

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless Telecommunications Bureau Seeks)	WT Docket No. 15-180
Comment on Revising the Historic Preservation)	
Review Process for Small Facility Deployments)	

COMMENTS OF VERIZON

Kathleen M. Grillo
Of Counsel

John T. Scott, III
Andre J. Lachance
VERIZON
1300 I Street, N.W.
Suite 400-West
Washington, D.C. 20005
(202) 515-2412

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I. INTRODUCTION AND SUMMARY

The Commission should help speed broadband deployment by eliminating historic preservation reviews for small wireless facilities. To meet the rapidly growing demands of customers for broadband services, the wireless industry needs to deploy tens of thousands of new small wireless facilities in the coming years. Verizon alone plans to deploy over 30,000 small facilities, including small cell and distributed antenna systems (“DAS”), over the next five years to meet customer needs. These facilities fill gaps in areas not adequately covered by larger “macro” cell sites, target areas of heavy use where networks can become congested, and improve data speeds. While very few of these small facilities could adversely affect historic properties, the current historic preservation and tribal review process subjects most of them to those reviews, delaying deployment. Absent relief from the current process, many of these deployments will face long delays that impede new service.

The Commission’s Public Notice proposes actions that will streamline the current historic preservation review process so that the industry can deploy more small facilities faster and at

¹ In addition to Verizon Wireless, the Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

lower cost. These actions are in the public interest because they will directly help the industry to respond to customer demands and enhance service across the nation. The Commission should thus adopt exclusions from the historic preservation review process. Specifically, it should: (1) adopt an exclusion from historic preservation reviews for small facilities located on buildings and other structures that are over 45 years old, (2) adopt an exclusion for minimally visible small facility deployments mounted on historic properties or in or near historic districts, and (3) adopt an exclusion for certain replacement and new poles located in historic districts.

II. BACKGROUND

The historic preservation review process does not currently recognize that small wireless facilities have no or at most minimal impact on historic properties. The current historic preservation review process was adopted in two separate “programmatic” agreements signed in 2001 and 2004 respectively.² At the time the agreements were adopted, the signatories³ only considered the effect of larger “macro” cell sites on historic properties. These facilities are much larger and are typically mounted much higher than small wireless facilities. As such, they are more likely to affect historic properties. Small wireless facilities, by contrast, are much smaller,

² See Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, 47 C.F.R. Part 1, App. B (“Collocation Agreement”); and Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, 47 C.F.R. Part 1, App. C (“NPA”). In general, the Collocation Agreement adopts exclusions from certain historic preservation reviews for certain “collocations” – locating wireless facilities on existing structures – while the NPA establishes the process for reviews of facilities that are not excluded.

³ The signatories to the agreements are the Commission, the Advisory Council on Historic Preservation (“ACHP”), and the National Conference of State Historic Preservation Officers (“NCSHPO”). Each of these signatories must approve of any amendments to the Collocation Agreement proposed by the Commission.

mounted lower to the ground, and are more easily concealed, leading the Commission to observe that such facilities are far less likely to adversely affect historic properties.⁴

And the Commission's observations are correct. Verizon surveyed 85 recent small cell deployments on historic properties, or near or in historic districts, in 21 cities across the United States.⁵ All 85 deployments were determined by the relevant State Historic Preservation Officer ("SHPO") to have no adverse effect on any historic property. Only six of those deployments (four on buildings deemed non-contributing elements to the historic district, and two on buildings that were contributing elements to the district) required painting or other changes to obtain the no adverse effect finding.

The new exclusions the Commission proposes correctly recognize that small facilities are very unlikely to affect historic properties. These exclusions are needed because the existing exclusions in the Collocation Agreement are overly broad and require unnecessary historic preservation reviews which delay facility deployment. Under that agreement, collocations that do not substantially increase the size of the structure (determined by the extent to which the new facilities increase the height and/or width of the structure) are excluded from historic preservation reviews only if the structure is not more than 45 years old, not a historic property, or not in or near a historic district.⁶ But this exclusion is frequently not available for small wireless facility deployments because the structures on which they are located – utility poles, light

⁴ See Public Notice at 7 ("The Commission has observed that in most cases, the deployment of small wireless communications facilities such as DAS and small cells has minimal effects, if any, on historic properties and can deliver more broadband service to more communities, while reducing the need for new construction that is potentially more intrusive.").

⁵ Of the 85, 70 were mounted on new poles built to replace existing poles located in a historic district (62) or within 250 feet of (8) a historic district. Fifteen were located on buildings in or near historic districts. Eleven of those were on buildings deemed to be non-contributing elements to a historic district, while four were on contributing buildings.

