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October 9, 2014

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

Re: WT Docket Nos. 13-238 and 13-32; WC Docket No. 11-59  
Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On October 8, 2014, Alex Phillips, Vice President and FCC Committee Chair of the Wireless Internet Service Providers Association (“WISPA”), and undersigned counsel to WISPA, met with Chad Breckinridge and Patricia Robbins of the Wireless Telecommunications Bureau to discuss the above-referenced proceedings.

The WISPA representatives emphasized the need for rules to be applied in a technology-neutral manner to include fixed and unlicensed facilities. The WISPA representatives also stressed that the definition of “existing wireless tower or base station” in Section 6409(a) of the Spectrum Act should extend to all structures, even those that were not initially constructed for the purpose of supporting such equipment. This interpretation would include water tanks, grain silos, utility poles and other vertical structures and thus would be of significant benefit to broadband operations in rural areas, where existing infrastructure is limited.

WISPA asked that eligible facilities requests (“EFRs”) be limited to a simple application process that demonstrates the lack of any substantial change in the physical dimensions of the existing structure. WISPA also urged adoption of a 45-day period for approval of EFRs, after which the application would be deemed granted. This process would accelerate approvals and broadband deployment, and add certainty to the approval process.

WISPA supported the revised proposal contained in PCIA’s September 18, 2014 ex parte letter on the definition of “substantially change the physical dimensions,” with one important exception – that grain silos be deemed “non-buildings” along the lines of water tanks and electrical transmission facilities because they do not house persons in the way that buildings do.

WISPA also supported the proposals to streamline the environmental and historic preservation review process for all communications facilities on a technology-neutral basis. WISPA urged the Commission to amend Note 1 to Section 1.1306 to exempt collocations of all



antennas and associated equipment on all existing “other structures,” such as water tanks, grain silos, and utility poles.

WISPA recommended a categorical exclusion for communications facilities with an antenna volume of up to six (6) cubic feet, whether collocated on existing infrastructure or deployed on new infrastructure. WISPA explained that antennas used in the 900 MHz band and in the TV white space band are typically larger than the three (3) cubic feet limit proposed by other parties for a categorical exclusion, but that such antennas should be exempt because they are physically unobtrusive and have minimal effects on the environment.

WISPA expressed support for streamlining the review under Section 106 of the National Historic Preservation Act (“NHPA”) and urged the Commission to adopt a similar volume-based definition of communications facilities that are exempt from both the Section 106 review and review under the National Environmental Policy Act (“NEPA”). WISPA reiterated that collocations on all existing structures that are more than 45 years old should be exempt from the Section 106 review so long as they meet the other criteria in the Commission’s Collocation Agreement. WISPA further recommended that such an exemption apply equally to all existing non-tower structures, whether on a utility pole or on an existing water tank, grain silo, or other non-tower structure.

Pursuant to Section 1.1206 of the Commission’s Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceedings.

Respectfully submitted,

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Kevin M. Cookler

*Counsel to the Wireless Internet Service  
Providers Association*

cc: Chad Breckinridge  
Patricia Robbins