



June 2, 2020

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250; RM-11849

Secretary Dortch,

The City of Redmond, Washington (the "City") submits this letter in order to urge the Federal Communications Commission (the "Commission") to delay consideration of the Declaratory Ruling and Notice of Proposed Rulemaking pertaining to eligible facility request applications. This proposed Declaratory Ruling could not have come at a worse time: amid the global COVID-19 pandemic, subsequent stay at home orders, and ensuing national economic crisis.

The City, along with nearly every city in the United States, is adapting to the new reality: the majority of their workforce now working from home.¹ Creating online processes and procedures, using virtual meetings (both internally and with the public), and attempting to continue normal permitting processes so as to facilitate continued construction and economic growth in the City is all consuming. The City does not have the time, nor the resources, to effectively evaluate the proposed Declaratory Ruling, much less retrain staff, implement new processes, or redesign permits to implement a final order.

Rather than effectuating the Commission's goal of streamlining the eligible facility request process, a new Declaratory Ruling during the pandemic has the potential to confuse and delay permitting for both existing facilities and new deployments. In particular, the new clarifications within the Declaratory Ruling pertaining to concealment elements and conditions of approval will require significant evaluation and revisions to the current permit form in order to ensure compliance with the City code as these wireless facilities are modified over time. It may also require revisions to the City code and aesthetic requirements. As written, the proposed Declaratory Ruling encourages cities to utilize stealth aesthetic features for new facilities to ensure that the aesthetic requirements remain in effect as the facilities are modified. These proposed stealth aesthetic features stand contradictory to other types of concealment elements currently utilized by cities, which are not only useful for camouflaging wireless facilities, but also cost effective (such as fencing, architectural designs, setback requirements, shrouding and locational limitations). As written, the proposed Declaratory Ruling would hinder the ability of the City to enforce these useful concealment tools upon an eligible facilities request.

¹ The City of Redmond City Hall will not reopen until at least July 1, 2020. Even upon reopening, many staff members will not return to working on site at City Hall, due to social distancing requirements and health concerns.

Further, the Commission's comments in paragraph 41 of the proposed Declaratory Ruling requires that the City had to have had the foresight at the time of the original deployment of a wireless communication facility, to include the concealment requirements within the original permit itself, and require continued approval upon its continuing existence, in order to disqualify a proposed modification as an eligible facilities request. This is a retroactive requirement on previously issued permits.

The City supports continued development of wireless communication facilities, and has spent four years revising its code, updating its processes, and working with carriers, to incorporate streamlined processes and revised aesthetic standards to accommodate both small cell and macro facilities. The City understands the Commission's goal of facilitating deployment of 5G networks, and supports increased speed, density and access of our City's telecommunications networks. The City has been a hub of technological innovation for nearly forty years; our success comes by working in partnership with the technology and telecommunications industry. However, timing is important and, rather than encouraging partnership and cooperation, the Commission's actions by issuing the proposed Declaratory Ruling during this pandemic severely inhibits the ability of municipalities combatting this crisis to participate and provide substantive input. We are hopeful that the Commission will reconsider issuing this proposed Declaratory Ruling during this time of national emergency.

Sincerely,

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Carol Helland
Director, Planning and Community Development