

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

In the Matter of)	
)	
2004 and 2006 Biennial Regulatory Reviews --)	WT Docket No. 10-88
Streamlining and Other Revisions of Parts 1 and 17)	
of the Commission's Rules Governing Construction,)	
Marking and Lighting of Antenna Structures)	
Amendments to Modernize and Clarify Part 17 of)	RM 11349
The Commission's Rules Concerning Construction,)	
Marking and Lighting of Antenna Structures)	

COMMENTS OF VERIZON WIRELESS

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SUMMARY

Verizon Wireless supports the Commission's effort to revise its Part 17 antenna structure marking and lighting rules to eliminate outdated or duplicative rule sections, to provide clarity to structures owners, and to harmonize its rules with FAA requirements. By clarifying the antenna structure marking and lighting rules, the Commission will foster air safety by making it easier for antenna structure owners to understand and comply with FCC and FAA requirements designed to protect the airways.

Verizon Wireless supports many of the rule changes proposed by the Commission, including eliminating reference to FAA advisory circulars, deferring to the FAA regarding when notice of construction or alteration is required (except that FCC ASRs should not be required for changes in frequencies that do not alter the antenna structure), deleting or amending FCC rules requiring automated light monitoring systems to be inspected quarterly, clarifying that FAA Notices to Airmen ("NOTAMs") must be maintained until lighting repairs are made, and clarifying the time period within which light system repairs should be made. Verizon Wireless also supports proposals to adopt an objective standard for determining when structures must be repainted, to allow structure owners voluntarily to register towers to meet regulatory or contractual obligations, to allow structure owners to provide electronic rather than paper copy notice of antenna structure registrations to structure tenant licensees and permittees, and to eliminate the requirement to state that a structure is located on certain federal lands.

Some of the Commission's proposals, however, would eliminate flexibility or potentially create undue burdens on structure owners. For example, the Commission should not require that new light system or structure marking standards must be applied to existing towers absent a

finding by the FAA that the changes are necessary to ensure air safety. Making retroactive changes to the over 100,000 registered towers could cost structure owners billions of dollars.

The Commission should not mandate a particular survey method for determining the height and site coordinates of registered towers. Structure owners already use the most reliable and accurate survey methods available and any standard adopted is likely quickly to become obsolete. Rather, the Commission should specify an accuracy standard and allow structure owners to meet that standard through the best available means.

The Commission should not apply its proposal to require that ASRs be maintained on antenna structures until they are dismantled on structures not constructed for the primary purpose of supporting radio equipment. Once all radio equipment is removed from non-communications tower structures, there is no need to continue to apply FCC registration requirements. Moreover, continuing the ASR requirement will place an undue burden on owners of structures like buildings and water tanks that no longer host radio equipment.

The Commission should amend its ASR number posting requirements to account for situations where the base of the tower is not visible to the general public, but should adopt a flexible standard that enables the structure owner to determine the best and most visible location for posting the ASR number. The Commission should not require multiple ASR number postings, in particular by requiring an additional posting near the base of the tower when the base is not visible.

Finally, the Commission should amend the time periods for providing notice of construction, dismantlement and changes in height or ownership to allow structure owners 5 days provide such notice. This change would harmonize the FCC requirement with the FAA requirement, and would ease the burden on structure owners to notify the FCC immediately (for

height and ownership changes) or within 24 hours (for other construction or dismantlement) when such time period occurs on weekends or holidays.

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COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby submits comments in response to the Commission's Notice of Proposed Rulemaking seeking comment on changes to the Commission's antenna structure marking and lighting rules.¹ In the Notice, the Commission seeks comment on a number of proposals to amend Part 17 of the Commission's Rules which are intended to update and modernize Part 17, improve compliance with the rules, and better ensure air safety.

As discussed below, Verizon Wireless supports the Commission's effort to streamline and modernize Part 17 of the Commission Rules, and supports many of the rule change proposals set forth in the Notice. By clarifying requirements that are vague, outdated, or inconsistent with FAA

¹ *2004 and 2006 Biennial Regulatory Reviews -- Streamlining and Other Revisions of Parts 1 and 17 of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures*, WT Docket No. 10-88; *Amendments to Modernize and Clarify Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures*, RM 11349, Notice of Proposed Rulemaking (released April 20, 2010) ("Notice").

rules, the Commission will promote air safety by making it easier for antenna structure owners to comply with the rules. Some proposals, however, could result in increased carrier costs, reduced carrier flexibility, or confusion in carrier compliance efforts. In particular, the FCC should not require new light system and marking standards to be applied to existing towers, should not mandate a particular height and site coordinate survey method, should not require ASRs to be maintained after antennas are removed from structures not designed to support radio equipment, should allow structure owners flexibility in posting ASR numbers on restricted access towers, and should amend its rules to allow 5 days to provide notice of construction, dismantlement and changes in height or ownership.

