TOWN MANAGER SUMMARY OF PUBLIC COMMENTS AND REVISIONS TO DRAFT GRANT OF LOCATION PROCEDURES AND STANDARDS FOR PERSONAL WIRELESS FACILITIES LOCATED IN THE PUBLIC RIGHTS OF WAY 05-30-2023

Background

On March 23, 2023, the Town Manager conducted a public hearing on proposed grant of location procedures and standards for Personal Wireless Service Facilities located in the public rights of way. Written comments were submitted on March 17, 2023, by Americans for Responsible Technology ("ART"), and on March 23, 2023, by CTIA-The Wireless Association ("CTIA"). Comments were offered by CTIA and members of the public during the public hearing. The public hearing was left open for thirty (days) to afford interested persons an opportunity to make additional comments and respond to comments offered by others. Post-hearing comments were submitted by Massachusetts for Safe Technology and several residents. All comments are included in the public hearing record.

Review of Proposed Regulations in Light of Public Comments

The Town Manager, the Legal Department and the Planning Department, together with outside counsel, reviewed all public comments and evaluated the draft regulations. The Town Manager is providing this summary of the public comments, the Town's proposed revisions to the draft regulations and reasons for the proposed revisions. Public comments played an important role in moving these regulations forward. Revisions to the proposed draft reflect input offered by residents and stakeholders such as ART and CTIA.

Attached to this Summary is a redlined version of the draft regulations which shows the changes proposed. In light of the changes made to the draft presented at the March 23, 2023 public hearing, the Town Manager intends to conduct a second public hearing in order to afford the public an opportunity to submit comments on the revised draft.

ART's March 17, 2023 Letter from Doug Wood

ART Recommendation #1: ART cited "the lack of a requirement for a public meeting for any proposed antenna in a residential area…" and stated that "…Barnstable residents living within 250 feet of the proposed antenna…" should receive notice of a proposed antenna by certified mail, advising them of an application being made, giving the precise location of the antenna and informing them that a public meeting will be held regarding the application.

> **Town Manager Comments**: The Town Manager has made revisions to proposed regulations as follows:
>
> Supplemented the statutory public notice of hearing requirements with additional forms of notice. Notice by mail will be provided by the Town to property owners within 300 feet of the proposed location. The filing of a wireless grant of location application will be posted on the

Town website and at Town Hall. The location of the proposed Personal Wireless Service Facilities will be included. The contents of the application will be made available for public inspection and/or posted on the Town website. In addition, the Town Manager proposes to establish a method for interested persons to sign up to receive email notices when a wireless grant of location application is filed.

Reasons: A substantial number of public comments requested that direct notice of a grant of location hearing be given to property owners located within 250 feet of a proposed location. Adding these supplemental forms of notice is not inconsistent with General Laws Chapter 166, Section 22. Formal notice of a public hearing will be made as required under General Laws Chapter 166, Section 22. See proposed regulations Section XXX-5-L at page 12.

The proposed regulations are revised to expand upon public notice practices. However, non-compliance with one or more of these supplemental forms of notice does not affect the validity of a grant of location order, as these additional forms of notice are not required by statute.

The use of 300 feet is based upon the use of that distance in the zoning context (see General Laws Chapter 40A, Section 11). The Town will be responsible for satisfying the statutory notice requirement as well as each of the supplemental forms of notice.

ART Recommendation #2: ART has recommended that "…the specifications for fire and safety be updated in accordance with rapidly changing weather conditions and storm strength due to changing climate." ART provided some specifications for consideration by the Town.

Town Manager Comments: To the extent not already covered, the proposed regulations will be revised to add the following specific fire and electrical safety standards: (1) a power shut off readily accessible to fire service personnel for emergencies; (2) surge protection for lightning discharge or other significant electrical disturbances; (3) signage as required by the permit conditions, the National Electrical Code, FCC regulations, and/or pole owners; and (4) instructions for first responders to de-energize the equipment.

Reasons: The proposed regulations incorporate safety standards. See Section XXX-6-B (12) at pages 19-20 (regarding strand-mounted antenna); Section XXX-6-B-(19)(k) at page (safety measures and requirements). The above measures are commonly adopted.

The specific measures recommended by ART may be evaluated prospectively. They need to be reviewed in light of state law, pole owner safety requirements applicable to wireless pole attachments, and the internal practices of wireless parties. We welcome any additional information on this topic which residents, pole owners or wireless stakeholders wish to provide and such information will be considered prospectively.

