

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

In the Matter of)	
)	
Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies)	ET Docket No. 13-84
)	
Proposed Changes in the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields)	ET Docket No. 03-137
)	

REPLY COMMENTS OF VERIZON AND VERIZON WIRELESS¹

The Commission is considering updates to its rules that determine when radiofrequency (“RF”) transmitter sites are exempt from “routine evaluation” because the potential for RF exposure above Commission limits is negligible.² Verizon supports several of the proposals. However, the Commission’s proposed maximum permissible emissions (“MPE”)-based exemption threshold for single transmitters is too restrictive, and could effectively prevent the rapid deployment of many small cells. Rapid deployment is essential for the industry to meet the gigantic growth in demand for data capacity that exists now and is expected to continue. The proposal could unnecessarily require many wireless facilities, including small cells, that were previously exempt to undergo costly and dilatory routine evaluation for RF purposes with no corresponding public safety benefit. Recently, the Commission also adopted a Notice of

¹ In addition to Verizon Wireless, the Verizon companies participating in this filing (collectively “Verizon”) are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

² *Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, ET Docket No. 13-84; *Proposed Changes in the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, ET Docket No. 03-137, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, 28 FCC Rcd 3498 (2013) (“Order,” “Further Notice,” or “NOI,” as appropriate).

Proposed Rulemaking proposing to *eliminate* unnecessary environmental processing reviews to facilitate wireless facilities siting more broadly.³ Those parts of the Further Notice in this proceeding that propose substantial new burdens on wireless transmitter deployment and operations, particularly with respect to small cells, are at odds with the Wireless Siting NPRM. To square the two the Commission should amend its exemption threshold proposal consistent with the alternative, yet still safe and effective, exemption formula that Verizon proposed in its initial comments.

DISCUSSION

The Commission’s proposed single transmitter MPE-based exemption threshold is overly strict and could unnecessarily result in a substantial number of network facilities – including small cell and each of the many transmitters in distributed antenna systems (“DAS”) – losing their exempt status and requiring “routine evaluations.” For small cells and DAS transmitters, these evaluations would impose additional costs and delays in deploying broadband infrastructure with no corresponding public safety benefit.⁴ As such, the Commission’s proposal is inconsistent with its goals both in this proceeding and in the Wireless Siting NPRM and should be modified.

The Commission stated in the Further Notice that its transmitter site rules should “protect the public without imposing an undue burden on industry.”⁵ In the Wireless Siting NPRM, the

³ See *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, *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, Notice of Proposed Rulemaking (released September 26, 2013) (“Wireless Siting NPRM”).

⁴ Verizon Comments at 2-3.

⁵ Further Notice at ¶ 109.

Commission correctly observed that “America’s demand for and reliance on wireless broadband services has been growing dramatically and will most certainly continue to do so in the years ahead. The ability of wireless providers to meet this demand will depend not only on access to spectrum, but also on the extent to which they can deploy new or improved wireless facilities or cell sites.”⁶ It notes that providers are increasingly deploying small cells, DAS transmitters, and other similar technologies to “enhance the wireless capacity available to mobile users for advanced broadband applications or fill in coverage gaps in areas where it is not possible or economically justifiable to put in additional large towers.”⁷ It sought comment on a number of proposals to streamline its environmental processing and antenna structure registration (“ASR”) rules by eliminating unnecessary reviews and processes to reduce the cost and delay associated with the deployment of wireless broadband infrastructure, particularly with respect to small cells.⁸

In its initial comments in this proceeding, Verizon proposed an alternative, yet still safe and effective, routine evaluation RF exemption formula that is entirely consistent with the Commission’s goals in this proceeding and the Wireless Siting NPRM. Specifically, for single transmitters operating at frequencies between 400 MHz and 3 GHz and located on structures where access can more readily be controlled, a transmitter should not require routine evaluation if as-designed power levels and RF emissions are so low that there is no objective basis to

⁶ Wireless Siting NPRM at ¶ 2.

⁷ *Id.* at ¶ 6.

⁸ *Id.* at ¶¶ 6-7 and 31-67.

conclude there is a public safety risk.⁹ The proposed alternative is based on objective measurement criteria and engineering analysis.

Verizon submitted a study showing that under the Commission’s proposed revised exemption criteria formula certain small cells would not qualify as exempt even though they do not produce RF emissions above the Commission’s general population limit. The study showed further that these small cells would be exempt both under the Commission’s existing exemption criteria and Verizon’s proposed exemption threshold formula.¹⁰ Other commenters have similar concerns. PCIA, for example, commented that “the proposed exemption criteria are needlessly restrictive and will require routine evaluations for more sites.”¹¹ Motorola likewise argued it is sensible to adopt evaluation exemptions for “cases that obviously present little to no risk” because such exemptions are “an effective way to conserve time and other resources for both the Commission and industry.”¹²

⁹ Verizon Comments at 3-7 and Technical Appendix A. Verizon also proposed clarifying the proposed exemption criteria at multiple transmitter sites and the obligations of each carrier that operates at these co-located sites, and adopting clear safe harbor carrier mitigation procedures for sites where transmitters produce emissions over the Commission’s “general population” threshold. *Id.* at 8-15.

¹⁰ See Verizon Comments, Appendix B.

¹¹ PCIA Comments at 4.

¹² Motorola Solutions Comments at 4.

Consistent with the Commission's goals in this proceeding and the Wireless Siting NPRM, the Commission should revise its proposal with respect to single transmitters and retain routine evaluation exemptions for small cell and other wireless transmitter sites that do not produce emissions above the general population exposure limits. To accomplish this, the Commission should amend its exemption threshold proposal consistent with Verizon's alternative formula, which is equally safe and effective.

Respectfully submitted,

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