AMENDMENT TO THE COMPREHENSIVE PLAN FOR PCS COMMUNICATIONS FACILITIES IN THE PINELANDS ON BEHALF OF T-MOBILE NORTHEAST LLC DOING BUSINESS AS T-MOBILE

**AUGUST 1, 2011** 

# SUMMARY OF PROPOSED SITE AMENDMENTS TO THE PLANS PREVIOUSLY APPROVED FOR LOCAL COMMUNICATIONS FACILITIES IN THE PINELANDS

Please note that each of the following sites is referenced as a PCS Plan numbered site. The site numbers begin with number 69 and run through Site 111. Please note that, for various reasons, numbers 68, 87, 78, 79, 84 and 89, 102 and 106 were eliminated from the Plan. The proposed new sites are as follows:

# PCS Plan Facility 069:

This facility is located in Ocean County, Manchester Township in a Forest Area. The facility requires a new structure. This facility is located off of Route 70 and appears to be in the vicinity of a resource extraction area that would be a suitable place for development.

# PCS Plan Facility 070:

This is a facility in Ocean County, Manchester Township. This facility is located in the Preservation Area where there appears to be substantially developed areas that would be appropriate for development. The facility would require a new structure. The facility is located near the intersection of County Route 539 and Horicon Avenue.

# PCS Plan Facility 071:

This facility is located in Ocean County, Jackson Township. It is in a Rural Development Area. The facility would require a new structure. The facility appears to be in the area of a cement making facility as well as a Municipal Utility Authority well. Either of these areas would be suitable for construction of a new tower.

# PCS Plan Facility 072:

This is a proposed facility in Ocean County, Jackson Township. It is located in a Forest Area. The facility would utilize existing structures which currently exist in the form of First Energy Electric transmission towers.

# PCS Plan Facility 073:

This facility is proposed to be located in Ocean County, Berkeley Township. It is in the Preservation Area. We propose to use a previously approved AT&T site, No. 357. The site will be located on an existing structure.

#### PCS Plan Facility 074:

This facility is proposed to be located in Ocean County, Manchester Township. It is located in a Forest Area. There is an existing structure in the vicinity that would be suitable for use.

# PCS Plan Facility 075:

This facility is proposed to be located in Ocean County, Barnegat Township. It is to be located in a Regional Growth Area. The facility will require a new structure. We note that there are no height limitations in the Regional Growth Area and therefore, this is an appropriate area for this facility.

# PCS Plan Facility 076:

This facility is proposed to be located in Ocean County, Barnegat Township. It is proposed to be located in a Forest Area on an existing structure.

#### PCS Plan Facility 077:

This facility is proposed to be located in Ocean County, Lacey Township. It is in a Preservation Area. There are no existing structures in the area where this facility is proposed to be located and no sites that comply with the requirements of N.J.A.C. 7:50-5.4(c)4.vi. (Hereinafter referred to as a "Section 6 site".)

# PSC Plan Facility 080:

This facility is proposed to be located in Ocean County, Berkeley Township. It is in a Forest Area. It is the same site as AT&T Site No. 358.

# PCS Plan Facility 081:

This facility is proposed to be located in Ocean County, Lacey Township. It is in a Forest Area. This facility will require a new structure. The facility is in the vicinity of an existing junkyard (landfill).

#### PCS Plan Facility 082:

This facility is proposed to be located in Ocean County, Stafford Township. It is in a Regional Growth Area. It will require a new structure. However, since it is located in a Regional Growth Area and there are no height limitations, it is appropriate for development pursuant to the regulations.

# PCS Plan Facility 083:

This facility is proposed to be located in Ocean County, Berkeley Township. It is proposed to be located in the Forest Area. The site will require the construction of a new facility, There are no Section 6 areas in the vicinity of the proposed site.

# PCS Plan Facility 085:

This facility is proposed to be located in Ocean County, Berkeley Township. It is proposed to be located in a Regional Growth Area. This facility will be the same as AT&T Site 368.

# PCS Plan Facility 086:

This facility is proposed to be located in Ocean County, Stafford Township. It is proposed in a Forest Area. The facility will require a new structure. There is an existing fire department in the area which would be a suitable site for development.

# PCS Plan Facility 088:

This facility is proposed to be located in Ocean County, Little Egg Harbor Township. It is proposed in a Preservation Area. It will require a new structure. There are no existing structures or Section 6 sites in the vicinity of this proposed site.

# PCS Plan Facility 090:

This facility is proposed to be located in Burlington County, Pemberton Township. It is proposed to be located in a Forest Area. This facility will require a new structure. There are no existing structures or Section 6 sites in the vicinity.

# PCS Plan Facility 091:

This facility is proposed to be located in Atlantic County, City of Estell Manor. It is proposed to be located in a Forest Area. This facility will require a new structure. There is a New Jersey State Facility in the area where this facility is proposed. Such a facility would be an appropriate place to locate.

#### PCS Plan Facility 092:

This facility is proposed to be located in Atlantic County, Galloway Township. This facility is proposed to be located in a Pinelands Village Area. The facility will require a new structure. There is an existing fire house n the area and at the time of the proposed development of the facility, T-Mobile will examine whether it would be feasible to move the site into an adjacent Regional Growth Area.

# PCS Plan Facility 093:

This facility is proposed to be located in Burlington County, Medford Township. The facility is proposed in a Regional Growth Area. The facility will require a new structure. This facility is in the vicinity of PCS Plan No. 26 and Cell Plan No. 44. However, since this is a Regional Growth Area where there are no height limitations, it is appropriate for development.

# PCS Plan Facility 094:

This facility is proposed to be located in Cumberland County, Maurice River Township. The Facility is proposed in a Rural Development Area. The facility will require a new structure. The facility is proposed to be located in a certified commercial area with mixed uses. Therefore, it meets the Section 6 requirements.

# PCS Plan Facility 095:

This facility is proposed to be located in Cumberland County, Maurice River Township. This facility is proposed to be located in a Forest Area. The facility will utilize an existing structure. (Facility 17 on the PCS Plan, when and if approved.)

# PCS Plan Facility 096:

This facility is proposed to be located in Cape May County, Dennis Township. It is proposed to be located in a Pinelands Village Area. The facility will require a new structure. There are no existing structures available.

# PCS Plan Facility 097:

This facility is proposed to be located in Atlantic County, City of Estell Manor. The facility is proposed to be located in a Forest Area. The facility will require a new structure. There is a mixed use commercial area along Route 50 within one mile of the proposed location. However, if that area does not comply with the Section 6 requirements, then there are no Section 6 sites in the area.

#### PCS Plan Facility 098:

This facility is proposed to be located in Burlington/Atlantic Counties, on the border of Hammonton/Shamong Township. The proposed facility is located in a Preservation Area. This facility will require a new structure. There appears to be a junk yard (landfill) in the area that we believe would qualify as a Section 6 site.

# PCS Plan Facility 99:

This facility is now existing in Atlantic County, Buena Vista Township.

# PCS Plan Facility 100:

This facility is proposed to be located in Atlantic County, Hamilton Township. This facility is located in a Regional Growth Area. This facility will require a new tower. As this tower is to be located in a Regional Growth Area, it is appropriate for development under the Pinelands Comprehensive Management Plan.

# PCS Plan Facility 101:

This facility is located in Atlantic County, Egg Harbor Township. It is in a Regional Growth Area. It is on-air.

# PCS Plan Facility 103:

This facility is proposed to be located in Atlantic County, Egg Harbor Township. The facility is proposed in a Regional Growth Area where it is permitted by Pinelands regulations.

# PCS Plan Facility 104:

This facility is located in Burlington County, New Hanover Township. The facility is in a military and federal installation. We used an existing structure. The site is on-air.

# PCS Plan Facility 105:

This facility is proposed to be located in Gloucester County, Monroe Township. The facility is in a Rural Development Area. The facility will require a new structure.

# PCS Plan Facility 107:

This facility is proposed to be located in Atlantic County, Estell Manor, in a Forest Area. It will require a new structure. There is a possible resource extraction site in the area, but no other Section 6 sites.

#### PCS Plan Facility 108:

This facility is located in Burlington County, Evesham Township in a Rural Development Area. The site is on-air.

# PCS Plan Facility 109:

This facility is proposed to be located in Burlington County, Evesham Township in a Regional Growth Area and will require a new tower.

# PCS Plan Facility 110:

This facility is proposed to be developed in Burlington County, Shamong Township in an Agricultural Production Area and will require a new tower.

# PCS Plan Facility 111:

This facility is proposed to be located in Camden County, Waterford Township in a Rural Development Area and will require a new tower.

					SITE				5/18	
SITENUM	NEW#	COUNTY	TOWNSHIP	PINELAND ZONE	CLASSIEI CATION	EELL PLAN	PGS PLAN	AT&T	LATDUSE	LONDDUSE
OCE002	69	Ocean	Manchester	Forest Area	Raw Land ·		<u> </u>		39.99295	-74.35215
OCE003	70	Ocean	Manchester	Preservation Area	Raw Land.				39.9856	-74.4139
				Rural Development						
OCE006	71	Ocean	Jackson	Area	Raw Land				40.0502	-74.3244
OCE012	72	Ocean .	Jackson	Forest Area	Existing Structure			İ	40.0858	-74.3922
AT&T357	73	Ocean	Berkeley	Preservation Area District	Existing Structure			357	39.9075	-74.2358
OCE017	74	Ocean	Manchester	Forest Area	Existing Structure				39.9463	-74.337
OCE019	75	Ocean	Barnegat	Regional Growth Area	Raw Land	···		······································	39.7685	-74.2775
OCE025	76	Ocean	Barnegat	Forest Area	Existing Structure				39.7799	-74.3309
OCE027	77	Ocean	Lacey	Preservation Area District	Raw Land				39.891	-74.3794
AT&T358	80.	Ocean	Berkeley	Forest Area	Raw Land -			358	39.93237	-74.29199
OCE032	81	Ocean	Lacey	Forest Area~	Raw Land •				39.9173	-74.33691
OCE035	82	Ocean	Stafford	Regional Growth Area	Raw Land				39.7378	-74.2782
OCE040	83	Осеап	Berkeley	Forest Area	Raw Land •				39.92132	-74.264087
OCE059		Осеал	Berkeley	Regional Growth Area	Raw Land •				39.942	-74.2108
OCE065	86	Ocean	Stafford	Forest Area	Raw Land •				39.755489	-74.368329
OCE067	88	Ocean	Little Egg Harbor	Preservation Area District	Raw Land				39.682876	-74.360821
1BL5827D	90	Burlington	Pemberton	Forest Area	Fire Dist. Raw Land •				39.91611	-74.5677
1AT6619G	91	Atlantic	Estell Manor	Forest Area	Raw Land •				39.42028	-74.7517
1AT6447C	92	Atlantic	Galloway	Pinelands Village /	Raw Land •	<u> </u>		323	39.47333	-74.5658
1BL6450C	93	Burlington		Regional Growth Area	Raw Land •	44	26		39.87008	-74.8475
1CU6614A	94	Cumberland	Maurice River	Rural Development Area	Raw Land				39.25357	-74.9276
1CU6776A	95	Cumberland	Maurice River	Forest Area	Existing Structure				39.34307	-74.9059

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1CM6777D	96	Cape May	Dennis	Pinelands Village	Raw Land			39.72784	-74.7305
1AT6782C	97	Atlantic	Estell Manor	Forest Area	Raw Land •			39.34444	-74.765
1BL7640	98	Burlington	Shamong	Preservation Area District	Raw Land •			39.22361	-74.9407
1AT6798C	99	Atlantic	Buena Vista	Rural Development Area	existing on air struct.			39.563611	-74.8925
1AT6795D	100	Atlantic	Hamilton	Regional Growth Area	Raw Land		1	39.433056	-74.655278
1AT6828C	101	Atlantic	Egg Harbor	Military & Federal Installation	Raw Land •		304	39.447222	-74.573056
1AT6789A	103	Atlantic	Egg Harbor	Regional Growth Area	Existing Structure			39.4049	-74.619081
1BL6234D	104	Burlington	New Hanover	Military & Federal Installation	existing on air struct.			40.001128	-74,623069
1GL6623F	105	Gloucester	Monroe	Rural Development Area	Raw Land -			39.654758	-74.967181
1CM6839U	107	Atlantic	Estell Manor	Forest Area	Raw Land			39.31509	-74.8297
1BL6917E	108	Burlington	Evesham	Rural Development Area	On air	<u></u>		39.867306	-74.891083
1BL7311	109	Burlington	Evesham	Regional Growth Area	RawLand=	and the second s		39.82698	
1BL7312	110	Burlington	Shamong	Agricultural Production Area	Raw Land			39.808055	-74.7625
1CA7298B	111	Camden	Waterford	Rural Development Area	Raw Land			39.773475	-74.8280611

# DISTRIBUTED ANTENNA SYSTEM/DESCRIPTION OF RAPIDLY CHANGING TECHNOLOGY

T-Mobile does not believe that use a distributed antenna system would be technically

and/or economically feasible. Further, such systems would not permit T-Mobile to provide adequate service to the Pinelands in accordance with its FCC licensing requirements. In part, but not by way of limitation, T-Mobile's position is:

- 1. The FCC is charged with regulating and enforcing signal service levels as well as construction requirements. 47 C.F.R. Section 24.204.
- 2. Existing Federal Law pre-empts this area from regulation by the Pinelands Commission. In the matter of Petition of Cingular Wireless LLC for a Declaratory Ruling that Provisions of the Anne Arundel County Zoning Ordinance as Impermissible Regulation of Radio Frequency Exclusively to the Federal Communications Commission, Memorandum Opinion and Order WT-Docket No. 02-100 (7/7/03).
- 3. The Telecommunications Act, 47 <u>U.S.C.</u> Section 253(a) "Removal of Barriers to Entry; and 47 <u>U.S.C.</u> Section 332(c)(7)(B)(i)(II) not allowing local governments to prohibit or have the effect of prohibiting service; would both be violated if DAS systems were required.
- 4. The Wireless Communications and Public Safety Act of 1999 requires T-Mobile to provide the level of service required (seamless, ubiquitous and reliable) 47 <u>U.S.C.</u> Section 515 (Supp. V 1999).

Personal Communications Services (PCS) enhancements and affordability have driven widespread utilization of PCS throughout New Jersey and the Nation. In addition to voice and messaging services, PCS now includes wireless remote internet access, sending and receiving email, data and photographs via hand-held wireless communications devices. Other ongoing developments include enhanced data services and internet access and implementation of a nationwide E-911 system for emergency services. Although PCS continues to evolve, and engineering and operations of the wireless infrastructure (i.e. radio electronics cabinets, software, etc.) has become more efficient, the need for tall antenna support structures, and the limited areas covered from these structures, has remained.

