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**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, D.C. 20554**

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| In the Matter of | ) | |
| | ) | |
| Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Practices | ) | 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 MINNESOTA ASSOCIATION OF COMMUNITY TELECOMMUNICATIONS ADMINISTRATORS**

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February 28, 2014

## SUMMARY

The Minnesota Association of Community Telecommunications Administrators (MACTA) submits its reply comments in the above referenced proceeding on behalf of the members it represents. MACTA is a Minnesota non-profit association representing over 130 Minnesota cities and townships. Members include cities, cable commissions, community cable television

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facilities and advisors who work with these organizations. MACTA works closely with the Minnesota League of Cities and is a state chapter of the National Association of Telecommunications Officers and Advisors (NATOA).

The Minnesota Association of Community Telecommunications Administrators (MACTA) supports those initial comments filed on February 3, 2014 as submitted by the National Association of Telecommunications Officers and Advisors, the National Association of Counties, the National League of Cities and the U.S. Conference of Mayors (NATOA) in the above referenced proceeding.

MACTA strongly concurs with NATOA's position "that the vast majority of wireless broadband infrastructure projects are processed and deployed in a timely manner, respecting not only the needs of providers, but also the desires of the communities they serve." MACTA's local government members support the development of a "wired" nation and welcome the ability for our member's constituents to have the ability to access wireless services. Any argument that local governments overall serve as an impediment to the deployment of wireless facilities and infrastructure cannot, and should not, be accepted as a general, fundamental statement.

An example of this is the general statement by the PCIA in its initial comment filing. On page 56 of it Comments, the PCIA states, "certain jurisdictions have used a preference for siting on municipal property to effectively prohibit the provision of wireless services." The PCIA goes on then to attempt to paint a broad brush picture by noting, "Municipal 'preferences' ... [make] "it extremely onerous to site anywhere except municipal facilities, [thus] a jurisdiction has an effective monopoly on siting that can create market distortions and discourage wireless deployment." It uses one example, in Footnote 183, noting, that a PCIA "member had difficulty siting in St. Paul, Minn. due to a municipal property preference which coupled high municipal lease fees with onerous regulations that made it difficult to site on non-municipal property."

As the City of Saint Paul is a MACTA member, MACTA was concerned with this statement. According to the City of Saint Paul, the City provides no such preference either formally in its Legislative Code or informally expressed by staff. In fact, the City goes on to claim it has allowed the deployment of *hundreds* of facilities over the past few years in a timely and cost-effective manner, AND in the CTIA filing in this proceeding, (p18) the CTIA actually cites the City of Saint Paul as a national example of with the speed of how collocations can be processed!

MACTA also supports comments, as filed by the City of Minneapolis, that Section 6409 should not apply to a local government acting in its proprietary role, including in rights-of-way. This would be in contradiction to *Printz v. United States* and established principles of federalism and would serve as a federal intrusion in to local government's ability to manage its public rights-of-way, on behalf of the public, with which has been invested this responsibility.

In closing, MACTA strongly supports the continued deployment of wireless broadband facilities. However, the deployment and access must be consistent with local permitting and zoning practices. No agency is closer to the public than local government. No agency has more of a daily responsibility to ensure the safety of the public, integrity of the community and the successful operations of its local infrastructure(s). As noted by NATOA, MACTA encourages the Commission to:

1) Work cooperatively with local governments and industry to revise its guidance on Section 6409;
2) Urge local governments and industry to continue their work on devising wireless broadband siting best practices; and
3) Continue the joint FCC/industry/local government workshops and webinars to educate all interested parties on new wireless technologies and deployment practices

Respectively submitted,

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