

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Petition for Declaratory Ruling that Clark)	WT Docket No. 19-230
County, Nevada Ordinance No. 4659 Is)	
Unlawful Under Section 253 of the)	
Communications Act, as Interpreted by the)	
Federal Communications Commission, and Is)	
Preempted)	

REPLY COMMENTS OF CROWN CASTLE INTERNATIONAL CORP.

Crown Castle International Corp. and its subsidiaries (“Crown Castle”) hereby submit these reply comments in the above-captioned proceeding. Crown Castle is encouraged that so many of the commenters in this proceeding agreed with Verizon and Crown Castle’s position that Clark County’s fees are not cost-based and therefore should be preempted by the Federal Communications Commission (the “Commission”). However, Crown Castle would like to reiterate and highlight that it has raised a non-fee related concern with Clark County’s Ordinance, specifically, that the Ordinance mandates a 300-foot minimum separation distance between Small Wireless Facilities (“SWFs”).¹ This provision is discriminatory in that Clark County only requires SWFs to maintain this 300-foot separation distance – not other telecommunications equipment nor other “similarly situated providers.”² Furthermore, the County provides no technology-neutral rationale for this restriction. In fact, a mandatory 300-foot separation distance will cause an

¹ See Clark County Ordinance 4659, § 5.02.130(D).

² See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Red. 9088 (2018), *recon. pending, appeals pending*, ¶ 39.

effective prohibition of service due to certain technologies, including 5G technologies, not being able to cover the 300 feet from site to site. Consequently, this separation requirement violates the *California Payphone* standard and Section 253.³ Therefore, it should be preempted in addition to the fee provisions, or, alternatively, it should be preempted even if the Commission does not preempt the fee provisions.

Respectfully submitted,

CROWN CASTLE INTERNATIONAL CORP.

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³ See *California Payphone Ass'n*, 12 FCC Rcd 14191, 14206, ¶ 31 (1997) (“*California Payphone*”).