NEWS RELEASES

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Central States, Verizon Win Permit for New Wireless Communications Tower

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Husch Blackwell secured a favorable settlement for client Central States Tower III, LLC, clearing the way for a new wireless communications monopole tower in Eau Claire, Wisconsin. The new tower will accommodate Verizon Wireless and is also available to accommodate future wireless carriers.

The City of Eau Claire Planning Commission had rejected Central States' original Conditional Use Permit Application in February 2015, claiming, among other things, that the surrounding residential properties would be "substantially impaired or diminished" by the proposed tower, purportedly because of the presence of a wireless communications tower already located on the property and operated by Sprint Sites USA.

Central States and its carrier partner, Verizon Wireless, challenged the Commission's determination, filing a complaint in Eau Claire County Circuit Court in June 2016 in which they argued that the Commission's decision was in violation of state law. In 2013 the Wisconsin state legislature passed Wis. Stat. § 66.0404, which defined a municipality's ability to deny permits for the siting of wireless communications towers.

In the interim, Central States and the Husch Blackwell team worked with Sprint to remove the Sprint tower from the property, presenting an opportunity for a reconsideration of the permit by the Planning Commission. The settlement benefitted all parties by allowing construction of a tower capable of accommodating multiple carriers to serve the immediate community, while minimizing the number of towers within the vicinity.

The Husch Blackwell team was led by Rodney Carter.

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