



September 19, 2019

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Transmit Via Electronic Filing

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

Dear Ms. Dortch:

The Rural County Representatives of California (RCRC) writes to express our concerns over the Federal Communications Commission's (FCC) proposed Declaratory Ruling and Third Report and Order (Order) regarding state and local governance of small cell wireless infrastructure deployment. RCRC is an association of thirty-five rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties. RCRC member counties represent nearly 55 percent of California's land mass and more than 3.7 million residents.

Although most urban areas of California enjoy quality wireless services, access to broadband in rural counties continues to be a challenge. RCRC is supportive of policies that incentivize deployment of broadband technologies in our unserved and underserved communities; however, we believe the proposed language set forth in the Order would actually incentivize increased deployment in already-served, historically high-cost markets. Specifically, RCRC is gravely concerned with the following provisions of the proposed Order:

- The FCC's proposed new collocation "shot clock" category is too extreme. The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this proposal

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preempts municipal governments' ability to address historic preservation, environmental, and/or safety concerns within a local community. The addition of up to three cubic feet of antenna (each) and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal. This is of exceptional concern in California which has experienced the State's most costly fire seasons on record in the last two years – with twelve of the wildfires resulting from utility-owned equipment failure. Adding wireless equipment to structures, especially those not engineered for additional load, can pose great risk. Requiring a full assessment must be undertaken by municipalities to ensure continued safe operation.

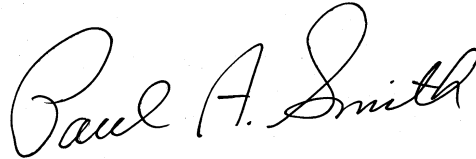
- The FCC's proposed definition of "effective prohibition" is overly broad. The draft Order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the FCC may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding. Additionally, undergrounding service lines in California is seen as a possible mitigating measure to prevent the ignition of future utility-related wildfires. Also, placing telecommunication lines undergrounded can also preserve emergency communication during fires as the structures and lines are not directly in the path of destruction.
- The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation. We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. RCRC shares the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many local governments have worked to negotiate fair agreements with wireless providers, which may exceed that number or provide additional benefits to the community. The FCC's decision to prohibit a municipalities' ability to require "in-kind" conditions on installation agreements is in direct conflict with the FCC's stated intent of this Order and further constrains local governments in deploying wireless services to historically underserved areas.
- The FCC's proposed definition of "collocation" is inconsistent with the current definition and will cause unnecessary confusion. Additionally, the definition of "small wireless facility" does not limit the number of antenna a facility may have, possibly creating unforeseen issues as technology evolves.

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RCRC supports policies that close the digital divide and provide quality broadband access to all California residents. Regrettably, we must oppose this effort to restrict local authority and stymie local innovation, while not increasing broadband access to the most underserved populations.

We urge you to oppose this declaratory ruling and report and order.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Smith". The signature is written in a cursive style with a large, looping initial "P" and a distinct "A".

PAUL A. SMITH  
Vice President Governmental Affairs