ART Recommendation #3: ART has requested increased specifications for safety regarding strand-mounted antenna.

Town Manager Comments: No change has been made.

Reason: The proposed regulations contain requirements for strand-mounted antenna which include safety considerations. Section XXX-6-B(12).

ART Recommendation #4: ART has suggested increasing insurance requirements, such as amounts of coverage for structural collapse, fire, flood, wind or claims resulting from exposure to pollution, including RF radiation.

Town Manager Comments: No change has been made.

Reason: No basis for the suggested increases in coverage amounts has been presented. The amounts provided for in the draft are common based upon review of other ordinances, bylaws and policies. The Town Manager notes that the existence (or lack thereof) and amount of insurance coverages do not cap or limit liability. There was not sufficient information presented to address expanded coverage suggested by ART.

The issues raised by ART will be considered prospectively. We welcome any additional information on this topic which residents, pole owners or wireless stakeholders wish to provide and such information will be considered prospectively.

ART Recommendation #5: ART suggested that the regulations be revised to allow the Town "to revisit any permit for a wireless antenna in the event that (1) the FDA changes its policy on human exposure to RF radiation, (2) the FCC changes its human exposure guidelines, or (3) there is a court decision or a change in Section 704 of the Telecommunications Act allowing local governments to consider the potential health effects of exposure to RF radiation in making decisions about antenna placement."

Town Manager Comments: No revisions have been made to adopt ART's suggestion. The Town Manager is adding to the proposed regulations a requirement to comply with applicable laws. A definition of "applicable laws" is being added.

Reasons: The proposed regulations include a requirement that radio frequency emissions from Personal Wireless Service Facilities be tested within 90 days after the date of commencement of operations and thereafter on an annual basis for compliance with the FCC's RFE regulations. The FCC would determine the applicability of a change in its human exposure guidelines to existing Personal Wireless Service Facilities. The effect of a court decision or change in Section 704 of the Telecommunications Act to allow local governments to consider the potential health effects of exposure to RF radiation in making decisions about antenna placement is speculative at this time and would be reviewed if, as and when such changes in law occurred. The proposed revisions cover a permittee's continuing obligation to comply with applicable laws.

CTIA's March 23, 2023 Letter from Jeremy Crandall, Assistant Vice President-State Legislative Affairs

CTIA Comments on Section XXX-3: CTIA recommended that the definition of "Personal Wireless Service Provider" be revised to include "entities deploying wireless facilities that are to be used by providers of Personal Wireless Services." CTIA stated that there are infrastructure companies that deploy non-DAS facilities to be used by providers of Personal Wireless Service and that should be able to apply for a grant of location.

> **Town Manager Comments:** The definition is being revised to cover an infrastructure provider that satisfies the eligibility requirements applicable to grant of location applicants. See Section XXX-5(A) (Eligible Applicants). Section XXX-5(A)(3) recognizes "Carrier-neutral Applicants such as Distributed Antenna System operators…." Given Section XXX-5(A)(3), the Town Manager revised the definition of "Personal Wireless Service Provider" to cover "carrier-neutral applicants, including but not limited to DAS Providers, who satisfy grant of location eligibility requirements."

CTIA Comments on Section XXX-4(B) and footnote 1: CTIA questioned the language in footnote 1: "If that application [an Eligible Facilities Request] is denied, the Applicant may submit a grant of location application governed by these Regulations." CTIA suggested that footnote 1 be revised by inserting after "denied" the phrase "because the proposed facility was determined not to be an Eligible Facilities Request…"

> **Town Manager Comments:** The Town Manager has deleted the last sentence in footnote 1 in order to address the concerns expressed by CTIA. He has not yet issued regulations covering Eligible Facilities Requests. The permissible ground(s) for denying an Eligible Facilities Request will be addressed in those regulations in a manner consistent with federal law.

CTIA Comments on Section XXX-5 (B): CTIA commented that 6 months from the date of a grant of location to complete deployment is too short, given potential supply chain delays, and adverse weather that can prevent site work. CTIA recommended that this period be extended to 12 months.

> **Town Manager Comments:** The Town Manager revised the regulations to adopt a 12 month time frame to complete deployment. There are factors that affect the time needed to complete deployment (e.g., supply chain issues, weather, delays due to pole owner make ready work; delays where completion of deployment depends upon the installation of a replacement pole and removal of a double pole). One purpose for this section is to encourage the completion of work within a reasonable time and avoid a permittee's foreclosing another party from using a given location by delaying its own construction. It is believed that this objective can be achieved with a modest extension of the time to complete interval. It is preferable to afford this extension than to trigger requests for extensions, which expend the resources of the Town and the Permittee.

