



Forsyth County Board of Commissioners

September 17, 2018

TODD LEVENT
CHAIRMAN

VIA ELECTRONIC FILING

Ms. 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,

As a member of the Forsyth County, Georgia Board of Commissioners I am writing to express my concerns over the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. Forsyth County is the 9th largest county in Georgia with a population of approximately 212,438 residents. The county has been working on a master agreement with utility companies for one year.

While I share the Commission's objective of finding new ways to effectively deploy broadband technologies, especially in underserved communities, we are concerned that the proposed language would significantly impede local governments' ability to serve as trustees of public property, safety and welfare. Counties own substantial amounts of public rights-of-way, which many communication providers use to construct their own communications networks. The proposed order would significantly narrow the amount of time for local governments to evaluate 5G deployment applications from communication providers – effectively hindering our ability to fulfill public health and safety responsibilities during the construction and modification of broadcasting facilities. Forsyth County strongly believes in Home Rule and we better understand the needs of our community.

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. Forsyth County is one of the fastest growing counties in the nation. With that comes extreme demands on our infrastructure, especially our roads. We passed a \$200 million transportation bond to address these critical needs. Consistently, our hold up in completing these important transportation projects are the utility companies such as AT&T, Verizon, Sprint and cable who will not move their infrastructure in a timely manner. The FCC wants a shot clock on the counties but where is the shot clock we need on the utility companies for the public good and safety of our citizens?

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. I 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?

Forsyth County has worked with private business to build the best broadband infrastructure possible for our residents. Many counties in Georgia have been working diligently with small cell providers to create a master agreement that serves everyone's needs and your interference into that process will create more problems instead of eliminating them. In our master agreement we have addressed these issues. I oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. I urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,



Todd Levent
Chairman
Forsyth County Board of Commissioners