



September 27, 2019

Public Works
Right-of-Way Permit Technician
City of Federal Way
33325 8th Avenue S
Federal Way, WA 98003-6325

Via Federal Express and e-mail to Cole.Elliott@cityoffederalway.com,
Desiree.winkler@cityoffederalway.com

RE: New Cingular Wireless PCS, LLC (ATT Mobility) Folder # 19-104170-EN;

Dear Mr. Elliott:

Enclosed please find AT&T's response to the requests for information contained in the City's Notice of Incomplete Application dated August 29, 2019.

1. *No estimate of the associated franchise utility tax has been submitted in accordance with FWRC 4.22.030(2)(f).*

The proposed small cell networks are needed to support the wireless network to provide service and do not, by themselves, generate additional revenue subject to local utility taxes. However, AT&T estimates that if it were to locate SWF on City-owned poles, AT&T would pay rent to the City in the amount of \$270 per pole per year as laid out in the FCC Declaratory Ruling and Third Report and Order.¹

2. *No proposed service area is shown with the small cell figure provided in accordance with FWRC 4.22.030(2)(g).*

Enclosed please find a map with a proposed service area of the currently planned single small wireless facility node. The proposed service area is shown as a circle centered on

¹ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (14) (September 27, 2018)

September 27, 2019

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the proposed location with a radius of 700 feet. This radius is only a general description of the desired service area and does not represent a calculation of the estimated coverage capacity of the small cell node.

3. *No specific location of the proposed small cell has been provided including GPS coordinates in accordance with FWRC 4.23.020(1).*

AT&T's desired specific location is 47.3119290, -122.3189280. This location may change based on changes in anticipated coverage and/or capacity needs, design considerations, and other factors affecting the location's viability for small wireless facilities.

4. *No RF certification has been submitted in accordance with FWRC 4.23.020(2).*

RF certifications are based on specific configurations of equipment and design. AT&T is unable to provide this information until a final design and configuration is prepared based on site availability and design approval.

5. *Second question on Page 6 appears to be a copy and paste from a previous submittal to the City of Kirkland. Please correct and resubmit.*

A corrected Franchise Application is enclosed.

6. *Third question on Page 6 should be fully addressed. Please contact AT&T for a complete list of cities which have franchises for small cell.*

AT&T currently has franchises for small wireless facilities in the following cities: Auburn, Bellevue, Everett, Issaquah, Kent, Lynnwood, Puyallup, Seatac, Spokane, Tacoma, Tukwila, and Vancouver.

Sincerely,



Greggory Busch
Program Manager
Wireless Policy Group LLC
(425) 628-2657
gregg.busch@wirelesspolicy.com

**City of Federal Way
Franchise Application**

For Location of Telecommunications
Facilities Within City Right-of-Way

IMPORTANT: THIS APPLICATION CAN NOT BE SUBMITTED UNLESS ACCOMPANIED BY A FRANCHISE APPLICATION FEE DEPOSIT OF \$5,000 CONSISTENT WITH FWRC 4.22.040. THIS DEPOSIT IS TO COVER ACTUAL ADMINISTRATIVE EXPENSES INCURRED BY THE CITY (INCLUDING STAFF AND ATTORNEY/CONSULTANT RELATED TIME) ASSOCIATED WITH THE REVIEW OF THIS FRANCHISE APPLICATION AND ASSOCIATED FRANCHISE NEGOTIATIONS. THIS IS ONLY AN INITIAL DEPOSIT AND ADDITIONAL FEES MAY APPLY IF ADDITIONAL STAFF AND ATTORNEY/CONSULTANT RELATED TIME IS NECESSARY.

Applicants may attach additional pages to further explain and supplement the answers below. If you have any questions related to filling out this Franchise Application Form please contact the Right-of-Way Permit Desk at:
rowpermits@cityoffederalway.com or (253) 835-2725.

General Information		
Name of Applicant: New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company		
Address: 1025 Lenox Park Blvd. NE, 3 rd Floor		
City: Atlanta State: GA	Zip Code: 30319	Telephone: Gregory Busch (425) 628-2657 For emergencies, call AT&T NOC 541-218-0060 Email: gregg.busch@wirelesspolicy.com
Has the Applicant obtained a City business license? <input checked="" type="checkbox"/> <input type="checkbox"/> Yes No		
PLEASE NOTE: All telecommunication carriers and service providers engaged in the business of transmitting, supplying, or furnishing telecommunications service of any kind originating or terminating in the City of Federal Way shall apply and obtain a Business Registration from the City pursuant to Chapter 12.05 FWRC.		
Name of Person Filing this Application: Gregory Busch Title: Program Manager Company: Wireless Policy Group LLC		
Address: 1420 NW Gilman Blvd., Suite #9030 Issaquah, WA 98027		
City: Issaquah State: WA	Zip Code: 98027	Telephone: (425) 628-2657 Email: gregg.busch@wirelesspolicy.com

Are you serving as agent for the above named applicant?