CTIA Comments on Section XXX-5(E)(2) and (3): CTIA finds these sections acceptable "as long as they are amended to clarify that the issuance of any such additional permits [required for construction] is subject to federally mandated 'shot clock' time periods for the Town to act on all applications, which are set forth in Section XXX-5(J)."

> **Town Manager Comments:** No change in the draft is being made.

Reason: 47 U.S.C. §332(c)(7)(B)(ii) provides that "A State or local government or instrumentality thereof shall act on *any request* for authorization to place, construct or modify personal wireless service facilities within a reasonable period of time *after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request"* (emphasis added).

When a given request is duly filed depends upon when the applicant chooses to submit the given request. For example, an applicant might submit several different requests for authorization at the same time or space them out based on logical factors. An applicant might apply for a building permit, street excavation permit, electrical permit, and historic district commission permit at the same time as it applies for a grant of location or at different times. Even where several requests are filed at the same time, the nature of a given request may dictate what is a reasonable time for permitting authority action. That said, the shot clock interval applicable to a given grant of location application does not dictate the shot clock interval for all other related requests or take into account the nature and scope of a given request, which affects what is a reasonable time for action.

The Town understands the FCC's concern about sequential permitting as a cause for undue delay. However, that concern does not override the language in 47 U.S.C. §332(c)(7)(B)(ii). Section XXX-5(E)(2) is consistent with the statute. Section XXX-5(E)(3) leaves it to the applicant to decide when to submit a request for a required permit.

CTIA Comments on Section XXX-5(H): CTIA asserted that this peer review section should be deleted.

Town Manager Comment: No change to the peer review provision has been made.

Reasons: Peer reviews are authorized by state statute and the proposed regulations track that statute. Peer reviews are contemplated by the FCC (see for example the Small Wireless Order at ¶76) and have been widely adopted by local permitting authorities for wireless facilities. In a given application, the nature and scope of the request may necessitate peer review. In some cases, internal staff may not possess the expertise needed to review all facets of an application. Section XXX-5(H) enumerates the types of technical reviews that may be deemed necessary. Peer review also may assist in the case of batch applications, which would stretch Town resources thin and necessitate a delay absent peer review resources. A claim of effective prohibition by an Applicant also may require assistance from a peer reviewer. The peer review process is, of course, covered by the reasonable time standard that covers the grant of location application and the use of a peer review does not toll the shot clock interval.

CTIA Comments on Section XXX-(5)(I)(1): This section provides that if the Town Manager does not provide a timely notice of incompleteness of an application, the Town cannot toll the shot clock interval based upon incompleteness. It further provides that an applicant remains responsible for submitting a complete application and bears the risk of a denial of its application based upon incompleteness. CTIA objects to this allocation of the risk of denial to the applicant.

Town Manager Comments: No change in language has been made.

Reason: Section XXX –(5)(I)(1) is consistent with and follows a recent federal district court decision, *ExteNet Systems, Inc. v. City of Cambridge*, 481 F. Supp. 3d 41 (D. Mass. 2020), in which the failure to provide a timely notice of incompleteness resulted in a waiver of the tolling of the shot clock, but did not shift the burden of completeness of the application from the applicant to the City.

CTIA Comments on Section XXX-5(0): This section notes that an applicant must pay a fee for the recording of a grant of location order. CTIA requested that the amount of the fee be included in the regulations.

Town Manager Comments: The Town Manager revised this section to include a reference to General Laws Chapter 262, Section 34, clause 62, or any successor law, as well as the current amount of the fee, which is subject to change. The recording fee for a grant of location order is based upon General Laws Chapter 166, Section 22, which references General Laws Chapter 262, Section 34, clause 62. The current recording fee is $3.50 for each street or way included in the grant of location order.

CTIA Comments on Section XXX-5(Q): CTIA stated that the third sentence in this section places unlawful limits on the construction of new poles because it requires the applicant to demonstrate no "technically feasible alternative" to the new pole.

Town Manager Comments: No change in language has been made.

