

From: Meridee Pabst [mailto:meridee.pabst@wirelesscounsel.com]
Sent: Tuesday, April 28, 2015 9:58 AM
To: Planning and Sustainability Commission
Cc: Tracy, Morgan (Planning); Ken Lyons
Subject: Planning and Sustainability Comm. 04/28/2015 Meeting - RICAP 8 Work Plan, Item #4 Radio Frequency Regulations

Dear Chairman Baugh and Planning Commissioners:

We write on behalf of AT&T to support including Item #4 – Radio Frequency Regulations in RICAP 8.

You may recall updating Chapter 33.274 through the RICAP 6 process last year. Some of those code changes were intended to bring the City's regulations consistent with Section 6409 of the 2012 Middle Class Tax Relief and Job Creation Act (commonly referred to as "Section 6409"). Section 6409 was enacted to expedite the deployment of wireless broadband services and streamline the local permitting process. The statute only applies to modifications of existing wireless facilities (also known as collocations) that do not substantially change the existing facility.

Earlier this year, the Federal Communications Commission ("FCC") published a new rule implementing and clarifying Section 6409. 47 C.F.R. § 1.40001. Among other things, the new FCC rule provides numerous definitions, including a detailed definition of "substantial change," and a framework for the local review and approval process. With some changes to the City's code sections governing facility modifications, the City's code can be updated to mirror these new federal requirements.

Thank you for the opportunity to comment on the scope of the RICAP 8 work plan. AT&T looks forward to working with the City to refine Chapter 33.274 for consistency with the new FCC rule.

Sincerely,

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