



Wireless
Infrastructure
Association

January 11, 2017

VIA EMAIL

Office of Commissioner Mignon Clyburn
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Re: FCC Commissioner Clyburn draft #Solutions2020 Call to Action Plan

The Wireless Infrastructure Association (“WIA”)¹ welcomes the opportunity to participate in Federal Communications Commission (“FCC” or “Commission”) Commissioner Mignon Clyburn’s #Solutions2020 Call to Action Plan (“Call to Action Plan”) by submitting these comments. Commissioner Clyburn’s invitation for specific solutions to issues facing the communications sector demonstrates her dedication to devising concrete actions that will help confront challenges facing the sector. WIA especially applauds Commissioner Clyburn’s recognition that broadband infrastructure deployment is essential for ensuring affordable communications and 5G for all Americans²—two of Commissioner Clyburn’s “six pillars targeted at several of the biggest challenges confronting the communications sector.”³

Mobile broadband drives innovation, creates jobs, and improves the quality of our lives—but these benefits cannot be achieved without the deployment of robust wireless infrastructure. By removing barriers to the deployment of infrastructure like distributed antennas systems (“DAS”) and small cells and encouraging an environment of rapid upgrades and installation of equipment on traditional macrocellular infrastructure through collocation, the FCC can facilitate greater coverage and capacity of wireless

¹ The Wireless Infrastructure Association, formerly PCIA, is the principal organization representing the companies that build, design, own and manage telecommunications facilities throughout the world. Its over 230 members include carriers, infrastructure providers, and professional services firms.

² Release, FCC Commissioner Clyburn Invites Additional Submissions for the #Solutions2020 Call to Action Plan 1 (Nov. 10, 2016), http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1110/DOC-342132A1.pdf.

³ Remarks of FCC Commissioner Mignon Clyburn at the #Solutions2020 Policy Forum, Washington, D.C, at 3-4 (Sept. 19, 2016), https://apps.fcc.gov/edocs_public/attachmatch/DOC-341824A1.pdf.

broadband networks. Taking the steps to improve infrastructure siting policies outlined in the draft Call to Action Plan and those herein explained will further accelerate broadband deployment for the benefit of all Americans.

I. Ensuring Affordable Communications

WIA agrees with Commissioner Clyburn that reforming pole attachment rules and forming partnerships between public and private entities to develop solutions for infrastructure buildout will assist in the affordable deployment of next-generation communications services.

Streamlined pole attachment rules promote the deployment of advanced DAS and small cell networks. These networks rely on existing utility poles in public rights-of-way to support the fiber and node attachments underpinning the DAS. WIA members deploy these networks to provide enhanced wireless capacity and to extend coverage in difficult-to-reach places.⁴ It is essential that regulation of pole attachments should be applied with equal force, in a non-discriminatory manner, to wireless facilities attached to utility poles. To encourage the deployment of wireless voice and broadband services and facilities, WIA works at all levels to ensure that its members have access to utility poles at fair rates, terms, and conditions, advocating for pole attachment rules and regulations that promote the timely deployment of broadband services in both federal regulatory and judicial proceedings as well as state regulatory proceedings around the country. The FCC should encourage states to follow its lead on reforming pole attachment rules. The FCC should also encourage collaboration on make-ready work. With increased cooperation among all pole attachers, both costs and timelines to deploy can be reduced.

Additionally, Commissioner Clyburn rightfully notes the unique challenges with building out wireless networks throughout the country. A host of vital human services benefit from increased wireless broadband availability no matter where in the country the services are being used, including: public safety and security; education; community development, civic participation; healthcare; energy interdependence and efficiency;

⁴ See, e.g., AMERICAN TOWER CORPORATION, DAS SOLUTIONS: DELIVERING COVERAGE AND CAPACITY IN TODAY'S CHALLENGING ENVIRONMENTS, *available at* <http://www.americantower.com/marketing227/american towerdassolutionsbrochure.pdf>; Martha DeGrasse, *HetNet Expo: Carriers Deploy Neutral Host DAS*, RCR WIRELESS NEWS (Oct. 16, 2014), <http://www.rcrwireless.com/20141016/wireless/hetnet-expo-carriers-das>.

and worker training. Rationalizing investment in less populated areas requires economic justifications and for that, the partnerships the draft Call to Action Plan proposes to tackle such issues as network buildout must recognize that rural investment analysis requires the use of different metrics than are used in the metropolitan markets. The Commission should acknowledge that the economic model for mobile broadband in rural areas should be based on the number of devices and connections, not simply the number of people to be covered. This would, therefore, include tablets, security devices, home monitoring, healthcare, and a number of devices and applications. “Public-private, public-public, and private-private partnerships”⁵ that focus on reducing local siting policy barriers and creating regulatory certainty will have a better leaping pad toward finding innovative solutions to encourage buildout in hard to connect areas.

