



MAYOR CHRIS BEUTLER

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ELECTRONICALLY FILED

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
Washington, DC 20554

In 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

Dear Ms. Dortch:

The City of Lincoln, NE files this letter in response to the allegations against the City contained in an *ex parte* filing of Verizon on August 10th in the above captioned proceedings.¹ Lincoln is proud of our success in partnering with private companies to deploy broadband and advanced wireless infrastructure, and we have a record that is second to none in our region. Given the Commission's recent pronouncements² that it was going to provide mandated access at below market rates to public property, Verizon's actions are no surprise.

The City of Lincoln has demonstrated a strong commitment to bring services to our constituents:

- In 2012, the City of Lincoln invested public funds in building a fiber conduit network in our community. The goal was to attract broadband providers and investment by greatly reducing the cost of constructing in the public Right-of-Way (ROW) and improving the speed to market. Following the city's actions, more than \$220 million in privately-owned broadband infrastructure has been deployed in our community. These investments are directly attributed to Lincoln's nationally recognized model of "broadband deployment through partnership."
- The City of Lincoln developed and implemented a digital submission plan and review process to accelerate Small-Cell permitting process. Advanced wireless technology will ultimately play a vital role in our community and Lincoln has planned accordingly in an effort to attract "Small Cell" projects.

¹ See Letter and attachment of Tamara Preiss to Marlene Dortch of August 10, 2018 at p. 8. ("Verizon recently concluded that it would not deploy additional small cells in Lincoln, NE, at this time because of the \$1,995/year attachment rate.")

² See *FCC Announces Tentative Agenda for September Open Meeting* available at <https://www.fcc.gov/document/fcc-announces-tentative-agenda-september-open-meeting-4>

Verizon's price complaints were not shared at the local level during our negotiations. The claims in Verizon's *ex parte* filing are particularly disappointing for the following reasons:

- Verizon's representation that Lincoln's annual recurring attachment fee is a barrier to deployment is false. Lincoln has researched our rates, submitted them to national companies for evaluation, and as a result has signed small cell agreements with three different companies. Recent research submitted by McAllen, Texas as part of the lawsuit brought against the state of Texas further proves Lincoln's rate is less than national range of fees assessed for small cell attachments.
- Verizon's assertion that "...exorbitant fees are a substantial barrier to wireless broadband deployment."³ is demonstrably false. In 2016, industry representatives proposed that statewide legislation was needed to "deliver broadband to rural Nebraska." City of Lincoln staff, in partnership with the Nebraska League of Municipalities, offered to reduce fees to below market rates in return for a commitment to build out the entire state, or build anywhere in Nebraska by any specified date. Industry representatives quickly declined and admitted they had no intention of providing broadband to rural parts of our state or to any particular locations by a specific date.

While the City of Lincoln's position may appear to be the polar-opposite of Verizon, we would welcome the opportunity to meet with company officials in an effort to reach an agreement for small cell deployments in our community. Please keep in mind we must find a balance between community objectives and private interests. At this point in time we feel we have found that balance.

Sincerely,



Chris Beutler
Mayor of Lincoln

Cc Chairman Pai and Commissioners Carr, O'Rielly and Rosenworcel

³ Preiss Letter and Attachment at p.2 of attachment.