



# TOWN OF FAIRFAX

## STAFF REPORT

August 7, 2019

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*

**SUBJECT:** Adopt a Resolution in Support of Senator Feinstein's bill S.2012 overruling FCC ruling regarding wireless telecommunication facilities (5G)

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### RECOMMENDATION

Adopt the resolution.

### DISCUSSION

On June 27, 2019, California Congresswoman Dianne Feinstein (D-CA) introduced S.2012, which seeks to overrule the FCC's recent actions to accelerate wireless and broadband deployment (aka the 5G rollout).

The bill is concise. It reads in its entirety as follows:

#### *SEC. 3. PRESERVATION OF RIGHTS OF STATE AND LOCAL GOVERNMENTS.*

*The following regulatory actions of the Commission shall have no force or effect:*

- (1) The Declaratory Ruling in the "Third Report and Order and Declaratory Ruling in the matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment and Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" adopted by the Commission on August 2, 2018 (FCC 18-111).*
- (2) The "Declaratory Ruling and Third Report and Order in the matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment and Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" adopted by the Commission on September 26, 2018 (FCC 18-133).*
- (3) The rule adopted by the Commission entitled "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" (83 Fed. Reg. 51867 (October 15, 2018)).*

The proposed resolution was modeled after a similar council resolution in support of H.R. 530. The proposed resolution not only supports the bill, but also calls on Congress to enact similar legislation to invalidate the FCC's recent actions.

### ATTACHMENTS

A. Resolution