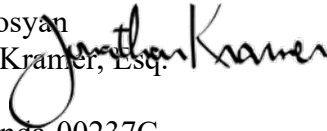


EXHIBIT 5

INCOMPLETE APPLICATION MEMORANDUM

TO: Ms. Narine Pogosyan
FROM: Dr. Jonathan L. Kramer, Esq. 
DATE: March 1, 2023
SITE NUMBER: SW-CA002-Glenda-00237C

RE: Application Completeness Review
New Proposed Wireless Facility: Public Right-of-Way
at approximately 1544 Kenneth Road (Adjacent to APN #
5622-027-018)

I. SUMMARY

Telecom Law Firm, PC (“TLF” or “We”) recommends that the City of Glendale (“City”) deem Extenet Systems Inc. (“Applicant”) application (submittal on behalf of Verizon Wireless (“Verizon”) as being **MATERIALLY INCOMPLETE** for the reasons set out below.

TLF recommends that the City send the incomplete notice by email no later than March 3, 2023, based on the receipt date of the project on February 21, 2023), and on the same day also sends it by First Class or Certified U.S. Mail postage prepaid.

TLF notes that the overall shot clock associated with this project is 90 calendar days given that the Applicant proposes to install a new wireless site on a replacement light standard pole (“Pole”) in the public right-of-way (“PROW”).

The list of incomplete items in this memorandum contains TLF’s observations. Under existing FCC rules, if the City is aware of other incomplete items, the City must include those other items in the same incomplete notice that also transmits this memorandum to the Applicant.

The observations and the conclusions within this memorandum apply only to the specific project identified above at the specific location indicated and do not, in any way, apply to any other proposed project(s) regardless of how similar to the instant project another project may appear.

II. DISCUSSION

The Applicant submitted this project to the City on February 21, 2023. The Applicant’s set of plans are dated January 11, 2023, (“Plans”).

See Figure 1 for the project description taken from within the Plans.

THE PROJECT CONSIST OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT FOR EXTENET'S PERSONAL COMMUNICATION SERVICE (PCS) WIRELESS TELECOMMUNICATIONS NETWORK.

- REMOVE & REPLACE EXISTING 31'-5" AGL OCTAGONAL CONCRETE STREET LIGHT POLE & FOUNDATION WITH NEW 30'-0" AGL ROUND METAL STREET LIGHT POLE (CA002_GLENDALE_008) & FOUNDATION 6'-0" WEST OF ORIGINAL LOCATION.
- NEW 3'-6" X 8'-0" REINFORCED FOUNDATION 6'-0" WEST OF ORIGINAL LOCATION.
- (3) 16.2" X 8.1" X 6.1" PANEL ANTENNAS WITH INTEGRATED RRU'S WITHIN CONCEALMENT SHROUD.
- 11.50" X 8.0" X 3.313" METER CAN WITHIN NEW ROUND METAL STREET LIGHT POLE.
- 10.43" X 9.38" X 5.06" AC DISCONNECT/LOAD CENTER WITH INTEGRATED SURGE PROTECTION WITHIN NEW ROUND METAL STREET LIGHT POLE.
- (1) 24" X 36" X 18" PULL BOX FOR FIBER (UNDER SEPARATE PERMIT).
- (1) 17" X 30" X 24" PULL BOX FOR POWER.
- PROPOSED FACILITY WILL NOT EMIT ANY SOUND.

PROJECT DESCRIPTION

Figure 1: Proposed scope of work (Source: Plans, Page T-1).

See Figure 2 for the location of the Pole in context with the surroundings.

