

# Eligible Facilities Request Application

(47 U.S.C. § 1455(a))

Applicant: Whitney Davison

Applicant/Agent Contact Information: whitney.davison@smartlinkgroup.com  
Smartlink Group 818-693-7443

Property Owner: MERCER ISLAND COURT LLC

Property Location (e.g., address, parcel no., GPS coordinates): Latitude: 47.58564 Longitude: -122.23206  
7900 SOUTHEAST 28TH STREET, Mercer Island APN 545230-1385

Project Description:  
Minor Utility Eligible Facility Request - Construct alterations to minor telecommunications  
facility (AT&T) at the roof level of office building per plan

Date of filing: 7/7/25

30 days after filing: 8/7/25

*"To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section." 47 C.F.R. 1.6100(c)(3)(i).*

60 days after filing: 9/7/25

*"Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section." 47 C.F.R. 1.6100(c)(2).*

1. Is the proposed modification an **Eligible Support Structure**? Please check the applicable boxes:

*An “Eligible Support Structure” means “Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.” 47 C.F.R. 1.6100(b)(4).*

“Tower” means “Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” 47 C.F.R. 1.6100(b)(9).

*or*

“Base Station” means “A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

*(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.*

*(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).*

*(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i)-(ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.*

*(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.”*

*47 C.F.R. 1.6100(b)(1).*

*and*

“Existing” – “A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.” 47 C.F.R. 1.6100(b)(5).

2. What is the **baseline height** of the Eligible Support Structure? Please complete the Baseline Height Worksheet and insert baseline height here 62'9". For modifications that will not change the height of the Eligible Support Structure, insert “N/A.”

3. Is the proposed modification an **Eligible Facilities Request**?

An "Eligible Facilities Request" means "Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (i) collocation of new transmission equipment;
- (ii) removal of transmission equipment; or
- (iii) replacement of transmission equipment."

47 C.F.R. 1.6100(b)(3); 47 U.S.C.1445(a).

"Collocation" means "The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes." 47 C.F.R. 1.6100(b)(2).

"Transmission equipment" means "Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul." 47 C.F.R. 1.6100(b)(8).

3.1 Please check all applicable boxes that describe the proposed modification:

- Collocation of new transmission equipment, including backup power supply
- Removal of transmission equipment
- Replacement of transmission equipment

3.2 Please complete the Substantial Change Worksheet to determine if the proposed modification **substantially changes the physical dimensions** of the Eligible Support Structure. Based on the Substantial Change Worksheet, will the proposed modification substantially change the physical dimensions of the Eligible Support Structure? NO. If you answered "Yes," stop because the application is not an eligible facilities request.

4. Compliance with State and Federal regulations and codes. The proposed modification:

*Check all applicable boxes*

- Will comply with FCC regulations regarding human exposure to radio frequency electromagnetic fields
- Will comply with Federal Aviation Administration (FAA) and FCC tower lighting requirements
- Will comply with applicable state environmental regulations
- Will comply with applicable building codes

- Will comply with applicable fire codes
- Will comply with other non-discretionary and generally applicable structural and safety codes
- Will comply with Section 106 historic preservation review, if applicable
- Will comply with the National Environmental Policy Act (NEPA), if applicable

5. Attachments:

- Completed Baseline Height Worksheet
- Completed Substantial Change Worksheet
- Letter of authorization
- Applicable non-discretionary permit fees
- Building drawings, including site details and plans
- Documentation of property rights to site
- Prior approval(s) for Eligible Support Structure
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Baseline Height Worksheet

1. Does the application seek approval for collocation or replacement of transmission equipment?
  - No. Stop, the height will not increase for removal of transmission equipment. Continue to #7 and respond “N/A.”
  - Yes. Continue to #2.
  
2. Was the tower or base station subject to previous review and approval by the local jurisdiction (as *originally built* or *as modified* to its current state)?
  - Yes. Continue to #3.
  - No. Does the application seek to modify a tower or base station that was in a zoned area when built?
    - A.  No. Was the tower or base station lawfully constructed?
      - i.  Yes. Continue to #3.
      - ii.  No. Stop, the application is not an Eligible Facilities Request.
    - B.  Yes. Stop, the application is not an Eligible Facilities Request (because the tower or base station is not considered “existing”).
  
3. Does the application seek to collocate transmission equipment that will be separated horizontally on a base station (such as on a rooftop)?
  - A.  Yes. Continue to #7. The baseline height is that of the original support structure (*e.g.*, the height of the rooftop, penthouse).
  - B.  No. Continue to #4.
  
4. Has the tower or base station been *modified* per a previous approval by the local jurisdiction?
  - A.  No. Continue to #7. The baseline height is the originally-approved height of the tower or base station.
  - B.  Yes. Continue to #5.

