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September 19, 2018

Ex Parte

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79

Dear Ms. Dortch:

5G Americas hereby submits its attached white paper *Small Cell Siting Challenges and Recommendations* into the record of the above caption proceeding on accelerating wireless broadband deployment by removing barriers to infrastructure investment.¹ 5G Americas believes the Draft Declaratory Ruling and Third Report and Order in this proceeding appropriately balances local government zoning authority and its interest in public safety and welfare with the Commission's responsibility to make available to all Americans competitive and efficient new radiocommunications services.² In the attached white paper, 5G Americas provides its principles on a unified and simplified approach to wireless deployment regulation, and supports the Draft Declaratory Ruling and Third Report and Order to the extent it is consistent with the following:

- Small cell siting should be streamlined where possible to use local infrastructure policies and design guidelines.
- Small cells are similar to Wi-Fi access points—no specific planning permissions should be required to roll out such networks.
- To simplify and provide uniformity of networks, national rules should be established for rights-of-way for the deployment of small cells. This is for both the access to the property as well as the administrative paperwork—the same policies should apply nationally.

¹ 5G Americas is an industry trade organization composed of leading telecommunications service providers and manufacturers. Our mission is to advocate for and foster the advancement and full capabilities of LTE wireless technology and its evolution beyond to 5G, throughout the ecosystem's networks, services, applications and wirelessly connected devices in the Americas. Currently chaired by AT&T, 5G Americas Board of Governors includes América Móvil, Cable & Wireless, Cisco, CommScope, Entel, Ericsson, Hewlett Packard Enterprise (HPE), Intel, Kathrein, Mitel, Nokia, Qualcomm, Samsung, Sprint, T-Mobile US, Inc. and Telefónica.

² See e.g., Communications Act of 1934, 42 U.S.C. §§ 151, 253, and 332; see also *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure and investment*, Draft Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC-CIRC1809-02 at ¶¶ 60 and 123 (rel. Sep. 5, 2018) (“*Draft Declaratory Ruling and Third Report and Order*”).

- Scaled down administrative processes should be used for instances of small cells deployments; this will also speed up the administrative flow of documents through local planning.
- Standard deployment procedures for small cells should be developed and established.³

As the Commission is aware, and 5G Americas recounts in its white paper, the permitting process for small wireless facilities has often created deployment barriers that have a significant impact on the pace and scale of densification.⁴ 5G Americas supports the Draft Third Report and Order’s decision to require approvals for site collocation for Small Wireless Facilities on preexisting structures to be no more than 60 days, and no more than 90 days for new construction of such facilities.⁵ Likewise, 5G Americas supports codification of the previously established “shot clocks” for non-Small Wireless Facilities deployments first established in 2009.⁶ Adoption and codification of these “shot clocks” will help narrow the gap in 5G infrastructure deployment between the U.S. and other major global markets, so we have a chance to win the race to 5G.

For the same reasons, 5G Americas supports the other proposed decisions in the Draft Declaratory Ruling to expedite 5G deployment, such as limiting state and local governments to charging non-discriminatory fees that are no greater than a reasonable approximation of their application processing costs and managing 5G deployments in the rights of way, through a legal safe harbor.⁷ In our paper, we reference several national operators’ proposals for reasonable fees.⁸ As the Commission has recognized,⁹ cities that provide accelerated and cost-based, non-discriminatory fees and mechanisms for wireless infrastructure deployment will benefit their residents, not only through faster consumer broadband, but through new smart city applications.¹⁰

The Draft Order recognizes the legitimate concerns of local governments on the aesthetics of small cells.¹¹ As we detail in our white paper, densification of LTE and 5G

³ White Paper, 5G Americas and Small Cell Forum, *Small Cell Siting Challenges and Recommendations* at 43 (Aug. 2018), http://www.5gamericas.org/files/2615/3737/0889/Small_Cell_Siting_Challenges_Recommendations_Whitepaper_final.pdf (“White Paper”).

⁴ *Id.* at 4-7.

⁵ *Draft Declaratory Ruling and Third Report and Order* at ¶¶ 101 *et seq.*

⁶ White Paper at 28-29.

⁷ *See Draft Declaratory Ruling and Third Report and Order* at ¶¶ 75-76 *et seq.*

⁸ *See* White Paper at 25 (“Sprint echoed earlier AT&T’s proposals around caps on fees for city furniture locations, suggesting a guideline of \$500 in application fees for the first five sites, with a \$50-per-site charge after that; \$50 a year maximum for ROW usage fees on new poles; and the same amount again for attachment to ‘publicly owned vertical structures’. These figures largely tie in with the caps now introduced in...20 States[.]”).

