

STATEMENT OF CHAIRMAN AJIT PAI

Re: *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250, RM-11849

A critical part of the FCC's 5G FAST plan is promoting the deployment of wireless infrastructure. Consumer demand for mobile broadband is increasing at a steady clip, and installing equipment on existing structures can accommodate that demand without the time delays and costs involved in constructing new towers. And collocating antennas and other wireless equipment on existing infrastructure is usually less disruptive to the environment than constructing new sites. But many towers were originally designed for use only by a single carrier, meaning that modifications may be necessary to accommodate additional transmission equipment on those towers.

Congress recognized the importance of infrastructure to the expansion and advancement of wireless broadband services when a supermajority in each House of Congress passed the Middle Class Tax Relief and Job Creation Act of 2012 (known in relevant part as the Spectrum Act). Specifically, section 6409(a) of the Spectrum Act requires state and local governments to approve requests for collocation, removal, or replacement of transmission equipment that do not substantially change the physical dimensions of a tower or base station. The Commission adopted rules implementing section 6409(a) in 2014, based largely on provisions included in the Commission's *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (Collocation NPA), which we entered into with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation. That agreement governs the evaluation of potential impacts on historical properties associated with collocations.

Earlier this year, the parties amended that agreement to provide that certain collocation-related excavations or deployments up to 30 feet beyond a site boundary generally do not warrant federal historic preservation review. It is logical that this same threshold should apply as a benchmark for exempting expansions from substantial review by state and local government pursuant to section 6409(a). So today, consistent with the amended Collocation NPA, we update our rules to provide that ground excavation or deployment up to 30 feet beyond the site boundary of a tower outside of a public right-of-way does not by itself disqualify the modification from a streamlined review by a state or local government under section 6409(a).

Our decision streamlines the processing of more modifications that don't substantially change the physical dimensions of a tower. And given the increasing reliance upon collocations as the most economical and environmentally friendly method for expanding 5G wireless networks, our Order today advances the Commission's goal of facilitating the rapid development of 5G wireless infrastructure without infringing upon local land-use interests.

Our actions also promote public safety connectivity and network resiliency. For example, Congress directed that FirstNet, the nationwide public safety broadband network, should take advantage of existing infrastructure "to the maximum extent economically desirable." Accordingly, FirstNet will be among the beneficiaries of expedited deployment opportunities resulting from our Order. And with respect to network resiliency, many site expansions involve the installation of backup generators. A limited expansion beyond a site boundary to this point could in many cases be subject to an unnecessarily lengthy review that would harm public safety. Not any more.

In this Order, we also provide greater certainty to applicants and localities about the appropriate timeline for evaluating boundaries of a site for purposes of determining eligibility for streamlined review. We revise our definition of the term “site” to be the boundaries of an eligible support structure at the time the original support structure was built or, alternatively, the boundaries that were most recently reviewed and approved by the state or local government (provided that the most recent approval was granted prior to the passage of the Spectrum Act or was granted outside of a section 6409(a) streamlined review process). With this proviso, the Commission provides a reasonable limiting factor to protect against an overexpansion of a site boundary and ensures greater protection for local land-use interests.

This decision doesn’t come in isolation. Indeed, this Commission has worked hard over the past few years to encourage the deployment of wireless infrastructure. We’ve adopted new rules to reduce regulatory impediments to deploying small cells needed for 5G. We’ve also implemented reforms to speed up state and local review of small cell deployments and to limit unreasonable fees placed on such deployments. These decisions have yielded significant results. In the United States, fewer than 7,000 cell sites were deployed from 2013 to 2016. But deployment picked up starting in 2017, with more than 46,000 sites added in 2019 alone. Today’s action is just the latest step toward encouraging buildout of communications infrastructure, expediting the expansion of 5G across our nation, and advancing America’s global leadership position in 5G.

I’d like to thank Commission staff for their work in preparing this Report and Order. From the Wireless Telecommunications Bureau: Paul D’Ari, Garnet Hanly, Kari Hicks, Georgios Leris, Belinda Nixon, Dana Shaffer, Don Stockdale, Cecilia Sulhoff, and Joel Taubenblatt; from the Office of General Counsel: Mike Carlson, David Horowitz, Bill Richardson, and Anjali Singh; from the Office of Economics and Analytics: Kate Matraves and Patrick Sun; from the Wireline Competition Bureau: Adam Copeland and Michael Ray; from the Consumer and Governmental Affairs Bureau: Gregory Cooke, Barbara Esbin, and Aliza Katz; from the Enforcement Bureau: Leslie Barnes, Kathy Harvey, Chris Killion, Shannon Lipp, Neal McNeil, Janet Moran, and Axel Rodriguez; and from the Office of Communications Business Opportunities: Chana Wilkerson.