



CITY OF  
**MUKILTEO**

*Executive Department*

July 26, 2018

VIA ELECTRONIC FILING

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

*Re: Ex Parte Presentation, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Streamlining Deployment of Small Cell Infrastructure, WT Docket No. 16-421*

Dear Ms. Dortch:

The City of Mukilteo appreciates the opportunity to share its perspective with you as you consider small cell related regulations. Similar to other cities you've heard from on this matter, the City of Mukilteo was also a member of a consortium of Washington cities that actively engaged with the telecommunications industry on issues surrounding the deployment of small cells in the right-of-way. Over the course of two years, the City chose to work with industry to learn about the technology and to collaborate on ways to enable, not restrict, small cell deployment in the City's rights-of-way. Preemption by the FCC would render all of the City's hard work meaningless and severely limit the City's ability to manage its rights-of-way.

During those two years the City of Mukilteo worked with industry to understand the new small cell technology and the infrastructure necessary for its deployment. The small cell build-out in the right-of-way described by industry is different than any other telecommunications expansion the City has seen in the past. Historically, telecommunications build-outs involved macro towers on private property or wireline facilities generally tracing power lines in the rights-of-way. Accordingly, the City of Mukilteo's code, similar to most every jurisdiction in Washington, only accounted for those types of telecommunications infrastructure. Accordingly, the City needed to amend its code to account for the shift in focus to substantial infrastructure, including the possibility of new poles, in the rights-of-way. The City involved the industry in the revision of the city code, so the end product would properly account for the needs of the industry. The code was completed six months ago, and carriers can now apply and roll out small cell projects in the City. None have done so.

The City's code changes are the result of the City Council's consideration of many policy objectives unique to the community, and no one-size fits all FCC rule could adequately understand or account for. Mukilteo's rights-of-way are unique – including a state highway, view zones, a waterfront, a state ferry terminal with access corridors, an airport next door, calm residential communities, and busy business zones. The City has spent considerable time and money to create



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rights-of-way that work for this City and account for all of these unique characteristics. Under Washington State law, the City has the authority to manage the rights-of-way for the primary purpose of transportation and for secondary purposes including telecommunications. Preempting that authority would severely impair the City's ability to manage the rights-of-way for all purposes, which certainly is not limited to telecommunications. Small cell installations following preemption by the FCC would result in the installation of infrastructure that may be incompatible with, and detrimental to, the City of Mukilteo.

There is no question that the size and scope of the infrastructure in the right-of-way necessary to run small cells will change the look, utility, and safety of the rights-of-way. Despite this, the City understood and appreciated the need for this important infrastructure. The City actively worked to adopt new code that would allow this infrastructure rollout in a manner that would synergize with the rights-of-way as they exist now and in the future.

The City is sensitive to the desire of the telecommunications industry to deploy small cells. It further understands that the FCC wants to remove barriers to deployment. However, appropriate management of the public rights-of-way is not a barrier to deployment. What the City requests is that the FCC, which primarily focuses on communications, understand and appreciate that municipalities like the City of Mukilteo have a broader obligation to manage its rights-of-way for a range of purposes. Tying the City's hands now for the limited purpose of this single wave of telecommunications infrastructure could be detrimental to the City long after this wave of technology ends, and more likely evolves.

If you have questions regarding any of the topics addressed in this letter, please do not hesitate to contact the City of Mukilteo staff. Our public works and development services staff are available to speak to the FCC about our experience with crafting our small cell code and the technical and logistical implications of FCC preemptive action.

We appreciate your consideration of our letter.

Sincerely,

Jennifer Gregerson  
Mayor, City of Mukilteo