Throughout the document there is a meshing of NEPA terms being used interchangeably with NHPA terms. The Commission feels that the size of the undertaking determines if Section 106 is triggered or not; however, that does not match the definition of an undertaking in the NHPA. The document is more focused on the small size of an individual colocation as opposed to what the effects of having a three cubic foot box affixed to historic structures every 500 feet. It can be assumed that, like collocated antennas, each company will want to have a set of their own small cell antennas every 500 feet. If this is allowed to happen without checks and balances, to ensure they are installed in a reversible way on historic buildings and structures, the buildings could end up receiving holes through bricks, concrete, and masonry alike with no regard to ensuring the installation is reversible or water tight. The ideas presented in this proposed rulemaking could open our historic buildings to water infiltration that leads to damage and degradation of historic materials. If instead the process for collocations would be in keeping with the SOI standards then brief consultation could occur. This consultation could either move the collocation from being wall mounted to sled mounted or ensure it is installed in a way that avoids drilling holes through historic masonry.

The Commission says that exempting small cell colocations from Section 106 review is in the best interest of the public. While that may be the case in allowing access to 5G technology this approach fails to allow the public to comment on the effects projects may will have on historic buildings and structures. Once thousands of unregulated, collocated small cells are visibly deployed on the sides of historic structures in historic downtown areas the public will be concerned with the effects and the FCC may be called into question for the wholesale removal of these types of undertakings from environmental and historic preservation review.

This order seams unnecessary as with the current colocation PA, and with the exclusions for colocations on light and utility poles, most of the review subsequent to Section 106 is negated for the vast majority of projects and with the only project triggering review under Section 106 being those in, on, or near historic properties or historic districts. This is supported by the statements in Paragraph 67 implies that 80% of projects are excluded from Section 106 review by the existing PAs; and instead of the undue burden occurring because of Section 106 reviews it is instead the tribal fees and review times that that are holding up that 80% from completely being excluded from Section 106 review. This ruling appears to be a way to circumvent the need for the licensee to pay tribes money for reviews rather than really the hurdle of environmental compliance.

If this is the case the Commission needs to address tribal issued with tribes not with a wholesale exclusion of these types of projects from review and ignoring the impacts the projects will have on historic resources.

Several paragraphs in the proposed rulemaking discuss the expense of colocations related to the Super Bowl; however, it does not include information regarding if the colocations were excluded from review by the PA or not. This information is important when trying to establish where the real regulatory issue is. Does it lie with the 106 process or with the tribal fees?

In support of the report and order, Paragraph 63 lists consumer items not subject to 106 review as justification as to why small cells should be exempt from review; however, this paragraph does not take into account that these items are being installed by the consumer not the licensee and are therefore not subject to review under Section 106 of the NHPA. Furthermore, Paragraph 65 discusses the number of dollars spent to complete environmental and historic preservation reviews where only a few projects triggered an environmental assessment which is different process than Section 106, but raises the question, has the Commission investigated how many adverse effects were avoided in the consultation process? In our office when we foresee a potential adverse effect we alert the preparer and pose some ways the effects could be avoided or minimized. This process is in keeping with 36 CFR 800.1 and should be used as an example of how the system is working as opposed to fuel for removing the system.

If the PAs are not functioning to actually streamline the Section 106 review process then the FCC should amend them instead of trying to circumvent the process. Allowing what will amount to swarms of small cell colocations to be added to historic buildings unchecked will likely backfire on the FCC when people see the effects to their homes and urban historic districts.

Ideas for PA amendments could:

* Exclude colocations on all light and utility poles providing they are not in a historic district or constitute a substantial increase in size.
* Set up best practices for collocating on historic structures and buildings. Providing these terms for instillation are met no review would be needed.
* Set up where on historic buildings colocations can occur and how to limit visibility.
* Outline how projects can be grouped for review. Examples are by county, by city, or by neighborhood.
* Review applicable environmental laws and provide guidance on what laws/reviews are triggered when and establish a better review process.

It is unclear in the report and order if the commission is referring to colocations of small cells on light and utility poles or on historic structures and buildings. Our office concurs that colocation on non-historic utility and light poles where the project does not constitute a substantial increase in size has little potential to affect historic properties; however, when it comes to unregulated colocations on historic buildings and structures we do not agree that the undertaking has no potential to effect historic properties and is not an undertaking.

Furthermore, what is disturbing about this proposed rulemaking is while it may not exempt larger facilities at this time, the language used in this document could be used to extend the definitions of FCC undertaking and lead to increased unchecked adverse effects with larger facilities in the future.