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19-70145, 19-70146, 19-70147, 19-70326, 19-70339, 19-70341, and 19-70344

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SPRINT CORPORATION, *et al.*,
Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES OF AMERICA,
Respondents.

ON PETITIONS FOR REVIEW FROM AN ORDER
OF THE FEDERAL COMMUNICATIONS COMMISSION

**JOINT EXCERPTS OF RECORD FOR PETITIONERS
SPRINT CORPORATION; VERIZON COMMUNICATIONS INC.;
PUERTO RICO TELEPHONE COMPANY, INC.; AND AT&T SERVICES, INC.**

Volume I of II (ER 001-116)

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EXCERPTS OF RECORD**TABLE OF CONTENTS**

Page

VOLUME I

Declaratory Ruling and Third Report and Order, <i>Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment</i> , 33 FCC Rcd 9088 (2018).....	ER 001
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------

VOLUME II

Certified Index of Items in the Record, <i>Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment</i> , WT Docket Nos. 17-79 & 17-84 (May 10, 2019).....	ER117
Notice of Proposed Rulemaking and Notice of Inquiry, <i>Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment</i> , 32 FCC Rcd 3330 (2017).....	ER214
Comments of AT&T, WT Docket No. 17-79 (June 15, 2017) (excerpt).....	ER274
Comments of CTIA – the Wireless Association, WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER285
Comments of ExteNet Systems, Inc., WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER304
Comments of General Communication, Inc., WT Docket No. 17-79 (June 15, 2017) (excerpt).....	ER314
Comments of Sprint Corp., WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER321
Comments of Verizon, WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER333

Comments of Wireless Infrastructure Association,
WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....ER339

Reply Comments of AT&T,
WT Docket Nos. 17-79 & 17-84 (July 17, 2017) (excerpt).....ER351

Reply Comments of Puerto Rico Telephone Co.,
WT Docket Nos. 17-79 & 17-84 (July 17, 2017) (excerpt).....ER353

Reply Comments of Verizon,
WT Docket No. 17-84 (July 17, 2017) (excerpt).....ER357

Ex Parte Letter from Henry G. Hultquist, AT&T, to Marlene H.
Dortch, Secretary, FCC, WC Docket No. 17-79 (Feb. 23, 2018).....ER360

Federal Communications Commission

FCC 18-133

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment)	WT Docket No. 17-79
)	
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment)	WC Docket No. 17-84
)	

DECLARATORY RULING AND THIRD REPORT AND ORDER

Adopted: September 26, 2018

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By the Commission: Chairman Pai and Commissioners O’Rielly and Carr issuing separate statements;
Commissioner Rosenworcel approving in part, dissenting in part and issuing a statement.

TABLE OF CONTENTS

Heading	Paragraph #
I. INTRODUCTION	1
II. BACKGROUND	14
A. Legal Background	14
B. The Need for Commission Action	23
III. DECLARATORY RULING	30
A. Overview of the Section 253 and Section 332(c)(7) Framework Relevant to Small Wireless Facilities Deployment	34
B. State and Local Fees	43
C. Other State and Local Requirements that Govern Small Facilities Deployment.....	81
D. States and Localities Act in Their Regulatory Capacities When Authorizing and Setting Terms for Wireless Infrastructure Deployment in Public Rights of Way.....	92
E. Responses to Challenges to Our Interpretive Authority and Other Arguments.....	98
IV. THIRD REPORT AND ORDER	103
A. New Shot Clocks for Small Wireless Facility Deployments	104
1. Two New Section 332 Shot Clocks for Deployment of Small Wireless Facilities	105
2. Batched Applications for Small Wireless Facilities	113
B. New Remedy for Violations of the Small Wireless Facilities Shot Clocks.....	116
C. Clarification of Issues Related to All Section 332 Shot Clocks	132
1. Authorizations Subject to the “Reasonable Period of Time” Provision of Section 332(c)(7)(B)(ii).....	132
2. Codification of Section 332 Shot Clocks	138
3. Collocations on Structures Not Previously Zoned for Wireless Use	140
4. When Shot Clocks Start and Incomplete Applications	141
V. PROCEDURAL MATTERS	148
VI. ORDERING CLAUSES	151
APPENDIX A -- Final Rules	
APPENDIX B -- Comments and Reply Comments	
APPENDIX C -- Final Regulatory Flexibility Analysis	

