

City of Wilton Manors

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STATEMENT OF

**THE HONORABLE GARY RESNICK
MAYOR, WILTON MANORS, FLORIDA**

**BEFORE THE SENATE COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**

**“REMOVING BARRIERS TO WIRELESS BROADBAND
DEPLOYMENT”**

**OCTOBER 7, 2015
WASHINGTON, DC**

Statement of
The Honorable Gary Resnick
Mayor, Wilton Manors, Florida
Before the Senate Committee on Commerce, Science, and Transportation
“Removing Barriers to Wireless Broadband Deployment”
October 7, 2015

Good morning, Chairman Thune, Ranking Member Nelson and Members of the Committee. I am Gary Resnick, Mayor of Wilton Manors, Florida and long-term member of the National League of Cities (NLC) and the National Association of Telecommunications Officers and Advisors (NATOA). The National League of Cities is the nation’s largest and most representative membership and advocacy organization for city officials, comprised of more than 19,000 cities, towns, and villages representing more than 218 million Americans. The National Association of Telecommunications Officers and Advisors is the premier local government professional association that provides support to its members on the many local, state, and federal communications laws, administrative rulings, judicial decisions, and technology issues impacting the interests of local governments. The cities and towns in your states are very likely members of NLC and NATOA.

I also serve as Chair of the Intergovernmental Advisory Committee (IAC) of the Federal Communications Commission (FCC). The IAC provides guidance to the FCC on a broad range of issues of importance to state, local and tribal governments including cable and local franchising, public rights-of-way, facilities siting, universal service, broadband access, barriers to competitive entry, and public safety communications. My background as an attorney with the Florida firm of GrayRobinson, representing businesses and local governments for over 20 years in connection with such communications issues, and my role as Mayor, has allowed me to work effectively with public and private entities, and local citizens, focused on improving wireless communications.

I want to thank the Committee for calling attention to the importance of wireless communications services by holding this hearing and appreciate the opportunity to provide the

unique perspective of local governments and our role in ensuring our communities have access to wireless broadband services. No one wants broadband deployment and competitive choice more than local governments. We are not only regulators of the deployment of these services for the benefit of our residents, we are large consumers of these services and often local governments are providers of broadband services. For years, communities across the country have taken innovative steps to increase the deployment of critical infrastructure – including towers – carefully balancing the health, safety and welfare concerns of our residents and communities.

The recent tragedy in Oregon and the preparations for Hurricane Joaquin are just the latest examples demonstrating the importance of local governments and our first responders having reliable access to vital wireless communications and broadband services.

Role of Local Governments in Increasing Wireless Broadband

While various stakeholders' approaches to increasing wireless broadband may differ, it is safe to conclude that all of us have the same goals – to ensure that all Americans have universal, affordable access to advanced broadband services and that deployment occurs as efficiently as possible without compromising the public's health and safety. It is undeniable that the growing demand for wireless broadband services, coupled with the growing use of personal wireless devices, requires the deployment of additional infrastructure. Increased access and better wireless broadband services bring a wealth of benefits to America's municipalities and counties, including increased economic development and job creation, enhanced public safety, telemedicine, distance learning, and improved civic engagement.

Our need for additional broadband deployments must be balanced with the absolute need for local governments to maintain reasonable control and authority over the placement of these facilities in our communities. Because of our responsibility as local leaders to protect the health, safety, and welfare of our residents, federal policies must respect our ability as local officials to manage public rights-of-way as well as land uses on private and public property. Disruption to neighborhoods, open spaces, streets, sidewalks, and businesses can have a negative impact on public safety and industry, as well as the sustainability of our communities. As such, local

governments have, and must maintain, authority to regulate land use, zoning and access to public rights-of-way.

Not a Barrier to Deployment

Local governments believe that the vast majority of projects in our communities are reviewed and deployed in a timely manner, respecting both the needs of providers and tower owners, and also the desires of the communities they serve. In fact, many communities, with industry input, have taken steps to streamline their siting practices in an effort to provide certainty in the permitting and zoning processes. Many communities have enacted ordinances that express a preference for collocations and encourage such siting requests by limiting government review solely to a staff process. Any assertion that most local governments are barriers to wireless infrastructure deployment is simply wrong. As Mayor, I know firsthand how vitally important communications services are to our first responder police and fire personnel – the vast majority of whom are local government employees. Additionally, wireless broadband is critical for the economic and social welfare of our residents, educational institutions, libraries, and businesses and we strive to ensure they have affordable, reliable access to these services.

In 2009, the Federal Communications Commission adopted a declaratory ruling establishing timeframes within which local communities must act on tower siting applications. Prior to that FCC action, the Florida Legislature adopted similar timeframes for such local government action. To date, the timeframes have worked well in my State and throughout the country. In a related facilities siting Report and Order adopted in 2014, the Commission declined to adopt an additional remedy in the event the timeframes were not met, in large part because of a finding that the existing rules are working well.

Furthermore, in its 2014 wireless broadband facilities siting order, the FCC recognized the vital role that local governments play in bringing advanced communications services to all Americans. While taking steps to eliminate what it viewed as unnecessary review procedures with respect to small-sized wireless broadband facilities on existing structures, the FCC did so in a way to preserve local land use authority, protect camouflage and concealment measures, and allow local communities to protect aesthetic and safety interests.

In conjunction with the 2014 order, NLC, NATOA, and the National Association of Counties worked cooperatively with CTIA and PCIA on educational initiatives and materials that provide communities with resources to encourage increased broadband deployment and choice for our residents and businesses, consistent with the new federal rules. We are eager to work with all stakeholders. Proof of cooperation between local governments and industry is evident by the sheer number of sites deployed to date.

There may be instances where deployment does not occur as quickly as industry or local governments would like. We understand that the wireless industry is undergoing many changes and has many pressures that may delay deployment of infrastructure. Similarly, wireless infrastructure is just one of the many responsibilities that fall on the shoulders of local governments. If there are delays to deployment, it should be understood that we, as local leaders, are managing a variety of infrastructure needs, just as the industry is managing a variety of issues. It would not be productive for the legislative process to portray each other as obstacles to wireless broadband deployment. Reaching consensus, which is the mainstay of the government process at the local level, would be most effective. We look forward to continuing our demonstrated effective working relationship with the wireless industry and our federal colleagues using a collaborative approach to promote deployment in a manner that respects the legitimate interests of all interested parties.

FirstNet

Public and private stakeholders are working collaboratively to deploy a new nationwide, interoperable, wireless broadband network for public safety communications (“FirstNet”) to serve both urban and rural America within the next several years. As a result, challenges to timely wireless deployment may increase. However, let there be no mistake – local governments actively encourage and want the deployment of this new network and will strive to ensure it is built in a timely manner.

Any assertion that local governments would act in any manner to delay the deployment of FirstNet ignores the long-established role that local governments play in providing public safety communications and protecting life and property.

Conclusion

Billions of dollars are being invested in broadband projects through various federal programs, such as the Connect America Fund and E-Rate, with much of it in rural parts of our country. Local governments – the government closest to the people and most accountable to our joint constituents– want to see these investments succeed. We fully recognize that local governments will play an important role in helping to ensure that these initiatives are deployed in a timely and efficient manner, while protecting the unique needs and interests of the communities they seek to serve.

On behalf of NLC and NATOA, I want to thank the Committee for inviting me to participate in this hearing today. I offer the ongoing assistance of local governments as you examine ways to increase broadband deployment across our nation. I urge you to view local governments as strong partners in ensuring that broadband services are available to all Americans.

Thank you again. I look forward to any questions you might have.