



June 17, 2019

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VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, WT Docket No. 17-79 and WC Docket No. 17-84

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Federal Communications Commission's ("FCC") rules, 47 C.F.R. § 1.1206, Crown Castle International Corp. ("Crown Castle"), by its attorneys, hereby submits this letter summarizing an *ex parte* meeting in the above-referenced dockets.

On June 15, 2019, Ken Simon, Monica Gambino, Robert Millar, and Rebecca Hussey of Crown Castle, accompanied by Roger Sherman of Waneta Strategies and the undersigned, met with Commissioner Geoffrey Starks and William Davenport, Legal Advisor to Commissioner Starks.

The parties discussed the ongoing implementation and impact of the Declaratory Ruling and Third Report and Order ("September Order") in Dockets WT 17-79 and WC 17-84. Crown Castle put particular emphasis on those issues and jurisdictions where the September Order has had a positive effect in assisting with wireless facility deployment, and relayed generally that the September Order is having a strongly positive effect on its ability to deploy wireless facilities throughout the country.

The parties also talked about areas where challenges remain. In particular, Crown Castle explained the issues that it has been having getting investor owned utilities ("IOUs") to provide power to small cell installations on utility poles in a timely fashion. Without power, small cells cannot operate, but IOUs generally do not hold to any particular deadline or schedule in providing power to these facilities, meaning that in some cases it can be six months or more between when a small cell is installed and when it is powered up, on air, and providing service. Crown Castle also described the problems it has been having with some IOUs restricting access to certain parts of the poles and/or prohibiting multiple antenna placements on a

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particular pole, which can (for example) prevent the company from collocating 5G antennas on poles that already have a pole top installation. Crown Castle noted that the Commission has already exercised its authority under Section 224 of the Communications Act to bar IOUs from prohibiting pole-top access, and that similar action may be appropriate for other parts of the pole, given the advancement of technology and the forthcoming need to have multiple facilities collocated on a given pole in order to provide 5G service.

Crown Castle also discussed the issues that it is still encountering following the September Order, including unreasonably high fees for application review and inappropriate consultant charges, and described a number of outstanding issues related to Section 6409 where additional Commission action would be appropriate. These include:

- A clarification that all permits must issue during the shot clock period, and that once a deemed grant notice occurs, the local jurisdiction is obligated to provide any additional outstanding building permits;
- A clarification that under Section 6409 and the Commission's prior order, "concealment elements" are limited only to stealth facilities and are only those elements specifically identified in the original approval as such, that local jurisdictions cannot simply declare all elements of a facility "concealment" in order to evade Section 6409, and that "defeat" means a modification that fundamentally alters the design and characteristics of the structure in a way that renders previously concealed equipment visible. Such modification would not include, for example, adding height to a camouflaged tree tower, enlarging a canister or adding equipment outside of a pre-existing shelter;
- A declaration that a local jurisdiction cannot use issues unrelated to the applicant's facilities as justification for declaring a site "non-compliant" under Section 6409 with the site's original approval conditions, and as a result cannot, for example, deny a Section 6409 application because there is unrelated "blight" on the property, or because one of the other carriers on the site is out of compliance, or because it believes legal, non-conforming uses need to be brought up to current code;
- A clarification that facilities like remote radio heads associated with, mounted on, or mounted near antennas are not "equipment cabinets," and



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that “equipment cabinets” are properly understood as being limited only to ground enclosures that house or are intended to house other equipment; and

- A declaration that when Section 6409 states that a local jurisdiction shall not deny and must approve an eligible facilities request, that means that a local jurisdiction cannot issue conditional approval that would require the applicant to take certain actions (such as notification of surrounding property owners) or that would impose additional limitations (such as permit duration limitations, material and painting specifications, exterior lighting requirements, maintenance requirements, reporting requirements, and operational requirements).

Crown Castle also spoke in support of the positions articulated in the *ex parte* filed by WIA on May 20, 2019, including the request that the Commission allow up to 30 feet of pad expansion to qualify as an eligible facilities request.

