



February 26, 2018

VIA ELECTRONIC FILING

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

Re: Ex Parte Presentation, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Streamlining Deployment of Small Cell Infrastructure, WT Docket No. 16-421

Dear Ms. Dortch,

CTIA submits this *ex parte* to express its continued support of the Commission's efforts to further streamline environmental and historic preservation reviews for small wireless facility deployments, including by finding that they are not undertakings or major federal actions under the National Environmental Policy Act ("NEPA") or National Historic Preservation Act ("NHPA").¹ The costs associated with NEPA and NHPA reviews are substantial, yet small wireless facilities are highly unlikely to have environmental impacts or to affect historic properties. Eliminating unnecessary reviews for these facilities can produce tremendous time and cost savings that will help create jobs, as well as speed investment in the densification of networks and delivery of 5G services to consumers, without impacting the environment or historic properties.

¹ See, e.g., Comments of CTIA, WT Docket No. 16-421, at 47-49 (filed Mar. 8, 2017), attached to Comments of CTIA, WT Docket No. 17-79 (filed June 15, 2017); see also Verizon, *Ex Parte* Notice, WT Docket No. 17-79, at 2 (filed Dec. 6, 2017) (recommending that the FCC "[f]ind that some small cell construction is not a federal undertaking and therefore not subject to the National Historic Preservation Act"); AT&T, *Ex Parte* Notice, WT Docket No. 17-79, at 1 (filed Jan. 22, 2018) (discussing the need to "minimize National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) review for small cell deployments"); Competitive Carriers Association, *Ex Parte* Notice, WT Docket No. 17-79, at 2 (filed Feb. 5, 2018) (urging FCC to find that "small cells and DAS deployments are outside the scope of a 'federal undertaking' under the NHPA.").



Wireless Providers Incur Significant Costs for NEPA/NHPA Reviews. CTIA’s member companies and others in the wireless industry have put forth various examples of the significant costs associated with compliance with the NEPA and NHPA requirements imposed under the Commission’s rules. For example, Sprint recently reported that the total costs it incurred for Tribal review of small cells over the last two years exceeded \$23 million.² Verizon estimated that NEPA and NHPA reviews, including Tribal reviews, comprised, on average, 26 percent of its total small cell deployment costs in 2017.³ And AT&T recently predicted that it will spend roughly \$45 million this year on NEPA and NHPA compliance⁴—resources that could otherwise have been directed toward broadband deployment.⁵

Although aggregate cost figures are staggering, the costs and delays associated with NEPA and NHPA review are perhaps best illustrated in the individual examples that have been placed into the record. These examples demonstrate that certain aspects of the environmental and historic preservation review processes hinder efficient wireless broadband deployment without meaningfully contributing to historic preservation. Examples include:

Excessive costs/fees for NHPA Reviews

- In Houston, Tribal consultation fees were estimated at nearly \$8 million for one project involving the placement of approximately 1,260 new poles in the right-of-way where the ground had been previously disturbed – approximately \$6,350 per pole.⁶

² *Ex Parte* Letter from Keith Buell, Sprint, to Marlene H. Dortch, FCC, WT Docket No. 17-79, at 2 (filed Feb. 21, 2018) (“Sprint Feb. 2018 *Ex Parte*”).

³ *Ex Parte* Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, FCC, WT Docket No. 17-79, WC Docket No. 17-84 (filed Feb. 23, 2018).

⁴ *Ex Parte* Letter from Henry Hultquist, AT&T Services, Inc., to Marlene H. Dortch, FCC, WT Docket No. 17-79, at 2 (filed Feb. 23, 2018).

⁵ *Id.*; see also Sprint Feb. 2018 *Ex Parte* at 2.

⁶ Reply Comments of T-Mobile, WT Docket No. 17-79, at 10-11 (filed July 17, 2017) (“T-Mobile Reply Comments”); Comments of Crown Castle, WT Docket No. 17-79, at 34 (filed June 15, 2017) (“Crown Castle Comments”).



- Tribal fees totaled \$173,305 for the deployment of 23 cell sites around NRG Stadium in Houston prior to the 2017 Super Bowl.⁷
- One 83-node project with no ground disturbance in the downtown area of a large metropolis cost \$830,000 in Tribal fees.⁸
- One collocation on a Hennepin, MN hotel was reviewed by 36 Tribes that charged a total of \$13,525 in fees.⁹
- Collocations in Denver on the Civic Center and an apartment building each generated interest from 13 Tribes and separate fees of \$8,000.¹⁰
- A collocation on the County Court House in Suak, WI was reviewed by 14 Tribes, requiring payment of \$7,750.¹¹
- One Tribe charged \$27,062 for Tribal monitoring of the construction of a new tower.¹²
- A new cell tower in Chicago generated interest from 37 Tribes and resulted in total fees exceeding \$18,000.¹³
- For 23 projects undertaken in the Midwest between June 2016 and May 2017, a range of 24 to 38 Tribes expressed an interest in reviewing each application, resulting in Tribal fees ranging from \$8,725 to \$19,550 per site.¹⁴

⁷ *Ex Parte* Letter from Keith Buell, Sprint, to Marlene H. Dortch, FCC, WT Docket NO. 16-421 (filed May 16, 2017).

⁸ Joint Comments of CTIA and the Wireless Infrastructure Association, WT Docket No. 17-79, at 6 (filed June 15, 2017) (“CTIA and WIA Joint Comments”).

