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September 13, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 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:

On behalf of our 370 member cities, the Kentucky League of Cities (KLC) writes to express our 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.

We appreciate the Commission's efforts to engage with local governments on this issue, and Kentucky's city leaders share the Commission's goal of ensuring efficient, safe and appropriate deployment of new broadband technology. However, we remain deeply concerned about several provisions of this proposal. City leaders have an important responsibility to protect the health, safety and welfare of residents; we believe these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

KLC has the following major concerns about the declaratory ruling and report and order:

- **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 a negative impact on historic preservation, the environment or community safety. The addition of up to 3 cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry such 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 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" to mean approximately \$270 per small-cell site. Our local governments share the federal government's goal of ensuring affordable broadband access, regardless of income level or home 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. Furthermore, the Commission has moved away from rate regulation in recent years. Narrowly dictating the rates charged by municipalities of all shapes and sizes is an abrupt reversal of policy.

KLC opposes this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our communities. We urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bryanna", with a stylized flourish extending from the end.

Bryanna Carroll
Director of Governmental Affairs