

FCC Threatens Local Zoning

The National League of Cities reports that the FCC is considering a petition by CTIA, The Wireless Association, which asks FCC to make a uniform interpretation of the local wireless facility siting/zoning provision of the Federal Communications Act. This includes establishing federal mandates regarding local action on wireless facility applications, establishing a 45 or 75-day "shot clock" so if a decision is not made within this time limit the city or town will have violated the federal law and the application will be automatically granted. The application asks that FCC bar any local zoning decision that prevents a wireless carrier from offering a service in an area where another wireless carrier is already providing service. Finally, federal law would preempt local zoning that imposes unique requirements on wireless applicants vis-à-vis other kinds of land use applicants, such as local or state laws that require all wireless siting applicants to seek a variance.

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