



City of South St. Paul

Office of the Mayor
James P. Francis

VIA ELECTRONIC FILING

September 19, 2018

Ms. Marlene H. Dortch, Secretary

Federal Communications Commission

445 Twelfth Street, SW Washington, DC 20554

Re: In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-84; In the Matter of Comment Sought on Streamlining Deployment of Small Cell Infrastructure, WT Docket No. 16-421

Dear Ms. Dortch:

The South St. Paul Mayor and City Council are hereby requesting your acceptance of this letter for filing in the above-referenced dockets on behalf of our community. South St. Paul is a first-ring suburb of the Twin City Metropolitan Area located in northern Dakota County and just south of St. Paul, Minnesota. We are home to over 20,000 residents and a growing economy. Our City prides itself on our ability to work cooperatively with various interests for the well-being of our residents and businesses. We also support the deployment of new broadband technology and have not taken any actions to delay or inhibit deployment within our boundaries.

To date, we have had only two requests for small cell placement within the City. Both of the proposed sites would be co-located on existing City infrastructure. After initial conversations in May of this year, we are still awaiting a completed application from the provider in order to allow final processing of their request.

In cutting to the quick, your proposed Small Cell order is an affront to local decision-making and an unnecessary use of your rule-making ability. We base our position on the fact that significant changes were recently enacted to Minnesota's ROW law following the 2017 legislative session. These changes followed intense and lengthy negotiations between the League of Minnesota Cities (LMC), other local government associations, wireless carriers, and cable providers. Many Minnesota cities have implemented or updated their ROW ordinances in accordance with the new law. South St. Paul is one of them.

We also believe wireless providers and local governments in Minnesota are collaboratively working to deploy small cell wireless technology within the confines of statute. This has been confirmed by wireless industry representatives during a hearing this past legislative session and through informal conversations with

representatives of LMC. We feel Minnesota cities are being unjustly hampered by your proposed ruling that effectively grants the FCC jurisdiction over all public facilities with the public rights-of-way.

Public rights-of-way in our community have many competing interests. This is further complicated by the fact we are an older community where records of older utility placements (water, sanitary sewer, storm sewer, natural gas, phone, and electric lines) are not always well documented, resulting in challenging conflicts. It is our responsibility to ensure all utilities can co-exist without causing damage or significant disruption to other users. Your draft ruling will greatly diminish our ability to successfully manage the public rights-of-way due to our limited staffing and the short time frames you are requiring.

The City of South St. Paul hereby respectfully requests that the Commission refrain from implementing the above referenced preemptions. We would also ask for your consideration of the issues raised in the letter and provide us with the opportunity to work with industry to find mutually beneficial solutions.

Thank you for the opportunity to provide our position on this matter.

Sincerely,

/s/ *James P. Francis*

James P. Francis
Mayor

cc: Senator Amy Klobuchar
Senator Tina Smith
Congressman Jason Lewis