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May 12, 2017

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*, WT Docket No. 16-421;
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84;
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79;
Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies and Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, ET Docket No. 13-84, ET Docket No. 03-137

Dear Madam Secretary:

The Honorable Isiah Leggett, County Executive, the Honorable Hans Reimer, County Councilmember of Montgomery County, Maryland, and U.S. Representative Jamie Raskin (MD-8th), led a delegation of Montgomery County professionals as well as staff from the County's Congressional delegation to meet with Chairman Ajit Pai and Rachael Bender, his Wireless Legal Advisor, as well as Timothy Strachan and Kevin Holmes from the Office of Legislative Affairs to discuss the above captioned proceedings. A full list of the delegation is provided below with the undersigned serving as counsel to Montgomery County.

Montgomery County's presentation was consistent with its four filings in the Mobility docket (16-421): two as part of the Smart Communities Siting Coalition and two under its own name to provide specific empirical data on the County's wireless facilities siting history. The County Executive, Councilmember Reimer and Congressman Raskin, supported by members of the delegation, made the following primary points with an emphasis on the County seeking to be a partner to the Commission in developing policies that promote broadband deployment, while also preserving local governments' ability to craft solutions to meet local needs.



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1. Montgomery County supports wireline and wireless broadband deployment

- \$40 million in new investment to build new low latency fiber connections under the Potomac River to Ashburn VA data centers, 15 wireline broadband providers, 4 major wireless carriers, and 3 cable operators
- Successful 20-year track record of reviewing 2,900 tower siting and small cell applications, and a current deployment of over 1100 wireless antennas at over 500 locations

2. FCC rules must preserve sufficient time to ensure public notice and public participation in siting decision

- Minor modifications and colocation applications have been streamlined, but sufficient time frames must be provided to allow public participation in the siting of new wireless facilities
- Shortened time frames will also add costs to application fees as local governments must increase staff to ensure compliance with timeframe

3. The FCC must complete the 2013 RF Emission Standards proceeding

- The Commission's failure to issue new standards is raised as an issue in every siting proceeding and the Commission's 20-year old standards undermine public confidence that Commission rules will address current and new wireless technology – residents are concerned about the health effects of having more antennas in their neighborhoods and closer to bedrooms.
- A determination from the FCC, which has exclusive jurisdiction to set RF emissions standards, that the 1996 standards are still sufficient or providing a 2017 update could help allay these fears¹
- The FCC should complete the 2013 RF proceeding – to help local government grow support for changes to support more wireless deployment – before taking further action to preempt local zoning

4. The FCC should not mandate preemptive zoning (“deemed granted”)

- This will drive up costs to process applications and there is no evidence that carriers face systemic delays
- There is no evidence that carriers construct facilities at an accelerated rate and volume comparable to time limits imposed by the FCC

¹ Congressional staff shared with the Commission that they are hearing from constituents regarding RF concerns in numbers equal to calls to support net neutrality.



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5. The FCC must not allow industry to conflate regulatory fees with rent

- Regulatory fees, such as permit and zoning hearing fees, are cost-based; use of rights of way should be non-discriminatory and reasonable, but not cost-based, similar to the non-cost-based federal policy of charging carriers for spectrum

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via the Commission's Electronic Comment Filing System and a copy of this submission is being provided electronically to the meeting attendees.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gerard Lavery Lederer', written in a cursive style.

Gerard Lavery Lederer

cc: Rachael Bender, Legal Advisor (Wireless)
Timothy Strachan, Office of Legislative Affairs
Kevin Holmes, Office of Legislative Affairs



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MONTGOMERY COUNTY, MARYLAND DELEGATION

MONTGOMERY COUNTY, MARYLAND

Honorable Isiah Leggett, County Executive

Honorable Hans Riemer, Council Vice-President and Lead for Digital Government

- **Tommy Heyboer**, Legislative Lead for Councilmember Riemer on Broadband Issues

County Professionals

- **H.N. Sonny Segal**, Chief Information Officer
- **Mitsuko R. Herrera**, ultraMontgomery Director
- **Melanie Wenger**, Director of Office of Intergovernmental Relations
- **Sara Morningstar**, Federal Relations Coordinator and Legislative Analyst
- **Gerard Lederer**, Outside Counsel for Montgomery County, Best Best & Krieger

MONTGOMERY COUNTY CONGRESSIONAL DELEGATION

Honorable Jamie Raskin, Representative, U.S. House of Representatives

- **Will Roberts**, Legislative Director

Office of Senator Ben Cardin

- **Gray Maxwell**, Floor Manager (similar to Legislative Director)

Office of Senator Chris Van Hollen

- **Virdini Gibbs**, Legislative Assistant

Office of Rep. John Delaney

- **Michele Viterise**, Chief Counsel

Office of Rep. John Sarbanes

- **Raymond O'Mara III**, Legislative Director