

**STATEMENT OF  
COMMISSIONER AJIT PAI**

Re: *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; Amendment of Parts 1 and 17 of the Commission's Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers, RM-11688; 2012 Biennial Review of Telecommunications Regulations, WT Docket No. 13-32.*

In July 2012, I met some entrepreneurs in San Francisco who were developing cutting-edge applications for mobile devices. I was impressed by their work on things like instant video optimization and mobile cloud computing. But what I found most striking—and not in a good way—was their response to a question about bottlenecks in the wireless industry. They brought up the usual suspects like spectrum, but they also mentioned how ridiculous it was that they couldn't get a good signal in their own building. Why? Because regulations made it nearly impossible for any wireless company to deploy more physical infrastructure in the city.

So what did these innovators do? They innovated. On the roof of their building, they built a wireless mesh network using chicken wire. Let me posit here that something has gone wrong with regulation—really wrong—if the best wireless solution for entrepreneurs in San Francisco is the same technology that farmers in Kansas use to keep wayward birds in the coop.

This experience informs my view that wireless infrastructure often seems to be the unsung hero of the ongoing mobile broadband revolution. We don't talk about it much, but without vast networks of towers, rooftop antennas, microcells, picocells, distributed antenna systems (DAS), and other types of physical infrastructure, Americans wouldn't be able to send emails, surf the web, or watch video over their wireless devices. And as our use of tablets and smartphones proliferates, so too does the need to deploy more wireless infrastructure to accommodate more mobile data traffic.

But as my opening suggests, it's not easy to deploy wireless infrastructure in the United States. The federal government has erected some unnecessary obstacles. Federal regulations that were written with two-hundred-foot tall towers in mind just don't make sense when applied to recent innovations like small cells. State and local governments have slowed deployment as well. Every consumer wants fast, dependable wireless service in his or her neighborhood. But many aren't as enthusiastic about having nearby the physical infrastructure that makes such service possible. This kind of "not in my back yard" sentiment can lead municipalities to needlessly delay or block the installation of wireless infrastructure.

To remove these roadblocks, I proposed last fall a comprehensive set of reforms to expedite the deployment of wireless infrastructure. Specifically, I called for the Commission to: (1) exempt DAS from our environmental processing requirements; (2) update our historic preservation regulations to take account of DAS and small cells; (3) declare that the shot clock adopted by the Commission in 2009 applies to DAS; (4) make clear that local moratoria on the approval of new wireless infrastructure that evade the Commission's shot clock violate section 332(c)(7) of the Communications Act; and (5) provide that if a local government does not act on a wireless facilities application by the end of our shot clock, that application will be deemed granted, as is the case in the video franchising context.<sup>1</sup>

I'm excited that, less than a year later, the Commission is seeking comment on all of these ideas in today's Notice of Proposed Rulemaking (NPRM). I'm also pleased that we are soliciting feedback on

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<sup>1</sup> Remarks of Commissioner Ajit Pai at CTIA's MobileCon, San Diego, California (Oct. 10, 2012), <http://go.usa.gov/Dd6k>.

other worthwhile proposals to implement Section 6409(a) of the Spectrum Act and to permanently exempt temporary towers from pre-construction environmental notification requirements.

I am particularly happy that we seek comment on whether to adopt a “deemed granted” remedy for violations of both Section 6409(a) of the Spectrum Act and Section 332(c)(7) of the Communications Act. Right now, if a city does not process an application by the end of the FCC’s shot clock, an applicant’s only remedy is to file a lawsuit. In other words, the solution to municipal delay is . . . litigation, a word that is often synonymous with delay. In one case, for example, Sprint was forced to battle for seven years in federal and state courts as it attempted to build two towers in Los Angeles County.

If a local government does not act on a wireless facilities application by the end of the shot clock, I believe that application should be deemed granted. This would maximize the incentive for local governments to rule on applications promptly. It would allow companies to stop litigating over infrastructure and start building it.

On all of the issues that are teed up in today’s NPRM, it is critical that we move forward with alacrity. Indeed, we should bring the same urgency to the task that animates our push to make available additional spectrum for mobile broadband. For if our efforts on wireless infrastructure falter, much of our work on spectrum will be for naught. After all, even an unlimited supply of spectrum won’t mean much without the infrastructure to carry wireless traffic to its destination.

I thank Chairwoman Clyburn for her leadership on this item and the staff in the Wireless Telecommunications Bureau for all of their hard work: Jeffrey Steinberg, Peter Trachtenberg, Mania Baghdadi, Won Kim, Michael C. Smith, Joyce Jones, Ivy Harris, Donald Johnson, Saurbh Chhabra, Stephen Delsordo, Weiren Wang, Ruth Milkman, Jane Jackson, Maria Kirby, and Jessica Almond. The success of your efforts is evident to us today and will be evident to consumers in years to come when they enjoy better, more reliable, more advanced wireless services.