I. ANTENNA STRUCTURE REGISTRATION AND MARKING AND LIGHTING SPECIFICATIONS.

A. The Commission Should Delete Reference to Particular FAA Advisory Circulars.

In the Notice, the Commission proposes to delete reference to FAA Advisory Circulars setting forth painting and lighting specifications for antenna structures. By removing reference to specific Advisory Circulars, the Commission hopes to avoid confusion that could be caused if the FAA were to update an Advisory Circular before the FCC amends its rules to reflect the new FAA guidance. In addition, the FCC notes that reference to an Advisory Circular is not necessary since carriers are informed of the painting and lighting specifications both by the FAA in its “no

hazard” determination and by the FCC in the antenna structure registration process.² Verizon Wireless agrees with this change for all the reasons stated by the Commission.³

B. The Commission Should Not Apply New Marking and Lighting Standards Retroactively.

The Commission seeks comment on a PCIA proposal to specify in the rules that marking and lighting requirements do not change unless the FAA recommends new specifications for particular structures. The Commission also seeks comment on whether the Commission should retain the flexibility to apply any new standards retroactively.⁴

Verizon Wireless agrees with PCIA that the Commission’s Rules should defer to the FAA as the expert agency on air navigation safety. If the FAA does not mandate that marking and lighting changes need to be applied retroactively to ensure air navigation safety, then the FCC should not require retroactive application of the change. If a change must be made retroactively to ensure air safety, then the FAA will so require. Conversely, the FAA may decide that requiring the new standard to be applied to existing towers may pose a threat to air navigation safety. Any FCC action to apply a standard retroactively would cause confusion among tower owners trying to comply with conflicting rulings. In addition, any decision to apply a marking or lighting standard retroactively should consider the enormous cost and administrative burden a retroactive change would require. There are currently well over 100,000 Antenna Structure Registered

² Notice, at 7, ¶ 11.

³ Verizon Wireless also supports the Commission’s proposal to delete Section 17.17(a) of its rules – which states that the FAA Advisory Circular referenced in Section 17.23 of the rules does not apply to structures authorized prior to July 1, 1996. Notice, at 8, ¶ 15. This section would no longer be needed if reference to the Advisory Circulars is deleted.

⁴ Notice, at 7, ¶ 12.

(“ASR”) towers. Verizon Wireless estimates that a lighting system change on a 200-350 foot tower would cost in excess of \$12,000 per tower, while a lighting system change on a 351-500 foot tower would cost in excess of \$30,000 per tower. Even if the lower cost figure were used, a retroactive lighting change would cost in excess of \$1.2 billion to implement. Moreover, a retroactive change would place substantial administrative burdens both on carriers (by requiring them to file thousands of ASR modifications) and on the Commission (by having to process the ASRs). For these reasons, the FCC should not make any retroactive marking and lighting changes unless the FAA has determined that retroactive application of any change to its standards is required.⁵

C. The Commission Should Not Mandate a Particular Height and Site Coordinate Survey Method.

The Commission seeks comment on whether it should add a new subsection to Section 17.4 of its rules to specify that any change in height of one foot or greater or any change in site coordinates of one second or greater requires prior approval from the FAA and the Commission. It also asks whether it should amend its rules to require that the height information provided on FCC Form 854 must be accurate within one foot and the coordinates provided on the same form to be accurate within one second of longitude and latitude. It seeks comment on whether antenna structure owners should be required to use the most accurate data available when reporting height

⁵ The Commission also seeks comment on a number of changes to Sections 17.4, 17.21, 17.22 and 17.23 of its rules to clarify that the FAA’s recommended specifications are generally mandatory, subject to the Commission specifying additional or different requirements. Notice, at 7-8, ¶ 13. Verizon Wireless’ comments above regarding the dangers of conflicting FCC and FAA rulings and retroactive application of changes, apply to these proposed changes as well.

information and site coordinates, and on whether the Commission should specify a particular survey method.⁶