⁶ Collocation Agreement, Section V.

stanchions, buildings, street lights and signs – are often either over 45 years old, historic, or located in or near historic districts.⁷ The exclusions proposed in the Public Notice would eliminate unnecessary reviews for many small facilities and speed wireless facilities siting.

III. HISTORIC PRESERVATION REVIEWS SIGNIFICANTLY DELAY SMALL FACILITY DEPLOYMENT.

Lengthy and often unnecessary historic preservation reviews delay small facility deployments, and as the number of those deployments increases, the problem will also grow. Commission rules implementing the NPA require that when historic preservation review is required, applicants must provide notice of and detailed information about the proposed facility to SHPOs, tribes that claim a present or ancestral interest in the project area, and the public. SHPOs generally have 30 days from receipt of the information provided to render an opinion, taking into account any comment they receive from the public, as to whether the proposed facility will adversely affect any historic property.⁸ But there is no time limit on tribal reviews, and applicants are prohibited from proceeding with construction until either the tribe responds or the Commission, after multiple additional attempts to obtain a response, authorizes the applicant to proceed.⁹

While historic preservation reviews, on average, take about four months to complete, many extend longer, often due to the tribal review process. These reviews cannot and do not run concurrently with local reviews, because the local reviews may result in changes to the location

⁷ The Commission previously adopted an exclusion for small wireless facilities located on over 45 year-old utility poles, finding that deployments on poles not located in or near historic districts do present the potential to affect historic properties. *See Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies, Report and Order*, 29 FCC Rcd 12865, 12906-09 ¶¶ 88-95 (2014) (“Infrastructure Order”). But it concluded that additional exclusions for small facilities required amending the Collocation Agreement. *Id.* at 12905 ¶ 86.

⁸ NPA, Section VII.

⁹ *See id.*, Section IV.

or parameters (height, width, size) of the facility which must be established before the historic preservation reviews can begin. As Verizon documented in comments filed in the Infrastructure Order proceeding, some tribes do not respond or take months to provide applicants with a determination regarding the effects, if any, on tribal religious or cultural properties in the area.¹⁰ And multiple tribes located in places such as Oklahoma, Kansas and Michigan must be consulted for collocations in cities like New York City and Cleveland.¹¹ These reviews increase carrier costs and administrative burdens, and impose significant delays which will only get worse with the number of small facility deployments planned.

IV. THE COMMISSION SHOULD EXCLUDE SMALL FACILITY DEPLOYMENTS ON STRUCTURES THAT ARE OVER 45 YEARS OLD.

The Commission should adopt its proposed exclusion from historic preservation reviews for small facilities located on structures that are over 45 years old. The proposed exclusion would facilitate small facility deployment by eliminating unnecessary historic preservation and tribal reviews and the delays such reviews impose. As proposed, the exclusion would apply if the equipment to be deployed meets certain size limits; the structure on which the equipment is mounted is not located in or within 250 feet of a historic district; the structure itself has not been determined to be a historic property; and the construction does not involve new ground disturbance.¹² To make the exclusion more effective in enabling faster deployment of small facilities without adversely affecting historic preservation, the Commission should modify it as follows:

¹⁰ See Comments of Verizon and Verizon Wireless, WT Docket No. 13-238 (Feb. 3, 2014), at 20-24 (“Verizon Infrastructure Comments”).

¹¹ *Id.*

¹² Public Notice at 11.

A. Size Limits Should Differ Based on the Type of Structure.

The proposed size limits for this exclusion should be modified to account for differences in the types of structures on which the small facilities are located, the extent to which the facilities are visible, and the size of equipment that carriers and others are deploying. The Public Notice proposes to limit the proposed exclusion to small wireless facilities that meet the same volumetric size limits it previously adopted for small facilities on utility structures: no larger than three cubic feet per antenna and six cubic feet for all antennas and no more than 17 cubic feet for other wireless equipment associated with the facility (including radio equipment, power supply, and back-up power). These limits would be cumulative for the structure. Thus, for example, if two wireless facilities are mounted on the same structure, the total volume of all antennas for both facilities cannot exceed six cubic feet and the associated equipment for both facilities could not exceed 17 cubic feet for the exclusion to apply.¹³ To address the differences in the types of structures to which the proposed exclusion would apply and the need for slightly larger equipment volumes, the Commission should amend the proposed size limits in several ways.

