

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendments to Modernize and Clarify) RM-11349
Part 17 of the Commission’s Rules Concerning)
Construction, Marking and Lighting of)
Antenna Structures)

To: The Commission

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)¹ submits these comments in response to the *Petition for Rulemaking* submitted by PCIA – The Wireless Infrastructure Association (“PCIA”).² NAB supports the Petition, which proposes modernizing and clarifying Part 17 of the Commission’s rules governing the construction and maintenance of antenna structures. As discussed below, the public interest will be advanced by updating the rules to accommodate the use of modern technology and reconciling the rules with current Federal Aviation Administration (“FAA”) standards.

NAB agrees with PCIA that the Commission should modernize rules to take advantage of new technologies, clarify existing rules to facilitate compliance and consistent enforcement, and harmonize requirements across government agencies. The

¹ NAB is a nonprofit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and the Courts.

² See *Petition for Rulemaking* filed by PCIA – The Wireless Infrastructure Association, filed on Sept. 13, 2006 (“PCIA Petition”).

FCC, which has broad discretion to modify its rules if they no longer serve the public interest, should initiate a Part 17 rulemaking.

A. Automatic monitoring technologies eliminate the need for physical inspections.

Since the last substantive revision of Part 17 in 1995,³ lighting and monitoring technologies have substantially improved, enabling automatic, continuous and near real-time monitoring of tower lighting. The new technology has eliminated the need for costly physical inspections of tower facilities. The Commission should consider allowing entities using automated technologies to monitor tower lighting equipment in a near real-time manner to be exempt from Section 17.47(b)'s requirement to conduct quarterly physical inspections of such equipment. Automatic, continuous monitoring technology is safer and more effective than manual inspections that occur once every three months.⁴ Moreover, an exemption for *all* antenna structure owners with automated monitoring technology in place may encourage more owners to install such equipment, which will in turn increase the general level of tower safety.

B. Online registration systems eliminate the need for paper forms.

In addition to revising the quarterly inspection requirements, the Commission may wish to consider updating its paperwork regulations. Online Antenna Structure Registration ("ASR") systems have made unnecessary the continued provisioning of paper Form 854Rs to tenants. Part 17 rules as revised in 1995 required antenna structure owners to provide a copy of the Antenna Structure Registration form to each tenant

³ See *Streamlining the Commission's Antenna Structure Clearance Procedure and Revision of Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting Antenna Structures, Report and Order*, 11 FCC Rcd 4272 (1995), recon., 15 FCC Rcd 8676 (2000).

⁴ See PCIA Petition at 5.

licensee and permittee.⁵ In 1999, the Commission provided expanded access to ASR database information, and that information is now available on the Commission's website. Because the ASR data is now readily available on the Internet, the requirement that antenna structure owners provide a paper copy of Form 854R no longer serves any practical purpose. NAB therefore agrees with PCIA that the Commission should modify Sections 17.4(e)-(f) and 17.6(c) to eliminate the requirement that owners provide tenants with paper copies of FCC Form 854R.⁶

C. FCC's Part 17 rules should be harmonized with FAA standards.

Finally, certain Part 17 rules are confusing to owners and licensees, and should be clarified and harmonized with FAA standards. NAB agrees that Section 17.4(g), which requires the posting of ASR numbers, should be clarified to permit posting at the compound fence or gate. The current vague wording may create confusion and apprehension about whether rules are being properly adhered to. NAB further agrees that Section 17.23 should be amended to reflect current FAA advisory circulars governing obstruction marking and lighting. NAB concurs with PCIA that Section 17.57 should be amended to require notification of construction or dismantlement consistent with FAA timelines.

⁵ See 47 C.F.R. §§ 17.4(e)-(f); *see also* 47 C.F.R. § 17.6(c).

⁶ See PCIA Petition at 13.

For the above-stated reasons, NAB supports PCIA's Petition to modernize Part 17 of its rules.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**

A handwritten signature in black ink, consisting of a stylized star-like symbol followed by the name "Bobeck".

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