

ATTACHMENT B APPLICATION CHECKLIST

COMMENT: Section 6(b) of the Model Ordinance sets out the basic content of the wireless permit application. This Application Checklist (“**Checklist**”) is to assist the municipality in developing a comprehensive application form based on the Model Ordinance, which grants the Administrator the authority to develop the application form. *See Model Ordinance Section 5(b)(3).* The provisions included in this Checklist are a starting point for the municipality. The municipality should review its code of ordinances to determine if there are other necessary provisions to include in the application.

The application form must be consistent with the ordinance, and, consequently, whatever modifications the municipality makes regarding the content of the application should be reflected in the ordinance. Moreover, the municipality should be mindful that its application must be consistent with the limitations imposed by the *2018 Small Cell Order*.

Once the municipality has developed its application form, it may wish to create its own simplified one-page checklist that clearly identifies all the materials the applicant must submit. This will help minimize the submission of incomplete applications. The simplified checklist will also aid the municipal reviewer in determining whether the application is complete and in timely processing the application within the short review period established by the state and federal shot clocks. *See Memo Section B.2* for a discussion of shot clocks.

This Checklist assumes that the municipality will be using the application as the final permit.

General Application Content

- Copies and Format.** Section 6(a) of the Model Ordinance requires the applicant to submit one paper copy and one electronic copy of the application unless otherwise provided in the municipality’s wireless regulations. However, the municipality can choose to receive applications by paper or electronic format only. The municipality’s ordinance or wireless regulations can establish the number of paper copies of the application and associated materials that the applicant must submit.
- Submission Information.** The application should identify where the application must be submitted (e.g., street address for hand delivery, mailing address, email address) and which department may be contacted to answer any questions about the application.

Disclosures to Applicant

- Disclosures.** The application should either restate or refer to all municipal disclosures required in the municipality’s ordinance, including the following Sections of the Model Ordinance:
 - 6(a): Application format and standards for completion;

- 6(c): Waiver request requirements and standards;
- 6(d): Applicable fees; and,
- 6(e): Public record law compliance.

- **Cover Sheet with Standard Permit Conditions.** Section 6(b)(2) of the Model Ordinance requires the municipality to provide an application cover sheet, listing all standard permit conditions (as provided in Section 7(d) of the Model Ordinance). As discussed below, the standard permit conditions include indemnification and insurance provisions and, consequently, the cover sheet must be signed by an authorized representative of the applicant. Therefore, it is preferable to restate the standard permit conditions from the municipality’s ordinance in their entirety, rather than simply citing the relevant ordinance provisions.

Required Information Provided by Applicants - As Provided in Section 6(b) of the Model Ordinance

- **Wireless Regulations.** All information required pursuant to the wireless regulations adopted by the municipality.

Comment: This will likely include evidence that the project will comply with any applicable aesthetic or other standards included in the wireless regulations. The required photo simulations and design or engineering plans to be submitted with the application may provide sufficient evidence to demonstrate that the standards will be met, although the municipality could also require the applicant to provide one or more written narratives explaining project compliance. Any request under Section (6)(c) of the Model Ordinance for a waiver of an application requirement should be supported with sufficient evidence for the municipality to determine whether such a waiver is warranted.

- **Signed Cover Sheet.** A completed application cover sheet signed by an authorized representative of the applicant, listing all standard permit conditions.

Comment: A signed cover sheet ensures that the applicant has agreed, in writing, to the standard permit conditions provided in Section 7(d) of the Model Ordinance. These standard permit conditions include, but are not limited to, the permit term, indemnification, and insurance requirements.

- **Contact Information.** The name of the applicant (including any corporate or trade name), and the name, address, email address, and telephone number of a local representative. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the wireless telecommunications facility must also be provided.

Comment: Section 6(b)(3) of the Model Ordinance requires the applicant to identify a local representative for the applicant and wireless service provider (if different). The

municipality may also wish to request secondary contact information if the primary contact is unavailable in the case of an emergency.

- Shot Clock.** A statement of which shot clock or shot clocks apply to the application and the reasons the chosen shot clocks apply.

Comment: The municipality should require the applicant to identify which shot clock(s) apply. One way to accomplish this is to have the applicant “check the box” to choose the appropriate shot clock, as illustrated below. This prevents the municipality from making incorrect assumptions and missing essential deadlines. See Memo Section B.2 for further discussion of state and federal shot clocks.

IDENTIFY APPLICABLE SHOT CLOCK(S)	DEADLINE (calendar days)	TYPE OF APPLICATION	FEDERAL OR STATE AUTHORITY
<input type="checkbox"/>	60 days	Application to collocate SWF on an existing structure (including non-telecommunications structures)	47 CFR § 1.6003(c)(1)(i)
<input type="checkbox"/>	90 days	Application for SWF involving construction of a new structure	47 CFR § 1.6003(c)(1)(iii)
<input type="checkbox"/>	90 days	Application to collocate non-SWF facility on an existing structure	47 CFR § 1.6003(c)(1)(ii)
<input type="checkbox"/>	150 days	Application for a non-SWF facility involving construction of a new structure	47 CFR § 1.6003(c)(1)(iv)
<input type="checkbox"/>	60 days	Eligible Facilities Request to add, remove, or replace equipment on an existing tower or base station that doesn't substantially change the physical dimensions of the tower or base station	47 CFR § 1.6100(c)(2)
<input type="checkbox"/>	60 days	Applications to place a wireless telecommunications facility	Wis. Stat. § 182.017(9)

- Description of Each Wireless Facility.** A separate and complete description of each proposed wireless telecommunications facility and the work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and describing the distance to the nearest residential dwelling unit. Before and after 360-degree photo simulations must be provided for each site.

