

June 1, 2018

VIA E-MAIL

Mr. Andrew Knuppel - aknuppel@albemarle.org
Ms. Rebecca Ragsdale - ragsdale@albemarle.org

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, Virginia 22902

RE: B2018-883 – ATWR Country Green (Tier I PWSF)
Country Green / Shentel Site 69199, CV 909
Special Exception Request

Dear Andrew and Rebecca:

Shenandoah Personal Communications, LLC (“Shentel”) is submitting this supplementary letter in further support of its special exception application identified as B2018-883, to allow the collocation of its wireless telecommunication antennas on an existing 100-foot Dominion Energy Virginia Power Transmission Tower using a mounting structure that does not conform to the flush-mounting requirements of Section 5.1.40(b)(2)(c) (the “Proposed Facility”). Dominion Energy Virginia (“Dominion”) has determined that flush-mounted antenna mounts are no longer permitted on their towers under their current company policy, as they do not provide a safe work area for their employees and contractors, and they inhibit the reliability of Dominion’s services. Enclosed is a letter from Dominion dated February 26, 2018, which was submitted with B2018-883 but is enclosed again for ease of reference (the “Dominion Letter”).

The criteria for granting a special exception request to modify or waive design criteria for wireless telecommunication facilities is as follows:

- 1. That complying with the provisions of the Zoning Ordinance would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety or welfare;**

The purpose of Section 5.1.40 of the Zoning Ordinance (the “Wireless Ordinance”) is to “implement the personal wireless service facilities policy, adopted as part of the comprehensive plan, in a manner that complies with Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 33(c)(7)) ... [and] Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455) and 47 CFR § 1.40001.”

The Personal Wireless Service Facilities Policy of the Comprehensive Plan (the “Wireless Policy”) was adopted in December of 2000. The “Purpose, Principles and Intended Achievements” Section of the Wireless Policy states “this Policy is intended to allow for the

provision of personal wireless service facilities.” This is consistent with Section 704(a) of the Telecommunications Act of 1996, which provides that:

“regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof...shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”

This fundamental principal of the federal Telecommunications Act means that wireless providers such as Shentel must not be effectively prohibited from providing service to their customers.

The “Purpose, Principles and Intended Achievements” Section of the Wireless Policy goes on to state that “siting and design standards can be used anytime, but they are particularly useful for reviewing personal wireless service facility sites *when they are not in or near an Opportunity Site and not in an Avoidance Area*” (page 3, *emphasis added*). However, the Wireless Policy goes on to state, “Opportunity Sites include those locations where existing structures provide siting for Personal Wireless Service Facilities” (page 27, *emphasis added*). Therefore, the Wireless Policy recognized that while design standards are important considerations when evaluating wireless facilities, they are less critical when evaluating “Opportunity Sites” such as collocations on existing structures. This is because the Wireless Policy recognizes that design standards should be considered based on the context in which they are applied. The Wireless Policy first details the importance of “location” and then discusses design, in recognition of the fact that a collocation that does not meet the design standards may provide less visible impacts than a completely new facility that does meet the design standards.

For example, a treetop tower is noted as a form of “camouflage.” Camouflage is considered a strategy for mitigating visual impact. A treetop tower may have antennas that do not conform with design standards, but will almost certainly be less visible than a much taller traditional monopole or lattice tower. Therefore, proposing a treetop tower, instead of a traditional monopole tower, is a form of mitigation of visual impacts. Similarly, collocation is a form of mitigation of visual impacts, as the alternative would be constructing a completely new structure.

Shentel has identified the location of the Proposed Facility as one in need of improved wireless service. Enclosed with this letter are propagation maps demonstrating this need. One of the enclosed propagation maps shows the service conditions of the area as they currently exist and the other shows the projected service conditions with the Proposed Facility in operation. The proposed site is circled in red. On the map showing the existing conditions, below the proposed site there are large areas of white, which indicates no service at all, which is surrounded by an area of yellow, which indicates that while there is some service outside, the service is so weak that it would not work in a vehicle or building. The yellow areas are surrounded by a green color, which indicates that service may be strong enough to reach a customer in a vehicle but not one located within a building. The map showing the projected service conditions with the Proposed Facility shows much of the white (no service), yellow and green (minimal service) areas are replaced with coverage that can reach customers in buildings and vehicles, so-called “in-building coverage.”

