

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

In the Matter of)
)
Wireless Telecommunications Bureau Seeks) WT Docket No. 16-137
Comment on the State of Mobile Wireless)
Competition)

COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

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EXECUTIVE SUMMARY

The Wireless Infrastructure Association (“WIA”), formerly PCIA – The Wireless Infrastructure Association, recognizes and appreciates the significant commitment the Commission has made to creating a regulatory environment that promotes wireless infrastructure deployment and collocation of communications facilities. Today, that commitment is more necessary than ever, as market developments converge to require intensified infrastructure deployment. These include competition among wireless service providers, which is powering a shift from landline communications to mobile platforms; consumer demand for wireless data and video offerings, which is imposing unprecedented capacity needs on wireless networks; and the emergence of the Internet of Things, which is fueling the evolution to next generation 5G technologies.

As a result, infrastructure providers and carriers are investing billions in wireless network buildout and upgrades. In 2015, the three publicly-traded neutral-host providers—American Tower, Crown Castle, and SBA Communications—invested over \$2 billion alone. And this does not include substantial investments by independent small and mid-size infrastructure companies, which represent thousands of communications facilities and remain vital to promoting industry investment and diverse ownership. These companies have shown similar upward capital expenditure trends in both new tower builds and in the acquisition of existing assets. It has been estimated that wireless carriers will invest over \$30 billion in their networks this year.

While the Commission has made important strides towards lowering barriers to wireless infrastructure deployment, WIA’s membership still faces obstacles at the federal, state, and local levels that require further examination by policymakers. As to macrocell deployments, policymakers must continue regulatory efforts to encourage collocation of facilities. Macrocells—antennas affixed to purpose-built communications supports structures (*e.g.*, towers)

as well as antenna collocations on buildings, rooftops, water towers, and other existing tall infrastructure—remain the foundation of the nation’s wireless networks. The wireless infrastructure industry is robustly competitive and is typified by third-party, neutral host infrastructure providers.

WIA also supports the respectful and safe deployment of small cell and Distributed Antenna Systems (“DAS”) in rights-of-way. Policymakers should continue to provide the wireless industry with the flexibility to both replace infrastructure in rights-of-way and build new facilities when necessary. Other areas for improvement include addressing the Tribal review process and fee structure for wireless siting applications, taking further steps to improve access to federal lands, and clearing “Twilight Towers” for collocation. WIA thus urges the Commission to remain on its pro-competitive path and continue to pursue regulatory reform consistent with these comments.

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The Wireless Infrastructure Association (“WIA”)¹ respectfully submits these comments in response to the Federal Communications Commission’s *Public Notice* seeking comment on the state of competition in the mobile wireless industry.² As the Commission correctly notes, mobile wireless service providers “depend critically on access to . . . infrastructure (cell sites and towers),”³ and WIA focuses these comments on the state of competition and growth in the critical infrastructure segment. It also discusses steps policymakers should take to address the challenges infrastructure providers face when attempting to timely deploy facilities for new or enhanced wireless services.

¹ WIA, formerly PCIA – The Wireless Infrastructure Association, is the principal organization representing companies that build, design, own and manage telecommunications facilities throughout the world. Its over 230 members include carriers, infrastructure providers, and professional services firms.

² Wireless Telecommunications Bureau Seeks Comment on the State of Mobile Wireless Competition, *Public Notice*, DA 16-450 (WTB rel. April 29, 2016) (“*Public Notice*”).

³ *Id.* at 6.