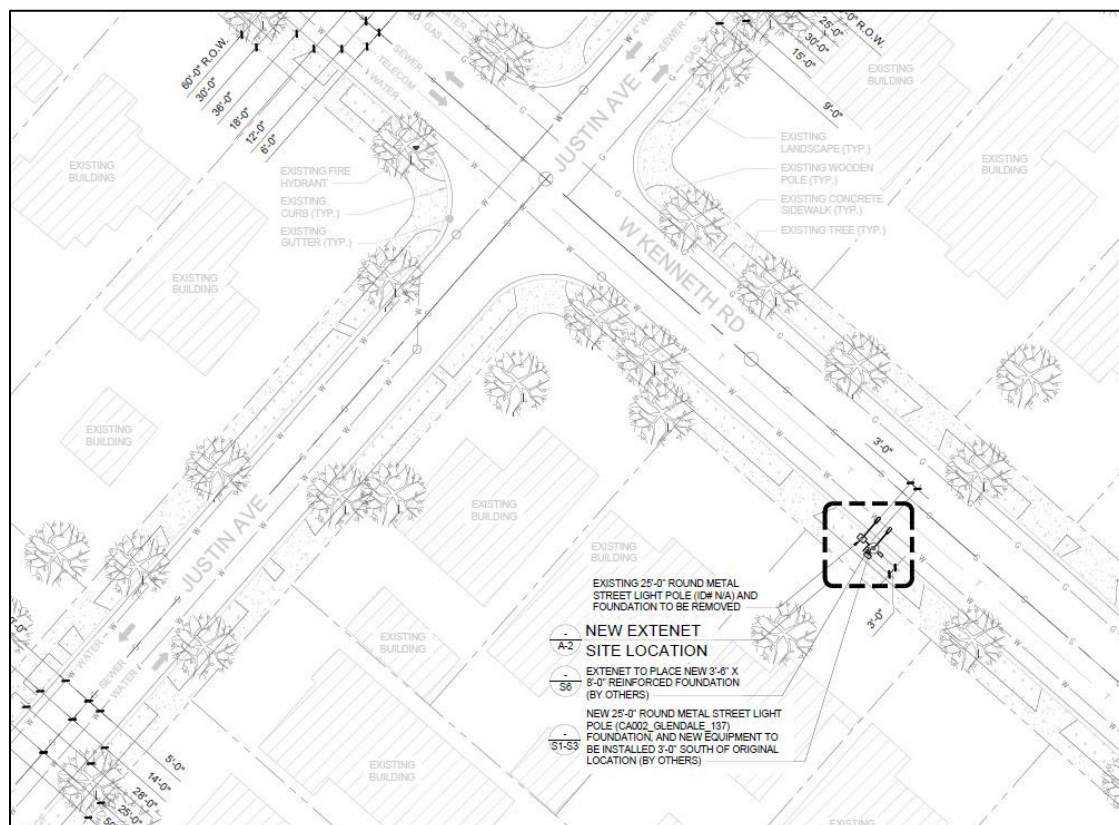


Figure 2: Location of the Pole (Source: Plans Page A-1 Panel 1)



See Figure 3 for the elevation of the proposed Pole.

