

PRESS RELEASE

# Wiley Rein Secures Victory for Client in Wireless Tower Siting Case in New Jersey

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Wiley Rein has secured an important victory on behalf of T-Mobile in a wireless tower siting dispute. Yesterday a federal district court in the District of New Jersey ruled that the Borough of Paramus violated federal law in denying a wireless tower siting application jointly submitted by T-Mobile and Sprint.

Wiley Rein partners Joshua S. Turner and Claire J. Evans, and associate Caroline Rose Van Wie, represented T-Mobile in the case, *Sprint Spectrum L.P. and T-Mobile Northeast LLC v. The Zoning Board of Adjustment of the Borough of Paramus, New Jersey*. After a two-day bench trial, the court concluded that the local government could not deny the application for a monopole wireless tower based on a preference for a Distributed Antenna System (DAS).

The court found that the locality had not shown that a DAS is “an acceptable alternative means of providing the same level of robust, reliable coverage as a monopole” under the prevailing conditions in the town. Thus, the denial constituted a prohibition of service under federal law, was not supported by substantial evidence as required by federal law, and violated New Jersey state administrative law.

“A DAS is not a feasible alternative because it will not offer comparable wireless service when measured against the coverage that can be provided by the proposed macro facility,” U.S. District Judge Kevin McNulty wrote in his opinion. “A DAS has significant reliability concerns associated with its deployment on utility poles, its small coverage areas per node, and its vulnerability to disruption.” Judge McNulty further found that the carriers put forth a “good faith effort” when examining viable alternatives to a monopole.

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Tower Siting and Wireless Facilities Access  
Wireless

Mr. Turner, Ms. Evans, and Ms. Van Wie are members of the firm's Communications Practice, and Mr. Turner is co-chair of the Communications Enforcement & Compliance Group.