Reason: Section XXX-5(Q) stresses that the use of existing or replacement poles is preferable to the construction of new poles in new, additional locations. A limitation on new poles is intended to minimize visual clutter and promote public safety. Moreover, if a Personal Wireless Service Provider were free to construct new poles despite the availability of alternatives, the use of public ways would be incommoded by physical and visual clutter. Wireless parties would pursue new construction in order to avoid the costs and delays associated with utility make ready requirements, pole attachment fees and other requirements. An Applicant that proposes a new pole will be asked about the availability of technically feasible alternatives, such as the use of an existing pole or replacement pole and for factual support for any claim that the denial of the new pole would effectively prohibit its provision of Personal Wireless Service. In the first instance, the location of a pole is within the scope of Town authority under both state and federal law.

CTIA Comments on Section XXX-6(b)(2): This section provides that Personal Wireless Facilities "shall be designed to occupy the least amount of space in the public right of way that is technically feasible." CTIA claims that this section impermissibly intrudes on the applicant's network design decisions. CTIA states that other provisions in the proposed regulations are fully adequate to protect the Town's interest in managing the appearance of facilities and implies that this section should be deleted.

Town Manager Comments: This section is not being revised. The use of the least amount of space which is technically feasible is consistent with and promotes the Town's aesthetic standards. The FCC's analysis of aesthetic standards takes into account whether a given measure is technically feasible and meets an aesthetic objective. It is well within local authority to have reasonable limitations on the size of wireless facilities. It is typical in many local bylaws,

regulations and policies applicable to wireless permitting in the public ways. The size of the facilities also is limited under Section XXX-6(B)(19)(a) and (b) at p.22 ("as small as practicable").

CTIA Comments on Sections XXX-6(B) (3), (4): CTIA objects to a requirement to justify a new pole by demonstrating that there is no technically feasible or available existing or replacement utility pole. CTIA also objected to a requirement that a new pole be at least 100 feet away from a residence.

Town Manager Comments: No change is made to Section XXX-6(B)(3). Section XXX-6(B)(4) is being revised so the 100-foot setback applies only to new poles and not where the attachments are on an existing or replacement Utility Pole. A further qualification is that an alternative location be consistent with these Regulations.

Reasons: New poles are discouraged where existing locations (existing poles and replacement poles) are available and technically feasible. Moreover, if a Personal Wireless Service Provider were free to construct new poles despite the availability of alternatives, the use of public ways would be incommoded by physical and visual clutter. Wireless parties would pursue new construction in order to avoid the costs and delays associated with utility make ready requirements, pole attachment fees and other requirements. The Town Manager understands that a 100-foot distance requirement may be impractical. It might routinely require Applicants to seek exceptions and complicate the review and hearing process. The primary focus in the regulations is on avoidance of placements of poles directly in front of a residence, given aesthetic and public safety concerns. Applicants are encouraged to look for locations that are in between residences rather than directly in front of a residence. Since the Town Manager does exercise authority over the location to be granted, he retains the discretion to consider alternative locations.

CTIA Comments on Section XXX-6(B)(5): CTIA objects to the proposed regulations' limitation on aerial facilities where an underground district has been established.

Town Manager Comments: The Town Manager revised this section in order to avoid an absolute prohibition. A review of a grant of location application seeking the installation of a new communications pole would involve a consideration of any adverse impacts of the proposed facilities to the streetscape, local surroundings and other aesthetic considerations. All of the criteria for the installation of a new pole would apply to a location in in an underground district.

As revised, new poles shall not be installed in an underground district. An applicant seeking an exception would need to satisfy the standards applicable to new poles in any district. Where there is an existing Utility Pole or Town-Owned Infrastructure in the proposed location, the applicant will need to obtain a Grant of Location and, as applicable, specific permission from the Utility Pole owner(s) or streetlight attachment license agreement from the Town.

Under the FCC's *Declaratory Ruling and Third Report and Order* released September 27, 2018, paragraph 90, it is permissible for the Town to deny a grant of location based upon aesthetic considerations and the incompatibility of the proposed aerial facilities with the existing location, as long as the denial does not effectively prohibit the provision of Personal Wireless Service.

CTIA Comments on Section XXX-6(B)(6): CTIA opposes any requirement that a Personal Wireless Service Provider take unmetered electric service where it is offered by the electric distribution company. It opposes being forced to enter into a contract with the electric distribution company merely because the utility wants the contract.