During the discussion, Crown Castle referred to the attached presentation, which was left behind at the end of the meeting.

Please direct any questions to the undersigned.

Respectfully Submitted,

/s/ Joshua S. Turner

Joshua S. Turner
Counsel to Crown Castle

Enclosure

cc (via email):

Commissioner Geoffrey Starks
William Davenport

The pathway to possible.

AUGUST
2018

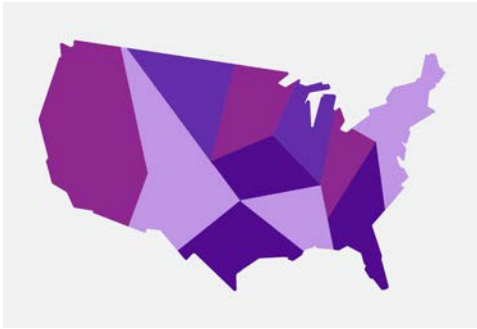
The pathway to possible.

We're transforming
the way people live,
work, and experience
the world.

A comprehensive portfolio of infrastructure that is **unique and unmatched.**



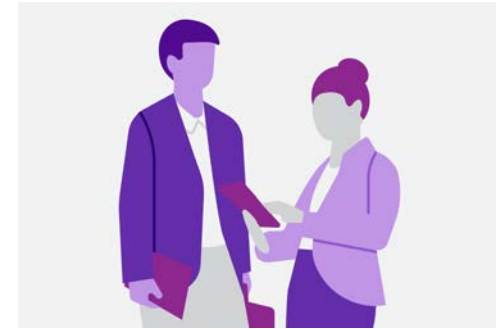
A national network backed by the strength of our local resources.



Nearly 100 offices
around the country



Local service teams
and 24/7 Network
Operations Center
support



Long-standing
relationships with
local partners

Our strength and stability help us deliver long-term value.

\$5.6B+

annual revenue

**NYSE
S&P 500**

company

**25
YEARS**

of owning and
operating network
assets

**LAST
OWNER**

of our network
assets

Our industry is critical in the US.

