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January 16, 2018

VIA ELECTRONIC MAIL ONLY

Mayor Manny Cid, [cidm@miamilakes-fl.gov](mailto:cidm@miamilakes-fl.gov)  
Vice Mayor Frank Mingo, [mingof@miamilakes-fl.gov](mailto:mingof@miamilakes-fl.gov)  
Councilmmber Louis Collazo, [collazol@miamilakes-fl.gov](mailto:collazol@miamilakes-fl.gov)  
Councilmember Tim Daubert, [daubertt@miamilakes-fl.gov](mailto:daubertt@miamilakes-fl.gov)  
Councilmember Ceasar Mestre, [mestrec@miamilakes-fl.gov](mailto:mestrec@miamilakes-fl.gov)  
Councilmember Marilyn Ruano, [ruanom@miamilakes-fl.gov](mailto:ruanom@miamilakes-fl.gov)  
Councilmember Nelson Rodriguez, [rodriguezn@miamilakes-fl.gov](mailto:rodriguezn@miamilakes-fl.gov)  
Town Manager, Alex Rey, [reya@miamilakes-fl.gov](mailto:reya@miamilakes-fl.gov)  
Town Planning Director, Darby DelSalle, AICP, [DelsalleD@miamilakes-fl.gov](mailto:DelsalleD@miamilakes-fl.gov)  
Town Attorney, Lorenzo Cobiella, Esq., [lorenzocobiellaesq@yahoo.com](mailto:lorenzocobiellaesq@yahoo.com)  
6601 Main Street  
Miami Lakes, FL

**RE: Town of Miami Lakes Amended Communications Ordinance –Ch. 35, Article II  
Item 11.B Second Reading 01/16/2018**

Dear Mayor, Vice Mayor, Council Members, Town Manager Rey, Town Attorney Cobiella and  
Town Planning Director DelSalle:

On behalf of my client T-Mobile Souh, LLC (“T-Mobile”) we are generally in support of the  
captioned Ordinance on First Reading, subject to the following continuing objections for the record:

1. Section 35-45(g) requirement for annual registration. While not unlawful, in light of the 425 plus cities and 67 counties in Florida, annual registration is unduly burdensome and not representative of the current norm of biennial registration or registration every 5 years. Such registration requirements would not effect a right-of-way user’s obligation to notify the Town in writing of any changes to its status or contact information, or effect its obligation to make annual pass through provider or utility pole leasing payments, as may be applicable. We would greatly appreciate Council’s consideration of amending this annual requirement to a biennial or every 5-years requirement.
2. Section 35-51 Security Fund requirement of \$50,000.00. In addition to the legal justifications provided to staff to delete this Security Fund requirement, the Town received \$1,137,015.00

in CST tax payments in 2017 alone, which should more than offset any financial concerns the Town has that precipitates and underlies its justification for a Security Fund. We would respectfully request that the Security Fund requirement be eliminatd.

On behalf of T-Mobile, we have appreciated working with your staff since Spring of 2017 to fashion an Ordinance that is consistent with the letter and spirit of governing Federal and State laws. Collectively, as representatives of a broad coalition of utilities, infrastructure, traditional communication, fibers and wireless communications companies, we shared a common goal amongst ourselves and with the Town, to draft an ordinance that provides for competitively neutral and non-discriminatory regulation of communication service providers in the Town's public rights-of-way in accordance with Ch. 337.401 et. seq., and Ch. 202.11, Florida Statutes, as amended recently by HB 687 and codified in Section 337.401(7), Florida Statutes. We thank the Town, its Attorney and Planning Director for not only inviting us to comment, but also for their professionalism and desire to "get it right" to enable the Town to adopt an amended Communications Ordinance that T-Mobile can largely support upon First Reading this evening and request the requested changes prior to Second Reading scheduled for February 6, 2018.

I am unable to attend this hearing and thank everyone in person for working with us but please accept my appreciation from Jose Delgado, who will be attending on behalf of T-Mobile.

Best regards,

A handwritten signature in blue ink, appearing to read "Deborah L. Martohue".

Deborah L. Martohue, Esq. AICP

Cc: Client [digitally signed and emailed]