PCIA
The Wireless Infrastructure Association

July 31, 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, 10-88; WC Docket No. 11-59

Dear Ms. Dortch:

On July 30, 2014, D. Zachary Champ and the undersigned of PCIA – The Wireless Infrastructure Association ("PCIA") spoke via telephone with Brendan Carr of Commissioner Pai's office. PCIA urged the Commission to update its Part 17 rules regarding tower marking and lighting and to remove redundant and unnecessary regulatory requirements that increase compliance costs, thus allowing investment to be better focused on broadband buildout.[1]

PCIA applauds the Commission's placing these items on the August 8, 2014 Open Meeting agenda[2] and for considering updating rules that the Commission itself acknowledged are "outdated" and "have not kept pace with changes implemented by the FAA or with technology advances in the remote monitoring of tower lighting."[3] PCIA has long stressed the need to update Part 17 through petitions for rulemaking,[4] comments in rulemaking proceedings,[5] and support of individual waivers of Part 17 rules.[6] By reforming these rules, the FCC will remove barriers to

[1] *In re* 2004 and 2006 Biennial Regulatory Reviews – Streamlining and Other Revisions of Part 1 and 17 of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures; Amendments to Modernize and Clarify Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures, *Notice of Proposed Rulemaking*, WT Docket No. 10-88, RM-11349, FCC 10-53 (rel. Apr. 20, 2010).
[2] *See* Press Release, FCC, FCC Announces Tentative Agenda for August Open Meeting (Jul. 18, 2014), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0718/DOC-328332A1.pdf.
[3] *FCC Seeks Public Comment on Report on Process Reform*, Public Notice, DA 14-199, at Recommendation 5.32 (rel. Feb. 14, 2014).
[4] *See* PCIA Petition for Rulemaking, RM-11349 (Sept. 12, 2006).
[5] *See* Comments of PCIA – The Wireless Infrastructure Association, WT Docket No. 10-88, RM-11349, at iv (July 20, 2010) ("PCIA 2010 NPRM Comments") ("[T]he FCC should delete unnecessary provisions, clarify ambiguous rules, modernize standards to reflect technological advances, and harmonize with FAA rules.").
[6] *See* Comments of PCIA – The Wireless Infrastructure Association, WT Docket No. 10-88 (Feb. 14, 2014) ("PCIA ATC Waiver Comments") (supporting American Tower Corporation's request to eliminate its annual inspection requirement).

wireless deployment, reduce unnecessary costs, and encourage providers to continue to deploy advanced systems that facilitate safety.

Compliance with the Part 17's Quarterly Lighting Inspection ("QLI") Rule is inefficient in light of the availability and increased adoption of continuous monitoring technology through a Network Operations Center ("NOC"), which alerts a provider on a near-immediate basis in the event of an equipment failure.[7] PCIA member American Tower Corporation estimates that these inspections have cost the company $9.8 million since 2007, despite monitoring its equipment via a NOC.[8] Other similarly situated companies have articulated comparable savings. By removing this financial hurdle to deploying monitoring technology, the FCC will encourage more wireless providers to divert unnecessary compliance expenditures to more beneficial uses, such as infrastructure upgrades and rural deployment.

Finally, PCIA highlighted how modernized Part 17 rules would dovetail with its recommendations in the Broadband Acceleration docket,[9] where swift Commission action would remove similar regulatory hurdles to wireless broadband deployment.[10]

Pursuant to Section 1.1206 of the Commission's rules, this notice will be filed via ECFS with your office, and a copy will be provided via email to the attendees. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

D. Van Fleet Bloys
Government Affairs Counsel
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van.bloys@pcia.com

CC: Brendan Carr

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[7] *See* PCIA ATC Waiver Comments.
[8] *See* American Tower Corporation, Request for Modification of Existing Waiver, WT Docket 10-88 (Sept. 17, 2013).
[9] *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).
[10] *See* 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"); 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").