



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

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November 12, 2019

Mr. Matthew Marcou  
Chair, Public Space Committee  
District Department of Transportation  
1100 4th Street SW, Third Floor  
Washington, DC 20004  
[PublicSpace.Committee@dc.gov](mailto:PublicSpace.Committee@dc.gov)

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

Dear Chair Marcou,

On November 4, 2019 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

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 Georgetown 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 Georgetown. 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.

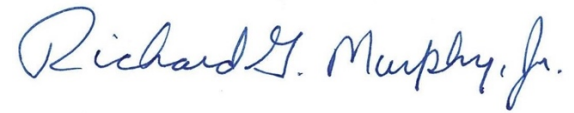
Therefore, ANC 2E urges the Public Space Committee to carefully review and revise the Small Cell Design Guidelines to ensure that the guidelines are consistent with all relevant federal statutes and regulations.

#### COMMISSIONERS:

Kishan Putta, District 1    Joe Gibbons, District 2    Rick Murphy, District 3  
Anna Landre, District 4    Lisa Palmer, District 5    Gwendolyn Lohse, District 6  
Elizabeth Miller, District 7    Matias Burdman, District 8

Commissioners Joe Gibbons ([2E02@anc.dc.gov](mailto:2E02@anc.dc.gov)) and Rick Murphy ([2E03@anc.dc.gov](mailto:2E03@anc.dc.gov)) are the Commission's representatives in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." The signature is written in a cursive style with a large initial 'R'.

Rick Murphy  
Chair, ANC 2E