

WIRELESS COMMUNICATION FACILITY/WIRELESS SUPPORT STRUCTURE IN RIGHT OF WAY PERMIT APPLICATION

Any person submitting this form must hold an active Federal Communication Commission (FCC) license to provide cellular or broadband personal communication service or have evidence that he or she is authorized to act on behalf of an entity holding such a license. Submission of this form by unauthorized persons may constitute fraud under Arkansas law.

Do not use this form to request a permit to build a wireless facility or support structure outside of the right of way (ROW). Contact the Conway Planning Department at 501-450-6105.

Applicant:	FCC License Number:
Address:	
City/State/Zip:	
Point of Contact:	Phone Number:
Email Address:	
Fee*:	
I hereby affirm that I am an authorized representative of the applicant identified above and that the representations contained in this application and the attachments hereto are accurate. I agree to defend, indemnify, and hold harmless the City of Conway and Conway Corporation against any cost to claim of any kind that is based upon the submission of this application or any fact contained therein. (2.3.2)	
Signature:	Date:
Printed Name:	
*This fee covers 25 poles/attachments - must be of the same type for each permit application. Refer to attached fee schedule.	

All applicants must complete Section F. Please answer the following questions to determine which other sections of this application must be completed.

In the City of Conway, utility poles and street lights are owned and controlled by Conway Corporation (Conway Corp). Traffic control signals/infrastructure and civil defense sirens are owned and controlled by the City of Conway (City).

1. Do you request permission to install a Wireless Support Structure in the ROW (Freestanding Pole or Similar)? **If yes, complete Section A.**
2. Do you request permission to install a Wireless Communication Facility in the ROW attached to a structure owned by the City (Traffic Signal, Emergency Siren, etc)? **If yes, complete Section B.**
3. Do you request permission to attach a Wireless Communication Facility to a Conway Corp owned street light or utility pole? **If yes, complete Section C.**
4. Does your request include installation of a Wireless Support Structure or Wireless Communication Facility in the Robinson Historic District? **If yes, refer to Section D.**
5. Do you request a waiver from any specific requirement of the small cell ordinance? **If yes, complete Section E.**

Section A Checklist - Wireless Support Structures (Freestanding Poles or Similar)

	YES	NO	RULE
1			Has the applicant attached a map or other description that indicates the locations of proposed Wireless Support Structures (6.5)
2			Has the applicant attached a description with drawings that indicate the final appearance of the Wireless Support Structures? (6.5)
3			Are there less than 25 sites on this permit application? (6.3.1)
4			Are all sites on this permit application similar? (6.3.1)
5			Was the appropriate fee submitted with the permit application? (3.3)
6			Are Wireless Support Structures farther than 100 feet from other suitable structures? (2.3.3)
7			Are Wireless Support Structures farther than 300 feet from the outer fence of any electric substation? (4.2.6)
8			Are Wireless Support Structures farther than 25 feet from an intersection? (2.3.9)
9			Are Wireless Support Structures 35 feet or less in height? (2.3.5)
10			Are Wireless Support Structures accessible by bucket truck? (4.2.4)
11			Do Wireless Support Structures have ground mounted equipment that is located at least 6 feet from the structure? (2.3.8 / 4.2.5)
12			Are Wireless Support Structures capable of accommodating other services (lighting, electric distribution, communication, etc)? (2.3.8)
13			Will existing services be able to freely operate after the Wireless Support Structures are installed? (2.4.3)

If all statements are answered “Yes”, proceed with application submission with required documentation.

Any “No” answer requires completion of Section E Waiver Request

Application for Installation of Wireless Support Structure in Public Right-of-Way (Freestanding pole or City property attachment)

Refer to Ordinance O-18-80 for detailed information.

Wireless Service Providers shall submit complete documentation which shall include:

- Accurate description of the location, dimensions, and appearance of the WSS to be installed in the public right-of-way.
- Each location must be X,Y georeferenced.

