

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Petition for Declaratory Ruling Regarding Fees )  
Charged by Clark County, Nevada for Small )  
Wireless Facilities )  
\_\_\_\_\_ /

WT Docket No. 19-230

**REPLY TO COMMENTS OF EXTENET SYSTEMS, INC.**

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October 10, 2019

## I. INTRODUCTION

Pursuant to the Federal Communication Commission's ("FCC") Wireless Telecommunications Bureau's Public Notice seeking comments in the above-referenced docket,<sup>1</sup> the Town of Gilbert ("Gilbert") respectfully submits the following comments to correct the record in regard to Extenet's allegations about Gilbert fees.

Gilbert has been recognized locally and nationally for its leadership and efforts regarding the deployment of wireless and support of next-generation 5G networks.<sup>2</sup> For example, on December 4, 2017, Gilbert was one of the first communities in Arizona to implement a streamlined process for deploying small wireless facilities in its rights-of-way. Gilbert developed this streamlined process by working with representatives from communities across Arizona and leaders in the wireless industry, including Verizon Wireless. In August 2018, Gilbert Mayor Jenn Daniels was awarded the *5G Wireless Champion Award* by CTIA, the wireless association, which recognized her leadership in streamlining the ability of wireless companies to deploy next-generation 5G wireless infrastructure in the rights-of-way.<sup>3</sup> In September 2018, FCC Commissioner Brendan Carr visited Gilbert and hosted a press conference with Arizona State Representative Jeff Weninger and Gilbert Mayor Jenn Daniels.<sup>4</sup> Among the topics of discussion were the Commissioner's proposed 5G Order and Gilbert's approach to 5G.

## II. COMMENTS

On page 7 of *Comments of Extenet Systems, Inc.*, Extenet claims it has been "required to pay fees for access to the rights-of-way that are arbitrarily set or set based on perceived market

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<sup>1</sup> *Wireless Telecommunications Bureau Seeks Comment on Verizon's Petition for Declaratory Ruling Regarding Fees Charged by Clark County, Nevada for Small Wireless Facilities*, WT 19-230, DA 19-823, Aug. 26, 2019.

<sup>2</sup> *Gilbert plans for long-term prosperity with 'City of the Future' initiative*, AZBIGMEDIA, July 11, 2019, <https://azbigmedia.com/business/economic-development/gilbert-plans-for-long-term-prosperity-with-city-of-the-future-initiative/>

<sup>3</sup> *CTIA Awards Gilbert Mayor Jenn Daniels with 5G Wireless Champion Award*, CTIA Press Release, April 22, 2018, <https://www.ctia.org/news/ctia-awards-gilbert-mayor-jenn-daniels-with-5g-wireless-champion-award>

<sup>4</sup> *Commissioner Carr to Visit Arizona for 5G Events with Mayor and State Lawmaker*, FCC NEWS, September 12, 2018.

conditions as opposed to a reasonable approximation of reasonable costs incurred by the municipality.” In particular, Extenet alleges that it has been required to pay Gilbert “\$2.10 per foot on an annual basis” for access to Gilbert rights-of-way. This claim is false. In April 2017, Gilbert and Extenet entered into a license agreement, which allows Extenet to operate a private line point-to-point fiber transport service for wireless communications within certain Gilbert rights-of-way. While the license agreement refers to an annual fee of \$2.10 per linear foot of trench, Gilbert has not charged Extenet any such fee, and Extenet has not paid Gilbert any such fee.

Respectfully submitted,

/s/ Nancy L. Davidson

By: \_\_\_\_\_

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