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Public Comments on Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies:========

Title: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies
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Submitter Info:
First Name: Nettie
Last Name: Richardson
Mailing Address: 1500 Monroe Street
City: Ft. Myers
Country: United States
State or Province: FL
ZIP/Postal Code: 33901
Email Address: nrichardson@leegov.com
Comment: On behalf of Lee County, Florida, staff reviewed the changes and offer these comments on the four areas:

1. Whether the FCC should expedite their National Environmental Policy Act (NEPA) and National Historical Preservation Act (NHPA) review processes for proposed deployments of small cells, digital antenna systems (DAS), and other small-scale wireless technologies that may have minimal effects on the surrounding environment.

Comments:
This will pre-empt the County's local authority. Allowing DAS or other small-scale wireless technologies without a local review could create an adverse impact and be detrimental to residential areas, especially historic areas. In addition, the placement of a DAS or other small-scale wireless technologies on an existing power pole located within a public right-of-way requires County approval. The County's Land Development Code (LDC) encourages the collocation of antennas on existing towers. Eliminating the local review creates a public safety concern that the DAS or other small-scale wireless technologies could be a danger in a hurricane/storm. To continue to ensure public safety, Staff does not support this change.

2. Whether temporary antenna structures should be exempt from review.

Comments:
No, they should not be exempt. The Code provides a process for an expedited review of temporary antennas structures which is issued as a temporary use permit. The local review determines the location, the height, and the time period for a temporary antenna structure. Will the State building code requirements be exempt also?

3. Whether it should adopt rules to clarify the requirements of Section 6409(a). Having already broadly defined some of the terms of the statute in a previous guidance, the FCC is seeking to provide more clarity by seeking comment on how it should interpret and define certain terms within the rule, with the goal of reducing future disputes, including:
"transmission equipment"
"existing wireless tower or base station"
"substantially change the physical dimension"
"collocation," "removal," and "replacement," as they apply to an "eligible facilities request" (they also welcome any comments on whether "eligible facilities request" needs further clarification).

Comments:
Clarification of rules and how to interpret could be helpful.

4. Whether it should supplement its "shot clock"-the rules defining how long a local government has to act on an application. Related to the "shot clock," they are seeking comment to address several issues, including:
Should an application be deemed automatically granted if the locality fails to satisfy the FCC's deadlines?
Should the shot clock run from the time that an application is filed even if the community has adopted a local moratorium on applications?
Should DAS be subject to the "shot clock?"
Whether a local government "unreasonably discriminates" when it requires a preference for siting on government property.

Comments:
No, the change should not be made. The Code has in place regulations that address the time frame review for a new tower and collocations. The county currently expedites the review for all collocation applications.

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