

California Wireless Association Official Newsletter
SPECIAL SPONSOR EDITION

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**Message from
 the President**



By Jon Dohm

Hello everyone. Hope the first quarter of 2009 was productive and fruitful. I'm sure many of you attended CTIA and trust that this conference was helpful in establishing many new personal contacts and opportunities for you and your companies.

This next quarter will be a busy one for CalWA. We're planning two mixers—one in Northern California and one in Southern California. The Northern California mixer will be in conjunction with our 2nd Quarter Luncheon in San Ramon. We had very favorable feedback to last year's morning educational session at this event and will include a similar session in the morning prior to the luncheon.

In addition to these activities, CalWA's Education Committee has been very busy preparing educational opportunities for our membership



Assembly Member Mike Davis (48th Dist.) delivers keynote at CalWA luncheon at the Island Hotel in Newport Beach, California (see page 4).

and reaching out to educate municipal planners and decision-makers. Following the success of our legal issues update session that preceded our 1st Quarter Luncheon this year in Newport Beach, the Education Committee is pleased to report that CalWA has been invited to the "table" at two upcoming SCAN NATOA (California and Nevada Chapters of the National Association of Telecommunications Officers and Advisors) events. The first is their Wireless Siting Conference, to be held at the City of Cerritos on April 23rd and the second, is SCAN NATOA's 13th Annual Conference, to be held at the Fairmont Ho-

tel in Santa Monica on May 21st. For information on both events, please visit www.scannatoa.org.

Finally, as you would expect, CalWA's Regulatory Committee is very active and tracking numerous issues of statewide importance. Two of those issues, the state of the current moratorium in Irvine and the status of *Sprint v. County of San Diego*, are highlighted in this newsletter.

Speaking of the newsletter, members are encouraged to provide input (and articles!) to the Public Relations Committee and matters that are of import to the membership. One topic that we discuss a lot as a Board is the issue of mem-

bership "communications." We want to respect your time and do not want to overdo our communications but at the same time, there's so much going on we could be sending email blasts almost daily. One of the ways we will be improving this area of the organization soon is our website. The Board has been reviewing several bids to improve the capabilities of our website, and we are prepared to move forward shortly on retaining a consultant who will assist us with significant enhancements to the website. These changes (*cont. on p. 12*)

SAVE THE DATES

**SOCAL MIXER
 (TENT.) JUNE 4, 2009**

**NORCAL
 MIXER AND
 LUNCHEON
 JUNE 17-18, 2009**

DETAILS TO COME

CalWA Regulatory Update: Supreme Court Asks Solicitor General To Review *Sprint v. County of San Diego*

U.S. SUPREME COURT DECISION IN SPRINT.

In the last issue of our newsletter, CalWA reported that the Ninth Circuit reversed itself and years of precedent when the En Banc panel of judges overturned *Sprint Telephony PCS, LP v. County of San Diego*. Industry experts believe the decision will seriously impact deployment efforts in California and elsewhere in the Ninth Circuit.

The good news is that the Supreme Court has asked the Solicitor General ("SG") to weigh in on the question of whether or not the Court should review the Ninth Circuit's opinion.

Late last fall, Sprint declined to give up the fight and filed its petition for *certiorari*. A "cert" petition asks the Supreme Court to hear the case, and has about a 1 in 25 chance of succeeding. The Court's decision to request the SG's input raises the odds substantially given that about a third of the cases that the Court directs to the SG are accepted for review.

Sprint has several good arguments for a grant of review, including the split of authority among that several circuits that followed the Ninth Circuit's early lead in enjoining many wireless ordinance and ordinance requirements. The Eighth Circuit's ruling in *Level 3 Communications v. City of St. Louis* questioned this rationale, but only after many courts had already aligned themselves with the Ninth Circuit.

CalWA and PCIA were among the entities that filed amicus briefs in support of Sprint's petition.

IRVINE MAY LIFT MORATORIUM. In March 2008, the Central District ruled in *NewPath Networks, LLC v. City of Irvine* that the City's wireless ordinance was overly

burdensome and enjoined the City from enforcing the ordinance. In response, the City adopted a moratorium that it subsequently extended for a year. As a result of the Ninth Circuit's decision in *Sprint v. County of San Diego*, described above, Court stayed the injunction and the City of Irvine has now begun the process of lifting the moratorium. The moratorium has prevented several carriers from getting the approvals needed to construct badly needed sites.

