



TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE              JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
Assistant Town Manager  
Director, Community Development

## STAFF REPORT

**To:** Chairman Chuck Hutto and Board Members  
Town of Rocky Mount Board of Zoning Appeals

**From:** Matthew C. Hankins  
Planning & Zoning Administrator

**Date:** April 30, 2015

**Re:** CenturyLink Communications Appeal of Zoning Determination

### Members of the Board:

CenturyLink operates a local exchange building at 280 South Main Street, Rocky Mount, on Tax Map Parcel Number 20700-56000. The building includes a tower which formerly housed a microwave antenna operated by AT&T on space leased to them by CenturyLink. That use ended in early 2014 when the attachment was removed, and I have since denied an application from Ntelos to attach to the tower, as the tower is abandoned as defined under the Zoning Ordinance of the Town of Rocky Mount.

Acting as the Town's Planning & Zoning Administrator, I have determined that the CenturyLink tower in Uptown Rocky Mount does not have a use and has not had a use for a period of greater than two years. My determination was based on information obtained by the Town when our engineers were designing and preparing for construction of the Uptown Revitalization Project completed in 2011.

Under the Town code, non-conforming towers without a use must be taken down within 90 days of notice from the Planning & Zoning Administrator. I gave notice to



CenturyLink that it must meet the requirements of our ordinance and remove the tower atop the building.

The corporation has appealed that determination. A copy of that notice is attached, as is the appeal. You have been given a 316-page appeal and supporting documents from the appellant. The appeals process requires, however, that you answer a few essential elements. What you will hear at the appeal hearing on May 7 is likely include questions about state law, the Dillon Rule and federal telecommunications law. What you must answer, however, lies within these questions.

**Does CenturyLink have a use (as commonly defined) on the tower, or has it had a use on the tower within the 90 days preceding my order? As related, does “in use” equate to “receiving rent or providing maintenance for a use no longer on the tower”?**

**Does the Telecommunications Facilities code apply only to towers constructed since adoption of the ordinance?**

**Has the zoning administrator correctly interpreted and applied the code?**

Your decision, which may be rendered May 7 or within the 30 days thereafter, has several possible findings.

1. If you find CenturyLink *does not* have a use on the tower now and *did not* within the 90 days preceding my notice or in the 90 days preceding a filing by Ntelos to locate on the Tower in June 2014, you must find in favor of the Zoning Administrator and uphold the Zoning Administrator’s order.
  - a. *Key points:* The Zoning Administrator had direct information from CenturyLink engineers working on the Uptown Revitalization project that the antenna atop the tower was not in use and was therefore an abandoned tower. As an abandoned tower, it is subject to the Town’s Telecommunication Facilities ordinance under the Zoning Code. Removal of the last attachment in 2014 provided confirmation that the tower had not been in use for greater than 90 days, and per code must be removed.
2. If you find CenturyLink *has a use* on the tower now (or has within the 90 days preceding the notice), you must find in favor of CenturyLink and overturn the Zoning Administrator’s order.
  - a. *Key questions:* Is having a light atop the tower a use? Does having people in the local exchange constitute a use for the tower? Is the tower an integral part of the building, and would removing it constitute a hazard, hardship or undue taking of the building? If there is no use on the tower, when did that use end? When was the AT&T antenna removed, and by whom? For reference, the photo on page 1 was taken May 7, 2014 at 5:11 p.m.
3. If you find that I have erred in my interpretation or application of Town Zoning Ordinance Section 40-4-2, you must find in favor of CenturyLink and overturn the Zoning Administrator’s order.
  - a. *Key question:* Does Article 40 apply only to new tower construction, or do previously constructed towers which become abandoned then fall under the requirements of the code? Section 40-4-2 clearly states this special regulation applies to “any tower.” An adverse

determination from the Board in this matter would set a hazardous precedent for the Town Planning & Zoning staff, in that future nonconformities and abandoned towers may be more difficult to force removal, even in hazardous circumstances.

4. If you find that I have correctly interpreted and applied the Town Zoning Ordinance Section 40-4-2, you must find in favor of the Zoning Administrator and uphold the order.

As the Town's Planning & Zoning Administrator, I have executed, in good faith, my duty to interpret and enforce the Town Zoning Ordinance. I have given the ordinance a plain reading and have exercised my discretion in waiting until it was clear that CenturyLink and any lessees were no longer using the tower.

Section 40-4-2 says that towers may remain standing until "all users cease using the tower." The purpose of the tower is to provide wireless telecommunications services. It has not been used for such purposes since prior to 2011, and is clearly abandoned from use.

I ask that you give CenturyLink's appeal a fair hearing. However, I believe that you will and should determine that the Planning & Zoning Administrator has correctly interpreted and applied the Town Code, that no other law overrides the Town's responsibility in this matter, and that the ruling should be upheld.

TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



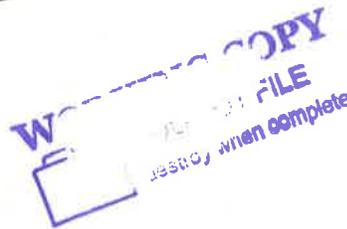
TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
Assistant Town Manager  
Director, Community Development

March 6, 2015

Central Telephone of Virginia  
c/o CenturyLink, Inc.  
280 South Main Street  
Rocky Mount, VA 24151



*Sent via First Class and Certified U.S. Mail, Item No.: 7010 2780 0002 9728 3246*

To Whom It May Concern:

CenturyLink owns and operates a local exchange building within the Town of Rocky Mount. The building includes an integrated aerial antenna tower which, until early 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014.

The tower is a non-conforming structure under the Town of Rocky Mount Zoning Ordinance. Under Zoning Ordinance Section 40-4:

*"Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed."*

Exercising the authority granted to me by the Council of the Town of Rocky Mount as the Town Planning & Zoning Administrator, I have determined the following:

1. The physical address of the property in question is 280 South Main Street, Rocky Mount, VA 24151.
2. The property's Franklin County and Town of Rocky Mount Tax Map Identification Number is 20700-56000.
3. The owner of record is Central Telephone of Virginia.
4. CenturyLink and its predecessors acquired, own, operate and maintain the properties once owned by Central Telephone of Virginia, including the building at 280 South Main Street.
5. CenturyLink's registered agent with the Virginia State Corporation Commission is CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.

6. The Rocky Mount property at 280 South Main includes a separate and separable tower structure mounted atop a support frame integrated into the building.
7. The tower can be disassembled and removed without damaging the exchange building.
8. The tower ceased to be used in 2011 or earlier, and the last attachment to that tower was removed in May 2014.
9. The tower has not been operated for 90 days, and is therefore, according to the Town Code of Rocky Mount, considered abandoned.

In light of these facts and in accordance with the Town of Rocky Mount Zoning Ordinance, I hereby direct CenturyLink to remove the tower atop its local exchange building at 280 South Main Street, Rocky Mount, VA 24151, not later than June 6, 2015.

Should CenturyLink dispute this determination, it may file an appeal with the Rocky Mount Board of Zoning Appeals. You or your representatives have 30 days from receipt of this letter to file your appeal. Contact Deanna Alexander, Clerk of the Board of Zoning Appeals, at 540-483-0907 for more information on the appeals process, filing deadlines, fees and associated costs.

Thank you for your attention to this matter.

Sincerely,

Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager

DLA/

Cc: Central Telephone of Virginia  
c/o CenturyLink, Inc.  
Marcus Hill  
General Manager  
417 West Main Street  
Charlottesville, VA 22903

TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
Assistant Town Manager  
Director, Community Development

March 6, 2015

Central Telephone of Virginia  
c/o CenturyLink, Inc.  
Marcus Hill  
General Manager  
417 West Main Street  
Charlottesville, VA 22903



*Sent via First Class and Certified U.S. Mail, Item No.: 7010 2780 0002 9728 3253*

Dear Mr. Hill,

CenturyLink owns and operates a local exchange building within the Town of Rocky Mount. The building includes an integrated aerial antenna tower which, until early 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014.

The tower is a non-conforming structure under the Town of Rocky Mount Zoning Ordinance. Under Zoning Ordinance Section 40-4:

*"Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed."*

Exercising the authority granted to me by the Council of the Town of Rocky Mount as the Town Planning & Zoning Administrator, I have determined the following:

1. The physical address of the property in question is 280 South Main Street, Rocky Mount, VA 24151.
2. The property's Franklin County and Town of Rocky Mount Tax Map Identification Number is 20700-56000.
3. The owner of record is Central Telephone of Virginia.
4. CenturyLink and its predecessors acquired, own, operate and maintain the properties once owned by Central Telephone of Virginia, including the building at 280 South Main Street.

5. CenturyLink's registered agent with the Virginia State Corporation Commission is CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.
6. The Rocky Mount property at 280 South Main includes a separate and separable tower structure mounted atop a support frame integrated into the building.
7. The tower can be disassembled and removed without damaging the exchange building.
8. The tower ceased to be used in 2011 or earlier, and the last attachment to that tower was removed in May 2014.
9. The tower has not been operated for 90 days, and is therefore, according to the Town Code of Rocky Mount, considered abandoned.

In light of these facts and in accordance with the Town of Rocky Mount Zoning Ordinance, I hereby direct CenturyLink to remove the tower atop its local exchange building at 280 South Main Street, Rocky Mount, VA 24151, not later than June 6, 2015.

Should CenturyLink dispute this determination, it may file an appeal with the Rocky Mount Board of Zoning Appeals. You or your representatives have 30 days from receipt of this letter to file your appeal. Contact Deanna Alexander, Clerk of the Board of Zoning Appeals, at 540-483-0907 for more information on the appeals process, filing deadlines, fees and associated costs.

Thank you for your attention to this matter.

Sincerely,

Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager

DLA/

Cc: Central Telephone of Virginia  
*Sent via First Class and Certified U.S. Mail, Item No.: 7010 2780 0002 9728 3246*  
c/o CenturyLink, Inc.  
280 South Main Street  
Rocky Mount, VA 24151



**CenturyLink™**

**Zsuzsanna E. Benedek**  
Associate General Counsel  
240 North Third Street, Ste. 300  
Harrisburg, PA 17101  
Telephone: 717.245.6346  
Fax: 717.236.1389  
sue.benedek@centurylink.com

April 2, 2015

Board of Zoning Appeals  
c/o Matthew C. Hankins, Planning & Zoning Administrator (*Via Overnight Mail*)  
Deanna Alexander, Deputy Clerk (*Via Overnight Mail & Electronic Mail*)  
Town of Rocky Mount  
345 Donald Avenue  
Rocky Mount, VA 24151

Re: Appeal to the Town of Rocky Mount, Board of Zoning Appeals  
Central Telephone Company of Virginia d/b/a CenturyLink

Dear Mr. Hankins and Ms. Alexander:

Central Telephone of Company of Virginia d/b/a CenturyLink ("CenturyLink") is in receipt of a Decision, dated March 6, 2015, determining and directing CenturyLink to remove a tower affixed to CenturyLink's local exchange building at 280 South Main Street, Rocky Mount, Virginia. CenturyLink hereby appeals the March 6, 2015 Decision to the Board of Zoning Appeals ("BZA").

The attached Notice of Appeal also sets forth CenturyLink's grounds for appeal of the March 6, 2015 Decision. CenturyLink reserves the right to amend the grounds for the appeal as new or additional information becomes available.

On or before April 17, 2015, CenturyLink will submit in-hand copies of documents and arguments in support of this Notice of Appeal, per discussions with the Deputy Clerk. It is CenturyLink's understanding that a Staff Report will be available on or about May 1, 2015. A hearing before the BZA regarding this appeal has been scheduled for May 7, 2015, at 6:00 p.m.

**received**  
4/6/15 10:45am  
UPS

Mr. Hankins  
Ms. Alexander  
April 2, 2015  
Page 2 of 2

An original and two (2) copies of this letter and attached pleading are submitted per Article 11, Sections 16.4 and 16.5 (Code of Ordinances, Provisions for Appeal) and per discussion with Ms. Alexander. In addition, a check in the amount of \$447.20 is enclosed herewith. The check constitutes \$350.00 for filing fees and \$97.20 for postage concerning adjacent property owners.

Thank you for your time and effort concerning this appeal of the March 6, 2015 Decision. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Sue Benedek

ZEB/bmi  
Enclosures  
Notice of Appeal  
Check in the amount of \$447.20  
cc: Richard A. Schollmann (CenturyLink)

---

## NOTICE OF APPEAL

---

To the Zoning Administrator:

Central Telephone Company of Virginia d/b/a CenturyLink (“CenturyLink”) hereby appeals from the March 6, 2015, Decision of Matthew C. Hankins, Planning & Zoning Administrator, Town of Rocky Mount (“Decision”) determining: (1) that a Tower affixed to CenturyLink’s local exchange building at 280 South Main Street, Rocky Mount, Virginia, is “a separate and separable” structure that can be “disassembled and removed without damaging the exchange building;” (2) that the Tower has “ceased to be used in 2011 or earlier;” and (3) that the Tower “has not been operated for 90 days” in violation of Town of Rocky Mount Zoning Ordinance Section 40-4-2.<sup>1</sup> CenturyLink also disputes and appeals the Decision’s description of the building, the Tower, and attachments thereto as: “an integrated aerial antenna tower which, until the 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014.” Decision, at p. 1. Finally, CenturyLink appeals the Decision’s requirement that CenturyLink remove the Tower. Attached hereto is a copy of the March 6, 2015 Decision.

CenturyLink’s grounds for appeal are set forth below. CenturyLink reserves the right to amend its grounds for appeal as new or additional information becomes available. Comments and documents in support will be submitted to the Town of Rocky Mount on or before April 17, 2015. CenturyLink’s grounds for appeal include:

---

<sup>1</sup> CenturyLink does not dispute determinations #1 through and including #5 in the March 6, 2015 Decision. As set forth herein, CenturyLink appeals determinations #6 through and including #9 and appeals the Decision’s determination directing CenturyLink to remove the Tower by June 6, 2015.

**I. The March 6, 2015 Decision Incorrectly and Wrongly Applied The Ordinance.**

- A. The Decision's descriptions of the building, the Tower, and attachments/structures alleged to have been removed by CenturyLink in 2014 (page 1) are incomplete and inaccurate.
- B. The Decision fails to strictly construe the Ordinance and also incorrectly determines that the Tower "ceased to be used in 2011 or earlier" and was "not been operated for 90 days" such that it is considered by the Decision to be "abandoned," in a manner inconsistent with both the plain language of the Ordinance and Virginia law interpreting the same.
  - 1. The Decision fails to set forth sufficient facts in support of the finding that the Tower "ceased to be used in 2011 or earlier" and/or determinations #8 and #9 are based upon erroneous facts and unsubstantiated hearsay.
  - 2. Regarding determinations #8 and #9, to the extent the Decision interprets the "not operated" language in Ordinance Sec. 40-4-2 to mean an "attachment," the Decision incorrectly and unlawfully defines, interprets, and applies Ordinance Sec. 40-4-2.
  - 3. Given the Town's own actions regarding nTelos and the County, Ordinance Sec. 40-4-2 is not triggered and the Decision's determinations/conclusions of "not operated for 90 days" and "abandonment" (determination #9) remain deficient and unenforceable.
- C. The Decision's findings that the building includes "a separate and separable tower structure" (determination #6) and that the Tower can be "dissembled and removed without damaging the building" (determination #7) are not supported by substantial evidence and are incorrect. The Decision's direction to CenturyLink to remove "the tower atop its local exchange building" remains vague and unenforceable.

**II. The Tower is and remains in operation.**

- 1. Ordinance Sec. 40-4-2 does not define "not operated." The Ordinance does not define the circumstances which result in an alleged termination of a valid nonconforming use. The plain language use of "not operated" must apply.
- 2. CenturyLink continues to manage and maintain the Tower, continues active ownership in the Tower, and continues to put or keep the Tower working, and the Tower has and continues to be operated, intended, designed, and arranged to be used for the provision of wireless services. The Tower's purpose has not ceased.

3. CenturyLink has not voluntarily ceased keeping the Tower in operation from when the Tower was built through present.
4. Ordinance Sec. 40-4-2 and the “not operated” and “abandonment” language do not apply – and cannot be found to apply, particularly given the Town’s own actions concerning NTelos and the County.

**III. The Decision is legally flawed.**

1. The Decision has the effect of prohibiting wireless services and thus conflicts with 47 U.S.C. Sec. 332(c)(7)(B). The Decision also conflicts with Article 40, Wireless Telecommunications Facilities Ordinance, Statement of Intent.
2. The Decision deprives CenturyLink of revenues and constitutionally protected property rights.
3. The Decision does not constitute a proper exercise of the Town’s enabling powers and authority per the Dillon Rule.

Respectfully submitted:



Sue Benedek  
Associate General Counsel  
CenturyLink  
240 North Third Street, Ste. 300  
Harrisburg, PA 17101  
Telephone: 717.245.6346  
sue.benedek@centurylink.com

Dated: April 2, 2015



**Zsuzsanna E. Benedek**  
Associate General Counsel  
240 North Third Street, Ste. 300  
Harrisburg, PA 17101  
Telephone: 717.245.6346  
Fax: 717.236.1389  
sue.benedek@centurylink.com

April 15, 2015

**VIA UPS OVERNIGHT MAILING**

Board of Zoning Appeals  
c/o Matthew C. Hankins, Planning & Zoning Administrator  
Deanna Alexander, Deputy Clerk  
Town of Rocky Mount  
345 Donald Avenue  
Rocky Mount, VA 24151

Re: Town of Rocky Mount Board of Zoning Appeals  
Comments and Arguments in Support of Central Telephone Company of  
Virginia d/b/a CenturyLink Appeal of the March 6, 2015 Decision

Dear Mr. Hankins and Ms. Alexander:

Pursuant to the Decision of March 6, 2015 and Central Telephone Company of Virginia's d/b/a CenturyLink ("CenturyLink") Notice of Appeal dated April 2, 2015, enclosed please find two copies of the Comments and Arguments in Support of CenturyLink's appeal to the Board of Zoning Appeals. The enclosed comments consist of written comments, along with 32 Exhibits.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Benedek".

Sue Benedek

ZEB/bmi  
Enclosure

**TOWN OF ROCKY MOUNT BOARD OF ZONING APPEALS**

**In re: March 6, 2015 Decision of the  
Town of Rocky Mount Virginia Planning  
and Zoning Administrator**

---

**COMMENTS AND ARGUMENTS IN SUPPORT OF CENTRAL TELEPHONE  
COMPANY OF VIRGINIA D/B/A CENTURYLINK APPEAL OF  
THE MARCH 6, 2015 DECISION**

---

Central Telephone Company of Virginia d/b/a CenturyLink (“CenturyLink”) hereby submits Comments and Arguments in support of CenturyLink’s appeal. The appeal is taken from the March 6, 2015 Decision of the Town of Rocky Mount Virginia Planning and Zoning Administrator (“Decision”). A copy of the 2-page Decision is attached hereto at Exhibit 1. These Comments and Arguments track with the Notice of Appeal submitted to the Town of Rocky Mount, via overnight mail, on April 2, 2015. *See*, Exhibit 2. CenturyLink will present its position and will be available for questions at the May 7, 2015 hearing before the Board of Zoning Appeals (“BZA”).

**SUMMARY OF ARGUMENT**

The Decision incorrectly interpreted and applied Zoning Ordinance Section 40-4-2 requiring CenturyLink to remove a tower constructed in 1968 and owned and operated by CenturyLink for the purpose of leasing to other entities for their attachment of wireless facilities and the provisioning of wireless services.<sup>1</sup> The Decision erroneously and without any credible factual support whatsoever “determined” that the tower was “considered abandoned” (page 2).

The Decision incorrectly (and without any factual support) claims that the Tower “ceased to be used in 2011 or earlier” and was “not been operated for 90 days.” The Decision is patently wrong. CenturyLink continues to manage the tower and maintain the tower, providing power for lighting purposes and undertaking routine maintenance and reports regarding the tower. Audits

---

<sup>1</sup> Through a series of certificates of public convenience obtained many years ago, CenturyLink operates as an incumbent local exchange company (ILEC) – i.e., a wireline provider – in Virginia. CenturyLink is not certificated as a provider of wireless services.

by a non-affiliated contractor are performed once every three years, while quarterly lighting inspections continue to be undertaken. The next audit (TIA) is scheduled for 2016. Meanwhile, AT&T continues to remit payments to CenturyLink for the tower per a 2005 lease amendment between AT&T and CenturyLink. Other interested entities recently contacted CenturyLink seeking to attach their wireless facilities to the tower, but the application (by NTelos) was rejected by the Town and such interest (by Franklin County) was met with the erroneous assertion that the tower was “abandoned.”

The tower is not a “new” tower. The Decision fundamentally errs by applying an ordinance that is inapplicable to this tower. The Decision also incorrectly interprets and applies the “operated” language in Ordinance Sec. 40-4-2. As addressed below, the tower continues to be in “operation” under the plain meaning of the word as defined by numerous Virginia authorities. The Decision also is contrary to the intent and purpose of Article 40 of the ordinance, including the goal to “strongly encourage the joint use of new and existing wireless telecommunications facilities...” Moreover, the Decision has the effect of prohibiting wireless services, thus conflicting with federal law and exceeding any authority granted by the General Assembly.

The Decision ultimately “direct(s)” (page 2) CenturyLink to remove the tower under Ordinance 40-4-2, but the ordinance itself requires removal of “all tower..., underground cables and support buildings.” The tower does not merely “sit atop” the building as the Decision claims. The tower includes steel beams which are part of the building’s structure. Removal of the tower would involve significant costs and would harm the structural integrity of the building – if not extinguish use of the building altogether. The Decision would constitute a taking of CenturyLink’s property and clearly would deprive CenturyLink of its constitutional rights.

## COMMENTS AND ARGUMENT

### **I. The March 6, 2015 Decision Incorrectly and Wrongly Applied The Ordinance.**

#### **A. The Decision's descriptions and application of the telecommunications regulations of the Zoning Ordinance are incorrect and erroneous.**

The Decision at page 1 states that the tower is "a non-conforming structure under the Town of Rocky Mount Zoning Ordinance." The Decision cites and quotes "Zoning Ordinance Section 40-4."<sup>2</sup>

The telecommunications regulations distinguish between "new and existing" wireless telecommunications facilities. (Article 40, Statement of Intent). The regulations expressly provide that they only apply to "new" wireless telecommunications facilities. Section 40-1-1 (Applicability) ("All new wireless telecommunications facilities shall be subject to these regulations."). The purpose and intent of the zoning regulations expressly are for "promoting and improving public health safety, convenience or welfare and to plan for the future development of the Town and of further accomplishing the objectives of Code of Virginia § 15.2-2280, et seq., . . ."

The tower at issue is not a new wireless telecommunications facility. The tower was built prior to 1968 and pre-exists the ordinance. See, Exhibit 4, Architect blueprints (dated October 1968).<sup>3</sup> Plain language in the Town's telecommunications regulations demonstrates that the regulations do not apply. The guiding principle when interpreting a zoning ordinance is the "plain meaning of the ordinance and the legislative intent expressed." *Higgs v. Kirkbride*, 258 Va. 567, 575 n. 4 (1999). "When an ordinance is plain and unambiguous, there is no room for interpretation or construction; the plain meaning and intent of the ordinance must be given it." *City of Emporia Bd. of Zoning Appeals v. Mangum*, 263 Va. 38, 41 (2002). If the administrative interpretation of a portion of an ordinance is so at odds with the plain language used in the ordinance as a whole, such interpretation is plainly wrong, and must be reversed." *Bd. of Zoning Appeals v. 852 L.L.C.*, 257 Va. 485, 489 (1999). In this case, the threshold

---

<sup>2</sup> This section of the Zoning and Development Ordinance as posted on the Town of Rocky Mount's website has a different number assigned to it, Section 27-4-2, from the section cited in the Decision. However, they are the same in substance. A complete copy of Article 40, Wireless Telecommunication Facilities, is attached hereto at Exhibit 3.

<sup>3</sup> The original blueprints are large and difficult to read due to age of documents. The original blue prints will be made available for viewing at the May 7, 2015 hearing.

question of applicability of the Town's regulations – as presumed in the Decision to exist – is incorrect under the plain distinction the ordinance makes between “new” facilities and “existing” facilities.

The plain language of the Statement of Intent of the Zoning Ordinance regarding Article 40, Wireless Telecommunications Facilities, also illustrates that the Decision incorrectly interprets and applies the ordinance and exceeds authority granted to the Town. *See also*, Section 19-2 (Interpretation by the Zoning Administrator) (“In case of any dispute over the meaning of a word, phrase, or a sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this ordinance as set forth in article 1...”) (emphasis added). The existing tower, given its existing location and zoning (district CBD), encourages and minimizes future wireless telecommunications facilities, does so in ways that could provide such services to the community quickly and effectively, and otherwise furthers the objectives of Article 40 to:

(1) protect residential areas from potential adverse impacts of wireless telecommunication facilities; (2) encourage the location of wireless telecommunication facilities in non-residential areas; (3) minimize the total number of wireless telecommunication facilities throughout the community; (4) strongly encourage the joint use of new and existing wireless telecommunication facilities as a primary option rather than the construction of additional single use facilities; (5) encourage users of wireless telecommunication facilities to locate in areas where the adverse affect on the community is minimized; (6) encourage users of wireless telecommunication facilities to configure them in way that minimizes the adverse visual impact of wireless telecommunication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of wireless telecommunications to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of wireless telecommunication facilities; (9) avoid potential damage to adjacent properties from facility failure through engineering and careful siting of structures; and (10) build wireless telecommunication facilities at the lowest height possible that will still allow for co-location opportunities. (Article 40, Statement of Intent.)

Each of these factors weighs in favor of keeping the existing tower. The Zoning Ordinance must be strictly construed, and when harmonized with other applicable provisions of the Zoning Ordinance, including the expressed intent of the ordinance, the Decision incorrectly requires removal of the tower.

- B. The Decision fails to strictly construe the Ordinance and also incorrectly determines that the Tower “ceased to be used in 2011 or earlier” and was “not been operated for 90 days” such that it is considered by the Decision to be “abandoned,” in a manner inconsistent with both the plain language of the Ordinance and Virginia law interpreting the same.**

As addressed above, the tower at issue is not a “new” structure. The telecommunications regulations of the Zoning Ordinance are inapplicable. Assuming *in arguendo* that the regulations are deemed to apply, the Decision fails to strictly construe the Ordinance in a manner consistent with its plain language and Virginia law.

**1. The Decision makes erroneous, unsubstantiated determinations.**

The Decision incorrectly determines that the “tower ceased to be used in 2011 or earlier” and that the “last attachment to that tower was removed in May 2014.” Decision, p. 2 at #8. These “determinations” are wrong.

The Decision does not set forth facts in support of its statements. For example, no facts or documents have been provided in the Decision identifying when allegedly “in 2011 or earlier” that the tower apparently had “not been operated.” No facts or findings have been provided in the Decision identifying when the 90-day period began and when it ended per the Decision. The 2-page Decision does not address how and what the Decision determined was “not operated” such that Zoning Ordinance Section 40-4-2 applied. CenturyLink disputes findings #6 through #9 as unsupported, erroneous, and unenforceable.<sup>4</sup>

While CenturyLink can only guess given that the Decision does not provide any detail, it appears that these broad, unsupported conclusions relate (somehow) to the Decision’s view on attachments – i.e., that the “the last attachment to that tower was removed in May 2014.” As such, CenturyLink presumes that the Decision interprets the ordinance’s language “not operated” to require that the tower must have an attachment and/or that any such attachment must be operating. AT&T had a dish attached to the tower and CenturyLink presumes the Decision’s reference to “last attachment” is a reference to that AT&T dish. Again, these are assumptions as the Decision is vague and unspecific as to its findings.

CenturyLink respectfully submits the Decision erred regarding interpretation and

---

<sup>4</sup> CenturyLink does not dispute determinations #1 through and including #5 in the Decision. CenturyLink appeals determinations #6 through and including #9 and otherwise appeals the Decision, including its directing CenturyLink to remove the tower by June 6, 2015.

application of the “not operated” language in Zoning Ordinance Section 40-4-2. In this instance, CenturyLink is the operator of the tower. The purpose of the tower has been and continues to be a facility onto which other entities attach, typically through lease arrangements. Those attachments are subject to the power and control of these entities leasing and attaching to the tower. There has been no intent by CenturyLink to discontinue operating the tower. As to the AT&T dish/attachment assumed to be referenced in the Decision, it is important to highlight that AT&T continues to pay rental amounts per its leasehold interest in the tower. In support, CenturyLink further submits the following:

- July 1, 2005 – AT&T Lease amendment became effective, through a term of June 30, 2025. Exhibit 5 (Original AT&T agreement and the July 1, 2005 amendment).
- Beginning in 2013, AT&T removed (“DePOP”) facilities from the tower as part of circuit migration project undertaken by AT&T.
- August 21, 2013 – AT&T confirms that the circuit migration project was not completed and circuits still operational. Exhibit 6 (Portion of e-mail exchange between AT&T and CenturyLink).
- AT&T completed circuit migration and communicated the same to CenturyLink in March, 2014. Exhibit 7 (Portion of e-mail exchange between AT&T and CenturyLink dated 3/12/2014).
- April 3, 2014, AT&T removed from the tower its dish facility. Exhibit 8 (Portion of e-mail exchange and photograph).
- AT&T continues to pay rental amounts to CenturyLink. There is no past due balance.
- Last payment made 4/10/2015. A copy of AT&T invoices and a screenshot of 2015 payments are attached at Exhibit 9 and Exhibit 10, respectively.

**2. The Decision incorrectly and unlawfully defines, interprets, and applies Zoning Ordinance Section 40-4-2.<sup>5</sup>**

Zoning Ordinance Section 40-4-2 requires a tower to be “operated for a continuous period” of 90 days (emphasis added). The key inquiry thus is the meaning of “operated” as used in Zoning Ordinance Section 40-4-2. Section 40-4-2 provides:

Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed.

Determining the meaning of “operated” is a form of statutory construction, and “[w]hen engaged in statutory construction, we must harmonize statutes as much as possible to give effect to all of their provisions.” *Bd. of Supervisors v. Town of Purcellville*, 276 Va. 419, 441 (2008) (analyzing whether a “feature” was “already shown on the adopted master plan” in light of a requirement found in the Virginia Code that requires a “general or approximate” location for features). Moreover, as addressed above, the plain language of the ordinance must be honored.

Zoning Ordinance Section 40-4-2 employs two separate words – “antenna” and “tower” – as subjects for what can be deemed “not operated for a continuous period of 90 days.” While the word “antenna” is defined (at Section 40-2-2) the word “tower” is not defined. Moreover, Zoning Ordinance Section 40-4-2 distinguishes an antenna from a tower via the disjunctive “or”,<sup>6</sup> thus demonstrating that the plain language of Section 40-4-2 requires two separate concepts – the tower itself or the antenna. A tower can be “not operated” for a continuous period of 90 days. An antenna can be “not operated” for a continuous period of 90 day. However, the plain language of the Section 40-4-2 does not leave any room for imputing non-operation for a *tower* based upon alleged non-operation of an attachment.

Similarly, the definitions at Section 40-4-3 define a “wireless telecommunication facility”

---

<sup>5</sup> For purposes of brevity, this subsection of CenturyLink’s comments also address CenturyLink’s arguments and comments for subsections II.1 and II.3, below.

<sup>6</sup> “Any antenna or tower that is not operated for a continuous period of 90 days...”

to broadly encompass any “structure used for the purpose of supporting antennas, microwave dishes...self-supporting lattice towers.” Yet, that broad definition of “wireless telecommunications facility” is not used in Section 40-4-2. Rather, the ordinance employs two separate words – antenna or tower. According to the plain language of the ordinance, the operation of an antenna by an entity attaching to a tower is separate and different from the tower itself. These provisions of the ordinance must be harmonized and given effect, and separate and distinct considerations apply for any determination as to what is “not operated for a continuous period of 90 days under the ordinance.”

Moreover, the decision incorrectly interprets the meaning of the word “operation.” “Operated” as the word pertains to cell towers has not been considered under Virginia law, but it has been defined with respect to other items.<sup>7</sup> “Operate” as used in motor vehicle statutes has been defined as “to manage; to conduct; to work; as, to operate a machine or motor vehicle; . . . to regulate and control the management or operation of the car, that is, to have charge of it as the driver.” *Ayres v. Harleysville Mut. Cas. Co.*, 172 Va. 381, 391-92 (1939); *see also Sarafin v. Commonwealth*, \_\_ Va. \_\_, 764 S.E.2d 71, 74-75 (“operate” means “in actual physical control of the vehicle”); *Gallagher v. Commonwealth*, 205 Va. 666, 670 (1964) (“operate . . . is not limited to moving the vehicle from one place to another”). Opinions of the Virginia Attorney General also define “operate” in this manner. *See* 2015 Va. AG LEXIS 2 (2015) (relying on the American Heritage Dictionary and its definition of “the verb ‘operate’ to mean, among other things, ‘to control the functioning of; run ... conduct the affairs of; manage.’”).<sup>8</sup> Similarly, Merriam-Webster defines “operate” in part as “to cause to function” or to “bring about,” “effect.”<sup>9</sup> The tower continues to be in “operation” under the plain meaning of the word as defined by numerous Virginia authorities. The decision contradicts these authorities and represents an outlier in the way “operation” has been defined in Virginia.

Furthermore, Zoning Ordinance Section 40-4-2 lists both “operated” and “using” for determining whether a cell tower has been “abandoned.” “Used” is defined elsewhere in the Zoning Ordinance to include “intended, designed, or arranged to be used” (§ 4-1) (emphasis

---

<sup>7</sup> Va. Code §15.2-2307 governs nonconforming signs, which are “considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years.” This particular provision of §15.2-2307 has not been cited in any reported Virginia case.

<sup>8</sup> Other standard definitions of “operate” give more action to the meaning of the word. *See*, Webster’s Seventh New Coll. Dictionary (defining “operate” to include “to produce an appropriate effect”; “to bring about: effect”).

<sup>9</sup> [http://www.merriam-webster.com/dictionary/operated.](http://www.merriam-webster.com/dictionary/operated)

added). "Using," as stated in Section 40-4-2, therefore, should be harmonized with the rest of the ordinance, and its plain meaning prevails. CenturyLink has never ceased "using" the tower under the ordinance's own definition of that term. "Operated" should be accorded and interpreted the same meaning as "used," which requires not only discontinued operation, but also an affirmative intent to abandon, which is not present here. Authorities from Virginia agree with this analysis.

For instance, an analogous situation under the Virginia Code is a nonconforming use under existing zoning regulations, which is permitted provided "such use is not *discontinued* for more than two years . . . ." Va. Code §15.2-2307. The Code does not define what it means to *discontinue* a use. One legal dictionary defines *discontinue* to mean: "Ending, causing to cease, ceasing to use, giving up, leaving off. Refers to the termination or abandonment of a project, structure, highway, or the like." *Black's Law Dictionary, 6th ed. (1990)*. Another dictionary defines the term to mean: "to break off, give up, terminate, end the operations or existence of, cease to use." *Webster's Third New International Dictionary 646 (2002)*. Both definitions require some affirmative act revealing an intent to discontinue the nonconforming use.

At least one Virginia circuit court decision also has required that there be some evidence of an *intent* to abandon the nonconforming use before it may be considered "discontinued" or not in "use." In *Montgomery v. Zoning Appeals Bd.*, 45 Va. Cir. 126 (Norfolk 1998), the Zoning Administrator relied on a zoning provision to prohibit the purchaser of a home from operating the building as a duplex. The Zoning Administrator defined "use" as a duplex to mean the situation in which two tenants simultaneously live in a duplex, each separately occupying one-half of the building, and that any period during which one-half of the duplex was unoccupied would constitute a cessation or discontinuance of use as a duplex. *Id.* at 129.

The BZA reversed this determination by basing its decision on the totality of circumstances of use as a duplex, "including the *intent* of the landowner to use the property as a duplex, as well as overt acts in furtherance of that intent, not simply focused on the single fact of whether the property was occupied by one or two tenants during the same time frame." *Id.* at 130.

The circuit court affirmed the BZA's decision. The circuit court held that zoning laws must be strictly construed, particularly where a potential taking is involved. *Id.* at 128. The court pointed out that another provision of the Norfolk zoning ordinance defined "used" as "intended designed or arranged to be used." *Id.* at 130. The court held that "discontinuance" as a

nonconforming use requires an intent to discontinue the use “plus overt acts indicative of abandonment.” *Id.* The court held that mere “passive inaction” by, for example, failing to find two tenants despite efforts to do so, does not permit the loss of a nonconformity, and that the “overwhelming majority of analogous cases follow this reasoning.” *Id.* at 131.

The ordinance at issue here contains the same definition of “using” as the ordinance applied by the Norfolk Circuit Court in *Montgomery*. The ordinance also states that it cannot be applied to require removal of a cell tower unless the tower is “not operated” or has ceased being used by its “users.” In light of *Montgomery* and the foregoing, the word “operate” as used in Section 40-4-2 involves the tower and the whether CenturyLink has intended, designed, or arranged the tower to be used for attachment by other entities, and before its removal, there must be evidence of affirmative, intentional acts showing that its intended use as a cell tower has been abandoned. In this manner, the Statement of Intent and the plain language of the ordinance are harmonized with each other and with prior Virginia decisions. As further addressed in II.2 below, the tower continues to be operated, intended, and designed for use by entities seeking to lease and/or attach to the tower.

3. **Given the Town’s own actions regarding NTelos and the County, Ordinance, Section 40-4-2 is not triggered and the Decision’s determinations/conclusions of “not operated for 90 days” and “abandonment” (determination #9) remain deficient and unenforceable.<sup>10</sup>**

The Decision does not identify which 90-day period applies. As addressed herein, AT&T’s dish was attached to the tower until April 3, 2014. AT&T continues to pay CenturyLink rental payments relative to the tower. Meanwhile, other entities – NTelos and Franklin County – have contacted CenturyLink seeking lease arrangements for attachments to the tower. During this time period, CenturyLink continued to operate the tower, continued active ownership in the tower, and continued to bring about, to put or to keep the tower working and functioning for potential use by NTelos or Franklin County – or any other entity. Specifically:

- Beginning in October 1, 2013, Franklin County first contacted CenturyLink seeking first sought to attach to the tower. Exhibit 11(E-mail from Steve Karpowich (CTL) to Rob Snead enclosing Space Power Application and Project Guidelines to append to tower).

---

<sup>10</sup> This subsection of the comments includes arguments set forth at page 3, II.4. of CenturyLink’s Notice of Appeal submitted on April 2, 2015.

- November 14, 2013 E-mail from Freta Mattox of Franklin County to Jill Meade of CenturyLink enclosing completed Space Power Application. Exhibit 12 (Franklin County completed Space Power Application).
- February 27, 2014 – Ntelos requests received by CenturyLink. Exhibit 13 (E-mail to Jessica Wilmer of Ntelos from Steve Karpowich of CenturyLink enclosing CenturyLink Space Tower Application and Project Guidelines to append to tower).
- March 6, 2014 – Ntelos executes a Right of Entry and Testing Agreement. Exhibit 14. E-mail from Jessica Wilmer of Ntelos to Steve Giley of CenturyLink enclosing Right of Entry and Testing Agreement for Rocky Mount Tower.
- April 24, 2014 – E-mail from S. Thomas of Franklin County to S. Gilley of CenturyLink enclosing CenturyLink Space Power Application and Antenna Spec Sheet. Exhibit 15
- July 18, 2014 – Based upon information and belief, Ntelos submitted an application to Town of Rocky Mount, including a Structural Analysis Report prepared by KGP Logistics, Inc. on behalf of Ntelos. *See*, Structural Analysis Report at Exhibit 16.
- August 7, 2014 – Town of Rocky Mount denies the Ntelos application. Exhibit 17.
- September 15, 2014 – CenturyLink submits letter to Town of Rocky Mount regarding denial of Ntelos application. Exhibit 18 (Letter from Marcus Hill of CenturyLink to Matthew Hankins of Rocky Mount Zoning Board regarding denial of Ntelos Application).
- February 4, 2015 – M. Hankins Email response to Pat Regan/Franklin County. Exhibit 19 (“The CenturyLink tower is non-conforming and out of compliance with the Town’s tower ordinance. I will be issuing an order this week directing CenturyLink to remove the tower to comply with our ordinance.”).
- February 24, 2015 – Email from Franklin County stating that the County would not pursue and had alternative plans. *See*, Exhibit 20.

The Town’s own actions relative to Ntelos and Franklin County have forced these would-be users of the tower to abandon business plans regarding the tower. CenturyLink thus appeals and protests the Decision’s determinations that the tower was “not operated for a continuous period of 90 days.” These facts – along with the facts regarding AT&T and

CenturyLink's own actions evidencing active ownership and operating interest – clearly demonstrate that the requirements of Section 40-4-2 of the ordinance have not been satisfied.

- C. The Decision's findings that the building includes "a separate and separable tower structure" (determination #6) and that the Tower can be "disassembled and removed without damaging the building" (determination #7) are not supported by substantial evidence and are incorrect. The Decision's direction to CenturyLink to remove "the tower atop its local exchange building" remains vague and unenforceable.**

The Decision generally describes the building, the tower, and attachments/structures.<sup>11</sup> The Decision then vaguely "direct[s]" CenturyLink "to remove the tower atop its local exchange building." Decision at p. 2. Meanwhile, Zoning Ordinance Section 40-4-2 in pertinent part provides: "Removal includes the removal of the tower, all tower and fence footers, underground and support buildings." (Emphasis added.)

The tower is fully integrated into the building and does not merely sit "atop" the building. The Decision provides no facts or other documents in support of its determination #7 that the tower can be disassembled and removed without damaging the building. CenturyLink appeals these determinations of the Decision.

Removal of the tower would involve significant costs and would harm the structural integrity of the building – if not extinguish use of the building altogether. The Decision would constitute a taking of CenturyLink's property and would deprive CenturyLink of its constitutional rights. As the affidavit of James Martin states, steel beams traverse through the building and into the building's foundation. *See*, Exhibit 24. Removing the support beams to comply with the Decision would irreparably damage the building and render it useless and of no value. *Id.* Conversely, removal of the tower structure to the roof line is estimated to be \$76,981.00. *See*, Exhibit 23. The Decision's findings and requirement to remove the tower remain vague and unenforceable.

- Exhibit 21, photo of tower taken March 19, 2015 (R. Schollmann)
- Exhibit 22, photo of base of tower taken March 19, 2015 (R. Schollmann)
- Exhibit 23, cost estimate from ICI, dated April 8, 2015

---

<sup>11</sup> Specifically, the Decision states that the "building includes an integrated aerial antenna tower," that the tower "until early 2014, housed an inactive microwave antenna dish," and that "CenturyLink removed the microwave antenna dish in May 2014." Decision at p. 1. These statements are inaccurate.

- Exhibit 24, affidavit of James Martin, dated April 13, 2015

**II. The Tower is and remains in operation.**

1. **Ordinance Section 40-4-2 does not define “not operated.” The Ordinance does not define the circumstances which result in an alleged termination of a valid nonconforming use. The plain language use of “not operated” must apply.**

The Decision’s interpretation and application of Zoning Ordinance Section 40-4-2 has been addressed at I.B.2., above, and is incorporated herein. The applicable legal requirements for construing and interpreting language in an ordinance also have been addressed at I.B.1, above, and are incorporated herein. In sum, the Decision is unenforceable relative to this tower, is contrary to the plain language of Zoning Ordinance Section 40-4-2 and applicable Virginia law, and fails to be supported by substantial evidence and facts.

2. **CenturyLink continues to manage and maintain the Tower, continues active ownership in the Tower, and continues to put or keep the Tower working, and the Tower has and continues to be operated, intended, designed, and arranged to be used for the provision of wireless services. The Tower’s purpose has not ceased.**

CenturyLink continues to manage the tower, continues active ownership in the tower, and continues to bring about, to put or to keep the tower working and functioning for entities seeking to attach their own wireless telecommunication facilities. The tower pre-existed the zoning regulations. Based upon knowledge, information and belief, the purpose of the tower always has been and remains a structure for potential lease and attachments. The tower’s purpose and use have not ceased or been discontinued. There has been no intent to abandon the tower by CenturyLink. CenturyLink continues to maintain the tower and continues to incur operating expenses relative to the tower as partly evidenced by the following facts:

- CenturyLink provides and maintains power to and on the tower. Towers that are 200’0” or taller or that are within a certain distance from a hospital, airport, etc., must be lit. While this tower does not explicitly meet each of these requirements, CenturyLink decided several years ago (approximately 2006) to maintain power to the tower and to inspect the tower every 3 years.
- CenturyLink has undertaken on its behalf (by SiteMaster) Confidential Tower

Inspection Audits (TIAs) once every three (3) years. The independent contractor's last TIA was completed in October 2013. A copy of the 2013 TIA from SiteMaster, dated October 7, 2013, is attached at Exhibit 25 (confidential). List of dates for TIAs for this tower are as follows:

10/7/2013

6/17/2010

8/4/2007

The 2007 TIA is attached at Exhibit 26 (confidential). The 2010 TIA is attached at Exhibit 27 (confidential).

- The next TIA is scheduled for 2016.
- Also, CenturyLink has undertaken, on its behalf (by SiteMaster), Confidential Quarterly Lighting Inspections (QLIs) per federal regulations and requirements. A copy of the January 28, 2015 QLI for the tower is attached hereto at Exhibit 28 (confidential).
- The dates of QLI inspections for this tower occurring over the past 2 years are set forth as follows:

1/28/15 (including relamping)

10/13/14

8/9/14

4/30/14

1/26/14 (including relamping)

11/26/13

9/22/13

5/20/13

- Copies of the foregoing SiteMaster inspection reports (from May 2013 through October 2014) are attached at Exhibit 29 (confidential).
- Based upon information and belief, QLI reporting on the tower started in 2006, with a report dated September 14, 2006. A copy of the September 2006 report is attached at Exhibit 30. Copies of the tower lighting reports from 2006 to present are voluminous

and if necessary will be available at the May 7, 2015. (The 2013 and 2014 QLI reports were included in Exhibit 29)(confidential).

- The work authorization/work order for the January 19, 2015 relamping for the lights is attached hereto at Exhibit 31. Additional work orders are available upon request.
- CenturyLink continues to maintain and manage the tower.
- As done with Ntelos and Franklin County, CenturyLink's employees remain willing and able to discuss lease arrangements with any entity seeking to attach to the tower.

**3. CenturyLink has not voluntarily ceased keeping the Tower in operation from when the Tower was built through present.**

CenturyLink previously addressed how the Decision incorrectly and unlawfully defined, interpreted, and applied Zoning Ordinance Section 40-4-2. CenturyLink appeals any interpretation or application of the ordinance whereby CenturyLink's operation of the tower is interpreted in the Decision to require an attachment or to require that the entity attaching/leasing on the tower use its attachment. The Decision's "determinations" and requirement to remove the tower (and building) are not supported by any credible facts or the law as addressed herein.<sup>12</sup> CenturyLink owns and operates the tower. CenturyLink does not own and operate attachments to the tower. The business plans and actions of those attaching to or leasing portions of the tower are not within CenturyLink's custody and control. CenturyLink's actions, in no way evidence, an affirmative intent to abandoned the tower.

**III. The Decision is otherwise legally flawed.**

- 1. The Decision has the effect of prohibiting wireless services and thus conflicts with 47 U.S.C. Sec. 332(c)(7)(B). The Decision also conflicts with Article 40, Wireless Telecommunications Facilities Ordinance, Statement of Intent.**

CenturyLink submits the Decision contravenes federal law and the Town's own ordinance, Article 40, Wireless Telecommunications Facilities. While expressly preserving local zoning authority (47 U.S.C. § 332(c)(7)(A)), the 1996 Telecommunications Act expressly

---

<sup>12</sup> In addition, on April 10, 2015, the Town of Rocky Mount responded to CenturyLink's FOIA request of March 27, 2015. No documents were provided in support of the Decision's determinations and claim of abandonment of the tower. See, Exhibit 32 (response to CenturyLink's FOIA request).

prohibits localities from adopting regulations that prohibit or have the effect of prohibiting wireless services, or unreasonably discriminate against functionally equivalent providers.<sup>13</sup> 47 U.S.C. § 332(c)(7)(B)(i).

