



1 Cityplace Dr, Suite 490  
Creve Coeur, MO 63141

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October 3, 2023

City of Mercer Island  
Community Planning & Development  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040

Via Electronic Submittal

\*\*\*\*\*NOTICE OF ELIGIBLE FACILITIES REQUEST\*\*\*\*\*

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409  
Site Address: 8477 SE 68<sup>th</sup> Street, Mercer Island, WA 98040  
Crown Site Number: 880416 / Crown Site Name: Seattle Qwest – SEA155  
Customer Site Number: SESEA00010B / Application Number: 559192

Greetings:

On behalf of (“Dish Wireless L.L.C.”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an eligible facilities request for a minor modification under Section 6409<sup>1</sup> and the rules of the Federal Communications Commission (“FCC”).<sup>2</sup>

Section 6409 mandates that state and local governments must approve any eligible facilities request 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. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.<sup>3</sup> Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law<sup>4</sup>. Please note that with the submission of this letter and enclosed items, the thirty and sixty-day review periods have started. Based on this filing, the deadline for

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<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

<sup>2</sup> *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).



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written notice of incomplete application is November 2, 2023, and the deadline for issuance of approval is December 2, 2023.

The proposed scope of work for this project includes: Add antennas, ancillary equipment and ground equipment as per plans for a new collocation on an existing wireless communication facility. 20' tower height extension proposed with incorporated stealth canister to screen the proposed antennas. The total height of the pole will be 150' with the modification.

At the end of this letter is a checklist of the applicable substantial change criteria under Section 6409. Additionally, please find enclosed the following information in support of this request:

- (1) Development Permit Application Form;
- (2) Project Narrative (this letter);
- (3) Concurrent Review Form;
- (4) Redacted Lease for Site;
- (5) Construction Drawings;
- (6) Stationary Battery System Worksheet;
- (7) NIER;
- (8) Authorization to File; and
- (9) Section 6409 Substantial Change Checklist (Proof of Exempt Status).

As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an "eligible facilities request" as defined in the FCC's rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

*Jennifer Taylor*

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**Section 6409 Substantial Change Checklist  
Towers Outside of the Public Right of Way**

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

**Criteria for Towers Outside the Public Rights of Way**

YES/NO  <b>NO</b>	Does the modification increase the height of the tower by more than the greater of: (a) 10%; or (b) the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO  <b>NO</b>	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO  <b>NO</b>	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO  <b>NO</b>	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO  <b>NO</b>	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO  <b>NO</b>	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above are area answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.