Shentel has had difficulty finding any other location for a facility in this area. The existing Redfields neighborhood is the primary coverage objective, so the facility must be very close to those residences. The developing Oak Hill Farm neighborhood is also within the coverage objective area. Areas outside of residential lots are limited, and those areas are either open areas without trees to screen the facility, or sensitive environmental areas, such as streams. The limited amount of greenspace restricts the number of options for siting a facility screened by vegetation as well as inhibits the ability to site a facility in compliance with required setbacks.

Figure 1 shows the search ring area for the Proposed Facility. The red star shows the location of the Proposed Facility. Figure 1 also shows the streams that run throughout the larger parcels of greenspace, which as stated earlier, make it difficult to site a facility in the area. Shentel researched collocating on existing Dominion Transmission Towers north of the Proposed Facility or on the opposite end of the lake (the yellow stars shown on Figure 1); however, the Redfield Home Owners' Association, which owns the land under those structures, was not interested in this proposal because it would have required a gravel access road to bisect the open meadow that comprises its open space. Given the environmental features of the surrounding area, and limited alternative collocation options, Shentel is very restricted in the number of options it has to site a facility in the area that can comply with the County's Wireless Ordinance, while still mitigating the impact of such facility. The Proposed Facility is realistically the only option, as Shentel has exhausted all other options. If the requested Special Exception is not granted, Shentel will effectively be prohibited from providing service to its customers in this area.

It is important to note that a consequence of the Wireless Policy, which strongly discourages "traditional" wireless facilities (monopoles and lattice towers, typically 150 to 199 feet tall) is that the wireless carriers must as a result construct significantly more shorter wireless facilities to cover the same area, and that such shorter facilities will have to be closer to residential neighborhoods and other populated areas (such as schools, employment areas, and other public gathering places). That is why the Wireless Ordinance expressly permits Tier 1 and Tier 2 wireless facilities in every zoning district, including all residential districts. Shentel's need for a facility right next to the Redfields subdivision is a direct consequence of that policy, and as such, prohibiting the collocation as proposed by the Proposed Facility could have the effect of prohibiting service to that area. As such, strict enforcement of the flush-mounting requirements would be contrary to the purposes of the Wireless Ordinance, or otherwise serve the public health, safety or welfare.

Dominion now requires mounting platforms and no longer allows antennas to be installed below the static line. The Dominion Letter states, “Dominion requires a platform mounting system. Platform mounting systems provide a safe OSHA-approved work area.” The letter continues, “Flush mounts will not support a climber thus creating an unsafe working condition when performing routine maintenance, equipment upgrades or any work at elevation.”

In addition to the safety concern, Dominion has cited reliability issues as well. Flush-mounted antennas are often located below the static line. To install and maintain such flush-mounted antennas, a “bucket truck” is required to enable employees to install the antennas. Because the flush-mounted antennas are located below the static line, there is a risk of electricity harming employees working on the antennas. Therefore, Dominion requires one of the power lines to be “de-energized” or shut off while such employees are working, as stated in the Dominion Letter. This process requires a burdensome 6-week lead time. Shutting off half of Dominion’s system for the area where installation or maintenance of the wireless antennas are occurring does not allow Dominion to have a backup service for this area in the event of any service disruption, which significantly impacts the reliability of Dominion’s network. That impact on reliability is born by the entire community, thus impacting the public health, safety, and welfare. The safety concerns and reliability issues that result from collocating flush-mounted antennas on Dominion’s towers were unknown at the time the Wireless Policy was written.