First, the volume limits adopted should not be cumulative for small facilities mounted on larger non-pole structures like buildings and water towers. The Commission made the size limitations for small wireless facilities mounted on utility poles cumulative because it determined that “multiple collocations on a utility structure could have a cumulative impact.”¹⁴ But those same concerns do not apply when the structure is significantly larger. Thus, for example, the cumulative effect of multiple collocations on a multiple story building or water tower – with

¹³ *Id.* These are the same volume size limits adopted in the Infrastructure Order for small facilities mounted on utility poles. Infrastructure Order, 29 FCC Rcd at 12907-08 ¶¶ 92-93.

¹⁴ *Id.*

greater height, width, and/or depth than a utility pole – would not be the same as the cumulative effect of equipment mounted on a pole-like structure. To account for these differences, the Commission should determine that size limits will not be cumulative for small wireless facilities located on non-pole structures such as buildings and water towers.

Second, the Commission should not apply the volume limits to any equipment or antennas that are concealed from public view. Larger structures such as buildings and water towers often enable carriers to conceal much of the equipment on roof-tops, in interior rooms, or in existing ground shelters. In addition, many small wireless facility projects require local review and approval prior to construction. In some cases, local authorities require the antennas or associated equipment to be “stealthed” – such as by painting the equipment to match the exterior of the structure. Because concealing equipment in this manner further diminishes the likelihood that the equipment will affect any historic property, such equipment should not be included as part of the size limits.

Third, the Commission should increase the volume limits for associated equipment. The size limits adopted in the Infrastructure Order were proposed by the industry based on the best information available at the time.¹⁵ But as the industry has deployed more small facilities, it has learned that slightly larger size limits are often needed to accommodate additional equipment. For example, as demand increases and carriers deploy broadband facilities on multiple spectrum bands, they must include more radios at each small facility location. Carriers also prefer to include a backup power supply at small facility locations to guard against service disruption during power outages. Each radio and battery unit adds volume to the associated equipment making it more difficult to meet the 17 cubic foot size limit. To illustrate, attached to these

¹⁵ *Id.*

comments is a diagram of different equipment cabinets used in Verizon’s small facility deployments.¹⁶ The second example in the diagram shows that a cabinet with one radio compartment (holding two radios), a power supply, and one backup battery unit (providing roughly three hours of backup power), requires a cabinet totaling 21.1 cubic feet of volume – which would exceed the proposed limit. The first example shows that if an additional battery unit is included (which doubles the backup power supply), the volume expands to 28 cubic feet. Thus, the proposed 17 cubic foot limit could force carriers to decide to forego including additional radios or backup power supplies to take advantage of the exclusion and deploy facilities faster. To address this situation, the Commission should increase the proposed associated equipment size limit to at least 25 cubic feet.

B. The Commission Should Clarify the Structures that May Be Considered Historic Properties.

The Commission should amend the proposed exclusion to make it easier for applicants to determine when a property is considered historic. As proposed, this exclusion would not apply if the structure on which a small facility is mounted is either listed on or eligible for listing on the National Register of Historic Places (“National Register”).¹⁷ Under the NPA, a property is considered eligible for listing on the National Register if (1) it has been determined eligible for listing by the Keeper of the National Register; (2) it is certified by the relevant SHPO as being in the process of being nominated for inclusion on the National Register; or (3) it has previously been determined by the SHPO to be eligible for listing.¹⁸ But Verizon’s experience is that identifying what properties have been determined eligible by a SHPO is a laborious process

¹⁶ See Attachment 1.

¹⁷ Public Notice at 11.

¹⁸ NPA at § VI.D.1.a. A property may be determined eligible either through a consensus determination of eligibility between the SHPO and another Federal Agency or through the SHPO’s independent evaluation.

requiring, in most cases, visits to SHPO offices and manual searches of each SHPOs files. In addition, each SHPO can interpret the eligibility criteria differently leading to significant variations in the number and types of properties considered eligible.

The Commission should simplify the process of identifying historic properties by limiting eligible properties to only those that have been determined eligible by the Keeper of the National Record or properties certified as in the process of being nominated. Sites that a SHPO has merely determined might be eligible, but have not been nominated, would not be subject to historic preservation review. Limiting sites that must go through that process this way would expedite the identification process and provide appropriate incentives to SHPOs to nominate properties considered eligible. Should the Commission determine that properties determined eligible by a SHPO but not in the process of being nominated must be considered, then such properties should only be considered eligible for purposes of applying this exclusion if the property is listed in a database that can be remotely accessed and searched electronically.

C. The Commission Should Eliminate or Modify the Requirement that the Structure Not Be within 250 Feet of a Historic District.

