**September 19, 2018**

Ms. Marlene H. Dortch, Secretary   
Federal Communications Commission   
445 12th Street, SW   
Washington, District of Columbia 20554

*Please consider this a statement on behalf of the City of San Antonio in regards to Docket 17-79.*

**VIA ELECTRONIC FILING**

*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*

**BACKGROUND:**

The City of San Antonio (“The City”) would like to express its concerns 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. With a growing population of 1.5 million residents, it is the City’s responsibility to ensure the community takes advantage of developing broadband technology.

The City appreciates 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. The City has successfully worked hand in hand with the telecom industry for decades in striking a balance between infrastructure development and the responsibility to protect the health, safety and welfare of residents. The City is concerned about several provisions in this proposal that compromise local government’s traditional authority and expose wireless infrastructure providers to unnecessary liability.

**ISSUES:**

* **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. 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.
  + San Antonio is celebrating its 300th anniversary and is home to the World Heritage San Antonio Missions and the Alamo. History can be found in every corner and accounting for that history may occasionally necessitate more review than the FCC is allowing in its proposal.
* **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.
  + San Antonio has negotiated agreements with companies that wish to utilize City right of way, inserting uncertainty will delay broadband deployment.
* **The FCC’s proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** The City disagrees with the FCC’s interpretation of “fair and reasonable compensation” as meaning approximately $270 per small cell site. Local governments share the federal government’s goal of ensuring affordable broadband access for every American, which is why many cities negotiate deals with wireless providers which provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Attempts to cap limit fair and reasonable compensation will result in a windfall to wireless providers and place the burden on the individuals within our community.

**CONCLUSION**: The City has worked with private business to build the best broadband infrastructure possible for the community, and opposes this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. **The City urges the Commission to oppose this declaratory ruling and report and order.**