

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

In the Matter of	)	
	)	
Accelerating Wireline Broadband Deployment by	)	WC Docket No. 17-84
Removing Barriers to Infrastructure Investment	)	

**REPLY COMMENTS OF CTIA**

CTIA<sup>1</sup> respectfully submits these reply comments in response to the Further Notice of Proposed Rulemaking (“Further Notice”) released by the Federal Communications Commission (“Commission”) in the above-captioned proceeding.<sup>2</sup>

**I. INTRODUCTION.**

CTIA commends the Commission for its continuing efforts to identify and address barriers to broadband deployment. In the Further Notice, the Commission cites its longstanding policy to promote overlashing and asks whether codifying that policy would help speed further deployment. CTIA supports that action and urges the Commission to confirm that (i) the overlashing policy applies to wireless carriers, as the Commission’s other pole attachment rules currently do; (ii) “neither the host attaching entity nor the third party overlasher must obtain additional approval from or consent of the utility for overlashing other than the approval

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<sup>1</sup> CTIA® ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21<sup>st</sup>-century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry, and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

<sup>2</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128 (2017) (“Further Notice”).

obtained for the host attachment;”<sup>3</sup> and (iii) the overlashing policy encompasses the installation of strand-mounted wireless antennas and supporting equipment. These actions will provide clarity to all stakeholders and advance the Commission’s goal of fostering more rapid deployment of broadband to benefit American consumers and the economy.

## **II. THE COMMISSION SHOULD CODIFY ITS OVERLASHING POLICY AND CONFIRM ITS APPLICABILITY TO OVERLASHING OF WIRELESS ANTENNAS AND SUPPORTING EQUIPMENT.**

This proceeding’s overarching objective is to “accelerate the deployment of next-generation networks and services by removing barriers to infrastructure investment.”<sup>4</sup> The Commission’s review of its overlashing policy in the Further Notice thus is timely, as the Commission recognized twenty years ago that overlashing “facilitates and expedites [the] installing [of] infrastructure,” and “foster[s] the availability of telecommunications services to communities.”<sup>5</sup> Those observations are equally true today.

Indeed, the exploding public demand for wireless broadband will put a premium on overlashing and other deployment efficiencies. Wireless networks and smartphones have become a central part of Americans’ daily lives. There are now more wireless connections than there are Americans, and over the past two years U.S. mobile data usage has more than doubled. According to Cisco, for instance, mobile data traffic worldwide is expected grow seven-fold from 2016 to 2021, and will in 2021 be 122 times the level of traffic just ten years before that, in

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<sup>3</sup> *Id.* ¶ 160, quoting *Amendment of Commission’s Rules and Policies Governing Pole Attachments*, Consolidated Partial Order on Reconsideration, 16 FCC Rcd 12103, 12141 ¶ 75 (2001) (“*2001 Pole Order*”) (internal citation omitted).

<sup>4</sup> Further Notice ¶ 4.

<sup>5</sup> *Id.* ¶ 160, quoting *Implementation of Section 703(e) of the Telecommunications Act of 1996*, Report and Order, 13 FCC Rcd 6777, 6807 ¶ 62 (1998) (“*1998 Pole Order*”).

2011.<sup>6</sup> Mobile video, which requires fast speeds and substantial network capacity, is expected to increase nearly nine times from 2016 to 2021 and will represent 78 percent of all mobile traffic by 2021.<sup>7</sup>

To accommodate this huge increase in consumer demand, significant wireless infrastructure deployment will be necessary. One study has estimated that industry will invest \$275 billion over the next decade to deliver 5G to consumers.<sup>8</sup> As Chairman Pai has stated, “densification” of wireless networks will require deployment of “hundreds of thousands of new antennas and cell sites” and “many more miles of fiber,” and “[w]ithout a paradigm shift in our nation’s approach to wireless siting and broadband deployment, our creaky regulatory approach is going to be the bottleneck that holds American consumers and businesses back.”<sup>9</sup>

Given the projected growth of wireless broadband and the facilities needed to support that growth, wireless providers will require expedited and cost-efficient access to pole infrastructure. Overlashing achieves that result because it “is significantly cheaper than placement of new cables, . . . does not require placement of new strand, reduces the amount of

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<sup>6</sup> Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2016-2021 White Paper, CISCO (Feb. 9, 2017), <http://www.cisco.com/c/en/us/solutions/collateral/serviceprovider/visual-networking-index-vni/mobile-white-paper-c11-520862.html>.

<sup>7</sup> *Id.*

<sup>8</sup> *Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities*, ACCENTURE STRATEGY (Jan. 2017), <https://www.ctia.org/docs/default-source/defaultdocument-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf>.