\$275B

investment expected in
wireless infrastructure
over seven years¹

95%

of adults own a
cell phone²

80%

of all 911 calls originate
from wireless devices³

1. Source: "How 5G Can Help Municipalities Become Vibrant Smart Cities," *Accenture Strategy*, 2017.

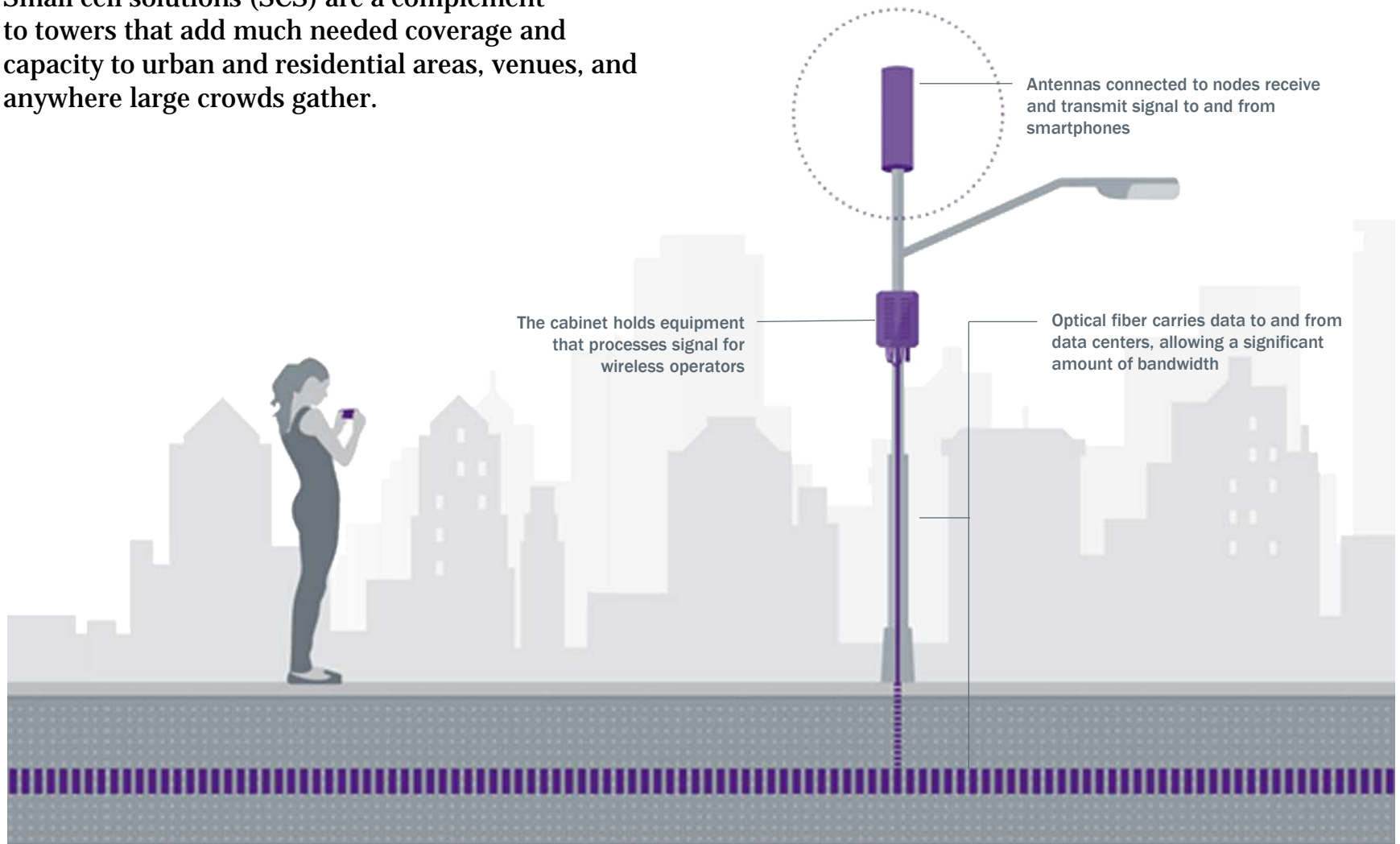
2. Source: "Wireless Snapshot 2017," *CTIA*, 2017.

3. Source: "2016 National 911 Progress Report," *911.gov*, 2017.

Small Cell Solutions 101

What are small cell solutions?

Small cell solutions (SCS) are a complement to towers that add much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather.



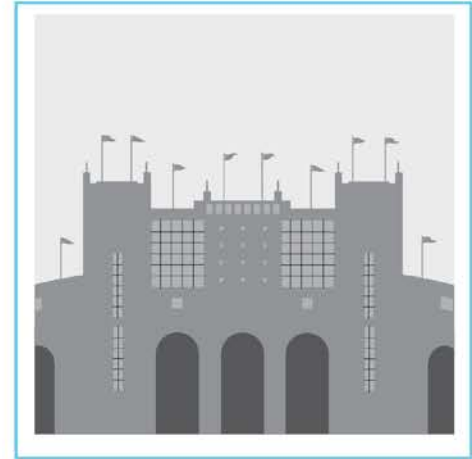
Where small cell solutions soar.



