



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

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 Ohio Municipal League is writing to express its concerns about the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. The Ohio Municipal League is a non-profit organization that advocates on behalf of Ohio's cities and villages before the state legislature and executive branch while also providing services and trainings for our member municipalities.

Ohio's municipalities are deeply concerned about the substantial loss of local control they would experience if this proposal is approved. Local governments are responsible for protecting the health, safety and welfare of residents, and we believe they have the right to set parameters regarding the impact to the local aesthetics in their municipal rights-of-way. Furthermore, we believe the proposal would expose wireless infrastructure providers to unnecessary liability.

The Ohio Municipal League, along with many municipal leaders across the state, worked tirelessly with representatives from the telecommunications industry to craft an agreed-upon compromise between the telecom industry and municipalities. This compromise ensures the deployment of small cell wireless infrastructure throughout the state, meeting many of the needs of the telecommunications industry while allowing local governments to provide for the health, welfare and safety of their communities. These guidelines became Ohio law earlier this year via House Bill 478. This proposal would undo countless hours of negotiations and have the effect of compromising the important consensus both parties reached.

The negative impacts to Ohio's municipalities would be far-reaching. Local governments would face needless revenue loss as the proposal limits recurring fees for small cells in the rights-of-way, in addition to the cost of several new unfunded mandates. Furthermore, the proposed new collocation shot clock category is too extreme. 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 historic preservation, environmental or safety harms to the community.

Additionally, the proposed definition "effective prohibition" would invite challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. This framing and definition of effective prohibition opens local governments to the likelihood of more conflict and litigation over requirements for aesthetics, spacing and undergrounding.

Finally, we believe the proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation. Ohio's local governments are striving to ensure affordable broadband access for every Ohioan, regardless of their income level or address. HB 478 allows Ohio's cities and village to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. We believe these narrowly-dictated rates would negatively impact municipalities' goal to build out and provide services to all residents in a reasonable timeframe.

The Ohio Municipal League opposes this effort to restrict local authority and stymie local innovation while limiting the obligations providers have to our community. We urge you to oppose this declaratory ruling and report and order.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Scarrett', with a stylized flourish at the end.

Kent Scarrett
Executive Director
Ohio Municipal League