Another change in circumstances that has occurred since the Wireless Policy was adopted in 2000 is the increasing demand by the public for in-building wireless coverage. In 2000, many roads in Albemarle County did not have wireless coverage, and customer demand was merely for in-vehicle coverage. Few, if any, households relied exclusively on their wireless phone for their household telecommunications as is now commonplace. In 2000 the public overwhelmingly used land lines for household and business telecommunications. However, wireless telecommunications technology has rapidly evolved in the intervening years, most wireless service plans now provide for “unlimited minutes,” students require reliable wireless service in their homes for education purposes, and smart phones are critical hand-held computers used for a variety of tasks that were virtually unthinkable in 2000. As a result, members of the public are now dependent on robust, reliable in-building wireless service, which was not the case in 2000. Customers now demand in-building coverage so that they can eliminate their land lines, use their phones in their homes, businesses, service establishments, and virtually everywhere else – making it a critical element of the infrastructure. That demand is what is driving the critical need for this Proposed Facility, which would provide in-building coverage to the residents of Redfields and surrounding neighborhoods.

The Wireless Policy should evolve as changes in technology and policies occur, similar to the adaptation of the Wireless Ordinance. Unlike the Wireless Ordinance, other components of the Comprehensive Plan (which are updated every five years as required by State law), and federal regulations, the Wireless Policy has not been updated since it was first adopted 18 years ago. In recognition of this, the Wireless Ordinance provides that the Wireless Policy should be implemented “in a manner that complies with [new federal regulations].”

There are many examples of the Wireless Ordinance adapting to technological or regulatory changes that conflicted with the Wireless Policy. For example, the “Tiered Approval Process”

Section of the Wireless Policy states that Tier Two facilities would require Planning Commission approval (page 68). However, the Wireless Ordinance was amended and Tier Two facilities no longer require Planning Commission approval. The Wireless Ordinance has been amended numerous times since it was first enacted in 2004 to respond to such changing circumstances and regulatory requirements. Due to technological changes, collocations on Dominion's towers are now a safety concern and lead to reliability issues for its services. Consequently, Dominion has changed its company policy regarding design standards for wireless facilities collocating on its structures. The design recommendations of the Wireless Policy should be evaluated in the context of the changing technological landscape and the realities of the significant health, safety, and welfare concerns that Dominion has identified in recent years. We maintain that the need to avoid the safety concerns and reliability issues associated with the flush-mounted design outweigh any of the potential incremental increase in visibility associated with the proposed platform structure.

Given the safety concerns and reliability issues noted above, as stated in the Dominion Letter, "antenna equipment must project a minimum of 6.5' above the top of the existing transmission facility to allow adequate clearance for a safe working environment..." We assert that the potential incremental visibility resulting from placing a platform structure slightly above the existing Dominion tower will be minimal. Photo simulations of the Proposed Facility demonstrating this minimal visibility will be submitted with this application as soon as possible.

In addition, the first criteria for granting a special exception request states that the Proposed Facility should be evaluated against its compliance with the purposes of the Wireless Ordinance or whether it would "otherwise serve the public health, safety or welfare." Allowing the platform structure of the Proposed Facility would ensure the safety of those installing and maintaining the antennas as well as ensure the reliability of Dominion's critical service to those in the area.

Therefore, we contend that the minimal incremental visibility resulting from minor deviations from the design criteria of the Wireless Ordinance are far outweighed by the benefits to the public health, safety, and welfare of allowing such platform structures, and thus is in compliance with the purpose of the Wireless Ordinance.

In addition, the Proposed Facility will satisfy the public need for service in this area, which is critical for emergency response, educational services, small businesses, economic development, and other important public uses. Therefore, the first criteria is satisfied.

2. That a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement.

As stated earlier, the Proposed Facility should be evaluated within the context of the available alternatives. By not permitting the mounting platform of the Proposed Facility and thereby prohibiting Shentel from collocating on Dominion's Tower, Shentel is forced to propose the construction of an entirely new additional structure to provide wireless service to the area. Given the realities of the features of the area, the proposed new structure is likely to have minimal tree coverage and limited setbacks from residential communities.