COMMITTEE UPDATES. The CalWA Regulatory Committee has been busy monitoring and responding to new wireless ordinances and moratoria statewide in jurisdictions including Banning, Butte County, Dixon, Glendale, Goleta, and Modesto to name a few. By reaching across the table to work with jurisdiction-side agents, CalWA has built bridges between the carriers and the community. At CalWA's Newport Beach event on Febru-

ary 20th, we hosted government-sided attorney Jonathan Kramer as a panel member during our discussion of contemporary wireless regulatory affairs. CalWA looks forward to participating in events hosted by government organizations the National Association of Telecommunications Officers and Advisors (NATOA). Also the Regulatory Committee has been organizing lobbying efforts to shape state-level regulatory guidelines, and we hope to build on relationships created with officials such as Assembly member Mike Davis (48th Dist.) who spoke at the February 20th CalWA event. The Regulatory Committee meets on first and third Thursdays of the month and invites you to participate. Contact Matt Yergovich at myergovich@fmhc.com, Julian Quattlebaum at (jq@channellawgroup.com) or Patti Ringo at paring@extenetsystems.com if you wish to get involved in the Regulatory Committee.

CalWA Will Be Platinum Sponsor for the 2009 Disaster Preparedness Academy

The Orange County Chapter of the American Red Cross is presenting its 25th Annual Disaster Preparedness Academy. CalWA has agreed to for a second year running to be the top sponsor of the event. The Academy is a unique venue in that the Red Cross targets all audiences in the community and is a public-private collaboration that is essential for emergency/disaster preparedness and business continuity is the midst of major events.

Date/Time: Wednesday, November 4, 2009, 7:30 AM to 4:30 PM

Location: Anaheim Convention Center, Third Floor, Anaheim, CA

For more information, please contact Bonnie Colling at (714) 481-5341 or by email at ocdpa@oc-redcross.org.



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CalWA Education Committee Update: Newport Beach Panel Reviews Ninth Circuit Decision; CalWA to Participate at SCAN NATOA

THE LEGAL WORLD of wireless telecom continues to be in a state of flux and is never wanting for hot topics of discussion. At the February 20, 2009 CalWA winter luncheon event at the Island Hotel in Newport Beach, the Education Committee sponsored a panel discussion with participants representing both local government and the wireless industry. The panel included Jonathan Kramer – a leading consultant on wireless telecommunications issues for local governments – and Board Members Julian Quattlebaum, Patti Ringo and Michael Shonafelt, who discussed the industry's interpretation of the new legal developments in the law. Matt Yergovich moderated the presentation. The panel addressed critical issues facing both the wireless industry and local governments. Among the issues addressed were the effect of the Ninth Circuit's decision in *Sprint Telephony v. County of San Diego*. The panel discussed the effect of the Ninth Circuit's interpretation of section 253 of the Telecom Act and the practical

implications of that decision on how cities and counties currently interpret their scope of discretionary land use authority. The panel presentation prompted a lively discussion among the panel members and with members of the attending audience and was very well received. The Education Committee will be planning similar panel discussions addressing critical new developments in the law and their effect on the ability of wireless carriers and tower companies to deploy their networks.

ON APRIL 23, 2009, SCAN NATOA will hold its chapter meeting and will feature a panel presenting topical issues facing the wireless world. SCAN NATOA, (the Southern California and Nevada Chapter of the National Association of Telecommunications Officers and Advisors) is a non-profit professional organization serving local governments and regional authorities in the development, regulation, and administration of cable franchises and other telecommunications systems. The panel will

address the latest court cases shaping the changing legal landscape, and planning processes designed to deal with the federal and state laws that control wireless siting. Included will be an overview of Clearwire Communications, a new wireless Internet player poised to enter the Southern California marketplace in a big way. Confirmed speakers include: Jonathan L. Kramer, SCAN NATOA's President Elect and the principal of the Kramer Telecom Law Firm, PC in Los Angeles; Javan Rad, a Deputy City Attorney for the City of Pasadena dealing with telecom issues; and Michael Shonafelt, a partner in the Los Angeles office of Allen Matkins representing the wireless industry and the California Wireless Association.

CalWA invites you to participate in its educational events by contacting co-chairs Scott Longhurst at slonghurst@trilliumcos.com and Michael Shonafelt at mshonafelt@allenmatkins.com.

