

HUSCH BLACKWELL

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February 21, 2024

VIA EMAIL

Ms. Kari Papelbon
Senior Planner
City of Oak Creek
Department of Community Development
8040 S. 6th Street
Oak Creek, WI 53154

Re: Application for Conditional Use Permit to Construct Monopole Type Tower
Property Address | Parcel ID: 1805 E. College Avenue | 7218992000
Applicant: CitySwitch-II-A, LLC
Parcel Owner: C & NW Transport Co. / Union Pacific Railroad

Dear Ms. Papelbon:

Enclosed for your review and consideration please find from CitySwitch-II-A, LLC (“**CitySwitch**”), an Application for a Conditional Use Permit (the “**Application**”) to construct a multi-carrier wireless communications monopole tower (the “**Communications Facility**”) in the City of Oak Creek. Our firm serves as counsel to CitySwitch. The initial tenant on the Communications Facility will be AT&T Mobility, a federally licensed wireless communications carrier.

Besides AT&T Mobility, the proposed Communications Facility has been designed to accommodate additional providers (carriers, wireless internet providers and E911) interested in improving service within the City of Oak Creek and surrounding communities. CitySwitch actively markets its tower sites for co-location to all communications providers and offers competitive business terms, which are attractive to its customers. We have approached this project deliberately, with an emphasis on blending the needs of the community with the technical goals of CitySwitch and its carrier tenants.

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The proposed facility meets the guidelines in Wis. Stat. § 66.0404 (the “**Wireless Siting Law**”).¹ It includes a 95 foot monopole, with a 5-foot lightning rod, for an overall structure height of 100 feet AGL (the “**Monopole**”).

WIRELESS SITING LAW

As you may be aware, Wisconsin’s Wireless Siting Law sets forth the six (6) requirements which must be included in an application to construct a new communications tower.² Those requirements, and the CitySwitch responses to those requirements, follow. It is our belief that this information and related enclosures fulfill the requirements of the Wireless Siting Law.

1. The name and business address of, and the contact individual of, the applicant.

Applicants:	Contact Individual:
Central States Tower V, LLC 323 S Hale Street, Suite #100 Wheaton, IL 60187	Michael Long Husch Blackwell LLP 511 N. Broadway Milwaukee, Wisconsin 53202 Email: mike.long@huschblackwell.com (414) 978-5622 (262) 470-3193

2. The location of the proposed or affected support structure.

CitySwitch proposes to construct a mobile service facility and related mobile support service structure, as defined by the Wireless Siting Law, at 1805 E. College Avenue, Oak Creek, WI, which bears Parcel ID 7218992000 (the “**Property**”). The Property is existing railroad right-of-way owned by the Chicago & North Western Transportation Co. and its parent company Union Pacific. This railroad right-of-way runs perpendicular to E. College Avenue.

The Communications Facility, including the Monopole, will be constructed by CitySwitch, and located within a 20’ x 100’ leased area which will be fenced-in (the “**Leased Premises**”)

¹ The Wireless Siting Law provides that a political subdivision may regulate the siting and construction of a new mobile service support structure and facilities only as provided in Wis. Stat. § 66.0404 and further provides that any ordinances in effect that are inconsistent with Wis. Stat. § 66.0404 may not be applied to, or enforced against, the activity. Wis. Stat. § 66.0404(h) & (i).

² The six requirements are found at Wis. Stat. § 66.0404(2)(b).

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pursuant to the enclosed plans (the “**Site Plans**”). CitySwitch and its communications carrier tenants will access the Leased Premises from E. College Avenue and use the existing access point used by the Property owner.

3. The location of the proposed mobile service facility.

The Wireless Siting Law defines “mobile service facility” as:

the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.³

The Site Plan depicts the mobile service facility will be located on the Property (the mobile service facility and the Monopole, are collectively, the “**Installation**”). AT&T Mobility will attach its equipment on the Monopole as depicted in the Site Plan. AT&T Mobility will route its coax/cabling through the interior of the Monopole and install its equipment near the base of the Monopole within the Leased Premises. The Installation is designed to accommodate three (3) additional wireless communications carriers.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

CitySwitch proposes the installation of a new monopole; therefore, the requirements of this section are not applicable.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile services support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

The Site Plan and other construction drawings are included with this Application.

³ Wis. Stat. § 66.0404(1)(L).

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- 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.**

Enclosed is a sworn statement from a representative of AT&T Mobility (the “**Sworn Statement**”). The Sworn Statement attests there are no existing structures of sufficient height available for co-location within the search ring, making co-location technically infeasible. Both AT&T and CitySwitch are aware that there are existing structures which support the electrical transmission lines which run parallel to the right-of-way. Some of these structures are within the vicinity of the Monopole. Unfortunately, the owner of these structures, WeEnergies and/or American Transmission Co. no longer make these structures available for wireless communications carrier co-locations.

ADDITIONAL DISCUSSION

CitySwitch is a national owner and operator of wireless communications infrastructure. It constructs communications towers on railroad rights-of-way throughout the country. CitySwitch proposes to operate the Installation within the Leased Premises and will own the Monopole. AT&T Mobility will install its equipment on the Monopole and place ground equipment within the Leased Premises. It is not uncommon for wireless telecommunications service providers such as AT&T Mobility to partner with companies like CitySwitch in tower site development projects.

The proposed Installation results from the needs of AT&T Mobility as it has determined it has a deficit in its wireless service offerings within the vicinity of the proposed Monopole. The Installation will correct this service deficit. The Installation will also enhance E-911 services, further protecting public health, safety, and welfare within the City of Oak Creek. Once constructed, the Installation will also negate requests for additional towers in the area.

The Installation will conform to all applicable laws and regulations, including those regulations of the Federal Communications Commission and Federal Aviation Administration (“**FAA**”). Enclosed is the FAA Determination of No Hazard, which further negates any risk posed by the Monopole. Furthermore, CitySwitch has received a waiver from the director of the Milwaukee

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County Airport to the structure height limits established by Milwaukee County's height limitation zoning ordinance ("HLZO" – see enclosed letter).

The Property is in the City's A-1 Limited Agriculture zoning district. Pursuant to Table 17.0304 (c) of the City's Zoning Ordinance, communications towers are allowed on properties with the A-1 designation with a conditional use permit. The Leased Premises has been positioned upon the Property in a location to best fit with the current uses of the Property and neighboring land uses. The Installation will be adjacent to a set of existing electrical utility lines and other utility and industrial uses. The Installation will require no new street access, public financial contribution or result in any additional public facilities and services.

The Installation will be unmanned. No parking or employee facilities are required. AT&T Mobility technicians will visit the site periodically, typically for a few hours once per month, for security monitoring, testing, and maintenance of its communications equipment. CitySwitch will also visit the site periodically to monitor the maintenance and security of the facility. The facility will not generate recognizable traffic.

CONCLUSION

We look forward to working with your office to advance this project. Please contact me at (414) 978-5622 or by e-mail at mike.long@huschblackwell.com if you have questions or require additional information about this Application.

Very truly yours,

HUSCH BLACKWELL LLP



J. Michael Long

Enclosures