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November 7, 2017

**Ex Parte**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment, WT Docket No. 17-79**

Dear Ms. Dortch:

On November 3, 2017, Tamara Preiss and Andy Lachance of Verizon met separately with Rachael Bender, legal advisor to Chairman Pai, Kevin Holmes, legal advisor to Commissioner Carr, and Louis Peraertz, legal advisor to Commissioner Clyburn to discuss issues raised in the draft order on replacement poles in the above-referenced proceeding.

We expressed support for the Commission's efforts to address existing regulatory barriers that prevent, slow down, or add unnecessary cost to the deployment of wireless infrastructure. While the draft order is a useful, first step in addressing some of these challenges, we noted that minor changes or clarifications to the draft order to better account for the way in which these facilities are deployed and would make these reforms significantly more meaningful without compromising historic properties.

First, we explained that, due to the need to minimize disruptions to the utility service provider, most utility poles are replaced by first constructing the replacement pole in close proximity to the original pole, then moving the utility equipment to the new pole before removing the original pole. For this reason, the draft requirement that the new pole be located in the same hole as the original pole could limit the utility of the exclusion. We asked that the Commission amend or clarify the draft order to allow the replacement pole to be located up to 10 feet from the replaced pole to allow construction of the replacement pole prior to removing the existing pole. We noted that a condition that the replacement pole be located within an active right-of-way – where the ground is likely to be previously disturbed – or otherwise not involve any new ground disturbance would ensure that no buried historic properties are affected.<sup>1</sup>

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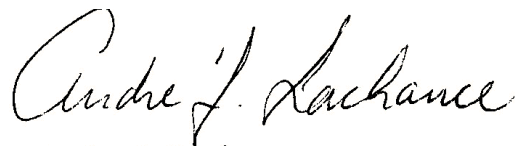
<sup>1</sup> The Commission previously used its authority under Section 800(a)(3) of the Advisory Council on Historic Preservation rules, 36 C.F.R. § 800.3(a)(1), to adopt an exclusion for small cells mounted on utility poles outside of historic districts. In so doing, the Commission adopted a condition of no new ground disturbance to protect against direct effects to historic properties in

Second, we noted that because replacement poles often need to be taller than the original pole, a 10 percent limit on height increases may not be sufficient. We asked that the Commission allow a height increase of 10 percent or 10 feet, whichever is greater, for replacement poles.<sup>2</sup> Replacement poles are typically taller than the poles being replaced because electric utilities either prohibit mounting wireless antennas above the power lines on the poles or, when attachments are permitted above the power lines, insist upon separation distances from power lines of four to five feet. The additional height is needed either to ensure that antennas mounted below power lines are high enough to provide adequate coverage or to allow sufficient separation for antennas mounted above power lines. Allowing replacement poles up to 10 feet taller than the original pole is consistent with, and in some cases more conservative than, other Commission actions designed to protect against visual effects.<sup>3</sup>

These relatively minor changes to the draft order will improve the utility of the proposed exclusion without compromising historic properties.

This letter is being filed pursuant to Section 1.1206 of the Commission's Rules. Should you have any questions, please contact the undersigned.

Sincerely,



cc: (via e-mail)  
Rachael Bender  
Kevin Holmes  
Louis Peraertz

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the ground. *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865, 12906-09 at ¶¶ 90-95 (2014) (“2014 *Infrastructure Order*”), erratum, 30 FCC Rcd 31 (2015), *aff’d* *Montgomery Cnty. v. FCC*, 811 F.3d 121 (4th Cir. 2015).

<sup>2</sup> See Comments of Verizon, WT Docket No. 17-79 (Jun. 15, 2017) at 56-57.

<sup>3</sup> See Collocation Agreement Amendment, 47 C.F.R. Pt. 1, App’x B, § I.E (defining a substantial increase in height as an increase of 10 percent or 20 feet, whichever is greater); 47 C.F.R. § 1.40001(b)(7)(i) (defining a substantial change to a non-tower structure – such as utility pole -- for purposes of implementing implement section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), as an increase more than 10 percent or 10 feet, whichever is greater).