

ARTICLE

Supreme Court Holds that Denials of Cell Tower Siting Applications Must Be Accompanied by Written Reasons

January 14, 2015

In a significant win for the wireless industry, the Supreme Court held today that the Telecommunications Act of 1996 requires local authorities to provide written reasons when they deny an application to construct a cell phone tower or other wireless communications facility. *T-Mobile South, LLC v. City of Roswell*, No. 13-975, slip op. at 6-8, ___ U.S. ___, (Jan. 14, 2015).

These reasons must be issued “essentially contemporaneously” with the denial, and they must be articulated with sufficient clarity to enable judicial review *id.* Although the Court stopped short of requiring that a local authority’s reasons be included in the same writing as a denial, *id.* at 8-11, the requirement that reasons be issued “essentially contemporaneously” with a denial means the ruling should have much the same effect in practice, *see id.* at 10. The failure of a local authority to comply with these obligations provides a basis for challenging the denial.

The substance and form of a denial is one of many legal issues that arises in the area of federal and local regulation of wireless facilities and their deployment. These issues are increasingly important as policy-makers and carriers seek to meet increasing demand for wireless services, including broadband.

Wiley Rein filed an *amicus* brief in support of the Petitioner on behalf of the U.S. Chamber of Commerce and the National Federation of Independent Businesses.

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