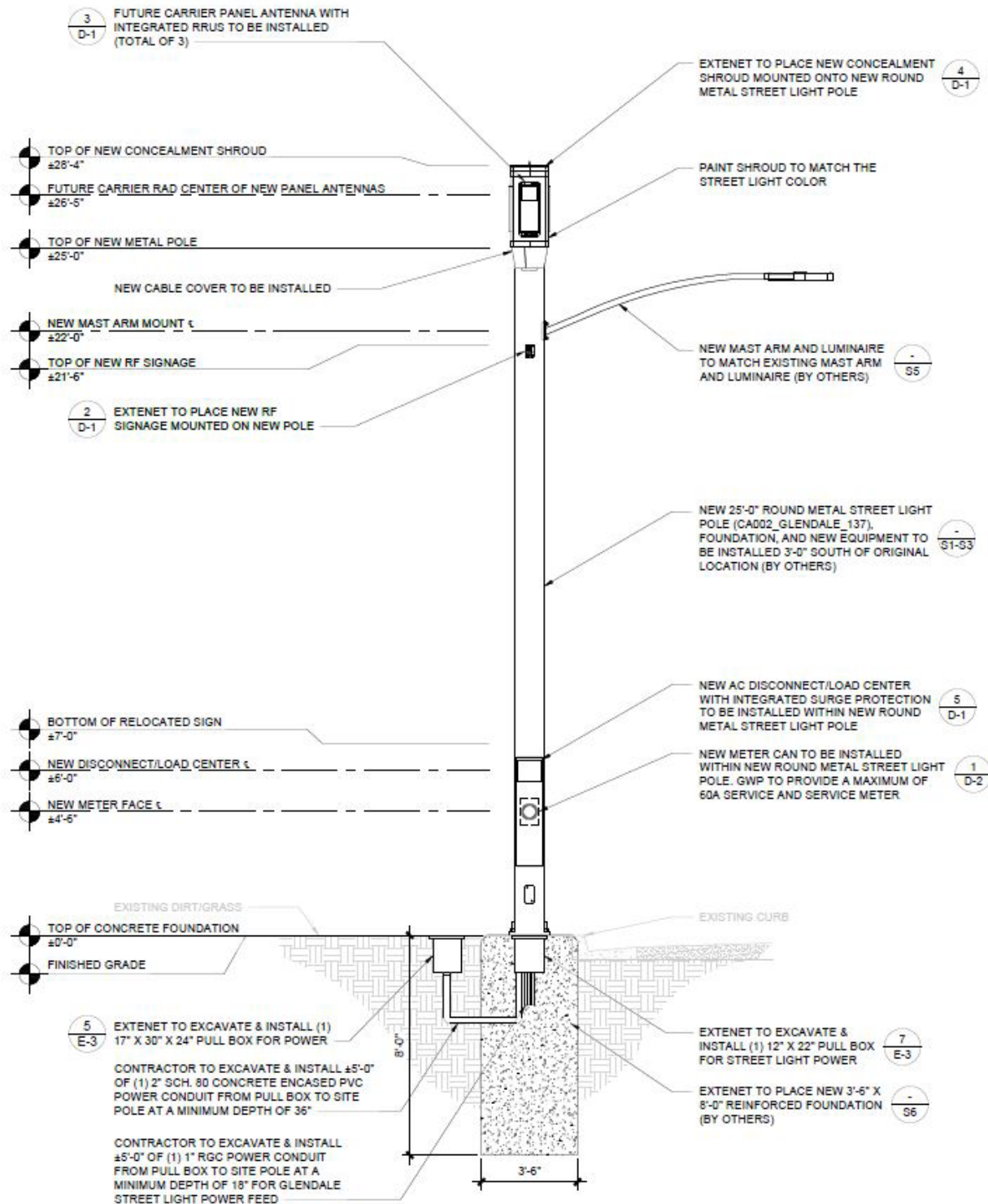


Figure 3: Elevation of the Pole (Source: Plans Page A3, Panel 2).



See Figure 4 for the photo simulation of the site.



Figure 4: Simulation of the site (Source: Applicant photo simulation).



III. APPLICATION COMPLETENESS REVIEW

Based on the City's Public Works Engineering Application and Permit for Encroachment, the City's Municipal Code, the Wireless Telecommunication Encroachment Permit Checklist ("WTEP Checklist"), and the City's Supplemental Application Form for Wireless Projects and Distributed Antenna System ("DAS") Projects, TLF recommends that the City deem the Applicant's application submittal **materially incomplete** and issue an incomplete notice regarding the items discussed below:

SWF Supplemental Information: The applicant has not completed and submitted the information to support evaluation of whether the proposed facility qualifies as a Small Wireless Facility under 47 C.F.R. § 1.6002(l).

Plans: Missing required stamp. The Plans must be prepared, signed, and stamped by a California Registered Civil Engineer.

Site Survey: Missing required stamp. Should be prepared, signed, and wet stamped by a California Registered Civil Engineer or Licensed Surveyor.

Traffic Control Plans ("TCP"): TLF was unable to locate the TCP within the Plans.

Radio Frequency ("RF") Report: TLF recommends that the City request that the Applicant update the RF report to demonstrate the emissions (in elevation view and plane view) in relation to the surrounding of the proposed location of the wireless application. The emissions need to be color coded and show the extent of the reach within the surrounding of the proposed Pole.

The RF report is missing the following:

- the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC).
- the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC).
- the outline of all structures on public or private land that are within 20 feet of the proposed WF site antennas.

Letter of Authorization ("LOA"): TLF was unable to find the LOA from the Pole owner for the replacement of the Pole.

Business License: Missing. TLF recommends that the City review and request a valid City business license number from the Applicant.