I. INTRODUCTION

1. America is in the midst of a transition to the next generation of wireless services, known as 5G. These new services can unleash a new wave of entrepreneurship, innovation, and economic opportunity for communities across the country. The FCC is committed to doing our part to help ensure the United States wins the global race to 5G to the benefit of all Americans. Today's action is the next step in the FCC's ongoing efforts to remove regulatory barriers that would unlawfully inhibit the deployment of infrastructure necessary to support these new services. We proceed by drawing on the balanced and commonsense ideas generated by many of our state and local partners in their own small cell bills.

2. Supporting the deployment of 5G and other next-generation wireless services through smart infrastructure policy is critical. Indeed, upgrading to these new services will, in many ways, represent a more fundamental change than the transition to prior generations of wireless service. 5G can enable increased competition for a range of services—including broadband—support new healthcare and Internet of Things applications, speed the transition to life-saving connected car technologies, and create jobs. It is estimated that wireless providers will invest \$275 billion¹ over the next decade in next-generation wireless infrastructure deployments, which should generate an expected three million new jobs and boost our nation's GDP by half a trillion dollars.² Moving quickly to enable this transition is important, as a new report forecasts that speeding 5G infrastructure deployment by even one year would unleash an additional \$100 billion to the U.S. economy.³ Removing barriers can also ensure that every community gets a fair shot at these deployments and the opportunities they enable.

3. The challenge for policymakers is that the deployment of these new networks will look different than the 3G and 4G deployments of the past. Over the last few years, providers have been increasingly looking to densify their networks with new small cell deployments that have antennas often no larger than a small backpack. From a regulatory perspective, these raise different issues than the construction of large, 200-foot towers that marked the 3G and 4G deployments of the past. Indeed, estimates predict that upwards of 80 percent of all new deployments will be small cells going forward.⁴ To support advanced 4G or 5G offerings, providers must build out small cells at a faster pace and at a far greater density of deployment than before.

4. To date, regulatory obstacles have threatened the widespread deployment of these new services and, in turn, U.S. leadership in 5G. The FCC has lifted some of those barriers, including our decision in March 2018, which excluded small cells from some of the federal review procedures designed for those larger, 200-foot towers. But as the record here shows, the FCC must continue to act in partnership with our state and local leaders that are adopting forward leaning policies.

5. Many states and localities have acted to update and modernize their approaches to small cell deployments. They are working to promote deployment and balance the needs of their communities. At the same time, the record shows that problems remain. In fact, many state and local officials have urged the FCC to continue our efforts in this proceeding and adopt additional reforms. Indeed, we have

¹ See Accenture Strategy, Accelerating Future Economic Value from the Wireless Industry at 2 (2018) (Accelerating Future Economic Value Report), <https://www.ctia.org/news/accelerating-future-economic-value-from-the-wireless-industry>, attached to Letter from Scott K. Bergmann, Senior Vice Pres., Reg. Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed July 19, 2018).

² See Accenture Strategy, Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities, (2017) <http://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf>; attached to Letter from Scott Bergmann, Vice Pres. Reg. Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 16-421, (filed Jan. 13, 2017).

³ Accelerating Future Economic Value Report at 2.

⁴ Letter from John T. Scott, Counsel for Mobilitie, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2-3 (filed Sept. 12, 2018).

heard from a number of local officials that the excessive fees or other costs associated with deploying small scale wireless infrastructure in large or otherwise “must serve” cities are materially inhibiting the buildout of wireless services in their own communities.

6. We thus find that now is the appropriate time to move forward with an approach geared at the conduct that threatens to limit the deployment of 5G services. In reaching our decision today, we have benefited from the input provided by a range of stakeholders, including state and local elected officials.⁵ FCC leadership spent substantial time over the course of this proceeding meeting directly with local elected officials in their jurisdictions. In light of those discussions and our consideration of the record here, we reach a decision today that does not preempt nearly any of the provisions passed in recent state-level small cell bills. We have reached a balanced, commonsense approach, rather than adopting a one-size-fits-all regime. This ensures that state and local elected officials will continue to play a key role in reviewing and promoting the deployment of wireless infrastructure in their communities.

