To the Federal Communications Commission in the matter of:

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WIA PETITION FOR RULEMAKING, ) WT Docket No. 19-250

WIA PETITION FOR DECLARATORY ) RM-11849

RULING, AND CTIA PETITION FOR ) WC Docket 17-84

DECLARATORY RULING )

The below is filed by the City of Aberdeen in response to the 13 September 2019 public notice in the above-entitled proceeding. The City implores the FCC to use trepidation and caution as it works to facilitate the widespread deployment of small wireless infrastructure across the United States. The City is currently working with wireless companies to come to mutually agreeable solutions on the deployment of small wireless facilities in our communities; therefore, it strongly opposes any further federal regulations that impede local governments from exercising the land use authority granted to them to facilitate the siting of small wireless infrastructure in their jurisdictions. Specifically this petition requests that the FCC avoid placing additional restrictions on municipalities as they collaborate with their local wireless carriers and infrastructure providers to integrate this technology into their communities; including but not limited to those referenced in the petitions mentioned above.

We believe the WIA and CTIA petitions poise challenges to local government authority to exercise the full extent of their land use authority. We contend additional regulations limiting local leaders from performing their duty to act in the best interest of the residents of their community must be avoided.

Section 6409(a) of the Spectrum Act provides for a mandatory approval, by a governing jurisdiction, of an eligible facilities’ request of an existing structure that does not substantially change the physical dimensions of the tower or base station. In our reading the wireless industry is seeking to have the rules interpreting what constitutes a “substantial change” altered in a fashion that would more easily allow an eligible facilities’ request to qualify for mandatory approval. Aberdeen is strongly opposed to this type of proposal

Likewise, many Maryland communities have already published aesthetic standards or adopted ordinances, many of which contain aesthetic elements. Maintaining the authority to exercise oversight of wireless facilities befitting the nature of the community is crucial and these petitions will diminish that authority. Specifically the requests to limit the definition of “concealment element,” shrink the interpretation of what constitutes an “equipment cabinet,” expand the term “base station” to include the entire building or structure and discard the notion the number and size of antennas is problematic. The City of Aberdeen values the looks of our and we have gone to great lengths to guide facilities to blend into the character.

As it pertains to poles, it is not uncommon to have a utility-owned light pole placed in a municipal right-of-way and therefore be subject to any municipal laws. Requests in the petitions to allow for mandatory access to light poles on terms and conditions dictated by the federal government unravels long developed and carefully crafted work between the city and its utility providers. Again, this is seen as further erosion of local authority to govern an area in which local governments and utilities have mutually operated for years.

In conclusion the City of Aberdeen strongly urges the FCC to avoid adding additional regulations that could tie the hands of local leaders on this important issue. We opposes any attempt to limit or preempt local authority; whether through federal regulation, state legislation, or any other method.

Most respectfully,

Randy E. Robertson

City Manager

27 October 2019