

March 15, 2018

**VIA ELECTRONIC FILING**

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

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

Dear Ms. Dortch:

Beginning with its petition urging the Commission to lower regulatory barriers to wireless infrastructure deployment, Mobilitie has demonstrated why lowering those barriers is so critical to expediting and expanding the deployment of 4G and, soon, 5G.<sup>1</sup> Mobilitie commends the Commission for issuing the draft Second Report and Order, which modernizes and streamlines the federal regulatory framework for wireless siting.<sup>2</sup> The changes the Commission plans to make to that framework will materially reduce both the time and costs of infrastructure deployment, promote investment, and expand the immense benefits of wireless broadband to consumers, businesses and the nation's economy.

The Commission seeks to achieve those benefits by, among other actions, excluding small wireless facilities from environmental and historic preservation review, and Draft Rule 1.1312 defines those facilities. One revision to that definition will ensure that it achieves the benefits from a streamlined regulatory framework that the Commission seeks to achieve:

The three cubic feet volumetric limit for antennas should be simplified and clarified without altering that numerical limit. Draft Rule 1.1312(e)(2)(ii) states that each antenna "fits in an enclosure (or if the antenna is exposed, within an imaginary enclosure, i.e., one that would be the correct size to contain the equipment) that is no more than three cubic feet in volume."<sup>3</sup> The underlying concept is that whether the antenna is exposed or enclosed, the antenna occupies no

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<sup>1</sup> Public Notice, *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*, Mobilitie, LLC Petition for Declaratory Ruling, WT Docket No. 16-421, 32 FCC Rcd 13360 (2016); Comments of Mobilitie, LLC (filed Mar. 8, 2017), Reply Comments of Mobilitie, LLC (filed Apr. 27, 2017).

<sup>2</sup> *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, FCC-CIRC1803-1 (rel. Mar. 1, 2018) (Draft Order).

<sup>3</sup> Draft Order at 61.

more than three cubic feet. The language of the draft rule should be modified to reinforce that an enclosure that contains other equipment such as the radio receiver may be larger than three cubic feet as long as the antenna does not occupy more than three cubic feet.

This clarification will reflect the fact that infrastructure providers and wireless carriers often place the antenna and other equipment inside one enclosure. As several parties noted, 5G deployment will increase this practice.<sup>4</sup> Combining the equipment is an efficient, often optimal technical design, but it can often require an enclosure larger than three cubic feet. In addition, providers and carriers work with localities to minimize the visual impact of small wireless facilities. In Mobilitie's experience, many localities prefer that an antenna and other equipment be combined into a single enclosure, rather than be placed in separate multiple enclosures that are mounted on the pole or other structure. A single-enclosure design can be much more attractive because it provides a smoother form factor.

Mobilitie thus recommends that the Commission simplify the definition, while keeping the three cubic foot antenna volumetric limit, by revising Section 1.1312(e)(2)(ii) to state:

Each antenna associated with the deployment, excluding the associated equipment (as defined in the definition of antenna in Section 1.1320(d)), be no larger than three cubic feet in volume.<sup>5</sup>

The Commission should also shorten the time period before the Second Report and Order take effect. Paragraph 150 of the Draft Order states that it will not take effect for 60 days after Federal Register publication. Given the time needed for staff to draft a summary for the Federal Register and then for publication to occur, adding 60 days to that period would likely postpone the benefits of the Commission's actions for at least three months and potentially until the second half of 2018. Given the compelling benefits of these actions to expedite investment in essential new broadband infrastructure, the Commission should make the Second Report and

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<sup>4</sup> See, e.g., *Ex Parte* Letter from Cathleen H. Massey, T-Mobile, to Marlene H. Dortch, FCC, WT Docket Nos. 16-421 and 17-79 (filed Feb. 26, 2018) (definition of small wireless facility should accommodate changes in technologies such as combining equipment and antennas in a single enclosure); *Ex Parte* Letter from Rebecca Murphy Thompson, CCA, to Marlene H. Dortch, FCC, WT Docket Nos. 17-79, 15-180, WC Docket No. 17-84, at 3 (Feb. 5, 2018) (urging the Commission to "adopt a definition of 'small cell' that avoids unintended consequences while adequately addressing carriers' deployment needs"); *Ex Parte* Letter from Andre Lachance, Verizon, to Marlene H. Dortch, FCC, WT Docket No. 17-79, WC Docket No. 17-84 (filed Feb. 8, 2018) ("Unlike 4G small cells where the antenna is a separate and distinct piece of equipment from the radio units, however, 5G small cells will integrate the antenna and the radio into a single piece of equipment").

<sup>5</sup> Alternatively, the Commission could add language to the Draft Rule to clarify that each antenna must be "capable of fitting" into an enclosure that is no larger than three cubic feet. Section 1.1312(e)(2)(ii) would thus provide: "Each antenna associated with the deployment, excluding the associated equipment (as defined in the definition of antenna in Section 1.1320(d)), is capable of fitting in an enclosure (or if the antenna is exposed, within an imaginary enclosure, i.e., one that would be in the correct size to contain the equipment) that is no more than three cubic feet in volume." The key principle is that when an enclosure is sized to fit other equipment, the enclosure still meets the three cubic feet volume limit if the antenna it contains can fit within three cubic feet inside that enclosure.

Order effective upon Federal Register publication or as soon thereafter as feasible. The sooner it takes effect, the sooner its benefits will begin to reap benefits in faster broadband deployment.

Pursuant to Section 1.1206 of the Commission's Rules, an electronic copy of this letter is being filed in the above-referenced docket. Please direct any questions regarding this letter to the undersigned.

Respectfully submitted,

/s/ D. Kirk Jamieson

D. Kirk Jamieson  
Senior Vice President, Government Affairs

cc: Will Adams  
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