# FORM OF LETTER TO OTHER LICENSED LOCAL COMMUNICATIONS PROVIDERS

July . 2011

<u>Certif</u>	ied Mai	l, Return Receipt Requested
Cingu	/Nextel lar on Wirel	ess
Attn:		
	Re:	Proposed Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands by T-Mobile Northeast LLC doing business as T-Mobile
Dear		
above 5.4(c) necess and si that ye	e hereby -stated p for,  It is T- sity for a apporting ou conta	be advised that in accordance with the requirements of N.J.A.C. 7:50-5.4(c)6v, T- 7 puts on notice that it has filed and is seeking an amendment to the 8 plan. Copies of the proposed amendment are attached hereto. Pursuant to 7:50- 8 are permitted to participate in the proposed amendment process.  Mobile's position that none of the proposed sites negatively impact the location of a previously approved site. Nevertheless, if, upon your review of the enclosed plan g documentation, you have a contrary conclusion, we would respectfully request cet the undersigned to determine if a compromise can be worked out. The proposed nent will be reviewed by the Pinelands Staff and Commission in accordance with regulations.
		Very truly yours,
		T-MOBILE
		BY:

#### SIGNAL PROPAGATION MATERIAL

This amended Plan includes signal propagation material for each proposed site. This material demonstrates that: 1) T-Mobile has designed its network to utilize the least number of facilities in the Pinelands; 2) that there is a need for each proposed facility to serve the local communications needs of the Pinelands and 3) to satisfy the other locational requirements of the CMP. These propagation maps are being provided for use of the Staff and its experts to analyze the proposed amendment and each of the proposed sites.

Please note with respect to sites 73 and 80 that no new RF propagation plots have been provided as these sites will be located on sites approved in the AT&T Amendment as site numbers 357 and 358 respectively.

#### **CODE COMPLIANCE**

Pursuant to N.J.A.C. 7:50-5.4(c)6v, "all amendments shall be reviewed by the Commission according to the requirements set forth in (c)6 above and according to the procedures set forth in (c)6i thru iii above." The requirements of N.J.A.C. 7:50-5.4(c)6 are:

1. The amendment must be agreed to and submitted by all providers of the same type of service where feasible. N.J.A.C. 50:5.4(c)6.

The applicant has informed all known providers of wireless service with copies of the amendment by certified mail. These carriers have been informed of their ability to participate in the amendment. Further, this carrier believes that none of its proposed sites would negatively impact the location of or necessity for any sites previously approved by the Pinelands Commission.

It is therefore T-Mobile's position that it has satisfied both the current CMP regulations as well as the proposed amendments.

2. The plan must review alternate technologies that may become available for use in the near future.

T-Mobile has incorporated the treatment of alternate technologies set forth in the prior plans. Additionally, T-Mobile has provided a supplement to those treatments that specifically relates to Distributed Antenna Systems or DAS. The conclusion drawn is that a DAS system is not economically or technically feasible to permit T-Mobile to adequately provide seamless, reliable, ubiquitous service.

T-Mobile does, however, acknowledge that there are siting techniques that could utilize smaller towers and camouflaging techniques to reduce the visual impacts of sites located in areas that do not comply with the requirements of N.J.A.C. 7:50-5(c)4vi, or the environmental standards established in N.J.A.C. 7:50-6, or if a proposed new facility would have a significant visual impact on those uses and resources described in 4ii through 5v. T-Mobile agrees to work with the Commission Staff to develop these sites in accordance with the requirements of the CMP and the rights and duties they have pursuant to their Federal Communications Commission issued licenses. T-Mobile specifically, and not by way of limitation, reserves its rights to claim that the CMP regulations, on their face and/or as applied, are prohibitory and/or discriminatory pursuant to the laws, statutes and regulations of the United States and/or the State of New Jersey.

3. The plan must show the approximate location of all proposed facilities.

The proposed amendment satisfies this requirement by providing the latitude and longitude of each site. The site locations have been reviewed by both the Applicant and the Commission Staff and satisfy the requirement to show the approximate locations.

4. The plan must include five (5) and ten (10) year horizons.

T-Mobile intends to build these sites as quickly as it can. Therefore, all of the proposed sites are intended to be built within five (5) years.

5. The plan must demonstrate that every facility is needed to provide adequate service.

T-Mobile adopts the language used in the previously approved plans as demonstrating compliance with the requirement. Additionally, T-Mobile has provided the Radio Frequency propagation maps that demonstrate the need and the required location (or area) for each site.

6. The plan must satisfy the requirements of N.J.A.C. 7:50-5.4(c)6 by demonstrating that the proposed sites are the least number necessary.

The mapping and radio frequency mapping demonstrate compliance. Additionally, the applicant repeats its understanding that it is willing to work with the Commission to utilize multiple shorter and camouflaged towers. (Reserving its rights as stated before).

7. The plan must demonstrate that the antenna utilizes an existing communications or other structure to the extent practicable.

T-Mobile has sent its consultant/employees into the field to look for existing structures and suitable section vi sites in the area of all proposed facilities. In every case where an existing structure or suitable section vi site has been found, it has been so noted in the site by site narrative and in the Summary Table. Further, when applications are made for specific sites, the applicant is required to show that there are no existing suitable sites.

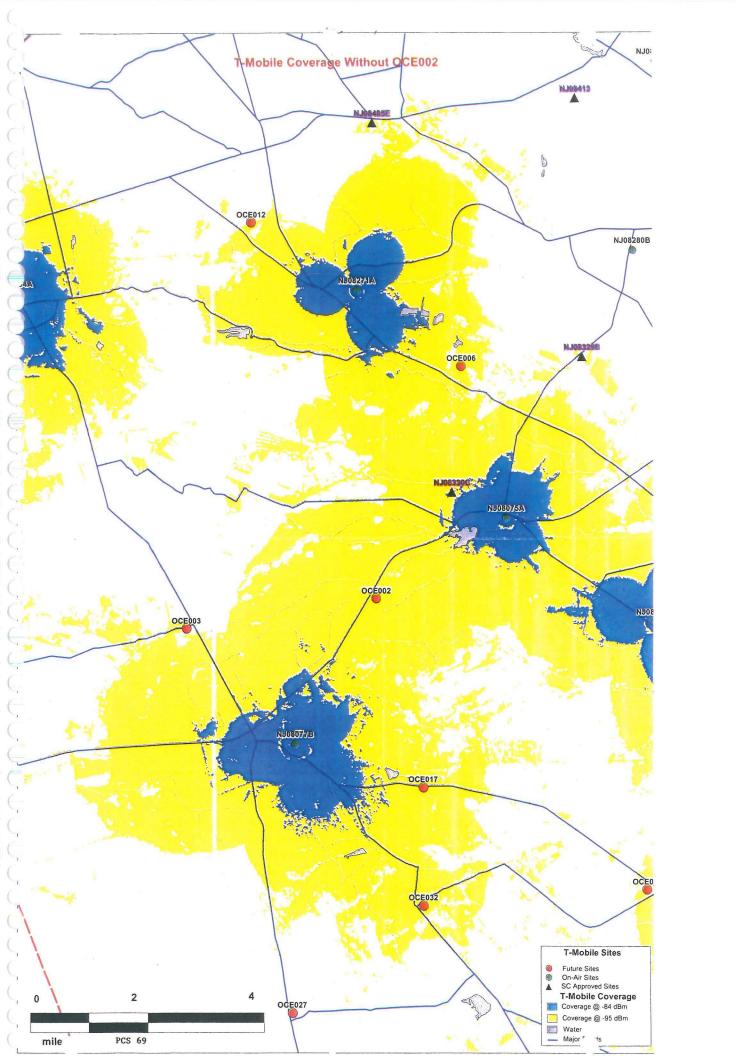
- 8. The plan must demonstrate or note the need to demonstrate when actual siting of facilities is proposed that if a new supporting structure is to be constructed, it can probably be sited according to the six criteria in N.J.A.C. 7:50-5.4(c)4.
- 9. The plan must demonstrate or note the need to demonstrate when actual siting of facilities is proposed that it will comply with section (c)2.

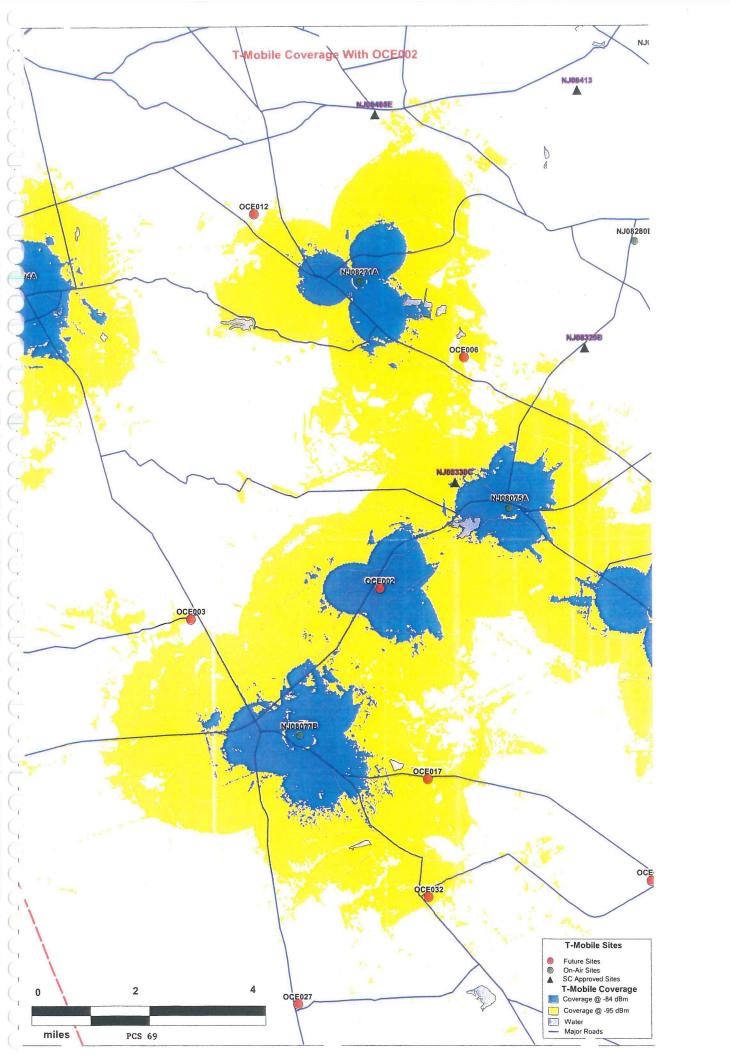
This regulation requires that T-Mobile permit other carriers to collocate on the proposed facilities. T-Mobile reaffirms herein the collocation language previously approved.

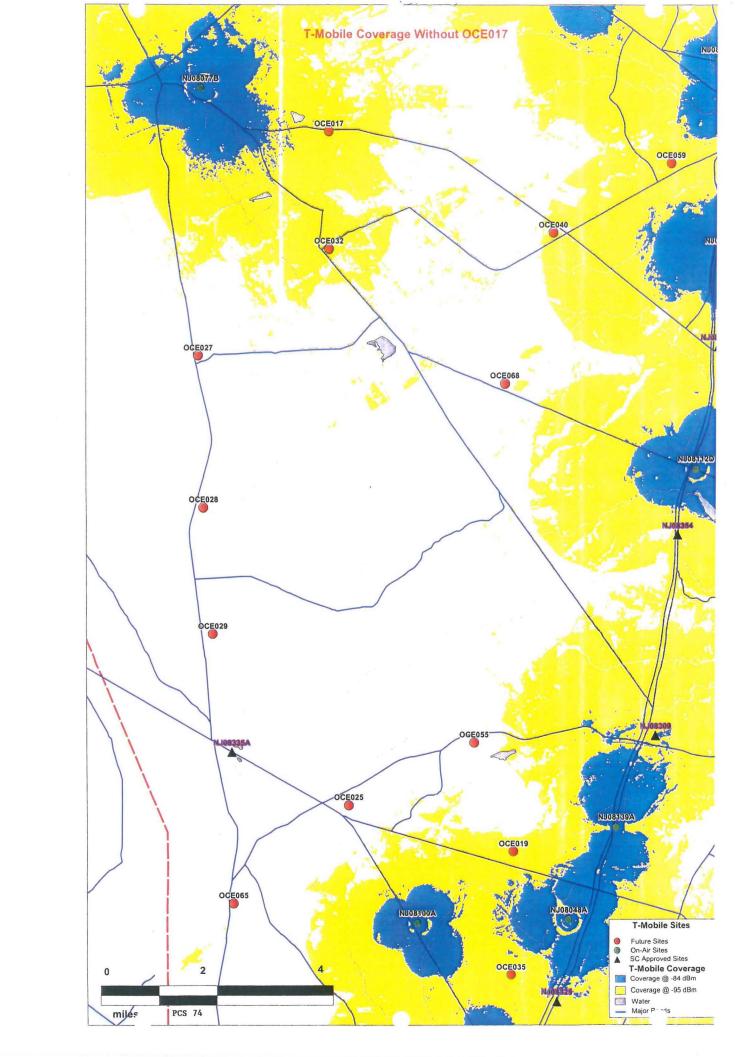
10. If it reduces the number of facilities to be developed, shared service shall be part of the plan unless precluded by federal law.

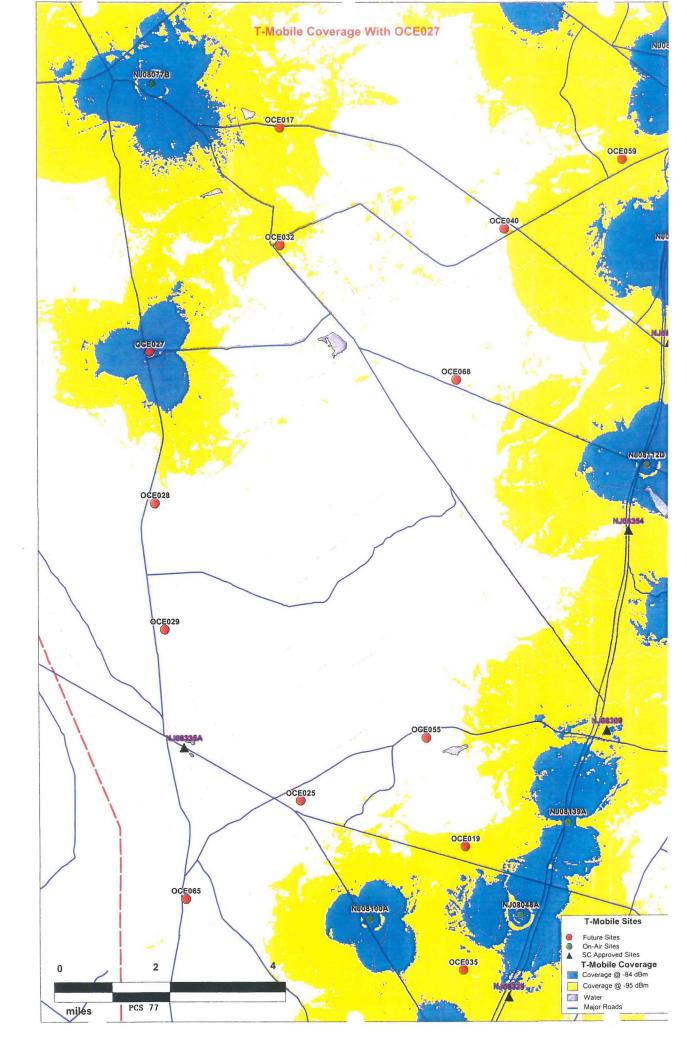
T-Mobile adopted and reaffirms the positions taken in the previously approved plans.

