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FCC 5G Order on Small Cell Towers and Zoning

Live Webinar August 28, 2019 • 1:00 PM - 2:30 PM ET

Learn about the new FCC rules to speed 5G cell deployment that significantly affect small cell towers, cell towers on municipal property, and cell tower zoning.

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Learn about the new FCC rules to speed 5G cell deployment that significantly affect small cell towers, cell towers on municipal property, and cell tower zoning. This topic covers recent FCC rulings which significantly affect cell tower leasing and permitting by municipalities, especially for small cell towers in the rights of way, shot clocks and fees to act on cell zoning requests. The rulings cover all cell sites nationwide (not just 5G) by preempting state and local laws and practices which the FCC views as hindering this deployment. As a result of this information, you will understand these new FCC rulings, their background and impact, options for municipalities on how to respond, as well as the bases for legal challenges to these rulings.

Learning Objectives

After attending this live webinar, you will be able to:

- review 5G basics.
- recognize FCC 5G order - new rules for antennas in the streets.
- discuss, zoning, other changes made by the FCC 5G order.
- identify challenges to the new FCC order.

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Agenda

5G Basics

- What Is 5G?
- Why Are Thousands of Small Cells Needed?
- When Will 5G Be Available?
- Where?
- What Do Small Cells Look Like?

FCC 5G Order - New Rules for Antennas in Streets

- 60/90 Day Shot Clock
- All Approvals Within Shot Clock
- Application Fees for All Permits Limited to \$100 Total
- Annual Fees Limited to Costs, \$270/Year Presumed Ok
- Aesthetic Conditions Limited

Zoning, Other Changes Made by FCC 5G Order

- 90 Day Shot Clock for Antennas on Buildings
- Shot Clocks Apply to All Needed Permits, Approvals
- 100 Application Fee for Cell Towers on Parks, City Hall

- Same Cap for Approvals for Cell Towers on Private Property?

Challenges to New FCC Order

- Order Is on Appeal, Briefing This Fall
- Violates Federal Statutes
- De Novo Review by Courts, No Deference to FCC
- Takes Municipal Property Without Compensation
- Violates Federalism, Cities Blamed for Federal Actions

Analysis of, Response to FCC 5G Order

- Saves Providers/Costs Cities \$2 Billion
- Supposed to Get 5G to Rural Areas, but No Requirement to Do so
- Options for Cities on How to Respond

FCC No Moratoria Order

- Bans Delaying Local Approvals
- Says Statutory Exceptions for Municipalities Do Not Apply
- Challenges to Moratoria Go to the FCC

Faculty

John W. Pestle, Esq.

- Chair of the Telecommunications Group at the Varnum LLP law firm
- Since 1996 has represented property owners nationwide on cell tower leases
- Has represented clients on the sale of more than 90 cell tower leases
- Can be contacted at 616-336-6725 or jwpestle@varnumlaw.com

Dr. Jonathan L. Kramer, Esq.

- Heads Telecom Law Firm, P.C. with offices in Los Angeles and San Diego
- Attorney admitted in California and New Mexico
- Wireless leasing and zoning experience for more than 20 years
- Radio frequency telecom engineer for more than 35 years
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