Public Noticing: TLF was unable to locate public noticing labels and radial map per the WTEP Checklist.

Utility Site Plans Page E-1: Indicates 'Pending GWP Design'. TLF recommends that the City request and obtain the final approved design prior to the issuance of the permit.

/JK



RADIO FREQUENCY PLANNING MEMORANDUM

TO: Mr. Soroush Sheikhlari and Mr. Benjamin Gonzalez
FROM: Dr. Jonathan Kramer
DATE: April 26, 2023
RE: (Glendale 237)(EP 823) Radio Frequency Review for
Proposed New Wireless Site-Mounted on Replacement
Pole near 1544 West Kenneth Road.

Applicant: Extenet Systems, CA LLC
Carrier: Verizon Wireless
Site ID: SW-CA-GLEND-00237C

1. Summary

The City of Glendale (the “**City**”) requested that Telecom Law Firm, PC (“**TLF**”) review the Extenet Systems, CA LLC (“the **Applicant**”) application materials submitted on behalf of Verizon Wireless (“**Verizon**”) to construct a new wireless site located on a replacement light standard (“**Pole**”) located near 1544 West Kenneth Road. (Coordinates: LAT 34.174022°, LON 118.282517°).

The wireless application was initially submitted to the City on February 21, 2023. On March 1, 2023, the City timely issued a notice of incomplete (“**NOI**”) for the incomplete items in the application. On April 17, 2023, the Applicant resubmitted additional application materials. Due to the type of wireless application being a small wireless application and the City timely issuing the NOI, the shot clock reverted to day zero. Therefore, April 18, 2023, was day 1 on the overall shot clock. The project has an overall shot clock of 90 calendar days (the underlying structure is being replaced).

Verizon’s proposed facility demonstrates planned compliance with the FCC RF emissions guidelines. We recommend that the City condition any permit issuance for this project to be subject to the conditions proposed in this memorandum regarding RF emissions safety.

The observations and the conclusions within this memorandum apply only to the project identified above and do not, in any way, apply to other project proposals regardless of how similar any other project may seem.

2. Project Description

The Applicant submitted project plans dated April 12, 2023 (“**Plans**”) that show that Verizon proposes to remove the existing light standard to be replaced with a 25' above ground level (“**AGL**”) Pole. The Pole will move approximately 5 feet south from its original location. An overview of the location of the Pole can be seen in Figure 1.

