

## FCC SHOT CLOCK SUMMARY

Under the Telecommunications Act of 1996 (the “Act”), Federal law requires that requests to authorize the installation of wireless communications equipment must be acted upon in a “reasonable period of time.” 47 U.S.C. § 332(c)(7)(B)(ii). By Declaratory Ruling dated November 18, 2009 (WT Docket No. 08-165, 24 F.C.C.R. 13994) (“Shot Clock Order”), the FCC established reasonable periods of time for both base station facilities involving new tower structures and facilities involving collocations on existing towers or tall structures.

The Shot Clock Order provides that 90 days is the reasonable period of time in which a siting application shall be decided for the review of collocation applications. 24 F.C.C.R. 13994, 13996. The Shot Clock Order further provides that 150 days is the reasonable period of time for processing all other siting applications. *Id.*

If the state or local authority fails to act within that presumptively reasonable period of time, the applicant may file suit for “failure to act” under Section 332(c)(7)(B)(v) of the Act within 30 days. *Id.* at 14000. After an action has been brought, the state or local government will have the opportunity to present to the court arguments to show that additional time would be reasonable, given the nature and scope of the siting application at issue. *Id.*

In 2014, the FCC released a Report and Order, further clarifying the Shot Clock Order (the “2014 Report”). The 2014 Report was released to clarify that the time within which a State or local government must act begins to run upon the date the application is first submitted, not when it is deemed complete by the reviewing government. *Wireless Infrastructure Report and Order*, FCC 14-153 (October, 2014). However, the 2014 Report states that a State or local government may toll the running of the shot clock if it notifies the applicant within 30 days of submission that its application is incomplete. *Id.* at ¶ 22.