Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies	)	WT Docket No. 13-238
	)	
Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting	)	WC Docket No. 11-59
	)	
Amendment of Parts 1 and 17 of the Commission's Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers	)	RM-11688 (terminated)
	)	
2012 Biennial Review of Telecommunications Regulations	)	WT Docket No. 13-32

REPLY COMMENTS OF THE COALITION OF TEXAS CITIES*

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REPLY COMMENTS OF THE COALITION OF TEXAS CITIES

COMES NOW the Texas Municipal League (TML), the Coalition of Texas Cities (CTC) and the City of Houston, Texas (Collectively, the "Coalition")[1] and files these Reply Comments in the Federal Communications Commission (hereinafter "FCC") *Notice of Proposed Rulemaking Concerning Amendment of Parts 1 and 17 of the Commission's Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for*

[1] TML is a statewide organization with over 1,100 municipal members. Member cities of CTC are: Addison, Allen, Austin, Bedford, Colleyville, Denton, El Paso, Farmers Branch, Galveston, Grapevine, Houston, Hurst, Keller, Marshall, Missouri City, New Braunfels, North Richland Hills, Pasadena, Round Rock, Tyler, Westlake, West University Place, and Wharton.

Certain Temporary Towers.[2] Other municipal commenters have filed extensive comments on the NPRM's proposed rules concerning mandatory co-location of wireless antenna. The Coalition adopts by reference the February 3, 2014 filed Comments by the: City of Arlington, *et al* ("Local Government Comments")[3]; City of San Antonio, Texas ("San Antonio Comments"); League of California Cities, et, al. ("California Comments"): Colorado Communities, *et al* ("Colorado Comments"); City of Tempe, Arizona ("Tempe Comments"); District of Columbia Comments ("D.C. Comments"); the National Association of Telecommunications Officers and Advisors, *et al* ("NATOA Comments"); and the Feb. 26, 2014 Reply Comments of the City of Mesa, Arizona ("Mesa Reply Comments").

The Coalition's Reply Comments are limited to issues raised in the initial round of Comments concerning significant U.S. Constitutional problems of the NPRM, particularly as to any applicability of the rules to municipalities, not as a regulator, but as a property owner; preserving local regulatory authority to promulgate safety standards; and definitional issues in the NPRM.[4] The Coalition would recommend that the above municipal commenters filings be given great weight and consideration by the FCC.

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[2] *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, Amendment of Parts 1 and 17 of the Commission's Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers, 2012 Biennial Review of Telecommunications Regulations*, WT Docket No. 13-238, WC Docket No. 11-59, RM-11688 (terminated), WT Docket No. 13-32, Notice of Proposed Rulemaking, 28 FCC Rcd 14238 (Sept. 26, 2013) ("NPRM").

[3] This filing included the Texas Coalition of Cities for Utility Issues (TCCFUI). TCCFUI is an unincorporated affiliation of over 100 Texas cities. See TCCFUI member cities at: http://www.tccfui.org/, some of which are also members of TML and CTC.

[4] All references to industry comments will be to the initial comments filed February 3, 2014 in this NPRM, WT Docket No. 13-238, unless otherwise noted.

The Coalition concludes that if the industry interpretations of Section 6409(a) were fully implemented as proposed, coupled with the industry-proposed broadly defined terms in Section 6409(a), the resulting interpretation would create a legal and practical morass. It would not only suffer serious U.S. Constitutional infirmaries, but such an interpretation would grant all collocation applications that meet the definitional "baseline" standard, do away with any required fall zones, set-backs and arguably even other local safety, construction and engineering rules, and override land use regulations – all in a wireless antenna collocation application. The resulting vacuum may well lead to potentially dangerous collocation antenna installations, endangering citizens. Such an interpretation was not intended by Congress, and is not in the public interest.

