



Comments Regarding the Federal Communications Commission Notice of Proposed Rulemaking Concerning Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies

WT Docket no. 13-238; WC Docket No. 11-59; WT Docket No. 12-32

The City of Mesquite, Nevada is responding to the Federal Communications Commission's (FCC) request for comments on potential measures to expedite the environmental and historic preservation review of new wireless facilities and on rules to implement statutory provisions governing State and local review of wireless siting proposals. The City applauds the FCC's intent to seek to promote the deployment of infrastructure to advance wireless broadband services which is consistent with the City's goals as well. The City, however, recognizes that while many collocations raise few zoning concerns, depending on their location, a modification to an existing facility could have a significant impact in some instances.

The City is wary of any federal regulatory agency intruding into the traditional authorities and prerogatives of cities and other local governments to control land use and protect public safety. We support our local authority to control the siting of wireless facilities.

The City of Mesquite, NV supports the expedited environmental review for technologies such as Distributed Antenna System (DAS) and Small Cells deployment. In addition, the City of Mesquite also supports the NEPA exclusion for collocations on existing buildings or antenna towers, included Verizon's proposed exclusion on other structures such as utility poles, water tanks, light poles and road signs. The City is more concerned about the similar categorical exclusion for DAS and Small Cells from Historic Preservation 106 review. The cumulative effect of many small cells on an historic building or structure could have a significant impact in particular instances.

With regards to a categorical exemption for temporary facilities meeting certain specified criteria from noticing requirements, the City is supportive as long as the specified criteria is

reasonable. Examples of reasonable criteria include: it will be in use 60 days or less; requires notice of construction to Federal Aviation Administration (FAA); does not require marking or lighting by FAA regulations; will be less than 120 feet in height and will involve minimal or no excavation. (Note: The criteria set forth in the Waiver Order suggests a maximum height of 200 feet to qualify for the exemption, but we posit that it could be lower, such as 120 feet maximum.)

The City of Mesquite supports the implementation of Section 6409(a) to clarify exemptions for collocation on existing structures and other minor facility modifications that do not “substantially change the physical dimensions of such tower or base station”.

Finally, the City of Mesquite is concerned that they would be required to approve a 20 foot or greater vertical or horizontal extension to any existing wireless installation in a residential neighborhood that would have a negative impact on property values.

The City appreciates the opportunity to comment on the Notice of Proposed Rulemaking and we are available to provide additional comments for the record of this proceeding.