If yes, please attach proof of agency.

Yes No

Property and Facility Information

Is this an application for:

(i) New franchise? Yes No

(ii) Renewal/amending an existing franchise? Yes No

If Yes, provide the current franchise ordinance number.

(iii) Transfer of a franchise? Yes No

If Yes, identify who currently holds the franchise:

If you are renewing/amending an existing franchise, has your franchise otherwise expired?

Yes No

If not, what is the expiration date of your current franchise?

N/A

Describe the telecommunications services that will be offered over the telecommunications facilities.

Wireless voice, data and communications services, including commercial mobile radio services and commercial mobile data services as defined by federal laws and regulations. These services are available to business, public, educational and governmental institutions.

Please answer the following questions.

Are you proposing to install facilities for personal wireless services? Yes No

Are you proposing to install small cell facilities in the right-of-way (as that term is defined in RCW 80.36.375)? Yes No

Are you proposing to install wireline facilities? Yes No

Are you proposing to install only one facility in the right-of-way? Yes No

Are you proposing to operate cable service or other video programming service? Yes No

Are you proposing to install a wireless communications tower in the right-of-way? Yes No

Are you proposing to install new poles in the right-of-way? Yes No

Are you proposing to install replacement poles in the right-of-way? Yes No

If you are proposing to install replacement poles in the right-of-way, will these poles be over 60 feet? Yes No

Are you proposing to install ground equipment in the right-of-way? Yes No

Are you proposing to install facilities in environmentally critical areas, as defined in Chapter 19.145 FWRC? Yes No

If Yes, have you contacted the City of Federal Way Community Development Department regarding the installation? Yes No N/A

Are you proposing to install facilities in shoreline management areas, as defined in Chapter 15.05 FWRC? Yes No

If Yes, have you applied for a Substantial Development Permit, a Conditional Use Permit, a Variance, and/or Shoreline Exemptions? Yes No N/A

If Yes, please provide the application number(s):

Describe the telecommunications facilities and/or other equipment (including personal wireless services and wireless communications facilities) proposed to be located within the right-of-way. Please provide a photo simulation of the proposed facilities, which shall include a description of any interconnection and electrical requirements.

Facilities consist of an antenna array to be less than three cubic feet in volume per antenna, or use an omnidirectional antenna atop the pole designed to blend in with the pole diameter. There will also be equipment enclosures attached to the pole that are less than twenty-eight cubic feet in volume. See enclosed photo simulations of proposed similar facilities in Kent, Washington.

Describe the transmission medium that will be used to provide telecommunications.

Wireless; although small wireless facilities will need to be connected to fiber, provided and owned by another company, to provide wireless service.

Describe the areas of the City that are anticipated to be served. What is the expected build-out schedule for these areas? If the City is already built out, describe if there are any expected construction projects.

AT&T anticipates to serve the entire area of the City. The initial build-out, to be completed in 2020, consists of one small wireless facility on a City-owned pole near the GPS coordinates of 47.3119290, -122.3189280. Fewer than ten (10) additional small wireless facilities are currently planned to be scouted in 2021, at locations to be determined based on network capacity and coverage needs.

What alternate routes and/or locations for the proposed facilities have been evaluated? Explain why this site is the best alternative.

The location for the initial small wireless facility has not been finalized. Alternative locations are unable to be determined until final candidates are selected.

Describe your site access policies.

AT&T will have 24/7 access to its equipment mounted on poles in the ROW, subject to terms in its agreements with pole owners.

Are any proposed facility locations within a Bonneville Power Administration Easement?

Yes No

If Yes, you must apply for and receive a permit from the Bonneville Power Administration and provide the permit to the City.

Do you have an existing pole attachment or lease agreement with owners of poles in the right-of-way?

Yes No

Have you commenced coordination with pole owners regarding usage of their facilities and their requirements for leases/pole attachments? Yes No

Is the applicant requesting to locate on City-owned poles (note: if applicant requests usage of a City-owned pole it will need to enter into a separate lease agreement with the City)? Yes No

Is electrical power to your facilities needed? Yes No

If electrical power is needed, please describe how the facilities will receive electrical power.

Facilities will receive power from Puget Sound Energy.

