

LEGAL ALERTS | MAY 17, 2017

New Potential Threats to Communities from the FCC

Comments Due Soon — BB&K Coalition Formed to Respond

Does your community rent space to wireless providers on your buildings or light poles, or in your rights of way, community parks or water tanks? If so, you need to be aware that the FCC is asking:

- Whether it should regulate the price you charge for such access;
- The amount of time you can take to decide whether to make such space available; and
- What other terms and conditions you may impose for the use of your property as a landlord?

Please note that these threats to you as a landlord are in addition to limits the FCC is suggesting it can impose on you as a regulator, including whether the FCC has the authority to preemptively zone wireless infrastructure in your community.

These threats are to be found in two new Notices of Proposed Rulemakings and Notices of Inquiry issued by the FCC.

- The [Wireless Notice of Proposed Rulemaking and NOI](#) asks whether it can impose its rules on local governments acting in their proprietary capacity as outlined above. It then asks: Should it shorten current shot clocks for regulatory review of wireless deployments, preemptive zone wireless infrastructure in your community through “deemed granted” orders, and create special rights for wireless providers in undergrounded communities? **Comments are due June 9 and reply comments are due July 10.**
- The [Wireline Notice of Proposed Rulemaking and NOI](#) suggests rule changes in localities’ rights of way and pole attachments deployment rules, and questions the reasonableness of rates, access conditions and timelines for wireline deployments. **Comments are due on June 15 and reply comments are due on July 17.**

Best Best & Krieger LLP has created a coalition of local governments to respond to these threats, and we hope you will join us. If you are interested or to learn more, please contact the author of this Legal Alert listed at the right in the firm’s [Telecommunications](#) practice group, or your [BB&K attorney](#).

People



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