



The Significance of the FCC's 'Shot Clock' on Wireless Facility Siting

The Federal Communications Commission (FCC) has adopted time frames for local jurisdictions to act on applications to site wireless communication facilities.

What the FCC's action does:

- ♦ Gives jurisdictions 90 days to act on an application to collocate wireless facilities on existing structures.
- ♦ Gives jurisdictions 150 days to act on all other applications to site wireless facilities.
- ♦ Allows jurisdictions to freeze the time frames while an applicant gathers any requested additional information needed to complete an application if the jurisdiction notifies an applicant within 30 days of filing that the application is incomplete.
- ♦ Clarifies that a jurisdiction may not deny an application for a wireless facility on the basis that a different carrier is already serving that area.

What the FCC's action does not do:

- ♦ Preempt local zoning decisions. A jurisdiction has final say on whether a wireless facility siting application is approved or denied. The FCC specified only the timeframe in which that decision must occur.
- ♦ Grant the application if the jurisdiction exceeds these time frames. If a jurisdiction takes longer than the prescribed time frames to act on an application for wireless facility siting, the applicant may bring the matter to court within 30 days. The court then decides if the extended review period was reasonable under the circumstances.
- ♦ Prevent applicants and jurisdictions from mutually agreeing on extended timelines.

Other important information about the FCC's action:

- ♦ The applications that fall under the FCC's definition of "collocation" may differ from those in local regulations. Parties are advised to consult with local experts/attorneys to determine the application type and appropriate time frame.
- ♦ State or local law may prescribe shorter timelines for action. If so, those shorter time frames are still in effect.
- ♦ The FCC's action is effective November 18, 2009.

To view the FCC's decision in its entirety, please visit www.pcia.com/shotclock.

PCIA—The Wireless Infrastructure Association advocates balanced approaches to the siting and regulation of wireless facilities. We invite you to contact us to learn how we may serve as a resource for your wireless infrastructure needs.

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