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VIA E-MAIL

Mayor and City Council
City of Trinidad
409 Trinity Street
Trinidad, CA 95570

Re. AT&T Proposed Temporary Wireless Facility; City Application No. 2019-07
AT&T Site ID CCL01172; 12 Berry Road, Trinidad, CA

Dear Mayor Ladwig, Mayor Pro-Tem West, and Councilmembers Davies, Grover and Miller:

I write on behalf of New Cingular Wireless PCS, LLC dba AT&T Mobility (AT&T), to respectfully request that the City Council reverse the Planning Commission's denial of AT&T's Application No. 2019-07, seeking a permit to install a 75-foot temporary wireless communications facility on this church property ("Proposed Facility"). The Proposed Facility is needed to ensure the City's residents, businesses, and visitors continue to have access to AT&T's wireless services while AT&T pursues its plans to collocate a new site on another nearby wireless communications tower. AT&T's existing facility on City-owned property on Trinidad Head – which is currently the sole source for AT&T wireless services in the City – is slated to be decommissioned this month. If AT&T is not permitted to install this temporary facility, it will be prohibited from providing wireless services throughout Trinidad.

In addition, AT&T's Proposed Facility will ensure that critical wireless services for first responders are provided to the area. The Proposed Facility is part of AT&T's commitment to supporting public safety through its partnership with FirstNet, the federal First Responder

Network Authority. Specifically, the Proposed Facility will provide new service on "Band 14," which is the dedicated public safety network for first responders nationwide. Deployment of FirstNet in the City will improve public safety by providing advanced communications capabilities to assist public safety agencies and first responders.

AT&T's Proposed Facility

AT&T seeks to construct this temporary wireless telecommunications facility in accordance with the Trinidad Municipal Code to improve wireless services for the City's residents, businesses and visitors. The Proposed Facility will also provide critical wireless coverage to travelers along the Redwood Highway, U.S. Route 101. AT&T's application for the Proposed Facility complies with the City Code and it is consistent with federal law. AT&T has identified a significant service coverage gap that will exist throughout the City once its existing facility is decommissioned. AT&T's gap is depicted in Exhibit 1 to the attached Radio Frequency Statement (Attachment A). As you can see, this service coverage gap will cover the entire City. Exhibit 2 to the Radio Frequency Statement shows that the Proposed Facility will ensure that wireless service will continue to be provided throughout Downtown Trinidad and in a larger area roughly bordered by Anderson Lane to the north, Mill Creek lane to the east, Groth Lane to the south, and Azalea Way to the west.

To avoid this gap, AT&T proposes to install a temporary monopole facility with six antennas (three groups of two antennas), to include all associated equipment in the supporting "pod" structure. The proposed service coverage from the Proposed Facility is depicted in Exhibit 2 to the attached Radio Frequency Statement. As you can see, placing the Proposed facility in this location will help avoid AT&T's service coverage gap in this portion of the City.

AT&T has investigated, and continues to investigate, opportunities in the City where it could collocate a new permanent facility on an existing tower. AT&T also investigated alternative sites to place the proposed temporary facility. AT&T's analysis is summarized in the attached Alternative Sites Analysis (Attachment B). An earlier version of this analysis was submitted to the City in connection with its application for the Proposed Facility. This

updated version supplements the analysis to describe continued efforts by AT&T, including examining alternatives suggested by the City. In addition to identifying existing AT&T facilities, all of which are too far away to provide an effective solution, AT&T has investigated 17 candidate locations for its Proposed Facility. Of these, five sites were unavailable because the property owner has not responded to letters inquiring of interest in leasing space. One other site is unavailable because there is not sufficient space on the property to accommodate AT&T's equipment. Seven sites are not viable due to height restrictions in the applicable zoning districts. One location is not viable due to proximity to existing AT&T site. One potential collocation opportunity is unavailable because the approved Verizon tower has been not yet been constructed. For another site, AT&T has been negotiating with the property owner for years and has been unable to secure a lease agreement. The remaining site is AT&T's proposed site at 12 Berry Road.

AT&T has taken care to select a location to reduce impacts to the community while maintaining a clear line-of-sight for signals to provide adequate service coverage to the gap area. The proposed location is located away from the Downtown area and off of main roads. It will be compatible with the area and its location will not impair public views and it will not interfere with area uses. At the same time, the proposed location will allow AT&T to provide wireless services to a large portion of the City.

