

August 10, 2018

**VIA ELECTRONIC FILING**

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

**Re: 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; Streamlining Deployment of Small Cell Infrastructure, WT Docket No. 16-421**

Dear Ms. Dortch:

On August 8, 2018, Kara Graves of CTIA and D. Zachary Champ of the Wireless Infrastructure Association (“WIA” and, collectively, the “Associations”) met with Will Adams, Legal Advisor to Commissioner Brendan Carr, to discuss the above-captioned proceedings.

During the meeting, the Associations expressed their support for the Commission’s efforts to modernize its infrastructure siting regulations for wireless facilities. As the Commission is well aware, updated siting policies at the federal, state, and local levels play a key role in enabling the wireless industry to deploy the thousands of small cells needed to create capacity for today’s 4G LTE networks and build out the next generation of wireless, 5G. In particular, the Associations reiterated their support for Commission action to ensure that siting rates and fees for wireless infrastructure deployments are cost-based, transparent, and non-discriminatory. Rates and fees that are based on a locality’s costs to review applications and, where applicable, manage right-of-way use will ensure that localities can recoup expenses resulting from management of wireless siting, while promoting broadband deployment.

Over the past two years, twenty states have adopted legislation to facilitate wireless infrastructure deployment, including provisions relating to the rates and fees assessed for facility applications and recurring rates such as for attachments to authority-owned poles and other structures. The attached summary document provides an overview of these provisions. Importantly, each state’s legislation includes language regarding the scope and definitions of infrastructure and costs covered or exempted, and some states include provisions for rate and fee adjustments and repeals. The Associations do not intend the summary chart to examine every element considered within the state legislation, and also do not attempt to capture every certification, registration, tax, or generally applicable law that may be assessed on some providers in some instances within the varying jurisdictions. Instead, the chart provides a high-level overview of the rate and fee provisions in the states that recently adopted small cell legislation in

order to inform the Commission's assessment of cost-based, non-discriminatory, and reasonable rates and fees that are appropriately assessed for wireless facility deployment.

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.

Sincerely,

/s/ Kara R. Graves

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/s/ D. Zachary Champ

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cc: Will Adams

Attachment

## Fee Provisions in State Statutes on Small Wireless Facilities

Prepared by CTIA and WIA – Current as of August 8, 2018

State	Application Fees and other one-time fees	Attachment Rates to attach to Authority- owned poles or structures	Access Rates	Notes
<b>Arizona</b> <a href="#">HB 2365</a> Effective Aug. 9, 2017	<b>City:</b> \$100 each for up to five small wireless facilities in an application; \$50 for each additional small wireless facility in the same application. Total application fee, if allowed, cannot exceed \$1000 for modification of existing or installation of new monopole or utility pole, or for the collocation of wireless facilities.	<b>City:</b> \$50 per Authority utility pole per year.	<b>City:</b> \$50 per small wireless facility annually.	<b>City:</b> ROW rates may only be charged if the Authority charges other communications service providers or publicly, cooperatively, or municipally owned utilities for the use of the ROW. ROW rates must be limited to direct and actual cost of managing the ROW and competitively neutral, and cannot result in double recovery, be in the form of a franchise or other fee based on revenue or customer counts, or be unreasonable or discriminatory.
	<b>County:</b> \$100 each for up to five small wireless facilities in an application; \$65 for each additional small wireless facility in the same application.	<b>County:</b> One-time charge of \$20 per small wireless facility on Authority utility pole without ground-mounted equipment.	<b>County:</b> One-time charge of \$175 per small wireless facility on poles with ground-mounted equipment or new utility poles.	<b>County:</b> ROW rates must not be unreasonable or discriminatory.
<b>Colorado</b> <a href="#">HB 1193</a> Effective July 1, 2017	Not addressed in this legislation.	FCC pole attachment formula for Authority poles and structures.	Not addressed in this legislation (see pre-existing law, C.R.S. §§ 38-5.5-101, et seq., 29-27-401, et seq.).	

