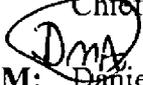




FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

# memorandum

**TO:** Director, Reference Information Center  
Chief, Wireless Bureau  
**FROM:**  Daniel M. Armstrong  
Associate General Counsel

**DATE:** January 22, 2010

**SUBJECT:** *The City of Arlington, Texas v. FCC & USA*, No. 10-60039. Filing of a Petition for Review in the United States Court of Appeals for the Fifth Circuit.

This is to advise you that on January 12, 2010, *The City of Arlington, Texas*, ("Petitioner") filed a new case in the U.S. Court of Appeals for the Fifth Circuit pursuant to 47 U.S.C. § 402(a), of the declaratory ruling: In the Matter of 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, FCC 09-99, WT Docket No. 08-165 (rel. Nov. 18, 2009).

Petitioner challenges a declaratory ruling in which the FCC interpreted the phrase "reasonable period of time" in 47 U.S.C. 332(c)(7)(B)(ii). That statute requires State and local governments to act on personal wireless facility siting applications "within a reasonable period of time." The Commission found 90 days to be a generally reasonable timeframe for processing collocation applications and 150 days to be a generally reasonable timeframe for processing siting applications other than collocations. Petitioner contends that this ruling exceeded the agency's authority and was otherwise unreasonable.

The Court has docketed this case as No. 10-60039. The attorney assigned to handle the litigation of this case is James Carr.