



November 15, 2018

VIA ELECTRONIC FILING

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

Re: *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Development*, WT Docket No. 17-79; *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules,¹ Crown Castle hereby submits these additional *ex parte* comments regarding the FCC's *Declaratory Ruling and Third Report and Order* in the above-reference proceedings, which the Commission adopted on September 26, 2018 (the "*Order*").

On October 31, 2018, a variety of petitioners submitted a request for an administrative stay of the *Order*, pending appellate review ("Administrative Stay Request"). The stay request is without merit; there is no reason to delay the effective date of the *Order*, and there is no sense in which any of the petitioners will be irreparably injured if the *Order* takes effect as scheduled.

Crown Castle submits this *ex parte* to address one specific point in the Administrative Stay Request. In footnote 8, the movants quote a Crown Castle earnings call transcript for the proposition that "Carriers—several of which are also challenging the Order—have already announced that the adoption of the Order is not changing their investment plans." Administrative Stay Request, fn. 8. There are a number of problems with that statement: a) Crown Castle is not a wireless carrier, b) Crown Castle is not challenging the *Order*, and c) the carriers that *are* challenging the *Order* are doing so not because they think the steps the *Order* took are flawed, but because they believe a deemed granted remedy was also warranted.

Most importantly, though, the suggestion in the Administrative Stay Request that there will be no harm to Crown Castle's deployment from a stay is simply wrong.

The 18 to 24 month deployment cycle for Crown Castle's facilities is a nationwide average, and is driven by a wide variety of factors. As Crown Castle has made clear in its comments in this proceeding, and as the FCC found in the *Order*, onerous regulatory requirements and prohibitory

¹ 47 C.F.R. § 1.1206.

fee demands can substantially delay or even prevent wireless buildout, stretching the deployment in some jurisdictions well past the nationwide average or, in some cases, keeping facilities from being built at all.

Jay Brown, Crown Castle's CEO, has thus also noted that the *Order* will have an "immediate positive impact on our small cell deployments across the US," and that the company is "committed to partnering with municipalities to build communications infrastructure that will improve connectivity and innovation."²

The comments of Mr. Brown on the earnings call should thus neither be taken out of context or twisted to support the erroneous contention that the *Order* will not have a direct and beneficial impact on deployment. In fact, the clarifications adopted in the order of the legal standards under Sections 253 and 332 will be hugely beneficial in driving the build-out of new wireless infrastructure, and will help ensure that the US maintains its lead in a 5G future. Having taken the critical step of adopting the *Order*, the Commission should stand by its findings that the reforms in the *Order* are urgently needed, and should allow the *Order* to take effect without delay.

Respectfully submitted,

CROWN CASTLE
INTERNATIONAL CORP.

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² <https://twitter.com/CrownCastle/status/1062433836192223233>