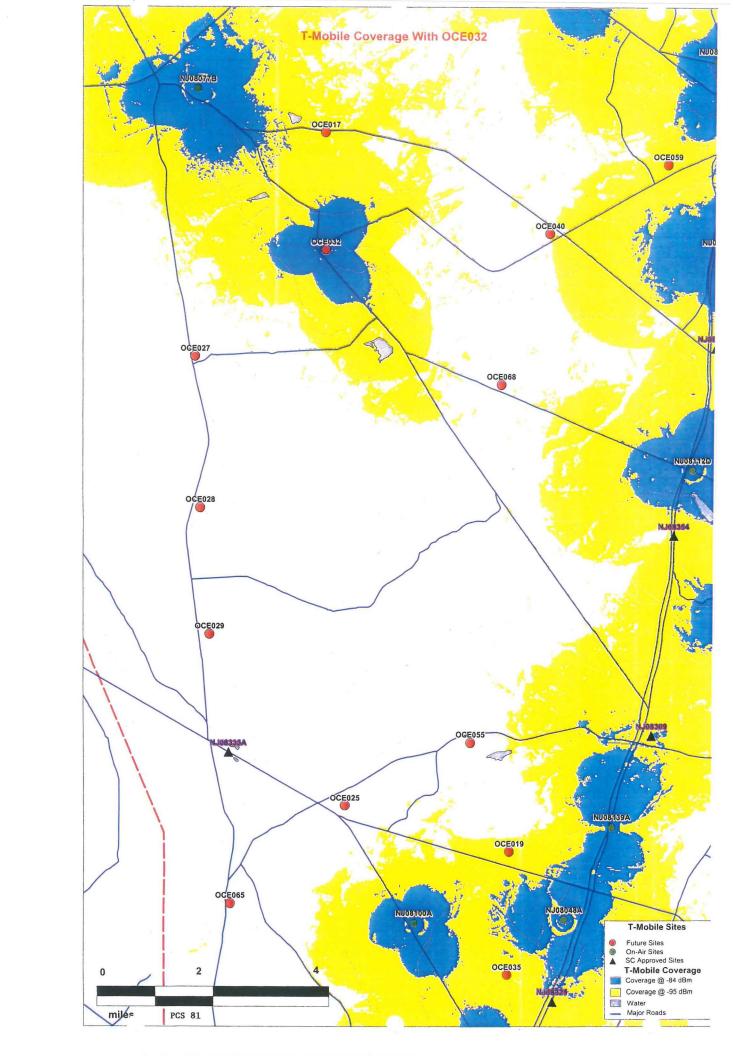
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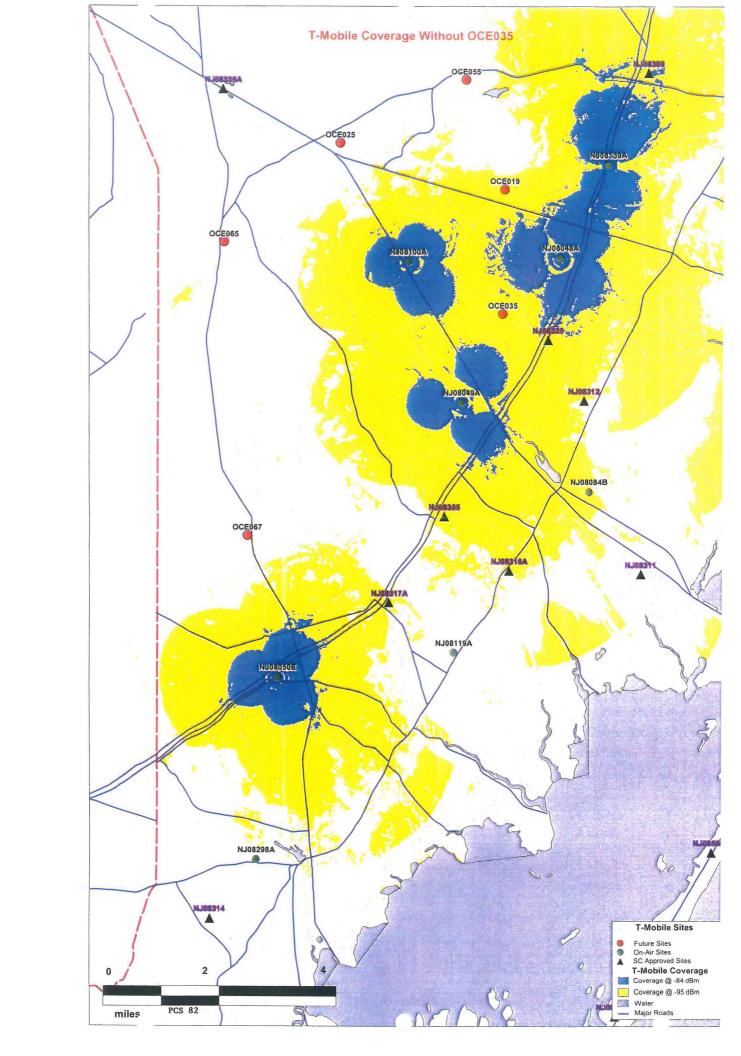


