

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

**REPLY COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA) urges the Commission to achieve its goal of “promot[ing] the deployment of infrastructure that is necessary to provide the public with advanced wireless broadband services” by adopting rules that reduce and eliminate unnecessary barriers to small cell and unlicensed Wi-Fi wireless deployments by cable operators.¹

As the Commission recognizes, “America’s demand for and reliance on wireless broadband services has been growing dramatically and will almost certainly continue to do so in

¹ *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238 and 13-32, WC Docket No. 11-59, RM-11688, Notice of Proposed Rulemaking, 28 FCC Rcd 14238, 14239, ¶1 (2013) (*Wireless Siting NPRM*).

the years ahead.”² This is confirmed by Cisco, which reports that mobile data traffic worldwide grew by 81 percent in 2013, reaching 1.5 exabytes per month, and estimates that it will increase “nearly 11-fold” over the next five years, to 15.9 exabytes per month by 2018.³ The cable industry is investing heavily in Wi-Fi network deployments, and has deployed more than 200,000 Wi-Fi access points throughout the country in both urban and rural areas, with more access points being deployed every day. These access points are much smaller than traditional macrocell antenna and base station equipment.⁴ Therefore the Commission is correct to recognize that rules and policies designed for large macrocell equipment and towers hundreds of feet tall should not be applied to the much smaller wireless broadband equipment that is now widely in use by cable operators.

In the *Wireless Siting NPRM* the Commission proposes to adopt additional definitions of terms used in section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the Spectrum Act), which streamlines the government review process for certain wireless facilities deployments.⁵ That section of the Spectrum Act states that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”⁶ The Commission proposed to “find that Section 6409(a) applies to the collocation, removal, or replacement of equipment used in connection with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including

² *Id.* at 14239, ¶ 2.

³ *Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2013-2018*, Cisco, at 1, 3 (Feb. 5, 2014) (available at http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/white_paper_c11-520862.html).

⁴ *Wireless Siting NPRM*, 28 FCC Rcd at 14244, 14245, ¶¶ 14 n.19, 17.

⁵ 47 U.S.C. § 1455(a).

⁶ *Id.* § 1455(a)(1).

commercial mobile, private mobile, broadcast, and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband” and that a wireless tower or base station is one that is used for any such purpose.⁷ To ensure that cable operators can continue to provide beneficial consumer broadband and wireless offload services, the Commission should make clear that any relief granted under this section applies to these services.

The Commission also should interpret the term “existing wireless tower or base station” in section 6409(a) in a manner that maximizes the public benefit provided by cable operator small cell and Wi-Fi deployments.⁸ In a January 2013 public notice, the Wireless Telecommunications Bureau interpreted the term “base station” under section 6409(a) to include “a structure that *currently* supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station.”⁹ This interpretation, however, substantially limits the benefits that section 6409(a) will have for cable operators’ small cell deployments, including Wi-Fi facilities, which will be made on a widespread basis throughout an area on structures that may not currently hold wireless facilities, such as utility and light poles. Instead, the Commission should make clear that section 6409(a) applies to cable operators’ collocation of small cell and Wi-Fi facilities on buildings and structures that may not currently house wireless equipment.

Not only will this interpretation advance the deployment of wireless broadband services to consumers through cable operator-provided Wi-Fi and other small cell technologies, but it is

⁷ *Wireless Siting NPRM*, 28 FCC Rcd at 14277, ¶ 104.

⁸ *Id.* at 14280, ¶ 111.

⁹ *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, 28 FCC Rcd 1, 3 (Wireless Telecom. Bur. 2013) (emphasis added).

also consistent with the Commission’s definition of collocation in the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.¹⁰ There, the Commission defines collocation as “the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.”¹¹ Consistent with this provision and the public policy goals of the statute, the Commission should make clear that section 6409(a) applies to all cable operator wireless collocations, and not just to those on structures that already hold wireless facilities.

CONCLUSION

The Commission has acknowledged the vital role that wireless broadband will play in consumers’ lives. To further the goal of increasing access to wireless broadband, the Commission should take steps to encourage cable operators’ deployment of small cell and Wi-Fi facilities by clarifying that section 6409(a)’s streamlining of government review of wireless siting applies to cable operator wireless facilities, including unlicensed Wi-Fi facilities.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen
Neal M. Goldberg
Jennifer K. McKee
National Cable &
Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001-1431

March 5, 2014

¹⁰ 47 C.F.R. Part 1, Appendix B, Section I.A.

¹¹ *Id.*