Section B Checklist - Attachment of Wireless Communication Facility to City Owned Structure (Traffic Signal, Emergency Siren, etc)

YES	NO	RULE
		Has the applicant attached a map or other description that indicates the locations of proposed Wireless Communication Facilities (6.5)
		Has the applicant included a detailed description of the Wireless Communication Facilities to be installed including RF documentation? (6.3.2)
		Has the applicant included engineering design of the Wireless Communication Facilities to be installed? (6.3)
		Has the applicant included the pole loading calculations of all poles to which the Wireless Communication Facilities will be attached? (6.3.2)
		Are there less than 25 sites on this permit application? (6.3.1)
		Are all sites on this permit application similar? (6.3.1)
		Was the appropriate fee submitted with the permit application? (3.3)
		Are Wireless Communication Facilities farther than 300 feet from the outer fence of any electric substation? (4.2.6)
		Are Wireless Communication Facilities 25 feet or less in height? (2.3.5)
		Are Wireless Communication Facilities accessible by bucket truck? (4.2.4)
		Is there only one Wireless Communication Facility per pole? (4.2.2)
		Is ground mounted equipment located at least 6 feet from the structure? (2.3.8 / 4.2.5)
		Will existing services be able to freely operate after the Wireless Communication Facilities are installed? (2.4.3)
		Has the applicant included a copy of the safety briefing used in conjunction with the installation of Wireless Communication Facilities? (6.3.6)
		Do Wireless Communication Facilities attached to decorative poles match and complement the style, color, and appearance of the pole? (1.23 / 2.4.5)

If all statements are answered “Yes”, proceed with application submission with required documentation.

Any “No” answer requires completion of Section E Waiver Request

Required Application Documentation for Installation of Wireless Communication Facility to City Owned Structure (Refer to Ordinance O-18-80 for detailed documentation information).

Wireless Service Providers shall submit complete documentation which shall include:

- A survey and detailed plans for the proposed attachments
- Each attachment must be referenced to City pole identifier and/or X-Y georeferencing.
- A description of any necessary make-ready work to accommodate the attachments, certified by a licensed professional engineer.
- Professional Engineer review of the required engineering design and pole loading analyses calculations. Wireless Service Providers shall utilize generally accepted industry standard software for the pole loading analysis, including SPIDA Calc.
- A detailed description of the WCF proposed to be installed
- Type of equipment and installation design
- Certification as to approval of FCC equipment compliance
- RF interference studies and documentation (datasheets and technical specifications of the antenna system) that confirms all RF emissions comply with applicable laws governing RF exposure levels, including FCC OET Bulletin 65.
- A safety briefing for the type of proposed wireless installation, if not previously approved.
- Each application shall include a proposed attachment submittal of each device or design that has not been previously approved, which shall be considered a non-standard application.
- Emergency contact information.

Section C Checklist - Attachment of Wireless Communication Facility to Utility Pole or Street Light

YES	NO	RULE
1		Has the applicant attached a map or other description that indicates the locations of proposed Wireless Support Structures (6.3.1)
2		Has the applicant included a detailed description of the Wireless Communication Facilities to be installed including RF documentation? (6.3.2)
3		Has the applicant included engineering design of the Wireless Communication Facilities to be installed? (6.3)
4		Has the applicant included the pole loading calculations of all poles to which the Wireless Communication Facilities will be attached? (6.3.2)
5		Are there less than 25 sites on this permit application? (6.3.1)
6		Are all sites on this permit application similar (6.3.1)
7		Was the appropriate fee submitted with the permit application? (3.3)
8		Are Wireless Support Structures farther than 300 feet from the outer fence of any electric substation? (4.2.6)
9		Are Wireless Support Structures 25 feet or less in height? (2.3.5)
10		Are Wireless Support Structures accessible by bucket truck? (4.2.4)
11		Is there only one Wireless Communication Facility per pole? (4.2.2)
12		Are Wireless Communication Facilities completely below the electric utility space, if any? (4.2.3)
13		Is ground mounted equipment located at least 6 feet from the structure? (2.3.8 / 4.2.5)
14		Will existing services be able to freely operate after the Wireless Support Structures are installed? (2.4.3)
15		Has the applicant included a copy of the safety briefing used in conjunction with the installation of Wireless Communication Facilities? (6.3.6)
16		Do Wireless Communication Facilities attached to decorative poles match and complement the style, color, and appearance of the pole? (1.23 / 2.4.5)
17		Do proposed poles have sufficient capacity for attachment? (4.2.3)

If all statements are answered “Yes”, proceed with application submission with required documentation.

Any “No” answer requires completion of Section E Waiver Request

Application for Installation of Wireless Communication Facility to Utility Pole or Street Light

Refer to Ordinance O-18-80 for detailed information.

- A survey and detailed plans for the proposed attachments
- Each attachment must be referenced to Conway Corp pole identifier
- A description of any necessary make-ready work to accommodate the attachments, certified by a licensed professional engineer.
- Professional Engineer review of the required engineering design and pole loading analyses calculations. Wireless Service Providers shall utilize generally accepted industry standard software for the pole loading analysis, including SPIDA Calc.
- A detailed description of the WCF proposed to be installed
- Type of equipment and installation design
- Certification as to approval of FCC equipment compliance
- RF interference studies and documentation (datasheets and technical specifications of the antenna system) that confirms all RF emissions comply with applicable laws governing RF exposure levels, including FCC OET Bulletin 65.
- A safety briefing for the type of proposed wireless installation, if not previously approved.
- Each application shall include a proposed attachment submittal of each device or design that has not been previously approved, which shall be considered a non-standard application.
- Emergency contact information.

