



Federal Communications Commission
Washington, D.C. 20554

September 26, 2006

DA 06-1920
Released: September 26, 2006

Barry A. Friedman
Thompson Hine LLP
1920 N Street N.W.
Washington, D.C. 20036-1600

Re: Preemption of Local Restrictions on Broadcast Towers

Dear Mr. Friedman:

This is in response to your request, on behalf of your client, a non-profit citizens group, for a declaratory ruling regarding preemption of local zoning rules relating to the construction of broadcast towers.

According to the request, your client is participating in the development of modified local zoning regulations addressing the construction of new broadcast television towers. The group has urged local government officials to enact regulations to restrict construction of new broadcast towers in certain rural areas and to impose height restrictions in other areas where new towers would be permitted. The request states that the proposed local regulations would be predicated on land use preservation goals, including preservation of agriculturally zoned land and scenic vistas.

You request a declaratory ruling "that, under the current policy of the FCC, local zoning rules which are predicated on land use preservation, including preservation of agriculturally-zoned land and scenic vistas, would not be preempted by the Commission" with respect to construction of "new broadcast towers in certain rural areas and . . . height restrictions in other" areas.¹ It is true that, to date, the Commission has not adopted any rules or regulations that preempt local zoning rules affecting construction of broadcast towers.

Accordingly, **IT IS ORDERED**, pursuant to 1.2 of the Commission's Rules, 47 C.F.R. §1.2, that this Request for Declaratory Ruling **IS GRANTED to the extent described herein**. This action is taken under authority delegated by Section 0.283 of the Commission's rules, 47 C.F.R. §0.283.

Sincerely,

Donna C. Gregg
Chief, Media Bureau

¹ Letter from Barry A. Friedman to Secretary, Federal Communications Commission, September 26, 2005.