



January 30, 2025

Pima County Board of Supervisors
33 North Stone Avenue, Floor 11
Tucson, AZ 85701-1207

**Re: Zoning Case File P24CU00007
Applicant Response to Opposition Memorandum and Public Comment**

Dear Pima County Board of Supervisors:

On behalf of Vertical Bridge, T-Mobile and Ms. Shelly Swenson, we submit this letter to the Pima County Board of Supervisors (the “**Board**”) responding to the Memorandum in Opposition filed by attorney Andrew Campanelli (the “**Memorandum**”) and public comments in the record.

We ask the Board to approve the application:

1. The proposed site complies with all of the criteria outlined in the Pima County Code (the “**Code**”);
2. The proposed site is the only location in this area from which T-Mobile may provide service to the area; and
3. The opposition did not introduce any evidence to contradict the application.

PROCEDURAL STATUS AND SUMMARY

Over four years ago, in 2021, T-Mobile began planning a site that would close a gap in T-Mobile’s wireless service in the area of Pima County near the subject property. T-Mobile prepared a search ring that identifies the area where the site could be placed to close the service gap. Since that time, Vertical Bridge, a wireless infrastructure provider (the “**Applicant**”), has evaluated over 20 locations for the possible siting of a wireless facility and worked extensively to find a location that was zoneable, buildable and available, and would close the service gap.

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It was expressly confirmed in the *Pima County Development Services Report to the Pima County Planning and Zoning Commission* (“**Hearing Administrator’s Report**”) that Vertical Bridge’s search efforts were sufficient:

This applicant has worked in **clear good faith** with staff to find a property that balances the needs of wireless coverage while recognizing and respecting the established rural residential context.¹

Upon finding a suitable location, the Applicant submitted a complete application that met all the criteria outlined in the Code. No variances were requested. As noted in the record, the Applicant coordinated extensively with the Planning Staff to ensure submittal of a compliant application that went beyond the requirements of the Code in terms of design and location. After consideration and review of the application, the Hearing Administrator Jim Portner concluded his report to the Planning and Zoning Commission as follows: “the Hearing Administrator recommends that the Commission recommend **APPROVAL** of this Type III conditional use permit ...”²

Rather than follow the recommendation of the Hearing Administrator, the Planning and Zoning Commission recommended denial of the application, even though the application was found to have complied with all the requirements of the Code.³ Moreover, the Applicant demonstrated that the location selected was the only feasible parcel on which to locate the facility and close the gap in service.

The Hearing Administrator Jim Portner has been entrusted by the County to protect its interests and ensure that projects comply with the Code. He has nearly 30 years of land use experience in the Tucson area, and he objectively confirms that the project complies with the Code. In contrast, Mr. Campanelli is a hired advocate whose business model is based upon mounting an aggressive attack on wireless infrastructure using the same arguments no matter the site design or location.⁴

¹ *Pima County Development Services Report to the Pima County Planning and Zoning Commission*, October 14, 2024, page 2 (“**Hearing Administrator’s Report**”) (emphasis added).

² *Id.* at page 4.

³ To date, we been advised by the Planning Staff that the Planning and Zoning Commission’s denial was based upon the “location” and that a “for profit” company is applying for the permit.

⁴ Similar Memoranda have been filed by Mr. Campanelli or his firm in County of Cobb, Georgia, Santa Cruz, California, Boise, Idaho, Bonner County, Idaho, Southwick, Massachusetts and Thompson, NY.

We respectfully request that, based upon the record before the Board and the reasons stated herein, the Board find that the application complies with the Code and approve it consistent with the recommendations of the Hearing Administrator.

1. Preliminary Comments regarding the Opponents' Memorandum.

The Memorandum does not offer any evidence that the application fails to comply with the Code. Instead, the Memorandum significantly overstates the number of neighbors who oppose the application and heavily relies on inflammatory rhetoric and not site-specific facts.

a. The Memorandum makes misleading statements about the number of nearby homeowners who oppose the application.