INTRODUCTION

Intense competition across the wireless industry has powered investment in new infrastructure to meet consumer expectations and demands for mobile wireless broadband.⁴ The third-party, neutral-host infrastructure model fuels infrastructure investment and drives competition among carriers because of the efficiencies and lower barriers to entry afforded by collocation. Macrocells remain the foundation of wireless infrastructure deployment in the United States. As demonstrated at the Commission’s recent DAS and Small Cell Workshop, both incumbents and new market entrants are supplementing macrocell coverage with small cell deployments for an increasing variety of business cases.⁵

Providers also continue to invest in equipment upgrades to accommodate 4G Long Term Evolution (“LTE”) technologies and to densify their networks as the evolution to 5G technologies accelerates.⁶ Consumers and businesses have reaped the benefits of this investment, enjoying better wireless broadband service from faster networks with far-reaching

⁴ See, e.g., Press Release, ResearchMoz, *LTE Wireless Infrastructure: Key Players and Emerging Growth Report, 2013 to 2019*, EMAILWIRE (Apr. 13, 2016) (“WinterGreen Research”), <http://www.emailwire.com/release/238341-LTE-Wireless-Infrastructure-Key-Players-and-Emerging-Growth-Report-2013-to-2019.html> (According to WinterGreen Research, “80.5 percent of the U.S. population can choose from five or more mobile operators.”).

⁵ See, e.g., Michael O’Rielly, Commissioner, Federal Communications Commission, Remarks at DAS & Small Cell Solutions Workshop (May 3, 2016), http://transition.fcc.gov/Daily_Releases-Daily_Business/2016/db0503/DOC-339166A1.pdf.

⁶ See WinterGreen Research, *supra* note 4 (“The LTE wireless infrastructure market is expected to see sustained investment. . . . It took only 2.5 years for LTE to reach 90.2 percent of U.S. households”); News Release, MarketResearchReports.biz, *The LTE, LTE-Advanced & 5G Ecosystem: 2015 - 2020 - Infrastructure, Devices, Operator Services, Verticals, Strategies & Forecasts*, GLOBENEWSWIRE (May 13, 2016), <http://markets.financialcontent.com/stocks-news/read?GUID=32102522> (According to a report from SNS Research, “operators continue to aggressively invest in LTE infrastructure . . . [Global] LTE infrastructure spending is expected to account for nearly \$33 Billion by the end of 2020.”).

coverage. And the investment will be sustained—in the near term with the rollout of LTE-Advanced, and in the longer term with the expected deployment of 5G networks by 2020.⁷

WIA applauds the Commission’s commitment to creating a regulatory environment that promotes wireless infrastructure deployment and collocation of wireless facilities. Through its 2014 *Wireless Infrastructure Order* and other actions, the Commission has crafted rules implementing the collocation-by-right provisions of Section 6409(a) of the Spectrum Act, updated and clarified the “shot clocks” governing the local processing of wireless applications, facilitated the deployment of temporary towers, and streamlined historic and environmental compliance obligations for small wireless facilities. Most recently, the Commission took another important step by soliciting comment on amendments to the 2001 Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (“2001 Collocation Agreement”) that would exclude certain additional DAS and small cell deployments from review under Section 106 of the National Historic Preservation Act (“NHPA”).⁸

⁷ See, e.g., Zacks Equity Research, *U.S. Telecom Industry Stock Outlook – May 2016* (May 10, 2016), <https://www.zacks.com/commentary/80595/us-telecom-industry-stock-outlook---may-2016> (“LTE-A (Long-Term Evolution Advanced) wireless networks are gradually finding solid foothold globally. LTE-A is a more powerful version of the legacy LTE network offering increased speed and network capacity. The latest version of LTE-A network, which is popularly known as LTE-Advanced Pro (3GPP Release 13) will be a major step toward the smooth transition from 4G to the upcoming 5G network standard. . . . U.S. telecom operators will spend around \$104 billion during 2015-25 to upgrade their existing 4G networks to 5G standards and thereafter”); PR Newswire, *The LTE, LTE-Advanced & 5G Ecosystem: 2015-2020 – Infrastructure, Devices, Operator Services, Verticals, Strategies & Forecasts* (Feb. 16, 2016), <http://www.prnewswire.com/news-releases/the-lte-lte-advanced--5g-ecosystem-2015--2020--infrastructure-devices-operator-services-verticals-strategies--forecasts-300270430.html> (“[W]ireless carriers and vendors have already embarked on R&D initiatives to develop . . . ‘5G’ technology, with a vision of commercialization by 2020.”).

