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16  
17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF WASHINGTON  
19 RICHLAND DIVISION  
20

21 NEW CINGULAR WIRELESS PCS,  
22 LLC, D/B/A AT&T MOBILITY, a  
23 Delaware limited liability company,

24 Plaintiff,

25 v.

CITY OF WALLA WALLA,

Defendant.

No.

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**AND**

**REQUEST FOR EXPEDITED  
REVIEW PURSUANT TO 47  
U.S.C. § 332(c)(7)(B)(v)**

1 Plaintiff New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (“AT&T”),  
2 a limited liability company organized and existing under the laws of Delaware,  
3 complains against Defendant City of Walla Walla (the “City”) and alleges as  
4 follows:  
5

6 **JURISDICTION AND VENUE**  
7

8 1. This action arises under the laws of the United States, including the  
9 Communications Act of 1934, as amended by the Telecommunications Act of 1996,  
10 47 U.S.C. §§ 253 and 332 (“Act”). This Court has jurisdiction over these claims  
11 pursuant to 28 U.S.C. §§ 1331 (federal question) and 1337 (commerce). The Court’s  
12 authority to grant declaratory relief and related injunctive relief is based upon 28  
13 U.S.C. §§ 2201-2202, because an actual controversy exists.  
14

15 2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because  
16 AT&T’s claims stated herein arose in this judicial district.  
17

18 **INTRODUCTION**  
19

20 3. AT&T seeks declaratory and injunctive relief based on the City’s  
21 denial of AT&T’s application for a conditional use permit (the “Application”) for  
22 construction, operation, and maintenance of a wireless telecommunication facility  
23 consisting of a 65-foot faux tree and accessory equipment (the “Proposed Facility”  
24  
25

1 or the “Facility”), on property owned by the First Church of God Blue Mountain  
2 Church at 928 Sturm Avenue in Walla Walla, Washington (the “Property” or the  
3 “Site”).  
4

5 4. Federal law limits the ability of local governments to block installation  
6 of facilities such as the Proposed Facility, based on nationwide goals of promoting  
7 widespread availability of advanced, reliable wireless services. AT&T is attempting  
8 to place the Proposed Facility in this portion of the City, to provide and improve  
9 wireless services in areas of the City with inadequate wireless services in the  
10 vicinity of the Proposed Facility. The Proposed Facility is needed to close a  
11 significant gap in AT&T’s wireless service in the City. The Proposed Facility is the  
12 least intrusive means to close that significant gap.  
13  
14  
15

16 5. The Proposed Facility will provide and improve important wireless  
17 services, including 5G and 4G LTE service and FirstNet service in support of first  
18 responder communications. AT&T has conducted a comprehensive search for  
19 appropriate sites and designs for the Proposed Facility. In addition to analyzing  
20 alternative properties, AT&T worked to identify the best available location and  
21 design options for the Facility.  
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1 **PARTIES**

2 6. Plaintiff AT&T is a limited liability company duly organized, existing,  
3 and operating under the laws of Delaware, with its principal place of business in  
4 Atlanta, Georgia, with offices at locations throughout Washington. At all times  
5 relevant herein, AT&T has been and is qualified to do business in Washington.  
6 AT&T is a wireless telecommunications carrier that provides personal wireless  
7 services within the meaning of the Act.  
8

9  
10 7. The City of Walla Walla is a Washington political subdivision  
11 organized and existing under the laws of the State of Washington.  
12

13 **NATURE OF THE CASE**

14 8. By this action, AT&T seeks declaratory and injunctive relief in the  
15 form of an order compelling the City to issue forthwith a conditional use permit and  
16 all other necessary approvals and authorizations to construct, operate, and maintain  
17 the Proposed Facility.  
18

19 9. The declaratory and injunctive relief requested herein is necessary and  
20 appropriate because the City has violated the Act by effectively prohibiting AT&T  
21 from providing telecommunications services and personal wireless services in the  
22 City.  
23  
24  
25