⁹ Comments of AT&T, WT Docket No. 17-79, at 36 (filed June 15, 2017) (“AT&T Comments”).

¹⁰ *Id.*

¹¹ *Id.*

¹² Crown Castle Comments at 38.

¹³ Comments of Sprint Corporation, WT Docket No. 17-79, at 20 (filed June 15, 2017) (“Sprint Comments”).

¹⁴ CTIA and WIA Joint Comments at 16.



- One AT&T site in Illinois generated interest from 26 Tribes seeking approximately \$15,000 in fees, and an AT&T rooftop installation in Minnesota generated interest from 30 Tribes, resulting in over \$16,000 in fees.¹⁵
- The total fees for a project that did not impact areas of interest to Tribal Nations were approximately \$5,050 because of fees charged to perform initial reviews in response to a notification from the Commission's Tower Construction Notification System.¹⁶
- Sprint determined that its average costs for Tribal review per constructed site over the last two years were \$8,251.¹⁷
- Sprint paid Tribal fees for sites in Indianapolis exceeding \$15,000 per site; \$5,265 for a new pole in a sidewalk in Atlanta; \$11,800 for a new small cell next to a highway in Middletown, OH; \$12,200 for a new small cell outside a steel factory in East Chicago, IN; and \$12,950 for a new small cell between a sidewalk and a highway in Racine, WI.¹⁸
- As of the summer of 2017, AT&T reported that it had spent over \$13 million on Tribal fees within the preceding three-year period.¹⁹
- As of the summer of 2017, Verizon reported that its average cost of Tribal reviews for its projects was \$2,344 per site. The fees paid increased from \$300,000 in 2012 to almost \$4 million in 2015.²⁰

Significant Delays in NHPA Consultations

- CTIA and the Wireless Infrastructure Association found that, based on an analysis of more than 8,000 member projects undertaken between January 2014 and March 2016, the average number of days required for Tribal consultation was 110

¹⁵ AT&T Comments at 36; Reply Comments of AT&T, WT Docket No. 17-79, at 16 n. 75 (filed July 17, 2017) ("AT&T Reply Comments").

¹⁶ Reply Comments of Competitive Carriers Association, WT Docket No. 17-79, at 18 n. 69 (filed July 17, 2017) ("CCA Reply Comments").

¹⁷ Sprint Feb. 2018 *Ex Parte* at 2.

¹⁸ *Id.* at 2-4.

¹⁹ AT&T Comments at 36.

²⁰ Comments of Verizon, WT Docket No. 17-79, at 45 (filed June 15, 2017) ("Verizon Comments"); Comments of Verizon, WT Docket No. 16-412, at 34-35 (filed Mar. 8, 2017) ("Verizon Small Cell Comments").



days. More than 30 percent of those projects required more than 120 days; 11.5 percent required more than 180 days; and 1.2 percent required more than 365 days.²¹

- One project's Tribal consultation lasted more than four years.²²
- In one instance, Tribal review took 525 days because the Tribal representative was on extended leave. In another instance, it took 293 days for a non-tower collocation, involving no ground disturbance, because two Tribes failed to timely respond.²³
- One project to install a small facility on an existing utility pole in a Midwestern city, with no ground disturbance, required reviews by 16 Tribes, and was significantly delayed because one Tribe took 159 days to respond.²⁴
- As of July 2016, more than half of Verizon's Tribal review requests had been pending more than 90 days. Almost one third had been pending for more than six months and 20 for more than one year.²⁵

Significant Costs of NEPA Reviews

- Sprint reported that a screen for environmental effects under NEPA and the Commission's rules costs approximately \$2,000 per site and that, over the last several decades, the company has done preliminary NEPA checklists for thousands of sites at a cost of tens of millions of dollars.²⁶
- The American Association of Railroads ("AAR") – whose members have been deploying wireless facilities in support of their efforts to roll out Positive Train Control connectivity – reported that floodplain review adds three to six months to

²¹ Joint Reply Comments of CTIA and the Wireless Infrastructure Association, WT Docket No. 17-79, at i, 4 (filed July 17, 2017) ("CTIA and WIA Joint Reply Comments").

²² CTIA and WIA Joint Comments at 11.

²³ *Id.* at 13.

²⁴ Verizon Small Cell Comments at 34.

²⁵ *Id.* at 34-35.

²⁶ Sprint Comments at 34-35.



the approval process. AAR's members have submitted at least 710 EAs for floodplain review since May 2014, at costs of between \$1,000 and \$20,000.²⁷

Eliminating Unnecessary Costs Will Yield Public Benefits. Eliminating these unnecessary costs will allow wireless providers and infrastructure companies to redirect the funds to additional deployments that will benefit consumers, grow the economy, and strengthen the nation's 5G-readiness. The wireless industry is poised to invest \$275 billion dollars to deploy the next generation of wireless connectivity, bringing three million new jobs and half a trillion dollars to the U.S. economy. By eliminating unnecessary reviews of small wireless facilities, the Commission can help ensure the benefits of wireless connectivity are rapidly attained by consumers and businesses across the country.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this letter is being electronically submitted into the record of these proceedings. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Scott K. Bergmann

Scott K. Bergmann
Senior Vice President, Regulatory Affairs

²⁷ Comments of American Association of Railroads, WT Docket No. 17-79, at 27-28 (filed June 15, 2017).