In reviewing the decision of an elected body, the courts will consider the “reasonable mind” to be that of a reasonable legislator. *AT&T Wireless PCS, Inc. v. City Council of City of Virginia Beach*, 155 F.3d 423 (4th Cir. 1998). The courts will not substitute their judgment for the decisions of the governing body, but will uphold the decision if it has “substantial support in the record as a whole.” *Virginia Beach*, 155 F.3d at 430. The court’s inquiry is to ask whether a reasonable legislator would accept the evidence in the record as adequate to support the governing body’s decision. *USCOC of Va. RSA # 3, Inc. v. Montgomery County Board of Supervisors*, 343 F.3d 262 (4th Cir. 2003). The United States Supreme Court has defined “substantial evidence” to mean “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Universal Camera v. NLRB*, 340 U.S. 474, 477, 71 S. Ct. 456, 459 (1951). It requires more than a mere scintilla but less than a preponderance of evidence. *360 Communications v. Board of Supervisors of Albemarle County*, 211 F.3d 79 (4th Cir. 2000).

In the case at bar, the Decision – which is barely 2 pages – provides scant facts allegedly in support of removal of the tower under Section 40-4-2 of the ordinance. The Decision’s determination to remove the tower and potentially the building means the existing tower can no longer support wireless services, thereby having the effect of prohibiting wireless services and thus conflicts with 47 U.S.C. Sec. 332(c)(7)(B). CenturyLink’s concerns with the Decision have been fully addressed above. CenturyLink underscores here that entities seeking to attach to the tower have had its application rejected and have been apprised that the tower was abandoned – thus not only effectively prohibiting wireless, but actually doing so.<sup>14</sup>

Local municipal authority over wireless towers – especially existing towers – was

---

<sup>13</sup> Section 332(c)(7)(B)(i)(II) provides:

The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof . . . shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

<sup>14</sup> Thus, the Decision evidences the Town’s general policy that effectively guarantees the rejection of all wireless facility applications; or (2) that Town’s actions are tantamount to a general prohibition of wireless service. *T-Mobile Northeast LLC v. Fairfax County Board of Supervisors*, 672 F.3d 259 (4th Cir. 2012); *360 Communications Co. v. Board of Supervisors of Albemarle County*, 211 F.3d 79, 87-88 (4th Cir. 2000).

recently very sharply limited by federal law. In 2012, the United States Congress passed a law requiring that local governments grant requests to place new transmission equipment on existing wireless towers, provided the new equipment would not substantially change the physical dimensions of the tower.<sup>15</sup> Reliance on existing towers – rather than the construction of new towers – remains a core federal policy. The Decision absolutely prohibits use of the existing tower in the future by wireless providers.

The Statement of Intent of Article 40 of the Town’s ordinance further supports such federal policy and pronouncements. Specifically, the Statement of Intent provides that the goals of the Ordinance are, in part, as follows:

(4) strongly encourage the joint use of new and existing wireless telecommunication facilities as a primary option rather than the construction of additional single use facilities;

(5) encourage users of wireless telecommunication facilities to locate in areas where the adverse affect on the community is minimized;

...

(7) enhance the ability of the providers of wireless telecommunications to provide such services to the community quickly, effectively, and efficiently;

Moreover, when Congress created the First Responder Network Authority (“FirstNet”) to build and maintain a nationwide, interoperable wireless broadband network for public safety, it directed FirstNet to rely on “existing commercial wireless infrastructure” to the maximum extent economically feasible. *See*, Section 6206(b)(1)(C) of the Middle Class Tax Relief Act. Similarly, the Federal Communications Commission encourages the use of existing towers where technically and economically feasible in order to reduce the need for new tower construction.<sup>16</sup>

---

<sup>15</sup> *See*, Section 6409(a) of the Middle Class Tax Relief Act, now codified at 47 U.S.C. § 1455(a). Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 amends federal law to provide that localities are required to approve requests to modify existing wireless towers and base stations where the modification consists of collocating, removing or replacing transmission equipment and would not substantially change the physical dimensions of the tower or base station. This law became effective February 22, 2012.

<sup>16</sup> *FCC Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, 16 FCC Rcd. 5574, App. A (2001); *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, 20 FCC Rcd 1073, App. A (2004).

**2. The Decision deprives CenturyLink of revenues and constitutionally protected property rights.**

CenturyLink maintains that the BZA need not reach these legal issues for the reasons set forth above. The Decision requires removal of the tower under Section 40-4-2 – a measure which could include removal of “all tower and fence footers, underground cables and support buildings.” The Decision has deprived – and will continue to deprive – CenturyLink of constitutionally protected property rights, including real property and revenues from potential wireless entities seeking to attach to the tower, without just compensation and without honoring substantive and procedural due process rights.

Should the BZA address these constitutional issues, CenturyLink maintains that it has vested property rights in the tower and/or a right to nonconforming use relative to the tower.<sup>17</sup> The Virginia Supreme Court has made it clear that when one is considering nonconformities, the principle of vested rights is at hand. *Alexandria City Council v. Mirant Potomac River, LLC*, 273 Va. 448, 454, 643 S.E.2d 203, 206 (2007) (operation of a power plant before the city had adopted comprehensive zoning established “a vested right to use the property for operation of a power plant” when the 1963 and 1992 zoning ordinances were adopted); *Holland v. Board of Supervisors of Franklin County*, 247 Va. 286, 441 S.E.2d 20 (1994) (a landowner may acquire a vested right to conduct a nonconforming use on its property if that use was in existence on the effective date of the zoning ordinance; because the quarry was not operational on the effective date of the county’s zoning ordinance and a vested right under the common law of vested rights in effect at that time was not established); *Edenton v. Board of Zoning Appeals of Spotsylvania County*, 37 Va. Cir. 176 (1995) (a nonconforming use is said to be a vested right that zoning regulations generally cannot annul).

CenturyLink in good faith has been and continues to undertake efforts to manage the tower to be operated, intended, designed, and arranged to be used for the provision of wireless services as permitted under the prior version of the ordinance. *Goyonaga v. Board of Zoning*

---

<sup>17</sup> In 1998, the General Assembly amended Virginia Code §15.2-2307 and codified those requirements and expanded the scope of vested rights by adding various actions that are significant governmental acts. See, Virginia Code §15.2-2307. The vested rights provisions in Virginia Code § 15.2-2307 are not merely *enabling legislation* having force only if a locality has adopted an implementing ordinance, but are self-executing. *The Lamar Company, LLC v. City of Richmond*, 287 Va. 348, \_\_\_ S.E.2d \_\_\_ (2014) (reversing the circuit court’s grant of the city’s demurrers on the ground that the two complaints failed to state a cause of action because they did not allege that the city had adopted an ordinance implementing Virginia Code §15.2-2307, and holding that the statutory provisions in issue were *restrictive legislation*, not *enabling legislation*).

*Appeals for the City of Falls Church*, 275 Va. 232, 657 S.E.2d 153 (2008). Such use is substantial, constituting as the sole known purpose of the tower. Based upon information and belief, that use has been valid and on-going since the tower was built around 1968. CenturyLink over years has – and continues – diligent pursuit of its operation of the existing tower and continues to affirmatively rely upon the installation and on-going operation of the tower.<sup>18</sup> There has been no intent by CenturyLink to discontinue or abandon such purpose. *Montgomery v. Zoning Appeals Board of the City of Norfolk*, 45 Va. Cir. 126 (1998); *Turock Estate v. Thomas*, 7 Va. Cir. 222 (1984).

The tower continues a nonconforming use notwithstanding any amendment to the Ordinance, including Section 40-4-2.<sup>19</sup> *Hale v. Board of Zoning Appeals for the Town of Blacksburg*, 277 Va. 250, 673 S.E.2d 170 (2009); *Board of Supervisors of Culpeper County v. Greengael, LLC*, 271 Va. 266, 626 S.E.2d 357 (2006). The tower is and remains used for its intended, permissible purpose as a tower for others to attach wireless facilities. A locality is not enabled to do anything that would impair vested rights acknowledged by state law. *Virginia Code §15.2-2307* (“[n]othing in this article shall be construed to authorize the impairment of any vested right”). Thus, CenturyLink has a vested right to a permissible use of the tower and that right is protected against the attempt to make the use impermissible by amending the zoning ordinance. *Virginia Code § 15.2-2307*.

**3. The Decision does not constitute a proper exercise of the Town’s enabling powers and authority per the Dillon Rule.**

The Decision claims to be “exercising authority granted...by the Council of the Town of Rocky Mount.” Decision at page 1. A locality’s governing body has only those powers expressly granted by the General Assembly, powers necessarily or fairly implied from the express powers, and powers that are essential and indispensable. *Jennings v. Board of Supervisors of Northumberland County*, 281 Va. 511, 516, 708 S.E.2d 841, 844 (2011) (“a

---

<sup>18</sup> Virginia Code §15.2-2307 also states that affirmative governmental acts listed therein are “without limitation” as to other actions that may be determined to be significant governmental acts. When an act does not fall within one of the seven enumerated above, the decisions of the Virginia Supreme Court determine whether a particular act constitutes a significant governmental act. *Board of Supervisors of Stafford County v. Crucible, Inc.*, 278 Va. 152, 677 S.E.2d 283 (2009).

<sup>19</sup> The use is “not discontinued for more than two years.” *Virginia Code §15.2-2307*. As addressed previously, The Virginia Supreme Court has not expressly determined what it means to *discontinue* a use under Virginia Code § 15.2-2307.

locality's zoning powers are 'fixed by statute and are limited to those conferred expressly or by necessary implication'"); *Logan v. City Council of the City of Roanoke*, 275 Va. 483, 659 S.E.2d 296 (2008); *Norton v. City of Danville*, 268 Va. 402, 602 S.E.2d 126 (2004). The principle, known as the Dillon Rule (also referred to as "Dillon's Rule"), is a rule of strict construction – if there is a reasonable doubt whether the legislative power exists, the doubt must be resolved against the local governing body. *Sinclair v. New Cingular Wireless*, 283 Va. 198, 204, 720 S.E.2d 543, 546 (2012). Whether the method chosen to implement an express or implied power is reasonable will depend upon the circumstances of each case. *City of Virginia Beach v. Hay*, 258 Va. 217, 222, 518 S.E.2d 314, 316 (1999).

CenturyLink submits that the Decision incorrectly exercises authority granted by the General Assembly and fails to exercise powers necessarily or fairly as implied from any express powers. The Decision makes determinations and imposes requirements for which no express or implied authority exists as follows:

- The Decision cites to Zoning Ordinance Section 40-4-2, but that ordinance governs new towers (and antennas), as addressed above. The Ordinance does not apply to this existing tower. The Decision thereby lacks any express or implied authority as it transgresses the parameters of the Ordinance's plain and express language.
- The Decision lacks the authority to interpret and apply the "not operated" language in Zoning Ordinance Section 40-4-2 without adequate factual support and without regard to the plain language in the ordinance, as addressed herein. The Decision thereby exceeds any and all land use and zoning authority granted by the General Assembly.
- The Decision also exceeds any and all land use and zoning authority granted by the General Assembly (as well as abridges the constitutional rights of CenturyLink) to the extent that the Decision interprets and applies the ordinance to require an attachment to "operate" or to require that the entity attaching or leasing portions of the tower to "operate" its attachment.

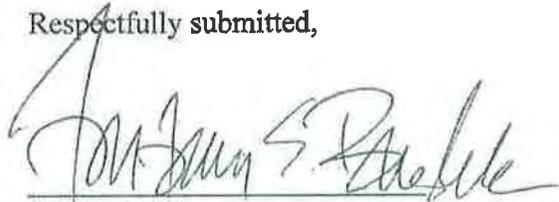
- The Decision has the effect of prohibiting wireless services and thus conflicts with 47 U.S.C. Sec. 332(c)(7)(B), and thereby exceeds any authority that may be asserted.
- The Decision requires removal of the tower (and the supporting structure, the building) and thus contravenes the expressed intent of Article 40 to retain existing towers where currently located and to prohibit the erection of new, additional towers where an existing tower can service the community, as fully addressed above. The Decision thus incorrectly exercises authority granted by the General Assembly and fails to exercise powers necessarily or fairly as implied from any express powers.
- The Decision has deprived – and will continue to deprive – CenturyLink of constitutionally protected property rights, including real property and revenues from potential wireless entities seeking to attach to the tower, without just compensation and in violation of CenturyLink’s due process rights. Virginia decisional law provides that zoning laws must be strictly construed, particularly where a potential taking is involved. The Decision thereby unlawfully exercises authority granted by the General Assembly and fails to exercise powers necessarily or fairly as implied from any express powers.

The Decision’s “determinations” and resultant requirement to remove this existing tower (and the building) – particularly given the facts at bar – do not arise from authority expressly granted by the General Assembly, nor necessarily or fairly implied from powers expressly granted. For the reasons set forth herein, the Decision does not constitute a proper exercise of the Town’s enabling powers and authority per the Dillon Rule.

**CONCLUSION**

WHEREFORE, CenturyLink requests that the Town of Rocky Mount's Board of Zoning Appeals reverse the March 6, 2015 Decision.

Respectfully submitted,



Sue Benedek  
Associate General Counsel  
CenturyLink  
240 North Third Street, Ste. 300  
Harrisburg, PA 17101  
Telephone: 717.245.6346  
[sue.benedek@centurylink.com](mailto:sue.benedek@centurylink.com)

Dated: April 15, 2015

**AFFIDAVIT**

COMMONWEALTH OF VIRGINIA :  
COUNTY OF HENRICO : ss.

I, Richard A. Schollmann, Director, CenturyLink Government and Regulatory Affairs, at 4510 Cox Road, Suite 109, Glen Allen, Virginia, 23060, depose and state that the statements in the attached Comments and Arguments are true and correct to the best of my knowledge information and belief.



Richard A. Schollmann

Swore and subscribed before me this

13 day of April, 2015

Carol Beth Buchanan

Notary





TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
Assistant Town Manager  
Director, Community Development

March 6, 2015

Central Telephone of Virginia  
c/o CenturyLink, Inc.  
Marcus Hill  
General Manager  
417 West Main Street  
Charlottesville, VA 22903

EXHIBIT 1

*Sent via First Class and Certified U.S. Mail, Item No.: 7010 2780 0002 9728 3253*

Dear Mr. Hill,

CenturyLink owns and operates a local exchange building within the Town of Rocky Mount. The building includes an integrated aerial antenna tower which, until early 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014.

The tower is a non-conforming structure under the Town of Rocky Mount Zoning Ordinance. Under Zoning Ordinance Section 40-4:

*"Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed."*

Exercising the authority granted to me by the Council of the Town of Rocky Mount as the Town Planning & Zoning Administrator, I have determined the following:

1. The physical address of the property in question is 280 South Main Street, Rocky Mount, VA 24151.
2. The property's Franklin County and Town of Rocky Mount Tax Map Identification Number is 20700-56000.
3. The owner of record is Central Telephone of Virginia.
4. CenturyLink and its predecessors acquired, own, operate and maintain the properties once owned by Central Telephone of Virginia, including the building at 280 South Main Street.

5. CenturyLink's registered agent with the Virginia State Corporation Commission is CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.
6. The Rocky Mount property at 280 South Main includes a separate and separable tower structure mounted atop a support frame integrated into the building.
7. The tower can be disassembled and removed without damaging the exchange building.
8. The tower ceased to be used in 2011 or earlier, and the last attachment to that tower was removed in May 2014.
9. The tower has not been operated for 90 days, and is therefore, according to the Town Code of Rocky Mount, considered abandoned.

In light of these facts and in accordance with the Town of Rocky Mount Zoning Ordinance, I hereby direct CenturyLink to remove the tower atop its local exchange building at 280 South Main Street, Rocky Mount, VA 24151, not later than June 6, 2015.

Should CenturyLink dispute this determination, it may file an appeal with the Rocky Mount Board of Zoning Appeals. You or your representatives have 30 days from receipt of this letter to file your appeal. Contact Deanna Alexander, Clerk of the Board of Zoning Appeals, at 540-483-0907 for more information on the appeals process, filing deadlines, fees and associated costs.

Thank you for your attention to this matter.

Sincerely,



Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager

DLA/

Cc: Central Telephone of Virginia  
*Sent via First Class and Certified U.S. Mail, Item No.: 7010 2780 0002 9728 3246*  
c/o CenturyLink, Inc.  
280 South Main Street  
Rocky Mount, VA 24151





**Zsuzsanna E. Benedek**  
Associate General Counsel  
240 North Third Street, Ste. 300  
Harrisburg, PA 17101  
Telephone: 717.245.6346  
Fax: 717.236.1389  
sue.benedek@centurylink.com

April 2, 2015

Board of Zoning Appeals  
c/o Matthew C. Hankins, Planning & Zoning Administrator (*Via Overnight Mail*)  
Deanna Alexander, Deputy Clerk (*Via Overnight Mail & Electronic Mail*)  
Town of Rocky Mount  
345 Donald Avenue  
Rocky Mount, VA 24151

Re: Appeal to the Town of Rocky Mount, Board of Zoning Appeals  
Central Telephone Company of Virginia d/b/a CenturyLink

Dear Mr. Hankins and Ms. Alexander:

Central Telephone of Company of Virginia d/b/a CenturyLink ("CenturyLink") is in receipt of a Decision, dated March 6, 2015, determining and directing CenturyLink to remove a tower affixed to CenturyLink's local exchange building at 280 South Main Street, Rocky Mount, Virginia. CenturyLink hereby appeals the March 6, 2015 Decision to the Board of Zoning Appeals ("BZA").

The attached Notice of Appeal also sets forth CenturyLink's grounds for appeal of the March 6, 2015 Decision. CenturyLink reserves the right to amend the grounds for the appeal as new or additional information becomes available.

On or before April 17, 2015, CenturyLink will submit in-hand copies of documents and arguments in support of this Notice of Appeal, per discussions with the Deputy Clerk. It is CenturyLink's understanding that a Staff Report will be available on or about May 1, 2015. A hearing before the BZA regarding this appeal has been scheduled for May 7, 2015, at 6:00 p.m.

Mr. Hankins  
Ms. Alexander  
April 2, 2015  
Page 2 of 2

An original and two (2) copies of this letter and attached pleading are submitted per Article 11, Sections 16.4 and 16.5 (Code of Ordinances, Provisions for Appeal) and per discussion with Ms. Alexander. In addition, a check in the amount of \$447.20 is enclosed herewith. The check constitutes \$350.00 for filing fees and \$97.20 for postage concerning adjacent property owners.

Thank you for your time and effort concerning this appeal of the March 6, 2015 Decision. Should you have any questions, please do not hesitate to contact me.

Sincerely,  


Sue Benedek

ZEB/bmi  
Enclosures  
Notice of Appeal  
Check in the amount of \$447.20  
cc: Richard A. Schollmann (CenturyLink)

---

**NOTICE OF APPEAL**

---

To the Zoning Administrator:

Central Telephone Company of Virginia d/b/a CenturyLink ("CenturyLink") hereby appeals from the March 6, 2015, Decision of Matthew C. Hankins, Planning & Zoning Administrator, Town of Rocky Mount ("Decision") determining: (1) that a Tower affixed to CenturyLink's local exchange building at 280 South Main Street, Rocky Mount, Virginia, is "a separate and separable" structure that can be "disassembled and removed without damaging the exchange building;" (2) that the Tower has "ceased to be used in 2011 or earlier;" and (3) that the Tower "has not been operated for 90 days" in violation of Town of Rocky Mount Zoning Ordinance Section 40-4-2.<sup>1</sup> CenturyLink also disputes and appeals the Decision's description of the building, the Tower, and attachments thereto as: "an integrated aerial antenna tower which, until the 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014." Decision, at p. 1. Finally, CenturyLink appeals the Decision's requirement that CenturyLink remove the Tower. Attached hereto is a copy of the March 6, 2015 Decision.

CenturyLink's grounds for appeal are set forth below. CenturyLink reserves the right to amend its grounds for appeal as new or additional information becomes available. Comments and documents in support will be submitted to the Town of Rocky Mount on or before April 17, 2015. CenturyLink's grounds for appeal include:

---

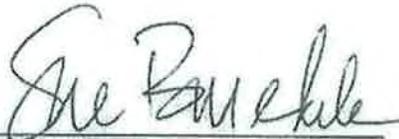
<sup>1</sup> CenturyLink does not dispute determinations #1 through and including #5 in the March 6, 2015 Decision. As set forth herein, CenturyLink appeals determinations #6 through and including #9 and appeals the Decision's determination directing CenturyLink to remove the Tower by June 6, 2015.

3. CenturyLink has not voluntarily ceased keeping the Tower in operation from when the Tower was built through present.
4. Ordinance Sec. 40-4-2 and the “not operated” and “abandonment” language do not apply – and cannot be found to apply, particularly given the Town’s own actions concerning NTelos and the County.

**III. The Decision is legally flawed.**

1. The Decision has the effect of prohibiting wireless services and thus conflicts with 47 U.S.C. Sec. 332(c)(7)(B). The Decision also conflicts with Article 40, Wireless Telecommunications Facilities Ordinance, Statement of Intent.
2. The Decision deprives CenturyLink of revenues and constitutionally protected property rights.
3. The Decision does not constitute a proper exercise of the Town’s enabling powers and authority per the Dillon Rule.

Respectfully submitted:



Sue Benedek  
Associate General Counsel  
CenturyLink  
240 North Third Street, Ste. 300  
Harrisburg, PA 17101  
Telephone: 717.245.6346  
sue.benedek@centurylink.com

Dated: April 2, 2015



## ARTICLE 40.

## WIRELESS TELECOMMUNICATION FACILITIES

## Statement of Intent

The purpose of this ordinance is to establish guidelines for the siting of wireless telecommunication facilities. The goals of this ordinance are to: (1) protect residential areas from potential adverse impacts of wireless telecommunication facilities; (2) encourage the location of wireless telecommunication facilities in non-residential areas; (3) minimize the total number of wireless telecommunication facilities throughout the community; (4) strongly encourage the joint use of new and existing wireless telecommunication facilities as a primary option rather than the construction of additional single use facilities; (5) encourage users of wireless telecommunication facilities to locate in areas where the adverse affect on the community is minimized; (6) encourage users of wireless telecommunication facilities to configure them in ways that minimize the adverse visual impact of wireless telecommunication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of wireless telecommunications to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of wireless telecommunication facilities; (9) avoid potential damage to adjacent properties from facility failure through engineering and careful siting of structures; and (10) build wireless telecommunication facilities at the lowest height possible that will still allow for co-location opportunities.

**40-1. Applicability.**

40-1-1. All new wireless telecommunication facilities shall be subject to these regulations.

40-1-2. Exceptions: amateur radio antennas; direct-to-home satellite dishes that are less than one meter in diameter; antennas designed to receive television broadcast signals; and antennas designed to receive and transmit two-way radio communication.

**40-2. Definitions.**

40-2-1. *Alternative tower structure*: Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of wireless telecommunication facilities.

40-2-2. *Antenna*: A telecommunication device that transmits or receives

electromagnetic signals.

40-2-3. *Wireless telecommunication facility*: Any structure used for the purpose of supporting antennas, microwave dishes or other electromagnetic transmission devices, including, but not limited to, self-supporting lattice towers, guy wires, pole towers, radio and television transmission towers, alternative tower structures, buildings, roof tops, etc. For the purpose of this ordinance, new wireless telecommunication facilities shall be defined as a commercial activity and shall not be permitted in residential districts, unless co-locating on an existing tower.

40-2-4. *Master plan*: A plan, which is the result of an engineering study, indicating strategic positioning and location of present and future telecommunication facilities. A master plan shall be prepared, signed and sealed by appropriate licensed professionals.

### 40-3. Use regulations.

40-3-1. Wireless telecommunication facilities are permitted by special use permit in all zoning districts as follows:

(A) Towers and monopoles.

Zoning District	Tower Height Allowed (in feet)
RB	65
C1	120
C2	120
GB	120
CBD	120
M1	199
M2	199

(Amended 1/12/04)

(B) Alternative tower structure.

Zoning District	Additional Tower Height (in feet) Allowed to an Existing Structure
R1	10
R2	10
R3	10
RPUD	10
RA	10
RB	10
C1	20
C2	20
GB	20
CBD	20
M1	30
M2	30
POS	20

*(Amended 1/12/04) (Amended 5/24/04)*

40-3-2. In addition to the regulations of this section, wireless telecommunication facilities must meet the zoning regulations of the zoning district in which they are located. If there is a conflict, the more restrictive regulation applies.

40-3-3. Antennas may be located on any commercial structure.

40-3-4. Antennas may be located on an existing tower or pole.

40-3-5. Antennas may be located on any structure owned by the Town of Rocky Mount. Any applicant wishing to construct a new tower or install an antenna on town property shall enter into an agreement with the town allowing the town to secure ownership of said tower upon completion. The applicant and any businesses that wish to co-locate on a town-owned tower may be permitted with a monthly rental agreement paid to the town. Rent shall be determined by town council after due

public notice.

40-3-6. Antennas and towers may be considered either principle or accessory uses when considering area requirements on a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other such requirements, the dimensions of the entire lot shall control, even though antennas or towers may be located on parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

40-3-7. Each applicant for an antenna and/or tower shall provide to the community development department, at the expense of the applicant, an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The community development department may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, that the community development department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

40-3-7.1. *Applicant responsibility.* Any applicant for telecommunication facility structures to be located on property owned by the Town of Rocky Mount assumes responsibility for such structures and indemnifies and saves harmless the Town of Rocky Mount from any and all damages, judgments, costs, or expenses which the town may incur by reason of the removal of or the causing to be removed of any monopole or tower as provided for in Article 40, Section 40-4-2.

#### 40-4. Special regulations.

40-4-1. Owners of towers may provide the town co-location opportunities as a community benefit to improve radio communication for town departments and emergency services.

40-4-2. Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with the owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease

using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed.

40-4-3. Any costs associated with review by a licensed engineer of any required information shall be billed to the applicant.

#### **40-5. Design/construction requirements.**

40-5-1. An antenna may not exceed the height restrictions of the zoning district in which it is located nor may it add more than 20 feet to the height of any structure or tower.

40-5-2. An omni-directional or whip antenna shall not exceed 20 feet in height or be greater than seven inches in diameter and shall be of a color which matches the exterior of the building or structure on which it is placed.

40-5-3. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.

40-5-4. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the built environment.

40-5-5. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

40-5-6. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the governing body may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

40-5-7. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.

40-5-8. All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal and state governments with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and

## EXHIBIT 3

antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

40-5-9. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations. In the event of any changes to said codes and regulations, owners of telecommunication facilities located within the Town of Rocky Mount shall obtain recertification to ensure the structural integrity of the facilities.

40-5-10. Owners shall provide the town with an engineering report certifying that the proposed tower is compatible for co-location with a minimum of three similar users including the primary user.

40-5-11. The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the governing authority may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

40-5-11.1. Towers must be set back a distance equal to 200 percent of the height of the tower from any off-site residential structure and in no case less than 400 feet.

40-5-11.2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

40-5-11.3. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate.

40-5-12. The following requirements shall govern the landscaping surrounding telecommunication facilities served thereby:

40-5-12.1. Tower facilities shall be landscaped with a buffer of plant materials effectively screening the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip of at least four feet wide outside the perimeter of the compound.

40-5-12.2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

40-5-12.3. Existing mature tree growth and natural landforms on the site

shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

**40-6. Design/construction requirements for using alternative mounting structures.**

40-6-1. The principle use of the structure to be used for the placement of the antenna shall be for a use not associated with the wireless telecommunication facility.

40-6-2. In addition to the height limitations of the underlying zoning district, antennas mounted on alternative mounting structures shall conform to the following requirements:

40-6-2.1. All panel antennas shall be no more than five feet from any surface of the existing structure.

40-6-2.2. All whip antennas shall be no more than ten feet above the mounting surface of the existing structure.

40-6-2.3. All parabolic dish antennas shall be no more than five feet from the surface of the existing structure.

40-6-2.4. Building mounted antennas shall be designed and attached in such a way that is architecturally compatible with the building to which they are attached.

40-6-2.5. Equipment enclosures shall be camouflaged or screened from view by landscaping, walls, fences, inside of buildings or other means as approved by the department of community development.

**40-7. Application submission requirements.**

40-7-1. Each applicant shall submit a master plan, a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance. Additionally, applicants shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site.

40-7-2. An engineering report certifying that the proposed tower is compatible for co-location with a minimum of three similar users including the primary user, must be submitted by the applicant.

40-7-3. Copies of the applicant's co-location policy.

40-7-4. Copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

40-7-5. A determination of need by the Federal Aviation Administration.

40-7-6. The department of community development shall grant written approval within 30 days of the receipt of the plan, if it is determined that the application meets the requirements of this ordinance. However, when the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 30 days. The notice shall specify the modifications, terms and conditions that will permit approval of the application. If no action is taken by the department of community development within the time specified above, the application shall be deemed approved and the person authorized to proceed with the proposed activity.

40-7-7. Upon approval of the application, the applicant shall have 90 days to begin construction or all permits issued shall become null and void.

#### **40-8. Factors to be considered prior to approval.**

40-8-1. The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this ordinance are better served thereby:

- a. Height of the proposed tower or pole.
- b. Proximity of the tower or pole to residential structures and residential district boundaries.
- c. Nature of the uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.
- f. Design of the tower or pole, with particular reference to design

## EXHIBIT 3

characteristics that have effect of reducing or eliminating visual obtrusiveness.

- g. Proposed ingress and egress.
- h. Co-location policy.
- i. Language of the lease agreement.
- j. Consistency with the comprehensive plan and the purposes to be served by zoning.
- k. Availability of suitable existing towers and other structures as discussed below.

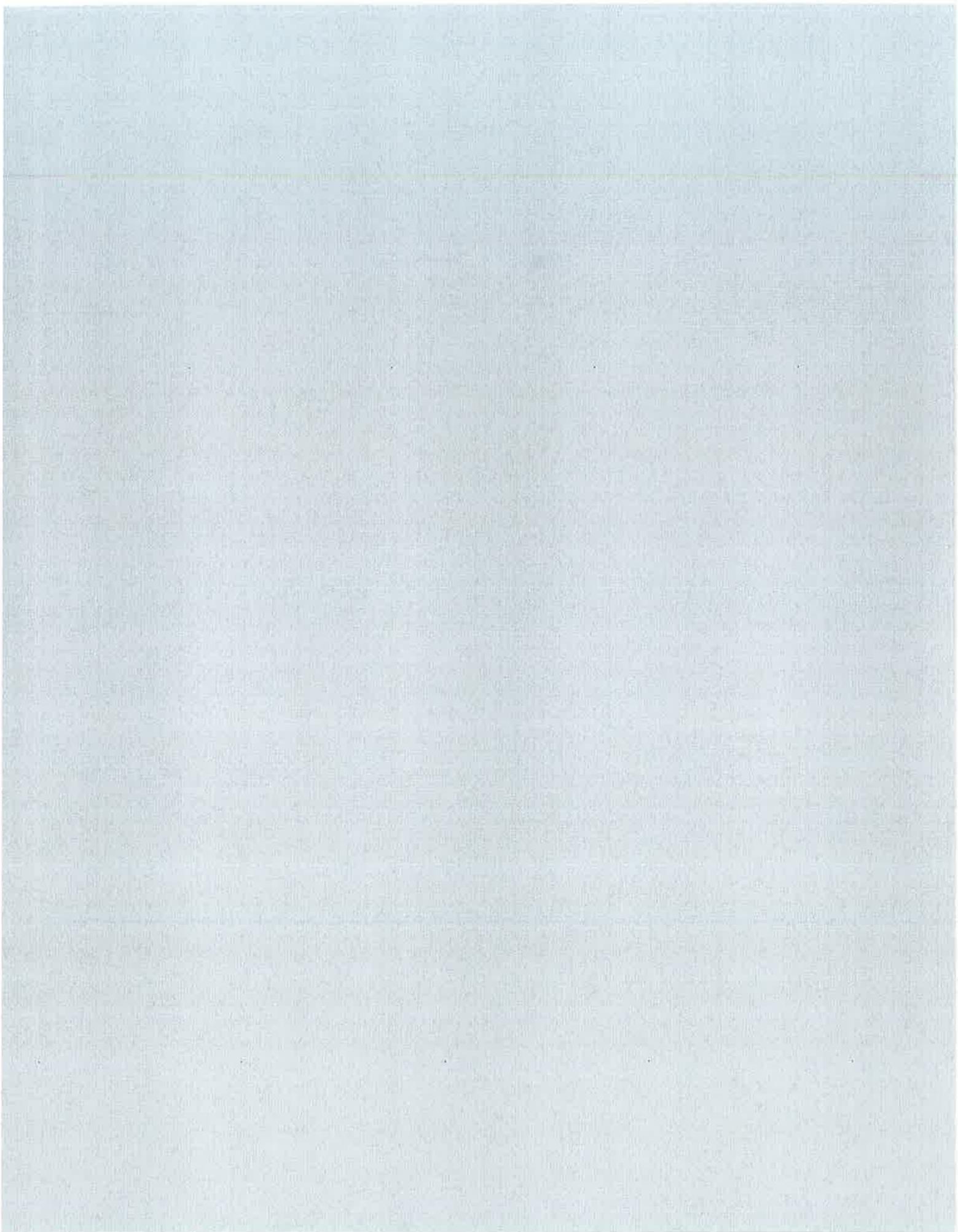
40-8-2. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- c. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions for sharing required by the owner in order to share an existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

**40-9. Appeal.**

40-9-1. Any person adversely affected by any final action or failure to act by a state or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis.

40-9-2. Any person adversely affected by an act or failure to act by a state or local government or any instrumentality thereof regarding the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions may petition the Commission for relief.

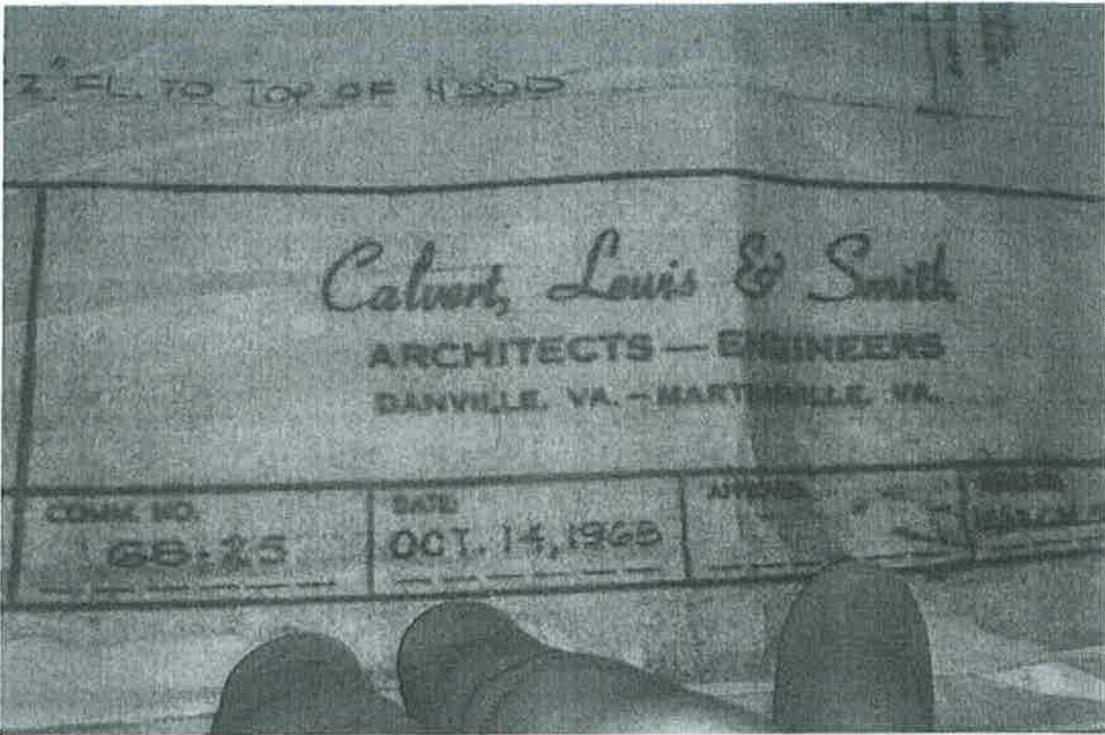


**EXHIBIT 4**

**ARCHITECT BLUEPRINTED DATED OCTOBER 1968**

**(TOO LARGE AND TATTERED)**

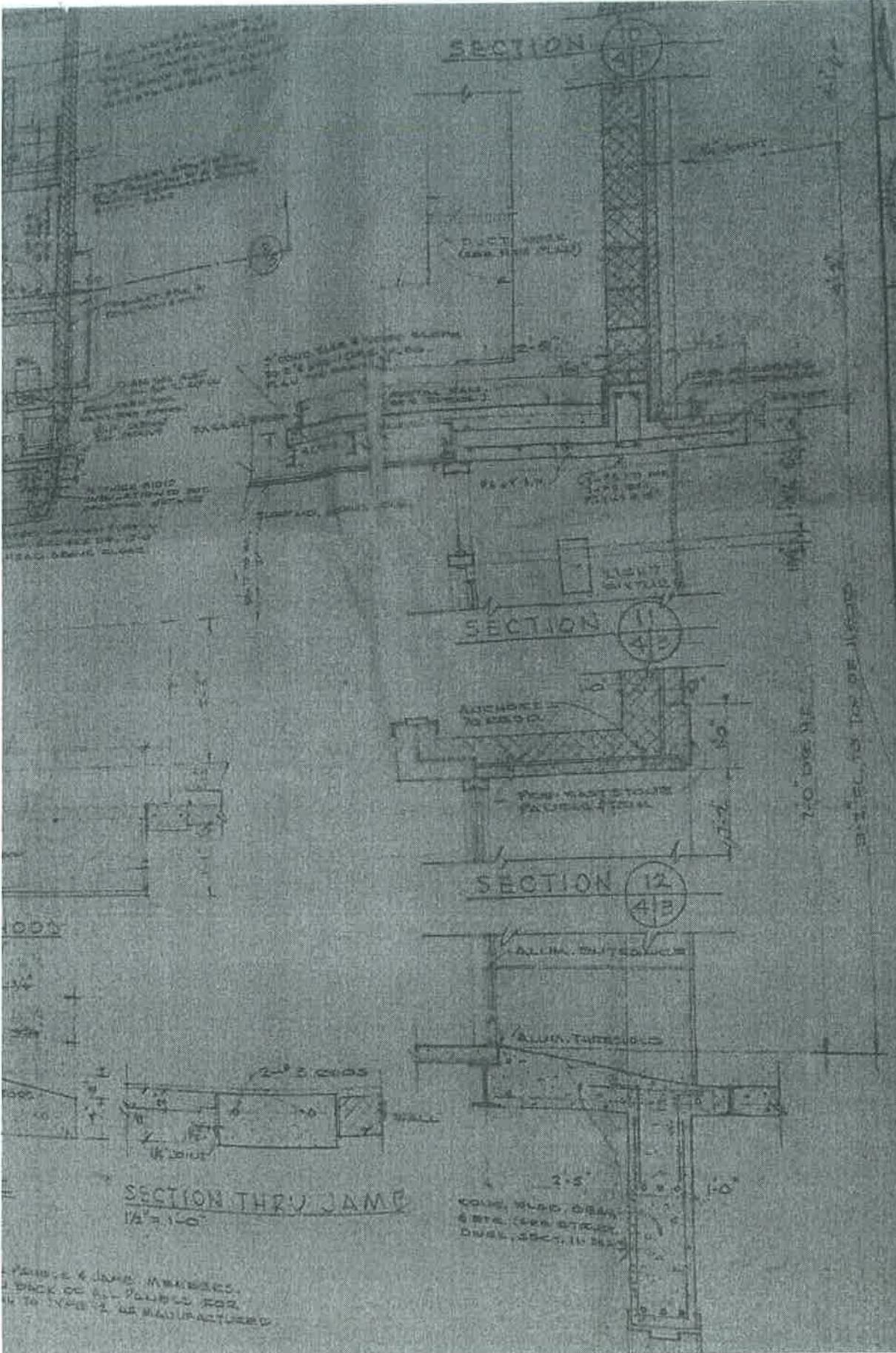
**ORIGINALS WILL BE AVAILABLE FOR VIEWING AT THE  
MAY 7, 2015 HEARING**



2' FL TO TOP OF 4500

*Catvert, Louis & Smith*  
ARCHITECTS - ENGINEERS  
DANVILLE, VA. - MARTINSVILLE, VA.

CONTRACT NO.	DATE	APPROVED
68-25	OCT. 14, 1969	



GENERAL NOTES:  
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.  
 2. FINISHES TO BE AS SHOWN ON FINISH SCHEDULE.  
 3. ALL WORK TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES.  
 4. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT.  
 5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS.  
 6. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES.  
 8. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT.  
 9. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

*Colbert, Lewis & Smith*  
 ARCHITECTS-ENGINEERS  
 1110 B. B. RD.  
 RICHMOND, VA.

LEE TELEPHONE COMPANY  
 EXCHANGE BUILDING  
 1000 W. MAIN ST., VIRGINIA

PAINTS & JAMB FINISHES.  
 1. PAINT TO BE APPLIED FOR  
 IN TO TYPE 2 OR MANUFACTURED

2-5  
 CONC. W/ BLDG. STRUC.  
 & STEEL STRUC.  
 OVER SECT. 11 DET.

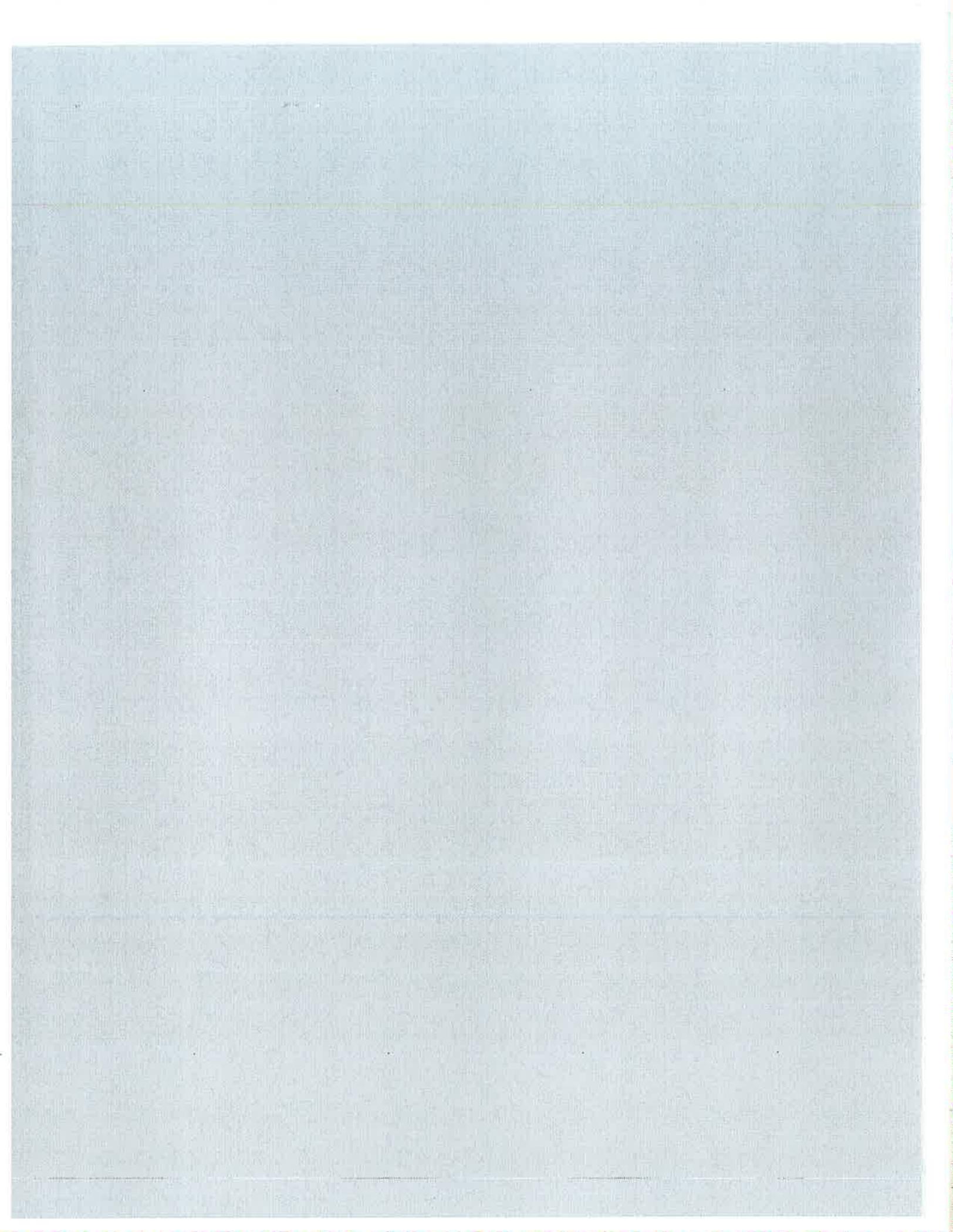


EXHIBIT 5

CA 100526

Doc. 0204A

16168  
+ 12993

AT&T COMMUNICATIONS STANDARD  
AGREEMENT FOR THE PROVISION OF TELECOMMUNICATIONS  
SERVICES AND FACILITIES

ARTICLE 13

LAND AND BUILDINGS

This Article is ~~effective~~ January 15, 1987

SECTION I

SCOPE

This Article sets forth the terms, conditions and compensation for the leasing of land and building space by one party (the "Owner") to the other Party (the "Non-Owner").

A separate schedule in the form of Exhibit A shall be executed for each separately leased building and a separate schedule in the form of Exhibit B shall be executed for each leased parcel of land. Those schedules describe each premises leased, the term of the lease and any renewals, and the rental charges.

SECTION II

LEASED PREMISES

The Non-owner leases and the Owner lets the premises identified in the attached schedules (each of which is called the "Leased Premises") for the term specified in the schedules. Included with leased building space is the right to use common areas. Common areas shall mean all areas furnished for the general use, in common, of the premises, the officers, agents, employees and business invitees, which shall

## EXHIBIT 5

Doc. 0204A

- 2 -

include but is not limited to parking areas, streets, sidewalks, walkways, canopies, roadways, loading platforms, wash-rooms, shelters, ramps, landscaped areas, hallways, stairways, lobbies, elevators and similar facilities. All common areas shall remain under the exclusive control and management of the Owner, and the Owner shall have the right from time to time to change the level, location and arrangement of such parking areas and other common areas as the Owner may deem necessary.

### SECTION III FLOOR SPACE MEASUREMENTS

Leased building space shall be measured in net square feet, which comprises floor space intended for occupancy including but not limited to space used for auditoriums, assembly rooms, lounges, restaurants, dinettes, vending areas, cafeterias, conference rooms, cable vaults and recreation rooms which will be exclusively used by Non-owner. The amount of building space leased is determined by measuring to the center of the interior enclosing walls or to the inside finished surfaces of the exterior enclosing walls, with no deductions for columns, pilasters, or temporary partitions wholly within the area.

Leased land shall be measured in square feet, or in acres, as appropriate.

### SECTION IV PERFORMANCE STANDARDS

The Owner shall keep the leased premises free and clear from all encumbrances, restrictions, or limitations on their use within the Owner's control, that prevent or interfere with the Non-owner's use in accordance with this Article. If the

EXHIBIT 5

Doc 0204A

- 3 -

Non-owner shall obey and perform all the covenants of this Article regarding the leased premises, the Owner shall guarantee to the Non-owner the quiet, peaceful, and uninterrupted use of said leased premises for the specified duration of this Article.

To the extent that the leased premises shall be insured by either Party, such Party shall secure a waiver of subrogation as against the other Party from each insurer-

The Non-owner shall not permit the leased premises to be occupied for any *business* or purpose which is unlawful or ultra-hazardous.

If the leased premises or a portion thereof sufficient to make the leased premises substantially unusable shall be taken by eminent domain this Article shall terminate as of the date of such taking with respect to said premises, and the Owner and the Non-owner shall thereupon be released from any further liability hereunder with respect to said premises. If a part of the leased premises is so taken, leaving a portion thereof usable, rent shall abate in proportion to the part taken. The Non-owner shall have the right to participate in the condemnation award only to the extent the award is for the value of trade fixtures and improvements and alterations to the leased premises made by the Non-owner. The Owner shall give written notice to the Non-owner immediately upon receiving notice of appropriation or taking. Any taking by eminent domain shall be deemed to render the leased premises substantially unusable if such appropriation or taking results in the Non-owner's inability to use the facilities in the manner, and for the purposes, for which they have been used or are permitted to be used under this Article.