⁸ Wireless Telecommunications Bureau Seeks Comment on Proposed Amended Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, *Public Notice*, DA 16-519 (WTB rel. May 12, 2016) (“*Collocation Agreement Notice*”).

At the same time, work remains to be done. Infrastructure providers continue to face obstacles at the federal, state, and local levels that delay or unnecessarily increase the costs of deployment without any concomitant benefit to users of wireless service. The problem is exacerbated by the strain on existing network capacity: “The physical wireless infrastructure now being deployed and upgraded offers a solution that is already carrying an immediate and heavy load to address the wireless data crunch.”⁹ Absent sound regulations and policy across all levels of government, the innovation and competitiveness of the wireless industry will suffer. WIA looks forward to working through these issues with policymakers, so that wireless infrastructure providers may more fully capitalize on what the Commission has already achieved.

DISCUSSION

I. AGGRESSIVE WIRELESS INFRASTRUCTURE DEPLOYMENT IS NEEDED TO KEEP UP WITH EXPLODING DEMAND FOR MOBILE SERVICES.

Investment in infrastructure, combined with competition among wireless service providers, is powering a shift from landline communications to mobile platforms. “Cord cutting” is now a fact of American life: according to a recent study by the Centers for Disease Control (“CDC”) covering the first half of 2015, more than 48% of U.S. households use cell phones exclusively.¹⁰ More than two-thirds of adults aged 25-29 (72.6%) and aged 30-34 (69.0%) live in households with only wireless telephones.¹¹ Wireless infrastructure will continue to play an

⁹ *Removing Barriers to Wireless Broadband Deployment: Hearing Before the S. Comm. on Commerce, Science, and Transportation*, 114th Cong. 5 (Oct. 7, 2015) (testimony of Jonathan Adelstein, President and CEO, PCIA – The Wireless Infrastructure Association).

¹⁰ Stephen J. Blumberg & Julian V. Luke, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July–December 2015*, at 1, U.S. Department of Health and Human Services: National Center for Health Statistics (May 2016), <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201605.pdf>.

¹¹ *Id.* at 2.

important role as consumers continue to “cut the cord” or, increasingly, grow up in households that never had a “cord” to begin with. Indeed, the CDC found that over nearly 42 million children (57.7% of all children) live in households that have only wireless telephones.¹²

Further, the appetite of American consumers for wireless data and video offerings will continue to impose unprecedented capacity demands on wireless networks. Domestic statistics from Cisco’s most recent VNI Mobile Forecast are telling:

- Mobile traffic per capita will reach 8,691 megabytes per month by 2020, up from 1,566 megabytes per month in 2015, a compound annual growth rate (“CAGR”) of 41%.
- Mobile data traffic will grow 6-fold from 2015 to 2020, CAGR of 42%.
- 96% of mobile connections (excluding low power wide area networks) will be “smart” connections by 2020, up from 74% in 2015.
- Video will be 77% of the United States’ mobile data traffic by 2020, compared to 61% at the end of 2015 (whereas Web and other data will be 16% of domestic mobile data traffic by 2020, compared to 31% at the end of 2015).¹³

New spectrum, a necessary but finite resource with extended lag time from purchase to deployment, cannot alone handle this surge in traffic. Infrastructure providers and carriers must deploy new cell sites and further densify their networks to deliver the increased capacity consumers will require.

