



April 1, 2025

1800 PERRY ST NE
WASHINGTON, DC 20018

Re: Letter of Authorization for Obtaining Land Use Entitlements for TowerCo's and T-Mobile's Zoning Antenna Permit application AN2500054 and Eligible Facilities Request for a fifteen-foot (15') extension and collocation of equipment on an existing wireless telecommunications facility ("Facility") located at 1800 Perry St NE, Washington DC 20018 / Site ID: DC0002_Otis

To Whom it May Concern,

TowerCo hereby authorizes Site Link Wireless LLC, all its employees, agents, and contractors including Melissa Parker to file and complete any applications necessary to obtain required land use entitlements on TowerCo's behalf for its the height extension on an existing wireless telecommunications facility located at 1800 Perry St. NE, Washington DC 20018.

If you have any questions or concerns, please contact me at cfazzolari@towerco.com.

Regards,

Carrie Lynn Fazzolari
National Director of Zoning
cfazzolari@towerco.com
(443) 223-7483



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Suite 200
Cary, NC 27519
Office: 919.653.5700
www.towerco.com

March 11, 2025

District of Columbia Building and Zoning
1100 4th Street, SW
Washington, DC 20024

Re: TowerCo's and T-Mobile's Zoning Antenna Permit application ("Application") and Eligible Facilities Request for a fifteen-foot (15') extension and collocation of equipment on an existing wireless telecommunications facility ("Facility") located at 1800 Perry St NE, Washington DC 20018 / Site ID: DC0002_Otis

Dear Building and Zoning:

We are submitting this application as an eligible facilities request under Section 6409, referenced below. Please find enclosed the following documents in support of our application to obtain the building permit:

Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act ("Section 6409") was adopted in 2012. Under Section 6409, your city retains discretionary zoning review over the construction of *new* towers, but simple collocations and/or equipment upgrades at existing telecommunications facilities must be approved. The new law provides 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." (Emphasis added.)

The federal law defines an "eligible facilities request" as **"(A) collocation of new transmission equipment; (B) removal of transmission equipment; or (C) replacement of transmission equipment."** (Emphasis added.)

Also, the Federal Communications Commission issued a Wireless Infrastructure Report and Order on October 17, 2014 ("FCC Order") which established regulations that clarify and streamline the municipal approval process for eligible facilities requests under Section 6409. A copy of the FCC Order is enclosed herewith.

The FCC Order clarifies that municipal review of an eligible facilities request is **limited to determining whether the request falls within Section 6409:**



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“a State or local government may require the applicant to provide documentation or information **only to the extent reasonably related to determining whether the request meets the requirements of this section** [Section 6409]. A State or local government **may not require an applicant to submit any other documentation**, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.”47 C.F.R. 1.40001(c)(1) (Emphasis added).

TowerCo’s Application is an Eligible Facilities Request under Section 6409

TowerCo’s application qualifies as an eligible facilities request under Section 6409 because the proposed installation involves “a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

As shown on the plans prepared by Kimley Horn dated March 6, 2025 TowerCo’s proposed installation consist principally of the following elements:

Installing a 15’ tower extension to the existing 84’ slimline pole, resulting in a total height of 99’.

This modification does not constitute a “substantial change” since the installation “does not substantially change the physical dimensions of such tower or base station.” Therefore, this upgrade constitutes an “eligible facilities request” under Section 6409 and must be approved.

The FCC Report clarifies that for eligible support structures that are towers, **a change is considered a substantial change if “it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.”** 47 C.F.R. 1.40001(b)(7)(i). (Emphasis added). The FCC further clarifies in their Declaratory Ruling that section 1.6100(b)(7)(i) allows an increase in the height of the tower of up to twenty (20) feet between antennas, as measured from the top of an existing antenna to the bottom of a proposed new antenna on the top of the tower. The top of other Carrier’s antenna is at 84 feet, the bottom of T-Mobile’s antenna is 84 feet, which is a separation of ____ feet and within the FCC “Substantial” threshold.

Further, DCMR (Zoning Regulations of 2016) Section 1311.4(b) explicitly states that “A *report* from the Office of Planning is *not* required for collocation on an existing permitted antenna tower provided the installation *would not increase the existing height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20 ft.)*, whichever is greater; [Emphasis added]. Section 1311.1 allows the

Zoning Administrator to take final action on an antenna tower permit application without a report from the Office of Planning when said report is exempted in accordance with Subtitle C §1311.4.



Timeline for Review and Approval

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We would like to highlight an important timing requirement for processing this application. The FCC Order determined that **a municipality must act on an eligible facilities request within sixty (60) days of receiving the application.** 47 C.F.R. 1.40001(c)(2) (Emphasis added). (Note, the sixty (60)-day period is also known as the “Shot Clock”). Thus, the city must approve this application within sixty (60) days of its receipt. The FCC Order provides that upon a municipality’s failure to act prior to expiration of the Shot Clock, the **“request shall be deemed granted”** and AT&T will be legally entitled to proceed with construction. 47 C.F.R. 1.40001(c)(4) (Emphasis added).

Note that the FCC Order does allow the Shot Clock to be tolled if an application is incomplete. However, in order to do so, a municipality must provide written notice that the application is incomplete within thirty (30) days of the submittal. 47 C.F.R. 1.40001(c)(3)(i). The notice must “clearly and specifically” describe the missing documents or information, 47 C.F.R. 1.40001(c)(3)(i), and, as previously mentioned, such documentation must be necessary to the determination of whether the application qualifies as an eligible facilities request. If the municipality requests additional information after the first thirty (30) days have passed, we will still provide any “reasonably related” information allowed under the FCC Order, but the Shot Clock will not be tolled.

In light of the foregoing, TowerCo respectfully requests that its proposed wireless site modification be approved pursuant to Section 6409.

If the Washington D.C. Office of Planning believes that this application does not qualify as an eligible facilities request under Section 6409, please let me know immediately. Otherwise, if you have any questions, please feel free to call or email me. Thank you for your cooperation.

Sincerely,

Carrie Lynn Fazzolari
National Director of Zoning/Attorney

