



July 25, 2014

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Communication: WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59

Dear Ms. Dortch:

On July 23, 2014, Jonathan Campbell, D. Zachary Champ, and the undersigned of PCIA – The Wireless Infrastructure Association met with Roger Sherman, Michael A. Janson, Chad Breckinridge, and Peter Trachtenberg of the Wireless Telecommunications Bureau. Consistent with its recommendations in the Broadband Acceleration docket,¹ PCIA emphasized that the FCC can fast-track wireless broadband deployment by promulgating rules in this proceeding, freeing up capital investment to upgrade and deploy wireless infrastructure—from small cells and distributed antenna systems (“DAS”) to macro sites—to improve service coverage and quality for consumers.

PCIA requested that the Commission streamline its environmental and historic review process for DAS and small cells by amending Note 1 to Section 1.1306 to categorically exclude facilities that meet a technology-neutral, volume-based definition.² Because these facilities have, at most, a *de minimis* effect on the environment, PCIA explained that the FCC has authority under

¹ *In re* Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies; 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; 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; 2012 Biennial Review of Telecommunications Regulations, *Notice of Proposed Rulemaking*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, RM-11688, FCC 13-122 (rel. Sept. 26, 2013) (“NPRM”).

² See Letter from D. Van Fleet Bloys, PCIA–The Wireless Infrastructure Association, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, (filed Jul. 24, 2014) (“PCIA Jul. 24, 2014 *Ex Parte*”); Comments of PCIA – The Wireless Infrastructure Association, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, RM-11688, at 6-9 (Feb. 3, 2014) (“PCIA Comments”). Earlier in 2014, the State of Washington and Colorado State codified PCIA’s proposed volume-based calculation for communications facility installations into state law. See 2014 Colo. Sess. Laws 504, *available at* http://tornado.state.co.us/gov_dir/leg_dir/olls/sl2014a/sl_149.htm (enacting House Bill 14-1327, defining a small cell facility with reference to volume); 2014 Wash. Sess. Laws 604, *available at* <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/Session%20Laws/House/2175-S.SL.pdf> (enacting House Bill 2175, defining a small cell facility by volume).

Council of Environmental Quality (“CEQ”) regulations³ and Advisory Council on Historic Preservation (“ACHP”) rules⁴ to propose the exclusion. To remain future-proof, those facilities that conform to the exclusion’s intent but lie outside the volume calculation should be eligible for an accelerated waiver process.⁵

PCIA urged the Commission to adopt decisive rules—not voluntary best practices—implementing and enforcing Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 to eliminate application backlogs, create consistency in investment, and reduce unnecessary cost and delay for providers and consumers alike in wireless facility deployment.⁶ Clear definitions and application guidelines, including objective standards for any type of substantial change to the physical dimensions, will ensure predictability for all parties for Eligible Facilities Requests (“EFR”). The FCC should endeavor to create a measurable, repeatable process that provides the certainty needed to encourage deployment. To carry out Section 6409(a)’s “shall approve” mandate, PCIA recommended the FCC implement a remedy for the improper denial of an otherwise compliant EFRs and for when an EFR is not acted upon within forty-five days.⁷ With any rules the Commission may adopt, it is vital that the FCC define the appropriate remedies so that applicants and localities alike can proceed with certainty.

Pursuant to Section 1.1206 of the FCC’s rules, this notice will be filed via ECFS and a copy will be provided via email to the attendees. Please contact the undersigned with any questions.

Sincerely,



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CC: Roger Sherman, Michael A. Janson, Chad Breckinridge, Peter Trachtenberg

³ PCIA Comments at 9-11; *see* 40 C.F.R. §§ 1500.4, 1500.5, 1508.4; Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act, 75 Fed. Reg. 75,628 (Dec. 6, 2010). The FCC has already begun CEQ outreach, *see* NPRM at ¶ 13 & n.17.

⁴ *See* 36 C.F.R. § 800.3(a)(1).

⁵ Reply Comments of PCIA – The Wireless Infrastructure Association, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59, RM-11688, at 7-8 (Mar. 5, 2014) (“PCIA Reply Comments”).

⁶ *See* PCIA Comments at 24-53; PCIA Reply Comments at 15-26.

⁷ PCIA Comments at 50-53.