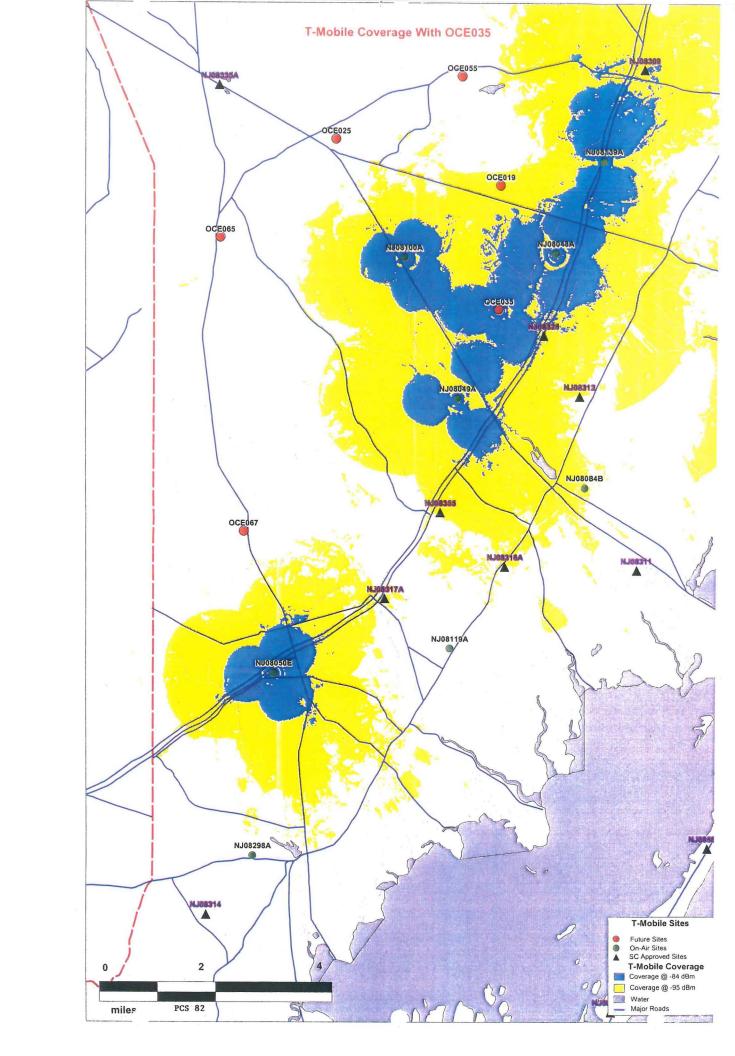


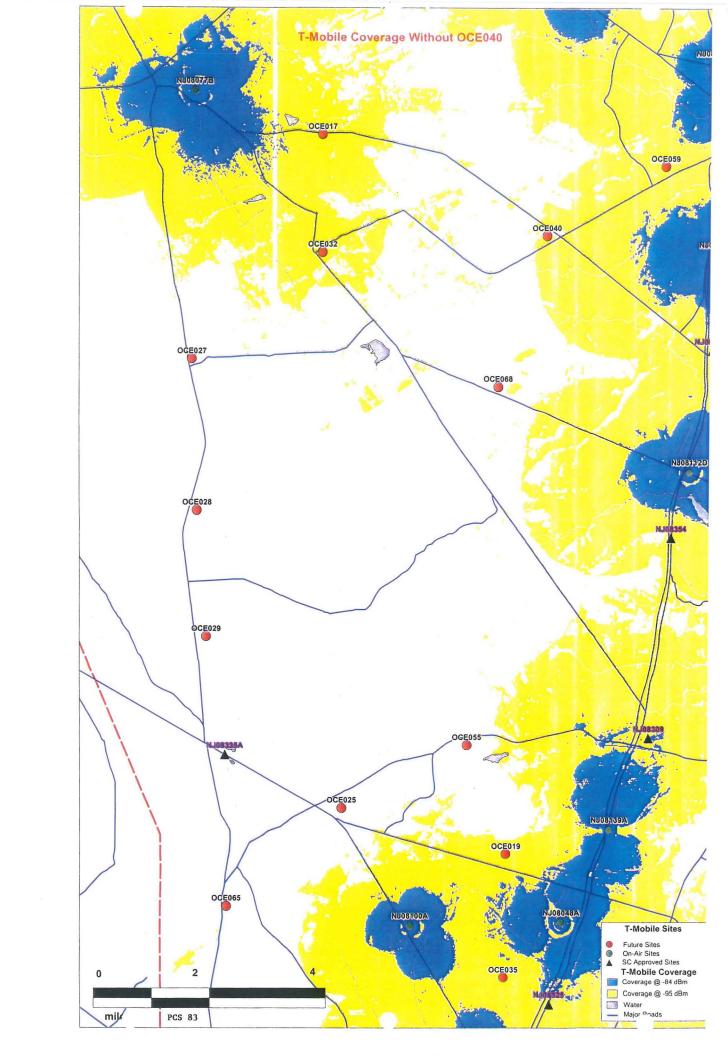


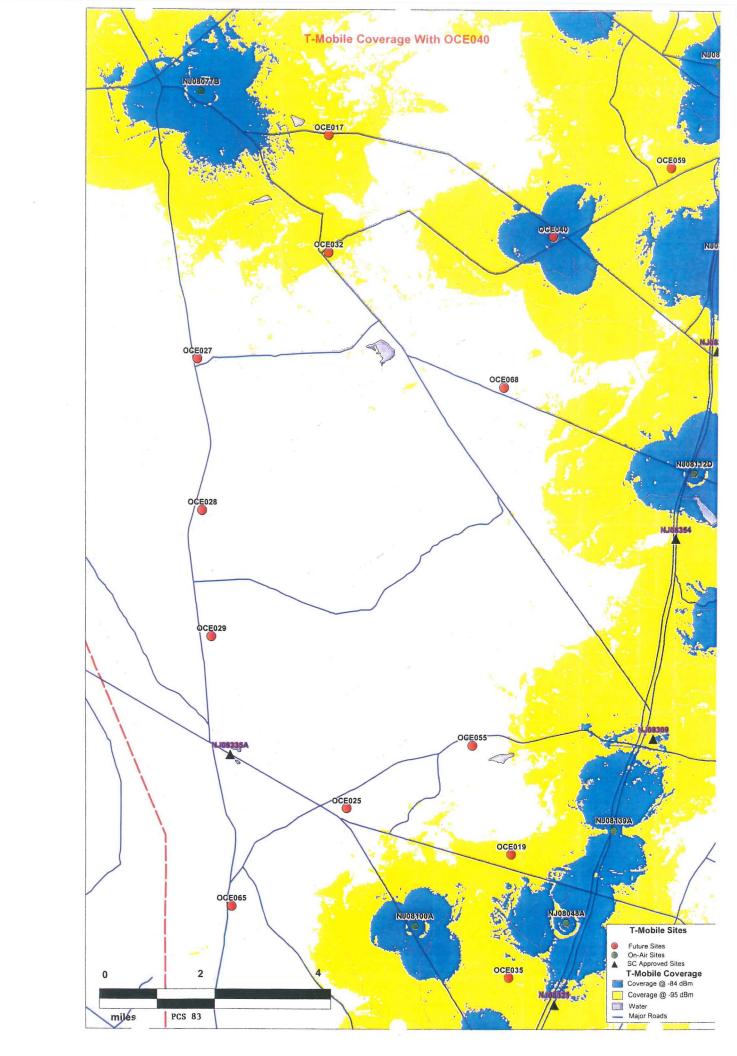


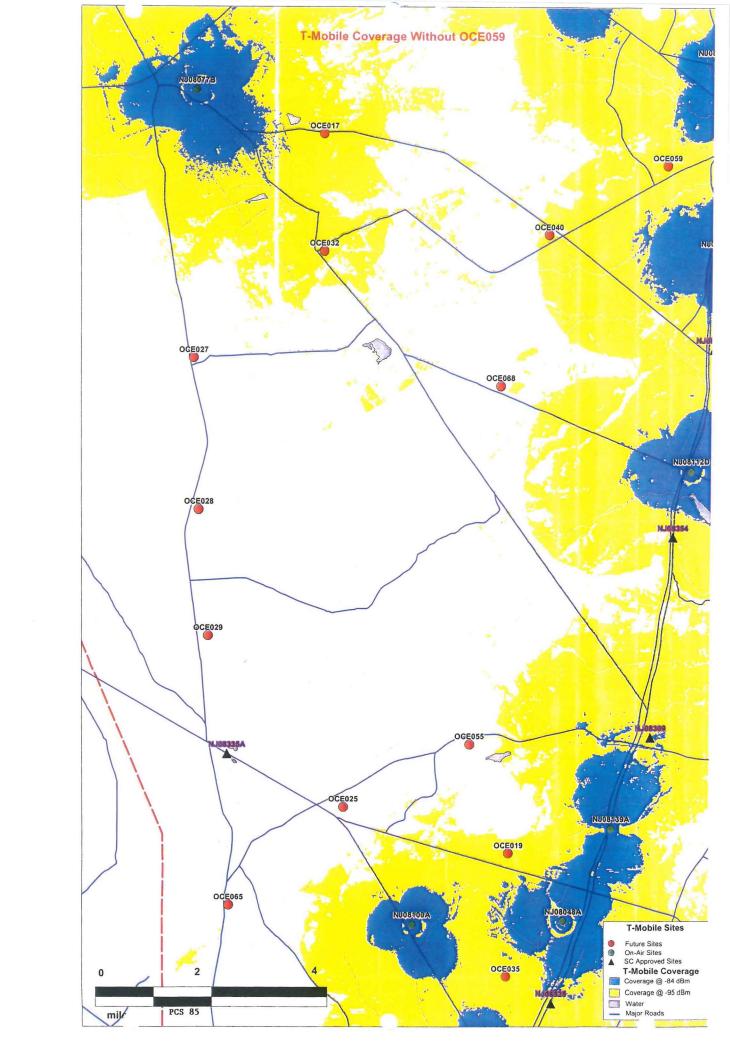


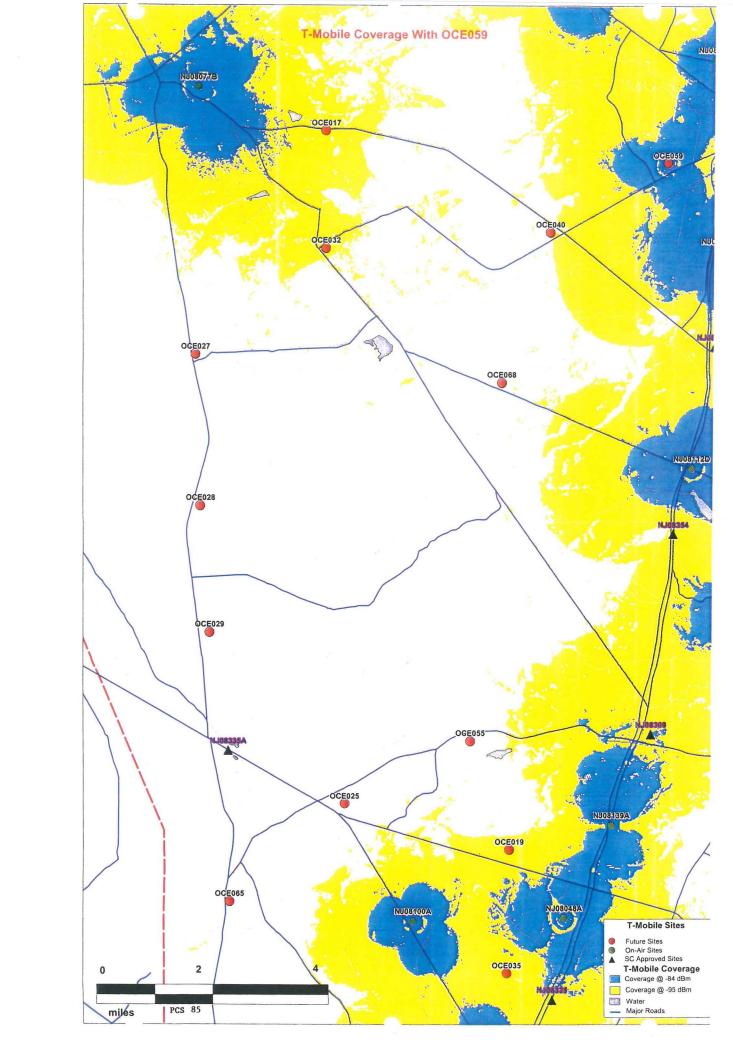


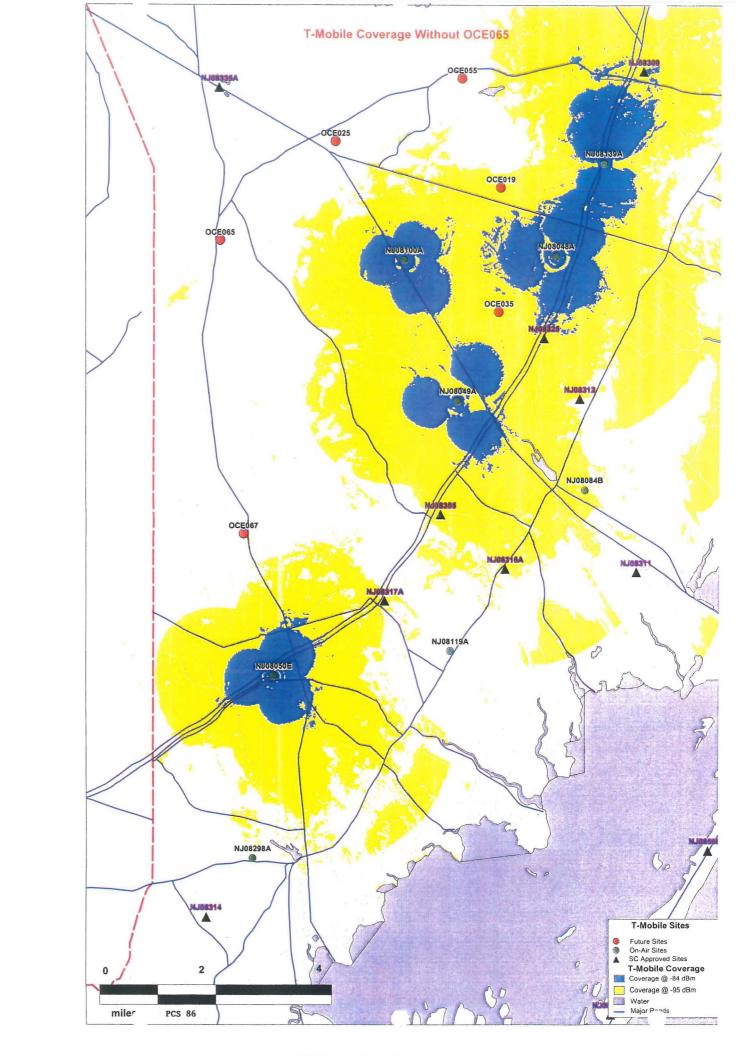


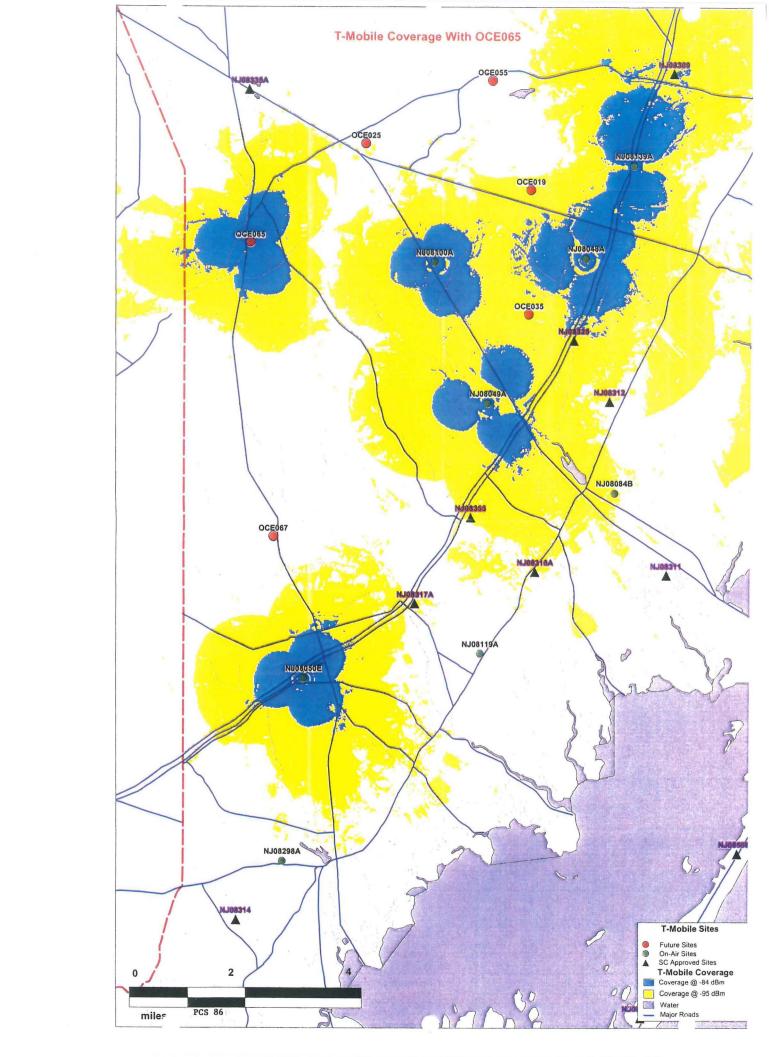


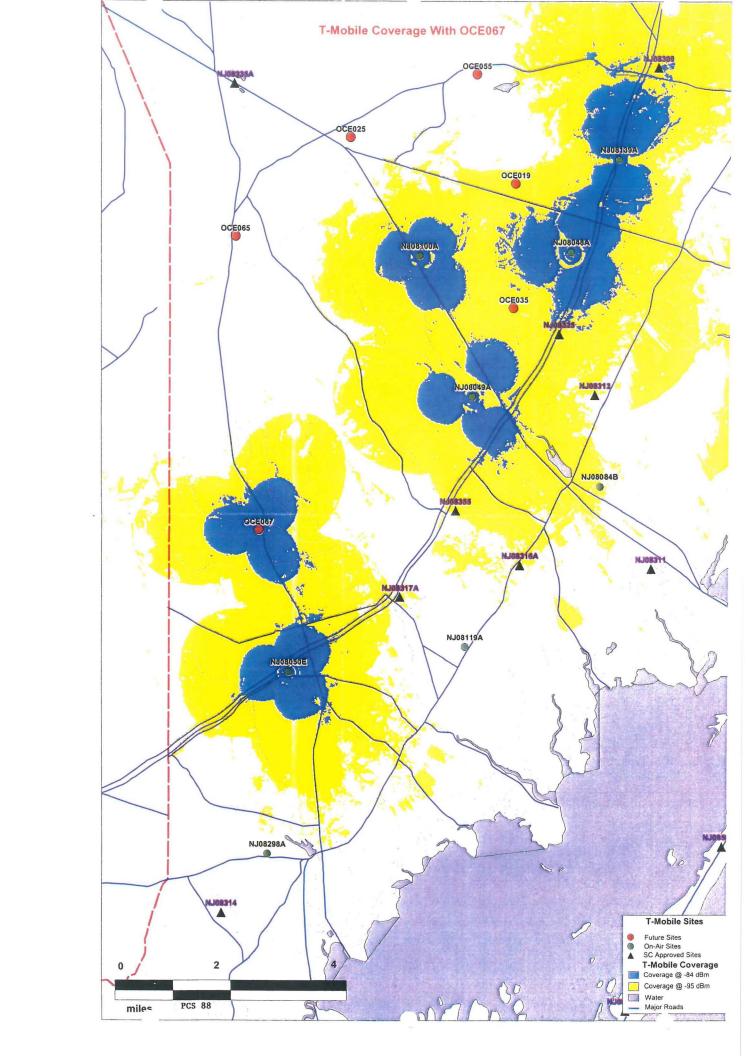




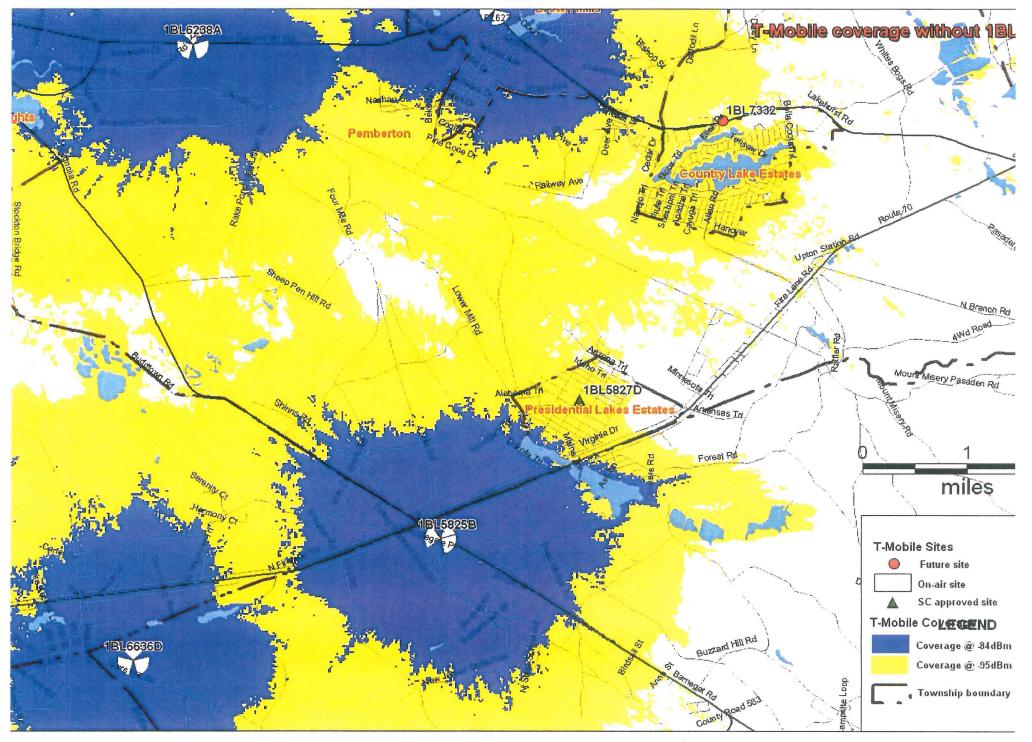