⁹ *Draft Declaratory Ruling and Third Report and Order* at *e.g.*, ¶¶ 7-8, 25.

¹⁰ *Draft Declaratory Ruling and Third Report and Order* ¶ 25; *See also* White Paper at Executive Summary.

¹¹ *See Draft Declaratory Ruling and Third Report and Order* at Part III.C.

networks will mean more sites, and more visible sites,¹² since the propagation of millimeter wave stations require them to be closer to the consumer, and not out-of-sight on roof tops or on macro towers. Our paper provides some ideas on how the issues may be alleviated through “stealth design,” and small cells better concealed within “street furniture.” There are many existing and emerging approaches to minimizing the visual impact of small cells on their surrounding environment, while keeping them optimally located to support good quality connectivity.¹³ Our paper details a number of these ideas, which should assist zoning authorities developing non-discriminatory, reasonable policies, consistent and published in advance, to meet the presumption of lawfulness the Commission would establish in the Draft.¹⁴ 5G Americas supports the Commission’s draft requirement for local zoning codes to be reasonable, no more burdensome than those applied to other types of infrastructure, and published in advance.¹⁵ 5G Americas hopes the information presented in its attached white paper will facilitate that transparency and certainty.

In an earlier stage in this proceeding,¹⁶ the Commission asked for additional ideas to accelerate wireless broadband deployment. In the attached white paper, 5G Americas suggests, following up on the RAY BAUM’s Act, that certain content and functions be included in a national communications infrastructure database.¹⁷ As the Commission participates in the consultative process provided for in the statute, 5G Americas advises that the database identify construction plans geographically which could both notify network deployers on use opportunities, and help utilities identify possible efficiencies in right-of-way infrastructure development.¹⁸ Such a database either could be developed and maintained centrally or could be accessed through a common data interface function, depending on the best use of resources and existing data.¹⁹ This database would serve as a clearinghouse for all necessary information that a new attacher would need to efficiently plan for its attachment to another entity’s poles. Another use of this database would be to manage workflow and to track progress on approved attachment projects by incorporating workflow automation to improve the consistency, efficiency and speed

¹² White Paper at 38. (“In addition to growth in the number of sites, we also expect a trend towards more street level deployments vs rooftops and 40m towers typically used for LTE. This is because the line of sight (LoS) requirements of mmWave force implementations to have as few obstructions as possible between antenna and user devices. That means, practically, deployments on poles, the sides of buildings, and street furniture.”)

¹³ *Id.* at 38-42.

¹⁴ *Draft Declaratory Ruling and Third Report and Order* at ¶ 83.

¹⁵ *See id.*

¹⁶ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 17-38, 32 FCC Rcd. 3330 (2017).

¹⁷ *See* RAY BAUM’s Act, Pub. L. No. 115-141, § 608 (2018), on a national broadband facilities asset database created by the General Services Administration in consultation with the Chairman of the Commission and other federal agencies. Under Section 608(d)(1)(B), the Commission has a consultative role on the creation of this database, including on the “feasibility of establishing or operating a database to which State and local governments can voluntarily submit such information.”

¹⁸ White Paper at 30-31.

¹⁹ *Id.* at 31.

of the pole attachment process.²⁰ As the Commission consults with the General Services Administration and other agencies listed in the RAY BAUM's Act, 5G Americas asks that it keep these recommendations in mind.

In closing, 5G Americas is pleased the Commission views removal of barriers to wireless infrastructure as part of a national strategy on 5G infrastructure.²¹ 5G will transform how people interact with the world. 5G will provide the communications foundation for a future world of augmented and virtual reality, autonomous cars, smart cities, wearable computers, AI, an everything-connected environment, and innovations not yet conceived.²² But these transformative technologies will not be optimized if small cell siting is not streamlined. Accordingly, we thank the Commission for its Draft Order to accelerate wireless infrastructure and support it.

Sincerely,



Chris Pearson

cc:

Nick Degani
Rachael Bender
Erin McGrath
Will Adams
Umair Javed
Don Stockdale
Paul D'Ari

Attachment: *Small Cell Siting Challenges and Recommendations*

²⁰ *Id.*

²¹ FCC Fact Sheet of *Draft Declaratory Ruling and Third Report and Order* in above captioned proceeding.

²² White Paper, 5G Americas and Rysavy Research, *LTE to 5G: The Global Impact of Wireless Innovation* at 4 (Aug. 2018), http://www.5gamericas.org/files/4915/3479/4684/2018_5G_Americas_Rysavy_LTE_to_5G-The_Global_Impact_of_Wireless_Innovation_final.pdf.