**SECTION 3 OF THE VILLAGE OF CHEVY CHASE**

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via electronic filing

September 18,2018

Ms Marlene H. Dortch, Sec’y

Federal Communications Commission

445 12th St. S.W.

Washington, D.C. 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 elected Council of Section 3 of the Village of Chevy Chase, Md., we are writing to express our concerns about the FCC’s proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. We

are a small municipality with two-way, 16’ wide streets. We have to be very careful about where we place No Parking and other signage simply because in order to back out of one’s driveway, a post for a street sign could be demolished by that quotidian act.

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 our residents and we are therefore concerned that these preemption measures not only compromise that responsibility but they expose wireless infrastructure providers to unnecessary risk and liability.

\*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 a 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. For example, the grassy area between the curbs in our streets is only 21 to 24” wide…meaning that some of this equipment could well exceed the space available so our ability to work with providers on the location of this equipment is essential.

\*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 vague set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments like ours to the likelihood of more, not less conflict and litigation over requirements of aesthetics, spacing and undergrounding. We are a very small community and there are many like ours all over the country.

\*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. We would like the opportunity to negotiate our own arrangements with wireless providers which might mean benefits provided to the larger community. Locking us into a flat rate structure could be detrimental to both parties. Technology is moving so quickly in this area that shoe-box size antennas attached to existing wires may soon preclude the necessity of so many towers and boxes to service them. We are also concerned that providers regularly maintain this equipment so that it doesn’t become a rusty eyesore in our communities. Having individual arrangements with providers where we mutually agree on type, size, location and maintenance responsibilities is a much better way to handle this issue.

Section 3 is eager to provide our residents with the best broadband infrastructure possible. 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,

Andy Leon Harney, Village Manager on behalf of the

Elected Council of Section 3 of the Village of Chevy Chase