5. Was the tower or base station modified based on approval by the local jurisdiction issued before February 17, 2012?<sup>1</sup>
- A.  Yes. Continue to #6.
- B.  No. Continue to #7. The baseline height is the height of the tower or base station as of February 17, 2012.
6. Was the tower or base station modified to the maximum height approved by the local jurisdiction per any approval(s) before February 17, 2012?
- A.  Yes. Continue to #7. The baseline height is the existing height of the tower or base station.
- B.  No. Continue to #7. The baseline height is the height as approved by the local jurisdiction before February 17, 2012.
7. Insert baseline height here 62'9" and at item 2 to the Eligible Facilities Request Application.

---

<sup>1</sup> The Spectrum Act was passed by Congress on February 17, 2012 and signed into law by the President on February 22, 2012. The FCC's Report and Order and regulations refer to the date of passage rather than date of enactment as the trigger for the analysis. Approvals issued after February 17, 2012 do not affect the baseline dimensions for determining whether an application proposes a substantial change.

# Substantial Change Worksheet

## Definition of “Substantial Change”:

“Substantial Change” means “A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site,<sup>2</sup> except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

(v) it would defeat the concealment elements of the eligible support structure; or

(vi) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i)-(iv)[sic].”

47 C.F.R. 1.6100(b)(7).

## 1. Check the box that describes the Eligible Support Structure:

- Base station. Continue to #2.
- Tower located in the public right-of-way. Continue to #2.
- Tower located outside of the public right-of-way. Continue to #3.

---

<sup>2</sup> “Site” – “For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.” 47 C.F.R. 1.6100(b)(6).

2. Answer the following questions about the proposed modification and proceed as instructed:
- A. Is the baseline height for the Eligible Support Structure greater than 100 feet?
    - Yes. Continue to item 2B.
    - No. Continue to item 2C.
  - B. Does the proposed modification increase height by more than 10% of the baseline height?
    - Yes. Continue to item 11.
    - No. Continue to item 2D.
  - C. Does the proposed modification increase height by more than 10 feet?
    - Yes. Continue to item 11.
    - No. Continue to item 2D.
  - D. Does the proposed modification add any appurtenance that would protrude more than 6 feet from the edge of the Eligible Support Structure?
    - Yes. Continue to item 11.
    - No. Continue to item 4.

3. Answer the following questions about the proposed modification and proceed as instructed:
- A. Will the proposed modification increase height by more than 10% of the baseline height of the Eligible Support Structure?
    - Yes. Continue to item 3B.
    - No. Continue to item 3C.
  - B. Will the proposed modification increase height by more than the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet?
    - Yes. Continue to item 11.
    - No. Continue to item 3C.

- C. Does the proposed modification add any appurtenance that would protrude more than 20 feet from the edge of the Eligible Support Structure?
- Yes. Continue to item 3D.
  - No. Continue to item 4.
- D. Does the proposed modification add any appurtenance that would protrude more than the width of the tower structure at the level of the appurtenance?
- Yes. Continue to item 11.
  - No. Continue to item 4.
4. Does the proposed modification involve installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four?
- Yes. Continue to item 11.
  - No. If the Eligible Support Structure is a base station, continue to item 5.  
If the Eligible Support Structure is a tower in the public right-of-way, continue to item 5.  
If the Eligible Support Structure is a tower outside of the public right-of-way, continue to item 8.
5. Does the proposed modification involve installation of any new equipment cabinets on the ground?
- Yes. Continue to item 6.
  - No. Continue to item 8.
6. Are there any pre-existing ground cabinets associated with the Eligible Support Structure?
- Yes. Continue to item 7.
  - No. Continue to item 11.
7. Are the proposed new ground cabinets more than 10% larger in height or overall volume than any other ground cabinets associated with the Eligible Support Structure?
- Yes. Continue to item 11.
  - No. Continue to item 8.

8. Does the proposed modification involve excavation or deployment outside of the current site<sup>3</sup>?

Yes. Continue to item 11. But if the Eligible Support Structure is a tower outside of the public right-of-way and the excavation or deployment is within 30 feet in any direction of the site boundary, exclusive of any access or utility easements related to the site, continue to item 9.

No. Continue to item 9.

9. Will the proposed modification defeat the existing concealment elements of the Eligible Support Structure?

Yes. Continue to item 11.

No. Continue to item 10.

10. Will the proposed modification comply with conditions associated with the siting approval(s)?

A.  Yes. Continue to item 12.

No. Describe the non-compliance: \_\_\_\_\_  
Continue to item 10B.

Not applicable. Continue to item 12.

B. Is the non-compliance with conditions associated with the siting approval(s) based on any of the following: (a) height, (b) protrusion of any appurtenance from the edge of the Eligible Support Structure, (c) number of equipment cabinets to be installed, (d) location of excavation or deployment, or (e) impact to concealment elements that would not exceed the thresholds outlined above?

Yes. Continue to item 12.

No. Continue to item 11.

11. The proposed modification is a substantial change to the physical dimensions of the existing tower or base station. Insert "Yes" in item 3.2 of the Eligible Facilities Request Application.

12. The proposed modification is not a substantial change to the physical dimensions of the existing tower or base station. Insert "No" in item 3.2 of the Eligible Facilities Request Application.

---

<sup>3</sup> See footnote 2.