

CF [09-2645](#)/item no. 7 on 5/9 meeting agenda, PWC

Chris Spitz  
11:27 AM (17 minutes ago)

To the Council Public Works Committee

Attn: Michael Espinosa/please file in the referenced council file.

Re CF [09-2645](#)/item no. 7 on meeting agenda 5/9

Dear Chair Buscaino and members Garcetti and Krekorian:

I have reviewed a letter on file in this matter from the law firm of Mackenzie & Albritton on behalf of Verizon, dated May 8, 2012.

The letter claims that no "justification for a [temporary] moratorium [would] be permissible under state or federal law."

This statement is incorrect both factually and legally, and reflects a misunderstanding of the nature of the ICO requested by PPRA and PPCC (and others).

We request that a focused ICO be enacted that would pertain only to AGF applications for wireless telecommunications facilities in the PROW pending enactment of the revised ordinance.

We do not request an ICO on all telecommunications facilities on private property or wherever located in the City.

Moreover, I have previously submitted substantial authority to the Committee for enactment of an ICO, including a specific agreement between the wireless industry and the FCC approving such moratoria; see email communication dated 6/15/11 and accompanying materials (on file online in the above-referenced council file). As I stated at that time:

"Locally-enacted moratoria on new towers for fixed periods of time have long been approved by the wireless industry by agreement with the FCC (see attached CPUC internal memorandum dated 11/30/09, authorized for public release and previously submitted to the City Attorney). Such moratoria (or holds on applications) during the drafting process have been enacted without legal challenge in at least 10 large or nearby California cities, in order to prevent an inevitable onslaught of WTF PROW construction before stricter regulations are in place."

Since writing the above we have learned of additional cities that have enacted ICOs successfully, including the City of Calabasas, which recently extended its pending ICO to allow for completion of its new cell regulations. To our knowledge none of these ICOs has met with serious opposition by wireless providers.

An ICO pending enactment of revisions to the AGF ordinance is not only permissible but justified under the circumstances present in the City of Los Angeles.

Thank you.

Sincerely,  
Christina Spitz  
PPCC and PPRA