

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
)
Verizon Petition for Declaratory Ruling Regarding ) WT Docket No. 19-230
Fees Charged by Clark County, Nevada for Small )
Wireless Facilities )
)
)
)

ORDER

Adopted: September 18, 2019

Released: September 18, 2019

By the Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau:

1. On September 6, 2019, Clark County, Nevada requested that the Commission suspend consideration of Verizon’s petition for declaratory ruling (Petition)1 and postpone the pleading cycle associated with the Petition until Verizon and Clark County conclude ongoing settlement negotiations, or until either party requests that the Commission resume consideration of the Petition.2 Clark County states that the request was negotiated with Verizon and that Verizon counsel authorized Clark County to represent that Verizon has no objection to the request.3 We deny the request, however, because this matter raises important issues that potentially affect not only Verizon but also other providers operating both in and outside of Clark County.

2. Section 1.2 of the Commission’s rules provides that “the filing deadline for responsive pleadings to a docketed petition for declaratory ruling will be 30 days from the release date of the public notice, and the default filing deadline for any replies will be 15 days thereafter.”4 The Commission established filing deadlines of September 25, 2019 for responses to the Petition and October 10, 2019 for reply comments.5 Under Section 1.46 of the Commission’s rules, it is the policy of the Commission that extensions of time shall not be routinely granted.6

3. The Petition argues that Clark County’s “recurring fees materially inhibit the provision of telecommunications services by wireless providers to whom the fees are charged,” and requests that the

1 Petition for Declaratory Ruling that Clark County, Nevada Ordinance No. 4659 Is Unlawful Under Section 253 of the Communications Act as Interpreted by the Federal Communications Commission and Is Preempted (filed Aug. 8, 2019), https://ecfsapi.fcc.gov/file/1080871091743/Verizon%20-%20Petition%20for%20Declaratory%20Ruling%2008082019.pdf (Petition).

2 Letter from Gerard Lavery Lederer, Counsel for Clark County, Nevada, to Marlene Dortch, Secretary, Federal Communications Commission (Sept. 6, 2019) (Request).

3 Id. at 2.

4 47 CFR § 1.2.

5 Wireless Telecommunications Bureau Seeks Comment on Verizon’s Petition for Declaratory Ruling Regarding Fees Charged by Clark County, Nevada for Small Wireless Facilities, Public Notice, DA 19-823 at 1 (Aug. 26, 2019).

6 47 CFR § 1.46.

Commission declare that the fees are preempted.<sup>7</sup> Although Verizon does not object to holding the proceeding in abeyance, deployment by other providers in the County may also be deterred if Clark County's practices are not consistent with the Communications Act. Moreover, in the *Small Wireless Facilities Declaratory Ruling*, the Commission noted that state and local fees and other charges associated with the deployment of wireless infrastructure can unlawfully prohibit the provision of service even in places *other than* where the fees are charged.<sup>8</sup> That is, deployments outside the County could also be adversely affected. In light of these larger issues, we find that it would not be in the public interest to suspend indefinitely the consideration of Verizon's Petition.

4. Clark County states that the County and Verizon "have agreed to continue efforts to reach a negotiated settlement to resolve this dispute," and contends that an abeyance is warranted "to permit the parties to focus on productive negotiations. . . ." We encourage Verizon and Clark County to continue settlement efforts, but ongoing discussions do not justify postponing the pleading cycle in this proceeding.

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.131, 0.331, 1.2, and 1.46 of the Commission's rules, 47 CFR §§ 0.131, 0.331, 1.2, and 1.46 that the Request filed by Clark County, Nevada on September 6, 2019, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Garnet Hanly  
Chief  
Competition and Infrastructure Policy Division  
Wireless Telecommunications Bureau

---

<sup>7</sup> Petition at 1-2.

<sup>8</sup> *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088, 9091, 9118-20, paras. 11, 60-61 (2018) (*Small Wireless Facilities Declaratory Ruling*).

<sup>9</sup> Request at 1.