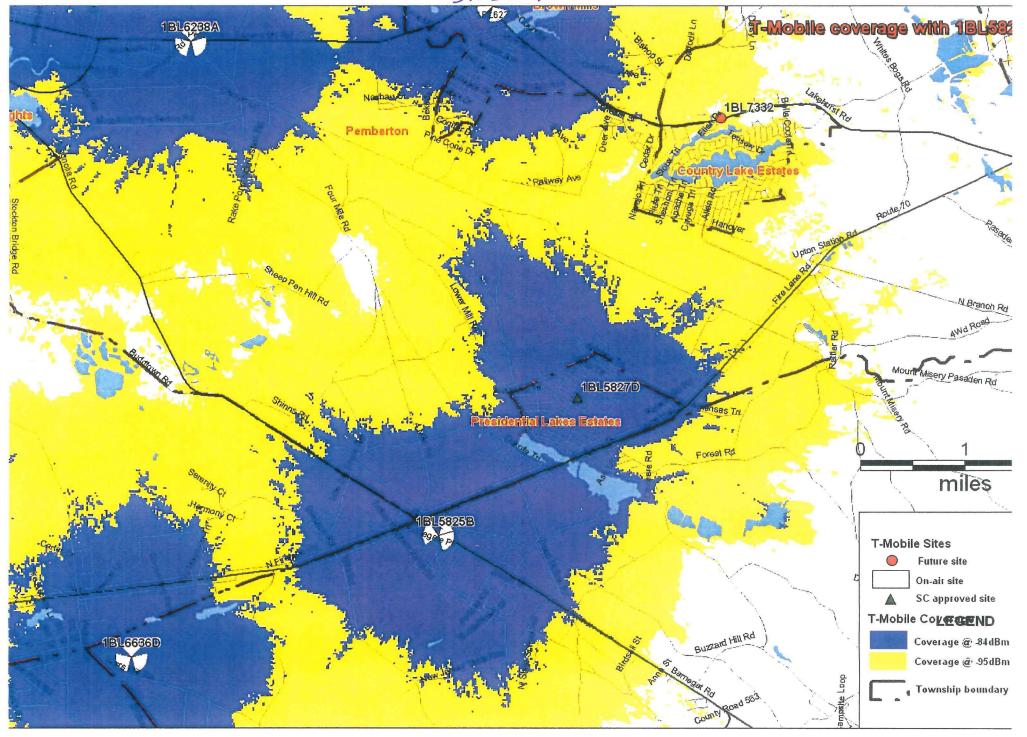


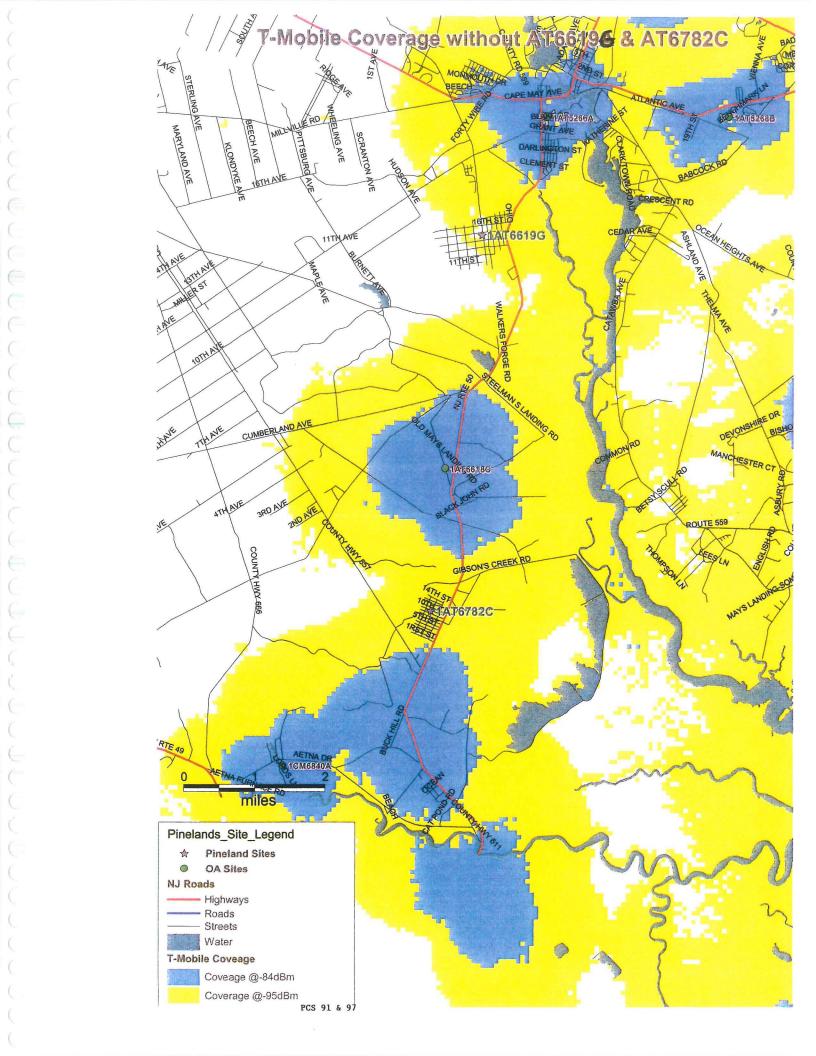


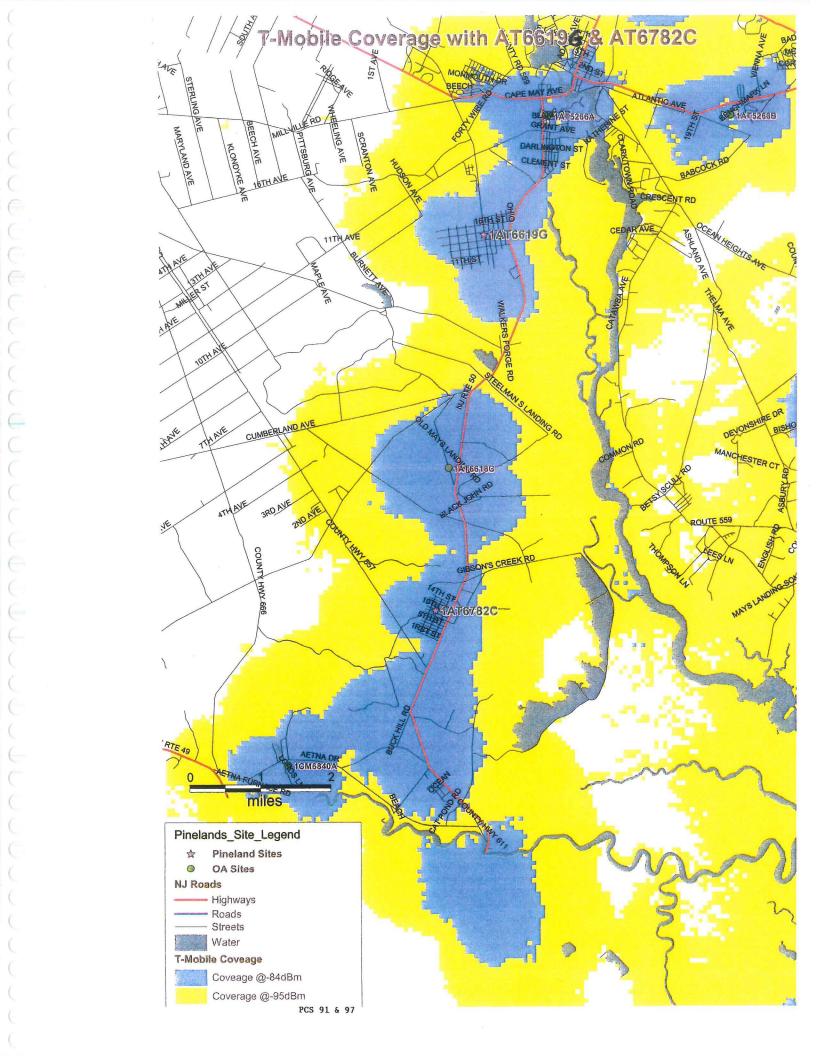
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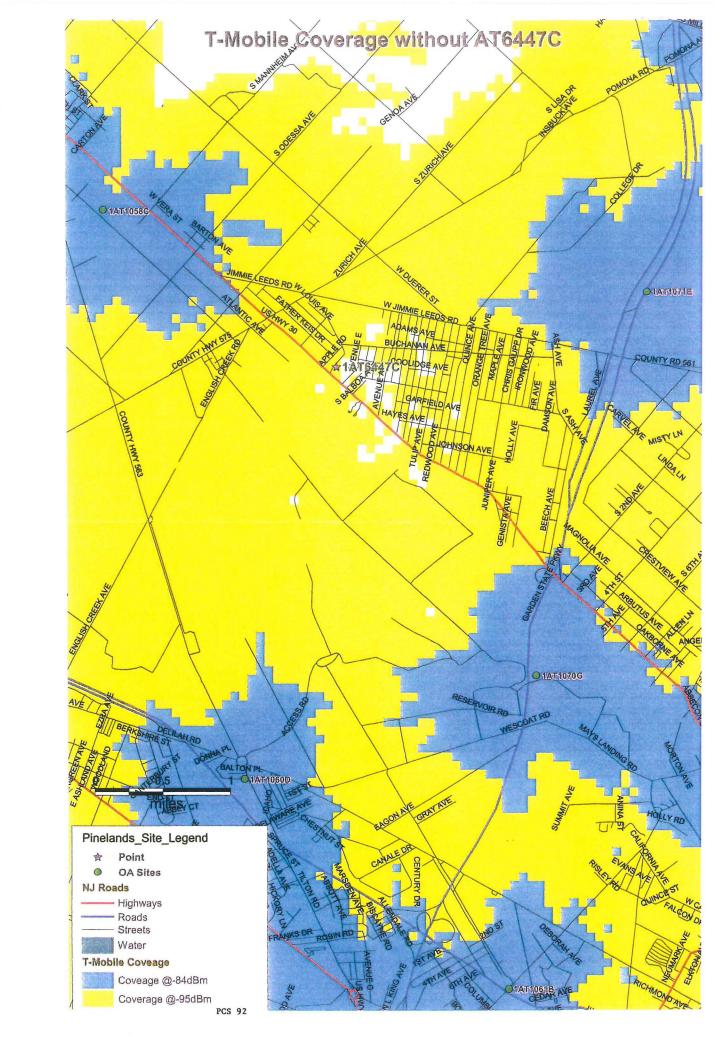


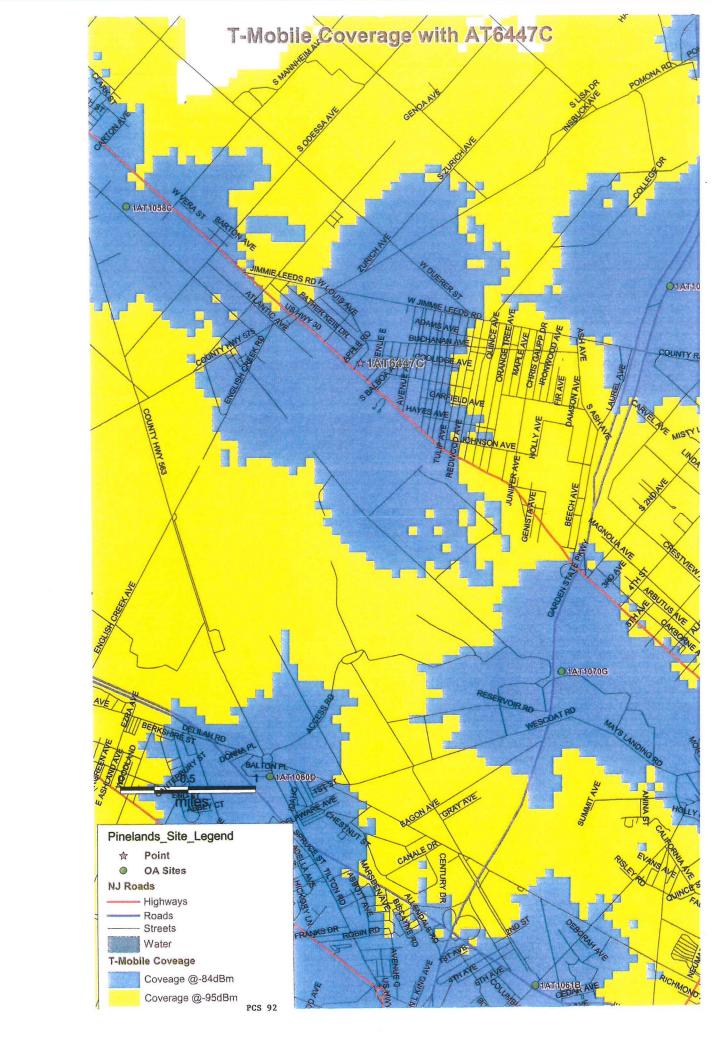
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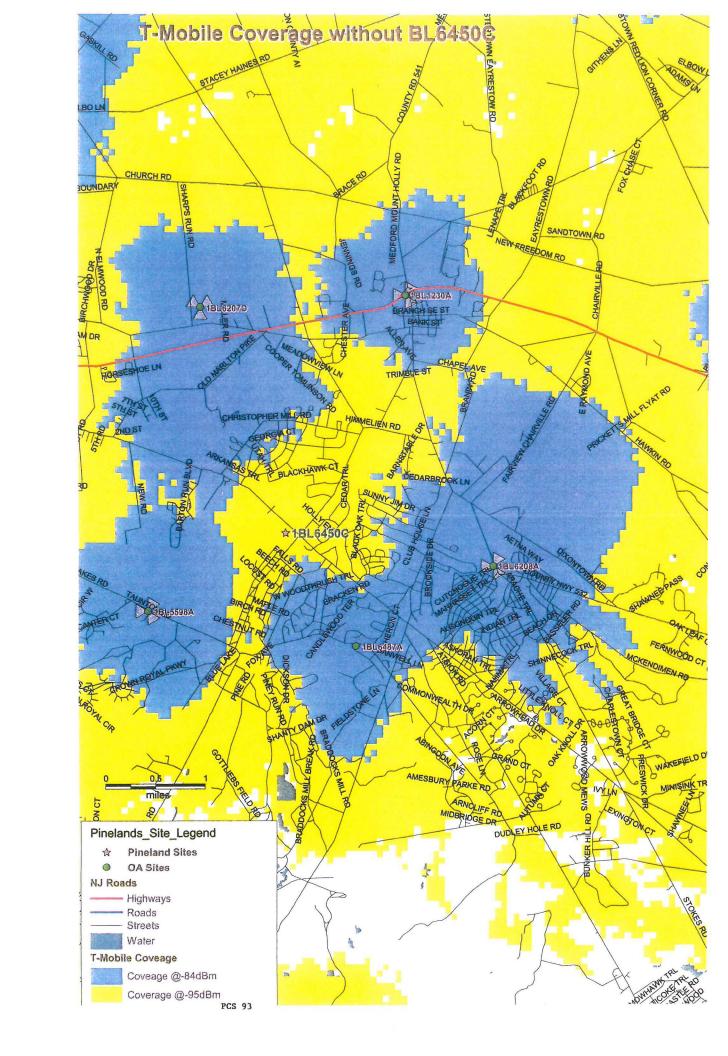


