

Congress of the United States
Washington, DC 20515

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

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October 21, 2009

Dear Chairman Genachowski:

As co-Chairs of the Congressional Wireless Caucus, we want to commend you on your October 7th comments recognizing the need for the FCC to “cut through red tape and overcome [these] hurdles” associated with unresolved wireless tower applications. The ability to deploy wireless systems and expand wireless broadband service depends on the availability of sites for the construction and placement of towers and transmitters. However, wireless carriers face a considerable challenge when zoning authorities fail to act on wireless tower applications within a reasonable period of time. These delays or inaction substantially inhibit wireless build out and the expansion of broadband availability.

In the Telecommunications Act of 1996, Congress adopted provisions designed to delineate the role of state and local zoning authorities in the tower-siting process to ensure that the zoning process is not an obstacle to reasonable deployment of, and competition among, diverse wireless networks. In the Supreme Court’s words, these provisions were adopted to reduce “the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.”^[1] However, thirteen years later, the local zoning approval process remains a substantial impediment to the provision of wireless services in many areas. As of July, 2008, there were more than 3,300 wireless siting applications pending before local jurisdictions.

In an effort to bring about some certainty to the tower siting process, on July 8, 2008 CTIA – The Wireless Association - filed a petition seeking FCC clarification on the time periods in which a state or locality must act on wireless facility siting requests under Section 332(c)(7)(B). The petition is commonly known as the “Shot Clock” petition. In light of the current situation, we respectfully request that the Commission move as expeditiously as possible on this petition to ensure the continuance of valid local tower siting and environmental reviews, while limiting unnecessary or drawn out processes.

During a period when creating economic growth is of paramount importance, improved wireless broadband access can generate new businesses based on the availability of faster Internet connections. Existing businesses stand to reap gains in

^[1] *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115 (2005).

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efficiency while consumers can more effectively search online for goods and services, jobs and educational opportunities.

In addition to the substantial economic stimulus associated with bringing some certainty to the tower siting application process, public safety and E911 services will be improved. The availability of these critical emergency services are inextricably linked to wireless service coverage.

We appreciate your recognition of this issue with your statement on October 7th, and we stand ready to work with you to bring about clarity and finality as it pertains to the tower application process.

Sincerely,



George Radanovich
Co-Chair
Congressional Wireless Caucus



Jay Inslee
Co-Chair
Congressional Wireless Caucus