The Memorandum includes a long list of individuals, asserting it is being filed:

by and on behalf of multiple homeowners, noted below, whose homes are situated adjacent to or in close proximity to the site of the proposed Vertical Bridge cell tower.⁵

And on Page 13:

[t]he annexed **Exhibit 'A'** consists of **nearly 90 letters** from homeowners whose homes are adjacent to or are situated in close proximity to the proposed wireless facility.

However, the facts are:

- There are 48 unique, confirmable addresses. Despite the opponents' claims of visual impact, $\frac{1}{3}$ of the addresses are more than $\frac{1}{2}$ mile from the site. One address is approximately 2.9 miles away.⁶
- No address is listed for 3 individuals, so it cannot be verified that the site would have any impact on them at all. The address listed for one entity (not an individual) is a PO Box.

⁵ *Memorandum in Opposition*, page 1, October 25, 2024. (emphasis added)

⁶ 5700 Tula Lane.

- Multiple individuals are listed as living at the same address. For example, there are seven individuals listed as owners of 10468 W Massingale Road.
- Edward Jakubcik, Angela Pelton, Joy Wilson, Rosenda Pelayo are listed twice.

We respect the neighboring property owners' participation in these proceedings, but the number of neighboring property owners who are represented by the Memorandum is far less than the numbers mentioned therein. We ask the Board to carefully consider the accuracy of all statements made in the Memorandum when deciding whether the Application complies with the Code.

b. The Memorandum (or a very similar form of the same) has been filed in numerous cases around the country, making the same claims, despite different facts in each case.

The Memorandum is a recycled template, used numerous times across the country to contest the installation of wireless infrastructure.⁷ For example, the Memorandum argues that Pima County should apply New York state case law even though *California courts* are not required to apply New York law.⁸ The Memorandum also says numerous times that AT&T is the applicant in this proceeding, which clearly is not the case.⁹ More significantly under Arizona law, however, is that the Memorandum is unnecessarily hyperbolic and inflammatory, trying to distract the County from finding the application complies with Code. The Board must make its decision based on substantial evidence in the record, not hyperbole.

The Board should rely on the thorough review and recommendations of the Planning Staff and the Hearing Administrator Jim Portner, people who visited the site, scrutinized the application and applicable law, and have properly applied Code. The Hearing Administrator Jim Portner has been entrusted by the County to protect its interests and ensure that projects comply with the Code. Based upon his experience and knowledge, he objectively confirms that the project is code compliant.

Our response now turns to the specific claims made in the Memorandum.

⁷ Similar Memoranda have been filed in the County of Cobb, Georgia; Santa Cruz, California; Boise, Idaho; Bonner County, Idaho; Southwick, Massachusetts; and Thompson, NY.

⁸ p.30; citing the *Willloth* case, the Memorandum states: “not binding on Courts in the ***state of California*** ...” (emphasis added with bold italics) and an incorrect reference to California when the site is in Arizona.

⁹ Point III outline; p.29, p.36, and p.39.

2. The Application before the Board of Supervisors complies with the Pima County Code.

The Memorandum makes several arguments as to why the application does not comply with the local code, all without merit.

a. The site location complies with PCC § 18.07.030 H.4.g which states that: “Towers shall be located with access to a publicly maintained road.”

The Memorandum claims the application does not comply with this code section because the site is adjacent to Roxy Road and Massingale Road, not North Sandario Road. The Memorandum misinterprets this code section.

Like virtually all city and county codes in the United States, the Code requires development projects to have lawful access to a publicly maintained road, so the project is not land locked. Typically, properties have lawful access to the publicly maintained road because the property is physically *adjacent to* the public road. However, many properties also have lawful access to a publicly maintained road through the combination of (1) a private access easement, and (2) the private access easement connects to a publicly maintained road.

