

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - NEW YORK**

### **Crown Castle NG East Inc. v. Town of Greenburgh, N.Y.**

**United States District Court, S.D. New York - July 3, 2013 - Slip Copy - 2013 WL 3357169**

Plaintiff - a “carrier’s carrier” that designs and installs fiber-optic based networks to improve wireless coverage and capacity sought permission to install a Distributed Antenna System (“DAS”) in the Town of Greenburgh, New York. The Town, after a protracted negotiation/application process, denied Plaintiff’s applications.

Plaintiff sought a declaratory judgment that the Town has violated the provisions of the TCA, and further sought a mandatory injunction requiring the Town to grant such permits or other authority as is necessary to allow Plaintiff to install, operate, and maintain its facilities in the Town’s public rights of way as set forth in Plaintiff’s application.

After an interminable opinion, the court concluded that, “This is a paradigmatic case where remand would only further and unnecessarily delay the processing of Plaintiff’s siting application. Accordingly, the appropriate remedy in equity is an order requiring the issuance of the special permits sought.”