## **THE TELECOMMUNICATIONS ACT**

1  
2           10. “Congress enacted the Telecommunications Act of 1996 (TCA), 110  
3  
4 Stat. 56, to promote competition and higher quality in American  
5 telecommunications services and to ‘encourage the rapid deployment of new  
6 telecommunications.’” *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115  
7  
8 (2005). “One of the means by which [Congress] sought to accomplish these goals  
9 was reduction of the impediments imposed by local governments upon the  
10 installation of facilities for wireless communications, such as antenna towers.” *Id.*  
11  
12 In seeking to prioritize and streamline deployment of wireless technologies on a  
13 national basis, the Act restricts the authority of state and local governments to  
14 regulate “the placement, construction, and modification of personal wireless  
15 service facilities” (47 U.S.C. § 332(c)(7)(B)).  
16

### **Effective Prohibition**

17  
18           11. The Act limits state and local governments from regulating the  
19  
20 provision of personal wireless and telecommunications services. Among these  
21 limitations is 47 U.S.C. § 332(c)(7)(B)(i)(II), which prohibits a local government  
22  
23 from denying an application for a wireless telecommunications facility when doing  
24 so would “prohibit or have the effect of prohibiting” the provision of wireless  
25

1 telecommunications services.

2  
3 12. The Federal Communications Commission (“FCC”) has held that an  
4 effective prohibition under 47 U.S.C. § 332(c)(7) occurs whenever a decision of a  
5 local government “materially inhibits” wireless services. *See In the Matter of*  
6 *California Payphone Assoc. Petition for Preemption, Etc.*, Opinion and Order, 12  
7 FCC Rcd. 14191 (FCC rel. July 17, 1997).

9 13. The FCC has confirmed that a “state or local legal requirement has the  
10 effect of prohibiting telecommunications service when that legal requirement  
11 ‘materially limits’ or inhibits the ability of any competitor or potential competitor  
12 to compete in a fair and balanced legal and regulatory environment.” *Accelerating*  
13 *Wireless Broadband Deployment by Removing Barriers to Infrastructure*  
14 *Investment*, Declaratory Ruling and Third Report and Order, FCC 18-133, 30 FCC  
15 Rcd 9088 (September 27, 2018) (“*Infrastructure Order*”), ¶ 35. “[A]n effective  
16 prohibition occurs where a [local regulation] materially inhibits a provider’s ability  
17 to engage in any of a variety of activities related to its provision of a covered  
18 service.” *Id.* at ¶ 37. The Ninth Circuit has also reaffirmed this material inhibition  
19 standard. *See City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020).

20 14. Under the FCC’s material inhibition standard, the analysis of an  
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1 effective prohibition “focuses on the service the provider wishes to provide,  
2 incorporating the capabilities and performance characteristics it wishes to employ,  
3 including facilities deployment to provide existing services more robustly, or at a  
4 better level of quality.” *Infrastructure Order*, at n.95. A local government “could  
5 materially inhibit service in numerous ways – not only by rendering a service  
6 provider unable to provide existing service in a new geographic area or by  
7 restricting the entry of a new provider in providing service in a particular area, but  
8 also by materially inhibiting the introduction of new services or the improvement  
9 of existing services.” *Infrastructure Order*, ¶ 37.

13 15. Several courts, including the Ninth Circuit, have ruled that a wireless  
14 carrier may demonstrate an effective prohibition by showing there is a “significant  
15 gap” in service and the proposed installation is the “least intrusive means” of closing  
16 that gap. *See T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir.  
17 2009); *New Cingular Wireless PCS, LLC v. City of Ventura*, No. 2:21-cv-03079-  
18 SVW-JPR (C.D. Cal. Feb. 22, 2022). If there is a “significant gap” in service and  
19 the proposed installation is the “least intrusive means” for filling that gap, a  
20 municipality must grant the permit application. *See* 47 U.S.C. § 332(c)(7)(B)(i)(II)  
21 (local regulations “shall not prohibit or have the effect of prohibiting the provision  
22  
23  
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1 of personal wireless services”).

