



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 National Association of Towns and Townships (NATaT), and the more than 10,000 communities we represent, supports the deployment of 5G networks and the numerous benefits it will bring including faster broadband speeds and pervasive connectivity to a vast array of applications, devices, and services that benefit consumers, businesses, and municipal governments alike. However, we are concerned with the Commission's proposed Declaratory Ruling and Third Report and Order, which we believe will limit the ability of local governments to regulate the use of, and effectively manage the public rights-of-way, and to receive fair compensation for its use. It is the duty of local governments to ensure that their streets and highways remain safe, that they preserve the aesthetic quality of their neighborhoods and business districts, and that their citizens' property values are protected. The Commission's actions call these outcomes into question.

When given the opportunity to work with the telecommunications industry, we have sought to find the right balance between the timely deployment of infrastructure and respecting the needs of our communities. And yet, the Commission's proposed actions upend that balance in favor of industry over local concerns. We are particularly concerned with two provisions in the Commission's proposal.

- **The proposed fee structures would hamper the ability of municipalities to recover their costs.** The Commission defines reasonable recurring fees to be limited to \$270 per site, per year. The FCC also limits application fees for all small wireless facilities to \$500 for up to five sites, and \$100 per site for each site thereafter. Towns and townships have a duty to their residents to assess appropriate compensation to cover the use of the public rights-of-way. Limitations on fees would prove costly and disruptive to local governments and impact our ability to properly review applications. Why should our towns and townships be forced to, in effect, subsidize the deployment of wireless facilities, particularly as compared with other users of the right-of-way that do pay market-based fees?
- **The proposed shot clocks would unfairly and unreasonably reduce the time needed for proper application review.** The Commission's proposal creates two new categories of shot clocks for small cell wireless facility review. Local governments would have 60 days to complete review of

applications for collocated small cells, and 90 days for small cells on new structures. These shot clocks include “all aspects of and steps in the siting process,” including mandatory pre-application procedures, public notice and meeting periods, and construction permitting. Local governments must adequately review the siting applications they receive for purposes of safety, aesthetics, and other concerns. Shortening the shot clocks will drive up the costs of processing these applications through increased pressures on local government staffs and budgets. This is especially true for rural municipal governments that oftentimes lack adequate staffing and funding and therefore require more time to review applications. In addition, many local governments will likely be burdened by the large volume of simultaneous siting applications submitted by multiple wireless carriers – a problem not addressed in the Order.

In the vast majority of cases, industry and local government work effectively to site wireless facilities in a timely basis. NATaT and our members will continue to work with telecommunications providers to reach agreements for small cell deployments in our communities. However, we oppose any effort to undermine local authority and we urge you to oppose this Declaratory Ruling and Third Report and Order.

Respectfully submitted,

David Sanko, President
National Association of Towns and Townships