

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Wireless Telecommunications Bureau Seeks) WT Docket No. 15-180
Comment on Proposed Amended Nationwide)
Programmatic Agreement for the Collocation of)
Wireless Antennas)

COMMENTS OF VERIZON¹

The Wireless Bureau’s proposal to amend the Nationwide Programmatic Agreement for Collocation of Wireless Antennas (“Collocation Agreement”) is a critical step toward facilitating the siting process for small wireless facilities, which in turn will help speed broadband deployment and propel the United States forward in the race to 5G.² Verizon supports the proposed amendments to reduce historic preservation reviews and offers a handful of refinements below to advance the Commission’s goal of accelerating broadband deployment.

I. INTRODUCTION

The United States leads the world in 4G, and Verizon played an integral role as the first company to invest tens of billions of dollars in a large scale, high-quality 4G LTE network. Verizon has set out an equally aggressive roadmap to lead in 5G. Rolling out 5G services will require deployment of tens of thousands of new small wireless facilities in the coming years to

¹ The Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

² Wireless Telecommunications Bureau Seeks Comment on Proposed Amended Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, WT Docket No. 15-180, Public Notice (WTB rel. May 12, 2016) (“Public Notice”).

take advantage of the high band spectrum that the Commission plans to make available for 5G.³ Small wireless facilities can also fill gaps in areas not adequately covered by larger macro cell sites, target areas of heavy use where networks can become congested, and improve data speeds. Unfortunately, although very few of these small facilities have the potential to adversely affect historic properties, the current historic preservation review process subjects most of them to lengthy reviews. Without relief, many deployments of small wireless facilities will face long delays, impeding U.S. leadership in the race to 5G and slowing wireless broadband deployment.

The Public Notice proposes changes that will streamline the current historic preservation review process so that the wireless industry can deploy small facilities more quickly, while not adversely affecting historic properties. These amendments will directly help industry deploy facilities critical to next generation 5G and the Internet of Things. Verizon proposes the following refinements to exclude from historic preservation review additional small facilities that will not adversely affect historic properties or districts. Specifically, the Bureau should:

- Exclude from review small wireless facilities within 250 feet of an historic district;
- Remove the cumulative size limits for antennas and equipment associated with deployments on buildings and larger structures such as water tanks;
- Exclude from review small wireless facilities that are deployed solely within buildings;
- Exclude from review those small facilities that are not visible from public places or streets within historic districts; and
- Exclude from review replacement poles located in historic districts.

The Bureau also should adopt certain amendments that will facilitate the historic preservation review process.

³ See *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, GN Docket No. 14-177, Notice of Proposed Rulemaking, 30 FCC Rcd 11878 (2015).

II. BACKGROUND

The current historic preservation review process fails to account for the limited potential of small wireless facilities to affect historic properties. The process was established in two separate programmatic agreements adopted in 2001 and 2004, and at that time the focus was limited to the effect of larger macro cell sites on historic properties.⁴ Macro cells are much larger and mounted much higher than the small wireless facilities currently used for 4G LTE network densification and that will be central to 5G networks. Those macro cells were therefore more likely to affect historic properties. In contrast, small facilities are much smaller (limited by definition to antennas that are three cubic feet or less in volume), mounted lower to the ground, and are more easily concealed.

In 2014, the Commission recognized that smaller or limited visibility facilities have a reduced impact on historic properties, and it took a first step by adopting limited exclusions from the Section 106 review process for those facilities.⁵ But the Commission acknowledged that those rule changes did not go far enough, and committed to work to provide additional relief for small wireless deployments within 18-24 months.⁶ The instant proceeding is the outgrowth of that commitment. The Public Notice proposes changes to the Collocation Agreement to reflect

⁴ See Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, 47 C.F.R. Part I, App. B; and Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, 47 C.F.R. Part I, App. C.

⁵ Section 106 of the National Historic Preservation Act, 54 U.S.C. §§ 306108, requires federal agencies to take into account the effects of their undertakings on historic properties. The Commission adopted exclusions for small wireless facilities mounted on utility poles over 45 years old and for certain limited visibility facilities on buildings or other non-tower structures over 45 years old, if such structures are not located in or near historic districts, finding that such deployments do not hold the potential to affect historic properties. *Accelerating Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, Report and Order, 29 FCC Rcd 12865, 12906-13 ¶¶ 88-103 (2014) (“*2014 Infrastructure Order*”).

