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# City of Westminster

CIVIC CENTER  
8200 WESTMINSTER BOULEVARD  
WESTMINSTER, CALIFORNIA 92683  
(714) 898-3311

- FRANK G. FRY  
MAYOR
- MARGIE L. RICE  
MAYOR PRO TEM
- TONY LAM  
COUNCIL MEMBER
- KERMIT D. MARSH  
COUNCIL MEMBER
- JOY L. NEUGEBAUER  
COUNCIL MEMBER
- DON VESTAL  
CITY MANAGER

December 3, 1999

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D. C. 20554

RE: Comments in WT Docket No. ~~98-08~~ <sup>96-98</sup> - should be ~~99-217~~ <sup>98-9</sup>

Dear Chairman Kennard:

**The City of Westminster, California strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority.** Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment. We have had a great relationship with Time Warner Communications (Cable TV) and GTE California in the City of Westminster. As Part of our Plan Check Process, we condition developers of commercial properties to provide conduits for the cable company. We also verify that what is being proposed is to the satisfaction of the cable company, by not approving the plans until they are signed by the cable company. We also have a commitment to all utilities, including cable & telephone to process their encroachment permits within 24 hours. We have received many statements of appreciation from the various utilities; for courtesy and great cooperation provided by the City of Westminster.

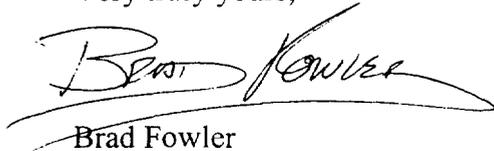
One of the problems we face is utilities trenching in the public right of way, especially when a street has been recently resurfaced. This trenching reduces tremendously the life of the street. To alleviate this impact to city streets, we have given the utilities advance notices of proposed street projects, in order for them to complete any project that would

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be within the proposed streets. There are always emergencies that do come up and these have a negative impact on the city streets without a solution at this time.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,

A handwritten signature in black ink that reads "Brad Fowler". The signature is stylized with a large, sweeping initial "B" and a long, horizontal flourish extending to the right.

Brad Fowler  
Public Works Director

ORIGINAL

WTD



ORANGE COUNTY  
**RECEIVED**  
**OFFICE OF THE CHAIRMAN**  
TELEPHONE (407) 836-7369  
201 SOUTH ROSALIND AVENUE, ORLANDO, FL 32801  
chairman@co.orange.fl.us

**RECEIVED**

JAN 10 2000

MEL MARTINEZ  
CHAIRMAN

December 6, 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

EX PARTE OR LATE FILED

Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

We strongly oppose any attempt by the Commission to preempt local communities' authority over their public rights-of-way, or local tax authority, as suggested in the Commission's Notice of Inquiry ("NOI") in this docket. This lawful local authority does not impede the development of competitive networks. Rather, it provides a fair and appropriate environment for that development, consistent with public safety and the principle of a fair return to the community for the resources used by telecommunications providers.

The telecommunications industries have not shown that their continuing growth is being hampered in any significant way by local right-of-way and tax policies. On the contrary, our community seeks to work together with telecom companies to establish appropriate conditions under which they may use our property, and to encourage competition in each telecom market.

The fundamental principle of federalism and the constitutional rights of local governments prohibit federal agencies from seizing local property for the benefit of private companies. And the Telecommunications Act of 1996 expressly preserves local authority over our public rights-of-way. Even if the Commission could successfully defy these local rights, however, doing so would result in serious adverse consequences for all affected communities: loss of crucial revenues that support vital public services, such as police and fire protection, as well as unmanaged chaos in the public rights-of-way. Thus, attempted federal preemption on behalf of the telecommunications industry would be not only unlawful, but also bad policy.

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Page two  
Chairman Kennard

The Commission has recognized the importance of vigilant restraint thus far in addressing local property rights and taxation authority. We urge you to resist the temptation to impose new federal regulatory structures and to respect the rights of local communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Mel Martinez". The signature is written in a cursive, flowing style with large, connected letters.

Mel Martinez

MM/jae



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December 7, 1999

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

Re: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Walnut Creek strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights of way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The idea that cities routinely erect barriers in the path of telecommunications infrastructure development is a myth perpetuated by some telecommunications companies who simply want to eliminate a relatively minor cost of doing business. The relatively small number of questionable examples of barriers sited by the industry in this inquiry pales in comparison with the many thousands of local agencies not mentioned who are working through the issues with telecommunications companies cooperatively on a daily basis. Like many others, our City has recognized the importance of the rapid deployment of telecommunications infrastructure to our citizens and our local economy, and has facilitated this deployment. Indeed, our City Council adopted telecommunications policies stating that the City should create incentives for greater competition and faster deployment. Our open attitude helped attract Seren Innovations to agree to install broadband telecommunications infrastructure throughout the City and provide competitive cable television, telephone and internet services. Other companies which have installed, or will be soon installing, infrastructure in the City include Pacific Bell, AT&T, Sprint, Sprint PCS, Cellular One, Pacific Bell Mobile Services, Diablo Communications, GST Lightwave, MFS and Metropolitan Fiber Network. Thus even in a relatively small (64,000 population), suburban community, the development of telecommunications infrastructure has been explosive.

At the same time, it cannot be denied that this rapid development comes with significant impacts on the community. Telecommunications companies have routinely hit other utility lines, including one instance of hitting a sewer line which caused a major

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P. O. Box 8039 ♦ 1666 North Main Street ♦ Walnut Creek, California 94596-8039 ♦ (925) 943-5800

leak of effluent which closed down a local restaurant. Trench construction has caused major impacts on traffic, contributed to the failure of pavement and disrupted businesses. While some antenna have been well integrated into buildings, others have caused major aesthetic impacts in scenic areas. Some downtown streets are literally running out of space beneath them for the installation of additional lines. We are in the best position to know how to mitigate these impacts without overly burdening telecommunications companies.

