

Important Provisions in Spectrum Bill Alter Landscape of Wireless Siting

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The Spectrum Bill recently passed by Congress and awaiting the President's signature contains two provisions that will impact wireless facility deployment across the country at the federal, state and local level.

Section 6409(a) of the legislation mandates that local jurisdictions grant certain siting applications. Under the terms of the statute, local governments "may not deny, and shall approve . . . eligible facilities requests," which include "collocations of new transmission equipment" as well as upgrades to wireless equipment, so long as it does not "substantially change the physical dimensions" of the relevant tower or base station. Section 6409(a)(2)(A)-(C).

Section 6409(b) gives federal agencies the ability to grant easements or other permissions to install, construct and maintain antennas and backhaul equipment. The Administrator of the General Services Administration (GSA) is directed to develop a cost-based fee structure and a "master contract" for wireless siting within 60 days. Part of the GSA directive is to "standardize" both the treatment of the placement of wireless facilities in on federal property and "the technology used in connection with" wireless facilities. Section 6409(c)(1)(b).

These provisions signal strong federal policy in favor of expeditious deployment of infrastructure needed for advanced wireless services, including broadband.

Wiley Rein's attorneys have been engaged for years on wireless technology policy and siting issues, in court and at the Federal Communications Commission (FCC). We have won significant victories in federal courts nationwide vindicating federal law and the

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preemption of local intrusions into wireless technology choices. In addition, Wiley Rein regularly represents parties before the GSA and is expert in all aspects of master contracts, from their development and application to compliance issues.