7. Although many states and localities support our efforts, we acknowledge that there are others who advocated for different approaches.⁶ We have carefully considered these views, but nevertheless find our actions here necessary and fully supported. By building on state and local ideas, today’s action boosts the United States’ standing in the race to 5G. According to a study submitted by Corning, our action would eliminate around \$2 billion in unnecessary costs, which would stimulate around \$2.4 billion of additional buildouts.⁷ And that study shows that such new service would be

⁵ See, e.g., Letter from Brian D. Hill, Ohio State Representative, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Aug. 31, 2018) (“While the FCC and the Ohio Legislature have worked to reduce the timeline for 5G deployment, the same cannot be said for all local and state governments. Regulations written in a different era continue to dictate the regulatory process for 5G infrastructure”); Letter from Maureen Davey, Commissioner, Stillwater County, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 18, 2018) (“[T]he Commission’s actions to lower regulatory barriers can enable more capital spending to flow to areas like ours. Reducing fees and shortening review times in urban areas, thereby lowering the cost of deployment in such areas, can promote speedier deployment across all of America.”); Letter from Board of County Commissioners, Yellowstone County, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 21, 2018) (“Reducing these regulatory barriers by setting guidelines on fees, siting requirements and review timeframes, will promote investment including rural areas like ours.”); Letter from Board of Commissioners, Harney County, Oregon, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 5, 2018) (“By taking action to speed and reduce the costs of deployment across the country, and create a more uniform regulatory framework, the Commission will lower the cost of deployment, enabling more investment in both urban and rural communities.”); Letter from Niraj J. Antani, Ohio State Representative, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 4, 2018) (“[T]o truly expedite the small cell deployment process, broader government action is needed on more than just the state level.”); Letter from Michael C. Taylor, Mayor, City of Sterling Heights, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1-2 (filed Aug. 30, 2018) (“[T]here are significant, tangible benefits to having a nation-wide rule that promotes the deployment of next-generation wireless access without concern that excessive regulation or small cell siting fees slows down the process.”).

⁶ See, e.g., Letter from Linda Morse, Mayor, City of Manhattan, KS to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 13, 2018) (City of Manhattan, KS Sept. 13, 2018 *Ex Parte* Letter); Letter from Ronny Berdugo, Legislative Representative, League of California Cities to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 18, 2018) (Ronny Berdugo Sept. 18, 2018 *Ex Parte* Letter); Letter from Damon Connolly, Marin County Board of Supervisors to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 17, 2018) (Damon Connolly Sept. 17, 2018 *Ex Parte* Letter).

⁷ See Letter from Thomas J. Navin, Counsel to Corning, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1, Attach. A at 2-3 (filed Sept. 5, 2018) (Corning Sept. 5, 2018 *Ex Parte* Letter).

deployed where it is needed most: 97 percent of new deployments would be in rural and suburban communities that otherwise would be on the wrong side of the digital divide.⁸

8. The FCC will keep pressing ahead to ensure that every community in the country gets a fair shot at the opportunity that next-generation wireless services can enable. As detailed in the sections that follow, we do so by taking the following steps.

9. In the Declaratory Ruling, we note that a number of appellate courts have articulated different and often conflicting views regarding the scope and nature of the limits Congress imposed on state and local governments through Sections 253 and 332. We thus address and reconcile this split in authorities by taking three main actions.

10. First, we express our agreement with the U.S. Courts of Appeals for the First, Second, and Tenth Circuits that the “materially inhibit” standard articulated in 1997 by the Clinton-era FCC’s *California Payphone* decision is the appropriate standard for determining whether a state or local law operates as a prohibition or effective prohibition within the meaning of Sections 253 and 332.

