December 31, 2025

Marlene H. Dortch
Secretary
U.S. Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: City of Austin Comments – WT Docket No. 25-276
Submitted via Federal Communications Commission's (FCC) Electronic Comment Filing System (ECFS) at: https://fcc.gov/ecfs

Dear Secretary Dortch:

On behalf of the City of Austin, thank you for the opportunity to provide comments on the proposed rules published in the *Federal Register* on December 1, 2025, titled "*Build America: Eliminating Barriers to Wireless Deployments*."

Austin is a dynamic, growing city that values innovation and connectivity. We have worked closely with wireless providers to deploy small cells and macro sites across our community, including on private property and in public rights-of-way (ROW). Wireless services are essential for residents, businesses, and tourists, and we support efforts to expand access. However, the proposed rules raise significant concerns about preemption of local authority, erosion of community standards, and fiscal impacts on municipalities entrusted to manage public assets.

The following comments reflect input from multiple City departments relating to key areas of concern including right-of-way management, fair compensation, permitting timelines, aesthetic standards, and public safety.

General Comments:
Local governments are stewards of public rights-of-way (ROW) and community character. Congress preserved municipal authority under Sections 253(c) and 332(c)(7) to regulate placement and require fair and reasonable compensation.

- Austin charges market-based rates consistent with Texas law to recover costs for ROW management, safety, and infrastructure maintenance. These fees are not barriers; they ensure equitable service delivery, protect taxpayers, and ensure fair and equal access to all users of public ROW. The Commission's proposal would elevate one category of ROW user

above all other users, moving them to the front of the line and giving them a discount to market rates.

- Objective design standards and permitting processes are not obstacles to deployment; they are safeguards that integrate technology responsibly into neighborhoods. Courts have long recognized community aesthetics as a legitimate public purpose. The City strongly urges the FCC to respect municipal authority, affirm fair compensation, and avoid creating new rules that undermine local governance and public safety.

The City of Austin is especially concerned about the proposed rule undermining Section 253. Texas cities and the bipartisan Texas congressional delegation led efforts during consideration of the 1996 Telecommunications Act to preserve local authority to manage public ROW and to collect fair market compensation for their use and management. Public right-of-ways are valuable property that the City must manage in a manner that allows a myriad of entities to use them safely and efficiently. The costs associated with ROW use offset the costs the city must expend to maintain safe and efficient ROW. The City opposes federal preemption of local authority and opposes this mandate for preferential treatment for one specific set of entities at the expense of other users of valuable public property that is critical to basic mobility, commerce, and the delivery of public services such as water and sewer. All these utilities are the foundation of public health and a modern economy.

Specific Comments by Section

Section	Summary of Proposed Rule	Comments/Recommendations
Disproportionate or Unreasonable State and Local Fees (III.B.3 ¶41-43)	Franchise Fee Restrictions	The FCC proposes limiting franchise fees to "cost recovery," despite Section 253(c) of the Communications Act allowing "fair and reasonable compensation." Texas municipalities rely on these franchise fees to fund infrastructure maintenance, administrative oversight, and public safety. Restricting fees to "actual costs" could exclude necessary indirect expenses, shifting costs to taxpayers and undermining long-term agreements. Texas law allows municipalities to collect franchise fees for infrastructure and public services. The FCC's rule could preempt these state protections. Additionally, the FCC seeks comment on whether existing agreements should be grandfathered or subject to new standards, raising concerns about retroactive enforcement and invalidation of long-standing franchise agreements, forcing municipalities to renegotiate under less favorable terms. The City urges the FCC to preserve municipal authority to set fair, market-based fees and avoid retroactive enforcement that invalidates long-standing agreements.

Section	Summary of Proposed Rule	Comments/Recommendations
Conditions Associated with the Siting Approval (III.A.2 ¶23-27), **Aesthetic Requirements** (III.B.4 ¶57-59), and **Regulatory Impediments** (III.B.5 ¶60-61).	Erosion of Local Control over Siting Decisions	The proposed rule significantly limits local discretion over wireless facility siting, particularly aesthetic and concealment requirements. Paragraphs 23–27 and 57–61 suggests municipalities may not deny modifications based on aesthetics unless they "defeat" concealment elements. This narrow interpretation disregards the community-specific design standards and threatens to override local ordinances that preserve neighborhood character. The City urges the FCC to maintain local authority over aesthetic standards and allow municipalities to enforce objective design requirements that protect community character.
Unreasonable Delays of Permitting Approvals (III.B.2 ¶33-40)	Expanded Shot Clock Rules and Limits on Application "Tolling"/Delays	Paragraphs 33–35 propose extending the existing shot clocks – originally designed for small wireless facilities – to cover a broader range of deployments, including macro towers and other infrastructure, with timelines of 60 to 150 days. Paragraphs 35–40 introduce new standards for determining when an application is "complete" and when the shot clock may be "tolled". Under the proposal, local governments must notify applicants of any deficiencies within 10 days and will have limited ability to "toll" the clock for supplementation information. While faster timelines aim to accelerate deployment, they raise public safety concerns. Accelerated timelines can cause outages, including water service disruptions from utility strikes during telecom construction. These incidents are largely preventable with adequate coordination. Careful consideration of buried infrastructure also helps avoid wireless outages and ensures repair crews have clear access to water and wastewater systems in the ROW. The City urges the FCC to allow adequate coordination time to prevent outages, protect buried infrastructure, and prioritize public safety over rigid timelines.

Conclusion

The City of Austin welcomes collaboration and urges the Commission to reconsider proposals that broadly preempt local authority. Federal intervention here risks eroding community standards, compromising infrastructure planning, and imposing significant financial burdens on taxpayers. We specifically ask the Commission to:

- **Preserve local authority** to manage public rights-of-way (ROW) and enforce objective design standards.
- **Affirm the right to fair, market-based compensation** for ROW use under Section 252(c).
- **Avoid one-size-fits-all mandates** that disregard the complexity of urban infrastructure and public safety needs.
- **Prioritize partnership with municipalities** to advance national connectivity goals without penalties.

Austin has a proven record of collaborating with wireless providers under existing frameworks. Broad preemption is unnecessary and counterproductive. The Commission should prioritize partnership, not penalties, and adopt policies that respect local expertise while advancing national connectivity goals.

Should you have any questions, please reach out to Carrie Rogers, Austin Government Relations Officer, at carrie.rogers@austintexas.gov or 512.923.7577.

Sincerely,



T.C. Broadnax
City Manager
City of Austin

cc: Honorable Mayor and City Council Members
Erika Brady, City Clerk
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CMO Executive Team
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