II. 5G and Beyond for All Americans

Next-generation 5G wireless networks will provide significantly faster speeds and support substantially higher device density, enabling greater connectivity for a host of new devices, services and applications, and be far more responsive. The draft Call to Action Plan rightfully recognizes the significance of streamlined broadband infrastructure deployment to ensuring all Americans can benefit from the new frontier of connectivity 5G technology promises.⁶

WIA agrees that the Commission should “advanc[e] policies to promote 5G deployment in rural America.”⁷ As previously mentioned, deploying infrastructure in rural areas presents unique challenges; nevertheless, rural parts of the country are seeing an increase in the development of innovative technologies utilizing advanced wireless capabilities.⁸ Mobile broadband is especially key to expanding opportunities in rural

⁵ Draft Release of Commissioner Mignon Clyburn’s #Solutions2020 Call to Action Plan, Public Notice at 3 (Rel. Dec. 19, 2016), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1219/DOC-342689A1.pdf (“#Solutions2020 Call to Action Plan”).

⁶ #Solutions2020 Call to Action Plan at 4-6.

⁷ #Solutions2020 Call to Action Plan at 5-6.

⁸ See John Wilkins, Chief, Wireless Telecommunications Bureau Chief, FCC, Blog Post, “Laying the Foundation for 5G: FCC Signs Agreement to Streamline Small Cell Deployments” (Aug. 9, 2016) (“[W]e are open for business and actively looking for additional ways to bring further efficiencies to 5G infrastructure deployment.”), <https://www.fcc.gov/news-events/blog/2016/08/09/laying-foundation-5g-fcc-signs-agreement-streamline-small-cell>.

America where nearly 98 percent of rural Americans are covered by at least one LTE provider.⁹ As Deere & Company notes, wireless service is increasingly a necessary technology choice “to achieve cost-effective coverage for many rural areas, including farm-intensive areas with significant tracts of cropland. Those areas will benefit from the ability to make real-time data transfers that can minimize the amount of necessary seed, fertilizer and pesticides, reduce costs for fuel, labor, and water, and dynamically identify best practices for fields in a given location.”¹⁰ Therefore, WIA encourages the FCC to explore where government funds for underserved communities are awarded and whether this allocation best maximizes economic benefits. That is, the FCC should ensure that it is awarding funds to regions of the country where economically beneficial technologies, such as precision agriculture, are being used and have the potential for significant expansion.¹¹

Like Commissioner Clyburn, WIA supports the passage of the Making Opportunities for Broadband Investment and Limit Excessive and Needless Obstacles to the Wireless Act, or MOBILE NOW Act as it is “an important step toward removing unreasonable barriers to wireless broadband and deployment, and requiring the federal government to auction more spectrum for commercial use.”¹² The MOBILE NOW Act will create policies that encourage the deployment of communications facilities and services and will assist in creating an efficient process of siting communications facilities on federal lands in a timely and reasonable manner. Broadband deployment depends greatly on the regulatory landscape on the state, local, Tribal, and federal landholding agency levels. When applying to site facilities on federal lands, WIA members have encountered applications that are either never accepted, due to lack of understanding or resources at the field office level; or stall for months at a time, providing few meaningful status updates to the applicant. Therefore, the passage of the MOBILE NOW Act will create a stronger environment for broadband infrastructure investment. Deploying wireless infrastructure on federal lands is critical for public safety and economic

⁹ *Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless*, Eighteenth Report, 30 FCC Rcd 14515, 14544 ¶ 41, Chart III.A.5 (WTB 2015).

¹⁰ Comments of Deere & Company on Inquiry Concerning the Deployment of Advanced Telecommunications Capability to all Americans, GN Docket No. 16-245, at 3 (Sept. 6, 2016).

¹¹ See Comments of Wireless Infrastructure Association on National Telecommunications and Information Administration, U.S. Department of Commerce; National Science Foundation Request for Comment on National Broadband Research Agenda, Docket No. 160831803–6803–01, at 4 (Oct. 11, 2016), *available at* <https://www.ntia.doc.gov/files/ntia/publications/wia.pdf>.