## EXHIBIT 5

Doc: 0204A

- 4 -

In the event the Non-owner remains in possession of any leased premises after the expiration of either the term granted herein or any renewal period such possession shall be considered a month-to-month tenancy during which time the Non-owner's obligations under this Article shall continue as if this Article were in full force and effect.

The Owner hereby specifically grants to the Non-owner the use of the parking spaces designated in the attached Exhibits for the purpose of parking automobiles and other vehicles. The Non-Owner agrees that, in any such case, said automobiles and vehicles shall park only in the area or areas designated by the Owner.

The Owner shall repair, maintain, remove snow, and illuminate any parking lots included with the leased premises provided hereunder in accordance with the Owner's standards.

The Owner shall keep and maintain the buildings containing leased premises in good, safe and proper condition throughout the term of this Article or any renewal thereof and repair or replace same when necessary, in accordance with the Owner's standards; as follows: The Owner shall, by way of example but not of limitation, maintain in good condition the interior and exterior of the leased premises, the walls, windows, floors, ceilings, roof, foundation, supporting members, gutters and down spouts, sidewalks approaches, entrances, exits, parking areas, fences, landscaping, lawns, and all common areas. The Owner shall also maintain, repair and replace when necessary all electrical, plumbing, sewerage, heating, ventilating and air-conditioning systems and equipment.

EXHIBIT 5

Doc . . 0204A

- 5 -

The Owner shall supply the Non-owner with heat, cooling, and electricity with separate electrical metering where practicable (except electrical power used to operate telecommunications equipment such as switches), hot and cold water and fuel for heating and cooling in the same manner as it does for similar facilities of the Owner.

The Non-owner may decorate and shall maintain and repair the interior, nonstructural, portions of the leased premises, except as may be required by reason of structural defects or due to the Owner's failure to repair or maintain the leased premises as hereinabove set forth. in which event same shall be the Owner's responsibility.

The Non-owner shall surrender the leased premises at the termination of this Article, broom clean with all furnishings and trade fixtures and other non-building items owned by the Non-owner removed, and in as good condition as when received, excepting only deterioration caused by ordinary wear and tear, fire or the elements.

Whenever the Non-owner proposes to make any alterations, additions, or improvements on the leased premises, it shall first furnish to the Owner plans and specifications in such detail as the Owner may reasonably request describing all such work. Such plans and specifications shall comply with such requirements as the Owner may from time to time reasonably prescribe. In no event shall any alterations, additions, or improvements be commenced upon the leased premises without the Owner's written approval of such plans and specifications. Such approval shall not be unreasonably withheld. At the Non-owner's expense any alterations, additions, or improvements made by the Non-owner to the leased premises shall be performed in a good and workmanlike manner, in compliance with all

## EXHIBIT 5

Doc: 0204A

- 6 -

governmental requirements and terms of this Article. Work shall be performed at such times and in such manner as to cause a minimum of interference with other construction in progress and with the Owner's transaction of business. The Non-owner shall compensate the Owner for any leasehold improvement made to the premises specifically requested or necessitated by the Non-owner's use of the Facilities.

The Non-owner, at its own expense, may contest any tax or special assessments regarding the leased premises in any manner permitted by law, in the Non-owner's name and, whenever necessary, in the Owner's name. The Owner shall cooperate with the Non-owner and execute any documents or pleadings reasonably required for such purposes; provided, however, that the same shall be without cost, liability or expense to the Owner.

At the request of either the Owner or Non-owner, the parties agree to execute, in recordable form, a memorandum of this Article which may contain any information with respect to this Article, desired by either party, covering the leased premises. Both parties hereby consent to the recording of the aforementioned memorandum.

### SECTION V PERMITTED USE

The leased premises may be used for the conduct of the Non-owners telecommunications business and for no other purposes.

EXHIBIT 5

Doc. 0204A

- 7 -

SECTION VI  
COMPENSATION

The rent for the leased premises shall be payable monthly together with other amounts due ~~XXXXXXXXXXXX~~ under this Article, as specified in Exhibit A.

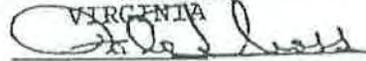


SECTION VII  
TERMINATION

Refer to Exhibits to this Article for termination dates.

The parties have executed this Article through their authorized representatives this January 7, 1987.

CENTRAL TELEPHONE COMPANY OF

By:   
Dale L. Cross

Witness 

Its: Vice President--rations

AT&T Communicateons of Virginia, Inc.

By: 

Witness 

Its: Vice President -

EXHIBIT 5

CN:100526

Doc . 0204A

- 8 -

Page 1 of 2

EXHIBIT A

LAND AND BUILDINGS LEASE

This Exhibit to Article 13 is effective as of January 15, 1992

Building Name and Address Rocky Mount Central Office, 109 So. Main St.  
Rocky Mount, Virginia 24151

State: Virginia Building Code 64

Legal Description: See Attachment 1

A description and a diagram of the leased premises, consisting of  
213 net square feet, are shown in Attachment 1.

Monthly rental shall be \$255.32 per month. Rental for any  
partial month of the term shall be prorated.

Term: This lease commences on the effective date above and shall  
be for a term of forty one and one half months, ending the 30th  
day of ~~June 1995~~. This lease may be renewed for an  
additional term of 5 years, upon 60 days written notice  
thereof from the Non-owner to the Owner. The monthly rental on  
renewal shall be specified by the owner at time of renewal.

EXHIBIT 5

Doc . 0204A

- 9 -

Page 2 of 2

EXHIBIT A

The parties have executed this Exhibit through their authorized representatives this 14th day of February, 1992.

CENTRAL TELEPHONE COMPANY OF VIRGINIA

By: Gregory L. Wells

Witness E. H. Godwin

Its : Gregory L. Wells  
Vice President-Operations

AT&T Communications of Virginia, Inc.

By: Terry M. Banks

Witness Ha O. Bantz

Its : Terry M. Banks  
Vice President



## EXHIBIT 5

Doc: 0203A

- 2 -

- C. Make-ready Work - all work including but not limited to the rearrangement of existing Facilities and the addition of *strength* or height to the tower to accommodate the Non-owner's communication Facilities.
- D. Application - means a serialized document in the form of Exhibit A designed by the Owner from time to time and delivered by the Owner to the Non-owner for preparation by the Non-owner. This document will be used to transmit attachment or detachment requests to the Owner.

### SECTION III

#### TERM, PRICE, OTHER SPECIFIC CONDITIONS

A description of each tower and attachment subject to this Article, together with a statement of the monthly charges for and the term of each Attachment is contained in Schedules included as Exhibit B to this Article. The Non-owner shall have the right to renew the term of each Schedule by giving written notice thereof to the Owner 60 days before the end of the respective term. Renewal terms shall be for the same rate as the original term unless otherwise agreed in writing. .

### SECTION IV

#### ADDITION OR REMOVAL OF ATTACHMENTS

A minimum of sixty days shall be required to process an application for making an attachment to or removing an attachment from a tower.

## EXHIBIT 5

Dot:0203A

- 3

### SECTION V

#### MAKE-READY WORK AND ENGINEERING WORK

When an application for attachment to a tower" is submitted by the Non-owner, engineering work shall be required to determine the existing height and strength of the tower to assure that the structure can accommodate the Non-owner's communications Facilities. The Non-owner shall be charged for the reasonable cost of such engineering work.

A field inspection which requires the visual inspection of the existing tower may be performed by the Owner or Non-owner. The engineering work which includes the processing of the Non-owners application, the preparation of the Make-ready Work orders, the coordination of work requirements and the random field verification of construction activity, shall be performed by the Owner.

When the Owner intends to perform any portion of the field inspection, the Owner shall advise the Non-owner in advance in writing of the estimated charges that shall apply and receive written authorization from the Non-owner before undertaking such inspection.

When the Non-owner performs the field inspection (at the direction of the Owner), the field inspection results shall be furnished to the Owner in a format specified by the Owner and according to standards of accuracy and completeness satisfactory to the Owner. In view of the Owner's common carrier obligations to maintain safe, adequate service, the Owner shall retain "the right to redo the field inspection if in the sole judgement of the Owner the data furnished-by the Non-owner does not comply with the performance standards as

## EXHIBIT 5

Doc. 0203A

- 4 -

"prescribed by the Owner. The Non-owner shall be charged the reasonable-expense incurred by the Owner to redo the field inspection.

In the event the Owner determines that a tower to which the Non-owner desires to attach is inadequate and requires reinforcement or rearrangement of the *existing Facilities* thereon to accommodate the Non-owner's communications *Facilities*, the Owner shall advise the Non-owner in writing of the estimated make-ready charges that shall apply such charges shall include all the costs of reinforcement or rearrangement..

The Non-owner shall have one hundred eighty days from the receipt of estimated **charges** to indicate its written authorization for completion of the required Make-ready *Work* and agreement to pay the actual *cost* of such work.

Make-ready *Work* shall be performed by the Owner following receipt "of the required written authorization from the Non-owner. The Non-owner shall pay-on a monthly basis the Owner for all Make-ready *Work* completed in accordance with the provisions of this Article, and the Non-owner shall make arrangements directly with the owners of other *Facilities* attached to such towers regarding reimbursement for any expense incurred by them, in transferring or rearranging their *Facilities* to make such attachment accommodations available. The Non-owner shall not be entitled to any monies paid to the Owner for the *Facilities* on a tower by reason of the use by the Owner, governmental entity or other authorized user of any additional capacity resulting from such replacement or rearrangement.

## EXHIBIT 5

Doc. 0203A

- 5 -

Should Owner or a governmental entity having tower accommodation rights for its own service requirements need to attach additional Facilities to any tower to which the Non-owner is attached, the Non-owner shall rearrange its Facilities as determined by Owner so they may be accommodated. The cost of such rearrangement shall be at the sole expense of the Party requesting the rearrangement. If the Non-owner does not rearrange its communications Facilities within one hundred eighty days after the receipt of written notice from the Owner requesting such rearrangement the Owner may perform or have performed such rearrangement without liability on the part of the Owner.

All Make-ready Work, engineering work and attachment work performed by the Owner for the sole benefit of the Non-owner shall be paid for by the Non-owner and included in the Non-owners monthly bill.

### SECTION VI -

#### RESTRICTIONS ON NON-OWNERS RIGHTS

No use, however extended, of towers or payment of any costs or charges required under this Article shall create or vest in the Non-owner any easements or any ownership or property rights of any nature in such towers. This Article shall not constitute an assignment of any Owner rights to use the public or private property at locations of such towers.

The Owner's right to locate and maintain its towers and to operate its Facilities in conjunction therewith in such a manner as will best enable it to fulfill its service requirements is in no manner limited by this Article.

## EXHIBIT 5

Doc. 0203A

- 6 -

### SECTION VII LEGAL REQUIREMENTS

The Non-owner shall be responsible for obtaining from the appropriate authority any required authorization to construct, operate and/or maintain its communications Facilities on public and/or private property before it attaches its communications Facilities to any of the Owner's towers located on such public and/or private property. The Non-owner shall assume the responsibility for assuring all radio interference studies have been made. The Owner will obtain Federal Aviation Administration (FAA) approval as required.

No right to attach under this Article shall extend to any tower where the attachment of the Non-owner's communications Facilities would result in a forfeiture of rights of the Owner, OR joint users, to occupy the property on which the tower is located. If the existence of Non-owner's communications Facilities on a tower would cause a forfeiture of the right of the Owner to occupy such property, Non-owner agrees to remove its communications Facilities forthwith upon receipt of written notification from the Owner. If said communications Facilities are not so removed, the Owner may perform and/or have performed such removal after the expiration of one hundred eighty days from the receipt of said written notification without liability on the part of the Owner. In such case, the Non-owner agrees to pay the Owner the cost thereof and reimbursement for all losses and damages that may result. Notwithstanding the foregoing, the provisions of this Section shall be conditioned upon the Owner providing alternative, suitable Facilities from then-existing plant, if such plant is available. If alternative suitable Facilities are not available from existing plant, the Owner shall not be required to construct new plant to accommodate the Non-owner.

## EXHIBIT 5

Doc. 0203A.

- 17 -

### SECTION VIII PERFORMANCE STANDARDS AND CONSTRUCTION, MAINTENANCE AND REMOVAL OF COMMUNICATIONS FACILITIES

Towers shall be maintained in a safe and serviceable condition by the Owner. The Non-owner and Owner have the responsibility to maintain their respective attachments in a manner that will not endanger or harm the public, the structure or the attachments of others. The Non-owner shall at its own expense furnish and place the necessary hardware to attach its antenna to the tower structure and, where appropriate, ice shields under its antenna.

The type, design and method of attachment of the Non-owner's hardware shall be approved by the Owner. Specifications and drawings must be submitted to the Owner by the Non-owner no less than sixty days before construction begins. Final approval of hardware and attachment design must be approved by the Owner before the attachment to the tower can be made.

The Non-owner shall notify the Owner in writing at least thirty days before adding to, relocating, replacing or otherwise modifying its Facilities attached to a tower where additional space or holding capacity may be required on either a temporary or permanent basis.

The Non-owner's communications Facilities shall be placed and maintained in accordance with the requirements, specifications and standards of the Owner, the National Electrical Code (NEC), the National Electrical Safety Code (NESC), all of which are incorporated by reference in this Contract, including the rules and regulations of the "occupational Safety and Health Act (OSHA) and any governing

## EXHIBIT 5

Dec. 02/03A - 18

authority having jurisdiction over the subject matter. "Acre a difference in specifications may exist, the more stringent shall apply.

If any part of the Non-owner's communications Facilities is not placed and maintained in accordance with the preceding paragraphs, and Non-owner has not corrected the violation within sixty days from receipt of written notice thereof from the Owner, the Owner may at its option correct said condition. The Owner shall attempt to notify the Non-owner in writing prior to performing such work whenever practicable. However, when such conditions pose an immediate threat to the safety of the Owner's employees or the public, interfere with the performance of the Owner's service obligations, or pose an immediate threat to the physical integrity of the Owner's Facilities, the Owner may perform such work and/or take such action that it deems necessary without first giving written notice to the Non-owner as soon as practicable thereafter. Owner shall advise Non-owner in writing of the work performed or the action taken, and shall endeavor to arrange for reaccommodation of Non-owner's Facilities so affected. The Non-owner shall be responsible for paying the Owner for all work and reaccommodation performed by Owner under this paragraph. The Non-owner's liability for payment of any costs under this Section shall be limited to those costs reasonable under the circumstances.

In the event of termination of this Article the Non-owner shall remove its communications Facilities from the Owner's towers within one month from the date of termination; provided, however, that the Non-owner shall be liable for and pay all costs and charges pursuant to terms of this Article to the Owner until the Non-owner's communications Facilities are actually removed from the Owner's towers.

## EXHIBIT 5:

Doc. 0203A ..

- 9 -

If the Non-owner does not remove its communications Facilities from the Owner's towers within the applicable time periods specified in this Article, the Owner shall have the right to remove them at the expense of the Non-owner and without any liability on the part of the Owner to the Non-owner therefore.

### SECTION IX

#### INSPECTION OF NON-OWNER'S COMMUNICATIONS FACILITIES DURING AND AFTER CONSTRUCTION

The Owner reserves the right to make reasonable periodic construction inspections of any part of the Non-owner's communications Facilities attached to the Owner's tower.

If the Owner's post construction inspection reveals that any part of the Non-owner's communications Facilities is not constructed in accordance with the standards specified, the Owner shall advise the Non-owner in writing of the items requiring correction and the Non-owner shall have a maximum of thirty days in which to make such corrections.

The Owner shall give the Non-owner advance written notice of post construction inspections, except in those instances where, in the sole judgement of the Owner, safety considerations justify the need for such an inspection without the delay of such notice. The Non-owner shall have the right to designate employees to accompany the Owner during all such inspections.

The making of periodic inspections or the failure to do so shall not operate to impose upon the Owner any liability of any kind whatsoever nor relieve the Non-owner of any responsibility, obligations or liability under this Article.

## EXHIBIT 5

Doc, 0203A

- 10 -

### SECTION x RESTORATION OF SERVICES

In the event a tower is damaged and needs to be repaired, it will be the responsibility of the Owner to coordinate the restoration activities with the Non-owner. Every reasonable effort shall be made by the Non-owner and Owner to protect each other's attachments during restoration.

Restoration of all service shall be restored as expeditiously as practicable taking into consideration safety and design considerations.

### SECTION XI BILLING

The Owner shall bill the Non-owner monthly for charges incurred under this Article, which are specified in Exhibit %. Charges shall be payable with other amounts due monthly under this Article.

### SECTION XII TERMINATION

This Article shall continue in force until cancelled by either Party on 180 days written notice.

EXHIBIT 5

Doc. 0203A

- 11 -

The parties have executed this Article through their authorized representatives this January 7, 1987.

CENTRAL TELEPHONE COMPANY  
OF VIRGINIA

Witness John S. Whitten

By: Dale L. Cross

Dale L. Cross

Its: Vice President - Operations

AT&T Communications of Virginia, Inc.

Witness Edward H. Kipper

By: John F. ...

Its: Vice President

EXHIBIT 5

D @201A - "... - ,..... 12", - ...

EXHIBIT A

ATTKHM.ENT/DETACHMENT REQUEST

This Exhibit to Article 14 is effective as of January 15, 1987.

Owner:	<u>Central Telephone Company</u>	Name
	<u>P. O. Box 6788</u>	Telephone
	<u>Charlottesville, Va 22906</u>	Address

Non-owner:	<u>AT&amp;T</u>	Name
	<u>External Affairs/(703)359-4050</u>	Telephone
	<u>3201 Jermantown Road-3A1</u>	Address
	<u>Fairfax, Virginia 22030-2885</u>	

Request for: Attachment  X  (check one)  
 Detachment \_\_\_\_\_

Tower location: Rocky Mount, Virginia  
36° 59' 43.0" Lat.  
79° 53' 23.0" Long.

EXHIBIT 5

Doc. 0203A

- 13 -

Page 2 of 2

EXHIBIT A

Tower Attachment description:

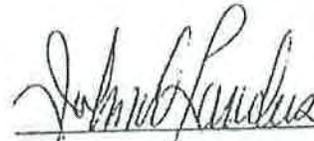
Gabriel UCC10-59L and Associated Waveguide

Other Notes:

NONE

Requested effective date: January 15, 1987

Requested by:



(Signature)

date:

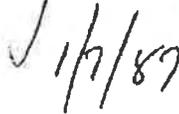


EXHIBIT 5

Doc. 0203A

- 14 -

Page 1 of 2

EXHIBIT B

SCHEDULE OF TOWER ATTACHMENTS

This Exhibit to Article 14 is effective as of January 15, 1987.

SERIAL NO. -----

OWNER NAME: CENTEL CONTACT: Dean Kurtz  
PHONE: (804) 971-2357 ADDRESS: P.O. Box 6788  
Charlottesville, VA 22906

NON-OWNER NAME: AT&T CONTACT: Dist Mgr LEC Relations  
PHONE: (703) 359-4050 ADDRESS: 3201 Germantown Road-3A1  
Fairfax, VA 22030-2885

CONTRACT PERIOD: FROM: January 15, 1987  
To: Until canceled by either party on 180  
days written notice.

Owner [Signature]  
signature  
Vice President-Operations  
title  
1/26/87  
date

Non-Owner [Signature]  
signature  
Vice President  
title  
1/7/87  
date

LOCATION: Virginia Franklin Rocky Mount  
state county exchange  
Rocky Mount -----  
township(s) and range(s) section number(s)

EXHIBIT 5

Doc. 0203A

15

DESCRIPTION OR OTHER INFORMATION: NONE

TOWER DESIGN AND/OR CAPACITY 100' self supporting steel (4' legged) (see attack  
TOWER USE Telecommunications

TYPE OF NON-OWNER

ATTACHMENT Gabriel UCC10-59L and Associated Waveguide

NUMBER OF NON-OWNER

ATTACHMENTS 1

\$ 323.00 PRICE PER MONTH PER ATTACHMENT

OPERATIONS CENTERS  
AND SUPPORT SYSTEMS  
PROVIDED BY OWNER TO  
NON-OWNER AS PART  
OF THIS AGREEMENT . NONE

The parties have executed this Exhibit through their authorized  
representatives this 7th day of January, 1987.

Central Telephone Company  
of Virginia

By: [Signature]

Witness [Signature]

Its: Vice President - Operations

AT&T Communication NS of Virginia, Inc.

By: [Signature]

Witness [Signature]

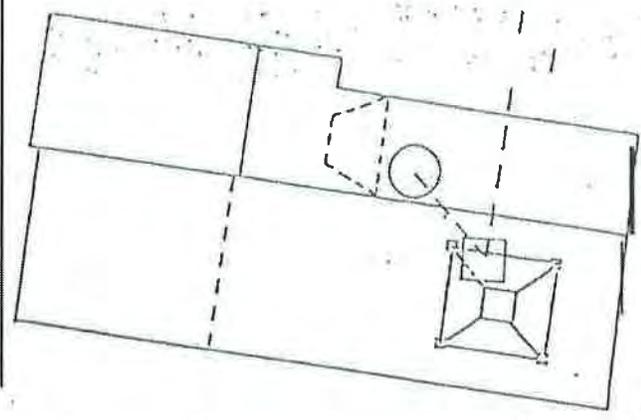
Its: Vice President

EXHIBIT 5 To L SENS. KNOS 31.2 KM  
17° 55' TRUE

TRUE NORTH

10' ALLEY

MAIN STREET



OBSTRUCTION MARKINGS NOT REQUIRED

LIGHTNING ROD

8' x 12' FLAT REFLECTOR AT TOP  
TO GREENS' KNOS

100' SELF-SUPPORTED STEEL TOWER, ROOF MOUNTED

150'  
155'

10' TRUB PA-10200611  
CROSS BAND ANTENNA

50'

15'

35'

25'

1190'  
AMSL.

SITE COORDINATES:  
36° 59' 45" NORTH LATITUDE  
79° 53' 23" WEST LONGITUDE

ROCKY MOUNT, VIRGINIA

LEE TELEPHONE COMPANY

SCALE: 1" = 30'

EXHIBIT "2"

## EXHIBIT 5

Format 2  
8/3/2005

### LEASE AMENDMENT AGREEMENT

THIS LEASE AMENDMENT AND EXTENSION AGREEMENT ("Amendment") is dated this 16th day of June, 2005, between Central Telephone Company of Virginia ("Landlord") and AT&T Communications of Virginia, Inc. ("Tenant") (collectively referred to herein as the "Parties").

WHEREAS, Landlord and Tenant entered into Lease Agreements dated January 15<sup>th</sup> 1987 and January 15<sup>th</sup> 1992, as amended (collectively, the "Lease"), for certain premises located in Rocky Mount, VA, as more particularly described in the Lease (the "Premises");

WHEREAS, the current term of the Lease is perpetual; and

WHEREAS, the parties wish to extend the term of the Lease and to otherwise modify certain terms and conditions thereof;

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth below, the parties agree as follows:

1. Extension of Term

The term of the Lease is extended and will expire on June 30, 2010. Lease will automatically renew for three consecutive five-year terms unless either party provides written notice of its intent not to renew at least six months prior to the then-current expiration date.

2. Rental

Effective as of July 1, 2005, Tenant will pay Landlord \$2300.00 (\$850.00 for the floor space plus \$150.00 for the power plus \$1300.00 for the tower space) as a fixed minimum monthly rental for the remaining term of the Lease, payable in the manner and at the times set forth in the Lease. Monthly rate increases 3% annually on July 1<sup>st</sup>.

3. Termination

In addition to any other rights to terminate this Agreement, Tenant has the right to terminate this Agreement at any time: (a) during any Renewal Term, upon 180 days prior written notice for any reason provided that Tenant pay to Landlord a lump sum termination fee equal to twelve (12) times the monthly Fee as provided in this Agreement, due and payable at the end of such notice period; (b) upon 60 days' prior written notice if any certificate, permit, license or approval affecting Tenant's ability to use the Premises in the manner originally intended by Tenant is rejected or Tenant determines in good faith that Tenant is unable to obtain the certificate, permit, license or approval in a timely fashion; or (c) upon 60 days' prior written notice if any previously

EXHIBIT 5

Format 2  
8/3/2006

issued certificate, permit, license or approval is canceled, expires, lapses or is otherwise withdrawn or terminated by the applicable governmental agency through no fault of Tenant.

4. Notice

Notices to be delivered pursuant to the Lease must be addressed as follows:

To Tenant:

Central Telephone Company of Virginia  
Mailstop: KSOPHT0101-Z2040  
6391 Sprint Parkway  
Overland Park, KS 66251  
Attn.: Manager, Transactions & Project Services, Manager Network Facilities

With copies of default notices to:

Central Telephone Company of Virginia  
Mailstop: KSOPHT0101-Z2020  
6391 Sprint Parkway  
Overland Park, KS 66251  
Attn.: Sprint Real Estate Attorney

5. Except as is explicitly amended hereby, the Lease will remain in full force and effect and is restated, ratified, and confirmed in accordance with its original terms, as amended hereby.

6. The Lease may be further modified or amended only by a writing duly authorized and executed by both Landlord and Tenant.

Landlord:

CENTRAL TELEPHONE COMPANY  
OF VIRGINIA

By: [Signature] Karen Nicholas

Printed Name: Bolan Jordan

Title: Director - EPS

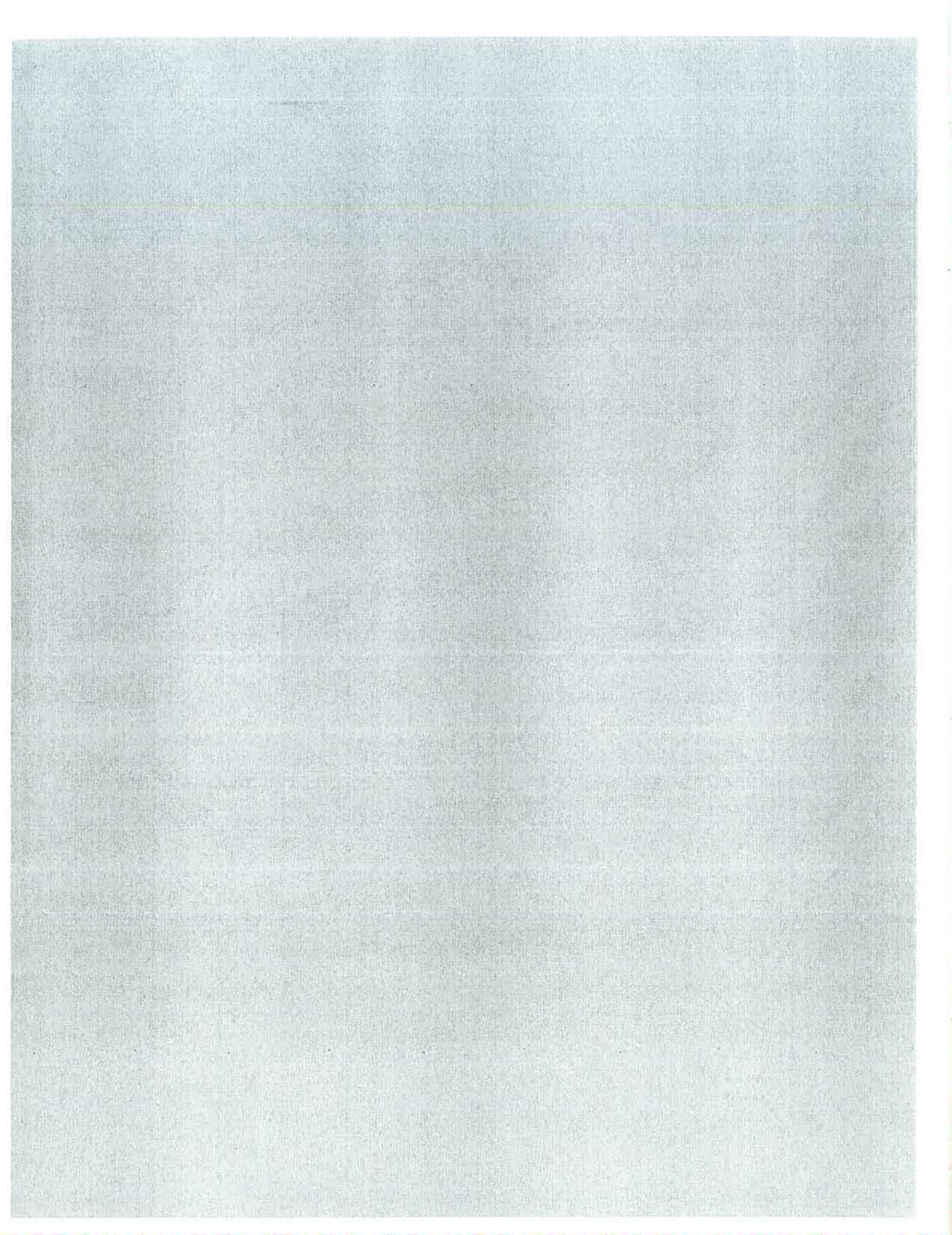
Tenant:

AT&T CORP.

By: [Signature] Amy Wheelus

Printed Name: Amy Wheelus

Title: District/Group Manager



## EXHIBIT 6

From: BALLENGER, ROBYN [mailto:rb8574@att.com]  
Sent: Wednesday, August 21, 2013 8:36 AM  
To: Karpowich, Steve M; Call, Jeremy K  
Subject: RE: AT&T Rocky Mt De-POP PRN 484276

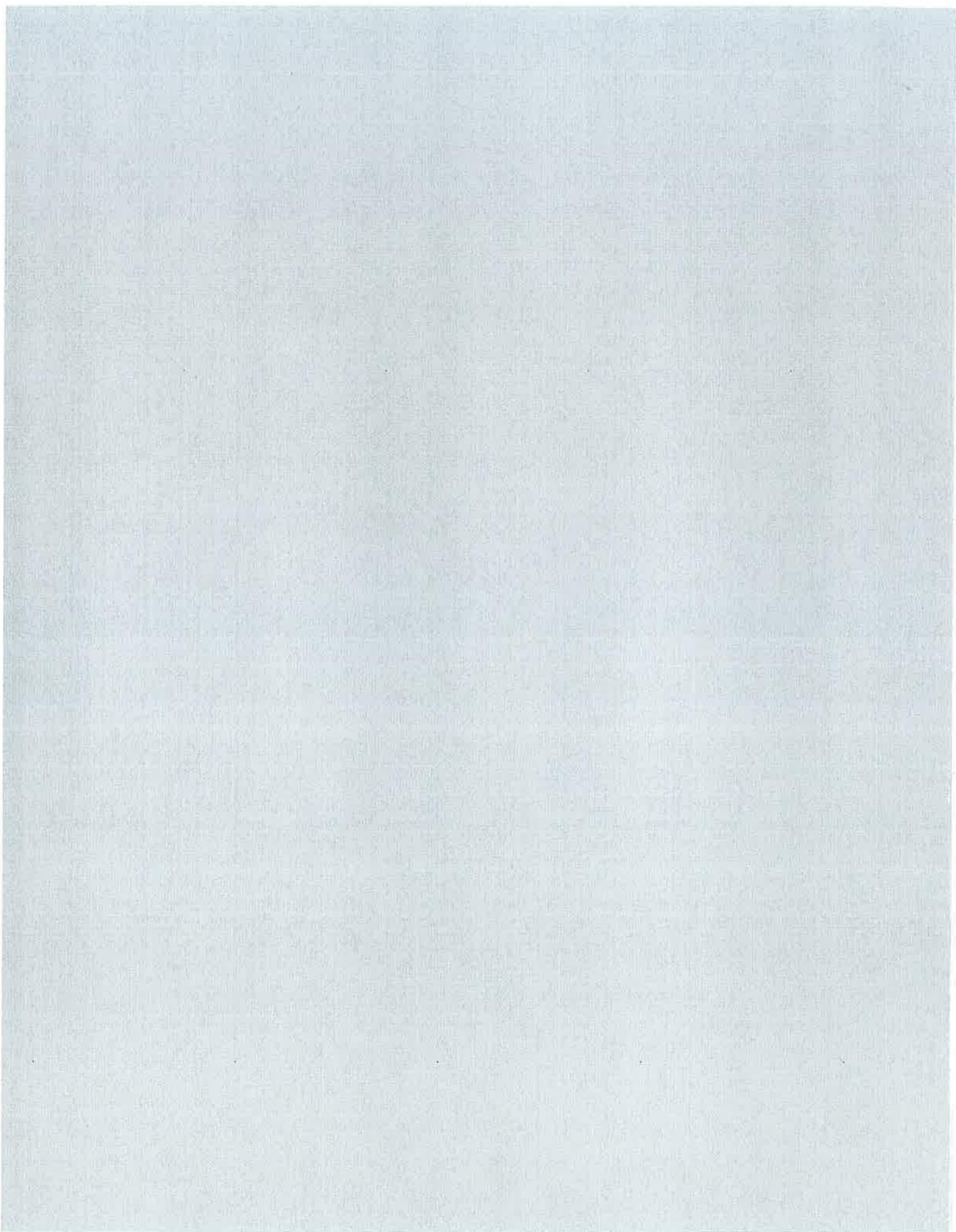
No, this project has not yet completed. There are still 25 message (switch) T1s to be disconnected as well as the facilities that they ride. These 25 sw T1s are meetpoint circuits between Verizon and Centurylink; so, it has taken more effort than planned to move forward in a timely manner. At the present, the target to complete circuit migration is October. Thanks.

Robyn Ballenger  
DePOP Project Manager  
(678) 355-6307

From: Karpowich, Steve M [mailto:Steve.Karpowich@centurylink.com]  
Sent: Wednesday, August 21, 2013 9:24 AM  
To: Call, Jeremy K  
Cc: BALLENGER, ROBYN  
Subject: RE: AT&T Rocky Mt De-POP PRN 484276

Was this project completed?

Thanks



## EXHIBIT 7

From: BALLENGER, ROBYN [mailto:rb8574@att.com]  
Sent: Wednesday, March 12, 2014 9:50 AM  
To: Karpowich, Steve M  
Cc: COOLEY, DAVID L  
Subject: RE: AT&T Rocky Mt De-POP PRN 484276

Yes, all of the circuit migration has completed. There is NO AT&T traffic in the Rocky Mt, VA building. The equipment removal is scheduled to begin in early April; so, all AT&T equipment should be removed by mid April or so. If you have additional questions, please advise.

Robyn Ballenger  
DePOP Project Manager  
(678) 355-6307

From: Karpowich, Steve M [mailto:Steve.Karpowich@centurylink.com]  
Sent: Wednesday, March 12, 2014 10:26 AM  
To: BALLENGER, ROBYN; Call, Jeremy K  
Subject: RE: AT&T Rocky Mt De-POP PRN 484276

Robyn,

Do you know if this was completed?

Thanks



## EXHIBIT 8

**From:** Hughes, Derrick G  
**Sent:** Thursday, August 21, 2014 4:38 PM  
**To:** Ison, Ralph L  
**Subject:** Dish taken out of service officially on 2014, April 3rd

Hi Ralph,

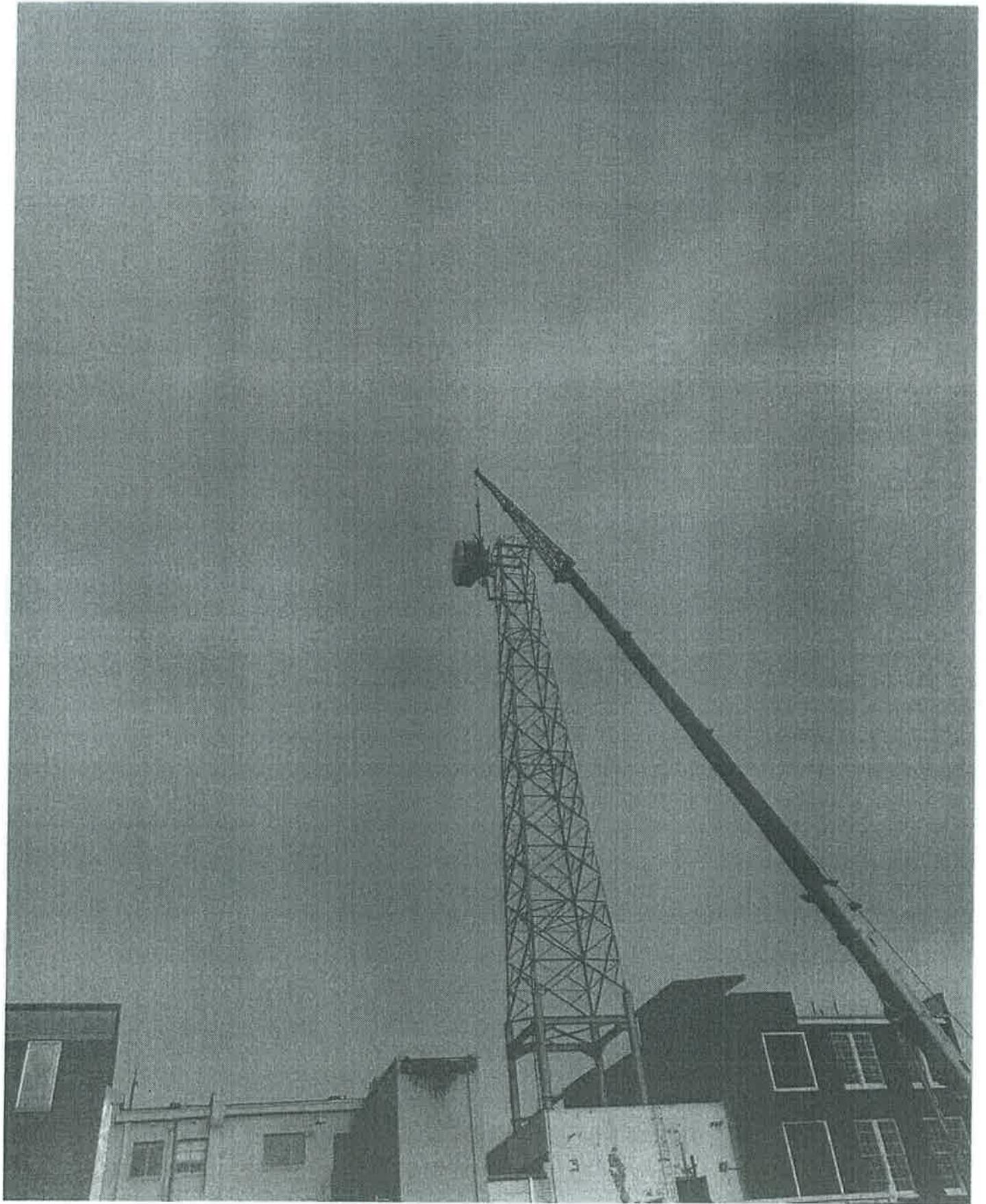
Time Stamp: 2014, April 3<sup>rd</sup>, @ 1828 hr, (06:28pm) is the official time of removal of the active Dish from the Tower at 280 S Main St, Rocky Mount VA.

Attached is a photo, I have multiple ones, but am sending you (2). I also have a video that clearly shows the truck's license plate that removed the Dish. And, the video includes the rented truck that the town itself had to approve its presence that day- so they have record of the removal themselves.

Let me know, I'll be happy to show these photos and video to any town official if necessary- other than the attached file name showing Date/time with hour/minute and seconds, I don't know how to show the time stamp on the photo itself, besides- the photos all remain on my phone.

Let me know if you need additional information- I'm glad to help.

Regards,  
Derrick





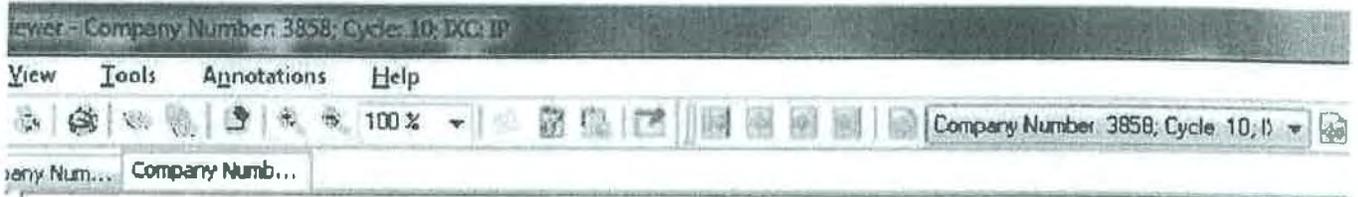
# EXHIBIT 9

The screenshot shows the Livelink DocuLink application window. At the top, there is a menu bar with options: view, edit, goto, settings, DocuLink-Help, System, and Help. Below the menu is a toolbar with various icons. The main content area is titled "Livelink DocuLink" and contains a table of data. The table is titled "Display APAY Data" and has 13 columns. The data rows show payment information for four different periods, each with a value of 3,000.97. The SAP logo is visible in the bottom right corner of the application window.

Display APAY Data															
▶	3858	10	IP87	3	0254	14214	WIRE	3,000.97	3,000.97	00098	12/11/2014	12/10/2014	12/11/2014	0	Y
▶	3858	10	IP87	3	0254	14344	WIRE	3,000.97	3,000.97	00098	01/20/2015	01/09/2015	01/20/2015	0	Y
▶	3858	10	IP87	3	0254	13010	WIRE	3,000.97	3,000.97	00098	02/11/2015	02/10/2015	02/11/2015	0	Y
▶	3858	10	IP87	3	0254	15041	WIRE	3,000.97	3,000.97	00098	03/12/2015	03/10/2015	03/12/2015	0	Y
▶	3858	10	IP87	3	0254	15069	WIRE	3,000.97	3,000.97	00098	04/09/2015	04/10/2015	04/09/2015	0	Y

**Screenshot from CenturyLink Wholesale Operations Showing AT&T's Lease Payments (December 2014-present) regarding Rocky Mount, VA Tower**





**Cable, Fran L**

300

**From:** [REDACTED]  
**Sent:** Saturday, April 04, 2015 2:27 AM  
**To:** OPS-CABS-PAY  
**Subject:** FYI: ATT Accounts Payable EFT Remittance Advice

**From:** AP INQUIRIES  
**Hello:** CENTRAL TELEPHONE CO OF VIRGINIA  
**Address:** PO BOX 4648  
 MONROE, LA, 71211 4648

**Vendor/Supplier Number:** 200138ATT

**Payment Number:** 31918541  
**Payment Date:** 06-APR-15  
**Payment Amount:** 3,000.97  
**EFT Type:** ACH

ATT has transferred funds to you as payment for the following invoices:

Invoice Discount Number	Invoice Amt Paid	Invoice Date	Invoice Amount
0254IPS753	N01491610	10-MAR-15	3,000.97
0.00	3,000.97		
3858IPS7515069	0254IPS753	20150310	

Please do not reply to this message.  
 If you have questions about this transaction, please send an e-mail to: [ap-inquiries](mailto:ap-inquiries)  
 or call toll free 866-921-6959.

You can now access our website to view invoice and payment information.  
 Access <https://paymentstatus.att.com>  
 Before logging in the first time, you will need to select Apply for a User Id Enter provided Supplier Number.  
 Create your own User ID and Password.  
 (There can be several User IDs per Supplier Number, so several of your employees can their own access) You will receive a message confirming that your User ID has been c  
 You can then logon to the site and search your invoices and payments.

Funds should be available in your account by the end of the following business day i accordance with the ACH Banking Regulations.



**From:** Karpowich, Steve M  
**Sent:** Tuesday, October 01, 2013 3:18 PM  
**To:** Snead, Rob R  
**Subject:** Franklin Co app PRN 487055  
**Attachments:** CenturyLink Space\_Power Application Rev 4.doc; Franklin Co tower, Rocky Mt, VA PRN 487055.pdf

Project number (Please reference on future correspondence): PRN 487055  
 Site address: 109 S Main Rocky Mt, VA

Thank you for your interest in a new lease or amending an existing space on one of CenturyLink's towers. I am glad to help you manage this process. Tower leases must have an equipment component located on the ground or within the office. CenturyLink does not support two way radios, repeaters or point to point applications. Leasing from CenturyLink requires the purchase of network services from this tower. If you place equipment in our office, some guidelines to consider are below:

CenturyLink will allow customers to locate their equipment in our Central Offices where:

- o There is space and power available to accommodate their needs
- o DC Power is the only power provided by CenturyLink
- o This is a transmission room environment – not a data center environment
- o The customer locating their equipment there is not authorized to connect with any other customers within that CO
- o Any services the customer is looking for will be provided directly from CenturyLink – no services can be connected from other providers

Attached is an application and application fee remittance form. Both must be returned before the project officially starts with the engineering review. If you need additional information such as a W9 or Programmatic Authority Letter (PAL), please let me know.

Our estimated project timelines are below. Please understand that this is a typical estimate, but not guaranteed.

Tower Leasing Steps	Est. Time to Complete (weeks)	Ownership
1 Application returned		Customer
2 Application fee returned		Customer
3 Approval for ground or floor space *	2	CenturyLink
4 Approval for power (floor space)	2	CenturyLink
5 Engineering review of loading request	1	CenturyLink
6 SA complete, add'tl eng. Studies, if needed. Assumes no modifications are needed.	4	CenturyLink
7 Contract negotiation **	2 to 8	CenturyLink

**EXHIBIT 11**

8 Notice to proceed  
9 Billing commences  
10 Project Completed  
Total Time \*\*\*

CenturyLink  
CenturyLink  
CenturyLink

13

- \* Review for engineer, space and power will not begin until the customer returns the application and application fee.
- \*\* Contract negotiation will not begin until the tower SA passes or modifications (at customer expense) are completed.
- \*\*\* Total timeline estimate is for CenturyLink internal steps. The actual length may vary and will have direct impact from ti

Sincerely,  
Steve

**Steve Karpowich**  
**CenturyLink Product Management**  
**Floor, Tower, Pole and Conduit**

913-345-6246 (voice)  
913-345-6802 (fax)  
[steve.karpowich@centurylink.com](mailto:steve.karpowich@centurylink.com)

**Steve Karpowich**  
**CenturyLink Product Management**  
**Floor, Tower, Pole and Conduit**

913-345-6246 (voice)  
913-345-6802 (fax)  
[steve.karpowich@centurylink.com](mailto:steve.karpowich@centurylink.com)



---

**From:** Karpowich, Steve M  
**Sent:** Tuesday, January 07, 2014 4:52 PM  
**To:** 'echacon@bluestreampro.com'  
**Cc:** Meade, Jill C  
**Subject:** Franklin County, 109 S Main, Rocky Mount, NC PRN 587055  
**Attachments:** Centurylink\_Space\_Power\_Application.pdf

Enrique,

Please work with Jill and quote the SA.

Thanks

-----Original Message-----

**From:** Meade, Jill C  
**Sent:** Monday, January 06, 2014 6:13 AM  
**To:** Karpowich, Steve M  
**Subject:** FW: Emailing: Centurylink\_Space\_Power\_Application.pdf

Here was the first one I sent but it didn't have the following filled in:

Using 48Volt DC power the equipment that we estimate that Franklin would deploy at the Centurylink tower would draw a total of 287 Amps. This would be a max load on a fully loaded system.

Is this what you need?

Thanks

Jill Meade  
Centurylink

This e-mail is the property of Centurylink and may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender and delete all copies of the message.

-----Original Message-----

**From:** Mattox, Freda [<mailto:FMattox@franklincountyva.org>]  
**Sent:** Thursday, November 14, 2013 3:24 PM  
**To:** Meade, Jill C  
**Cc:** Thomas, Steve  
**Subject:** Emailing: Centurylink\_Space\_Power\_Application.pdf

Hi Jill,  
Steve asked me to email the attached application to you.

Thanks,

Freda Mattox

## EXHIBIT 12

Franklin County Information Technology  
1255 Franklin Street, Suite 108  
Rocky Mount, VA 24151  
(540) 483-3037 Work  
(540) 483-6644 Fax  
[fmattox@franklincountyva.org](mailto:fmattox@franklincountyva.org)

# CENTURYLINK SPACE/POWER APPLICATION

This application review will not begin until the appropriate application fee is paid.

