

BEFORE THE CITY OF AURORA

In the Matter of the
Application of Scientel
Solutions, LLC for a Special
Use Permit for the
Construction of a
Telecommunications Tower
on the Property located at
Diehl Road, Aurora, IL

Comments of CyrusOne Inc.

Docket No. 17-00520

COMMENTS OF CYRUSONE INC.

On September 20, 2017, the Aurora Planning Commission considered the application of Scientel Solutions, LLC for authorization to construct a communications tower and develop the property at 245 E. Eola Road in Aurora, Illinois. The proposed ordinance that would grant approval to construct the telecommunications tower is docketed as #17-00520, “An Ordinance Granting a Special Use Permit for a Telecommunications Facility (4211) Use on the Property located at 245 N Eola Rd being south of Diehl Road and east of Eola road (Scientel Solutions, LLC-17-00520/NA07/1-16.162-Su/PD/Ppn/Psd/R – TV – Ward 10).” This proposed location of the Scientel tower is adjacent to, and directly east of the property owned by CyrusOne Inc. The application included three (3) proposed actions: 1) a proposed revision to the development plan; 2) a proposed revision to Aurora’s Comprehensive Development Plan, and 3) a proposed ordinance granting a special use permit for the construction of the proposed telecommunications tower. CyrusOne’s comments concern the proposed siting of the telecommunications tower, docketed as Docket No. 17-00520.

The September 20th Hearing

At the September 20, 2017 public hearing before the City of Aurora Planning Commission, sworn testimony on behalf of CyrusOne was presented by: a) Juan Vasquez, Senior Construction Manager for CyrusOne; b) Kevin Desharnais, an attorney with Troutman Sanders LLP, counsel for CyrusOne; and c) Michael Buffington, a consultant with Communication Infrastructure Corporation (CIC), a telecommunications consultant engaged by CyrusOne. The witnesses for CyrusOne raised arguments in opposition to the proposed Scientel tower, noting the potential for impact on CyrusOne's tower, which has been approved by the City, and is in the process of being developed on the adjacent property to the west.

Scientel's proposed tower does not meet the setback requirements from CyrusOne's tower under the City's Telecommunications Ordinance. The proposed Scientel tower is located due east of the CyrusOne tower, directly on a key communications meridian for the CyrusOne tower. Given the proximity of the proposed Scientel tower to the CyrusOne tower, there is a potential for line-of-sight interference, frequency interference, and a potential for frequency congestion. In order to fully address these issues, CyrusOne requested that a 90-day extension be granted. At the Planning Commission meeting, one of the Commissioners proposed that a 30-day extension be granted to address the concerns raised by neighbors, including CyrusOne, but the proposed motion was defeated.

I. Questions Regarding the Scientel Solutions, LLC Application

Based on the concerns raised at the hearing, and further addressing the responsive comments at the hearing made by Nelson Santos, President of Scientel Solutions, for which no rebuttal comments were allowed, CyrusOne asks that the following questions be addressed by the City and/or the applicant, as appropriate:

To the City

1. We note that the materials submitted into docket #17-00520 regarding the proposed special use permit for the proposed Scientel Solutions telecommunications tower are not available on the City of Aurora website, and have been unavailable since at least the time of the Planning Commission meeting on September 20, 2017. The unavailability of these materials has significantly hampered CyrusOne's ability to assess the potential impact of the proposed tower on its facility. When will the materials submitted into docket #17-00520 be made available for inspection? We ask that no final action be taken on the Scientel application until CyrusOne has had the opportunity to fully review these materials and ask questions of Scientel regarding their contents.

To the Applicant

2. Please identify and make available all studies undertaken regarding the potential impact of the proposed Scientel tower on other communication towers in the area, including: (a) potential impact on microwave communications; (b) potential issues concerning frequency interference; and (c) potential issues concerning frequency congestion.
3. Please identify each of the technologies that will be used on the proposed Scientel tower. Will microwave technology be used? If so, what frequency bands are expected to be used? What is the expected primary direction of the microwave paths?
4. Does Scientel intend to use millimeter wave technology on its proposed tower? If so, what is the expected primary direction of the millimeter paths or links?

