



THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON 02133-1053

October 16, 2018

To Whom It May Concern:

We write to express our disapproval of the FCC's "small cell" Declaratory Ruling and Order on Wireless Infrastructure (dockets WT 17-79 and WC 17-84), and the in-kind offset proposed rule, Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 (docket MB 05-311).

Among its other defects, the small cell order creates an unfunded mandate for our municipalities. Faster required application processing times may require additional staff, particularly when applications are received in bulk. Hundreds of small cells may be required even in a small geographic city like Somerville, deeply straining public resources to comply with a mandated timeline. We object to the effective limitation on what municipalities can charge telecommunications companies for the installation of 5G wireless infrastructure, effectively precluding the most related method to recover costs.

The Order exposes municipalities to the risk of litigation, for instance if a municipality cannot meet the new time requirement. Municipalities may also be called upon to defend, on a case-by-case basis, fees set higher than the FCC's thresholds, but which nonetheless represent a "reasonable approximation" of costs incurred. Concerningly, the Order provides no guidance exempting current in force contracts, opening cities and towns to the potential of significant litigation.

While we applaud the goal of reducing the digital divide and providing service to underserved areas, we do not think the Order furthers that goal. It does not require that telecommunications companies improve services to underserved areas. The cost of installation shifts to municipalities, which are ill equipped to shoulder this additional burden.

We are also gravely concerned about the proposed in-kind offset rule. Although funding for Public, Educational, and Governmental (PEG) channels is exempted from changes, in its practical implementation, the proposed rule is likely to negatively impact funding for PEG channels as municipalities' telecommunication revenue decreases.

Somerville proudly hosts what was the first PEG channel in Massachusetts, which continues to serve a vital role in information sharing and community building. The Somerville Media Center provides important career development opportunities, facilitates student learning, hosts workshops, and produces content of high relevance to the community. A cut in our PEG channel's funding decreases exactly the types of access this small cell Order purports to desire expanding.

Disturbingly, the Order and proposed rule effectively remove local control over public infrastructure that municipalities manage in the public interest. We share the concerns of the

National Governors' Association and the National Conference of State Legislatures that this Order will stymie local innovation.

We urge the repeal of the small cell order, and non-adoption of the proposed in-kind offset rule.

Thank you for your consideration,



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