CenturyLink 5454 W 110 <sup>th</sup> Street Overland Park, KS Attention: Steve Karpowich	Main Tel: 913-345-6246 Fax: 913-345-6802 E-mail: <a href="mailto:steve.karpowich@centurylink.com">steve.karpowich@centurylink.com</a>
---	---

### TENANT INFORMATION

<b>Date:</b> November 6, 2013	<b>Tenant:</b> Franklin County, VA	<b>Tel/Fax:</b> 540-483-6640
<b>Email:</b>		

### TENANT CONSTRUCTION CONTACT INFORMATION

<b>Contact Name and Company:</b> TBD Steve Thomas County of Franklin	<b>Phone:</b> 540-483-6640	<b>Email:</b> stevethomas@FranklinCountyVA.org	<b>Fax:</b>
--	-------------------------------	---	-------------

### SITE INFORMATION

<b>CTL Site Name:</b>	<b>Site Address/Location:</b>	<b>Contact Info:</b>
<b>CTL Site ID #:</b>	<b>Tenant Site Name/ID#:</b>	

### CUSTOMER CHECKLIST

- New or amended lease box checked
- Construction drawings provided for tower, ground and or interior space
- Acknowledge that only DC power is available in CTL buildings. Exterior power lease provided by the local utility company.
- Leasing information completely filled out. ACNA and Bill to information is necessary to process the application.
- "Currently Authorized" lease details completed and "Total Final Configuration clearly" completed.
- Acknowledge understanding that CenturyLink does not accept outside engineering studies, but will quote the necessary work.
- Always reference your project number on all correspondence.

### LEASING INFORMATION

<b>Name of Company to appear on agreement:</b> <small>Note: If Tenant's entity name is other than the entity name as entered into under the original lease, Tenant will need to provide copies of the assignment/transfer documents associated with the entity change.</small>	<b>State Incorporated:</b>
<b>Signatory Name:</b>	<b>Signatory Title:</b>
<b>Corporate Address:</b>	<b>Notice Address:</b>
<b>Billing address (include ACNA):</b> <small>This must be completed before the project review begins.</small>	<input type="checkbox"/> New Lease <input type="checkbox"/> Amended Lease
<b>Name/Phone &amp; Address to send agreement for execution:</b>	<b>Email:</b>

Description of proposed changes and customer comments:

**TOWER EQUIPMENT SPECIFICATIONS** (NOTE: CURRENTLY AUTHORIZED MUST BE FILLED OUT TO AVOID CONTRACT DELAYS)

TOWER ATTACHMENT	CURRENTLY AUTHORIZED	PROPOSED CHANGE <small>(Indicate additions and removals)</small>	TOTAL FINAL CONFIGURATION <small>(Including any authorized but not yet installed)</small>
# PANELS Please list for each the: <small>(Mfg/Model/Dimensions/Wgt)</small>	Total:	Total: 3 Omnis Sinclair SC468-SF1SNF(D04) 183" x 2.5" x 2.5", 30 lbs.	Total:
# TMAs: <small>(Mfg/Model/Dim/Wgt)</small>		N/A	
# RETs: <small>(Mfg/Model/Dim/Wgt)</small>		N/A	
# RRUs: <small>(Mfg/Model/Dim/Wgt)</small>		N/A	
# DIPLXs: <small>(Mfg/Model/Dim/Wgt)</small>		N/A	
# ODUs: <small>(Mfg/Model/Dim/Wgt)</small>		N/A	
# MISC: <small>(Mfg/Model/Dim/Wgt)</small>		N/A	
Centerline Mount Height: <small>(Relative to tower baseplate)</small>		Omnis qty 1 top, qty 2 top minus 25 feet.	
Downtilt:		N/A	
Orientation:		N/A	
# Dishes: <small>(Mfg/Model/Dimensions/Wgt)</small>		Add Total: Qty 2 Andrew Microwave Dish/ PAR8-59W/ 6.00' x 6.00' x 0.017 276 lbs	Total:
Dish Orientation:		90 East and 170 West	
Mount Using Existing? <input checked="" type="checkbox"/> YES or <input type="checkbox"/> NO* <small>*If NO, please provide specs including weight</small>		Side Arm Pipe Mounts for all	
# of Lines / Cable Size: <small>(Coax, RET, etc.)</small>		806.0000 MHz/ 851.0000MHz TBD	
List Frequencies Specify TX and/or RX List specific operating frequencies and <u>not</u> entire range for all antennas existing and new <u>Even if No Changes</u> <small>(MW Frequencies and FCC License if applicable):</small>		TBD	

**GROUND SPACE SPECIFICATIONS**

The tenant will contract outside power with the local utility company. CenturyLink will not provide.

GROUND SPACE	LEASED	PROPOSED CHANGE	TOTAL FINAL GROUND SPACE
Shelter, pad or ground space in feet (ex: 10x4)	x	x N/A	x

**INTERIOR SPACE REQUIREMENTS**

Square Feet:  
(Minimum of 10 square feet per rack.)  
10 Racks plus UPS = 110 square feet

Secured Enclosure?\*

YES or  NO (Only if space is available. An additional one time charge and additional monthly charge will apply.)

# EXHIBIT 12

## DC POWER

AC Power and Battery Plants are not allowed for any tenant.

Rack #	New or augment:	Total Power Drain in amps:	Fused Power requested PER LEAD in amps:	Notes:
Example: RR#1	New MX960-HD	160	60amp ea with (4) A & (4) B Feeds	27.75 H x 17.37 W x 23 D (350 lbs.)
TBD				x x
				x x
				x x

- All applications must include the correct CenturyLink Site Name.
- TENANT Site ID & Site Name, if applicable, must also be included on all applications.
- Full name, with any initials, if required by the authorized TENANT-signatory, along with their official title. If unknown and/or will be hand written in at time of execution, please fill the requested field in with "LEAVE BLANK".
- TENANT entity name and state of incorporation must be entered and should match TENANT's entity name as shown on the latest agreement as amended, if applicable. If the TENANT entity name does not match the most recent agreement, the official transfer (i.e. assignment, merger, conversion, name change) documentation must be provided with the Application.
- Site Consultants should obtain any associated due diligence (i.e. prior all lease or other documentation, etc.) from the requesting TENANT Applicant.
- Full specifications/dimensions/weight must be provided for all equipment, along with associated mount specifications. Equipment datasheets for such equipment should be provided with the Application. Specifications for appurtenance mounts including manufacturer, model #, dimension, weight, must also be submitted. All equipment measurements should be stated in U.S. measurement standards.
- In the event TENANT has any authorized but not yet installed loading such as equipment must be fully identified (i.e. quantities, associated cables, full dimensions and weight) and listed as part of the "Final Configuration" on the Application.
- All frequencies to be used at the site must be licensed by TENANT, listed clearly on the Application, and identified as TX and/or RX, as applicable. Full spectrums (i.e. 1900-2100) will not be accepted & will delay processing.
- Downtilt and Orientation information should be included with the listed equipment as part of the "Final Configuration" section.
- A copy of the Tenant's Radio Frequency Data Sheet (RFDS) should be included at the time the application is submitted.
- If a NPA Letter is needed, it must be requested at the time the Application is submitted.
- The information provided on this Application will be utilized in the preparation of the necessary Structural Analysis report and associated site studies. Upon submittal of this Application and applicable fees, and acceptance by CenturyLink; applicant will receive a quotation from CenturyLink's independent engineering consultant for the preparation of the necessary studies. **CenturyLink will not accept studies and reports prepared by the Tenant or tenant consultants unless approved in advance by CenturyLink.**
- Remote Electronic Tilts (RETs), Tower Mounted Amplifiers (TMAs), Remote Radio Heads/Remote Radio Units (RRH/RRU), and/or similar equipment that come as separate units may be subject to additional rental charges. All such ancillary equipment must be listed on the Application, with an indication as to whether such equipment is integrated/built into the antenna or mounted to the antenna, along with the related equipment specifications and datasheet confirming the same.

## INTERNAL USE ONLY

- ARN Identified
- Lease template provided for review
- Pricing exhibit provided to the negotiator
- CDs provided to the negotiator
- ACNA identified
- BAF created
- USOC updated



**From:** Karpowich, Steve M  
**Sent:** Thursday, February 27, 2014 4:51 PM  
**To:** 'Wilmer, Jessica'  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA PRN 489164  
**Attachments:** NTELOS new lease, Rocky Mount, VA PRN 489164.pdf; CenturyLink Space\_Power Application Rev 5.doc

Project number (Please reference on future correspondence): PRN 489164  
 Site address: 109 S. Main St., Rocky Mount, VA

Thank you for your interest in a new lease or amending an existing space on one of CenturyLink's towers. I am glad to help you manage this process. Tower leases must have an equipment component located on the ground or within the office. CenturyLink does not support two way radios, repeaters or point to point applications. Leasing from CenturyLink requires the purchase of network services from this tower. If you place equipment in our office, some guidelines to consider are below:

CenturyLink will allow customers to locate their equipment in our Central Offices where:

- o There is space and power available to accommodate their needs
- o DC Power is the only power provided by CenturyLink
- o This is a transmission room environment – not a data center environment
- o The customer locating their equipment there is not authorized to connect with any other customers within that CO
- o Any services the customer is looking for will be provided directly from CenturyLink – no services can be connected from other providers

Attached is an application and application fee remittance form. Both must be returned before the project officially starts with the engineering review. If you need additional information such as a W9 or Programmatic Authority Letter (PAL), please let me know.

Our estimated project timelines are below. Please understand that this is a typical estimate, but not guaranteed.

Tower Leasing Steps	Est. Time to Complete (weeks)	Ownership
1 Application returned		Customer
2 Application fee returned		Customer
3 Approval for ground or floor space *	2	CenturyLink
4 Approval for power (floor space)	2	CenturyLink
5 Engineering review of loading request	1	CenturyLink
6 SA complete, add'tl eng. Studies, if needed. Assumes no modifications are needed.	4	CenturyLink
7 Contract negotiation **	2 to 8	CenturyLink
8 Notice to proceed		CenturyLink
9 Billing commences		CenturyLink
10 Project Completed		CenturyLink

\*\*\* Total Time \*\*\*

- \* Review for engineer, space and power will not begin until the customer returns the application and application fee.
- \*\* Contract negotiation will not begin until the tower SA passes or modifications (at customer expense) are completed.
- \*\*\* Total timeline estimate is for CenturyLink internal steps. The actual length may vary and will have direct impact from the

Sincerely,  
Steve

**From:** Wilmer, Jessica [mailto:wilmerj@ntelos.com]  
**Sent:** Wednesday, February 26, 2014 3:02 PM  
**To:** Karpowich, Steve M  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

NTELOS is a wireless PCS provider similar to AT&T, Sprint, Verizon, T-Mobile, etc. We would like to expand our wireless PCS footprint in the Rocky Mount area. NTELOS currently is a tenant collocated on other CenturyLink tower sites in Virginia.

**From:** Karpowich, Steve M [mailto:Steve.Karpowich@centurylink.com]  
**Sent:** Wednesday, February 26, 2014 3:56 PM  
**To:** Wilmer, Jessica  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

I'm sorry, but I wasn't clear. What's the business interest in attaching to this tower? As I mentioned, we don't allow fiber runs on our property and you can't carry traffic for other carriers. Our usual customer is a wireless tenant who wants us to backhaul traffic from the tower to our network. I'm not clear why NTELOS wants on this tower.

**From:** Wilmer, Jessica [mailto:wilmerj@ntelos.com]  
**Sent:** Wednesday, February 26, 2014 2:54 PM  
**To:** Karpowich, Steve M  
**Subject:** RE: NTELOS Interest in CenturyLink Tower In Rocky Mount, VA

For the drive test – If a climber is preferred by CL, NTELOS will place a small omni on the tower and our RF crew will drive the surrounding area to record and analyze the signal. A climber will be on the tower while the test is being conducted. Or if a crane is preferred by CL, the crane will park adjacent to the tower and the omni will be attached to the crane and lifted to the proposed height on the tower. The tower is not climbed in this scenario. The RF crew will drive the area recording the signal. This typically takes only a few hours to accomplish. Crane set up (if necessary takes the longest).

Once we determine if the tower is a suitable candidate for collocation, NTELOS will then submit an application and go through the normal process. NTELOS prefers to test a site in the field before committing to it rather than just relying on propagation tools.

I hope I explained this well. If you need a better explanation, I will call you.

**From:** Karpowich, Steve M [<mailto:Steve.Karpowich@centurylink.com>]  
**Sent:** Wednesday, February 26, 2014 2:40 PM  
**To:** Wilmer, Jessica  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

Before we go further, please let me know what NTELOS wants to do at this site. I'm not really understanding the project specifics.

Thanks

**From:** Wilmer, Jessica [<mailto:wilmerj@ntelos.com>]  
**Sent:** Wednesday, February 26, 2014 1:38 PM  
**To:** Karpowich, Steve M  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

Steve – Currently, NTELOS does not have an agreement with CenturyLink to provide fiber services, however, I understand conversations have occurred. We will use wireline connectivity of some sort with CenturyLink to the site. Before NTELOS makes a formal application to CenturyLink, we will attempt to better understand our options locally. In the meantime before NTELOS can submit an application, would it be acceptable for NTELOS to drive test the site to determine its suitability with our existing surrounding sites? We would either use a crane or a climber (depending on your preference) for the test. Typically this takes only a few hours. Could you send an entry and testing agreement for this test? If the site doesn't work well for RF, the fiber may be a moot point.

Thank you.

**Jessie Wilmer**  
**NTELOS -Network Coordinator**  
1150 Shenandoah Village Drive  
Waynesboro, VA 22980  
(540) 841-4220 Ext. 8079 **\*\*PLEASE DONT USE OUR PHONE NUMBER\*\***  
(540) 241-5060 (PCS)  
[wilmerj@ntelos.com](mailto:wilmerj@ntelos.com)



**From:** Karpowich, Steve M [<mailto:Steve.Karpowich@centurylink.com>]  
**Sent:** Tuesday, February 25, 2014 8:43 AM  
**To:** Wilmer, Jessica  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

I don't know the heights on the tower. During the SA process a mapping is usually done that identifies the space available.

**From:** Wilmer, Jessica [<mailto:wilmerj@ntelos.com>]  
**Sent:** Tuesday, February 25, 2014 7:33 AM  
**To:** Karpowich, Steve M  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

Steve – I will pass this information along and confirm facilities can be obtained from CenturyLink before making an application. Do you know an available height on the tower?

Thanks.  
Jessie

**From:** Karpowich, Steve M [<mailto:Steve.Karpowich@centurylink.com>]  
**Sent:** Monday, February 24, 2014 4:43 PM  
**To:** Wilmer, Jessica  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

Jessica,

We can consider a lease through the application process. Please note, this is a very small site to work within and the ground space is limited. We are currently not leasing interior space so your request would need to be somewhat creative with your equipment needs. You will also need to purchase services from us from this tower. Please confirm what you would purchase from this site.

If you're interested in proceeding, I can forward you an application and application fee form (\$800) to start. We will quote you the structural analysis afterward.

Thanks,  
Steve

**From:** Wilmer, Jessica [<mailto:wilmerj@ntelos.com>]  
**Sent:** Monday, February 24, 2014 3:31 PM  
**To:** Karpowich, Steve M  
**Subject:** NTELOS Interest in CenturyLink Tower in Rocky Mount, VA

Good afternoon Steve -- NTELOS may be interested in a new collocation installation at a CenturyLink tower located at a CO building in Rocky Mount, VA. The building fronts on S. Main Street, Rocky Mount, VA. Below are coordinates. I have also attached pictures of the tower. Is this tower a site that CenturyLink would entertain leasing? If you could let me know who I need to contact, I would appreciate it.

36-59-44.6  
79-53-23.9

*Jessie Wilmer*  
**NTELOS -Network Coordinator**  
1150 Shenandoah Village Drive  
Waynesboro, VA 22980

(540) 963-6229 Ext. 2072 \*\*PLEASE NOTE NEW DEDICATED NUMBER\*\*

(540) 241-5060 (PCS)

[wilmerj@ntelos.com](mailto:wilmerj@ntelos.com)



WE INSPIRE LOYALTY.



---

**From:** Wilmer, Jessica [wilmerj@ntelos.com]  
**Sent:** Thursday, March 06, 2014 10:45 AM  
**To:** Gilley, Steven  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA PRN 489164  
**Attachments:** [Untitled].pdf

Steven – Attached is the E&T signed by NTELOS. A scanned fully executed copy returned will suffice for NTELOS. Please let me know what the next step is needed on our part to schedule the drive test. Who should we contact on site about scheduling a crane and the location to park it, dates, etc.?

Thanks.

**Jessie Wilmer**  
**NTELOS -Network Coordinator**  
1150 Shenandoah Village Drive  
Waynesboro, VA 22980  
(540) 941-4220 Ext. 3073 **\*\*PLEASE NOTE NEW DESK PHONE NUMBER\*\***  
(540) 241-5060 (PCS)  
wilmerj@ntelos.com



---

**From:** Gilley, Steven [mailto:Steven.D.Gilley@centurylink.com]  
**Sent:** Friday, February 28, 2014 5:53 PM  
**To:** Wilmer, Jessica  
**Subject:** RE: NTELOS Interest in CenturyLink Tower in Rocky Mount, VA PRN 489164

Hi Jessica –

Please send all signed originals to my attention at the address, email or fax below. Considering the way the weather has been, 90 days is acceptable.

Thank you,

**Steven D. Gilley**  
CenturyLink | DF154L0201-2069 | 5454 W, 110th Street | Overland Park, KS 66211 | Ph: 913-345-6787 |  
Fx: 913-323-4798 | [Steven.D.Gilley@CenturyLink.com](mailto:Steven.D.Gilley@CenturyLink.com)

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law or agreement. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you have received this transmission in

Licensor Site: ROCKY MOUNT, VA TWR/HOST SWITCH/OFFI  
 Site Number: SRN 16107



CenturyLink™

### RIGHT OF ENTRY AND TESTING AGREEMENT

This RIGHT OF ENTRY AND TESTING AGREEMENT ("Agreement") is made and entered into as of the \_\_\_\_\_ day of **March, 2014** ("Effective Date"), by and between **Central Telephone Company of Virginia d/b/a CenturyLink**, a Virginia corporation, ("Licensor") and **Virginia PCS Alliance, L.C., d/b/a NTELOS,** a Virginia limited liability company, ("Licensee").

- A. Licensor owns a parcel of land (the "Site"), located in the City of **Rocky Mount, VA**, Franklin County, Virginia, with an address of 109 South Main Street (STATE US 220), and which real property is more fully identified on **Exhibit "A"** attached hereto and incorporated by reference herein (the "Site"). Licensor owns a communications tower located on the Site.
- B. Licensee has an interest in determining the viability and feasibility of a portion of the Site for its use to install, construct, operate, maintain, expand, replace and remove certain communication equipment ("Facilities") only.
- C. In order for Licensee to determine the viability and feasibility of the Site, Licensee desires for employees, agents or Licensor approved independent contractors of Licensee to enter upon and inspect the Site and/or temporarily locate communications equipment on the Site to conduct short term tests, and to make application with local, state and federal governmental entities for approval of the Site such that it can determine the suitability of the Site for its intended use.
- D. Licensor and Licensee desire to provide for the entry upon the Site in order to conduct such inspection and/or testing activities and applications concerning the Site pursuant to the terms contained in this Agreement.

In consideration of the mutual promises, covenants, undertakings, and other considerations set forth in this Agreement, the receipt and sufficiency of which is hereby acknowledged, Licensor and Licensee agree as follows:

1. **Consent.** Licensor consents and agrees that Licensee, its employees, authorized agents and Licensor approved independent contractors (collectively, "Authorized Parties") may enter upon the ground space of the Site to conduct and perform some or all of the following activities as Licensee deems necessary (collectively, "Permitted Activities"): (i) make any and all physical inspections of the Site, including but not limited to core drillings, geotechnical soil drillings and sampling, and other invasive testing; (ii) conduct Phase 1 environmental testing and audits of and with respect to the Site; (iii) make any other tests or inspections of the Site and do such other matters related to the Permitted Activities, including a boundary survey or title report, radio propagation studies, tower mapping, appurtenance mapping; (iv) make all inquiries of appropriate governmental authorities regarding any zoning, permits or other authorizations; and (v) place electrical or other utilities on the Site for Licensee's use and at its expense as Licensor deems necessary to carry out the Permitted Activities. Licensee shall notify and obtain Licensor's prior consent before accessing Licensor's tower, monopole and/or equipment. Licensee's equipment shall not remain at the site beyond any eight hour period without the prior written consent of Licensor. Notwithstanding anything to the contrary herein, Licensee in performing the Permitted Activities shall not interfere with Licensor's or any other party's operations, use or enjoyment on the Site or neighboring landowners, including, but not necessarily limited to interference with radio communication facilities. In the event that Licensee's equipment or Permitted Activities cause such interference to such use or enjoyment, Licensee shall immediately cease operations until such interference is removed by Licensee, at

Licensor Site: ROCKY MOUNT, VA TWR/HOST SWITCH/OFFICE  
Site Number: SRN 16107

its sole expense. Licensee agrees to be responsible for any and all costs related to the Permitted Activities, including temporary installation on and operation and removal of equipment on the Site.

2. **Access.** Licensor agrees that the Authorized Parties may enter upon the Site to perform the Permitted Activities commencing on the Effective Date of this Agreement and may have access to the Site subject to the restriction in Section 1, for a period of up to ninety (90) days.

3. **Notice.** All notices or other communication hereunder shall be given by personal delivery, facsimile, courier, overnight mail, certified mail, postage prepaid, return receipt requested to the following addressees:

**If to Licensee:**

Virginia PCS Alliance, L.C.,  
d/b/a NTELOS  
1150 Shenandoah Village Drive  
Waynesboro, VA 22980  
Attn: Senior Lease Administrator  
Telephone: (540) 941-4220 x 3072

**If to Licensor:**

Director Wholesale Contracts  
CenturyLink  
930 15th Street 6th Floor  
Denver, CO 80202  
Email: intagree@centurylink.com  
Phone: 303-672-2879

**With a copy to:**

Associate General Counsel, Interconnection  
CenturyLink Law Department  
1801 California Street, 9th Floor  
Denver, CO 80202  
Email: Legal.Interconnection@centurylink.com  
Phone: 303-383-6553

If delivery, other than certified mail, return receipt requested, is used to give notice, a receipt of such delivery shall be obtained and the notice shall be effective when received. If delivery via certified mail, return receipt requested, is used, notice shall be effective when sent. The address to which notices or communications may be given to either party may be changed by written notice given by such party to the other pursuant to this Section.

4. **Removal and Restoration.** Licensee agrees that it shall, upon conclusion of the term of this Agreement, remove any and all equipment installed on the Site as a part of the Permitted Activities, repair any and all damage to the Site that might have been caused in connection with any of the Permitted Activities, and shall return the Site to the condition it was in before Licensee's entry into the Site, normal wear and tear excepted. In the event any equipment installed on the Site by Licensee is not fully removed, Licensor shall have the absolute right upon three (3) days prior written notice to Licensee, to remove and store such equipment at Licensee's sole cost and expense. In the event the equipment is stored and Licensee does not remove the equipment from storage within thirty (30) days from Licensee's receipt of the above written notice, Licensor may dispose of such equipment at Licensee's sole cost and expense.

5. **Indemnity.** Licensee shall indemnify, save harmless and defend Licensor from and against any and all liability, damage, expense, claims, liens, suits or judgments and all costs and expenses incidental thereto, including reasonable attorneys fees, for damages arising by reason of any injury or death to any person or persons, or damage to property of Licensor or other person or persons, resulting from or arising out of the activities of Licensee, its agents, employees, contractors or invitees upon the Site or any property surrounding the Site, including without limitation, the Permitted Activities. This indemnification obligation shall survive the expiration or termination of this Agreement.

6. **Insurance.** Licensee will obtain and maintain, and shall cause its contractors, subcontractors and agents to obtain and maintain, during the term of this Agreement, with financially reputable insurers having an A.M. Best's rating of A-VII or better and that are authorized to do business in

Licensor Site: ROCKY MOUNT, VA TWR/HOST SWITCH/OFFICE  
 Site Number: SRN 16107

all jurisdictions where the Site is located, not less than the following insurance. Nothing contained herein limits Licensee's liability to the limits of insurance certified or carried.

6.1 Commercial General Liability, including bodily injury, property damage, personal and advertising injury liability and contractual liability covering operations, independent contractor and products/completed operations hazards with limits of not less than \$1,000,000 combined single limit per occurrence and \$2,000,000 annual aggregate, including Licensor, its officers, directors, and employees as additional insureds.

6.2 Business Auto insurance covering the ownership, maintenance or use of all owned, non-owned or hired automobiles with a limit of not less than \$1,000,000 combined single limit per accident for bodily injury and property damage liability, including Licensor, its officers, directors, and employees as additional insureds.

6.3 Workers' Compensation as provided for under any Workers' Compensation or similar law in the jurisdiction where the Site is located with an Employer's Liability limit of not less than \$1,000,000 by accident or disease per employee.

6.4 Umbrella/Excess Liability with limits of not less than \$5,000,000 combined single limit per occurrence and annual aggregate in excess of the Commercial General Liability, Business Auto Liability and Employer's Liability, including Licensor, its officers, directors, and employees as additional insureds.

6.5 "All Risk" Property insurance covering not less than the full replacement cost of Licensee's and subcontractor's, if any, personal property on the Site, with a waiver of subrogation in favor of Licensor as it is agreed that Licensor will not be held liable for loss or damage to any such property from any cause whatsoever. Licensor will be named as a Loss Payee as its interest may appear.

6.6 Certificates of Insurance: Before beginning any work at the Site, Licensee will provide a certificate of insurance, reasonably satisfactory to Licensor in form and content, evidencing that all the required coverages are in force and such insurance shall contain a provision that requires notice, in accordance with policy provisions, to be delivered to Licensor in the event a policy is cancelled before the expiration date thereof. Licensee's certificate of insurance must contain a statement confirming that all coverage is primary, but only for the acts or omissions of Licensee and for those whom Licensee is responsible, to any insurance carried by Licensor. Upon request, Licensee shall include copies of relevant endorsements or policy provisions with the required certificate of insurance.

7. **Consequential Damages.** Neither party shall be responsible for lost profits or other consequential damages that may arise out of a breach of this agreement.

8. **Termination.** Either party may terminate this agreement with 24 hours notice. Notwithstanding the above, this agreement shall automatically terminate ninety (90) days from the Effective Date.

9. **Compliance with All Laws.** Licensee at its own expense, shall comply with all applicable laws, regulations, rules and orders with respect to this Agreement regarding the Site and all Permitted Activities.

10. **Governing Law.** The interpretation and construction of this Agreement shall be governed by the laws of the state in which the Site is located, without regard to such state's conflict of law provisions.

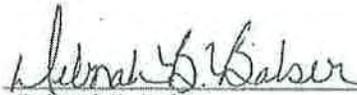
Licensor Site: ROCKY MOUNT, VA TWR/HOST SWITCH/OFFICE  
Site Number: SRN 16107

11. **Entire Agreement.** This Agreement constitutes the entire understanding between the parties with respect to the activities contemplated by this Agreement. All prior agreements or understandings, whether oral or written, are superseded. This Agreement may be amended only by a witnessed document executed by the parties.

12. **Signature.** A faxed or electronic copy of the Agreement with a proper signature is acceptable and shall have the same binding effect as an original Agreement with proper signature.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first above written.

**Licensee:**  
Virginia PCS Alliance, L.C.

By:   
Name: Deborah B. Balsler  
Title: Site Acquisition Manager – VA West  
Date: 3/5/14

**Licensor:**  
Central Telephone Company of Texas d/b/a  
CenturyLink

By: \_\_\_\_\_  
Name: Larry Christensen  
Title: Director – Wholesale Contracts  
Date: \_\_\_\_\_

Licensor Site: ROCKY MOUNT, VA TWR/HOST SWITCH/OFFICE  
Site Number: SRN 16107

## EXHIBIT "A"

SITE DESCRIPTION

Beginning at an iron pipe found on the western right of way of Business U.S. 220, South Main Street; said pipe being the southeastern corner of property owned by Bobbie L. Oliver, Tax Parcel 207-561, and the northeastern corner of property owned by, Central Telephone Company of Virginia, Tax Parcel 207-560, and being located a bearing of S09°23'23"W and a distance of 66.73' from a rod found;

Thence along the western right of way of Business U.S. 220, South Main Street, and property owned by Central Telephone Company of Virginia a bearing of S 09°23'23" W and a distance of 51.02' to a bolt found;

Thence leaving the right of way of Business U.S. 220, South Main Street and continuing with the common property line between property owned by Central Telephone Company of Virginia and property owned by N. Morris Building LLC., Tax Parcel 207-559, and property owned by Bankers Trust Company of Rocky Mount, Tax Parcel 207-562, a bearing of N 82°55'24" W a distance of 103.00' to an iron rod set in the edge of a 10' alley way;

Thence continuing with said 10' alley way a bearing of N 03°00'12" W a distance of 54.60' to a railroad spike found at the southwestern corner of property owned by Bobbie L. Oliver, Tax Parcel 207-561;

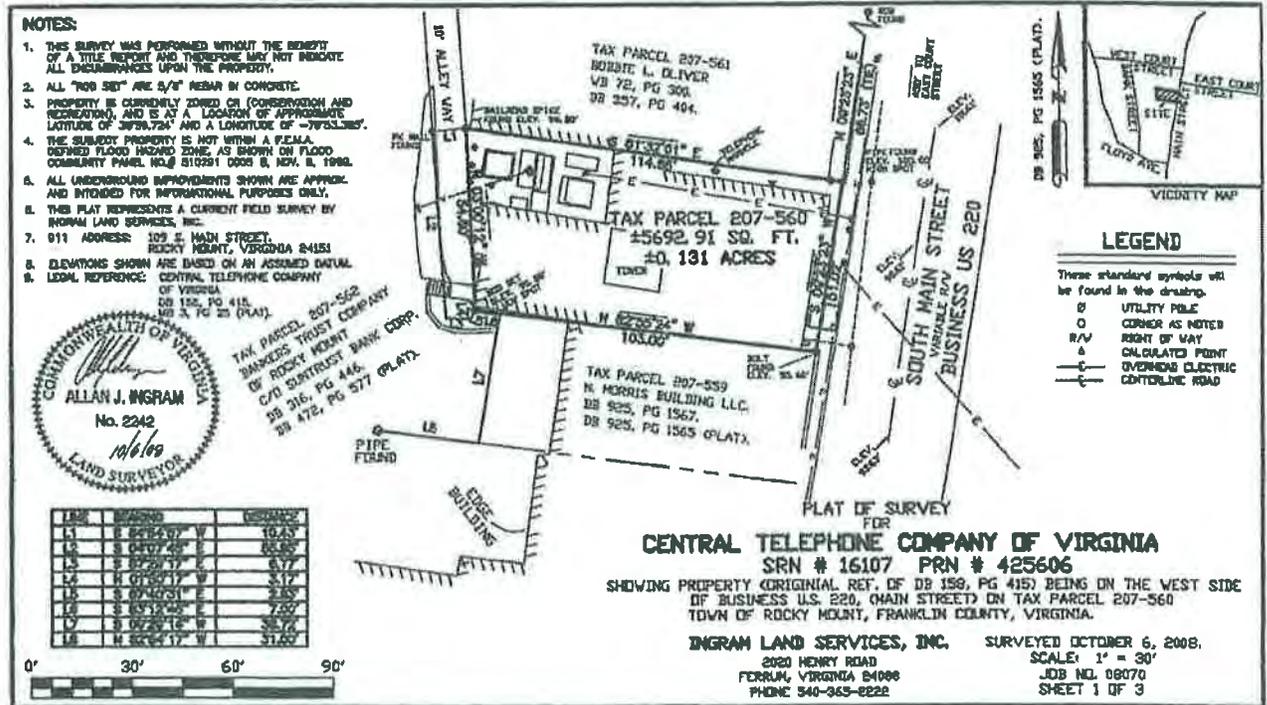
Thence leaving said 10' alley way and continuing with property owned by Bobbie L. Oliver, Tax Parcel 207-561, a bearing of S 81°32'01" E a distance of 114.65' to an iron pipe found on the western right of way of Business U.S. 220, South Main Street, the Point of Beginning;

Property described consisting of +/-5692.91 SQ. FT., (+/-0.131 acres), on the Western right of way of Business U.S. 220, South Main Street, and originally acquired in Deed Book 158, Page 415, Franklin County Clerk of Circuit Court Office, also known as Tax Parcel 207-560, Town of Rocky Mount, Franklin County, Virginia.

---

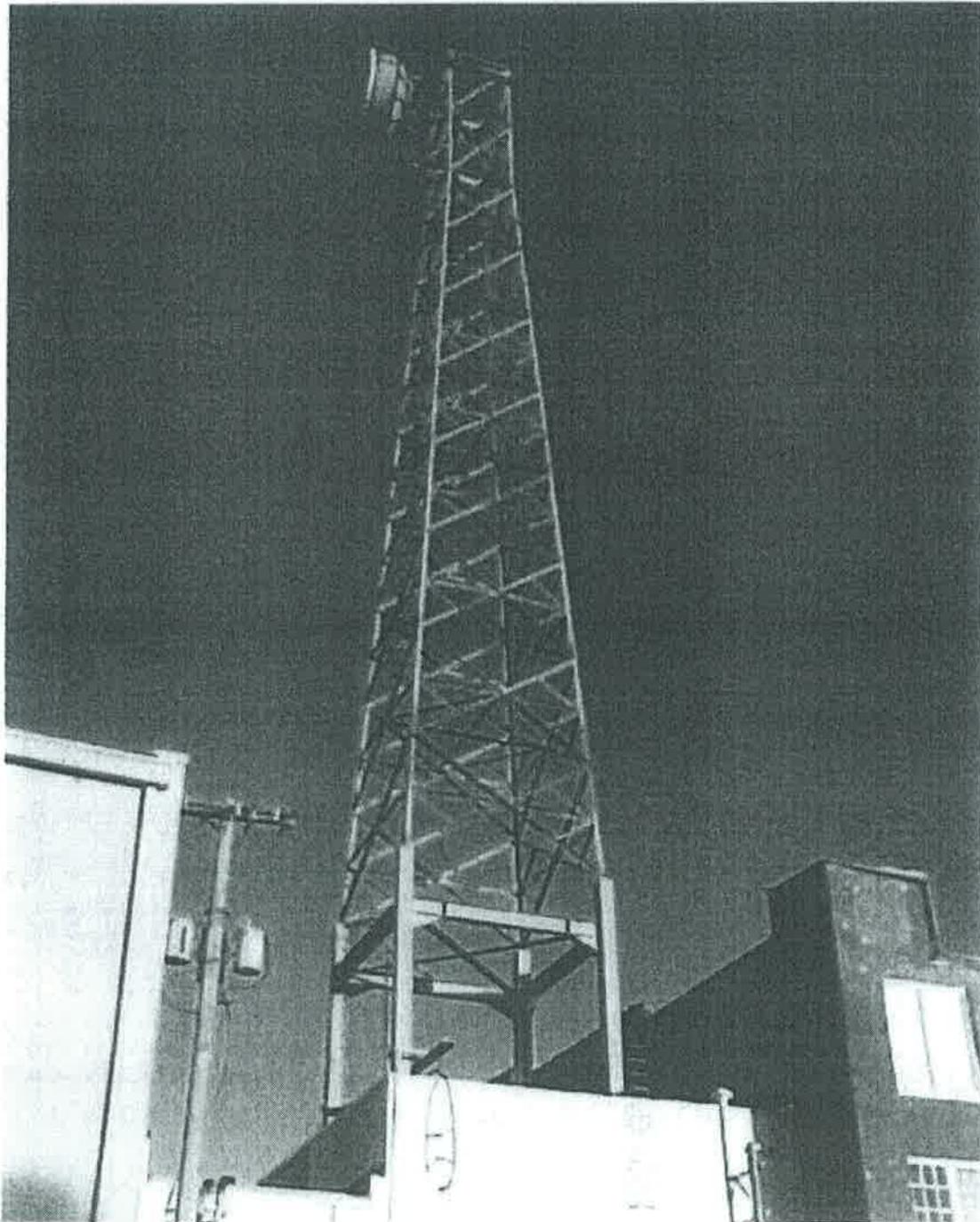
Licensor Site: ROCKY MOUNT, VA TWR/HOST SWITCH/OFFICE  
 Site Number: SRN 16107

Site diagram – Overall Site



Licensor Site: ROCKY MOUNT, VA TWR/HOST SWITCH/OFFICE  
Site Number: SRN 16107

Site diagram – Tower Space





---

**From:** Thomas, Steve [stevethomas@franklincountyva.org]  
**Sent:** Thursday, April 24, 2014 2:08 PM  
**To:** Gilley, Steven  
**Cc:** Mosley, Rob E  
**Subject:** RE: SRN-16107 Rocky Mount, VA S340989 - S340989 - PRN 487055  
**Attachments:** SC488-SF1SNF(D00)-DI.pdf, CenturyLink Space\_Power Application Rev 4.doc

Ok here is the original application. It has projected current requirements. The spec sheet is the PDF. There are no engineering drawings yet.

Steve Thomas  
Director of Information Technology  
County of Franklin, Va  
1255 Franklin St. Suite 108  
Rocky Mount, Va 24151  
Email: stevethomas@franklincountyva.org  
Office 540.483.6640  
Cell 540.420.7773

-----Original Message-----

From: Gilley, Steven [mailto:Steven.D.Gilley@centurylink.com]  
Sent: Thursday, April 24, 2014 11:38 AM  
To: Thomas, Steve  
Cc: Mosley, Rob E; Curlee, Paul R  
Subject: RE: SRN-16107 Rocky Mount, VA S340989 - S340989 - PRN 487055

FYI -my earlier email is below.

Thank you,

Steven D. Gilley  
CenturyLink | Ph: 913-345-6787 | Fx: 913-323-4798 -----Original Message-----  
From: Gilley, Steven  
Sent: Tuesday, April 08, 2014 12:09 PM  
To: 'Thomas, Steve'  
Cc: Mosley, Rob E; Curlee, Paul R  
Subject: RE: SRN-16107 Rocky Mount, VA S340989 - S340989 - PRN 487055

Hi Steve --

This one is a bit confusing. The application is very "brief". The construction drawings and the spec sheets for any equipment to be located on the tower would definitely help. When do you think they will be available?

Pricing and completing the lease is dependent upon identifying the pricing elements and including the proper exhibits to identify the space and equipment.

From the app, it appears that Franklin County wants to install --

1 - 3 Omni antennas and 2 MW dishes on the tower, right?

## EXHIBIT 15

2 - You list "10 racks plus UPS = 110 sqft" - Is that intended to be inside the CTL central office, or is it to be in your own shelter to be located outside of the CTL office? It matters as to price, among other things. Either way, has the location been identified?

3 - If the equipment is to be located inside the CTL building, we need to know the FUSED AMPS of DC power needed that CTL will provision. If the equipment is to be located in your own shelter, the tenant must obtain its own power directly from the local utility.

Please advise.

Thank you,

Steven D. Gilley  
CenturyLink | Ph: 913-345-6787 | Fx: 913-323-4798

-----Original Message-----

From: Thomas, Steve [mailto:stevethomas@franklincountyva.org]  
Sent: Thursday, April 03, 2014 6:36 PM  
To: Gilley, Steven  
Subject: Fwd: SRN-16107 Rocky Mount, VA S340989 - S340989 - PRN 487055

See below

Steve Thomas

Sent from my iPhone

Begin forwarded message:

From: "Hatcher, Daryl"  
<DarylHatcher@franklincountyva.org<mailto:DarylHatcher@franklincountyva.org>>  
Date: April 3, 2014 at 6:13:20 PM EDT  
To: "Thomas, Steve"  
<stevethomas@franklincountyva.org<mailto:stevethomas@franklincountyva.org>>  
Subject: RE: SRN-16107 Rocky Mount, VA S340989 - S340989 - PRN 487055

I don't think those drawing exist at this point.

Daryl L. Hatcher, Director  
Franklin Co. Public Safety  
1488 Franklin St.,  
Rocky Mount, VA 24151  
(540) 483-3091 (ofc)  
(540) 483-3086 (fax)

From: Thomas, Steve  
Sent: Thursday, April 03, 2014 2:25 PM  
To: Hatcher, Daryl  
Subject: Fwd: SRN-16107 Rocky Mount, VA S340989 - S340989 - PRN 487055

See the second paragraph below  
Steve Thomas

Sent from my iPhone

Begin forwarded message:

From: "Gilley, Steven"  
<Steven.D.Gilley@centurylink.commailto:Steven.D.Gilley@centurylink.com>  
Date: April 3, 2014 at 1:56:16 PM EDT  
To: "'Thomas, Steve'"  
<stevethomas@franklincountyva.orgmailto:stevethomas@franklincountyva.org>, "'Chacon, Enrique'" <echacon@bluestreampro.commailto:echacon@bluestreampro.com>, "'Huff, Rick'" <rhuff@franklincountyva.orgmailto:rhuff@franklincountyva.org>, "'Hatcher, Daryl'" <DarylHatcher@franklincountyva.orgmailto:DarylHatcher@franklincountyva.org>  
Cc: "Mosley, Rob E"  
<Robert.E.Mosley@centurylink.commailto:Robert.E.Mosley@centurylink.com>, "Meade, Jill C" <Jill.Meade@centurylink.commailto:Jill.Meade@centurylink.com>, "Karpowich, Steve M" <Steve.Karpowich@centurylink.commailto:Steve.Karpowich@centurylink.com>, "'Gross, Lisa'" <LGross@bluestreampro.commailto:LGross@bluestreampro.com>, "'Kelley, Mike'" <mkelley@bluestreampro.commailto:mkelley@bluestreampro.com>  
Subject: RE: SRN-16107 Rocky Mount, VA S340989 - S340989 - PRN 487055 Hi Steve --

Lots of "Steves" on this one!

I'll be working with you on the lease for this site. I've been out a few days, so playing catch-up is the first challenge. I should be able to get to this one and let you know if I have any questions by the end of next week.

Meantime, it would help if you would please send me your construction drawings and the spec sheets for any equipment to be located on the tower. The CDs should indicate the location and dimensions of any ground space as well as the space on the tower.

Thank you,

Steven D. Gilley  
CenturyLink | Ph: 913-345-6787 | Fx: 913-323-4798 -----Original Message-----  
From: Thomas, Steve [mailto:stevethomas@franklincountyva.org]  
Sent: Thursday, April 03, 2014 12:29 PM  
To: Chacon, Enrique; Huff, Rick; Hatcher, Daryl  
Cc: Mosley, Rob E; Meade, Jill C; Karpowich, Steve M; Gross, Lisa; Gilley, Steven; Kelley, Mike  
Subject: Re: SRN-16107 Rocky Mount, VA S340989 - S340989

Thanks! Steve, lets discuss on monday!

Steve Thomas

Sent from my iPhone

On Apr 3, 2014, at 12:05 PM, "Chacon, Enrique"  
<echacon@bluestreampro.commailto:echacon@bluestreampro.com> wrote:

Hi Rob:

We are pleased to enclose the PASSING structural analysis for Franklin County's proposed antenna mods at CenturyLink's SRN-16107 Rocky Mount, VA Site.

You should get in contact with Steve Karpowich at CenturyLink, who will administer the balance of the lease amendment process and when appropriate, issue the NTP for construction.

If you have any questions about the attached, please feel free to call or write. Good luck with the project.

Regards,

Enrique Chacon  
Field Service Engineer I

office: 678-355-6375  
fax: 678-355-6213  
mobile: 706-233-2930

[cid:image001.jpg@01CD2C40.6328A6B0]

This message is for the designated recipient only and may contain confidential, privileged, proprietary, or otherwise private information. Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies of the message. Any other use of the email by you is prohibited.

<image001.jpg>  
<Rocky Mount, VA 4.3.14.pdf>

SC488-SF1SNF(D00) Collinear omni, 10 dBd, 806-869 MHz

- 10 dBd gain with omni-directional pattern
- Standard duty durable fiberglass radome
- Available in electrical downtilts 2, 4 and 6 degree

**Recommend SMK-325-A3 or SMK-325-A7 for Offset Side Mount.  
Available from Sinclair separately.**

The SC488 series fiberglass collinear omni-directional antenna offers narrow beam width and higher gain for systems in trunking (806-869 MHz), cellular (824-896 MHz) or uplink trunking (896-940 MHz). Designed with 10 dBd gain (9.5 dBd with downtilt), the zero degree downtilt version of this antenna can be mounted in either an upright or inverted orientation (universal mount).

This antenna is also available with a full compliment of electrical downtilts in both upright and inverted patterns.



WWW.SINCLAIR.COM

Region	United States	Europe, Middle East and Africa	Caribbean and Latin America	Canada and rest of the world
Telephone	USA: 1 800 263 3275	International: +44 (0) 1487 84 28 19	International: +1 905 726 7676	Canada: 1 800 263 3275 International: +1 905 727 0165
E-mail	salesusa@sinctech.com	salesuk@sinctech.com	salesla@sinctech.com	salescan@sinctech.com
Product Specification Sheet EPR 016475		SC488-SF1SNF(D00)	Issue: 16	Dated: 08-10-13 Dated: 30-09-13

### Electrical Specifications

Frequency Range	MHz	806 to 869
Connector		N-Female
Gain (nominal)	dBd (dBi)	10 (12.1)
Input VSWR (max)		1.5:1
Polarization		vertical
Impedance	Ω	50
Pattern		Omni-directional
Vertical beamwidth (typ)	degrees	6
Average Power Input (max)	W	500
Lightning protection		DC ground
Electrical tilt (available)		0,2,4, or 6 degrees

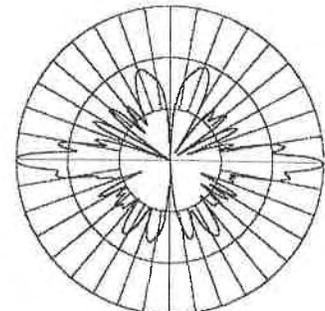
### Mechanical Specifications

Depth	in (mm)	2.5 (64)
Length/ Height	in (mm)	183 (4648)
Width	in (mm)	2.5 (64)
Base pipe diameter	in (mm)	2.5 (64)
Base pipe mounting length	in (mm)	24 (610)
Radome material		fiberglass (UV protected)
Weight	lbs (kg)	30 (13.62)
Mounting Hardware (Standard)		Clamp130
Shipping dimensions	in (mm)	228x5x5 (5791x127x127)
Recommended For Offset Side Mount:		SMK-325-A3 or SMK-325-A7

### Environmental Specifications

Temperature range	°F (°C)	-40 to +140 (-40 to +60)
Wind Loading Area (Flat Plate Equivalent)	ft² (m²)	1.9 (0.18)
Wind Loading Area (1/2" ice)	ft² (m²)	2.8 (0.26)
Rated wind velocity (no ice)	mph (km/h)	137 (221)
Rated wind velocity (1/2" radial ice)	mph (km/h)	106 (171)
Lateral thrust (100 mph No Ice)	lbs (N)	74.1 (329.6)
Bending moment (100 mph No Ice)	ft-lbs (Nm)	404.05 (545.5)

### SINCLAIR TECHNOLOGIES



MEASURED RADIATION PATTERN  
VERTICAL POLARIZATION

Elevation  
Relative Gain - 10 dB per Division

Region	United States	Europe, Middle East and Africa	Caribbean and Latin America	Canada and rest of the world
Telephone	USA: 1 800 263 3275	International: +44 (0) 1487 84 28 19	International: +1 905 726 7676	Canada: 1 800 263 3275 International: +1 905 727 0165
E-mail	salesusa@sinctech.com	salesuk@sinctech.com	salesla@sinctech.com	salescan@sinctech.com

# CENTURYLINK SPACE/POWER APPLICATION



This application review will not begin until the appropriate application fee is paid.

