

**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.

Sprint Corporation petitioned for review of the Declaratory Ruling and Report and Order of the Federal Communications Commission (“FCC” or “Commission”) captioned Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18- 133, WT Docket No. 17-79, WC Docket No. 17-84 (rel. Sept. 27, 2018).

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

In the Order, the Commission addressed local regulatory barriers and streamlined the wireless infrastructure siting review process to facilitate deployment of next-generation facilities, and in particular, Small Wireless Facilities, which are smaller than traditional wireless towers. Among other things, the Order addressed “‘shot clocks’ governing the review of wireless infrastructure deployments.” Sprint now seeks relief from certain portions of the Order which violate the Administrative Procedure Act; are arbitrary, capricious, and an abuse of discretion; violate other federal laws. Specifically, the Order declines to adopt a “deemed granted” remedy when siting authorities fail to act on siting applications within the shot clock timeframes established by the Commission.

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

This Court has consolidated other petitions for review of the FCC's September 27, 2018 order with this case, No. 19-70123. Three related cases remain pending before the United States Court of Appeals for the D.C. Circuit (Nos. 18-1326, 18-1294, and 18-1305). On January 11, 2019, the D.C. Circuit ordered the parties to show cause regarding transferring those cases to this Court.

Signature

Date

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

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CERTIFICATE OF SERVICE

I hereby certify that, on January 22, 2019, I caused the foregoing to be electronically filed through this Court's CM/ECF system, which will send a notice of filing to all registered users. Counsel for all parties to this matter, and all matters consolidated therewith, are registered for CM/ECF and will be served by the CM/ECF system.

/s/ Christopher J. Wright
Christopher J. Wright
HARRIS, WILTSHIRE & GRANNIS LLP
1919 M Street, N.W., 8th Floor
Washington, D.C. 20036
T: (202) 730-1300
CWright@hwglaw.com

Counsel for Sprint Corporation