

February 9, 2018

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NOTICE OF EX PARTE

WT Docket No. 17-79: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*;

WT Docket No. 15-180: *Revising the Historic Preservation Review Process for Wireless Facility Deployment*;

WC Docket No. 17-84: *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*

Dear Ms. Dortch:

Competitive Carriers Association (“CCA”)¹ writes to supplement the record in the above-referenced proceedings. CCA applauds the Federal Communications Commission’s (“FCC” or “Commission”) work to substantively address barriers to broadband deployment, and continues to underscore² the need for the Commission to find that small cells and Distributed Antenna System (“DAS”) deployments are outside the scope of a “federal undertaking” under the National Historic Preservation Act (“NHPA”).³ This conclusion is in line with underlying statutes and would support the Commission’s policy goals.⁴ Small cells and DAS are materially different than their tower and macrocell predecessors, regarding both size and visual or actual impact. Accordingly, the Commission should determine that small cells and DAS do not have the potential to cause effects to Historic Properties,⁵ and adopt a definition of “small cell” that takes into account the current

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² See Letter from Rebecca Murphy Thompson, EVP & GC, Competitive Carriers Association, WT Docket No. 17-79, WC Docket No. 17-84, WC Docket No. 17-84 (filed Feb. 5, 2018). See also Comments of Competitive Carriers Association, WT Docket No. 17-79, WC Docket No. 17-84, at 18, 25-35 (filed June 15, 2017) (“CCA Comments”).

³ See *id.* at 47. A federal “undertaking” under NHPA includes projects, activities, or programs that “requir[e] a Federal permit, license, or approval[.]” See also, 54 U.S.C. § 300320(3); see also 40 CFR § 1508.18(b).

⁴ See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 17-38 (WTB 2017) ¶ 26 (“Wireless NPRM”).

⁵ See 36 CFR § 800.3(a)(1). Based on its authority under Section 800.3(a)(1), the Commission has established targeted unilateral exclusions from historic preservation review requirements for certain small facility collocations on utility structures and on buildings and other non-tower structures, provided they meet certain specified criteria. *2014 Infrastructure Order*, 29 FCC Rcd at 12901-12, ¶¶ 76-103.

and future nature of small cells and avoids unintended consequences while adequately addressing carriers' deployment needs in line with the attached proposed modifications to FCC Rule 1.1320.⁶

CCA looks forward to continued work with the Commission and industry to streamline and update infrastructure siting policies to reflect changes in technology. This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's rules. Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc (via email): Rachael Bender
Jay Schwarz
Claude Aiken
Louis Peraertz
Erin McGrath
Amy Bender
Will Adams
Travis Litman
Umair Javed

Attachment

⁶ See 47 CFR § 1.1320.