

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

In the Matter of)
)
Comment Sought on Scoping Document) WT Docket No. 15-180
Under Section 106 of the National Historic)
Preservation Act)

To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF
SOUTHERN COMPANY SERVICES, INC.**

Southern Company Services, Inc. (“Southern”), on behalf of itself and its electric utility operating affiliates, hereby submits its comments in response to the Bureau’s *Public Notice* inviting comment on a new program alternative to improve and facilitate the review process for deployment of small wireless communications facilities under Section 106 of the National Historic Preservation Act (“NHPA”).¹ Southern appreciates the Bureau’s initiative in pursuing this additional relief, and supports the proposal to allow further exclusions from the Section 106 review for small antenna deployments on utility poles, light posts, and traffic lights; in utility or communications rights-of-way; and replacement or modification of existing small facilities meeting certain size limits.

By way of introduction, Southern Company Services, Inc. is a wholly-owned subsidiary service company of Southern Company, a super-regional energy company in the Southeast

¹ “Wireless Telecommunications Bureau Seeks Comment on Revising the Historic Preservation Review Process for Small Facility Deployments,” *Public Notice*, WT Docket No. 15-180, DA 15-865, released July 28, 2015 (the “*Public Notice*”).

United States. Southern Company also owns four electric utility subsidiaries – Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company – which provide retail and wholesale electric service throughout a 120,000 square mile service territory in Georgia, most of Alabama, and parts of Florida and Mississippi. Members of the Southern Company family use a variety of communications technologies, including FCC licensed spectrum, to support the safe and efficient delivery of energy services to their customers. Southern therefore supports the FCC’s efforts to minimize the regulatory burdens associated with deploying small antenna facilities where there is little, if any, likelihood of adverse impact to the environment or historic preservation.

The Bureau has requested comment on whether to initiate negotiations with other stakeholders on amendments to the 2001 Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (the “Collocation Agreement”). Although the Collocation Agreement excludes from Section 106 review many collocations on existing structures, the Collocation Agreement still requires Section 106 review for certain antenna deployments.² The Commission recently amended its rules to provide for two “targeted” exclusions for certain small antenna deployments: one exclusion related to small facilities on utility structures, and the other for small facilities on buildings or other non-tower structures.³ However, both of these exclusions were qualified with conditions that are required by the Collocation Agreement.

² For example, the Collocation Agreement does not exclude a collocation from review if (1) it will be on a non-tower structure over 45 years old; (2) it will be on a non-tower structure inside the boundary of a historic district or within 250 feet of the boundary of a historic district and visible from ground level within the historic district; (3) it will be on a non-tower structure designated a National Historic Landmark or eligible for listing; or (4) it is the subject of a pending complaint regarding adverse effect on historic properties. Collocation Agreement, Section V.

³ Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order* in WT Docket Nos. 13-238 and 13-2, and WC Docket No. 11-59, 29 FCC Rcd 12865, 12901-12 (2014) (“*Infrastructure Report and Order*”), paras. 76-103.

Southern supports the Bureau's efforts to seek amendment of the Collocation Agreement to provide for complete exclusions from routine Section 106 processing for certain small antenna deployments. In particular, Southern supports the proposed exclusion for small facility deployments on certain structures, including utility poles, light posts, street lamps, and traffic lights, or that are located in utility or communications rights-of-way.⁴ Southern often has need to install small antenna facilities on utility poles, street lights, or in utility rights-of-way (e.g., inside electric utility substations) for various utility applications, such as equipment for "Smart Grid," security monitoring, or automated street lighting control. Much of this equipment operates on FCC-licensed radio frequencies, and, therefore, these deployments are considered federal undertakings. However, the equipment is very small, and well within the size limits defined in the *Infrastructure Report and Order*.⁵

The exclusions adopted in the *Infrastructure Report and Order* are very helpful in minimizing environmental reviews for small antenna installations on utility property and in utility rights-of-way, but the exclusions still require an assessment of whether the installation will be within a historic district or within 250 feet of a historic district.⁶ In many cases, it will be obvious whether the installation is within or near a well-known historic district; in others, the proponent will have to undertake some measure of due diligence to ensure that the site is not within or near a historic district. This due diligence increases the time and expense of a project that, even if within or near a historic district, would be highly unlikely to have an adverse impact on historic properties.

⁴ "Section 106 Scoping Document," dated July 28, 2015, and appended to the *Public Notice*, at 9-10.

⁵ *Infrastructure Report and Order*, paras. 92-93 (up to 3 cubic feet in volume per covered antenna enclosure, or an exposed antenna that could fit inside an imaginary enclosure up to 3 cubic feet in volume).

⁶ *Infrastructure Report and Order*, para. 90.

In addition, the exclusion for collocations on utility poles as adopted in the *Infrastructure Report and Order* does not encompass collocations on “light poles, lamp posts, and other structures whose primary purpose is to provide public lighting,” thereby negating its applicability to the installation of automated street lighting control systems.⁷ Equipment for street lighting control systems tends to be very small and unobtrusive, but must be installed on all street lights in an area to fulfill the intended purpose (*i.e.*, public safety and energy conservation). Section 106 review of every street light in an area would impose an unnecessary burden on the proponent as well as individuals and agencies responsible for historic preservation, with little likelihood of a corresponding public benefit. Street lighting is also typically subject to control or oversight by the local government, which would provide further assurance that lighting control systems, using very small facilities, would not adversely impact the character of a historic district.

Southern therefore supports the Bureau’s initiative to seek amendment of the Collocation Agreement to create a complete exclusion from Section 106 review for these installations. Southern recommends that the exclusion include small facility installations on utility poles, light posts, street lamps and traffic lights, and should not be limited to utility poles as defined in the *Infrastructure Report and Order*. To minimize potential impact from installations on street lights and similar structures, even if within historic districts, and to set objective criteria for proponents to make accurate assessments as to the applicability of the exclusion for street lights, the Collocation Agreement could establish a size limitation for “very small facilities” that could be installed on street lights without regard to whether the collocation is within or near a historic district. A separate set of criteria for street lights would facilitate installation of equipment for

⁷ 47 C.F.R. §1.1307(a)(4)(ii)(A).

street lighting control and other very small communications facilities without requiring Section 106 review for every such installation that might happen to be within or near a historic district.

Southern appreciates the opportunity to comment on these proposals, and urges the Bureau to proceed with negotiations among the interested stakeholders to amend the Collocation Agreement in accordance with the views expressed above.

Respectfully submitted,

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