This presentation is for informational purposes only. The Authority is not providing legal advice or counsel. Municipalities should obtain appropriate legal counsel for interpretation of the legal requirements related to telecommunications facilities.

Presented to the Connecticut Conference of Municipalities
June 30, 2020
The Public Utilities Regulatory Authority (PURA) is statutorily charged with regulating the rates and services of Connecticut's investor owned electricity, natural gas, water and telecommunication companies and is the franchising authority for the state’s cable television companies. In the industries that are still wholly regulated, PURA balances the public’s right to safe, adequate and reliable utility service at reasonable rates with the provider’s right to a reasonable return on its investment. PURA also keeps watch over competitive utility services to promote equity among the competitors while customers reap the price and quality benefits of competition and are protected from unfair business practices.
### Commissioners

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<th>Chairman</th>
<th>Vice Chairman John W. “Jack” Betkoski III</th>
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<td>Marissa P. Gillett</td>
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<td>Michael Caron</td>
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 CONNECTICUT PUBLIC UTILITIES REGULATORY AUTHORITY
Jurisdiction over Telecommunications Facilities

- **PURA** - Facilities attached to existing or replacement electric distribution poles.
- **Connecticut Siting Council (CSC)** - Facilities attached to electric transmission towers or other tower structures.
- **5G Council** – Facilities on State Property
- **Municipalities** - All other facilities not under the jurisdiction of PURA, the CSC or the 5G Council.
Small Cells on Municipal Property

- Outside PURA jurisdiction
- Municipalities subject to federal law and FCC rulings regarding fees, timing, and scope of review. Legal review is suggested.
- Governor's 5G Council tasked with developing policy guidance for municipalities.
Relevant Statutes and Laws

• Telecommunications Act of 1996 – Section 253(a) “No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”

• Conn. Gen. Stat. § 16-247h - “The authority shall authorize [telecommunications facilities in the public right of way] if such installation, maintenance, operation, management or control is in the public interest, . . .”

• Conn. Gen. Stat. § 16-234(f) – Requires entities to obtain consent of “adjoining proprietors” or PURA’s approval to locate facilities in the public right of way.

• FCC Declaratory Ruling 18-133 – Summarizes legal landscape for wireless installations, including "shot clocks"
  - Providers must notify property owners physically contiguous to the affected PROW and across the street
  - 30-day period to object
  - Providers must notify the host municipality at least 30-days prior to filing application with PURA
  - The Authority will endeavor to meet FCC’s applicable “shot clock”
- Conn. Agencies Regs. § 16-247c-5: Technical requirements for applications
1. Provider sends notice to adjoining property owners (APO) and municipality. Notice includes description of facility, radio frequency emission report, and procedures for objecting.

2. If no objection is received within 30 days, provider submits an application to PURA for review and approval.

3. PURA reviews the provider’s application and issues a ruling.
PURA Small Cell Application Process (Potentially Opposed)

1. Provider sends notice to adjoining property owners (APO) and municipality. Notice includes description of facility, radio frequency emission report, and procedures for objecting.

2. If no objection is received within 30 days, provider submits an application to PURA for review and approval.

3. If an objection is raised, the provider notifies PURA and a contested docket is opened.

4. The Authority sends the objecting person or municipality a packet explaining the process, requesting a written summary of the objection, and providing an opportunity for a hearing.

5. If a written objection is not submitted to PURA within 30 days, the Authority will presume the objection has been withdrawn (e.g. as a result of accommodations negotiated between the APO and the provider).

6. PURA then reviews the provider’s application and issues a draft decision. The decision is then voted on at a regular meeting.
1. Provider sends notice to adjoining property owners (APO) and municipality. Notice includes description of facility, radio frequency emission report, and procedures for objecting.

2. If an objection is received within 30 days, the provider notifies PURA and a contested docket is opened.

3. The Authority sends the objecting person or municipality a packet explaining the process, requesting a written summary of the objection, and providing an opportunity for a hearing.

4. If a written objection is submitted, PURA will coordinate with the parties and schedule a hearing.

5. The municipality is designated as an Intervenor or a Party if the municipality is also an APO.

6. Rules for a contested proceedings apply.
   - Ex parte prohibition
   - Discovery (interrogatories)
   - Direct testimony should be pre-filed

7. PURA issues draft decision and allows written exceptions/oral arguments.

8. PURA votes on final decision at a regular meeting.
Aesthetic Standards

According to FCC’s FCC Declaratory Ruling 18-133 (Para. 86-88, p. 45), aesthetic requirements must be:

• Reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance.

• Technically feasible and reasonably directed to avoid or mitigate public harm of unsightly or out-of-character deployments.

• May not materially inhibit deployment of wireless infrastructure.

• Clearly-defined and ascertainable standards, applied in a principled manner.
Radio Frequency Emissions

• Federal law preempts states from regulating small cell facilities on the basis of the radio frequency (RF) emissions if such facilities comply with FCC regulations. 47 U.S.C. 332(c) (7)(B)(iv).

• RF emission levels from wireless equipment must comply with exposure limits set forth in the FCC Office of Engineering and Technology Bulletin No. 65 (Bulletin 65, August 1997 Cumulative Power Density Table).

• PURA requires evidence of compliance with the FCC regulations in the form of a report from an RF engineer.
How to engage with PURA

- PURA online calendar
- Sign up for email alerts

Interested in receiving email updates for the above dockets, or other PURA proceedings? Sign up through PURA's email notification system. If you’re having difficulties updating an existing account, use the Internet Explorer browser and follow these troubleshooting tips.
How to engage, Con’t

• Provide comment during a public hearing
• Submit written comments into the record
  – By mail: Executive Secretary, Public Utilities Regulatory Authority, 10 Franklin Square, New Britain, CT 06051
  – By email: PURA.ExecutiveSecretary@ct.gov
• Intervene in the docketed matter
ATTENTION: Due to the current COVID-19/Coronavirus public health and safety concerns, effective immediately, the Authority is unable to respond to telephone calls placed to our toll free line (800-382-4586). You may also file a complaint via our website or by email at pura.information@ct.gov. If you are unable to file a complaint or inquiry electronically, please stay on the line to leave a message. Your issue will be responded to in a prompt manner. PURA COVID-19 Actions

Mailing Address
PURA
Ten Franklin Square
New Britain, Connecticut 06051
Att: Consumer Affairs Unit

Telephone Numbers
Toll Free Number: 1-800-382-4586
Outside Connecticut: 1-860-827-2622
Fax Number: (860) 827-2885
TDD Telecommunications for the Deaf: (860) 827-2837 - to be used only if you have a TDD machine
Questions?

• Want to request a PURA 101 presentation in your town?
• Want to be on our media distribution list?

Please Contact:
Taren O'Connor
Director of Legislation, Regulations and Communications
860-827-2689
Taren.Oconnor@ct.gov