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,

The City of Montgomery Council and staffwrites 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. The City of Montgomery is a primarily residential community with a large historic district and a thriving business district. While we understand the need to provide reliable broad-band services within the community, it is equally important for local government to maintain local review in order to protect the health, safety and welfare as well as the character of our communities.

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 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 City of Montgomeryhas 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,

Brian Riblet

City Manager, City of Montgomery