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Crown Castle
6420 Congress Avenue, Suite 2000
Boca Raton, FL 33487

PROVIDED BY
MELISSA ANDERSON

August 19, 2014

Via Electronic Mail and Hand Delivery

Cynthia Everett, City Attorney
City Attorney's Office
Fort Lauderdale City Hall
100 North Andrews Ave.
Fort Lauderdale, FL 33301

Re: Proposed Moratorium (C-14-AA) on Applications for Telecommunications Towers

Dear Ms. Everett:

Crown Castle NG East Inc. ("Crown Castle") respectfully submits this letter to the City of Fort Lauderdale (the "City") regarding the proposed moratorium "...IMPOSING A TEMPORARY MORATORIUM UPON THE RECEIPT OF OR PROCESSING OF APPLICATIONS, PERMITS OR PENDING APPROVALS PERTAINING TO THE INSTALLATION OR SITING OF ANY "TELECOMMUNICATIONS TOWERS"..." which will be heard on first reading tonight.

Crown Castle objects to the imposition of the moratorium on several grounds. First, this moratorium is overreaching and unnecessary to protect the City's regulatory authority in relation to its rights of way under Florida Statutes, Section 337.401(3). Crown Castle believes that the City can accomplish the same result by less drastic means, i.e., by sitting down and, in concert with companies such as Crown Castle, cooperatively drafting an ordinance which will both protect the city's interests while protecting Crown Castle's rights under state and federal law as a telecommunications company.

Second, Crown Castle believes that the proposed moratorium is not necessary because Section 337.401(3) of the Florida Statutes clearly sets forth Crown Castle's facilities are permitted to be placed in the city's right of way. In denying Crown Castle's recent permit applications, the City stated that the facilities applied for Distributed Antenna Systems ("DAS") do not fall within the "subject matter jurisdiction" of "communications services facility." The state definition for "communications services" is as follows:

"Communications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The

term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include:

- (a) Information services.*
- (b) Installation or maintenance of wiring or equipment on a customer's premises.*
- (c) The sale or rental of tangible personal property.*
- (d) The sale of advertising, including, but not limited to, directory advertising.*
- (e) Bad check charges.*
- (f) Late payment charges.*
- (g) Billing and collection services.*
- (h) Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.*

Crown Castle's facilities fall squarely within the definition of communications services facilities under the state statute. Attempts by the City to "redefine" what constitutes a "communications services" facility will contradict both state and federal law if the City seeks to exclude facilities which are clearly included by such legislation.¹

Third, it is unacceptable that the City is now asking for a 6 month moratorium when the city has been well aware of these issues for almost two years. Please keep in mind, that these DAS utility poles will serve those residents and neighborhoods in the immediate vicinity of the nodes by increasing the quality and reliability of wireless service. Given that 70 percent of all 911 calls in the US emanate from wireless phones, having reliable wireless service is critical for any community.² Additionally, each DAS node which is placed into service by Crown Castle is a registered Public Safety Access Point for the 911 system.³

Crown Castle appreciates the opportunity to provide its input to the City in a cooperative manner and looks forward to bringing its facilities to the City very soon.

Sincerely,



Melissa P. Anderson
Government Relations Counsel
Southeast Region

¹ The FCC recognized that DAS systems are telecommunications facilities in a Public Notice published on January 25, 2013.

² See FCC page at: <http://www.fcc.gov/guides/wireless-911-services>

³ See FCC page at: <http://transition.fcc.gov/pshs/services/911-services/enhanced911/psapregistry.html>

Cc: Ms. Wanda Melton, Crown Castle
Armando Hernandez, Crown Castle
Mary Guy, Crown Castle
Cynthia Qualtire, Crown Castle
Ms. Lisa Maxwell
Hope Calhoun, Esq., Becker Poliakoff
Lee Feldman, Fort Lauderdale City Manager