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September 18, 2018

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment  
– WC Docket No. 17-84 and WT Docket No. 17-79**

Dear Secretary Dortch:

On behalf of the Urban Counties of California (UCC), which represents the most populous counties in the state of California, I'm writing to express our opposition to several features of the Federal Communications Commission's (FCC) proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment.

UCC supports the deployment of new technology including 5G, however, we are opposed to the significant limits placed on local control and public review under this new proposal. Specifically, we have identified the following concerns:

- **New Shot Clock for Small Cells.** This proposal would provide that collocation is required to be permitted under the new shot clock and designates *any* preexisting structure – regardless of its design or suitability for attaching wireless equipment – as eligible for a new expedited 60-day shot clock. This would also include those facilities not currently zoned or designated as a wireless facility which would limit the time counties have to consider all the impacts of the collocation. In addition, this proposal also allows that up to three cubic feet of antenna and 28 cubic feet of additional equipment may be added to a structure not originally designed to carry that equipment creating potential public safety hazards.
- **Proposed definition of "effective prohibition."** The draft report and order proposes a definition of this particular term that invites challenges to long-standing local rights-of-way requirements unless they meet a subjective and unclear set of guidelines. Specifically, the proposal states that any fee that would prohibit or have the effect of prohibiting service would not be allowed and states that this includes fees for modifications, upgrades, replacement of equipment and other permits. This could significantly limit the ability of local government to address upgrades or replacement in future years. While the proposal states that local governments cannot charge excessive fees and that fees should be the same as those charged for other like services, we would note that this is new technology and new equipment that does not often have a comparable service. Since it is new technology, those local governments that have

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allowed this equipment and deployment should be allowed to charge a fee that will recover the costs especially since this industry is not providing a free service but is charging taxpayers a fee on top of the free access to public infrastructure.

- **Reasonable Compensation.** The proposed fee structure represents an unreasonable overreach that will harm local policy innovation. Specifically, UCC disagrees with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. The proposal states that "fees designed subsidize local government costs in another geographic area or accomplish some public policy objective beyond the providers use of the ROW are not fair and reasonable compensation." We respectfully disagree with this assertion. Many local governments have worked to negotiate fair deals with wireless providers, which may exceed that number, provide additional benefits to the community, or include in-kind benefits which often include access in disadvantaged communities. In fact, some jurisdictions have provided free access to the industry in exchange for additional services or other in-kind benefits. By removing that ability for local governments to negotiate these types of agreements, this proposal would stifle innovation and remove the ability for counties to design a system that reflects local needs.
- **Batching Applications.** While we are generally in support of batching applications and providing streamlined approval of these applications, in an urban county this could cause significant time pressure and inability to conduct adequate review of these applications. While there is the ability to toll an application if it is incomplete, some large urban counties could be deluged with batch applications from multiple providers.

UCC agrees that deployment is important especially in the areas that do not have access to any broadband or wireless communication. However, this proposal would preempt or remove local authority which would create tremendous conflict and would only serve to hinder local efforts aimed at closing the digital divide and providing core services to our constituents.

If you have any questions or if you need any additional information, please contact Jolena Voorhis at (916) 327-7531.

Sincerely,



Jolena L. Voorhis  
Executive Director

cc: Senator Dianne Feinstein  
Senator Kamala Harris  
California Congressional Delegation