¹² Press Release, PCIA [WIA] Statement on Draft of the MOBILE NOW Act (Nov. 9, 2015), *available at* <http://wia.org/pcia-statement-on-draft-of-the-mobile-now-act>.

development. The FCC should encourage the expedient passage of the MOBILE NOW Act.

WIA consistently advocates for “efficient and collaborative infrastructure siting policies” as presented in the draft Call to Action Plan.¹³ Beyond the steps outlined in the draft, the Commission can help accelerate infrastructure deployment by implementing measures to reduce state and local barriers, address Tribal review issues, make Twilight Towers available for collocation, facilitate siting on federal lands, and streamline necessary upgrades to existing facilities.¹⁴ The Commission should take steps to address instances where jurisdictions impose unreasonable fees or access terms that impede the siting of wireless facilities.¹⁵ The Commission should also consider ways to more efficiently facilitate the Tribal review siting approval process to better support increased infrastructure deployment while preserving cultural assets.

Additionally, the Commission should continue to work with WIA and other stakeholders to develop a solution for clearing Twilight Towers – towers constructed between March 16, 2001 and March 7, 2005 that were not required to go through the historic preservation process – so they are available for collocation. Thousands of Twilight Towers exist throughout the country and making them available for collocation will accelerate broadband deployment.¹⁶

The Commission should also explore additional ways to facilitate siting on federal lands.¹⁷ In addition to urging Congress to pass the MOBILE NOW Act, WIA encourages

¹³ #Solutions2020 Call to Action Plan at 5.

¹⁴ See John Wilkins, Chief, Wireless Telecommunications Bureau Chief, FCC, Blog Post, “Laying the Foundation for 5G: FCC Signs Agreement to Streamline Small Cell Deployments” (Aug. 9, 2016) (“[W]e are open for business and actively looking for additional ways to bring further efficiencies to 5G infrastructure deployment.”), <https://www.fcc.gov/news-events/blog/2016/08/09/laying-foundation-5g-fcc-signs-agreement-streamline-small-cell>. See Reply Comments of Wireless Infrastructure Association on Inquiry Concerning the Deployment of Advanced Telecommunications Capability to all Americans, GN Docket No. 16-245, at 5 (Sept. 21, 2016) (“WIA 12th Section 706 Reply Comments”).

¹⁵ Remarks of FCC Chairman Tom Wheeler at the Competitive Carriers Association Conference, Seattle, Washington, at 5-6 (Sept. 20, 2016); see also O’Rielly 5G Remarks at 2 (“To ensure timely and cost-effective 5G deployment, the Commission must be prepared to hold localities accountable for their review processes and ultimate decisions”); Pai Digital Empowerment Remarks at 7-8 (calling on the FCC to “aggressively use its statutory authority to ensure that local governments don’t stand in the way of broadband deployment,” “reform its rules governing pole attachments,” and “develop a model code for cities and towns that want to encourage broadband deployment and competitive entry”).

¹⁶ See WIA 12th Section 706 Reply Comments at 7.

¹⁷ See Remarks of FCC Commissioner Ajit Pai at the Brandery, Cincinnati, Ohio, “A Digital Empowerment Agenda,” at 8 (Sep. 13, 2016) (“Federal agencies should survey and consolidate the information they

the FCC to continue in its advisory capacity with the Broadband Opportunity Council (“Council”) to provide broadband infrastructure policy expertise and ensure that the Council’s federal lands siting recommendations are implemented effectively.¹⁸ The FCC should also support the ongoing efforts of federal land and property-owning agencies to streamline infrastructure siting policies. Solutions to wireless infrastructure siting on federal lands that incorporate multiple federal agencies and branches of the military are efficient and desirable.¹⁹ WIA encourages the Commission to support these efforts and additional actions by policymakers to achieve streamlined federal lands wireless infrastructure siting objectives.