Have you commenced coordination with the local electrical utility about their requirements to provide electrical power to your facilities? Yes No

Is backhaul infrastructure to your facilities needed? Yes No

Is the backhaul infrastructure provided by a third party? Yes No

If backhaul is needed, please describe how the facilities will receive backhaul.

Fiber will provided by an existing franchisee and will utilize pre-existing underground conduit as much as possible.

Have you commenced coordination with backhaul providers regarding their requirements to provide backhaul services to your facility? Yes No

If the facilities are using microwave technologies for backhaul, are there existing macro facilities within the City (or neighboring jurisdictions) to support this technology?

The facilities will not use microwave technologies for backhaul.

Please describe if your facilities will need any additional interconnection with existing telecommunications facilities or carriers.

Small cell nodes will need to connect to fiber owned by another company in order to provide wireless service.

Indicate what licenses, certificates, and authorizations are required from the Federal Communications Commission, the Washington Utilities and Transportation Commission and any other federal or state agency with jurisdiction over the proposed activities. Have all such licenses, certificates and authorizations been obtained? Please attach your registration with the Washington Utilities and Transportation Commission.

FCC License for Wireless Communications has been obtained. See attached.

The Washington Utilities and Transportation Commission (WUTC) does not regulate radio communication service (wireless) companies. RCW 80.66.010. As such, New Cingular Wireless PCS, LLC is not registered with the WUTC.

Describe in detail the services that you expect to provide within the City, including whether the provision of services will be to commercial and/or residential customers.

Wireless voice, data and communications services, including commercial mobile radio services and commercial mobile data services as defined by federal laws and regulations. These services are available to business, public, educational and governmental institutions

Provide a summary of all utility taxes the proposed activities, facilities, and other equipment will be subject to. In doing so, provide an estimate of income/revenues that can be used to calculate

estimated future utility taxes. Should the applicant believe it is not subject to any utility taxes, provide the basis for such belief.

The proposed small cell networks are needed to support the wireless network to provide service and do not, by themselves, generate additional revenue subject to local utility taxes.

Explain whether the Internet Tax Freedom Act does or does not apply to the services being provided.

The Internet Tax Freedom Act does not apply to deployment of small cell networks in the City of Federal Way. The Act applies to prohibit the state and local taxation of certain internet services that AT&T sells, and is not related to placing equipment in the public right-of-way.


Provide a list of all cities or towns in which the applicant holds a franchise.

AT&T has received franchises or master permits from the cities of Auburn, Bellevue, Everett, Issaquah, Kent, Lynnwood, Puyallup, Seatac, Spokane, Tacoma, Tukwila, and Vancouver.

The City of Federal Way reserves the right to ask additional questions on a case by case basis.

Certification

I certify that the information and any attachment herewith submitted are true and correct to the best of my knowledge and that I have the authority to file this application and act on behalf of the above named telecommunications provider or carrier.

Signature 

Please Print Name Gregory Buch

Date 9/27/19

Submit to: Public Works
Right-of-Way Permit Technician
City of Federal Way
33325 8th Avenue S
Federal Way, WA 98003-6325

Received By:

Signature

Please Print Name

Date

SUBMIT WITH THIS COMPLETED APPLICATION FORM:

- 1) A map of the area to be covered by the franchise including specific locations of initial build-out and, if known, proposed future build-out locations. Identify which facilities will be underground, ground based and aerial.

AT&T requests the franchise cover the entire area of the City. See enclosed map for planned 2020 location. Facilities are planned to be located at or near the GPS coordinates of 47.3119290, -122.3189280.

- 2) The location proposed for new ducts, conduits, or poles, and evidence that there is sufficient capacity within the public rights-of-way for the proposed telecommunications facilities. *Note: Applicants seeking to install new poles must follow the procedures outlined in the Federal Way Revised Code. Applicant should not presume that requests to install new poles will be approved.*

No new poles are currently planned to be deployed in the public rights-of-way in Federal Way.

- 3) Evidence of registration in the one-number locator service, as described in Chapter 19.122 RCW.

AT&T is not required by law to register in the one-number locator service.

- 4) Evidence of registration with the National Joint Utilities Notification System.

New Cingular Wireless PCS, LLC (AT&T Mobility) is registered with the NJUNS. See enclosed list of Washington NJUNS members.

- 5) Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities.

See AT&T's enclosed 2018 Financial Review.

- 6) An 11"x17" set of preliminary engineering plans, specifications, and a map with sufficient detail to identify the following items:

- a. The location and route requested for the applicant's proposed telecommunications facilities;
- b. The location of applicant's overhead and underground public utility, telecommunication, cable, water, sewer drainage and other lines and equipment in the public ways along the proposed route.
- c. The specific trees, structures, improvements, facilities, lines and equipment and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate;
- d. All associated equipment ground or aerial (any back haul) required to operate system.

