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ExteNet Systems, Inc. v. Village of Pelham

United States District Court, S.D. New York - March 27, 2019 - F.Supp.3d - 2019 WL 1382650

Owner of wireless telecommunications facilities brought action against village, challenging village's denial of owner's building permit applications for expansion of its existing facilities.

Owner and village filed cross-motions for summary judgment.

The District Court held that:

- The Spectrum Act did not violate anticommandeering principles of the Tenth Amendment;
- Village's denial of owner's permit applications violated the Spectrum Act; and
- Spectrum Act did not create federal right enforceable under § 1983.

The Spectrum Act, precluding states and local governments from interfering with the expansion of wireless telecommunications networks by preempting local regulation of collocation and barring states and local governments from denying applications for modification of existing wireless telecommunications facilities that met certain standards, did not violate anticommandeering principles of the Tenth Amendment; purpose of Spectrum Act was to encourage growth of robust national telecommunications network, pursuant to Congress's authority under the Commerce Clause, and Act was best read as regulating private actors, as it conferred right on telecommunications companies to make modifications on existing wireless networks without having to seek local approval.

Village's denial of building permit applications submitted by owner of wireless telecommunications facilities seeking expansion of its existing network facilities violated the Spectrum Act, precluding local governments from interfering with the expansion of wireless telecommunications networks by preempting local regulation of collocation and barring local governments from denying applications for modification of existing wireless telecommunications facilities that met certain standards; village code, pursuant to which village denied the applications, was expressly preempted by Spectrum Act.

The Spectrum Act, precluding local governments from interfering with the expansion of wireless telecommunications networks by preempting local regulation of collocation and barring local governments from denying applications for modification of existing wireless telecommunications facilities that met certain standards, did not confer federal right enforceable under § 1983 upon owner of wireless telecommunications facilities to compel village's grant of its applications for building permits to expand its existing network facilities.