |  |
|-----------|----------|-----------|-------------------------|--|
| QUANTITY  | TYPE     | MAKE      | MODEL                   |  |
| 2         | RRU      | ERICSSON  | RRUS32 B66              |  |
| 2         | PSU      | EMERSON   | PSU AC 08               |  |
| 2         | DIPLEXER | COMMSCOPE | CBC1923T-4310 E11F13PO6 |  |

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| 16                       | COAX | COMMSCOPE | LDF4-50 |  |  |















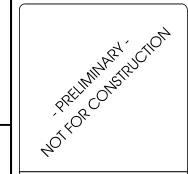


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PROJECT NO: 20171666355 LOCATION CODE: 473802 16776 EDGE PROJECT NO: OGD

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| REV. | DATE       | DESCRIPTION            | INT. |
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| Α    | 04/13/2018 | PRELIM SMALL CELL DWGS | MWI  |
| В    | 04/24/2018 | PRELIM SMALL CELL DWGS | MWI  |
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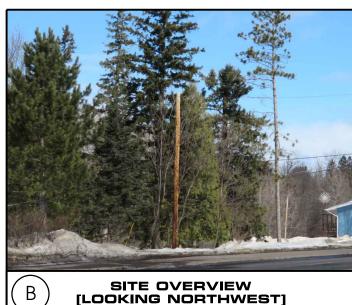
DUL BULLDOG SC1 4 DULUTH, MINNESOTA REPLACEMENT UTILITY POLE SMALL CELL DRAWINGS

SHEET TITLE

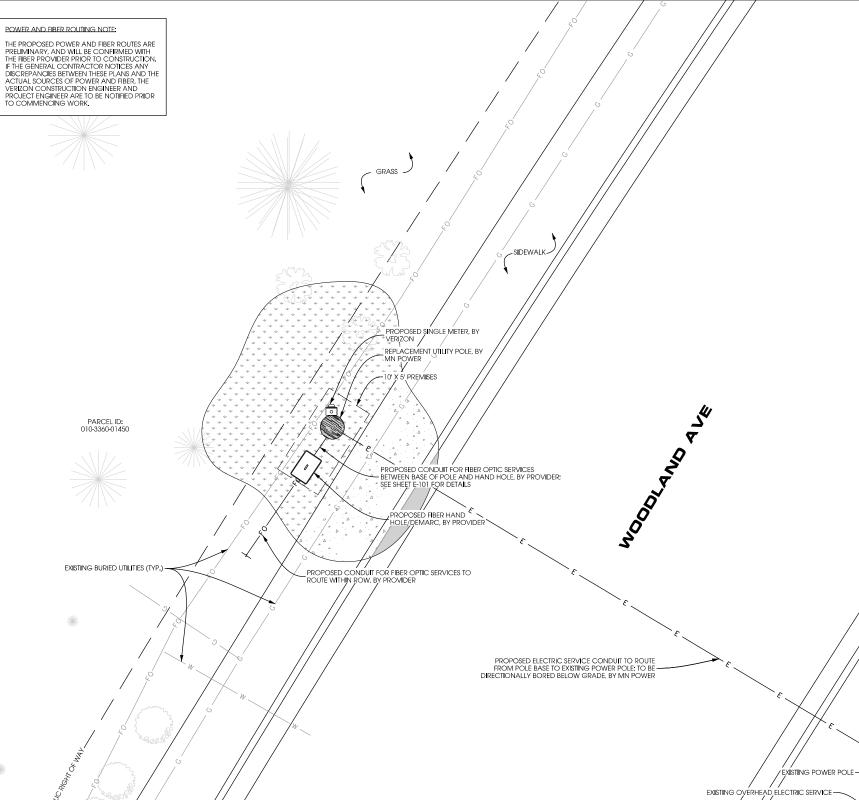
SITE ELEVATION

SHEET NUMBER











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PROJECT NO: 20171666355 LOCATION CODE: 473802 16776 EDGE PROJECT NO:

CHECKED BY: OGD

REV. DATE DESCRIPTION A 04/13/2018 PRELIM SMALL CELL DWGS MWH B 04/24/2018 PRELIM SMALL CELL DWGS MWH C 06/14/2018 PRELIM SMALL CELL DWGS ZRS

PREIMMARY CHOM

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DUL BULLDOG SC1 4 DULUTH, MINNESOTA REPLACEMENT UTILITY POLE SMALL CELL DRAWINGS

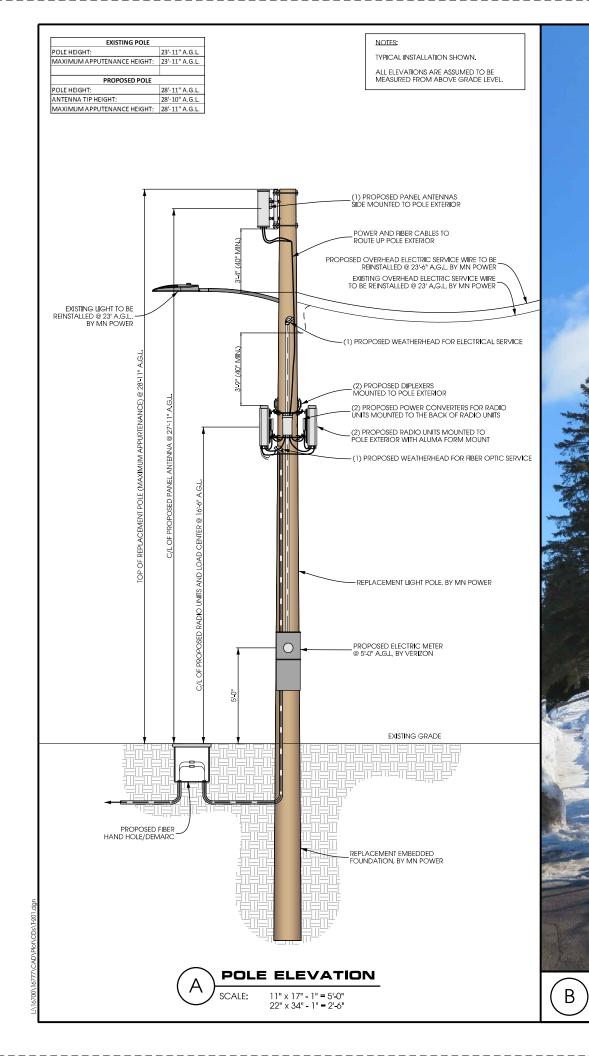
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SITE PLAN

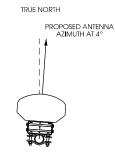
SHEET NUMBER

C-101

11" x 17" - 1" = 10' 22" x 34" - 1" = 5'









| ANTENNAS  |     |                |             |             |         |
|---|-----|----------------|-------------|-------------|---------|
| QUANTITY MAKE MODEL CENTERLINE TIP HEIGHT AZIMUTH |     |                |             |             | AZIMUTH |
| 1   | JMA | X7CQAP-FRO-260 | 27'-11" AGL | 28'-10" AGL | 4°      |

|               | EQUIPMENT |           |                         |  |  |
|---------------|-----------|-----------|-------------------------|--|--|
| QUANTITY TYPE |           | MAKE      | MODEL                   |  |  |
| 2             | RRU       | ERICSSON  | RRUS32 B66              |  |  |
| 2             | PSU       | EMERSON   | PSU AC 08               |  |  |
| 2             | DIPLEXER  | COMMSCOPE | CBC1923T-4310 E11F13PO6 |  |  |

| CABLING  |      |           |         |  |  |
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| QUANTITY | TYPE | MAKE      | MODEL   |  |  |
| 16       | COAX | COMMSCOPE | LDF4-50 |  |  |





