
MIRICK O'CONNELL

A T T O R N E Y S A T L A W

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March 11, 2014

VIA FAX – 617-621-6501
AND EMAIL

Elizabeth F. Mason, Esq.
Anderson & Kreiger LLP
1 Canal Park
Cambridge, MA 02141

Re: New Cingular Wireless PCS, LLC (AT&T) Application

Dear Ms. Mason:

The Town of Paxton Zoning Board of Appeals asked me to respond to your letter dated February 25, 2014 concerning AT&T's application for a variance and special permit for a Personal Wireless Service Facility.

I understand that AT&T first raised the issue of the FCC "Shot Clock" deadline in your letter, more than four months after filing the application. I bring the following to your attention:

- AT&T's application has been incomplete since November 16, 2013, when AT&T failed to arrange for a crane test within 30 days after filing the application, as required by Section 8.8.1.6.6 of the Zoning Bylaw. According to your letter, AT&T will finally comply with this requirement with a crane test scheduled for March 7, 2014.
- According to your letter, AT&T will submit the crane test visibility report on March 27, 2014.
- The Town's consultant, Ronald Graiff, provided his report to AT&T on January 17, 2014. According to your letter, AT&T will not submit a response to Mr. Graiff's report until March 27, 2014.
- The Town has not yet determined whether Mr. Graiff will be available on April 3, 2014 to attend a continued public hearing and discuss AT&T's response to his

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report at that time, or whether Mr. Graiff can reasonably analyze AT&T's response with just one week's lead time.

To the extent that AT&T's incomplete application did not stay the Shot Clock deadline, the Board maintains that, in light of the foregoing circumstances, issuing a decision on AT&T's application more than 150 days after the filing date is "reasonable", in accordance with the Federal Telecommunications Act and the FCC's Shot Clock rule.

I will recommend that the Board accept your proposed extension to April 17, 2014, provided, however, that an additional extension may be necessary depending upon Mr. Graiff's availability and the submission of AT&T's reports. Please note that it may not be practical for the Board and Mr. Graiff to discuss AT&T's response to Mr. Graiff's report and the crane test visibility report at a continued hearing on April 3, 2014, with just one week's lead time. Please take steps to submit these documents earlier than March 27, 2014.

Please feel free to contact me with any questions you may have.

Very truly yours,



Peter J. Dawson

PJD/ljk

Cc: Roberta Brien, Chair, Zoning Board of Appeals
Sheryl Lombardi, Town Services Coordinator