



MAYOR STEVEN SCHARF
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July 24, 2019

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20515

RE: Support S. 2012 (Feinstein)

Dear Senator Feinstein,

On behalf of the City of Cupertino, I am writing to express the City's support for S. 2012, which would nullify recent actions by the Federal Communications Commission (FCC) that constrict local authority in pursuit of the expansion of wireless infrastructure.

In August and September 2018, the FCC adopted regulations limiting the authority of cities and states to regulate the wireless technological attachments to public infrastructure, like street lights and utility poles, needed for the deployment of 5G. These regulations compel local governments to permit access to publicly owned infrastructure with set time limits as low as 60 days to conduct all necessary inspections and authorize proposals. Additionally, their limitation on fees and rates to direct and actual costs strips municipalities of the ability to analyze and identify the cost-benefit of this technology to its residents. The FCC's actions prevent even reasonable local environmental and design review, and drastically limit common-sense requirements to include our constituents in the approval process and allow us to protect our community.

The actions upend local authority in the name of expediting corporate technological expansion. We share the FCC's goal of ensuring efficient, safe, and appropriate deployment of new broadband technology, but co-opting local infrastructure without local permission is the wrong solution.

The State of California considered similar legislation (Senate Bill 649) two years ago. The bill received widespread opposition from local jurisdictions, and though the state legislature passed it, Governor Brown vetoed the bill. It has not been reintroduced since. California cities like ours understand that we cannot adequately govern if essential local decisions are outsourced to corporations who are not accountable to our residents. Local

governments should have the time and flexibility to ensure that small cell wireless infrastructure is deployed safely and correctly in our communities.

Since the FCC's regulations took effect on January 14, 2019, cities have already begun to feel their effects. There is no time to waste. I would like to thank you for your leadership in authoring S. 2012, and for including local governments in the path forward for widespread 5G deployment that does not come at the expense of local freedom.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Scharf". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven Scharf
Mayor, City of Cupertino

cc: The Honorable Kamala Harris
The Honorable Ro Khanna
The Honorable Anna Eshoo