The Commission should not limit the proposed exclusion to facilities located on structures that are at least 250 feet away from a historic district. This limitation originates from the Collocation Agreement, which excludes collocations on buildings that are 46 years old or younger unless the antenna is visible from ground level of a historic district and located within 250 feet of a historic district.¹⁹ But the 250 foot limitation is unnecessarily broad because, unlike the condition in the Collocation Agreement, it would apply even if the small wireless facility is not visible from the ground level of a historic district. The proposed condition also fails to

¹⁹ Collocation Agreement, Section V.A.2.

recognize that the small facilities to which this exclusion would apply are smaller than those covered in the Collocation Agreement. Small wireless facilities, even if visible from the ground level within a historic district, are not likely to affect historic properties. Thus, the Commission should amend the proposed exclusion to apply to small wireless facilities mounted on structures not located in historic districts. Should the Commission decide to maintain some buffer zone near historic districts, it should tailor the exclusion to small wireless facilities by excluding small wireless facilities unless visible from the ground level of a historic district and mounted on structures located within 50 feet of a historic district.

V. THE COMMISSION SHOULD EXCLUDE MINIMALLY VISIBLE SMALL FACILITIES.

The Commission should adopt its proposed exclusion for “minimally visible” small wireless facilities located on historic properties or in or near historic districts with certain changes. As proposed, this exclusion would apply if: (1) the small facility meets the same size limits proposed for antennas and associated equipment located on structures over 45 years old; (2) the construction does not involve any new ground disturbance; and (3) the construction meets the Secretary of the Interior’s standards and guidelines for historic preservation.²⁰ The Commission seeks comment on whether other visibility criteria should apply.²¹ The Commission should adopt this exclusion with the same changes to the equipment size limitations and method of determining whether properties are historic discussed above. The Commission should not adopt any other visibility criteria.

²⁰ *Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating and Restructuring Historic Buildings*, available at <http://www.nps.gov/tps/standards/four-treatments/treatment-preservation.htm> (“Secretary of the Interior’s Standards”).

²¹ Public Notice at 12.

The Commission need not adopt any additional visibility criteria because small wireless facilities that meet the size limits are already minimally visible and are routinely found not to affect historic properties. Small wireless facilities are about the same size (or smaller) and no more intrusive than other facilities typically located within historic districts or on or near historic properties. In addition, most small facility installations on historic properties or in historic districts require local reviews that require carriers to install facilities in a manner that reduces the effect on historic properties or to historic districts and that minimize visibility. For this reason, as noted above, small facility deployments on historic properties or in historic districts consistently receive “no adverse effect to historic properties” findings from SHPOs. However, to the extent that some additional visibility restrictions are deemed necessary, Verizon proposes that the following criteria, which are based on its experience with historic preservation reviews of small facilities it has deployed, should be applied:

1. Facilities not visible from public streets or places within historic districts should be considered “minimally visible;”²²
2. Facilities not mounted on the façade of a historic building or any side of the building deemed to contribute to the historic characteristics of a building should be considered minimally visible;²³
3. Facilities mounted on structures within historic districts that are not deemed to be contributing elements of the historic district should be considered minimally visible;²⁴ and
4. Facilities that are stealthed pursuant the local review process should be considered minimally visible.²⁵

²² See *id.*

²³ See Attachment 2, showing a diagram of a small cell mounted on the side of an eligible historic property in Old Forge, NY. The addition of the small cell to the building was deemed by the SHPO not to adversely affect the historic property.

²⁴ See Attachment 3, showing a picture of a small cell mounted on a utility pole deemed to be a non-contributing element to a Columbus, Ohio historic district. The SHPO approved the site finding no adverse effect to the historic district.

²⁵ See Attachment 4, showing a small cell in Chatham, NJ with two antennas mounted on the façade of a building that is a contributing element to a historic district. The antennas (see red arrow) are painted to match the color of the building and the equipment is mounted on the roof. The SHPO approved the site finding no adverse effect to the historic district.

VI. THE COMMISSION SHOULD EXCLUDE VISIBLE SMALL FACILITY DEPLOYMENTS IN EXISTING RIGHTS-OF-WAY.

The Commission should adopt an exclusion from historic preservation reviews for visible small facility deployments on utility poles, street lamps, traffic lights and similar structures located in existing rights-of-way in historic districts.²⁶ Wireless carriers frequently mount small wireless facilities on existing structures such as utility poles, street lamps, and traffic lights and many of these facilities are in or near historic districts. Small wireless facilities are consistent with other facilities located in rights-of-way and in most cases will not affect historic properties or districts. The Commission previously adopted an exclusion from environmental reviews for facilities located in existing rights-of-way²⁷ and should adopt a similar exclusion from historic preservation reviews. Specifically, the Commission should exclude small facilities that meet the following conditions:

1. The facilities meet size limits consistent with Verizon's comments above;
2. The facilities are located in an existing right-of-way as defined in Section 1.306(c) of the Commission's rules, or within 50 feet of any such right-of-way;²⁸ and
3. Construction of the facility does not involve any new ground disturbance.

