

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 City of Roseville, California 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.

In fact, the City of Roseville has demonstrated its commitment to ensuring our community has access to the most reliable wireless/broadband technology without the need for any preemptive and prescriptive legislation. In September 2017, the City entered into a Wireless Marketing Agreement with XG Communities, LLC to provide wireless consulting, management and development services related to the use of City-owned assets for wireless telecommunications facilities. The XG Communities agreement provides a fair method for wireless companies to reserve site locations and ensures that wireless communication companies are able to do the following: (1) enter into a license or sublicense agreement for use of the City-owned property; (2) obtain a building permit; (3) obtain an encroachment permit; and (4) comply with all other applicable federal, state and local laws, ordinances and regulations all in a predictable and timely manner.

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's 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.

The City of Roseville is a full service city that includes our own energy and water utilities. This creates a unique situation the majority of other cities do not experience. Namely, we own the vast majority of vertical infrastructure within the city's rights of way. 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. Local governments are entitled to collect rent and fees for the use of their public rights-of-way and have a duty to their residents to assess appropriate compensation. In addition, by limiting the application fees, local governments will be required to absorb excess staff costs related to reviewing the applications. Limitations on fees would prove costly and disruptive to local governments and impact their ability to properly review applications. Why should local governments 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. Furthermore, there are concerns regarding the number of applications that can be submitted at one time. Local governments with limited staff must adequately review the siting applications they receive for purposes of safety, aesthetics, and other concerns. Safety can only be addressed by adequate engineering review and the proposed shot clocks will preclude that review. Furthermore, shortening the shot clocks will drive up the costs of processing these applications through increased pressures on municipal staffs and budgets.

In the vast majority of cases, industry and local government work effectively to site wireless facilities in a timely basis. The City of Roseville, California 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.

The City of Roseville thanks you for your consideration. Please contact Government Relations Administrator, Mark Wolinski (916) 774-5179 or mwolinski@roseville.ca.us with any questions.

Respectfully submitted,

A handwritten signature in blue ink that reads "Susan Rohan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Susan Rohan,
Mayor