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TELECOMMUNICATIONS AGENCY

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August 28, 2018

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

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RE: Ex Parte Presentation, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Streamlining Deployment of Small Cell Infrastructure, WT Docket No. 16-421 – Request to Reconsider Orders

Dear Ms. Dortch:

The Marin Telecommunications Agency (MTA), a Joint Powers Authority (JPA) comprised of the County of Marin and nine cities/towns, including San Rafael, Belvedere, Corte Madera, Fairfax, Mill Valley, Ross, San Anselmo, Sausalito and Tiburon, has serious concerns about the Commission's intent to move forward with an ill-advised preemption of local authority.

As referenced above, 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, to protect public safety, to preserve the aesthetic appeal of our communities and to protect the interests of other property owners.

All this damage would be done for the purpose of providing one industry and one technology with not just preferential treatment, but preferential treatment subsidized by local taxpayers and other users of the public rights of way. The MTA is struggling to identify another industry that the federal government forces local government to subsidize in such a manner, and the MTA notes that we believe the Commission is setting a dangerous precedent if it continues along this path.

The MTA urges the Commission to reconsider these orders and to instead take a light regulatory approach in this area. The Commission does not have expertise with managing and maintaining public rights of way, with local land

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use and zoning policies, or with the distinct and often unique needs and priorities of individual communities. The MTA strongly suggests that the Commission would best serve the goal of encouraging broadband deployment by limiting or removing itself from a role in this area, and by focusing on updating its standards and best practices guidance, then facilitating the sharing of this more appropriate work among local governments.

The Commission's actions purport the idea that broad federal preemption of longstanding local authority and substantive changes to longstanding federal laws are needed to facilitate wireless infrastructure. This assertion is not borne out by the record. The MTA supports the deployment of advanced, reliable and tested communications infrastructure in our community, including the appropriate deployment of small cell and other utilities that occupy the rights of way.

Based on our information, and contrary to many of the ex parte comments from the telecommunications industry representatives that were submitted between August 8, 2018 – August 10, 2018, the pace of installation may be affected by a number of challenges, many of which originate with the telecommunications industry representatives. They include:

- Incomplete applications or lack of submittal of such; and
- Design, appropriate location and appearance issues;

The MTA urges the Commission to reconsider these Orders, and to proceed cautiously in ways that recognize the value of the collaborative and cooperative approach to wireless facility siting. Wireless broadband deployment should proceed at a pace that protects public safety, the environment, our historic neighborhoods, public rights of way users and the interests of neighborhoods and individual/adjacent property owners in affected areas.

We respectfully request that the Commission reconsider these Orders, and that the issues surrounding telecommunications infrastructure installations be left under the direction of local and state government control and authority.

Sincerely,

Paul Bourdet, for

Barbara Coler
Chair
Marin Telecommunications Agency

C: Senator Dianne Feinstein – BY MAIL AND EMAIL
Senator Kamala Harris – BY MAIL AND EMAIL
Representative Jared Huffman – BY MAIL AND EMAIL
Nancy Hall-Bennett, League of California Cities – BY EMAIL
Meg Desmond, League of California Cities – BY EMAIL
Jennifer Harmon, Deputy Director, NATOA – BY EMAIL
MTA Board members – BY EMAIL

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