

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Comment Sought on Draft Program Comment for the Federal Communications Commission's Review of Collocations on Certain Towers Constructed without Documentation of Section 106 Review, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79

None of us currently on the Commission caused the Twilight Towers situation, which originated back in the early 2000s. Instead, we get the job of cleaning up the mess. Today, we take a decisive first step to do just that. Once complete, our resulting actions will expedite certain antenna collocations, reduce the need for additional macro tower construction and placement, facilitate the expansion of wireless networks (including FirstNet), and improve the wireless experience for consumers.

Having toiled on this issue for several years, I am well aware of some differing perspectives and views on what best to do with Twilight Towers. Over that time, I have explored assorted options and participated in countless conversations over possible solutions, seeking resolution while demanding a realization of the realities. I have pushed Commission staff – many of whom are no longer here to see this to conclusion – to expedite consultations and craft a draft order expeditiously. And, I know there have been endless discussions, consultations, negotiations, workshops and conferences with staff and stakeholders over the years that never resolved the problem. All of this preceding work, however, has led us to this Public Notice (PN), and I want to thank the Chairman and Commissioner Carr for their leadership in making this issue one of the early action items for removing infrastructure barriers.

This PN is an incredibly positive step forward to address the regulatory purgatory faced by those owning so-called Twilight Towers. These towers – some 4,300 or so by most estimates – have been in operation bringing wireless service to the America people for somewhere between *twelve and sixteen years*. At the same time, owners of these towers, many of which may have since been sold, have been stuck, unable to accept collocating partners while policymakers wrestle with the fact that the requisite historic preservation reviews were not documented. In fact, it is estimated that these towers could accommodate an additional 6,500 antennas. Consumers have been prevented from the many benefits from fully loaded towers, including increased network coverage.

Since I am aware of no one that possesses a time machine in order to go back and conduct the reviews pursuant to Commission rules in place today and not back then, we must operate in the present with the facts as they are, not how we may like them to be. Basically, these towers already exist and, in most cases, were never the subject of a complaint; it would take millions of dollars and years to create a list of all the twilight towers and have them individually reviewed; and in the meantime, these towers would continue to be underutilized, to the detriment of consumers.

With this in mind, as well as the realization that the Commission will not undertake enforcement actions against tower owners for the uncertainty caused by our own doing, the PN takes the most appropriate action by establishing a draft Program Comment for consideration by the ACHP. Specifically, the contents of the draft Program Comment would exclude collocations of wireless facilities on Twilight Towers from Section 106 review. In effect, we are moving forward and closing this sad chapter in regulatory history.