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CAPE COD
COMMISSION

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Minor Modification Type #1

DATE: November ____ / ____, 2013

TO: Edward D. Pare, Esq.
Brown Rudnick
10 Memorial Boulevard
Providence, RI 02903

RE: Modification of a Development of Regional Impact

PROJECT APPLICANTS: AT&T care of Edward D. Pare, Esq.
and
American Tower Corporation
10 Presidential Way
Woburn, MA 01801

PROPERTY OWNER: Gilbert Allenby
PO Box 31
Falmouth, MA 02451

PROJECT # TR97031

PROJECT: American Tower Corporation, successor to Omnipoint
Communications Enterprises, Inc./Falmouth

LOCATION: 1006/996 East Falmouth Highway
East Falmouth, MA 02536

LOT/PLAN: Deed Book 3445 Page 083
Deed Book 3435 Page 083
Plan Book 227, Page 27
Plan Book 70, Page 39

MAP and PARCEL: Map 32 Plan 3

Background

In a decision dated April 9, 1998, the Cape Cod Commission (Commission) issued a Development of Regional Impact (DRI) decision, with conditions, which approved the

construction and operation of a 90-foot cellular monopole with locations for three (3) wireless carriers and 3 storage shelters at the base of the monopole in an area enclosed by a fence.

The Commission's Regulatory Committee granted a Minor Modification Type #2 on July 21, 2011 to METRO PCS and American Tower Corporation. This modification allowed the monopole to be extended by 10 feet, to 100 feet in height. It also made other changes to the 1998 decision.

The Commission's Regulatory Committee also granted a Minor Modification Type #2 on March 29, 2012 to Jeff Simpson, Tower Resource Management representing Sprint PCS, and seeking to make physical modifications to the telecommunications equipment installed by Sprint at the project site in Falmouth.

Modification Request

On October 23, 2013, Commission staff received a request from Attorney Edward D. Pare representing the AT&T a co-locator on the monopole, seeking to make physical modifications to the telecommunications equipment installed by AT&T at the project site at 996/1006 East Falmouth Highway.

The proposed modifications include replacing three (3) LTE antennas and a GPS antenna on the ice bridge, together with associated cabling to be installed in AT&T's equipment pad/slab at the site.

On November 29, 2012, Attorney Pare provided the Commission with evidence that AT&T has permission from American Tower Corporation to install antennas and associated equipment on the monopole and within the equipment compound.

A 2012 staff conducted a site visit and materials submitted by SPRINT PCS and METRO PCS, other carriers on the monopole indicate that the top of the tower was being used by Osprey for nesting.

Commission Jurisdiction and Modification Types

Section 13(c) of the Commission's *Enabling Regulations*, as amended 2013, sets out the types of DRI modifications. A Minor Modification Type #1 is defined as "*revisions that are the result of more restrictive conditions imposed by a local board or technical corrections or changes that the Executive Director or his/her designee determine are de minimus changes to the project.*" The *Enabling Regulations* also state that Minor Modifications Type #1 "*shall be approved by that the Executive Director or his/her designee and reported to the Regulatory Committee and do not require further review by the Commission.*"

Determination on Modification Request

After consideration of the request by AT&T to make changes to AT&T's equipment at the site located at 996/1006 East Falmouth Highway, East Falmouth, MA, the Commission's Executive Director has determined the requested changes constitute *de minimus* changes, and are approved as Minor Modifications Type #1.

Changes to 1998 DRI Decision

The following change is thereby made to the Omnipoint Communications Enterprises, Inc. DRI decision, as amended, as shown below to accommodate the proposed antenna changes proposed by AT&T. All findings and conditions attached to the original decision, as amended, continue to apply except as modified herein.

The following conditions shall be modified to read as follows (**bold** type indicates added text, deleted text is struck-out):

New Condition 14. The proposed work shall consist of replacing three (3) LTE antennas and a GPS antenna on the ice bridge, together with associated cabling to be installed in AT&T's equipment pad/slab at the site as shown on the site plans listed herein, received by the Commission on November 29, 2012 from Chappell Engineering Associates, LLC, dated 9/12/12; latest revision date 10/2/12 showing AT&T Site Number 1297: Omnipoint EFALM Highway:

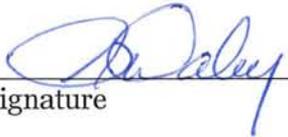
- ***Title Sheet, Sheet T-01***
- ***General Notes, Sheet G01***
- ***Property Plan, Sheet C01***
- ***Compound and Elevation, Sheet A01***
- ***Antenna Mounting Plan and Details, Sheet A02***
- ***Equipment Details, Sheet A03***
- ***Grounding Details, Sheet E01***

New Condition 15: Due to evidence of use of the monopole structure by Ospreys for nesting, all site work by American Tower, AT&T or any sub-contractors to implement AT&T's proposed equipment changes as described in this modification decision shall be completed no later than April 1, 2014. After April 1, 2014, any and all site work site work by American Tower, AT&T or any sub-contractors to implement AT&T's proposed equipment changes as described in this modification decision shall cease until a date no earlier than October 1, 2014.

See Next Page For Signatures

SIGNATURES

Executed this 1st day of November 2013.



Signature

Patty Daley, Deputy Director

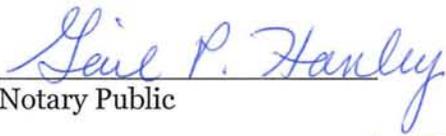
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss November 1, 2013

Before me, the undersigned notary public, personally appeared Patty Daley,

in his/her capacity as Deputy Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



Notary Public

My Commission Expires: 9-28-18

