



## CITY OF MURRIETA

September 20, 2018

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

**RE: OPPOSITION 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 Murrieta is strongly opposed to the Commissions proposed Declaratory Ruling and Report and Order that will clarify the scope and meaning of Sections 253 and 332(c)(7) of the Communications Act, establish shot clocks for state and local approvals for the deployment of small wireless facilities, and provide guidance on streamlining state and local requirements on wireless infrastructure deployment.

We recognize that the telecommunications industry offers many benefits in our growing economy and can share in the goal of ensuring all residents have access to affordable, reliable high-speed broadband. However, the City is concerned with the FCC's approach to meeting these goals and opposes the FCC's proposed order for the following reasons:

- **The Commissions' proposed action could force cities to lease out publicly owned property, eliminate reasonable local environmental and design review, and eliminate the ability for cities to negotiate fair leases or public benefits** for the installation of "small cell" wireless equipment on taxpayer-funded property based on updated guidance.

Currently, cities can negotiate with providers to ensure appropriate compensation to taxpayers for private, profit-generating use of public property, and to incentivize development that benefits community residents. However, action by the Commission would limit fees and rates that we could negotiate for use of public property and our ability to maximize public benefit. When cities are prohibited from controlling these rates, taxpayers could be forced to subsidize private development without any corresponding obligation on providers to serve communities in need or contribute to closing the digital divide in those markets. Although the FCC proposal allows localities

to charge fees above these levels for what are considered “reasonable approximations of costs,” the proposal opens up cities to potential litigation by providers.

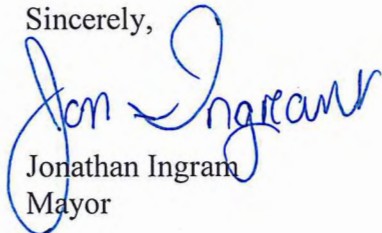
- **The proposed action by the Commission would impose unfair and inappropriate timelines on cities to review small cell applications.** As wireless carriers ramp up the development of next generation networks, cities like ours could be overwhelmed with applications for the deployment of small cell sites. An arbitrary timeline to approve or deny an application could stretch the resources of cities’ permitting departments, forcing delays on other critical projects.

New structures often require a site plan in addition to zoning permit review. Requiring batched applications to follow these shot clocks when site plans are needed places an unreasonable burden on local governments who are ensuring the safety of the community.

- **The proposed action interferes with a city’s management of its own property.** The City of Murrieta actively manages our rights-of-way to protect our residents’ safety, preserve the character of our community, and maintain the availability of the rights-of-way for current and future uses. By stringently limiting those factors that we may consider in our own land use decisions, this proposed order limits our ability to adequately serve and protect residents.

For these reasons, the City requests that the FCC reject, amend, or delay the Proposed Order.

Sincerely,



Jonathan Ingram  
Mayor

cc: Murrieta City Council