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<b>Delaware</b> <a href="#">HB 189</a> Effective Aug. 31, 2017	\$100 per small cell facility in an application.	Collocations on DOT-owned structures subject to reasonable, cost-based, competitively neutral, and nondiscriminatory rates, fees, and terms.	No fee.	
<b>Florida</b> <a href="#">HB 687</a> Effective July 1, 2017	Not addressed in this legislation (see pre-existing law).	\$150 per Authority utility pole annually	Not addressed in this legislation (see pre-existing law, F.S. 202.10 et seq., F.S. 203.001 et seq.).	Rates for use of Authority poles must be nondiscriminatory and competitively neutral.
<b>Hawaii</b> <a href="#">HB 2651</a> Effective July 1, 2018	Not addressed in this legislation.	Not addressed in this legislation.	Not addressed in this legislation.	Rates to collocate on state or county poles must be nondiscriminatory regardless of the communications services provided by the collocating applicant.

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<b>Illinois</b> <a href="#">SB 1451</a> Effective June 1, 2018	<p>\$650 for an application for one small wireless facility on an existing utility pole or wireless support structure.</p> <p>If application is for more than one small wireless facility on an existing utility pole or wireless support structure, \$350 for each small wireless facility in same application.</p> <p>\$1000 for each small wireless facility in an application that includes installation of a new utility pole for the collocation.</p>	<p>\$200 per Authority utility pole annually, or the actual, direct, and reasonable costs related to the provider's use of space on the Authority utility pole.</p>	<p>Not addressed in this legislation (see pre-existing law, 35 ILCS 636/5-60, 35 ILCS 635/30).</p>	<p>Attachment rates must be nondiscriminatory.</p> <p>This legislation does not apply to a municipality with a population of 1,000,000 or more (<i>i.e.</i>, Chicago).</p>
<b>Indiana</b> <a href="#">SB 213</a> Effective Apr. 30, 2017	<p>The lesser of \$100 per small cell facility or the amount charged by the permit Authority for an application for a building permit for any similar type of commercial construction, activity, or land use development.</p>	<p>\$50 per Authority utility pole annually.</p>	<p>Not addressed in this legislation (see pre-existing law, IC 8-1-2-101).</p>	
<b>Iowa</b> <a href="#">SF 431</a> Effective Sept. 1, 2017	<p>\$500 for application addressing five or fewer small wireless facilities;</p> <p>\$50 per additional small wireless facility in same application.</p>	<p>FCC pole attachment formula for Authority utility poles.</p>	<p>No fee.</p>	<p>Application fee cannot exceed fee charged to other telecom providers.</p> <p>The total amount of fees shall be adjusted every five years to reflect any increases or decreases in the consumer price index, rounded to the nearest \$5.</p>

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<b>Kansas</b> <a href="#">HB 2131</a> Effective Oct. 1, 2016	<p>No fee allowed unless other providers pay; if so, fee must be cost-based, not market- or value-based.</p> <p>\$500 for non-substantial collocations and small cell facilities application.</p> <p>\$2000 for application for a new wireless support structure or substantial collocations.</p>	<p>No fee allowed unless other providers pay; if so, fee must be competitively neutral and not unreasonable or discriminatory.</p>	<p>No fee allowed unless other providers pay; if so, fee must be competitively neutral and not unreasonable or discriminatory.</p>	<p>An Authority shall not charge an application fee, consulting fee or other fee associated with the submission, review, processing and approval of an application that is not required for other wireless infrastructure providers or wireline telecommunications or broadband providers within the Authority's jurisdiction.</p> <p>Permit, excavation, inspection, repair/restoration, and performance bond fees allowed if they reimburse Authority for reasonable, actual, and verifiable costs of managing ROW and are nondiscriminatory and competitively neutral.</p> <p>An Authority or any third-party entity shall not include any travel expenses incurred in the review of an application for more than one trip per application to the Authority's jurisdiction, and an applicant shall not be required to pay or reimburse an Authority for a consultant or other third-party fees based on a contingency-based or results-based arrangement. Any travel expenses included must be reasonable and directly related to the application.</p>