Therefore, the visibility goals of the Wireless Policy are better achieved by allowing the modification of the design standards to permit the collocation on the existing Dominion Tower rather than prohibiting the collocation and necessitating the proposal for a completely new structure to serve the area, which will likely have much more of a visible impact. At a minimum, the incremental visibility of the Proposed Facility will not be any worse than the visual impact of a new tower, thus the modified regulation will satisfy the purposes of the Wireless Ordinance at least to an equivalent degree.

By encouraging collocation, which mitigates visible impacts of wireless facilities while still allowing for such a critical service, the purposes of the Wireless Ordinance, which are to implement the policies of the Wireless Policy and federal regulations, are satisfied at least to an equivalent degree of approving a completely new structure for this area, even if the new structure had flush-mounted antennas.

In addition, approving the Special Exception request will enable Shentel to provide service to the Redfields subdivision and surrounding areas, in furtherance of the purposes of the Zoning Ordinance at least to an equivalent degree.

In conclusion, we contend that the criteria for granting a special exception allowing for the specified deviation from the design standards of the Wireless Ordinance have been satisfied. The Proposed Facility would allow for the collocation on an existing structure, as preferred by both the Wireless Policy and the Wireless Ordinance over the construction of a new tower, and allow Shentel to provide service to its customers in the area. In addition, the platform structure of the Proposed Facility that requires deviation from the design standards is in furtherance of the public health, safety, and welfare because it allows for safer working conditions for those installing and maintaining the facilities, and avoids impacts to the reliability of Dominion's critical network. For these reasons, we request your support for this special exception request.

Please do not hesitate to contact me should you have any questions. We appreciate your continued thoughtful consideration of our request.

Sincerely,



Valerie W. Long

Enclosures:

Propagation Maps
Letter from Dominion dated February 26, 2018

cc: Debbie Balsler, Shentel
Ryan Fletcher, NB+C

36286273_3

Dominion Virginia Power
P.O. Box 26066
Richmond, VA 23261
dom.com



February 26, 2018

Albemarle County Planning Department
401 McIntire Road
Charlottesville, VA 22902

RE: Shentel 69199 CV909 Ridgetop Dr VP3300

To Whom It May Concern:

This letter is in regards to the proposed Shentel Collocation to be mounted on Dominion Energy structure 39/533W 91/533E, located near 1134 Sunset Ave in Charlottesville, Virginia 22911.

Flush mounted antenna systems are no longer permitted under current company policy, as they do not provide a safe work area for our employees and contractors. In order to proceed with the antenna installation Dominion Energy requires a platform mounting system. Platform mounting systems provide a safe OSHA approved work area, allowing the site to be accessed by two climbers. Flush mounts will not support a climber thus creating an unsafe working condition when performing routine maintenance, equipment upgrades or any work at elevation.

Flush mounts result in sites having to be worked from a bucket, which requires the line(s) to be de-energized, resulting in reliability issues that must be mitigated prior to the de-energization. In addition to the complications this mount creates with servicing the cell site, it also complicates Dominion Energy from servicing their structure.

Under current company policy, installations are not permitted below the static line being that it is the utmost top line on a utility pole. When wireless equipment is located beneath the static line it prevents Dominion Energy climbers from performing maintenance and routine inspections on the upper phases and static lines of that structure. Antenna equipment must project a minimum of 6.5' above the top of the existing transmission facility to allow adequate clearance to allow for a safe working environment, for both the antenna equipment and transmission system.

If you have any questions, please feel free to call me at (804) 771-3295.

