

June 27, 2019

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

As elected officials, we are committed to serving the residents of our cities by ensuring the digital infrastructure of tomorrow is safe, reliable, and is accessible for everyone. Cities and counties are not only leaders in innovation, but also have an obligation to the public to ensure safe, equitable deployment, and fiscally prudent broadband investment to their communities. It is essential that communities maintain control of the small cell application and review process to ensure safe deployment of this technology and that everyone benefits. The Federal Communications Commission (FCC) attempts to preempt this process in a rushed and overreaching manner. For these reasons, we applaud your effort in restoring authority to the rightful position of local jurisdictions and support S. 2012, Restoring Local Control over Public Infrastructure Act of 2019.

This bill would return local governments' ability to balance competing interests for the use of the public rights-of-way by overturning actions of the FCC in August and September of 2018. While we support the Commission's goal of ensuring affordable broadband access for every American, the Commission's actions do nothing to achieve that goal. It puts the interests of national corporations over the needs of our communities by making it impossible for local governments to manage the public rights-of-way effectively and equitably. It cedes control of local property to national corporations without fair compensation in return, and without taking into account considerations for closing the digital divide, public safety, public utility services such as water, sewer, and electricity, the travelling public, environmental concerns, economic development, and maintenance costs.

Your leadership in passing this legislation is critical to ensuring local governments have the necessary tools to manage local public assets in a manner that balances competing interests while encouraging responsible deployment of wireless broadband facilities. Without this action, communities will face financial strain and potentially delayed progress in adopting to the FCC's overreaching actions. It is necessary for both industry and our residents to reverse the FCC's rules on small cells and restore local control.

Sincerely,

Mayor Jenny Durkan
City of Seattle, WA

Mayor Sam Liccardo
City of San Jose, CA

Mayor Ted Wheeler
Portland, OR

Mayor Cassie Franklin
Everett, WA

Mayor Eric Garcetti
Los Angeles, CA

Mayor Lyda Krewson
St. Louis, MO

Mayor Donald M. Hahn
State College, PA

Mayor Lioneld Jordan
Fayetteville, AR

Mayor Paul S. Leon
Ontario, CA

Mayor Miguel Pulido
Santa Ana, CA

Mayor Jane Castor
Tampa, FL

Mayor London Breed
San Francisco, CA

Mayor Bill de Blasio
New York City, NY

Mayor Dan Horrigan
Akron, OH

Mayor Ethan Berkowitz
Anchorage, AK

Mayor Jim Kenney
Philadelphia, PA

Mayor Jennifer Gregerson
City of Mukilteo, WA

Mayor Lucy Vinis
Eugene, OR

Mayor Keisha Lance Bottoms
Atlanta, GA

Mayor Pauline Cutter
San Leandro, CA

Mayor Lori Lightfoot
Chicago, IL

Mayor Catherine Blakespear
Encinitas, CA

116TH CONGRESS
1ST SESSION

S. 2012

To provide that certain regulatory actions by the Federal Communications Commission shall have no force or effect.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2019

Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Ms. HARRIS, Mr. BENNET, Mr. WYDEN, Mr. CARDIN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide that certain regulatory actions by the Federal Communications Commission shall have no force or effect.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Local Con-
5 trol Over Public Infrastructure Act of 2019”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “Commission” means the Fed-
8 eral Communications Commission.

1 **SEC. 3. PRESERVATION OF RIGHTS OF STATE AND LOCAL**
2 **GOVERNMENTS.**

3 The following regulatory actions of the Commission
4 shall have no force or effect:

5 (1) The Declaratory Ruling in the “Third Re-
6 port and Order and Declaratory Ruling in the mat-
7 ter of Accelerating Wireline Broadband Deployment
8 by Removing Barriers to Infrastructure Investment
9 and Accelerating Wireless Broadband Deployment
10 by Removing Barriers to Infrastructure Investment”
11 adopted by the Commission on August 2, 2018
12 (FCC 18-111).

13 (2) The “Declaratory Ruling and Third Report
14 and Order in the matter of Accelerating Wireless
15 Broadband Deployment by Removing Barriers to In-
16 frastructure Investment and Accelerating Wireline
17 Broadband Deployment by Removing Barriers to In-
18 frastructure Investment” adopted by the Commis-
19 sion on September 26, 2018 (FCC 18-133).

20 (3) The rule adopted by the Commission enti-
21 tled “Accelerating Wireless and Wireline Broadband
22 Deployment by Removing Barriers to Infrastructure
23 Investment” (83 Fed. Reg. 51867 (October 15,
24 2018)).

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