

March 19<sup>th</sup>, 2024

City of Novato  
Planning Department  
922 Machin Avenue Novato, CA 94945

Re: New Cingular Wireless PCS, LLC (“AT&T”) building permit application (“Application”) for collocation at the existing wireless telecommunications facility located at 10 Main Gate Road (Novato, California).

Dear City of Novato Planning Department,

AT&T is seeking to modify the existing wireless site at the above-referenced address. 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:

1. Building Permit Application
2. Signed and Stamped Construction Drawings
3. Structural Analysis

### **AT&T’s Application is an Eligible Facilities Request under Section 6409**

AT&T’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 MasTec Network Solutions dated 07/10/2023, AT&T’s proposed installation consist principally of the following elements:

Remove: 4 antennas, 1 Squid, 12 COAX, 1 cabinet. Install: 10 antennas, 5 RRUs, 6 H-frames, 3 Squids, 5 DC trunks, 2 fiber trunks, 1 DC12, 1 battery cabinet, 4 battery strings, 7 rectifiers, 1 6648, 1 XMU. NO CHANGE TO TOWER HEIGHT.

Accordingly, AT&T’s installation involves replacement of transmission equipment that will not increase the height of the tower nor the dimensions of the equipment compound. As a result, the installation “does not substantially change the physical dimensions of such tower or base station.” Therefore, these proposed equipment upgrades constitute an “eligible facilities request” under Section 6409, and must be approved.

**Section 6409 Substantial Change Checklist  
Towers Outside of the Public Right of Way**

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

Criteria for Towers Outside the Public Rights of Way:

Does the modification increase the height of the tower by more than the greater of:

- (a) 10%
- (b) or, the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna? **NO**

Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater? **NO**

Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets? **NO**

Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements? **NO**

Does the modification defeat the concealment elements of the eligible support structure? **NO**

Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)? **NO**

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.

Respectfully,

Paul Benedyuk  
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