

**STATEMENT OF  
COMMISSIONER AJIT PAI**

**Re: *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket No. 13-238; 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, WC Docket No. 11-59; 2012 Biennial Review of Telecommunications Regulations, WT Docket No. 13-32.***

Removing barriers to wireless infrastructure deployment has been one of my top priorities since joining the Commission. Two years ago, I laid out a plan to do just that. It called on the Commission to modernize our environmental and historic preservation rules by exempting most distributed antenna systems (DAS) and small cell technologies, curb local moratoria on the approval of new infrastructure, and make clear that our shot-clock rules apply to DAS and small cells.<sup>1</sup> Five months ago, I reiterated those proposals and urged the Commission to adopt a deemed-granted remedy for violations of section 6409 of the Spectrum Act and objective standards for determining the types of modifications that qualify for treatment under that section.<sup>2</sup>

Now, I'll be the first to admit that infrastructure isn't always the most glamorous issue. Discussing categorical exclusions under the National Environmental Policy Act isn't as exciting as thinking about multi-billion dollar spectrum auctions. But wireless infrastructure is just as important as spectrum.

Consider one figure: \$35 billion. That's how much, on average, wireless operators are expected to invest on an annual basis in mobile broadband infrastructure.<sup>3</sup> That translates into hundreds of towers, thousands of base stations, and a vast network of microcells, picocells, and DAS. And with today's *Order*, we're going to stretch those dollars farther. That will mean broader coverage, greater capacity, and ultimately better wireless broadband services for consumers.

It's a simple relationship, really. Lower costs mean greater deployment. But for far too long and in far too many places, a web of municipal, state, and federal regulations has entangled those trying to build infrastructure. Delays, needless paperwork, and moratoria all mean higher costs and accordingly less deployment. Additionally, many of these regulations ignore the realities of modern wireless technology, so some places apply the rules for constructing a 200-foot tower to swapping out a 3G antenna for a 4G one. That disserves the public interest. And if left in place, rules like this could delay the use of the AWS-3 and 600 MHz spectrum we'll soon be auctioning off and slow the build-out of FirstNet.

That's why I'm pleased we're removing some of these barriers today, and I'm grateful that the *Order* includes many of my initial proposals. For example, the *Order* amends our environmental and historic preservation rules to make it easier to deploy small cells and collocate antennas on existing structures. The *Order* also makes it clear that our shot-clock rules apply to small cells and DAS and that local moratoria cannot be used to make an end run around those rules. And it adopts a bright-line test for determining which equipment modifications qualify for section 6409's deemed-grant remedy and makes clear that an applicant can start building on day 61 if a municipality doesn't act on its application.

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<sup>1</sup> See Remarks of Commissioner Ajit Pai at CTIA's MobileCon (2012), <http://go.usa.gov/wMG9>.

<sup>2</sup> See Remarks of Commissioner Ajit Pai at PCIA's 2014 Wireless Infrastructure Show (2014), [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-327172A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-327172A1.pdf).

<sup>3</sup> Alan Pearce, Ph.D., J. Richard Carlson, MBA, Michael Pagano, Ph.D., *Wireless Broadband Infrastructure: A Catalyst For GDP And Job Growth 2013-2017* (Sept. 2013).

These are no small changes. American consumers stand to benefit in a big way. Today's *Order* will make it easier for carriers both large and small to maintain, upgrade, and expand their coverage and capacity.

I would also like to thank my colleagues for agreeing to accept some of my suggested changes that have improved the item. For example, the *Order* now provides greater relief to those seeking to deploy small-scale technology by expanding the permitted size of collocations that qualify under the categorical exclusions we adopt today. Similarly, the *Order* now provides that cabling and other non-telecom equipment do not count against providers when they collocate on a utility structure. And I appreciate the *Order*'s discussion of the benefit of injunctive relief in cases where localities don't comply with the Commission's shot clock. I also would like to thank Commissioner O'Rielly in particular for the important role he played in securing other positive changes to the item.

Critically, the actions we take today lie well within our statutory authority. For example, in both section 332(c)(7) of the Communications Act and section 6409 of the Spectrum Act, Congress has clearly and specifically granted the Commission the power to remove barriers to wireless infrastructure deployment.

Moving forward, there is more to be done. In 18 to 24 months—but I hope sooner—we'll have a new programmatic agreement that will further streamline the process for deploying small cell technologies. And once we have some experience in the field with a deemed-granted remedy for infrastructure deployment, I hope we consider extending that remedy to our section 332 shot clock. But this does not obscure the fact that today's *Order* is a solid step in the right direction.

Finally, I would like to thank the FCC's talented staff for all of their hard work on this item, most especially: Mania Baghdadi, Chad Breckinridge, Saurbh Chhabra, Monica DeLong, Stephen Delsordo, Jennifer Flynn, Ivy Harris, David Horowitz, Don Johnson, Aliza Katz, Won Kim, Lee Martin, Sade Oshinubi, Bill Richardson, Patty Robbins, Roger Sherman, Michael Smith, Jeff Steinberg, Joel Taubenblatt, Peter Trachtenberg, and Morasha Younger. I also want to acknowledge the dedicated efforts that PCIA, CTIA, and many players in the infrastructure industry have made to bring these issues to the fore. Finding ways to make it easier to deploy wireless infrastructure is not the easiest of tasks, but it is essential so that all Americans can enjoy the benefits of wireless broadband.