I. CONSTITUTIONAL, LOCAL REGULATORY, AND DEFINITIONAL ISSUES MUST BE ADDRESSED.

A. Any mandated use of municipal property must address U.S. Constitutional issues.

The *NPRM* suggests (¶ 108) that Section 6409(a)'s phrase "existing wireless tower or base station" may include "other types of structures, from buildings and water towers to streetlights and utility poles". The *NPRM*'s expansive interpretation of the phrase "existing wireless tower or base station" raises fundamental constitutional problems, as other Commenters have noted in some detail.[5]

Many, if not most, of the kinds of property the *NPRM* lists—streetlights, utility poles, the rights-of-way in which those utility or light poles are located, and water towers—are municipal property. In the City of Austin, for example, the City owns the streetlights and light poles, and Austin's municipal utility, owns the majority of the utility poles in the City. And Texas

municipalities control the underlying rights-of-way on which both light poles and utility poles are located.

Any use of municipal property for mandatory antenna collocation contradicts the Fifth Amendment to the U.S. Constitution, which has long applied to local public property, as well as private property.[6] The Fifth Amendment bars Congress (and the FCC) from mandating private use of public property. Although the principle has been well-settled for over a century, it bears reexamination in light of the NPRM's (¶ 108) expansive interpretation of "existing wireless towers" and "existing base stations." to accommodate Distributed Antenna Systems (DAS), what some have characterized as an indispensable "new" technology, but what arguably, it is just a smaller form of micro-cells.[7]

In 1893, the U.S. Supreme Court established the bedrock legal principle that the federal government could not grant an "unrestricted right to appropriate the public property of a State" to private entities.[8]

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[5] The Local Government Comments, p.49-50 and San Antonio Comments, page 7-10; California Comments, p. 16-17; Colorado Comments, p.21-26; and Mesa Reply Comments, p. 16-23.

[6] *United States v. 50 Acres of Land*, 469 U.S. 24, 31, 105 S.Ct. 451, 445-46, 83 L.Ed. 2d 376 (1984). "… the reference to "private property" in the Takings Clause of encompass[es] …. property of … local governments … the same principles of just compensation presumptively apply to both private and public condemnees."

[7] This is not the first (and will not be the last) of a self--serving designated "new" technology that claims it is a panacea and that if the rules would be changed just a little bit, just for a little while, it will be a panacea for all. *Pensacola Tel. Co. v. Western Union Tel. Co.*, 96 U.S. 1, 9 (1878). "The electric telegraph marks an *epoch in the progress of time*. [It has] become one of the *necessities of commerce*. It is *indispensable as a means of inter-communication*, but especially is it so in commercial transactions." (Italics added)

[8] *St. Louis v. Western Union Tel. Co.*, 148 U.S. 92 (1893) ("*U.S. Sup. Ct., St. Louis* (1893)"), *St. Louis v. Western Union Tel. Co.*, 149 U.S. 465 (rehearing, 1893) ("*U.S. Sup. Ct., St. Louis, reh*. (1893)"), *U.S. Sup. Ct., St. Louis* (1893), 100-01. The vitality of this 1893 opinion was evidenced in 1982 by the U.S. Supreme Court in *Loretto v. Teleprompter Manhattan CATV Corp*, 458 U.S. 419, 428 (1982).

> It is *a misconception*, however, to suppose that the franchise or privilege granted by the Act of 1866 carries with it the unrestricted right to appropriate the public property of a State. …. *No one would suppose that a franchise from the Federal government to a corporation . . . to construct interstate . . . lines of . . . communication, would authorize it to enter upon the private property of an individual, and appropriate it without compensation.* . . . [T]he franchise . . . would be . . . subordinate to the right of the individual not to be deprived of his property without just compensation. *And the principle is the same when, under the grant of a franchise from the national government, a corporation assumes to enter upon property of a public nature belonging to a State*. . . . It would not be claimed, for instance, that under a franchise from Congress to construct and operate an interstate railroad the grantee thereof could enter upon the *state-house grounds* of the State, and construct its depot there, *without paying the value of the property thus appropriated*. Although the statehouse grounds be property devoted to public uses, it is property devoted to the public uses of the State, and property whose ownership and control are in the State, and *it is not within the competency of the national government to dispossess the State of such control and use, or appropriate the same to its own benefit, or the benefit of any of its corporations or grantees, without suitable compensation to the State*. *This rule extends to streets and highways; they are the public property of the State*. …...[9]

Compelled, mandatory, use of public property for collocation of antenna would affect just such a dispossession - an "appropriation" for private use.