In fact, further preempting the City's right-of-way management authority would actually slow the deployment of infrastructure. While telecommunications companies want to deploy their own infrastructure as rapidly as possible, they generally do not want to see their competitors do so. For example, stories about cable companies changing their overhead wires to make a zigzag pattern to make it impossible for a competitor to use the poles, and stories about telecommunications companies intentionally striking the existing underground lines of competitors, are common. While companies can utilize surplus conduit of competitors more quickly and cheaply than installing their own, we have been told by one telecommunications company that they and others don't want to do so because they don't want to give money to a competitor. Instead, they would rather make the entire community suffer through yet another trench cut. Authority over the public rights-of-way gives local agencies the necessary tools to facilitate cooperation and rapid deployment. For example, the City received separate applications from Pacific Bell, AT&T, MFS and Seren Innovations to excavate and install fiber lines under the busiest, most congested street in the City. Through its right-of-way management authority, the City was able to get these four companies to agree to a joint trench project, thereby reducing delays, saving each company hundreds of thousands of dollars and mitigating the impacts on the street surface, traffic, and neighboring businesses and residents.

The City has managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right of way while at the same time mitigating some of the impacts of that deployment. The numerous telecommunications companies discussed above have installed infrastructure in our streets without any complaints that we were delaying their project. Not a single company has decided not to deploy infrastructure in the City because of City requirements.

The current system is working well. You have emphasized in another context that the overriding principle of the Commission should be "First, do no harm." Further preemption by the Commission would do great harm by disrupting the fine balance reached by the City and other jurisdictions which has allowed the development of telecommunications infrastructure to flourish. To the extent that fine tuning is needed, we urge you to facilitate a cooperative approach between local government and industry, such as the work through the Local and State Government Advisory Committee discussed in paragraph 80 of the Notice. Further preemption would simply harden the position of the industry and local government, and reduce opportunities for cooperation.

While the myth of local government routinely creating barriers to competition is largely a figment of some companies' imagination, the barriers that telecommunications

companies create for their competitors are real and serious. For example, the barriers created by owners of telecommunications infrastructure for shared use of the infrastructure are well documented. In the cable arena, the exclusive and/or anti-competitive contracts that the large MSO's reportedly are entering into with programmers (see e.g. comments in other proceedings filed by Seren Innovations and RCN) are major barriers to cable overbuilds. And while this inquiry focuses on barriers to building access caused by building owners, a more serious issue may be similar barriers demanded by telecommunications carriers in contracts with building owners. For example, AT&T apparently uses a standard form contract with owners of multiple dwelling units which states, "In consideration of Company's investment in the Equipment and other valuable consideration for a period of time ending on the earlier of (a) the date of termination of this Agreement, or 7 years, and to the extent allowable under Federal Law, Owner will not, without the prior written consent of Company, Operate or install or permit the operation or installation of any other antenna, receiver, converter, cable, or other signal amplifier system on the Premises for use in connection with television or radio equipment."

Finally, for the record, the Commission lacks the legal authority to further preempt local authority, and the City adopts by reference the arguments made by the League of California Cities on that legal issue.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,



Paul M. Valle-Riestra  
Assistant City Attorney

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CEL

# CITY OF SANTA ANA

MAYOR  
 Miguel A. Pulido  
 MAYOR PRO TEM  
 Thomas E. Lutz  
 COUNCILMEMBERS  
 Lisa Bist  
 Alberta D. Christy  
 Brett Franklin  
 Patricia A. McGuigan  
 Ted R Moreno



CITY MANAGER  
 David N. Ream  
 CITY ATTORNEY  
 Joseph W. Fletcher  
 CLERK OF THE COUNCIL  
 Janice C. Guy

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

December 15, 1999

Chairman William Kennard  
 Federal Communications Commission  
 445 12<sup>th</sup> Street, S.W.  
 Washington, DC 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

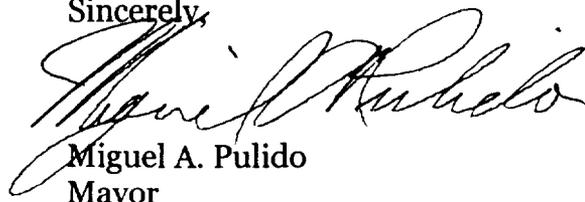
Dear Chairman Kennard:

On behalf of the City of Santa Ana I want to express our opposition to the preemption of local agencies' authority over the public rights-of-way, local zoning controls on antenna, and state and local tax authority. An appropriate regulatory balance has already been achieved by the Commission, which is allowing the telecommunications industry to grow in today's changing markets. Furthermore, any attempt to limit a municipality's jurisdiction is beyond the scope of the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

Santa Ana has recognized the importance of the rapid development of telecommunications infrastructure. In doing so, we have managed to achieve regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

I thank you in advance for your consideration of our position. If I can provide any further information on the impact of this proposal please contact me at (714) 647-6900.

Sincerely,

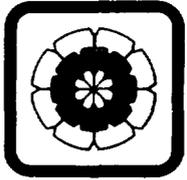
  
 Miguel A. Pulido  
 Mayor

bm

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CITY OF LOMPOC

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December 13, 1999

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

We strongly oppose any attempt by the Commission to preempt local communities' authority over their public rights-of-way, or local tax authority, as suggested in the Commission's Notice of Inquiry ("NOI") in this docket. This lawful local authority does not impede the development of competitive networks. Rather, it provides a fair and appropriate environment for that development, consistent with public safety and the principle of a fair return to the community for the resources used by telecommunications providers.

