



October 6, 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 October 2, 2014, the undersigned of PCIA – The Wireless Infrastructure Association (“PCIA”) spoke via telephone with Chad Breckinridge of the Wireless Telecommunications Bureau to discuss the Acceleration of Broadband Deployment docket.¹

PCIA urged the Federal Communications Commission (“FCC” or “Commission”) to adopt rules implementing Section 6409(a), providing clear definitions and application guidelines to ensure predictability for all parties when submitting an Eligible Facilities Request (“EFR”).² PCIA highlighted the need for flexibility in defining what constitutes an “existing” facility for the purposes of Section 6409(a).³ While a tower or base station’s zoning approval could be one method for determining whether a facility is “existing” for the purposes of 6409(a), PCIA noted that in some instances wireless facilities can be lawfully constructed without undergoing zoning or land use review. For example, at the time the tower or other wireless facility was constructed, there may not have been a local zoning or land use code in place, and such facility was only subject to building code or other compliance requirements. Therefore, PCIA recommended a broad definition that would allow a party submitting an EFR to demonstrate that a facility is “existing” if it complied with the regulations necessary at the time it was constructed.

¹ *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”).

² 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”).

³ PCIA Comments at 34-36.

Further, to carry out Section 6409(a)'s "shall approve" mandate, PCIA urged the FCC to implement a "deemed granted" remedy.⁴

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 attendee. Please contact the undersigned with any questions.

Sincerely,



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CC: Chad Breckinridge

⁴ *Id.* at 50-53; *see* Letter from William J. Sill, Wilkinson Barker Knauer, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 13-238, 13-32, WC Docket No. 11-59, (filed Sept. 19, 2014) (underscoring PCIA's and CTIA –The Wireless Association's® support for a "deemed granted" remedy and proffering an alternative court remedy to enforce Section 6409(a)).