

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

Promoting American leadership in 5G wireless technology has been one of my top priorities since becoming Chairman. To that end, the FCC has been executing my 5G FAST plan, which includes three key components: pushing more spectrum into the marketplace, making it easier to deploy wireless infrastructure, and modernizing outdated regulations to expedite the deployment of fiber for wireless backhaul.

With respect to spectrum, the Commission has left no stone unturned in its quest to make a mix of low-, mid-, and high-band spectrum available for 5G services. Over the past 18 months, the Commission has concluded three auctions for high-band spectrum, making nearly 5,000 megahertz of spectrum available for next-generation wireless services. Our most recent auction, Auction 103, offered licenses for 3,400 megahertz of spectrum—the largest offering in the Commission's history. Carriers are acting quickly to put this spectrum to use for 5G service. And the Commission continues to work on making additional low-band spectrum available. We are nearing the end of the post-incentive auction repack, which is making available 600 MHz band spectrum for 5G on a nationwide basis, and we have reformed rules for the 800 MHz and 900 MHz bands.

But perhaps the FCC's most intense work over the course of the last couple of years has involved making additional mid-band spectrum available for 5G. Specifically, we adopted rule changes last July to liberate the 2.5 GHz band and put more of this underused spectrum to work for mobile broadband (including adopting a priority filing window to make this spectrum available for service to rural Tribes). Thanks to Commissioner O'Rielly's efforts, we've improved rules for operations in the 3.5 GHz band and done the necessary coordination and technical work in the band. As a result, 150 megahertz of 3.5 GHz band spectrum is available today for the deployment of innovative services, and we'll begin an auction of 70 megahertz of Priority Access Licenses on July 23, 2020. We've adopted service rules to make available 280 megahertz of spectrum in the C-band for 5G and are on track to auction that spectrum on December 8 of this year. And just recently, we announced that satellite incumbents have agreed to expedite the relocation process, so this 280 megahertz of spectrum will be available for 5G on an accelerated basis. None of this was easy. There were plenty of technical, political, and other challenges along the way. Nevertheless, the FCC majority persisted. And we're getting major results.

Of course, in addition to pushing more spectrum into the marketplace, a key component of the Commission's 5G FAST strategy has been updating our wireless infrastructure policies to encourage private-sector investment in the physical building blocks of 5G networks. And today's Declaratory Ruling and Notice of Proposed Rulemaking does just that. Commissioner Carr has spearheaded the Commission's efforts to update our wireless infrastructure policies. And this item, which was developed under his leadership, will clear up some of the confusion that has surrounded our rules implementing section 6409(a) of the Spectrum Act of 2012. These regulations apply when wireless infrastructure companies want to upgrade the equipment on existing structures, such as replacing antennas on a macro tower or adding antennas to a building.

These clarifications will accelerate the build out of 5G infrastructure by avoiding misunderstandings and reducing the number of disputes between local governments and wireless infrastructure builders—disputes that lead to delays and lawsuits. With today's action, we continue to advance the same goal that underlay the Spectrum Act and inspired the Commission's section 6409(a)

regulations in the first place—avoiding unnecessary ambiguities and roadblocks in order to advance wireless broadband service for all Americans.

Now, there are some who argue that we should have slowed down or stopped our work on today’s Declaratory Ruling because of the COVID-19 pandemic. I could not disagree more. The COVID-19 pandemic isn’t a reason to slow down our efforts to expand wireless connectivity. It’s a reason to speed them up. The pandemic has highlighted the need for all Americans to have broadband connectivity as soon as possible. Telehealth, remote learning, telework, precision agriculture—all of these things require broadband. And it is an iron law that you can’t have broadband without broadband infrastructure.

And the argument that local governments have not had a sufficient opportunity to weigh in on these issues has no merit. The petitions on which we are acting today were filed in August and September of 2019, well before the COVID-19 pandemic. And the entire period for public comment on those petitions took place last year—also well before the COVID-19 pandemic.

These calls for delay are nothing new. Earlier this year, for example, some insisted that we should do absolutely nothing to make C-band spectrum available unless and until Congress passed a law on the subject. How’s that advice looking now? If we had followed that politically-motivated counsel, we would *still* be stuck at square one, half a year later, with no prospect of movement. Instead, we’re on track for a major C-band spectrum auction this year. The same old tactic is now applied to wireless infrastructure. Wait until . . . whenever, we are told. But waiting to deploy more wireless infrastructure isn’t going to deliver advanced wireless services to American consumers, and it isn’t going to make the United States the global leader in 5G.

The bottom line is this: It’s easy to *say* that you favor moving forward quickly on 5G, but what actually matters is to *do* it. So I appreciate Commissioners O’Rielly and Carr for not just saying, but doing what’s necessary to usher in the next generation of wireless technology for the American people.¹

Thank you to the team that worked hard on this item. From the Wireless Telecommunications Bureau, including Paul D’Ari, Garnet Hanly, Kari Hicks, William Holloway, Susannah Larson, Belinda Nixon, Dana Shaffer, Donald Stockdale, Cecilia Sulhoff, and Joel Taubenblatt, and also Jiaming Shang and David Sieradzki, both formerly of the Wireless Telecommunications Bureau; from the Office of General Counsel, Deborah Broderson, Mike Carlson, David Horowitz, Linda Oliver, Bill Richardson, and Anjali Singh; from the Office of Economics and Analytics, Catherine Matraves and Patrick Sun; from the Wireline Competition Bureau, Adam Copeland, Elizabeth Drogula, and Michael Ray; from the Enforcement Bureau, Daniela Arregui and Jason Koslofsky; and from the Office of Communications Business Opportunities, Chana Wilkerson.

¹ Cf. *Seinfeld*, “The Alternate Side,” Season 3, Episode 11 (Dec. 4, 1991) (“See, you know how to take the reservation, you just don’t know how to *hold* the reservation. And that’s really the most important part of the reservation, the holding. Anybody can just take them.”), available at <https://www.youtube.com/watch?v=dSZYsyrP3Co>.