

**September 12, 2018**

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary   
Federal Communications Commission   
445 12th Street, SW   
Washington, District of Columbia 20554

*RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

Dear Ms. Dortch,

The Village of Mariemontwrites to express its concerns about the Federal Communications Commission’s proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment.

In 2007, the Village of Mariemont was designated as a National Historic Landmark. We have worked very closely with any and all small cell wireless companies who have expressed an interest in making small cell infrastructure improvements in our community. What we have found is that we must have input in each and every step of small cell infrastructure deployment to avoid having the aesthetics of our historic village ruined. We found it necessary to have a say in the type and size of the equipment to be installed, as well as the location of that equipment. Can you imagine what would happen if we had no say in the placement, type, and size of equipment to be placed in this historic Village Square.

Those at the State level must realize that when they are making decisions for large cities such as Cleveland, Columbus, Akron, Dayton, and Cincinnati, the decisions they make will also affect small communities like the Village of Mariemont, Terrace Park, Glendale, Wyoming, and others. Often times, the most attractive aspect of a smaller community is its charm, its unique architecture, and its historical feel.

While small cell infrastructure might not have any impact on cities built around businesses and industries, it could have a huge impact on communities comprised of mainly residential properties with small shops at their center.

The State must keep that thought in mind when making decisions about small cell infrastructure. Giving small cell wireless companies ‘free rein’ over the type of equipment they install and the location at which they install it, would be extremely detrimental to a community like the Village of Mariemont. That is why we join other Ohio communities and local governments in their position, as stated in the following:

While we appreciate the Commission’s efforts to engage with local governments on this issue and share the Commission’s goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal. Local governments have an important responsibility to protect the health, safety and welfare of residents, and we are concerned that these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

* **The FCC’s proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC’s previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal.
* **The FCC’s proposed definition of “effective prohibition” is overly broad.** The draft report and order proposes a definition of “effective prohibition” that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding.
* **The FCC’s proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with the FCC’s interpretation of “fair and reasonable compensation” as meaning approximately $270 per small cell site. Local governments share the federal government’s goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities?

Our village has worked with private business to build the best broadband infrastructure possible for our residents. We oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. We urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,



Dan Policastro, Mayor

Village of Mariemont