



Legislation Text

File #: 12147, **Version:** 1

TITLE

Programmatic Agreement Letter to T-Mobile South, LLC

BRIEF OVERVIEW

On May 13, 2014, the Board of County Commissioners approved the Ground Lease and Bill of Sale of Duke Energy Tower (Agenda ID No. 9259). The agreement was for the purchase of a certain communication tower and associated equipment more fully described as a 275' Lattice Tower located at Latitude 28-30-46N Longitude 82-32-41W and located on State Road 50 in the SW 1/4 of Section 31, Township 22 South, Range 18 East, Hernando County, Florida (key no. 346691). Duke Energy maintains ownership of the land on which the tower is located and Hernando County leases the land from Duke Energy.

Section 106 of the National Historic Preservation Act of 1966 ("NHPA"), as amended, requires federal agencies to take into account the effects of certain of their Undertakings on Historic Properties and to afford the Advisory Council on Historic Preservation ("Council") a reasonable opportunity to comment with regard to such Undertakings. The Council adopted rules implementing Section 106 of the NHPA, setting forth the process, called the "Section 106 process," for complying with the NHPA. In addition, the Federal Communications Commission ("FCC") established rules and procedures for the licensing of non-federal government communications services, and the registration of certain antenna structures in the US. In an effort to streamline and improve the process, on March 16, 2001, the FCC, the Council, and the Conference executed the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (the "Collocation Agreement"), implementing exclusions from Section 106 review in order to streamline the review process for existing towers and other structures and thereby reducing the need for the construction of new towers and reducing potential adverse effects on historic properties. In an effort to carry out the streamlined measures, the Collocation Agreement requires the FCC, in coordination with licensees, tower companies and applicants for antenna licenses, to ensure certain measures are carried out.

Based upon the streamlined process, T-Mobile, as an applicant wanting to upgrade their equipment located on the tower, is required to certify if the antenna is included or excluded from review by submitting the Programmatic Agreement Letter (PAL). The purpose of PAL is to certify that the statements are correct.

Staff has confirmed with Duke Energy that statements 1 and 2 are correct. Staff has confirmed internally with Administration, the County Attorney's Office, and the Sheriff's Office that statements 3 and 4 are correct.

FINANCIAL IMPACT

None.

LEGAL NOTE

The Board has the authority to approve this agenda item pursuant to § 125.01 Fla. Stat.

RECOMMENDATION

It is recommended that the Board approve and authorize the Chairman's signature on the attached Programmatic Agreement Letter affirming that all statements in the letter are true as verified by Staff and Duke Energy.