



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

February 12, 2021

Libby Nixon
Tower Engineering Professionals
10700 Sikes Place, Suite 360
Charlotte, NC 28777

**RE: Requirement for Building Permit to Mount Communication Cell on a Power Company Tower
2018 NCAC Section 101.2, exception #4**

Ms. Nixon:

This letter is in response to your request for formal interpretation dated February 4, 2021 that was received in NCDOI by email on that same date. Your request for formal interpretation, in my words, states:

Because of the additional live and dead loads that a cell phone communications antenna may present on a standalone tower, is a building permit required for installation of a cell phone communications antenna on an existing power company line tower or is a cell phone communications antenna exempt under 2018 NC Building Code, Section 101.2, exception #4?

Remarks:

Code sections noted in this letter are referring to the 2018 edition of the NC Building Code unless otherwise noted.

Code Analysis:

The purpose of Sections 101.2, exception #4 is to exempt power company line towers and poles from NC Building Codes because NCGC 143-138(b8) exempts towers and poles for public utilities from the NC Building Codes. Public utilities (power companies) are heavily regulated by the NC Public Utility Commission (PUC). Because of that regulation, it is the practice of public utilities to well engineer and closely monitor construction of towers and the setting of poles.

Because line towers and poles of public utilities are well regulated by the PUC it would be detrimental to the utility to allow the addition of equipment on the tower or pole that would jeopardize the structural integrity of a tower or pole.

Conclusions:

If a cell company obtains written approval from a public utility, as defined in NCGC 62-3, to mount cell antennas on a tower or pole owned by such public utility, the cell company shall be exempt under Section 101.2, exception #4 from requirements to comply with the NC Building Code and consequently a building permit. However, the electrical wiring of such cell phone antennas must comply with the NC Electrical Code; so, an electrical permit is required.

Please call if you have comments or questions.

Sincerely,



Carl Martin, RA
Deputy Commissioner
Division Chief of Engineering

cc: File
Brian Sciba, Director, Gaston County Building Inspections
Robbie Davis, Chairman – BCC
Danny Priest, Vice-Chairman – BCC
Joe Starling, DOI, Chief Electrical Code Consultant

ATTACHMENT A



CHARLOTTE OFFICE
10700 SIKES PLACE, SUITE 360
CHARLOTTE, NC 28277
980.202.5553
WWW.TEPGROUP.NET

February 4, 2021

TO: Mr. Carl Martin, N.C. Department of Insurance

FROM: Libby Nixon-Tower Engineering Professionals

SUBJECT: Request for Formal Interpretation

SITE NAME: PeakNet 2A10/11 - TMO 5CT0953D

SITE ADDRESS: 2906 South Point Rd, Belmont, NC 28012 (Gaston County)

Mr. Martin,

The PeakNet / T-Mobile telecommunication site, located at the above address in Gaston County, is mounted on a Duke Power Public Utility Tower and I respectfully request a formal interpretation of the NC Building Code to determine if this site is exempt from the NC Building Code per 2018 NC Building Code 101.2, exception 4.

If you require any additional information on for your interpretation, please let me know.

Thank you,

Libby Nixon

Libby Nixon
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919-703-4123