SITE ELEVATION

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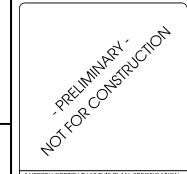
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| PROJECT NO:      | 20171666356 |
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| LOCATION CODE:   | 473803      |
| EDGE PROJECT NO: | 16777       |
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| REV. | DATE       | DESCRIPTION            | INT. |
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| Α    | 04/16/2018 | PRELIM SMALL CELL DWGS | MWH  |
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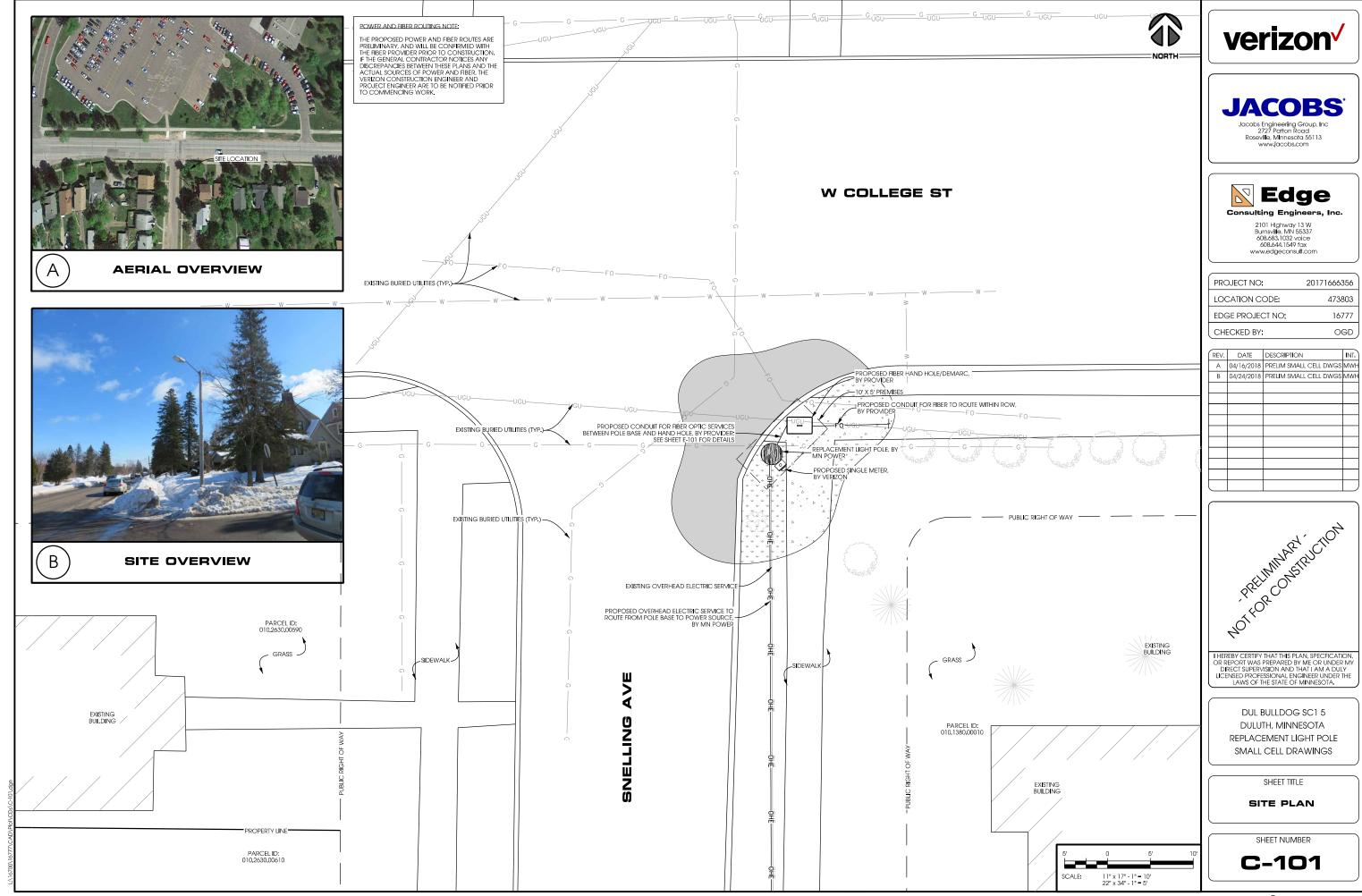
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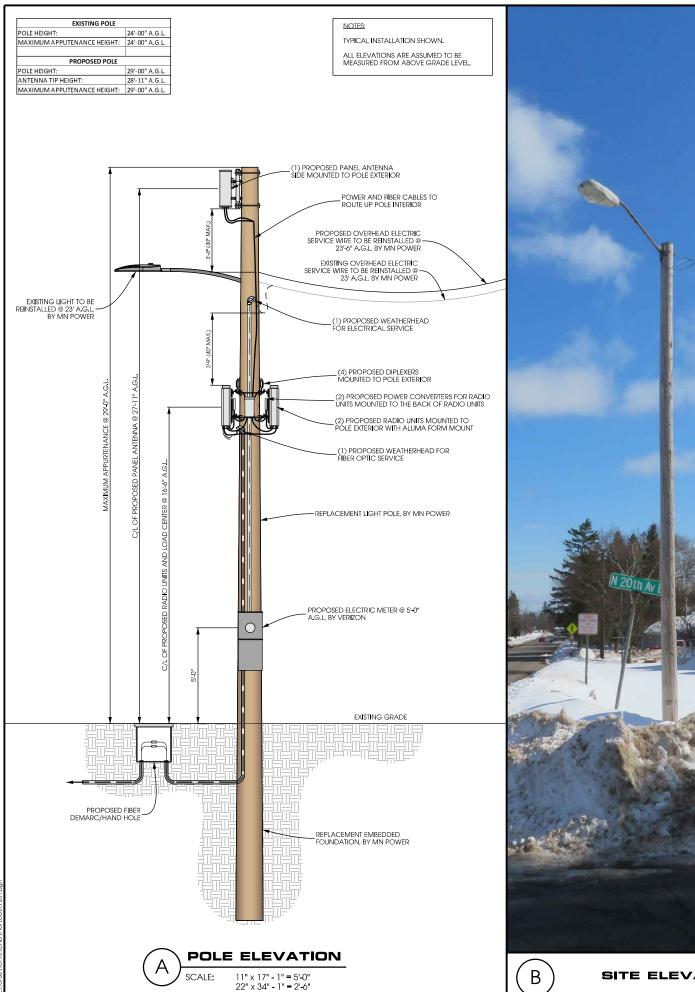
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SITE ELEVATION