2  
3 16. When a wireless provider presents evidence of a significant gap and  
4 the absence of a less intrusive alternative, the burden shifts to the local government  
5 to prove that a less intrusive alternative exists. *See City of Anacortes*, 572 F.3d at  
6 998-99; *T-Mobile West Corp. v. City of Agoura Hills*, 2010 U.S. Dist. 134329 (C.D.  
7 Cal. Dec. 20, 2010). To meet this burden (and overcome the presumption in favor  
8 of federal preemption), a local government must show that another alternative is  
9 available that fills the significant gap in coverage, that the alternative is  
10 technologically feasible, and that it is less intrusive than the proposed facility. *Id.*

11  
12  
13 **Substantial Evidence Requirement**

14 17. State and local governments may only deny an application for a  
15 telecommunications facility based on “substantial evidence.” 47 U.S.C.  
16 § 332(c)(7)(B)(iii). This means that a local government’s decision must be  
17 “authorized by applicable local regulations and supported by a reasonable amount  
18 of evidence.” *Metro PCS, Inc. v. City and County of San Francisco*, 400 F.3d 715,  
19 725 (9th Cir. 2005) (abrogated on other grounds). Thus, to deny a permit  
20 application, a local government must have specific reasons that are both consistent  
21 with the local regulations and supported by substantial evidence in the record.  
22  
23  
24  
25



1 **FACTUAL BACKGROUND**

2 **AT&T's Need for the Proposed Facility**

3  
4 18. AT&T provides personal wireless services to its customers throughout  
5 the area relevant to this Complaint pursuant to frequency licenses issued by the  
6 FCC. When AT&T identifies a significant gap in its wireless service coverage, it  
7 investigates the nature and extent of the need for improvement and identifies ways  
8 to close that gap.  
9

10 19. AT&T has a significant service coverage gap in the City in the vicinity  
11 of the Proposed Facility. AT&T has demonstrated this significant service coverage  
12 gap in the City's administrative proceedings by submitting propagation (coverage)  
13 maps, a Radio Frequency Statement, and other record evidence.  
14  
15

16 20. AT&T needs to construct the Proposed Facility to provide and improve  
17 service to this portion of the City. AT&T submitted radio frequency propagation  
18 maps as exhibits to a radio frequency statement, which depict the service coverage  
19 gap that AT&T is experiencing throughout the subject portion of the City. These  
20 maps and other record evidence show that AT&T lacks adequate wireless service  
21 in the subject portion of the City and also explain how the Proposed Facility will  
22 address that service gap. Specifically, the Proposed Facility will close the subject  
23  
24  
25

1 service coverage gap and provide reliable 5G and 4G LTE service for AT&T  
2 customers in the affected area.

3  
4 21. The Proposed Facility will also enhance first responder  
5 communications by providing new FirstNet services on Band 14. FirstNet is the  
6 federal First Responder Network Authority, a nationwide dedicated wireless  
7 communications network for first responders. The Proposed Facility is an important  
8 part of AT&T's commitment to support public safety and will provide coverage and  
9 capacity in the City for deployment of FirstNet.  
10

11  
12 **AT&T's Application and the Hearing Process**

13 22. To close the service gap and provide these services, AT&T proposes  
14 to install a 65-foot faux pine tree. The Property where the Facility will be located  
15 includes a sanctuary building, education building, and parking lot improvements.  
16 The western area of the Property where the Facility will be located is an  
17 undeveloped lawn area, with trees and grass.  
18

19  
20 23. The Proposed Facility includes the monopine pole disguised as a pine  
21 tree containing six stealth panel antennas, as well as ground equipment boxes and  
22 an emergency backup generator within a fenced compound.  
23

24 24. AT&T sought a Level III review Conditional Use Permit for the  
25

1 Facility. The City's Comprehensive Plan designates the Property as located within  
2 a Neighborhood Residential zone. Walla Walla Municipal Code (WWMC) Section  
3  
4 20.170 (Wireless Communication Facilities) applies to the subject Site Application,  
5 and the Application was subject to a Level III review by the City of Walla Walla  
6 Hearing Examiner. The Application was filed on November 7, 2022, and was  
7  
8 deemed a complete application on November 28, 2022.

9         25. Notice of Application for the subject Application was issued on  
10 December 1, 2022, and a comment period was concluded on December 20, 2022.  
11  
12 The Notice of Application was mailed to property owners within 300 feet of the  
13 subject Property, posted on the City's website, published in the Union Bulletin, a  
14 local publication, and posted on-site, as required by WWMC 20.14.065. Notice of  
15  
16 Application was also provided to parties that requested special notice per  
17 WWMC 20.14.015.