The simultaneous emergence of the Internet of Things (“IoT”) and the 5G evolution will also require an expanded wireless infrastructure footprint, primarily to power key machine-to-machine (“M2M”) connections. M2M connections will enable new progress in mobile health, industrial and agricultural automation, utility and environmental monitoring,

¹² *Id.*

¹³ Cisco, VNI Mobile Forecast Highlights, 2015-2020 (last visited May 20, 2016), http://www.cisco.com/c/dam/assets/sol/sp/vni/forecast_highlights_mobile/index.html#~Country.

and inventory tracking and logistics. They will also support more consumer-focused wearable technology—including watches, glasses, fitness trackers, and the like. The demands this growth will place on wireless networks and infrastructure cannot be underestimated: “By pretty much any account, the Internet of Things will be huge, with 25 billion connected ‘things’ by 2020 IoT will become a \$7 trillion business in that same year”¹⁴ Domestic M2M traffic is predicted to grow 22-fold from 2015 to 2020, and will account for 11% of total mobile data traffic by 2020 (compared to 3% at the end of 2015).¹⁵ According to one estimate, 6.4 billion connected “things” will be in use worldwide this year (up 30 percent from last year) and will grow to nearly 21 billion by the year 2020.¹⁶

As the shift to mobile, non-stop consumer demand, and the IoT/5G revolution converge to drive massive need for new and upgraded infrastructure, America’s infrastructure providers stand ready to meet these challenges. This commitment is demonstrated by the continuing significant capital investment by infrastructure providers and carriers alike, discussed below.

II. PRIVATE CAPITAL INVESTMENT IN WIRELESS INFRASTRUCTURE REMAINS ROBUST.

Both infrastructure providers and carriers continue to invest heavily in wireless network buildout and upgrades. On the infrastructure provider side, the three publicly-traded neutral host providers—American Tower, Crown Castle, and SBA Communications—alone invested over

¹⁴ Kevin Casey, *10 Leaders In Internet Of Things Infrastructure*, INFORMATIONWEEK: NETWORK COMPUTING (Aug. 4, 2015), <http://www.networkcomputing.com/internet-things/10-leaders-internet-things-infrastructure/1612927605>.

¹⁵ See Cisco, *supra* note 13.

¹⁶ Julia Boorstin, *An Internet of Things that will number ten billions*, CNBC (Feb. 1, 2016), <http://www.cnbc.com/2016/02/01/an-internet-of-things-that-will-number-ten-billions.html>.

\$2.26 billion in these activities in 2015.¹⁷ These capital expenditure figures represent only the publicly-traded infrastructure companies, and independent small and mid-size infrastructure companies representing thousands of towers provide critical additional investment and diverse ownership; these companies have shown similar upward capital expenditure trends in both new tower builds and acquisition of existing assets. This reflects the ability of independent tower companies to leverage their strong depth of knowledge of local markets, regions, and types of leasing and construction arrangements.

Wireless carriers also continue to invest heavily in network infrastructure. Capital expenditures of the four largest U.S. wireless carriers are expected to exceed \$30 billion in 2016.¹⁸ This is consistent with the national trend: between 1996 and 2014, the United States invested \$1.4 trillion in private telecom infrastructure, including \$78 billion in 2014 alone.¹⁹ This is 62 percent more than the \$48 billion invested by the European Union in 2014.²⁰

III. THE WIRELESS INFRASTRUCTURE INDUSTRY IS COMPETITIVE AND DEPLOYMENTS CONTINUE TO GROW.

Today's wireless ecosystem is diverse with respect to both owner/operator category and facility type. Diverse market participants own and operate wireless infrastructure, including wireless infrastructure companies of varying size; wireless carriers; broadcasters; utility

¹⁷ See Am. Tower Corp., Annual Report (Form 10-K), at 35 (Feb. 26, 2016) ("AMT 10-K"); Crown Castle Int'l Corp., Annual Report, at 31 (Feb. 22, 2016); SBA Commc'ns, Inc., Annual Report (Form 10-K), at 35 (filed Feb. 26, 2016) ("SBA 10-K").

¹⁸ Monica Allevan, *Analysts: AT&T, T-Mobile likely to spend more on capex in Q3*, FIERCEWIRELESS (Aug. 20, 2015), <http://www.fiercewireless.com/tech/story/analysts-att-t-mobile-likely-spend-more-capex-q3/2015-08-20>.

¹⁹ CTIA, Resource Library, *US Telecom Invested 62 Percent More than EU in 2014* (Apr. 19, 2016), <http://www.ctia.org/resource-library/facts-and-infographics/archive/us-telecom-invested-62-percent-more-than-eu-in-2014>.