AT&T has not finalized any locations or designs for its proposed small wireless facilities in Federal Way. As such, we are unable to provide these documents at this time.

- 7) A preliminary construction schedule and anticipated completion date.

Construction of small wireless facilities is anticipated to begin in early-mid 2020 and finish within approximately 3 weeks of start date.

8) Complete submittals of any other necessary environmental or construction permits including, but not limited to, shorelines, SEPA, etc.

N/A

9) Description of any zoning or land use permits that have been applied for or obtained from the City, as applicable.

N/A

10) Copies of any other permits or approvals required by this form, and other federal, state, and local regulations.

N/A

11) A check for \$5,000.

A check in the amount of \$5,000 has been sent to the City on August 22, 2019, to the address specified for submittal:

Public Works
Right-of-Way Permit Technician
City of Federal Way
33325 8th Avenue S
Federal Way, WA 98003-6325


NOTE:

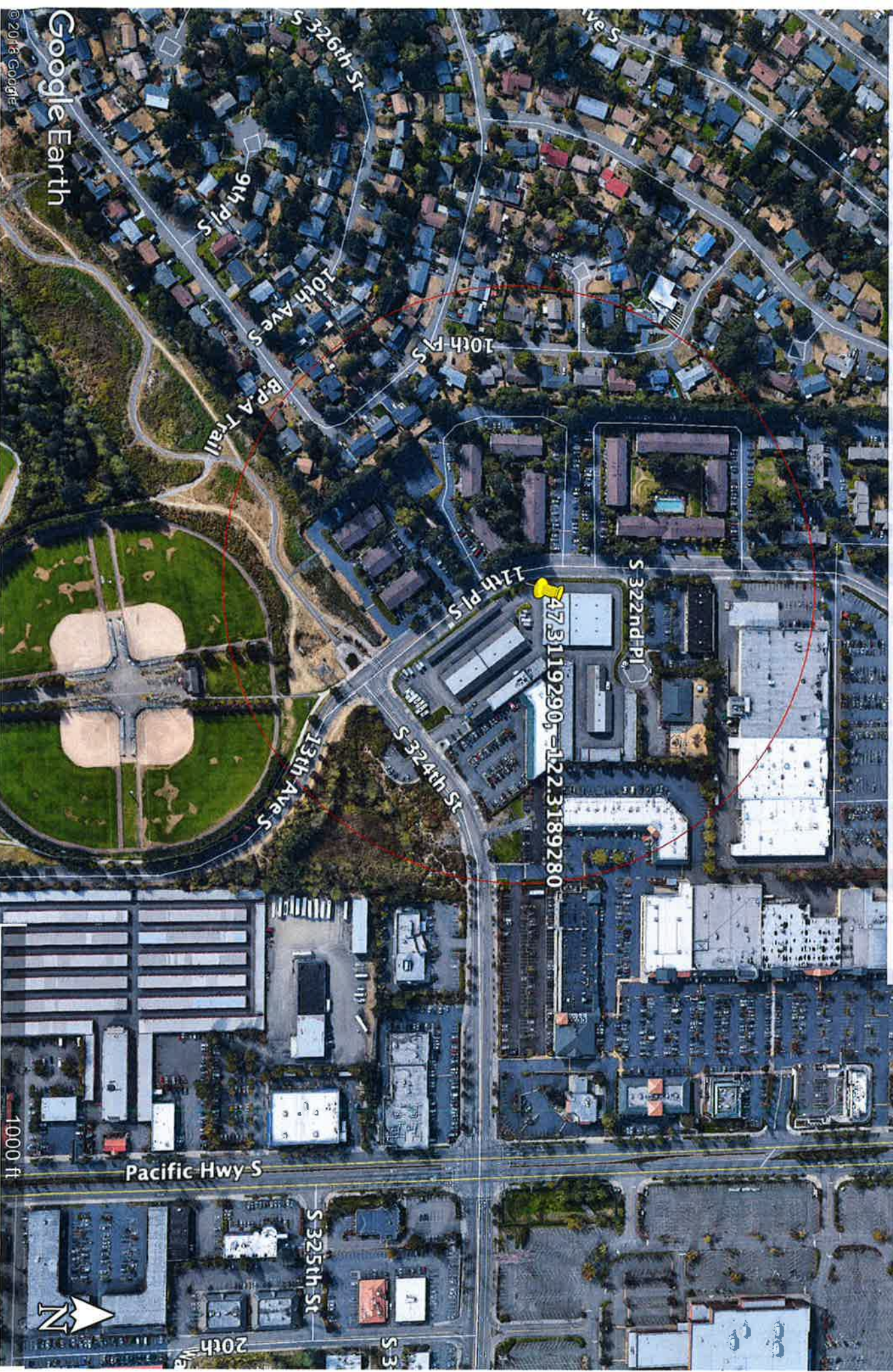
Approval of the franchise agreement does not imply any approval for construction. All associated land use approvals and required right-of-way use permits must be obtained from the City of Federal Way prior to any construction. All proposed telecommunications facilities must meet all applicable zoning and land use codes as required.