18         26. The Notice of Application was also sent to the City's Site Plan Review  
19 Committee (SPRC) for comment. The one comment received from SPRC members  
20  
21 was from the Fire Department to affirm their review and confirming they had no  
22  
23 issue with accessing the tower location if the Facility were constructed as depicted  
24  
25 in the Application materials.

1           27. Based on the City’s request for additional information, AT&T  
2 produced additional application material on February 21, 2023, and July 28, 2023.  
3  
4 This additional material substantially added to, clarified, and modified the  
5 Application materials and project scope and work. Parties identified on the  
6 notification list were sent a letter notifying them of the documents and also that the  
7 documents were posted on the Development Services public notices web page. All  
8 documents pertaining to this conditional use permit request were made available for  
9 public viewing at the City’s Development Services office.  
10  
11

12           28. The Walla Walla Municipal Code (WWMC) Section 20.216,  
13 Conditional Use, provides the procedure and criteria for reviewing Conditional Use  
14 applications for uses that require special consideration prior to being permitted at  
15 any particular location (WWMC 20.216.010).  
16

17           29. Under WWMC 20.36.070, Burden and Nature of Proof, an application  
18 for a particular use must be supported by, *inter alia*, proof that the application (a)  
19 conforms to the applicable standards and criteria of the WWMC; (b) conforms to  
20 the policies adopted by reference in WWMC Section 21.08.160; and (c) adequately  
21 addresses environmental impacts (when required).  
22  
23

24           30. Under WWMC Section 20.216.040, General Review Criteria, the  
25

1 Hearing Examiner shall make findings of fact and state reasons for granting a  
2 Conditional Use Permit. The findings of fact shall include: (1) That the use will not  
3  
4 endanger the public health or safety if located and developed where proposed, and  
5 that the use will not allow conditions which will tend to generate nuisance  
6  
7 conditions to adjoining properties; (2) that the location and character of the use, if  
8 developed according to the plan as submitted and approved or conditionally  
9 approved, will be compatible and in harmony with the area in which it is to be  
10 located; (3) that the Conditional Use Permit approval would be in general  
11  
12 conformity with the City's Urban Area Comprehensive Plan as amended; and (4)  
13 that the use meets all required conditions and specifications set forth in the zone  
14  
15 where it proposes to locate. If the potential adverse impact of permit approval  
16 cannot be mitigated though imposition of conditions to a degree which assures that  
17 adjacent properties will not be unreasonably impacted, this shall constitute grounds  
18  
19 for denial of the Conditional Use Permit under the WWMC.

20 31. Under WWMC Section 20.100.40, Wireless Communication Facilities  
21 and Related Structures are permitted via Conditional Use Permit in neighborhood  
22 residential zones and subject to the criteria for siting under WWMC Chapter 20.170.  
23

24 32. The purpose of WWMC Chapter 20.170 is to establish appropriate  
25

1 locations, site development standards, and permit requirements to allow for wireless  
2 communication services to the residents of the City in a manner which will facilitate  
3 the siting of wireless communication facilities in permitted locations and in a  
4 manner consistent with the character of the City in general and the land use zones  
5 within which they are located.  
6  
7

8 33. WWMC Chapter 20.170 also authorizes the placement of Wireless  
9 Communication Facilities in residentially zoned districts on non-residential lands  
10 (houses of worship or offices) or on top of buildings that are taller than 35 feet, so  
11 long as they use effective stealth design and technology, and comply with required  
12 setbacks from residences, height requirements and other development regulations.  
13

14 34. The Walla Walla Hearing Examiner conducted an open record public  
15 hearing on September 21, 2023. The hearing and administrative record contained  
16 all of AT&T's Application materials, in compliance with all applicable WWMC  
17 provisions, as well as extensive public comment and testimony.  
18  
19

20 **The Hearing Examiner's Decision**

21 35. On November 2, 2023, the City served Notice of Final Decision on the  
22 Application, following the September 21, 2023 hearing (the "Decision").  
23

24 36. The Decision determined that AT&T's "attempt to disguise this  
25

1 particular wireless communication facility as a pine tree is not effective in  
2 disguising the wireless communication facility so that this facility blends into the  
3 surrounding environment.” The Decision went on to conclude that though the  
4 Proposed Facility “may not immediately look like a wireless communication  
5 facility,” it “does not look like a natural tree that blends in with the surrounding  
6 environment,” and does not meet “the definition of ‘stealth’” in the WWMC.  
7  
8