Comment (Additional Information): This provision is a starting point. The municipality should consult an engineer with the relevant telecommunications experience to determine what additional information may be necessary.

Comment (Multiple Applications): Where the municipality receives more than one application in a day, the applicant must provide the required description and photo simulation for each site, regardless of the similarities between the installations. An application that does not provide such site specific information is incomplete under the terms of the Model Ordinance.

Comment (Collocation): If the proposed facility is to be collocated on an existing support structure, the applicant must identify the owner of the support structure. If the municipality requires collocation, where possible, under its wireless regulations, then the municipality should consider requiring the applicant to identify nearby support structures that could potentially accommodate collocation and to explain the reasons collocation is not possible.

Comment (Other Permits): Under Section 6(b)(8) of the Model Ordinance, the applicant is required to submit complete applications for all other authorizations required for installation and operation of the facility in the ROW. To ensure all necessary applications have been submitted, the municipality may consider requiring the applicant to separately describe any excavation work, temporary closures of any public thoroughfares, traffic redirection plans, electric work, or modifications to public improvements necessary in the construction of the proposed facility.

- **Notice to Property Owners.** The applicant must submit proof that a notice has been mailed to all owners of property within 300 feet of the proposed installation site that the applicant is seeking to place or modify wireless facilities in the ROW. The notice must include: (i) the proposed location of the facility, (ii) a description and scaled image of the proposed facility, and (iii) an email address and phone number for a representative of the applicant who will be available to answer questions from members of the public about the proposed project.

Comment (Notice): The *2018 Order* does not require the wireless provider to notify nearby property owners, nor does the order provide an objecting property owner with any recourse to stop or alter the project. However, the wireless provider may be willing to work with the municipality to address specific property owner concerns and the notice requirement in Section 6(b)(6) of the Model Ordinance may facilitate that process.

Comment (Applicant Q&A Session): Depending on the size of the project, the municipality may consider requiring the applicant to hold a public question and answer session to address citizen concerns. If the municipality wants to reserve this option, the municipality's ordinance or wireless regulations should reflect this.

- ❑ **FCC Compliance.** A copy of the FCC license for the facility or a sworn written statement from the applicant attesting that the facility will comply with current FCC regulations.
- ❑ **Complete Copies of Applications for Other Permits or Approvals.** To the extent that filing of the wireless permit application establishes a deadline for action on any other permit that may be required in connection with the wireless telecommunications facility, the application must include complete copies of applications for every required permit (including without limitation electrical permits, building permits, traffic control permits, and excavation permits), with all engineering completed and with all fees associated with each permit.

Comment: The municipality should consider providing a checklist in the application of all applicable or potentially applicable permits. This may be part of the simplified checklist recommended above. See Memo Section B.2.c for a discussion of when filing an application for a wireless permit establishes a deadline for action on other municipal approvals.

- ❑ **Engineer Certification.** A certification by a registered and qualified engineer that the installation can be supported by and does not exceed the tolerances of the structure on which it will be mounted and that all elements of the wireless telecommunications facility comply with applicable safety standards.
- ❑ **Fee Payment.** Payment of all required fees.

Comment: This also includes any fees required for the other permits or approvals that the applicant must seek at the same time it submits the wireless permit application.

- ❑ **“Effective Prohibition” Statement.** If an applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all evidence on which the applicant relies in support of that claim. Applicants are not permitted to supplement this evidence if doing so would prevent the municipality from complying with any deadline for action on an application.

Comment: An applicant may claim that it cannot comply with one or more of the requirements in the municipality’s ordinance or wireless regulations and that denial of its application on that basis effectively prohibits its provision of service in violation of federal law. If the applicant wishes to make such a claim, it must submit detailed evidence to support the claim. Receiving this evidence with the application may allow a mutually agreeable process to resolve disputes short of a lawsuit. If the municipality finds the evidence convincing, it may consider waiving the relevant ordinance provisions or wireless regulations. See Section 6(c) of the Model Ordinance, which authorizes the Administrator to grant waivers from the requirements of the ordinance or the wireless regulations.

- **Eligible Facilities Request.** If making an eligible facilities request, the applicant must submit information sufficient to show that the application qualifies as an eligible facilities request under 47 C.F.R. § 1.6100(b)(3), including evidence that the application relates to an existing tower or base station that has been approved by the municipality. Before and after 360-degree photo simulations must be provided with detailed specifications demonstrating that the modification does not substantially change the physical dimensions of the existing approved tower or base station.