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<b>Minnesota</b> <a href="#">SF 1456</a> Effective May 30, 2017	Based on actual costs of ROW management; competitively neutral, with costs allocated among ROW users; above-ground users do not bear costs to regulate underground uses.	\$150 annually per attachment to Authority wireless support structure; \$25 for additional annual maintenance fee.	Based on actual costs of ROW management; competitively neutral, with costs allocated among ROW users; above-ground users do not bear costs to regulate underground users.	Authority may also charge monthly fee for electricity used to operate a small wireless facility, if not purchased directly from a utility.
<b>Missouri</b> <a href="#">HB 1991</a> Effective Jan. 1, 2019	\$100 for each small wireless facility collocated on existing Authority pole. \$100 per small wireless facility in a batch application. \$500 for each new, modified, or replacement utility pole and collocation of small wireless facility on the pole.	\$150 per Authority pole annually.	Actual, substantiated ROW management costs.	Application fees shall be based on actual, direct, and reasonable administrative costs, and shall not include costs already recovered by existing fees, rates, licenses or taxes. An application fee shall not include travel expenses incurred by a third party in its review of an application, or direct payment or reimbursement of third party rates or fees charged on a contingency basis or a result-based arrangement. Rates for access to Authority poles shall be nondiscriminatory.

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<b>New Mexico</b> <a href="#">HB 38</a> Effective Sept. 1, 2018	\$100 each for up to five small wireless facilities in an application;  \$50 for each additional small wireless facility in same application.  \$750 for installation of new, replacement, or modified utility pole associated with the collocation of a small wireless facility.	\$20 per Authority utility pole annually.	\$250 per small wireless facility annually, if other communications providers are charged for their use and the rate is competitively neutral, reasonable, and non- discriminatory.	Authority may adjust the rate it charges for the use of a ROW, but no more often than once a year and by no more than an amount equal to one-half the annual change, if any, in the most recent consumer price index for all urban consumers in the state.
<b>North                      Carolina</b> <a href="#">HB 310</a> Effective July 21, 2017	The lesser of (1) actual, direct and reasonable costs to process and review applications, (2) amount charged for permitting similar activity, or (3) \$100 each for up to five small wireless facilities in an application, \$50 for each additional small wireless facility in the same application.  \$500 technical consulting fee to offset application review cost.	\$50 per Authority utility pole annually.	No fee if provider is subject to existing gross receipts tax.  If not subject to gross receipts tax, rate must be based on direct and actual cost of managing the ROW, may not be based on provider's revenue or customer counts, and cannot exceed fee on other ROW users.	Technical consulting fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application and shall not be used for travel expenses incurred in the review of a collocation application by an outside consultant or other third party, or direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.



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<b>Ohio</b> <a href="#">HB 478</a> Effective July 21, 2018	\$250 per small cell facility.	\$200 annually per small cell facility on an Authority wireless support structure.	No fee.	Application fee and attachment rate may be adjusted 10% every five years, rounded to the nearest \$5.
<b>Oklahoma</b> <a href="#">SB 1388</a> Effective Nov. 1, 2018	\$200 each for the first five small wireless facilities in an application; \$100 per additional small wireless facility in same application. \$350 per pole for installation, modification, or replacement of utility poles and collocation of associated small wireless facility.	\$20 per Authority pole annually.	\$20 per small wireless facility annually.	Application fees cannot include travel expenses of third-party reviewer, or reviewer's fees if charged on a contingency basis or results-based arrangement. ROW access fee allowed only if authority charges other non-public entities for ROW use. An Authority may adjust the fees and rates 10% every five years, rounded to the nearest dollar.
<b>Rhode Island</b> <a href="#">HB 5224</a> Effective Sept. 27, 2017	Reasonable, direct, and actual costs incurred by the Authority to process the application.	\$150 per Authority pole annually, or FCC pole attachment formula, whichever is greater.	No fee.	Application fee cannot exceed amount charged for placement of pole in ROW. Application fee cannot include cost of fees to review application charged by third parties on a contingency basis or results-based arrangement.