Here, the Code does not require that the site be *adjacent to* the publicly maintained road, just that the site have *access to* the publicly maintained road--either directly or in combination with a private access easement. The proposed site has lawful access to N. Sandario Road, when accessed in combination with the private access easement across Massingale Road.

The Hearing Administrator Portner confirmed the Application complies with this section of the Code:

The *site has direct access* to Massingale Road, with connectivity to N. Sandario Road, the latter of which is a designated major street on the Pima County Major Streets & Routes Plan (MSRP). Access needs for wireless facilities are minimal at best. With this in mind, and even though this segment of Massingale Road is not a major thoroughfare, access is found to be adequate.¹⁰

The application clearly complies with this Code provision and is consistent with Pima County’s historical interpretation and application of this standard.¹¹

¹⁰ Hearing Administrator’s Report, p. 3 (emphasis added).

¹¹ A similar claim of non-compliance was rejected by the Board in case file P19CU00001.

b. The Applicant submitted a Letter of Intent.

The Memorandum claims that the Application is missing a letter of intent.¹² As required by PCC § 18.07.030 H.3.g, the Applicant provided a letter of intent confirming T-Mobile's intention to collocate on the tower. See Attachment 11 to the application.

c. Photo simulations and camouflaging were reviewed by the Planning Staff and meet the requirements of the Code.

The Memorandum takes issue with the quality of the photo simulations. The Planning Staff reviewed the photo simulations and found they complied with the applicable portions of the Code:

The applicant shall submit with the site plan before and after photo simulations showing the tower and surrounding area.” PCC § 18.07.030.3.c.

The Memorandum advocates for photo simulation application filing requirements and code approval criteria that go well beyond what the code requires. For example, the Memorandum argues that photo simulations should be taken from the opponents' private property. Notably, the Memorandum does not cite any Arizona state law or any Pima County code section that requires an applicant to trespass on an opponent's private property before a land use applicant can secure a development permit.¹³ The Board does not have the authority to impose new photo simulation requirements during this proceeding, and the Memorandum's suggestions should be ignored.

Furthermore, photos from opponents' private property are not the only way to show the potential views from private property. Aerial images taken from a drone flown at the tower tip height will demonstrate which private properties actually can see the top of the tower. Therefore, in an effort to provide additional information about the visual impact of the proposed facility, the Applicant is submitting revised photo simulations and drone images taken from the proposed site and the public rights of way.

Wireless communication facilities must operate from a height that other land uses do not. The majority of Arizona households now rely on wireless as their sole means of

¹² *Memorandum in Opposition*, Point I.D, page 7, October 25, 2024.

¹³ Assuming the Memorandum's wishful new code criteria (applicant must take pictures from an opponent's private property) may be applied to this application at this late stage, private citizens/opponents could refuse access to their private property resulting in the denial of the application. Pima County simply does not have statutory authority to delegate land use decision making to private citizens, so the Memorandum's request for the new code requirement seeks an unlawful delegation of land use authority to private citizens.

communication.¹⁴ Wireless sites must be located within the communities they are intended to serve, including agricultural and rural residential areas. Due to the antenna height requirement, the facility will not be “unnoticeable” as the opponents state—that would be impossible; keep in mind “unnoticeable” is not required by the Code. The facility will be designed as a faux tree, not as a monopole with a visible tower and antennas. The visual impacts are mitigated through the stealth design and location selected for the site that was selected after 4 years of working with Planning Staff—on a large parcel at the northeastern corner of the community, adjacent to the rock quarry.

3. The site cannot be denied based upon general purpose statements in the Code if the application meets all the specific Code criteria.

The Memorandum’s claim that the application of the Code involves a balancing of interests based upon the Code’s purpose and introductory statements is misplaced and distracts from the fact that the application complies with all applicable Code criteria. Under Arizona law, it is an established principle of statutory interpretation and construction that general introductory and code purpose statements are fulfilled if a project satisfies the specific criteria in the code.¹⁵ In this case, the purpose section of the Code is not required criteria. This is especially true considering the application meets the clear and unambiguous applicable code criteria.

