

Agent for T-Mobile: Adam Wolfrey – Centerline Communications LLC

Date: 02/10/22

Site Address: 91 Edgartown Vineyard Haven Rd – Oak Bluffs MA 02557

To Whom It May Concern:

Re: Eligible Facilities Request to modify Transmission Equipment on a communications Tower located at 91 Edgartown Vineyard Haven Rd – Oak Bluffs MA 02557

A. T-Mobile is Filing an Eligible Facilities Request

Adam Wolfrey – Centerline Communications LLC on behalf of T-Mobile New England is submitting the attached Eligible Facilities Request application to add, remove, modify, or replace Transmission Equipment on a telecommunications Tower located at 91 Edgartown Vineyard Haven Rd in Oak Bluffs MA.

Because this jurisdiction has not yet developed an Eligible Facilities Request permit application form that complies with Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the “Spectrum Act” (Pub. Law No. 112-96, 126 Stat 156), this Eligible Facilities Request is attached to the commercial permit application form which was customarily used by this jurisdiction when reviewing requests to collocate or modify wireless telecommunications facilities. Because federal law now preempts many of the permit application requirements that this jurisdiction would previously have required from an applicant, this Eligible Facilities Request application provides only the information that federal law allows this jurisdiction to consider when reviewing an Eligible Facilities Request.

Section 6409(a) of the Spectrum Act mandates that state and local governments “*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.*” Under Section 6409(a)(2)(A)-(C) an Eligible Facilities Request is any request to modify a Tower or Base Station that involves “collocations of new Transmission Equipment,” “removal,” or “replacement” of Transmission Equipment.

B. Why this Eligible Facilities Request Must Be Granted

This Eligible Facilities Request involves an effort to collocate, remove, modify, or replace Transmission Equipment on a Tower for the use of an FCC licensed wireless carrier. The existing Tower is a structure that is 120’ high and presently contains wireless facilities. The existing Tower meets the Federal Communications Commission (“FCC”) definition of a Tower.

The list of equipment identified in the Eligible Facilities Request application that will be collocated, removed or replaced at the Tower also is Transmission Equipment as determined by the FCC. The FCC has defined Transmission Equipment as “any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply. This definition includes equipment used in any technological configuration associated with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband.”

The FCC, in a Report and Order adopted on October 17, 2014, determined that any modification to an existing telecommunications Tower that meets the following six criteria does not substantially change the physical dimensions of the existing Tower and therefore is an Eligible Facilities Request which must be granted:

1. **The modifications to the Transmission Equipment do not increase the height of the Tower by twenty feet or ten percent, whichever is greater.**
2. **The modifications to the Transmission Equipment do not protrude from the edge of the Tower by twenty feet or more than the width of the Tower (whichever of these two dimensions is greater) at the level where the transmission equipment modifications are made;**
3. **The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four**
4. **The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Tower site.**
5. **The modifications to the Transmission Equipment do not defeat any existing concealment elements of the Tower.**
6. **The modifications to the Transmission Equipment comply with prior conditions of approval of the Tower, unless the non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds in numbers 1-4.**

There is a certification attached to the accompanying Eligible Facilities Request that identifies how each of the six review criteria identified by the FCC is met. The modifications to the Transmission Equipment at the Tower located at 91 Edgartown Vineyard Haven Rd – Oak Bluffs MA 02557 contained in this Eligible Facilities Request fully conform to Section 6409(a) as enacted by Congress and as interpreted by the FCC. Accordingly, this Eligible Facilities Request must be approved within 60 days, as required by federal law and FCC regulations.

C. Notice of Federal Law Expedited Permit Processing and Deemed Granted

Under federal law, an Eligible Facilities Request is deemed granted sixty (60) days after a complete application is filed with a local jurisdiction. If sixty days pass after the submission of T-Mobile’s accompanying Eligible Facilities Request and the Town of Oak Bluffs has not acted to

grant or deny the request, it will be deemed granted. At that time, the applicant may advise the [insert name of local jurisdiction] that the application has been deemed granted. If the Town of Oak Bluffs wishes to contest whether the Eligible Facilities Request has been deemed granted, the burden is on the Town of Oak Bluffs to file a lawsuit in a court of competent jurisdiction within 30 days after receipt of a written communication notifying it that the Eligible Facilities Request has been deemed granted. Failure to file a lawsuit in a timely manner may forever bar this jurisdiction from contesting that this Eligible Facilities Request has been deemed granted.

T-Mobile is committed to working cooperatively with you, and all jurisdictions around the country, to secure expeditious approval of requests to modify existing personal wireless service facilities. Please do not hesitate to contact me if you have questions.

Sincerely,

Adam Wolfrey
Centerline Communications LLC