



Wireless
Infrastructure
Association

June 17, 2019

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT-Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84

Dear Ms. Dortch:

The Wireless Infrastructure Association (“WIA”),¹ pursuant to Section 1.1206 of the Federal Communications Commission’s (“Commission”) rules,² hereby provides notice that the undersigned met on June 13, 2019 with Commissioner Brendan Carr and his legal advisor Will Adams to discuss the written ex parte presentation previously submitted by WIA on May 20, 2019. WIA noted that, despite the significant strides the Commission has made in facilitating infrastructure deployment, certain jurisdictions are still working to circumvent the protections afforded by Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), which directs states and localities to approve “any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”³ WIA thus urged the Commission to address these issues and remove these remaining unnecessary state and local barriers to wireless deployment.

The parties discussed the potential issuance of a declaratory ruling clarifying that (i) Section 6409(a) and the implementing regulations apply to all state and local authorizations required to deploy new or replacement transmission equipment on existing wireless towers or base stations and (ii) the substantial change criteria in Section 1.40001(b)(7) of the

¹ WIA is the principal organization representing companies that build, design, own, and manage telecommunications facilities throughout the world. WIA’s members include carriers, infrastructure providers, and professional services firms.

² 47 C.F.R. § 1.1206.

³ Section 6409(a) of the Spectrum Act is codified at 47 U.S.C. §1455(a).

Commission's rules should be narrowly interpreted. Further, the parties discussed the need for a rulemaking to amend the Commission's rules to specify that collocations requiring limited compound expansions – specifically, excavation within 30 feet of a tower site – and that otherwise do not constitute substantial changes – qualify for relief under Section 6409(a) and the FCC's implementing regulations.

In addition to the items discussed at the meeting, WIA urges the Commission to take a hard look at conditions imposed by localities as part of the permitting process for eligible facilities requests ("EFRs"), as well as the documentation localities seek as part of this process.⁴ Specifically, the Commission should clarify that as part of the EFR permit review process localities may not impose conditions that effectively defeat or reduce the protections afforded under Section 6409(a). The Commission also should clarify that localities cannot impose burdensome documentation requirements as part of this permit review process. Documentation should be limited to the materials necessary to determine whether a proposal constitutes an EFR under Section 6409(a).

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

/s/ Matthew H. Mandel

Jonathan S. Adelstein

President and CEO

Matthew H. Mandel

Head of Legislative Affairs/Acting Head of
Government Affairs

Wireless Infrastructure Association

2111 Wilson Blvd., Suite 210

Arlington, VA 22201

(703) 739-0300

cc: Will Adams

⁴ *Accord* Letter from Kenneth J. Simon, Senior Vice President and General Counsel, Crown Castle International Corp., to Marlene H. Dortch, Secretary, FCC at 10, 14-15 (Aug. 10, 2018).