



CITY OF EVERETT  
Office of the Mayor

September 13, 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,

On behalf of the City of Everett, WA, I am writing to express my city's 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. Everett is a city of a little more than 100,000 residents situated in the Puget Sound area about 25 miles north of Seattle. We are home to Boeing, Funko (a global toymaker), and Naval Station Everett.

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 co-location 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. **Like many cities and counties, Everett is constricted by its budget to provide quality services to its residents while minimizing costs to the taxpayers. Such short and strict shot clocks contemplated by the proposal would severely undermine Everett's ability to provide quality review of small cell deployments aimed at promoting the health, safety, and welfare of our general public.**



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- **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. **For all communities, including Everett, certainty in the law minimizes risk and increases quality of services to businesses and residents alike.**
- **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? **Everett has successfully negotiated a fair and reasonable recurring site license for future AT&T small cell deployments on City poles. This annual license fee is based on the fair market value of such a site. In addition to providing coverage for City right-of-way costs, it provides a small but valuable revenue stream that can encourage innovations and implementation of smart city initiatives, of which Everett very much intends to be a part. A market rate, recurring site license fee is a benefit to both wireless providers and residents in Everett.**

Our city has worked with private business to build the best broadband infrastructure possible for our residents. We have two small cell franchise holders in Everett, and are excited for the growth in technology and innovation we expect small cell deployment to bring to Everett. This growth should not be at the expense of a city's role in maintaining control over its rights of way and the preservation of the health, safety, and welfare of our general public. 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,



Cassie Franklin,  
Mayor



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