4. The site is situated at edge of the Panther Peak view area and will not obstruct views of Panther Peak.

There are numerous references to the impact on views of Panther Peak, and the Board must keep the actual facts in mind. After four years of consultation with the Planning Staff, the site was located at the northeastern edge of the community near the quarry; the 85-foot structure height is dramatically lower than 3,435-foot Panther Peak and the 75 feet height of the quarry berm.

Some individuals claimed an adverse impact even though the site is not located between their home and Panther Peak. Other individuals claimed an adverse impact, without identifying their address making it impossible to assess the veracity of their claim. While

¹⁴ See https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_202406.pdf. Arizona households that rely exclusively on wireless service without a landline is estimated to be 70.1%. For households with children under 18, the estimate is even higher at 81.7%.

¹⁵ Declarations of legislative intent in an enactment are "devoid of operative effect." See *Redgrave v. Ducey*, 251 Ariz. 451,457 ¶ 22, 493 P.3d 878, 884 (2021) (concluding that if statutory text conflicts with a statement of purpose or intent, "the text must prevail"); *Cronin v. Sheldon*, 195 Ariz. 531, 538 ¶ 30, 991 P.2d 231, 238 (1999) ("The preamble [stating legislative purpose and intent] is devoid of operative effect."); *Saknson v Pierce*, 66 Ariz. 162, 172, 185 P.2d 528 (1947) (the policy section of an act would be operative only if a statute is ambiguous.

the proposed facility will necessarily be taller than nearby trees, the drone images demonstrate that the facility will not obstruct views of Panther Peak.

5. The Applicant provided substantially more documentation than required for the alternative sites considered

Numerous times during the last four years, the Applicant met with the Planning Staff to review potential site locations. Not only was the Planning Staff provided with documentation concerning the research of alternative candidates, but they also participated in that activity. The Planning Staff imposed additional criteria that the Applicant followed in a cooperative spirit, including restricting the search to parcels of a minimum size and modifying the site design and height. The Applicant's candidate search was documented in Attachment 4 to its application. T-Mobile's search ring map was included, identifying the area where a site would need to be located to close the gap in its service. Each parcel contacted was identified on the map, and the results were noted on the document.

The Memorandum urges the Board to deny the application because it is possible some details might be "sorely lacking". The Memorandum introduced no evidence that code-required details are lacking but simply argues the letters could have looked like "junk mail" and raises other questions about the nature of the investigation. The Memorandum does not cite any Code section requiring this detail nor explain how the Applicant failed to meet such a code requirement. Therefore, there is no substantial evidence in the record that the alternative site search failed to meet the code requirements, and the Application cannot be denied for this reason.¹⁶

6. Property Values are not a Code criteria and substantial evidence has not been submitted to prove that the site will cause a diminution in property values.

The Memorandum cites several studies and authorities in support of a claim that the site will reduce property values.¹⁷ Those references do not constitute substantial evidence for the following reasons.

¹⁶ The Memorandum also mentions the Picture Rocks Fire Station. The fire station is less than a mile away from an existing T-Mobile site and is not in the search ring. A site at Picture Rocks Fire Station would duplicate coverage from T-Mobile's existing site.

¹⁷ With respect to the HUD FHA reference, the section cited is from 2012 and located in the archives, and the reference is not included in the updated guidelines. Furthermore, the guideline was for homes located within the actual easement area of a tower. None of the homes here are so located.
<https://archives.hud.gov/offices/hsg/sfh/ref/sfh1-18f.cfm>

First, the simple citation to a report in a footnote is not evidence in the record. With just a citation in a footnote, the Board is prevented from fulfilling its statutory obligation to weigh the credibility of the authors or to confirm whether the report actually says what the Memorandum claims the report says. The Board may not consider simple citations to studies when making its decision.