VII. THE COMMISSION SHOULD EXCLUDE CERTAIN REPLACEMENT AND NEW POLES.

Finally, the Commission should adopt an exclusion for certain replacement and new poles constructed in historic districts. Many existing light poles, utility poles, and street lights need to be replaced in order to increase the load-bearing capabilities of the structure or at the request of the local reviewing authority. Typically, when such structures are in historic districts,

²⁶ See Public Notice at 12-13.

²⁷ See 47 C.F.R. § 1.1306(c).

²⁸ The 50 foot limit is consistent with the exclusion adopted in the NPA applicable to construction of facilities in or within 50 feet of the outer boundary of a right-of-way. See NPA, Section III.E.

carriers will work with local authorities to design the replacement structures or to add entirely new structures to match existing structures and ensure that the historic districts are not affected. For example, one of Verizon's regions recently completed two projects where small wireless facilities were placed on replacement poles at the request of the local jurisdictions. Sixteen of those poles were constructed in rights-of-way within historic districts, and all sixteen received no adverse effect findings from the appropriate SHPO.²⁹ Also, in Lafayette, Indiana, Verizon recently completed a project involving small wireless facilities that were located on newly constructed light poles, one of which was in a historic district. The poles were designed to blend with other light poles in the area and benefitted the city by providing lighting improvements. The light pole in the historic district was deemed not to have an adverse effect on the historic district.³⁰ In Lafayette, the pole in the historic district took three months to complete the historic preservation review process, thus delaying the coverage and capacity benefits it provides. This delay was unnecessary and should be addressed by an appropriately crafted exclusion.

The Commission should adopt an exclusion for certain replacement and new poles in historic districts. Specifically, the Commission should exclude replacement poles if they do not constitute a substantial increase in size, as defined in the Collocation Agreement,³¹ over the pole being replaced. It should exclude new poles if they do not constitute a substantial increase in size over similar poles in the area. Replacement and new poles that meet these conditions will not adversely affect historic properties or districts.

²⁹ See Attachment 5, showing one of the replacement poles in Minneapolis, Minnesota.

³⁰ See Attachment 6, showing the newly constructed light pole in the historic district with the small wireless facility mounted on the pole.

³¹ See Collocation Agreement, Section I.C.

VIII. CONCLUSION

For the reasons stated above, the Commission should work with the signatories to amend the Collocation Agreement to promote faster deployment of needed additional wireless facilities without adversely affecting historic preservation concerns. Specifically, it should exclude from historic preservation reviews small wireless facilities mounted on structures over 45 years old, minimally visible small facilities mounted on historic structures or in or near historic districts, and certain other visible small wireless facilities in historic districts.