The telecommunications industries have not shown that their continuing growth is being hampered in any significant way by local right-of-way and tax policies. On the contrary, our community seeks to work together with telecom companies to establish appropriate conditions under which they may use our property, and to encourage competition in each telecom market.

The fundamental principle of federalism and the constitutional rights of local governments prohibit federal agencies from seizing local property for the benefit of private companies. And the Telecommunications Act of 1996 expressly preserves local authority over our public rights-of-way. Even if the Commission could successfully defy these local rights, however, doing so would result in serious adverse consequences for all affected communities: loss of crucial revenues that support vital public services, such as police and fire protection, as well as unmanaged chaos in the public rights-of-way. Thus, attempted federal preemption on behalf of the telecommunications industry would be not only unlawful, but bad policy.

The Commission has recognized the importance of vigilant restraint thus far in addressing local property rights and taxation authority. We urge you to resist the temptation to impose new federal regulatory structures and to respect the rights of local communities.

Sincerely,

Dick DeWees, Mayor  
City of Lompoc

c: Lompoc City Council

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CITY of BANNING

ESTABLISHED 1913

99 E. Ramsey St. • P.O. Box 998 • Banning, CA 92220-0998 • (909) 922-3101 • Fax (909) 922-3128

OFFICE of the CITY MANAGER



December 10, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Banning strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United State Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid development of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,

Don Foster  
City Manager

mc

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OFFICE OF THE CLERK

36311 Lassen Avenue • P.O. Box 339 • Huron, California 93234 • (209) 945-2241 • FAX (209) 945-2609

December 17, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Huron strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,

CITY OF HURON

Al Puente  
City Manager

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December 16, 1999

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City of  
**HIGHLAND**  
Inc. 1987



Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC 20554

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: Comments in WT Docket No. 99 - 217, CC Docket No. 96-~~007~~

Dear Chairman Kennard:

At its December 14, 1999 regular meeting the City Council unanimously instructed me to write a letter expressing our opposition to any attempts by the Federal Communications Commission to further preempt local governments authority over the public right-of-way, local zoning controls on antenna, and State/local taxing authority. Such an attempt to preempt local agencies authority is inappropriate and unnecessary. Adequate regulatory balance has already been achieved which allows the telecommunication industry to thrive. Further, an attempt by the Commission to preempt local authority is beyond its authority under the Telecommunications Act of 1996 and the United States Constitution.

27215 Base Line  
Highland, CA 92346  
(909) 864-6861  
FAX (909) 862-3180  
<http://www.ci.highland.ca.us>

City Council

Mayor  
John P. Timmer

Mayor Pro-Tem  
Ray Rucker, Jr.

Larry Brown  
John R. Starbuck  
Brad Sundquist

City Manager  
Sam J. Racadio

The City of Highland has recognized the importance of the development of telecommunications infrastructure and has in fact encouraged it. The City has provided a very adequate regulatory balance by permitting the development of telecommunications infrastructure in the public right-of-way while at the same time providing appropriate mitigation to the community for the impacts of such infrastructure development.

The City has a very fine working relationship with the telephone and cable television industry in our area. Any change in the existing relationship would cause for reduction in our harmonious relationship plus probable public outcry making development of telecommunications infrastructure more difficult, if not impossible.

To reiterate, the Commission's attempt at preempting local authority is unwarranted and very possibly beyond the Commission's authority.

Thank you for your consideration.

Yours very truly,

John P. Timmer  
Mayor

cc: City Council  
Sam J. Racadio, City Manager  
Joe Hughes, Assistant City Manager

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CITY OF SANTA MARIA  
OFFICE OF THE CITY MANAGER

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City Manager, Room 1, Ext. 200  
Personnel, Room 1, Ext. 203  
Special Projects, Room 2, Ext. 118  
Data Processing, Room 7, Ext. 236

DEC 21

December 10, 1999

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

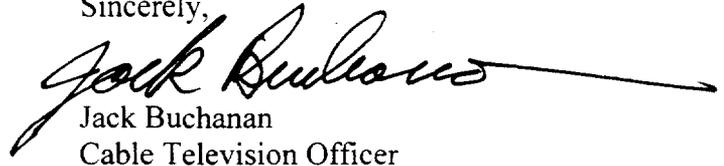
We strongly oppose any attempt by the Commission to preempt local communities' authority over their public rights-of-way, or local tax authority, as suggested in the Commission's Notice of Inquiry ("NOI") in this docket. This lawful local authority does not impede the development of competitive networks. Rather, it provides a fair and appropriate environment for that development, consistent with public safety and the principle of a fair return to the community for the resources used by telecommunications providers.

The telecommunications industries have not shown that their continuing growth is being hampered in any significant way by local right-of-way and tax policies. On the contrary, our community seeks to work together with telecom companies to establish appropriate conditions under which they may use our property, and to encourage competition in each telecom market.

The fundamental principle of federalism and the constitutional rights of local governments prohibit federal agencies from seizing local property for the benefit of private companies. And the Telecommunications Act of 1996 expressly preserves local authority over our public rights-of-way. Even if the Commission could successfully defy these local rights, however, doing so would result in serious adverse consequences for all affected communities: loss of crucial revenues that support vital public services, such as police and fire protection, as well as unmanaged chaos in the public rights-of-way. Thus, attempted federal preemption on behalf of the telecommunications industry would be not only unlawful, but bad policy.

The Commission has recognized the importance of vigilant restraint thus far in addressing local property rights and taxation authority. We urge you to resist the temptation to impose new federal regulatory structures and to respect the rights of local communities.

