

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
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
)	
Amendment of Parts 1 and 17 of the Commission’s Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers)	RM-11688 (terminated)
)	
2012 Biennial Review of Telecommunications Regulations)	WT Docket No. 13-32
)	

COMMENTS OF THE CAROLINAS WIRELESS ASSOCIATION

The Carolinas Wireless Association (“the Association”) is a business association comprised of members of all sectors of the wireless industry in North and South Carolina whose objective is the promotion and advancement of the industry by means of education, awareness and opportunity.

Our mission is to be a unified voice in state and local legislative matters impacting the industry and to serve as a central repository for collection and distribution of news and information for our members. Through the cultivation of relationships between the wireless industry and the local communities they serve, we set the highest of ethical standards and integrity to achieve our mission.

The Association respectfully submits this response to some of the questions presented in the Federal Communications Commission's ("FCC" or "Commission") recent Notice of Proposed Rulemaking, specifically those presented in Section IV.

The Commission should act expeditiously to clarify the interpretation of Section 6409(a). North Carolina is one of many states that adopted rules attempting to streamline and standardize the review process for collocations and minor facility modifications after the enactment of Section 6409(a). These state attempts to standardize the rules demonstrate a need across the nation for consistent definitions, rules, and processes for the deployment of wireless infrastructure. In the absence of Commission action, state legislatures have stepped in to provide some clarity to the process.

North Carolina was on the forefront of the effort to streamline the process for the use of existing infrastructure with the enactment of Session Law 2007-526 in 2007, which provided a standard and streamlined process for collocations. After Congress enacted Section 6409(a) in 2012, the North Carolina General Assembly ("Assembly") adopted revised regulations to bring its statute in line with current federal regulations with Session Law 2013-185, codified at §160A-400.50 through §160A-400.53 (for cities) and §153A-349.50 through §153A-349.53 (for counties) of the North Carolina General Statutes.

North Carolina law provides that its rules shall always be consistent with the rules of the Commission, indicating the importance of having clear and up-to-date regulations governing wireless infrastructure.¹ The Commission is the expert agency for the deployment of wireless broadband infrastructure, not only within the federal government, but also for many other state and local governments.

¹ See N.C. GEN. STAT. § 160A-400.50 (b), § 153A-349.50 (b) (2013).

The Assembly used the Commission's Guidance² when crafting the definitions within Session Law 2013-185. The Assembly's definition of Substantial Modification follows the Commission's definition closely with one exception. The General Assembly recognized that the expansion of the fenced compound that houses the ground equipment supporting the antennas is also a critical component of modifications of wireless infrastructure and includes expansion up to 2500 square feet within the streamlined process. This expansion is in keeping with the 2004 Nationwide Programmatic Agreement that allows for ground disturbance outside the existing fenced compound in the context of tower replacements and applies that same logic to the collocation process. If some ground disturbance is appropriate to facilitate a collocation that requires replacement of the entire structure, then some ground disturbance should be allowed to facilitate a collocation on an existing structure. The Association believes that the Commission should adopt regulations that allow for ground disturbing activities during the collocation process whether the existing structure must be replaced or not.

The Association appreciates the opportunity to provide input into this important issue.

Respectfully submitted,

/s/ _____
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President, Carolinas Wireless Association

February 3, 2014

² Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, *Public Notice*, DA 12-2047, 28 FCC Rcd 1 (Jan. 25, 2013) ("FCC Guidance"), available at http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-12-2047A1_Rcd.pdf.