



CATHERINE E. PUGH
MAYOR

*100 Holliday Street, Room 250
Baltimore, Maryland 21202*

September 25, 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:

On behalf of the City of Baltimore, I write to express concern over the above Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order. While the City supports and champions innovation and the expansion of wireless services in Baltimore, the proposals under discussion impedes local authority and limits its ability to negotiate in the public interest. It also undermines the city's strong track record of healthy partnerships with wireless service providers that have proven to be mutually beneficial.

With over 500 wireless facilities currently deployed in Baltimore, the need to shorten shot clocks, tighten restrictions on aesthetic regulations, and curtail the fees established with the agreement of the wireless industry is as unnecessary as it is unbalanced. One size does not fit all, despite the rationale provided for it in the above document. Furthermore, the challenges that face local governments, as well as the wireless industry in deploying wireless services, are many and varied. The proper means to resolve these challenges is not to regulate with a heavy hand at the national level, but to facilitate the creation of local partnerships that find solutions to issues that are mutually agreeable, but have aroused the public and to which local governments, given their responsibility over grassroot issues like these, must respond.

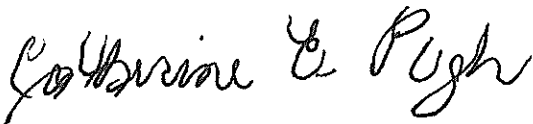
Of particular concern to Baltimore is the threat to limit local control over public rights-of-way. The City invests significantly in its ROW. It relies on ROW not only as a means to facilitate travel but to attract, enhance and sustain the City's redevelopment.

Given the need to compete in a post-industrial economy, we strive to erase the vestiges of the industrial past that have left blemishes on the City's once youthful appearance. One such vestige is the presence of over 70,000 utility poles. Many of these poles undoubtedly would make ideal locations for wireless facilities but, for aesthetic reasons, I would prefer we had fewer of them. Moreover, of those that we have, I would prefer if most of them were not required to accommodate a fixture the size of a refrigerator, as suggested in the document. Suffice to say, the City would be worse off if wireless service providers interpret the federal rules as allowing the installation of even more poles than those that now exist.

The regulations demand that Baltimore and other local governments allow the use of public ROW and public infrastructure for private gain. Given the requirement, public assets appear to be essential to the provision of these for-profit services. Yet, the regulations prohibit charging fees that might allow the public in some small way to share in the profits being made. An annual fee of \$270 per attachment, as established in the above document, is unconscionable when the facility may yield profits, in some cases, many times that much in a given month. The public has invested and installed these assets, not the industry. The industry does not own these assets; the public does. Under these circumstances, it is entirely reasonable that the public should be able to charge what it believes to be a fair price. The deployment of private assets on public infrastructure would not be harmed or otherwise disadvantaged, I submit, as an example, if the industry were to realize 98 percent of the profits generated from a given facility when local governments receive a mere two percent of the whole.

The City of Baltimore must oppose the proposed Declaratory Ruling and Third Report and Order for the reasons outlined above. I encourage the Federal Communications Commission to take a more balanced approach to the regulation of this industry, one that facilitates the creation of local partnerships to resolve issues arising from the deployment of small cells.

Sincerely,

A handwritten signature in black ink that reads "Catherine E. Pugh". The signature is written in a cursive style with a large, stylized initial "C".

Catherine E. Pugh
Mayor
City of Baltimore