Approval of AT&T's Proposal is Required Under Federal Law

The federal Telecommunications Act of 1996, 47 U.S.C. § 332 ("Act") provides rights to wireless service providers and establishes limitations upon state and local zoning authorities with respect to applications for permits to construct personal wireless service facilities. The United States Supreme Court has explained that the Act was enacted in part to prioritize and streamline deployment of wireless technologies on a national basis.¹

¹ *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115-16 (2005) ("Congress enacted the Telecommunications Act of 1996 (TCA), 110 Stat. 56, to promote competition and higher quality in American telecommunications services and to 'encourage the rapid deployment of new telecommunications technologies.' Ibid. One of the means by which it sought to accomplish these goals was reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.")

Rapid deployment of wireless telecommunications facilities, like the Proposed Facility, is an important national issue, especially given the trend of Americans eliminating traditional landline telephone service in favor of wireless communications. The Center for Disease Control and Prevention (“CDC”) tracks “wireless substitution” rates as part of its National Health Interview Survey, and the CDC publishes the statistics every six months in its Wireless Substitution reports. The most recent report, issued on June 27, 2019, which covers the period from July to December 2018, finds that more than 72% of Americans rely exclusively or primarily on wireless telecommunications.² Similarly, the FCC estimates that 70% of 911 calls are made from mobile phones. And with AT&T’s selection by FirstNet as the wireless service provider to build and manage the nationwide first responder wireless network, the Proposed Facility will help strengthen first responder communications.

The Act defines the scope and parameters of the City’s overall review of AT&T’s Application. Local governments are specifically precluded from considering any alleged effects of radio frequency emissions in making decisions as to the siting of wireless telecommunications facilities “to the extent such facilities comply with the FCC’s regulations concerning such emissions.”³ The Act also provides that the City may only deny AT&T’s application based on “substantial evidence.”⁴

The Act also prohibits a local government from denying an application for a wireless telecommunications facility where doing so would “prohibit or have the effect of prohibiting the provision of personal wireless services.”⁵ Courts have found an “effective prohibition” exists where a wireless carrier demonstrates (1) a significant gap in wireless service coverage, and (2) that the proposed facility would provide the “least intrusive means,” in relation to the land use values embodied in local regulations, to provide the service coverage necessary to fill that gap.⁶ Under this test, if a wireless carrier satisfies both of these requirements,

² The CDC’s June 2019 Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July-December 2018 is available at <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201906.pdf>.

³ See 47 U.S.C. § 332(c)(7)(B)(iv).

⁴ 47 U.S.C. § 332(c)(7)(B)(iii).

⁵ 47 U.S.C. §332(c)(7)(B)(i)(II).

⁶ See, e.g., *Metro PCS, Inc.*, 400 F.3d at 734-35; *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 726 (9th Cir. 2009).

state and local standards that would otherwise be sufficient to permit denial of the facility are preempted and the municipality must approve the wireless facility.⁷ When a wireless provider presents evidence of a significant gap and the absence of a less intrusive alternative, the burden shifts to the local government to prove that a less intrusive alternative exists. In order to meet this burden (and overcome the presumption in favor of federal preemption), the local government must show that another alternative is available that fills the significant gap in coverage, that it is technologically feasible, and that it is "less intrusive" than the proposed facility.⁸

More recently, the FCC has confirmed its rulings that an effective prohibition occurs whenever the decision of a local government materially inhibits wireless services.⁹ The FCC explained that the "effective prohibition analysis focuses on the service the provider wishes to provide, incorporating the capabilities and performance characteristics it wishes to employ, including facilities deployment to provide existing services more robustly, or at a better level of quality, all to offer a more robust and competitive wireless service for the benefit of the public."¹⁰ Thus, a local government "could materially inhibit service in numerous ways – not only by rendering a service provider unable to provide existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services."¹¹

Here, AT&T has demonstrated its significant service coverage gap. AT&T's radio frequency propagation maps that are exhibits to the Radio Frequency Statement depict the service coverage gap that AT&T will experience once its existing site is decommissioned.¹² These maps show that AT&T will lack adequate wireless service throughout the City, and the

⁷ See *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 999 (9th Cir. 2009).

⁸ *Id.*, 572 F.3d at 998-999.

⁹ See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*") at ¶¶ 34-42 (FCC rejects the need for wireless providers to meet judicially-created coverage gap and least instructive means tests); see also, *In the Matter of California Payphone Association Petition for Preemption, Etc.*, Opinion and Order, FCC 97-251, 12 FCC Rcd 14191 (July 17, 1997).

¹⁰ *Infrastructure Order* at n. 95.

¹¹ *Id.* at ¶ 37.

¹² See Attachment A.

Radio Frequency Statement explains how the Proposed Facility will address that gap. AT&T has worked hard to identify the right solution to its service needs here. AT&T investigated possible opportunities to collocate the Proposed Facility on existing towers, but none were found near enough to the coverage gap to serve as feasible alternatives. Thus AT&T identified the proposed site on a non-residential property as the best available and least intrusive means to address its coverage gap. Denial of the Proposed Facility will materially inhibit and effectively prohibit AT&T from providing wireless services in the City.