11. Second, we note, as numerous courts and prior FCC cases have recognized, that state and local fees and other charges associated with the deployment of wireless infrastructure can unlawfully prohibit the provision of service. At the same time, courts have articulated various approaches to determining the types of fees that run afoul of Congress’s limits in Sections 253 and 332. We thus clarify the particular standard that governs the fees and charges that violate Sections 253 and 332 when it comes to the Small Wireless Facilities at issue in this decision.⁹ Namely, fees are only permitted to the extent that they are nondiscriminatory and represent a reasonable approximation of the locality’s reasonable costs. In this section, we also identify specific fee levels for the deployment of Small Wireless Facilities that presumptively comply with this standard. We do so to help avoid unnecessary litigation over fees.

12. Third, we focus on a subset of other, non-fee provisions of local law that could also operate as prohibitions on service. We do so in particular by addressing state and local consideration of aesthetic concerns in the deployment of Small Wireless Facilities, recognizing that certain reasonable aesthetic considerations do not run afoul of Sections 253 and 332. This responds in particular to many concerns we heard from state and local governments about deployments in historic districts.

⁸ *Id.*

⁹ “Small Wireless Facilities,” as used herein and consistent with section 1.1312(e)(2), encompasses facilities that meet the following conditions:

- (1) The facilities—
 - (i) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
 - (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under part 17 of this chapter;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).

13. Next, we issue a Report and Order that addresses the “shot clocks” governing the review of wireless infrastructure deployments. We take three main steps in this regard. First, we create a new set of shot clocks tailored to support the deployment of Small Wireless Facilities. In particular, we read Sections 253 and 332 as allowing 60 days for reviewing the application for attachment of a Small Wireless Facility using an existing structure and 90 days for the review of an application for attachment of a small wireless facility using a new structure. Second, while we do not adopt a “deemed granted” remedy for violations of our new shot clocks, we clarify that failing to issue a decision up or down during this time period is not simply a “failure to act” within the meaning of applicable law. Rather, missing the deadline also constitutes a presumptive prohibition. We would thus expect any locality that misses the deadline to issue any necessary permits or authorizations without further delay. We also anticipate that a provider would have a strong case for quickly obtaining an injunction from a court that compels the issuance of all permits in these types of cases. Third, we clarify a number of issues that are relevant to all of the FCC’s shot clocks, including the types of authorizations subject to these time periods.

II. BACKGROUND

A. Legal Background

14. In the Telecommunications Act of 1996 (the 1996 Act), Congress enacted sweeping new provisions intended to facilitate the deployment of telecommunications infrastructure. As U.S. Courts of Appeals have stated, “[t]he [1996] Act ‘represents a dramatic shift in the nature of telecommunications regulation.’”¹⁰ The Senate floor manager, Senator Larry Pressler, stated that “[t]his is the most comprehensive deregulation of the telecommunications industry in history.”¹¹ Indeed, the purpose of the 1996 Act is to “provide for a pro-competitive, deregulatory national policy framework . . . by opening all telecommunications markets to competition.”¹² The conference report on the 1996 Act similarly indicates that Congress “intended to remove all barriers to entry in the provision of telecommunications services.”¹³ The 1996 Act thus makes clear Congress’s commitment to a competitive telecommunications marketplace unhindered by unnecessary regulations, explicitly directing the FCC to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”¹⁴

15. Several provisions of the 1996 Act speak directly to Congress’s determination that certain state and local regulations are unlawful. Section 253(a) provides that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”¹⁵ Courts have observed that Section 253 represents a “broad preemption of laws that inhibit competition.”¹⁶

16. The Commission has issued several rulings interpreting and providing guidance regarding the language Congress used in Section 253. For instance, in the 1997 *California Payphone* decision, the Commission, under the leadership of then Chairman William Kennard, stated that, in determining whether a state or local law has the effect of prohibiting the provision of telecommunications services, it

¹⁰ *Sprint Telephony PCS LP v. County of San Diego*, 543 F.3d 571, 575 (9th Cir. 2008) (en banc) (*County of San Diego*) (quoting *Cablevision of Boston, Inc. v. Pub. Improvement Comm’n*, 184 F.3d 88, 97 (1st Cir. 1999)).

¹¹ 141 Cong. Rec. S8197 (daily ed. June 12, 1995).

¹² H.R. Conf. Rep. No. 104-458, at 113 (1996), reprinted in 1996 U.S.C.C.A.N. (100 Stat. 5) 124.

