

**Southwest looking Northeast**



**Southeast looking Northwest**



**Northwest looking Southeast**



**Northeast looking Southwest**



**Simulation Picture looking West  
Typical Retail Store with a Monopole**



**Picture of a Typical Retail Store with a  
Monopole's Fenced Area**





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-ACE-1890-OE  
Prior Study No.  
2021-ACE-7982-OE

Issued Date: 04/27/2023

Skylyn Bellender  
Industrial Tower West, LLC  
1224 West Platte Avenue  
Fort Morgan, CO 80654

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Lexington I-80, NE  
Location: Lexington, NE  
Latitude: 40-44-45.19N NAD 83  
Longitude: 99-44-28.26W  
Heights: 2388 feet site elevation (SE)  
87 feet above ground level (AGL)  
2475 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 .

This determination expires on 10/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition: Antenna System Co-Location: Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Nathan Shelly, at (817) 222-4037, or [nathan.d-clr.shelly@faa.gov](mailto:nathan.d-clr.shelly@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ACE-1890-OE.

**Signature Control No: 578418934-583056732**

( DNE )

Mike Helvey  
Manager, Obstruction Evaluation Group

Attachment(s)  
Frequency Data  
Map(s)

cc: FCC

## Frequency Data for ASN 2023-ACE-1890-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
10	11.7	GHz	55	dBW
17.7	19.7	GHz	55	dBW
21.2	23.6	GHz	55	dBW
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
824	849	MHz	500	W
869	894	MHz	500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1990	MHz	1640	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2310	MHz	2000	W
2305	2360	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

Verified Map for ASN 2023-ACE-1890-OE





April 1, 2020

Bill Brecks, Development Services Director  
City of Lexington  
406 E. 7<sup>th</sup> Street  
P.O. Box 70  
Lexington, NE 68850  
(308) 324-2341

RE: Viaero Conditional Use Permit – Lexington I-80 Cell Site, NE

Dear Mr. Breck,

In regards to VIAERO WIRELESS's Conditional Use Permit Application for their proposed Lexington I-80, NE Site, we respectfully submit the following Statement to comply with the referenced City Of Lexington Supplemental Regulations 7.07.04 Application to Develop a Tower:

#### **7.07.04. Application To Develop A Tower**

Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Official for a Tower Development Permit and shall include the following:

3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one (1) mile radius of the location of the proposed tower, including publicly and privately owned towers or structures.

*Using the Federal Communications Commission's Antenna Structure Registration database, we have conducted a search for all registered tower structures which are required to be registered according to the Code of Federal Regulations (CFR) 47 Part 17.7 and 14 CFR 77.13 within a 1 mile radius of the proposed site. This search resulted in one (1) structure which fall within the 1 mile criteria. This information is included at the end of this Exhibit.*

4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support structure within a one (1) mile radius of the proposed tower location or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure within a one (1) mile radius of the proposed tower location.

*Structure Number 1 with FCC Antenna Registration 1292556 is a 150+ Foot self-supporting tower located at 40-44-40.3N & 99-44-54.9W and owned by Horvath Towers III, LLC. This site will not provide access to Viaero's fiber route.*

*Structure Number 2 is not registered with FCC. It is a 50+/- Foot self-supporting tower located at 40-44-38.75N & 99-44-21.45W and owned by a Government Agency. At .16 miles from our proposed 80 Foot Monopole, this site does not have sufficient capacity to support the required PCS and microwave antenna loading.*

5. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other construction standards set forth by the City Council and federal and state and applicable ANSI standards.

*Viaero Wireless will comply with all Universal Building Code, City, State and Federal laws and applicable American National Standards Institute (ANSI) standards.*



(Signature)

For NE COLORADO CELLULAR, INC., d/b/a VIAERO WIRELESS  
Thomas W. Burnett,  
Title: CTO Viaero Wireless

Exhibit 1

Map Showing Towers Within a 1 Mile Radius Of Proposed Structure



Exhibit 2

FCC Registered Structures Search Result

4/1/2020

ASR Registration Search Results

ASR Registration Search

**Registration Search Results**

Displayed Results

**PA** = Pending Application(s)

**Specified Search**

Latitude='40-44-45.2 N', Longitude='99-44-28.3 W', Radius=1.6 Kilometers

Registration Number	Status	File Number	Owner Name	Latitude/Longitude	Structure City/State	Overall Height Above Ground (AGL)
1 1292556	Constructed	A0931106	Horvath Towers III, LLC	40-44-40.3N 099-44-54.9W	Lexington, NE	50.3

CLOSE WINDOW