Women's Wireless Leadership Forum (WWLF) Hosts Planet Hollywood Fête at CTIA

LAS VEGAS — The Women's Wireless Leadership Forum (WWLF) kicked off CTIA 2009 in style with its Planet Hollywood mixer on Tuesday evening. The room was packed with the usual wireless suspects as well as plenty of fresh new faces. Both women and men came out to support this great organization. Great networking and good times were had by all. Next up: PCIA 2009! You won't want to miss it! And please keep an eye out for upcoming regional events held across the country, including Northern and Southern California. The involvement of women in the wireless



communications industry is crucial to WWLF's success. Recognizing that, the Women's Wireless Leadership Forum:

- Creates a network of women committed to supporting leadership, education and national networking experiences.
- Identifies leadership and educational opportunities for women to involve them with the growth of our communities nationwide.
- Strengthens bonds and communication between women and the community by sharing industry knowledge and exper-

tise.

- Commits to mentoring future generations in order to establish a lasting legacy of leadership through the Women's Wireless Leadership Forum..

Save the Date!

**THIRD ANNUAL CALWA
GOLF
TOURNAMENT
Arroyo Trabuco Golf
Course
October 15, 2009**

**Contact Lisa White regarding
sponsorship opportunities
lwhite@wes-tec.com**

Assembly Member Mike Davis Hails Importance of Wireless Deployment at 2009 Winter Luncheon in Newport Beach

CalWA welcomed Assembly Member Mike Davis (48th Dist.) to its 2009 Winter Luncheon event in Newport Beach. Assm. Davis described his concern about state budgetary processes that had consumed the state in the weeks prior to the luncheon. Most of his remarks were focused on the facilitate the improvement of wireless services in traditionally underserved areas and his concern that regulatory impediments to deployment may be interfering with the provision of those services. He noted the

Ninth Circuit's decision in *Sprint v. County of San Diego* and indicated that he will follow with interest what happens to that decision at the U.S. Supreme Court.

He noted the timing issues that companies have with permits and the shot clock proceeding at the FCC.

Finally, he mentioned his interest that California look at seeking funds out of the federal bailout monies to support deployment of wireless infrastructure in the state.



Assembly Member Mike Davis, 48th District, speaks at CalWA winter event.



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Channel Law Group, LLP is a boutique practice with a broad expertise in telecommunications and media law, litigation, mediation, utility regulation, land use and real estate, franchising, rights-of-way, municipal law, environmental law, business formation and contract law. Our current focus is on providing legal support for telecommunications infrastructure deployment and management, in addition to providing legal services to media companies and cable television affiliates.

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The new AT&T Towers organization provides comprehensive and timely collocation and site modification services for all AT&T owned wireless towers throughout the USA; for all our clients and applicants convenience, current application forms and site information can be searched and reviewed online, and particular site information details can be obtained by contacting the Account Managers in the districts across the Country listed on the front page of the Application. AT&T Towers group participates nationally in PCIA and SWAP orgs and is proud to be a participant in **CalWA**.

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Send queries to: Info@calwa.org



California Wireless Association Mission Statement

The California Wireless Association (CalWA) is a non-profit professional association that brings a unified voice to the wireless industry as we find ourselves facing the uniquely challenging marketing, operations and regulatory terrain of our state.

In addition to providing general awareness of the wireless industry, educating consumers and public officials about the wireless industry and the critical role it plays in California, CalWA cultivates and fosters relationships among the members of the wireless industry and conducts fundraising for several charitable organizations.

CalWA Recognizes Founding President Jon Dohm for Extraordinary Leadership

Since the formation of the Board in mid-2006 and the formal launch in February 2007, the California Wireless Association has been ably guided by Crown Castle's West Area Zoning Manager Jon Dohm. Accordingly, at the 2009 Winter Luncheon, the Board of Directors presented Jon with a token of its appreciation in the form of a plexiglass plaque acknowledging Jon for his consistency and commitment to the California Wireless Association. Thank you Jon.



CalWA presented Jon with a plaque recognizing his efforts.

Look Out for These Regulatory Developments in California

1. Modesto Draft Ordinance
2. Pasadena Proposed Wireless Standards
3. Banning Ordinance Revisions
4. Irvine Moratorium
5. Butte County Code Revisions
6. CalWA Model Ordinance
7. Glendale Moratorium
8. CPUC Wildfire Rulemaking
9. Dixon Proposed Ordinance

President's Message (cont. from p. 1)

These changes will allow us to communicate more frequently with you and will allow us to update the web site much more easily.

Finally, we have several other exciting ideas that we will be discussing with our Advisory Board at our first, formal Advisory Board meeting, anticipated to occur later this month. We'll report on these ideas in our next issue. The Board thanks our loyal membership and sponsors and looks forward to all the exciting things happening in 2009. As always, your involvement is key.



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