¹³ S. Rep. No. 104-230, at 126 (1996) (Conf. Rep.).

¹⁴ Preamble, Telecommunications Act of 1996, P.L. 104-104, 100 Stat. 56 (1996); see also *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 371 (1999) (noting that the 1996 Act “fundamentally restructures local telephone markets” to facilitate market entry); *Reno v. American Civil Liberties Union*, 521 U.S. 844, 857-58 (1997) (“The Telecommunications Act was an unusually important legislative enactment . . . designed to promote competition.”).

¹⁵ 47 U.S.C. § 253(a).

¹⁶ *Puerto Rico Tel. Co. v. Telecomm. Reg. Bd. of Puerto Rico*, 189 F.3d 1, 11 n.7 (1st Cir. 1999).

“consider[s] whether the ordinance materially inhibits or limits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”¹⁷

17. Similar to Section 253, Congress specified in Section 332(c)(7) that “[t]he regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”¹⁸ Clause (B)(ii) of that section further provides that “[a] State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.”¹⁹ Section 332(c)(7) generally preserves state and local authority over the “placement, construction, and modification of personal wireless service facilities” but with the important limitations described above.²⁰ Section 332(c)(7) also sets forth a judicial remedy, stating that “[a]ny person adversely affected by any final action or failure to act by a State or local government” that is inconsistent with the requirements of Section 332(c)(7) “may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction.”²¹ The provision further directs the court to “decide such action on an expedited basis.”²²

18. The Commission has previously interpreted the language Congress used and the limits it imposed on state and local authority in Section 332. For instance, in interpreting Section 332(c)(7)(B)(i)(II), the Commission has found that “a State or local government that denies an application for personal wireless service facilities siting solely because ‘one or more carriers serve a given geographic market’ has engaged in unlawful regulation that ‘prohibits or ha[s] the effect of prohibiting the provision of personal wireless services,’ within the meaning of Section 332(c)(7)(B)(i)(II).”²³ In adopting this interpretation, the Commission explained that its “construction of the provision achieves a balance that is most consistent with the relevant goals of the Communications Act” and its understanding that “[i]n promoting the construction of nationwide wireless networks by multiple carriers, Congress sought ultimately to improve service quality and lower prices for consumers.”²⁴ The Commission also noted that an alternative interpretation would “diminish the service provided to [a wireless provider’s] customers.”²⁵

¹⁷ *California Payphone Ass’n*, 12 FCC Rcd 14191, 14206, para. 31 (1997) (*California Payphone*).

¹⁸ 47 U.S.C. § 332(c)(7)(B)(i).

¹⁹ 47 U.S.C. § 332(c)(7)(B)(ii).

²⁰ 47 U.S.C. § 332(c)(7)(A) (stating that, “[e]xcept as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless services facilities”). The statute defines “personal wireless services” to include CMRS, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. § 332(c)(7)(C). In 2012, Congress expressly modified this preservation of local authority by enacting Section 6409(a), which requires local governments to approve certain types of facilities siting applications “[n]otwithstanding section 704 of the Telecommunications Act of 1996 [codified in substantial part as Section 332(c)(7)] . . . or any other provision of law.” Spectrum Act, 47 U.S.C. § 6409(a)(1).

²¹ 47 U.S.C. § 332(c)(7)(B)(v).

²² 47 U.S.C. § 332(c)(7)(B)(v).

²³ *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd 13994, 14016, para. 56 (2009) (*2009 Declaratory Ruling*), *aff’d*, *City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012) (*City of Arlington*), *aff’d*, 569 U.S. 290 (2013).

²⁴ *2009 Declaratory Ruling*, 24 FCC Rcd at 14017-18, para. 61.

