

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20555

In the Matter of)	
)	
Streamlining Deployment of Small Cell)	WT Docket No. 16-421
Infrastructure by Improving Wireless Facilities)	
Siting Policies)	
)	
Mobilitie, LLC Petition for Declaratory Ruling)	

MOTION FOR EXTENSION OF TIME

Pursuant to 47 C.F.R. § 1.46, the National Association of Telecommunications Officers and Advisors (“NATOA”), the United States Conference of Mayors (“USMC”), the National League of Cities (“NLC”), the Government Finance Officers Association (“GFOA”), the International Municipal Lawyers Association (“IMLA”), and the National Association of Counties (“NACo”) (collectively, the “Petitioners”) request an extension of time to file comments and reply comments in the above-captioned proceeding. Currently, comments are due on or before February 6, 2017, and reply comments are due on or before March 8, 2017. The Petitioners respectfully request an extension through and including April 7, 2017 for comments, and an extension through and including June 7, 2017 for reply comments.

While it is “the policy of the Commission that extensions of time shall not be routinely granted,”¹ such extensions are warranted when, among other things, the additional time will

¹ 47 C.F.R. § 1.46(a).

serve the public interest. Granting an extension in this proceeding would allow a more complete and factual record to be developed and, as such, would surely serve the public interest.

An extension of time to file comments in this matter is appropriate considering the complexity and breadth of the issues involved in this matter. In fact, many of the issues to be addressed in this proceeding mirror those raised in an earlier proceeding in which the Commission granted an extension of time to file.² Moreover, while this matter is titled “Streamlining Deployment of Small Cell Infrastructure,” additional issues have been raised that require comment. For example, comment is sought as to whether the Commission should “clarify” any issues previously addressed in its 2014 Infrastructure Order and its 2009 Declaratory Ruling,³ which raise multiple wireless siting issues beyond the scope of small cells and beyond the siting of wireless facilities in the rights-of-way. And the Commission seeks information on, among other things, siting application practices and proposed or adopted legislation, ordinances, and regulations that have successfully reduced administrative burdens, costs, and delays that arose from the rules adopted in the 2014 Infrastructure Order. Developing a comprehensive and fact-based record will require time to research and organize the kind of information requested by the Commission. Numerous local governments have significant limits on their resources and, along with staffing shortages due to the recent holiday season, parties interested in participating in this proceeding simply cannot respond to such a complex set of questions in such a short period of time.

² *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting*, Order, WC 11-59 (Aug. 16, 2011).

³ *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd 13994 (2009) (“2009 Declaratory Ruling”) and *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12,865 (2014) (2014 Infrastructure Order”).

Additionally, as we saw in the 2011 proceeding, specifically named local governments will once again have to respond to allegations that their current siting and application practices hinder deployment. But most importantly, local governments will have to address what “constitute[s] reasonable and nondiscriminatory – and thus permissible – fees under federal law.”⁴ An adverse ruling by the Commission on this issue could potentially cost local governments billions of dollars annually for the private use of the public rights-of-way. An extension of time to file comments will permit local governments nationwide to address this issue and the many financial and budgetary implications that such a ruling could have on communities and their residents.

Furthermore, we believe a reply comment period of sixty (60) days rather than thirty (30) days is appropriate considering the anticipated number and complexity of industry comments. Sixty days will enable local governments to more fully review, analyze, and respond to industry concerns. Considering the fact that 46 of the nation’s 100 largest cities held municipal elections in 2016, not to mention the number of elections held in smaller communities across the nation, the original filing dates established in this proceeding simply do not provide localities with the time needed to provide the updated data necessary to develop a factual basis to assess whether any further Commission intervention in local rights-of-way management practices is needed.

Finally, members of the Commission’s reauthorized Intergovernmental Advisory Committee (“IAC”) were recently announced December 29, 2016. One area of focus for its 2017-2018 agenda will be on initiatives related to wireless infrastructure deployment. As of the date of the filing of this extension request, the IAC’s first meeting date has not been announced. Our expectation is that the IAC will likely meet for the first time during the first quarter of 2017,

⁴ Mobilite LLC Petition for Declaratory Ruling, *Promoting Broadband for All Americans by Prohibiting Excessive Charges for Access to Public Rights of Way*, fn. 10 (filed Nov 15, 2016).

and this reasonable extension to file comments would permit the IAC to provide its guidance, expertise, and recommendations on this important matter.

For these reasons, Petitioners ask that the Commission extend the comment deadline to April 7, 2017, or a minimum of at least thirty (30) days, and extend the reply comment deadline to June 7, 2017, or a minimum of at least thirty (30) days.

Respectfully submitted,



Stephen Traylor
Executive Director/NATOA
3213 Duke Street, #695
Alexandria, VA 22314
(703) 519-8035

United States Conference of Mayors
1620 I Street NW
Washington, DC 20006

International Municipal Lawyers
Association
7910 Woodmont Ave., Ste 1440
Bethesda, MD 20814

National League of Cities
660 N. Capitol Street NW, Ste 450
Washington, DC 20001

National Association of Counties
660 N. Capitol Street NW, Ste. 400
Washington, DC 20001

Government Finance Officers Association
660 N. Capitol Street NW
Washington, DC 20001

January 5, 2017