It is not insignificant that in construing this 1866 federal act narrowly, the Court determined that telegraph companies could only use the federal "post roads" for long distance, interstate telegraph service; they could not use local roads for a local, "district" telegraph operations, as that local use was distinct and different from long distance use; local distribution was a significantly more intense and disruptive use of rights-of-ways.[10] That local-long distant distinction is as valid today as it was in 1901.

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[9] *U.S. Sup. Ct., St. Louis* (1893), at 100-02. (Bold italics added).

[10] *City of Toledo v. Western Union Tel. Co.*, 107 F. 10, 14-15 (6th Cir. 1901); *Richmond v. Southern Bell Tel. & Tel. Co.*, 174 U.S. 761 (1899). Similarly, Texas courts use that same concept of different statutory rights for long distant carriers vs. local users of the rights of way. *City of Brownwood v. Brown Telegraph & Telephone Co*. 157 S.W. 1163, 1165-1166 (Tex.

Congress may not mandate the use of public property by private entities; neither may the FCC constitutionally issue a mandate to allow private entities to use public property for collocation of antennae. Any compelled access to municipal property would constitute a taking of property within the meaning of the Fifth Amendment.

B. The Commission should affirm its tentative conclusion that Section 6409(a) does not impact a local government's proprietary acts.

The Commission should affirm its tentative conclusion that Section 6409(a) does not impact a local government's proprietary acts.[11] Several other Commenters have detailed these concerns over the application of Section 6409(a) to a municipalities' proprietary use of its own property as a landlord/property owner.[12] The Coalition agrees with those detailed concerns.

C. The Commission should ensure preserving local regulatory authority in safety and land use.

As the *NPRM* notes, local approvals of not only wireless facilities, but most land use applications generally, are conditioned on the applicant's compliance with general building code, height limit, setback of "fall zone," and other public safety requirements. *NPRM* ¶¶ 125-127 n.258.

While not unique to Texas, many Texas communities have peculiar issues that are only addressed through local rules. Wind and water safety concerns due to hurricanes and flooding on the Gulf coast, and tornadoes in northern Texas, are but a few of these uniquely local issues.

1913). *Athens Telephone Co. v. City of Athen*s, 163 S.W. 371, 373 (Tex.Civ.App.-Dallas Jan 24, 1914, writ refused).

[11] NPRM ¶ 129

[12] Local Government Comments, p. 49-51; California Comments, p. 16-17; San Antonio Comments, p 8-9; D.C. Comments, p. 19; and NATOA Comments, p.14.

These, and other, locally tailored land use and safety rules must be strictly adhered to in all antenna sitings.

Cities manage city property in trust for the public; but they are custodians for *all* the public, which requires them to promulgate local, non-discriminatory, use rules to insure the availability of city property for use by all users, the industry and the public-at-large.[13] This fundamental precept which has been recognized for a century:

> No man has the right to use a street for the prosecution of his private business….. Not having the absolute right to use streets for the prosecution of private business…... This is a self-evident proposition, for, if it were not so, sidewalks and streets could be rendered impassable by those vending their wares or soliciting patronage.[14]

As the FCC has said, "Local governments must be allowed to …preserve the physical integrity of the streets…to manage … facilities that crisscross the streets…"[15] This concept certainly extends to all public properties, which are a finite and scarce resources. Local governments are custodians of the public's trust, obligated to safeguard the private use of these scarce resources. Any competing use of the scarce resource of public property, must be resolved locally, lot-by-lot, building-by-building, block-by-block, city-by-city, not by FCC fiat. Several other Commenters have detailed these issues, particularly as to the continued applicability of land use and safety requirements in building codes.[16]

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[13] "The streets being the property of the public, whoever represents the public not only has a right, but it is their duty, to see that the streets shall subserve the interests of those who wish to use them for the designated purpose." *City of Waco v. Powell*, 32 Tex. 258, 272 (Tex. 1869).

