



**REVISED TESTIMONY IN SUPPORT OF THE
Small Cell Design Guidelines
November 19, 2018**

Chairman Cheh and Members of the Committee:

My name is Susan Kimmel and I live in Tenleytown. I submit this testimony on behalf of Ward3Vision, a grassroots organization whose members support smart growth in Ward 3 and can imagine our neighborhoods as more walkable, sustainable, and vibrant. We generally avoid citywide policies particularly concerning aesthetics. However, the requirements of small cell infrastructure, needed for 5G, will impact everyone's experience of the urban environment. We appreciate the opportunity to testify today so that the regulations enacted at the federal level and by the city minimize long-term damage and develop policies to **maximize the collocation** of equipment so as to reduce both the amount of equipment at on the ground for pedestrians to negotiate and the visual clutter of too many poles. Another option to consider is the use of rooftop antennae.

The draft of DC's Small Cell Design guidelines takes into consideration the unique requirements of the federal city and its historic plan as well as the many historic districts, yet does not specify a means of encouraging or requiring collocation. We applaud the city for Section 8.2 regarding the pedestrian path and restricted use of the amenity zone, which are key to the pedestrian experience. In particular, we concur that:

- New poles be located in amenity zone so as not to block movement;
- Poles be located so as not to remove trees or prevent planting in future, as well as in 8.4 protecting root zones; and
- Poles not block bike racks or Cabi stations.

However, we wish to express our concern over provision 7.4 requiring that the replacement pole be "exactly the same in outward appearance while having increased structural strength to support the additional equipment." This seems to assume that the equipment is mounted high on the pole causing a greater overturning moment and structural stresses. Other models for 5G antennae mount the equipment in a larger diameter base, with a lower center of gravity, which might be preferable in certain situations. This demonstrates that the city needs to retain control over the approval process.

However, the FCC's Declaratory Ruling and Third Report and Order, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, adopted September 26, 2018, runs roughshod over local ordinances and guidelines. Our primary concern is with the **many provisions of that Order** (setting shot clocks for the review period, limiting fees for revenue and/or permitting, determining when aesthetic guidelines are legitimate) **will stymy the city's ability to control the build-out of the infrastructure.**

As FCC Commissioner Jessica Rosenworcel pointed out in her partial dissent, "This is extraordinary federal overreach." It is hard to believe that in this vast and diverse country, one size fits all. How can regulations for small towns be meaningful when applied to the complexity of cities like Washington DC???

Although we are unaware of how far along the District was in negotiating agreements with the various mobile operators and tower companies, **these new regulations issued as a declaratory ruling rather than notice and comment rule-making**, may screw up the plans here and those already in place between some cities and carriers. Apparently, AT&T had negotiated agreements with 19 cities.

Neither do we know the impact these regulations will have on the rates DC plans to charge for permitting and use of the right of way. So we can't anticipate any loss in revenue. Yet, the shot clock will put so much pressure on the approval process required for sites in the historic sections of the city that there will not be time for citizen participation or case-by-case review. **This sacrifice of control would be a huge loss and may lead to unfortunate build-out with long-lasting consequences.**

Needless to say, this concession to industry to build out as quickly and cheaply as possible is intended to give the US an advantage in the race against China to adopt 5G – mainly to support self-driving cars. But again, Rosenworcel underscores this folly. For one, the cost savings have been justified by asserting the companies will provide better coverage in rural areas. As far as I know, DC does not have many rural neighborhoods. Regardless, there is nothing in the language of the order to guarantee that the savings will be reinvested to serve rural communities elsewhere.

Secondly, how can the US win the race when we shot ourselves in the foot by placing tariffs on Chinese imports? We can't run fast enough to catch up when we don't produce the raw ingredients including nearly all the circuitry and equipment needed for these 5G antennae.

Of course, the tariffs will increase construction costs for the carriers and tower companies that will motivate them to save money on other project costs such as the approval process and fees. If the City Council determines that it is not able to control the design and impact of the 5G infrastructure on DC so that it does more good than harm, the Ward3Vision urges the the Mayor to join with the Mayor of Seattle, Nashville and other jurisdictions **to challenge the FCC's overstepping of federal power.**

On the other hand, some federal laws have been ignored but perhaps should be applied before the 5G network is fully built out. Because the Federal government licenses the use of radio spectrum, Ward3Vision joins those who argue that NEPA, **the National Environmental Policy Act, a federal procedural statute, should be invoked to determine the long range consequences of RF radiation on humans** and other forms of life when we will all be exposed to increased amounts 24 hours a day.

Thank you for your time.

Respectfully submitted,

/s/

Susan Kimmel

On behalf of Ward3Vision