

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

In the Matter of)	
)	
Amendment of Parts 1 and 17 of the)	RM No. 11688
Commission’s Rules Regarding Public Notice)	
Procedures for Processing Antenna Structure)	
Registration Applications for Certain Temporary)	
Towers)	

**REPLY COMMENTS OF
PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION**

I. Introduction

PCIA—The Wireless Infrastructure Association¹ submits these reply comments in response to the above-captioned Federal Communications Commission (“FCC” or “Commission”) *Public Notice* regarding CTIA—The Wireless Association’s petition for expedited rulemaking and blanket waiver request to exempt temporary towers that (i) will be in use for 60 days or less, (ii) require the filing of a Form 7460-1 with the Federal Aviation Administration (“FAA”), (iii) do not require marking or lighting pursuant to FAA regulations, and (iv) will be less than 200 feet from the Commission’s ASR public notice requirements.² As the comments in the docket demonstrate, the Commission should grant the petition and blanket

¹ PCIA is the national trade association representing the wireless infrastructure industry. PCIA’s members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, telecommunications, and broadcasting services. PCIA and its members partner with communities across the nation to effect solutions for wireless infrastructure deployment that are responsive to the unique sensitivities and concerns of each community.

² *In re* Amendment of Parts 1 and 17 of the Commission’s Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration for Certain Temporary Towers, *Petition for Expedited Rulemaking*, RM No. 11688 (filed Dec. 21, 2012) (“CTIA Petition”).

waiver request because it will serve the public interest and will not have adverse environmental or air safety effects.

II. Commenters Agree that Current ASR Notice Requirements Hinder Wireless Carriers' Ability to Address Short-Term Network Capacity and Coverage Issues, Thereby Necessitating an Exemption of Certain Temporary Towers

As the record demonstrates, a common theme has emerged: when non-emergency temporary towers are needed most, the current ASR notice requirements often frustrate their timely deployment.³ The deployment of temporary towers is not a rare or emergency-only occasion. They are frequently used to address spikes in demand when there are large gatherings of people—both expected, unexpected, or requested by third-parties unfamiliar with the FCC's requirements—and when network or antenna maintenance—again, both planned and unplanned—is necessary.⁴ By easing the ASR notice requirements as CTIA proposes, the Commission can ensure carriers and other temporary tower operators have the flexibility to site temporary towers when and where they are needed most. Doing so will best serve the public interest foremost because it will assist public safety when their needs are greatest,⁵ but it will also serve the public-at-large who now rely upon and expect mobile services to be available ubiquitously.

Given the realities of rulemaking procedures, the Commission should, as supported by the commenters, grant the blanket waiver of the existing rules for these temporary towers while

³ See CTIA Petition, at 4-7; Comments of AT&T, RM-11688, at 5-7 (filed Feb. 25, 2013); Comments of NTCH, Inc., RM-11688, at 2-3 (filed Feb. 25, 2013) (“In fact, in some cases the emergency that generated the need for the temporary tower in the first place is *over* by the time the FCC process is complete.” (emphasis original)); Comments of Verizon Wireless, RM-11688, at 3-4 (filed Feb. 25, 2013). As AT&T discussed, while the Commission often helpfully waives the notice requirements, the waiver process itself can result in delays, and is quite possibly an inefficient use of Commission resources. See AT&T Comments at 8.

⁴ NTCH Comments at 1; Verizon Wireless Comments at 2-3.

⁵ See, e.g., CTIA Petition at 5-6; AT&T Comments at 9.

the rulemaking is pending. As the comments demonstrate, the blanket waiver meets the Commission's "good cause" standard.⁶ Like the proposed exemption itself, granting the blanket waiver will ensure temporary towers are available and deployable when they are needed most. CTIA's proposals thus represent a common-sense approach to dealing with network demand, and the Commission should grant them in full.

III. The Petition Addresses Service Needs in a Safe and Environmentally Responsible Way

Commenters agree that granting the petition and waiver will not significantly impact air safety or the environment. As noted in the docket, carriers and tower owners still have a duty to determine if an FAA determination of No Air Hazard is required.⁷ Indeed, the moment a temporary tower requires lighting pursuant to FAA rules, it will not be subject to the proposed exemption and blanket waiver.⁸

Likewise, the environmental impacts, including those on migratory birds, will be minimal to non-existent. Applicants will still be required to certify that the proposed temporary tower does not have a significant environmental impact.⁹ Further, temporary towers by their nature do not cause significant ground disturbance nor will they be deployed long enough to have long-term or sustained effects.¹⁰ Commenters note that this fact was recognized by the

⁶ AT&T Comments at 9; Verizon Wireless Comments at 7-8.

⁷ CTIA Petition at 9; AT&T Comments at 11-12 ("If a 'Determination of No Air Hazard' is required, the applicant must still file a Form 854, so the Commission and the FAA are aware of the tower and its status."); Verizon Wireless Comments at 6; NTCH Comments at 2.

⁸ See AT&T Comments at 12.

⁹ CTIA Petition at 9; AT&T Comments at 10.

¹⁰ Verizon Wireless Comments at 6.

Commission in the historic preservation context,¹¹ and it should similarly do so in this context as well. In fact, since the implementation of the notice requirement one commenter has not received any opposition to its ASR applications for temporary towers.¹²

Moreover, the temporary towers exempted under the petition do not incorporate features found to have the greatest impact avian mortality, namely great height (greater than 450 feet), steady-burning lights, and guy wires.¹³ PCIA agrees with the other commenters that the petition is narrowly tailored to mitigate air safety and environmental concerns. PCIA urges the Commission to grant the petition and waive its current rules during the pendency of the rulemaking proceeding.

¹¹ AT&T Comments at 11.

¹² Verizon Wireless Comments at 5.

¹³ AT&T Comments at 12 (*citing* FCC, *Final Programmatic Environmental Assessment for the Antenna Structure Registration Program* § 7.8 (Mar. 13, 2012)); Verizon Wireless Comments at 6.

IV. Conclusion

The record demonstrates that the petition and waiver to exempt certain temporary towers from the ASR public notice requirements will serve the public interest while having a *de minimis* impact on the environment and air safety. Therefore, PCIA strongly urges the Commission to grant the petition and the blanket waiver.

Respectfully submitted,

PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION

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