Verizon Wireless uses the FAA standards for changes to or corrections in antenna structure site location and height information. Accordingly, it supports adding a new subsection to Section 17.4 to reflect this requirement. Verizon Wireless does not support, however, amending the rules to specify that structure owners use a particular survey method. As an initial matter, specifying a particular survey method will not bring uniformity to all ASRs unless the Commission requires all existing ASRs to be re-filed using the new survey method. Yet requiring re-surveying and re-filing of existing ASRs would produce no significant benefits and would be far too costly and burdensome on both structure owners and the Commission. Moreover, the Commission should not require a particular survey method because any particular standard adopted may quickly become obsolete if the FAA changes its requirements or as survey methods evolve. Structure owners already use the most current surveying methods available and are quick to adopt new, superior survey methods. At most, therefore, the Commission should mandate accuracy requirements for FCC filings and leave it to structure owners to implement the survey methods that best produce those accuracy requirements.⁷

⁶ Notice, at 8-9, ¶¶ 16-17.

⁷ *See, e.g.*, note accompanying 47 C.F.R. § 101.21(e) (“The position location of antenna sites shall be determined to an accuracy of no less than ± 1 second in the horizontal dimensions (latitude and longitude) and ± 1 meter in the vertical dimension (ground elevation) with respect to the National Spatial Reference System.”)

D. The FCC Should Defer to FAA Rules Regarding When FAA Notification Is Required, but Should Not Require an ASR or ASR Modification for Most Frequency Changes.

The Commission notes that Sections 17.7 and 17.14 are merely restatements of FAA rules 77.13 and 77.15 respectively, stating when FAA notice is required. It seeks comment on a proposal to eliminate Sections 17.7 and 17.14 of the Commission's rules and to replace these sections with a cross reference in Section 17.4 to the relevant FAA rules regarding when FAA notification is required. Section 17.4 would also state that FCC registration is required for all structures requiring FAA notice.⁸ The Commission also notes that the FAA is currently considering rule changes that could require FAA notification for new facilities that operate on certain frequency bands, changes in authorized frequencies, addition of new frequencies, and changes in antenna configurations. The Commission seeks comment on whether to require ASRs to be filed should the FAA require notification for such frequency changes.⁹

Verizon Wireless agrees that Sections 17.7 and 17.14 can and should be deleted in favor of a cross-reference to FAA rule sections setting forth FAA notification requirements. Should the FAA amend its rules to require FAA notice for changes in the radio frequencies used, however, the FCC should not require ASRs to be filed or modified solely because of the frequency changes. Since most frequency changes are not visible and do not involve any changes to the structure marking and lighting requirements, there is typically no need to file or amend an ASR. Accordingly, the new language in Section 17.4 should exempt structure owners from filing or

⁸ Notice, at 9-10, ¶ 18.

⁹ *Id.*, at 10, ¶ 20.

amending ASRs for frequency changes unless the frequency change involves a change to the antenna array resulting in a tower height increase or decrease of more than a foot.

II. MAINTENANCE OF MARKING AND LIGHTING

The Notice makes several proposals with respect to its light maintenance and monitoring rules. Section 17.47 of the Commission’s rules requires structure owners to make observations, either visually or through the use of automated monitoring systems, at least once every 24 hours,¹⁰ and to inspect lighting alarm systems at least every 3 months.¹¹ Section 17.48(a) requires structure owners immediately to notify the nearest Flight Service Station or FAA office of any top steady burning light or flashing obstruction light extinguishment or malfunction if not corrected within 30 minutes – whereupon the FAA will issue a Notice to Airmen (“NOTAM”). Section 17.48(b) requires that side intermediate lights that are extinguished or malfunctioning do not require notification, but rather must be repaired as soon as possible.¹² Section 17.56(a) requires structure owners to replace or repair lights, automatic indicators, control or alarm systems as soon as practicable.¹³ The Commission has granted several tower owners waivers of Section 17.47(b) to permit annual rather than quarterly inspections of alarm systems. Several parties have asked the Commission to amend Section 17.47(b) to exempt systems using network operations

¹⁰ 47 C.F.R. § 17.47(a).

¹¹ 47 C.F.R. § 17.47(b).

¹² 47 C.F.R. § 17.48(a) and (b).

¹³ 47 C.F.R. § 17.56(a).

control (“NOC”) center-based monitoring systems from any requirement to regularly inspect such systems.¹⁴

A. The Commission Should Delete Section 17.47 of its Rules, or at Minimum, Eliminate Quarterly Inspections of Systems Using Advanced Monitoring Technologies.

