March 29, 2017

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.

On March 27, 2017, Scott Bergmann, CTIA Vice President, Regulatory Affairs, and Kara Romagnino, CTIA Director, Regulatory Affairs, met with Nese Guendelsberger, Paul D'Ari, and David Sieradzki of the Wireless Telecommunications Bureau to discuss the above-referenced proceeding.

During the meeting, CTIA highlighted the importance of sound policies at the federal, state, and local levels to facilitate the rapid and efficient deployment of wireless infrastructure to support 4G LTE and 5G networks. U.S. wireless carriers have invested $200 billion in 4G networks since 2010 and are anticipated to invest another $275 billion over the next seven years to build next-generation 5G networks. By developing policies that foster this capital investment, the Commission can help enable more than three million new American jobs and open the door for the wireless industry to add $500 billion to our economy.[1] Beyond these important economic benefits, 5G networks will also create public safety and healthcare advances, by, among other things, saving more than 20,000 lives through wireless-powered self-driving cars and saving billions in healthcare costs associated with chronic illnesses.[2]

CTIA provided the attached presentation that urges the Commission to adopt proposals in this proceeding that would facilitate these goals. As CTIA explained, although some localities are modernizing their policies to account for the evolution of wireless technology, others are imposing increased barriers that either directly or indirectly prohibit

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[1] *Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities*, Accenture Strategy (Jan. 2017), https://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf.

[2] *Wireless Connectivity Fuels Industry Growth and Innovation in Energy, Health, Public Safety, and Transportation*, Deloitte and CTIA (Jan. 2017), http://www.ctia.org/docs/default-source/default-document-library/deloitte_20170119.pdf.

access and create delays to deployment, despite the clear national interest in the U.S. being a leader in 5G. Although states and localities have legitimate interests in managing the siting of wireless facilities, the Commission should ensure that localities issue permits for wireless facilities within reasonable times, without unreasonable requirements or anti-competitive policies, and with fees that enable them to recover their costs to process those permits and manage the rights of way. Such policies should also reflect the limited size and impact of the small wireless facilities necessary to create capacity for 4G LTE and 5G networks.

CTIA therefore urged the Commission to modernize local review of wireless infrastructure applications, clarify that certain actions prohibit or have the effect of prohibiting wireless service—including moratoria, undergrounding ordinances, and prohibitions on technology upgrades—and ensure that compensation for use of public rights of way is based on the actual, direct costs for managing these public spaces. CTIA further encouraged the Commission to update its shot clocks and broaden the deemed granted remedy to account for the smaller size of next-generation infrastructure deployments, and declare that those policies apply to requests to site facilities on municipal poles and in municipal rights of way. Finally, CTIA noted that there is a similar opportunity for the Commission to update and clarify the scope of and procedures for tribal review of siting applications on non-tribal lands to ensure timely deployment of 5G networks.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this letter is being electronically submitted into the record of this proceeding and provided to the Commission participants. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Scott K. Bergmann

Scott K. Bergmann
Vice President, Regulatory Affairs
CTIA

Attachment

cc: Nese Guendelsberger
Paul D'Ari
David Sieradzki

Building a 5G Infrastructure

KEY REFORMS

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Investment in 4G

Key Reforms Have Helped Unlock Investment to Improve and Expand Networks

U.S. carriers have invested

$200 BILLION

in 4G since 2010

Americans will use

5X MORE

mobile data in 2021 than they use today

Source: Accenture Strategy, Smart Cities How 5G Can Help Municipalities Become Vibrant Smart Cities, (January 2017)

5G Opportunity

JOBS & GROWTH

More than

3 MILLION NEW AMERICAN JOBS

will be created

The wireless industry is projected to invest

$275 BILLION

over the next seven years

& add **$500 BILLION**

to our economy

5G Opportunity

SAFER LIVES

HEALTH CARE

Wireless connectivity will save lives and $305B per year in health costs.

PUBLIC SAFETY

5G can help save lives. A 60 second improvement in first responder response time translates to a reduction of 8% in mortality.