Conclusion

AT&T is diligently seeking to maintain and upgrade its network to provide adequate quality wireless service to the City of Trinidad. AT&T has shown that federal law strongly supports (indeed, mandates) approval. Moreover, Council should approve AT&T's application to ensure continued access to wireless networks by its residents, businesses, visitors, and first responders. I urge you to approve the appeal and AT&T's Application.

Sincerely,



Ann Ahrens Beck

Attachment A: AT&T Radio Frequency Statement.

Attachment B: Alternative Sites Analysis

ATTACHMENT A

AT&T Mobility Radio Frequency Statement
12 Berry Road, Trinidad, CA

AT&T has experienced an unprecedented increase in mobile data use on its network since the release of the iPhone in 2007. AT&T estimates that since introduction of the iPhone in 2007, mobile data usage has increased 470,000% on its network. AT&T forecasts its customers' growing demand for mobile data services to continue. The increased volume of data travels to and from customers' wireless devices and AT&T's wireless infrastructure over limited airwaves — radio frequency spectrum that AT&T licenses from the Federal Communications Commission.

Spectrum is a finite resource and there are a limited number of airwaves capable and available for commercial use. Wireless carriers license those airwaves from the FCC. To ensure that service quality, AT&T must knit together its spectrum assets to address customers' existing usage and forecasted demand for wireless services, and it must use its limited spectrum in an efficient manner.

AT&T uses high-band (i.e., 2300 MHz, 2100 MHz, and 1900 MHz) and low-band (i.e., 850 MHz and 700 MHz) spectrum to provide wireless service. Each spectrum band has different propagation characteristics and signal quality may vary due to noise or interference based on network characteristics at a given location. To address this dynamic environment, AT&T deploys multiple layers of its licensed spectrum and strives to bring its facilities closer to the customer. The proposed wireless communications facility at 12 Berry Road, Trinidad, CA (the "Property") is needed to ensure continued LTE service throughout Downtown Trinidad and in a larger area roughly bordered by Anderson Lane to the north, Mill Creek lane to the east, Groth Lane to the south, and Azalea Way to the west.

A significant service coverage gap will exist throughout the City once AT&T's existing facility is decommissioned. This gap will be caused by inadequate infrastructure in the area. AT&T currently has existing sites in the broader geographical area surrounding the Property, but, as Exhibit 1 illustrates, these existing sites do not provide LTE service to the gap area, including all of the City of Trinidad. To meet its coverage objectives, AT&T needs to construct a new wireless communications facility. And while AT&T is in the process of siting that new facility, it needs to install the proposed temporary facility to ensure continued service. Denial of this proposed facility would materially inhibit AT&T's ability to provide and improve wireless services in this area.

The facility at the Property will help to close the gap in coverage and help address rapidly increasing data usage driven by smart phone and tablet usage. The proposed facility will close this service coverage gap and provide sufficient 4G LTE coverage for AT&T customers in the affected area. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology

also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you've sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience.

It is important to understand that service problems can and do occur for customers even in locations where the coverage maps on AT&T's "Coverage Viewer" website appear to indicate that coverage is available. As the legend to the Coverage Viewer maps indicates, these maps display approximate coverage. Actual coverage in an area may differ from the website map graphics, and it may be affected by such things as terrain, weather, network changes, foliage, buildings, construction, high-usage periods, customer equipment, and other factors.

It is also important to note that the signal losses, slow data rates, and other service problems can and do occur for customers even at times when certain other customers in the same vicinity may not experience any problems on AT&T's network. These problems can and do occur even when certain customers' wireless phones indicate coverage bars of signal strength on the handset. The bars of signal strength that individual customers can see on their wireless phones are an imprecise and slow-to-update estimate of service quality. In other words, a customer's wireless phone can show coverage bars of signal strength, but that customer will still, at times, be unable to initiate voice calls, complete calls, or download data reliably and without service interruptions due to service quality issues.

To determine where equipment needs to be located for the provisioning of reliable service in any area, AT&T's radio frequency engineers rely on far more complex tools and data sources than just signal strength from individual phones. AT&T uses industry standard propagation tools to identify the areas in its network where signal strength is too weak to provide reliable in-building service quality. This information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. AT&T designs and builds its wireless network to ensure customers receive reliable in-building service quality. In-building service is critical as customers increasingly use their mobile phones as their primary communication device (more than 72% of American households rely primarily or exclusively on wireless telecommunications) and rely on their mobile phones to do more (E911, GPS, web access, text, etc.). In fact, the FCC estimates that 70% of 911 calls are placed by people using wireless phones.

