

MINUTES OF TFCG MEETING

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications Corporation

A meeting of the Transmission Facility Coordinating Group (TFCG) was held on September 1, 2010. The following people were in attendance:

MEMBERS

Marjorie Williams	DTS
David Niblock	DPS
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John Cuff (via phone)	OMB
Carlton Gilbert	M-NCPPC
Bobby Johnson	DTS
Mary Pat Wilson	MCPS

STAFF

Mitsuko Herrera	DTS
Bob Hunnicutt	CTC
Marty Liebman	CTC
Clifford Royalty	OCA

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OTHER ATTENDEES

Harold Bernadzikowski	NB&C for Verizon Wireless
Michael Bortz	NB&C for T-Mobile
Sean Hughes	Law Office Sean Hughes
Mark Hulshart	Hulshart & Assoc. LLC for FLO TV

Action Item Meeting Minutes: Dave Niblock moved the minutes be approved as amended. Bobby Johnson seconded the motion and the minutes were unanimously approved.

Consent Agenda Applications:

1. FLO TV application to attach antennas at the 30', 42' and 304' levels of an existing 326' lattice tower on Carver Tower property, 2647 University Boulevard, Wheaton (#201008-07).
Conditioned on making the modifications recommended in the structural analysis report prior to attaching the antenna and related cabling.
2. Clearwire application to attach antennas at the 108' level of a 95' Columbia Towers building, 12001 Old Columbia Pike, Silver Spring (#201009-01).
3. Clearwire application to attach antennas at the 103' level of a 95' Hampshire Tower building,

7401 New Hampshire Avenue, Takoma Park (#201009-02).

4. Verizon Wireless application to replace three antennas at the 160' level of an existing tower on Boy Scouts of America Troop 52 property, 16100 Darnestown Road, Dawsonville (#201009-03).

Conditioned on the applicant providing a structural analysis to DPS with a copy to the Tower Coordinator verifying that these antennas may be safely attached.

5. Verizon Wireless application to replace antennas at the 135' level of an existing 170' monopole at Quail Hill Farms, 18743 New Hampshire Avenue, Ashton (#201009-04).

Conditioned on the applicant providing a structural analysis to DPS with a copy to the Tower Coordinator verifying that these antennas may be safely attached.

6. Verizon Wireless application to replace antennas at the 120' level atop a 120' monopole on Hungerford Property, 14615 Clopper Road, Boyds (#201009-05).

7. Verizon Wireless application to replace antennas at the 121' level of an existing 140' monopole on Gymkhana Club property, 14100 River Road, Potomac (#201009-06).

Conditioned on the applicant providing a structural analysis to DPS with a copy to the Tower Coordinator verifying that these antennas may be safely attached.

8. Verizon Wireless application to replace antennas at the 165' level of an existing 188' monopole on McDonnell property, 20315 Georgia Avenue, Brookeville (#201009-07).

Conditioned on the applicant providing a structural analysis to DPS with a copy to the Tower Coordinator verifying that these antennas may be safely attached.

Motion: Marty Pat Wilson moved the consent agenda items be recommended as conditioned. Carlton Gilbert seconded the motion and it was unanimously approved.

Action Item: T-Mobile application to attach antennas at the 105' level of an existing 190' tower on Faiola property, 17335 Donora Road, Ashton (#20100908).

Bob Hunnicutt summarized the application, noting that this is a co-location application and the second T-Mobile application submitted to co-locate antennas on this tower. He explained that the first T-Mobile application had not been reviewed by the TFCG because it had previously been determined that the County would not permit antennas to be attached to this tower; the applicant was so advised at the time of submission and the application was withdrawn. He added that this application is the same as T-Mobile's previous application except that the elevation drawing of the tower now reflects that there are amateur radio antennas attached to the tower. Mr. Hunnicutt also noted that the application is incomplete and incorrect because it does not identify all the antennas on the tower. Further, Mr. Hunnicutt noted that it appears that the stated coverage objective is seven miles away, which he did not believe could be met with antennas at this location. He referred the group to the recommendation form, which sets out the TFCG's record of activity at this site and states that the Tower Coordinator cannot recommend this attachment because the County will not permit antennas to be attached to the tower for the reasons explained in detail in the recommendation form.

Marjorie asked Sean Hughes if he had anything to add to the discussion about this application. Mr. Hughes stated that he planned to file for a Special Exception review for this tower and that he needed a recommendation from the TFCG to meet the filing requirements of the Board of Appeals. He explained that he was hoping for a technical analysis as part of the review of the application.