CenturyLink 5454 W 110 <sup>th</sup> Street Overland Park, KS Attention: Steve Karpowich	Main Tel: 913-345-6246 Fax: 913-345-6802 E-mail: <a href="mailto:steve.karpowich@centurylink.com">steve.karpowich@centurylink.com</a>
---	---

## TENANT INFORMATION

<b>Date:</b> November 6, 2013	<b>Tenant:</b> Franklin County, VA	<b>Tel/Fax:</b> 540-483-6640
<b>Email:</b>		

## TENANT CONSTRUCTION CONTACT INFORMATION

<b>Contact Name and Company:</b> TBD	<b>Phone:</b>	<b>Email:</b>	<b>Fax:</b>
---	---------------	---------------	-------------

## SITE INFORMATION

<b>CTL Site Name:</b>	<b>Site Address/Location:</b>	<b>Contact Info:</b>
<b>CTL Site ID #:</b>	<b>Tenant Site Name/ID#:</b>	

## CUSTOMER CHECKLIST

- New or amended lease box checked
- Construction drawings provided for tower, ground and or interior space
- Acknowledge that only DC power is available in CTL buildings. Exterior power lease provided by the local utility company.
- Leasing information completely filled out. ACNA and Bill to information is necessary to process the application.
- "Currently Authorized" lease details completed and "Total Final Configuration clearly" completed.
- Acknowledge understanding that CenturyLink does not accept outside engineering studies, but will quote the necessary work.
- Always reference your project number on all correspondence.

## LEASING INFORMATION

<b>Name of Company to appear on agreement:</b> <small>Note: If Tenant's entity name is other than the entity name as entered into under the original lease, Tenant will need to provide copies of the assignment/transfer documents associated with the entity change.</small>	<b>State Incorporated:</b>
<b>Signatory Name:</b>	<b>Signatory Title:</b>
<b>Corporate Address:</b>	<b>Notice Address:</b>
<b>Billing address (include ACNA):</b> <small>This must be completed before the project review begins</small>	<input type="checkbox"/> New Lease <input type="checkbox"/> Amended Lease
<b>Name/Phone &amp; Address to send agreement for execution:</b>	<b>Email:</b>

Description of proposed changes and customer comments:

**TOWER EQUIPMENT SPECIFICATIONS (NOTE: CURRENTLY AUTHORIZED MUST BE FILLED OUT TO AVOID CONTRACT DELAYS)**

TOWER ATTACHMENT	CURRENTLY AUTHORIZED	PROPOSED CHANGE (indicate additions <u>and</u> removals)	TOTAL FINAL CONFIGURATION (including any authorized but not yet installed)
<b># PANELS</b> Please list for each the: (Mfg/Model/Dimensions/Wgt)	Total:	Total: 3 Omnis Sindair/ SC488-SF1SNF(D04)/ 183" x 2.5' x 2.5', 30 lbs.	Total:
<b># TMAs:</b> (Mfg/Model/Dim/Wgt)		N/A	
<b># RETs:</b> (Mfg/Model/Dim/Wgt)		N/A	
<b># RRUs:</b> (Mfg/Model/Dim/Wgt)		N/A	
<b># DIPLXs:</b> (Mfg/Model/Dim/Wgt)		N/A	
<b># ODUs:</b> (Mfg/Model/Dim/Wgt)		N/A	
<b># MISC:</b> (Mfg/Model/Dim/Wgt)		N/A	
<b>Centerline Mount Height:</b> (Relative to tower baseplate)		Omnis qty 1 top, qty 2 top minus 25 feet.	
<b>Downtilt:</b>		N/A	
<b>Orientation:</b>		N/A	
<b># Dishes:</b> (Mfg/Model/Dimensions/Wgt)		<b>Add Total:</b> Qty 2 Andrew Microwave Dish/ PAR8-59W/ 6.00' x 6.00' x 0.0' / 278 lbs	Total:
<b>Dish Orientation:</b>		90 East and 170 West	
<b>Mount Using Existing?</b> <input checked="" type="checkbox"/> YES or <input type="checkbox"/> NO* <i>*If NO, please provide specs including weight</i>		Side Arm Pipe Mounts for all	
<b># of Lines / Cable Size:</b> (Coax, RET, etc.)		806.0000 MHz/ 851.0000MHz TBD	
<b>List Frequencies</b> Specify TX and/or RX List specific operating frequencies and <u>not</u> entire range for all antennas existing and new <u>Even if No Changes</u> (MW Frequencies and FCC License if applicable):		TBD	

**GROUND SPACE SPECIFICATIONS**

The tenant will contract outside power with the local utility company, CenturyLink will not provide.

GROUND SPACE	LEASED	PROPOSED CHANGE	TOTAL FINAL GROUND SPACE
Shelter, pad or ground space in feet (ex: 10x4)	x	x N/A	x

**INTERIOR SPACE REQUIREMENTS**

Square Feet: (Minimum of 10 square feet per rack.) 10 Racks plus UPS = 110 square feet	Secured Enclosure?*
	<input type="checkbox"/> YES or <input checked="" type="checkbox"/> NO (Only if space is available. An additional one time charge and additional monthly charge will apply.)

## DC POWER

AC Power and Battery Plants are not allowed for any tenant.

Rack #	New or augment:	Total Power Drain in amps:	Fused Power requested PER LEAD in amps:	Notes:
Example: RR#1	New MX960-HD	160	60amp ea with (4) A & (4) B Feeds	27.75 H x 17.37 W x 23 D (350 lbs.)
TBD				x x
				x x
				x x

- All applications must include the correct CenturyLink Site Name.
- TENANT Site ID & Site Name, if applicable, must also be included on all applications.
- Full name, with any initials, if required by the authorized TENANT-signatory, along with their official title. If unknown and/or will be hand written in at time of execution, please fill the requested field in with "LEAVE BLANK".
- TENANT entity name and state of incorporation must be entered and should match TENANT's entity name as shown on the latest agreement as amended, if applicable. If the TENANT entity name does not match the most recent agreement, the official transfer (i.e. assignment, merger, conversion, name change) documentation must be provided with the Application.
- Site Consultants should obtain any associated due diligence (i.e. prior all lease or other documentation, etc.) from the requesting TENANT Applicant..
- Full specifications/dimensions/weight must be provided for all equipment, along with associated mount specifications. Equipment datasheets for such equipment should be provided with the Application. Specifications for apurtenance mounts including manufacturer, model #, dimension, weight, must also be submitted. All equipment measurements should be stated in U.S. measurement standards.
- In the event TENANT has any authorized but not yet installed loading such as equipment must be fully identified (i.e. quantities, associated cables, full dimensions and weight) and listed as part of the "Final Configuration" on the Application.
- All frequencies to be used at the site must be licensed by TENANT, listed clearly on the Application, and identified as TX and/or RX, as applicable. Full spectrums (i.e. 1900-2100) will not be accepted & will delay processing.
- Downtilt and Orientation information should be included with the listed equipment as part of the "Final Configuration" section.
- A copy of the Tenant's Radio Frequency Data Sheet (RFDS) should be included at the time the application is submitted.
- If a NPA Letter is needed, it must be requested at the time the Application is submitted.
- The information provided on this Application will be utilized in the preparation of the necessary Structural Analysis report and associated site studies. Upon submittal of this Application and applicable fees, and acceptance by CenturyLink; applicant will receive a quotation from CenturyLink's independent engineering consultant for the preparation of the necessary studies. **CenturyLink will not accept studies and reports prepared by the Tenant or tenant consultants unless approved in advance by CenturyLink.**
- Remote Electronic Tilts (RETs), Tower Mounted Amplifiers (TMAs), Remote Radio Heads/Remote Radio Units (RRH/RRU), and/or similar equipment that come as separate units may be subject to additional rental charges. All such ancillary equipment must be listed on the Application, with an indication as to whether such equipment is integrated/built into the antenna or mounted to the antenna, along with the related equipment specifications and datasheet confirming the same.

### INTERNAL USE ONLY

- ARN identified
- Lease template provided for review
- Pricing exhibit provided to the negotiator
- CDs provided to the negotiator
- ACNA identified
- BAF created
- USOC updated



# STRUCTURAL ANALYSIS REPORT

## ROCKY MOUNT SITE

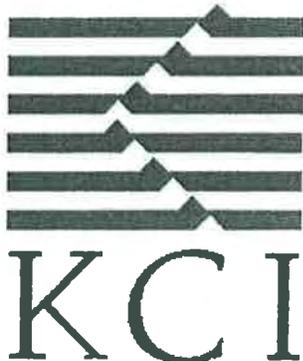
118' SELF SUPPORTED TOWER  
FRANKLIN COUNTY, VIRGINIA

*Prepared for.*

KGP LOGISTICS, INC.  
500-B Sumner Way  
New Century, Kansas 66031

Representing:  
NTELOS

July 18, 2014  
KCI J.O.: 02144867 AR



4601 Six Forks Road, Suite 220  
Raleigh, North Carolina 27609-5210  
(919) 783-9214

lore

**TABLE OF CONTENTS**

Executive Summary..... 1

A. Purpose/Background..... 2

B. Conditions Investigated ..... 2

C. Applicable Codes and Provisions of Analysis..... 4

D. Results ..... 4

E. Recommendations ..... 5

**EXECUTIVE SUMMARY**

KCI Technologies, Inc. has completed a rigorous structural analysis of the Rocky Mount Tower. NTELOS is proposing to add appurtenances to the tower.

KCI studied two loading cases for the tower. The first loading case consisted of the existing/future and proposed appurtenances with a 115-mph (ultimate) wind loading with no ice and an Exposure Category C, Topographic Category 1, and Structure Classification II the 2012 Virginia Uniform Statewide Building Code for Franklin County, Virginia. The second loading case included the existing/future and proposed appurtenances with a 30-mph wind speed with 3/4-inch of radial ice and an Exposure Category C, Topographic Category 1, and Structure Classification II per the ANSI/TIA-222-G standard. This analysis assumes that the NTELOS proposed transmission lines shall be placed on the empty East tower face, stacked back to back, such that no more than six lines are exposed to wind.

The results of this analysis indicate that none of the structural components of the tower will exceed the nominal loads established by the ANSI/TIA-222-G standard for the proposed appurtenance configuration at the specified loadings.



The purpose of this report is to assess the impact of adding antennas and transmission lines to the existing structure, including whether or not structural modifications are required. Any modifications recommended herein are conceptual only. This is not a construction document. This report may not be suitable for bidding and definitely is not a substitute for complete and properly engineered plans/specifications required to accomplish any recommended modifications. KCI Technologies, Inc. assumes no liability for use of this report for any other purpose than that for which it was intended.

**A. PURPOSE / BACKGROUND**

Pursuant to the request of Mr. Enrique Chacon with KGP Logistics, Inc., representing NTELOS, KCI Technologies, Inc. was retained to conduct a structural analysis of the Rocky Mount Tower. NTELOS is proposing to add appurtenances to the tower. KGP Logistics, Inc. provided the following information:

- Centurylink Space/Power Application, dated 11 June 2014.

For a previous analysis, KCI obtained the following information:

- Cellular Technology Services Tower Mapping, dated 14 October 2013.

Note: For a previous analysis, KCI conducted a site visit in order to map the building support structure and to document the general condition of the tower.

**B. CONDITIONS INVESTIGATED**

KCI was unable to obtain the design information for this 118-ft self-supported tower on top of a 28-ft building. Rooftop elevation is ±28-ft above grade.

The tower is located at 280 S. Main Street, Rocky Mount, Franklin County, Virginia.

KCI analyzed the self-supported tower using Guymast-G software by Weisman Consultants, Inc. and STAAD software by Research Engineers, International.

KCI examined two loading cases including the existing/future and proposed appurtenances. These cases included the following cases:

Loading Case	Code	Wind Speed and Ice Loading
1	2012 Virginia Uniform Statewide Building Code for Franklin County, Virginia	115 mph (ultimate) *90 mph (3 second gust)
2	ANSI/TIA-222-G for Franklin County, Virginia	30 mph (3 second gust), 3/4" Radial Ice

\*- Conversion based on 2012 International Building Code, Section 1609.1.1 Determination of wind loads, Exception 5.

Structural Analysis Report

Rocky Mount Tower

Existing/Future Appurtenances:

Number	*Elevation	Carrier	Mount	Antenna Information	Transmission Lines
1	Top	County of Franklin	Side Arm	(1)- SC488-SF1SNF omni antenna	(1)- 1 5/8"
2	Top	County of Franklin	Leg	(1)- PAR6-59W microwave	(1)- EW63
3	112'	Unknown	Leg	** (1)- 12-ft microwave dish	** (1)- 1 5/8"
4	105'	Verizon	Sector	(3)- BXA-80063-6CF, (3)- BXA-185063/12CF, (3)- BXA-870080-8CF & (3)- BXA-171085-12CF panel antennas with (1)- RRH2 x 40-07-L & (1)- RRH2 x 40 AWS RRUs and (2)- DB-B1 Distribution Boxes	(10)- 1 5/8" (2)- 1 5/8" Hybriflex
5	100'	County of Franklin	Leg	(1)- PAR6-59W microwave	(1)- EW63
6	93'	County of Franklin	Side Arms	(2)- SC488-SF1SNF omni antennas	(2)- 1 5/8"

\*-All elevations from rooftop level.

\*\* - Denotes appurtenances to be removed, so not considered in this analysis

Proposed Appurtenances (in addition to the Existing/Future Appurtenances):

Number	*Elevation	Carrier	Mount	Antenna Information	Transmission Lines
7	116'	NTELOS	Sector Mount (SF-QV12-B)	(3)- HWX-6516DS1-VTM, (3)- CVV65BSX-M, & (3)- TTTT65AP-1XR panel antennas w/ (3)- RRH4 x 45-19 & (3)- RRH2 x 50-08 and (3)- RRH8 x 20 RRUs	(6)- 1 5/8" (3)- 38.2mm Hybriflex cables

\*- All elevations from rooftop level.

**C. APPLICABLE CODES AND PROVISIONS OF ANALYSIS**

KCI utilized the following codes and criteria to conduct the structural analysis:

Standard	Title	Date
ANSI/TIA-222-G-2005	Structural Standard for Antenna Supporting Structures and Antennas	August 2005
ANSI/TIA-222-G-1-2007	Structural Standard for Antenna Supporting Structures and Antennas – Addendum 1	April 2007
ANSI/TIA-222-G-2-2009	Structural Standard for Antenna Supporting Structures and Antennas – Addendum 2	December 2009
	2012 Virginia Uniform Statewide Building Code	July 2014

Nominal Strengths used to evaluate the integrity of the structure were also in accordance with the above standard.

The following assumptions were made in the analysis:

1. The tower has been erected and maintained according to the manufacturer's plans and specifications.
2. The structural integrity of the tower has not been compromised.
3. All connections and fasteners are in accordance with AISC LRFD specifications.
4. The structural steel members are 36 ksi steel.
5. NTELOS proposed transmission lines shall be placed on the empty East tower face, stacked back to back, such that no more than six lines are exposed to wind.
6. All information provided by KGP Logistics, Inc. and NTELOS is accurate and correct.

**D. RESULTS**

The results of this analysis indicate that none of the structural components of the tower will exceed the nominal loads established by the ANSI/TIA-222-G standard for the proposed appurtenance configuration at the specified loadings.

Results Summary:

Item	Results	Elevation	%Capacity (Maximum)	Modifications
Legs	OK	All	66.2	None
Diagonals	OK	All	21.4	None
Horizontals	OK	All	65.2	None
Leg Bolts	OK	All	68.4	None
Diagonal Bolts	OK	All	13.7	None
Horizontal Bolts	OK	All	5.7	None
Foundation	OK	N/A	12.4	None

**E. RECOMMENDATIONS**

The results of this analysis indicate that none of the structural components of the tower will exceed the nominal loads established by the ANSI/TIA-222-G standard for the proposed appurtenance configuration at the specified loadings.

This analysis assumes that the NTELOS proposed transmission lines shall be placed on the empty East tower face, stacked back to back, such that no more than six lines are exposed to wind.



TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CLUNIFF      BOBBY L. MOYER  
P. ANN LOVE          JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
*Assistant Town Manager*  
*Director, Community Development*

August 7, 2014

Debbie Balsler, Site Acquisition Manager  
NTelos Wireless  
1150 Shenandoah Village Drive  
Waynesboro, VA 22980

Ms. Balsler:

Thank you for your application for location of a cellular telephone antennas on an existing tower in Uptown Rocky Mount. As the planning and zoning administrator appointed by the Town Council, I have 30 days from application to review and respond to your application. We received your application on July 18, 2014, and I have been reviewing your application since we received it.

I have compared your application to the Town of Rocky Mount ordinances covering your proposed use, primarily found within the Town's Zoning Ordinance regarding Non-Conforming Uses (Article 39) and Wireless Telecommunications Facilities (Article 40). This was a complex review with many possible outcomes, and I have strictly applied the ordinance. Given the criteria found within the ordinance, NTelos' application does not meet the Town's regulations. This application is, therefore, denied.

I base my decision on the following:

1. The existing tower is a non-conforming structure, based on the definition found in Town Code §39-2-3. "If any non-conforming use (structure or activity) is discontinued for a period exceeding two years after the effective date of adoption or amendment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance." This structure's uses were abandoned on or before 2010, as is evidenced by the removal of the microwave antenna on the structure and by statements from Century Link personnel during our Uptown Revitalization Project completed in 2011. Since the tower has been inactive for more than two years, its use is therefore non-conforming and may not be "enlarged upon, expanded or extended", according to the Code.

**EXHIBIT 17**

2. Your application did not include any evaluation of the structural integrity of the tower itself. The Town is unaware of any engineering studies, reports or evaluations which provide me with any level of comfort about the safety of the tower and its potential impact on adjoining structures and streets. I have not been provided with the opportunity to inspect the structure or to have it evaluated by engineers and building inspectors. (See Statement of Intent, Article 40, Town of Rocky Mount Zoning Ordinance, part 9.)
3. In my interpretation of the zoning ordinance Article 40 governing wireless telecommunications facilities, the legislative guidance directs that users should minimize the adverse visual impact of their facilities. The tower's current appearance is, in my interpretation, an adverse visual impact on the community; adding antennae to that facility would only worsen the visual impact.
4. Under the terms of Article 40, your application is incomplete. Please see Article 40-7, enclosed, which stipulates requirements for all applicants, not just co-location applicants.

You and the site owner now have four possible options, should you wish to pursue further action in this matter.

1. If you believe that I have erred in my interpretation of the Code, you may appeal my decision to the Rocky Mount Board of Zoning Appeals, a quasi-judicial body appointed by the Franklin County Circuit Court to hear appeals cases. To appeal, file a letter of appeal with my office along with a filing fee of \$350 plus postage to notify adjoining property owners. You may contact my planning technician, Stacey Sink, at 540-483-0907 to determine the amount necessary to cover postage.
2. If you agree that the tower is a nonconforming use, you may request a special exception as permitted in Town Code Article 39-10. The Board of Zoning Appeals would determine whether your proposed use is "equally appropriate or more appropriate" to the district than the existing non-conforming use. A special exception application is \$500 plus postage, as above.
3. If you believe my interpretation is correct and that Ntelos should qualify for a variance from the Code, you may file for a variance with the Board of Zoning Appeals. A variance signifies your acknowledgement that the use does not match the requirements of code, but that you have reason to believe the ordinance should not apply in this circumstance. A variance application is made to my office, and is \$350 plus postage, as above.
4. If you believe my interpretation is correct and that Ntelos is unlikely to be granted a variance, my office will be glad to work with you to try to determine a more suitable tower/antenna location.

Regardless of which option you choose to pursue, your application must meet the requirements set out in Article 40-7. The minor site plan review fee applies, and is \$250.

Additionally, the owner should be aware that, if any application from you is not granted, the Town will enforce Article 40-4, requiring removal of inactive towers.

I will be out of the office Aug. 8-18. Should you wish to file any of the actions above in order to be heard September 4, we must receive all materials by August 15. In order to be heard Oct. 2, any action must be filed by September 12.

While I am unable to help in this circumstance, I am grateful for NTelos' continued presence in the community its willingness to work to improve wireless telecommunications infrastructure. I wish you and your company well in this endeavor.

Sincerely,

A handwritten signature in cursive script that reads "Matthew C. Hankins".

**Matthew C. Hankins**  
**Planning & Zoning Administrator**  
**Assistant Town Manager**  
**Town of Rocky Mount**

shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

#### **40-6. Design/construction requirements for using alternative mounting structures.**

40-6-1. The principle use of the structure to be used for the placement of the antenna shall be for a use not associated with the wireless telecommunication facility.

40-6-2. In addition to the height limitations of the underlying zoning district, antennas mounted on alternative mounting structures shall conform to the following requirements:

40-6-2.1. All panel antennas shall be no more than five feet from any surface of the existing structure.

40-6-2.2. All whip antennas shall be no more than ten feet above the mounting surface of the existing structure.

40-6-2.3. All parabolic dish antennas shall be no more than five feet from the surface of the existing structure.

40-6-2.4. Building mounted antennas shall be designed and attached in such a way that is architecturally compatible with the building to which they are attached.

40-6-2.5. Equipment enclosures shall be camouflaged or screened from view by landscaping, walls, fences, inside of buildings or other means as approved by the department of community development.

#### **40-7. Application submission requirements.**

40-7-1. Each applicant shall submit a master plan, a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance. Additionally, applicants shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site.

40-7-2. An engineering report certifying that the proposed tower is compatible for co-location with a minimum of three similar users including the primary user, must be submitted by the applicant.

40-7-3. Copies of the applicant's co-location policy.

40-7-4. Copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

40-7-5. A determination of need by the Federal Aviation Administration.

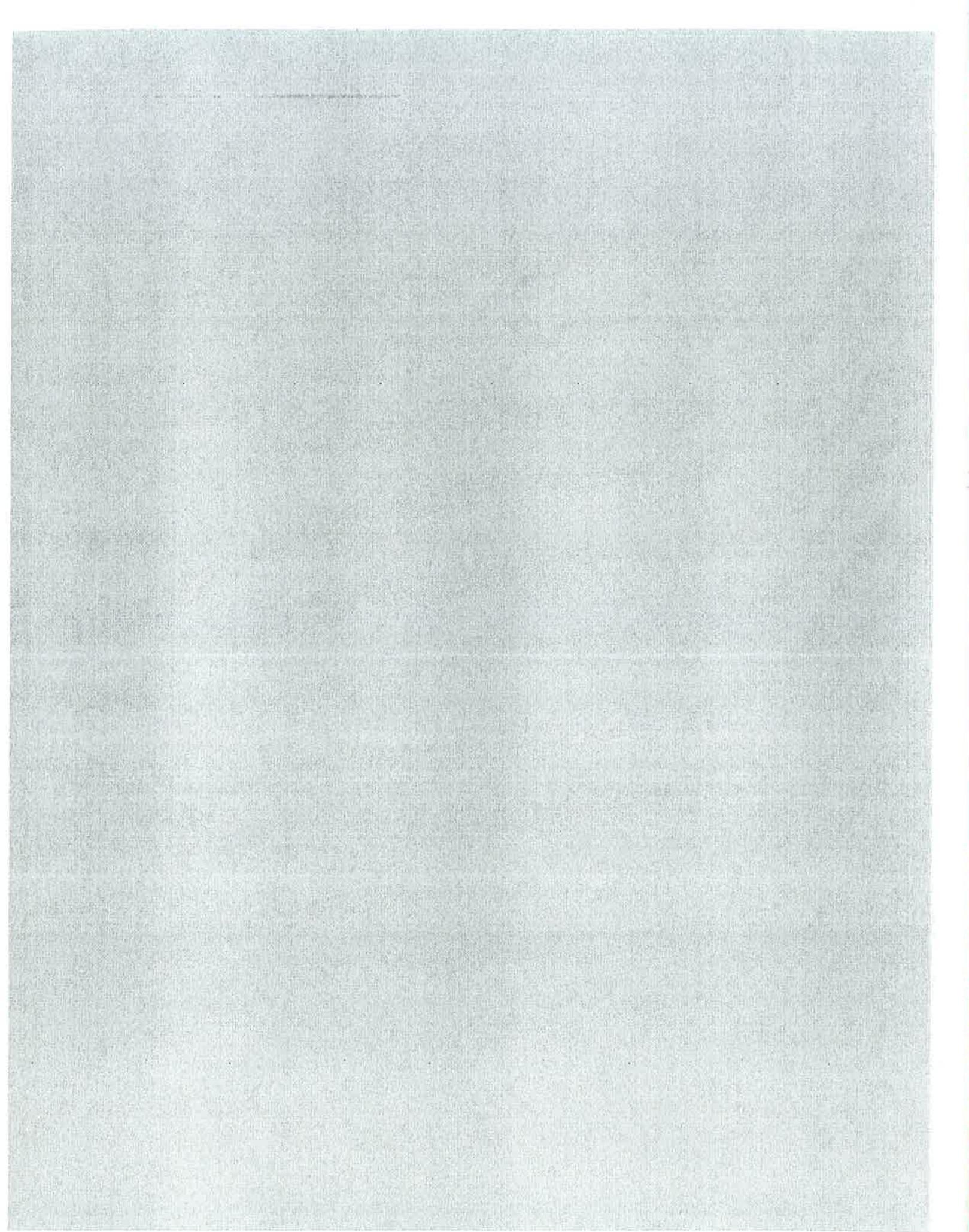
40-7-6. The department of community development shall grant written approval within 30 days of the receipt of the plan, if it is determined that the application meets the requirements of this ordinance. However, when the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 30 days. The notice shall specify the modifications, terms and conditions that will permit approval of the application. If no action is taken by the department of community development within the time specified above, the application shall be deemed approved and the person authorized to proceed with the proposed activity.

40-7-7. Upon approval of the application, the applicant shall have 90 days to begin construction or all permits issued shall become null and void.

#### **40-8. Factors to be considered prior to approval.**

40-8-1. The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this ordinance are better served thereby:

- a. Height of the proposed tower or pole.
- b. Proximity of the tower or pole to residential structures and residential district boundaries.
- c. Nature of the uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.
- f. Design of the tower or pole, with particular reference to design





**CenturyLink**  
417 West Main Street  
Charlottesville, VA 22903  
Phone (434) 971-1290  
[Marcus.Hill@centurylink.com](mailto:Marcus.Hill@centurylink.com)

**Marcus Hill**  
General Manager

September 15, 2014

Mr. Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager  
Town of Rocky Mount  
345 Donald Ave.  
Rocky Mount, Virginia 24151

RE: Letter to nTelos Wireless dated August 7, 2014

Dear Mr. Hankins:

nTelos has shared with CenturyLink a copy of your letter to Ms. Debbie Balser, denying its current application for installation of wireless voice and broadband facilities on CenturyLink's wireless tower. A copy of the letter is enclosed.

CenturyLink is proud to be a long-time member of the Rocky Mount community, and we share your goal of making the town a great place to live, work, and invest. That includes robust voice, broadband, and emergency communications capabilities enabled by our facilities, including the wireless tower discussed in the letter. Accordingly, we believe it necessary to correct some mistaken assumptions in the August 7 letter.

First, the notion that CenturyLink has abandoned the tower itself or its "use" or "activity" for two years is very much mistaken. The AT&T wireless antenna was operating until recently and remained in place until April 2014. We have continued to maintain and operate the tower even since the antenna's removal.

Second, it would be a mistake to attempt to force removal of the tower. We have other installations planned for the facility, installations that will provide next generation wireless communications that are vital to the community, its economic health, and its quality of life. The tower provides uniquely ideal coverage for Rocky Mount residents and downtown businesses and avoids costs and delays that can otherwise discourage wireless investment in the community.

Third, there should be no question about the safety or structural integrity of the tower. We take safety of the public and our employees very seriously, and we are confident in the soundness of the facility and the quality of its maintenance. If you have questions about the structure, we welcome you to address them to us.

Finally, you should realize that municipal authority over wireless towers – especially the existing ones – is very sharply limited by federal law. In 2012, Congress passed a law directing local governments grant requests to place new transmission equipment on existing wireless towers, unless the new

Mr. Matthew C. Hankins  
September 15, 2014  
Page 2 of 2

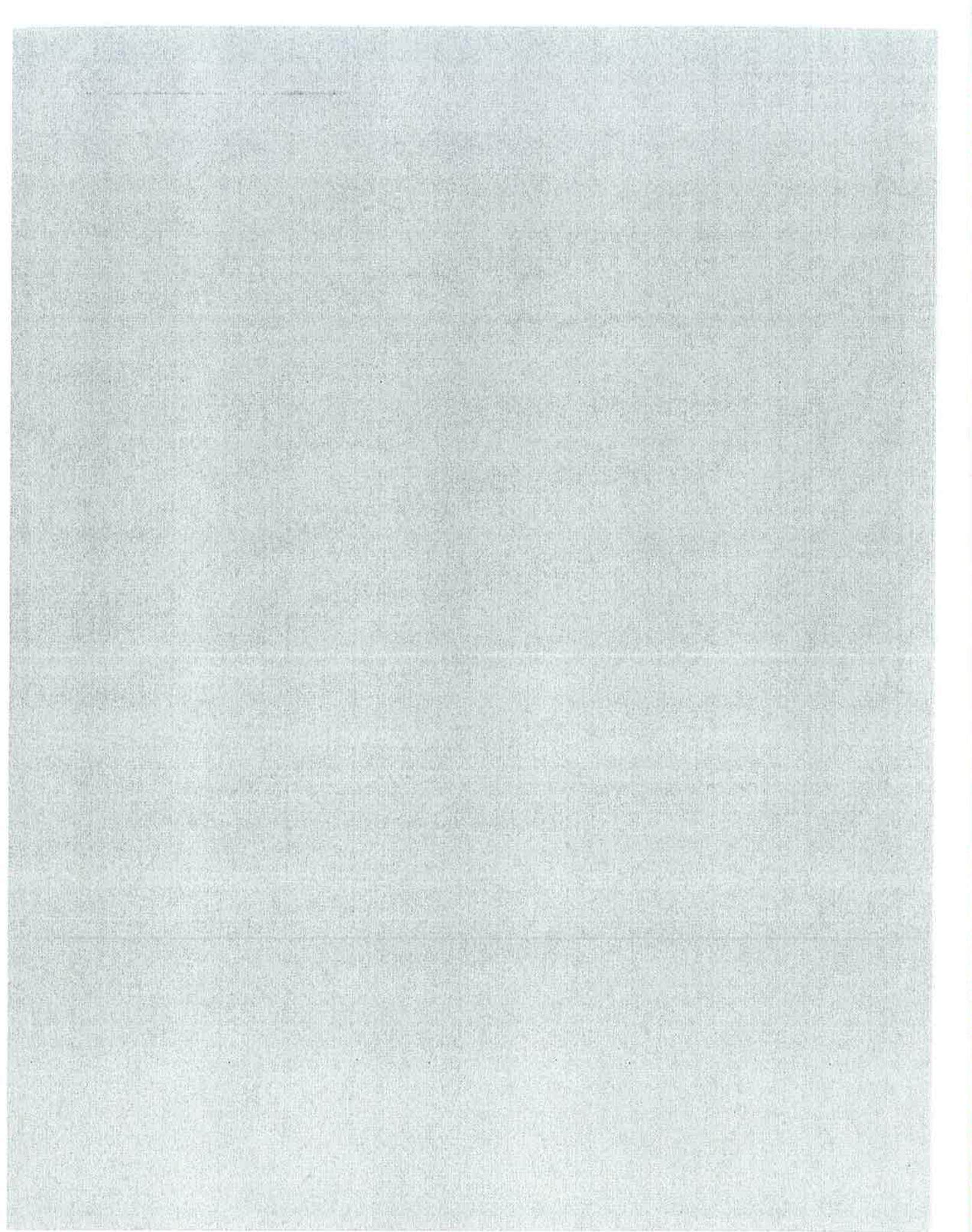
equipment would substantially change the physical dimensions of the tower. Reliance on existing towers, rather than the construction of new towers, is actually a core federal policy. Similarly, when Congress created the First Responder Network Authority to build and maintain a nationwide, interoperable wireless broadband network for public safety, it required FirstNet to rely on "existing commercial wireless infrastructure" to the maximum extent economically feasible. For all wireless operations, the Federal Communications Commission likewise anticipates the use of existing towers wherever feasible to reduce the need for new tower construction. Denying the nTelos application based on aesthetic concerns would be inconsistent with these federal mandates.

We appreciate your efforts for the community, including the recent Uptown Revitalization Project led by Mayor Angle, Town Manager Ervin, and yourself. Nevertheless, concern about the appearance of the existing tower, or of added antennas having minimal incremental impact, cannot be a basis for denying applications to install new wireless antennas.

Respectfully,

Marcus Hill  
General Manager

cc: Debbie Balsler (nTelos)



---

**From:** Regan, Pat [Pat.Regan@franklincountyva.gov]  
**Sent:** Wednesday, February 04, 2015 11:59 AM  
**To:** Gilley, Steven  
**Subject:** FW: CenturyLink Tower located at 208 S. Main St.

Steve,

Just a heads up, see Mr. Haskins response to our request to use your tower.

Patrick W. Regan  
Franklin Co. Emergency Communications Coordinator  
1488 Franklin St.  
Rocky Mount, VA 24151  
Tele: 540-483-3091 Ext. 2155  
Mobile: 540-420-0051  
Email: [patregan@franklincountyva.gov](mailto:patregan@franklincountyva.gov)

---

**From:** Matt Hankins [<mailto:mhankins@rockymountva.org>]  
**Sent:** Wednesday, February 04, 2015 11:57 AM  
**To:** Regan, Pat  
**Cc:** Hatcher, Daryl; Huff, Rick; Whitlow, Christopher  
**Subject:** RE: CenturyLink Tower located at 208 S. Main St.

Mr. Regan:

The CenturyLink tower is non-conforming and out of compliance with the Town's tower ordinance. I will be issuing an order this week directing CenturyLink to remove the tower to comply with our ordinance.  
Matt Hankins

---

**From:** Regan, Pat [<mailto:Pat.Regan@franklincountyva.gov>]  
**Sent:** Wednesday, February 04, 2015 11:53 AM  
**To:** ([mhankins@rockymountva.org](mailto:mhankins@rockymountva.org))  
**Cc:** Hatcher, Daryl; Huff, Rick; Whitlow, Christopher  
**Subject:** CenturyLink Tower located at 208 S. Main St.

Mr. Haskins,

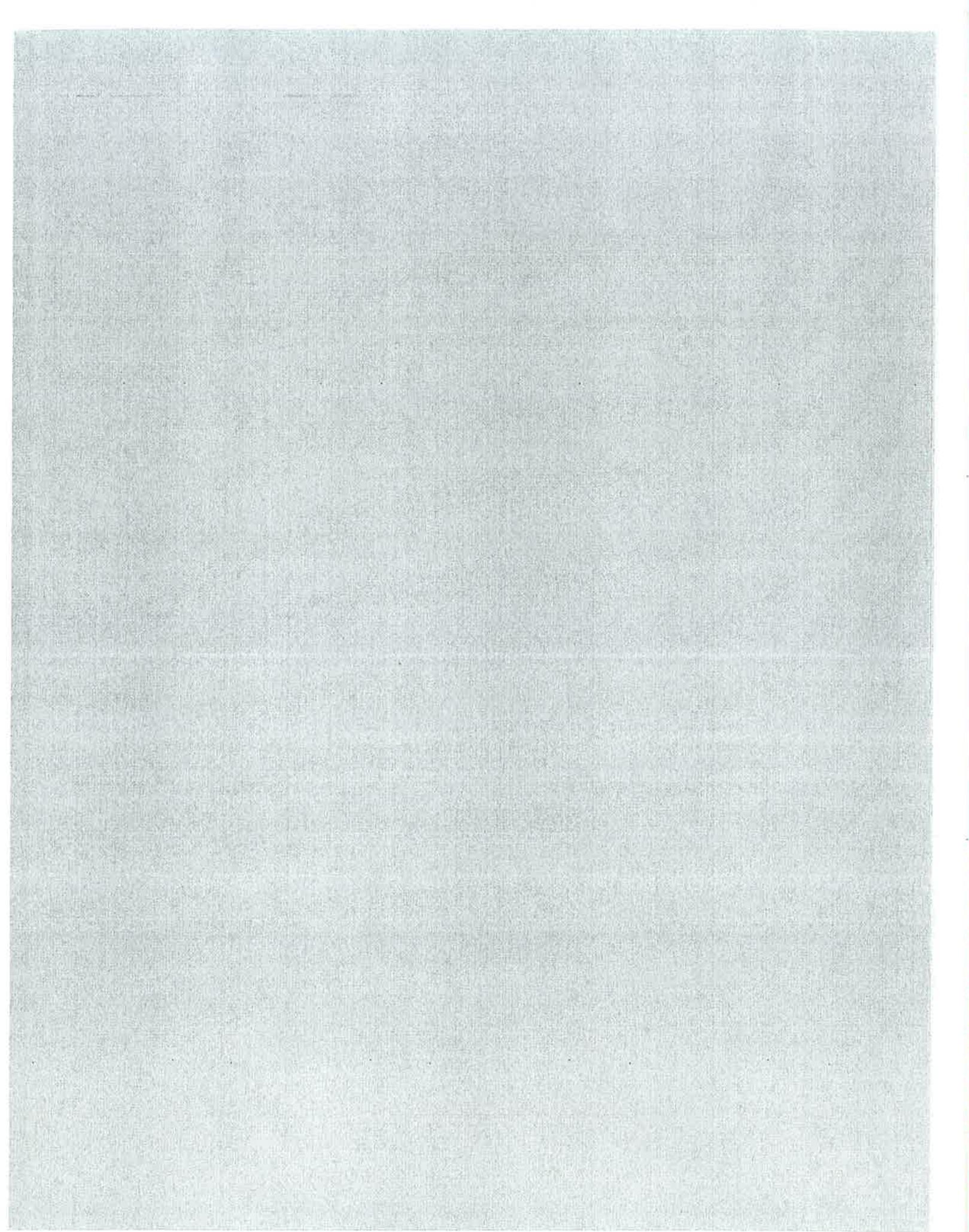
As you may be aware Franklin County is engaged in a project to replace the existing Public Safety radio system that serves the citizens of Franklin County, the Town of Rocky Mount and the Town of Boones Mill. This system is crucial to providing Fire, EMS and Law Enforcement services to all of these localities. The system design uses a microwave loop to eight (8) transmitter sites located throughout the County. A critical link in this loop uses the CenturyLink tower located at 208 S. Main St. which will be tied to the 911 Dispatch Center with fiber optic cable. Three microwave dishes will be located at the CenturyLink site ( two 3' dishes and one 4' dish). The engineering study conducted for this project found that this is the only site near the Dispatch Center that would provide line of site needed for the microwave shots to Cook's Knob, Grassy Hill and to the Goode building. This being said, Franklin County would like to provide the necessary applications to the Town of Rocky Mount Planning and Zoning Dept. for consideration of the installation of these dishes

## EXHIBIT 19

on the CenturyLink tower. The forms required can be emailed to my email address shown below. We appreciate your consideration in the matter.

Thank you,

Patrick W. Regan  
Franklin Co. Emergency Communications Coordinator  
1488 Franklin St.  
Rocky Mount, VA 24151  
Tele: 540-483-3091 Ext. 2155  
Mobile: 540-420-0051  
Email: [patregan@franklincountyva.gov](mailto:patregan@franklincountyva.gov)



**From:** Mosley, Rob E  
**Sent:** Tuesday, February 24, 2015 4:55 PM  
**To:** Schollmann, Rich A; Call, Jeremy K; Stockman, Jeanne W; Ison, Ralph L  
**Subject:** FW: Meeting about Tower

Team, I reached out to Steve again about setting a meeting up on Thursday. Please see his response below.

Thank you for your willingness to support this project.

-r

**Rob Mosley**  
Government Account Manager  
CenturyLink Business / Cloud  
Tennessee - Kentucky - Virginia

Voice (One Number Reach): 423 218-4030 | Fax (Toll Free): 844 669-6731  
101 North Roan Street, Johnson City, Tennessee 37601

[www.centurylink.com/business](http://www.centurylink.com/business)

AVAYA 

---

**From:** Thomas, Steve [<mailto:Steve.Thomas@franklincountyva.gov>]  
**Sent:** Tuesday, February 24, 2015 4:45 PM  
**To:** Mosley, Rob E  
**Subject:** RE: Meeting about Tower

At this point we are saying "good-bye" to the Century link tower. We have changed our architecture and don't need it anymore.

Steve Thomas  
Director of Information Technology  
County of Franklin, Va  
1255 Franklin St. Suite 108  
Rocky Mount, Va 24151  
Email: [steve.thomas@franklincountyva.gov](mailto:steve.thomas@franklincountyva.gov)  
Office 540.483.6640  
Cell 540.420.7773

**From:** Mosley, Rob E [mailto:Robert.E.Mosley@centurylink.com]  
**Sent:** Tuesday, February 24, 2015 4:38 PM  
**To:** Thomas, Steve  
**Subject:** Meeting about Tower

Steve, would you be available Thursday for a Phone meeting to talk about the tower?

Hope all is well.

-r

**Rob Mosley**  
**Government Account Manager**  
**CenturyLink Business / Cloud**  
**Tennessee - Kentucky - Virginia**

**Voice (One Number Reach): 423 218-4030 | Fax (Toll Free): 844 669-6731**  
**101 North Roan Street, Johnson City, Tennessee 37601**

[www.centurylink.com/business](http://www.centurylink.com/business)

AVAYA



This communication is the property of CenturyLink and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.



EXHIBIT 21

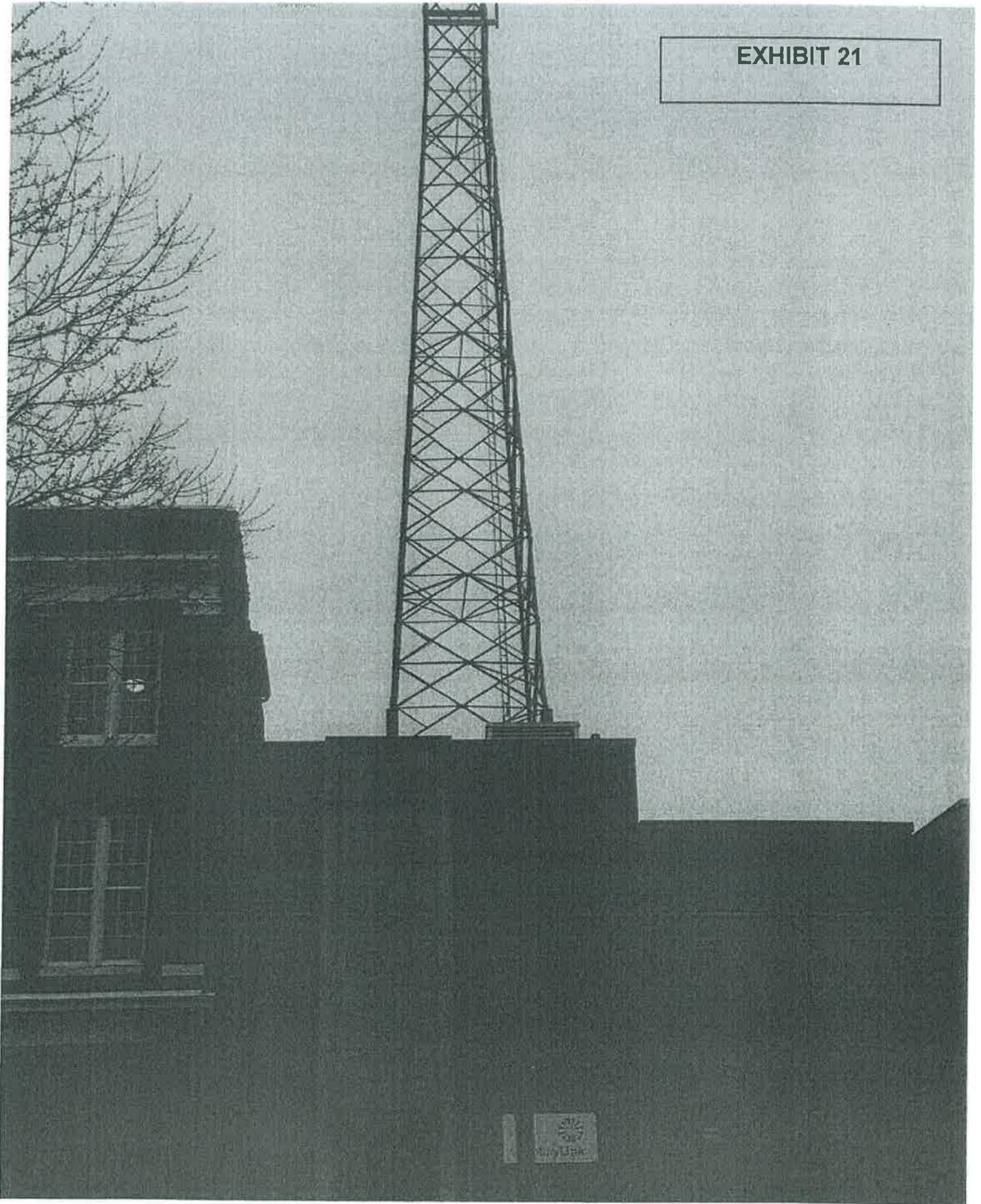
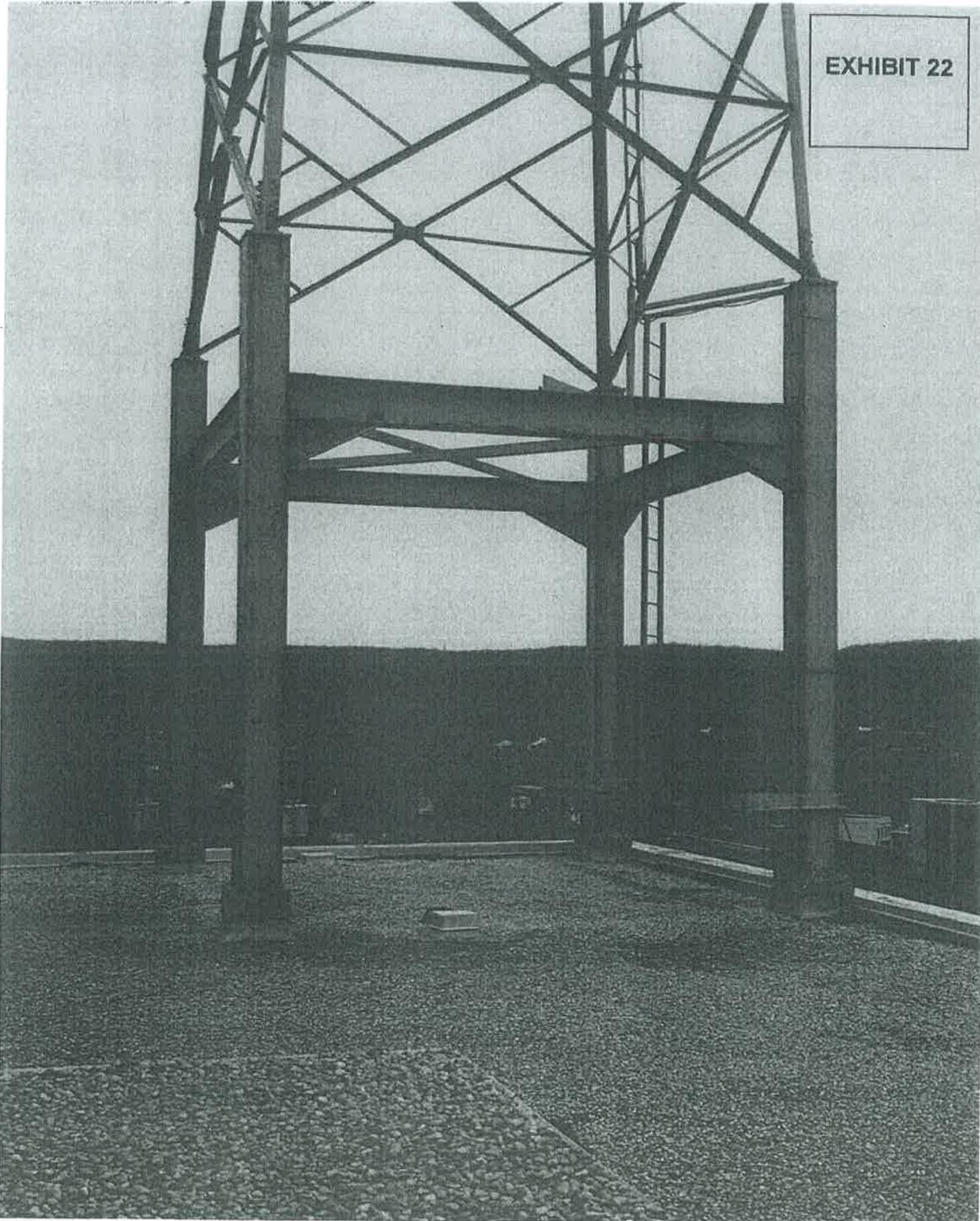




EXHIBIT 22







April 8, 2015

Mr. James Martin  
CenturyLink Real Estate Design & Construction  
112 Sixth Street  
Bristol, TN 37620

RE: Rocky Mount, VA 118' Tower Decom

Dear James,

Thank you for the opportunity to provide you an estimate for the Rocky Mount, VA Tower Decom located at 137 East Main, Rocky Mount, VA 24151. Based on our discussions, photos provided and the Tower Inspection Report dated 10/7/13 and Site Plan dated 2-10-99 and Google Earth Arial view, we are pleased to offer the following Budgetary Proposal.