²⁵ *Id.*

19. In the *2009 Declaratory Ruling*, the Commission acted to speed the deployment of then-new 4G services and concluded that, “[g]iven the evidence of unreasonable delays [in siting decisions] and the public interest in avoiding such delays,” it should offer guidance regarding the meaning of the statutory phrases “reasonable period of time” and “failure to act” “in order to clarify when an adversely affected service provider may take a dilatory State or local government to court.”²⁶ The Commission interpreted “reasonable period of time” under Section 332(c)(7)(B)(ii) to be 90 days for processing collocation applications and 150 days for processing applications other than collocations.²⁷ The Commission further determined that failure to meet the applicable time frame enables an applicant to pursue judicial relief within the next 30 days.²⁸ In litigation involving the 90-day and 150-day time frames, the locality may attempt to “rebut the presumption that the established timeframes are reasonable.”²⁹ If the agency fails to make such a showing, it may face “issuance of an injunction granting the application.”³⁰ In its *2014 Wireless Infrastructure Order*,³¹ the Commission clarified that the time frames under Section 332(c)(7) are presumptively reasonable and begin to run when the application is submitted, not when it is found to be complete by a siting authority.³²

20. In 2012, Congress adopted Section 6409 of the Middle Class Tax Relief and Job Creation Act (the Spectrum Act), which provides further evidence of Congressional intent to limit state and local laws that operate as barriers to infrastructure deployment. It states that, “[n]otwithstanding section 704 of the Telecommunications Act of 1996 [codified as 47 U.S.C. § 332(c)(7)] or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”³³ Subsection (a)(2) defines the term “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.³⁴ In implementing Section 6409 and in an effort to “advance[e] Congress’s goal

²⁶ *Id.* at 14008, para. 37; *see also id.* at 14029 (Statement of Chairman Julius Genachowski) (“[T]he rules we adopt today . . . will have an important effect in speeding up wireless carriers’ ability to build new 4G networks--which will in turn expand and improve the range of wireless choices available to American consumers.”).

²⁷ *Id.* at 14012, para. 45.

²⁸ *Id.* at 14005, 14012, paras. 32, 45.

²⁹ *Id.* at 14008-10, 14013-14, paras. 37-42, 49-50.

³⁰ *Id.* at 14009, para. 38; *see also City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115 (2005) (proper remedies for Section 332(c)(7) violations include injunctions but not constitutional tort damages).

³¹ Specifically, the Commission determined that once a siting application is considered complete for purposes of triggering the Section 332(c)(7) shot clocks, those shot clocks run regardless of any moratoria imposed by state or local governments, and the shot clocks apply to DAS and small-cell deployments so long as they are or will be used to provide “personal wireless services.” *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report & Order, 29 FCC Rcd 12865, 12966, 12973, paras. 243, 270, (2014) (*2014 Wireless Infrastructure Order*), *aff’d*, *Montgomery County v. FCC*, 811 F.3d 121 (4th Cir. 2015) (*Montgomery County*); *see also Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 3330, 3339, para. 22 (2017) (*Wireless Infrastructure NPRM/NOI*); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Third Report and Order and Declaratory Ruling, WC Docket No. 17-84 and WT Docket No. 17-79, FCC 18-111, paras. 140-68 (rel. Aug. 3, 2018) (*Moratoria Declaratory Ruling*).

³² *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12970, para. 258. (“Accordingly, to the extent municipalities have interpreted the clock to begin running only after a determination of completeness, that interpretation is incorrect.”).

³³ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 § 6409(a)(2), 126 Stat. 156 (2012).

³⁴ *Id.*

of facilitating rapid deployment,”³⁵ the Commission adopted rules to expedite the processing of eligible facilities requests, including documentation requirements and a 60-day period for states and localities to review such requests.³⁶ The Commission further determined that a “deemed granted” remedy was necessary for cases in which the reviewing authority fails to issue a decision within the 60-day period in order to “ensur[e] rapid deployment of commercial and public safety wireless broadband services.”³⁷ The Fourth Circuit, affirming that remedy, explained that “[f]unctionally, what has occurred here is that the FCC—pursuant to properly delegated Congressional authority—has preempted state regulation of wireless towers.”³⁸

