From: Chris Cropley <ccropley@tlingitandhaida.gov>
Sent: Monday, June 8, 2026 2:48 PM
To: Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>
Cc:; Bob Lynn <blynn@petersburgak.gov>
Subject: Re: Ordinance

Thank you for allowing Tidal Network the opportunity to review the proposed wireless infrastructure ordinance. We support the Borough's goal of establishing a clear and predictable process for the siting of telecommunications facilities.

Several provisions of the draft ordinance raise concerns under federal law and current FCC policy because they create barriers that may delay, increase the cost of, or prevent the deployment of broadband and wireless infrastructure needed to serve current and future community needs. As wireless technology continues to evolve, networks increasingly require more infrastructure locations, not fewer. Modern 5G networks and future generations of wireless service often depend on a greater number of strategically placed facilities to provide the coverage, capacity, reliability, and speeds that users expect. When regulations become overly restrictive, providers may be less willing or able to invest in network improvements and expansion, making it harder for Petersburg to keep pace with growing communications, economic development, and public safety requirements.

Section 19.58.050 requires a tower base to be set back 110 percent of the total tower height from all property lines and public roads. This requirement significantly limits the number of viable sites and effectively excludes otherwise suitable commercial and industrial properties from consideration.

The ordinance also establishes a 1,500-foot setback from schools, childcare facilities, hospitals, and assisted living facilities. No engineering, structural safety, or land use justification is provided for this restriction. To the extent the setback is intended to address concerns regarding radiofrequency emissions, 47 U.S.C. § 332(c)(7)(B)(iv) preempts local regulation of wireless facilities based on the environmental or health effects of RF emissions where the facility complies with FCC standards.

The fixed half-mile separation requirement between communication towers appears arbitrary and is unsupported by any engineering analysis contained in the ordinance record. Modern wireless networks frequently require facilities at shorter intervals to address terrain, capacity demands, spectrum characteristics, redundancy, resiliency, and public safety communications. A mandatory separation distance unrelated to actual network requirements may materially inhibit deployment and network improvement.

The ordinance requires applicants to demonstrate that alternative sites are unavailable before preferred locations may be considered. It also requires applicants to establish the existence of a significant coverage gap before a facility may be approved.

FCC precedent increasingly focuses on whether a state or local requirement materially inhibits the provision, improvement, densification, modernization, or expansion of wireless service rather than whether an applicant can prove the existence of a significant coverage gap. Under current FCC interpretations of Sections 253 and 332 of the Telecommunications Act, a local requirement may constitute an effective prohibition if it materially limits or inhibits the ability of a provider to deploy, improve, upgrade, densify, or maintain wireless service.

Requiring applicants to prove that alternative sites are unavailable or unsuitable may improperly substitute local preferences for technical network design decisions. Wireless network design depends on propagation modeling, spectrum characteristics, terrain, capacity requirements, backhaul availability, redundancy needs, and future growth considerations that are uniquely within the expertise of the provider and its engineers.

While collocation should be encouraged where feasible, existing structures do not always meet the coverage, capacity, loading, height, spectrum, or operational requirements necessary to support modern wireless networks.

The ordinance requires towers to be constructed at the minimum feasible height while simultaneously requiring additional structural capacity to support future collocation.

Designing a tower to accommodate future collocation often requires additional structural capacity, mounting space, and, in some cases, additional height. Requiring both minimum feasible height and mandatory future collocation capacity creates conflicting design standards that may be impossible to satisfy simultaneously. When combined with extensive setback and separation requirements, these provisions significantly reduce the number of locations where compliant facilities can be deployed.

Section 19.58.050(H) limits wireless equipment protrusions to 36 inches from the supporting structure.

This limitation appears arbitrary and is unsupported by engineering evidence. Modern wireless deployments often require antenna mounting brackets, remote radio heads, cabling, ice bridges, equipment clearances, and antenna tilt configurations that exceed this restriction. The requirement may prevent the installation of standard equipment necessary for contemporary 4G, 5G, fixed wireless, and public safety communications systems.

Section 19.58.110(C) requires a minimum cash or surety bond of $150,000 for facility removal.

A fixed minimum bond of this magnitude is disproportionate for many modern telecommunications facilities and may significantly increase deployment costs regardless of the actual size, complexity, or removal expense associated with a particular site. Bonding requirements should be reasonably related to documented removal costs rather than applied uniformly to all facilities.

The FCC shot clock generally begins when a completed application is submitted, not when a public hearing is scheduled or held. Local procedural requirements cannot be used to indefinitely delay the commencement of federal review timelines or effectively extend federally established processing periods.

The FCC is actively evaluating additional measures to reduce local barriers to wireless deployment in WT Docket No. 25-276. FCC Chairman Brendan Carr has specifically identified state and local permitting requirements that unnecessarily delay broadband deployment and has emphasized the Commission's authority to preempt local barriers that inhibit next-generation communications infrastructure.

While any individual provision may appear defensible in isolation, the cumulative effect of mandatory location hierarchies, alternative site analyses, significant setback requirements, tower separation mandates, conflicting design standards, and discretionary technical reviews substantially increases deployment costs and limits the ability to construct facilities where they are technically required.

When local governments impose technical design standards without engineering support, they risk substituting regulatory preferences for established telecommunications engineering practices. Collectively, these requirements may materially inhibit the deployment, improvement, densification, modernization, and maintenance of wireless networks and therefore raise concerns under Sections 253 and 332 of the Telecommunications Act.
Tidal Network recognizes the Borough's interest in aesthetics, neighborhood compatibility, structural safety, and the responsible management of abandoned infrastructure. We respectfully request that the Borough revise these provisions before adoption and evaluate each requirement against current FCC precedent concerning material inhibition and effective prohibition.
We remain willing to work collaboratively with Borough staff, the Planning Commission, and the Borough Assembly to develop regulations that protect legitimate local interests while preserving the flexibility necessary to deploy modern communications infrastructure and broadband services.
The comments provided above are not intended to be an exhaustive review of every provision of the proposed ordinance. Rather, they highlight several of the more significant concerns identified during our initial review. Additional provisions may warrant further evaluation for consistency with federal law, FCC policy, accepted telecommunications engineering practices, and practical deployment considerations. For example, requirements affecting tower design, guy wire placement, access, collocation, maintenance, and other technical aspects of network construction may also have unintended impacts on the ability to deploy or upgrade communications infrastructure.

FCC's guidance for local governments regarding RF compliance and wireless infrastructure siting, available at:
https://tidalnet.com/wp-content/uploads/2025/11/Local-Government-Officials-Guide-to-Transmitting-Antenna-RF-Emission-Safety-PDF.pdf

FCC 25-276 docket.
https://www.fcc.gov/document/fcc-aims-accelerate-wireless-infrastructure-buildout-0
47 U.S. Code § 253 - Removal of barriers to entry
47 U.S.C. §§ 253(a), (c) https://www.law.cornell.edu/uscode/text/47/253
47 U.S. Code § 332 - Mobile services
332(c)(7)(B)(i)(II) https://www.law.cornell.edu/uscode/text/47/332
FCC Chairman Carr statements https://docs.fcc.gov/public/attachments/FCC-25-67A2.pdf

Gunalchéesh, Háw'aa (Thank You),

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