



April 4, 2019

Via Federal Express

Mr. Timothy Dexter, Building Inspector
City of Beacon Building Department
1 Municipal Plaza
Beacon, NY 12508

Re: New Cingular Wireless PCS, LLC ("AT&T") building permit application
("Application") for equipment upgrades at the existing wireless telecommunications
facility ("Facility") located at 139 Rombout Ave, Beacon, NY 12508.

Dear Mr. Dexter:

AT&T submitted the above referenced Application to the Town on February 27, 2019. As described in the cover letter thereto, the Application constitutes an "eligible facilities request" pursuant to Section 6409 of the Middle-Class Tax Relief & Job Creation Act of 2012 ("Section 6409"), as it simply involves the *collocation of new transmission equipment at an existing Facility that does not substantially change the dimensions of such Facility*. Accordingly, the Application must be reviewed and approved under Section 6409 and within the timelines prescribed by the Federal Communications Commission ("FCC").

The FCC adopted a wireless infrastructure Report and Order on October 17, 2014 which established regulations that clarify and streamline the municipal approval process for eligible facilities requests under Section 6409 ("6409 Rules"). The 6409 Rules also provide that a municipality must act on an eligible facilities request within **sixty (60) days** of receiving the application. 47 C.F.R. 1.40001(c)(2) (Emphasis added). The sixty (60)-day period is also known as the "Shot Clock". Further, **upon a Town's failure to act prior to expiration of the Shot Clock, the "request shall be deemed granted."** 47 C.F.R. 1.40001(c)(4) (Emphasis added).

Under the 6409 Rules, the City of Beacon has **thirty (30) days** following the delivery of an applicant's initial submission to notify the applicant that the submission is incomplete. The Shot Clock is tolled until the applicant provides the requested information. Once the applicant has provided a supplemental submission, the municipality has **ten (10) days** to notify the applicant if the application remains incomplete, and such notice must specifically delineate which of the deficiencies specified in the original notice of incompleteness have not been addressed. The Shot Clock will be tolled until the applicant provides the missing information. However, if the **ten (10) day** period passes without any notices of incompleteness from the municipality, the period for review of the application may not thereafter be tolled for incompleteness.



AT&T's Application was submitted to the City of Beacon, via federal express, on **February 27, 2019**. AT&T received a letter on March 25, 2019 via postal mail, dated March 15, 2019, from David Buckley, Building Inspector for the City, notifying AT&T that an additional application needs to be submitted to the Planning Board. We do acknowledge that the City requested the additional Special Use Permit Application, but this does not toll the shot clock under 6409 since our original application and letter included all applicable documentation and information to prove our application constitutes an eligible facilities request. Further, the supplemental application referenced in the letter does not apply as this is not a small cell facility. It is an existing rooftop structure and we are simply modifying and upgrading the existing installation. We have provided a completed copy of the application as a courtesy. Thus, as of **March 29, 2019**, AT&T's Application was considered deemed compete pursuant to the terms of the 6409 Rules.

Pursuant to the federal Shot Clock rules, AT&T's Application is deemed complete on **March 29, 2019**. Further, the **sixty (60)** day Shot Clock period to approve the application will expire on **April 28, 2019**. If the City of Beacon fails to act by that date, the Application will be deemed granted, and AT&T may lawfully proceed with construction.

We appreciate your attention to this matter. If you have any questions, please feel free to call or email me. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa L. Chabot'.

Lisa L. Chabot
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