Sincerely,

  
Jack Buchanan  
Cable Television Officer

cb

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CITY OF FIREBAUGH  
NOV 7 57 PM '99



FRESNO COUNTY, CALIFORNIA

1575 ELEVENTH STREET  
FIREBAUGH, CALIFORNIA 93622-2547  
(209) 659-2043  
FAX (209) 659-3412

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December 14, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Firebaugh strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure with the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,

Fred N. Rabe  
City Engineer

FNR:ae

c: Joel Moses

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MAYOR  
DICK LYON

ORIGINAL

# CITY OF OCEANSIDE

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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DEPUTY MAYOR  
COLLEEN C. O'HARRA

COUNCILMEMBERS  
BETTY HARDING  
TERRY W. JOHNSON  
CAROL R. McCAULEY

December 13, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

I am writing on behalf of the City of Oceanside, to express our strong opposition to any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna, and state/local tax authority. Any such attempt is unnecessary as an appropriate regulatory balance has already been achieved by allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

Cities have recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions. In doing so, cities have managed to strike a regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

Please join us in opposing any attempt by the Commission to further preempt local authority.

Cordially,

Dick Lyon

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Consumer Services Department

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CONSUMER PROTECTION DIVISION  
140 WEST FLAGLER STREET  
SUITE 902  
MIAMI, FLORIDA 33130-1561

DEC 10 3 00 PM '99

Tel: (305) 375-3677 Fax: (305) 375-4120 TDD: (305) 375-4177 E-mail: consumer@co.miami-dade.fl.us

December 7, 1999

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

We strongly oppose any attempt by the Commission to preempt local communities' authority over their public rights-of-way, or local tax authority, as suggested in the Commission's Notice of Inquiry ("NOI") in this docket. This lawful local authority does not impede the development of competitive networks. Rather, it provides a fair and appropriate environment for that development, consistent with public safety and the principle of a fair return to the community for the resources used by telecommunications providers.

The telecommunications industries have not shown that their continuing growth is being hampered in any significant way by local right-of-way and tax policies. On the contrary, our community seeks to work together with telecom companies to establish appropriate conditions under which they may use our property, and to encourage competition in each telecom market.

The fundamental principle of federalism and the constitutional rights of local governments prohibit federal agencies from seizing local property for the benefit of private companies. And the Telecommunications Act of 1996 expressly preserves local authority over our public rights-of-way. Even if the Commission could successfully defy these local rights, however, doing so would result in serious adverse consequences for all affected communities: loss of crucial revenues that support vital public services, such as police and fire protection, as well as unmanaged chaos in the public rights-of-way. Thus, attempted federal preemption on behalf of the telecommunications industry would be not only unlawful, but bad policy.

The Commission has recognized the importance of vigilant restraint thus far in addressing local property rights and taxation authority. We urge you to resist the temptation to impose new federal regulatory structures and to respect the rights of local communities.

Sincerely,

Mario E. Goderich  
Director

c: Sheila Rushton, Director, CSD  
Cathy Grimes Peel, Assistant Director, CSD

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CITY OF DUBLIN

P.O. Box 2300, Dublin, California 94568

City Offices, 100 Civic Plaza, Dublin, California 94568

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OFFICE OF THE SECRETARY

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

December 9, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Dublin strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United State Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure, and has facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid development of infrastructure within the public right-of-way, while at the same time mitigating some of the impact of that development.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Sincerely,

Guy S. Houston  
Mayor

No. of Copies rec'd 0  
List ABCDE

cc: City Council

ORIGINAL

# City of Rosemead



MAYOR:  
JOE VASQUEZ  
  
MAYOR PRO TEM:  
MARGARET CLARK  
  
COUNCIL MEMBERS:  
ROBERT W. BRUESCH  
JAY T. WEEVER AL  
GARY A. TAYLOR

8838 E. VALLEY BOULEVARD • P.O. BOX 399  
ROSEMEAD, CALIFORNIA 91770  
TELEPHONE (626) 288-6671  
FAX (626) 307-9218

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 13, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Rosemead strongly opposes any action by the Federal Communications Commission to further pre-empt local government's authority over the public rights-of-way, local zoning controls on antenna, and state/local tax authority. We don't believe such action is warranted, nor do we believe it is within the Commission's authority under the Telecommunications Act of 1996 and the U.S. Constitution.

The City of Rosemead recognizes the importance and advantages of the rapid development and deployment of new telecommunications technologies and infrastructure and has encouraged it. The City has worked closely with our service provider during the recent citywide upgrade of their cable plant. They now have a state-of-the-art system capable of providing advanced telecommunication services.

We strongly believe that the local level is where public rights-of-way management issues need to reside. The Commission can better serve the public interest by ensuring that open access and universal services are available to all Americans. Thank you for your consideration.

Sincerely,

**JOE VASQUEZ**  
Mayor  
City of Rosemead

cc. City Council

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ORIGINAL

W110

EUNICE M. ULLOA  
Mayor

BRUCE ROBBINS  
Mayor Pro Tem



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GLENN DUNCAN  
EARL C. ELROD  
DENNIS YATES  
Council Members

GLEN ROJAS  
City Manager

CITY of CHINO

December 13, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard,

The City of Chino strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna, and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive.

The City has recognized the importance of the rapid development of telecommunications infrastructure within our jurisdiction, and has traditionally encouraged and facilitated this development. In doing so, we have worked cooperatively with the telecommunications industry to permit rapid development of infrastructure within the public right-of-way, while at the same time mitigating some of the impacts of that development. For example, we recently approved the installation of a wireless internet communication system through our City, with minimal fiscal impact on the requesting company. Further, we have worked cooperatively for several years with our cable television provider to assist in serving the community with the latest in home entertainment. And, recognizing the importance of the internet, we have encouraged our current franchisee to provide internet access to not only home users, but our business community as well.

