

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

In the Matter of)
)
Preliminary Plan for Retroactive Analysis of) GC Docket No. 11-199
Existing Rules)
)

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS**

The National Association of Telecommunications Officers and Advisors (“NATOA”)¹ submits these reply comments in response to the Commission’s Preliminary Plan for Retrospective Analysis of Existing Rules (“Preliminary Plan”) in the above-captioned proceeding.²

I. INTRODUCTION

While the Commission acknowledges that it seeks to “eliminate outdated regulations and to ensure that the rules and policies the Commission adopts are designed to promote private investment and innovation that create jobs and spur economic growth,”³ it must be mindful not to eliminate regulations simply for the sake of doing so. Rather, before taking action, the

¹ NATOA is a national trade association that promotes local government interests in communications, and serves as a resource for local officials as they seek to promote communications infrastructure development.

² See *Commission Seeks Comment on Preliminary Plan for Retrospective Analysis of Existing Rules*, Public Notice, 26 FCC Rcd 16503 (2011); Federal Communications Commission, *Preliminary Plan for Retrospective Analysis of Existing Rules* (Nov. 7, 2011) (the “*Preliminary Plan*”).

³ See *Preliminary Plan* at 5.

Commission must continue to carefully weigh any regulatory burden on industry with any regulatory benefits to consumers, public interest obligations, and public safety.

Furthermore, during its review process, the Commission should be mindful of any burdens existing regulations may be imposing on local governments. In addition, the Commission must continue to recognize the vital role that *public* investment in communications infrastructure plays in economic development, job growth, and broadband deployment and adoption.

II. DISCUSSION

A. Full Participation by State, Local, and Tribal Governments is Imperative

Along with the need for active public and industry participation, the Commission must continue to take steps to ensure the participation of state, local, and tribal governments in rulemaking proceedings. The reinstatement of the Intergovernmental Advisory Commission (“IAC”) was a good start in helping to promote the increased input of these vital stakeholders. But we believe more must be done. As evidenced by the dozens of comments filed by local governments in the recent Notice of Inquiry (“NOI”)⁴ concerning the acceleration of broadband deployment and public rights of way and wireless facilities siting policies, the role of local government associations in educating, facilitating and motivating local government entities to participate in such proceedings should be recognized and encouraged by the Commission. Indeed, it is often only through the participation of associations such as NATOA, the National Association of Counties (“NACo”), the National League of Cities (“NLC”), and the United

⁴ See National League of Cities, et al., Comments, *In the Matter of Acceleration of Broadband Deployment Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting*, WC Docket No. 11-59 (July 18, 2011).

States Conference of Mayors (“USCM”) that local government interests and concerns are brought to the attention of the Commission.

B. Development of Best Practices

Like Verizon,⁵ we believe that the development of best practices – resulting from a collaborative effort of local government, industry, and the Commission – could help obviate the need for more regulations. A good example of this collaborative effort occurred in the late 1990s when the Commission, the Local and State Government Advisory Committee (“LSGAC”) (the forerunner to the IAC), and the wireless industry agreed to an informal dispute resolution process to address tower zoning moratoria. In fact, NATOA and its local government coalition partners recently argued in the NOI for the establishment of a similar voluntary mediation program to address disputes concerning wireless facilities siting.

Further, in 2009, NATOA, with industry input, published an eGuide for local government officials addressing issues surrounding wireless facilities siting that included case studies of local government and wireless carrier collaboration.

Finally, in February 2012, the Commission, in cooperation with NATOA, sponsored a one-day workshop on distributed antenna systems (“DAS”) and small cell solutions that provided an overview of these technologies and how they are being deployed in various communities. It is anticipated that workshops such as this could lead to the development of best practices addressing issues of common interest between local governments and industry.

C. Technical Standards for Cable Television Service Needed

The Preliminary Plan notes that technical standards for cable television services are currently under consideration by the Commission. We wholeheartedly support such a

⁵ See Verizon Comments, GC Docket No. 11-199, at 5 (February 8, 2012).

proceeding and urge the Commission to move with due haste to begin the process of establishing such rules. NATOA stands ready to assist the Commission as it proceeds with this endeavor.

III. CONCLUSION

We commend the Commission for taking this action to obtain comment on its Preliminary Plan and for its recent efforts to review its regulations and ensure their continued applicability.

Respectfully submitted,



Stephen Traylor
Executive Director/General Counsel
NATOA
3213 Duke Street, #695
Alexandria, VA 22314
703-519-8035
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