AUTONOMOUS CARS

Wireless-powered self-driving cars could save **over 20,000 lives, and** nearly $450B, each year.

Source: Deloitte & CTIA, Wireless Connectivity Fuels Industry Growth and Innovation in Energy, Health, Public Safety, and Transportation (January 2017)

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Small Cells

WHAT'S NEXT

- **NEW OPPORTUNITIES.** Network can now be extended on common structures like street lights and utility poles

- **~300K.** Number of pizza-box sized small cells needed in next 3-4 years

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Small Cells

THE CHALLENGES

- **DENIED ACCESS.** Rules do not contemplate wireless antenna on non-towers and prompt access denied on municipal facilities and in rights of way
- **COST.** Fees do not correspond to small cell footprint
- **DELAY.** 2+ year process to site a single small cell

TwinCities.com PIONEER PRESS

Supply and demand: City asks T-Mobile for $7,500 after Verizon paid $600

by Frederick Melo

February 2017

"T-Mobile is looking to install 40 pole-top antennas in St. Paul, but the city's consultants are quoting prices that are more than 10 times higher than what Verizon agreed to three years ago."

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New Networks, New Rules

Cities, States and FCC Play Key Roles

- **GREATER ACCESS.** Improved access to municipal facilities and rights of way
- **REDUCED COSTS.** Reasonable and non-discriminatory fees for new 5G deployments
- **MODERNIZED PROCEDURES.** Improved timelines and more uniform standards

> Cities and towns which are first to facilitate the wireless infrastructure evolution will see the greatest benefit.

Accenture Strategy
JANUARY 2017

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The FCC's Role

IMPROVING ACCESS

Challenge:

- 5G's success depends upon access to poles and rights of way.
- Some municipalities say shot clocks do not apply to wireless facilities applications on **municipal poles or in municipal rights of way.**
- This results in **delayed access** and/or a patchwork of fees, terms, and conditions to public properties that are intended to serve as locations for public service.

FCC Action:

- Declare that action on requests to site wireless facilities on municipal or other public poles or rights of way is a regulatory function.
- Declare that the Section 332 and Section 6409 **shot clocks** apply to requests to site wireless facilities on municipal poles and in municipal rights of way.

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The FCC's Role

REDUCING COSTS

Challenge:

- Numerous localities and state highway administrations are demanding **exorbitant fees** as a condition of access to rights of way, including recurring, per-site, and revenues-based fees.
- Because wireless providers often need to install **dozens or even hundreds** of small cell sites to provide sufficient coverage and capacity across a city, these fees can quickly become cost prohibitive.

FCC Action:

- Declare that Section 253(c) does not permit charges for permitting or access to municipal-owned ROWs and poles that exceed the locality's **actual, direct costs** to manage its rights of way.
- Declare that Section 253(a) prohibits charges that make it economically difficult for new or existing providers to **offer service.**

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The FCC's Role

MODERNIZING PROCEDURES

Challenge:

- Existing **processes for reviewing applications** for wireless sites have not kept pace with advances in the size and scale of next-generation infrastructure.

FCC Action:

- Declare that **moratoria, undergrounding ordinances,** and prohibitions on **technology upgrades** conflict with Section 253(a).
- Update the **shot clocks** and broaden the **deemed granted remedy** to account for the smaller size of new deployments.
- Declare that small facilities deployments have no adverse impact and are therefore not **federal undertakings or major federal actions.**

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The FCC's Role

MODERNIZING SECTION 106 REVIEWS

The FCC can modernize its Section 106 processes for siting on non-tribal land

Reduced Delays

30 days is a reasonable amount of time for tribes to complete their reviews

Uniform Procedures

FCC Forms 620/621 are sufficient for Section 106 consultation

TCNS can function as a planning tool

Monitoring is unnecessary when no likelihood of eligible property is identified

Reduced Costs

Fees are not appropriate for Section 106 tribal consultation

Fees are appropriate for tribal contracting services

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