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Preserving America's Heritage

March 15, 2018

Mr. Thomas M. Johnson, Jr.
General Counsel
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ref: Second Report and Order
WT Docket No. 17-79

Dear Mr. Johnson:

The Advisory Council on Historic Preservation (ACHP) has reviewed the Federal Communications Commission's (FCC) Second Report and Order for ***Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*** that will be considered by the Commissioners on March 22, 2018. The ACHP understands this Second Report and Order establishes the direction FCC will take on many of the issues it sought input from the public on its Wireless Infrastructure Notice of Proposed Rulemaking (NPRM), published in April 2017. The ACHP reviewed the NPRM and submitted comments on June 15, 2017.

At the outset, the ACHP is supportive of the FCC's goals to deploy 5G and the next generation of technology. To that end, we appreciate the opportunity to submit these comments and look forward to consulting with the FCC as it seeks process improvements to expedite project implementation.

The ACHP noted in its comments on the NPRM submitted to the FCC last June that it disagreed with the FCC's proposal to amend Section 1.1312 of its regulations, which effectively revises the definition of federal undertaking. While the Second Report and Order further elucidates the FCC's rationale for the change, it remains inconsistent with the views of the ACHP as provided in its June 15, 2017 letter.

The ACHP commends the FCC for including in the Second Report and Order sections No. 96 to 100, which require the submission of adequate documentation in Form 620 (new towers) and Form 621 (collocations) to potentially affected Indian tribes and Native Hawaiian organizations (NHOs) in order to initiate the timeclocks for their review. Ensuring that Section 106 participants have the necessary information to effectively participate in Section 106 reviews is critical to maintaining the integrity and efficiency of the review process.

We appreciate the FCC's effort to better align its views on fees with the ACHP's policies and Tribal Consultation Handbook. The reference to these documents in explaining how fees should be addressed in applicant reviews should reduce misunderstandings and improve the Section 106 review process. At the

ADVISORY COUNCIL ON HISTORIC PRESERVATION

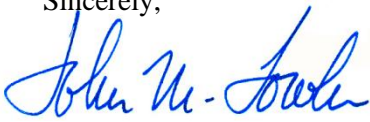
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same time, we are aware that Indian tribes have concerns with FCC's interpretations in the Second Report and Order. The ACHP therefore encourages the FCC to work with the tribes to resolve these issues in a mutually acceptable manner.

In our letter of June 15, 2017, to the FCC, the ACHP expressed its concern about the need for effective consultation with preservation stakeholders as the FCC undertook these significant changes in its processes. We urged the FCC "to continue in the spirit of collaboration with these partners to refine and improve these systems..." It appears that many of these stakeholders continue to hold the FCC's consultation efforts insufficient. Accordingly, we would strongly urge the FCC to further engage with those parties to seek agreeable solutions to their outstanding issues.

Should you wish to discuss our responses to the NPRM and Second Report and Order, please feel free to contact me at jfowler@achp.gov or by telephone at (202) 517-0200.

Sincerely,



John M. Fowler
Executive Director