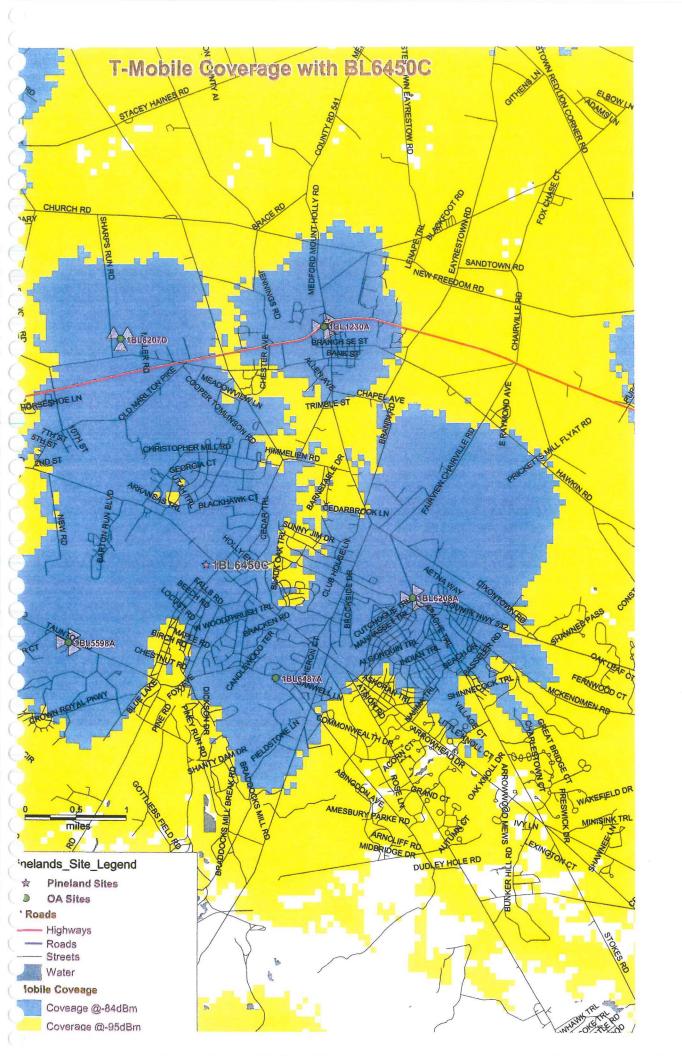


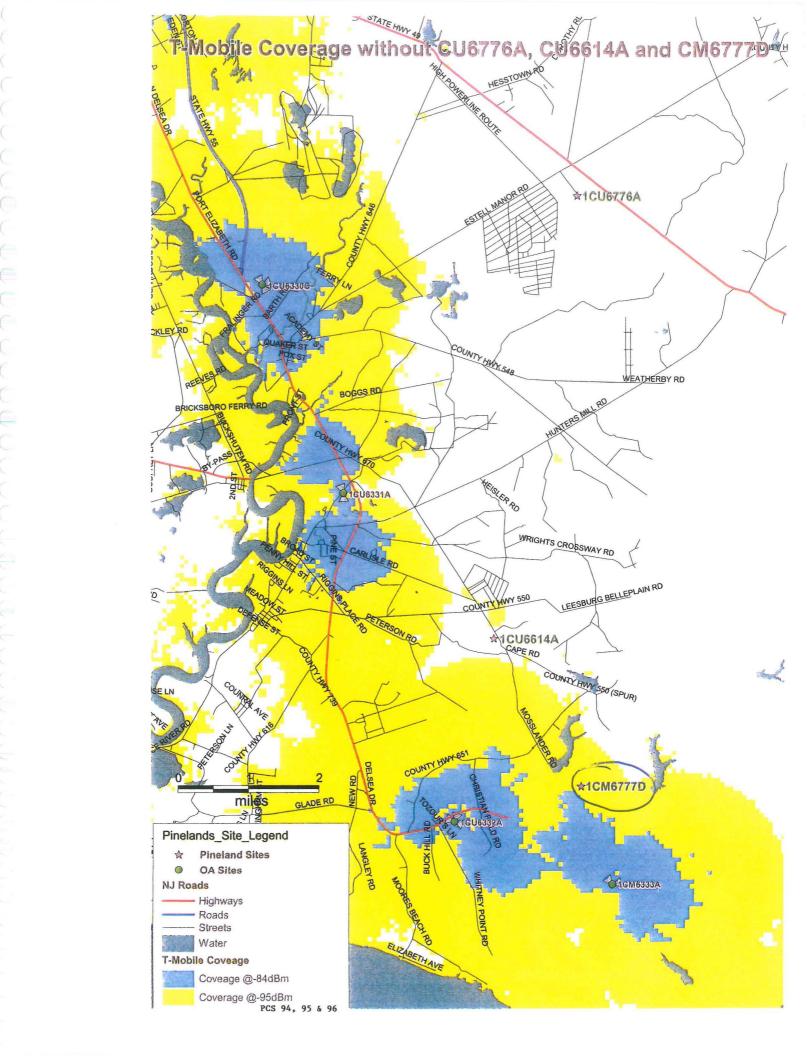


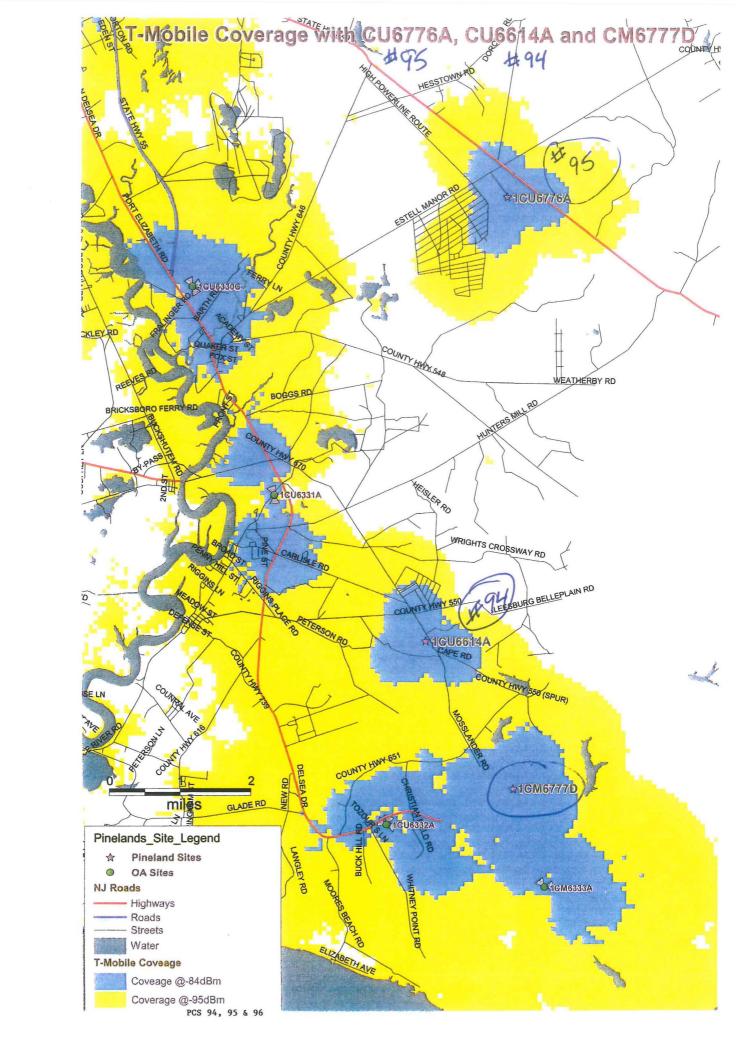


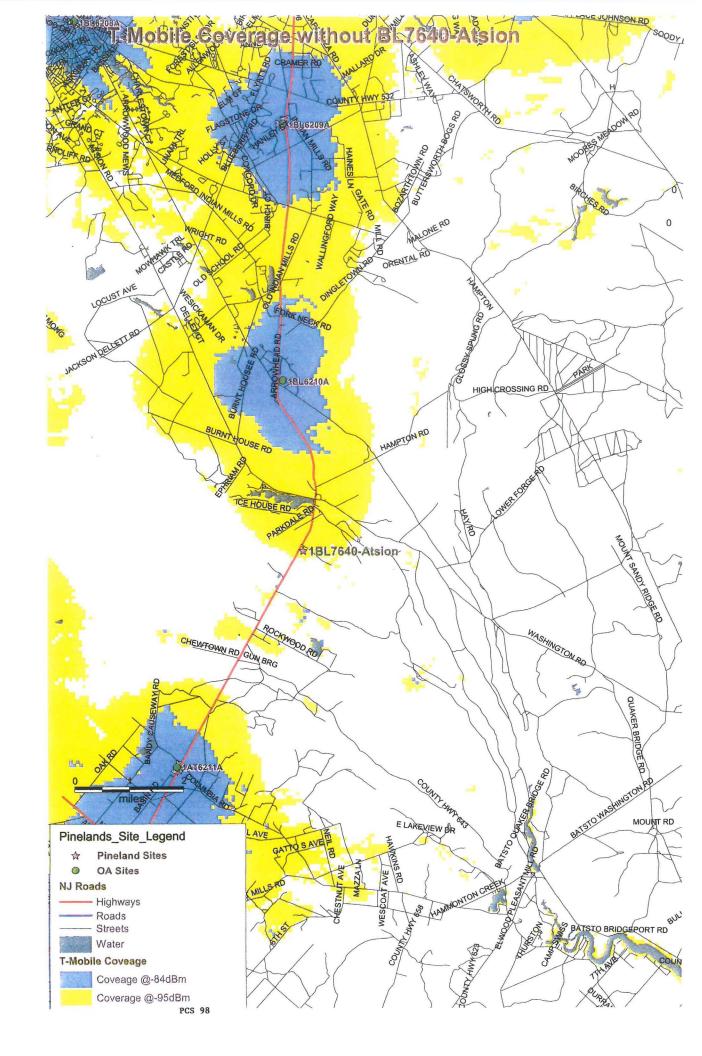


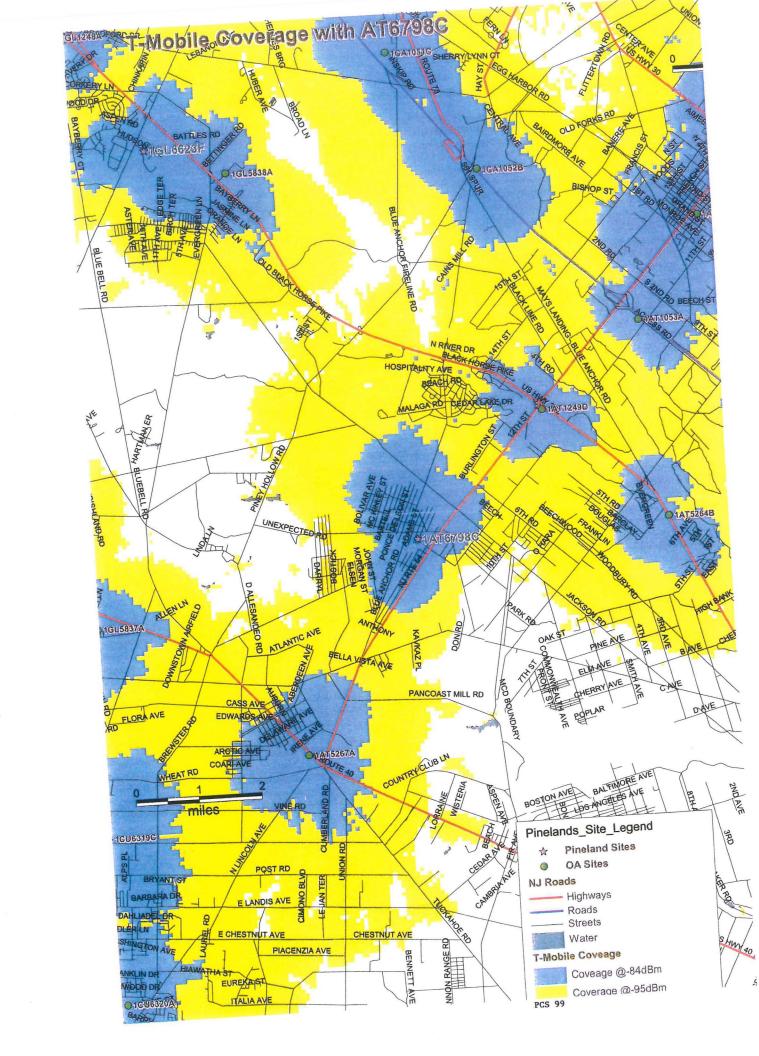


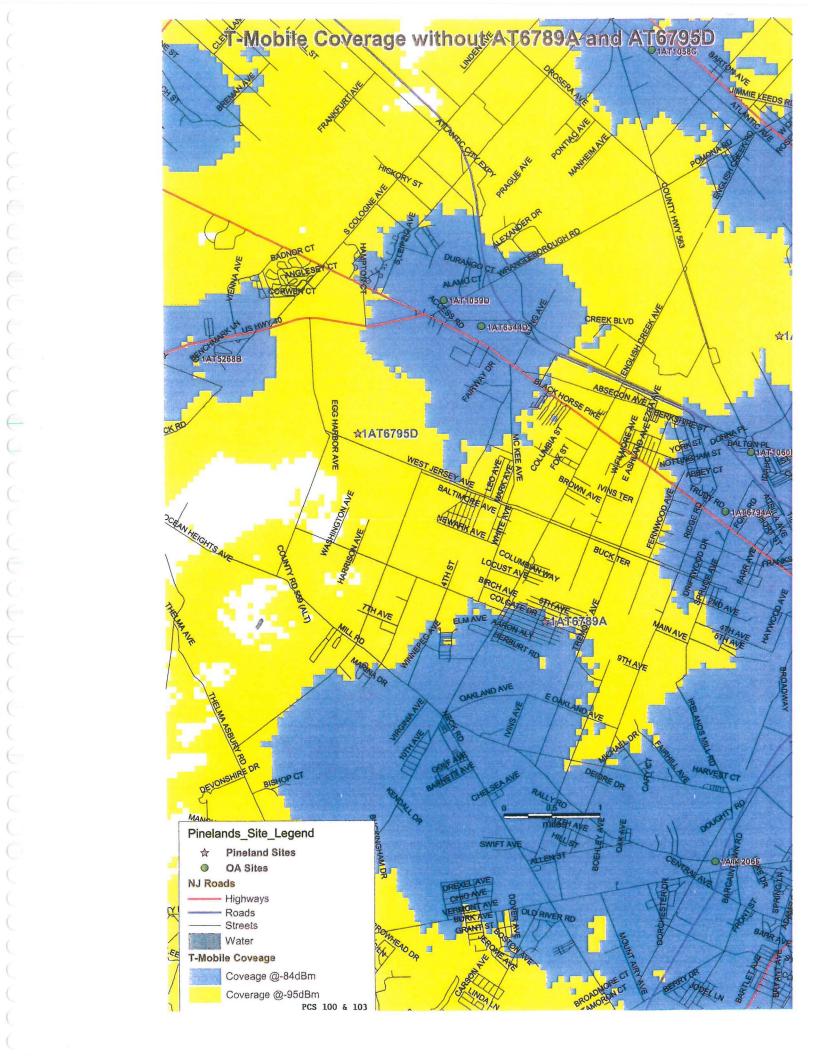


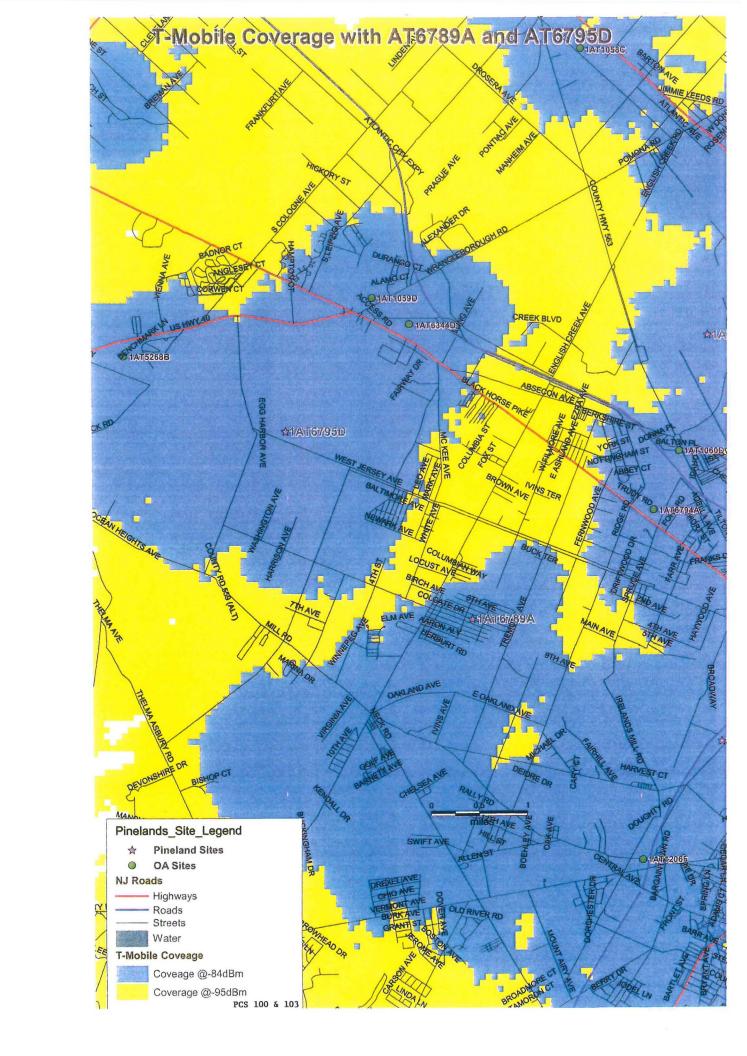