In densely
populated areas



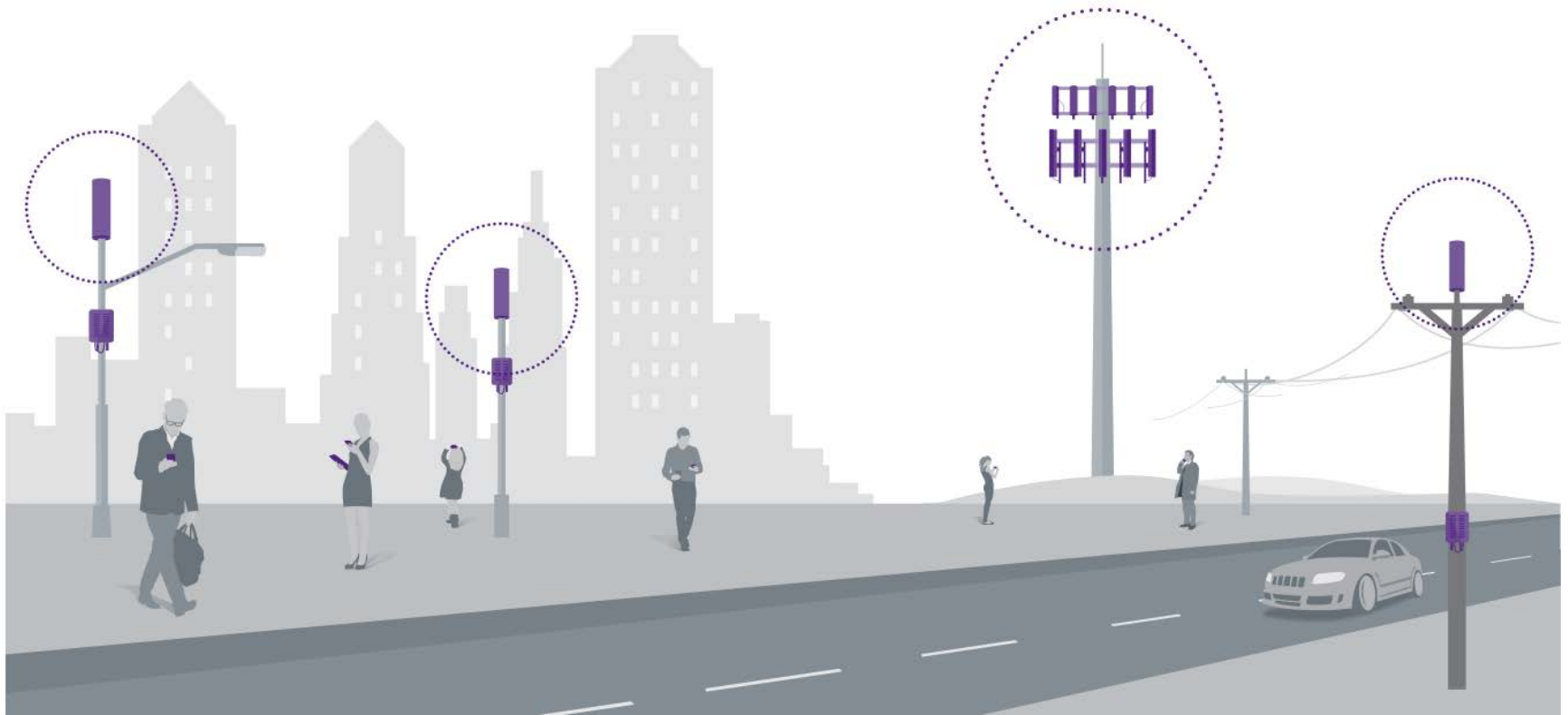
In challenging
geography



In venues that
accommodate
large crowds

