



Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: WT Docket No. 19-230

October 10, 2019

To Whom It May Concern,

I am writing in response to comments submitted by ExteNet Systems, Inc. (ExteNet) supporting Verizon's Petition for Declaratory Ruling Regarding Fees Charged by Clark County, Nevada for Small Wireless Facilities. Those comments previously submitted by ExteNet to the Federal Communications Commission specifically reference the City of Newark, California.

In its comment, ExteNet writes, "There are municipalities that continue to charge rates above the presumptively just and reasonable rate on an annual per pole basis. Orlando, Florida's Utility Commission insists on a rate of \$1,200 per small cell per year, while Walnut Creek, California charges \$2,000 per small cell per year, and Newark, California charges \$1,000 per small cell per year." The company's perspective of "just and reasonable" costs does not fully consider the total costs incurred by our municipal government and others like it in facilitating small cell deployments for the private sector. Our city and other units of local government obtain and maintain municipally owned right-of-way at great expense to our local taxpayers, and we believe that local governments are entitled to recover a reasonable approximation of costs associated with managing and regulating private sector use of our public rights-of-way.


The City of Newark charges a fee per small cell to cover the one-time and ongoing costs associated with permitting and maintaining sites for installations. Municipalities must balance the use of that right-of-way among competing interests including public safety, the traveling public, environmental concerns, economic development, maintenance costs, and public utility services such as water, sewer, and electricity. Telecommunications companies may use city streets and highways to provide service to their customers, after applying for and obtaining permission to use this property. Our municipal staff must process these applications from the

private sector and undertake robust public engagement and environmental requests in a timely manner, diminishing our administrative capacity to focus on other key priorities and responsibilities. Imposing a standard for reasonableness for fees will create an undue burden on communities seeking to recoup the cost and expenses of managing public rights-of-way and accommodating the impacts of telecommunication deployment thereto.

As mayor, I am committed to bridging the digital divide and ensuring that broadband is accessible and affordable for all Newark residents. However, I believe that universal access to affordable, accessible broadband service cannot be achieved through preemption of local authority; it must be achieved with public-private cooperation at all levels of government and a recognition that local governments are the most effective stewards for their communities. Therefore, we oppose limitations to the amount that cities can charge for the deployment of small wireless facilities in their public rights-of-way.

Please reach out to Newark City Manager David Benoun at david.benoun@newark.org or (510) 578-4427 if you have any questions. Thank you for your time and attention to this issue of concern. We appreciate your consideration.

Sincerely,



Mayor Alan L. Nagy
City of Newark, California