⁶ *Id.* at 12906 ¶ 89.

the limited potential of small facilities, including small cells and Distributed Antenna Systems, to affect historic properties.⁷

The proposed exclusions are essential because the existing exclusions in the Collocation Agreement and in the 2014 rule changes are inadequate. They do not provide relief for small wireless facility deployments on structures that are more than 45 years old, are historic properties themselves, or are located in or near historic districts. Moreover, historic preservation reviews take about four months to complete on average, and sometimes much longer. These lengthy and often unnecessary reviews delay small facility deployments, and these delays will only grow as providers continue to densify their networks and begin to deploy 5G services. The exclusions proposed in the Public Notice and in these comments would eliminate unnecessary reviews for many small facilities and facilitate smaller deployments without adverse effects on historic properties.

III. THE BUREAU SHOULD AMEND THE COLLOCATION AGREEMENT TO EXCLUDE FROM REVIEW SMALL FACILITIES THAT WILL NOT AFFECT HISTORIC PROPERTIES OR DISTRICTS

A. The Bureau Should Allow the Exclusion of Small Facilities within 250 Feet of an Historic District from Historic Preservation Review

The Bureau should amend Section VI.A.1 (and associated provisions) of the proposed amended Collocation Agreement to allow small facilities within 250 feet of an historic district to qualify for exclusion from the Section 106 review process. The current 250-foot “buffer zone” between facilities and historic districts has its origins in the original Collocation Agreement adopted in 2001 in the context of macro cells.⁸ The Bureau’s proposal to apply a buffer zone of

⁷ Public Notice at 1. The Collocation Agreement allows signatories to propose amendments to the agreement, to be executed upon written concurrence of all signatories. 47 C.F.R. Part 1, App. B, Section VIII.

⁸ Collocation Agreement, Section V.A.2.

the same size to small wireless facilities does not account for the reduced visibility and impact of these facilities. Even if the small facilities contemplated in the proposed amendments are visible from ground level within an historic district, they are not likely to have an effect on historic properties because of their small size. Therefore, all small facilities outside of historic districts should be excluded from review as long as they satisfy the volumetric limits contained in Section VI.A.4. of the proposed amended Collocation Agreement, modified as suggested below with respect to cumulative volumetric limits. If the Bureau nonetheless decides to maintain some buffer zone near historic districts, it should reduce the size of the buffer zone to 50 feet to reflect the minimal, and significantly lessened, impact of smaller wireless facilities.

B. The Bureau Should Remove the Cumulative Size Limits for Deployments on Buildings and Other Larger Structures Outside of Historic Districts

The Bureau should amend Section VI.A.4 of the Collocation Agreement to remove the cumulative size limits for antennas and equipment associated with buildings and larger structures such as water tanks outside of historic districts.⁹ The Commission previously imposed cumulative size limits on small wireless facilities mounted on utility poles because it determined that “multiple collocations on a utility structure could have a cumulative impact.”¹⁰ But that logic does not extend to small wireless facilities associated with larger structures such as buildings and water towers, even if the cumulative limits are greater than the limits for pole structures. The cumulative effect of multiple small facility collocations on a multiple story building or water tower does not raise the same concerns as the cumulative effect of facilities mounted on pole-like structures. Small facilities deployments that otherwise meet the parameters for exclusion should not have to undergo historic preservation review simply because

⁹ Public Notice, Appendix A at 7.

¹⁰ *2014 Infrastructure Order*, 29 FCC Rcd at 12908 ¶ 93.

there are existing antennas on a larger structure such as a water tower or building. In fact, the addition of a small wireless facility to a building that already has multiple antennas is even less likely to affect historic properties, and should therefore qualify for exclusion.

C. The Bureau Should Clarify that Deployments Solely Inside of Buildings are Not Subject to Historic Preservation Reviews under Section 106

The proposed Amended Collocation Agreement would not exclude deployments inside buildings from Federal historic preservation review if they are visible from public spaces within the building, even if the interior of the building is not a contributing element to the historic character of the building.¹¹ Many, if not most, historic buildings have had their interior spaces updated or modernized, making it far less likely that a visible small cell within the interior of the building will have any historic effect. In addition, identifying which areas within a building are public or defining what is “visible” will result in disputes and will significantly delay the deployment of small facilities that are unlikely to have an effect on historic properties. There are more appropriate vehicles – including local building codes, historic groups, and zoning regulations – to address the elements of in-building facility deployments. The Bureau should therefore clarify that wireless facility deployments inside buildings are excluded from the Section 106 review process, particularly when the building’s interior does not contribute to its historic character.