SHEET NUMBER









QUANTITY

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PSU

DIPLEXER

TYPE

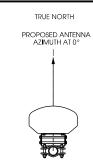
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**ANTENNA ORIENTATION** 

CENTERLINE

26' AGL

TIP HEIGHT

27' AGL

MODEL

RRUS32 B66

PSU AC 08

CBC1923T-4310 E11F13PO6

MODEL

LDF4-50

**AZIMUTH** 

0°

**ANTENNAS** 

**EQUIPMENT** 

MAKE

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**EMERSON** 

COMMSCOPE

CABLING

MAKE

COMMSCOPE

MODEL

X7CQAP-FRO-260

VERIZON TO PROVIDE FINAL RF CONFIGURATION



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| PROJECT NO:      | 20171666357 |
|------------------|-------------|
| LOCATION CODE:   | 473804      |
| EDGE PROJECT NO: | 16778       |

OGD

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| REV. | DATE       | DESCRIPTION            | INT. |
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| В    | 04/25/2018 | PRELIM SMALL CELL DWGS | MWH  |
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PREIMMARY CHON

I HEREBY CERTIFY THAT THIS PLAN, SPECFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DUL BULLDOG SC1 6 DULUTH, MINNESOTA REPLACEMENT LIGHT POLE SMALL CELL DRAWINGS