In summary, it is apparent that preemption of local authority by the Federal Communications Commission is not warranted, as local government has traditionally provided sufficient regulation of this enterprise in a cooperative environment. I would appreciate your consideration of this important issue.

Sincerely,

Glen Rojas  
City Manager

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CITY OF SARATOGA

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December 9, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Saratoga, California strongly opposes any attempt by the Federal Communications Commission to further limit local government's authority over its public rights-of-way, local zoning controls on antenna installations, and state and local taxing authority. Any such controls are unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, additional such regulatory action is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City of Saratoga has recognized the importance of the rapid development of telecommunications infrastructure within its jurisdiction, and has facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment on our residents and businesses. In fact, over the past couple of years, the City has worked cooperatively with several telecommunications service providers to locate numerous antennas both within the public right-of-way and on properties owned by the City. The local application and approval process has proven to be very successful both for the City and the providers, thus demonstrating that Commission action in this regard is unnecessary.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,

Stan Bogosian  
Mayor

cc: Senators Boxer & Feinstein  
Congressman Campbell

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TOWN OF BEEKMANTOWN  
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571 Spellman Road  
West Chazy, N.Y. 12992

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(518) 563-4650  
(518) 563-0554 FAX

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ruth C. Ashline  
Secretary

Allan L. Corron  
Bldg. Codes Enforcement Off.

William Van Stockum  
Auditing/Accounting

Gerald V. Luck  
Chairman-Assessors



Dennis J. Relation  
Supervisor

James Garden  
Deputy Supervisor

Sam Dyer  
Francis E. Carter, Jr.  
Rufus "Joe" Deyo  
Councilmen

E. Tom Sears  
Highway Superintendent

Marie A. Jolicoeur  
Town Clerk/Tax Collector

1820  
December 10, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

We strongly oppose any attempt by the Commission to preempt local communities' authority over their public rights-of-way, or local tax authority, as suggested in the Commission's Notice of Inquiry ("NOI") in this docket. This lawful local authority does not impede the development of competitive networks. Rather, it provides a fair and appropriate environment for that development, consistent with public safety and the principle of a fair return to the community for the resources used by telecommunications providers.

The telecommunications industries have not shown that their continuing growth is being hampered in any significant way by local right-of-way and tax policies. On the contrary, our community seeks to work together with telecom companies to establish appropriate conditions under which they may use our property, and to encourage competition in each telecom market.

The fundamental principle of federalism and the constitutional rights of local governments prohibit federal agencies from seizing local property for the benefit of private companies. And the Telecommunications Act of 1996 expressly preserves local authority over our public rights-of-way. Even if the commission could successfully defy these local rights, however, doing so would result in serious adverse consequences for all affected communities: loss of crucial revenues that support vital public services, such as police and fire protection, as well as unmanaged chaos in the public rights-of-way.

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Thus, attempted federal preemption on behalf of the telecommunications industry would be not only unlawful, but bad policy.

The Commission has recognized the importance of vigilant restraint thus far in addressing local property rights and taxation authority. We urge you to resist the temptation to impose new federal regulatory structures and to respect the rights of local communities.

Very truly yours,

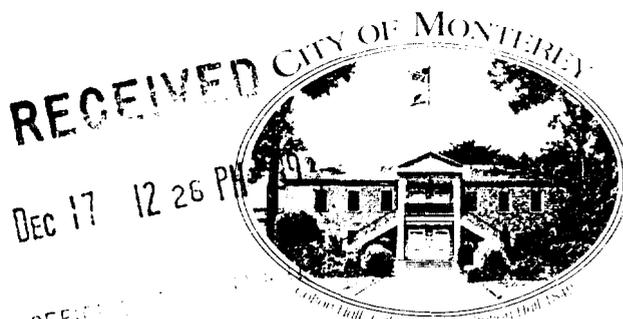
A handwritten signature in cursive script, appearing to read "Dennis J. Relation".

Dennis J. Relation  
Town Supervisor

DJR/rca

ORIGINAL

WTD



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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

OFFICE OF THE CITY CLERK  
December 9, 1999

EX PARTE OR LATE FILED

Mayor:  
DAN ALBERT

Councilmembers:  
THERESA CANEPA  
DON EDGREN  
CLYDE ROBERSON  
RUTH VIRELAND

City Manager:  
FRED MEYERER

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

We strongly oppose any attempt by the Commission to preempt local communities' authority over their public rights-of-way, or local tax authority, as suggested in the Commission's Notice of Inquiry ("NOI") in this docket. This lawful local authority does not impede the development of competitive networks. Rather, it provides a fair and appropriate environment for that development, consistent with public safety and the principle of a fair return to the community for the resources used by telecommunications providers.

The telecommunications industries have not shown that their continuing growth is being hampered in any significant way by local right-of-way and tax policies. On the contrary, the City of Monterey seeks to work together with telecom companies to establish appropriate conditions under which they may use our property, and to encourage competition in each telecom market.

The fundamental principle of federalism and the constitutional rights of local governments prohibit federal agencies from seizing local property for the benefit of private companies, and the Telecommunications Act of 1996 expressly preserves local authority over our public rights-of-way.

Even if the Commission could successfully defy these local rights, doing so would result in serious adverse consequences for all affected communities. These include the loss of crucial revenues that support vital public services, such as police and fire protection, as well as unmanaged chaos in the public rights-of-way.

Thus, attempted federal preemption on behalf of the telecommunications industry would be not only unlawful, but also bad policy.

The Commission has recognized the importance of vigilant restraint thus far in addressing local property rights and taxation authority. We urge you to resist the

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temptation to impose new federal regulatory structures and to respect the rights of local communities.

Thank you for your careful consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Dan Albert". The signature is written in a cursive, flowing style.

