



BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT

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October 22, 2019

The Honorable Anna Eshoo
202 Cannon House Office Building
Washington, DC 20515

Dear Representative Eshoo:

On behalf of the Humboldt County Board of Supervisors, I'm writing to thank you for introducing the Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019. This important legislation (HR 530) would nullify the Federal Communications Commission's (FCC) recent wireless infrastructure rule, which significantly constrains the ability of local governments to regulate the siting of high-capacity 5G technology in the public domain.

Humboldt County supports the deployment of high speed-broadband services, particularly to unserved or underserved rural communities. However, we strongly oppose several components of the FCC's rule (83 Fed Reg. 51867), including narrowing the window of time that local governments have for evaluating 5G applications. Pursuant to the rule, the FCC's new shot clocks (60 days for existing structures and 90 days for new structures) encompass "all aspects of and steps in the siting process," including but not limited to: license or franchise agreements to access rights-of-way; building permits; public notices and meetings; lease negotiations; aesthetic approvals; and, other authorizations needed for deployment of personal wireless services infrastructure.

Additionally, the Commission's rule institutes a restrictive interpretation of "fair and reasonable compensation" for rights-of-way use, requiring that all recurring fees may not exceed \$270 per small cell. The rule effectively preempts current local practices of charging wireless providers "rent-based" fees, which are based on a fair market value calculus. Furthermore, the rule expressly prohibits local governments from recovering any cost not directly related to rights-of-way maintenance.

Finally, the rule limits allowable local aesthetic requirements, including minimum spacing requirements, to those that are "reasonable, no more burdensome than those applied to other types of infrastructure deployments and published in advance." The FCC further notes that undergrounding requirements for wireless facilities constitute an illegal prohibition of service by a local government.

In sum, the FCC's 5G rule significantly impedes local governments' ability to serve as trustees of public property, safety, and well-being while transferring significant local public resources to private companies without securing any guarantee of public benefit in return. For these reasons, Humboldt County strongly supports overturning the FCC's deeply flawed rule, as prescribed by HR 530.

Thank you again for your leadership on this important issue. If you have any questions or if you need any additional information, please contact Joe Krahn, Humboldt County Federal Representative, Paragon Government Relations at jk@paragonlobbying.com or (202) 898-1444.

Sincerely,

A handwritten signature in black ink that reads "Rex Bohn". The signature is written in a cursive style with a large, looped "R" and "B".

Rex Bohn
Chairperson, Humboldt County Board of Supervisors

cc: House Committee on Energy and Commerce
Representative Jared Huffman