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FCC Limits Local Authority Over 5G Cell Rollout

As major cell companies prepare to roll out their ultrafast 5G networks, the Federal Communications Commission issued a ruling last week that will help them build faster, while limiting the authority local governments have to control that rollout.

In a [ruling](#) lauded by cell carriers and protested by mayors across the nation, the FCC decided municipalities will have 90 days to approve or deny requests to place small cell wireless receivers, or 60 days if they're being added onto an existing facility. If the local government misses the deadline, the wireless company has grounds to sue.

The same ruling limits the one-time application fees to install cell receiver to \$500, and annual right-of-way access fees are limited to \$270, thus removing a municipality's ability to negotiate those fees individually.

It's a ruling that will get faster internet speeds to a data-craving public, but some community leaders ask at what cost?

"A ruling like this will find its way to every Main Street in the Lehigh Valley and across the nation," said LVPC Executive Director Becky Bradley. "We recommend every one of our 62 municipalities become familiar with this ruling and these new regulations because they're all going to have to deal with it. This affects us all."

The decision is designed to help speed up the roll out of 5G technology. Seizing on a seemingly insatiable appetite for more data, 5G is expected to be five to 50 times faster than 4G. And the receivers will be much small – small enough to fit in a pizza box – but with a much shorter signal transmissions than the current technology. So, with signals only transmitting a few hundred feet, carriers are going to need to install hundreds of thousands of them, and maybe millions, on light posts, utility poles and other structures, relying less on the large towers we see now. That has created a call for a shorter approval process, allowing carriers to meet demand as quickly as possible.

While cell carriers say the ruling will help them bring faster internet speeds to everyone who wants and needs it, municipal leaders say their authority is being usurped.

Some have argued that it will make it more difficult to protect the aesthetics of historic districts, others say they're ability to negotiate a fair deal with billion-dollar companies is

being stunted, and others say the timeframe is simply too short to perform an adequate review.

“While promoting broadband technology and development remains an essential City initiative, it is critically important for municipalities such as Philadelphia to balance these goals with the ability to regulate and manage the public [right-of-way) ROW,” Philadelphia lawyers said in a filing before the FCC. “The City’s ability to manage its ROW is essential in order to effectively protect the health, safety and welfare of the City’s over 1.5 million residents and 43 million annual visitors.”

The ruling did include a few details favored by local governments. If a company files an incomplete application, the shot clock on the review starts over. And the municipalities can still set “reasonable” rules for aesthetics, for example in an historic district. However, those rules can’t extend the time a community has to review the request, according to the FCC filing.

The new regulations are scheduled to take effect Oct. 26, but municipal leaders across the country have already signaled that they intend to challenge the ruling and the FCC’s ability to limit their authority. Some have suggested they will seek a stay, while the matter is reviewed further.

So, stay tuned. This story may have few more chapters.