

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

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

**MOTION FOR EXTENSION OF TIME**

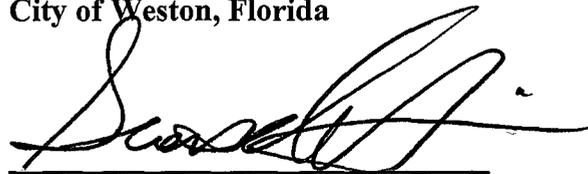
The cities of Bay Harbor Islands, Town of Cutler Bay, City of Hollywood, City of Homestead, City of Miramar, City of Sunrise and the City of Weston (hereinafter referred to collectively as “Florida Cities”), by their attorney, files this Motion for Extension of Time to file their opposition to the Petition 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 (“Petition”) filed by CTIA-The Wireless Association (“CTIA”).

Due to the poor weather conditions and strong winds that are approaching the Florida Cities, specifically Hurricane Ike, the Florida Cities are unable to respond to the Petition by the September 15, 2008, deadline. While the hurricane is no longer projected to make a direct hit on Miami-Dade and Broward Counties, the aftermath of the hurricane effects may leave the Florida Cities with damage for several weeks. It is currently projected to make land fall in the states of Texas and Louisiana by the end of the week. When the hurricane was a direct threat to the Florida Cities on Friday, September 5, 2008, the Florida Cities’ legal counsel requested CTIA’s

legal counsel's consent to an extension. However, CTIA's legal counsel only supports an extension of time that mirrors the relief that the U.S. District Court for the Southern District Florida generally provides litigants under such circumstances but would not oppose any late filed comments by the Florida Cities impacted by the tropical storm/hurricane conditions. (See correspondence attached herein as Exhibit A.) Accordingly, the Florida Cities request that the Federal Communications Commission grant this Motion allow the Florida Cities until October 15, 2008, to file their opposition to the Petition.

Respectfully submitted,

**Town of Bay Harbor Islands, Florida**  
**Town of Cutler Bay, Florida**  
**City of Hollywood, Florida**  
**City of Miramar, Florida**  
**City of Homestead, Florida**  
**City of Sunrise, Florida**  
**City of Weston, Florida**



Scott A. Robin, Esq.  
(Florida Bar No. 286140)  
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Their Attorney

September 8, 2008

**Scott A. Robin**


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**From:** Andrea Williams [AWilliams@ctia.org]  
**Sent:** Friday, September 05, 2008 1:13 PM  
**To:** Scott A. Robin  
**Subject:** RE: Petition to FCC  
**Importance:** High

Dear Mr. Robin

CTIA would support an extension of time that mirrors the relief that the U.S. District Court for the Southern District Florida generally provides litigants under such circumstances. See, e.g., <http://www.flsd.uscourts.gov/viewer/viewer.asp?file=/press/08-28-2006~Federal%20District%20Court%20Operations%20and%20Tropical%20Storm%20Dennis.html> (Court closure and reopening for Tropical Storm Ernesto in August, 2006). Any late filed comments by those counties and cities impacted by the tropical storm/hurricane would not be opposed by CTIA.

Sincerely,

Andrea Williams

Andrea D. Williams  
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**From:** Scott A. Robin [mailto:SRobin@wsh-law.com]  
**Sent:** Friday, September 05, 2008 11:03 AM  
**To:** Andrea Williams  
**Subject:** RE: Petition to FCC

Ms. Williams,

The cities of Bay Harbor Islands, Town of Cutler Bay, City of Hollywood, City of Homestead, City of Miramar, City of Sunrise and the City of Weston (hereinafter referred to collectively as “Florida Cities”), by its attorney, request an extension of time to file their opposition to the 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 (“Petition”) filed by CTIA-The Wireless Association.

Due to the catastrophic weather conditions that are approaching the Florida Cities, specifically

9/5/2008

Hurricane Ike, the Florida Cities are unable to respond to the Petition by the September 15, 2008, deadline. The hurricane is currently projected to make a direct hit on Miami-Dade and Broward Counties with 145 mph winds on Tuesday, September 9, 2008. The aftermath of the hurricane will undoubtedly leave the Florida Cities with major damage and power outages for several weeks. Accordingly, the Florida Cities respectfully request that the CTIA allow the Florida Cities until October 15, 2008, to file their opposition to the Petition.

Please respond to our request within the next several hours so we may plan accordingly.

Sincerely,

Scott Robin



**WEISS  
SEROTA  
HELFMAN  
PASTORIZA  
COLE &  
BONISKE, P.L.**

**Scott A. Robin, Esq.**

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