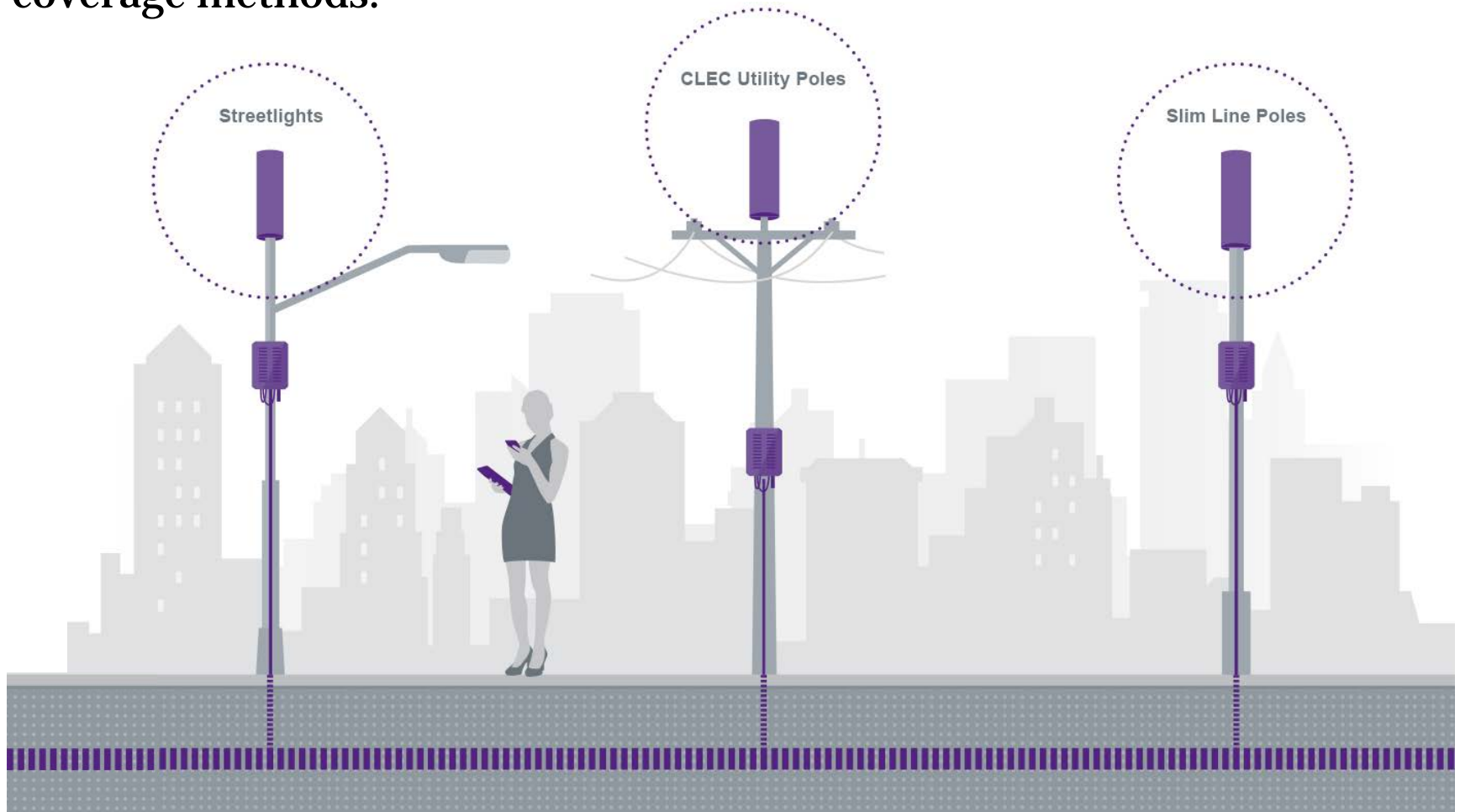
Small cell solutions or towers?

Both have their strong suits, and wireless carriers need both to maximize coverage and capacity.



