



Exhibit 3.03

AT&T Mobility, LLC  
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May 19, 2015

City of Calabasas  
Community Development Department Planning Division  
100 Civic Center Way  
Calabasas, CA 91302

Re: Request for Modification of an Existing Wireless Tower or Base Station  
AT&T Site Name: Calabasas Park Estate  
Site Address: 24000 N. Parkway Calabasas, Calabasas, CA 91302  
AT&T Project No.: LA0420\_3551455773 & 3551A000G0

Dear City of Calabasas:

On behalf of New Cingular Wireless PCS, LLC, a Delaware limited liability company, doing business as AT&T Mobility ("AT&T") we are pleased to submit AT&T's application ("Application") to modify its existing wireless tower referenced above (the "Site"). AT&T intends to modify the Site as set forth in the attached construction plans and Application pursuant to Section 704 of the Telecommunications Act of 1996 (the "1996 Act"), the Federal Communications Commission ("FCC") Declaratory Ruling [WT Docket No. 08-165 (FCC 09-99)] (the "Ruling"), and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the "Tax Act"), the provisions of which requires the City to review the Application for completeness within 30 days of filing, and approve within a maximum of 90 days from the date of filing, provided, however, that the time it takes for AT&T to respond to a request for additional information will not count toward the 90 days if it is notified within the first 30 days that its application is incomplete. We further request that the City process the Application administratively, as provided by the recent FCC interpretation of the law (*FCC [Public Notice DA 12-2047/January 25, 2013]*). A more detailed explanation of the 1996 Act, the Ruling and the Tax Act are outlined below.

Please be advised, AT&T's proposed modification **will not** increase the existing height of the tower by more than 10%, or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), and will not involve excavation outside the current tower Site boundaries.

#### **THE 1996 ACT**

The 1996 Act states that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services [47 U.S.C. §332(c)(7)(B)(i)]. Any person that is adversely affected by a State or local government's action or failure to act that is inconsistent with Section 332(c)(7) may seek expedited review in the courts [47 U.S.C. §332(c)(7)(B)(v)].

The 1996 Act expressly preempts State and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with FCC's regulations concerning such emissions [47 U.S.C. §332(c)(7)(B)(iv)].

The 1996 Act also requires a State or local government to act upon a request for authorization to place, construct, or modify personal wireless service facilities within a "reasonable time". Any decision to deny a request must be made in writing and be supported by substantial evidence contained in a written record [47 U.S.C. §332(c)(7)(B)(ii),(iii)].



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### **THE RULING**

The Ruling declared that a review period of 30 days gives State and local governments sufficient time for reviewing applications for completeness, and that a "presumptively reasonable period of time" to act on wireless applications is 90 days for a collocation application and 150 days for all other applications (the "Shot-Clock Rule"). Failure to meet the Shot-Clock Rule" deadlines will create a legal presumption that the zoning agency "failed to act" under federal law and will give an applicant the ability to bring legal action within 30 days after the deadline has passed. This action was taken to assist in speeding the deployment of next generation wireless networks while respecting the legitimate concerns of local authorities and preserving local control over zoning and land use policies.

### **THE TAX ACT**

The Tax Act provides that a State or local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.

FCC defined what constitutes a substantial change in its Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (the "NCA") [47 C.F.R. Part I, Appendix B], Under Section I.C of the NCA, a "substantial increase in the size of the tower" occurs if:

- 1) the mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- 2) the mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one (1) new equipment shelter; or
- 3) the mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- 4) the mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

AT&T looks forward to working with the City on this vitally important project which will vastly improve wireless telecommunication in your community. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Melissa Francisco

Enclosures

cc: Master Application