



September 29, 2014

**VIA ELECTRONIC FILING**

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

**Re: Ex Parte Communication: WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59**

Dear Ms. Dortch:

On September 25, 2014, Jonathan Campbell, D. Zachary Champ, and the undersigned of PCIA – The Wireless Infrastructure Association (“PCIA”) spoke via telephone with Chad Breckinridge of the Wireless Telecommunications Bureau. Consistent with its recommendations in the Broadband Acceleration docket,<sup>1</sup> PCIA emphasized that clear Federal Communications Commission (“FCC” or “Commission”) rules in this proceeding will promote broadband deployment, encourage capital investment in upgraded wireless infrastructure, and improve service coverage, capacity, and quality for consumers.

PCIA urged the Commission to adopt practical rules implementing Section 6409(a), providing clear definitions and application guidelines to ensure predictability for all parties when submitting an Eligible Facilities Request (“EFR”).<sup>2</sup> PCIA asserted that EFRs must be approved within forty-five days, including eligible legal, non-conforming structures, but that jurisdictions may require adherence to building codes and may require that existing purposefully camouflaged towers maintain concealment elements consistent with the tower’s original zoning grant.<sup>3</sup> A jurisdiction may require the EFR to maintain the conditions at the site consistent with the original zoning grant only to the extent that those impacts are not preempted by Section 6409(a)

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<sup>1</sup> *In re* Acceleration of Broadband Deployment by improving Wireless Facility Siting Policies; Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of way and Wireless Facilities Siting; Amendment of Parts 1 and 17 of the Commission’s Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers; 2012 Biennial Review of Telecommunications Regulations, *Notice of Proposed Rulemaking*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, RM-11688, FCC 13-122 (rel. Sept. 26, 2013) (“NPRM”).

<sup>2</sup> See Comments of PCIA – The Wireless Infrastructure Association, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, RM-11688, at 24-53 (Feb. 3, 2014) (“PCIA Comments”) Reply Comments of PCIA – The Wireless Infrastructure Association, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, RM-11688, at 15-26 (Mar. 5, 2014) (“PCIA Reply Comments”).

<sup>3</sup> PCIA Comments at 41-50; PCIA Reply Comments at 18-19.

or other provisions of federal law.<sup>4</sup> If a proposed modification necessitates structural enhancements to support additional equipment, the jurisdiction may properly address this issue consistent with building codes and other objective standards reasonably related to health and safety.<sup>5</sup>

Pursuant to Section 1.1206 of the FCC's rules, this notice will be filed via ECFS and a copy will be provided via email to the attendees. Please contact the undersigned with any questions.

Sincerely,



D. Van Fleet Bloys  
Government Affairs Counsel  
703-535-7451  
van.bloys@pcia.com

CC: Roger Sherman; Chad Breckinridge

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<sup>4</sup> PCIA Comments at 37; PCIA Reply Comments at 18-19.

<sup>5</sup> PCIA Comments at 42; PCIA Reply Comments at 18-19.