

TOLLING AGREEMENT

This Tolling Agreement (“Agreement”), dated as of September 13, 2018, is made and entered into by and between GTE MobilNet of California Limited Partnership, a California limited partnership dba Verizon Wireless (“Verizon Wireless”) and the County of Contra Costa (“County”).

RECITALS

A. On October 18, 2017 and October 19, 2017, Verizon Wireless filed seven applications with the County for permits to authorize Verizon Wireless to construct wireless telecommunications facilities in the public right-of-way in Contra Costa County, California: County Files WA17-0004 (near 3160 Walnut Boulevard), WA17-0005 (near 2372 Hagen Oaks Drive), WA17-0008 (near 20 Francesca Way), WA17-0009 (near 1951 Green Valley Road), WA17-0011 (near Vernal Drive and Livorna Road), WA17-0012 (near 2501 Danville Blvd) and WA17-0013 (near 184 Creekdale Road) (the “Applications”). The County has determined that the Applications are complete.

B. On November 18, 2009, the Federal Communications Commission (the “FCC”) released a Declaratory Ruling clarifying Section 332(c)(7) of the Communications Act. *See In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, FCC 09-99 (FCC November 18, 2009) (the “Ruling”). The Ruling permits a wireless service provider whose application has been pending for a period of 90 days for collocation applications, and 150 days for all other applications, to seek judicial review within 30 days on the basis that a state or local permitting authority failed to act on the application within “a reasonable time.” Ruling, ¶ 45. The Ruling further permits the period for review of an application to be extended by mutual consent. Ruling, ¶ 49.

C. In order to allow the County to act on the Verizon Wireless Applications in an orderly manner, without either party risking the loss of important rights, the parties wish to enter into a tolling agreement.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree that the time period within which the Zoning Administrator may act on the Applications, and within which the Planning Commission may act on any appeals, under both California and federal law, shall be extended through November 30, 2018, and that no limitations period under California or federal law for any claim by Verizon Wireless of unreasonable or unlawful delay in processing the Applications shall commence to run before November 30, 2018.

2. If the Zoning Administrator has not acted on the Applications, and if the Planning Commission has not acted on any appeals of the Zoning Administrator’s determinations, by November 30, 2018, this Agreement shall not be construed as an admission by the County that such failure to act is unreasonable or unlawful, nor shall it be construed to waive or otherwise impair the rights of Verizon Wireless with respect to any such claim. In addition, this Agreement shall not be construed to waive any claims by the County

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regarding the validity or applicability of the requirements and deadlines established in the Ruling.

3. This Agreement may be executed in counterparts and facsimile, each of which shall be deemed an original. The individuals whose signatures appear below on behalf of each party are authorized to execute this Agreement on behalf of the respective parties, and to bind them to the terms thereof.

COUNTY OF CONTRA COSTA

**GTE MOBILNET OF
CALIFORNIA LIMITED
PARTNERSHIP DBA VERIZON
WIRELESS**

By: _____

By: 

Printed name: _____

Paul Albritton
Counsel to Verizon Wireless

Title: _____