SHEET TITLE

SITE ELEVATION

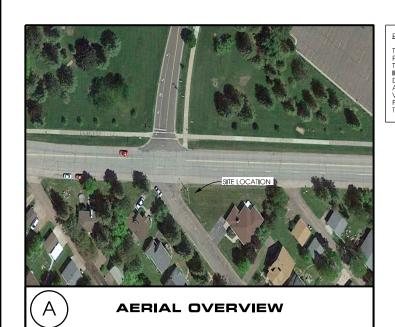
SHEET NUMBER











### POWER AND FIBER ROUTING NOTE:

THE PROPOSED POWER AND FIBER ROUTES ARE THE PROPOSED POWER AND FIBER ROUTES ARE PRELIMINARY, AND WILL BE CONFIRMED WITH THE FIBER PROVIDER PRIOR TO CONSTRUCTION. IF THE GENERAL CONTRACTOR NOTICES AND DISCREPANCIES BETWEEN THESE PLANS AND THE ACTUAL SOURCES OF POWER AND FIBER. THE VERIZON CONSTRUCTION ENGINEER AND PROJECT ENGINEER ARE TO BE NOTIFIED PRIOR TO COMMENCING WORK.



# **JACOBS**

Jacobs Engineering Group, Inc 2727 Patton Road Roseville, Minnesota 55113 www.jacobs.com

# **Edge**

2101 Hlghway 13 W Burnsville, MN 55337 952.683.1032 voice 608.644.1549 fax www.edgeconsulf.com

16778

PROJECT NO: 20171666357 LOCATION CODE: 473804

OGD CHECKED BY:

REV. DATE DESCRIPTION A 04/16/2018 PRELIM SMALL CELL DWGS MWH B 04/25/2018 PRELIM SMALL CELL DWGS MWH

PREIMMARY DESTRUCTION

I HEREBY CERTIFY THAT THIS PLAN, SPECFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DUL BULLDOG SC1 6 DULUTH, MINNESOTA REPLACEMENT LIGHT POLE SMALL CELL DRAWINGS