[14] *Green v. City of San Antonio*, 178 S.W. 6 (Tex. Civ. App.-San Antonio 1915, writ denied)

[15] *TCI Cablevision of Oakland County, Inc*., 12 FCC Rcd 21396, ¶ 103 (1997)

[16] Local Government Comments, p.14-16, 41-43; San Antonio Comments, p. 9-11; Colorado Comments, p. 20; Tempe Comments, p. 24-25; D.C. Comments, p. 16; and NATOA Comments, p.13.

D. The NPRM must address definitional problems.

The Coalition agrees with the municipal comments adopted by reference, addressing the array of issues that arise, depending on how the terms in Section 6409 are defined; the Coalition agrees with their proposed definitions as reasonable. As so elegantly stated in the City of San Antonio's Comments, the following example highlights the definitional issues raised by the NRPM's proposed, expansive, definition:

> Any common sense and plain meaning-reading of Section 6409(a) is that poles, water towers and buildings are neither "existing wireless towers" nor "existing base stations." To be sure, an existing tower or base station might be located on top of a building, and if they were, an eligible facilities request might be made with respect to that existing tower or base station. But absent an existing tower or base station already being located on a building or other non-wireless tower support structure, that building or other support structure is simply not an "existing wireless tower or base station." Verizon's suggestion to the contrary (*NPRM* ¶ 111) defies any plain reading of "existing wireless tower or base station."
>
> To be sure, reading Section 6409(a) to extend beyond "existing wireless towers or base stations" to include wireless-unadorned buildings, light poles, utility poles, or water towers might further the wireless industry's deployment desires. But that is beside the point. Congress intended Section 6409(a) to facilitate wireless deployment, but only in the way, and only to the extent, that the statutory language states: on "existing wireless tower[s] or base station[s].[17]
>
> Other Commenters detailed the definitional morass the NRRM may engender.[18]

II. REPLY TO SPECIFIC INDUSTRY COMMENTS

None of the February 3, 2014 industry comments raised a single complaint against any of the over 1,200 cities in Texas[19] as a problem in wireless antenna distribution deployment; no

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[17] San Antonio Comments, p. 12.

[18] Local Government Comments, p. 22-43; San Antonio Comments, p. 11-18; California Comments, p. 1-10; Colorado Comments, p. 5-14; Tempe Comments, p. 11-23; D.C. Comments, p. 8-15;and NATOA Comments, p.8-13.

[19] Texas Almanac, at: http://www.texasalmanac.com/topics/facts-profile.

complaint was lodged against a Texas city in either its capacity as a governmental zoning and siting ordinance rule maker, or in its role as a proprietary land owner responsible for leasing public property space to wireless providers. As any follower of recent FCC proceedings in the past is aware, the industry has been neither reluctant nor reticent to note even the smallest of problems (typically termed "barriers" by the industry commenters).[20] The mention of relatively very few cities nationwide and total silence regarding Texas' 1,200 cities, in so large and growing a state, with numerous wireless antenna providers, speaks volumes of the true absence of problems in wireless antenna distribution deployment.

The 1,200 plus Texas cities have adopted hundreds of ordinances setting forth reasonable rules for the use and siting of wireless antennae, many of which specifically requiring on new towers the structural ability to accommodate additional antenna arrays and encouraging collocation on existing towers.[21] Collocations are allowed by right in some cities (e.g., Little

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[20] *In the Matter of Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting,* FCC 11-51, WC Docket No. 11-59, Notice of Inquiry, 26 FCC Rcd. 5384 (April 7, 2011). ("Broadband NOI" or "NOI"). One industry commenter, PCIA, had an 18 page exhibit listing hundreds of cities nationwide, with twelve (out of 1,200) Texas cities mentioned. And these were not large urban cities; rather they were, in large part, smaller cities in Texas, and most with less than 10,000 in population. (Pearland, League City, Little Elm, Lucas, Pharr, West Lake Hills, Alamo Heights, Mission, Rollingwood, SouthLake, Irving, West University Place.) After review, it was determined that the allegations against those twelve Texas cities were inaccurate. *See* Coalition of Cities Reply Comments in the Broadband NOI of September 30, 2011, p. 32-47.