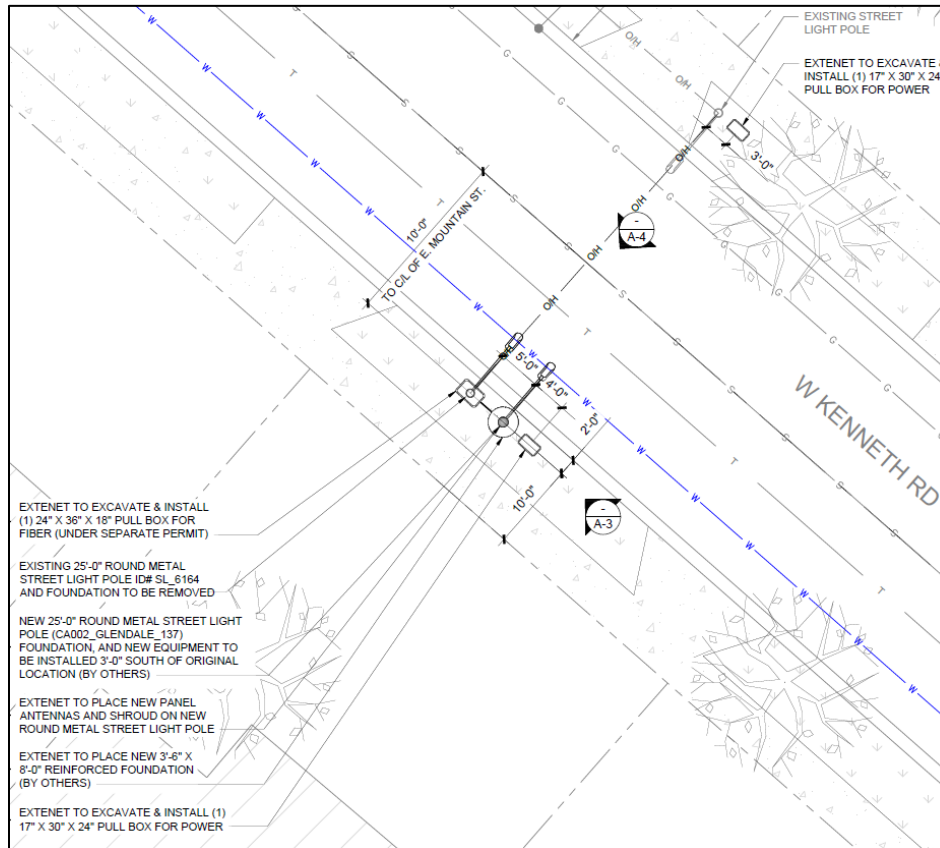


Figure 1: Overview of Pole location (Source: Plans, page A-2, panel 1).

The Plans also show that atop the Pole will be three panel antennas with integrated remote radio units (“RRUs”) to be housed within a concealment shroud. For a written summary of the proposed project, see Figure 2.

<p>THE PROJECT CONSIST OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT FOR EXTENET'S PERSONAL COMMUNICATION SERVICE (PCS) WIRELESS TELECOMMUNICATIONS NETWORK.</p> <ul style="list-style-type: none">• REMOVE & REPLACE EXISTING 25'-0" AGL ROUND METAL STREET LIGHT POLE & FOUNDATION WITH NEW 25'-0" AGL ROUND METAL STREET LIGHT POLE (CA002_GLENDALE_137) & FOUNDATION 5'-0" EAST OF ORIGINAL LOCATION.• NEW 3'-6" X 8'-0" REINFORCED FOUNDATION 5'-0" EAST OF ORIGINAL LOCATION.• (3) 16.2" X 8.1" X 6.1" PANEL ANTENNAS WITH INTEGRATED RRU'S WITHIN CONCEALMENT SHROUD.• 11.50" X 8.0" X 3.313" METER CAN WITHIN NEW ROUND METAL STREET LIGHT POLE.• 10.43" X 9.38" X 5.06" AC DISCONNECT/LOAD CENTER WITH INTEGRATED SURGE PROTECTION WITHIN NEW ROUND METAL STREET LIGHT POLE.• (1) 24" X 36" X 18" PULL BOX FOR FIBER (UNDER SEPARATE PERMIT).• (2) 17" X 30" X 24" PULL BOX FOR POWER.• PROPOSED FACILITY WILL NOT EMIT ANY SOUND.
<p>PROJECT DESCRIPTION</p>

Figure 2: Summary of proposed modification (Source: Plans, Page T-1).



An existing view of the proposed project location and a simulated view of the Pole are depicted in Figure 3.



Figure 3: [Left] Existing view [Right] Simulated photo of project (Source: Photo Simulations; annotations in original).

TLF notes the existing overhead power on the original structure needs to be undergrounded.



The antennas will orient in a 360° direction with Sector Alpha oriented toward 0° True North ("TN"), Sector B oriented toward 120° TN and Sector Gamma oriented toward 240° TN, see Figure 4.

