



CITY OF SANTA MARIA
OFFICE OF THE MAYOR
AND CITY COUNCIL

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September 17, 2018

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:

On behalf of the City of Santa Maria, California I write to express our concerns and opposition to the Federal Communications Commission's (FCC) Declaratory Ruling regarding state and local governance of the siting of small cell wireless infrastructure. The City supports the deployment of new technology, but not at the expense of local control over land use decisions and publicly owned infrastructure. This action by the FCC would undermine existing agreements, cause confusion for local governments and the telecommunications industry, and would get ahead of Congressional efforts on this issue.

While we share the FCC's goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal. Local governments have an important responsibility to protect the health, safety and welfare of residents. Local governments are best suited to evaluate the impact of any potential infrastructure on public rights of way and ensure that facilities are sited in a way that best serves our citizens. The FCC cannot fully understand local needs, safety requirements, future development plans, or the aesthetic character of communities located thousands of miles away. A one size fits all policy does not make sense and will be unable to address the needs of diverse communities across the country.

The Declaratory Ruling would place onerous processing requirements on local governments and limit our ability to recover the costs incurred. The Declaratory Ruling would require local governments to act on any collocation requests within 60 days and any requests for new towers within 90 days. These restrictive deadlines do not provide any flexibility for the number of requests received from telecommunications companies. Although small cells are generally significantly smaller than traditional wireless infrastructure, this does not necessarily reduce review time. Each site must be reviewed individually and new concerns, such as how pole attachments may impact the structural integrity of poles must be considered. 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 Declaratory Ruling would also render existing agreements negotiated between localities and telecommunications companies void. The Declaratory Ruling could require every local government to update their ordinances on this issue and require telecommunications companies to learn an entirely new process. Finally, 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 FCC 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.

This Declaratory Ruling is seeking to solve a problem that local and state governments have already addressed. Small cell deployment is expected to increase 550 percent over 2017 levels this year. Local governments are already partnering with the telecommunications industry to deploy this technology quickly, safely, and in a way that best serves our citizens. Our City currently does not have any active applications for small cell towers, and therefore does not have any backlog or burdensome administrative wait time. We strongly urge you to oppose this Declaratory Ruling and allow local governments and the industry to continue to work together without interference.

Sincerely,



ALICE M. PATINO

Mayor of Santa Maria