



City of Austin

Telecommunication and Regulatory Affairs

August 7, 2018

Federal Communications Commission
Attn: Ms. Marlene H. Dortch
Secretary
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:

As outlined in comments filed last year¹, the City of Austin has serious concerns about the Commission's clear intent to move forward with an ill-advised preemption of local authority.

Simply put, the actions the Commission is contemplating are a solution in search of a problem. The Commission appears to be on the cusp of a rulemaking that would cripple local government authority to manage valuable public property, protect public safety, preserve the aesthetic appeal of our communities, and protect the interests of other property owners. All of this damage would be done for the purpose of providing one industry and one technology with not just preferential treatment, but preferential treatment that would be subsidized by local taxpayers and by other users of public rights-of-way. (Indeed, the City struggles to identify another industry that the federal government forces local government to subsidize in such a manner. The City would argue that the Commission is setting a dangerous precedent if it continues on this path.)

The City urges the Commission to rethink this approach and to instead take a light regulatory approach in this area. Indeed, given the Commission's lack of any expertise with managing and maintaining public rights-of-way, with local land use and zoning policies, or with the distinct needs and priorities of individual communities, the City would argue that the Commission would best serve the goal of encouraging broadband deployment by restricting its role in this area, updating its standards and best practices guidance, and facilitating the sharing of them among local governments.

The idea that broad federal preemption of longstanding local authority and substantial changes to longstanding federal laws are needed to facilitate wireless infrastructure deployment is not borne out by the record. Austin eagerly supports the deployment of the most advanced communications infrastructure in our community including the deployment of Small Cell and

¹ COMMENTS OF THE CITY OF AUSTIN, TEXAS In the matter of Acceleration of Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (FCC 17-38 / WT Docket No. 17-79), June 15, 2017

Ms. Marlene H. Dortch

August 7, 2018

Page 3 of 3

other utilities that occupy the rights of way. These state regulations are being challenged by Texas municipalities in state and federal courts, with rulings expected later this year.

Austin is working with seven different wireless companies to expand broadband capacity and speed with the deployment of new small cell nodes in the city rights of way in compliance with the new state regulations. To accommodate nodes in the Great Streets and other historic districts, Austin was the first city in Texas to allow attachment of small cell wireless antennae and electronics to its traffic signal poles, and one of the first cities in the country, thereby minimizing the need to add additional poles in these sensitive and congested areas.

The pace of small cell application approval lagged initially due to the density of the existing underground utility networks in the central business district where the demand for new nodes was concentrated. This has been steadily improving as the city works with industry and other municipalities to implement best practices and streamline the application process while protecting existing infrastructure. The city implemented a compressed timeline for application reviews from the statutory review limits of 30 days for completeness check, 60 days for first review, and 90 days for review of resubmissions (30/60/90), to internal review limits of 10 days for completeness, 20 days for first review, and 10 days for review of resubmissions, (10/20/10).

The City of Austin urges the Commission to proceed cautiously and in a manner that recognizes the value of the collaborative and cooperative approach to wireless facility siting that we use in Austin. Small cell wireless deployment and coverage, while never as fast as preferred by wireless providers, is nevertheless proceeding at an increasing pace while protecting public safety, the environment, our historic neighborhoods, public rights-of-way users and the interests of neighborhoods and adjacent property owners in the affected areas.

We respectfully request that this issue be left to the direction of our state and municipal governments' control and authority.

Sincerely,



Rondella M. Hawkins, Officer

City of Austin- Telecommunications & Regulatory Affairs