



July 27, 2018

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re:     **Ex Parte Letter**, *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; *Streamlining Deployment of Small Cell Infrastructure*, WT Docket No. 16-421; *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, GN Docket No. 14-177; *Spectrum Frontiers Auction 101 (28 GHz) and Auction 102 (24 GHz)*, AU Docket No. 18-85**

Dear Ms. Dortch:

On July 26, 2018, Scott Bergmann of CTIA spoke by phone with Will Adams, Legal Advisor to Commissioner Brendan Carr, and Kara Graves spoke separately with Erin McGrath, Legal Advisor to Commissioner Michael O’Rielly; and Umair Javed, Legal Advisor to Commissioner Jessica Rosenworcel, regarding the above-captioned proceedings.

During the calls, CTIA applauded the Commission for the diligence with which it is acting to facilitate our 5G future, both by modernizing its infrastructure siting policies and by making additional spectrum available for terrestrial wireless use. The U.S. led the world in 4G LTE deployment and, as a result, the wireless industry has had a tremendous impact on our nation’s economy—adding \$475 billion to the economy every year and supporting 4.7 million jobs.<sup>1</sup> Next-generation wireless services will build on that impact, generating \$500 billion in economic growth and creating three million new jobs.

To realize these benefits, the Commission must expeditiously make spectrum available for 5G use. CTIA is therefore encouraged by the Chairman’s proposal to auction three additional spectrum

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<sup>1</sup> See Letter from Scott K. Bergmann, CTIA, to Marlene H. Dortch, FCC, GN Docket No. 14-177 *et al.* (filed Apr. 17, 2018).



bands in 2019, which will build on the high-band spectrum auctions of the 28 GHz and 24 GHz bands starting in November.<sup>2</sup> As discussed during the calls, making this spectrum available at auction will help ensure our nation's competitiveness in the global race to 5G, which will spur economic growth and create jobs across the country. CTIA also continues to support the Commission's proposals to make additional high-band spectrum available for flexible, exclusive-use licensing for terrestrial fixed and mobile wireless use.

Also during the calls, CTIA highlighted the importance of modernized siting policies at the federal, state, and local levels and their key role in helping to ensure the U.S. is 5G-ready. As highlighted in a recent report from Accenture Strategy, reducing regulatory review timelines to accelerate deployment by 12 months would unleash an additional \$100 billion in economic growth over the next three years.<sup>3</sup> CTIA therefore applauded the Commission for its proposal to adopt a Declaratory Ruling to clarify that moratoria – whether express or *de facto*, interim or not – are barriers to wireless deployment and prohibited under the Communications Act.<sup>4</sup> As CTIA has explained, there is no more absolute prohibition on deployment than refusing to accept or act on applications. A local law that bars acceptance of applications and a local agency's refusal to act on them have precisely the same impact – no deployment is permitted – and they are thus per se unlawful.<sup>5</sup>

In making this clarification, CTIA stressed that timely Commission action is essential to creating capacity for today's 4G LTE networks and supporting the nation's next-generation technologies and services. CTIA therefore asked the Commission to address several other types of regulations or

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<sup>2</sup> See *Spectrum Frontiers Auction 101 (28 GHz) and Auction 102 (24 GHz)*, Draft Public Notice, FCC-CIRC-1808-1, AU Docket No. 18-85 (draft rel. July 12, 2018); *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, Draft Fourth Further Notice of Proposed Rulemaking, FCC CIRC1808-02, WT Docket No. 14-177 (draft rel. July 12, 2018); see also Comments of CTIA, AU Docket No. 18-85 (filed May 9, 2018).

<sup>3</sup> See *Accelerating Future Economic Value from the Wireless Industry*, ACCENTURE STRATEGY (July 2018), attached to Letter from Scott K. Bergmann, SVP, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 17-79 and 16-421, WC Docket No. 17-84 (filed July 19, 2018).

<sup>4</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Draft Third Report and Order, FCC-CIRC1808-03, WT Docket No. 17-79, WC Docket No. 17-84 (draft rel. July 12, 2018).

<sup>5</sup> See Letter from Kara Romagnino Graves, Director, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 17-79 and 16-421, WC Docket No. 17-84 (filed June 27, 2018).



requirements that have been identified by industry as substantially delaying or deterring service. These include denials of access to municipal-owned utility poles and other structures, requirements that all facilities along rights-of-way be underground, requirements to prove a service coverage gap or other business need, and subjective, unreasonable, or unpublished aesthetic restrictions or those that discriminate against wireless deployment.<sup>6</sup> CTIA further encouraged the Commission, consistent with its comments, to ensure the wireless industry has reasonable access to public rights-of-way and publicly owned assets, specifically by establishing clear timelines for the entire local review process, with enforceable remedies,<sup>7</sup> and ensuring that fees charged by state and local governments are cost-based, non-discriminatory, and transparent.<sup>8</sup>

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Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed in ECFS 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

Senior Vice President, Regulatory Affairs

cc: Will Adams  
Umair Javed  
Erin McGrath

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<sup>6</sup> *Id.*

<sup>7</sup> See Letter from Scott K. Bergmann, SVP, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 17-79 and 16-421, WC Docket No. 17-84 (filed June 20, 2018).

<sup>8</sup> See, e.g., Comments of CTIA, WT Docket No. 17-79, WC Docket No. 17-84 (filed June 15, 2017); Reply Comments of CTIA, WT Docket No. 17-79, WC Docket No. 17-84 (filed July 17, 2017); Comments of CTIA, WT Docket No. 16-421 (filed Mar. 8, 2017); Reply Comments of CTIA, WT Docket No. 16-421 (filed Apr. 7, 2017); see also, e.g., Letter from Scott K. Bergmann, SVP, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 17-79 and 16-421, WC Docket No. 17-84 (filed June 20, 2018).