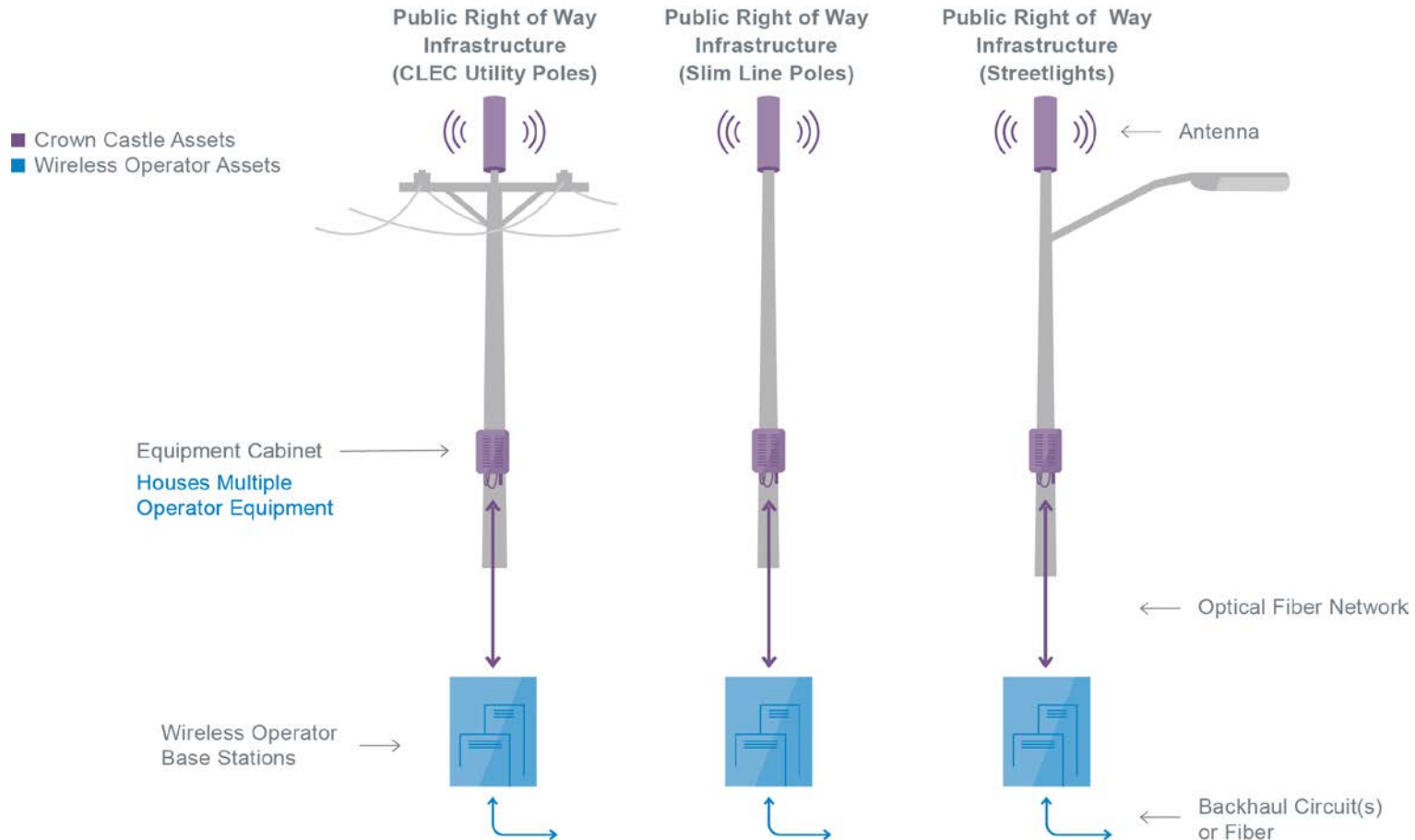
Outdoor small cell solutions.

Give carriers pinpoint coverage not provided by traditional coverage methods.