The Commission seeks comment on two alternative proposals regarding amending Section 17.47. The Commission proposes to eliminate Section 17.47 entirely, with the understanding that if light outages/malfunctions are not reported and NOTAMs not requested promptly, structure owners will be subject to enforcement action.¹⁵ Alternatively, the Commission seeks comment on whether to amend Section 17.47(b) to exempt certain systems using NOC center-based monitoring technologies from the quarterly inspection requirement and on whether some inspection at longer intervals should be retained for such systems.¹⁶

Verizon Wireless supports eliminating the Section 17.47 inspection and monitoring requirements entirely. Section 17.48 of the rules already requires structure owners to report certain light outages and malfunctions promptly. Structure owners are on notice that they bear the risk of not monitoring lights and maintaining automatic monitoring systems. The requirements of Section 17.47 therefore, are not necessary. Should the Commission decide to maintain some monitoring system inspection requirement, however, it should amend Section 17.47(b) to require only yearly inspections for systems utilizing advanced self-monitoring technology. The Commission could determine which systems are exempted from the quarterly inspection requirement by enhancing

¹⁴ Notice, at 11-12, ¶ 23.

¹⁵ *Id.*, at 12, ¶ 24.

¹⁶ *Id.*, at 12, ¶ 25.

the current ASR online application system to enable tower owners to certify the use of advanced self-monitoring technologies (similar to certification provided for environmental compliance). This certification could accompany the notice structure owners provide the FCC when construction is completed.

B. The Commission Should Amend Section 17.48(a) to Clarify that NOTAMs Must Be Maintained Until the Lights are Repaired.

Noting that the FAA typically cancels NOTAMs within 15 days, the Commission seeks comment on its proposal to amend Section 17.48(a) to require structure owners to notify the FAA if light repairs are not made within 15 days so that NOTAMs will be retained until the repairs are made.¹⁷ Verizon Wireless' policy is to maintain all NOTAMs until the lighting repair is completed. Accordingly, it supports the proposed rule change.

C. The Commission Should Allow 60 Days for Lighting Repairs with Waivers Possible for Factors Beyond the Structure Owner's Control.

Noting that Sections 17.48(b) and 17.56(a) contain different and somewhat vague (“as soon as possible” and “as soon as practicable,” respectively) language regarding when malfunctioning lights must be repaired, the Commission seeks comment on whether it should delete these references and replace them with a more definite time period for repairing or replacing malfunctioning lights, and, if so, what that time period should be.¹⁸

As the Commission notes, several factors beyond the structure owner's control can affect the timing of lighting system repairs. Some such factors are weather (such as the extensive

¹⁷ *Id.*, at 13, ¶ 26.

¹⁸ *Id.*, at 13, ¶ 27.

flooding and power outages following hurricane Katrina), geography, supply of replacement parts, and the presence of protected species such as Osprey nests. Accordingly, any Commission rule should be as flexible as possible to account for these factors. Verizon Wireless would support a rule requiring lighting repairs to be made with 60 days of the date the malfunction or outage was reported. Any such rule should also provide for waivers to be granted upon a showing by the structure owner, of environmental, geographic or other factors beyond the structure owner's control that prevent the repairs from being made in 60 days.

D. The Commission Should Adopt a More Objective Standard for Determining when Towers Must Be Cleaned or Painted.

FCC rule Section 17.50 requires antenna structures that must be painted to be cleaned or repainted as often as necessary to maintain good visibility.¹⁹ Some parties have argued that the rule is too ambiguous leading to inconsistent enforcement. They ask the Commission to amend Section 17.50 to require that the paint on the structure must be within the color tolerance depicted on the FAA's "In Service Aviation Orange Tolerance Chart" as measured against the base of the tower from a distance of ¼ mile. The FCC seeks comment on this proposal.²⁰

Verizon Wireless agrees that a more objective painting maintenance standard is necessary both to guide structure owners in their maintenance decisions and to foster more consistent FCC enforcement of potential painting violations. The company agrees with the proposal to compare structure painting at the top half of the tower (where the effects of weathering may be greatest)

¹⁹ 47 C.F.R. § 17.50.

²⁰ Notice, at 15-16. ¶¶ 33-34.

with the FAA’s “In Service Aviation Orange Tolerance Chart” at a distance of ¼ mile from the base of the structure.

III. OTHER MATTERS

A. Structures Not Built for the Purposes of Supporting Antennas Should Not Be Subject to Continuing ASR Requirements Once Antennas Are Removed.

