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,

Prince William County, the second largest jurisdiction in Virginia representing over 460,000 residents, writes 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.

While we share the Commission’s objective of finding new ways to effectively deploy broadband technologies, we are concerned that the proposed language would significantly impede local governments’ ability to serve as trustees of public property, safety and welfare. Our citizens, elected officials, and County staff have engaged in productive dialogue with our wireless service providers regarding the location of wireless infrastructure. The proposed order would significantly narrow the amount of time for local governments to evaluate 5G deployment applications from communication providers – effectively hindering our ability to fulfill public health and safety responsibilities during the construction and modification of broadcasting facilities.

* **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. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed 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.
* **The FCC’s proposed recurring fee structure is unreasonable.** We disagree 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. The Commission itself has moved away from rate regulation in recent years, and Prince William County has worked extensively with wireless service providers to identify fee structures that accurately calculate the actual cost of the permit review process without becoming burdensome on industry. Without such flexibility to work with wireless providers, the community at large will in effect subsidize this one industry.

Prince William County has worked with private businesses to build an effective broadband infrastructure network for the current and future needs of or residents and businesses. We oppose this effort to restrict local authority while limiting the obligations providers have to our community. and we urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,

Christopher M. Price, AICP

Deputy County Executive

Prince William County, VA