Proposed Service Area for Currently Proposed SWF Node

This map is a representation of the desired service area for a single SWF node.
This map does NOT represent a calculation of the actual coverage capabilities of the node.
This map does NOT represent the requested scope of AT&T's proposed franchise, which is the entire City.

Legend

-  47.3119290, -122.3189280
-  700 Ft Circle





RECEIVED

AUG 23 2019

CITY OF FEDERAL WAY
PUBLIC WORKS DEPT .

August 22, 2019

Public Works
Right-of-Way Permit Technician
City of Federal Way
33325 8th Avenue S
Federal Way, WA 98003-6325

*Via Federal Express and e-mail to Pw-Admin@cityoffederalway.com,
Desiree.winkler@cityoffederalway.com*

RE: AT&T Telecommunications Franchise Application before the City of Federal Way

To the Department of Public Works:

On behalf of New Cingular Wireless PCS, LLC ("AT&T") we are pleased to present this application for a new Franchise for Location of Telecommunication Facilities Within City Right-of-Way to address planned Small Wireless Facilities deployments in the City of Federal Way.

Proposed Locations, Designs and Schedule:

AT&T requests that the Franchise authorize City-wide use of the public right-of-way.

AT&T has identified a current need for one small wireless facility in the City, with a deployment goal of early-mid 2020. The general location is shown on the attached map. The specific location and design of the facility has not been proposed; this is only an identification of an area in need of service. As such, AT&T requests relief from the requirement to provide specific 11" x 17" engineering drawings.

AT&T currently anticipates a need for fewer than ten additional small wireless facilities in the City in the coming two to three years. These are general estimates and are subject to change based on future service needs.

August 22, 2019

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No Washington Utilities and Transportation Commission License or Registration Required:

The Washington Utilities and Transportation Commission (WUTC) does not regulate radio communication service (wireless) companies. RCW 80.66.010. As such, New Cingular Wireless PCS, LLC is not registered with the WUTC.

Submittal Documents:

In addition to the application form, we include the following documents:

- Letter of Authorization for Wireless Policy Group to submit this Franchise Application on behalf of AT&T,
- Photo simulations of the proposed facilities, utilizing designs prepared for the City of Kent, Washington,
- Map showing the general location for the small wireless facility planned for construction in 2020,
- FCC Licenses for Wireless Communication,
- Evidence of registration in the National Joint Utilities Notification System,
- Publicly released financial statements as proof of AT&T's financial ability to construct, operate, maintain, relocate and remove the facilities; and
- Cover letter attached to the Franchise Application Fee Deposit, which was sent to the City via Federal Express on 8/22/2019.

Thank you for your consideration of this application, and we look forward to working with the City to provide wireless service to its residents, businesses and visitors.

Sincerely,



Greggory Busch
Program Manager
Wireless Policy Group LLC

(425) 628-2657
gregg.busch@wirelesspolicy.com

KENT NODE 1 - STEEL POLE (MICRO)

821 CENTRAL AVENUE S KENT WA 98032



Availability of project information varies with development provided as project progresses.

VIEW 1



ALL INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE.

KENT NODE 6 - WOOD POLE (MICRO)
 111 CENTRAL AVENUE S KENT WA 98032



©2019 Google Maps



EXISTING



PROPOSED

LOOKING NORTH ACROSS E GOWE STREET

ACCURACY OF PHOTO SIMULATION EQUALS THAT OF PHOTOGRAPH PROVIDED BY CLIENTS ARCHITECT.

KENT NODE 6 - WOOD POLE (PICO)
 111 CENTRAL AVENUE S KENT WA 98032



LOCATION

©2018 Google Maps



EXISTING



PROPOSED

LOOKING NORTH ACROSS E GOWW STREET

APPROXIMATE 3D RADIO SIMULATION MODEL WITH DIMENSIONS PROVIDED BY FIELD SURVEY.