

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

June 2, 2020

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

Given the ongoing challenges that local governments face during the COVID-19 pandemic, we write to urge the Federal Communications Commission (FCC) to delay its June 9 vote on the Declaratory Ruling and Notice of Proposed Rulemaking (Declaratory Ruling) in Docket 19-250.¹ Under the guise of clarifying its existing rules, the FCC's Declaratory Ruling would grant companies the right to expand existing cell sites without any regard to local processes, among other things.²

We are especially troubled by the burden responding to this Declaratory Ruling will place on local governments that are justifiably focused right now on combatting the ongoing coronavirus pandemic. Likewise, we worry that if this Declaratory Ruling does not benefit from meaningful input from local governments, the result could undermine municipalities' ability to balance their responsibilities to public safety and community design with their desire to ensure access to affordable wireless networks and the next generation services.

We believe such a delay is further warranted as local public servants and elected officials are filling the void left by their federal counterparts.³ These local officials cannot be expected to

¹ Federal Communications Commission, *Implementation of State and Local Governments Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, Draft Declaratory Ruling and Notice of Proposed Rulemaking, WT Docket No. 19-250, FCC-CIRC2006-03 (Rel. May 19, 2020).

² See *id.* at ¶ 4.

³ *State, Local Government Fill Void of Coordinated Federal Response to Coronavirus*, WBALTV.com (Mar. 31, 2020) (www.wbalTV.com/article/coronavirus-state-local-governments-fill-void-coordinated-federal-response/31996023).

conduct a meaningful review and respond to an item of this nature within the very limited time provided by the FCC. If local governments are forced to respond to this Declaratory Ruling instead of focusing on their public health and safety responses, it very well may put Americans health and safety at risk.

Postponing this Declaratory Ruling would also be in line with the request Committee Chairs of the House of Representatives made last month to immediately extend public comment deadlines in light of the COVID-19 pandemic across the federal government.⁴

For those reasons, we ask that you delay the FCC's proposed vote on the Declaratory Ruling currently scheduled for June 9, 2020. Thank you for your attention to this important matter. If you have any questions, please contact Gerald Leverich of the Majority Staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.
Chairman



Mike Doyle
Chairman
Subcommittee on Communications
and Technology

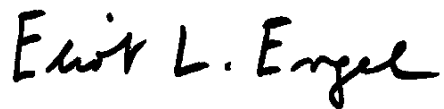


Anna G. Eshoo
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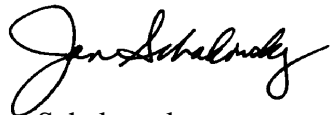
⁴ Letter from Chairman Frank Pallone, Chairman Jerrold Nadler, Chairwoman Carolyn Maloney, Chairwoman Eddie Bernice Johnson, Chairman Peter DeFazio, Chairman Raúl Grijalva, Chairman Bennie Thompson, Chairwoman Maxine Waters, Chairman Eliot Engel, Chairman Bobby Scott, Chairman Richard Neal, Chairwoman Nydia Velázquez, Chairman Mark Takano, and Chairman Adam Smith, United States House of Representatives to Acting Director Russell Vought, Office of Management and Budget (Apr. 1, 2020) (energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/OMB.2020.4.1.%20Letter%20re%20Comment%20Period%20Extension.OI_.pdf).



Eliot L. Engel
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Diana DeGette
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Jan Schakowsky
Member of Congress



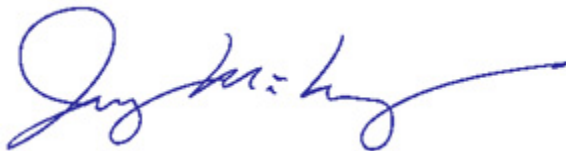
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Jerry McNerney
Member of Congress



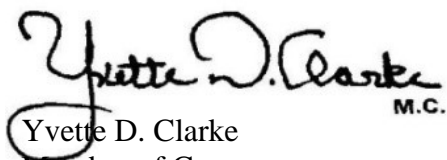
Peter Welch
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Ben Ray Luján
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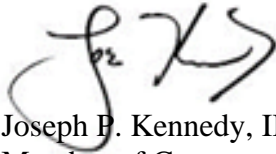
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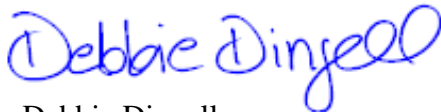
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The Honorable Ajit V. Pai

June 2, 2020

Page 5

cc: The Honorable Michael O’Rielly, Commissioner, Federal Communications Commission

The Honorable Brendan Carr, Commissioner, Federal Communications Commission

The Honorable Jessica Rosenworcel, Commissioner, Federal Communications
Commission

The Honorable Geoffrey Starks, Commissioner, Federal Communications Commission