²⁰ *Id.*

companies; federal, state, local, and Tribal governments; and railroads.²¹ Infrastructure deployments can include traditional tower sites, with monopole, guyed, or lattice support structures; collocations on buildings, water towers, and other non-purpose-built structures; and small wireless facilities, including various types of small cells, DAS, and even Wi-Fi. This diversity has supported new entry into the wireless communications market, including entrants that rely heavily on unlicensed or “lite-licensed” technologies.²²

Macrocells—antennas affixed to purpose-built communications support structures as well as antenna collocations on buildings, rooftops, water towers, electrical transmission towers, and other existing tall infrastructure—remain the foundation of the nation’s wireless infrastructure and drive competition in the wireless marketplace. These deployments can provide coverage over broad areas, but can also be strategically leveraged to achieve network densification via, for example, cell splitting.

The macro wireless market is typified by third-party, neutral-host infrastructure providers that maintain the underlying support structure and land; these providers then lease vertical real estate space to wireless carriers for carrier-owned antennas and other equipment. This model has become a critical component of the macrocell model and wireless deployment overall, with the nation’s publicly-traded infrastructure companies owning or operating over 100,000 of the estimated 157,000 towers in the U.S.²³ Importantly, neutral-host infrastructure eliminates the

²¹ See, e.g., Wireless Estimator, *Top 100 Tower Companies in the U.S.* (last updated May 16, 2016), <http://wirelessestimator.com/top-100-us-tower-companies-list/>.

²² See, e.g., Colin Gibbs, *Google tells FCC its balloon-based wireless tests in the E-band are safe*, FIERCEWIRELESS (Jan. 29, 2016), <http://www.fiercewireless.com/story/google-tells-fcc-its-balloon-based-wireless-tests-e-band-are-safe/2016-01-29>.

²³ See John Fletcher, *Tower projections through 2025*, SNL KAGAN: WIRELESS INVESTOR (July 13, 2015), <https://www.snl.com/InteractiveX/Article.aspx?cdid=A-33164108-14126> (estimating that there were 156,801 towers in operation at the end of 2015).

need for each tenant to construct its own tower, which minimizes aesthetic impacts, maximizes operating efficiencies,²⁴ allows carriers to rapidly and efficiently deploy and upgrade their facilities, and lowers barriers to entry for new carriers (by permitting them to launch service without having to raise capital to construct their own infrastructure). Also, neutral-host infrastructure is professionally managed, ensuring compliance with all federal, state and local laws and regulations.

Over the next few years, infrastructure companies will build thousands of new macro sites to expand coverage and increase capacity. A recent SNL Kagan report projected that by 2020 there will be over 187,000 towers (excluding DAS and small cells) housing over 383,000 cell sites in the United States (versus roughly 121,000 towers housing 250,000 cell sites in 2010).²⁵ These towers currently host on average two to three tenants per tower depending on the provider, although many are capable of accommodating as many as five or six tenants.²⁶ WIA expects that carriers will continue to deploy on these existing towers as they seek to densify their networks and enhance overall network performance. Moreover, as discussed further below, WIA is working with the Commission and others to make available for collocation over 4,000

²⁴ For instance, many neutral-host sites utilize remote monitoring to reduce downtime and dispatch crews for regular maintenance and repair of lighting facilities.

²⁵ See Fletcher, *supra* note 23.

²⁶ See, e.g., SBA 10-K at 3 (reporting an average of 1.8 tenants per tower in 2015); AMT 10-K at 4 (“As of December 31, 2015, we had a global average of approximately 1.8 tenants per tower. We believe that the majority of our towers have capacity for additional tenants and that substantially all of our towers that are currently at or near full structural capacity can be upgraded or augmented to meet future tenant demand with relatively modest capital investment.”); Crown Castle 10-K at 16-17 (“Substantially all of our wireless infrastructure can accommodate additional tenancy either as currently constructed or with appropriate modifications to the structure (which may include extensions or structural reinforcement) As of December 31, 2015, the average number of tenants (defined as a unique license or any related amendments thereto for count purposes) per tower is approximately 2.2 on our towers.”).