Section D Construction in the Robinson Historic District

Any proposed Wireless Communication Support Structure or Wireless Communication Facility placed in the Robinson Historic District must have approval of the Conway Historic District Commission. WCF/WSS permit will not be approved without HDC approval. The Historic District Commission typically meets on the 4th Monday of the month. Public notifications are required to be placed on the HDC agenda; city website announcement, public hearing sign, and letters to property owners within 200 feet. Notifications must be made at least 15 days prior to the HDC meeting. A calendar of meeting dates and deadlines is available in the HDC application handout below.

Detailed information concerning the Robinson Historic District is available here: <http://cityofconway.org/commissions/historic-district-commission/>

HDC Application Handout is available here: http://cityofconway.org/media/board_body/RHD_REVIEW_18.pdf

Asa P. Robinson Historic District



Section E Waiver Request

Requests to waive any City requirements applicable to a new Wireless Support Structure or Wireless Communication Facility attached to a City owned structure must be made in writing by the Wireless Service Provider to the Conway Planning Department. The Directors of the Planning Department, City Engineering, and Information Technology Department shall review the waiver request and provide Staff approval if the waiver is warranted. If the request for waiver is denied, the Wireless Service Provider may appeal the decision to the Conway City Council. Planning Staff shall notify the Wireless Service Provider in writing within sixty (60) days of receiving a request for waiver as to whether the request is granted in whole or in part.

Requests to waive any other requirements applicable to Conway Corporation owned structures must be made in writing by the Wireless Service Provider to the Utility's senior employee, or his designee, either before or at the time of Permit Application submission. The request must specifically identify the applicable standard or provision requested to be waived, justification for requesting the granting of the waiver, and the proposed solution as a result of the waiver. Conway Corp shall notify the Wireless Service Provider in writing within thirty (30) days of receiving a request for waiver as to whether the request is granted in whole or in part. Conway Corp will not grant any waiver which in the sole opinion of Conway Corp will result in a violation of the NESC or other applicable federal, state, or local law, regulation, or ordinance.

Notwithstanding the foregoing, in the event a request for waiver for a particular Wireless Communication Facility requires approval by both City and Conway Corp, City and Conway Corp shall work together to coordinate a joint response in order not to unreasonably delay or interfere with Wireless Service Provider's proposed Permit.

Section F (Required Terms and Conditions For All Permits)

The terms and conditions of any permit issued to install a Wireless Support Structure or Wireless Communication Facility in the right-of-way are contained in the Small Wireless Regulation. Before this application may be processed, you must acknowledge and accept these requirements. Many of the most important requirements are listed below with references to specific paragraphs within the Wireless Pole Attachment Regulation. As used below, personal terms such as "I", "me", and "my" refer to you in your role as representative of the Applicant.