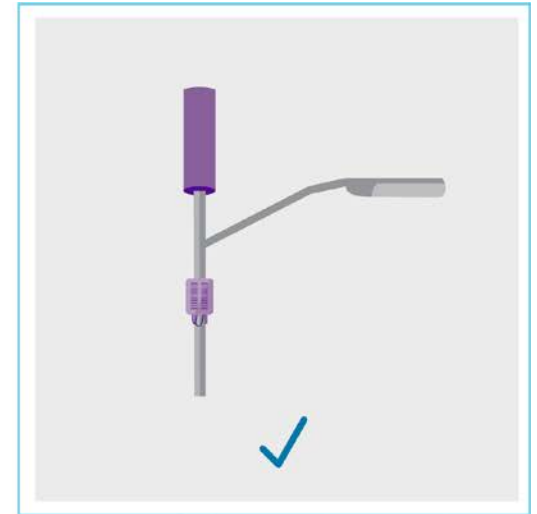
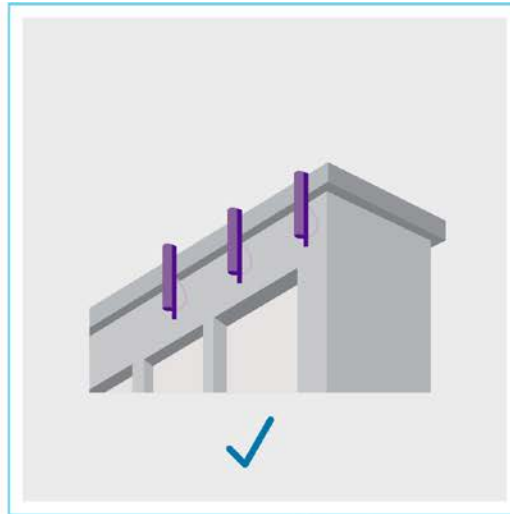
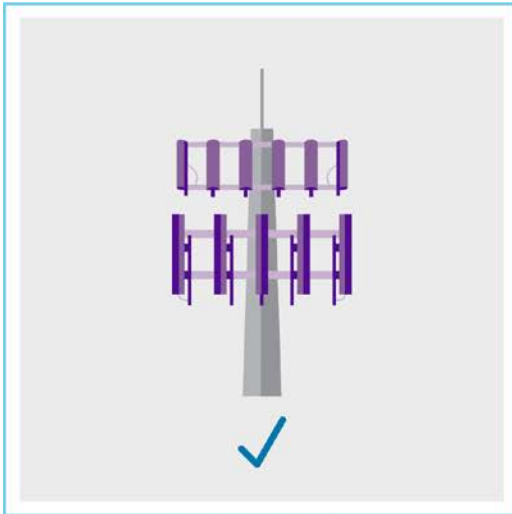
Components of small cell solutions.

Small cell solutions typically consist of these components.



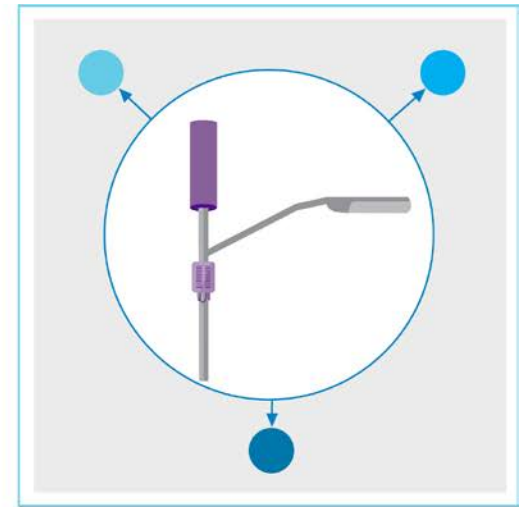
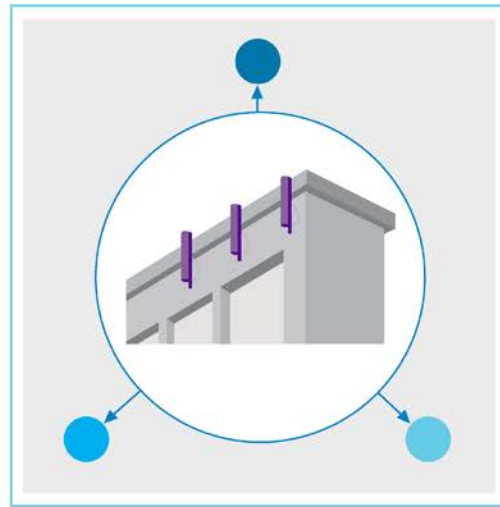
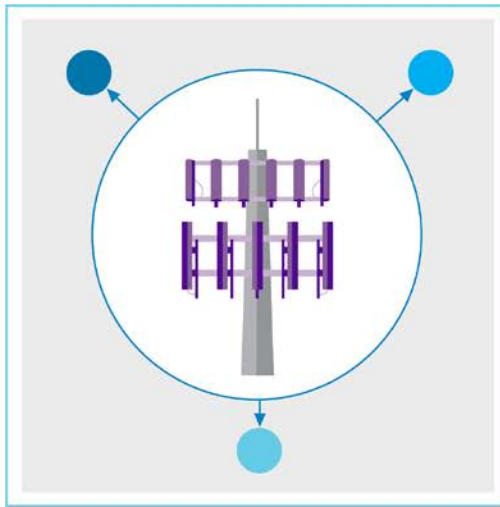
An all-of-the-above strategy.

