
**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Use of Common Antenna Site – Sections 73.239 and 73.635*, MB Docket No. 19-282;
Modernization of Media Regulation Initiative, MB Docket No. 17-105.

When we launched our *Modernization of Media Regulation Initiative*, I noted that “[a] rule that might have been necessary at one time can become yellowed and obsolete with age. In some cases, repeal of such a rule is just a matter of good housekeeping; the conduct covered by the rule simply doesn’t happen anymore, so the rule is literally irrelevant.”¹ Today’s Notice of Proposed Rulemaking asks, among other things, whether our Common Antenna Siting rules are in need of some housekeeping.

These rules date back to 1945. At the time, there was a freeze on broadcast station construction in order to conserve equipment and material needed for World War II. The Commission was also concerned about developing the still-nascent FM radio and TV services at a time when broadcasters were still the predominant antenna site owners. But that was a long, long time ago; today, there are abundant FM and TV stations, the tower site market is flourishing, and Commission staff has been unable to find a single instance where these rules were successfully invoked. What they *have* found are parties citing these rules without a factual basis for doing so, resulting in unnecessary delay of Commission proceedings. All this raises the question: Are these rules still necessary? With this Notice, we aim to find out.

I’d like to thank the staff that dug deep into the FCC’s history to prepare this item: from the Media Bureau, Michelle Carey, John Cobb, Martha Heller, Paul Jackson, and Kim Matthews; and from the Office of General Counsel, Susan Aaron, David Konczal and Bill Richardson.

¹ See *Commission Launches Modernization of Media Regulation Initiative*, MB Docket No. 17-105, Public Notice, 32 FCC Rcd 4406, 4411 (2017) (Statement of Chairman Ajit Pai).