

May 21, 2019

Robert McCoy
Mayor

Honorable Diane Feinstein
U.S. Senate
331 Hart Senate Office Building
Washington D.C. 20510

Honorable Kamala Harris
U.S. Senate
112 Hart Senate Office Building
Washington D.C. 20510

Honorable Julia Brownley
House of Representatives
2262 Rayburn House Office Building
Washington D.C. 20510

**RE: FEDERAL COMMUNICATIONS COMMISSION DECLARATORY RULING AND
THIRD REPORT AND ORDER – 2018 FCC ORDER 18-133**

Dear Senators Feinstein, Harris, and Congresswoman Brownley:

On behalf of the City of Thousand Oaks, I am requesting assistance with the restrictive Declaratory Ruling and Third Report, "Report and Order", adopted by the Federal Communications Commission (FCC Order 18-133) in September 2018. The order enacts rules governing the implementation and deployment of small wireless technology. The order is an overreach of authority by eliminating cities' local land use authority and local control over aesthetics and public rights-of-way. Order 18-133 also imposes very restrictive "shot clock" requirements for processing wireless applications.

FCC Order 18-133 disregards aesthetics by allowing wireless providers the ability to install "small cells" in smaller geographic areas — measured in hundreds of feet. This differs immensely from than the traditional macrocell towers that can cover miles in each direction. These small cells are attached in multiples to buildings, rooftops, and other structures in public rights-of-way such as utility and street light poles tethered by antennae and wires. The ground mounted equipment that accompany these small cells can be as big as 28 cubic feet which is comparable to a very large refrigerator.

The order also removes fair and adequate compensation when it dictates what cities may charge for each application. The application fee for collocation of up to five small wireless facilities on an existing structure is \$500 and the fee for collocation of each facility beyond the five is \$100. The application fee for a new or replacement structure to support a small wireless facility is only \$1,000. The annual fee for inspecting each facility attached to city infrastructure is \$270. These reduced fees paired with the “shot clock” provision of 60 days, do not often match the time it takes to process the applications or inspect the facilities once installed. The regulation creates undue financial burden for cities. Such a draconian approach by the FCC clearly favors the private wireless industry without concern for the available resources cities have in responding to onerous policies.

The City of Thousand Oaks requests that you introduce legislation or support HR 530 to overturn FCC Order 18-133 to maintain the constitutional rights of local government authority to control use of public rights-of-way, receive just compensation, and preserve the community aesthetics.

Sincerely,



Robert McCoy
Mayor

c: Carolyn Berndt, National League of Cities - berndt@nlc.org
James Crum, Van Scoyoc & Associates - jcrum@vasdc.com