A combination of towers, rooftops, and small cells is needed to ensure proper coverage and capacity in every area.



The shared model best suits our shared future.

Shared communications infrastructure ensures access, fairness, and efficiency—a win for everyone.



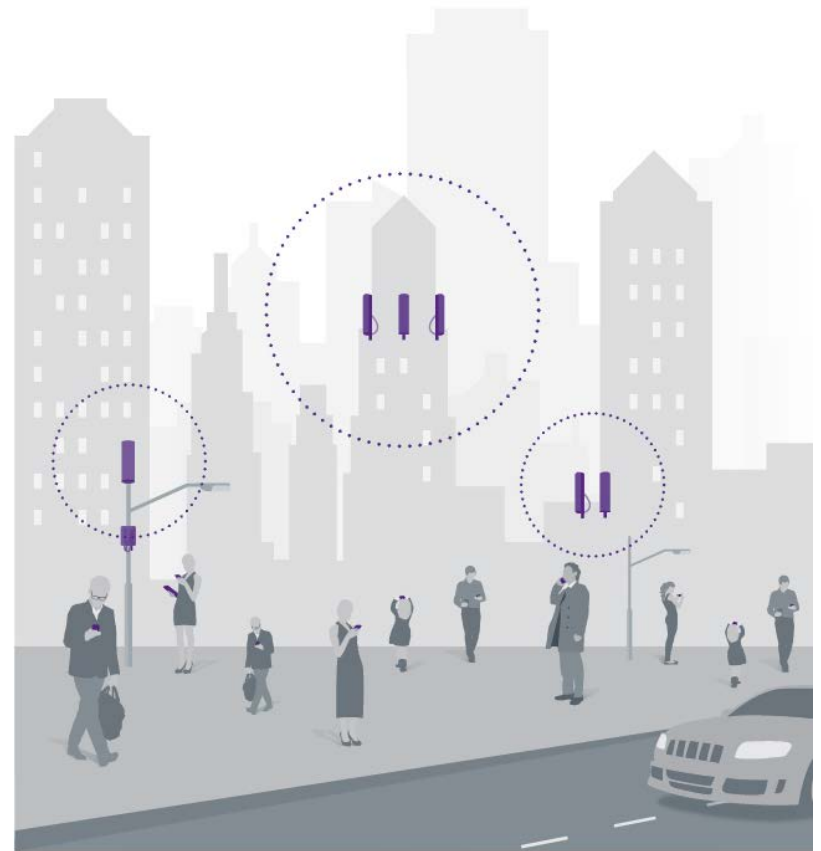
● Wireless Carrier 1 ● Wireless Carrier 2 ● Wireless Carrier 3

Maintaining coverage requires more infrastructure.

Congestion



Capacity



Thank you

For further information please contact:

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510-290-3086

Robert.Millar@crowncastle.com