<sup>9</sup> Remarks of FCC Commissioner Ajit Pai, Remarks at the Brandery: A Digital Empowerment Agenda Cincinnati, OH, at 2 (Sept. 13, 2016), [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-341210A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-341210A1.pdf); see also Remarks of FCC Chairman Ajit Pai at the Mobile World Congress, Barcelona, Spain, at 2 (Feb. 28, 2017), [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db0228/DOC-343646A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0228/DOC-343646A1.pdf).

design, and does not require a new attachment to poles or space on the poles.”<sup>10</sup> Likewise, “[i]n many circumstances, the ability to overlash marks the difference between being able to serve a customer’s broadband needs within weeks versus six or more months when delivery of service is dependent upon a new attachment.”<sup>11</sup> Clarity regarding overlashing procedures will thus “further increase in importance as dependence on broadband and broadband-enabled services continues to proliferate.”<sup>12</sup> Unfortunately, however, the record indicates that Commission precedent on overlashing has not entirely deterred pole owners from imposing restrictions that add cost and delay to the overlashing process.<sup>13</sup>

Accordingly, CTIA agrees that codification of the Commission’s overlashing policy would “make clear the rights of overlashers” and “reduce any confusion that may delay attachers from deploying next-generation services to unserved communities.”<sup>14</sup> The clarity resulting from codification will better enable wireless broadband providers to overlash, which in turn will permit those providers to densify their networks without having to take up pole space or erect new poles. This reduces capital costs and, as the Commission has found, is a preferable alternative to new construction.<sup>15</sup> Codifying the policy would thus help speed more robust

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<sup>10</sup> Comments of Fiber Broadband Association, WC Docket No. 17-84, at 3 (filed Jan. 17, 2018) (citation omitted).

<sup>11</sup> Comments of Crown Castle International Corp., WC Docket No. 17-84, at 2 (filed Jan. 17, 2018) (“Crown Castle Comments”).

<sup>12</sup> *Id.*

<sup>13</sup> *See, e.g.*, Further Notice ¶ 161 (“[S]ome parties have claimed that not all utilities are complying with [the Commission’s] holdings.”).

<sup>14</sup> Further Notice ¶ 162; Comments of Verizon, WC Docket No. 17-84, at 19 (filed Jan. 17, 2018).

<sup>15</sup> *See* Further Notice ¶ 160, *quoting* 2001 Pole Order ¶ 75 (“Overlashing ‘reduces construction disruption and associated expenses which would otherwise be incurred by third parties installing new poles and separate attachments.’”).

broadband deployment that in turn will help deliver on broadband's immense promise for all Americans and the U.S. economy.

Any codification of the Commission's overlying policy should confirm several basic principles. First, the Commission should confirm in its new overlying rule that the overlying policy applies to wireless providers, as the Commission's other pole attachment rules currently do. Second, the new rule should incorporate the Commission's 2001 holding that "neither the host attaching entity nor the third party overlayer must obtain additional approval from or consent of the utility for overlying other than the approval obtained for the host attachment."<sup>16</sup> This is particularly crucial in view of record evidence that "some utilities require, or seek to require, additional prior approvals for overlying projects."<sup>17</sup> Third, the Commission should confirm and codify that its longstanding policy of promoting the use of overlying encompasses the installation of strand-mounted wireless antennas and supporting equipment.<sup>18</sup> Contrary to what some have suggested, such action will not expose pole owners to additional safety risk.<sup>19</sup> Indeed, as the Commission has long held, "any concerns [with overlying] should be satisfied by compliance with generally accepted engineering practices."<sup>20</sup> The Commission's new

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<sup>16</sup> Further Notice ¶ 160, *quoting 2001 Pole Order*, 16 FCC Rcd at 12141 ¶ 75.

<sup>17</sup> Further Notice ¶ 161 (citation omitted); *see also* Crown Castle Comments at 4 ("In spite of clear Commission precedent and guidance on these issues, Crown Castle has encountered attempts by pole owners to circumvent precedent by imposing additional requirements relating to their processes or standards in connection with overlying.").

<sup>18</sup> *See* Crown Castle Comments at 3.

<sup>19</sup> *See id.* Compare Comments of CenturyLink, WC Docket No. 17-84, at 7 (filed Jan. 17, 2018); Comments of Utility Coalition on Overlying, WC Docket No. 17-84, at 8 (filed Jan. 17, 2018). Crown Castle, in fact, states that it has already deployed approximately 1,000 strand-mounted small cell antennas in urban areas (apparently without incident), and has committed to deploy approximately 4,500 additional strand-mounted small cell antennas across the nation in 2018. Crown Castle Comments at 3.

<sup>20</sup> Further Notice ¶ 160, *quoting 1998 Pole Order*, 13 FCC Rcd at 6807-08 ¶ 64 (1998) (internal citations omitted).

overlapping rule should therefore expressly encompass strand-mounted wireless antennas and supporting equipment.

### **III. CONCLUSION.**

By codifying its overlapping policy as requested above, the Commission can secure the benefits of that policy while eliminating any uncertainty as to the policy's scope. This in turn will promote the investment in new wireless networks the Commission is trying to encourage in this proceeding and others, which ultimately benefits consumers.

Respectfully submitted,

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