Town Manager Comments: The Town Manager has revised the language as follows to address CTIA's concerns:

> **Electric Power Meters.** The Applicant shall state whether the use of an electric meter is required by the electric distribution company's tariffs or if an unmetered rate is available under the tariffs. If an unmetered rate is available under the tariffs, the Applicant shall utilize the unmetered rate in order to reduce visual clutter, the risk of vandalism and the weight borne by the Utility Pole. The Applicant is not required to request an unmetered rate which is not tariffed and which would require entering into a special contract with the electric distribution company subject to the approval of the Massachusetts Department of Public Utilities.
>
> **Reason:**This requirement as revised is reasonable. Unmetered electric service is preferable. It reduces visual clutter. It promotes public safety by removing equipment that can easily be vandalized, increasing visibility, and reducing the pole's weight bearing requirements. The provision does not force a wireless party to enter into a contract with the electric company. It does not require the wireless party to ask for a special contract for unmetered service, and the electric company cannot prevent the wireless party from taking a tariffed service.

CTIA Comments on Section XXX-6(B)(7): CTIA opposes several provisions related to Town confirmation that a Permittee remains in compliance with the FCC's radio frequency emissions regulations on and after its commencement of operations. It contends that these provisions are preempted under Section 332(c)(7) of the Communications Act.

Town Manager Comments: no change in this Section has been made.

Reason: These provisions are not preempted. These provisions do not regulate the placement, construction and modification of Personal Wireless Service Facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] Commission's regulations concerning such emissions.

> Proof of compliance with the FCC's RFE regulations has been recognized as a legitimate permitting requirement. *RF Procedures Report and Order,* WT Docket No. 97-192 (2000) (recognizing local government's 'legitimate interest in ascertaining that facilities will comply with the RF exposure limits set forth in [the Commission's rules']. Requiring information on compliance with the FCC's RFE regulations does not violate federal law. *New York SMSA Limited Partnership* v. *Town of Clarkstown,*603 F.Supp. 2d 715,729-731 (S.D. N.Y.)(2009)(because the FCC has not mandated any procedure by which localities must determine compliance with its requirements, there can be no serious dispute that

localities may require applicants to submit information pertaining to RF emissions in order to determine whether the FCC standards are met).

The Town has a continuing interest in assuring the public that Personal Wireless Service Facilities remain in compliance with the FCC's regulations at the time of operation and thereafter. Compliance with the FCC's RFE regulations includes worker and public safety matters, such as the posting of warning signs in appropriate places and the regulation of aggregate emissions where more than one source contributes to the emissions levels.

CTIA Comments on Section XXX-6(B)(11): CTIA contends that this section is unnecessary, gives the Town unbridled discretion to demand the inclusion of "stealth elements" and uses the term "concealment element" to identify an unlimited range of design elements.

Town Manager Comments: no change in this Section has been made.

Reason: The Town has tried to distinguish stealth elements and concealment elements. Concealment elements are intended to track the FCC's narrow definition of something that makes a structure and attachments look like something else (for example, shrouding antenna inside a statute-like figure such as John Adams). Stealth elements are intended to encompass aesthetic measures such as the use of colors that blend in, encasing wires in conduit sheaths, avoidance of unnecessary signage, etc. The Town is not obligated to identify every possible stealth element. The proposed regulations contain examples. They are reasonable and published in advance, as the FCC has prescribed. They are reasonably related to avoiding aesthetic harms and other adverse visual effects.

CTIA Comments on Section XXX-6(B)(13): CTIA suggested that this provision be revised to allow for infrastructure providers which are not DAS providers.

Town Manager Comments: The regulations are being revised to include other infrastructure providers to the extent that they satisfy grant of location eligibility requirements.

Reason: CTIA's suggestion is reasonable and the revision will clarify that infrastructure providers are not limited to DAS providers.

CTIA Comments on Section XXX-6(B)(17): CTIA objects to limitations on the use of new poles where an existing or replacement Utility Pole is available.

Town Manager Comments: No change has been made.

Reason: As explained above, there are sound reasons for limiting the introduction of new poles in the public ways. This limitation is within the Town's authority to manage the use of public rights of way.

CTIA Comments on Section XXX-6(B)(19): CTIA objects to this provision and calls for its removal. It maintains that the requirements are applicable to cell towers but not to small cell facilities located in the public ways. It also contends that an "as small as possible" standard for equipment is vague and gives the Town unbridled discretion to decide what qualifies.