The Commission proposes to clarify its rules regarding when FCC Part 17 rules cease to apply to structures. In particular, the Commission proposes to amend Section 17.2 (a) of its rules to provide that “a structure will continue to be considered an antenna structure and subject to our Part 17 requirements until such time as that structure is dismantled, regardless of whether the structure continues to be used for the transmission and/or receipt of radio energy.”²¹

Verizon Wireless agrees with the proposed rule change with respect to structures, like communications towers, built for the purposes of supporting radio equipment, but an exception should be made for structures not built primarily for the purpose of housing such equipment. The Commission’s definition of “antenna structure” applies to all structures that support radio transmission and/or receipt equipment.²² Accordingly, the rules apply to structures such as buildings, water tanks, and electric utility poles that were not designed and constructed for the purpose of supporting radio equipment. The Commission’s proposed rule change, therefore, would have the effect of continuing to subject structures not built for supporting radio equipment to FCC Part 17 requirements, even after the radio equipment is removed. Unlike communications towers or other structures built to support radio equipment, these structures are not likely to be

²¹ *Id.*, at 17, ¶ 38.

²² 47 C.F.R. § 17.2(a).

dismantled once radio equipment is removed. It therefore would be unreasonable and unduly burdensome to expect owners of such structures to continue to comply with FCC Part 17 rules once all radio equipment is removed. Accordingly, should the Commission adopt the proposed rule change, it should specifically state that structures not built for the primary purpose of supporting radio equipment cease to be subject to FCC Part 17 rules once all such radio equipment is removed.

B. The Commission Should Continue to Allow Registrations of Structures Not Required to Be Registered, but Should Not Enforce Part 17 Rules for Such Structures.

The Commission seeks comment on how to treat structures that are not required to be registered, but are registered nonetheless in order to satisfy state or local jurisdiction requirements or as a vehicle for filing environmental assessments. The Commission asks whether to continue to allow voluntary registration of structures and whether rules applicable to structures that must be registered should be enforced against structures not required to be registered.²³

The Commission should continue to allow structure owners to register towers that are not required to be registered. Verizon Wireless only voluntarily registers towers in circumstances where required by a state or local jurisdiction, or by contract, or where registration is the most appropriate vehicle to fulfill some other purpose, such as compliance with the Commission's environmental rules. Because voluntary registration allows structure owners to meet certain regulatory or contractual obligations, the Commission should continue to allow owners to do so in order to meet these obligations. The Commission should, however, amend its ASR online system to allow structure owners to withdraw any voluntarily filed ASRs once the purpose for

²³ Notice, at 17, ¶ 39.

filing the ASR has been achieved. By including such an option, the Commission would help alleviate its concern about having both required and voluntary ASRs in their database. Allowing voluntarily filed ASRs to be withdrawn, would also alleviate structure owners' and the Commission's concerns about whether Part 17 rules will be enforced for such ASRs. The Commission should not *require* structure owners to withdraw voluntarily filed ASRs. Rather, the decision to withdraw should be left to the structure owner – who is better able to determine when the ASR is no longer needed.

With respect to enforcement of Part 17 rules on ASRs that are filed voluntarily and remain in the database, the Commission should only enforce rules that are required to be followed for the registered structure. Thus, for example, if a structure is registered solely for the purpose of complying the Commission's environmental rules, the Commission should enforce the environmental rules as to that structure, but not any Part 17 rules associated with the registration.

C. The Commission Should Amend its ASR Number Posting Requirement to Allow Carriers to Determine Where to Post Numbers to Ensure Visibility.

Section 17.4(g) of the Commission's rules provides, "Except as provided in paragraph (h) of this section, the Antenna Structure Registration number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure."²⁴ In response to suggestions by some parties that it is not always possible or appropriate to place the ASR number near the base of the tower – such as in situations where access to the tower is blocked by a perimeter fence – the Commission seeks comment on a proposal to amend this rule to require structure owners to place the ASR number "so that it would be visible to member of the general

²⁴ 47 C.F.R. § 17.4(g).

public who reaches the closest publicly accessible location near the base of the antenna structure.” In the case where two or more separate locations of this nature exist for a structure, the ASR number would be required to be posted at each such location. The Commission also seeks comment on whether, in situations where the base of the tower is not visible to the general public, to require posting the ASR number both in a location visible to the public and near the base of the tower.²⁵

Verizon Wireless agrees that the ASR number posting requirements do not provide adequate guidance regarding where numbers should be posted in situations where posting near the base of tower is neither possible nor appropriate. Accordingly, the rule should be amended to allow for such situations. However, given that antenna structures, particularly in remote or controlled areas, may have many possible means of restricting access, the rule should allow structure owners to determine the best possible location or locations to post the ASR number to be visible to the general public. For this reason, the rule should require the structure owner to post the ASR number in a place or places where it will be readily visible to the general public as well as FAA and FCC personnel, and in a manner that enables viewers to determine the structure to which each ASR posted applies. The rule should not require posting the ASR number at multiple locations, for example near the base of the tower when the base is not visible due to entry restrictions.