9 37. The Hearing Examiner’s Decision also stated that AT&T “failed to  
10 satisfy its burden of proof that [it] made comprehensive efforts to identify  
11 alternative locations as required by [the] WWMC.”  
12

13 38. The Hearing Examiner further stated in the Decision that “[e]ven if the  
14 Hearing Examiner were to accept the Applicant’s position that there are gaps in  
15 service, which the Hearing Examiner rejects, there still has been no evidence that  
16 this is the only site that would eliminate all alleged gaps of coverage. Therefore,  
17 the Hearing Examiner cannot find that the Applicant has satisfied their burden of  
18 proof to demonstrate by a preponderance of the evidence that there is a need for a  
19 wireless communications facility at this specific location.”  
20  
21

22 39. The Decision is not supported by substantial evidence.  
23

24 40. The City’s Decision does not identify any alternatives that are  
25

1 available, feasible, and less intrusive than the Proposed Facility.

2 41. The Decision does not identify any alternative that is available,  
3  
4 technically feasible, and less intrusive than the Proposed Facility.

5 42. There are no other available alternative sites upon which AT&T can  
6  
7 construct the Proposed Facility and remedy the significant gap in coverage.

8 43. Because there are no other available sites upon which AT&T can  
9  
10 feasibly construct the Proposed Facility, and because the City has not identified any  
11  
12 available, technically feasible, and less intrusive alternatives by which AT&T can  
13  
14 address its significant service coverage gap, the City has effectively prohibited  
15  
16 AT&T from providing wireless service to close its significant coverage gap.

17 44. The City's denial of AT&T's Application violates Section 332 of the  
18  
19 Federal Communications Act of 1934, as amended by the Telecommunications Act  
20  
21 of 1996 (the "Act"), 47 U.S.C. § 332, which limits the power of municipalities to  
22  
23 regulate deployment of telecommunications and personal wireless service facilities.  
24  
25 The Act also forbids municipalities from denying applications without substantial  
evidence; forbids municipalities from acting in a manner that may prohibit or have  
the effect of prohibiting telecommunications and personal wireless services; and  
forbids discriminatory treatment in processing applications for such facilities.



1 45. The City has effectively prohibited AT&T's installation of  
2 telecommunications and personal wireless service facilities. The City's denial of  
3 the Application is an effective prohibition of telecommunications services and  
4 personal wireless services, is not supported by substantial evidence in the written  
5 record and is a violation of federal law. The City's denial is not based on substantial  
6 evidence, the City acted without jurisdiction and abused its discretion in denying  
7 AT&T's Application, and its actions were arbitrary and capricious.  
8  
9

10 **FIRST COUNT**

11 **(Effective Prohibition)**  
12 **(47 U.S.C. § 332(c)(7)(B)(i)(II))**  
13

14 46. AT&T hereby incorporates by reference the allegations of paragraphs  
15 1 through 45, inclusive, as though fully set forth herein.

16 47. AT&T has a gap in service coverage in the vicinity of the Proposed  
17 Facility.  
18

19 48. AT&T's gap in service coverage in the vicinity of the Proposed  
20 Facility is significant.  
21

22 49. The subject Property and the Proposed Facility are the least intrusive  
23 means to close AT&T's significant gap in service coverage.

24 50. AT&T undertook a thorough, good faith analysis of alternative sites  
25

1 for the Proposed Facility and provided the City with its comprehensive, reasoned  
2 analysis. AT&T investigated all alternative designs, and no other designs are  
3 available, technically feasible, and less intrusive than the Proposed Facility.  
4

5 51. Other than the subject Property, there is no other available site upon  
6 which AT&T can construct the Proposed Facility and remedy its significant gap in  
7 service coverage.  
8

9 52. The City has not identified any available, technically feasible, and less  
10 intrusive alternatives by which AT&T can address its significant service coverage  
11 gap.  
12

13 53. The Proposed Facility would remedy AT&T's significant service  
14 coverage gap in the vicinity of the Property by means that are the least intrusive to  
15 the values protected by the applicable City regulations.  
16

17 54. The City did not hear or present evidence establishing that AT&T does  
18 not have a significant gap in its personal wireless service coverage.  
19

20 55. The City did not hear or present evidence establishing that the subject  
21 Property is not the least intrusive location for addressing AT&T's significant  
22 service coverage gap.  
23

24 56. The City's decision to deny the Application materially inhibits AT&T  
25

1 from providing and improving wireless services.

