

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of )	
)	WT Docket No. 08-165
Petition for Declaratory Ruling to Clarify )	
Provisions of Section 332(c)(7)(B) to Ensure )	
Timely Siting Review and to Preempt under )	
Section 253 State and Local Ordinances that )	
Classify All Wireless Siting Proposals as )	
Requiring a Variance )	
_____ )	

**MOTION OF THE  
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND  
ADVISORS, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF  
CITIES, AND UNITED STATES CONFERENCE OF MAYORS  
TO EXTEND THE TIME FOR FILING COMMENTS AND REPLY COMMENTS**

The National Association of Telecommunications Officers and Advisors (“NATOA”), the National Association of Counties, the National League of Cities, and the United States Conference of Mayors (collectively “Associations”), by their attorneys and pursuant to Section 1.46(b) of the Commission’s Rules, 47 C.F.R. § 1.46(b), hereby request that the Commission extend the deadline for filing Comments and Reply Comments in the above captioned proceeding. Specifically, the Associations request that the period of time for filing Comments be extended from 30 days to 90 days and that the period for filing Reply Comments be extended from 15 days to 45 days.

In support of their Motion, the Associations state as follows

1. The Petition for Declaratory Ruling raises many complex legal and factual issues which require a significant investment of time to address adequately. For NATOA in particular, the

deadlines for filing Comments and Reply Comments coincide with NATOA's annual conference, which was planned over a year ago.

2. In addition, the Petition accuses unnamed local governments of engaging in conduct which unnecessarily delays action on wireless facility siting applications. The implication in the Petition is that local governments engage in conduct designed to be dilatory and with intent to purposefully prejudice wireless providers. *See* pages 14-15 and 26-27 of the Petition. The Commission ought to require CTIA to identify the unnamed government entities and to provide details of the application process in each case. Barring that circumstance, the Associations will be required to attempt to identify the dozen local governments singled out by CTIA from among the more than 36,000 local governments in the United States for the purpose of ensuring that they: 1) are aware of the accusations leveled against them and 2) can respond to the accusations. Should the Commission choose not to require CTIA to proceed on more than bald allegations, the Associations (and their member) need additional time to discover the identities of the alleged offenders and address the allegations accordingly.
3. CTIA asserts that the Commission should impose a 45 day time limit for collocation requests after noting that a majority of carriers have obtained collocation approvals in as little as one day, and that almost all carriers have received collocation approvals within a week or two. Nonetheless, alleging that "some jurisdictions fail to act in such a timely manner," CTIA seeks a uniform 45 day rule to address alleged delays by unidentified local governments without any reference to verifiable facts. *See* page 24-25 of the Petition. As noted above, CTIA should be required to come forward with facts regarding the identity and circumstances surrounding the alleged delays so that neither the Commission nor the Associations are searching for the proverbial needle in a hay stack as they evaluate CTIA's

petition. Should the Commission not require additional information from CTIA, the Associations and their members require additional time to discern which communities CTIA is accusing of misconduct so that they can provide the Commission with the salient facts.

4. To provide the Commission an accurate description of the application process requires identifying not only those communities accused of improper actions, but notifying communities in general of the existence of the Petition and the process for filing Comments.
5. The Petition was released by the Commission on August 14, 2008, the height of the summer when many people, including local government professionals, are on vacation. In addition, many local government political leaders are attending their respective parties' political conventions at this time. Both these factors reduce the amount of time available to local governments to properly and adequately prepare and file Comments with respect to the Petition.
6. Because the Petition seeks a Declaratory Ruling which would significantly affect the rights and obligations of local governments throughout the United States, it is critical that the Commission have as detailed and accurate a picture of the application process as possible.
7. Extending the time for filing Comments from 30 days to 90 days will allow local governments to provide the Commission with as accurate and informative a response as possible.
8. It is anticipated that there will be numerous Comments filed in support of and in opposition to this Petition. Therefore, the Associations request that the Commission extend the time for filing Reply Comments to 45 days from the conclusion of the opening Comment period. This additional time will be needed to fully review the Comments and address issues raised by the Comments.

