

July 22, 2010

Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

Re: *Ex Parte Presentation, WT Docket No. 08-165*

Dear Ms. Dortch:

On July 21, 2010, Chris Guttman-McCabe, Vice President, Regulatory Affairs and Brian Josef, Director, Regulatory Affairs, CTIA-The Wireless Association® (“CTIA”), met with John Giusti, Chief of Staff and Legal Advisor for Commissioner Michael Copps, to discuss the pending Petition for Reconsideration¹ of the FCC’s Declaratory Ruling to Ensure Timely Siting Review.²

During the meeting, CTIA explained that the FCC should deny NATOA’s Petition to overturn the 30-day review period during which a zoning authority can automatically toll the applicable 90- or 150 day timeframe if it deems an application to be incomplete. CTIA highlighted that the review period for automatic tolling is inextricably intertwined with the Commission’s interpretation of Section 332(c)(7) and informs the “reasonable period of time” for a zoning authority to act on a wireless siting application. CTIA also explained that, if there were no limit on automatic tolling, an authority would be able to toll the applicable shot clock on the 89th or 149th day by declaring an application “incomplete” – effectively nullifying the Commission’s interpretation of the statute and the federal goal of fostering wireless facility buildout.

¹ Petition of the National Association of Telecommunications Officers and Advisors, the United States Conference of Mayors, the National League of Cities, the National Association of Counties, and the American Planning Association for Reconsideration or Clarification, WT Docket No. 08-165 (filed Dec. 17, 2009) (“Petition”).

² 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, *Declaratory Ruling*, 24 FCC Rcd 13994 (2009) (“*Declaratory Ruling*”).

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Brian M. Josef

Brian M. Josef

cc: John Giusti