The proposed facility at the Property is also a part of AT&T's commitment to supporting public safety through its partnership with FirstNet, the federal First Responder Network Authority. The proposed

facility will provide new service on Band 14, which is the dedicated public safety network for first responders nationwide. The proposed facility is designed to be part of FirstNet and will provide coverage and capacity for the deployment of the FirstNet platform on AT&T's LTE network. Deployment of FirstNet in the subject area will improve public safety by providing advanced communications capabilities to assist public safety agencies and first responders.

Exhibit 1 to this Statement is a map of the LTE service coverage in the area after the existing facility is decommissioned and without the proposed installation at the Property. It includes LTE service coverage provided by other existing AT&T sites. As you can see, there will be almost no LTE service coverage in the City of Trinidad without the proposed facility. The green shading (if there would have been any in the area of the map) shows areas within a signal strength range that provide reliable service coverage. The yellow shaded areas depict areas within a signal strength range that provide marginally reliable service coverage. The blue and white areas depict areas in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual customer can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the blue or white category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 2 is a map that predicts LTE service coverage based on signal strength in the vicinity of the Property if the proposed facility is constructed as proposed in the application. As shown by this map, constructing the proposed facility at the Property closes the significant service coverage gap in and around Downtown Trinidad.

My conclusions are based on my knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding area. I have a BSc. Degree in Electrical & Electronics Engineering with Emphasis on Telecommunications from Middle East Technical University in Ankara Turkey, and have worked as an engineering expert in the wireless communications industry for over 28 years.

Hakan Aktas
Hakan Aktas
AT&T Mobility Services, LLC
Network, Planning & Engineering
RAN Design & RF Engineering
September 2019

Exhibit 1

LTE 700 Coverage without outgoing site and Proposed Site

Legend

- Reliable Service Indoors/Outdoors
- Reliable Coverage in Transit
Indoor Coverage Less Reliable
- Reliable Coverage Outdoors Only
Indoor Coverage Less Reliable
- Existing site
- Proposed site

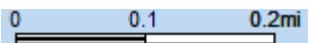
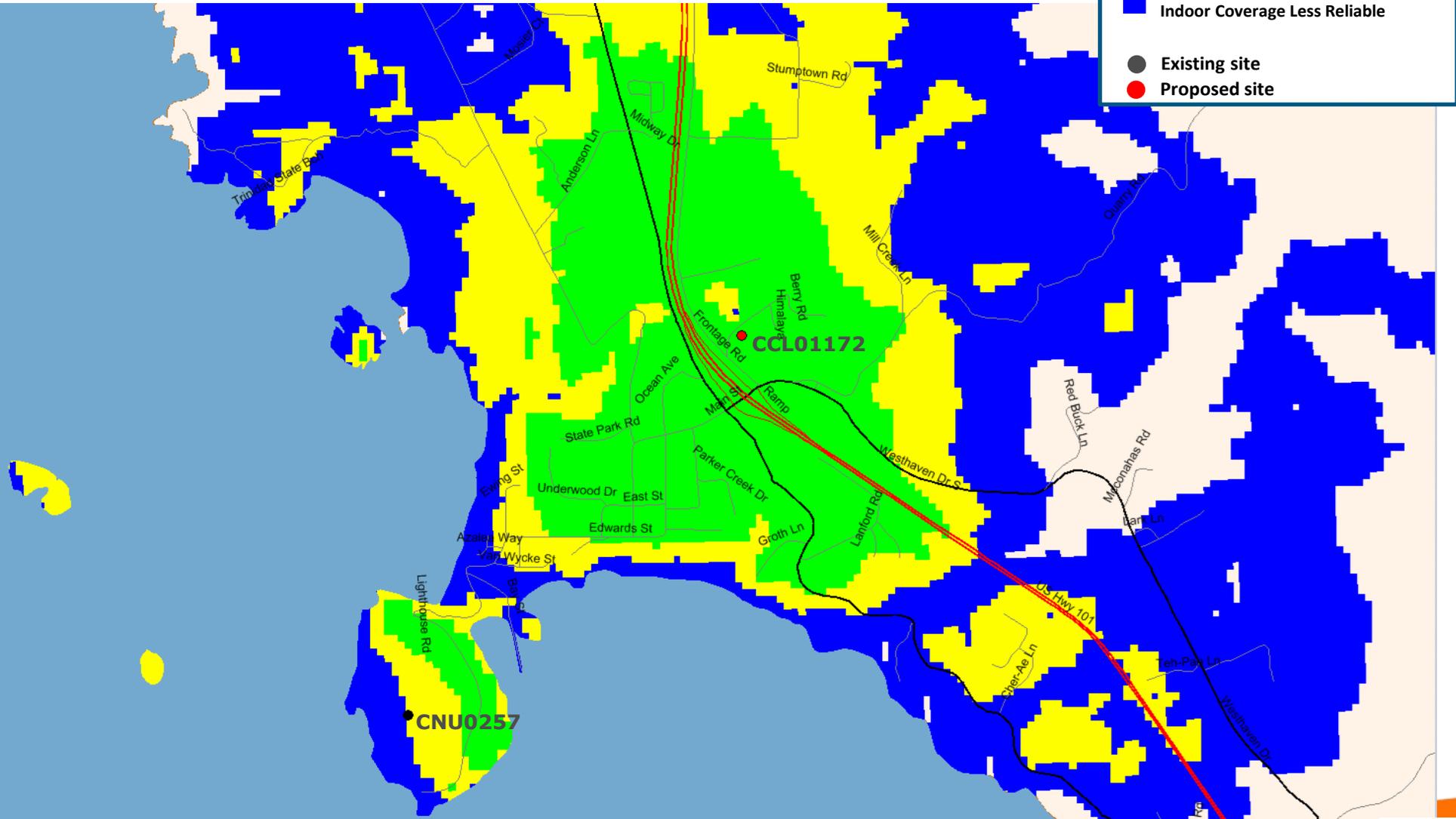


