

**DISSENTING STATEMENT OF
COMMISSIONER MIGNON. L CLYBURN**

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

Next generation commercial wireless services deserve next generation wireless infrastructure policies. On that we can agree. But our nation's infrastructure policies must be aligned, with existing Congressional mandates and the needs of local communities.

Congress, through the Communications Act, directed the Federal Communications Commission, to develop spectrum management and infrastructure deployment policies, that promote competition, enable economic opportunities and ensure that new and innovative technologies are readily accessible to all Americans. The National Environmental Policy Act and the National Historic Preservation Act, require every federal agency, including the FCC, to also consider the extent to which any action and undertaking that their policies enable, could impact the natural environment and historic aspects of communities. To achieve the right balance of these statutory objectives, the Commission is expected to approach its infrastructure proceedings collaboratively, and include the perspectives of as many communities as possible.

When the Commission has followed this approach, I have consistently voted to approve those decisions. I supported the Orders leading up to the three commercial wireless spectrum auctions, because they established a competitive foundation where all communities stood to benefit from the launch of next generation 5G services. I approved the bulk of decisions made in the Spectrum Frontiers proceeding, because they allowed a diverse group of companies to contribute to the deployment of 5G services, in both rural and urban areas, using spectrum bands above 24 GHz. And I voted in favor, of several Orders to streamline the review and approval of communication towers, and other wireless infrastructure equipment. It is true that at times, I have pushed for edits and various approaches to infrastructure challenges, that would enable industry to address the concerns of rural and other areas. Notably, it was this approach that I took in 2014, with the Order that streamlined review of the collocation of towers to 60 days. But I would not agree to vote for that 60-day deadline, until industry associations agreed to work with resource constrained localities, to find ways to more quickly review those applications.

As I began my review of today's draft Order, as I often like to say, I started from the 50-yard line. And after hearing the concerns of Tribal Nations and local governments, I began discussing possible proposals that might address those concerns with Commissioner Carr's office. But after many open and direct exchanges, my major concerns could not be addressed and following a full, comprehensive review of the record (that included multiple conversations with numerous stakeholders) about the concerns raised by Tribal Nations, environmental protection advocates, and local government representatives, I concluded that the best course for all parties was to delay today's vote. At this juncture, the potential adverse impact of these proposed rules on Tribal Nations, historic sites, and the natural environment were severe and had yet to be fully addressed. Unfortunately, my request to delay the vote, was rejected.

But let me clearly reiterate for the record: I strongly support efforts to facilitate the deployment of 5G next generation wireless services. Each of us has seen how brilliant minds in the fields of technology, software, and communications industries are working to make a difference in so many areas such as health care, education, energy efficiency, and manufacturing. There is no question we will all see phenomenal benefits when (and if) 5G is fully deployed in all communities. And we have already shown the rest of the world that we can still lead in the deployment of 4G LTE services while complying with federal statutes designed to protect the environment and historic sites. So for me, it is clear and the

evidence is convincing that winning the 5G race, need not come at the expense of those important statutory goals. Because this Order sacrifices those goals, I am forced to dissent from this Order.