

August 6, 2020

The Honorable G.K. Butterfield U.S. House of Representatives 2080 Rayburn House Office Building Washington, DC 20515

Dear Congressman Butterfield:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

As you know, Congress enacted section 6409(a) of the Spectrum Act of 2012 to streamline state and local government review of certain requests to modify wireless transmission equipment on existing structures. Under this framework, a state or local government "shall approve" within 60 days any request for modification of an existing structure that does not substantially change the physical dimensions of such structure. In 2014, the Commission adopted rules to implement this statute.

The Declaratory Ruling adopted on June 9 clarifies the Commission's 2014 rules regarding when the 60-day shot clock for local review begins. The ruling also clarifies how certain aspects of proposed modifications—height increases, equipment cabinet additions, and impact on concealment elements and aesthetic conditions—affect eligibility for streamlined review under section 6409(a). Additionally, the action clarifies that, under the Commission's environmental and historic preservation rules, FCC applicants do not need to submit environmental assessments based only on potential impacts to historic properties when the parties have entered into an agreement to mitigate effects on those properties.

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.



August 6, 2020

The Honorable Tony Cárdenas U.S. House of Representatives 2438 Rayburn House Office Building Washington, DC 20515

Dear Congressman Cárdenas:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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August 6, 2020

The Honorable Kathy Castor U.S. House of Representatives 2052 Rayburn House Office Building Washington, DC 20515

Dear Congresswoman Castor:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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August 6, 2020

The Honorable Yvette D. Clarke U.S. House of Representatives 2058 Rayburn House Office Building Washington, DC 20515

Dear Congresswoman Clarke:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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August 6, 2020

The Honorable Diana DeGette U.S. House of Representatives 2368 Rayburn House Office Building Washington, DC 20515

Dear Congresswoman DeGette:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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August 6, 2020

The Honorable Debbie Dingell U.S. House of Representatives 116 Cannon House Office Building Washington, DC 20515

Dear Congresswoman Dingell:

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Page 2—The Honorable Debbie Dingell

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August 6, 2020

The Honorable Mike Doyle Chairman Subcommittee on Communications and Technology Committee on Energy and Commerce U.S. House of Representatives 2125 Rayburn House Office Building Washington, DC 20515

Dear Chairman Doyle:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Mike Doyle

and after the draft Declaratory Ruling was circulated and published three weeks before the Commission vote (pursuant to the transparency initiative begun under my chairmanship).

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August 6, 2020

The Honorable Eliot L. Engel U.S. House of Representatives 2462 Rayburn House Office Building Washington, DC 20515

Dear Congressman Engel:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Eliot L. Engel

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August 6, 2020

The Honorable Anna G. Eshoo U.S. House of Representatives 202 Cannon House Office Building Washington, DC 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Anna G. Eshoo

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August 6, 2020

The Honorable Robin Kelly U.S. House of Representatives 1239 Longworth House Office Building Washington, DC 20515

Dear Congresswoman Kelly:

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Page 2—The Honorable Robin Kelly

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August 6, 2020

The Honorable Joseph P. Kennedy U.S. House of Representatives 434 Cannon House Office Building Washington, DC 20515

Dear Congressman Kennedy:

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August 6, 2020

The Honorable Dave Loebsack U.S. House of Representatives 1211 Longworth House Office Building Washington, DC 20515

Dear Congressman Loebsack:

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August 6, 2020

The Honorable Ben Ray Luján U.S. House of Representatives 2231 Rayburn House Office Building Washington, DC 20515

Dear Congressman Luján:

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Page 2—The Honorable Ben Ray Luján

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August 6, 2020

The Honorable Doris Matsui U.S. House of Representatives 2311 Rayburn House Office Building Washington, DC 20515

Dear Congresswoman Matsui:

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Page 2—The Honorable Doris Matsui

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August 6, 2020

The Honorable A.Donald McEachin U.S. House of Representatives 314 Cannon House Office Building Washington, DC 20515

Dear Congressman McEachin:

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Page 2—The Honorable A.Donald McEachin

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August 6, 2020

The Honorable Jerry McNerney U.S. House of Representatives 2265 Rayburn House Office Building Washington, DC 20515

Dear Congressman McNerney:

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The Honorable Frank Pallone Chairman Committee on Energy and Commerce U.S. House of Representatives 2125 Rayburn House Office Building Washington, DC 20515

Dear Chairman Pallone:

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and after the draft Declaratory Ruling was circulated and published three weeks before the Commission vote (pursuant to the transparency initiative begun under my chairmanship).

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The Honorable Lisa Blunt Rochester U.S. House of Representatives 1519 Longworth House Office Building Washington, DC 20515

Dear Congresswoman Rochester:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

As you know, Congress enacted section 6409(a) of the Spectrum Act of 2012 to streamline state and local government review of certain requests to modify wireless transmission equipment on existing structures. Under this framework, a state or local government "shall approve" within 60 days any request for modification of an existing structure that does not substantially change the physical dimensions of such structure. In 2014, the Commission adopted rules to implement this statute.

The Declaratory Ruling adopted on June 9 clarifies the Commission's 2014 rules regarding when the 60-day shot clock for local review begins. The ruling also clarifies how certain aspects of proposed modifications—height increases, equipment cabinet additions, and impact on concealment elements and aesthetic conditions—affect eligibility for streamlined review under section 6409(a). Additionally, the action clarifies that, under the Commission's environmental and historic preservation rules, FCC applicants do not need to submit environmental assessments based only on potential impacts to historic properties when the parties have entered into an agreement to mitigate effects on those properties.

The Commission also adopted a Notice of Proposed Rulemaking that seeks comment on proposed rule changes regarding excavation or deployment outside the boundaries of an existing tower site and the effects of such activities on eligibility for streamlined review under section 6409(a).

Page 2—The Honorable Lisa Blunt Rochester

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.



August 6, 2020

The Honorable Bobby L. Rush U.S. House of Representatives 2188 Rayburn House Office Building Washington, DC 20515

Dear Congressman Rush:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Bobby L. Rush

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Sincerely,

Ajit V. Pai



August 6, 2020

The Honorable Jan Schakowsky U.S. House of Representatives 2367 Rayburn House Office Building Washington, DC 20515

Dear Congresswoman Schakowsky:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Jan Schakowsky

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Sincerely,

Ajjt V. Pai



August 6, 2020

The Honorable Darren Soto U.S. House of Representatives 1429 Longworth House Office Building Washington, DC 20515

Dear Congressman Soto:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Darren Soto

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Sincerely,

Ajit V. Pai



August 6, 2020

The Honorable Paul Tonko
U.S. House of Representatives
2463 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Tonko:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Paul Tonko

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Sincerely,

Ajjt V. Pai



August 6, 2020

The Honorable Marc Veasey
U.S. House of Representatives
1519 Longworth House Office Building
Washington, DC 20515

Dear Congressman Veasey:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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Page 2—The Honorable Marc Veasey

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Sincerely,

Ajit V. Pai



August 6, 2020

The Honorable Peter Welch U.S. House of Representatives 2303 Rayburn House Office Building Washington, DC 20515

Dear Congressman Welch:

Thank you for your letter regarding the Section 6409(a) Declaratory Ruling, which the Commission adopted at its June open agenda meeting. That decision will promote the deployment of 5G networks across America by clarifying and seeking public input on the Commission's rules regarding state and local government review of modifications to existing wireless infrastructure. Expediting equipment upgrades is critical to deploying these next-generation networks. And the ongoing COVID-19 pandemic makes this work of the Commission more pressing, not less. For consumers and local governments all benefit with swifter deployment of next-generation broadband.

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