

# **PROTEC**

The Michigan Coalition to Protect Public Rights-of-Way

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26000 Evergreen Road  
Southfield, MI 48037  
TEL: 248-796-4503  
FAX: 248-796-4505

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April 17, 2020

**Via Email**

Honorable Ajit Pai  
Chairman  
Commissioner Michael O'Rielly  
Commissioner Brendan Carr  
Commissioner Jessica Rosenworcel  
Commissioner Jeffrey Starks  
c/o Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

***Re: Notice of PROTEC and those other Local Governments and Associations listed below Response to WIA Notice of Ex Parte Presentation, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, WT Docket No. 19-250***

Chairman Pai and Commissioners O'Rielly, Carr, Rosenworcel and Starks,

While the Global Pandemic has local communities across America fighting, often short-handed, to protect and keep residents and employees safe, we recently learned that some in the communications industry have visited with the FCC to urge action compelling local governments to **"prioritize"** their particular communications projects.<sup>1</sup>

To be clear, our current crisis induced efforts already include: ensuring 1<sup>st</sup> responders and critical health care providers (and their children) are healthy, safe, fully informed and sheltered; seeking to ensure there are adequate hospital beds for the critically ill and protective equipment available for treaters, all while otherwise keeping critical government services afloat.

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<sup>1</sup> Notice of Ex Parte Meeting by John A. Howes Jr, on behalf of WIA (filed Mar. 30, 2020) WT Docket No. 17-79; WC Docket No. 17-84; WT Docket No. 19-250

We are also not aware of any systematic nor wide-spread delay in addressing wireless deployment permits, yet the industry affirmatively seeks enforcement of pre-pandemic time constraints. Importantly, we do not read the WIA Ex Parte priority request to be limited to emergency communications infrastructure maintenance necessary to support critical health care needs. Instead, it appears WIA seeks their “priority” request to apply to any and all applications for any and all communications facilities installations.

And, it is clear from the WIA letter that “prioritize” means taking a huge cut in line ahead of the many other projects needed to address critical health and safety issues.

***[Notwithstanding the coronavirus crisis], “WIA hopes that telecom-related projects can be prioritized, so even in a shorthanded environment, local governments can meet their statutory obligations, and these applications can be received, reviewed, and processed in a timely manner.”<sup>2</sup>***

We strongly suspect that these “prioritized” permits the industry seeks are not specific to Pandemic health and safety issues. Many are likely to result in a mere continuation of accumulated site locations that will not be built in time to aid the public during this current crisis. From recent statements from Commissioner Carr, it is also not clear that the manpower exists to either do such builds, or to provide the electricity or communications wiring necessary to make installations functional.

Given these realities, no action “prioritizing” already short-handed municipal staffing to assist the wireless industry, especially on routine applications, is either needed nor appropriate. Local governments and our professional employees are working hard to meet both day-to-day requirements as well as those arising from the COVID-19 crisis. We understand that communications capabilities are a part of our communities’ overall efforts to protect the health, safety and welfare of our residents during this time. However, permitting requirements and on-site inspections should not be prioritized over these other crisis needs. Local City councils and township boards, who are at the forefront of the current crisis, should be allowed to prioritize issues and focus on the emergency needs of their residents and safety of their employees as they are in a uniquely hands on position to understand those needs. To the extent industry proposals contain some meritorious ideas, they can be more safely considered when the country and its communities are no longer operating under extreme duress as we are here in Michigan and Metropolitan Detroit in particular.

We would like to have participated in the meeting to tell the FCC all this and more, but lack of prior notice and numerous critical obligations and commitments related to immediate health, safety and welfare prevented us from doing so.

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<sup>2</sup> Id. at 3

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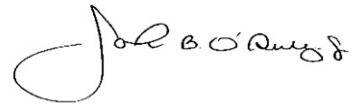
This letter is written on behalf of the following local communities and organizations from the Great State of Michigan and, we believe expresses a sentiment common among community leadership across these United States.



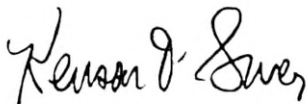
Mayor Maureen Miller Brosnan  
City of Livonia



Supervisor Leo Savoie  
Bloomfield Township



Mayor John B. O'Reilly, Jr.  
City of Dearborn



Mayor Kenson J. Siver  
City of Southfield



Neil Sheridan  
Executive Director  
Michigan Townships Association



Dan Gilmartin  
Executive Director  
Michigan Municipal League



Michael J. Watza  
General Counsel  
PROTEC [www.protec-mi.org/](http://www.protec-mi.org/)

cc:

- Representative Haley Stevens
- Representative Debbie Dingell
- Representative Brenda Lawrence
- Senator Gary Peters
- Senator Debbie Stabenow
- Governor Gretchen Whitmer
- Detroit Free Press
- Detroit News
- Gerry Lederer