



CITY OF HENDERSON

240 Water Street
P.O. Box 95050
Henderson, NV 89009

9/18/2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Subject: 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 Henderson writes to express its concerns with the FCC's proposed Declaratory Ruling and Third Report and Order (WT Docket No. 17-79, WC Docket No. 17-84) ("FCC Order") regarding state and local governance of small cell wireless infrastructure deployment. The FCC Order represents a direct affront to traditionally-held local authority and will complicate the City's efforts to expedite infrastructure deployment while needlessly prolonging and complicating our processes.

The City shares the FCC's goal of ensuring efficient, safe, and appropriate deployment of new 5G infrastructure as a means for Henderson to remain economically competitive and to provide the latest technologies that our citizens and businesses demand. To that end, the City established a Smart City Working Group in Fall 2017 through which City leadership and staff drafted a Smart City Strategy and Roadmap. Aided by more strategic technology choices through Smart City Planning, we envision Henderson becoming an even better place to live, raise a family and to do business. Beyond serving Henderson residents, the City seeks to become a leader and nationally recognized role model in areas such as education and delivery of premium, personalized government services. The FCC Order, however, threatens the City's work to achieve our shared goals.

• **The proposed recurring fee structure is an unreasonable overreach that will harm policy innovation.** The FCC's interpretation of "fair and reasonable compensation" represents an enormous taxpayer subsidy of highly profitable telecommunications providers that fails to impose any obligation to ensure universal service or service in underserved communities. The

FCC Order also fails to factor in the City's obligation to steward public assets, like rights-of-way and municipal facilities, by requiring payment of fair market value for their use, and equitable management of all users of the right-of-way. As part of our Smart City Strategy, the City is busy developing Wi-Fi networks for homework safe zones in our recreation centers as well as loaner hotspots and low-cost internet solutions for students. The City is collaborating with providers to form public private partnerships that ensure availability and affordability of Internet services throughout Henderson, including in our underserved areas. The City, like other local governments, negotiates with providers to ensure appropriate, market-based compensation to taxpayers for private, profit-generating use of public property and to incentivize development that benefits our community and spurs economic development. The FCC Order would prohibit the City from controlling these rates on behalf of its taxpayers, thereby limiting our ability to obtain high quality technology solutions for our community and service in underserved areas while forcing us to subsidize private telecommunications development at the cost of other critical local services such as infrastructure maintenance and public safety.

• **The FCC's proposed new collocation shot clock is unfair and inappropriate.** The reduced size per installation of small cell infrastructure does not directly translate to an accordingly reduced procedural burden on the City. As the steward for our public rights-of-way, the City must still review each proposed site and equipment deployment to ensure that it meets standards for public safety and shared usage of the rights-of-way. The FCC Order, however, designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for an expedited 60 day shot clock while applicants would be under no duty to optimize site, design and equipment selection, master plan and bundle applications, diligently pursue applications and complete proposed small cell deployments.

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. The City has worked with wireless and broadband providers to craft a development code and standard design drawings that balance stealth/low visual impact and ease of permitting. In each case the allowable installations are much smaller than 28 cubic feet. Such a cabinet will require structural analysis and based on current experience with the smaller approved cabinets and antenna analysis, anything larger and heavier will require a new pole and foundation at a much higher cost.

The City is charged with managing the public right-of-way to ensure all users, including cable, power and telecommunications providers, may deliver services efficiently and economically. The City is also charged with managing the public's investment in our roadway infrastructure. Unfettered deployment of small cell equipment of the sort enabled by the FCC Order would significantly reduce the life of that infrastructure at a time when local governments already are struggling to fund investments in maintenance.

The City of Henderson will continue to work with private business to build the best broadband infrastructure possible for our community. We oppose the FCC Order because it effectively blocks local governments from developing innovative technology solutions for their residents and business community without imposing any corresponding obligations on telecommunications providers to timely build out networks and deliver universal service. Local

September 18, 2018

Accelerating Wireline Broadband Deployment, WT Docket No. 17-79, WC Docket No. 17-84

Page 3

governments should have the time and flexibility to ensure that small cell wireless infrastructure is deployed not just quickly, but safely and correctly, in communities throughout the nation without the burden of subsidizing this highly profitable industry.

Sincerely,

A handwritten signature in cursive script that reads "Debra March". The signature is written in dark ink on a light-colored background.

Debra March
Mayor

Cc: Senator Dean Heller
Senator Catherine Cortez Masto
Representative Dina Titus
Representative Mark Amodei
Representative Jacky Rosen
Representative Ruben Kihuen