

September 17, 2018

Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th St., SW, Washington DC 20554

EX PARTE

City of Palo Alto

Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment;
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

D 17-79, D 17-84

Dear Ms. Dortch:

I write today on behalf of the City of Palo Alto to urge the Commission to postpone the September 26, 2018 vote on the rules surrounding cell towers and wireless infrastructure action. We ask that the Commission wait and bring the item back in January to allow for a transparent and adequate evaluation of this proposal and its impacts on the public and on cities, counties, and states.

The federal government has already restricted some of the regulatory authority of localities in this area. These new proposed rules remove from cities any ability to effectively regulate usage of our own infrastructure in the public right of way, even though municipalities are best suited to determine the process for deployment for "small cell" technology in our right of way. Cities understand the historical significance of certain areas in our jurisdiction, we develop the fees appropriate for our community, and we utilize a public process to review wireless applications. These are all critical aspects of local authority, which the proposed rules will either severely limit or eliminate completely.

Specifically, the proposed rules shorten the timeframe by which our staff and the public have to review wireless applications. This shorten timeframe significantly reduces our ability to analyze applications for the impacts cities are entitled by law to assess, and to allow for public hearings. The proposed rules also cap the ability of cities to collect fees, with no regard to the actual costs incurred. Additionally, under current law local governments cannot take actions that "effectively prohibit" telecommunications deployment. The proposed FCC rule expands the interpretation of this prohibition to declare that aesthetic requirements, "excessive" fees, and infrastructure undergrounding effectively prohibit deployment. We take great exception to the unjustified broadening of the prohibition interpretation.

Localities such as the City of Palo Alto already have processes in place for small cell infrastructure review and siting. Palo Alto is the birthplace of the Silicon Valley and a global center of technology. We are also a city of neighborhoods and a community that prizes civic participation and transparency in decision making. There is no reason to so drastically modify a local process that is already in place. Therefore, we

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respectfully request the Commission delay its upcoming vote while the impacts to cities can be further discussed and deliberated.

Sincerely,

A handwritten signature in black ink that reads "Liz Kniss". The signature is written in a cursive style with a large, sweeping "L" and "K".

Liz Kniss,
Mayor, City of Palo Alto

CC: Congresswoman Anna Eshoo
Senator Diane Feinstein
Senator Kamala Harris
Palo Alto City Council
James Keene, Palo Alto City Manager
Ed Shikada, Utilities General Manager and Assistant City Manager
Van Scoyoc Associates