Dan Albert  
Mayor

c: City Council  
Congressman Sam Farr  
Senator Dianne Feinstein  
Senator Barbara Boxer

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JAN 10 2000

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DEC 17 12 25 PM '99



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**CITY OF CORONADO**

EX PARTE OR LATE FILED

OFFICE OF THE MAYOR  
1825 STRAND WAY  
CORONADO, CA 92118

December 13, 1999

**TOM SMISEK**  
MAYOR  
(619) 522-7322

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Coronado strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United State Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and has facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,

Tom Smisek  
Mayor  
City of Coronado

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ORIGINAL

*2-6-99*

PAUL COLLACCHI  
MAYOR  
MARY JO BORAK  
MAYOR PRO TEM  
NICHOLAS JELLINS  
COUNCIL MEMBER  
CHUCK KINNEY  
COUNCIL MEMBER  
STEPHEN SCHMIDT  
COUNCIL MEMBER

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701 LAUREL STREET / MENLO PARK, CA 94025-3483 / 650.858.3380 / FAX 650.328.7935

December 15, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Menlo Park strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

For the City Council,

*Janet M. Dolan*  
Janet M. Dolan  
City Manager

JMD/pc

c: Mayor and City Council

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CARROLLTON

Milburn R. Gravley  
Mayor

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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December 16, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington DC 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

We strongly oppose any attempt by the Commission to preempt local communities' authority over their public rights-of-way, or local tax authority, as suggested in the Commission's Notice of Inquiry ("NOI") in this docket. This lawful local authority does not impede the development of competitive networks. Rather, it provides a fair and appropriate environment for that development, consistent with public safety and the principle of a fair return to the community for the resources used by telecommunications providers.

The telecommunications industries have not shown that their continuing growth is being hampered in any significant way by local right-of-way and tax policies. On the contrary, our community seeks to work together with telecom companies to establish appropriate conditions under which they may use our property, and to encourage competition in each telecom market.

The fundamental principle of federalism and the constitutional rights of local governments prohibit federal agencies from seizing local property for the benefit of private companies. And the Telecommunications Act of 1996 expressly preserves local authority over our public rights-of-way. Even if the Commission could successfully defy these local rights, doing so would result in serious adverse consequences for all affected communities: loss of crucial revenues that support vital public services, (such as police and fire protection), as well as unmanaged chaos in the public rights-of-way. Thus, attempted federal preemption on behalf of the telecommunications industry would not only be unlawful, but bad policy.

The commission has recognized the importance of vigilant restraint thus far in addressing local property rights and taxation authority. We urge you not to impose new federal regulatory structures and to respect the rights of local communities.

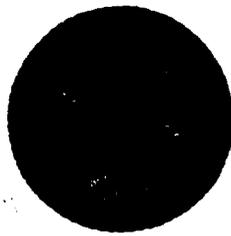
Yours truly,

*Milburn R. Gravley*  
Milburn R. Gravley  
Mayor

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CITY OF LAGUNA HILLS  
City Manager

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 16, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: **Comments in WT Docket No. 99-217, CC Docket No. 96-98**

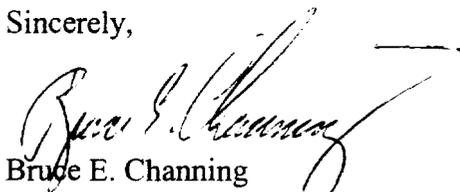
Dear Chairman Kennard:

The City of Laguna Hills strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

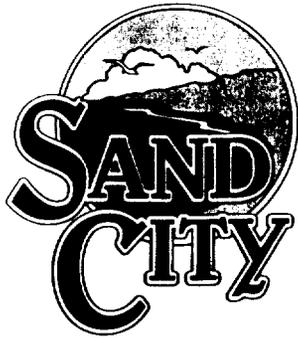
The City of Laguna Hills has recognized the importance of the rapid development of telecommunications infrastructure within our jurisdiction, and has facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

Therefore, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration.

Sincerely,

  
Bruce E. Channing  
City Manager

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December 17, 1999

JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

EX PARTE OR LATE FILED

RE: COMMENTS IN WT DOCKET NO. 99-217, CC DOCKET NO. 96-98

Dear Chairman Kennard,

The City of Sand City strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City of Sand City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Sincerely,

David K. Pendergrass  
Mayor

City Hall  
1 Sylvan Park,  
Sand City, CA  
93955

Administration  
(831) 394-3054

Planning  
(831) 394-6700

FAX  
(831) 394-2472

Police  
(831) 394-1451

FAX  
(831) 394-1038

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May 31, 1960

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 13, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Stanton strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Sincerely,

HARRY DOTSON  
Mayor

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Administrative Services 559-591-5900	FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY	Fire/Ambulance Services 559-591-5931
City Manager 559-591-5904		Parks & Community Services 559-591-5940
Community Development Services 559-591-5906		Police Services 559-591-5911

December 21, 1999

EX PARTE OR LATE FILED

Chairman William Kennard  
 Federal Communications Commission  
 445 12<sup>th</sup> Street SW  
 Washington DC 20554

Re: Comments in WT Docket 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Dinuba, California, strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,

John de la Montanya,  
 Mayor

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FEDERAL COMMUNICATIONS COMMISSION  
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WLS

December 13, 1999

EX PARTE OR LATE FILED

Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Laguna Beach strongly opposes the FCC's attempt to preempt our authority over public rights-of-way and to further modify our local zoning controls on antenna and still further control State and local tax authority. We believe that these rules are absolutely unnecessary. The telecommunications industry is very successful in our community; the entire City has been wired with fiberoptic cable and we have at least two satellite providers for television reception in addition to the cable company.