Respectfully submitted,

VERIZON

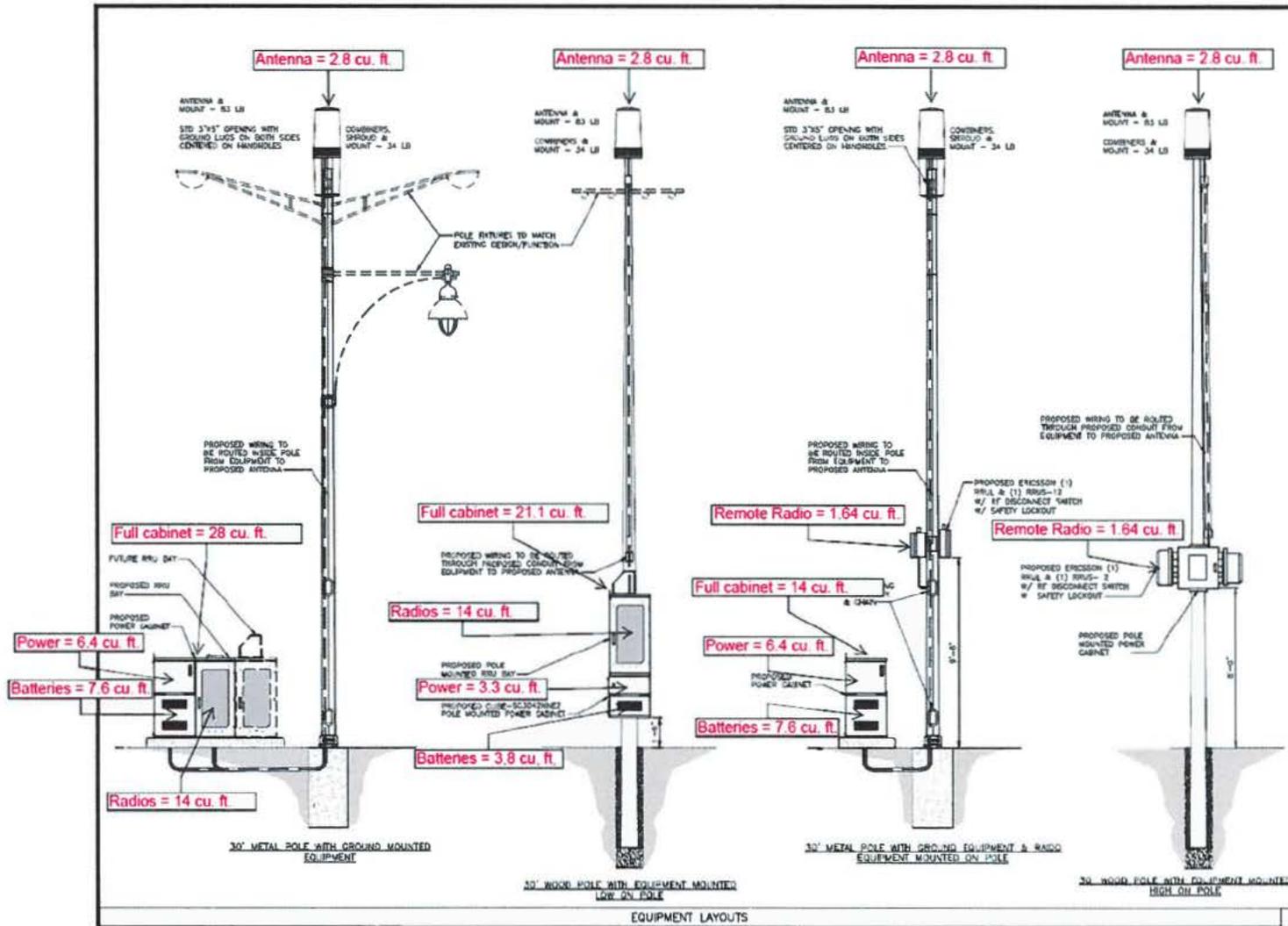
Kathleen M. Grillo
Of Counsel

By: _____ /s/
John T. Scott, III
Andre J. Lachance
1300 I Street, N.W.
Suite 400-West
Washington, D.C. 20005
(202) 515-2412

