



PALMDALE

a place to call home

September 19, 2018

JAMES C. LEDFORD
Mayor

JUAN CARRILLO
Mayor Pro Tem

LAURA BETTENCOURT
Councilmember

AUSTIN BISHOP
Councilmember

STEVEN D. HOFBAUER
Councilmember

38300 Sierra Highway

Palmdale, CA 93550-4798

Tel: 661/267-5100

Fax: 661/267-5122

TDD: 661/267-5167

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upon 72 hours notice and request.

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 Palmdale 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'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.

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. Limitations on fees would prove costly and disruptive to local governments and impact their ability to properly review applications. Local governments should not be forced to subsidize the deployment of wireless facilities, particularly as compared with other users of the right-of-way that 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. 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 Palmdale 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.

Sincerely,



James Purtee
City Manager

cc: Palmdale Mayor and City Council
Senator Dianne Feinstein
Senator Kamala Harris
Congressman Steve Knight
The Ferguson Group