



CITY OF CLAREMONT

Tony Ramos, City Manager

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June 29, 2017

Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Sir/Madam:

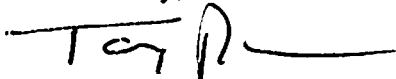
Notice of Proposed Rulemaking and Notice of Inquiry – WT Docket Nos. 17-79 and 15-180: Wireless Infrastructure NPRM

The City of Claremont, California is concerned about three issues raised in the above notice:

1. Increased role of FCC in establishing "legitimate aesthetic denials." The City of Claremont is certain that an understanding of local conditions is necessary before determining "legitimate" aesthetic concerns. The FCC does not and cannot have this understanding. For example, neighborhood and commercial character are important to both residents, and City officials in terms of an economic development tool. In this community, the downtown Village area and neighborhoods have their own aesthetic and design concerns. It is hard to see how the FCC could possibly write appropriate federal standards outlining which aesthetic elements are "legitimate" for all local jurisdictions.
2. Access to municipally owned buildings. Property rights demand that the use of municipal facilities should be reserved to the property owner, the citizens of the community as represented by their government. There is no supportable reason for giving these rights to the for-profit wireless carriers without the consent of the municipality.
3. Undergrounding. Our community has made a concerted effort to underground utilities in many areas and require all new developments within the City to do the same. To allow those efforts to be undermined without local control of wireless facilities, defeats years of local planning and expenditures. The City has been successful in negotiating with major wireless carriers to put in place regulations that the community supports and that allows wireless deployment while still protecting community values. Local governments are the appropriate decision makers on these issues.

4. Deemed Approval. The proposed "deemed approved" or "deemed granted" remedy for alleged violations of siting application timeframes is another example of the Commission seeking to infringe on local control and cross its own longstanding boundaries with respect to dispute resolution between public authorities and private entities. With the expansion of small cell infrastructure, the City expects a significant increase in the number of applications that we must evaluate in the context of community interests and impact as part of a collaborative process with providers that has served all parties well. Imposing a deemed granted rule would create incentives for providers to "game" the system by attempting to "run out the clock" for automatic approval rather than engage substantively with local authorities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Ramos', followed by a horizontal line extending to the right.

Tony Ramos
City Manager
City of Claremont

c: Congresswoman Judy Chu
Senator Dianne Feinstein
Senator Kamala Harris
Nancy Prowitt, Alcalde & Fay (prowitt@alcalde-fay.com)