Please respect the separation of powers emanating from the Constitution and reject attempts to preempt local government's authority to regulate our streets, sidewalks, and other facilities to the benefit of the public.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth Frank".

Kenneth Frank  
City Manager

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ORIGINAL

WLB



CITY OF ORANGE

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CITY ATTORNEY — (714) 744-5580

FAX (714) 538-7157

December 20, 1999

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Chairman William Kennard  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: *Comments in WT Docket No. 99-217, CC Docket No. 96-98*

Dear Chairman Kennard:

The City of Orange, California, opposes any attempt by the Commission to further undermine our City's ability to regulate the public rights-of-way, enforce local zoning controls on antenna or to preempt state and local tax authority. The City believes there is already an imbalance in favor of telecommunications providers. No less than four telecommunications providers have laid fiber in City streets over the past two years and another is knocking on our door. Edison, Pacific Bell, Time Warner, First World Communications and now Level 3 Communications have placed fiber in City streets. There is no indication in our City that the telecommunications industry is being hindered by the current regulatory climate. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United State Constitution.

The City recognizes the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment. However, the installation of the telecommunications infrastructure is taking its toll on City streets, traffic, street capacity for other utilities, etc. The more telecommunications lines that go in, the more costly it becomes to maintain City streets, to repair and maintain vital underground utilities such as water, electricity, and sewer. It also can increase the amount of time needed to make repairs to vital public utilities and such installation can cause significant traffic congestion due to street and lane closures and this in turn can hinder the response time of police and fire. The City now has a company, Level 3 Communications, which simply wants to cut a six mile path through the City's streets, without any intention of providing services to the residents or businesses in Orange.

The City has received numerous complaints from businesses and residents concerning telecommunications providers digging up streets, undertaking shoddy repair, and placing facilities in locations which devalue property. The City has to retain people to process permits, inspect

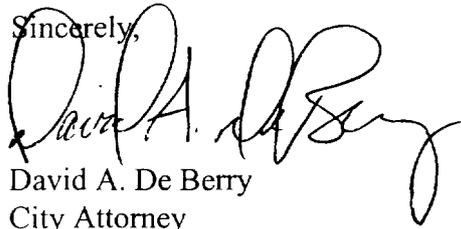
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repairs, and to respond to resident and business complaints. Recently a telecommunications provider punched a hole in the City's sewer system while boring a telecommunications line. The hole went unnoticed until the street collapsed weeks later from a slow leak. A good deal of staff time was spent first arranging for the repair, but subsequently in convincing the telecommunications provider to pay for the damage because it initially refused. There are many indirect costs being born by local agencies and ultimately local taxpayers because of the telecommunications explosion. Local agencies and taxpayers should not be called on to subsidize this industry any further.

The current regulations provide ample opportunities for telecommunications providers. Further encouragement of the industry is simply not warranted. While certainly a core purpose of the Telecommunications Act is to further the development of the telecommunications industry, it is not at the cost of all other governmental purposes, many of which are much more vital to society. Local agencies should not be hamstrung any further by additional federal regulation in their attempts to strike a balance between these competing interests.

In summary, the Commission needs to consider the significant burdens its promotion of the telecommunications industry is having at the local level. Burdens which impact businesses and residents on a daily basis. We believe that further Commission preemption of local authority is not warranted and would require a change in the Telecommunications Act itself. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. De Berry". The signature is fluid and cursive, with a large initial "D" and "A".

David A. De Berry  
City Attorney

DAD:ajj  
dad/corrs/kennardFCC

ORIGINAL

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DEC 27

CITY OF  
**HAYWARD**

HEART OF THE BAY

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 20, 1999

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Hayward strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of rapid development of telecommunications infrastructure within their jurisdictions and facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In just the past two years, for example, the city has issued permits for establishing or extending fiber optic cable systems for the following telecommunication providers: MFS, MCI, GST, EO, and Level3. This included over 35 miles of affected city right of way. This city has required all telecommunications conduit installed since July 1995 to use directional boring and to be placed under the sidewalk area, which has significantly reduced the impact to our facilities and our citizens from this work.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Sincerely,

Roberta Cooper  
Mayor

CC: Members of the Hayward City Council  
NATOA  
Jesús Armas, City Manager  
City Manager

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OFFICE OF THE MAYOR AND CITY COUNCIL

777 B STREET, HAYWARD, CA 94541-5007

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# Lexington-Fayette Urban County Government

Pam Miller, Mayor

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JAN 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The Lexington-Fayette Urban County Government (Urban County Government) strongly opposes any attempt by the Federal Communications Commission (FCC) to preempt local communities' authority to protect, preserve, and regulate their public rights-of-way or local taxing authority, as suggested in the FCC's Notice of Inquiry in this docket. Exercise of this authority by local communities in no way impedes the development of competitive networks. Instead, local, hands-on control fosters fair and appropriate development of such networks in a manner consistent with public safety. Furthermore, it is vitally important that local communities be allowed a fair return for the usage of public rights-of-way by telecommunications providers.

The telecommunications industries have failed to demonstrate that local control and management of rights-of-way have impeded their growth. In fact, the Urban County Government actively works in conjunction with telecommunications providers to establish mutually acceptable conditions under which the providers may utilize public rights-of-way. Furthermore, the Urban County Government has consistently expressed its wholehearted support for competition in all facets of the telecommunications arena.

Section 253(c) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, specifically provides that "[n]othing in this section affects the authority of a State or local government to manage the public rights-of-

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Office of the Secretary of FCC  
December 9, 1999  
Page 2

way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis..." Thus, as Congress has clearly intended to protect local government's ability to manage and control their rights-of-way, the FCC should refrain from infringing upon local government's regulatory powers.