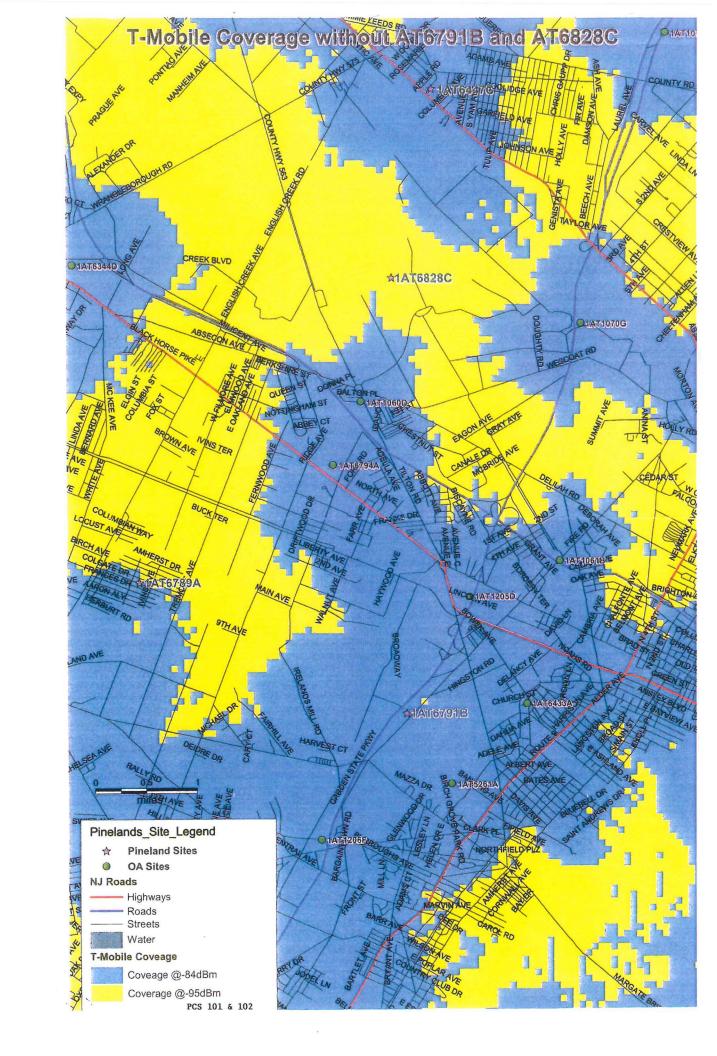


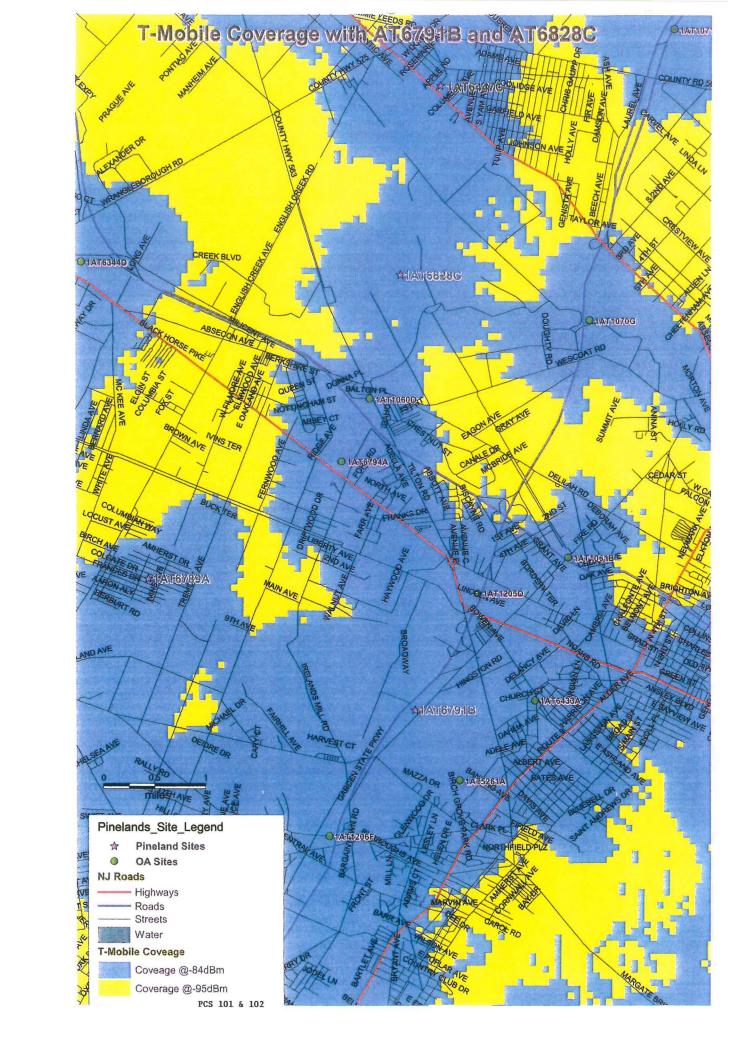


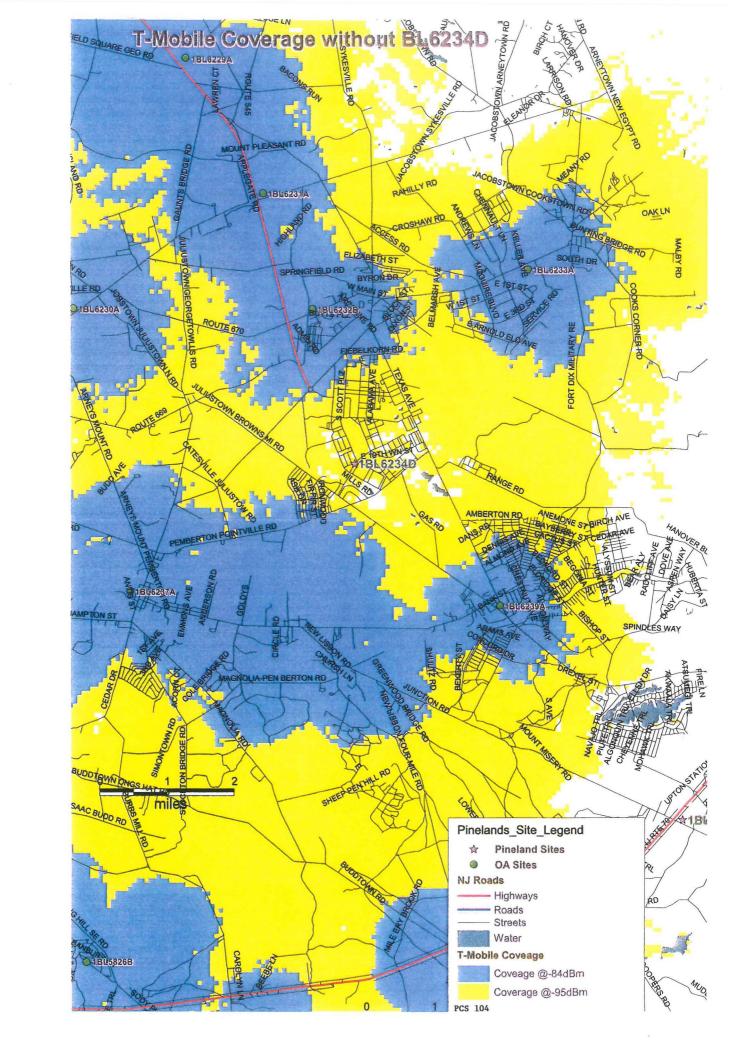


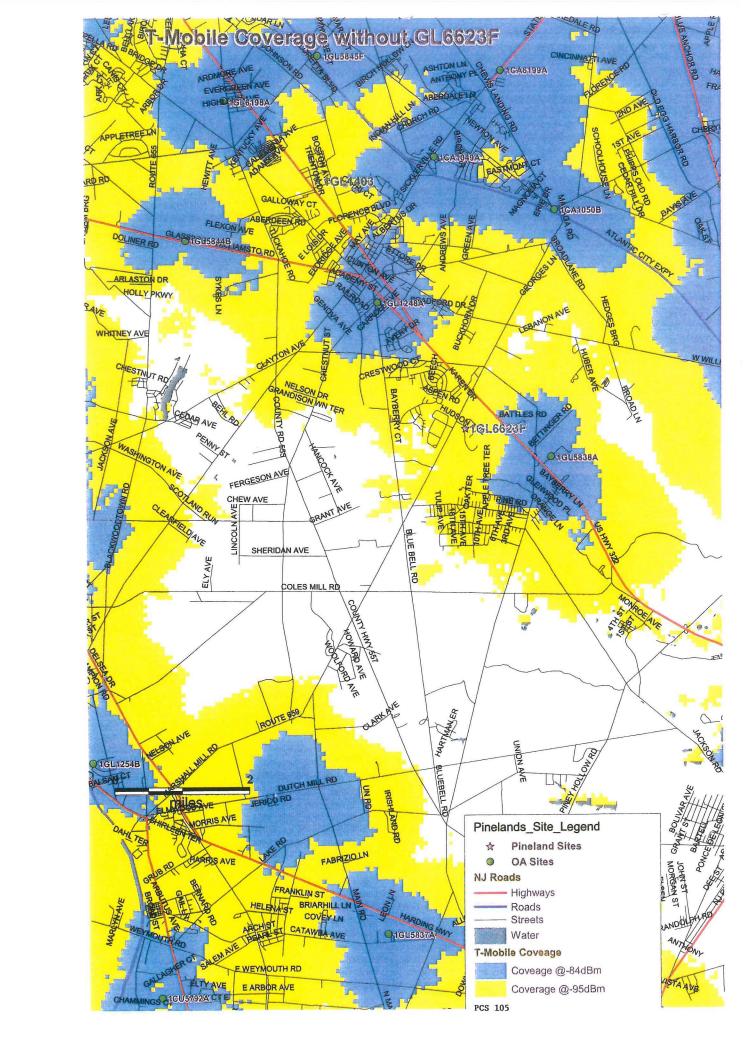


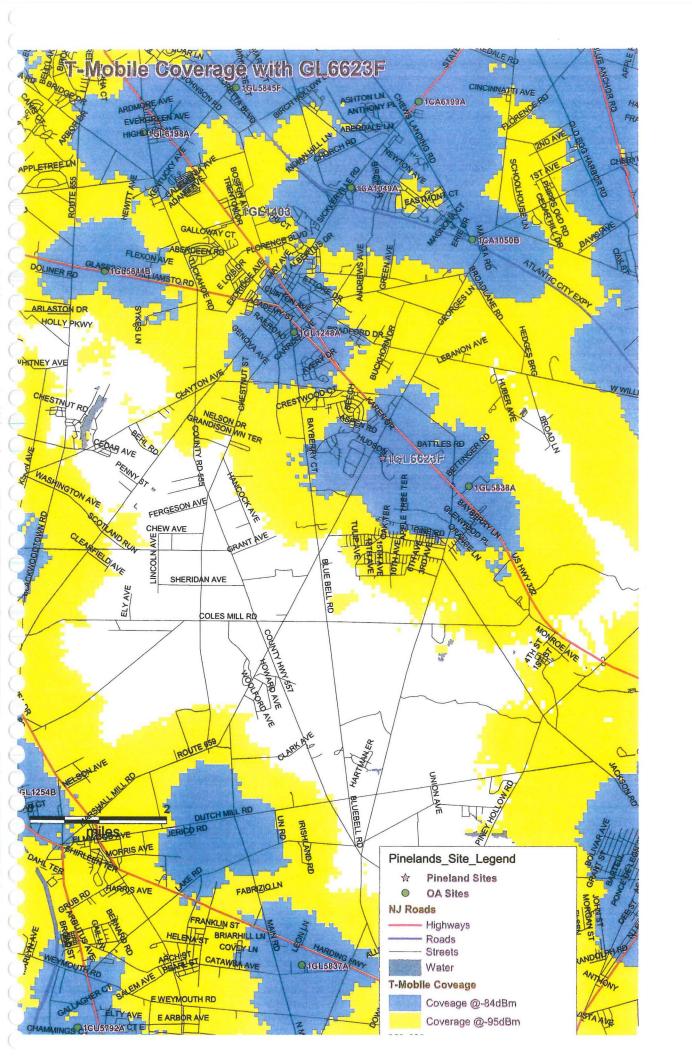


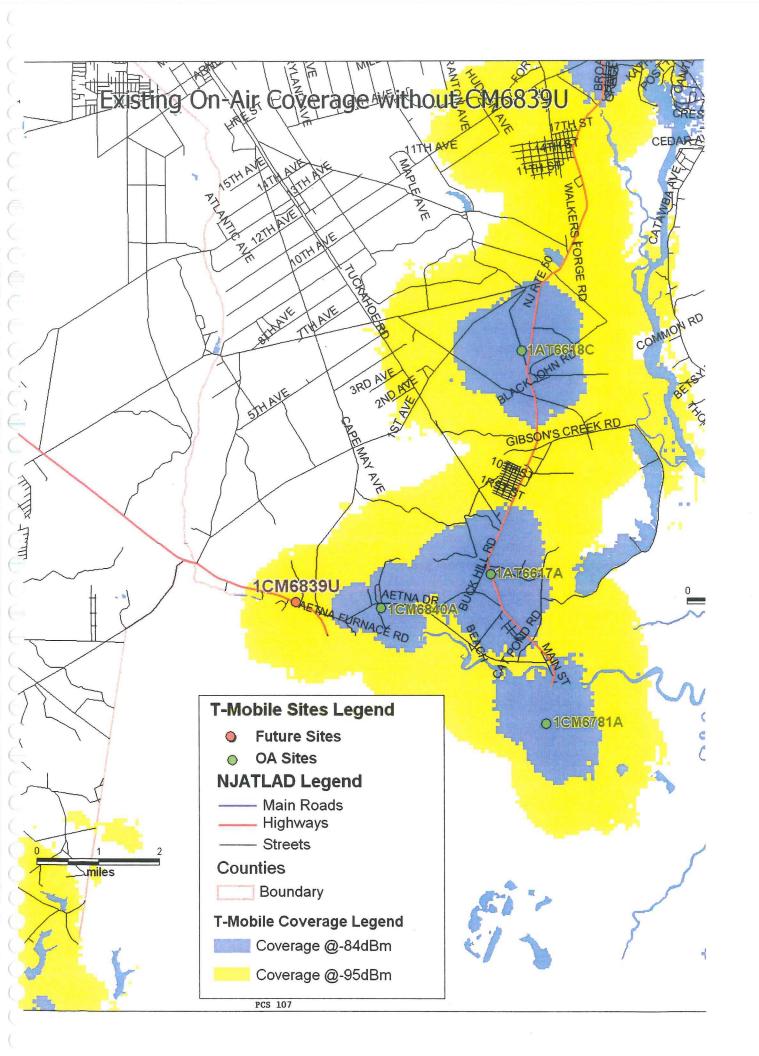


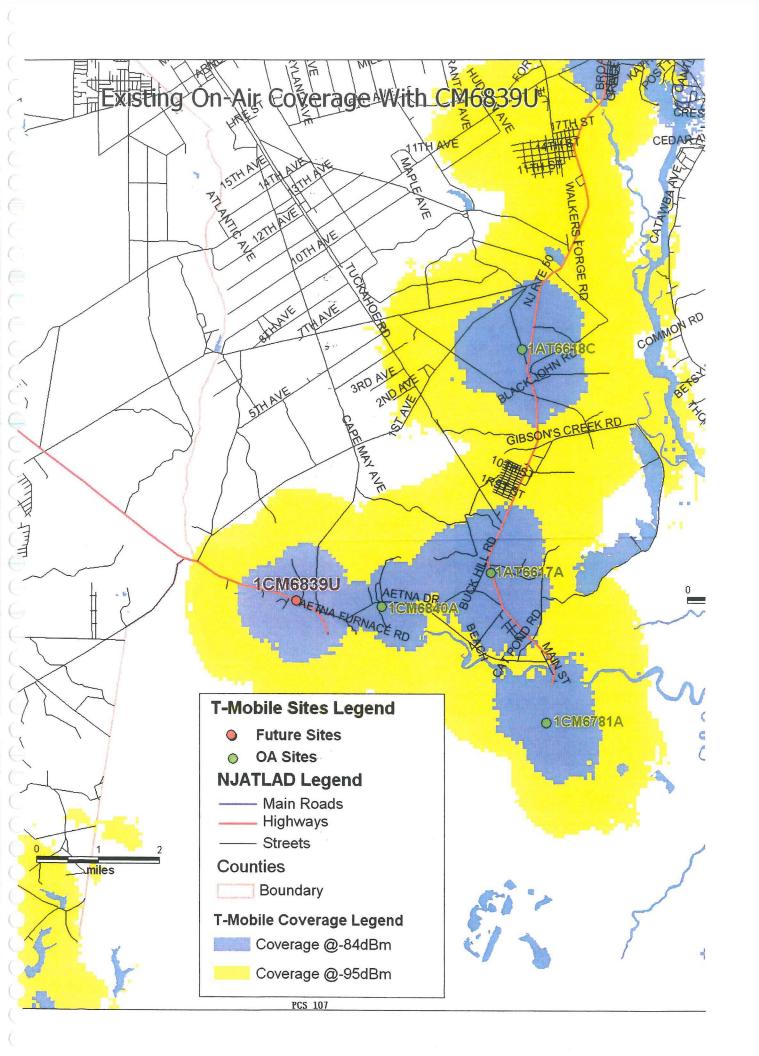