D. Small Facilities Not Visible from Public Places in Historic Districts Should Be Excluded from Review

The Bureau should amend Section VII.A.2 to clarify that small antennas whose associated equipment is visible only from “non-public places” within an historic district are

¹¹ Public Notice, Appendix A at 8.

excluded from the historic preservation review process.¹² The Bureau should define “non-public places” to include: areas with limited or restricted public access, alleys, service roads, and other areas that do not contribute to the historic character of the district. The current proposal is too narrow as it would not exclude small facilities from review if their associated equipment is visible from *anywhere* within an historic district, including service roads and alleys that likely contain other non-historic objects such as garbage dumpsters. Placing small wireless equipment in an alley, service road, or other non-public place in an historic district will not have an effect on historic districts, and thus small wireless equipment that is visible only from non-public places within an historic district should be excluded.

E. Replacement Poles in Historic Districts Should Be Excluded from Review

The Bureau should clarify that replacement poles constructed in historic districts are excluded from historic review. Many existing light poles, utility poles, and street lights must be replaced in order to increase the load-bearing capabilities of the structure or at the request of the local reviewing authority. Replacement poles that are substantially similar in size to existing poles, which have previously been found not to have an effect on historic properties, will likewise not have an effect.

The Bureau’s 2015 Section 106 Scoping Document contemplated the exclusion of replacement facilities in historic districts from Section 106 review.¹³ Verizon and many others supported that exclusion;¹⁴ no parties opposed it. The Bureau should adopt the exclusion as

¹² *Id.*

¹³ *Wireless Telecommunications Bureau Seeks Comment on Revising the Historic Preservation Review Process for Small Facility Deployments*, Public Notice, 30 FCC Rcd 8160, 8172 (2015) (“2015 Section 106 Scoping Document”).

¹⁴ Verizon Comments at 12-13; Amtrak Comments at 2; Association of American Railroads Comments at 2-3; AT&T Comments at 5; California Office of Historic Preservation Comments

initially proposed – specifically, it should exclude replacement poles from historic review if they do not constitute a substantial increase in size, as defined in Section I.C of the Collocation Agreement.

IV. THE BUREAU SHOULD ADOPT ADDITIONAL AMENDMENTS DESIGNED TO SIMPLIFY THE HISTORIC PRESERVATION REVIEW PROCESS

The Bureau should make two additional modifications to the proposed amended Collocation Agreement to increase the efficiency of the historic review process. First, it should amend Section VI.A.2 of the Collocation Agreement to clarify that the records providers must search to determine whether a building or non-tower structure has been declared eligible for listing in the National Register of Historic Places must be electronically searchable from a remote location.¹⁵ Verizon’s experience is that identifying what properties have been determined eligible by a state historic preservation officer (“SHPO”) is a labor intensive process, in most cases requiring in-person visits to SHPO offices and manual searches of each SHPO’s files. The process requires the expenditure of considerable resources, unnecessarily increasing the cost of, and delaying, wireless deployments. At a minimum, the Bureau should determine a date by which SHPOs would be expected to make their files electronically searchable from remote locations. After that date, properties that are not listed in a database that can be accessed remotely and searched electronically would not be considered eligible for inclusion in the National Register of Historic Places, and would therefore be excluded from consideration in the historic preservation review.

at 3; CTIA Comments at 21-22; Fiber Technologies Networks, LLC Comments at 6, 8; Xcel Energy Services Inc. Comments at 8.

¹⁵ Public Notice, Appendix A at 7.

Second, the Bureau should amend Section VII.C of the Collocation Agreement to allow applicants to use qualified consultants to determine whether a traffic control structure, light pole, lamp post, or other structure is a contributing element to the historic district in which it is located.¹⁶ The applicant would be required to file that determination with the relevant SHPO, and the SHPO would have 15 days to object to the applicant's determination. If the SHPO does not object within the 15 days, the SHPO would be deemed to concur with the determination. This change is needed because requiring applicants to file and wait 30 days – the same period of time allowed for a SHPO to determine whether a proposed facility adversely affects an historic property when no exclusion applies – would render the proposed exclusion meaningless. The proposed change strikes an appropriate balance between providing the SHPOs a reasonable opportunity to object to a determination and speeding deployment of small facilities on traffic lights and lighting structures in historic districts.

¹⁶ Public Notice, Appendix A at 9-10.

V. CONCLUSION

Verizon welcomes the proposed amendments to the Collocation Agreement and urges adoption of the refinements outlined above to balance the need to protect and preserve historic properties with the limited impact that small wireless facilities can have on historic properties – especially as providers densify their networks and introduce 5G services in the coming years.

Respectfully submitted,

VERIZON

A handwritten signature in black ink that reads "Andre J. Lachance". The signature is written in a cursive style and is positioned above a horizontal line.

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