Mr. Hughes noted that the coverage objective as stated on the application was incorrect and that the applicant had not been notified of the items that were incomplete; he submitted a revised application with what he said was a correct statement about the coverage, noting that RF maps had been attached to the revised application. Ms. Herrera asked if the revised application identified all the antennas on the tower. Mr. Hughes replied that no changes were made to the drawings because he thought what was originally submitted was correct.

Ms. Herrera asked Mr. Hunnicutt if he notified the applicant that the application was incomplete. Mr. Hunnicutt replied that he did not see any point in taking the time and expense to issue a request for additional information to correct an application that could not be recommended regardless of the errors and omissions on the application. He noted that T-Mobile had already been advised of that situation when they submitted the first application which had the same errors and omissions.

Clifford Royalty added that notice was provided to the applicant when they were provided a copy of the Tower Coordinators Recommendation Form because that form contained notice about the incompleteness of the application and that the applicant did not provide any additional information upon receipt of that notice. He added that with the FCC's shot-clock requirements now in effect, the TFCG must move quickly to get each application processed to meet those requirements.

Mr. Hughes agreed that the original application was incorrect but claimed that the Tower Coordinators Recommendation Form is also incorrect because there is reference to PEPCO towers as being a quarter-mile away when they are actually a half-mile away. Ms. Williams noted that Mr. Hughes had informed her of that last week after they received the Recommendation Form and asked Mr. Hunnicutt to address that matter. Mr. Hunnicutt checked the distance and agreed that the closest PEPCO towers were 0.47 of a mile away, not a quarter-mile. He added that he referenced the PEPCO towers because the record shows that is where AT&T placed their antennas and he wanted to note in the Recommendation Form the record for the prior applications at this site; that is, AT&T attached their antennas to a PEPCO tower and Sprint constructed a new monopole at Sherwood High School in lieu of the tower at the Donora Road property because they were informed they could not attach to the Donora Road tower for the same reasons that exist today.

Mr. Hughes commented that a technical review shows that neither of those alternative sites would work for T-Mobile and that a technical review of the type he believed is done for all other applications would show that.

Ms. Herrera asked if a technical review was done for this application. Mr. Hunnicutt replied that this is a co-location application, not an application for a new tower, and that a technical review like what Mr. Hughes is referring to is only done for applications for a new tower. Mr. Hunnicutt explained that a technical review is done for new tower applications to rule out co-locations options in lieu of constructing

a new tower, which would not apply in this case because it is an application to co-locate antennas on an existing structure. Mr. Hunnicutt elaborated that, in this case, the existing structure is illegal and therefore cannot be used to attach additional antennas. Ms. Herrera asked what level of review is done for a co-location application. Mr. Hunnicutt replied that they check that the antennas meet the size limits in the zoning regulations, that the information needed for the TFCG database (address, latitude and longitude, etc.) is provided and is accurate, that the filing requirements have been met, that the drawings are accurate and current, that the site is on the carriers annual plan as required, and that the application is complete and accurate, among other things.

In response to Ms. Herreras question about current law and the tower, Mr. Royalty added that the Donora Road tower is illegal and that no additional attachments can be made to it.

Ms. Williams added that T-Mobiles application to attach antennas to the monopole at Sherwood High School was approved some time ago and asked Mary Pat Wilson to comment on what MCPSs records showed for that application. Ms. Wilson replied that though the MCPS had approved that attachment, T-Mobile never executed a lease agreement with MCPS.

Ms. Herrera summarized the conclusions about the application, noting that it was incomplete and incorrect; that the applicant had been notified of same; and that the County is under no obligation to determine if inaccuracies can be corrected on an application. The applicant is obliged to file a correct application.

Carlton Gilbert asked whether T-Mobile would be able to attach their antennas if the tower were legal. Mr. Niblock replied that if the tower had been approved by a special exception as required, the group would not be having this discussion. Mr. Royalty added that the permit originally issued for the tower was granted based on a misrepresentation of the intended use by the property owner.

Mr. Hughes asked the group to condition their recommendation on approval of a special exception as they have done on other applications and submitted copies of TFCG Notice of Action for two such cases. Mr. Royalty remarked that those conditions were for applications with very different circumstances than co-locating antennas on an illegal tower.

Ms. Herrera noted that the TFCG action can be either to recommend, not recommend, or recommend with conditions and, though Mr. Hughes disagrees with that conclusion, and called the question.

Motion: Mr. Niblock, noting that he did not see how it is up to the TFCG to somehow make the tower legal, moved that the application not be recommended for the reasons stated in the Tower Coordinators Recommendation. Carlton Gilbert seconded the motion and it was approved with Mary Pat Wilson abstaining.

The next meeting of the TFCG is scheduled for Wednesday, October 6th at 2 p.m. in the second floor conference room #225 of the COB.