[21] See the Coalition of Cities Reply Comments (September 30, 2011) in the Broadband NOI, at page 42-47. Provisions encouraging collocation on existing towers and requiring additional antenna arrays are typical. *See e.g.,* Austin Code, Chapter 25, Zoning, Sec. 25-2-839 Telecommunication Towers, Subsection (E) (2) and Sec. 25-2-840, Special Requirements for Telecommunication Towers, subsection (A) (3); Houston's Code, Chapter 41, Art. III, Regulation of Towers, Sec. 41-51 (c) and Sec. 41-53.1; Irving Land Development Code, Sec. 52-32d. "Wireless telecommunication facilities." subsections (a) (2) b.8. (i) and (a) (3) b. Lucas Code, Sec. 14.04.341 (4), and Sec. 14.04.348. Cities want collocation, just as the industry does—just not at the price of safety.

Elm) for all conforming tower sites or on city property (Lucas). Texas cities have likewise successfully negotiated literally hundreds, if not thousands, of wireless antenna tower access agreements, including collocations, franchises, licenses, leases or others, all in a fair and non-discriminatory manner, as mandated by Texas law. e.g., Tex. Util. Code, Sec. 54.204. Texas cities have been instrumental in facilitating wireless antenna distribution deployment, including collocations, while exercising their authority to promulgate reasonable siting rules, and terms in leases, under Texas law.

A. Reply to CTIA, PCIA, and WISPA Comments.

PCIA's (The Wireless Infrastructure Association) Comments do not list any of the 1,200 plus Texas cities as posing any problems in wireless antenna distribution deployment, in contrast to previous, and recent, PCIA filings.[22] Neither do CTIA's (The Wireless Association) Comments or WISPA's (Wireless Internet Service Providers Association) Comments complain of any of the 1,200 plus cities in Texas, which speaks volumes. The Coalition appreciates PCIA's, CTIA's and WISPA's recognition that there are no problems in wireless antenna distribution deployment in Texas cities.

PCIA's Comments, perhaps the most detailed (and among the lengthier industry associations comments), seem to be representative of these three wireless industry associations' comments. PCIA's Comments advocate an expansive overlay onto Section 6409, an interpretation, a definitional scope and applicability well beyond reasonability. PCIA's proposals

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[22] As noted *supra*, in the Broadband NOI, PCIA, had an 18 page exhibit complaining of hundreds of cities nationwide, with twelve (out of 1,200) Texas cities listed. After review, it was determined that the allegations against those twelve Texas cities were inaccurate. *See* Coalition of Cities Reply Comments in the NOI of September 30, 2011, p. 32-47.

interpret Section 6409(a) to apply with a take "no prisoner", scorched earth approach. For example, PCIA advocates that:

> The FCC should make clear that the statute's [sic] "may not deny, and shall approve" mandate requires approval of *all* eligible facilities *without exception* and *without discretionary review*.
> PCIA, p. ii, Emphasis added.[23]

"all eligible facilities *without exception* and *without discretionary review*." And this is reasonable? A sampling of a few other PCIA proposals show they may even pose dangerous safety hazards in some instances if implemented.

PCIA advocates that:

> …fall zones and setbacks cannot be used to deny an otherwise qualified application...
> PCIA, p. ii; and similar p. 45, Emphasis added.[24]

No fall zone next to a house? Next to a school; a hospital? No set–back considerations on a road bed where a new collocated antenna may block a line-of-sight at an intersection? Or near a highway intersection blocking a line-of-site? On their face these blanket exceptions are unreasonable.

PCIA also rejects out of hand "best practices". (PCIA, p. 25-26), with the baseless, and generic "some local jurisdictions are attempting to impose new requirements that limit the

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[23] Similarly, PCIA, p. 40. While PCIA acknowledges that the NPRM in ¶ 125 seeks comment on enforcement of building codes, and even PCIA seems to make an exception for building codes and safety regulations in some instances, (PCIA Comments, p. 41, and footnotes 136-137), it is not clear how that squares with the PCIA's other more general, expansive language in its comments that there is no discretion to deny if "baseline" standard is met and that set-backs, fall zones and other land use criteria do not apply to collocations.

[24] Similar, PCIA, p. 45.

protections afforded by Section 6409 (a).” (PCIA, p. 26 [citing two city ordinances (without any specifics) out of tens of thousands of cities]).