21. Consistent with these broad federal mandates, courts have recognized that the Commission has authority to interpret Sections 253 and 332 of the Act to further elucidate what types of state and local legal requirements run afoul of the statutory parameters Congress established.³⁹ For instance, the Fifth Circuit affirmed the *2009 Declaratory Ruling in City of Arlington*. The court concluded that the Commission possessed the “authority to establish the 90- and 150-day time frames” and that its decision was not arbitrary and capricious.⁴⁰ More generally, as the agency charged with administering the Communications Act, the Commission has the authority, responsibility, and expert judgement to issue interpretations of the statutory language and to adopt implementing regulations that clarify and specify the scope and effect of the Act. Such interpretations are particularly appropriate where the statutory language is ambiguous, or the subject matter is “technical, complex, and dynamic,” as it is in the Communications Act, as recognized by the Supreme Court.⁴¹ Here, the Commission has ample experience monitoring and regulating the telecommunications sector. It is well-positioned, in light of this experience and the record in this proceeding, to issue a clarifying interpretation of Sections 253 and 332(c)(7) that accounts both for the changing needs of a dynamic wireless sector that is increasingly reliant on Small Wireless Facilities and for state and local oversight that does not materially inhibit wireless deployment.

22. The congressional and FCC decisions described above point to consistent federal action, particularly when faced with changes in technology, to ensure that our country’s approach to wireless infrastructure deployment promotes buildout of the facilities needed to provide Americans with next-generation services. Consistent with that long-standing approach, in the 2017 *Wireless Infrastructure NPRM/NOI*, the Commission sought comment on whether the FCC should again update its approach to infrastructure deployment to ensure that regulations are not operating as prohibitions in violation of Congress’s decisions and federal policy.⁴² In August 2018, the Commission concluded that state and local moratoria on telecommunications services and facilities deployment are barred by Section 253(a).⁴³

³⁵ *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12872, para. 15.

³⁶ *Id.* at 12922, 12956-57, paras. 135, 214-15.

³⁷ *Id.* at 12961-62, paras. 226, 228.

³⁸ *Montgomery County*, 811 F.3d at 129.

³⁹ *See, e.g., City of Arlington*, 668 F.3d at 253-54; *County of San Diego*, 543 F.3d at 578; *RT Commc’ns., Inc. v. FCC*, 201 F.3d 1264, 1268 (10th Cir. 2000).

⁴⁰ *City of Arlington*, 668 F.3d at 254, 260-61.

⁴¹ *Nat’l Cable & Telecomm. Ass’n v. Gulf Power Co.*, 534 U.S. 327, 328 (2002); *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120 (2000) (recognizing “agency’s greater familiarity with the ever-changing facts and circumstances surrounding the subjects regulated”); *see also, e.g., Nat’l Cable & Telecomm. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 983-986 (2005) (Commission’s interpretation of an ambiguous statutory provision overrides earlier court decisions interpreting the same provision).

⁴² *See generally Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3332-39, paras. 4-22.

⁴³ *See generally Moratoria Declaratory Ruling*, FCC 18-111, paras. 140-68.

B. The Need for Commission Action

23. In response to the opportunities presented by offering new wireless services, and the problems facing providers that seek to deploy networks to do so, we find it necessary and appropriate to exercise our authority to interpret the Act and clarify the preemptive scope that Congress intended. The introduction of advanced wireless services has already revolutionized the way Americans communicate and transformed the U.S. economy. Indeed, the FCC's most recent wireless competition report indicates that American demand for wireless services continues to grow exponentially. It has been reported that monthly data usage per smartphone subscriber rose to an average of 3.9 gigabytes per subscriber per month, an increase of approximately 39 percent from year-end 2015 to year-end 2016.⁴⁴ As more Americans use more wireless services, demand for new technologies, coverage and capacity will necessarily increase, making it critical that the deployment of wireless infrastructure, particularly Small Wireless Facilities, not be stymied by unreasonable state and local requirements.

24. 5G wireless services, in particular, will transform the U.S. economy through increased use of high-bandwidth and low-latency applications and through the growth of the Internet of Things.⁴⁵ While the existing wireless infrastructure in the U.S. was erected primarily using macro cells with relatively large antennas and towers, wireless networks increasingly have required the deployment of small cell systems to support increased usage and capacity. We expect this trend to increase with next-generation networks, as demand continues to grow, and providers deploy 5G service across the nation.⁴⁶ It is precisely “[b]ecause providers will need to deploy large numbers of wireless cell sites to meet the country’s wireless broadband needs and implement next-generation technologies” that the Commission has acknowledged “an urgent need to remove any unnecessary barriers to such deployment, whether caused by Federal law, Commission processes, local and State reviews, or otherwise.”⁴⁷ As explained below, the need to site so many more 5G-capable nodes leaves providers’ deployment plans and the underlying economics of those plans vulnerable to increased per site delays and costs.

