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July 26, 2018

VIA ELECTRONIC FILING

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

RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84

Dear Ms. Dortch,

The City of Corvallis, Oregon submits this letter in response to NCTA's June 11, 2018 letter filed in the above-referenced docket. NCTA's letter references a "community in Oregon" that "has refused to issue permits allowing installation of Wi-Fi equipment..." NCTA does not name the community that it is accusing in this statement. Corvallis has been addressing Comcast's unauthorized placement of Wi-Fi equipment in the rights of way ("ROW"), without either applying for the necessary permits or consulting with the City prior to installing its Wi-Fi equipment, so to the extent this allegation is referring to Corvallis it is misleading and inaccurate. Corvallis strongly objects to NCTA's characterization of its actions as "abuses" when it is Comcast that has failed to follow generally applicable City codes and the terms and conditions of its negotiated franchise agreement.

There are two issues regarding Comcast's installation of Wi-Fi equipment in the City's ROW. Initially, Comcast installed Wi-Fi units in the City's ROW without application for construction permits. These installations would require a construction permit per Comcast's franchise agreement. When the City inquired about the units, the installation and their function, Comcast stated that in addition to allowing wireless access to video services, the units also provided non-cable service to non-cable customers, even though Comcast's franchise does not authorize use of the ROW to provide non-cable services to the general public. The City encouraged Comcast to apply for a telecom franchise to remedy the situation, just as the City would require a franchised telecommunications provider to obtain a cable franchise prior to using the ROW to provide cable services.

As is evident from a complete and accurate description of the circumstances, Corvallis does not serve as an example of “abusive permitting requirements” and the believes that this blatant misconstrual of facts casts a cloud over NCTA’s assertions, in particular where NCTA is not willing to identify the jurisdictions so as to afford the Commission or the public the opportunity to verify its claims. Accordingly, Corvallis respectfully requests that the Commission not rely on NCTA’s vague accusations against Corvallis or any other unnamed jurisdiction.

Further, the City objects to NCTA’s proposals as stated in the letter, which would require Corvallis to ignore the terms of its negotiated franchise with Comcast and create disparities in the City’s application of its otherwise generally applicable rights of way use requirements.

The City of Corvallis thanks you for the opportunity to submit our comments.

Sincerely,

A handwritten signature in black ink that reads "Mark W. Shepard". The signature is written in a cursive style with a large, looped initial "M".

Mark Shepard
City Manager