2 57. The City's decision to deny the Application prohibits or has the effect  
3 of prohibiting AT&T from providing personal wireless services in the significant  
4 gap area.  
5

6 58. Accordingly, the City violated the Act, 47 U.S.C. § 332(c)(7)(B).  
7

8 WHEREFORE, AT&T prays for judgment as set forth below.

9 **SECOND COUNT**

10 **(Substantial Evidence Requirement)**  
11 **(47 U.S.C. § 332(c)(7)(B)(iii))**

12 59. AT&T hereby incorporates by reference the allegations of paragraphs  
13 1 through 58, inclusive, as though fully set forth herein.  
14

15 60. The Application for the Proposed Facility satisfied all of the criteria  
16 set forth in the applicable City regulations.  
17

18 61. AT&T presented evidence to the City justifying the need for the  
19 Proposed Facility, as well as the need for a Conditional Use Permit.

20 62. The stated bases for denial are contradicted by the administrative  
21 record, including AT&T's Application materials and evidence presented at the  
22 public hearing regarding the Application.  
23

24 63. The City's findings that AT&T did not demonstrate need for the  
25

1 Proposed Facility are contradicted by the record evidence.

2 64. The City's finding that the Proposed Facility will not blend with the  
3 surroundings is unsupported by the record evidence.  
4

5 65. The City's finding that AT&T's analysis of alternative sites was  
6 somehow deficient is not supported by the record evidence.  
7

8 66. The City's decision to deny the Application was not supported by  
9 substantial evidence contained in a written record as required by Section  
10 332(c)(7)(B)(iii).  
11

12 67. Accordingly, the City violated the Act, 47 U.S.C. § 332(c)(7)(B)(iii).

13 WHEREFORE, AT&T prays for judgment as set forth below.  
14

15 **REQUEST FOR EXPEDITED REVIEW**

16 68. AT&T hereby incorporates by reference the allegations of paragraphs  
17 1 through 67, inclusive, as though fully set forth herein.  
18

19 69. The Act, 47 U.S.C. § 332(c)(7)(B)(v), provides:

20 Any person adversely affected by any final action or failure to act  
21 by a State or local government or any instrumentality thereof that  
22 is inconsistent with this subparagraph may, within 30 days after  
23 such action or failure to act, commence an action in any court of  
24 competent jurisdiction. The court shall hear and decide such action  
25 on an expedited basis.

70. AT&T has been adversely affected by the City's denial of AT&T's

1 Application to construct the Proposed Facility. AT&T respectfully requests a  
2 hearing and decision by the Court on an expedited basis as provided by the Act.  
3

4 WHEREFORE, AT&T prays for judgment as set forth below.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, AT&T prays for relief against the City as follows:

7  
8 1. For a declaration and judgment that the City's denial has effectively  
9 prohibited AT&T from closing a significant coverage gap in the provision of  
10 wireless service in violation of 47 U.S.C. § 332(c)(7)(B)(i)(II);  
11

12 2. For a declaration and judgment that the City violated Section  
13 332(c)(7)(B)(iii) of the Act because denial of the Application was not supported by  
14 substantial evidence contained in a written record;  
15

16 3. For a declaration and judgment that AT&T is entitled to approval of  
17 the Proposed Facility pursuant to its Application;  
18

19 4. For a declaration and judgment that the City's actions are preempted  
20 by the Telecommunications Act of 1996 and are therefore void and invalid;

21 5. For an order mandating (a) that the City grant forthwith AT&T's  
22 Conditional Use Permit consistent with AT&T's Application; and (b) that the City  
23 grant forthwith all other authorizations necessary for construction of the Proposed  
24  
25

1 Facility;

2 6. For expedited review of the matters set forth in this Complaint, as  
3  
4 required by federal law;

5 7 For an award of AT&T's costs of suit herein; and

6  
7 8. For such other and further relief as the Court may deem just and proper.

8 DATED this 1st day of December, 2023.

9  
10 CORR CRONIN LLP

11 s/ Jeff Bone

12 Jeff Bone, WSBA No. 43965

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