

Remarks of Michael O’Rielly, FCC Commissioner
Distributed Antenna Systems (DAS) and Small Cell Solutions Workshop
May 3, 2016

Thank you for coming to the Commission today to talk about a very important issue: Distributed Antenna Systems (DAS) and small cell infrastructure siting. This is a topic that has been a priority of mine. In fact, there may be some at the Commission who would prefer that I not push so hard, but then again, what fun would that be? Sometimes the job of a Commissioner is to methodically move the ball forward; in other cases, such as this, we need to push for an up-tempo, high caliber outcome given the importance of the issue.

Most everyone in this room understands the importance and benefits of DAS and small cell technologies. Generally, Americans now seek access to communications services everywhere at any time. To meet these demands, small cells will need to be ubiquitous – especially in high density areas – to promote spectrum reuse and meet the demand for these wireless services. We no longer live in a world – certainly in very urban markets – where network deployments can be based on macro towers alone. To be clear, macro tower reform remains important too, but I want to focus today’s comments on small cell systems.

Despite the obvious need, the deployment of small cell technology has been somewhat slower than projected. In my meetings with industry participants, many have stated that the lack of progress is because of infrastructure siting challenges. This is why it is so important for the Commission to finish up the process to further exclude small cell and DAS systems from certain regulatory burdens before the upcoming fall. But, this proceeding alone is unlikely to fix all problems.

I continue to hear legitimate complaints about localities placing hurdles in front of small cell deployments. Issues range from permitting problems and excessive fees to forced tolling agreements and *de facto* moratoria. Site approvals in rights-of-way, which are especially important for small cell systems, appear to be particularly problematic. Such cases are worthy of the Commission considering using its preemption authority.

These trends are equally troubling as we move towards next generation, or 5G, services that tout high speeds and capacity and low latency – goals that can only be achieved through the densification of networks. And the use of high-band spectrum will only exacerbate the problem of insufficient siting. Millimeter waves only go so far, so small cells will need to be deployed expeditiously and in a cost-effective manner to realize the promise of 5G. The unwelcome alternative would be for companies to build an excessive number of macro towers.

Previously, I have highlighted the example of Destin, Florida, where a company relied on a permit to build two small cell poles on a right-of-way, only to have the locality change its mind and require the small cell facilities to be taken down. Even worse, reasonable siting alternatives were rejected and it was decided that no small cell towers should be placed on the city rights-of-way. That’s simply outrageous. These are services that Americans in their very communities want, and they can only be acquired by building networks. I am pleased to see the National Association of Telecommunications Officers and Advisors’ (NATOA) involvement in today’s workshop. This association and others are critical in ensuring that their membership does not commit the deeds that earn the bad actor moniker.

Commissioners tend to hear more about the bad and less about the good, so I apologize for spending so much time on the negative. I am pleased that today's panelists will focus on case studies that have worked and that can provide industry, localities and the Commission with ideas of how we can facilitate future deployments. It is important to remember that infrastructure siting not only affects the placement of access points, but is also needed for entities looking to provide backhaul solutions. Panelists will hopefully discuss how the Commission can facilitate extending backhaul to DAS and small cell systems.

While we are talking about backhaul, this past month the Commission voted on an order and further notice in the long-pending special access proceeding – or “business data services” to some. We heard the argument at our Open Meeting that one justification for the item is to ensure that there is sufficient backhaul to support the coming demand for 5G wireless services. Taking the Commission's proposal to its logical conclusion, however, the best way to maximize backhaul would be to give it away for free. Even if it isn't exactly free, why would providers pursue an aggressive broadband deployment strategy if they knew that the reward for their efforts would be restrictions on how they price and market their services? It doesn't make any sense. The best way to incentivize providers to build backhaul is to remove barriers to deployment, not add unsubstantiated new burdens.

While I will not be able to stay with you for the entirety of the workshop, I hope to catch most of the discussion from my office or on video. Thank you for listening and participating in this worthwhile program.