

*******PUBLIC COMMENT*******

TO: Federal Communications Commission
FROM: County of Robeson, State of North Carolina
DATE: October 13, 2008
RE: Proceeding Number 08-165

We, the County of Robeson, State of North Carolina, are in opposition to the requested amendments, by CTIA – The Wireless Association, to the Communications Act of 1934, which was previously amended in 1996.

We have attached a copy of our Telecommunication Ordinance, hereinafter referred to as “Telecom Ordinance”, adopted by Robeson County Board of Commissioners on October 19, 1998 and incorporated as part of the Robeson County Zoning Ordinance, hereafter referred to as “Zoning Ordinance” as if fully setout therein.

We will address the requested specific actions individually as follows:

1. **Clarify time period for “final action” on wireless facility siting applications.** The Telecom Ordinance allows for **collocation** on existing approved telecommunication towers as a permitted use and the turn around time for the zoning application process is **one (1) day**.
2. **Develop remedies under which tardy application decisions would be addressed.** Under the County of Robeson’s zoning application process for collocations there are no tardy application decisions. As previously stated the turn around time for the zoning application process is **one (1) day**.
3. **Clarify that existing federal law prohibits local government from enacting land use policies that prevent new providers from establishing service in an area, due to the existence of another provider in the area.** Our Telecom Ordinance allows telecommunication towers, with height restrictions, as a permitted use in each of our zoning districts. If the requested telecommunication

tower exceeds these height restrictions, then a Conditional Use application process must be followed.

4. **Preempt local ordinances that require a variance in order to obtain a permit for a wireless facility.** As previously stated in Item 3, if the requested tower height exceeds the allowable height in the Telecom Ordinance, then a Conditional Use Permit process must be followed.

It is our position that adjoining property owners, to the proposed site of a telecommunication tower, have an inherent right to ensure that there is no infringement of their property or interference with the use of their property. The adjoining property owners also have a right to inquire about safety and environmental issues. The wireless association then has a responsibility to address and provide measures to prevent any safety or environmental issues from arising.

Therefore, we the County of Robeson, State of North Carolina, do hereby request that the proposed amendments as set forth by CTIA- The Wireless Association be denied.