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April 18, 2018

VIA EMAIL

Larry McLaughlin, Esq.
City Attorney
City of Sebastopol
7120 Bodega Avenue
Sebastopol, California 95472

Re: Verizon Wireless Application 2018-13
Telecommunications Facilities, Public Right-of-Way
6985 Hutchins Avenue (Node 001), 965 McFarlane Avenue (Node 008)
FCC Shot Clock Tolling Agreement: July 31, 2018

Dear Larry:

We write to you on behalf of our client GTE Mobilnet of California Limited Partnership dba Verizon Wireless (“Verizon Wireless”) with respect to the above-referenced applications for proposed wireless facilities (the “Applications”). Federal law requirements obligate the City of Sebastopol (the “City”) to take final action on the Applications within a specified time period unless the time period is extended by mutual consent. Verizon Wireless believes the time period for the City to act on the applications will expire prior to a decision. When countersigned, this letter will confirm an agreement between Verizon Wireless and the City to extend the applicable time period for review of the Applications under the federal Telecommunications Act to July 31, 2018.

The federal Telecommunications Act requires that local governments act on wireless siting applications “within a reasonable period of time.” See 47 USC § 332(c)(7)(B)(ii). In a 2009 declaratory ruling, the Federal Communications Commission established a legal presumption that a local government has violated this requirement if it takes longer than 90 days to act on a collocation application or 150 days to act on any other type of application. See *In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, FCC 09-99 (FCC November 18, 2009) (the “Ruling”).¹ The Ruling further permits the period for review of an application to be extended by mutual consent. Ruling, ¶ 49.

In order to allow the City to act on the Applications in an orderly manner, without either party risking the loss of important rights, the parties agree that the time period within which the City may take final action on the Applications shall be extended through

¹ The Ruling was upheld by the United States Supreme Court on May 20, 2013. See *City of Arlington v. Federal Communications Commission*, 133 S. Ct. 1863 (U.S. 2013).

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July 31, 2018, and that no limitations period for any claim of unreasonable or unlawful delay in processing the Applications shall commence to run before said date.

If you agree, this letter agreement may be executed in counterparts, and scanned or facsimile signatures shall be deemed equivalent to original signatures. I will appreciate your returning a countersigned copy to me.

Sincerely,



Paul B. Albritton

cc: Dana Morrison

ACCEPTED AND AGREED TO:

City of Sebastopol

By: 

Printed name: Larry McLaughlin

Title: City manager / City Attorney