
From: Kevin P. Sullivan <KSullivan@gdandb.com>
Sent: Monday, April 3, 2023 9:31 AM
To: Peter Kaljian <Peter.Kaljian@sonoma-county.org>
Cc: Melissa Keith <mkeith@assurance-group.com>; Bill Lewis <blewis@assurance-group.com>
Subject: RE: Vertical Bridge proposed facility at 9300 Mill Station Road, Sebastopol, CA (Property); County of Sonoma File # UPE22-0051

EXTERNAL

Mr. Kaljian –

This message responds to the County Board of Zoning Adjustments' request at the March 23, 2023, hearing on the Ragle Ranch proposed wireless facility that Vertical Bridge provide coverage maps or network data for other wireless carriers in the area. Such a request is not appropriate, as explained below, and the information will not be provided.

First, Vertical Bridge does not have access to area network coverage maps and data for other wireless carriers as such materials are proprietary and confidential for the other wireless carriers.

Second, the requested information is irrelevant to the applicable legal standard regarding whether a substantial gap in T-Mobile's wireless coverage exists. The Ninth Circuit Court of Appeals has adopted the rule that "a significant gap in service (and thus an effective prohibition of service) exists whenever a provider is prevented from filling a significant gap in *its own* service coverage." *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995, FN. 9 (9th Cir. 2009); *MetroPCS, Inc. v. City & County of S.F.*, 400 F.3d 715, 733 (9th Cir.2005). Wireless coverage provided by other carriers is not relevant to the question about whether T-Mobile has a significant gap in its area network coverage, as it has demonstrated here.

Please let me know if you have any questions about this issue. Also, please include this email in the administrative record for Vertical Bridge's application for the wireless telecommunications facility at 9300 Mill Station Road, Sebastopol, CA; County of Sonoma File # UPE22-0051.

Thank you,

Kevin P. Sullivan
Partner
760.431.9501 Ext. 114
Assistant:
Jamie Carr, 760.782.2469
www.gdandb.com

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L A W Y E R S

From: Kevin P. Sullivan

Sent: Friday, March 17, 2023 9:08 AM

To: Peter.Kaljia@Sonoma-County.org

Cc: PlanningAgency@Sonoma-County.org

Subject: Vertical Bridge proposed facility at 9300 Mill Station Road, Sebastopol, CA (Property); County of Sonoma File # UPE22-0051

Mr. Kaljian –

Attached is a letter on behalf of Vertical Bridge regarding its application to install a disguised and unoccupied wireless telecommunications facility at 9300 Mill Station Road, Sebastopol, CA; County of Sonoma File # UPE22-0051.

Please let me know if you have any questions about this letter.

Also, please let me know if I need to take any further action to ensure that this letter is distributed to the members of the Sonoma County Board of Zoning Adjustments. (I sent this letter to the email: PlanningAgency@Sonoma-County.org.)

Thank you,

Kevin P. Sullivan

Partner

760.431.9501 Ext. 114

Assistant:

Jamie Carr, 760.782.2469

www.gdandb.com

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