²⁵ Notice, at 18, ¶¶ 40-41.

D. The Commission Should Eliminate the Requirement to Provide Paper Copies of Form 854R to Tenants.

The Commission seeks comment on whether it should amend the Section 17.4(f) requirement immediately to provide paper copies of FCC Form 854R (antenna structure registration) to each tenant licensee and permittee. It proposes to adopt an alternative requirement to notify tenant licensees and permittees that the structure has been registered and provide the tenant licensees/permittees with the structure's ASR number along with the link to the Commission's ASR website.²⁶ Verizon Wireless agrees that the paper copy requirement is both unnecessary and environmentally unfriendly. Accordingly, the company supports the proposed rule amendment.

E. The Commission Should Allow Structure Owners Five Days to Provide Notice of Construction, Dismantlement and Changes in Height or Ownership.

The Commission tentatively rejects a proposal to amend the Section 17.57 requirement to change the time period for notifying the FCC of construction and dismantlement of structures, and changes in structure height or ownership, to 5 days. Currently, the FCC rules require notice of construction or dismantlement of an antenna structure within 24 hours, and immediately notice for changes in height and ownership.²⁷ Parties had sought this rule amendment to harmonize the FCC requirement with FAA rules. In tentatively rejecting the proposal, the Commission stated that requesting parties

²⁶ Notice, at 18-19, ¶¶ 42-43.

²⁷ 47 C.F.R. § 17.57.

had not cited to the relevant FAA requirement nor provided any reason why the FCC requirement should not be more restrictive or is unreasonably burdensome.²⁸

Verizon Wireless disagrees with the Commission's tentative conclusion not to allow structure owners 5 days to provide notice of construction, dismantlement, or height and ownership changes. The current rule is inconsistent with the FAA rule Section 17.13(c) requirement to provide notice of construction or alteration within 5 days,²⁹ thus creating administrative and functional difficulties in trying to track and comply with two inconsistent requirements for the same action. The current rule also poses an undue burden on structure owners to provide the requisite notice, particularly when changes are completed on or just before weekends and holidays. Finally, while Verizon Wireless understands the Commission's desire to ensure timely reporting and accurate data bases, the 5-day time frame required by the FAA would allow for both without perpetuating the difficulties associated with the currently inconsistent requirements.

F. The FCC Should Eliminate the Section 17.58 Requirement to Include a Statement on Applications that Facilities Will Be Located on Certain Federal Lands.

Noting that the Section 17.58 requirement to notify the FCC that proposed facilities will be located on U.S. Forest Service or Bureau of Land Management lands was adopted to comply with requirements that no longer exist, the Commission proposes to eliminate this requirement. Verizon Wireless agrees that there is no reason to retain this requirement.

²⁸ Notice, at 19, ¶¶ 44-45.

²⁹ 14 C.F.R. § 77.13(c).

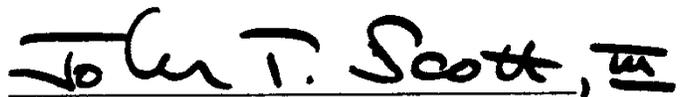
IV. CONCLUSION

Verizon Wireless supports many of the Part 17 rule changes proposed by the Commission to provide clarity and to harmonize its rules with FAA requirements. Some of the Commission's proposals, however, would eliminate flexibility or potentially create undue burdens on structure owners. In particular, the FCC should not require new light system and marking standards to be applied to existing towers, should not mandate a particular height and site coordinate survey method, should not require ASRs to be maintained after antennas are removed from structures not designed to support radio equipment, should allow structure owners flexibility in posting ASR numbers on restricted access towers, and should amend its rules to allow 5 days to provide notice of construction, dismantlement and changes in height or ownership.

Respectfully submitted,

VERIZON WIRELESS

By:

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a horizontal line underneath the name.

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