**Rocky Mount, VA Tower Decom:**

- Provide labor and material to install caution tape around perimeter of rear parking lot on two separate weekends during project.
- Provide labor and equipment for crane rental and placement on rear parking lot on two separate weekends.
- Provide labor to demo all associated tower structure, antenna and cable systems attached to tower and to roof structure on Saturday and Sunday's while building is not occupied.
- Demo of the first 100' from top down will be removed first week and remainder will be removed second weekend.
- Demo of tower structure will be removed and hauled off down to the roof line only.
- Proper safety equipment and markings will be adhered to during the project process.
- The rear parking lot has overhead power lines running through the area and will be addressed accordingly with protective blankets placed on the power lines if required.

**Lump Sum Total:                      \$ 76,981.00**

**Items not included: ceiling replacement, removal of tower structure through roof, roof repairs, permits, zoning approvals, traffic control if required on Main Street, items not clearly specified above.**

If you have any questions or wish to discuss this proposal further, please do not hesitate to contact me.

Thank you,

Michael P. Ross  
Associated Vice President - KC



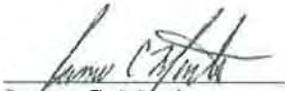
AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF SULLIVAN

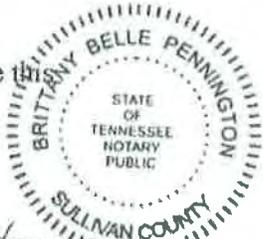
SS.

I, James C. Martin, Lead Construction Project Manager, CenturyLink, with my office located at 112 6<sup>th</sup> Street, Bristol, TN 37620, depose and state that I have reviewed the March 6, 2015 Decision from the Town of Rocky Mount and have read Ordinance at Section 40-4-2. Removal of the tower structure as ordered by that Decision and as addressed at Ordinance, Section 40-4-2, including the removal of all tower and fence footers [fence footers are not applicable in this instance], underground cables and support buildings, will cause irreparable harm to the building that the tower is attached to and render this building useless. This is based on my 16 years of construction experience. This statement true and correct to the best of my knowledge information and belief.

  
James C. Martin

Swore and subscribed before me this

13<sup>th</sup> day of April, 2015



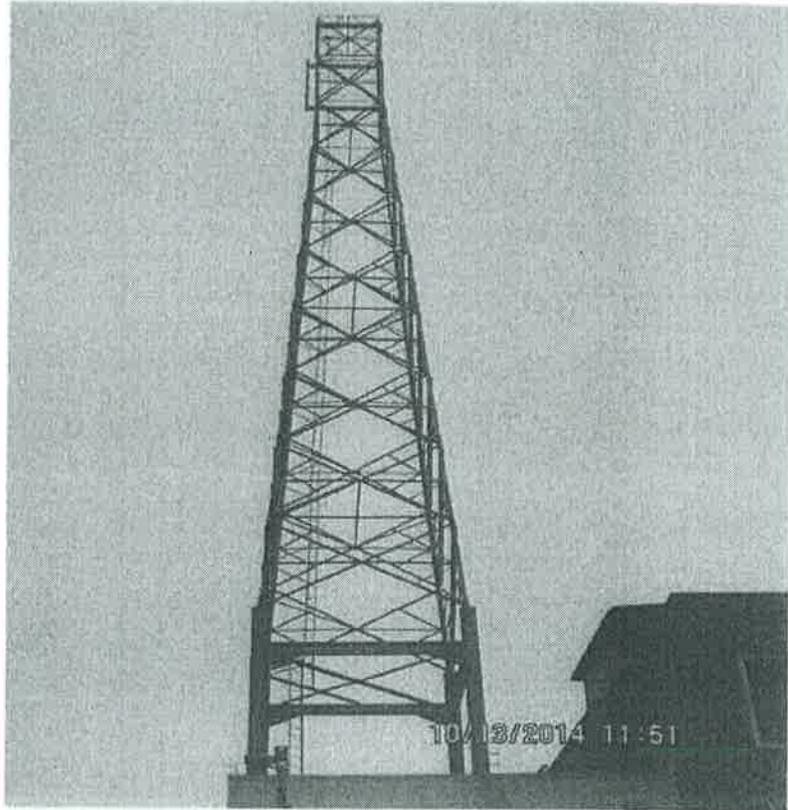
  
Notary





EXHIBIT 25  
(CONFIDENTIAL)

# Tower Inspection Report



## CenturyLink

*Site Name:* ROCKY MOUNT, VA STWR

*Site ID:* EB124L

*Address:* 137 EAST MAIN STREET

*City, ST Zip:* ROCKY MOUNT, VA 24151

*NAD-83 Latitude:* 36° 59' 43.00"

*NAD-83 Longitude:* -79° 53' 22.00"

*Date:* 10/07/2013

## ***Table of Contents***

<b><i>Page Number</i></b>	<b><i>Section Name</i></b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
18	<i>Inspection Photos</i>

## Site Information

### Site Identification

Date of Inspection: October 07, 2013

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

### Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

### Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

### Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

### Land Owner Contact Information

### Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

## ***Exception Items Found During Inspection***

<b>Urgency</b>	<b>Category</b>	<b>Question #</b>	<b>Photo #</b>	<b>Recommendations</b>
Low	Tower Structure	6	11	Stage 1 rust in multiple spots on the tower. Tower needs to be grinded down and re-painted.
Low	Grounding	5	33	Install a lightning rod to the top of the tower.

## Site Information

---

- 1      **General Tower Condition?**  
        **Answer: Satisfactory**
  
- 2      **Tower Plumb and Twist. Does it meet manufacturer specifications?**  
        **Answer: Satisfactory**
  
- 3      **Guy Tension. Does it meet manufacturer specifications?**  
        **Answer: NA**
  
- 4      **Lighting System. Does it meet manufacturer specifications?**  
        **Answer: Satisfactory**

## General Site Inspection

---

- 1      **Condition of compound fencing?**  
Answer: N/A
  
- 2      **Are locks installed on shelter?**  
Answer: N/A
  
- 3      **Is there miscellaneous materials, rubbish, or vegetation in the compound?**  
Answer: Pass
  
- 4      **Generator condition (visible damage, oil or water leaks, etc.)**  
Answer: N/A
  
- 5      **Fuel tank condition (rust, leaks, damaged piping).**  
Answer: N/A
  
- 6      **Condition of landscaping (trees, shrubs, etc.)?**  
Answer: N/A

## Tower Foundation

---

- 1 Check tightness of foundation-plate bolts.  
Answer: N/A  
The foundation plate bolts are sealed in an epoxy and are not exposed.
- 2 Is there any sign of corrosion on the foundation plate bolts, nuts, or washers?  
Answer: Pass
- 3 Are there any foundation plate bolts, nuts, or washers missing?  
Answer: N/A
- 4 What is the condition of the tower leg foundation (cracking, spalling, or settling)?  
Answer: Pass
- 5 Condition of grout around the foundation plate bolts (deterioration or crumbling)?  
Answer: N/A
- 6 Check for evidence of low spots on foundation where water can stand.  
Answer: N/A
- 7 Check for double nuts/locking device on foundation plate bolts.  
Answer: N/A
- 8 Check that there is at least one weep hole in grout under tower-leg base plate.  
Answer: N/A
- 9 Check that weep hole is free of obstructions.  
Answer: N/A

## Tower Structure

---

- 1 Spot-check at least 10 bolts on vertical tower members at 25' apart on all tower faces.  
Answer: Pass
- 2 Tower leg condition.  
Answer: Pass
- 3 Spot-check diagonal and girt welds as applicable.  
Answer: Pass
- 4 Visual detection of tower twist or distortion (check with transit if twisting or distortion is suspected).  
Answer: Pass
- 5 Is tower finish in good condition (galvanizing, paint, stealth material, etc) ?  
Answer: Pass
- 6 *Are there any areas of corrosion (minor corrosion to heavy pitting)?*  
*Answer: Fail*
- 7 Are there any bent or distorted members?  
Answer: Pass
- 8 Are there any loose or missing members?  
Answer: Pass
- 9 Are there loose or missing ANCO locknuts, split washers, Painuts?  
Answer: Pass
- 10 Are there any loose or missing bolts, nuts (examine all members and legs)?  
Answer: Pass
- 11 Are unused handholes and/or entry ports sealed with covers?  
Answer: N/A
- 12 Check handhole and/or entry port covers for loose, missing, or rusted hardware.  
Answer: N/A

## Tower Structure

---

- 13 Check slip-together sleeve joints for proper fit per the manufacturer's recommendations.  
Answer: N/A
  
- 14 Check condition of tower material (steel, wood, laminated wood, concrete, stealth, etc).  
Answer: Pass
  
- 15 Check stealth material for cracks, breaks, splinters, tears, etc.  
Answer: N/A
  
- 16 Check for untreated drill holes (galvanizing, painted, preservation, etc.)  
Answer: Pass

# OSHA Regulations

---

- 1 Is there a safety climb system? Is the climbing path free from obstructions?  
Answer: Pass
  
- 2 Is the safety climb system properly installed and secure?  
Answer: Pass
  
- 3 Is the safety climb system equipped with a safety climb cable or rail safety brake?  
Answer: Pass
  
- 4 Does the safety climb cable or rail safety break work properly?  
Answer: Pass
  
- 5 Is the tower equipped with a ladder, step bolts, or other type of climbing device?  
Answer: Pass
  
- 6 Ladder climb clearance - Is the space between the rung and tower at least 7 inches?  
Answer: Pass
  
- 7 Ladder back clearance - At least 30" of space behind the climbing side of the ladder?  
Answer: Pass
  
- 8 If the tower has a platform, is it equipped with ladderway opening protection?  
Answer: N/A  
The Platform consists of only one piece of ice bridge bolted on the west side of the tower.
  
- 9 Is the platform in satisfactory condition? All connections to tower should be tight.  
Answer: Pass

# Grounding

---

- 1      **Is the tower base properly grounded?**  
         **Answer: Pass**
  
- 2      **Are there any deficiencies in the overall ground system?**  
         **Answer: Pass**
  
- 3      **Are ground wires and connections in satisfactory condition?**  
         **Answer: Pass**
  
- 5      *Is there a lightning protection system (lightning rod, static dissipation array, etc.)?*  
         *Answer: Fail*
  
- 5      **Check that ground wires have no bends less than the recommended bend radius.**  
         **Answer: Pass**
  
- 6      **Is lightning rod at highest point of tower?**  
         **Answer: N/A**
  
- 7      **Are the entry port and related components properly grounded?**  
         **Answer: Pass**
  
- 8      **Are grounding rod covers clear of grass, weeds, gravel or earth, and are they accessible?**  
         **Answer: N/A**

# Lighting System

---

- 1 Is tower lighting system operating properly (flashing, steady burn, etc)?  
Answer: Pass
  
- 2 Are all lighting fixtures mounted securely?  
Answer: Pass
  
- 3 Are the lenses and red liners on the lights clean, unbroken, and properly installed?  
Answer: Pass
  
- 4 Are the safety chains and latches in good condition?  
Answer: N/A
  
- 5 Are the junction-box connections in good condition?  
Answer: Pass
  
- 6 Are light fixture gaskets properly installed and in satisfactory condition?  
Answer: Pass
  
- 7 Does the photocell operate properly (cover and verify)?  
Answer: N/A  
We could not access the photocell on this site.
  
- 8 Are junction boxes weather tight and secured to the tower?  
Answer: Pass
  
- 9 Is conduit secure, unbroken, and rust free?  
Answer: N/A
  
- 10 Is electrical wiring cracked, corroded, or brittle?  
Answer: Pass
  
- 11 Are the beacon and sidelight sockets in good condition?  
Answer: N/A
  
- 12 Is the internal wiring of the beacon(s) in good condition?  
Answer: N/A

## Lighting System

---

13 Are ice shields installed over the beacon(s)? If so, are they in good condition?  
Answer: N/A

14 Are vent and drain holes clear of obstructions?  
Answer: N/A

15 Are beacon and obstruction lamps in good condition?  
Answer: Pass

## Paint And Obstruction Marking

---

- 1 Is the overall condition of the tower paint good (peeling, flaking, fading, etc.)?  
Answer: N/A
  
- 2 Is the FAA marking in compliance with the latest version of the FAA Advisory Circular?  
Answer: N/A
  
- 3 Are the tower and transmission lines properly color-banded (7 bands, orange at top & bottom)?  
Answer: N/A

# Guy Anchors

---

- 1 Are the guy anchor areas clear of brush and vegetation?  
Answer: N/A
  
- 2 Do the guy anchor plates and rods exhibit any bends or fractures?  
Answer: N/A
  
- 3 Are there any signs of cracking, weathering and/or creepage on the guy anchor foundations?  
Answer: N/A
  
- 4 Are tumbuckles fully extended or contracted? Overall condition?  
Answer: N/A
  
- 5 Are the anchors properly grounded?  
Answer: N/A
  
- 6 Is there a cathodic protection ground system in place?  
Answer: N/A
  
- 7 Are there any corroded areas?  
Answer: N/A
  
- 8 Check for lateral alignment of guy anchor rods.  
Answer: N/A
  
- 9 Are all anchor plates above ground level?  
Answer: N/A

## Guy Wires

---

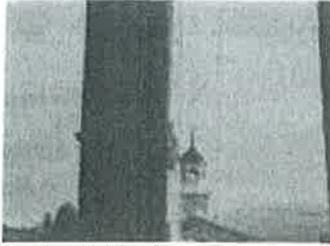
- 1      **Are there any signs of broken strands or insulators as seen through binoculars?**  
Answer: N/A
  
- 2      **Are the guy dampers secured and in good condition?**  
Answer: N/A
  
- 3      **Insure that all shackles, clevises, thimbles, cotter pins, and Crosby clamps are tight.**  
Answer: N/A
  
- 4      **Are the guy wires properly grounded?**  
Answer: N/A
  
- 5      **Are the preform grips in good condition?**  
Answer: N/A
  
- 6      **Is there any corrosion on the guy wires or guy hardware?**  
Answer: N/A
  
- 7      **Is each turnbuckle safety wire installed and secured?**  
Answer: N/A
  
- 8      **Are guy wire connections in good condition?**  
Answer: N/A
  
- 9      **Are ice clips installed on all preform grips?**  
Answer: N/A

## AM Detuning

---

- 1 Condition of AM detuning enclosure finish (peeling, rust/corrosion, etc.)?  
Answer: N/A
  
- 2 Condition of AM detuning enclosure (seal, loose or missing hardware, etc.)?  
Answer: N/A
  
- 3 Are the AM detuning skirt wires securely attached to the tower  
Answer: N/A
  
- 4 Condition of AM detuning wires (broken, sharp bends, etc.)?  
Answer: N/A
  
- 5 Is the AM detuning enclosure securely attached to the tower or other mounting surface?  
Answer: N/A
  
- 6 Is the AM detuning system properly grounded?  
Answer: N/A

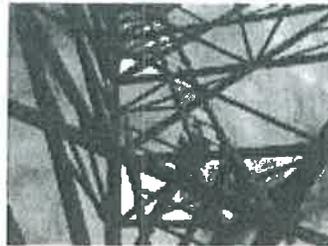
# Inspection Photos



1. Lighting Controller Cable Service Loop



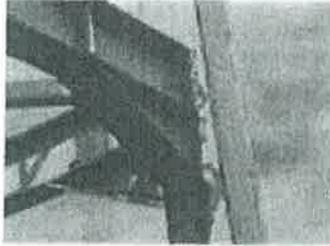
2. Lighting Cable Tower Routing



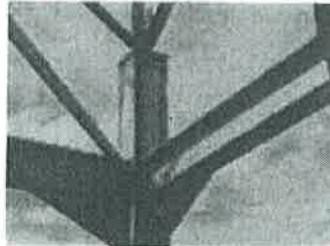
3. Lighting Cable Tower Routing



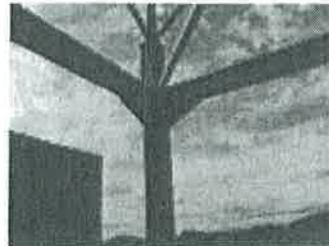
4. Lighting Cable Tower Routing



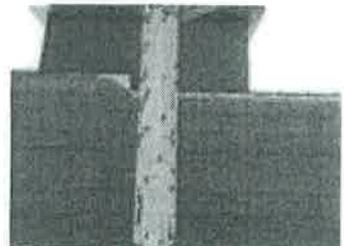
5. Tower Base Surface Rust



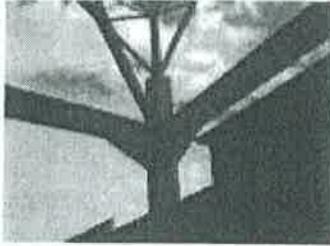
6. Tower Base Surface Rust



7. Tower Base Surface Rust



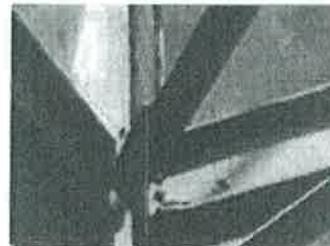
8. Tower Base Surface Rust



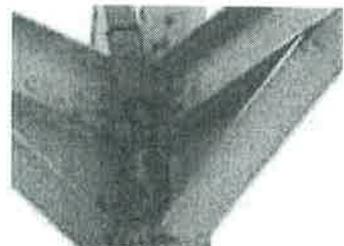
9. Tower Base Surface Rust



10. Tower Base Surface Rust / Tower Paint In Good Shape



11. Tower Base Surface Rust



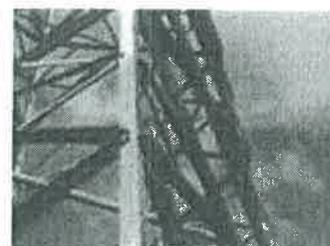
12. Tower Base Surface Rust



13. Only Signage



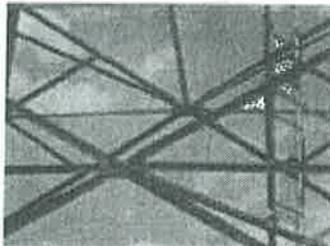
14. Spot Tower Surface Rust



15. Spot Tower Surface Rust



16. Spot Tower Surface Rust / Coax Routing On Tower / Member Connections



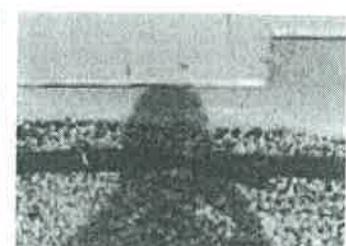
17. Member Connections



18. Drum Antenna From Ground

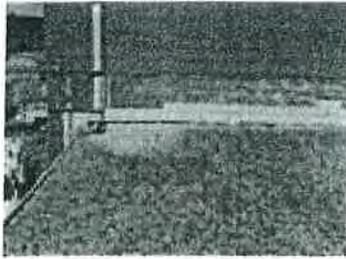


19. Drum Antenna From Ground



20. Ground Wire Conduit Separated

# Inspection Photos



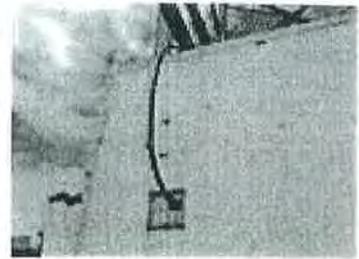
21. Tower Grounding



22. Tower Grounding



23. Tower Grounding



24. Tower Grounding / Coax Routing into Building/Equipment



25. Bottom Safety Climb Mount



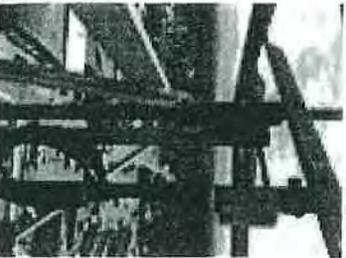
26. Safety Climb Routing Up The Tower



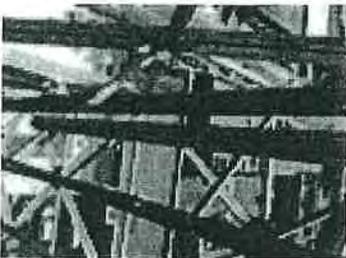
27. Safety Climb Routing Up The Tower



28. Coax In Climb Path



29. Top Safety Climb Mount



30. Lower End Of Safety Climb Mount



31. Dual Obstruction Markers



32. Top Of Tower



33. Top Of Tower



34. Bent Cross Members On Top Of Tower



35. Bent Cross Members On Top Of Tower



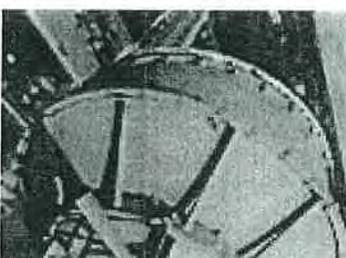
36. Walk Way On Tower



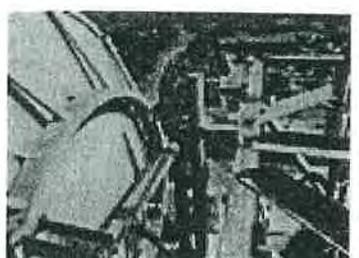
37. Dual Obstruction Markers On



38. Drum At Top Of Tower

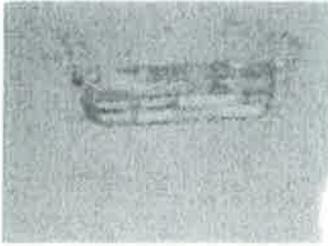


39. Drum At Top Of Tower



40. Drum Mount At Top Of Tower

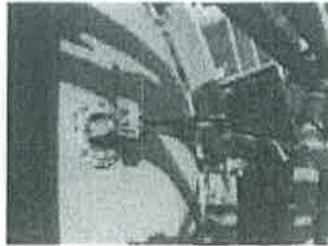
# Inspection Photos



41. Label On Back Of Drum



42. Label On Back Of Drum



43. Connection On Back Of Drum



44. Connection On Back Of Drum



45. Coax Connection To Drum



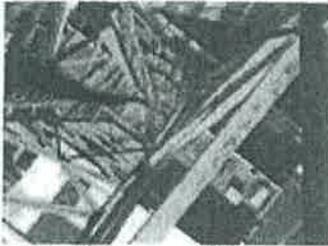
46. Coax Routing To Ladder



47. Kelem Grip Holding Coax



48. Shackle On Kelem Grip



49. Coax Routing Down Tower



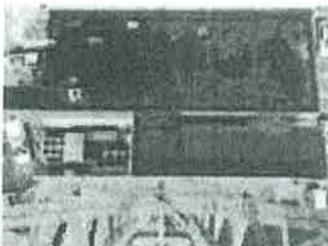
50. Coax Routing Down Tower



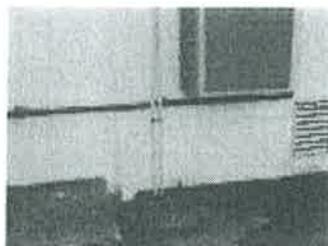
51. Ground Kit On Coax



52. Ground Kit Connection To Tower



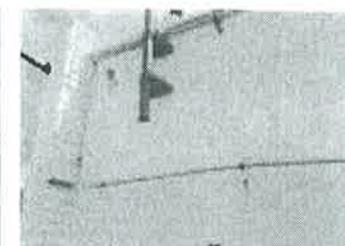
53. North View of the Compound Looking Down



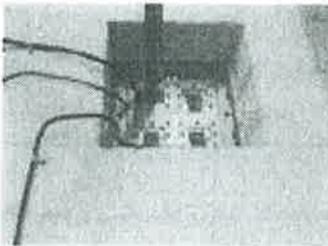
54. Tower Ground Termination



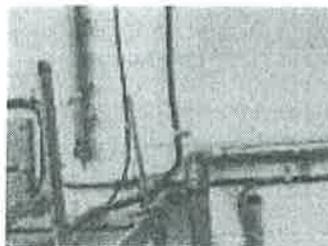
55. Tower Ground



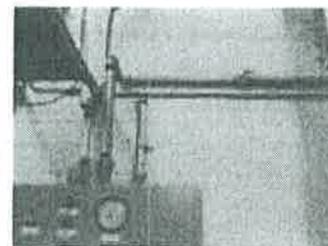
56. Tower Ground



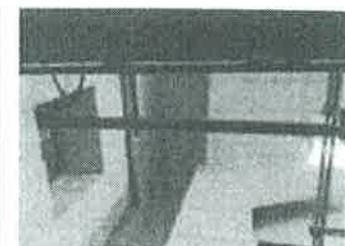
57. Coax Entry / Entry Port Ground



58. Entry Port Ground



59. Entry Port Ground

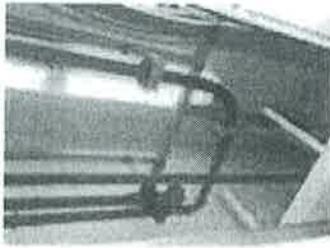


60. Coax Routing Inside Building

# Inspection Photos



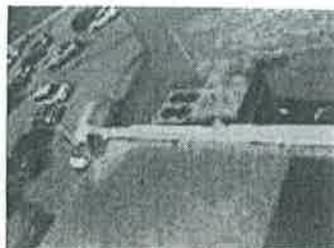
61. Coax Routing Inside Building



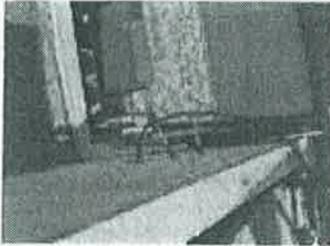
62. Coax Routing Inside Building



63. Coax Routing Inside Building



64. Tower Ground



65. Tower Ground / Coax Routing into Building/Equipment



66. North East View Of Compound



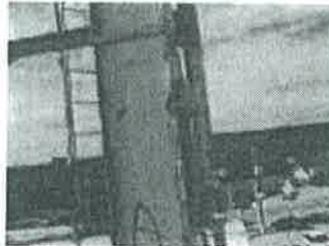
67. North East Panoramic View



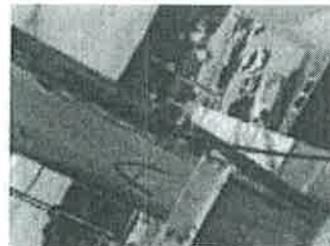
68. South East View Of Compound



69. South East Panoramic View



70. Lighting Controller Cable



71. Lighting Controller Cable



72. South West View Of Compound



73. South West Panoramic View



74. West Panoramic View



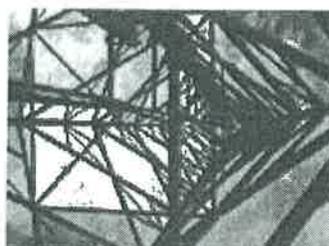
75. North West View Of Compound



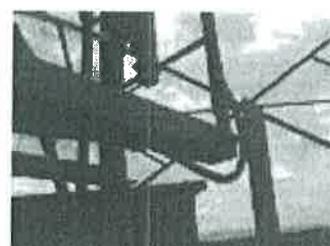
76. North West Panoramic View



77. Bent Rung On Ladder



78. Coax Routing Up The Tower

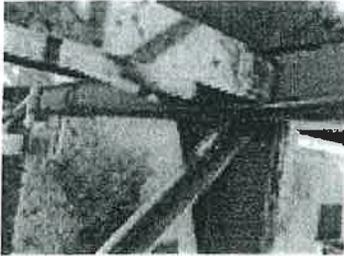


79. Coax Routing On Tower

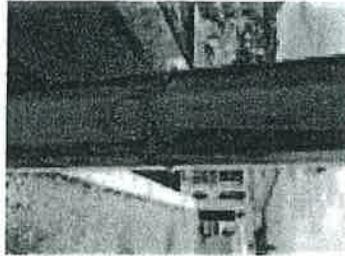


80. Lighting Cable Routing On Tower

# Inspection Photos



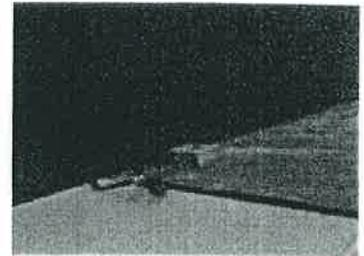
81. Lighting Cable Routing On Tower



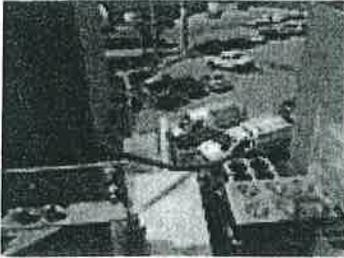
82. Service Loop For Lights



83. Junction Box For Lighting Cable



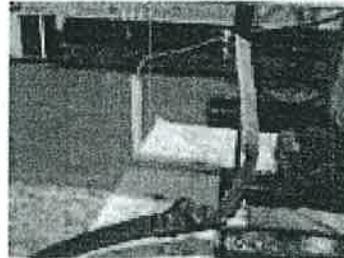
84. Controller And Photocell



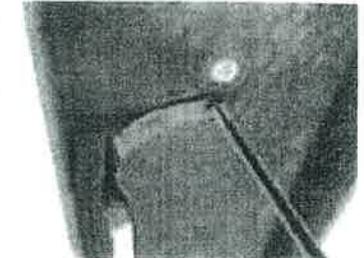
85. Ground Routing From Leg



86. Ground Routing From Leg



87. Ground Kit At Bottom Of Tower



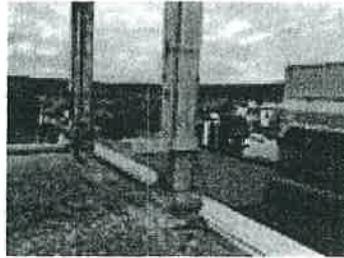
88. Ground Kit Connection To Ice Bridge



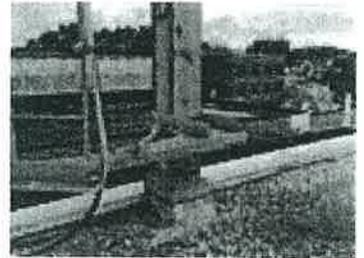
89. Loose Bolt Anchor Holding Ladder To Building



90. Loose Bolt Anchor Holding Ladder To Building



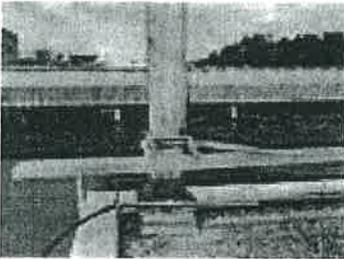
91. Tower Foundation



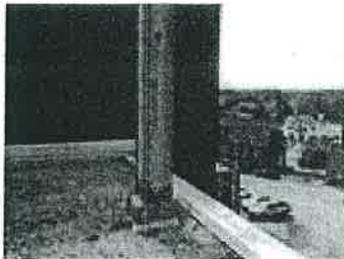
92. Tower Foundation



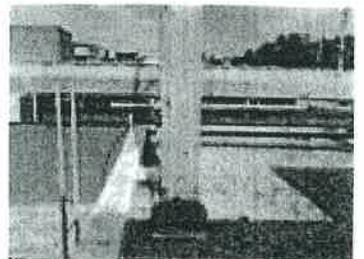
93. Tower Foundation



94. Tower Foundation



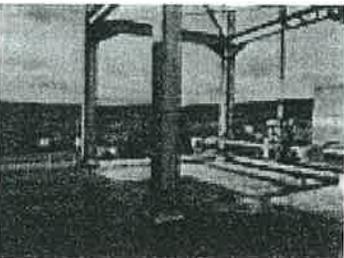
95. Tower Foundation



96. Tower Foundation



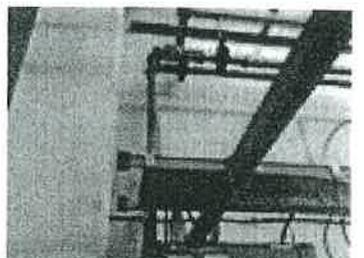
97. Tower Foundation



98. Tower Foundation

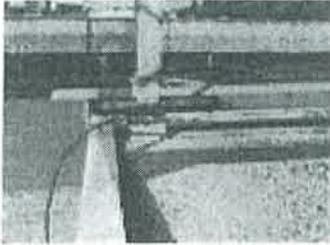


99. Lighting Controller

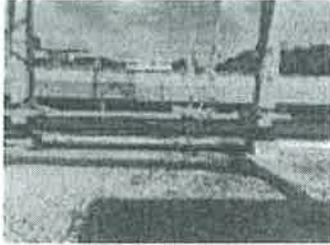


100. Coax Routing into Building/Equipment

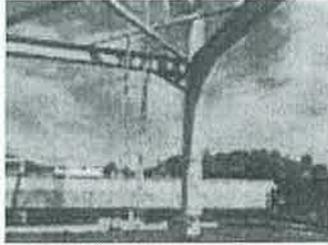
# Inspection Photos



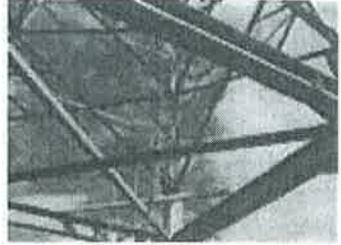
101. Coax Routing from Tower to Building



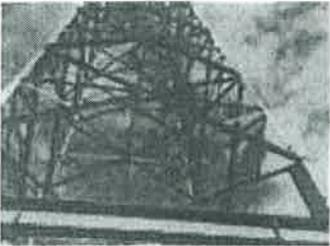
102. Coax Routing on Tower



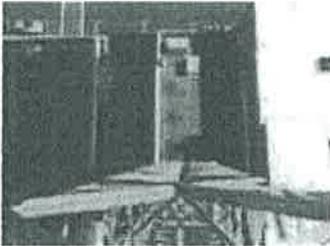
103. Coax Routing on Tower



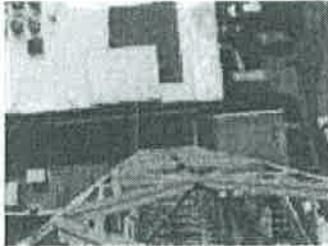
104. Coax Routing on Tower



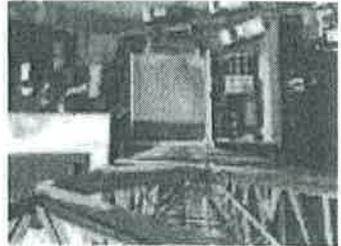
105. Coax Routing on Tower



106. East View of the Compound Looking Down



107. South View of the Compound Looking Down



108. West View of the Compound Looking Down



109. North Panoramic View



110. East Panoramic View



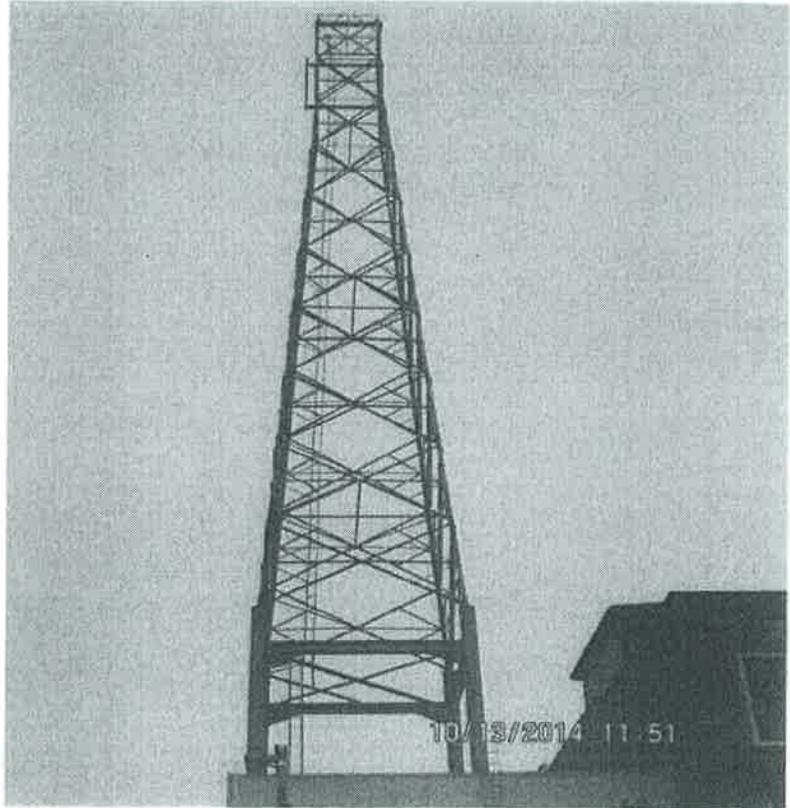
111. South Panoramic View





**EXHIBIT 26  
(CONFIDENTIAL)**

# Tower Inspection Report



## CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **08/04/2007**

## ***Table of Contents***

<b><i>Page Number</i></b>	<b><i>Section Name</i></b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
18	<i>Inspection Photos</i>

## Site Information

### Site Identification

Date of Inspection: August 04, 2007

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

### Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

### Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

### Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

### Land Owner Contact Information

### Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

## ***Exception Items Found During Inspection***

<b>Urgency</b>	<b>Category</b>	<b>Question #</b>	<b>Photo #</b>	<b>Recommendations</b>
Low	Grounding	5	35	There is no lightning rod installed on the tower and the tower is lit.

## Site Information

---

- 1      **General Tower Condition?**  
       **Answer: Pass**
  
- 2      **Tower Plumb and Twist. Does it meet manufacturer specifications?**  
       **Answer: Pass**
  
- 3      **Guy Tension. Does it meet manufacturer specifications?**  
       **Answer: N/A**
  
- 4      **Lighting System. Does it meet manufacturer specifications?**  
       **Answer: Pass**

## General Site Inspection

---

- 1 Condition of compound fencing?  
Answer: N/A
  
- 2 Are locks installed on shelter?  
Answer: Pass
  
- 3 Is there miscellaneous materials, rubbish, or vegetation in the compound?  
Answer: Pass
  
- 4 Generator condition (visible damage, oil or water leaks, etc.)  
Answer: N/A
  
- 5 Fuel tank condition (rust, leaks, damaged piping).  
Answer: N/A
  
- 6 Condition of landscaping (trees, shrubs, etc.)?  
Answer: N/A

## Tower Foundation

---

- 1      Check tightness of foundation-plate bolts.  
        Answer: N/A
  
- 2      Is there any sign of corrosion on the foundation plate bolts, nuts, or washers?  
        Answer: N/A
  
- 3      Are there any foundation plate bolts, nuts, or washers missing?  
        Answer: N/A
  
- 4      What is the condition of the tower leg foundation (cracking, spalling, or settling)?  
        Answer: N/A
  
- 5      Condition of grout around the foundation plate bolts (deterioration or crumbling)?  
        Answer: N/A
  
- 6      Check for evidence of low spots on foundation where water can stand.  
        Answer: N/A
  
- 7      Check for double nuts/locking device on foundation plate bolts.  
        Answer: N/A
  
- 8      Check that there is at least one weep hole in grout under tower-leg base plate.  
        Answer: N/A
  
- 9      Check that weep hole is free of obstructions.  
        Answer: N/A

## Tower Structure

---

- 1 Spot-check at least 10 bolts on vertical tower members at 25' apart on all tower faces.  
Answer: Pass
  
- 2 Tower leg condition.  
Answer: Pass
  
- 3 Spot-check diagonal and girt welds as applicable.  
Answer: Pass
  
- 4 Visual detection of tower twist or distortion (check with transit if twisting or distortion is suspected).  
Answer: Pass
  
- 5 Is tower finish in good condition (galvanizing, paint, stealth material, etc) ?  
Answer: Pass
  
- 6 Are there any areas of corrosion (minor corrosion to heavy pitting)?  
Answer: Pass
  
- 7 Are there any bent or distorted members?  
Answer: Pass
  
- 8 Are there any loose or missing members?  
Answer: Pass
  
- 9 Are there loose or missing ANCO locknuts, split washers, Palnuts?  
Answer: Pass
  
- 10 Are there any loose or missing bolts, nuts (examine all members and legs)?  
Answer: Pass
  
- 11 Are unused handholes and/or entry ports sealed with covers?  
Answer: Pass
  
- 12 Check handhole and/or entry port covers for loose, missing, or rusted hardware.  
Answer: Pass

## Tower Structure

---

- 13 Check slip-together sleeve joints for proper fit per the manufacturer's recommendations.  
Answer: N/A
  
- 14 Check condition of tower material (steel, wood, laminated wood, concrete, stealth, etc).  
Answer: Pass
  
- 15 Check stealth material for cracks, breaks, splinters, tears, etc.  
Answer: N/A
  
- 16 Check for untreated drill holes (galvanizing, painted, preservation, etc.)  
Answer: Pass

# OSHA Regulations

---

- 1 Is there a safety climb system? Is the climbing path free from obstructions?  
Answer: Pass
  
- 2 Is the safety climb system properly installed and secure?  
Answer: Pass
  
- 3 Is the safety climb system equipped with a safety climb cable or rail safety brake?  
Answer: Pass
  
- 4 Does the safety climb cable or rail safety break work properly?  
Answer: Pass
  
- 5 Is the tower equipped with a ladder, step bolts, or other type of climbing device?  
Answer: Pass
  
- 6 Ladder climb clearance - Is the space between the rung and tower at least 7 inches?  
Answer: Pass
  
- 7 Ladder back clearance - At least 30" of space behind the climbing side of the ladder?  
Answer: Pass
  
- 8 If the tower has a platform, is it equipped with ladderway opening protection?  
Answer: N/A
  
- 9 Is the platform in satisfactory condition? All connections to tower should be tight.  
Answer: N/A

## Grounding

---

- 1      **Is the tower base properly grounded?**  
    **Answer: Pass**
  
- 2      **Are there any deficiencies in the overall ground system?**  
    **Answer: Pass**
  
- 3      **Are ground wires and connections in satisfactory condition?**  
    **Answer: Pass**
  
- 5      *Is there a lightning protection system (lightning rod, static dissipation array, etc.)?*  
    *Answer: Fail*
  
- 6      **Check that ground wires have no bends less than the recommended bend radius.**  
    **Answer: Pass**
  
- 6      **Is lightning rod at highest point of tower?**  
    **Answer: N/A**
  
- 7      **Are the entry port and related components properly grounded?**  
    **Answer: N/A**
  
- 8      **Are grounding rod covers clear of grass, weeds, gravel or earth, and are they accessible?**  
    **Answer: Pass**

## Lighting System

---

- 1 Is tower lighting system operating properly (flashing, steady burn, etc)?  
Answer: Pass
  
- 2 Are all lighting fixtures mounted securely?  
Answer: Pass
  
- 3 Are the lenses and red liners on the lights clean, unbroken, and properly installed?  
Answer: Pass
  
- 4 Are the safety chains and latches in good condition?  
Answer: Pass
  
- 5 Are the junction-box connections in good condition?  
Answer: Pass
  
- 6 Are light fixture gaskets properly installed and in satisfactory condition?  
Answer: Pass
  
- 7 Does the photocell operate properly (cover and verify)?  
Answer: Pass
  
- 8 Are junction boxes weather tight and secured to the tower?  
Answer: Pass
  
- 9 Is conduit secure, unbroken, and rust free?  
Answer: Pass
  
- 10 Is electrical wiring cracked, corroded, or brittle?  
Answer: Pass
  
- 11 Are the beacon and sidelight sockets in good condition?  
Answer: Pass
  
- 12 Is the internal wiring of the beacon(s) in good condition?  
Answer: Pass

## Lighting System

---

13 Are ice shields installed over the beacon(s)? If so, are they in good condition?  
Answer: Pass

14 Are vent and drain holes clear of obstructions?  
Answer: Pass

15 Are beacon and obstruction lamps in good condition?  
Answer: Pass

## Paint And Obstruction Marking

---

- 1 Is the overall condition of the tower paint good (peeling, flaking, fading, etc.)?  
Answer: Pass
  
- 2 Is the FAA marking in compliance with the latest version of the FAA Advisory Circular?  
Answer: N/A
  
- 3 Are the tower and transmission lines properly color-banded (7 bands, orange at top & bottom)?  
Answer: N/A

## Guy Anchors

---

- 1      **Are the guy anchor areas clear of brush and vegetation?**  
Answer: N/A
  
- 2      **Do the guy anchor plates and rods exhibit any bends or fractures?**  
Answer: N/A
  
- 3      **Are there any signs of cracking, weathering and/or creepage on the guy anchor foundations?**  
Answer: N/A
  
- 4      **Are turnbuckles fully extended or contracted? Overall condition?**  
Answer: N/A
  
- 5      **Are the anchors properly grounded?**  
Answer: N/A
  
- 6      **Is there a cathodic protection ground system in place?**  
Answer: N/A
  
- 7      **Are there any corroded areas?**  
Answer: N/A
  
- 8      **Check for lateral alignment of guy anchor rods.**  
Answer: N/A
  
- 9      **Are all anchor plates above ground level?**  
Answer: N/A

## Guy Wires

---

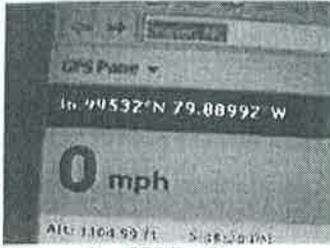
- 1 Are there any signs of broken strands or insulators as seen through binoculars?  
Answer: N/A
  
- 2 Are the guy dampers secured and in good condition?  
Answer: N/A
  
- 3 Insure that all shackles, devises, thimbles, cotter pins, and Crosby clamps are tight.  
Answer: N/A
  
- 4 Are the guy wires properly grounded?  
Answer: N/A
  
- 5 Are the preform grips in good condition?  
Answer: N/A
  
- 6 Is there any corrosion on the guy wires or guy hardware?  
Answer: N/A
  
- 7 Is each turnbuckle safety wire installed and secured?  
Answer: N/A
  
- 8 Are guy wire connections in good condition?  
Answer: N/A
  
- 9 Are ice clips installed on all preform grips?  
Answer: N/A

## AM Detuning

---

- 1 Condition of AM detuning enclosure finish (peeling, rust/corrosion, etc.)?  
Answer: N/A
  
- 2 Condition of AM detuning enclosure (seal, loose or missing hardware, etc.)?  
Answer: N/A
  
- 3 Are the AM detuning skirt wires securely attached to the tower  
Answer: N/A
  
- 4 Condition of AM detuning wires (broken, sharp bends, etc.)?  
Answer: N/A
  
- 5 Is the AM detuning enclosure securely attached to the tower or other mounting surface?  
Answer: N/A
  