Lastly, the Commission should also consider revisiting its rules implementing Section 6409(a) of the Spectrum Act to conclude that, for purpose-built wireless support structures, replacing a structure with a like structure (e.g., replacing a monopole with a monopole) is deemed an “eligible facilities request” under Section 6409(a) so long as it would not substantially change the physical dimensions of the structure. Support structure replacements are minimally impactful, remain consistent with original zoning approvals, and promote economically and environmentally efficient use of existing wireless facility sites. Likewise, when determining whether a modification of an existing facility would “substantially change the physical dimensions” of a wireless tower or base station under Section 6409(a), the Commission should revise its rules to permit expansion of the compound up to 2,500 square feet. Such an interpretation is consistent

have about federal assets that could be used to aid broadband deployment. Maps of these federal assets should be made available to ISPs in a manner that respects security and law enforcement considerations. The federal agencies most often involved in broadband buildout ... should adopt reasonable internal shot clocks for processing applications and negotiating leases to build on federal lands. At a minimum, they should establish a firm deadline so that no matter how many federal agencies need to review an application, an applicant will receive a final answer within one year. Federal agencies should minimize and standardize any fees for permits and for leasing rights of way. And federal agencies should issue longer-term leases or easements with renewal expectancies, so that providers have the certainty necessary to deploy on federal lands.”).

¹⁸ BROADBAND OPPORTUNITY COUNCIL, REPORT AND RECOMMENDATIONS, at 10 (Aug. 20, 2015) (“BROADBAND OPPORTUNITY COUNCIL REPORT”), https://www.whitehouse.gov/sites/default/files/broadband_opportunity_council_report_final.pdf.

¹⁹ See Comments of PCIA – The Wireless Infrastructure Association on *Deliberations of the Broadband Opportunity Council*, Docket No. 1540414365-5365-01, at 4-8 (June 10, 2015); Comments of PCIA – The Wireless Infrastructure Association on *GSA Wireless Telecommunications Company Application*, OMB Control No. 3030-00XX, at 4 (May 11, 2015); see also BROADBAND OPPORTUNITY COUNCIL REPORT at 3 (stating that one of the goals of the Broadband Opportunity Council is to “streamline the applications for programs and broadband permitting processes to support broadband deployment and foster competition”).

with rules already adopted in several states and would facilitate continued broadband deployment.²⁰

III. Promoting a More Diverse Media Landscape

WIA commends Commissioner Clyburn and the FCC for their commitment to improving diversity in the communications industry. In addition to the proposals in the draft Call to Action Plan, we encourage the Commission to explore ways to increase supplier diversity. WIA represents the businesses and people who build, own and operate this country's wireless infrastructure. Our members spend around \$35 billion a year on infrastructure – more than any other industry in the U.S. We want to connect businesses of all sizes with real opportunities within the wireless industry. Our members care about supplier diversity, and in acting on this commitment, WIA launched its Supplier Diversity Summit in 2016.²¹ The FCC should expand upon its Supplier Diversity Conference for Small, Minority and Women-Owned Businesses by collaborating with WIA and other entities motivated about diversity in communications to develop innovative ways to diversify the industry on all levels.

²⁰ See N.J. Stat. Ann. § 40:55D-46.2; Mich. Comp. Laws. § 125.3514; N.H. Rev. Stat. Ann. § 12-K:2.

²¹ See *Wireless Industry, Entrepreneurs Embrace Upcoming Supplier Diversity Summit in Dallas*, available at <http://wia.org/wireless-industry-entrepreneurs-embrace-upcoming-supplier-diversity-summit-in-dallas/>.

Wireless infrastructure has the power to transform communities into innovation hubs and allow Americans to live more robust lives; however, the wireless infrastructure industry continues to face hurdles that burden the deployment of wireless infrastructure throughout the country. Therefore, the #Solutions2020 Call to Action Plan should include a plan for how to further reduce barriers to wireless infrastructure deployment. By acting now to remove these barriers, consumers will continue to realize the benefits of better, more reliable, more advanced wireless service. This streamlining is integral to meeting “one of the great infrastructure challenges of our time”—increasing broadband deployment throughout the nation.²² By adopting WIA’s aforementioned recommendations, Commissioner Clyburn’s #Solution2020 Call to Action Plan has the opportunity to propel broadband deployment to deliver the desired “robust, affordable connectivity within the next four years.”²³

Sincerely,



Sade Oshinubi
Government Affairs Counsel
Wireless Infrastructure Association
500 Montgomery Street, Suite 500
Alexandria, VA 22314
(703) 735-7519
Sade.Oshinubi@wia.org

²² *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*, Notice of Inquiry, 26 FCC Rcd 5384 (2011).

²³ #Solutions2020 Call to Action Plan at 1.