

March 16, 2018

**BY ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: NOTICE OF EX PARTE**

**WT Docket No. 17-79:** *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment;*

**WT Docket No. 15-180:** *Revising the Historic Preservation Review Process for Wireless Facility Deployment;*

**WC Docket No. 17-84:** *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*

Dear Ms. Dortch:

Competitive Carriers Association (“CCA”)<sup>1</sup> files this ex parte at the request of Louis Peraertz, Senior Legal Advisor, Wireless, International, and Public Safety to Commissioner Mignon Clyburn with respect to the above-referenced proceedings, pursuant to 47 C.F.R. § 1.1204(a)(10)(iii) which exempts presentations “during the Sunshine Agenda period prohibition” if “the presentation is requested by (or made with the advance approval of) the Commission or staff for the clarification or adduction of evidence, or for the resolution of issues.”<sup>2</sup>

CCA hereby provides greater detail regarding examples of beneficial collaboration between industry and Tribes, as highlighted in CCA’s March 15, 2018 ex parte.<sup>3</sup> The record is replete with evidence that carriers often have to pay excessive costs and suffer through endless delays to deploy next-generation wireless infrastructure.<sup>4</sup> As CCA has previously explained, under the current siting framework, applicants and

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<sup>1</sup> CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

<sup>2</sup> See 47 C.F.R. § 1.1204.

<sup>3</sup> Letter from Rebecca Murphy Thompson, EVP & GC, CCA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Mar. 15, 2018) (“CCA March 15 Letter”).

<sup>4</sup> Letter from Rebecca Murphy Thompson, EVP & GC, CCA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2-3 (filed Feb. 26, 2018) (*noting*, “[f]rom January 2017 until now, the average CCA member deploying in the western United States reports that Tribal interest requests have escalated to an additional three-to-four per site, as compared to one year earlier. What’s more, in just a three-to-six-month timeframe, a Wyoming carrier spends nearly \$20,000 solely in NHPA/NEPA fees for *each* wireless tower deployment. In 2017, this same carrier faced a staggering \$19,550 in Tribal review costs for a new tower in Wyoming, which included Tribal fees from 38 Tribes ranging from \$200 to \$1,500 per Tribe. In 2016, the same applicant built a similar tower in the same Wyoming town costing \$13,075 in Tribal fees; the jump in Tribal fees from \$13,075 to \$19,550 over one year in the same general deployment area has never been explained.”).

consulting parties are typically forced into standoffs regarding increasingly-exorbitant fees before parties ever determine whether or not a Historic Property is present.<sup>5</sup>

Nevertheless, CCA continues to highlight its members' work to cooperate with Tribes and Tribal governments in many instances. As noted in CCA's March 15 ex parte, one CCA member collaborated with Tribes to deploy a tower site in the remote rural village of Abiquiu, New Mexico.<sup>6</sup> Although the deployment was within one-half mile of previously-identified historic property, the carrier, Tribes, and local SHPO worked together to bring mobile broadband to a previously unserved area without disturbing protected ground. The carrier hired an environmental consultant of its own accord and collaborated with the local SHPO in designing a site that would fit in with the existing surroundings and meet coverage objectives. The agreements between the carrier and Tribes resulted in a compromise that evolved from an initial proposal to deploy a rooftop collocation facility, and ultimately, to a stealth antenna designed to mimic a metal chimney. The chimney antenna was mounted on the roof of an existing adobe structure that was used as a privately-owned art gallery.

Also, as previously noted,<sup>7</sup> another CCA member worked with the Eastern Shoshone and Northern Arapaho Nations of the Wind River Reservation in central Wyoming, developing mobile broadband sites on Tribal trust lands in extremely remote locations.<sup>8</sup> Importantly, this project was a direct result of the carrier's and Tribal Counsel's collaboration rather than pursuant to a consultation or consultant agreement. The carrier chose to hire an independent consultant for its own use throughout the project. The carrier and Tribal Nations entered into an informal business arrangement based on the need and desire to provide conduits and deploy fiber to bring mobile broadband service to previously unserved areas. As a result of the positive experience, these entities continue to explore other opportunities to jointly develop broadband networks to benefit consumers living both on and off Tribal lands. This example highlights the importance of providing appropriate incentives and certainty for both industry and Tribes to help advance the interests of all American consumers.

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<sup>5</sup> See, CCA March 15 Letter at 2.

<sup>6</sup> See, *id.*

<sup>7</sup> See *id.*

<sup>8</sup> See, Letter from Rebecca Murphy Thompson, EVP & GC, CCA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Jan. 17, 2018).

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's rules. Please do not hesitate to contact me.

Respectfully submitted,

*/s/ Rebecca Murphy Thompson*

Rebecca Murphy Thompson  
EVP & GC  
Competitive Carriers Association

cc (via email): Louis Peraertz