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July 17, 2014

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: 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)
- ***Ex Parte Communication / Notice of Meeting***

Dear Ms. Dortch:

This firm represents the Colorado Communications and Utility Alliance ("CCUA"), the Rainier Communications Commission, the Cities of Tacoma and Seattle, Washington, King County, Washington, the Colorado Municipal League and the Association of Washington Cities. Our clients have filed Comments and Reply Comments in the above referenced docket.

On July 16, 2014, I, along with Arvada, Colorado City Council member Bob Fifer, and Todd Barnes, Communications Director of the City of Thornton, Colorado, and President of CCUA, attended meetings at the Commission with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn.

In this meeting, we discussed our clients' positions outlined in their Comments and Reply Comments advocating narrow definitions of key terms addressed in the NPRM, in accordance with the terms' generally understood meanings. We encouraged the Commission not to adopt rules that would restrict opportunities for government and industry to collaborate on creative, innovative solutions to difficult siting challenges. We provided examples of local government efforts to collaborate with industry to promote broadband deployment. We distributed (1) a list

of definitions that are being proposed by our clients, the National Association of Telecommunications Officers and Advisors, the National League of Cities, the National Association of Counties, and numerous other local governments, and (2) a document with visual examples of creative wireless facilities siting in Colorado and Washington. Both documents are attached to this letter for entry into the record.

We provided examples of how a one-size-fits-all rule with black and white size criteria was inappropriate as a measure of what constitutes a "substantial change in physical dimensions" of a wireless tower or base station. For example:

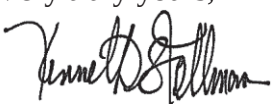
- A 15 foot increase in height may be an insubstantial change in the physical dimensions of a 160 foot tower, but would be a substantial change in the dimensions of a 35 foot tower located in a residential neighborhood.
- A 2 foot increase in the height of a tower may be insubstantial in the vast majority of cases, but would be substantial if the site were located adjacent to a local airport and the height increase caused the facility to violate FAA regulations.
- Adding an antenna array onto many towers may be unsubstantial, but would be quite substantial if the tower was originally approved as a camouflaged or stealth site, and the antenna array resulted in defeating the purposes of the original conditions of site approval.

We also advocated that the Commission not adopt a "deemed granted" remedy for reasons articulated in more detail in our Comments and Reply Comments. We also suggested that fundamental fairness requires that any alleged violations of new rules adopted by Commission be addressed in local courts as opposed to the Commission, as many jurisdictions will not have the financial ability to retain special counsel and come to Washington, D.C. to defend local decisions.

Pursuant to Rule 1.1206 of the Commission's Rules, an electronic copy of this letter and the attached summary document are being filed via the Electronic Comment Filing System (ECFS) in this matter.

Please feel free to contact me with any additional questions or concerns you may have.

Very truly yours,



Kenneth S. Fellman
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KSF/eaj

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Victoria Lincoln, Association of Washington Cities
- (via email: victorial@awcnet.org)

In the Matter of:
Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies
WT Docket No. 13-238; WC Docket No. 11-59; RM-11688 (terminated);
WT Docket No. 13-32

Submitted by:

Colorado Communications and Utility Alliance; Rainier Communications Commission; the Cities of Tacoma and Seattle, Washington; King County, Washington; the Colorado Municipal League and the Association of Washington Cities

LOCAL GOVERNMENT PROPOSED DEFINITIONS

"Collocation" means the mounting or installation of facilities on or at a legally permitted, existing wireless tower, having existing transmission equipment, for the purpose of providing wireless services.

"Wireless Tower" means any structure built for the sole or primary purpose of supporting FCC licensed or authorized antennas, including the cabling associated with that tower but not installed as part of a base station as defined herein; an "antenna" does not include unintentional radiators, mobile stations, or devices authorized under Part 15 of the Commission's rules.

"Transmission Equipment" means the antenna and electronic components of a base station that receive or transmit radio frequency signals for the purpose of providing wireless services.

"Base Station" means an apparatus located on-site at a wireless tower designed for the purpose of emitting and/or receiving radio frequency ("RF") transmissions from a fixed location to mobile stations pursuant to Commission license for the provision of wireless services, including the transmission equipment together with any other on-site equipment, switches, wiring, cabling, primary power sources, shelters or cabinets necessary for that base station to function and installed at a wireless tower as part of the original installation of the base station.

"Substantially Change the Physical Dimensions" means to alter the physical dimensions of a wireless tower or base station in a manner that has a significant impact given the surroundings, characteristics of, and any conditions on, the wireless tower or base station. The change in physical dimensions is compared against the physical dimensions of the wireless tower or base station as initially lawfully constructed.

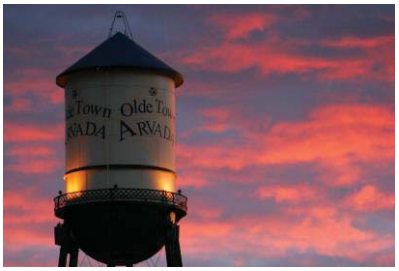
"Physical Dimensions" include weight, height, width, visibility, depth or density.

"Wireless Services" means "personal wireless services" as defined in 47 U.S.C. §332(c)(7)(C)(i) and wireless "public safety services."

"Public Safety Services" has the same meaning as under 47 U.S.C. 1401(27).

Loveland, CO

Kirkland, WA DAS system

Carr, CO

Arvada, CO