September 19, 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,

SEMCOG writes to express our 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. SEMCOG, the Southeast Michigan Council of Governments is an organization of city, county, village, township and school officials from seven counties in which approximately four and a half million residents reside.

While we 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.

Michigan has recently gone through extensive discussion on the issue of coordinating infrastructure within the public rights-of-way, which serves as the primary area in which communication providers deploy their own infrastructure. 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 reasonably coordinate the impact that a new user of the right-of-way will have on other users. We believe that in the long run this will have significant financial impacts on all right-of-way users in the future.

* **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.
* **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.

SEMCOG in partnership with our member communities has serious reservations regarding this declaratory ruling. While we support the goal of full deployment of wireless services, we are also concerned that hasty installation that does not properly take into account all of the other users of the rights-of-way can cause many more problems in the future. We urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,



Kathleen Lomako, AICP, CAE

Executive Director