



## COUNTY OF GRANVILLE, NORTH CAROLINA

141 WILLIAMSBORO STREET, POST OFFICE BOX 906, OXFORD, NORTH CAROLINA 27565

OFFICE OF THE MANAGER  
(919) 693-5240

September 18, 2018

Chairman Ajit Pai  
Federal Communications Commission  
445 12th Street SW  
Washington DC 20554

Chairman Pai:

We write on behalf of Granville County, North Carolina in connection with the proposed Declaratory Ruling and Third Report and Order (R&O) in WT Dockets 17-79 and 17-84 under consideration at the September 26, 2018 Commission meeting.

The proposals contained in the R&O appear to have been developed without any significant input from local government. The Commission is proposing to preempt a variety of local controls over local public lands (rights of way) that the public has a vested interest in, and which abut virtually every private property in our community. Yet the R&O proposes preemption of local regulation of wireless infrastructure on a national level without consideration of various unique local concerns that are different in every community.

The R&O recites that it was developed after "FCC leadership spent substantial time over the course of this proceeding meeting directly with local elected officials in their jurisdictions." Yet your recent Western Tour and New England Tour featured meeting with tower companies, climbing towers, touring ESPN, etc. Nowhere were meetings with local officials on this issue chronicled. Commissioner Carr's recent travels likewise featured meetings with tower companies, not local government. Local government members of BDAC have suggested that local governments' concerns were routinely marginalized in the BDAC meetings. Our community, much like other similarly situated communities, do not seek to preclude deployment of wireless services, but seek to have them deployed in a rational manner when the service providers are actually prepared to do so. The proposed R&O appears only to facilitate a "land grab" by wireless infrastructure providers to get access to public lands which they will pay virtually nothing for and monetize those lands in the future by leasing space on wireless infrastructure they place in the ROW to service providers for 10 or more times the payment that they must make for the use of the underlying land. That's a great business model for the wireless infrastructure industry, but does nothing to serve the interests of the public who are concerned about where in the ROW the infrastructure will be placed and what the infrastructure will look like. There are a multitude of local issues involving in

siting infrastructure in ROW, including sight lines, pedestrian and vehicular traffic flow, access to fiber/utilities, location and placement of utility boxes adjacent to or on poles, etc. which are best dealt with at the LOCAL level. We have no issue with standardization of definitions (though we note that the Commission's proposed "small cell" definition is at odds with the definition adopted in the 21 states where the wireless infrastructure bill has been adopted, and which appears to be the genesis of much of the R&O).

We strongly oppose the Commission's efforts to dictate what is a "reasonable" fee for application processing of small wireless infrastructure as well as what is a "reasonable" recurring fee for use of a public right-of-way. Every community is different and a "one size fits all" approach will not work. While there may be some places where excessive costs or fees are problematic for the infrastructure industry, we believe those to be the exception and not the rule and the Commission could address that problem by providing infrastructure entities a means to seek declaratory ruling from the Commission as to the unreasonableness of the specific community rather than blanket every community with artificially low fee caps that fail to account for the private monetization of public lands or actual costs of processing infrastructure applications by local government, which include incomplete and misleading applications in numerous instances that require independent expertise to review and verify the assertions of the applicants. Numerous examples exist of proposals purporting to construct a particular type of infrastructure which after completion turns out to be taller/wider/larger than proposed or not concealed as proposed.

We therefore request the Commission defer this item until such time as it can meet with local officials to understand the complexities and challenges local government faces in processing these tower industry requests (often without a committed service provider in place) and develop rules arising from input from ALL affected parties (public, local government and the infrastructure industry) instead of simply adopting the infrastructure industry's position on these issues.

Sincerely,



Michael S. Felts  
County Manager

cc: Michael O'Rielly  
Brendan Carr  
Jessica Rosenworcel