

# Local Governments Are Not Barriers To 5G Deployment

In March, 36 local elected officials from Next Century Cities member communities sent the following letter to the FCC in defense of local decision-making for 5G investments, small-cell deployment and the use of public rights-of-way.

*Dear Chairman Pai and Commissioners Clyburn, O’Rielly, Carr, and Rosenworcel:*

**A**s the Federal Communications Commission seeks to improve investment in fast, affordable and reliable internet access across the United States, it should focus on the barriers that have prevented innovative providers from investing in promising solutions aimed at achieving a robust competitive market.

Unfortunately, the commission currently seems more focused on limiting local decision-making and oversight than on tackling the larger barriers that are discouraging new broadband investment. That is why we, the undersigned 36 mayors and municipal government leaders, are calling for the support of the FCC as we seek to expedite the expansion of 5G infrastructure in our communities. We believe, and our experience validates, that the most effective means to expedite progress is to encourage collaboration between industry and municipalities.

As mayors, we feel that some commissioners have wrongly cast local governments as a main barrier to next-generation wireless deployments, using us as a scapegoat for larger issues. For instance, Commissioner O’Rielly said, “We are going to need to preempt those localities that are either trying to extract a bounty in terms of profit that they think there’s an opportunity to extract from wireless providers and therefore consumers, or that has a process that will delay and belabor the deployment of technology.”

It’s ridiculous to claim that our cities are seeking a “bounty” or the delay of deployments that are important for our citizens. In fact, our communities strongly desire more options for high-quality internet access, and we are happy to work collaboratively with any ISPs that are willing to provide such opportunities. However, our residents and businesses appropriately balk at the placement of a 100-foot monopole on their lawn with no recourse, or to having their local government’s hands tied when it comes to the public recovering just compensation for the use of the public’s right of way.

In addition, some commissioners have wrongfully suggested that local governments are slowing investment in 5G and other small-cell technologies. We are writing to the commission to strongly state that we as city leaders are focused on deploying these technologies in ways that uniquely fit our communities and residents’ needs.

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For example, Next Century Cities members Lincoln, Nebraska, and Boston, Massachusetts, have created model agreements that met the needs of both the public and wireless firms. It's important to note that the terms of these successful approaches would have been banned in many states that have limited local authority over these matters, such as Florida, where local governments are limited to a remarkably low fee of \$150 per location per year. By failing to charge a reasonable fee to companies wanting to use public space, such low limits are a de facto subsidization of private business by local taxpayers. Some communities are finding that the increased number of small-cell applications and permits require the hiring of additional staff, and when combined with the limits on compensation, this will likely result in further subsidization.

We are disappointed that local governments have been a frequent target of these attacks despite the lack of a record with specific allegations of malpractice. Local governments have been similarly, unfairly blamed for slowing wireline investment when the much more significant impediment has been the difficulties with the private pole owner or firm with existing pole attachments. Despite the clear evidence that the make-ready process is a leading impediment to fiber network deployment, the commission is currently focusing its efforts on trying to exert top-down control over our local

government decision making.

**Given statements from many of the commissioners and the draft rules of a Broadband Deployment Advisory Committee (BDAC) – a committee that has been criticized for its lack of local government representation – we are concerned that the commission will take actions that harm the public by decreasing our local authority without actually resolving the key problems that are limiting increased investment in better networks.**

We are eager to encourage investment for better wireline and wireless connectivity. We fully understand that if our actions unnecessarily discouraged investment in our communities, our businesses and residents would be harmed and then our jobs would be imperiled. That is why, as mayors, our voices should be front and center as the commission is making decisions about local permitting and fees that impact our residents' ability to get better access to high-quality wireless as well as their tax bills. The commission should be focused on encouraging investment in better networks rather than limiting our local authority merely because the large internet companies find it inconvenient to pay their fair share in using the public rights-of-way.

We look forward to playing a larger role in your discussions of these issues moving forward. ❖

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