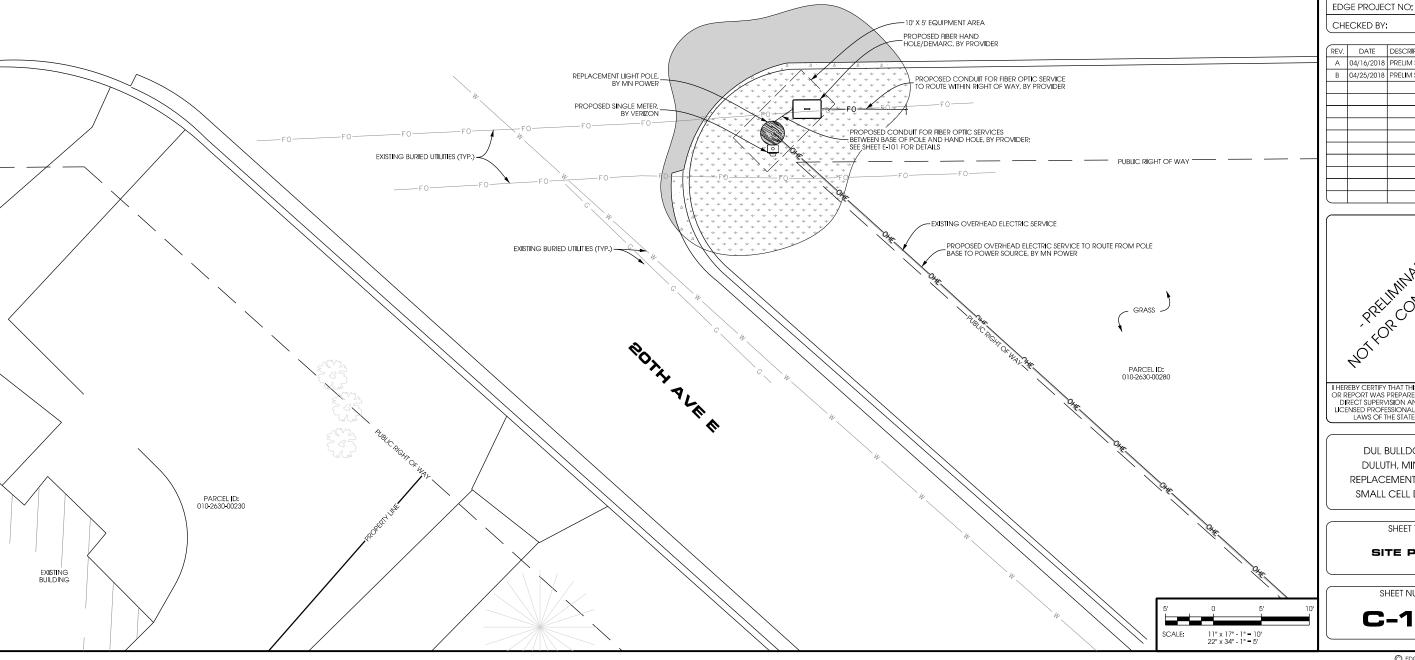
SHEET TITLE

SITE PLAN

SHEET NUMBER

**C-101** 

# W COLLEGE ST



# Optional Checklist for Local Government To Determine Whether a Facility is Categorically Excluded

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCCøs guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facilityøs compliance with the RF exposure guidelines.

| BACKGROUND INFORMATION                       |  |
|--|--|
| 1. Facility Operator  ß Legal Name:          | Cellular Inc. Network Corporation d/b/a Verizon Wireless |
| 2. Facility Operator Mailing Address: —      | 10801 Bush Lake Road, Bloomington, MN 55438              |
| 3. Facility Operator  S Contact Name/Title:  | Amanda Turner, Network Real Estate                       |
| 4. Facility Operator  Ø Office Telephone:  — | # 612-720-1657 amanda.turner@verizonwireless             |
| 5. Facility Operatorøs Fax:                  |  |
| 6. Facility Name:                            | DUL Bulldog SC1  |
| 7. Facility Address:                         | Near 1217 Junction Avenue (Right-of-Way)                 |
| 8. Facility City/Community:                  | Duluth   |
| 9. Facility State and Zip Code:              | MN 55811   |
| 10. Latitude:                                | 46-49-12.99 (46.820275)                                  |
| 11. Longitude:                               | 92-05-24.01 (-92.090003)                                 |

## **Optional Local Government Checklist (page 2)**

## EVALUATION OF CATEGORICAL EXCLUSION

- 12. Licensed Radio Service (see attached Table 1): Cellular Radiotelephone Service & Personal Communications Svc.
- 13. Structure Type (free-standing or building/roof-mounted): Light Pole
- 14. Antenna Type [omnidirectional or directional (includes sectored)]: Panel/directional
- 15. Height above ground of the lowest point of the antenna (in meters): 26'-6" / 8.10768 meters
- 16.  $\square$  Check if all of the following are true:
  - (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
  - (b) This facility will <u>not</u> be mounted on a building (see question 13).
  - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC¢s guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

- 17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP\* (note: EIRP = (1.64) X ERP): (see below)
- 18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: (see below)
- 19. Enter the ERP or EIRP per channel (using the same units as in question 17): (see below)
- 20. Multiply answer 18 by answer 19: (see below)
- 21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)? (see below)

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC¢s guidelines.

- 17. 1000W ERP (700 MHz), 2000W ERP (1900 MHz/PCS, 2100 MHz/AWS)
- 18. 2 bands per block (LTE & AWS)
- <sup>19.</sup> 365.72 ERP + 437.67 ERP (700 + 850 MHz LTE) and 377.59 ERP + 377.59 ERP (2100 MHz AWS1 + AWS3)
- <sup>20</sup>. 803.39 ERP (700 MHz +850 MHz LTE)+ 755.18 ERP (2100 MHz AWS1 + AWS3) = 1558.57 W ERP
- 21. Yes

<sup>\*&</sup>quot;ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power