COUNTY OF EL DORADO

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JAMES S. MITRISIN
Clerk of the Board

September 18, 2018

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 El Dorado County, 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.

While we support the deployment of new and forthcoming telecommunications technology, including high-capacity 5G and related technologies, we oppose efforts that would limit necessary local discretion and public review as it pertains to the siting of new infrastructure in the public domain. We are concerned that the FCC's new collocation shot clock category is too extreme. The Commission's proposal designates any preexisting structure – regardless of its design or suitability for attaching wireless equipment – as eligible for a 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 places an unreasonable burden on local governments to prevent harm to the historic preservation, environmental, and safety interests of the community. The addition of up to three cubic feet of antenna 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.

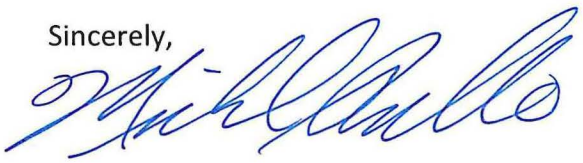
In addition, the FCC's proposed definition of "effective prohibition" is overly broad. The draft report and order proposes a definition of this particular term that invites challenges to longstanding local rights-of-way requirements unless they meet a subjective and unclear set of guidelines. While the Commission 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.

Finally, we believe that the FCC's proposed recurring fee structure represents an unreasonable overreach that will harm local policy innovation. Specifically, we disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately $270 per small cell site. El Dorado County shares the Commission's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many counties local governments have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years, so it would be inconsistent for the FCC to attempt to narrowly dictate the rates that can be charged by local governments.

In closing, while we want to be a partner in successful deployment of next generation infrastructure, an approach that tries to preempt or remove local authority would create tremendous conflict and would only serve to hinder local efforts aimed at closing the digital divide. Thank you for considering our views. If you have any questions or if you need any additional information, please contact Carla Hass, Communications Director for El Dorado County, at 530-621-4609.

Sincerely,



Michael Ranalli, Chair
El Dorado County Board of Supervisors

c. Senator Dianne Feinstein
Senator Kamala Harris
California Congressional Delegation
California State Association of Counties