

Tower Siting & Infrastructure

As a result of our pioneering work with the wireless and broadcast industry, Wilkinson Barker Knauer recognized long before others the crucial role that infrastructure plays in both the roll-out of new services and the maturation of existing networks. In response, we established the Tower Group consisting of attorneys with a strong background in the FCC's rules implementing the National Environmental Policy Act (NEPA), as well as in Section 106, Tribal, Part 17 and transactional matters.

Our clients – who include leading tower companies, wireless carriers and broadcasters – routinely seek our counsel before siting new towers, installing collocations and buying or selling existing towers. We address a wide range of issues that can arise at every stage of a tower's life cycle, and are called upon to develop FCC compliance programs for tower owners, devise strategies to resolve local tower disputes, and represent clients in enforcement proceedings. Our attorneys have extensive experience helping clients comply with the requirements imposed by the FCC.

Tower siting is a dynamic process that takes place at the federal, Tribal, state and local levels. Responding to our clients' needs, we provide strategic advice and counseling, and meet with Tribal, state and local officials as required. For example, we regularly work with the FCC's NEPA Team, Tribal officials, and State Historic Preservation Offices to resolve disagreements or develop a mutually agreeable mitigation plan. The decision to site a new tower or collocate facilities triggers the need to comply with the FCC's environmental, historical, and Tribal requirements, as well as tower marking and lighting requirements found in Part 17 of the FCC's rules. Failing to meet any of these requirements can result in fines or other sanctions. To prevent or minimize any adverse outcome, we develop regulatory compliance plans for our clients, help them obtain necessary authorizations, and represent clients in the event that enforcement matters arise.

Wilkinson Barker also assists clients in regulatory policy proceedings and appeals related to tower siting, including FCC proceedings concerning migratory bird issues, tower lighting requirements, emergency power provisions, RF matters, access to pole attachments and right-of-way issues. We also have experience regarding the proper balance between federal policies favoring deployment and state/local zoning restrictions, and represent trade associations in their efforts to reduce the regulatory burden on industry and expedite the tower siting process.

An important component of our Tower Group is our transactional expertise. When tower assets are being sold, either on a stand-alone basis or as part of the sale of FCC-licensed facilities, we conduct "due diligence" and assist in the negotiation of transaction terms. Our transactional attorneys also are experienced in other transactions involving towers, include master lease agreements.

HIGHLIGHTS

Ranked as a "top tier" firm by US News/Best Lawyers, Chambers and Legal 500

Leading advocate for service and infrastructure providers

Experts in environmental and historic preservation regulations affecting tower operation, as well as operational requirements