Initial

- _____ 1. **APPLICATION FEES.** I understand that I am responsible for all documented costs to evaluate this permit and, if approved, that I will be responsible for all costs incurred by others to facilitate the work described in this permit application.
- _____ 2. **PERMIT FEES.** I understand that any and all permits issued pursuant to this application are conditioned upon the timely payment of fees in full. (3.1)
- _____ 3. **AUTHORITY OF APPLICANT.** I understand that I am required to defend, indemnify, and reimburse the City of Conway, including Conway Corporation, for all losses, costs, and expenses, including reasonable attorney's fees, that it may incur as a result of claims by governmental bodies, owners of private property, or other persons that I do not have sufficient rights or authority to attach Wireless Service Provider's Wireless Communication Facilities on Utility's Poles to provide particular services. (5.1)
- _____ 4. **SOLE RISK.** I understand and agree that my use of facilities owned by the City of Conway, including Conway Corporation, is at my sole risk. (23.1)
- _____ 5. **INDEMNITY.** I understand and agree that I am required to defend, indemnify, and hold harmless the City of Conway, including Conway Corporation, and their respective officials, officers, board members, council members, representatives, employees, agents, and contractors against any and all liability, costs, damages, fines, taxes, special charges by others, penalties, payments of every nature, and expenses (including reasonable attorney's fees of Utility and all other costs and expenses of litigation) arising in any way or in connection with the negligent construction, maintenance, repair, presence, use, relocation, transfer, removal or operation of Wireless Communication Facilities and/or Wireless Support Structures by me or any person acting for me, except to the extent that City's or Utility's negligence or willful misconduct gives rise to such claims. (23.2)
- _____ 6. **HAZARDOUS SUBSTANCE.** I represent and warrant that my use of property owned by the City of Conway, including Conway Corporation, will not generate hazardous substances, nor will I store or dispose of hazardous substances on property owned by the City of Conway, including the Conway Corporation. (23.4)
- _____ 7. **NO CONSEQUENTIAL DAMAGES.** I understand and agree that issuance of any permit shall be conditioned on a mutual waiver of any consequential, incidental, indirect, liquidated, or special damages, as well as lost revenue and lost profits. (23.5)
- _____ 8. **CONDITION OF PROPERTY.** I understand and agree that the City of Conway, including Conway Corporation, does not warrant the condition or the safety of poles or rights-of way. (24.1)
- _____ 9. **WORKING CONDITIONS.** I represent that I am, or will become, fully acquainted with conditions relating to the work that I intend to undertake pursuant to this permit request, including the facilities, difficulties, and restrictions attending the execution of such work. (24.2)
- _____ 10. **ENERGIZED LINES.** I represent that I am aware that the work I intend to undertake pursuant to this permit request may be near energized electric facilities such as power lines, transformers, and the like. I will ensure workers are informed of the inherent dangers of electricity and that they have the necessary training and expertise to perform this work safely and protect themselves and others from harm. (24.3/24.6)
- _____ 11. **INSURANCE.** I represent that I will maintain insurance of the type and amount required by the Small Cell ordinance at all times and provide evidence of such insurance upon request. (25.1/25.3)
- _____ 12. **RECEIVERSHIP.** I agree that under conditions stated in the Small Cell Regulation, this permit application and any permit resulting from this application may be terminated 120 days after I file bankruptcy or a receiver is appointed to operate my business. (28)

- _____ 13. **PERFORMANCE BOND.** I understand and agree that prior to the issuance of any permit, I will be required to furnish the City of Conway a performance bond in the amount of \$50,000 that ensures proper performance and payment for labor and materials. (30)
- _____ 14. **JURISDICTION.** I understand and agree that any action that is based on this permit application or any permit resulting from this application will be brought in the Circuit Court of Faulkner County, Arkansas or the Eastern District of Arkansas federal court with jurisdiction over Conway, Arkansas. (32)
- _____ 15. **DISPUTE RESOLUTION.** I understand and agree to non-binding mediation prior to the initiation of any lawsuit based upon this permit application or any permit resulting from this application. (36)
- _____ 16. **MAINTENANCE.** I understand and agree to maintain all Wireless Support Structures I build and Wireless Communication Facilities I install pursuant to a permit issued by the City of Conway, including Conway Corporation. I will remove unused structures and inoperable attachments.
- _____ 17. **OPERATION RESTRICTED.** I understand and agree that any permit issued based upon this application does NOT give authority to operate a Wireless Communication Facility until such time that final inspections are complete.
- _____ 18. **SMALL WIRELESS REGULATION.** I understand and agree that the terms in this permit summarize many important obligations that I have under the Small Wireless Regulation. It is my obligation to read the Small Wireless Regulation, understand the requirements that attach to the permit that I request, and comply with the law.

Fees

Standard Application Fee\$ 1,000.00

This fee applies to each Wireless Communication Facility or Wireless Support Structure proposed in an Application that complies with design standards set forth in Appendix B. This fee ensures that the City and Utility recover costs associated with administrative processing, design review, make-ready estimates, and initial post-installation inspection.

Non-Standard Application Fee\$ 2,000.00

This fee applies to each Wireless Communication Facility or Wireless Support Structure proposed in an Application that does not comply with design standards set forth in Appendix B. This fee ensures that the City and Utility recover costs associated with administrative processing, design review, make-ready estimates, and initial post-installation inspection.

ROW Fee\$ 25.00/year

This fee applies per year to each Wireless Communication Facility or Wireless Support Structure installed in the right-of-way. This fee ensures that the City and Utility recover costs associated with administering and maintaining the public right-of-way.

Attachment Fee\$ 200.00/year

This fee applies per year to each Wireless Communication Facility attached to a City or Utility Facility. This fee ensures that the City and Utility recover costs associated with administering and maintaining their Facilities.

Re-inspection Fee\$ 150.00

This fee applies to each Wireless Communication Facility or Wireless Support Structure that does not pass an initial inspection and requires re-inspection. This fee ensures that the City and Utility recover costs associated with administering and conducting re-inspections.