



CITY ADMINISTRATION

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September 18, 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:

I write on behalf of City of Yuma 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. The City of Yuma is located along the Colorado River in Southwest Arizona. Both U.S. Marine Corps Air Station and U.S. Army Proving Ground are located in Yuma. The City has approximately 100,000 citizens with agriculture being a 3 Billion dollar industry. The City is very forward thinking and its business friendly approach has brought in several new manufacturing facilities, aerospace manufacturing firms, and has put it in the top 25 Cities the last three years for job growth in the U.S.

We share the Commission's objective of finding new ways to effectively deploy broadband technologies within the City of Yuma and we are already doing so. We have been a very underserved rural community for broadband and as such the City went out to recruit private companies to come to Yuma to help to alleviate this problem. This ruling may cause some issues with the on-going Citywide private company deployment of a broadband system providing Gigabit wireless with 5G capability. It may undermine this agreement and 10 million dollar private sector investment in our community. As we all have seen over the past few years, Mobile Wireless companies are touting 5G deployments of small cell technology, yet they bring in equipment that is not 5G nor is it "small" cell. The wireless company's small cell size is often greater than 7 ft tall, nearly as wide, and consists of repackaged 4G equipment. As the FCC knows, the short ranges of 5G and lack of penetration will require deployment on nearly every block within a City in order to provide the required coverage. The City of Yuma is currently accomplishing this with a private sector deployment in a small form factor of 5 square inches vs the 7 square feet being deployed by other carriers. Innovation and local government working with the private sector in partnership is the way to go.

We know that the proposed language may significantly impede the City of Yuma and other local rural governments' ability to modernize our broadband infrastructure and lock us into the antiquated path wireless carriers have traditionally provided the rural areas of the US. Excessive federal regulations contribute to much of the problems rural communities are besieged by and we urge the FCC and the federal government to see where they can cut regulations rather than increase them via this ruling.


As we know, Broadband deployments are normally driven by the ability for wireless carriers to make a return on investment. Without the volume of users present, 5G will not be deployed into smaller rural areas without the payback. As outlined in this FCC ruling it will help to undermine the Public Private Partnerships put together by the rural areas. We exist to serve our citizens and are trustees of public property, safety and welfare. Cities and our local citizen's own substantial amounts of public rights-of-way and legislating by one size fits all is counter to what is needed in our area. The proposed order would significantly narrow the amount of time for local governments to evaluate 5G deployment and if they are just more 4G equipment that lacks the promise of 5G. We believe this added burden of FCC regulations will effectively hinder our ability to fulfill our citizen's needs and possibly affect our partnership with FIRSTNET for public safety while undercutting our responsibilities during the construction and modification of broadcasting facilities to protect our citizens homes and personal property values.

- 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. This is reckless and may endanger the public. 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. Current Yuma private 5G deployment is about 25 cubic inches (not feet) and weighs less than 1 Lbs. The FCC understands towers and wind loading along with engineering requirements. It begs the question how you could have the addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not designed to carry that equipment without structural assessment.
- 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 aesthetics, spacing, and undergrounding.
- The FCC's proposed recurring fee structure is an unreasonable overreach that will harm innovation, public private partnerships, and local policy. We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Establishing a standard takes away innovation and the public private partnerships we have and continue to implement to provide real broadband access so long lacking in our community. We and all local governments, share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. The bottom line is we are already doing it and we, along with other cities have worked to negotiate fair deals with wireless providers bring win-win solution that provide additional benefits to the wireless companies and the community. The Commission has moved away from rate regulation in recent years and now seems to be backtracking by narrowly dictating the rates charged by municipalities?

Our city 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 and setting up the win-win scenarios for companies and our citizens. Cookie-cutter big regulations we know usually fail in application.

We urge you to oppose this declaratory ruling and report and order.

Respectfully,

A handwritten signature in black ink, appearing to read "Greg Wilkinson". The signature is fluid and cursive, with a prominent "G" and "W".

Greg Wilkinson
City Administrator
City of Yuma