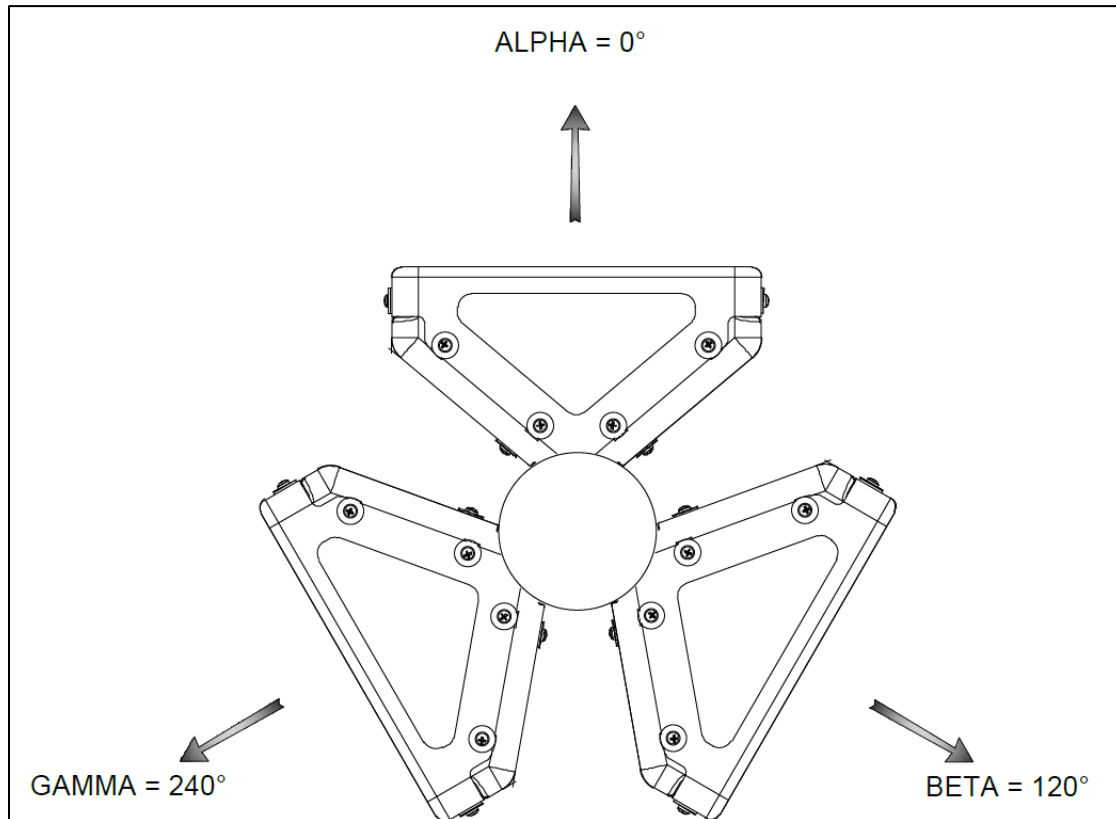


Figure 4: Proposed antenna orientations (Source: Plans, Page D-1, panel 1).

The proposed antennas are to be mounted with the centerline height of approximately 27' AGL. Verizon's proposal is depicted in elevation with details in Figure 5.

