SPIEGEL & MCDIARMID LLP

Amicus Brief Filed in Supreme Court Case Dealing with Local Zoning Decisions About Cell Towers

August 25, 2014 |

On August 25, 2014, Tillman Lay, Katharine Mapes and Jessica Bell filed an *amicus curiae* brief in the Supreme Court case, *T-Mobile South LLC v. City of Roswell, Georgia.* The brief was filed on behalf of the National League of Cities, the National Association of Counties, the United States Conference of Mayors, the International Municipal Lawyers Association, the International City/County Management Association, and the American Planning Association. The question before the Court is the meaning of a provision of the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(iii), which requires that any land use decision by a local government to deny a request to construct or modify personal wireless services facilities must be "in writing." Spiegel attorneys argued on the side of the City of Roswell that this "in writing" requirement may be satisfied by a simple written letter from the city clerk informing the wireless provider that its application is denied, as long as the reasons for the city's decision can be gleaned from the city council meeting minutes or a transcript of the city council meeting.

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