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**Via ECFS**

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,

This letter is submitted to the above-referenced dockets on behalf of Uniti Fiber. Uniti Fiber supports the Commission's draft order, and reiterates that the Commission should eliminate the costly and unnecessary environmental and historic preservation reviews for certain deployments that are unlikely to have any such impacts. As Uniti Fiber previously stated in this proceeding, tribal reviews are a major obstacle to small cell broadband deployment.<sup>1</sup> The Commission's regulations that apply environmental and historic review to small cell deployments are being leveraged in a way that impose staggering costs and time delays, but in turn provide no discernable historic preservation or environmental public benefits. Streamlining these rules, especially for small cell deployments, will free up significant time and capital, which can be used to further invest in more deployments. Uniti Fiber submits this letter to address several specific issues currently under consideration by the Commission.

First, Uniti Fiber supports several of Verizon's proposed changes to the draft order, discussed in its March 13, 2018 *ex parte* letter.<sup>2</sup> First, with respect to the issue of antenna sizing, Verizon's

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<sup>1</sup> See Letter from Ronald W. Del Sesto, Jr., counsel to Uniti Fiber, to Marlene H. Dortch, FCC, WT Docket Nos. 17-79 & 17-84 (dated Mar. 1, 2018), available at: <https://ecfsapi.fcc.gov/file/10302892501429/Uniti%20Fiber%20Written%20Ex%20Parte%20Letter%20March%20201.pdf>.

<sup>2</sup> See Letter from Andre J. Lachance, Verizon, to Marlene H. Dortch, FCC, WT Docket No. 17-84 (dated Mar. 13, 2018) (Verizon Letter).

suggested changes offer a balanced approach to ensuring that those companies that deploy network infrastructure have the flexibility to meet local and regional technical, legal, and other requirements. While Uniti Fiber understands that establishing certain size or other technical limits may be necessary to draw clear distinctions with respect to which deployments are eligible for exempt status, the Commission should nonetheless ensure that its rules offer maximum flexibility and clarity within those reasonable limits. Uniti Fiber and many other carriers often enclose antennas in its small cell deployments, and those enclosures are often larger than three cubic feet due to municipal or other relevant redesign requirements. Thus, Uniti Fiber would recommend that the Commission clarify its rule at section 1.1312(e)(2)(ii) to specify the limit of either the *actual* antenna size (i.e., Verizon’s proposal), or provide a more fulsome enclosure size that would accommodate the types of enclosures typically used (typically six cubic feet). Uniti Fiber fears that using an “imaginary” enclosure size limit would create confusion as to the applicability of the rule in cases where an actual, larger enclosure is used.

Similarly, the Commission should not place size or other technical limits on ancillary equipment or enclosures for such ancillary equipment. As drafted, rule section 1.1312(e)(2)(iii) will provide companies like Uniti Fiber the flexibility needed to deploy small cell ancillary wireless equipment in a way that meets reasonable federal requirements, while also preserving its ability to meet local ancillary equipment enclosure or other related requirements. The Commission’s requirement that the enclosure be “no larger than necessary” gives all parties the flexibility to deploy such equipment in a way that meets federal deployment goals without limiting municipal, carrier, or other relevant design priorities. To this effect, Uniti Fiber does not believe that the suggestions made by NCTA<sup>3</sup> would provide sufficient flexibility to small cell deployers, and will only establish needless technical specificity in a rule designed to remove such regulatory barriers.

Further, NCTA’s request to remove fiber and other wireline backhaul elements from the definition of small cell facilities should be rejected. First, cable backhaul facilities are not subject to NEPA or NHPA review, so there is no regulatory parity in singling out wireline elements in a wireless deployment scenario in such a manner. Second, establishing an “exception to the exemption” would only needlessly cause confusion as to whether such backhaul elements would actually become subject to NEPA and NHPA review, thereby increasing regulatory, compliance, and potentially even litigation risks for companies like Uniti Fiber that deploy fiber for small cell deployments. *All small cell deployments involve wireline backhaul* (i.e., fiber in Uniti Fiber’s case). Thus, any rule that seeks to artificially distinguish the wireless equipment portion of a small cell deployment from the backhaul elements necessary to carry wireless traffic would completely miss the point about how small cells are deployed, and could, in effect, inadvertently establish regulatory barriers where none currently exist. There is no reasonable basis for drawing the distinctions requested by NCTA. They are unnecessary for the purpose of this limited rule, and

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<sup>3</sup> See Letter from Rick Chessen, NCTA to Marlene H. Dortch, FCC, WT Docket No. 17-79 (dated Mar. 9, 2018).

should be rejected.

However, suggestions aimed at *removing or reducing* barriers should be seriously considered. For example, Verizon's suggestion to add additional flexibility on pole height changes is a good one.<sup>4</sup> Poles often need to be adjusted to meet the needs of all attachers (new and existing), and the need to increase pole heights will only grow more prevalent as more and more telecommunications infrastructure is deployed in the future. Building in regulatory flexibility on this issue today will only pay future dividends in the form of increased broadband deployment.

Finally, Uniti Fiber also agrees with Verizon's suggestion that tribes provide evidence of an intact historic property or religious or cultural significance to the tribe within the site vicinity. As Uniti Fiber recently noted in this docket, the tribal review process is currently designed to give tribes a significant financial interest in expanding the areas in which they seek to review covered projects. This is the case with both small cell deployments, as well as macro tower deployments. Where historical review is required, it should be limited only to those tribes that can demonstrate existing intact areas of cultural or religious significance in the immediate vicinity. Doing so would be a good step towards balancing sensible tribal interests with reasonable governmental policy to reduce barriers to broadband and other communications infrastructure deployment.

Please do not hesitate to contact me should you have any questions.

Kind regards,



Jeff Strenkowski

cc: Will Adams  
Louis Peraetz  
Erin McGrath  
Rachel Bender  
Umair Javed

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<sup>4</sup> See Verizon Letter, at 2.