

#6 Phillip Wyatt Public Comment – Shot Clock–Novato City Council meeting 4/26/22

Hello, my name is Phillip Wyatt, and I am a Novato resident.

I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

In 2021, CA AB.537 was passed and became effective in January 2022. For Wireless Telecommunications Facilities, a “shot clock” was codified into State law.

Localities must approve or deny permit per FCC timing rules, otherwise the application is **deemed approved**.

From California Government Code Section 65964.1. Says

"(a) A collocation or siting application for a wireless telecommunications facility, as defined in Section 65850.6, shall be deemed approved if all of the following occur:

- (1) **The city or county fails to approve or disapprove the application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC rules.** The reasonable period of time **may be tolled to accommodate timely requests for information required to complete the application** or may be extended by mutual agreement between the applicant and the local government, consistent with applicable FCC rules.

- (2) **The applicant has provided all public notices regarding the application** that the applicant is required to provide under applicable laws consistent with the public notice requirements for the application.

- (3)(A) The applicant has provided notice to the city or county that the reasonable time period has lapsed and that the application is deemed approved pursuant to this section.

- (B) Within 30 days of the notice provided pursuant to subparagraph the city or county may seek judicial review of the operation of this section on the application.

It looks like that AT&T its agents are not complying with the terms of AB.537, so they cannot enforce their shot clock rights under CA law.

We have established that these AT&T applications are woefully incomplete. After receiving AT&T's four applications on February 25, our planning department deemed them incomplete on March 7. So currently the shot clock is stopped and there are 50 days left. AT&T has 60 days—until May 7— to resubmit its applications and include what the planning department determined was missing from the original applications.

It is possible that AT&T will not resubmit if they know that our city is aware of its rights and demands information that AT&T must provide but will not be able to—**because they, in fact, cannot justify placing WTFs where they have proposed to install them.**

These applications are missing much required information and data that the planning department failed to require in the incompleteness letters they sent to AT&T.

We urge council to direct the city manager to have the Planning Department send out additional incompleteness letters NOW and demand specific substantive evidence of compliance with all laws and regulations. Informed residents have made this easy for the planning department by listing out information AT&T needs to provide in letters previously submitted to the city.

In my written statement, I refer the council to a video by top telecom attorney Andrew Campanelli, who has won 80% of his cases because he knows the law and what is at stake. <https://youtu.be/bKqB8wYY7cA>