

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s)

Case Name

Counsel submitting this form

Represented party/parties

Briefly describe the dispute that gave rise to this lawsuit.

The the Federal Communications Commission adopted a final order issuing guidance and adopting rules to streamline the wireless infrastructure siting review process in order to facilitate the deployment of wireless telecommunications facilities, including fifth-generation or “5G” facilities. See *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order*, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (2018). Despite substantial evidence in the record supporting the need for the Commission to adopt a “deemed granted” remedy when authorities subject applications for wireless infrastructure siting to unreasonable delays or effective prohibitions, the Commission declined to adopt such a remedy.

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Briefly describe the result below and the main issues on appeal.

The Commission's final order declined to adopt a "deemed granted" remedy when authorities subject applications for wireless infrastructure siting to unreasonable delays or effective prohibitions. Puerto Rico Telephone Company petitioned for review on the grounds that the Commission's decision not to adopt a "deemed granted" remedy is (1) arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; (2) inconsistent with sections 253 and 332 of the Communications Act, 47 U.S.C. §§ 253, 332; and (3) otherwise contrary to law.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Several related cases were consolidated in the Tenth Circuit by the Judicial Panel on Multidistrict Litigation then transferred here. In addition, four cases remain pending in the D.C. Circuit. See AT&T Services, Inc., v. FCC, No. 18-1294 (D.C. Cir. filed Oct. 25, 2018); American Public Power Ass'n v. FCC, No. 18-1305 (D.C. Cir. filed Nov. 15, 2018); City of Austin v. FCC, No. 18-1326 (D.C. Cir. filed Dec. 11, 2018); City of Eugene v. FCC, No. 18-1330 (D.C. Cir. filed Dec. 12, 2018).

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)