Second, even if the opponents provide a copy of the study, the Board will see that the study combined a hedonic equation model with public perception research, so the study is not strictly a scientific research project.¹⁸

Third, the study does not say what the opponents claim it says. The study actually reported that in one city, the value of homes near wireless communications facilities INCREASED by 12%, and in another city, there was NO IMPACT on the value of homes at all.

Fourth, the study, which was conducted in New Zealand, expressly states the market values from properties are affected by health concerns related to radio frequency transmissions.¹⁹ The 2003 study reviewed sales data from properties that were sold between 1986 and 2002, was conducted in New Zealand, and evaluated perception of property values as a result of concerns about health effects. In the United States, the Board is not allowed to consider any evidence related to health effects of radio frequency transmissions at sites which comply with the FCC's radio frequency transmission regulations, as the proposed facility will do. Concern over a decrease in property values may not be considered as reason to deny or condition a wireless facility if the fear of property value depreciation is based on concern over the health effects caused by RF emissions.²⁰ Therefore, the Board is prohibited by federal law from considering the study.

Fifth, the studies cited in the Memorandum have been since discredited²¹ for lack of scientific rigor. Dr. Jonathan Kramer, an attorney who represents municipalities, is critical of the methodology and conclusions in the Bond studies, stating that: "It's always an amusing surprise to me when I see Dr. Sandy Bond's 2007 research ... quoted in hearings

¹⁸ The public perception research involved mailing a survey to 800 residents in Christchurch, New Zealand and reviewing the responses. The total response rate was 46%. See, *The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods*, The Appraisal Journal, Summer 2005.

¹⁹ The article explaining the study states that "views were not included in the analysis ... view of CPBS was not included as an independent variable." See, *The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods*, The Appraisal Journal, Summer 2005, pages 267 and 268.

²⁰ *AT&T Wireless Services v. City of Carlsbad*, 308 F.Supp.2d 1148 (S.D.Cal. 2003).

²¹ See discussion by Dr. Jonathan L. Kramer, Esq., a telecommunications advisor to the League of California Cities and many California municipalities at: <https://jonathankramer.com/?s=sandy+bond>

... [and he goes on to say] [g]o ahead and read both documents, and then make an informed decision as to whether you would want to be associated with the 21% number. I certainly don't."

A 2011 study, referenced by Dr. Kramer, is likewise critical of the Bond studies:

In terms of empirical studies quantifying the impact of cell phone towers on property values, ***the research to date is fundamentally flawed*** as discussed above. Unfortunately, these studies have been referenced by government and NIMBY groups alike (Ministry for the Environment, 2007; Expel Cell Towers, 2009; Stop the Worthington Hills Country Club Tower, 2010). The proliferation of these dubious research findings has potentially magnified any environmental stigma associated with cell phone towers.²²

Finally, the 20 year old study reviewing sales data from 1986 to 2002 is stale, outdated and Sandy Bond was unable to replicate the results of her New Zealand study in Florida, which found only a *de minimis* (approximately 2%) variation in property values.

Furthermore, the letters submitted by the real estate agents in Exhibit B of the Memorandum do not cite or reference any methodology or basis for their opinions. The letter submitted by Realtor HomeSmart Advantage Group references health risks as a basis for her opinion, further disqualifying it for consideration under the Telecom Act.

In contrast, at the Planning and Zoning Commission hearing, the Applicant submitted a 2018 Study conducted by Valbridge Property Advisors to the Hearing Administrator. The research analyzed multiple real estate markets including Boston, Dallas, Phoenix and Raleigh and related sales data to assess whether proximity to cell sites influenced buyer behavior or home prices. That study found "no measurable difference in the values of the homes located within the cell tower sphere of influence (within 0.25 miles of a cell tower) and those in the 0.50 to 1.0-mile radius ..." utilizing a paired sales data analysis.²³ The study debunks the claim that cell sites cause a diminution in property values.

