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4 Attorney for Petitioner
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6
7 **BEFORE THE HEARING BOARD OF THE**
8 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

9 In the Matter of

10 VERIZON WIRELESS,

11 [Facility I.D. No. 123871]

12 Petitioner,

13 vs.

14 SOUTH COAST AIR QUALITY MANAGEMENT
DISTRICT,

15 Respondent.

CASE NO. 6139-10

**STIPULATION FOR REGULAR
VARIANCE TO BE HEARD ON
CONSENT CALENDAR**

16 We, the undersigned parties, hereby agree and stipulate as follows:

- 17 1. The Petitioner and the District agree to have this matter placed on the Hearing Board's Consent
18 Calendar on July 28, 2026, pursuant to District Hearing Board Rule 4(a)(4).
- 19 2. The Petitioner seeks a regular variance from the provisions of District Rule 203(b) with respect to
20 the 200 operating-hour limitation on the emergency generator identified in Application No. 666776. This
21 limitation is applicable to the emergency generator at the facility, which is a General Motors 159 hp
22 internal combustion engine, Model GM 8.1L. The variance will allow operation of the equipment beyond
23 the 200-hour annual limit during the variance period, subject to the conditions in the proposed order. The
24 need for a variance arose from a series of unanticipated and unpredictable Southern California Edison
25 (SCE) power failure events that were outside Petitioner's reasonable control. Beginning on February 18,
26 2026, Petitioner experienced SCE outage events that required extended emergency operation of the
27

1 generator. Those February outages caused the generator to accumulate more than 125 hours of operation
2 early in the 2026 calendar year. At that time, however, Petitioner still reasonably expected to maintain
3 compliance with the 200-hour annual operating limit because the generator remained sufficiently below
4 the annual limit for typical occasional emergency operations and Petitioner had no basis to expect that
5 significant additional extended outage events would occur later in the year. However, additional
6 unanticipated and extended SCE outage events occurred in May 2026, including an outage from May 15,
7 2026 through May 17, 2026. As a result of these SCE outages in May and the need to maintain
8 emergency backup power for the Sierra Peak cell tower, the generator accumulated more than 200 hours
9 of accumulated operation year-to-date as of May 17, 2026. The exceedance was not the result of ordinary,
10 elective, or discretionary use of the generator, but rather the cumulative result of extended emergency
11 operations during unanticipated utility outages. Because Petitioner has already exceeded the 200-hour
12 annual operating limit and because deactivating the generator during future utility outages would disable
13 the Sierra Peak cell tower and interrupt communications needed by customers, 911 callers, and
14 emergency response agencies, regular variance relief is necessary in order to allow for potential additional
15 emergency operations for the remainder of the year. The proposed variance conditions are tailored to
16 address that need by limiting operation of the engine to emergency usage as well as limiting maintenance
17 and testing to no more than 1.0 hour per month.

18 3. The parties agree to have the Declaration of Zachary Feingold, Regional Environmental Manager
19 for the Petitioner, admitted into evidence regarding this matter.

20 4. The parties agree to incorporate all prior evidence submitted as part of the ex parte emergency
21 variance application, dated May 19, 2026, and evidence submitted in support of the interim variance
22 granted on June 16, 2026, respectively.

23 5. The parties agree on a set of Stipulated (Proposed) Findings and Decision and a (Proposed) Order
24 (which includes proposed conditions) that are attached. In their original petition for variance filed on May
25 19, 2026, Petitioner had not sought relief under Rule 1304(a)(4). The parties understand a Hearing Board
26 member later inquired about including a reference to Rule 1304. The District does not believe relief from
27 Rule 1304(a)(4) is necessary, since whether the equipment meets the requirements of the exemption is

1 determined at the time of permitting. Because granting relief from Rule 1304(a)(4) is not necessary in the
2 District's view, the District would not oppose a variance if the Hearing Board were inclined to grant relief
3 from Rule 1304(a)(4).

4 6. The District does not oppose the Petitioner's request for the granting of a variance for the
5 Petitioner.

6 7. The variance sought by the Petitioner is not expected to result in a violation of Health and Safety
7 Code Section 41700.

8
9
10 **SO STIPULATED**

11 **FOR PETITIONER:**

12 **REVIEWED AND APPROVED BY:**

Dated: July 23, 2026

13
14 By: 

15 Rick Rothman
16 Morgan Lewis, LLC
Attorney for Petitioner

17 **FOR RESPONDENT:**

18
19 By: 

20 Daphne Hsu
21 Principal Deputy District Counsel
South Coast Air Quality Management District

Dated: July 22, 2026