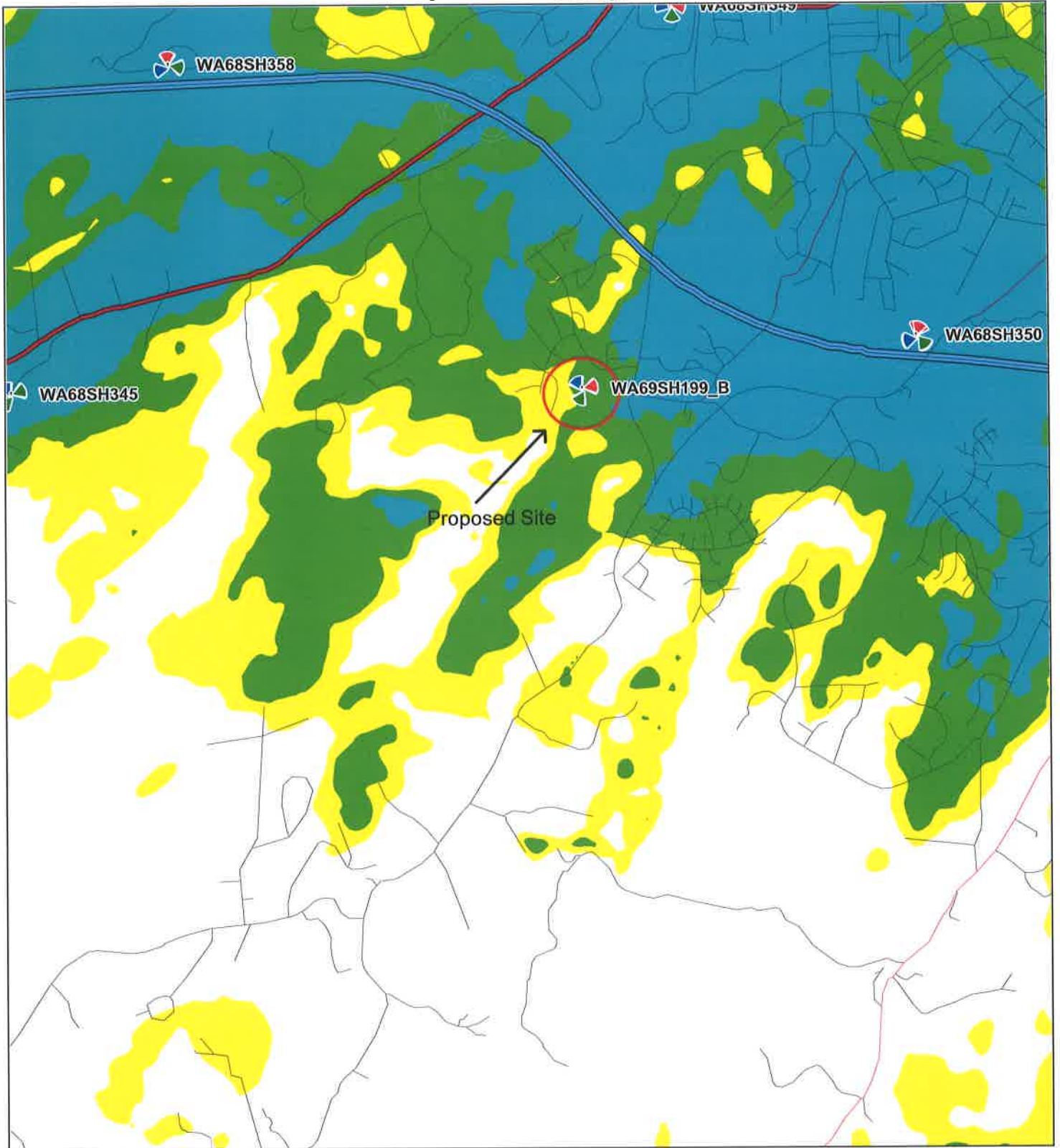
Robert Capehart
Dominion Energy
Project Manager

A handwritten signature in black ink, appearing to read "R. Capehart", written over a horizontal line.