The flawed and outdated studies and opinions cited in the Memorandum do not provide conclusive or substantial evidence of a diminution in property values due to proximity to a wireless facility.

²² Filippolva, O. and Rehm, M. (2011). "The impact of proximity to cell phone towers on residential property values." International Journal of Housing Markets and Analysis, Vol. 4 No. 3, pp 244-267. (emphasis added)

²³ Market Study, Valbridge Property Advisors, May 8, 2018.

7. *Section 6409(a) has no bearing on whether the application before the Board meets the Code.*

The County has an obligation to consider the facts presented to it at the time. The Memorandum's attempt to invoke a modification that may or may not happen in the future is not pertinent to the analysis of whether the site and application comply with the Code. To deny the application on such speculation would not constitute substantial evidence sufficient to sustain a denial.

8. *Vertical Bridge and T-Mobile have submitted scientific and industry accepted data of the coverage gap in accordance with the applicable Code requirements.*

Contrary to the comments made in the Memorandum, the radio frequency coverage maps are based on a reliable and valid scientific methodology. Radio frequency coverage maps are produced by sophisticated software modeling tools that take into account site locations of existing and proposed facilities, antenna specifications, radio frequency propagation parameters, environmental and geological features, and handset features to produce accurate depictions of current and proposed network performance standards. Radio frequency coverage maps and software modeling tools are used by engineers worldwide to design wireless networks.

Propagation coverage maps, grounded in facts and science, are routinely accepted in federal and state court proceedings to support expert opinions.²⁴ There are at least 30 federal and state telecommunication cases that have accepted and rely upon propagation maps to prove service levels or support expert testimony.²⁵ The Code does not require the submission of drive test data. Again, Mr. Campanelli's attempt to rewrite the Code requirements is misplaced.

Additionally, the Memorandum misleadingly refers to T-Mobile's online national coverage marketing maps, arguing that the online maps show sufficient coverage. The online coverage map includes a disclaimer stating that the online maps approximate anticipated **outdoor** coverage.²⁶ The online outdoor coverage map is irrelevant to the question of

²⁴ *Verizon Wireless (VAW) LLC v. Douglas County, Kansas Board of County Commissioners*, 544 F.Supp.2d 1218, 1245 (D. Kan. 2008)(The court accepted the propagation maps as evidence and went on to say, "that, in conducting substantial evidence reviews under the TCA, a court is to 'look to the requirements set forth in the local zoning ordinance to ascertain the substantive criteria to be applied.' To that end, the local zoning ordinances do not require a provider to submit statistical evidence of dropped calls in order to establish inadequate levels of service.")

²⁵ See **Exhibit A**, attached to this letter.

²⁶ The online disclaimer language is as follows: "Map approximates anticipated coverage outdoors (including 600 MHz 4G LTE) based on a variety of factors, which may include limited or no coverage areas, and does

reliable indoor coverage, which is T-Mobile's service objective for the proposed facility, and the basis of the Applicant's arguments related to sufficiency of coverage.

9. The risk of the tower starting a fire is not significant and such an unsupported claim would not be a sustainable basis for denial.

A fire in the area is extremely serious and would be a great tragedy. Pima County has established regulations that require review of the site for the purpose of minimizing or mitigating risk of fire. During the building permitting phase of the process, Vertical Bridge will submit engineered drawings and structural documentation, similar to what is required for other types of development, to confirm compliance with all building and fire codes. This wireless tower application should be reviewed consistent with other applications for similar uses.

Every development poses a fire risk, and the facility should be evaluated in a manner consistent with other wireless facilities. To deny this site based upon a potential fire risk would be prejudicial to the Applicant in violation of the Telecommunications Act. The posturing in the Memorandum and invoking such a serious issue is a harmful and manipulative attempt to circumvent the Code. This is especially true given the fact that a rigorous communication network is such an important component of public safety.