- 6 Is the AM detuning system properly grounded?  
Answer: N/A

# Inspection Photos



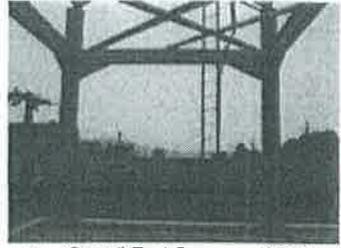
1. GPS Reading



2. Signage



3. Overall North Compound View



4. Overall East Compound View



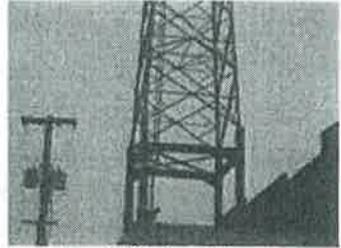
5. Overall West Compound View



6. Overall Tower View



7. Overall Tower View



8. 1st Section of Tower



9. 2nd Section of Tower



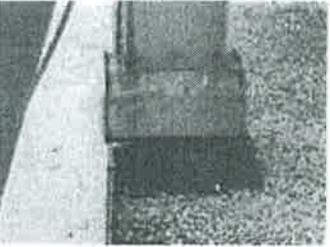
10. 3rd Section of Tower



11. 4th Section of Tower



12. Antenna Array



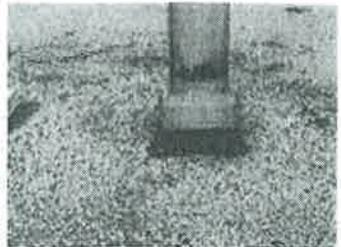
13. Tower Foundation / A leg



14. Tower Foundation / B leg



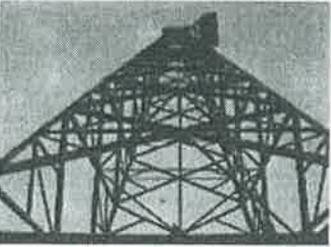
15. Tower Foundation / C leg



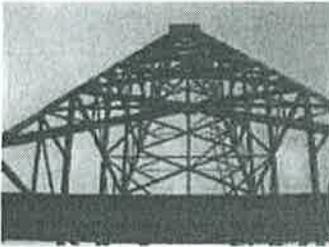
16. Tower Foundation / D leg



17. Tower Profile Face 1



18. Tower Profile Face 2



19. Tower Profile Face 3

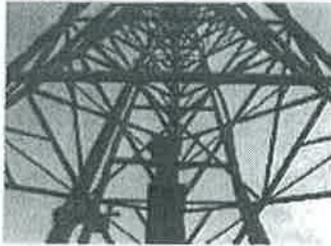


20. Tower Profile Face 4

# Inspection Photos



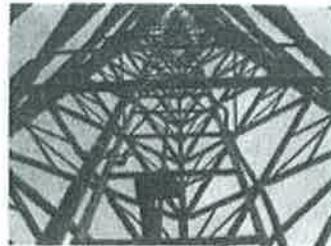
21. Tower Climbing Ladder/Step Bolts



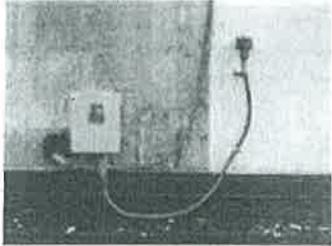
22. Tower Climbing Ladder/Step Bolts / Safety Climb Ladder/Step Bolts



23. Tower Climbing Ladder/Step Bolts



24. Tower Climbing Ladder/Step Bolts



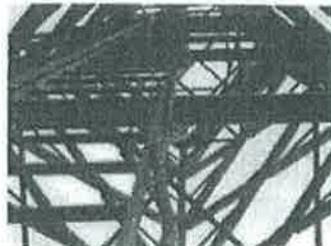
25. Lighting Controller



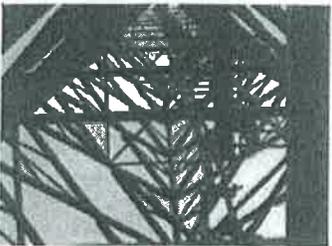
26. Lighting Controller



27. Coax Routing into Building/Equipment



28. Coax Routing on Tower



29. Coax Routing on Tower



30. Coax Routing on Tower



31. View of Tower Lighting Level Taken from Ground



32. Top Lighting Fixture / View of Method of Measurement / Highest point



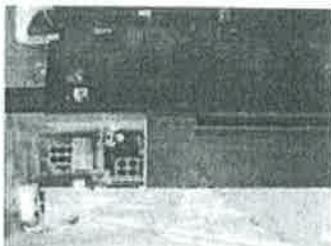
33. Top Lighting Fixture / highest point



34. Top Lighting Fixture



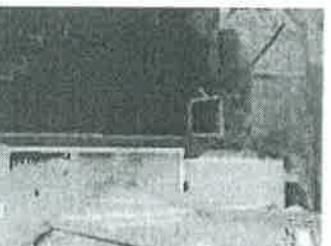
35. No lightning rod



36. North View of the Compound Looking Down



37. East View of the Compound Looking Down



38. South View of the Compound Looking Down



39. West View of the Compound Looking Down



40. North Panoramic View

# Inspection Photos



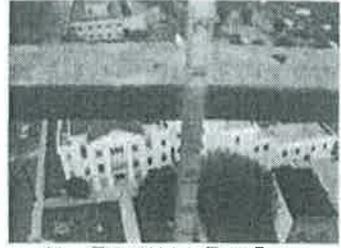
41. East Panoramic View



42. South Panoramic View



43. West Panoramic View



44. Tower Height Tape Drop



45. View of Method of Measurement



46. View of Method of Measurement



47. Close-Up of Back of Antenna



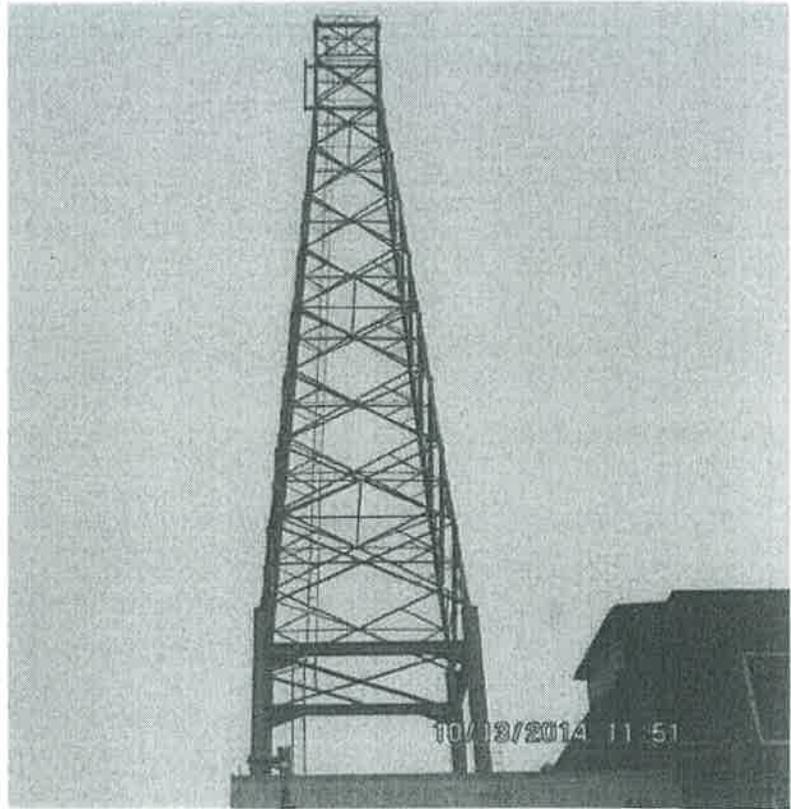
48. Close-Up of Back of Antenna



49. SO cord



**Tower  
Inspection  
Report**



**CenturyLink**

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **06/17/2010**

## ***Table of Contents***

<b><i>Page Number</i></b>	<b><i>Section Name</i></b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
18	<i>Inspection Photos</i>

## Site Information

### Site Identification

Date of Inspection: June 17, 2010

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

### Site Location

Address: 137 EAST MAIN STREET,  
City/State/Zip: ROCKY MOUNT, VA 24151

Latitude: 36° 59' 43.00"  
Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

### Tower Information

Tower Type: Self Supporting	Number of Tower Legs: 4-Legs
Tower Height: 118.00'	Tower Manufacturer: N/A
Structure Height: 152.58'	Tower Model: N/A
Overall Height: 154.58'	Serial Number:
Safety Devices: Cable	Safety Device Size: 3/8"
Climbing Device: Ladder	# of Antenna Carriers: 1
FCC/ASR Number: N/A	

### Compound Information

Compound Size:	Fence Type: None
Compound Surface: Rooftop	Lock Combination:
Access Road Surface: Asphalt	Access Road Length: 200.00'
Electric Meter Number:	Electric Pole Number:
Site Phone Number:	NOCC Phone Number:

### Land Owner Contact Information

### Other Information

Is a Lighted Tower: Yes	Is Landscaped: No
Has an Irrigation System: No	Has a Lawn: No

## ***Exception Items Found During Inspection***

<b>Urgency</b>	<b>Category</b>	<b>Question #</b>	<b>Photo #</b>	<b>Recommendations</b>
Low	Tower Structure	6	1	Tower support steel surface rust. Tower is good just support steel has rust.
Low	OSHA Regulations	5	20	This is ladder from lower roof to upper roof.
Low	Grounding	2	22	This is main tower ground at ground level.
Low	Grounding	5	7	No lightning rod on the tower.
Low	Grounding	6	36	No lightning rod on top of tower.
Low	Grounding	7	19	Ground missing or removed on outside of entry port.

## Site Information

---

- 1      **General Tower Condition?**  
      **Answer: Good**
  
- 2      **Tower Plumb and Twist. Does it meet manufacturer specifications?**  
      **Answer: YES**
  
- 3      **Guy Tension. Does it meet manufacturer specifications?**  
      **Answer: N/A**
  
- 4      **Lighting System. Does it meet manufacturer specifications?**  
      **Answer: Yes**

## General Site Inspection

---

- 1      **Condition of compound fencing?**  
Answer: Pass
  
- 2      **Are locks installed on shelter?**  
Answer: Pass
  
- 3      **Is there miscellaneous materials, rubbish, or vegetation in the compound?**  
Answer: Pass
  
- 4      **Generator condition (visible damage, oil or water leaks, etc.)**  
Answer: N/A
  
- 5      **Fuel tank condition (rust, leaks, damaged piping).**  
Answer: N/A
  
- 6      **Condition of landscaping (trees, shrubs, etc.)?**  
Answer: N/A

# Tower Foundation

---

- 1 Check tightness of foundation-plate bolts.  
Answer: Pass
  
- 2 Is there any sign of corrosion on the foundation plate bolts, nuts, or washers?  
Answer: Pass  
Surface rust on tower support steel
  
- 3 Are there any foundation plate bolts, nuts, or washers missing?  
Answer: Pass
  
- 4 What is the condition of the tower leg foundation (cracking, spalling, or settling)?  
Answer: Pass
  
- 5 Condition of grout around the foundation plate bolts (deterioration or crumbling)?  
Answer: Pass
  
- 6 Check for evidence of low spots on foundation where water can stand.  
Answer: Pass
  
- 7 Check for double nuts/locking device on foundation plate bolts.  
Answer: Pass
  
- 8 Check that there is at least one weep hole in grout under tower-leg base plate.  
Answer: N/A
  
- 9 Check that weep hole is free of obstructions.  
Answer: N/A

## Tower Structure

---

- 1 Spot-check at least 10 bolts on vertical tower members at 25' apart on all tower faces.  
Answer: Pass
- 2 Tower leg condition.  
Answer: Pass
- 3 Spot-check diagonal and girt welds as applicable.  
Answer: Pass
- 4 Visual detection of tower twist or distortion (check with transit if twisting or distortion is suspected).  
Answer: Pass
- 5 Is tower finish in good condition (galvanizing, paint, stealth material, etc) ?  
Answer: Pass
- 6 *Are there any areas of corrosion (minor corrosion to heavy pitting)?*  
*Answer: Fail*
- 7 Are there any bent or distorted members?  
Answer: Pass
- 8 Are there any loose or missing members?  
Answer: Pass
- 9 Are there loose or missing ANCO locknuts, split washers, Palnuts?  
Answer: Pass
- 10 Are there any loose or missing bolts, nuts (examine all members and legs)?  
Answer: Pass
- 11 Are unused handholes and/or entry ports sealed with covers?  
Answer: N/A
- 12 Check handhole and/or entry port covers for loose, missing, or rusted hardware.  
Answer: N/A

## Tower Structure

---

- 13 Check slip-together sleeve joints for proper fit per the manufacturer's recommendations.  
Answer: N/A
  
- 14 Check condition of tower material (steel, wood, laminated wood, concrete, stealth, etc).  
Answer: Pass
  
- 15 Check stealth material for cracks, breaks, splinters, tears, etc.  
Answer: Pass
  
- 16 Check for untreated drill holes (galvanizing, painted, preservation, etc.)  
Answer: Pass

## OSHA Regulations

---

- 1 Is there a safety climb system? Is the climbing path free from obstructions?  
Answer: Pass
  
- 2 Is the safety climb system properly installed and secure?  
Answer: Pass
  
- 3 Is the safety climb system equipped with a safety climb cable or rail safety brake?  
Answer: Pass
  
- 4 Does the safety climb cable or rail safety break work properly?  
Answer: Pass
  
- 5 *Is the tower equipped with a ladder, step bolts, or other type of climbing device?*  
Answer: Fail
  
- 6 Ladder climb clearance - Is the space between the rung and tower at least 7 inches?  
Answer: Pass
  
- 7 Ladder back clearance - At least 30" of space behind the climbing side of the ladder?  
Answer: Pass
  
- 8 If the tower has a platform, is it equipped with ladderway opening protection?  
Answer: Pass
  
- 9 Is the platform in satisfactory condition? All connections to tower should be tight.  
Answer: N/A

# Grounding

---

- 1 **Is the tower base properly grounded?**  
**Answer: Pass**
  
- 2 *Are there any deficiencies in the overall ground system?*  
*Answer: Fail*
  
- 3 **Are ground wires and connections in satisfactory condition?**  
**Answer: Pass**
  
- 5 *Is there a lightning protection system (lightning rod, static dissipation array, etc.)?*  
*Answer: Fail*
  
- 5 **Check that ground wires have no bends less than the recommended bend radius.**  
**Answer: Pass**
  
- 6 *Is lightning rod at highest point of tower?*  
*Answer: Fail*
  
- 7 *Are the entry port and related components properly grounded?*  
*Answer: Fail*  
*no outside ground only grounded inside building*
  
- 8 **Are grounding rod covers clear of grass, weeds, gravel or earth, and are they accessible?**  
**Answer: Pass**

## Lighting System

---

- 1 Is tower lighting system operating properly (flashing, steady burn, etc)?  
Answer: Pass
  
- 2 Are all lighting fixtures mounted securely?  
Answer: Pass
  
- 3 Are the lenses and red liners on the lights clean, unbroken, and properly installed?  
Answer: Pass
  
- 4 Are the safety chains and latches in good condition?  
Answer: Pass
  
- 5 Are the junction-box connections in good condition?  
Answer: Pass
  
- 6 Are light fixture gaskets properly installed and in satisfactory condition?  
Answer: Pass
  
- 7 Does the photocell operate properly (cover and verify)?  
Answer: Pass
  
- 8 Are junction boxes weather tight and secured to the tower?  
Answer: Pass
  
- 9 *Is conduit secure, unbroken, and rust free?*  
*Answer: Corrected*
  
- 10 Is electrical wiring cracked, corroded, or brittle?  
Answer: Pass
  
- 11 Are the beacon and sidelight sockets in good condition?  
Answer: N/A
  
- 12 Is the internal wiring of the beacon(s) in good condition?  
Answer: N/A

## Lighting System

---

- 13 Are ice shields installed over the beacon(s)? If so, are they in good condition?  
Answer: N/A
- 14 Are vent and drain holes clear of obstructions?  
Answer: Pass
- 15 Are beacon and obstruction lamps in good condition?  
Answer: N/A

## Paint And Obstruction Marking

---

- 1 Is the overall condition of the tower paint good (peeling, flaking, fading, etc.)?  
Answer: Pass
  
- 2 Is the FAA marking in compliance with the latest version of the FAA Advisory Circular?  
Answer: N/A
  
- 3 Are the tower and transmission lines properly color-banded (7 bands, orange at top & bottom)?  
Answer: N/A

# Guy Anchors

---

- 1 Are the guy anchor areas clear of brush and vegetation?  
Answer: N/A
  
- 2 Do the guy anchor plates and rods exhibit any bends or fractures?  
Answer: N/A
  
- 3 Are there any signs of cracking, weathering and/or creepage on the guy anchor foundations?  
Answer: N/A
  
- 4 Are tumblers fully extended or contracted? Overall condition?  
Answer: N/A
  
- 5 Are the anchors properly grounded?  
Answer: N/A
  
- 6 Is there a cathodic protection ground system in place?  
Answer: N/A
  
- 7 Are there any corroded areas?  
Answer: N/A
  
- 8 Check for lateral alignment of guy anchor rods.  
Answer: N/A
  
- 9 Are all anchor plates above ground level?  
Answer: N/A

## Guy Wires

---

- 1 Are there any signs of broken strands or insulators as seen through binoculars?  
Answer: N/A
  
- 2 Are the guy dampers secured and in good condition?  
Answer: N/A
  
- 3 Insure that all shackles, clevises, thimbles, cotter pins, and Crosby clamps are tight.  
Answer: N/A
  
- 4 Are the guy wires properly grounded?  
Answer: N/A
  
- 5 Are the preform grips in good condition?  
Answer: N/A
  
- 6 Is there any corrosion on the guy wires or guy hardware?  
Answer: N/A
  
- 7 Is each turnbuckle safety wire installed and secured?  
Answer: N/A
  
- 8 Are guy wire connections in good condition?  
Answer: N/A
  
- 9 Are ice clips installed on all preform grips?  
Answer: N/A

## AM Detuning

---

- 1 Condition of AM detuning enclosure finish (peeling, rust/corrosion, etc.)?  
Answer: N/A
  
- 2 Condition of AM detuning enclosure (seal, loose or missing hardware, etc.)?  
Answer: N/A
  
- 3 Are the AM detuning skirt wires securely attached to the tower  
Answer: N/A
  
- 4 Condition of AM detuning wires (broken, sharp bends, etc.)?  
Answer: N/A
  
- 5 Is the AM detuning enclosure securely attached to the tower or other mounting surface?  
Answer: N/A
  
- 6 Is the AM detuning system properly grounded?  
Answer: N/A

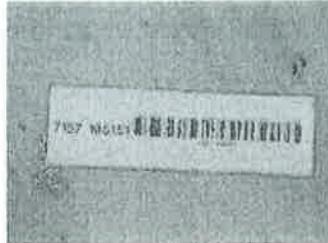
# Inspection Photos



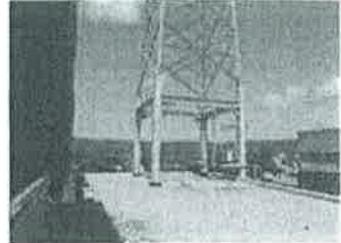
1. Typical rust on tower support



2. conduit at photocell / Lighting Control Attachment to Panel



3. Site ID



4. Overall West Compound View



5. Overall Tower View / top half



6. Overall Tower View / lower half



7. Top of tower



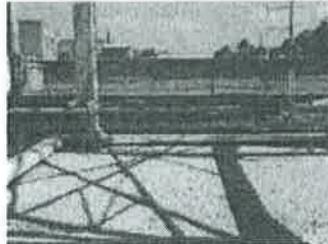
8. Typical tower support rust



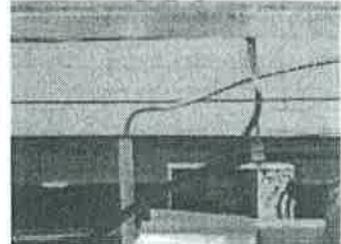
9. AT&T cable ground at base of tower



10. Baseplate Grouting



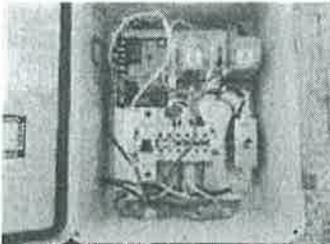
11. Coax Routing into Building/Equipment



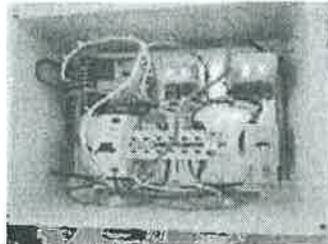
12. Coax Grounding at Base of Tower



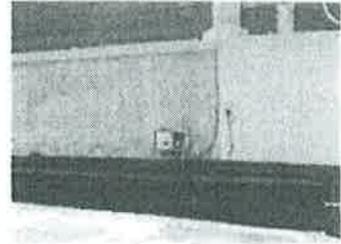
13. Lighting Controller



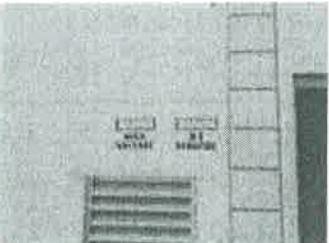
14. Lighting Controller Panel



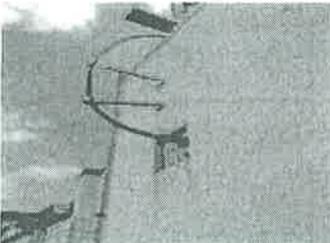
15. Lighting Controller Panel



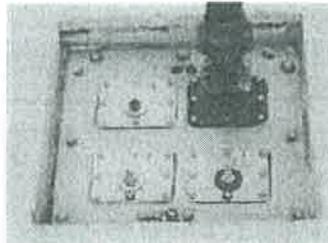
16. Lighting Controller



17. Signs ladder to upper roof and tower



18. Coax Routing from Tower to Building

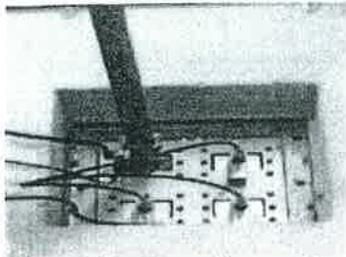


19. Entry port to building / Port not grounded on outside

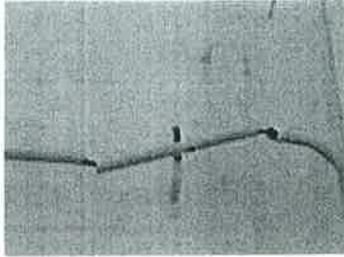


20. Ladder to upper roof Loose bolt

# Inspection Photos



21. Inside entry port has ground this side



22. Main tower ground conduit



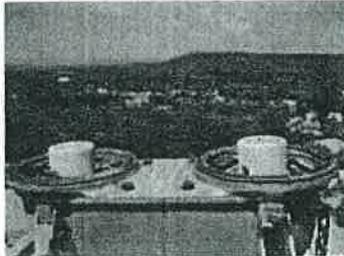
23. Main tower ground conduit



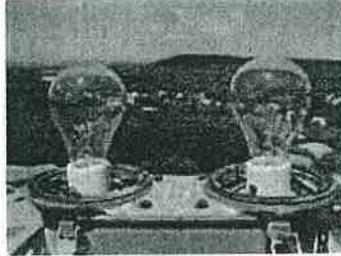
24. Overall Tower View



25. Tower Light ID



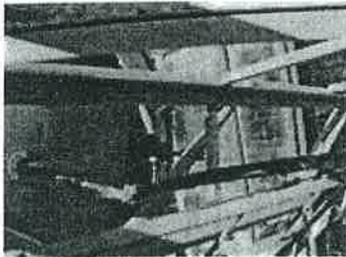
26. Tower Light



27. Tower Light



28. Tower Light



29. AT&T Antenna / Wave guide needs to be secured



30. temp repair od conduit



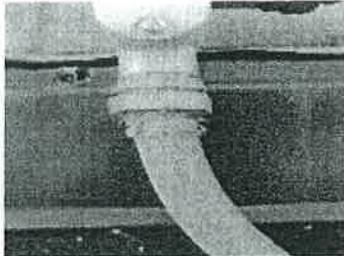
31. Lighting Control Attachment to Panel



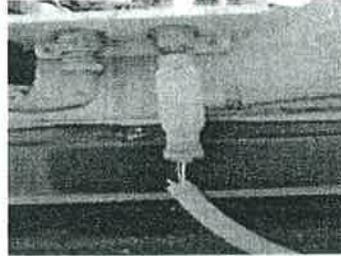
32. Tower support rust



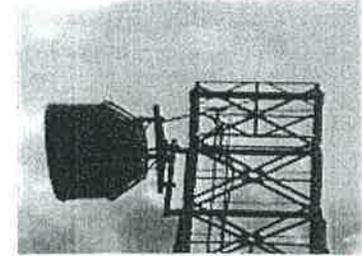
33. Typical tower support rust



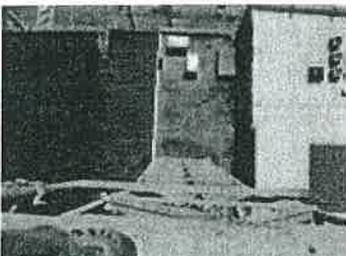
34. Lighting Control Attachment to Panel / Temp repaired of conduit



35. Wire to photo cell / Lighting Control Attachment to Panel



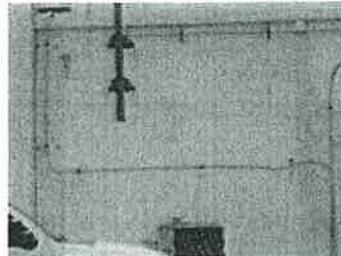
36. AT&T Antenna



37. East View of the Compound Looking Down



38. North View of the Compound Looking Down



39. Main tower ground conduit

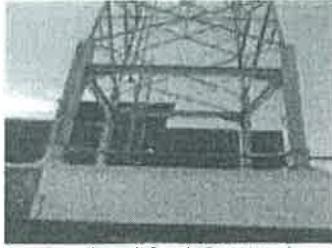


40. Lighting Controller

# Inspection Photos



41. Overall East Compound View



42. Overall South Compound View



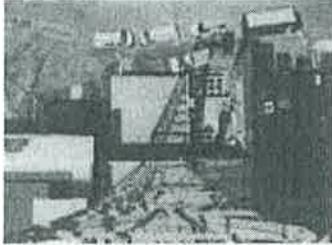
43. South View of the Compound Looking Down



44. Tower light TOP



45. Tower Light ID

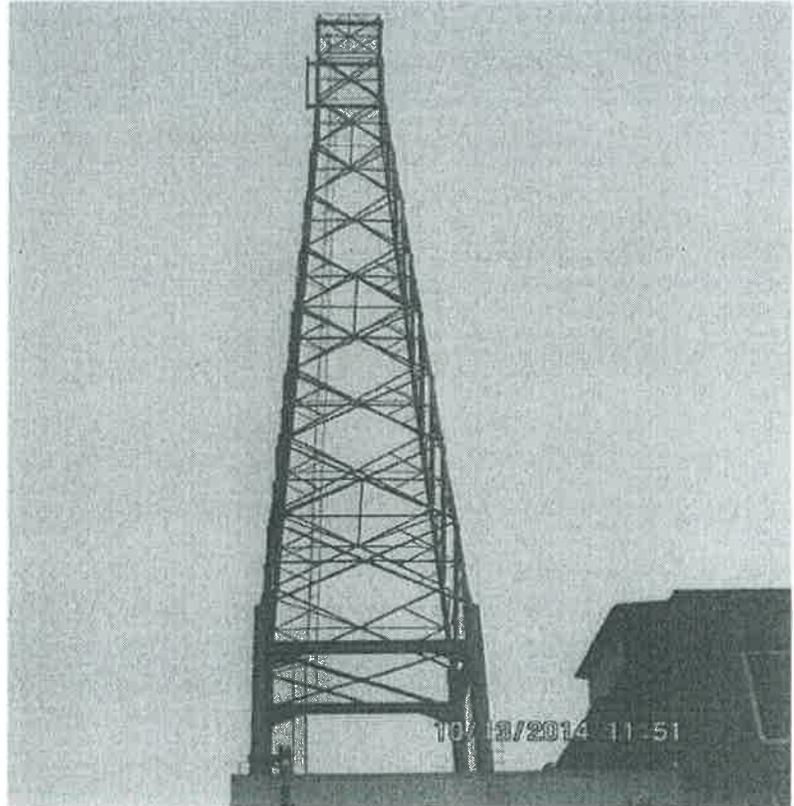


46. West View of the Compound Looking Down



EXHIBIT 28  
(CONFIDENTIAL)

## Site Inspection Report



# CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **01/28/2015**

## ***Table of Contents***

<b><i>Page Number</i></b>	<b><i>Section Name</i></b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

## Site Information

### Site Identification

Date of Inspection: January 28, 2015

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

### Site Location

Address: 137 EAST MAIN STREET,  
City/State/Zip: ROCKY MOUNT, VA 24151

Latitude: 36° 59' 43.00"  
Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

### Tower Information

Tower Type: Self Supporting	Number of Tower Legs: 4-Legs
Tower Height: 118.00'	Tower Manufacturer: N/A
Structure Height: 152.58'	Tower Model: N/A
Overall Height: 154.58'	Serial Number:
Safety Devices: Cable	Safety Device Size: 3/8"
Climbing Device: Ladder	# of Antenna Carriers: 1
FCC/ASR Number: N/A	

### Compound Information

Compound Size:	Fence Type: None
Compound Surface: Rooftop	Lock Combination:
Access Road Surface: Asphalt	Access Road Length: 200.00'
Electric Meter Number:	Electric Pole Number:
Site Phone Number:	NOCC Phone Number:

### Land Owner Contact Information

### Other Information

Is a Lighted Tower: Yes	Is Landscaped: No
Has an Irrigation System: No	Has a Lawn: No

## ***Exception Items Found During Inspection***

---

\*\*\*\*\* No Exceptions Found \*\*\*\*\*

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

- 1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.  
Answer: Pass
  
- 2 Is the flash cable properly attached to---no metal clamps---and routed up the tower?  
Answer: N/A
  
- 3 Check tower lighting for proper operation.  
Answer: Pass
  
- 4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).  
Answer: Pass
  
- 5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.  
Answer: Pass
  
- 6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).  
Answer: N/A  
Tina could not see alarms

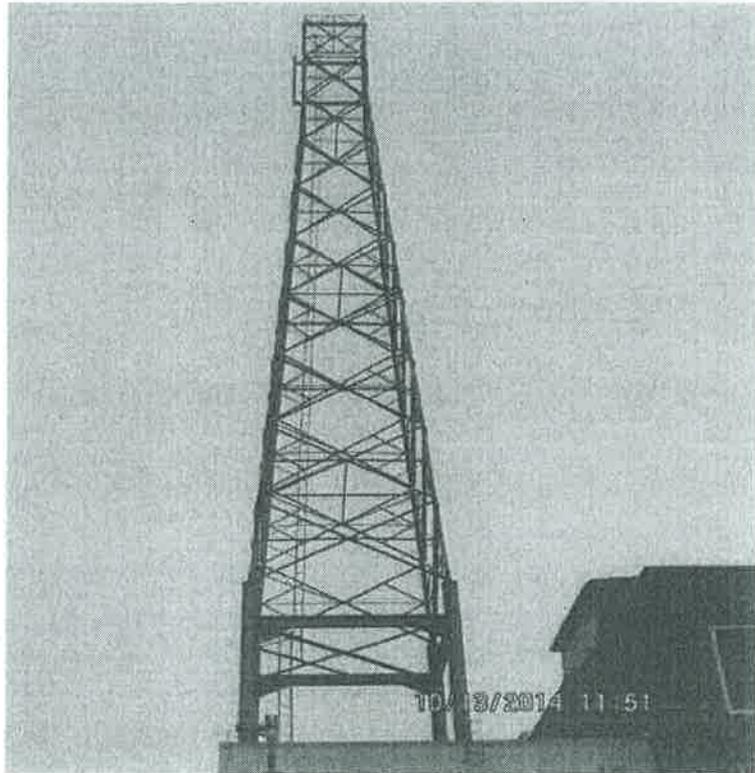




**EXHIBIT 29**  
**CONFIDENTIAL SITEMASTER INSPECTION**  
**REPORTS FROM**  
**MAY 2013 - OCTOBER 2014**



## Site Inspection Report



# CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **05/20/2013**

## **Table of Contents**

<b>Page Number</b>	<b>Section Name</b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

## Site Information

---

### Site Identification

Date of Inspection: May 20, 2013

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

---

### Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

---

### Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

---

### Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

---

### Land Owner Contact Information

---

### Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

## ***Exception Items Found During Inspection***

<b>Urgency</b>	<b>Category</b>	<b>Question #</b>	<b>Photo #</b>	<b>Recommendations</b>
Low	Quarterly Lighting Inspection	6	2	Relocate Lighting controller to Tower base to be able to test lighting controller.

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.

Answer: Pass

2 Is the flash cable properly attached to—no metal clamps—and routed up the tower?

Answer: Pass

3 Check tower lighting for proper operation.

Answer: N/A

4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).

Answer: N/A

5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.

Answer: N/A

6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).

Answer: Fail

Access to lighting controller not possible without climbing down 8' or with a ladder could not perform lighting test.

## Inspection Photos

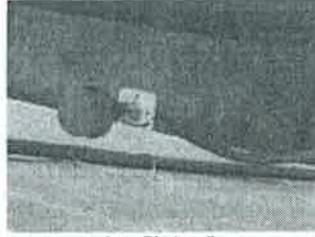
---



1. Full Tower Elevation



2. Tower Light Control Box and Photocell



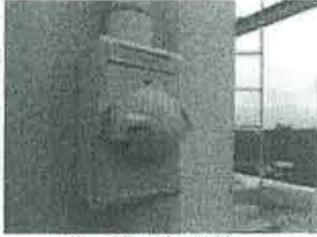
3. Photocell



4. Tower Light Control Box



5. Manual overrides



6. Manual override



7. Manual override



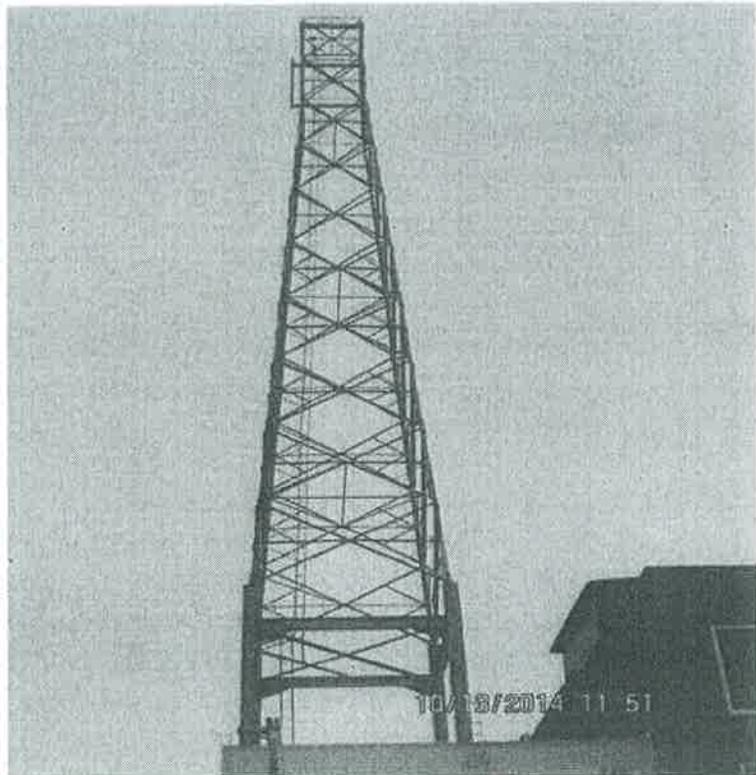
8. Zoom to tower light



9. Zoom to tower light



## Site Inspection Report



# CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **09/22/2013**

## **Table of Contents**

<b>Page Number</b>	<b>Section Name</b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

## Site Information

---

### Site Identification

Date of Inspection: September 22, 2013

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

---

### Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

---

### Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

---

### Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

---

### Land Owner Contact Information

---

### Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

***Exception Items Found During Inspection***

---

\*\*\*\*\* No Exceptions Found \*\*\*\*\*

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

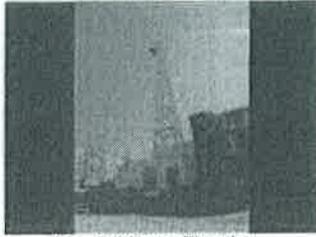
- 1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.  
Answer: Pass
  
- 2 Is the flash cable properly attached to—no metal clamps—and routed up the tower?  
Answer: N/A  
Unable to test. No access to site.
  
- 3 Check tower lighting for proper operation.  
Answer: N/A  
Unable to test. No access to site.
  
- 4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).  
Answer: N/A  
Unable to test. No access to site.
  
- 5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.  
Answer: N/A  
Unable to test. No access to site.
  
- 6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).  
Answer: N/A  
Unable to test. No access to site.

## Inspection Photos

---



1. Site ID



2. Full Tower Elevation



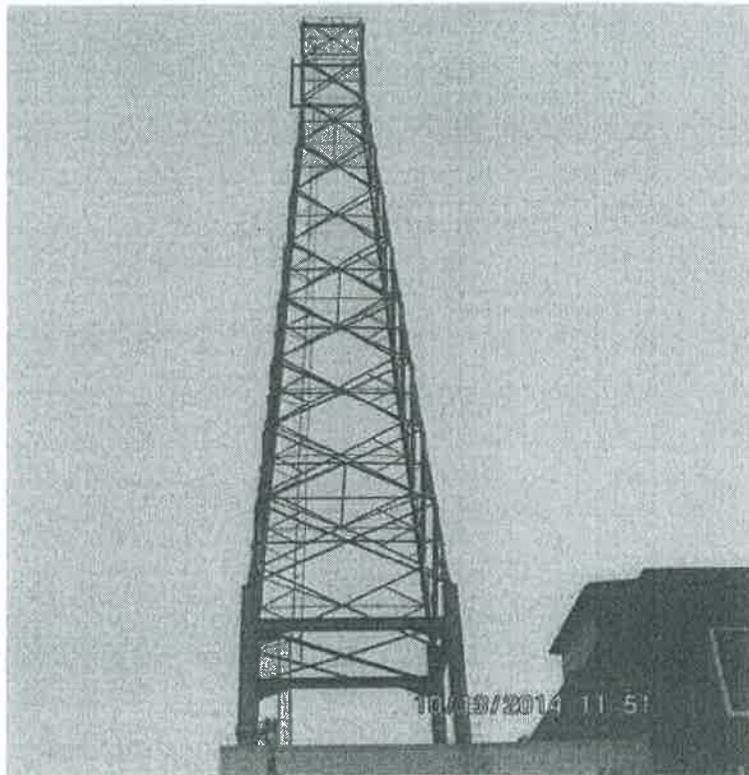
3. Photocell



4. Zoom to tower light

**SiteMaster**®

## Site Inspection Report



# CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **11/26/2013**

## **Table of Contents**

<b>Page Number</b>	<b>Section Name</b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

## Site Information

---

### Site Identification

Date of Inspection: November 26, 2013

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

---

### Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

---

### Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

---

### Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

---

### Land Owner Contact Information

---

### Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

## ***Exception Items Found During Inspection***

---

\*\*\*\* No Exceptions Found \*\*\*\*

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

- 1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.  
Answer: Pass
  
- 2 Is the flash cable properly attached to—no metal clamps—and routed up the tower?  
Answer: Pass
  
- 3 Check tower lighting for proper operation.  
Answer: N/A  
unable to verify. Control panel is mounted in unsafe location.
  
- 4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).  
Answer: N/A  
unable to verify. Control panel is mounted in unsafe location.
  
- 5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.  
Answer: N/A  
unable to verify. Control panel is mounted in unsafe location.
  
- 6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).  
Answer: N/A  
unable to verify. Control panel is mounted in unsafe location.

## Inspection Photos

---



1. Full Tower Elevation



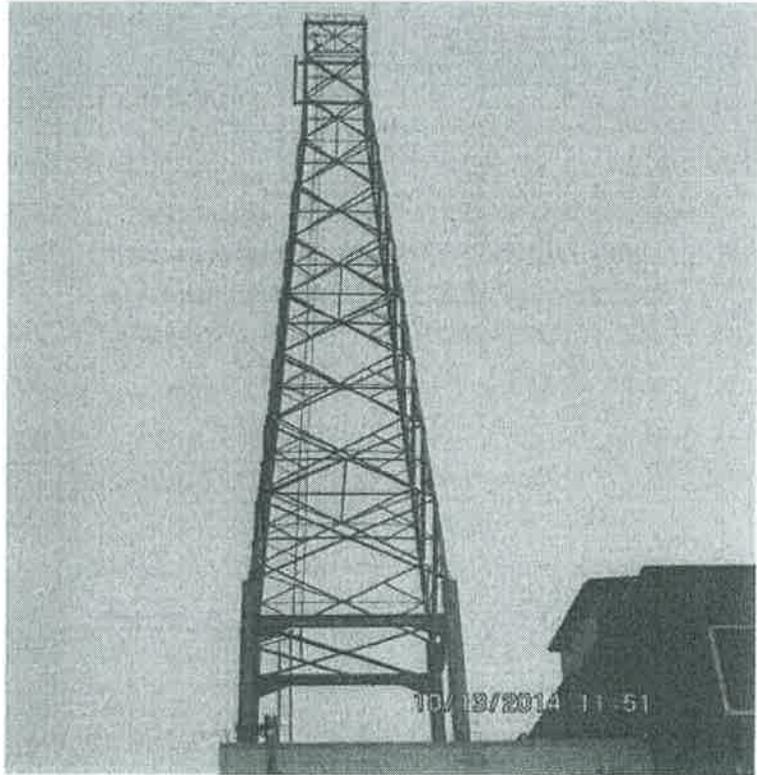
2. Photocell



3. Zoom to tower light



## Site Inspection Report



# CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **01/26/2014**

## **Table of Contents**

<b>Page Number</b>	<b>Section Name</b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

## Site Information

---

### Site Identification

Date of Inspection: January 26, 2014

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

---

### Site Location

Address: 137 EAST MAIN STREET,  
City/State/Zip: ROCKY MOUNT, VA 24151

Latitude: 36° 59' 43.00"  
Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

---

### Tower Information

Tower Type: Self Supporting  
Tower Height: 118.00'  
Structure Height: 152.58'  
Overall Height: 154.58'  
Safety Devices: Cable  
Climbing Device: Ladder  
FCC/ASR Number: N/A

Number of Tower Legs: 4-Legs  
Tower Manufacturer: N/A  
Tower Model: N/A  
Serial Number:  
Safety Device Size: 3/8"  
# of Antenna Carriers: 1

---

### Compound Information

Compound Size:  
Compound Surface: Rooftop  
Access Road Surface: Asphalt  
Electric Meter Number:  
Site Phone Number:

Fence Type: None  
Lock Combination:  
Access Road Length: 200.00'  
Electric Pole Number:  
NOCC Phone Number:

---

### Land Owner Contact Information

---

### Other Information

Is a Lighted Tower: Yes  
Has an Irrigation System: No

Is Landscaped: No  
Has a Lawn: No

## ***Exception Items Found During Inspection***

---

\*\*\*\*\* No Exceptions Found \*\*\*\*\*

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

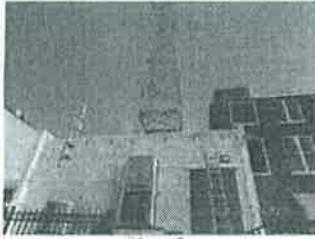
- 1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.  
Answer: Pass
  
- 2 Is the flash cable properly attached to—no metal clamps—and routed up the tower?  
Answer: Pass
  
- 3 Check tower lighting for proper operation.  
Answer: Pass
  
- 4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).  
Answer: Pass
  
- 5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.  
Answer: Pass
  
- 6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).  
Answer: Pass

## Inspection Photos

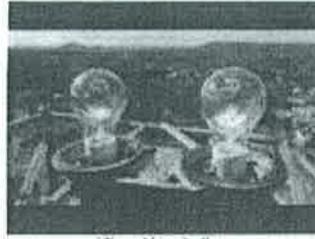
---



25. N



26. S



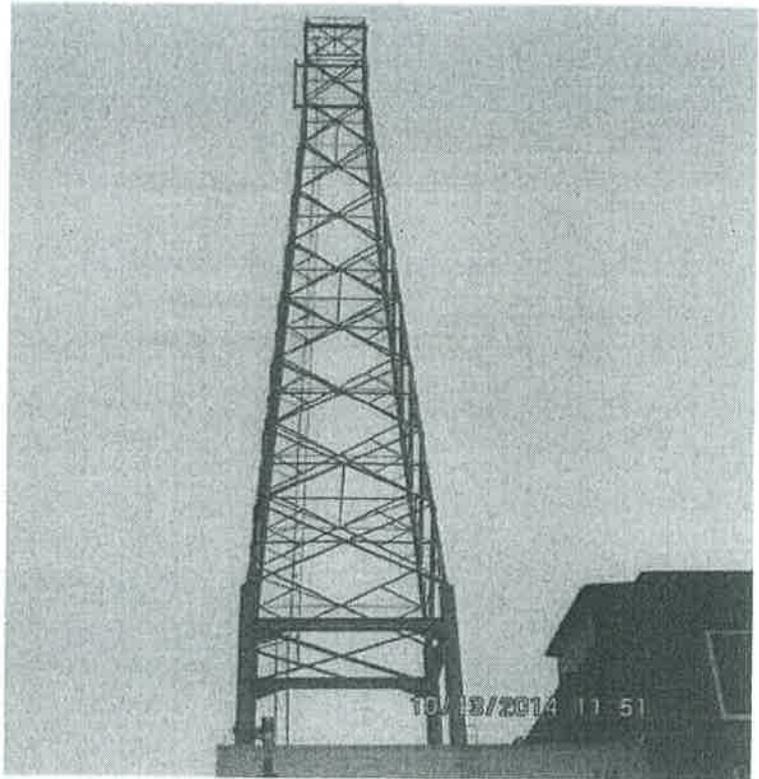
27. New bulbs



28. Lenses Replaced



## Site Inspection Report



# CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **08/09/2014**

## ***Table of Contents***

<b><i>Page Number</i></b>	<b><i>Section Name</i></b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

## Site Information

---

### Site Identification

Date of Inspection: August 09, 2014

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

---

### Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

---

### Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

---

### Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

---

### Land Owner Contact Information

---

### Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

## ***Exception Items Found During Inspection***

---

\*\*\*\*\* No Exceptions Found \*\*\*\*\*

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

- 1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.  
Answer: Pass
  
- 2 Is the flash cable properly attached to—no metal clamps—and routed up the tower?  
Answer: Pass
  
- 3 Check tower lighting for proper operation.  
Answer: Pass
  
- 4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).  
Answer: N/A  
Unable to test due to height
  
- 5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.  
Answer: N/A  
Unable to test due to height
  
- 6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).  
Answer: N/A  
Unable to test due to height

## Inspection Photos

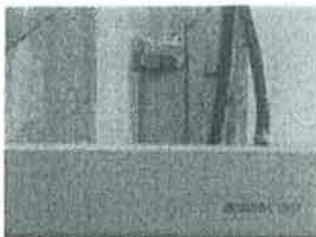
---



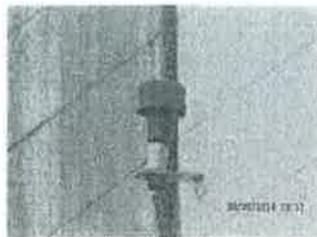
1. Site ID



2. Full Tower Elevation



3. Tower Light Control Box



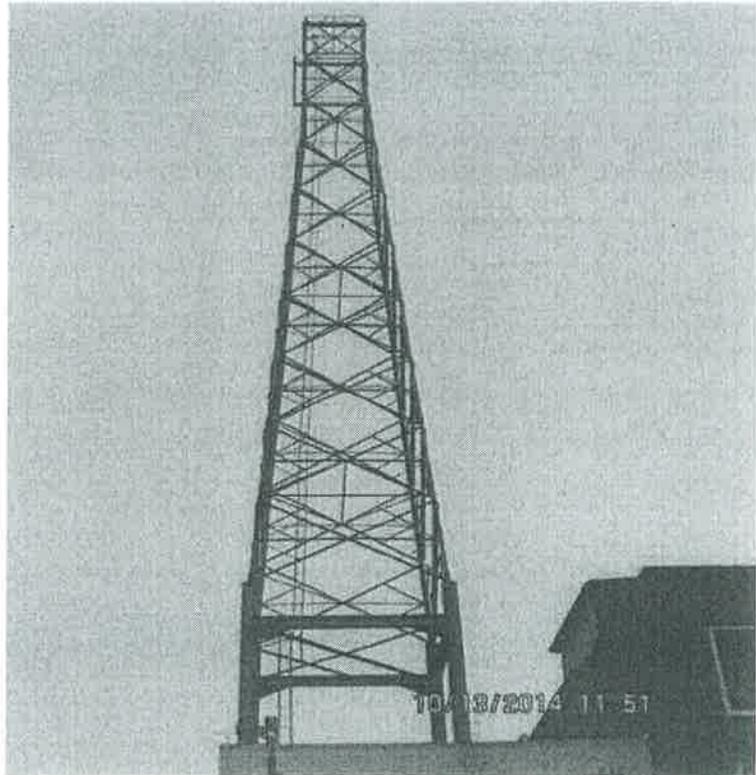
4. Photocell



5. Zoom to tower light



## Site Inspection Report



# CenturyLink

*Site Name:* **ROCKY MOUNT, VA STWR**

*Site ID:* **EB124L**

*Address:* **137 EAST MAIN STREET**

*City, ST Zip:* **ROCKY MOUNT, VA 24151**

*NAD-83 Latitude:* **36° 59' 43.00"**

*NAD-83 Longitude:* **-79° 53' 22.00"**

*Date:* **10/13/2014**

## **Table of Contents**

<b>Page Number</b>	<b>Section Name</b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

## Site Information

---

### Site Identification

Date of Inspection: October 13, 2014

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

---

### Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

### Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

---

### Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

---

### Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

---

### Land Owner Contact Information

---

### Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

## ***Exception Items Found During Inspection***

---

\*\*\*\*\* No Exceptions Found \*\*\*\*\*

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.

