

September 25, 2014

VIA ELECTRONIC FILING

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

**Re: *Ex Parte* Presentation, Acceleration of Broadband Deployment by Improving
Wireless Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket 11-59**

Dear Ms. Dortch:

On September 23, 2014, Brian Josef, Assistant Vice President, Regulatory Affairs, of CTIA – The Wireless Association® (“CTIA”) spoke by telephone with Chad Breckinridge, Associate Chief of the Wireless Telecommunications Bureau. We discussed the need for the Commission to move quickly to finalize rules in its pending wireless infrastructure proceeding in order to expedite the wireless siting process. As CTIA and others in this proceeding have explained, removing barriers to wireless siting is essential to help to satisfy the exploding demand for wireless broadband services.

To that end, as the Commission considers final rules, CTIA respectfully requested that the Commission take the following steps:

- ***Collocation on existing structures.*** The Commission should exclude from National Historic Preservation Act (“NHPA”) review the installation of new or replacement antennas on existing structures more than 45 years old, if the new antennas are: (i) being added in the same location as existing antennas, (ii) no more than 3 feet taller than existing antennas (with limited exception), and (iii) comply with any requirements placed on the existing antennas based on prior NHPA review.¹ The Commission should not require new antennas to be invisible from the street in order to qualify for the exclusion, as this approach would largely eliminate its benefits.
- ***Volumetric limit.*** The Commission should provide that an equipment enclosure of seventeen (17) cubic feet or less in volume would fall within the definition of the types of DAS and small cell installations that should be categorically excluded from environmental and NHPA preservation review.² A lesser equipment volume would be insufficient to accommodate present and future DAS and small cell technologies.

¹ See Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, Federal Communications Commission, WT Docket No. 13-238, at 1 (Sept. 17, 2014) (“Verizon *Ex Parte*”).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, Notice of Proposed Rulemaking, 28 FCC Rcd 14238, 14255-56 ¶¶ 46-49 & n.99 (2013) (“NPRM”).

- **Substantial change.** When defining “substantially change the physical dimensions” under Section 6409(a) of the Spectrum Act, the Commission should adopt a definition consistent with the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.³ If the Commission concludes that a different definition should apply to non-tower structures, new facilities that extend the height of the non-tower structure up to 15 feet should be considered a non-substantial change. However, the definition of “substantially change” for towers should continue to apply to utility structures.⁴
- **Legal, non-conforming structures.** The Commission should make clear that existing legal, non-conforming structures, including both towers and base stations, are eligible for Section 6409(a) relief.⁵

By taking these steps, along with those CTIA has outlined previously,⁶ the Commission will help eliminate delays and unnecessary barriers associated with wireless siting. Doing so will serve the public interest by speeding wireless broadband deployment, incenting investment in wireless networks and state-of-the art facilities, and improving overall network resiliency and reliability.

Pursuant to Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206, this letter is being electronically filed via ECFS. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/ Brian M. Josef

Brian M. Josef
Assistant Vice President, Regulatory Affairs
CTIA – The Wireless Association®

cc: Chad Breckinridge

³ Comments of CTIA – The Wireless Association®, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, at 13-14 (Feb. 3, 2014) (“CTIA Comments”).

⁴ See Verizon *Ex Parte* at 2.

⁵ See *NPRM*, 28 FCC Rcd at 14283-84 ¶¶ 124-26.

⁶ See CTIA Comments; Reply Comments of CTIA – The Wireless Association®, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59 (Mar. 5, 2014); Letter from Brian M. Josef, CTIA – The Wireless Association®, to Marlene H. Dortch, Federal Communications Commission, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59 (Aug. 7, 2014); see also Letter from William J. Sill, Wilkinson Barker Knauer, LLP, to Marlene H. Dortch, Federal Communications Commission, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59 (Sept. 19, 2014).