



DANE COUNTY

Joe Parisi
County Executive

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,

Dane County 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 and to request that the Commission defer this item until such time that it can meet with local officials to develop rules that better reflect the challenges facing local governments when processing tower industry requests.

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.
- **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

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aesthetics, spacing, and undergrounding. There are a multitude of local issues and considerations involved in siting infrastructure in public rights of way, such as sight lines, pedestrian and vehicular traffic flow, access to fiber/utilities, location and placement of utility boxes adjacent to or on poles, etc., which is why such decisions are best dealt with at the local level with significant public input.

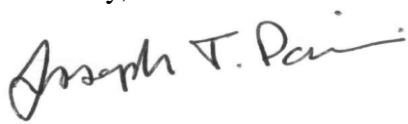
- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many communities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Every community is unique, so a one-size-fits-all approach will not work.

The current proposal fails to account for the private monetization of public lands or actual costs of processing infrastructure applications by local governments, which frequently include incomplete and misleading applications that require independent expertise to review and verify the assertions made by the applicants.

We understand that there may be some locations where excessive costs or fees are problematic for the infrastructure industry; however, we believe those to be the exception, rather than the rule. We encourage the Commission to address any such situations by providing infrastructure entities a means to seek declaratory ruling from the Commission as to the unreasonableness of the specific community.

Dane 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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph T. Parisi". The signature is fluid and cursive, with a horizontal line extending from the end.

Joe Parisi
Dane County Executive