

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Accelerating Wireless Broadband Deployment)	WT Docket No. 17-79
by Removing Barriers to Infrastructure)	
Investment)	
)	
Comment Sought on Draft Program Comment)	
for the Federal Communication Commission’s)	
Review of Collocations on Certain Towers)	
Constructed without Documentation of Section)	
106 Review)	

COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)¹ submits these comments in strong support of the Commission’s proposed Program Comment for the review of collocations on certain towers constructed without documentation of Section 106 review (“Twilight Towers”).² T-Mobile commends the Commission for its leadership in moving to resolve this longstanding issue. By expediting additional antenna collocations and reducing the need for new tower construction, the Program Comment marks another critically important step by this Commission to reduce barriers to wireless infrastructure deployment and enhance the wireless experience for consumers.

DISCUSSION

The proposed Program Comment will address an issue that has been needlessly stifling wireless broadband deployment for well over a decade. Twilight Towers are towers built

¹ T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company.

² See *Comment Sought on Draft Program Comment for the FCC’s Review of Collocations on Certain Towers Constructed without Documentation of Section 106 Review*, Public Notice, 32 FCC Rcd 10715 (2017) (“*Public Notice*” or “*Draft Program Comment*”), summarized, 83 Fed. Reg. 1215 (Jan. 10, 2018).

between March 16, 2001, and March 7, 2005, that “either did not complete Section 106 review or cannot be documented to have completed such review.”³ They were constructed at a time when the Commission’s rules governing how to assess whether a proposed tower would adversely affect historic properties were unclear.⁴ As a consequence, these towers have been stuck in legal limbo. Because the Nationwide Collocation Agreement provides a process for review (or exclusion from review, where appropriate) of collocations only if a tower built after March 16, 2001 went through the Section 106 process,⁵ there is no viable process for collocating on those towers where Section 106 review cannot be documented. As a result, Twilight Towers have been effectively unavailable for collocation.⁶

By creating a path to open these towers for additional wireless deployments, the Program Comment will provide significant public benefits. It has been estimated that there are over 4,000 Twilight Towers in the United States, and that these towers could support an additional 6,500

³ *Id.* at 10715.

⁴ As the *Public Notice* explains, “[a]lthough during this time the Commission’s environmental rules required licensees and applicants to evaluate whether proposed facilities may affect historic properties, the text of the rule did not at that time require parties to perform this evaluation by following the [Advisory Council on Historic Preservation’s] rules or any other particular process.” *Id.* at 10716. Given the lack of clear rules, the Commission correctly concludes that it “will not take enforcement action relating to the construction of Twilight Towers based on the failure to follow any particular method of considering historic preservation issues.” *Id.* at 10718.

⁵ Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, § IV, 47 C.F.R. Part 1, App. B (“Nationwide Collocation Agreement”).

⁶ See *Public Notice*, 32 FCC at 10716 (“Because the successful completion of the Section 106 process is a predicate to the exclusion from review of collocations on towers completed after March 16, 2001, licensees cannot collocate on these Twilight Towers unless either each collocation completes Section 106 review or the underlying tower goes through an individual post-construction review process.”); *id.* at 10720 (Statement of Chairman Ajit Pai) (“This [inability to qualify for collocation exemptions] is unfair and costly, and it also makes it more difficult for service providers to improve wireless coverage.”); *id.* at 10722 (Statement of Commissioner Michael O’Rielly) (“[I]t would take millions of dollars and years to create a list of all the twilight towers and have them individually reviewed; and in the meantime, these towers would continue to be underutilized, to the detriment of consumers.”).

antennas.⁷ By finally making these towers available for collocation and promoting the more effective use of existing infrastructure, consumers will benefit from increased network coverage and access to new and enhanced wireless services. In addition, this approach can facilitate the deployment of FirstNet by immediately expanding the pool of existing infrastructure that can be used to support the deployment of FirstNet antennas and equipment.⁸ And, as commenters have noted, the Program Comment also promotes historic preservation goals because it provides for Section 106 review of collocations in appropriate circumstances, and because “each Twilight Tower that becomes available for collocation could obviate the need for the construction of a new tower.”⁹

Collocating on Twilight Towers also could facilitate T-Mobile’s network expansion and enhancement efforts, as it works to expeditiously build out and upgrade its network to utilize the 600 MHz spectrum it acquired in the Broadcast Incentive Auction.¹⁰ Collocation on existing infrastructure can reduce deployment timelines and potentially enable T-Mobile to accelerate its deployment plans to reach new customers and bring competition to new parts of the country, particularly in rural areas,¹¹ consistent with the Administration’s and Chairman Pai’s rural

⁷ *Id.* at 10722 (Statement of Commissioner Michael O’Rielly).

⁸ *See Draft Program Comment*, 32 FCC Rcd at 10727 (“[A]n exclusion for collocations on Twilight Towers ... is in the public interest. The exclusion will rapidly make available thousands of existing towers to support wireless broadband deployment, including the FirstNet public safety broadband network, without causing adverse impacts.”); *see also* Comments of AT&T, WT Docket No. 17-79, at 40 (filed June 15, 2017) (“This action would ... finally allow for adding all Twilight Towers to the inventory of structures available for collocations.”).

⁹ Joint Comments of CTIA and the Wireless Infrastructure Association, WT Docket No. 17-79, at 35 (filed June 15, 2017); *see also* 47 C.F.R. § 1.1306 Note 1 (“The use of existing ... towers ... is an environmentally desirable alternative to the construction of new facilities and is encouraged.”).

¹⁰ *See Incentive Auction Closing and Channel Reassignment Public Notice*, Public Notice, 32 FCC Rcd 2786 (2017).

¹¹ *See, e.g.*, T-Mobile, News Release, *T-Mobile Lights Up World’s First 600 MHz LTE Network at Breakneck Pace* (Aug. 16, 2017) (noting that T-Mobile is starting to light up its 600 MHz spectrum in

broadband deployment goals.¹² But if Twilight Towers are to play a meaningful role in 600 MHz deployments, the FCC must work with the ACHP to act quickly, as T-Mobile’s deployment efforts are already well underway.

CONCLUSION

For all these reasons, the Commission should move quickly to finalize the Program Comment and request that it be issued by the Advisory Council on Historic Preservation.¹³ Doing so will help speed the deployment of new wireless technologies to all Americans.

Respectfully submitted,

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rural America, and the result will be “more wireless choice and competition for rural Americans”), <http://investor.t-mobile.com/file/Index?KeyFile=389936871>.

¹² See Remarks of President Donald J. Trump, 26 Years Later, a President Hears Rural America (Jan. 8, 2018), <https://www.whitehouse.gov/articles/26-years-later-president-hears-rural-america/>; Executive Order, Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America (Jan. 8, 2018); Memorandum for the Secretary of the Interior, Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior (Jan. 8, 2018); News Release, Chairman Pai Proposes Over \$500 Million in Funding to Promote Rural Broadband Deployment (Jan. 6, 2018), https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0116/DOC-348723A1.pdf; Remarks of Commissioner Ajit Pai at the Brandery: “A Digital Empowerment Agenda” (Sept. 13, 2016), https://apps.fcc.gov/edocs_public/attachmatch/DOC-341210A1.pdf.

¹³ See *Public Notice*, 32 FCC Rcd at 10717.