10. The subject property is outside of the Conservation Land System and should not be denied for environmental impacts.

Environmental review for the proposed facility is done in compliance with NEPA²⁷ and Pima County regulations. The photographs of owls included in the Memorandum would not be considered substantial evidence or constitute a legitimate environmental review criterion. The Hearing Administrator reviewed the environmental documentation and found the following with respect to biological impacts:

This proposed tower site is located in an area of the subject property with sparse native vegetation. The occupied residential properties to the adjacent west and east

not guarantee service availability; some data-intensive uses may have decreased functionality in low-bandwidth areas, especially indoors or on the exterior edges of the approximated coverage area. Within coverage areas, network changes, traffic volume, outages, technical limitations, signal strength, your equipment, obstructions, weather, and other conditions may interfere with decreased functionality in low-bandwidth areas, especially indoors or on the exterior edges of the approximated coverage area. Some coverage (e.g., Narrowband IoT, millimeter wave 5G) not depicted." Mr. Campanelli goes on to indicate that "AT&T's own data is attached and should be construed as a statement against interest." Again, AT&T is not a party here.

²⁷ Review under the *National Environmental Policy Act* is required for the relevant federal approvals.

have already experienced significant grading clearing. With this in mind, together with the subject property being outside of the Conservation Lands System, it is staff's conclusion that approval of this request will have no material impact on existing biological resources on the site nor be in conflict with any Pima Prosper adopted environmental policies.²⁸

All County required environmental review for the site was completed and reviewed and found to be sufficient. The assertions in the Memorandum would not constitute substantial evidence and denial based upon it would not be sustainable.

CONCLUSION

The Memorandum is full of unsupported and inflammatory rhetoric and claims that are not criteria included in the Code. These are the same arguments made by Mr. Campanelli and his firm in numerous jurisdictions across the country.

The application and siting of the facility was subjected to rigorous Planning Staff review, including reviews by Thomas Drzazgowski, Spencer Hickman, and the Hearing Administrator Jim Portner. All Code requirements have been. The Applicant has proposed a camouflaged facility to minimize visual impact. The Applicant has established the need for the facility through scientific and industry-accepted data provided.

Therefore, based on the evaluation of the application relative to the applicable Code, we respectfully request that the Board approve the application.

Very truly yours,



Liz Walker

Copies to:
Vertical Bridge Project Manager Moriah Solomon
Vertical Bridge Project Director Justin Owen
T-Mobile Site Development and Advocacy Manager Joe Thompson

²⁸ Hearing Administrator's Report, p. 5.

