



Andre J. Lachance
Associate General Counsel
Federal Regulatory and Legal Affairs

1300 I Street, NW, Suite 500 East
Washington, DC 20005
Phone 202.515.2439
Fax 202.289.6781
andy.lachance@verizon.com

December 6, 2017

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 December 4, 2017, Tamara Preiss and Andy Lachance of Verizon met separately with Rachael Bender, legal advisor to Chairman Pai, Erin McGrath, legal advisor to Commissioner O’Rielly, and Kevin Holmes, legal advisor to Commissioner Carr to discuss issues raised in the draft public notice and program comment on twilight towers in the above-referenced proceeding.

During the meetings, we expressed support for the Commission’s efforts to address existing regulatory barriers that block, delay, or add unnecessary cost to the deployment of wireless infrastructure. Taking action to exclude historic preservation reviews for new collocations on towers that have been standing almost 13 years will obviate the need to build new towers. And because these towers have been standing for so long without complaint, and many, if not most, of these towers were reviewed prior to construction – Verizon’s internal procedures during the twilight period required review by the applicable state historic preservation officer and tribes determined to have an interest in the area – adopting the exclusion will not adversely affect any historic property.

We suggested two minor changes to the draft program comment. First, the title of the program comment should be revised to more accurately describe twilight towers as towers that may lack evidence of historic preservation review, even though many of these towers were in fact subject to those reviews. Making this change by adding the words “evidence of” after the word “without” in the title, is consistent with the Commission’s description of twilight towers in both the draft public notice and draft program comment.

Second, the third sentence in the second paragraph of Section V of the draft program comment should be amended to read: “When indicated by the circumstances *and the requirements of Section IV(7)* are met, the FCC shall treat a request for consultation as a *complaint* and shall notify the tower owner accordingly.” This clarification will ensure that a tribal request for government-to-government consultation does not disqualify a collocation on a


twilight tower from the proposed exclusion unless the requesting tribe satisfies the evidentiary standards applicable to other complaints about alleged adverse effects.

We also discussed the need to streamline tribal reviews to facilitate wireless broadband deployment. Consistent with our comments in the above-captioned proceeding, we discussed the following priorities for Commission action to streamline tribal reviews:

1. Find that some small cell construction is not a federal undertaking and therefore not subject to the National Historic Preservation Act;
2. Adopt an exclusion from tribal reviews for certain small cells that involve no new ground disturbance;
3. Provide guidance that tribal fees are not appropriate for initial tribal reviews;
4. Adopt a 30-day shot clock for tribal reviews; and
5. Modify the Commission's tower construction notification system ("TCNS") database to make it a more useful tool for carriers to plan future sites, to establish oversight and boundaries on tribal area of interest expansion, and to add a list of facility types from which tribes may select the types of projects they want to review.

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,

A handwritten signature in black ink, reading "Andre J. Lachance". The signature is written in a cursive, flowing style.

cc: (via e-mail)
Rachael Bender
Erin McGrath
Kevin Holmes