



October 11, 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 9, 2014, D. Zachary Champ and the undersigned of PCIA – The Wireless Infrastructure Association (“PCIA”) spoke via telephone with Chad Breckenridge of the Wireless Telecommunications Bureau to express the Association’s support for the Commission’s forthcoming Report & Order on accelerating broadband deployment.

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>1</sup> PCIA called on the Commission to adopt the industry-supported dimensions set forth in the definition of Communications Facility Installations.<sup>2</sup> As part of that definition, PCIA clarified that the exclusion of three cubic feet for antennas deployed as part of a Communications Facility Installation should apply to *each* antenna rather than to all antennas cumulatively. Doing so will enable multiple technologies (*e.g.*, both licensed and unlicensed frequencies) or multiple service providers at a single site. PCIA agreed with Verizon that when more than one antenna is deployed at a single site, the total volume of antennas may not exceed six cubic feet.<sup>3</sup>

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<sup>1</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>2</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, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-59, GN Docket No. 12-354 (filed July 22, 2013) (“PCIA CFI Ex Parte”) (introducing the volume-based exemption).

<sup>3</sup> See Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 13-238, 05-265, (filed Oct. 9, 2014) (“Verizon Oct. 9 Letter”).

PCIA urged the Commission to omit certain ancillary and supporting equipment and structures (“Ancillary Equipment”) from the cumulative Equipment Volume calculation for Communications Facility Installations to provide for technological flexibility and encourage the provision of technologies such as battery backup power.<sup>4</sup> 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.

Also regarding DAS and small cell deployments, PCIA stated its support for Verizon’s proposal to broaden the historic preservation exclusion to allow streamlined siting of these minimally intrusive facilities on structures other than utility poles provided no historic properties are affected.<sup>5</sup>

PCIA also urged the 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”).<sup>6</sup> PCIA discussed its proposal to define “substantially change the physical dimensions.”<sup>7</sup> To best leverage non-tower structures for expedited broadband deployment, the Commission should adopt a definition of substantial change that means: (1) the mounting of the proposed antenna will protrude more than six feet from either the building’s façade or other structure’s outer dimensions, including any appurtenances on the building or other structure; or (2) The mounting of the proposed antenna will increase the existing overall height of the building or other structure, measured from the highest point of the building or other structure including any appurtenances, by more than fifteen feet or 10%. At a minimum, the Commission should adopt Verizon’s proposal maintaining the 10% height limit and establishing a minimum allowable height increase of 10 feet.<sup>8</sup> As many PCIA members deploy facilities in a similar fashion as Verizon, the definition of substantial change is necessary to allow for the placement of the wireless facilities typically deployed on buildings, water towers, and utility poles that currently support wireless facilities.

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<sup>4</sup> See PCIA 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).

<sup>5</sup> See Verizon Oct. 9 Letter.

<sup>6</sup> See PCIA Comments at 24-53; 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>7</sup> See Letter from D. Van Fleet Bloys, PCIA, to Marlene Dortch, Secretary, FCC, WT Docket Nos. 13-238, 13-32, WC Docket No. 11-59 (filed Sept. 18, 2014).

<sup>8</sup> See Verizon Oct. 9 Letter; Letter from Tamara Preiss, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 13-238, 05-265 (filed Oct. 10, 2014) (describing the wireless antennas that fit into this definition to explain Verizon’s rationale for these numbers).

Finally, to carry out Section 6409(a)'s "shall approve" mandate, PCIA urged the FCC to implement a "deemed granted" remedy.<sup>9</sup> Because EFRs require at most an administrative review due to the minimal amount of application information that must be submitted and considered, a local jurisdiction should complete its review of the EFR within a 45 day period. At a minimum, the Commission should adopt a shot clock of no less than 60 days to ensure that these minimally impactful deployments are granted the expedited review and approval that Congress intended. The Commission should also recommend, as the expert agency, injunctive relief as the basis for judicial review of cases arising under Section 6409(a).

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,



Jonathan M. Campbell  
Director, Government Affairs  
703-535-7401  
jonathan.campbell@pcia.com

CC: Chad Breckenridge, Patricia Robbins

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<sup>9</sup> PCIA Comments 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)).