Answer: Pass

2 Is the flash cable properly attached to—no metal clamps—and routed up the tower?

Answer: N/A

Unable to test due to height

3 Check tower lighting for proper operation.

Answer: Pass

4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).

Answer: N/A

Unable to test due to height

5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.

Answer: N/A

Unable to test due to height

6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).

Answer: N/A

Unable to test due to height

# Inspection Photos

---



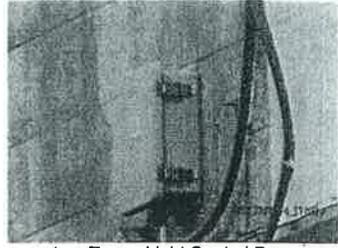
1. Site ID



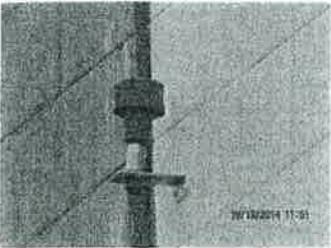
2. Full Tower Elevation



3. Full Tower Elevation



4. Tower Light Control Box



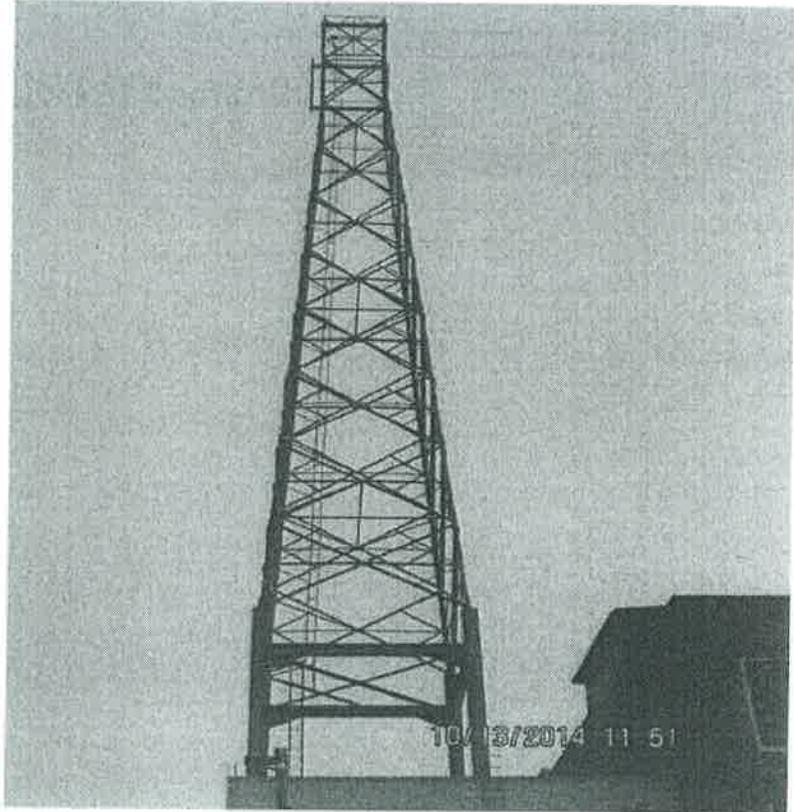
5. Photocell



6. Zoom to tower light



# Tower Lighting Inspection Report



## CenturyLink

*Site Name:* ROCKY MOUNT, VA STWR

*Site ID:* EB124L

*Address:* 137 EAST MAIN STREET

*City, ST Zip:* ROCKY MOUNT, VA 24151

*NAD-83 Latitude:* 36° 59' 43.00"

*NAD-83 Longitude:* -79° 53' 22.00"

*Date:* 09/14/2006

## **Table of Contents**

<b>Page Number</b>	<b>Section Name</b>
3	<i>Site Information</i>
4	<i>Recommendations</i>
5	<i>Inspection Questions</i>
7	<i>Inspection Photos</i>

# Site Information

## Site Identification

Date of Inspection: September 14, 2006

Site ID: EB124L

Site Name: ROCKY MOUNT, VA STWR

## Site Location

Address: 137 EAST MAIN STREET,

Latitude: 36° 59' 43.00"

City/State/Zip: ROCKY MOUNT, VA 24151

Longitude: -79° 53' 22.00"

## Driving Directions:

Tower is on top of building. Lighting controller and photocell are 10' down on bottom roof, north of the tower, and there is no safe way to access them. Do NOT jump off the roof to access them. Do NOT try to test the controller/photocell unless you have a rescue climber and an extension ladder.

## Tower Information

Tower Type: Self Supporting

Number of Tower Legs: 4-Legs

Tower Height: 118.00'

Tower Manufacturer: N/A

Structure Height: 152.58'

Tower Model: N/A

Overall Height: 154.58'

Serial Number:

Safety Devices: Cable

Safety Device Size: 3/8"

Climbing Device: Ladder

# of Antenna Carriers: 1

FCC/ASR Number: N/A

## Compound Information

Compound Size:

Fence Type: None

Compound Surface: Rooftop

Lock Combination:

Access Road Surface: Asphalt

Access Road Length: 200.00'

Electric Meter Number:

Electric Pole Number:

Site Phone Number:

NOCC Phone Number:

## and Owner Contact Information

## Other Information

Is a Lighted Tower: Yes

Is Landscaped: No

Has an Irrigation System: No

Has a Lawn: No

## ***Exception Items Found During Inspection***

<b>Urgency</b>	<b>Category</b>	<b>Question #</b>	<b>Photo #</b>	<b>Recommendations</b>
Low	Quarterly Lighting Inspection	6	100	No Access to tower light controller. Access to tower is 18' up ladder on top of building and tower light controller is 9' down on side wall and there is no ladder down to this level. To gain

## General Location Information

---

- 1 Verify GPS coordinates approximately match those provided.  
Answer: Pass

## Quarterly Lighting Inspection

---

1 Inspect tower lighting system from the ground for broken lenses, loose connections, and missing hardware.

Answer: Pass

2 Is the flash cable properly attached to---no metal clamps---and routed up the tower?

Answer: Pass

3 Check tower lighting for proper operation.

Answer: Pass

4 Test operation of tower light photocell (cover photocell and determine whether light illuminates).

Answer: Pass

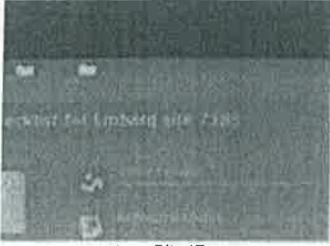
5 Check tower lighting controller enclosure for proper seal, rust and/or corrosion, damage, and loose or missing hardware.

Answer: Pass

6 Check tower lighting alarms for proper operation (call the NOC at 1-800-669-1245 Options 6,2,3), simulate an alarm for day and night beacon and side marker failures; verify an alarm is received and clears).

Answer: Fail

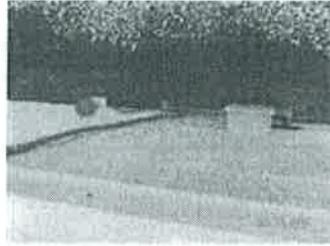
# Inspection Photos



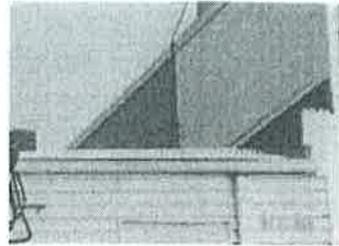
1. Site ID



2. Full Tower Elevation



3. Tower Light Control Box / Photocell



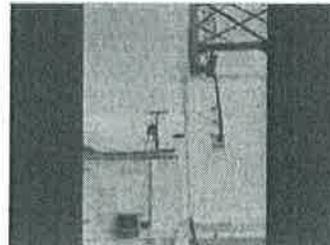
4. Photocell



5. Zoom to tower light



6. Exception



7. Exception



8. Exception



9. Exception



**Heathery Hebert**

**From:** resupport@centurylink.com  
**Sent:** Monday, January 19, 2015 6:58 AM  
**To:** jesse.e.stroud@centurylink.com; Embarq Group; Heathery Hebert  
**Subject:** CenturyLink Work Authorization Approved 1071-50116

**CenturyLink Work Authorization Approved 1071-50116**

[Click here for BMSe internal web site for CenturyLink Managers.](#)

[Click here for AWAR external web site for Suppliers.](#)

Details of Work Order Number: 1071-50116	
<b>Building AddressID</b>	EB124L - ROCKY MOUNT VA STWR, 137 E MAIN ST, ROCKY MOUNT, VA
<b>Requester Name/Phone</b>	HERBERT, HEATHERY 918-663-2232
<b>Work Order Type</b>	SRV
<b>Category/SubCategory</b>	MSC - MISCELLANEOUS, TOWER
<b>Priority</b>	5
<b>Due Date</b>	02/28/2015
<b>Charge Back</b>	N
<b>% Charged/Other Codes</b>	
<b>Description</b>	Annual climbed light bulb relamp and quarterly lighting inspection
<b>Equipment</b>	
<b>Group</b>	
<b>Employee</b>	
<b>Supplier</b>	SITEMASTER INC
<b>Facility Contract No</b>	
<b>Hours Charged</b>	
<b>Current Status, Status Date</b>	AWAR Approved, 01/19/2015
<b>Link Work order</b>	
<b>AR Budget Number</b>	

Work Authorization	
<b>Field Diagnosis</b>	Annual climbed light bulb relamp and quarterly lighting inspection
<b>Materials Cost</b>	USD \$ 0.00
<b>Labor Cost</b>	USD \$ 675.00

EXHIBIT 31

<b>Other Cost</b>	USD \$ 0.00
<b>Travel Cost</b>	USD \$ 0.00
<b>Total Cost</b>	USD \$ 675.00
<b>Approve By</b>	ERIC STROUD
<b>Approve Date</b>	1/19/2015 6:57:26 AM
<b>Approve Status</b>	Approved
<b>Approve Remarks</b>	

This order is covered by the terms and conditions of any master agreement between CenturyLink and the supplier named on this order. If no such master agreement exists, this order is covered by the terms on the face of this order, and by the real estate standard terms and conditions and the building maintenance specific terms and conditions which can be viewed at <http://www.centurylink.com/Pages/AboutUs/CompanyInformation/DoingBusiness/>. Shipment of goods or performance of services is an acceptance of this order. If supplier uses its own form or any other form to accept this order, said form shall be used for convenience only and shall be of no force or effect. Any invoice processed against this work order should be sent to [re.ops@centurylink.com](mailto:re.ops@centurylink.com) or processed via the CTLgate AWAR system.



TOWN OF ROCKY MOUNT  
341 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
Assistant Town Manager  
Director, Community Development

April 10, 2015

**EXHIBIT 32**

Richard A. Schollman  
Director, Government & Regulatory Affairs  
4510 Cox Road, Suite 109  
Glen Allen, VA 23060  
*Via Certified Mail and Electronic Mail*

Mr. Schollman:

I am enclosing documents in response to your Freedom of Information Act request received by the Town of Rocky Mount on March 27, 2015.

I have enclosed all documentation regarding your request. Most are electronic email communications between myself, staff and applicant representatives.

The town staff involved in these emails include:  
Matthew C. Hankins, Assistant Town Manager, Director of Community Development, Planning and Zoning Administrator  
Patrick N. Rust, Town Planner through August 2014  
Stacey B. Sink, Planning Technician through December 2014/Current Town Clerk  
Deanna Alexander, Community Development Assistant from January 2015  
Josh Gibson, current Town Planner from January 2015

The Town's information regarding CenturyLink tower status came about from different conversations held between Town staff and representatives for all utilities involved with the Uptown Revitalization Project. I am unable at this time to locate any personal notes from those conversations, as they were held in person and in the field prior to reconstruction activities of the Uptown Project, which was completed in 2011.

Should you have any further questions, please feel free to contact this office.

Sincerely,

Matthew C. Hankins  
Planning & Zoning Administrator

**Matt Hankins**

---

**From:** Matt Hankins  
**Sent:** Wednesday, May 07, 2014 12:06 PM  
**To:** 'rhughett2@nbcllc.com'  
**Cc:** Stacey Sink; Patrick Rust  
**Subject:** Ntelos tower request

Mr. Hughett:

I understand you are seeking information regarding the zoning approvals required for adding antennae to an existing tower in Rocky Mount, Va.

Please send me a letter detailing what you wish to do and the location of the proposed tower attachment, and I'll get back to you with what we'll require for that location.

Matt Hankins  
Assistant Town Manager  
Rocky Mount, Va.

## **Matt Hankins**

---

**From:** Roger Hughett  
**Sent:** Wednesday, May 07, 2014 1:45 PM  
**To:** Matt Hankins  
**Subject:** RE: Ntelos tower request

We are in the preliminary planning stages at this point.

The address is 280 S. Main Street and the Parcel ID is 2070056000. It is the tower on top of the CenturyLink building next to the Sun Trust bank. I think we are proposing to add a total of 6 panel antennas to the tower. The antennas would be below the top of the tower and the tower would not be extended. We would connect 9--1 5/8" cables from the ground equipment (I describe as being "refrigerator size" cabinets) to the antennas. Please let me know what is required to do this collocation. Thanks

---

**From:** Matt Hankins [<mailto:mhankins@rockymountva.org>]  
**Sent:** Wednesday, May 07, 2014 12:06 PM  
**To:** Roger Hughett  
**Cc:** Stacey Sink; Patrick Rust  
**Subject:** Ntelos tower request

Mr. Hughett:

I understand you are seeking information regarding the zoning approvals required for adding antennae to an existing tower in Rocky Mount, Va.

Please send me a letter detailing what you wish to do and the location of the proposed tower attachment, and I'll get back to you with what we'll require for that location.

Matt Hankins  
Assistant Town Manager  
Rocky Mount, Va.

## Matt Hankins

---

**From:** Roger Hughett  
**Sent:** Tuesday, June 03, 2014 4:20 PM  
**To:** prust@rockymountva.org  
**Cc:** Matt Hankins (mhankins@rockymountva.org)  
**Subject:** FW: Ntelos tower request

Ntelos has determined that the below tower works and meets their coverage objectives. Please send me an application to file for approvals. Thanks

---

**From:** Roger Hughett  
**Sent:** Wednesday, May 07, 2014 1:45 PM  
**To:** 'Matt Hankins'  
**Subject:** RE: Ntelos tower request

We are in the preliminary planning stages at this point.

The address is 280 S. Main Street and the Parcel ID is 2070056000. It is the tower on top of the CenturyLink building next to the Sun Trust bank. I think we are proposing to add a total of 6 panel antennas to the tower. The antennas would be below the top of the tower and the tower would not be extended. We would connect 9--1 5/8" cables from the ground equipment (I describe as being "refrigerator size" cabinets) to the antennas. Please let me know what is required to do this collocation. Thanks

---

**From:** Matt Hankins [<mailto:mhankins@rockymountva.org>]  
**Sent:** Wednesday, May 07, 2014 12:06 PM  
**To:** Roger Hughett  
**Cc:** Stacey Sink; Patrick Rust  
**Subject:** Ntelos tower request

Mr. Hughett:

I understand you are seeking information regarding the zoning approvals required for adding antennae to an existing tower in Rocky Mount, Va.

Please send me a letter detailing what you wish to do and the location of the proposed tower attachment, and I'll get back to you with what we'll require for that location.

Matt Hankins  
Assistant Town Manager  
Rocky Mount, Va.

## **Matt Hankins**

---

**From:** Stacey Sink  
**Sent:** Monday, July 07, 2014 4:06 PM  
**To:** Matt Hankins Hankins  
**Subject:** Phone Call

Debbie Balsler with Intelos called this morning for Patrick. They are interested in co-locating on the Centurylink tower in the center of Town. Wants someone to call her back. 540.941.4220 ext 3071.

Haven't you spoken to someone about this before?

--  
**Stacey Sink, CMC**  
**Deputy Clerk & Planning Technician**  
**Town of Rocky Mount, Virginia**  
**345 Donald Avenue**  
**Rocky Mount, VA 24151**  
**540-483-0907 (office)**  
**540-420-8844 (cell)**  
**540-483-8830 (fax)**  
[ssink@rockymountva.org](mailto:ssink@rockymountva.org)  
[www.rockymountva.org](http://www.rockymountva.org)

**Matt Hankins**

---

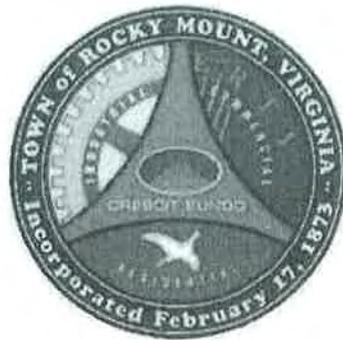
**From:** Matt Hankins  
**Sent:** Thursday, August 07, 2014 3:49 PM  
**To:** Patrick Rust; Stacey Sink  
**Subject:** NTeles

This letter went out this afternoon with appropriate forms. Sent for your information, in case she calls while I am out.

TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
*Assistant Town Manager*  
*Director, Community Development*

August 7, 2014

Debbie Balser, Site Acquisition Manager  
NTelos Wireless  
1150 Shenandoah Village Drive  
Waynesboro, VA 22980

Ms. Balser:

Thank you for your application for location of a cellular telephone antennas on an existing tower in Uptown Rocky Mount. As the planning and zoning administrator appointed by the Town Council, I have 30 days from application to review and respond to your application. We received your application on July 18, 2014, and I have been reviewing your application since we received it.

I have compared your application to the Town of Rocky Mount ordinances covering your proposed use, primarily found within the Town's Zoning Ordinance regarding Non-Conforming Uses (Article 39) and Wireless Telecommunications Facilities (Article 40). This was a complex review with many possible outcomes, and I have strictly applied the ordinance. Given the criteria found within the ordinance, NTelos' application does not meet the Town's regulations. This application is, therefore, denied.

I base my decision on the following:

1. The existing tower is a non-conforming structure, based on the definition found in Town Code §39-2-3. "If any non-conforming use (structure or activity) is discontinued for a period exceeding two years after the effective date of adoption or amendment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance." This structure's uses were abandoned on or before 2010, as is evidenced by the removal of the microwave antenna on the structure and by statements from Century Link personnel during our Uptown Revitalization Project completed in 2011. Since the tower has been inactive for more than two years, its use is therefore non-conforming and may not be "enlarged upon, expanded or extended", according to the Code.

2. Your application did not include any evaluation of the structural integrity of the tower itself. The Town is unaware of any engineering studies, reports or evaluations which provide me with any level of comfort about the safety of the tower and its potential impact on adjoining structures and streets. I have not been provided with the opportunity to inspect the structure or to have it evaluated by engineers and building inspectors. (See Statement of Intent, Article 40, Town of Rocky Mount Zoning Ordinance, part 9.)
3. In my interpretation of the zoning ordinance Article 40 governing wireless telecommunications facilities, the legislative guidance directs that users should minimize the adverse visual impact of their facilities. The tower's current appearance is, in my interpretation, an adverse visual impact on the community; adding antennae to that facility would only worsen the visual impact.
4. Under the terms of Article 40, your application is incomplete. Please see Article 40-7, enclosed, which stipulates requirements for all applicants, not just co-location applicants.

You and the site owner now have four possible options, should you wish to pursue further action in this matter.

1. If you believe that I have erred in my interpretation of the Code, you may appeal my decision to the Rocky Mount Board of Zoning Appeals, a quasi-judicial body appointed by the Franklin County Circuit Court to hear appeals cases. To appeal, file a letter of appeal with my office along with a filing fee of \$350 plus postage to notify adjoining property owners. You may contact my planning technician, Stacey Sink, at 540-483-0907 to determine the amount necessary to cover postage.
2. If you agree that the tower is a nonconforming use, you may request a special exception as permitted in Town Code Article 39-10. The Board of Zoning Appeals would determine whether your proposed use is "equally appropriate or more appropriate" to the district than the existing non-conforming use. A special exception application is \$500 plus postage, as above.
3. If you believe my interpretation is correct and that NTelos should qualify for a variance from the Code, you may file for a variance with the Board of Zoning Appeals. A variance signifies your acknowledgement that the use does not match the requirements of code, but that you have reason to believe the ordinance should not apply in this circumstance. A variance application is made to my office, and is \$350 plus postage, as above.
4. If you believe my interpretation is correct and that NTelos is unlikely to be granted a variance, my office will be glad to work with you to try to determine a more suitable tower/antenna location.

Regardless of which option you choose to pursue, your application must meet the requirements set out in Article 40-7. The minor site plan review fee applies, and is \$250.

Additionally, the owner should be aware that, if any application from you is not granted, the Town will enforce Article 40-4, requiring removal of inactive towers.

I will be out of the office Aug. 8-18. Should you wish to file any of the actions above in order to be heard September 4, we must receive all materials by August 15. In order to be heard Oct. 2, any action must be filed by September 12.

While I am unable to help in this circumstance, I am grateful for NTelos' continued presence in the community its willingness to work to improve wireless telecommunications infrastructure. I wish you and your company well in this endeavor.

Sincerely,

Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager  
Town of Rocky Mount

## Matt Hankins

---

**From:** Roger Hughett  
**Sent:** Tuesday, June 03, 2014 4:20 PM  
**To:** prust@rockymountva.org  
**Cc:** Matt Hankins (mhankins@rockymountva.org)  
**Subject:** FW: Ntelos tower request

Ntelos has determined that the below tower works and meets their coverage objectives. Please send me an application to file for approvals. Thanks

---

**From:** Roger Hughett  
**Sent:** Wednesday, May 07, 2014 1:45 PM  
**To:** 'Matt Hankins'  
**Subject:** RE: Ntelos tower request

We are in the preliminary planning stages at this point.

The address is 280 S. Main Street and the Parcel ID is 2070056000. It is the tower on top of the CenturyLink building next to the Sun Trust bank. I think we are proposing to add a total of 6 panel antennas to the tower. The antennas would be below the top of the tower and the tower would not be extended. We would connect 9--1 5/8" cables from the ground equipment (I describe as being "refrigerator size" cabinets) to the antennas. Please let me know what is required to do this collocation. Thanks

---

**From:** Matt Hankins [<mailto:mhankins@rockymountva.org>]  
**Sent:** Wednesday, May 07, 2014 12:06 PM  
**To:** Roger Hughett  
**Cc:** Stacey Sink; Patrick Rust  
**Subject:** Ntelos tower request

Mr. Hughett:

I understand you are seeking information regarding the zoning approvals required for adding antennae to an existing tower in Rocky Mount, Va.

Please send me a letter detailing what you wish to do and the location of the proposed tower attachment, and I'll get back to you with what we'll require for that location.

Matt Hankins  
Assistant Town Manager  
Rocky Mount, Va.

**Matt Hankins**

---

**Subject:** NTeleo Meeting  
**Start:** Fri 8/29/2014 10:00 AM  
**End:** Fri 8/29/2014 11:30 AM  
**Recurrence:** (none)  
**Meeting Status:** Meeting organizer  
**Organizer:** Matt Hankins

## **Matt Hankins**

---

**From:** Regan, Pat  
**Sent:** Wednesday, February 04, 2015 11:53 AM  
**To:** (mhankins@rockymountva.org)  
**Cc:** Hatcher, Daryl; Huff, Rick; Whitlow, Christopher  
**Subject:** CenturyLink Tower located at 208 S. Main St.

Mr. Haskins,

As you may be aware Franklin County is engaged in a project to replace the existing Public Safety radio system that serves the citizens of Franklin County, the Town of Rocky Mount and the Town of Boones Mill. This system is crucial to providing Fire, EMS and Law Enforcement services to all of these localities. The system design uses a microwave loop to eight (8) transmitter sites located throughout the County. A critical link in this loop uses the CenturyLink tower located at 208 S. Main St. which will be tied to the 911 Dispatch Center with fiber optic cable. Three microwave dishes will be located at the CenturyLink site (two 3' dishes and one 4' dish). The engineering study conducted for this project found that this is the only site near the Dispatch Center that would provide line of site needed for the microwave shots to Cook's Knob, Grassy Hill and to the Goode building. This being said, Franklin County would like to provide the necessary applications to the Town of Rocky Mount Planning and Zoning Dept. for consideration of the installation of these dishes on the CenturyLink tower. The forms required can be emailed to my email address shown below. We appreciate your consideration in the matter.

Thank you,

Patrick W. Regan  
Franklin Co. Emergency Communications Coordinator  
1488 Franklin St.  
Rocky Mount, VA 24151  
Tele: 540-483-3091 Ext. 2155  
Mobile: 540-420-0051  
Email: [patregan@franklincountyva.gov](mailto:patregan@franklincountyva.gov)

## **Matt Hankins**

---

**From:** Matt Hankins  
**Sent:** Wednesday, February 04, 2015 11:57 AM  
**To:** 'Regan, Pat'  
**Cc:** 'Hatcher, Daryl'; 'Huff, Rick'; 'Whitlow, Christopher'  
**Subject:** RE: CenturyLink Tower located at 208 S. Main St.

Mr. Regan:

The CenturyLink tower is non-conforming and out of compliance with the Town's tower ordinance. I will be issuing an order this week directing CenturyLink to remove the tower to comply with our ordinance.

Matt Hankins

**From:** Regan, Pat [<mailto:Pat.Regan@franklincountyva.gov>]  
**Sent:** Wednesday, February 04, 2015 11:53 AM  
**To:** ([mhankins@rockymountva.org](mailto:mhankins@rockymountva.org))  
**Cc:** Hatcher, Daryl; Huff, Rick; Whitlow, Christopher  
**Subject:** CenturyLink Tower located at 208 S. Main St.

Mr. Haskins,

As you may be aware Franklin County is engaged in a project to replace the existing Public Safety radio system that serves the citizens of Franklin County, the Town of Rocky Mount and the Town of Boones Mill. This system is crucial to providing Fire, EMS and Law Enforcement services to all of these localities. The system design uses a microwave loop to eight (8) transmitter sites located throughout the County. A critical link in this loop uses the CenturyLink tower located at 208 S. Main St. which will be tied to the 911 Dispatch Center with fiber optic cable. Three microwave dishes will be located at the CenturyLink site ( two 3' dishes and one 4' dish). The engineering study conducted for this project found that this is the only site near the Dispatch Center that would provide line of site needed for the microwave shots to Cook's Knob, Grassy Hill and to the Goode building. This being said, Franklin County would like to provide the necessary applications to the Town of Rocky Mount Planning and Zoning Dept. for consideration of the installation of these dishes on the CenturyLink tower. The forms required can be emailed to my email address shown below. We appreciate your consideration in the matter.

Thank you,

Patrick W. Regan  
Franklin Co. Emergency Communications Coordinator  
1488 Franklin St.  
Rocky Mount, VA 24151  
Tele: 540-483-3091 Ext. 2155  
Mobile: 540-420-0051  
Email: [patregan@franklincountyva.gov](mailto:patregan@franklincountyva.gov)

## Matt Hankins

---

**From:** Huff, Rick  
**Sent:** Wednesday, February 04, 2015 12:43 PM  
**To:** Matt Hankins; Regan, Pat  
**Cc:** Hatcher, Daryl; Whitlow, Christopher  
**Subject:** RE: CenturyLink Tower located at 208 S. Main St.

I'd very much like to see if we can appeal the decision and have a dialogue with the appropriate parties. Pat/Daryl, can you take the lead with the Town?

Thanks!  
Rick



## Franklin County

**From:** Matt Hankins [<mailto:mhankins@rockymountva.org>]  
**Sent:** Wednesday, February 04, 2015 11:57 AM  
**To:** Regan, Pat  
**Cc:** Hatcher, Daryl; Huff, Rick; Whitlow, Christopher  
**Subject:** RE: CenturyLink Tower located at 208 S. Main St.

Mr. Regan:

The CenturyLink tower is non-conforming and out of compliance with the Town's tower ordinance. I will be issuing an order this week directing CenturyLink to remove the tower to comply with our ordinance.  
Matt Hankins

**From:** Regan, Pat [<mailto:Pat.Regan@franklincountyva.gov>]  
**Sent:** Wednesday, February 04, 2015 11:53 AM  
**To:** ([mhankins@rockymountva.org](mailto:mhankins@rockymountva.org))  
**Cc:** Hatcher, Daryl; Huff, Rick; Whitlow, Christopher  
**Subject:** CenturyLink Tower located at 208 S. Main St.

Mr. Haskins,

As you may be aware Franklin County is engaged in a project to replace the existing Public Safety radio system that serves the citizens of Franklin County, the Town of Rocky Mount and the Town of Boones Mill. This system is crucial to providing Fire, EMS and Law Enforcement services to all of these localities. The system design uses a microwave loop to eight (8) transmitter sites located throughout the County. A critical link in this loop uses the CenturyLink tower located at 208 S. Main St. which will be tied to the 911 Dispatch Center with fiber optic cable. Three microwave dishes will be located at the CenturyLink site ( two 3' dishes and one 4' dish). The engineering study conducted for this project found that this is the only site near the Dispatch Center that would provide line of site needed for the microwave shots to Cook's Knob, Grassy Hill and to the Goode building. This being said, Franklin County would like to provide the necessary applications to the Town of Rocky Mount Planning and Zoning Dept. for consideration of the installation of these dishes on the CenturyLink tower. The forms required can be emailed to my email address shown below. We appreciate your consideration in the matter.

Thank you,

Patrick W. Regan  
Franklin Co. Emergency Communications Coordinator  
1488 Franklin St.  
Rocky Mount, VA 24151  
Tele: 540-483-3091 Ext. 2155  
Mobile: 540-420-0051  
Email: [patregan@franklincountyva.gov](mailto:patregan@franklincountyva.gov)

## **Matt Hankins**

---

**From:** Deanna Alexander  
**Sent:** Thursday, February 05, 2015 11:24 AM  
**To:** Matt Hankins  
**Subject:** CenturyLink - VA SCC Filing

Matt,

The SCC shows multiple factious names that they operate under in multiple counties inside of the state of Virginia. Below are the two corporate listings:

### **CenturyLink Public Communications, Inc.**

General  
SCC ID: F1325671  
Entity Type: Foreign Corporation  
Jurisdiction of Formation: FL  
Date of Formation/Registration: 2/3/1998  
Status: Active  
Shares Authorized: 2000  
Principal Office  
100 CENTURYLINK DRIVE  
MONROE LA71203  
Registered Agent/Registered Office  
CT CORPORATION SYSTEM  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060  
HENRICO COUNTY 143  
Status: Active  
Effective Date: 10/4/2013

### **CenturyLink Sales Solutions, Inc.**

General  
SCC ID: F1659962  
Entity Type: Foreign Corporation  
Jurisdiction of Formation: DE  
Date of Formation/Registration: 3/6/2006  
Status: Active  
Shares Authorized: 1000  
Principal Office  
100 CENTURYLINK DRIVE  
MONROE LA71203  
Registered Agent/Registered Office  
CT CORPORATION SYSTEM  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060  
HENRICO COUNTY 143  
Status: Active  
Effective Date: 10/4/2013

*Deanna Alexander,*  
Community Development & Planning Assistant

Town of Rocky Mount

345 Donald Ave  
Rocky Mount, VA 24151

(540) 483-0907

(540) 483-8830 Fax

Email: [dalexander@rockymountva.org](mailto:dalexander@rockymountva.org)

Website: [www.rockymountva.org](http://www.rockymountva.org)



CONFIDENTIAL NOTICE: This email message and any information herein contains confidential information which may be privileged and is intended for the use of the designated recipient(s) named above or their authorized employees or agents. If you are not the intended recipient, you are hereby notified that any review, copying, distribution, or disclosure of this information is strictly prohibited. If you have received this communication in error, please call me at the number below and delete all copies of this e-mail message (including any attachments).

## **Matt Hankins**

---

**From:** Deanna Alexander  
**Sent:** Thursday, February 05, 2015 11:27 AM  
**To:** Matt Hankins  
**Subject:** CenturyLink - VA SCC Filing

Matt,

The SCC shows multiple factious names that they operate under in multiple counties inside of the state of Virginia. Below are the three corporate listings:

### **CenturyLink Communications, LLC**

General  
SCC ID: T0395394  
Entity Type: Foreign Limited Liability Company  
Jurisdiction of Formation: DE  
Date of Formation/Registration: 1/5/2009  
Status: Active  
Principal Office  
1801 CALIFORNIA ST STE 5100  
DOVER CO80202  
Registered Agent/Registered Office  
CT CORPORATION SYSTEM  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060  
HENRICO COUNTY 143  
Status: Active  
Effective Date: 10/4/2013

### **CenturyLink Public Communications, Inc.**

General  
SCC ID: F1325671  
Entity Type: Foreign Corporation  
Jurisdiction of Formation: FL  
Date of Formation/Registration: 2/3/1998  
Status: Active  
Shares Authorized: 2000  
Principal Office  
100 CENTURYLINK DRIVE  
MONROE LA71203  
Registered Agent/Registered Office  
CT CORPORATION SYSTEM  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060  
HENRICO COUNTY 143  
Status: Active  
Effective Date: 10/4/2013

### **CenturyLink Sales Solutions, Inc.**

General  
SCC ID: F1659962  
Entity Type: Foreign Corporation

Jurisdiction of Formation: DE  
Date of Formation/Registration: 3/6/2006  
Status: Active  
Shares Authorized: 1000  
Principal Office  
100 CENTURYLINK DRIVE  
MONROE LA71203  
Registered Agent/Registered Office  
CT CORPORATION SYSTEM  
4701 COX ROAD, SUITE 285  
GLEN ALLEN VA 23060  
HENRICO COUNTY 143  
Status: Active  
Effective Date: 10/4/2013

*Deanna Alexander,*  
Community Development & Planning Assistant

Town of Rocky Mount  
345 Donald Ave  
Rocky Mount, VA 24151

(540) 483-0907  
(540) 483-8830 Fax  
Email: [dalexanders@rockymountva.org](mailto:dalexanders@rockymountva.org)  
Website: [www.rockymountva.org](http://www.rockymountva.org)



COMMERCIAL SOLICITATION: This email communication and any attachments thereto contain confidential information and are intended solely for the use of the designated recipient(s) named above or their authorized employees or agents. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. If you have received this communication in error, please call me at the number above and delete this communication from your system and any other storage devices.

**Matt Hankins**

---

**From:** Matt Hankins  
**Sent:** Thursday, February 05, 2015 12:04 PM  
**To:** Deanna Alexander; 'Josh Gibson'  
**Subject:** CenturyLink Tower Removal Order  
**Attachments:** Century Link Tower Removal Order.docx

Please review for content and discussion this afternoon.

Matt

TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
                                 BILLIE W. STOCKTON

MATTHEW C. HANKINS  
*Assistant Town Manager*  
*Director, Community Development*

February 6, 2015

Central Telephone of Virginia  
c/o CenturyLink

Wherever

To Whom It May Concern:

CenturyLink owns and operates a local exchange building within the Town of Rocky Mount. The building includes an integrated aerial antenna tower which, until early 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014.

The tower is a non-conforming structure under the Town of Rocky Mount Zoning Ordinance. Under Zoning Ordinance Section 40-4: "Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed."

Exercising the authority granted to me by the Council of the Town of Rocky Mount as the Town Planning & Zoning Administrator, I have determined the following:

1. The physical address of the property in question is 280 South Main Street, Rocky Mount, VA 24151.
2. The property's Franklin County and Town of Rocky Mount Tax Map Identification Number is 20700-56000.
3. The owner of record is Central Telephone of Virginia.
4. CenturyLink and its predecessors acquired, own, operate and maintain the properties once owned by Central Telephone of Virginia, including the building at 280 South Main Street.

5. CenturyLink's registered agent with the Virginia State Corporation Commission is CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.
6. The Rocky Mount property at 280 South Main includes a separate and separable tower structure mounted atop a support frame integrated into the building.
7. The tower can be disassembled and removed without damaging the exchange building.
8. The tower ceased to be used in 2011, and the last attachment to that tower was removed in May 2014.
9. The tower has not been operated for 90 days, and is therefore, according to the Town Code of Rocky Mount, considered abandoned.

In light of these facts and in accordance with the Town of Rocky Mount Zoning Ordinance, I hereby direct CenturyLink to remove the tower atop its local exchange building at 280 South Main Street, Rocky Mount, VA 24151, not later than May 6, 2015.

Should CenturyLink dispute this determination, it may file an appeal with the Rocky Mount Board of Zoning Appeals. You or your representatives have 30 days from receipt of this letter to file your appeal. Contact Deanna Alexander, Clerk of the Board of Zoning Appeals, at 540-483-0907 for more information on the appeals process, filing deadlines, fees and associated costs.

Thank you for your attention to this matter.

Sincerely,

Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager

**Matt Hankins**

---

**From:** Josh Gibson  
**Sent:** Thursday, February 05, 2015 12:08 PM  
**To:** Matt Hankins  
**Subject:** Re: CenturyLink Tower Removal Order

just FYI this went to me GMail account

On Thu, Feb 5, 2015 at 12:04 PM, Matt Hankins <[mhankins@rockymountva.org](mailto:mhankins@rockymountva.org)> wrote:

Please review for content and discussion this afternoon.

Matt

## Matt Hankins

---

**From:** Deanna Alexander  
**Sent:** Thursday, February 05, 2015 12:25 PM  
**To:** Matt Hankins; Josh Gibson  
**Subject:** CenturyLink Tower Removal Order - DLA Revision  
**Attachments:** Century Link Tower Removal Order - DLA Revision.docx

My suggestions ☺

*Deanna Alexander,*  
Community Development & Planning Assistant

Town of Rocky Mount  
345 Donald Ave  
Rocky Mount, VA 24151

(540) 483-0907  
(540) 483-8830 Fax  
Email: [dalexander@rockymountva.org](mailto:dalexander@rockymountva.org)  
Website: [www.rockymountva.org](http://www.rockymountva.org)



© 2015 Rocky Mount, VA. All rights reserved. This document is the property of the Town of Rocky Mount, VA. It is intended for the use of the recipient only. If you are not the intended recipient, you may be in error. If you have received this communication in error and did not intend to receive, discuss, disseminate, distribute, or copy it, its contents are strictly prohibited. If you have received this communication in error, please call me at the number above and delete all copies of this communication from your system and any distributed copies.

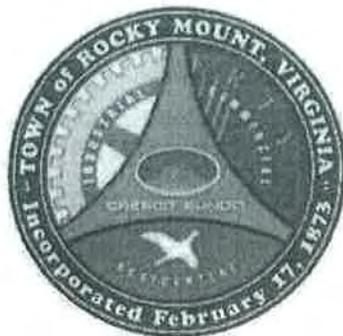
**From:** Matt Hankins [mailto:[mhankins@rockymountva.org](mailto:mhankins@rockymountva.org)]  
**Sent:** Thursday, February 05, 2015 12:04 PM  
**To:** Deanna Alexander; Josh Gibson  
**Subject:** CenturyLink Tower Removal Order

Please review for content and discussion this afternoon.  
Matt

TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
Assistant Town Manager  
Director, Community Development

February 6, 2015

Central Telephone of Virginia  
c/o CenturyLink

Wherever

To Whom It May Concern:

CenturyLink owns and operates a local exchange building within the Town of Rocky Mount. The building includes an integrated aerial antenna tower which, until early 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014.

The tower is a non-conforming structure under the Town of Rocky Mount Zoning Ordinance. ~~Under~~ Zoning Ordinance Section 40-4 states :

*"Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed."*

Exercising the authority granted to me by the Council of the Town of Rocky Mount as the Town Planning & Zoning Administrator, I have determined the following:

1. The physical address of the property in question is 280 South Main Street, Rocky Mount, VA 24151.
2. The property's Franklin County and Town of Rocky Mount Tax Map Identification Number is 20700-56000.
3. The owner of record is Central Telephone of Virginia.

5. CenturyLink's registered agent with the Virginia State Corporation Commission is CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.
6. The Rocky Mount property at 280 South Main includes a separate and separable tower structure mounted atop a support frame integrated into the building.
7. The tower can be disassembled and removed without damaging the exchange building.
8. The tower ceased to be used in 2011, and the last attachment to that tower was removed in May 2014.
9. The tower has not been operated for 90 days, and is therefore, according to the Town Code of Rocky Mount, considered abandoned.

In light of these facts and in accordance with the Town of Rocky Mount Zoning Ordinance, I hereby direct CenturyLink to remove the tower atop its local exchange building at 280 South Main Street, Rocky Mount, VA 24151, not later than May 6, 2015.

Should CenturyLink dispute this determination, it may file an appeal with the Rocky Mount Board of Zoning Appeals. You or your representatives have 30 days from receipt of this letter to file your appeal. Contact Deanna Alexander, Clerk of the Board of Zoning Appeals, at 540-483-0907 for more information on the appeals process, filing deadlines, fees and associated costs.

Thank you for your attention to this matter.

Sincerely,

Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager

**Matt Hankins**

---

**From:** Josh Gibson  
**Sent:** Thursday, February 05, 2015 12:08 PM  
**To:** Matt Hankins  
**Subject:** Re: CenturyLink Tower Removal Order

just FYI this went to me GMail account

On Thu, Feb 5, 2015 at 12:04 PM, Matt Hankins <[mhankins@rockymountva.org](mailto:mhankins@rockymountva.org)> wrote:

Please review for content and discussion this afternoon.

Matt

## Matt Hankins

---

**From:** Deanna Alexander  
**Sent:** Thursday, February 05, 2015 12:25 PM  
**To:** Matt Hankins; Josh Gibson  
**Subject:** CenturyLink Tower Removal Order - DLA Revision  
**Attachments:** Century Link Tower Removal Order - DLA Revision.docx

My suggestions ☺

*Deanna Alexander,*  
Community Development & Planning Assistant

Town of Rocky Mount  
345 Donald Ave  
Rocky Mount, VA 24151

(540) 483-0907  
(540) 483-8830 Fax  
Email: [dalexander@rockymountva.org](mailto:dalexander@rockymountva.org)  
Website: [www.rockymountva.org](http://www.rockymountva.org)



DISCLAIMER: This e-mail and any files transmitted with it are confidential and intended only for the individual(s) named. If you are not the named addressee, you are notified that you have received this communication in error and that any review, distribution, dissemination, distribution or copying of its contents is strictly prohibited. If you have received this communication in error, please call the number above and delete all copies of the communication including this e-mail. Thank you for your cooperation.

**From:** Matt Hankins [<mailto:mhankins@rockymountva.org>]  
**Sent:** Thursday, February 05, 2015 12:04 PM  
**To:** Deanna Alexander; Josh Gibson  
**Subject:** CenturyLink Tower Removal Order

Please review for content and discussion this afternoon.  
Matt

TOWN OF ROCKY MOUNT  
345 DONALD AVE.  
ROCKY MOUNT, VIRGINIA 24151

540.483.7660  
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG  
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL  
STEVEN C. ANGLE, MAYOR  
GREGORY B. WALKER, VICE MAYOR

BOBBY M. CUNDIFF      BOBBY L. MOYER  
P. ANN LOVE            JON W. SNEAD  
BILLIE W. STOCKTON

MATTHEW C. HANKINS  
Assistant Town Manager  
Director, Community Development

February 6, 2015

Central Telephone of Virginia  
c/o CenturyLink

Wherever

To Whom It May Concern:

CenturyLink owns and operates a local exchange building within the Town of Rocky Mount. The building includes an integrated aerial antenna tower which, until early 2014, housed an inactive microwave antenna dish. CenturyLink removed the microwave antenna dish in May 2014.

The tower is a non-conforming structure under the Town of Rocky Mount Zoning Ordinance. ~~Under~~ Zoning Ordinance Section 40-4 states :

*"Any antenna or tower that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the town may require the landowner to have it removed."*

Exercising the authority granted to me by the Council of the Town of Rocky Mount as the Town Planning & Zoning Administrator, I have determined the following:

1. The physical address of the property in question is 280 South Main Street, Rocky Mount, VA 24151.
2. The property's Franklin County and Town of Rocky Mount Tax Map Identification Number is 20700-56000.
3. The owner of record is Central Telephone of Virginia.

4. CenturyLink and its predecessors ~~acquired~~, own, operate and maintain the properties acquired from Central Telephone of Virginia, including the building at 280 South Main Street.
5. CenturyLink's registered agent with the Virginia State Corporation Commission is CT Corporation System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.
6. The Rocky Mount property at 280 South Main includes a separate and separable tower structure mounted atop a support frame integrated into the building.
7. The tower can be disassembled and removed without damaging the exchange building.
8. The tower usage ceased ~~to be used~~ in 2011, and the ~~last attachment to that~~ an inactive microwave antenna dish tower was removed in May 2014.
9. The tower has not been ~~operated~~ for 90 days, and is therefore, according to the Town Code of Rocky Mount, considered abandoned.

In light of these facts and in accordance with the Town of Rocky Mount Zoning Ordinance, I hereby direct CenturyLink to remove the tower atop its local exchange building at 280 South Main Street, Rocky Mount, VA 24151, not later than May 6, 2015.

Should CenturyLink dispute this determination, it may file an appeal with the Rocky Mount Board of Zoning Appeals. You or your representatives have 30 days from receipt of this letter to file your appeal. Contact Deanna Alexander, Clerk of the Board of Zoning Appeals, at 540-483-0907 for more information on the appeals process, filing deadlines, fees and associated costs.

Thank you for your attention to this matter.

Sincerely,

Matthew C. Hankins  
Planning & Zoning Administrator  
Assistant Town Manager

## Matt Hankins

---

**From:** Deanna Alexander  
**Sent:** Friday, February 13, 2015 4:14 PM  
**To:** Matt Hankins  
**Cc:** Josh Gibson  
**Subject:** CenturyLink Contact Information for Tower Removal Letter

Hi Matt,

I did not find the letter for the CenturyLink contact in your office. So... I went looking and found it in the nTelos Wireless Tower file. Below is the contact information for CenturyLink that you needed:

Marcus Hill  
General Manager  
417 West Main Street  
Charlottesville, VA 22903

[marcushill@centurylink.com](mailto:marcushill@centurylink.com)

434-971-1290

Thank You,

*Deanna Alexander,*  
Community Development & Planning Assistant

Town of Rocky Mount  
345 Donald Ave  
Rocky Mount, VA 24151

(540) 483-0907  
(540) 483-8830 Fax  
Email: [dalexander@rockymountva.org](mailto:dalexander@rockymountva.org)  
Website: [www.rockymountva.org](http://www.rockymountva.org)



© 2015 TOWN OF ROCKY MOUNT, VIRGINIA. This email communication and any attachments hereto contain confidential information which may be privileged and is intended for the use of the designated recipient(s) named above or their authorized employees or agents. If you are not the intended recipient(s), you are hereby notified that any review, copying, distribution, dissemination, or copying of the contents of this(e) communication(s) is strictly prohibited. If you have received this communication in error, please call me at the number above and destroy a copy of this communication, including any attachments, as soon as possible.

**From:** Matt Hankins [mailto:[mhankins@rockymountva.org](mailto:mhankins@rockymountva.org)]  
**Sent:** Thursday, February 05, 2015 12:04 PM  
**To:** Deanna Alexander; Josh Gibson  
**Subject:** CenturyLink Tower Removal Order

Please review for content and discussion this afternoon.  
Matt