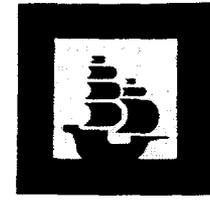
In conclusion, the Urban County Government strongly urges the FCC to avoid imposing any new federal regulatory restrictions upon local governments' ability to manage and control their rights-of-way.

  
Pam Miller, Mayor

Cc: Ken Kerns, CAO  
Larry Hornsby, Corporate Counsel  
Donna Cantrell, Commissioner  
Department of Finance  
Edwin House, Engineering Section Manager  
Division of Engineering  
M. Timothy Williams, Telecommunications Officer  
CAO's office

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OFFICE OF THE MAYOR

December 13, 1999

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Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington, D.C. 20554

Reference: Comments on WT Docket No. 99-217, CC docket No. 96-98

The City of Santa Maria strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and State and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

DONALD E. LAHR  
Mayor

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# City of Thousand Oaks

CITY MANAGER  
MARYJANE V. LAZZ

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December 13, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William Kennard, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Comments in WT Docket No. 99-217, CC Docket No. 96-98

Dear Chairman Kennard:

The City of Thousand Oaks strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting speedy deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

For example, in 1996 Thousand Oaks became one of the very few cities in the nation to offer competitive cable TV services. GTE Americast selected Thousand Oaks, served by two existing providers in separate areas, as the second market for installation of its state-of-the-art fiber optic cable TV system. The introduction of a competitor into this previously quasi-monopolistic cable environment immediately led to significant plant upgrades and additional channel offerings and services. At the same time, GTE was offering cable internet modems and free cable installations to entice cable customers.

This consumer-friendly competitive environment occurred only because the City was free to negotiate with GTE for a franchise agreement that balanced the company's need to keep their

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William Kennard  
December 13, 1999  
Page Two

already large investment in installing new cable plant in another cable provider's territory against the desires of the City and its residents to minimize street cuts and construction impacts. GTE Americast was not required to completely re-pave impacted streets - as had been suggested by some local residents - and agreed to schedule its construction so as not to conflict with the City's ongoing street overlay program.

The preemption of local control over neighborhood rights-of-way would represent a gift from the federal government to giant telecom corporations of the right to use public facilities for private profit, without considering the needs of local residents. In Thousand Oaks, a flexible and responsive local regulatory environment has resulted in cable TV competition and multiple wireless telecom providers, while protecting the interests and desires of residents to limit the impacts to public and private streets and viewsheds.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Sincerely,

  
MaryJane V. Lazz  
City Manager

c. City Council  
League of California Cities

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Comments in WT Docket No. 99-217, CC Docket No. 96-98

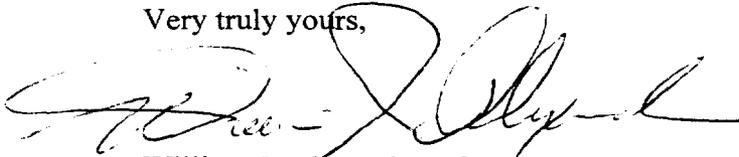
Dear Chairman Kennard:

The City of Rancho Cucamonga strongly opposes any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the Commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City has recognized the importance of the rapid development of telecommunications infrastructure within their jurisdictions, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for your consideration of these comments.

Very truly yours,



William J. Alexander, Mayor  
City of Rancho Cucamonga

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(ltrtoFCC)



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City of El Segundo  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

December 10, 1999

**Elected Officials:**

- Mike Gordon,  
Mayor
- Sandra Jacobs,  
Mayor Pro Tem
- Nancy Wernick,  
Council Member
- John G. Gaines,  
Council Member
- Kelly McDowell,  
Council Member
- Cindy Mortesen,  
City Clerk
- William Bue,  
City Treasurer

**Appointed Officials:**

- Mary Strenn,  
City Manager
- Mark D. Hensley,  
City Attorney

**Department Directors:**

- Jeffrey Stewart,  
Assistant City Manager
- James Hansen,  
Community, Economic and  
Development Services
- Bret Plumlee,  
Finance Director
- Craig Pedego,  
Fire Chief
- Debra Brighton,  
Library
- Timothy Grimmond,  
Police Chief
- Ron Green, Interim  
Public Works
- Greg Johnson,  
Recreation & Parks

Chairman William Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: OPPOSE PREEMPTION OF LOCAL AUTHORITY OVER PUBLIC  
RIGHT OF WAY: WT Docket No. 99-217, CC Docket No. 96-98**

Dear Chairman Kennard:

I am writing to express our strong opposition to any attempt by the Commission to further preempt local agencies' authority over the public rights-of-way, local zoning controls on antenna, and state and local tax authority. Any such attempt is unnecessary, since an appropriate regulatory balance has already been achieved which is allowing the telecommunications industry to thrive. Further, any such attempt is beyond the commission's authority under the Telecommunications Act of 1996 and the United States Constitution.

The City of El Segundo has recognized the importance of the rapid development of telecommunications infrastructure within our jurisdiction, and have facilitated this deployment. In doing so, we have managed to strike a fine regulatory balance by permitting rapid deployment of infrastructure within the public right-of-way while at the same time mitigating some of the impacts of that deployment. As an example, the City has six "pre-approved" locations for major wireless communication facilities. Although these locations are not specifically in the public right-of-way, four locations are on city owned public property which greatly facilitates the placement of telecommunications infrastructure by reducing the review time and cost substantially.

In summary, further Commission preemption of local authority is neither warranted nor authorized. Thank you for the opportunity to express our opposition.

Sincerely,

Sandra Jacobs,  
Mayor Pro Tem

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[www.elsegundo.org](http://www.elsegundo.org)

350 Main Street, El Segundo, California 90245-0989

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