When PCIA’s “without exception”, “all are approved” arguments are coupled with PCIA’s proposed broad definitions of “wireless", "base station", “tower” and "substantially change the physical dimensions", the result is nothing less than draconian. (PCIA, p. 31-40). Are "street lamps" and "utility poles" going to be "towers" or "base stations" subject to mandatory collocations?

Will the entire electric grid of municipally-owned utility poles construe a “tower”, a “base station” or constitute an “eligible facility” subject to mandated collocations?

PCIA even argues that in a collocation the “weight of the [additional] equipment, should not be considered.” (PCIA, p. 39). And what happens when that new load, and that larger antenna array has a strong wind pushing on it? To suggest that the “weight of the [additional] equipment, should not be considered.” goes beyond foolish, particularly in the hurricane prone Texas Gulf coast area; and as people have long known, it is equally foolish in Oklahoma, “where the wind comes sweeping down the plains”.[25] And it is just as foolish in areas not as typically hurricane prone, like the northern Atlantic coast of Virginia, Washington D.C., Maryland, New Jersey, New York City, and Long Island which recently endured a direct hit by a very atypical hurricane - Hurricane Sandy. Other parts of the country have unique geological issues that must be addressed locally. California cities no doubt have different engineering safety standards than West Texas or the Gulf Coast to accommodate potential earthquakes. Are those local conditions, and local safety requirements not to be considered in a collocation application in California? This position is unreasonable. Of course these are large population areas, which no doubt do have

significant demands for additional wireless antennae. But demands for antennae must be met in the local context- not in an abstract, one-size-fits-all FCC fiat grant to 'all.'

PCIA suggests these interpretations and definitions are but a "baseline". (PCIA, p. 27). PCIA seems to argue in favor of an inflexible, robotic, application of the statute- an application that would only engender delays, disputes, conflict, and lengthy litigation.

If PCIA's proposals are meant to be a "reasonable" application of federal law, the Coalition must respectfully disagree.

B. Reply to Other Industry Comments.

It appears that none of the other principal industry commenters (the Utilities Telcom Council, AT&T, or Verizon), list any of Texas' 1,200 plus cities as a problem in wireless antenna distribution deployment. The Coalition appreciates recognition that there are no problems in wireless antenna distribution deployment in Texas cities. To the extent those Commenters (or other Commenters) mimic the broad applications and definitions of PCIA, the Coalition would reiterate its above objections.

III. CONCLUSION

The industry comments ask the FCC to venture into a legal and policy morass, without any underlying factual, legal or policy basis. Industry comments in this NPRM have presented no factual basis to demonstrate actual, systemic local regulatory problems. They have at best only asserted general complaints for the most part, with a few selected, anecdotal aberrations from the norm among tens of thousands of cities nationwide (including not one of the 1,200 plus Texas

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[25] *Oklahoma*, Written by Oscar Hammerstein II, Music by Richard Rodgers.

cities). Industry comments simply repeat the mythical mantra of local "barriers" without facts. Wireless antenna deployment is highest in urban areas, not lower.

The FCC itself, as a federal agency, has finite resources. It need not expend those limited resources to "solve" this undocumented, phantom problem of local "barriers", as some industry comments suggest. The FCC's focus should be to target real, documented problems. In short, the industry again proposes an onerous solution for which no problem exists.

The Coalition urges the FCC to give due consideration to the real world issues, as detailed in the comments made by the various city coalitions comments that have been incorporated by reference.[26]

To suggest blanket approvals with a no holds barred, "all" collocation applications deemed granted, meeting only non-discretionary, "baseline" standards, without any consideration for reasonable land use and safety rules, only invites a "wild-west" anarchy, which simply ignores the realities of urban life and the principal purpose of city rules for use of streets - and other public property, for the safety and use by the public. The Coalition is confident that the FCC will not ignore this reality or these principals.

The Coalition welcomes the opportunity to submit these reply comments and looks forward to further dialogue with the Commission.

Respectfully submitted,

Clarence A. West, Attorney

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[26] Local Government Comments; San Antonio Comments; California Comments; Colorado Comments; Tempe Comments; D.C. Comments; NATOA Comments; and the Mesa Reply Comments.

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