Town Manager Comments: It is unclear whether CTIA opposes Section XXX-6(B)(19) in its entirety or if objects to one or more specific provisions. CTIA does appear to object to subpart v., which deals with hazardous products. In order to address CTIA's concerns regarding subpart v., the Town Manager has revised subpart v. by adding language that it operates only to the extent applicable and that otherwise the Permittee is required to comply with Applicable Law.

CTIA Comments on Section XXX-6(C)(6)(a): CTIA contends that the amount of the performance bond is excessive and should be reduced to $1,000-$5,000.

Town Manager Comments: This provision is being revised to provide for a $10,000 bond for each location. Also, it provides that the amount of the bond may change over time.

Reason: The bond is intended to cover the cost of removal of the Personal Wireless Service Facilities and any necessary site restoration. The Town may well incur ancillary expenses if it needs to remove Personal Wireless Service Facilities. For example, it may incur police detail expenses, additional staff time and the costs of disposal. The amount of the bond may change over time in light of changes in circumstances, including increased costs of removal and increased ancillary expenses. We welcome any additional information on this topic which residents, pole owners or wireless stakeholders wish to provide and such information will be considered prospectively.

Other Public Comments

- One commenter expressed the belief that the public does not understand radio frequency emissions from small wireless facilities located in public rights of way.

- Concerns were expressed about the public safety of wireless facilities in light of storms and climate change.

- It was suggested that the regulations should require objective proof to support the selection of the proposed locations for wireless facilities in the public rights of way. It was suggested that any certifications made by an applicant, its agents or other representatives be submitted under the pains and penalties of perjury.

  Town Manager Comments: No change in the draft is made based upon the above comments.

  Reasons: The issue of whether the public has an understanding of small wireless technology in the public ways is outside the scope of this rulemaking.

  The safety of Personal Wireless Service Facilities is addressed in the draft regulations.

Application forms are being developed and will require certifications by persons submitting the application and all supporting materials.

- Better notification of public hearing is needed and should be extended beyond the statutory requirements to cover property owners within 250 feet of a proposed location. This point was raised by several residents.

  Town Manager Comments: This subject is covered in the response to ART comments.

- The regulations should prohibit the use of any materials contains PFAS ("forever chemicals");

  Town Manager Comments: Personal Wireless Service Providers must comply with Applicable Law. The Application now under development may include questions regarding the use of any hazardous materials and PFAS. The prohibition of the use of any materials containing PFAS would be enacted by the State or by a municipal department with authority to do so.

- The fire and safety specifications should be updated to take into account the effects of climate change (reference was made to an attachment to ART's March 17, 2023 letter).

  Town Manager Comments: This subject is covered in the response to ART comments.

- Strand-mounted antennas are hazardous.

  Town Manager Comments: No change has been made.

  Reason: The strand-mounted antenna provisions include some safety standards and are based upon a review of similar provisions adopted by other communities. No specific facts were presented in support of the comment. In addition, strand-mounted antenna are subject to the FCC's radio frequency emissions regulations.

- Any permits should be revisited in the event of any changes in technology or law regarding RFE standards

  Town Manager Comments: This subject is covered in the response to ART comments.

- The use of fiber cables is preferable to the use of wireless technology.

  Town Manager Comments: No change in language has been made.

  Reason: This statement is outside the scope of this rulemaking and requires no action.

Corrections and Substantive Revisions

In addition to the revisions described above, the draft Regulations have been revised to make needed corrections and clarifications, The following substantive edits have been made:

Section XXX-6-A: a reference to “Subsection C” is added after “Subsection B”.

Section XXX-6-B-4: deletes “Applicants are encouraged to use existing Utility Poles which do not support Personal Wireless Service Facilities.”

Section XXX-6-B-4: adds a spacing requirement of 300 feet between Grantee locations, but allows an Applicant to propose a modification of the spacing requirement on a case by case basis.

Section XXX-6-B-7-a: adds that an Applicant shall include in its Application its RFE safety practices and requirements.

Section XXX-6-B-7-b: adds language that a Grantee has an obligation to bring non-compliant facilities into compliance if it becomes aware of the non-compliance during an annual test or at any other time.

Section XXX-6-C-1: clarifies the heading and adds that if a Grant of Location is revoked, the Grantee must reapply for a Grant of Location.

Section XXX-6-C-2: adds an annual certification requirement to provide a list of the Grantee’s locations and identify any locations which are not in use.

Section XXX-6-C-8: adds that a Grantee must provide copies of its insurance policies.

We welcome additional comments and information from residents, pole owners and wireless stakeholders regarding the above edits.