

Via ECFS

*EX PARTE*

November 9, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

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

Dear Ms. Dortch:

INCOMPAS applauds the Commission's stated goal to streamline the build out of next-generation wireless facilities and that it has begun the process toward achieving that purpose in the item on circulation in the above-referenced proceeding. We look forward to working with the Commission in its efforts to further eliminate the barriers carriers are facing in the deployment of wireless networks.

We support the Commission taking an important first step to reduce the costs and accelerate the deployment of wireless facilities by removing the need for historic preservation review in certain of the instances where there is no potential effect on historic properties. The Commission should, however, clarify certain aspects of the draft order and proposed rules to provide more meaningful reform. Namely:

- The Commission should clarify that the installation of a replacement infrastructure is exempt so long as the replacement is installed within 15 feet of the original when it is within a utility or transportation right of way. As a number of parties have noted, replacement poles are rarely replaced in the same hole. Rather the replacement pole is installed immediately adjacent, or in close proximity, to the existing pole to facilitate the transfer of cables and infrastructure from the old pole to the new pole.<sup>1</sup>
- The Commission should provide more flexibility in the rules with regard to the increased height allowance provided by the proposed change. Members of INCOMPAS have informed us that a distance of a number of feet is generally required between the power

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<sup>1</sup> See Letter of Keith C. Buell, Sprint, to Marlene H. Dortch, FCC, WT Docket No. 17-79, at 1, filed Nov. 6, 2017; See also Letter of Andre J. Lachance, Verizon, to Marlene H. Dortch, FCC, WT No. 17-79, at 1, filed Nov. 7, 2017 ("Verizon Nov. 7 Ex Parte").

lines and antennas<sup>2</sup> and that a small cell itself tends to be a few feet in height. So an increase height of ten percent would often be insufficient to achieve the desire objective of the rule change.<sup>3</sup>

As INCOMPAS and others have conveyed in the record, further action from the Commission is needed to support deployment of a vast number of small cells across the country, including the following: 1) exempting small cell deployments from Section 106 Review; 2) clarifying fee related aspects of the historic review process; 3) strengthening shot clocks applicable to wireless siting applications, and 4) limiting right-of-way (“ROW”) use charges and siting application fees, consistent with Sections 253 and 332.

Respectfully submitted,

*/s/ Karen Reidy*

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<sup>2</sup> See also *Verizon Nov. 7 Ex Parte* at 2 [stating that electric utilities, when they permit wireless antennas above the power lines on the poles, insist upon separation distances from power lines of four to five feet.]

<sup>3</sup> See *Verizon Nov. 7 Ex Parte* at 2 [suggesting the Commission allow a height increase of 10 percent or 10 feet, whichever is greater, for replacement poles.]