Dated: September 28, 2015

Its Attorneys

ATTACHMENT 1



ATTACHMENT 2

Project # 23999

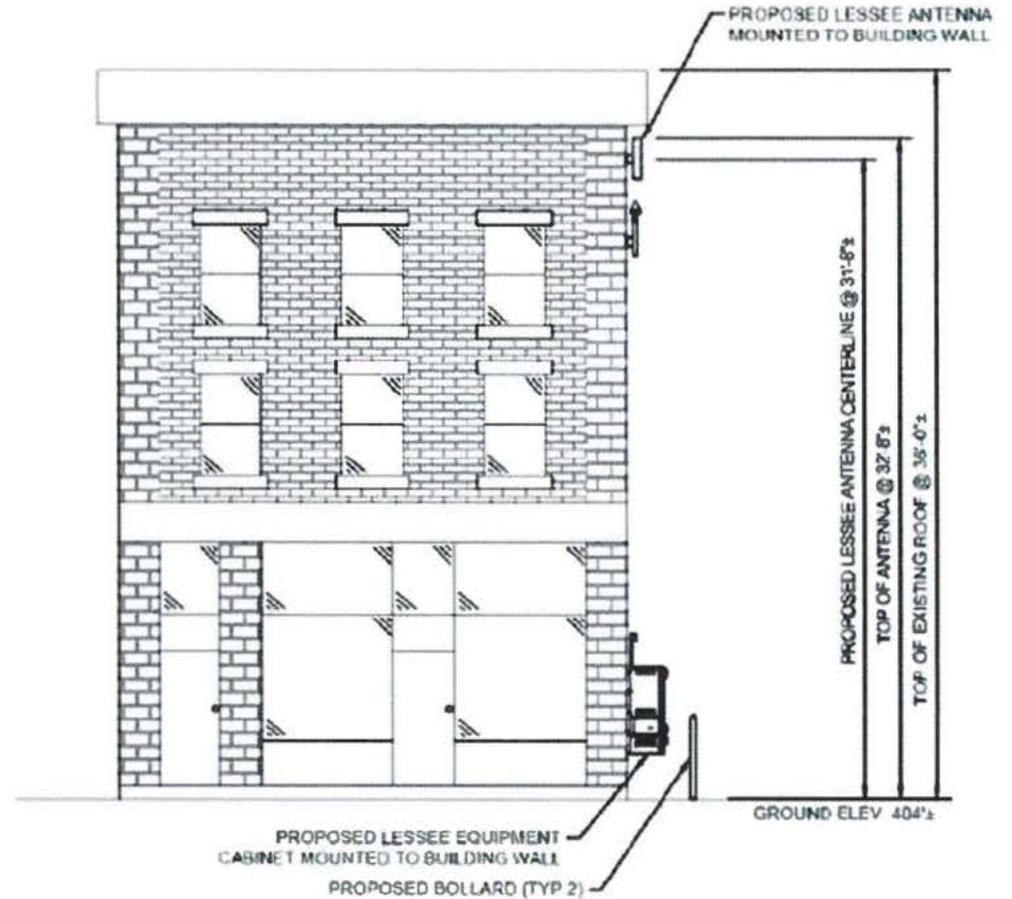
Region: NE-Upstate NY

Completion Status : Completed

Project Description : Small cell and equipment on non-prominent façade between buildings, antenna painted to match

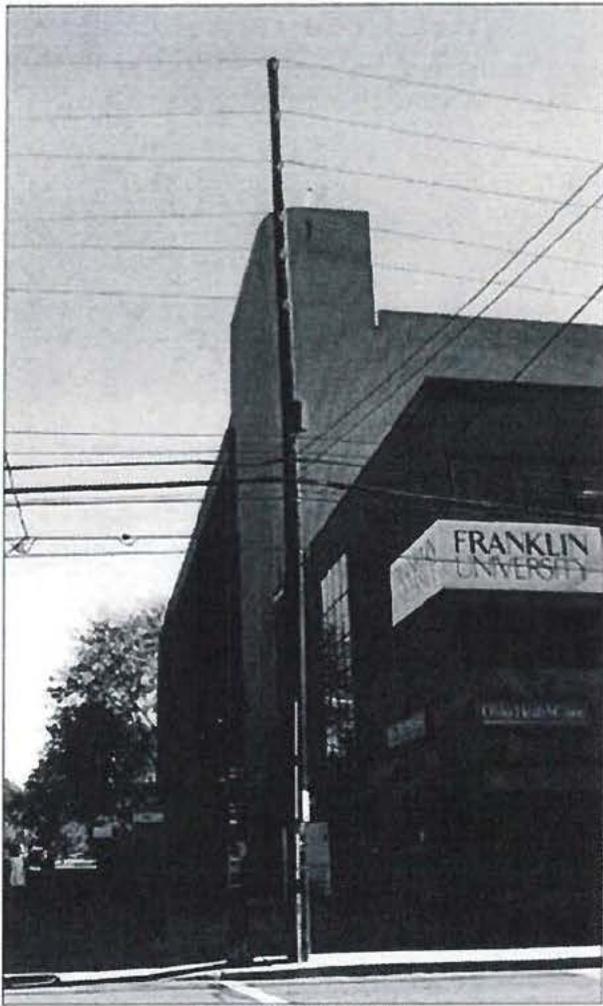
Historic Property Details : Subject building is a eligible historic property, additional eligible historic property in the visual APE

Approval Status : No Adverse Effect

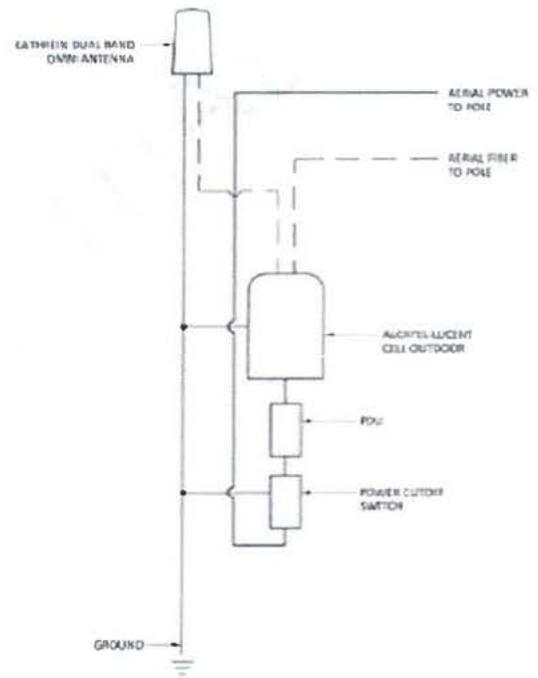


ATTACHMENT 3

Location	Project Description	Historic Property Details	Approval Status	Images
MW-PA-WV/Ohio	Collocation on a 58 ft overall height wood utility pole constructed 1980. 2' canister small cell antenna.	Within NRHP-listed East Town St Historic Distric	SHPO concurred, no adverse effect	Photo