Attachments

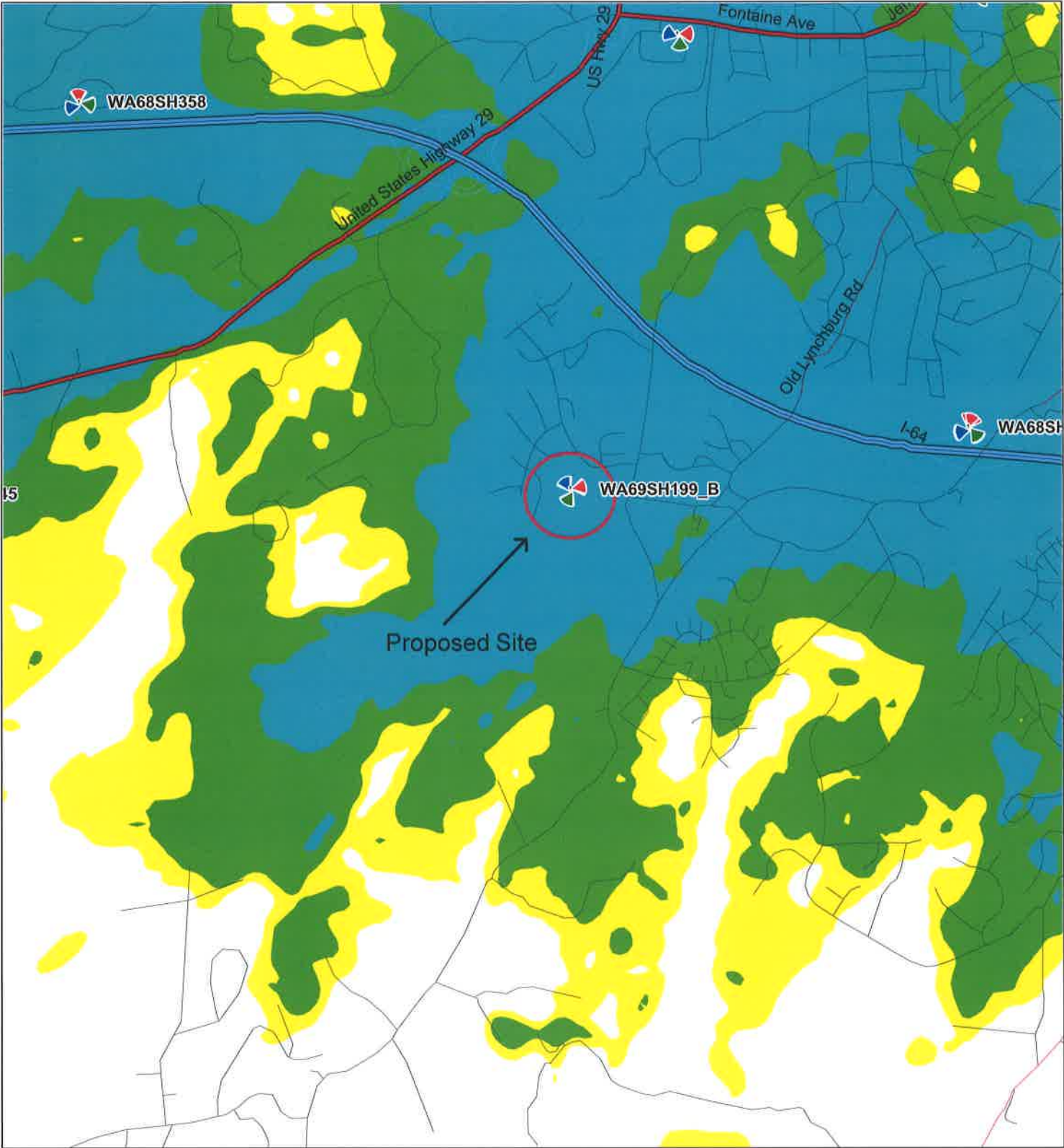
cc: Jay Lenhart, P.E., Supervisor – Dominion Energy Transmission Line Engineering
Roger Hughett, Site Acquisition Specialist - Network Building and Consulting

Existing 1900Mhz voice coverage



-  In-building coverage
-  Vehicular coverage
-  Outdoor coverage

Proposed 1900Mhz voice coverage



-  In-building coverage
-  Vehicular coverage
-  Outdoor coverage