

Summary of Phone Conference: 10-21-16 with Suzanne Tetreault Suzanne.Tetreault@fcc.gov Phone 202-418-1769

The FCC is very interested in small cell deployment. The new spectrum for 5G services is high frequency and requires small cells to work. Even more small cells will be needed in the next few years. The FCC wants governments to streamline the zoning and citing process for these services.

The relevant statutes are 47 USC §253 and 47 §USC 332. Section 332 preserves local government authority provided it does not unreasonably discriminate or have the effect of discriminating. The Pole Attachment Act in 27 U.S.C. §224 requires utilities to make poles available for co-location.

There are currently no pre-emption decisions. However, she recommends that we watch the FCC in the coming months.

The FCC is also closely watching this issue with local governments and is aware of the local government concern. The State of Virginia is currently working on legislation. Montgomery, MD also has a proposed ordinance.

Heidi Cicko