



PUBLIC NOTICE

Federal Communications Commission
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January 25, 2013

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION OF CTIA—THE WIRELESS ASSOCIATION FOR EXPEDITED RULEMAKING AND BLANKET WAIVER REGARDING PUBLIC NOTICE PROCEDURES FOR TEMPORARY TOWERS

RM No. 11688

Comment Date: February 25, 2013

Reply Date: March 12, 2013

Pursuant to Section 1.403 of the Commission's rules, 47 C.F.R. § 1.403, the Wireless Telecommunications Bureau hereby seeks comment on the *Petition for Expedited Rulemaking* ("Petition") filed by CTIA—THE WIRELESS ASSOCIATION ("CTIA") on December 21, 2012.¹

In its Petition, CTIA requests that the Commission initiate an expedited rulemaking to add an exception from the public notice requirements set forth in Section 17.4(c)(3)-(4) of the Commission's rules for temporary towers that: (1) will be in use for 60 days or less; (2) require the filing of a Form 7460-1 with the Federal Aviation Administration ("FAA"); (3) do not require marking or lighting pursuant to FAA regulations; and (4) will be less than 200 feet in height. CTIA also requests a blanket waiver under Sections 1.3 and 1.925 of the Commission's rules under which towers that fall under the foregoing criteria would be exempt from the Antenna Structure Registration public notice requirements during the pendency of any rulemaking initiated pursuant to its Petition. CTIA states that although the Commission has provided for waivers of notice in emergency situations,² many non-emergency situations arise in which carriers need temporary towers to address short-term capacity constraints but have insufficient advance notice to complete the public notice process. We seek comment on CTIA's Petition.

Interested parties may file comments on or before February 25, 2013, and reply comments on or before March 12, 2013. All filings should refer to **RM No. 11688**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ In the Matter of 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, filed December 21, 2012 ("Petition").

² See National Environmental Policy Act Compliance for Proposed Tower Registrations, WT Docket No. 08-61, *Order on Remand*, 26 FCC Rcd 16700, 16717 n. 117 (2011).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Mania K. Baghdadi, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, Room 6123, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to Mania.Baghdadi@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **RM No. 11688** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418- 0432 (TTY).

This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's ex parte rules.³ Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

For further information regarding this proceeding, contact Mania K. Baghdadi, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau at Mania.Baghdadi@fcc.gov or (202) 418-2133.

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³ 47 C.F.R. §§ 1.1200 et seq.