



Authorized T-Mobile Representative



PROJECT NARRATIVE

Eligible Facilities Request

7/29/2022

I. GENERAL INFORMATION

Project Name: T-Mobile-SE03440A So. Island Crest/PSE/ROW (L600)

Applicant: T-Mobile, c/o J4 Site Solutions, Inc.
For Lynx Consulting, Inc.
John Eder
10427 205th Dr. SE
Snohomish, WA 98290
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Phone: 253-278-2902

Parcel Number: N/A - Right of Way

Property Address: 4646 Island Crest Way, Mercer Island WA 98040

Zoning: N/A – Right of Way

II. PROJECT DESCRIPTION

Eligible Facilities Request for an existing wireless communication facility co-located on a wooden utility pole in the right of way, and ground equipment located in an underground utility vault in the right of way. On the utility pole, replace the existing antenna mounts and relocate them approx. 3'-10" higher to the top of the pole, replace the (3) existing antennas and add (3) new antennas for a new total of (6), remove all (12) existing diplexer units, remove the (7) existing remote radio units and replace with (6) new remote radio units, remove the (1) existing OVP unit, remove all (12) existing coaxial

cables, replace the (1) existing hybrid cable and add (1) new hybrid cable for a new total of (2), and add (2) new jumper cable pendants. At the underground equipment vault, remove (1) of the (3) existing equipment racks, and replace (1) of the remaining (2) equipment racks.

III. REQUIRED PERMIT APPLICATIONS

For this request, Applicant has submitted the following applications and submittal items for all the permits required to commence construction of the modification:

1. Development Application
2. Wireless Communications Facilities- 6409 Exemption (this Project Narrative)
3. Right-of-Way Use Permit Application

IV. ELIGIBLE FACILITIES REQUEST

Applicant asserts that the proposed action qualifies as an eligible facilities request in accordance with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the "Spectrum Act"), and does not result in a substantial change in accordance with a subsequent FCC Order that clarifies Section 6409(a), codified as 47 CFR § 1.6100 (the "FCC Order").

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."¹ An "eligible facilities request" is defined to include any collocation, removal, or replacement of existing equipment.²

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.³ The FCC requires that qualifying eligible facilities requests be approved within 60 days, subject to tolling for incompleteness.⁴ The 60-day period begins when an applicant takes the first procedural step required by a local government and submits written documentation.⁵ The only submittal documents a local government can require are those relevant to determining if a proposed modification qualifies as an eligible facilities request.⁶ 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.⁷

Below are the FCC's six "substantial change" thresholds for an eligible support structure⁸, each followed by an explanation that the proposed modification does not exceed that threshold:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;

The proposal does not increase the height of the eligible support structure (utility pole) by more than ten (10) percent or more than ten (10) feet, whichever is greater. The proposal increases the total height of the utility pole (including antenna tip height) by 1'-0". The highest point of the existing utility pole with antennas is 91'-7", and the proposed new height is 92'-7".

2. 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 (20) 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 (6) feet;

The proposal does not add an appurtenance to the body of the structure (utility pole) that would protrude from the edge of the structure by more than six (6) feet

3. 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 (4) 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 preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

The proposal does not add any additional equipment cabinets. The proposal decreases the overall equipment rack count from three to two.

4. It entails any excavation or deployment outside the current site;

The proposal does not entail any excavation or deployment outside the current site.

5. It would defeat the concealment elements of the eligible support structure; or

The proposal does not defeat the concealment elements of the eligible support structure (utility pole). The new/replacement antennas and ancillary equipment will continue to be mounted close to the utility pole and will be painted the same dark brown color as the existing equipment to blend in with the pole.

6. 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 for a substantial change.

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

¹ 47 U.S.C. § 1455(a)(1).

² 47 U.S.C. § 1455(a)(2).

³ 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).

⁴ See 47 C.F.R. § 1.6100(c)(2), (3).

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

⁶ See 47 C.F.R. § 1.6100(c)(1).

⁷ See 47 C.F.R. § 1.6100(c)(4).

⁸ See 47 C.F.R. § 1.6100(b)(7).