

March 15, 2018

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation: *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84.

Dear Ms. Dortch:

On March 13, 2018, I met with Will Adams, Legal Advisor for Commissioner Carr and Evan Swarztrauber, Policy Advisor for Commissioner Carr, and I met separately with Louis Peraertz, Senior Legal Advisor, Wireless, International, and Public Safety for Commissioner Clyburn. On March 14th, I met with Erin McGrath, Legal Advisor, Wireless, Public Safety and International for Commissioner O’Rielly. Each meeting served to discuss the Commission’s draft *Report & Order* in the proceeding referenced above,¹ and CCIA applauds the Commission’s efforts to streamline wireless siting rules, particularly for small cells.

CCIA, for over four decades, has stood for open markets, competition, and the promotion of technologies to enhance connectivity. As data usage continues to explode, and more devices become connected, network providers are seeking to deploy new technologies commonly called “5G” to meet that demand. 5G technologies will require more network connections and increasing the network’s performance with small cells that will vastly outnumber the macro cells that are currently the norm for mobile networks. However, if providers continue to face barriers to deployment, these new technologies and the United States’ global competitiveness could be stifled.

The draft *R&O* presents a considerate approach that aims to ease regulatory review processes and ensure that regulations that apply to large, macrocell towers do not apply to small cells. CCIA supports the Commission’s efforts to modernize the NEPA and NHPA rules because, as Commissioner Carr noted, “[The Commission’s] infrastructure rules were written for the hundred-foot 3G and 4G towers, not backpack-sized 5G deployments.”² By updating the rules for these processes and removing certain small cell deployments from these reviews, the

¹ *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Draft Report and Order, WT Docket No. 17-79 (rel. Mar. 1, 2018) (“*Draft R&O*”).

² Remarks of Fed. Comm’n Comm’n Commissioner Brendan Carr at the Consumer Technology Association’s 5G Day, “Ensuring the United states is 5G Ready,” Washington, D.C. (Feb. 28, 2018), https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0228/DOC-349499A1.pdf

Commission has removed important hurdles that unnecessarily delay siting and the densification of networks.

CCIA supports the Commission's proposals to reform the process for Tribal participation in historic preservation reviews under Section 106 of NHPA for projects that are not on Tribal lands and outside reservation boundaries. While recognizing the rationale for Tribal participation, reforms should reflect that the process has imposed significant expenses and threatened to stifle 5G deployment. As Sprint noted in a recent *ex parte*, it has incurred tribal review costs of \$8,251, on average, for each small cell site, totaling over \$23 million.³ If each small cell installation costs about \$35,000, average tribal review fees can be twenty-four percent and up to forty percent of that cost.⁴ Sprint estimates that it could deploy "13,408 sites for the same cost as 10,000" that include review fees.⁵ But for escalating fees, wireless providers could deploy more small cells more quickly and bring better service to more parts of the country that need it. CCIA appreciates the Commission's efforts to adjust response timelines, which will help expedite the process, and to ensure that the process is collaborative and conducted reasonably so that applicants have the flexibility to contract with Tribal Nations for consulting services or seek other consultants.

I also urged the Commission to reject the last-minute efforts of NCTA to redefine issues in the draft *R&O*. NCTA's proposals may seem on the surface as "technology neutral", but in reality they confuse the issues and could unnecessarily hamper buildout.⁶ Although NCTA seeks to provide a "technology neutral" definition to "facilities" and "wireless equipment" that avoids "competitive disparities," in reality, NCTA's proposed changes do just that – they favor the connections of NCTA's members over others.⁷ NCTA seems to be confusing what does and what does not require NEPA or NHPA review. The effect of its claims would actually create a "competitive disparity" implying that wireless providers would have to conduct NEPA and NHPA reviews for deploying their own backhaul connections while cable providers would not. NCTA suggests that "the Commission adopt a definition of small cell facilities similar to what has been adopted in many states", but that is because the cable industry had a direct hand in the development of the definitions in those states.⁸ In addition, NCTA offers no support for its claims that equipment associated with small cells "taken as a whole can exceed the size of many monopoles or macrocells."⁹

CCIA appreciates the Commission's efforts in the draft *R&O* to streamline regulations and institute reforms to promote the deployment of next generation 5G networks. CCIA encourages the Commission to continue working on reforms that will promote greater connectivity and competition like one-touch make-ready policies.

³ Notice of *ex parte* communication from Sprint, WT Docket No. 17-79 (filed Feb. 21, 2018).

⁴ *Id.*

⁵ *Id.*

⁶ Notice of *ex parte* presentation from NCTA, WT Docket No. 17-79 (filed Mar. 9, 2018).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

This letter is provided to your office in accordance with Section 1.1206 of the Commission's rules.

Respectfully submitted,

/s/ John A. Howes, Jr.

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