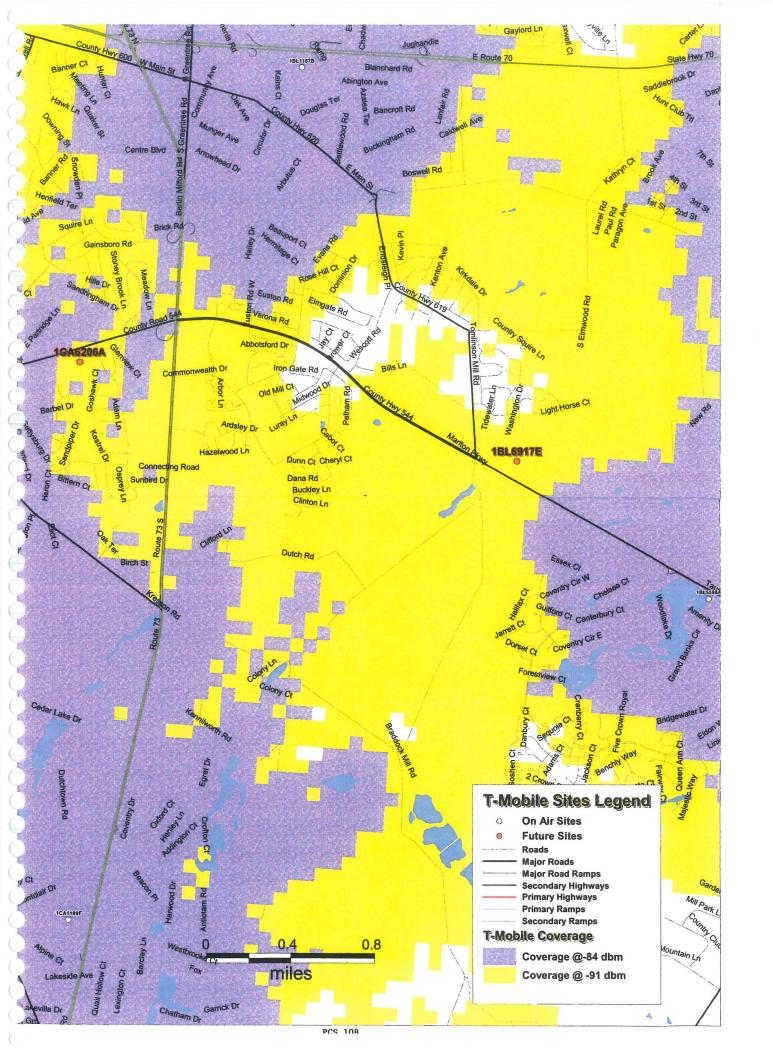


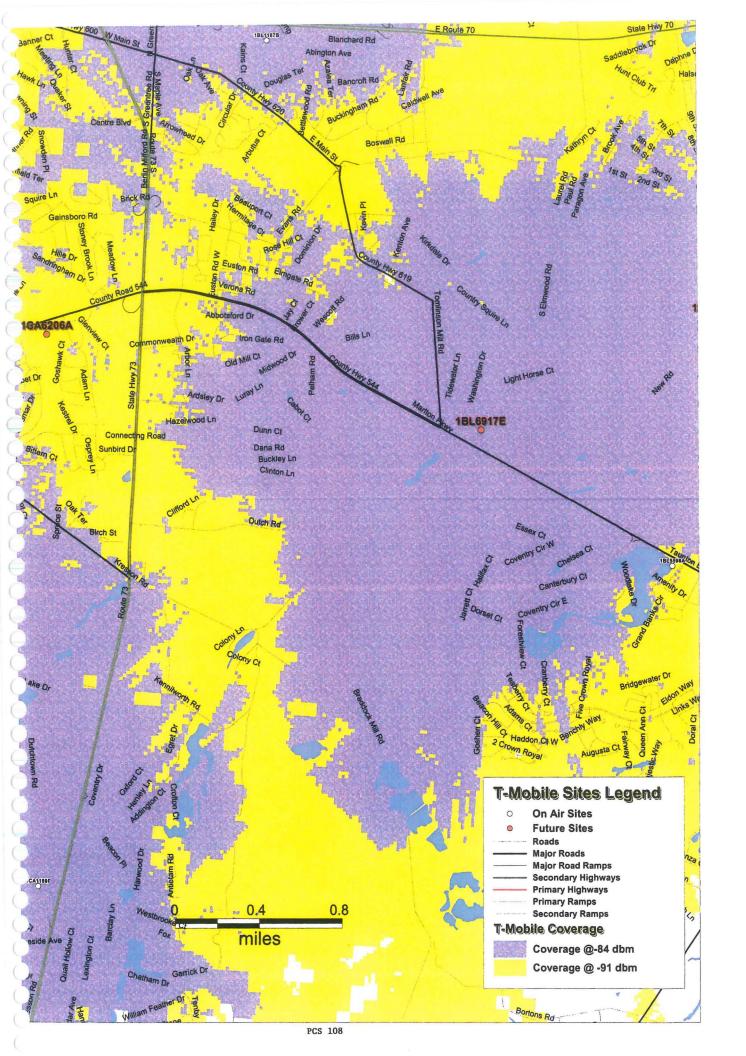


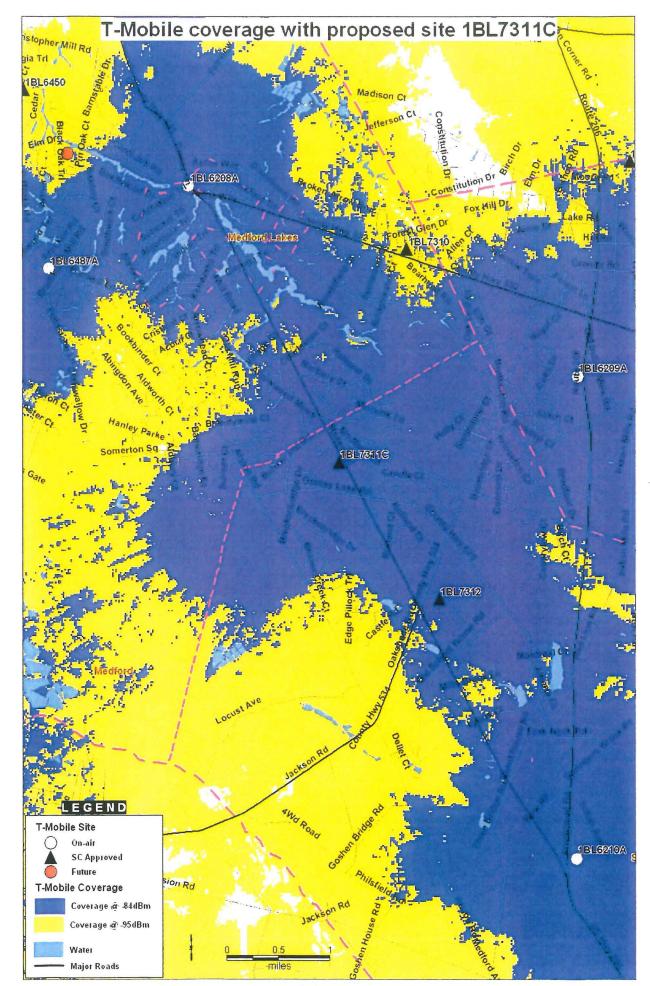




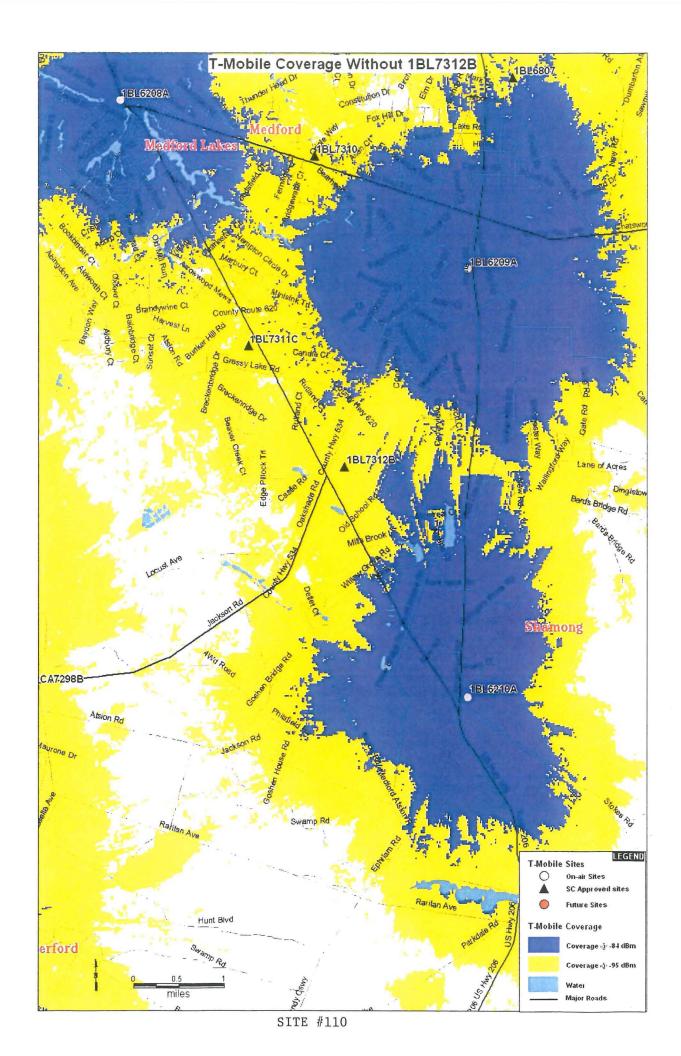


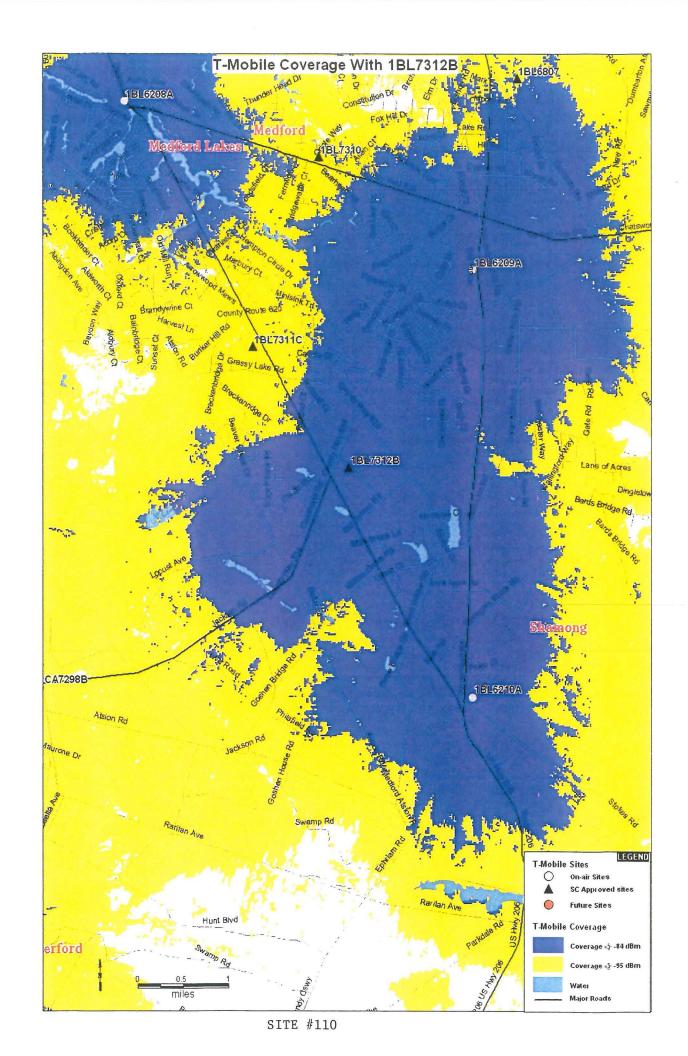




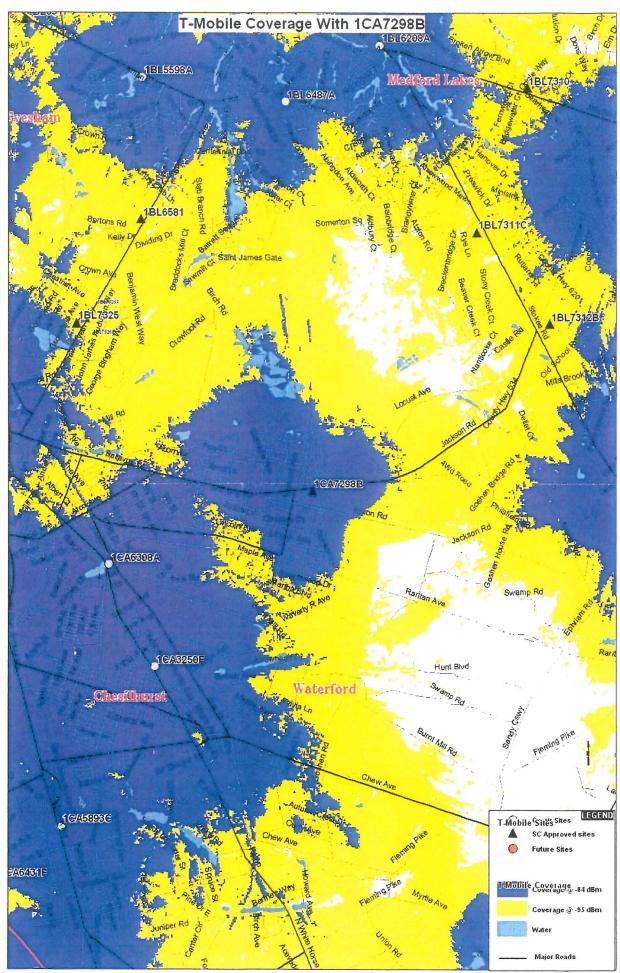


SITE #109





SITE #111



SITE #111