



City of Portland Office of Management and Finance
Bureau of Revenue and Financial Services, Revenue Division

Office for Community Technology

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■ Broadband & Communications Policy

■ Cable Regulation & Consumer Protection

■ Utility Franchises, Licenses & Wireless

August 21, 2018

VIA ELECTRONIC FILING

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

***Re: 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;
Accelerating Broadband Deployment, Broadband Deployment Advisory Committee, GN Docket No. 17-83***

Dear Ms. Dortch:

In a July 26, 2018 filing, the City of Portland described its experience operating a small cell pilot program for attachments to investor-owned utility poles.¹ Since making that filing, the City was saddened to read the accusations contained in AT&T and Verizon's August 10, 2018 ex parte filings. Portland writes to demonstrate that the claims made in their August filing does not reflect statements made for the record by both companies. This letter will share those statements and call into question the probative value of the accusations made by the companies.

AT&T and Verizon grossly mischaracterize and obfuscate the efforts in Portland to open the right of way for small cells. Both August 10th filings completely ignore Portland's small cell pilot program, which was active for almost 3.5 years and set annual ROW fees at \$1,200 per year per node. During the pilot, Portland approved 55 of Verizon's 60 small cell applications. In addition, Crown Castle installed 11 small cells on behalf of Verizon. Although enthusiastic about the pilot before the Portland City Council, AT&T never submitted an application.

The minutes of the Council meeting on May 21, 2014, reflect Verizon's positive interest:

¹ The City of Portland disagrees with the Commission's finding of August 17th that our July 26th letter referenced here was a prohibited written presentations in the above-referenced proceedings. The City is refiling the letter for inclusion in the record out of an abundance of caution.

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Quickly, I want to say, I want to really compliment the staff. I know that you typically hear that, that's sort of the politically correct thing to say when you're in these forums, but they've really done an incredible job. Because, again, we're talking about a really important need -- not just from our perspectives as carriers, but from the community perspective. And we have that obstacle that we're up against. How are we going to do this in the time constraints that we have? How are we going to do it so that we know it's done right? And I think they've worked with us as partners to come up with a very creative way to strike that right balance. And so I wanted to make a point of complimenting them and telling you that they've been very good to work with and we feel we have a great partnership with them. – *E. Michael Connors, attorney for Verizon Wireless.*²

Similarly, AT&T's representative enthusiastically stated:

Ken Lyons with Busch Law Firm on behalf of AT&T. Thank you for this opportunity. I would echo what Mr. Connors has said about really complimenting the staff for all of their hard work and leadership in crafting a program that's like this. – *Ken Lyons, Busch Law Firm for AT&T.*³

Portland is at a loss as to why Verizon and AT&T's views have changed so drastically since 2014. Portland's pilot was never intended to be a permanent program. It ended in the fall of 2017 and we are now evaluating the data and drafting informed changes to our wireless ROW code, including revised ROW fees. Portland is also working rapidly, and with wireless carrier input, to develop signal light poles and ornamental pole specifications.

Sincerely,



Jennifer Li, Program Manager
Office for Community Technology
City of Portland

Cc: Portland Congressional delegation

² Portland City Council Minutes, May 21, 2018, page 36, accessible through <https://www.portlandoregon.gov/auditor/article/475657>.

³ Portland City Council Minutes, May 21, 2018, page 37, accessible through <https://www.portlandoregon.gov/auditor/article/475657>.



ATTACHMENT

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Broadband & Communications Policy

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July 26, 2018

VIA ELECTRONIC FILING

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

***Re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79;
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Dear Ms. Dortch:

Portland, as the largest city in the State of Oregon, understands and welcomes the benefits that 5G can bring to our residents and businesses.¹ Portland is also prepared to welcome the deployment of 5G infrastructure in our right-of-way. We make this filing, however, to introduce facts into this proceeding, which to date has been driven by hyperbole, by sharing with the Commission Portland's experience with a small cell pilot program and to show the industry's push to preempt Portland's management of its largest asset is unwarranted.

Small Cell Pilot Program – Errors and Delays Caused by Wireless Industry

From June 2014 to October 2017, the City of Portland, through the Office for Community Technology, operated a small cell pilot program for attachments to investor-owned utility poles. Any entity could participate, but only Verizon and Crown Castle (doing business in Portland as NewPath Networks) submitted applications. The City approved 66 applications, but not without significant additional work by city-staff to remedy easily-preventable applicant errors. Among the common errors were:

¹ The City of Portland has been very active in the above captioned dockets as a member of the Smart Communities and Special Districts Coalition. In every one of the Coalition's filings, Portland has required a declaration of its support for 5G deployment, but that such deployment be sensitive to the needs and interests of the local community. See e.g. Comments of the Smart Communities & Special Districts Coalition, WT Docket No. 17-79, WC Docket No. 17-84, (June 15, 2017) ("Smart Communities Comments").

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- Failure to submit the required application fee (or any application fee);
- Mathematical errors calculating total equipment volume;
- Failure to provide required documentation (i.e. photo sims or authorization from the pole owner to use the pole); and
- Failure to sign the application.

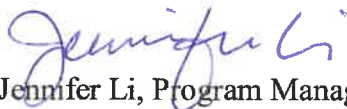
City staff time was spent working with carriers to correct basic application deficiencies. It is not that Portland is expecting all applications to be perfect, but we were surprised that not a single application was free from an easily-preventable error. We must assume that Portland's experience was not unique and that if the industry truly is experiencing delays, those delays have been likely self-inflicted.

Portland is committed to ensuring that the benefits of 5G are available to all of our residents and businesses. In an effort to meet this goal, City leadership has:

- Directed staff to analyze the data collected during the pilot program for future improvements in process and application format;
- Retained an expert to draft a Wireless Master Plan; and
- Initiated a program to expedite the deployment of small cells on city-owned poles.

Since 2014, the City has demonstrated its willingness and ability to deploy small cells. We urge the Commission to carefully assess industry's claims that local governments are barriers to 5G deployment.

Sincerely,



Jennifer Li, Program Manager
Office for Community Technology
City of Portland

Cc: Portland Congressional delegation