



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,

The City of Ocala, Florida writes to express its concerns about the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. The City of Ocala is a municipality of about 45 square miles with a population of approximately 59,000 residents. The City provides electric, water and sewer, sanitation, stormwater and aviation services as well maintaining about 356 miles of road and rights of way including traffic signals, signs, pavement markings, mowing and tree trimming.

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 residents, and we are concerned that these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary 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 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 City's traffic signal and electric distribution systems are comprised of legacy structural components that were specifically designed, engineered and

installed to accommodate utility specific equipment. Additional equipment will exceed structural capability and conflict with the functional operation of existing traffic signal and electrical infrastructure. Public safety has not been mentioned and is one of our primary responsibilities. Existing infrastructure was designed for a specific purpose and with specific criteria. Adding additional structural loads can cause catastrophic failure and unduly expose the City to liability without due recourse.

- **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. As a small municipality with a long history, right of way is very limited and thus the infrastructure was sized accordingly. Ocala has been designated a Tree City USA community since the mid 1990's, which contributes to the limited right of way and spacing to accommodate additional infrastructure.
- **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 municipalities? Due to the sheer variety of real world combinations of factors, the \$270 won't cover the administration cost of the request, let alone any design and structural, installation and/or equipment upgrades required to accommodate the request.

Our city 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,

Sean Lanier, PE, CFM

City Engineer/Director

City of Ocala Engineering & Water Resources Department