

## Challenges and Opportunities of 5G for Counties

### Remarks of Cat Blake, Senior Program Manager at Next Century Cities at the National Association of Counties Annual Conference

Las Vegas, Nevada

July 13, 2019

My name is Cat Blake, and I'm the Senior Program Manager at Next Century Cities. For those of you who don't know us, Next Century Cities is a nonprofit, nonpartisan membership organization. Our members are cities, towns, and counties. We work directly with 203 municipal governments across the country specifically on broadband access and adoption.

We support our members in a couple of key ways:

1. We provide resources specifically geared toward local governments. Earlier this year, we released our [Becoming Broadband Ready toolkit](#), which is a step-by-step guide for local leaders to increase broadband investment in their communities.
2. We also provide policy support around specific issues, such as the FCC's recent small cell Order, which I'll talk about more later.
3. We advocate for good connectivity policy, and we work to bring local voices into the national broadband conversation whenever possible.

If you're interested in your county becoming a member of Next Century Cities, please feel free to find me after the session, or to learn more at [NextCenturyCities.org](http://NextCenturyCities.org).

Access to fast, affordable, reliable broadband is a priority for municipalities across the country. Local leaders know better than anyone how access to these essential services is a game changer for communities. The faster service and new applications and innovations that will come with 5G are exciting, and present new opportunities for counties and their constituents.

And local leaders play a critical role in ensuring that deployment of new technologies, especially in the public ROW, are in the public interest. So it's important to understand the reality of the technology, the challenges that municipal governments face in particular, as well as the concrete action steps that counties can take to facilitate deployment in the most effective and beneficial way possible.

One of the most significant challenges that counties are facing is encroachment of local control around deployments via state legislation and federal policy. State and federal overreach in this arena has become increasingly common. Next Century Cities has consistently opposed these preemptions, and maintain that deployments are most likely to be in the public interest when municipalities are able to have a level seat at the negotiating table.

As of now, [23 states](#) have passed legislation that preempts municipal decision making around small cell deployments. These bills often:

1. place very low caps on annual fees for access to the public ROW
2. establish short shot clocks for permit review
3. and some even create “deemed granted” policies that result in the automatic approval of applications

[Independent research](#) that NCC facilitated last year showed that 84% of municipal government employees surveyed believed that state laws were negative for their community.

Separately, last September the Federal Communications Commission [adopted an Order](#) that created a new set of rules that govern small cell deployments. The Order gives wireless carriers significantly more leverage than local governments in negotiations around small cell deployments in the public ROW. The Order affects the key aspects of small cell deployment:

1. The Order does allow for local governments to take aesthetics into account in its small cell zoning regulations, so long as the requirements are reasonable, no more burdensome than those applied to other similar infrastructure deployments, and published in advance.
2. The Order creates a “safe harbor” for deployment fees, including \$270 per small wireless facility per year for all recurring fees. Local governments may charge higher than this, but the burden is on the municipality to demonstrate that the cost they charge is no higher than the actual cost to manage the process.

The Order also limits local governments’ ability to require in-kind contributions above cost. While municipalities can still negotiate agreements containing provisions for non-cost-based fees or contributions, there is little incentive for carriers to agree.

3. The Order creates permit application shot clocks of 60 days for the collocation of small cells, and 90 days for the construction of new facilities.

This collectively hinders local governments’ ability to negotiate agreements that best serve the public.

Next Century Cities worked with telecom attorney Mark Del Bianco to create a [guide to this Order](#) specifically for local governments. If you want further details about what the order means for your community, you can find that guide on our [website](#).

While these preemptions do create significant challenges to equitable deployment, there are action steps that local governments can take to achieve the best case scenario for their

communities and to encourage deployment and collaboration with carriers. This is all about being proactive, consistent, and predictable.

The best thing a local government can do right now is to implement a local small cell ordinance to address zoning, design standards, and other regulations as soon as possible. These ordinances can include things like

- application processing cost recovery
- antenna design, location and spacing
- additional pole and equipment aesthetic requirements
- and other issues of local concern

If your county is thinking about creating a local ordinance and wants a good place to start, Centennial, Colorado provides a great example of comprehensive small cell permitting parameters in their [land development code](#).

Being proactive about implementing a local ordinance achieves two goals:

1. Standardizing permitting processes and design requirements now minimizes the chance of any litigation and helps ensure that local concerns are addressed - such as specific design standards in a historic district.
2. Secondly, having clear processes and information positions a municipality as a good partner with private sector providers. Deployment is a two-way street, and having set design parameters and efficient internal processes will encourage more fruitful partnerships.

Huntington Beach, California is an example of a city that has done this really well. Huntington Beach worked collaboratively with wireless carriers to develop a set of [four pre-approved small cell designs](#). The designs are integrated into the city's permitting process, so if carriers' deployments fit one of the four standards, they are free to follow a streamlined, over-the-counter application process to receive permits from the city. Now, Huntington Beach is the first city in the country to deploy Philips' smart fusion poles, and several carriers have made deals to deploy service using those poles.

Riverside, California had received complaints about having a disorganized and confusing permitting process. In response, they created a "[One Stop Permitting Shop](#)" on a single floor of City Hall. The shop brings together representatives from all seven departments that are involved in city permitting, and a triage process ensures that applicants know exactly what steps they must take in order to apply for their permit.

The truth is that 5G deployment will require internal changes such as these. Because of the way the technology works, next-generation networks will require many many more small cell

deployments than the macro cell towers that 3 and 4G were built upon. This means way more applications, more infrastructure, and more reliance on the public ROW. Local governments have an important role to play in the deployment process, and in order to get communities connected, internal processes need to be ready to match that scale of deployment.

Finally, I want to be clear in debunking a common notion - that wireless means the end of wires. Wireless is really just “one wire less” - Every small cell that’s being deployed to support these networks - and as we just discussed, that’s a lot of small cells - needs a fiber backhaul to be able to work. [Research shows](#) that small cells that are being deployed now are going to densely populated urban areas with existing fiber. Counties that prioritize fiber deployment and investment will be best positioned for small cell deployment in the future.

It’s also true that state legislation and federal policies have created significant complications for municipalities, but there are still many concrete action steps that counties can take to protect local priorities and ensure smooth collaboration with wireless carriers.

Next Century Cities has a lot of resources on our [website](#) to help municipalities tackle this, including our [Becoming Broadband Ready toolkit](#), our [guide to the FCC’s small cell Order](#), and examples of municipal best practices.

Thank you for your time! I look forward to connecting with you all after the session.