EXHIBIT A

RF PROPAGATION MAPS ACCEPTED INTO EVIDENCE

1. *Primeco Personal Communications v. City of Mequon*, 242 F.Supp.2d 567 (E.D. Wis. 2003)
2. *NEW YORK SMSA LTD. v. TP. OF MENDHAM*, 840 A.2d 901, 366 N.J. Super. 141 (N.J. Super. 2004)
3. *Verizon Wireless v. Douglas Cnty. Ks Bd. of Com'rs.*, 544 F.Supp.2d 1218 (D. Kan. 2008)
4. *Matthew Town v. Twp. of Mayfield*, No. 350748 (Mich. App. Nov 12, 2020)
5. *Mesa v. Zoning Bd. of Adjustment of Lebanon Twp., New Cingular Wireless PCS, LLC*, DOCKET NO. A-4890-12T3 (N.J. Super. App. Div. Nov 26, 2014)
6. *Nextel Commc'ns of the Mid-Atlantic, Inc. v. Zoning Hearing Bd. of Ross Twp.*, Civil No. 3:14-CV-2409 (M.D. Pa. Mar 31, 2016)
7. *Nextel Partners, Inc. v. Town of Fort Ann*, 1 A.D.3d 89, 766 N.Y.S.2d 712, 2003 NY Slip Op 17934 (N.Y. App. Div. 2003)
8. *Omnipoint Comm'ns, Inc. v. Zoning Bd. of Adjustment of the Bor. of Rutherford*, DOCKET NO. A-0202-09T2 (N.J. Super. Dec 10, 2010)
9. *T-MOBILE USA v. YAMHILL COUNTY*, LUBA No. 2007-105 (Or. LUBA 10/1/2007) (Or. LUBA 2007)
10. *T-Mobile Northeast LLC v. Twp. of Freehold Zoning Bd. of Adjustment*, DOCKET NO. A-2863-10T3 (N.J. Super. Oct 17, 2011)
11. *T-Mobile Ne. Llc v. the Inc. Vill. of East Hills*, 779 F.Supp.2d 256 (E.D. N.Y. 2011)
12. *T-Mobile West Corp. v. City of Agoura Hills*, Case No: CV 09-9077 DSF (PJWx) (C.D. Cal. Dec 20, 2010)
13. *Sprint Spectrum, L.P. v. Charter Tp. of Brandon*, 563 F.Supp.2d 697 (E.D. Mich. 2008)
14. *Liberty Towers, LLC v. Zoning Hearing Bd. of Falls Twp.*, CIVIL ACTION NO. 10-7149 (E.D. Pa. Dec 06, 2011)
15. *Stout & Co. v. City of Bel Aire*, Case No. 2:15-cv-09323-JTM (D. Kan. Jul 14, 2016)
16. *Global Tower Assets, LLC v. Town of Rome*, Docket no. 1:14-cv-00085-GZS (D. Me. Jul 31, 2014)
17. *Metropcs N.Y. Llc v. Vill. of East Hills*, 764 F.Supp.2d 441 (E.D. N.Y. 2011)
18. *Upstate Cellular Network v. City of Auburn*, 257 F. Supp. 3d 309, 315 (N.D.N.Y. 2017)
19. *Sposi v. Santa Clara City*, 2:17-cv-1057-CW (D. Utah Nov 05, 2021)
20. *SBA Towers IX, LLC v. Unity Township Zoning Hearing Bd.*, 179 A.3d 652 (Pa. Commw. Ct. 2018)
21. *TowerCo 2013, LLC v. Berlin Twp.*, 2:22-cv-03294 (S.D. Ohio Aug 18, 2023)

22. *PI Tower Dev., LLC v. Charter Twp. of Chesterfield*, 574 F.Supp.3d 480 (E.D. Mich. 2021)
23. *USCOC of Virginia Rsa# 3 v. Montgomery County Bd.*, 245 F.Supp.2d 817 (W.D. Va. 2003)
24. *New York SMSA Ltd. P'ship v. Vill. of Floral Park Bd. of Trs.*, 812 F.Supp.2d 143 (E.D. N.Y. 2011)
25. *Eco-Site, Inc. v. Town of Wilmington*, CIVIL ACTION NO. 17-10304-MBB (D. Mass. Mar 25, 2019)
26. *T-Mobile Northeast LLC v. Fairfax Cnty. Bd. of Supervisors*, 55 Communications Reg. (P&F) 688, 672 F.3d 259 (4th Cir. 2012)
27. *Orange County-Poughkeepsie Ltd. v. Town of E. Fishkill*, Case No. 13-CV-4791(KMK) (S.D. N.Y. Jan 30, 2015)
28. *Orange County-Poughkeepsie Ltd. P'ship v. Town of E. Fishkill*, 84 F.Supp.3d 274 (S.D. N.Y. 2015)
29. *T-Mobile Central v. Unified Gov't of Wyandotte*, 528 F.Supp.2d 1128 (D. Kan. 2007)
30. *Cellco P'ship v. Bd. of Supervisors of Fairfax Cnty.*, 140 F.Supp.3d 548 (E.D. Va. 2015)