



District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



February 25, 2020

Mr. Matthew Marcou  
Associate Director for Public Space Regulation  
District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

Re: Recent Decision by the U.S. Court of Appeals for the District of Columbia Circuit on Small Cell Facilities

Dear Associate Director Marcou and Public Space Committee Members:

At a regularly scheduled and properly noticed meeting<sup>1</sup> on February 13, 2020, our Commission voted 6-0-1 (with 5 Commissioners required for a quorum) to adopt the following resolution:

On August 24, 2018 the Public Space Committee of the District Department of Transportation (DDOT) promulgated Small Cell Design Guidelines that were premised on an order issued by the Federal Communications Commission (FCC) that exempted the deployment of small cell facilities from review under, among other things, the National Historic Preservation Act of 1966 (the “Small Cell Exemption”).

On October 8, 2019, the FCC issued an order deleting the Small Cell Exemption from the relevant FCC regulations. Therefore, as of October 8, 2019, all proposed small cell deployment in ANC 6A located on Capitol Hill must undergo the traditional historic review process. Before October 8th, there was a very unique exemption for small cells that no other telecommunications infrastructure has ever experienced. This reversal is a significant and positive change for Capitol Hill. The reversal occurred given the recent FCC order to recognize the relevance of Section 106 of the National Historic Preservation Act of 1966 in relation to small cell deployment.

Therefore, ANC 6A urges the Public Space Committee to carefully review and revise the Small Cell Design Guidelines to ensure that the guidelines are consistent with all relevant federal statutes and regulations. We urge that all currently scheduled deployments of Small Cell wireless within 6A be temporarily halted until the following steps are taken:

- DDOT and the carriers provide a detailed Method of Procedures to the community that clearly outlines the carriers’ initial and annual testing and validation plans.

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc6a@yahoogroups.com](mailto:anc6a@yahoogroups.com), and [newhilleast@groups.io](mailto:newhilleast@groups.io), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.



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We seek assurance that signal levels are both safe in public space but more importantly within our residencies. We are looking for the carriers to ensure that EMT exposure levels meet or fall below the manufacturer's recommended offset.

We request that ANC6A be allotted adequate time for these procedures and proposed deployment locations to be vetted through the Transportation and Public Space (TPS) and the full Commission.

Thank you for giving consideration to our ANC's feedback on this issue. Please feel free to reach out to me at [amberanc6a@gmail.com](mailto:amberanc6a@gmail.com) or our Secretary Mike Soderman at [MikeANC6A03@gmail.com](mailto:MikeANC6A03@gmail.com) both of whom are authorized to represent the Commission in this matter.

On behalf of the Commission,

Amber Gove  
Chair, Advisory Neighborhood Commission 6A