Small Antenna and Micro Towers: Local and State Actions and Data the FCC Should Not Ignore

NATOIA Annual Conference • September 11, 2017
Mitsuko R Herrera
Technology Policy, Planning & Special Projects
Montgomery County, Maryland
Mitsuko.Herrera@montgomerycountymd.gov • 240-777-2928
@cableBROAD • #ultraMo • www.montgomerycountymd.gov/towers
Local Govt Role in Broadband Access & Deployment

• Cable, right-of-way, telecom franchising, regulations and policies
• Cell tower regulations and policies
• Local “I-Net” – municipal broadband network that serves CAIs
• Wifi in libraries, schools, public buildings and low income housing
• Promoting awareness of low income broadband programs
• Digital inclusion technology training
• Largest potential customer base for smart community applications
Montgomery County, MD – Actions

- 3 public meetings, 2 more scheduled, & 2 state briefings
- 2 zoning amendment drafts, 3rd one coming soon
- January 2017 County Executive FCC ex parte RF letter
- County filed Mobilitie Comments & Reply, joined Smart Siting Coalition in Mobilitie and Wireless/Wireline NPRM C&Rs
- Interactive GIS mapping and online application submissions
Montgomery County, MD – Process

- Over 1,100 antennas at over 500 sites, processed over 3,000 applications
- 95% 2-part process (see www.montgomerycountymd.gov/towers)
  1) Engineering review at Tower Committee (TFCG) is 3-week process plus volume delays – for review, site visit, report, database mapping & open meeting (held every month) – cost-based $500 to $2,500
  2) Limited Use – safety code building permit and inspection (2 weeks in ROW, 6 weeks on bldg) – cost-based $475-$625 minimum or percentage of construction
  3) Conditional Use – Public zoning hearing, report, notice to surrounding properties

@cableBROAD
County Antenna Siting Process

Transmission Facilities Coordinating Group
TFCG or “Tower Committee”
Field Inspection
Engineering Review
Information Database Manager

⇒⇒⇒ 30 – 60 Days ⇒⇒⇒

Not Recommended
Permitted or Limited Use
Conditional Use

⇒⇒⇒ 90 Days ⇒⇒⇒

Permitting Services
OZAH Approval
OZAH Denial

⇒⇒⇒ 150 Days ⇒⇒⇒

Office of Zoning and Administrative Hearings

⇒⇒⇒ 30 – 60 Days ⇒⇒⇒
Montgomery County, MD – Zoning Amendments

• Currently, Limited Use: 199’ towers in industrial and mixed use areas, colocations on buildings => 30’ and on poles, 2’x3’ antennas at 15’ if 60’ from detached homes

• June 2017 draft ZTA – more Limited Use
  • Increase antenna size (9’ panels, 4’x16” canister, 3’x4’ boxes)
  • Allow on 20’ buildings
  • Allow replacement streetlight/utility poles with 5’-10’ height increase as limited use

• Process improvements: Online filing, add fees and deadline for incomplete applications, time limit by which TFCG engineering recommendation must be used, and require photo of as built deployment
Industry Response

• What have you done for me lately? *Ignores process improvements added in 1999 and 2011*

• **Trust Us.** *We need more antennas, but we won’t explain why deployment is clustered in some neighborhoods, or provide usage or congestion data to help public understand*

• **Time Limits For You Not Me!** *Shorter time limits and deemed granted, de facto no public hearings with shorter time limits, but no industry deployment or pole removal time limits*

• **What’s Yours Is Mine!** *Anything public should be open to industry, at cost, but no buildout requirements or low income programs*
Industry’s Biggest Short Comings

• Sky Is Falling – Ugliest, Cheapest Is Only Solution
• Doesn’t Do the Hard Work to Address Zoning Complexity & RF Concerns
  • 5’x2’ canisters, not 4’x1.3’
  • 45 cubic feet & 9’ tall, not 9 cubic feet
• Deployment Doesn’t Address Adoption
• Reasonable in Private and at Conferences, One-Sided, Cherry-Picking, Everything is Confidential in FCC Documents

https://youtu.be/xRuHOiS-G6A
Short Comings

• 5G deployment isn’t reaching rural
• Deeply disingenuous to suggest local preemption will bring broadband “to all Americans”
Cable Franchising

Zero Cable Franchise Fees Did Not Bring Verizon to Rural Maryland

Cell Phone Taxes

Cable With Buildout Reaches 98% of Households; Wireline and Wireless Telecom Right-of-Way Franchises Without Buildout Serves Much Smaller Footprints

Shortcoming – Ignoring Existing Data

Note: The local tax rate is calculated as the average of the tax in the largest city and the capital city. DC's rank does not affect other states’ rankings, but the figure in parenthesis indicates where it would rank if included. Source: Tax Foundation Calculations.
Local & State Message to FCC, BDAC & Industry

- Industry Needs to Push FCC to Complete 2013 RF Proceeding Addressing Health Effects of RF Emissions
- FCC Should Stop Ignoring Data That Preempting Charges, Fees & Taxes in Populated or Rural Areas Does Not Lead to More Deployment in Less Populated Areas
- Industry Needs to Provide More Data About Why There is a Need Now for Network Densification
- One Size Doesn’t Fit All – Even Within One Community
- Wireless Design Can Be Beautiful
- Industry Needs to Stop Talking From Both Sides of Its Mouth – Stop Relying on Anonymous Examples and Stop Pretending Small Antennas Won’t Be Noticed
Questions?

Montgomery County, Maryland

www.montgomerycountymd.gov/towers

Mitsuko.Herrera@montgomerycountymd.gov

240-777-2928   @cableBROAD   #ultraMo

Marjorie.Williams@montgomerycountymd.gov

240-777-3762   @MocoCableBroad