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<b>Tennessee</b> <a href="#">HB 2279</a> Effective July 1, 2018	\$100 each for the first five small wireless facilities in an application;  \$50 per additional small wireless facility in same application.  \$200 one-time additional fee for first application to offset Authority's initial costs.	\$100 per Authority potential support structure annually.	No fee.	Authority shall not require applicants to pay fees or reimburse costs for the services or assistance provided to the Authority by a consultant or third party retained by the Authority relative to deployment of small wireless facilities.  Beginning January 1, 2020, and at each five-year interval, the maximum application fees must increase 10%, rounded to the nearest dollar.
<b>Texas</b> <a href="#">SB 1004</a> Effective Sept. 1, 2017	The lesser of (1) the actual, direct, and reasonable costs incurred in granting or processing an application, or (2) \$500 per application covering up to five network nodes, and \$250 for each additional network node in same application.  \$1000 per application for each pole.	\$20 per municipal service pole annually.  FCC pole attachment formula for municipal electric distribution poles.	\$250 per network node annually.	Costs associated with application fee must exclude third-party legal or engineering review and third-party fees charged on a contingency basis or results-based arrangement.  Amount of the public ROW rate may be adjusted not more often than annually by an amount equal to one-half the annual change, if any, in the consumer price index.

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<p><b>Utah</b></p> <p><a href="#">SB 189</a></p> <p>Effective Sept. 1, 2018</p>	<p>\$100 for each small wireless facility in same application to collocate on existing or replacement utility pole.</p> <p>\$250 per application to install, modify, or replace a utility pole associated with a small wireless facility.</p> <p>\$1000 per application for non-permitted use to install, modify, or replace a utility pole or install, modify, or replace a new utility pole associated with a small wireless facility.</p>	<p>\$50 per Authority pole annually.</p>	<p>No fee if provider is subject to Municipal Telecom License Tax.</p> <p>If not subject to Municipal Telecom License Tax, \$250 per facility or 3.5% of gross revenues related to provider's ROW use for small wireless facilities, whichever is greater.</p>	<p>Application fee cannot include travel expenses of third party reviewer, or reviewer's fees if charged on a contingency basis or results-based arrangement.</p> <p>Application fee can be charged only if a similar fee is required for similar types of activities and costs to be recovered are not already recovered by existing fees, rates, licenses or taxes paid by the provider.</p> <p>ROW access fee must be fair and reasonable, competitively neutral, nondiscriminatory, and directly related to provider's actual ROW use.</p>

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<p><b>Virginia</b></p> <p><a href="#">SB 1282</a></p> <p>Effective July 1, 2017</p> <p><a href="#">SB 823</a></p> <p>Effective July 1, 2018</p> <p><a href="#">HB 1258</a></p> <p>Effective July 1, 2018</p> <p><a href="#">HB1427</a></p> <p>VDOT Fees</p>	<p>Application for collocation of facility on existing structure:</p> <p>\$100 each for up to five small cell facilities in an application;</p> <p>\$50 per additional small cell facility in same application.</p> <p>Application for new pole:</p> <p>\$500 per new pole with attached facilities that is 50' tall or less, and is not more than 10' taller than tallest pole within 500', and is outside historic district;</p> <p>Actual, direct costs to locality to process application for facility on other poles.</p> <p>Other application fees:</p> <p>A locality may charge \$250 for permit application;</p> <p>VDOT may charge \$750 for a one-time application for a districtwide permit and \$150 for single use permit.</p>	<p>Fees must be just and reasonable, cost-based, nondiscriminatory, and competitively neutral.</p>	<p>No access fee for attachments on existing structures in ROW (whether VDOT-managed or otherwise).</p> <p>\$1000 annually for pole 50' tall or less if within VDOT-managed ROW;</p> <p>\$3000 annually for pole 50 - 120' tall if within VDOT-managed ROW;</p> <p>\$5000 annually for pole above 120' tall if within VDOT-managed ROW.</p> <p>Any other equipment constructed on the ground: \$1/square foot, annually.</p> <p>The rate shall be adjusted every five years in an amount equal to the annual increases for that five-year period in the Consumer Price Index for all items, all urban consumers, rounded to the nearest whole dollar.</p>	<p>Application fees cannot be market-based or value-based and cannot include payment of third-party fees charged on a contingency basis or a results-based arrangement.</p>