



June 15, 2017

Ms. Marlene H. Dortch  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Ref: Response to Notice of Proposed Rulemaking and Notice of Inquiry – Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment**

**WT Docket No. 17-79**

Dear Ms. Dortch:

The Georgia Department of Transportation (GDOT) is submitting comments concerning WT Docket No. 17-79, Proposed Rulemaking for Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.

The GDOT Utility Accommodations Policy and Standards (UAM) is the guiding document for a significant portion of the state. Consistent with 23 CFR, GDOT developed the UAM to promote safe and efficient operations of the state highway system. Current GDOT UAM 5.11 Wireless Facilities does not prohibit wireless facility installation but restricts installations to collocation via existing utility infrastructure or Department facilities. It is the responsibility of the wireless service provider as with other attachees to establish an agreement with the requisite utility pole owner as GDOT does not have authority to regulate collocation on privately owned utility facilities. Additionally, GDOT has a stated goal of 5 days to review and approve utility encroachment permits.

The Official Code of Georgia (O.C.G.A.) 32-6-174 establishes authority for GDOT to “promulgate reasonable regulations governing the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, tracks, traffic and other such signals, and other equipment of any utility in, on, along, over, or under any part of the state highway system or any public road project which the department has undertaken or agreed to undertake or which has been completed by the department pursuant to its authority. In addition to the requirements of such department regulations, it shall be the responsibility of the utility to obtain whatever franchise is required by law.” Subsequently, O.C.G.A. 32-4-42 and O.C.G.A. 32-4-92 (Exhibit A) provide that counties and municipalities in Georgia may also establish reasonable rules and grant permits so long as rules are not more restrictive than the GDOT.

Since the inception of the GDOT Wireless Facilities policy, companies have installed numerous antennas with the highway rights of way via collocation while other companies have “lobbied” for the ability to place standalone structures to support wireless facilities. Fees associated with utility permits support our statewide utility program which includes online permitting via the Georgia Utility Permitting System (GUPS), Subsurface Utility Engineering (SUE), and Utility Coordination. These programs and other aspects sourced by utility permit fees is the key contributor to Georgia being recognized as a national leader in this program area. We have a tremendous partnership with the utility industry and local governments within our state.

The GDOT utility permit process is completely electronic and is initiated by a submittal by a utility via GUPS. This submittal is routed to the appropriate District and subsequently reviewed for completeness and policy compliance. The District has authority to issue the permit unless a specialty review or “higher” level approval is required. Once approved, an email is sent to the utility notifying them of any additional required provisions plus establish the point of contact for the field inspector responsible for project oversight.

GDOT offers the following as comments specific to elements of the FCC NPRM:

**Information on the various steps that regulatory authorities employ at each stage of reviewing applications and which step have been most effective resolving tensions among competing priorities of network deployment and other public interest goals**

- Upfront identification of the “rules of engagement”
- Pre-application reviews are particularly helpful to reinforce relationships, establish holistic reviews, and identify mitigation opportunities. This has proven most effective as the “clock” is not running and all parties get a chance to identify fatal flaws and other non-negotiable items
- Applicants include adequate levels of detail for use in the review process

**What can siting applicants do to help streamline or expedite the siting review process?**

- Share info across carriers for desired locations
  - o Identify opportunities to collocate prior to submittals
- Provide detailed location information for mapping purposes
  - o GPS Coordinates for use in creating a database of antenna/antenna structure locations
- Establish baseline agreements with regulatory authorities and other utilities, i.e. power companies
  - o Baseline fee structure
  - o Baseline design criteria
- Strategically group requests to minimize staff allocation for reviews by the regulatory authority
  - o By route or geographic area
  - o By facility type
  - o # of sites per application
- Identify “non-starters” for the regulatory authority/Familiarize with local ordinances or special considerations
  - o Pole heights
  - o Existing Historical, scenic/view shed, zoning or other environmental restrictions

**Are there siting practices that applicants should adopt that will facilitate faster local review while still achieving the deployment of infrastructure necessary to support advanced wireless broadband services?**

- Applicants should establish relationships and coordinate regularly with agencies to establish a comprehensive plan across the jurisdiction.
- Reduce the amount of speculative inquiries to the regulatory authority
- Provide complete and detailed information for requests that do not coincide with established policy
  - o Applicant should perform the necessary due diligence on each request but more importantly on potential policy exceptions. This is inclusive of cost implications but should primarily be based on technical and physical constraints

**“Deemed Granted”/Shot Clock**

- The Commission or other pertinent Federal governing body should establish a policy guide that includes timeframes for review, safety, technical and physical, and aesthetic considerations for regulatory authorities to adopt or draft policy around.
  - o Timeframes should be consistent with the level of review required by the request
  - o As noted in the proposed rule, establishing timeframes based on new installations, versus collocation or by zoning area are reasonable points of demarcation

- “Pre-application” reviews should be encouraged and separated from an “official” application submittal

**The proper role of aesthetic considerations in the local approval process**

- Local and State agencies have designated roadway corridors and other areas that have special designations for utility and other above ground feature placement. These designations are often to preserve the aesthetic qualities. As such, the Commission should establish guidance on what constitutes “substantial evidence in a written record” while also promoting the encouraging providers to work with those bounds. Part of the “pre-application” process should include understanding what those “written records” are in addition to any other considerations not deemed “general concerns” in an effort to find mitigation opportunities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Allen", with a long horizontal flourish extending to the right.

Patrick Allen, P.E.

GDOT State Utilities Engineer