Exhibit 2

LTE 700 Coverage with Proposed NSB (RC = 72')

Legend

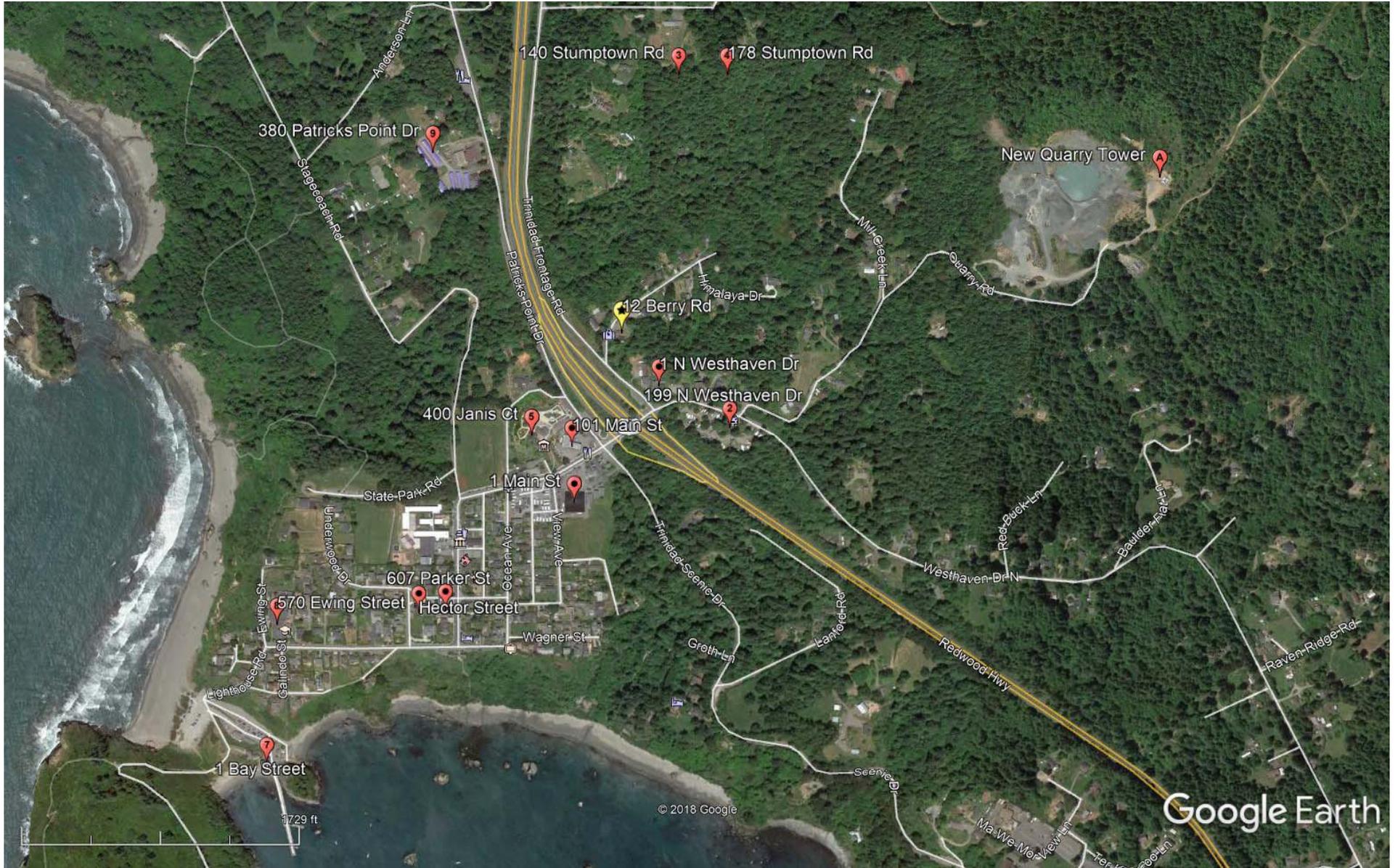
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- Reliable Coverage in Transit
Indoor Coverage Less Reliable
- Reliable Coverage Outdoors Only
Indoor Coverage Less Reliable
- Existing site
- Proposed site

