



COBB COUNTY MANAGER'S OFFICE

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Rob Hosack
County Manager

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

Dr. Ms. Dortch:

Cobb County, Georgia 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. Cobb County is a large suburban community northwest of Atlanta, and currently has over 700,000 residents.

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. 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.

- **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. Cobb County presently has in place a small cell

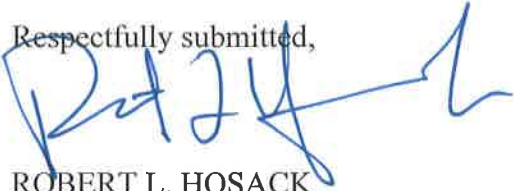
policy and has agreements in place with three telecommunications providers. This process is working for all parties, and we currently boast an average 5-day turnaround time for review of small cell applications. However, our staff would not be able to adequately review the expected inundation of applications for use of poles that are not, or may not be, suitable for pole attachments in our rights of way within the new shot clock deadlines. Undoubtedly such a situation would impede the ability of the County to maintain our rights of way in a safe manner for the traveling public, 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. Most subdivisions within our community have undergrounding requirements for *all* utilities operating in the rights of way, for which private enterprise has paid enormous sums of money. Allowing telecoms to place virtually unlimited new structures within the rights of way would defeat the purpose of such undergrounding requirements as well as reduce property values. The ability of the County to have some discretion in the location and spacing of new poles is critical to management of the rights of way for the safety and welfare not only of our citizens, but to all those who perform work on structures within the rights of way.
- **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 counties and municipalities? Cobb County follows the Georgia Department of Transportation's rules regarding fee structure for attachments in its rights of way. This fee structure was established by GDOT after performing an analysis of costs to obtain, monitor and maintain rights of way in Georgia. Thus, the rates Cobb County charges already are cost-based, and should not require further proof for every small cell permit to be issued. Such a system would further increase the County's costs to manage its rights of way. Further, the County's rights of way are purchased by the citizens of the County, for the benefit of the citizens of the County. The FCC's dictation of maximum fees that can be charged for use of the rights of way, which fees *do not allow recoupment of actual costs*, results in a subsidy to the wireless industry at the expense of the taxpaying citizens of our County. Other utilities are capped at the rates they may charge, and are regulated in our State by the Georgia Public Service Commission. These utilities are not subsidized by our citizens, so why should the wireless industry be so subsidized?

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Our County has 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,

A handwritten signature in blue ink, appearing to read "R. Hosack", with a long horizontal stroke extending to the right.

ROBERT L. HOSACK
County Manager, Cobb County Georgia