



The Honorable Bill Nelson
716 Senate Hart Office Building
United States Senate
Washington, DC 20510

September 6, 2018

Dear Senator Nelson:

On behalf of Charlotte County, I write today in strong opposition to S. 3157, the Streamlining the Rapid Evolution and Modernization of Leading-Edge Infrastructure Necessary to Enhance Small Cell Deployment Act (STREAMLINE Small Cell Act) that has been filed in the Senate. The County supports the deployment of new technology, but not at the expense of local control over land use decisions and publicly owned infrastructure. The STREAMLINE Small Cell Act would preempt local control and duplicate efforts already in place at the state level. For Florida, this regulation is simply unnecessary, since the state enacted statewide standards several years ago. The STREAMLINE Small Cell Act would undermine state law and cause confusion for local governments and the telecommunications industry regarding which standards are in place.

The County was pleased to hear your statements at the Senate Commerce Committee's July 25th hearing on 5G technology about the need to hear local government perspectives on the proposed legislation. We appreciate your commitment to home rule and support for holding an additional hearing with state and local government officials as witnesses later this fall.

Local governments are best suited to evaluate the impact of any potential infrastructure on public rights of way and ensure that facilities are sited in a way that best serves our citizens. The Federal government cannot fully understand local needs, safety requirements, future development plans, or the aesthetic character of communities located thousands of miles away. A one size fits all policy does not make sense and will be unable to address the needs of diverse communities across the country. The State of Florida recognized that even within one state the needs would not be the same, with exemptions built into the law for retirement communities, municipalities with certain characteristics such as barrier islands, and areas governed by covenants or restrictions of a homeowner's association. Additionally, the Florida law exempts

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collocation on municipal electric utility poles, private utility poles, in the Florida Department of Transportation's right of way, and other specific instances. None of these exemptions are preserved in the Federal law. Additionally, the STREAMLINE Small Cell Act is silent regarding communities with underground utilities, causing further confusion between state and federal law.

The STREAMLINE Small Cell Act would place processing requirements on local governments and limit our ability to recover the costs incurred. The State of Florida already has statewide shot clock and fee requirements and this bill would cause confusion regarding which timelines and fee structures apply in a given situation. The bill could require every local government statewide to once again update their ordinances on this issue and require telecommunications companies to learn an entirely new process.

The bill would also not address instances where companies provide incomplete or insufficiently detailed information. By dragging their feet, these companies could simply run out the clock. Additionally, due to the nature of 5G technology, companies are often seeking to site dozens of small cells simultaneously, overwhelming local governments. Florida law allows for companies to batch up to 30 applications for a given area together, however this bill is silent on this issue. Florida law provides two weeks for a local government to determine if an application is complete and notify the applicant of any missing information.

We strongly support the deployment of new technology, but not at the expense of the public good. We oppose any effort by the federal government to preempt our local control, particularly to address a problem that does not currently exist. Small cell deployment is expected to increase 550 percent over 2017 levels this year. Local governments are partnering with the telecommunications industry to deploy this technology quickly, safely, and in a way that best serves our citizens. We urge you to oppose the STREAMLINE Small Cell Act and any other legislation that would undermine local control.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth W. Doherty", is written over a light blue background.

Kenneth W. Doherty
Charlotte County Board of County Commissioners

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