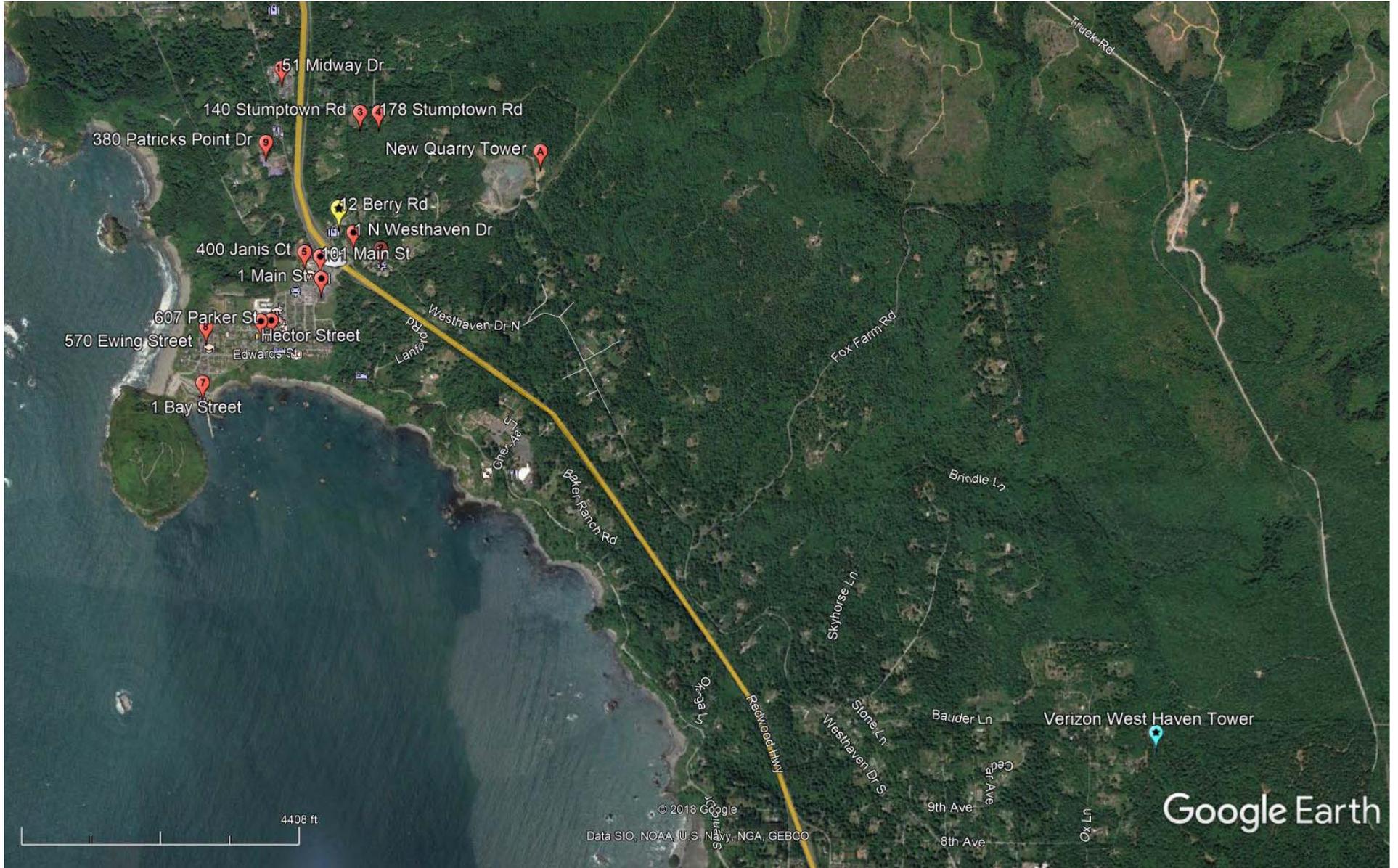


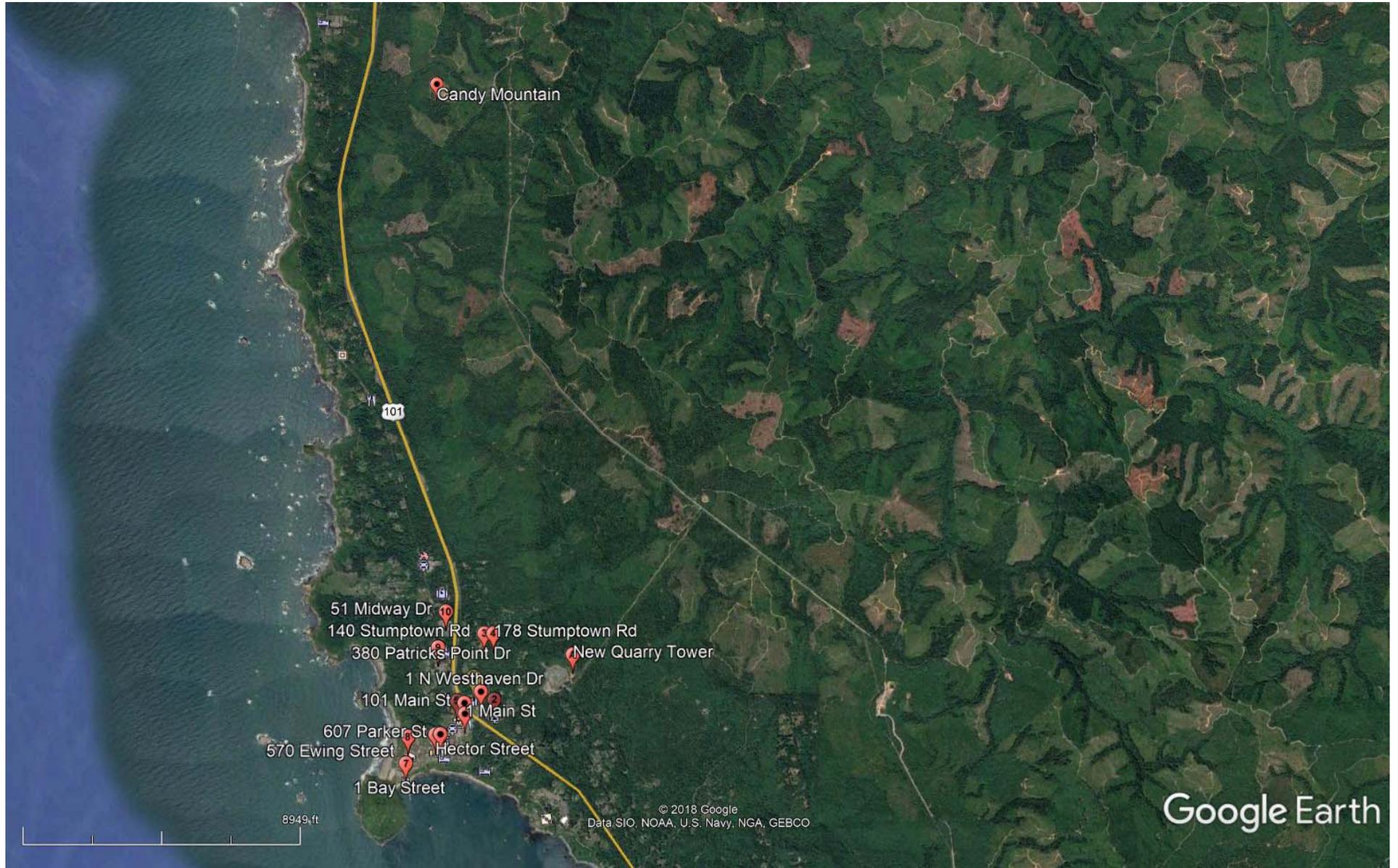
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ATTACHMENT B







AT&T Mobility Services Wireless Communication Facility
APPLICATION NO: 2019-07
12 Berry Road, Trinidad, CA 95570
Alternate Sites Investigated—7/31/19

EXHIBIT 2

The primary coverage objective for the proposed AT&T temp cell site is to match as much of the coverage area that the existing Trinidad Head site provides. Providing adequate network coverage along Hwy 101 is also important.