PHOTOGRAPHIC SIMULATION

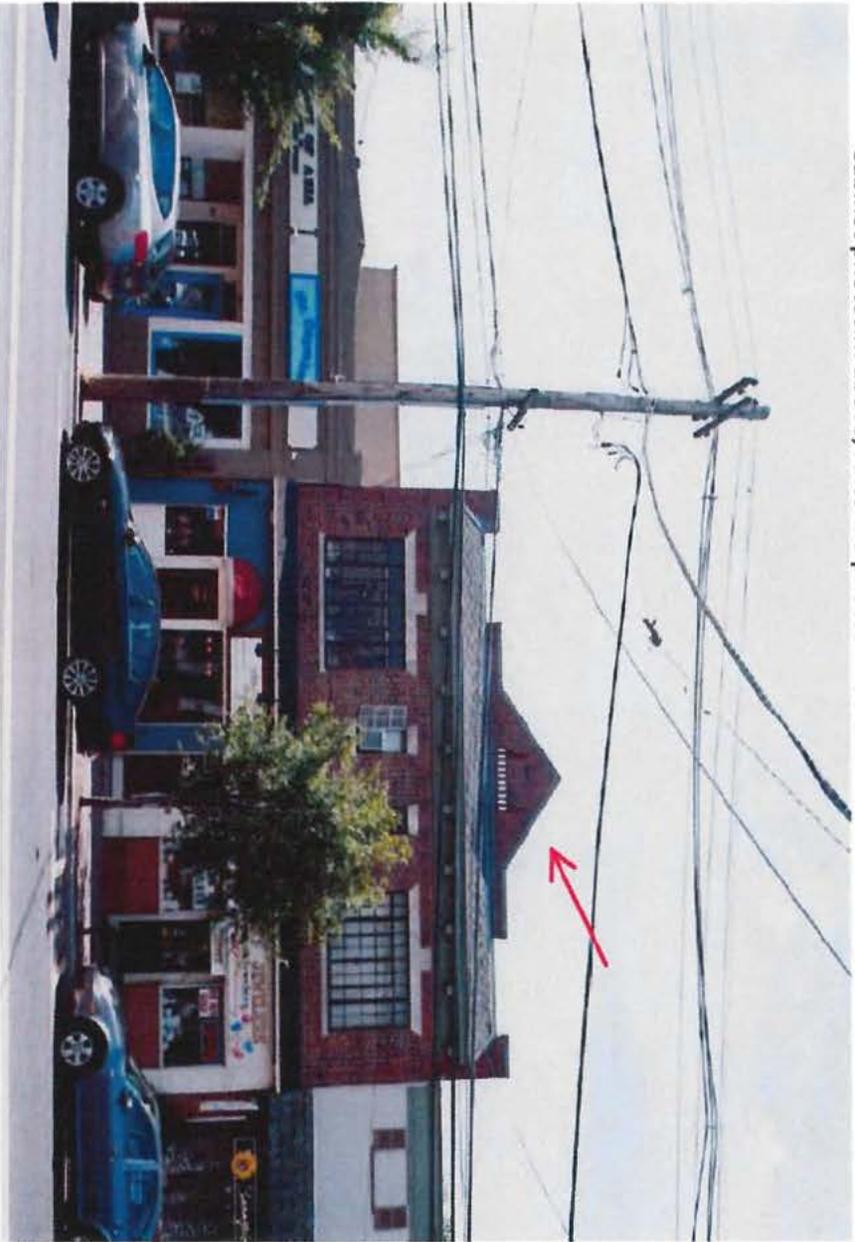


GENERAL ELECTRICAL WIRING DIAGRAM
NOT TO SCALE

ATTACHMENT 4



Cabinet photosim above, Antenna photosim below



ATTACHMENT 5



ATTACHMENT 6

Region: MW-Indiana Kentucky

Completion Status : Completed

Project Description: Collocation on street light in an active ROW requiring Section 106 due to historic district. One antenna, two radios, and one cabinet all falling within volumetric requirements for small cells. This is one of three small cells on street lights in the same ROW, each within 0.4 miles of each other. The other two fell outside the historic district and did not require a Section 106.

Historic Property Details : Two Historic Properties visible from limited vantage points.

Approval Status : No Adverse Effect

