March 15, 2018

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, S.W.

Washington, DC  20554

**Re: Notice of Ex Parte Concerning GC Docket No. 17-79, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.**

Americans for Tax Reform and Digital Liberty writes this in support of GC Docket No. 17-79, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.

This proposal, which seeks to change FCC rules to exclude small wireless facilities from the environmental and historic review procedures designed for large macro cell deployment, will remove major hurdles to 5G deployments; accelerate the time needed to deploy critical wireless infrastructure; and ensure that the US is a leader in the race for next generation wireless technology. These changes are estimated to save billions of dollars that can be used for increased investment and deployment.

**Please find attached**, two publications from Americans for Tax Reform and Digital Liberty further detailing our support for this item.

Thank you for your consideration.

Regards,

Katie McAuliffe

Executive Director, Digital Liberty

Federal Affairs Manager, Americans for Tax Reform

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**Commissioner Carr Brings Us One Step Closer to Being 5G Ready**

By Katie McAuliffe

Available at: <https://www.atr.org/commissioner-carr-brings-us-one-step-closer-being-5g-ready>

America is and can remain the leader in Fifth Generation wireless technology (5G) development and deployment as long as regulators practice regulatory humility – taking a right sized role and stepping out of the way when appropriate. FCC Commissioner Carr’s announcement of the new plan to advance 5G deployments does just that; it makes the government role right-sized when it comes to small cell deployment. Literally.

The regulatory structures surrounding large cell tower deployments should not apply to small cells, which are often no larger than a pizza box. Exempting small cell deployment from federal and environmental historic review processes advances the 5G timeline, and, since small cells are most often deployed in already developed areas, it reduces the likelihood that historic and environmental review processes will be invoked redundantly.

5G will bring millions of new jobs, approximately $275 billion in private sector investment, and a $500 billion boom to GDP. It’s efficient deployment is necessary for autonomous cars, internet of things, remote surgery, telehealth, smart cities, faster home and mobile broadband, and so much more. The possibilities are endless, but there are hurdles to clear before we can realize the potential of our 5G future.

The FCC has created an exception to the burdensome requirements for small cells to speed up the rollout of 5G. Currently, the review process required for large towers is also required for small cells. A small cell is a new type of broadband infrastructure no larger than 3 cubic feet that helps densify wireless service networks in an area to enhance capacity. Despite the small footprint, service providers are forced to undergo the same regulatory review process as massive towers to install these small cells.

Wireless providers have run into roadblocks from various federal review processes, including reviews from tribes. The Tribal review process, which gives members of tribes the opportunity to challenge or assess fees as a prerequisite to placing equipment, in some states extends across the entire state, not just on tribal territory. While the review is an important mechanism to protect Tribal land, it should not be applied on already existing infrastructure or expanded to territory outside of tribal lands.

This process not only adds significant time to placing cells, it also adds significant cost. One wireless carrier estimates 17% of their costs for placing small cells goes towards these regulatory costs and expects to spend $29 million in 2018 just on these fees alone. A few noted examples of these high fees include: a fee of $13,525 for a review of collocation on a hotel in Minnesota, and $8,000 for placement on a civic center in Denver.  This is money that could facilitate investment and deployment for multiple projects that will provide better coverage, and services.

Exempting small cells from the environmental, historical, or tribal process (especially for deployment on already developed land such as parking lots, bus stops, streetlights, etc.) will not trample on the rights of those on tribal lands, but will expand opportunities through connectivity.

Commissioner Brendan Carr today announced a plan to exclude small wireless facilities from the environmental and historic review procedure designed for large macrocell deployments. Making a determination that they are neither federal undertakings nor major federal actions does this. This will reduce the regulatory costs of deployment by 80%. This will shave months off deployment timelines and expand 5G deployment. He addressed the Tribal review concerns by proposing a plan to streamline the historic review procedures and update the Section 106 Tribal Consultation process. By addressing upfront fees, the consultation process and creating a clear timeline for a Tribe to respond. These changes will only apply to deployments outside of reservation boundaries and Tribal lands.

As Commissioner Carr emphasized the importance of maintaining US leadership in wireless as we upgrade to 5G. To ensure that the US is 5G ready he announced the plan to streamline the federal historic and environmental review procedures that apply to wireless infrastructure deployments.

The government should get out the way, so the United States will remain pioneers in this new technology. It is critical that we are the first in the race to be 5G ready, and ensure that every American across the country has access to cheap, competitive, and lightening fast broadband services.

**Brendan Carr Connects the Dots for the #5GReady plan**

By Jonathan Cannon

Available at: <http://www.digitalliberty.net/node/422>

There is a currently a lot of buzz revolving around 5G networks. Providers are teasing the idea of having wireless broadband available almost anywhere, with better speeds, and greater access than any fixed network currently in place. From the internet of things, self-driving cars, and more; 5G has the potential to be the biggest technological advancement of the 21st century.

To get America 5G ready, FCC Commissioner Brendan Carr announced a plan to remove a major hurdle to 5G deployments. This plan seeks to change FCC rules to exclude small wireless facilities from the environmental and historic review procedures designed for large macro-cell deployments. Commissioner Carr pioneered this plan to streamline approval of small cells by reclassifying their installation so they are no longer considered an “undertaking” under National Historic Preservation Act (NHPA) or a “major federal actions” under National Environmental Protection Act (NEPA).

Carr has also addressed Tribal review concerns by updating section 106 of the Tribal Consultation process. Carr has addressed upfront fees and proposed the creation of a timeline for Tribes to respond. These new rules would also remove the requirements for filing Environmental Assessments (EAs) for those petitioning for access, if providers meet certain criteria. The rules also create a timeframe for the FCC to act on these assessments, to expedite the process.

Currently, wireless deployment requires archaic and expensive regulatory action in order to build out infrastructure, regardless of whether it is a macro cell like a tower, or a small cell the size of a pizza box.

One proposal for a rollout of 5G networks involves building a dense infrastructure by covering an area with hundreds of small cells. This plan would enable providers to bring broadband at unmatched speeds to consumers wirelessly. The current regulatory landscape adds significant time and cost to placing any cells.

Wireless carriers have estimated that a significant portion of their costs goes towards these regulatory expenses. This money could be used to facilitate increased investment, but instead is wasted on these requirements. Thankfully, Carr recognizes this and has proposed a rule that will alleviate some of this pressure and enable service providers to make the US 5G ready.

On March 22nd at the next open meeting, the FCC will vote on this new rule that will help the US lead the global race to become 5G ready. With over $200 billion being spent, millions of jobs being created, and the massive boon that this will have on the US economy, it is critical that every last dollar counts. This rule will ensure that every dollar is spent on broadband investment and not wasted on arbitrary regulations.

The FCC needs to pass this proposed rule and continue working to streamline its processes to ensure that the free market will thrive without regulatory encumbrance.