AT&T CANDIDATES INVESTIGATED

	SITE ADDRESS	OWNER	COMMENTS
1.	12 BERRY RD TRINIDAD CA 95570 APN: 515-331-16	ASSEMBLIES OF GOD INC PO BOX 396 , TRINIDAD CA 95570 (707) 677-0958 Trinidad Living Christian Assembly	CURRENT TEMP PROJECT SITE
2.	Hidden Creek RV Park 199 N WESTHAVEN DR TRINIDAD CA 95570 APN: 515-151-61	MARTIN, PETER E; BRENNAN MORRIGAN REVOCABLE LIVING TRUST 1369 G ST, ARCATA CA 95521 (707) 268-0442 jacobycreekrealestate.com Peter Eric Martin Phone: 707.442-5869.	Owner is interested, however there is not enough space to accommodate AT&T's equipment requirements.
3.	140 STUMPTOWN RD TRINIDAD CA 95570 APN: 515-192-13	HERD ROBERT G & BERTHA M TR 136 STUMPTOWN RD, TRINIDAD CA 95570 (707) 677-3401	Owner has not responded to lease request. Letter of Interest sent via FedEx.
4.	178 STUMPTOWN RD TRINIDAD CA 95570 APN: 515-192-12, -47, -46	LELANDE MARCIA 6345 CASITAS PASS RD, CARPINTERIA CA 93013 (805) 220-6133 , (707) 677-3015	Owner has not responded to lease request. Letter of Interest sent via FedEx.
5.	TRINIDAD MUSEUM & LIBRARY 400 JANIS CT TRINIDAD CA 95570 APN: 042-051-34	TRINIDAD COASTAL LAND TRUST PO BOX 1126 400 Janis Court at Patricks Point Dr. TRINIDAD CA 95570 TRINIDAD MUSEUM SOCIETY 707-677-3883 or 3816, baycity@sonic.net	Owner has not responded to lease request. Letter of Interest sent via FedEx.
6.	333 QUARRY ROAD Trinidad, CA 95570 APN: 515-172-002-000	Justin Zabel – CEO, Mercer Fraser Company PO Box 1006, Eureka, CA 95502-1006, Phone: (707) 443-6371	This site has an existing Verizon monopole. AT&T has been working with the property owner Mercer Fraser for several years and has been unable to secure a lease agreement for a temp site to collocate on the existing Verizon tower. AT&T is working with the owner to install a new tower that will serve as a replacement for the Trinidad Head tower.
7.	Seascape Restaurant 1 Bay Street, Trinidad, CA 95570		Site Not Viable due to height restrictions in this area of the City. AT&T will not be able to install a tall enough tower to reach US Hwy 1, a primary coverage objective.

AT&T Mobility Services Wireless Communication Facility
APPLICATION NO: 2019-07
12 Berry Road, Trinidad, CA 95570
Alternate Sites Investigated—7/31/19

EXHIBIT 2

8.	Humboldt State University: Marine Laboratory 570 Ewing Street, Trinidad, CA 95570		Site Not Viable due to height restrictions in this area of the City. AT&T will not be able to install a tall enough tower to reach US Hwy 1, a primary coverage objective.
9.	Trinidad Mini Storage 380 PATRICKS POINT DR TRINIDAD CA 95570 APN: 515-191-33		Owner has not responded to lease request. Letter of Interest sent via FedEx.
10.	Trinidad Extended Stay RV 51 Midway Dr, Trinidad, CA 95570		Site Not Viable due to height restrictions in this area of the City. AT&T will not be able to install a tall enough tower to reach US Hwy 1, a primary coverage objective.
11.	Murphy's Market & Deli 1 Main St, Trinidad, CA 95570		Site Not Viable due to height restrictions in this area of the City. AT&T will not be able to install a tall enough tower to reach US Hwy 1, a primary coverage objective.
12.	Chevron 101 Main St, Trinidad, CA 95570		Site Not Viable due to height restrictions in this area of the City. AT&T will not be able to install a tall enough tower to reach US Hwy 1, a primary coverage objective. In addition, service stations are not preferred locations due to possible environmental compliance issues.
13.	Holy Trinity Church Hector Street, Trinidad, CA 95570		Site Not Viable due to height restrictions in this area of the City. AT&T will not be able to install a tall enough tower to reach US Hwy 1, a primary coverage objective.
14.	Trinidad Bay Eatery and Gallery 607 Parker St, Trinidad, CA 95570		Site Not Viable due to height restrictions in this area of the City. AT&T will not be able to install a tall enough tower to reach US Hwy 1, a primary coverage objective.
15.	A Church for God's Glory 1 N Westhaven Dr, Trinidad, CA 95570		Owner has not responded to lease request. Letter of Interest sent via FedEx.
16.	Candy Mountain 41.11651225, -124.1434036		Location Not Viable-Will not provide coverage to the town of Trinidad or Highway 101 near Trinidad.
17.	Proposed Verizon West Haven Tower 41 02 30.37, -124 05 37.7		This location is viable for AT&T. AT&T cannot submit a collocation application to Verizon until the tower has been constructed. Building Permit approval is still pending.