

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

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*

Today, the Commission refocuses its infrastructure efforts on the foundation of wireless networks – the macro tower. The Commission has taken several steps to reduce the regulatory burdens on siting small cells, but similar updates for macros have been lagging. A business plan centered on small cells and millimeter waves may work in our largest cities, but traditional towers and mid bands will be needed throughout much of the United States, especially in rural areas, where small cells do not, generally-speaking, make the most sense, at least at the current time.

I started pushing for a review of the barriers facing macro tower siting around five years ago, as industry started to consider what a 5G suburban and rural network build would look like. While it is unfortunate that we didn't get to this sooner, I am grateful that Commissioner Carr has honored his word to me that we would address hurdles that some localities have placed in the way of large tower siting. With significant progress being made on mid-band frequencies, it is imperative that we facilitate the deployment of macro towers that will be used to deliver the myriad of offerings mid-band spectrum will enable. And, as I have said before, our actions are precipitated by the behavior of a few bad actors, and here we address some of the problems being experienced. I fully recognize that many, if not most, local and state governments see the great benefit that these networks will bring and are actively working to fulfill the needs and demands of their citizens.

While the Commission took steps in 2014, pursuant to Congress's direction under Section 6409 of the Spectrum Act of 2012, to set localities straight on unacceptable activity that when it came to collocating facilities, some entities are still slowing down progress or doing what they can to stop wireless innovation from reaching consumers. Today, we clarify how some of our rules implemented in response to section 6409 should be interpreted, such as when the shot clock begins, how to measure height increases for towers when adding additional antennas, what is an equipment cabinet, and the treatment of concealment elements, among others. I am pleased that, at my request, further details were provided about the documentation needed to start the shot clock and to evidence that concealment elements were envisioned when obtaining a locality's approval. Such guidance is necessary so that all parties understand expectations and to avoid disputes down the road. While I understand some have asked that we delay today's action due to some concerns, many of the clarifications are straightforward and should reduce the burdens on locality staff reviewing applications. And, these clarifications are needed to facilitate the expansion of 5G networks by wireless providers and help entities like FirstNet meet their public safety obligations.

Additionally, the notice portion of today's item seeks comment on a proposal to allow minimal compound expansions under section 6409 streamlined processing. I am pleased that my request was accepted to make this a proposal, as opposed to simply seeking comment. Over the years, tower companies have repeatedly come to me with the challenges they face when compound expansions are needed to accommodate additional equipment for collocation purposes. And, there is a good foundation for such a change, as the construction of replacement towers that do not expand a compound by more than 30 feet are excluded from historic preservation review under a nationwide programmatic agreement. I expect that an order on this proposal will be presented before the Commission as quickly as possible.

Moreover, localities should note that the Commission is taking these matters seriously and will continue to issue such orders if our intent is being contravened or our rules implemented incorrectly. We

will be ready to follow up on any issue, including those that we did not cover here, such as the inappropriate use of other local permitting processes to hold up infrastructure siting or charging excessive fees.

Finally, I thank everyone involved for bringing this item to a vote and the staff for their continued efforts to facilitate infrastructure deployment. Now that we have clarified some areas where there were “misunderstandings” over the rules for streamlined collocations, it is time to conclude the ultimate collocation problem – twilight towers. The Commission needs to resolve this quagmire so that these towers can hold additional antennas, which are needed to provide wireless services to the American people.

I will approve the item.