

**Federal Collocation Act Exemption Checklist per 47 USCA  
1455 and FCC 14-153**

**I. Controlling Federal Statute:**

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), reads in pertinent part:

" ... a State or local government may not deny, and shall approve, any eligible facilities Request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

**II. Step One – “Eligible Facility” Determination**

The first level of analysis is whether the applicant is proposing a Collocation or Modification of an existing wireless telecommunication facility. If either of the boxes below are checked, the proposal is an “Eligible Facility” under Federal Law and the exemption analysis should proceed to Section III.

New Collocation Facility

Modification of an Existing Wireless Telecommunication Facility

**III. Step Two – “Substantial Change” Determination as defined by the FCC**

The FCC has determined that a modification substantially changes the physical dimension of a base station (i.e. “rooftop wireless facility”) only if it violates any of the following criteria:

Increases height of base station (i.e. “rooftop wireless facility”) by more than 10 percent or 20 feet, whichever is greater;

Protrudes from the edge of the structure more than 6 feet;

Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;

Entails any excavation or deployment outside the current site of the tower or base station;

Would defeat existing concealment elements of the tower or base station; or

\_\_\_\_\_ Does not comply with conditions associated with the prior approval of the rooftop wireless facility **unless** non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

**Notes:** T-Mobile is adding 3 antennas to an existing facility for a total of 9 antennas. Since there is an existing T-Mobile facility present, the additional antennas constitute the collocation of antennas/equipment. There is no substantial change as defined above.

If the answer to all of the above is **"NO"**, then the proposed collocation facility or a modification to an existing rooftop facility will not result in a **"Substantial Change"** as defined by the FCC and the analysis should proceed to Section IV.

#### **IV. Final Conclusion – Facility is Exempt from Discretionary Board Review**

If a new collocation facility or a modification of an existing wireless facility meets the criteria above, then the facility is **EXEMPT** from Discretionary Board review and must be approved administratively in accordance with Federal law.