

City of Cincinnati



Mayor John Cranley

Office of Mayor John Cranley

September 18, 2018

Secretary Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

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Subject: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84 and WT Docket No. 17-79

Dear Secretary Dortch,

On behalf of the City of Cincinnati, Ohio, I am writing to express my deep concern 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 Cincinnati has a demonstrated record of welcoming the rapid deployment of new technology. Two years ago, we embarked on a collaborative process with wireless service providers and related entities to develop a streamlined approach to small cell regulation. Our approach has been cited by industry publications¹ as an example of how municipalities and industry can reach mutually agreeable outcomes without abdicating local responsibility to protect the public welfare with regard to safety, aesthetics, and access to the public right-of-way.

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. We are concerned that these preemptive measures would compromise municipal authority, generate widespread backlash from ordinary constituents that have an expectation of involvement in matters of local control, and also expose wireless infrastructure providers to unnecessary liability. There is a more reasonable approach that serves both local and FCC goals.

In Cincinnati's case, as well as for other cities across Ohio, the FCC's actions would have the effect of "fixing" a problem that no longer exists in the state. Throughout the last calendar year many communities across Ohio, including Cincinnati, worked diligently with wireless telecommunications companies to arrive at a mutually agreeable approach to small cell facility shot clocks, fees, design guidelines, and property access. After months of work, the interested parties (cities, wireless providers and Ohio legislators) reached a consensus resolution that addressed the telecommunication industry's real concerns of ensuring greater predictability in deploying new technology throughout Ohio, while respecting the character of local municipalities and protecting our infrastructure investment.

¹ See J. Sharpe Smith, *Cincinnati, Wireless Industry Collaborate on Wireless Ordinance*, AGL (Oct. 18, 2016) available at: <http://www.aglmediagroup.com/cincinnati-wireless-industry-collaborate-on-wireless-ordinance>.

The outcome of that compromise is House Bill 478, which was signed into law earlier this year by Governor John Kasich. If the proposed rule were to take effect, the hard work and equitable compromise accomplished through the bill will be undone. Therefore, we oppose this effort to restrict local authority and urge you to oppose this declaratory ruling and report and order.

We join with other local governments in Ohio in opposing the proposed rule. The combined effect of the proposed limits on review timeframes and fees, and unclear definition of effective prohibition is to incentivize the proliferation of small cell wireless facilities in public rights-of-way by telecom providers outside of a planned and coordinated process, and without consideration of public health, safety, and welfare.

We oppose this effort to restrict local authority, undo the mutually agreeable State of Ohio and telecom industry approach to small cell innovation embodied in H.B. 478, and inadvertently curb local innovation. We urge you to oppose this declaratory ruling and report and order.

Sincerely,



John Cranley
Mayor

Cc: Senator Sherrod Brown
Senator Rob Portman
Congressman Steve Stivers
Congressman Troy Balderson