

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: ***2004 and 2006 Biennial Regulatory Reviews - Streamlining and Other Revisions of Parts 1 and 17 of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures, WT Docket No. 10-88, Amendments to Modernize and Clarify Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures, RM 11349.***

I am pleased to consider this item to streamline and harmonize the Commission's antenna structure rules with those of the Federal Aviation Administration (FAA). Despite the clear benefits of updating these rules, today's order has been in the works for a long time. In fact, this issue was first raised in 2005 during the Commission's own 2004 Biennial Review and, subsequently, in a Petition for Rulemaking filed in 2006.¹ The question that has to be asked is why did it take nine years to get this item before the Commission for a vote? We simply must do better than this. I applaud the Chairman for moving these backlog proceedings during his short time at the Commission.

Additionally, we were able to come to agreement on the scope of the delegated authority provided to the Bureau to update rules to reflect future FAA antenna structure requirements. The end result ensures that non-substantive and editorial changes can be made at the Bureau level, but all other decisions would come to the Commission for consideration. It's a reasonable compromise.

I thank the Chairman for incorporating my edits and the staff of the Wireless Telecommunications Bureau for their work on this item.

¹ *Federal Communications Commission 2004 Biennial Regulatory Review*, WT Docket No. 04-180, Wireless Telecommunications Bureau Staff Report, 20 FCC Rcd 124, 158 (WTB 2005); PCIA—The Wireless Infrastructure Association, Petition for Rulemaking, RM-11349 (Sept. 12, 2006).