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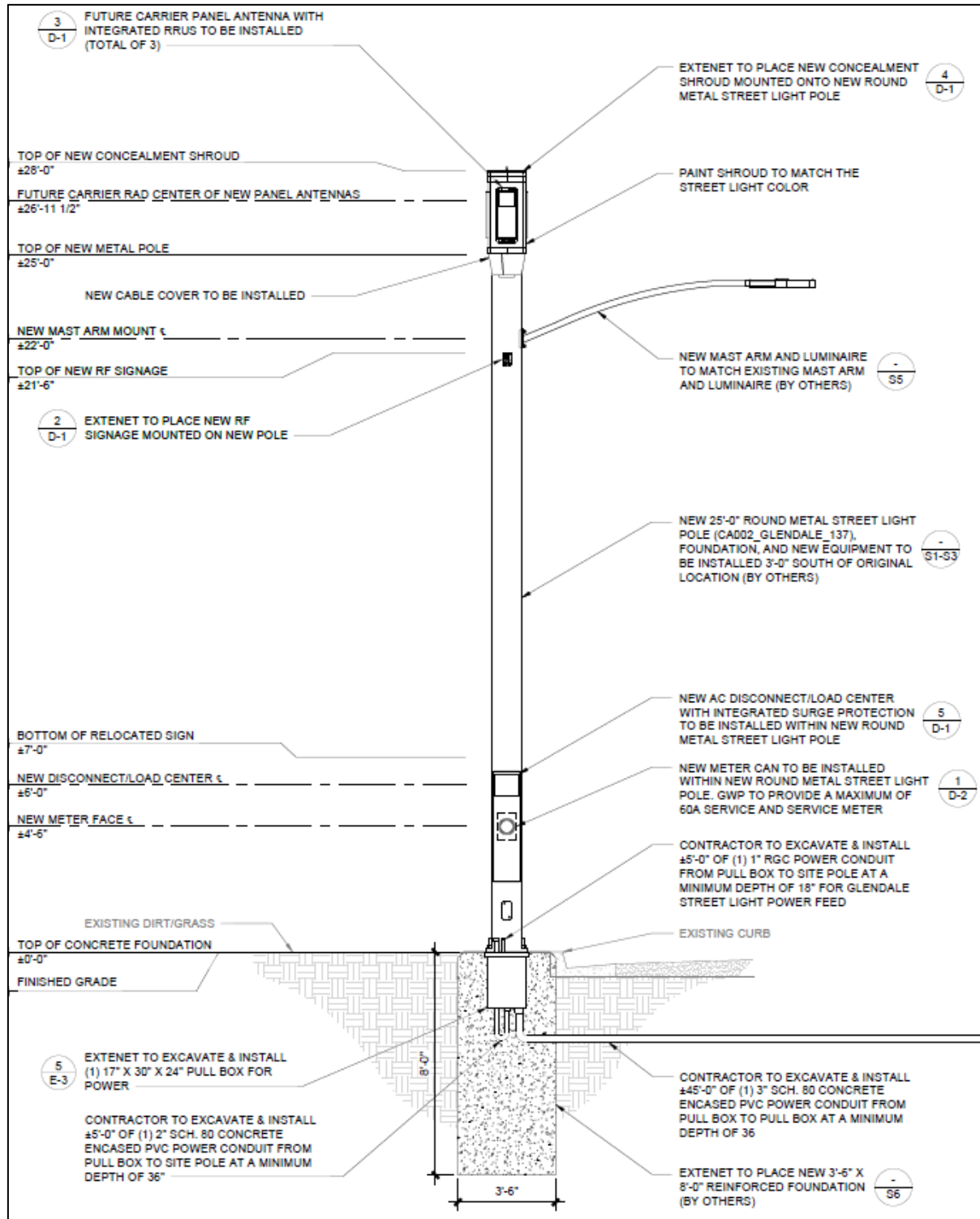


Figure 5: Proposed elevation view from the north (Source: Plans, Page A-3, panel 2).



3. Planned Compliance with RF Exposure Regulations

Under the federal Telecommunications Act, the FCC completely occupies the field with respect to RF emissions regulation. The FCC established comprehensive rules for human exposure to RF emissions (the “**FCC Guidelines**”).¹ State and local governments cannot regulate wireless facilities based on environmental effects from RF emissions to the extent that the emissions comply with the FCC Guidelines.²

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.³ Such demonstrations usually involve a predictive calculation because the site has not yet been built.

3.1 FCC Guidelines

FCC Guidelines regulate *exposure* rather than *emissions*.⁴ Although the FCC establishes a maximum permissible exposure (“**MPE**”) limit, it does not mandate any specific limitations on power levels applicable to all antennas and requires the antenna operator to adopt exposure-mitigation measures only to the extent that certain persons might become exposed to the emissions. Thus, a relatively low-powered site in proximity to the general population might require more comprehensive mitigation measures than a relatively high-powered site in a remote location accessible only to trained personnel.

The MPE limit also differentiates between “general population” and “occupational” classes. Most people fall into the general population class, which includes anyone who either does not know about potential exposure or knows about the exposure but cannot exert control over the transmitters.⁵ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.⁶ The MPE limit for the general population is five times lower than the MPE limit for the occupational class.

¹ See 47 U.S.C. § 332(c)(7)(B)(iv); see also 47 C.F.R. § 1.1307 *et seq.*; FCC Office of Engineering and Technology, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin 65, ed. 97-01 (1997).

² See 47 U.S.C. § 332(c)(7)(B)(iv).

³ See *In re Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(iv) of the Communications Act of 1934*, *Report and Order*, 15 FCC Rcd. 22821, 22828–22829 (Nov. 13, 2000) (declining to adopt rules that limit local authority to require compliance demonstrations).

⁴ See generally Human Exposure to Radio Frequency Fields: Guidelines for Cellular and PCS Sites, *Consumer Guide*, FCC (Oct. 22, 2014), available at <https://www.fcc.gov/guides/human-exposure-rf-fields-guidelines-cellular-and-pcs-sites> (discussing in general terms how wireless sites transmit and how the FCC regulates the emissions).

