

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:

On March 15, 2018, on behalf of Competitive Carriers Association (“CCA”),<sup>1</sup> I spoke via teleconference with Federal Communications Commissioner Mignon Clyburn, and Louis Peraertz, Senior Legal Advisor, Wireless, International, and Public Safety to Commissioner Clyburn, to discuss the above-referenced proceedings. I applauded Commissioner Clyburn’s work to promote mobile broadband access and deployment throughout the country, particularly in rural, underserved, low-income and hard to reach areas of the country. As such, I urged Commissioner Clyburn to support infrastructure siting reform efforts that will spur next-generation deployments in rural and urban areas alike.

During our conversation, I noted that carriers often have to pay excessive costs and suffer through endless delays to deploy next-generation wireless infrastructure.<sup>2</sup> As CCA has previously explained, under the current siting framework, applicants and consulting parties are typically forced into standoffs regarding increasingly-exorbitant fees before parties ever determine whether or not a Historic Property is present.<sup>3</sup> That

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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> 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.”).

<sup>3</sup> Letter from Rebecca Murphy Thompson, EVP & GC, CCA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Mar. 15, 2018) (*noting*, “[o]ne CCA member in Montana received a Stop Work Order (“SWO”) from the FCC in November 2016, which prohibited the company from constructing towers where Tribal authorities had

is why CCA supports the Commission's proposed action, providing certainty regarding application review processes and fees.<sup>4</sup>

I committed to working with Commissioner Clyburn and the Commission to achieve our shared goals of more robust mobile broadband service throughout the United States. 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,

A handwritten signature in black ink, appearing to read "Steven K. Berry", is centered on a light gray rectangular background.

Steven K. Berry  
President & CEO  
Competitive Carriers Association

cc (via email): Commissioner Mignon Clyburn  
Louis Peraertz

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demanding payment to monitor tower construction in the event there was an "unanticipated discovery" of artifacts. As of March 2018, the SWO remains in effect and has stalled deployment of broadband networks in this area of Montana for over 15 months. What's more, the carrier was asked to pay \$500/day per person, and this fee continues to escalate, resulting in about \$250,000 in lost revenue since November 2016 solely for expenses related to site monitors. There also are important public safety and consumer costs as a result of delayed deployment in unserved and underserved areas. In this instance, the carrier is the only provider in this area in Montana; however, as a result of this 15-month delay, the company has been unable to expand service to even smaller towns that lack broadband coverage and therefore lack the most advanced public safety communications, despite investing significant upfront capital. Beyond the financial loss, the current processes are an affront to public safety and consumer benefit in this area of Montana and similar unserved and underserved areas.").

<sup>4</sup> FCC Fact Sheet – Draft Wireless Infrastructure Streamlining Report and Order, WT Docket No. 17-79 (rel. Mar. 1, 2018).