



October 10, 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 8, 2014, D. Zachary Champ, D. Van Fleet Bloys and the undersigned of PCIA – The Wireless Infrastructure Association (“PCIA”) spoke via telephone with Brendan Carr of Commissioner Pai’s office. 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 investment in upgraded wireless infrastructure, and improve service coverage, capacity, and quality for consumers.

PCIA requested that the Commission streamline its environmental and historic preservation review processes for distributed antenna systems (“DAS”) and small cells and adopt the PCIA recommendation to categorically exclude facilities that meet a technology-neutral, volume-based definition.<sup>2</sup> Because these facilities have, at most, a *de minimis* effect on the environment and historic properties, PCIA explained that the FCC has authority to adopt the exclusion. PCIA also reaffirmed its support for the industry-supported dimensions set forth in the definition of Communications Facility Installations.<sup>3</sup> PCIA supports an exclusion of three cubic feet for each

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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 Letter from D. Van Fleet Bloys, PCIA–The Wireless Infrastructure Association, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 13-238, 13-32, WC Docket No. 11-59, (filed July 24, 2014); Comments of PCIA – The Wireless Infrastructure Association, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, RM-11688, at 6-9 (Feb. 3, 2014) (“PCIA Comments”).

<sup>3</sup> See PCIA Comments at 7-8 (allowing for an equipment enclosure no larger than seventeen cubic feet, an antenna enclosure no larger than three cubic feet, and delineating additional equipment excluded from the volume limitations); see also Letter from D. Zachary Champ, PCIA – The Wireless Infrastructure Association, WC Docket

antenna deployed as part of a Communications Facility Installation to provide for multiple technologies (*e.g.*, both licensed and unlicensed frequencies) or multiple providers at one site, but that the total volume of antennas may not exceed six cubic feet.<sup>4</sup> PCIA also supports a proposal to broaden the historic preservation exclusion to allow siting of these minimally intrusive facilities on any facility provided no historic properties are affected.<sup>5</sup>

In response to a question raised in this meeting, PCIA developed a workable proposal to exclude certain ancillary equipment from the volume-based calculation. In its initial volumetric proposal for Communications Facility Installations that should qualify for categorical exclusion, PCIA requested that certain ancillary and supporting equipment and structures (“Ancillary Equipment”) be omitted from the cumulative Equipment Volume calculation.<sup>6</sup> To provide for technological flexibility and encourage the provision of technologies such as battery backup power, PCIA continues to advocate for these omissions. However, should the FCC not accept the complete category of Ancillary Equipment, at minimum the Commission should omit from the Equipment Volume calculation: (1) vertical cable runs for the connection of power and other services, the volume of which may be too difficult to calculate; and (2) any Ancillary Equipment outside of the applicant’s ownership or control, such as equipment installed by the power or telecommunications provider that are necessary for the operation of wireless facilities. These elements constitute Ancillary Equipment either installed under the obligation to an entity other than the applicant or otherwise proximate to the provision of wireless service. Further, such Ancillary Equipment is guided by National Electrical Safety Code (“NESC”), National Electrical Code (“NEC”), utility construction standards, and local building codes. These local and national requirements outline certain physical and design standards that applicants abide by. As such, applicants seeking to deploy wireless broadband technologies should not be penalized in the calculation of Equipment Volume for elements outside of their control.

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No. 11-59, GN Docket No. 12-354 (filed July 22, 2013) (“Champ CFI Ex Parte”) (introducing the volume-based exemption).

<sup>4</sup> See Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 13-238, 05-265, (filed Oct. 9, 2014).

<sup>5</sup> See *id.*

<sup>6</sup> See Champ CFI Ex Parte (noting that “[a]ssociated electric meter, concealment, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of Equipment Volume.”); see also Letter from Robert Vitanza, AT&T, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 13-238, 13-32, WC Docket No. 11-59 (filed Aug. 11, 2014) at 2-3 (graphically differentiating between wireless equipment and associated, non-carrier power equipment on the same utility pole).

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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Director, Government Affairs  
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CC: Brendan Carr