



October 25, 2016

Waukesha Department of Community Development – Planning
Attn: Doug Koehler
201 Delafield Street
Waukesha, Wisconsin 53188

Dear Mr. Koehler:

This letter is in reference to the email you sent on September 13, 2016 to Julie Shebek, a site acquisition agent working on behalf of United States Cellular Operating Company LLC (“USCOC”), in regard to the conditional use permit application to construct a 106’ monopine tower at 915 Magnolia Drive on property owned by the El Buen Samaritano United Methodist Church (“Church”), which was rendered incomplete due to not providing evidence to demonstrate how the existing tower is economically burdensome, pursuant to Section 22.21.f of the Waukesha County Zoning Ordinance.

The current Lease with the County is slated to expire on October 31, 2017. USCOC entered into negotiations with the County for a replacement lease that will allow USCOC to remain at its current site adjacent to the Expo Center. USCOC and the County have not been able to come to terms on a replacement lease. Thus, USCOC looked into alternative sites that may be more cost efficient to operate or may provide better coverage for its customers. The lease that USCOC was able to enter into with the Church is more economically beneficial than the terms offered by the County. The rent amount in the Church lease is one-third the amount of rent in the proposed County lease. Also, the proposed County lease contains an overbroad indemnification regarding real and perceived risks from exposure from electromagnetic fields (EMFs) or radio frequencies (RFs). This indemnification language is a holdover from the current lease, but is overbroad because, under the current lease, USCOC owns the tower, but under the proposed County lease, the County would own the tower and USCOC would be a subtenant. USCOC is unwilling to indemnify the County if USCOC has the potential of indemnifying all subtenants on the tower. Thus, for these reasons, the proposed County lease would be economically burdensome to USCOC and USCOC requests that the County approve a conditional use permit so that USCOC can build a monopine tower at the Church.

USCOC has operated in the Waukesha market for several years. It also has a significant presence as an employer in the County. Unless the County is able to drop its demand to have USCOC indemnify the County for EMF/RF emissions and reduce the proposed rent in the proposed new lease, USCOC has no other option than to re-locate its site because of the economic burden for it to continue to operate at the Expo Center location.

Sincerely,

A handwritten signature in black ink, appearing to read "Nika Aswegan", with a large, stylized loop at the end.

Nika Aswegan
Project Manager, Engineering