



March 9, 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.

Dear Ms. Dortch,

On March 7, 2018, Scott Bergmann, Kara Romagnino Graves, and Jen Oberhausen of CTIA met with Rachael Bender of the Office of Chairman Ajit Pai to discuss the above-captioned proceeding.

During the meeting, CTIA expressed its support for the draft Wireless Infrastructure Second Report and Order, which promotes development of next-generation wireless facilities. The *Draft Second Order* correctly recognizes the advancements in wireless infrastructure and the need for new rules for new technologies.¹ By clarifying that small wireless facilities are neither “undertakings” under the National Historic Preservation Act (“NHPA”) nor “major federal actions” under the National Environmental Policy Act (“NEPA”), the *Draft Second Order* will save millions in deployment costs,² align regulatory

¹ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Draft Second Report and Order*, FCC-CIR1803-01, WT Docket No. 17-79 (rel. Mar. 1, 2018) (“*Draft Second Order*”); see also Comments of CTIA, WT Docket No. 17-79 (filed June 15, 2017) (“CTIA Comments”).

² See, e.g., *Ex Parte* Letter from Scott K. Bergmann, CTIA, to Marlene H. Dortch, FCC, WT Docket No. 17-79 (filed Feb. 26, 2018) (“CTIA Feb. 26 *Ex Parte*”); *Ex Parte* Letter from Henry G. Hultquist, AT&T, to Marlene H. Dortch, FCC, WT Docket No. 17-79 (filed Feb. 23, 2018); *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); *Ex Parte* Letter from Keith C. Buell, Sprint, to Marlene H. Dortch, FCC, WT Docket No. 17-79 (filed Feb. 21, 2018).



treatment of small cells with similar facilities not subject to NHPA or NEPA,³ and eliminate anomalous outcomes.⁴

CTIA also expressed its support for the *Draft Second Order's* proposals to modernize the process for Tribal participation for projects on non-Tribal lands.⁵ CTIA supports the dual goals of protecting historic sites of religious and cultural significance while also ensuring that wireless services can be rapidly and efficiently deployed for the benefit of consumers and the economy. With those goals in mind, we noted our agreement with the *Draft Second Order's* clarifications that Tribes serving as consulting parties for projects on non-Tribal lands are not entitled to “upfront” fees for their engagement in the Section 106 process. We also agreed that a fixed timeline for action by Tribes will reduce delays and that the FCC Forms 620 and 621, or alternative submission packet where appropriate, are sufficient for Tribes to ascertain whether a historic property of religious and cultural significance may be affected by the proposed project. By taking such steps, the Commission can provide much-needed guidance to all participants in the Section 106 process, thereby better ensuring that the Tribal consultation process can promote wireless deployment while protecting historic sites.

Additionally, CTIA urged the Commission to move forward with establishing a shot clock for Commission action on Environmental Assessments (“EAs”) and removing the requirement that an applicant file an EA solely due to a proposed facility’s location on a floodplain. Such reforms will provide greater certainty and transparency for applicants and promote the efficient deployment of wireless connectivity without impacting the environment.⁶

Finally, CTIA discussed the Commission’s draft Twilight Towers Program Comment, which recognizes the public interest benefits of making towers built between March 16,

³ *Draft Second Order* ¶ 63; see also *Ex Parte* Letter from Colleen Thompson, AT&T, to Marlene H. Dortch, FCC, WT Docket No. 17-79 (filed Feb. 27, 2018).

⁴ *Draft Second Order* ¶ 75 (noting that the deployment of 23 cell sites around NRG Stadium in Houston prior to the 2017 Super Bowl required Section 106 review but construction of the stadium and surrounding parking lot did not).

⁵ *Id.* ¶¶ 88-106; see also Comments of CTIA and the Wireless Infrastructure Association, WT Docket No. 17-79 (filed June 15, 2017).

⁶ See, e.g., CTIA Comments at 35-39; CTIA Feb. 26 *Ex Parte*; *Ex Parte* Letter from Cathleen A. Massey, T-Mobile, to Marlene H. Dortch, FCC, WT Docket No. 17-79 (filed Feb. 26, 2018).



2001 and March 7, 2005 available for collocations to support expanded wireless connectivity.⁷ CTIA urged the Commission to continue to work with the Advisory Council on Historic Preservation to resolve this long-outstanding issue by finalizing and implementing the Program Comment.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being electronically submitted into the record of this proceeding and provided to the Commission participant. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Kara Romagnino Graves

Kara Romagnino Graves
Director, Regulatory Affairs

cc: Rachael Bender

⁷ See *Comment Sought on Draft Program Comment for the Federal Communications Commission's Review of Collocations on Certain Towers Constructed Without Documentation of Section 106 Review*, 32 FCC Rcd 10715 (2017).