“Twilight Towers” stuck in regulatory limbo, which will provide additional opportunities for network optimization and competition.

IV. POLICYMAKERS SHOULD BUILD ON PROGRESS MADE AND CONTINUE TO STREAMLINE WIRELESS SITING PROCESSES.

While the Commission has made great strides towards lowering barriers to wireless infrastructure deployment, providers still face obstacles at the federal, state and local levels that require further examination by policymakers. By way of example, WIA is focused on the following:

Collocation. The benefits of the neutral-host model cannot be fully realized without ongoing regulatory efforts to encourage collocation of facilities. Due to its aesthetic and efficiency advantages, collocation is the expressed preference of communities throughout the country and has been supported in Congress and by the FCC in a variety of ways. The most prominent recent legislative example is Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, which permits a provider to collocate, remove, or modify transmission equipment on an existing tower or base station *by right* so long as such action does not substantially change the dimensions of the existing facility.²⁷ Not long thereafter, the FCC continued down this path in its 2014 *Wireless Infrastructure Order*, in which it further streamlined the wireless siting process and clarified application of its wireless siting “shot

²⁷ See Middle Class Tax Relief and Job Creation Act of 2012, 112 Pub. L. 96, § 6409(a) (2012), *codified at* 47 U.S.C. § 1455(a). In the same legislation, Congress established the First Responder Network Authority (“FirstNet”) and tasked it with building the first high-speed, nationwide wireless network dedicated to public safety and emergency responders. FirstNet is mandated by statute to leverage existing wireless infrastructure to the maximum extent possible, which will help streamline deployment, manage costs, and provide broad geographic coverage. *Id.* § 6204, *codified at* 47 U.S.C. § 1424.

clock.”²⁸ And, of course, the historic and Tribal community’s preference for collocation dates back to the 2001 Collocation Agreement. The Agreement acknowledged that collocation reduces the need for new tower construction, which reduces potential effects on historic and Tribal properties.²⁹ WIA also works in cooperation with municipalities to encourage pro-collocation policies that are equitable to all concerned parties and that complement the Commission’s successful efforts in this area.

Small Cells and DAS. WIA supports policies that promote the safe and responsible deployment of small cell and DAS use of the public ROWs. As in the case of macrocell towers, collocation on existing facilities in the public ROW, such as utility poles or street lamps, can and should be encouraged. The Commission has now solicited comment on further amendments to the 2001 Collocation Agreement, with the goal of facilitating more streamlined collocation of small cell and DAS facilities.³⁰ WIA appreciates this initiative and looks forward to working with the Commission as it continues to pursue streamlined deployment opportunities in this area.

Tribal Lands. WIA’s members have reported that applications for the installation of broadband facilities on Tribal lands are often slowed by the lack of a timely response from Tribal representatives. Some Tribes are also using the Tower Construction Notification System (“TCNS”) to designate areas of interest at a highly macro level, which adds a layer of complexity to the siting process that requires additional time to navigate and expense to coordinate. Members are also experiencing application fees that do not appear to be cost-based (*e.g.*, fees

²⁸ Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order*, 29 FCC Rcd 12865 (2014) (“2014 *Wireless Infrastructure Order*”).

²⁹ See Nationwide Programmatic Agreement for Collocation of Wireless Antennas, *codified at* 47 C.F.R. Part 1, App. B.

³⁰ See *Collocation Agreement Notice*, *supra* note 8.

imposed when no Tribal consultation review or field or supervisory role in the process is provided). While the wireless infrastructure industry seeks to be an informed and sensitive partner with Native Nations, the Commission should explore ways to address these deployment challenges.

