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Ex Parte

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

Re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment, WT Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Deployment, WT Docket No. 17-84

Dear Ms. Dortch:

Changes in wireless broadband facilities deployment warrant a fresh look at the Commission's previous determination that these deployments are "federal undertakings" under the National Historic Preservation Act ("NHPA").¹ In 2004, virtually every outdoor wireless facility deployed was a "macro" facility consisting of large arrays of panel antennas mounted on towers, roof tops, or other structures at heights of 100-200 feet or more above ground level. Today wireless deployments are very different. In 2017, approximately 62 percent of Verizon's wireless deployments were small cells,² a figure that will only grow larger as we deploy 5G in 2018 and beyond. Small cells are needed to meet exploding consumer demand for data, drive innovation, create new jobs, and fuel new services and capabilities such as smart communities, connected cars, smart farming, and the Internet of Things.³

¹ See 54 U.S.C. §§ 306108, 300320. The Commission last took an in-depth look at whether "tower construction" was appropriately deemed a federal undertaking in 2004. *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, Report and Order, 20 FCC Rcd 1073, 1082-84 (2004), *aff'd* *CTIA-Wireless Ass'n v. F.C.C.*, 466 F.3d 105 (D.C. Cir. 2006). In 2014, the Commission declined to revisit that determination for small wireless facilities. *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865, 12904-05 (2014) ("2014 Infrastructure Order"), erratum, 30 FCC Rcd 31 (2015), *aff'd* *Montgomery Cnty. v. FCC*, 811 F.3d 121 (4th Cir. 2015).

² The term "small cells," as used herein, encompasses small wireless facilities including small cells, distributed antenna system nodes, and small 5G base station equipment.

³ See Verizon Comments, WT Docket Nos. 17-19 and 17-84 (Jun. 15, 2017) at 3-5.

The shift to deploying small cells warrants reconsideration of the 2004 undertakings finding. Small cell antenna sizes are much smaller – three cubic feet or less per antenna – and are mounted predominantly on existing (or replacement) structures at a height of 60 feet or less.⁴ In short, these deployments bear little resemblance to the macro facilities that represented most wireless siting in 2004. Today’s small cells are much less likely to affect historic properties. Given the many public interest benefits that flow from small cell deployment and limited potential for environmental effects, the Commission can and should determine that small cells are not federal undertakings and do not require historic preservation reviews.

Underscoring the need for Commission action, Verizon continues to experience delays that impede its small cell deployments. Some recent examples include the following.

- A small cell collocated on a building in Vermont, with no new ground disturbance, took 186 days to complete⁵ because one tribe failed to respond. No tribal or other historic properties were found to be affected.
- A small cell collocated on a building in New York, with no ground disturbance, took 151 days to complete. Contributing to the delay was two tribes’ refusal to begin their reviews until the state historic preservation officer (“SHPO”) provided its review. No tribal or other historic properties were found to be affected.
- Another small cell collocated on a building in New York, with no ground disturbance, took 111 days to complete. Like the previous example, two tribes would not start their reviews until the SHPO review was complete. No tribal or other historic properties were found to be affected.
- An outdoor distributed antenna system on a new utility pole in New Jersey, with no new ground disturbance, took 89 days to complete. No tribal or other historic properties were found to be affected.

The Commission should also eliminate the need to prepare environmental assessments (“EAs”) for certain facilities located in flood plains.⁶ Preparing and filing EAs, then waiting for the Commission to confirm that no environmental effects will occur, delays wireless broadband deployment and increases costs – an estimated \$3,500 per EA. Eliminating these unnecessary filings will not only speed deployment, but the resulting cost savings will fund the construction of an increased number of facilities.

Sincerely,



⁴ See attached picture.

⁵ The review periods stated are measured from the date the project was submitted to the Commission’s tower construction notification system – “TCNS” – database, until the date the last tribal review was completed.

⁶ See Verizon Comments at 65-66.