⁵ See 47 C.F.R. § 1.1310, Note 2.

⁶ See *id.*



Lastly, the FCC “categorically excludes” certain antennas from routine environmental review when either (1) the antennas create exposures in areas virtually inaccessible to humans or (2) the antennas operate at extreme low power. As a general rule, a wireless site qualified for a categorical exclusion when mounted on a structure built solely or primarily to support FCC-licensed or authorized equipment (*i.e.*, a tower) and such that the lowest point on the lowest transmitter is more than 10 meters (32.8 feet) above ground.⁷

Categorical exclusions establish a presumption that the emissions from the antennas will not significantly impact humans or the human environment. Such antennas are exempt from routine compliance evaluations but not exempt from actual compliance. Under some circumstances, such as a heavily collocated tower or when in close proximity to general population members, even a categorically excluded site will require additional analysis.

3.2 Planned Compliance Evaluation and Recommendations

The FCC does not categorically exclude Verizon’s proposed facility from routine compliance review because the underlying structure was originally constructed for illumination purposes, which was not primarily built to support wireless equipment. Also, the lowest point of the proposed antennas is lower than 10 meters AGL. Therefore, an additional analysis is necessary to determine whether the proposed antennas will demonstrate planned compliance with the FCC Guidelines.

To demonstrate compliance the Applicant submitted a Radio Frequency Compliance Report prepared by EBI Consulting, stamped, and sealed December 30, 2022 (“**EBI RF Report**”). The EBI RF Report contains the necessary RF emissions information for TLF to carry out an independent RF analysis.

Based on the antenna power emissions, Verizon’s antennas will create a “controlled access zone” for all three sectors that extends approximately 6 feet horizontally from the face of the antennas at approximately the height of 27' AGL.

The antennas will emit into airspace and TLF agrees with the EBI Report that there are no adjacent structures with 50 feet of the antennas that exceed the FCC’s standards for RF safety, as described in Figure 6.

⁷ See *id.* § 1.1307(b)(1).



EBI's modeling indicates that there are no areas in front of the Verizon antennas that exceed the FCC standards for occupational or general public exposure at ground level or on any adjacent structure observed within 50 feet of this site.

Figure 6: Nearest structure (Source: EBI RF Report).

The fact that the emissions would create a controlled access zone does not mean that the facility will violate the FCC Guidelines. Rather, a controlled access zone means that the carrier must affirmatively restrict public access to that area so that members of the general population (including trespassers and utility workers) cannot unknowingly enter and be exposed to radio frequency emissions in excess of those allowed by the FCC.

TLF agrees with the signage recommendations in the EBI RF Report, see Figure 7.


Attachment I: Signage Table			
Sign	Description	Posting Instructions	Required Signage / Mitigation
	Yellow Caution Sign Used to alert individuals that they are entering an area where the power density emitted from transmitting antenna(s) may exceed the FCC's maximum permissible exposure limit for the occupational population.	Securely post 2 signs on opposite sides of the pole 3 feet below the antennas (22.4 feet above ground level).	2 signs posted below the antennas.

Figure 7: RF signage recommendations on the rooftop (Source: EBI RF Report).

To promote planned compliance with the FCC Guidelines, we recommend the City should add the following conditions of approval for this project:

1. Permittee shall ensure that all federally-required radio frequency signage be installed and maintained at all times in good condition. All such radio frequency signage be constructed of hard materials and be UV stabilized. All radio frequency signage must comply with the sign colors, sign sizes, sign symbols, and sign panel layouts in conformance with the most current versions of ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards. All such radio frequency signage, or additional signage immediately adjacent to the radio frequency signage, shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.
2. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards that are applicable to the project site approved herein are changed,



Mr. Soroush Sheikhlari and Mr. Benjamin Gonzalez
Glendale 237 (EP 823)
1544 W. Kenneth Rd.
(Extenet/Verizon)
April 26, 2023
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Permittee, within 30 days of each such change, at its own cost and expense, shall replace the signage at the project site to comply with the then current standards.

/JLK

