

Signature: _____

Richard J. Busch

Date: _____

8/14/17

Applicant seeks an order granting the requested permit.

What is the outcome or changes in the decision that you are seeking?

States:

(5) The denial conflicts with state law, including, but not limited to, ch. 35.99 of the Washington Revised Code, which prohibits by 47 U.S.C. Section 332(c)(7)(B)(i)(II).

- 47 U.S.C. Section 332(c)(7)(B)(i)(II): The denial results in a prohibition of service and therefore is prohibited by 47 U.S.C. Section 332(c)(7)(B)(i)(II).
- 47 U.S.C. Section 332(c)(7)(B)(iii): The denial was not based on substantial evidence, as required by the ability of WA-CLEC LLC to provide telecommunications services.
- 47 U.S.C. Section 253 (a): the denial is based on local regulations that have the effect or prohibiting including, but not limited to, the following: requirements of the Telecommunications Act of 1996, as amended, 47 USC Section 151 et seq. denial based on the lack of additional information that is required by the Franchise Agreement and the City's exceeds the amount and type of information requested by the City.
- 47 U.S.C. Section 332(c)(7)(B)(iii): The additional information requested by the City are therefore not eligible alternative locations. (3) The additional information requested by the City Agreement, or have an equal impact on the appearance from existing adjacent residential structures and locations suggested by the City either require tree pruning which is prohibited by the Franchise proposed small cell node meets the requirements of the Franchise Agreement. (2) The alternative appeal include but are not limited to: (1) The Application and supplemental responses demonstrate that the City's denial of the Application is not consistent with the record before the City. The reasons for the

(You must indicate specifically that there were substantial errors, the decision is unsupported by the facts presented, the decision is in conflict with the standards for review of the action or there were irregularities in the procedure. Attachments or supporting information may be included.)

What are your reasons for appealing this decision?

Appeal of the City's denial of Appellant's Small Cell ROW Use Permit Application, under City File Number 1701-158 (MIS17).

What is the decision that you are appealing? Include any applicable project file number.

Name: WA-CLEC LLC
Address: 1505 Westlake Avenue North, Suite 800, Seattle, WA 98109
Phone: (206) 336-3229
Email: Chelsea.watson@crowncastle.com

Counsel for Appellant: Richard J. Busch
Address: 25025 SE Kahanie Blvd, F203, Issaquah, WA 98029
Phone: (425) 458-3940
Email: rich.busch@wirelesscounsel.com

| | |
|---|---------------------------|
| <input type="checkbox"/> Building Appeal <input type="checkbox"/> Land Use Appeal <input checked="" type="checkbox"/> Right-of-Way Appeal | |
| APPEAL | |
| Received By: <i>[Signature]</i> 8/14/17 | |
| Date Received: APR17-008 | |
| PROJECT # 1701-158 | RECEIPT # Fee \$915.07 |
| CITY USE ONLY | |
| PHONE: 206.275.7605 www.mercer.gov.org 9611SE 36TH STREET MERCER ISLAND, WA 98040 DEVELOPMENT SERVICES GROUP | |

DUPLICATE DUPLICATE DUPLICATE

CITY OF MERCER ISLAND

CITY HALL

9611 SE 36TH STREET

MERCER ISLAND, WA 98040

206-275-7600

Reg# #/Rcpt#: 001-00159451 [DH]

Accounting Date: Mon, Aug 14, 2017

Date/Time: Mon, Aug 14, 2017 2:15 PM

LAND USE ACTIONS

GENERAL

ACT # : DS0000-99999

REF # : APL17-008

FEE AMOUNT: \$ 915.67

RECEIPT TOTAL

\$ 915.67

Payment Data:

Pmt# : 1

Payer: CROWN CASTLE USA INC

METHOD: CK

\$ 915.67

Ref#: 2238556

RECEIPT SUMMARY

TOTAL TENDERED

\$ 915.67

RECEIPT TOTAL

\$ 915.67

CHANGE DUE \$ 0.00

HAVE A NICE DAY!

DUPLICATE DUPLICATE DUPLICATE

u:1.0.4564