5. Has Scientel Solutions considered the impact of its proposed tower on the approved CyrusOne tower? What analysis has been done to support its evaluation of impact on the approved CyrusOne tower? Please identify and make available any and all studies that have been conducted to evaluate or support Scientel's analysis of the potential impact of the proposed Scientel tower on the approved CyrusOne tower.
6. Please identify each and every purpose and intended use of the Scientel tower. Does Scientel intend to use its tower to provide telecommunications access to the CyrusOne data center?
7. Please explain what was meant by Nelson Santos, President of Scientel Solutions, when he stated at the September 20, 2017 hearing that construction of the Scientel Tower was "integral" to Scientel's business.
8. Has Scientel considered using space on the CyrusOne tower as an alternative to constructing its own tower? Is there any reason Scientel cannot use space on the CyrusOne tower to meet its telecommunications needs once construction of the CyrusOne tower is complete? Please identify and describe in detail each reason, if any, Scientel believes it cannot use the CyrusOne tower to meet its telecommunication needs once construction of the CyrusOne tower is complete. Please describe any steps that Scientel believes would be necessary for it to overcome the limitations that would prevent Scientel from using the CyrusOne tower, so as to allow Scientel to successfully utilize the CyrusOne tower as an alternative to constructing its own, separate tower.
9. Please describe how the proposed location of the Scientel tower was selected, and identify and provide any studies that were done to support the location selection. Can

the proposed location of the Scientel tower be moved to eliminate line-of-sight blockage issues, and/or to avoid potential interference with the approved CyrusOne tower? If Scientel believes the proposed location of the Scientel tower cannot be moved, please set forth and explain each reason why Scientel believes the location cannot be moved. If Scientel believes the proposed location of the tower can be moved, please identify each potential alternative location, and identify and provide each study and/or analysis that was done to evaluate any such location.

10. Does Scientel intend to allow co-location on its tower by other users? If so, would those co-locators be permitted to utilize microwave technology? If co-location is proposed to be allowed, would the co-locators be permitted to use millimeter wave technology? If Scientel intends to allow co-locators to utilize microwave and/or millimeter wave technology, does Scientel have any plans to prevent co-locators from reserving or licensing frequencies on its tower that are not in actual use? If so, please provide a full description of the proposed plan. If Scientel intends to allow co-locators to utilize microwave and/or millimeter wave technology, does Scientel intend to accommodate such users for purposes of accessing the CyrusOne data center? Will Scientel commit to making access to its tower available to co-locators at market rates?

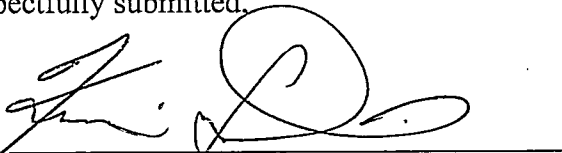
Cyrus One's evaluation of the Scientel application is ongoing, and CyrusOne reserves the right to submit additional questions and or comments as its investigation continues, particularly in light of the unavailability of the Scientel application since at least the September 20, 2017 public hearing.

II. Conclusion

CyrusOne appreciates the opportunity to submit its comments and questions into the record in this matter. CyrusOne has serious concerns regarding the significant potential for Scientel's proposed tower to negatively impact and/or interfere with CyrusOne's approved tower on the adjoining property to the west, and CyrusOne does not believe that Scientel has adequately assessed these potential impacts. In addition, CyrusOne asks that the City require Scientel to adequately and fully address the requirements of the Telecommunications Ordinance, and in particular that it be required to address the requirement that there be no adequate alternative available before the requested special use can be granted. We ask that the City of Aurora require that these concerns be adequately and fully addressed, and that Scientel be required to address and respond fully to the questions herein, prior to rendering the City's decision on the Scientel application.

Respectfully submitted,

By:



By Its Attorneys

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Dated: September 28, 2017