Twilight Towers. The Commission has continued to work with WIA and other stakeholders to develop a solution for clearing Twilight Towers—towers constructed between March 16, 2001 and March 7, 2005 that were not required to go through the historic preservation process—so that they are available for collocation. There are thousands of Twilight Towers throughout the country, so releasing them for collocation will accelerate wireless network deployment. WIA looks forward to reaching a final resolution of this issue in the near term.

Federal Lands. On September 21, 2015, the Broadband Opportunity Council (“BOC”) released a report recommending that Federal agencies further streamline access to federal lands, structures, and rights of way to speed broadband deployment nationwide.³¹ The BOC also recommended creation of an accessible open inventory of and expanded access to Federal assets that can support broadband.³² WIA supports these efforts and further actions by policymakers to achieve these objectives.

³¹ See U.S. DEP’T OF AGRIC., BROADBAND OPPORTUNITY COUNCIL REPORT AND RECOMMENDATIONS, at 10 (Aug. 20, 2015) (“BOC REPORT”) (“The Federal government should strive for common permitting and application processes to reduce the burden on Local government, State government, non-profit, and private applicants applying for Federal aid and resources.”), https://www.ntia.doc.gov/files/ntia/publications/broadband_opportunity_council_report_final.pdf. President Obama created the BOC to promote greater broadband investment and adoption. The BOC includes over 25 different government agencies, all with the common objective of identifying regulatory barriers that impede broadband deployment. See Memorandum on Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training, 2015 DAILY COMP. PRES. DOC. (Mar. 23, 2015), <https://www.gpo.gov/fdsys/pkg/DCPD-201500195/pdf/DCPD-201500195.pdf>.

³² BOC REPORT at 23.

Pending Legislation. The MOBILE NOW Act, currently pending in Congress, is an important step towards removing unreasonable barriers to wireless broadband investment and deployment. WIA continues to work with legislators to make meaningful enhancements to the bill and pave the way for final Congressional action.³³

Replacement of Existing Facilities. The Commission has previously concluded that the term “eligible facilities request” under Section 6409(a) encompasses hardening through structural enhancement, but does not include replacement of the underlying structure.³⁴ The Commission should consider revisiting this issue and conclude that, for purpose-built wireless support structures, replacing a like structure with a like structure (for example, monopole for monopole) should be deemed an “eligible facilities request” under Section 6409(a) so long as it does not substantially change the physical dimensions of the structure.³⁵ These support structure replacements are minimally impactful, remain consistent with the original zoning approval, and allow for economically and environmentally efficient use of existing wireless facility sites.³⁶

Compound Expansion. Consistent with the 2004 Nationwide Programmatic Agreement, when determining whether a modification of an existing facility would “substantially change the physical dimensions” of a wireless tower or base station, policymakers should consider adopting

³³ See PCIA, Press Release, *PCIA Statement on Draft of the MOBILE NOW Act*, (last visited May 23, 2016), <http://www.pcia.com/pcia-press-releases/739-pcia-statement-on-draft-of-the-mobile-now-act>.

³⁴ 2014 *Wireless Infrastructure Order*, 29 FCC Rcd at 12939-40 ¶ 180.

³⁵ See Comments of PCIA – The Wireless Infrastructure Association & the HetNet Forum, WT Docket No. 13-238 et al., at 36-37 (Feb. 3, 2014).

³⁶ See *id.*

a rule that permits expansion of the compound up to 2,500 square feet, which is similar to rules already adopted in a number of states.³⁷

CONCLUSION

Wireless infrastructure providers continue to invest billions of dollars to provide the facilities capable of handling the unprecedented mobile traffic generated by millions of consumers who have become increasingly reliant on wireless service. The Commission has made significant strides towards eliminating barriers to that deployment. WIA urges the Commission to remain on this pro-competitive path and continue to pursue regulatory reform consistent with the comments set forth above.

Respectfully submitted,

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³⁷ See *id.* at 38 n.128; see generally N.J. STAT. ANN. § 40:55D-46.2; MICH. COMP. LAWS. § 125.3514; N.H. REV. STAT. ANN. § 12-K:2.