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September 14, 2018

Marlene Dortch, Secretary
Federal Communications Commission
445 12th St SW
Washington, D.C. 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

Dear Ms. Dortch:

As a member of the Broadband Deployment Advisory Committee's Removing State and Local Regulatory Barriers Working Group ("Barriers Work Group."), I am filing this letter to share my disappointment with the way the work of the group was reported in the Federal Communications Commission's draft Declaratory Ruling and Third Report and Order ("Draft Order") which is scheduled for a vote on September 26, 2018.¹ Neither I, nor the other local government representatives on that working group, agreed with the Barriers Working Group's conclusions, and independently developed a minority report to express our objections in detail. The majority of the working group minimized local government input into their report and voted to exclude our minority report from the documents delivered to the full BDAC. Nevertheless, we filed that minority report with the Commission,² and it remains part of the record underlying the BDAC's work. I believe that fairness dictates that in the repeated references to the Barriers Working Group report,³ there should be at least a single note that there exists a Local Government Minority Report. Adoption of a report by the BDAC does not seem to be required for inclusion in the Draft Order, either. It references the Rates and Fees working group's draft report, which the BDAC has not adopted.⁴ And it cites that draft report for its page "listing 'Local Government Perspectives,'" yet makes no mention of local governments' minority report.⁵

To the extent the Commission cites BDAC materials, it should also acknowledge the dissenting views included in the BDAC's record, particularly when referencing local government perspectives, which have been consistently minimized throughout the BDAC's process and working group reports. For

¹ Draft Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC-CIRC1809-02 (rel. Sep. 5, 2018) ("Draft Order").

² See Minority Report Submitted by McAllen, TX, San Jose, CA, and New York, NY, GN Docket No. 17-83 (Jan 23, 2018).

³ See, e.g. Draft Order at ¶ 27, fn. 55, 58; ¶ 58, fn. 155; ¶ 70, fn. 194.

⁴ *Id.* at ¶ 70, fn. 196.

⁵ *Id.*

the Commission's convenience, the minority report prepared by local governments is available in ECFS here: https://ecfsapi.fcc.gov/file/101232920908470/30469970_1.PDF.

Thank you for your attention to this concern.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kevin Pagan', with a long, sweeping horizontal stroke extending to the right.

Kevin Pagan
City Attorney
City of McAllen, TX