



September 19, 2018

**VIA ELECTRONIC FILING**

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 Maryland Association of Counties (MACo) writes to express our concerns over the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. MACo is a non-profit and non-partisan advocacy organization whose members are the county elected officials and representatives from Maryland's 23 counties and Baltimore City.

MACo supports innovation and the expansion of broadband to communities in Maryland – especially those that are underserved. Expanding broadband access is an essential component for a county's economic development and for the socio-economic advancement of its communities. However, MACo is concerned that the proposed language significantly impedes local authority over the expansion of broadband in public rights of way. It does not properly balance industry desires and public welfare.

Local governments are owners and guardians of taxpayer-funded infrastructure inside the local rights of way. Local authority and community decision-making are crucial to the deployment of small cells or any facilities in the local rights of way. Local governments must be able to protect the safety and interest of their communities. The proposed order does not serve these public interests and will hinder the ability to fulfill public health and safety responsibilities during the construction and modification of these facilities.

MACo is concerned with:

- **Excessively Shortened Shot Clocks.** The new expedited collocation shot clocks impose significant and costly burdens on local governments. The interest of processing permits quickly cannot come at the expense of ensuring required safety reviews are properly performed and public comments are heard.

- **Unreasonable Fee Structures.** Local governments and their residents deserve to be adequately compensated for the management and use of public assets by private for-profit entities. They should be afforded the ability to fully recoup the one-time costs for processing permits and applications. Additionally, recurring fees—including access and attachment fees—should be allowed to occur at market rate or as negotiated under agreements. The interpretation used to determine “fair and reasonable compensation” for these fees and the proposed fee caps are unreasonable. These limits will effectively strong-arm local governments into subsidizing applicants in cases where their actual fees exceed the proposed caps.
- **Overly Broad Restrictions on Aesthetics and Undergrounding.** The guidelines and definitions for what constitutes “reasonable” and “no more burdensome” to avoid preemption of long-standing local aesthetic requirements are subjective and unclear. Likewise, the interpretation of “effective prohibition” of local requirements for undergrounding are not reasonable. These changes will make local governments more vulnerable to conflicts and litigation over their design and deployment requirements.

Counties in Maryland have worked with private business to build the best broadband infrastructure possible for their residents. We oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. MACo urges you to oppose this declaratory ruling and report and order.

Sincerely,



Natasha Mehu  
Legislative Director, MACo