25. Some states and local governments have acted to facilitate the deployment of 5G and other next-gen infrastructure, looking to bring greater connectivity to their communities through forward-looking policies. Leaders in these states are working hard to meet the needs of their communities and balance often competing interests. At the same time, outlier conduct persists. The record here suggests that the legal requirements in place in other state and local jurisdictions are materially impeding that deployment in various ways.⁴⁸ Crown Castle, for example, describes “excessive and unreasonable” “fees

⁴⁴ See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Including Commercial Mobile Services*, Twentieth Report, 32 FCC Rcd 8968, 8972, para. 20 (2017) (*Twentieth Wireless Competition Report*).

⁴⁵ See *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3331, para. 1.

⁴⁶ See, e.g., Letter from Brett Haan, Principal, Deloitte Consulting, U.S., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Sept. 17, 2018) (“Significant investment in new network infrastructure is needed to deploy 5G networks at-scale in the United States. 5G’s speed and coverage capabilities rely on network densification, which requires the addition of towers and small cells to the network. . . . This requires carriers to add 3 to 10 times the number of existing sites to their networks. Most of this additional infrastructure will likely be built with small cells that use lampposts, utility poles, or other structures of similar size able to host smaller, less obtrusive radios required to build a densified network.” (citation omitted)); see also Deloitte LLP, *5G: The Chance to Lead for a Decade* (2018) (Deloitte 5G Paper), available at <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/technology-media-telecommunications/us-tmt-5gdeployment-imperative.pdf>.

⁴⁷ See *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3331, para. 2.

⁴⁸ See, e.g., Letter from Henry Hultquist, AT&T, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Aug. 10, 2018) (“Unfortunately, many municipalities are unable, unwilling, or do not make it a priority to act on applications within the shot clock period.”); Letter from Keith Buell, Sprint, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1-2 (filed Aug. 13, 2018) (Sprint Aug. 13, 2018 *Ex Parte* Letter); Letter from Katherine R. Saunders, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed June 21,

to access the [rights-of-way] that are completely unrelated to their maintenance or management.” It also points to barriers to market entry “for independent network and telecommunications service providers,” including municipalities that “restric[t] access to the [right-of-way] only to providers of commercial mobile services” or that impose “onerous zoning requirements on small cell installations when other similar [right of way] utility installations are erected with simple building permits.”⁴⁹ Crown Castle is not alone in describing local regulations that slow deployment. AT&T states that localities in Maryland, California, and Massachusetts have imposed fees so high that it has had to pause or decrease deployments.⁵⁰ Likewise, AT&T states that a Texas city has refused to allow small cell placement on any structures in a right-of-way (ROW).⁵¹ T-Mobile states that the Town of Hempstead, New York requires service providers who seek to collocate or upgrade equipment on existing towers that have been properly constructed pursuant to Class II standards to upgrade and certify these facilities under Class III standards that apply to civil and national defense and military facilities.⁵² Verizon states that a Minnesota town has proposed barring construction of new poles in rights-of-way and that a Midwestern suburb where it has been trying to get approval for small cells since 2014 has no established procedures for small cell approvals.⁵³ Verizon states that localities in New York and Washington have required special use permits involving multiple layers of approval to locate small cells in some or all zoning districts.⁵⁴ While some localities dispute some of these characterizations, their submissions do not persuade us that there is no basis or need for the actions we take here.

26. Further, the record in this proceeding demonstrates that many local siting authorities are not complying with our existing Section 332 shot clock rules.⁵⁵ WIA states that its members routinely face lengthy delays and specifically cite localities in New Jersey, New Hampshire, and Maine as being

(Continued from previous page)

2018) (“[L]ocal permitting delays continue to stymie deployments.”); Letter from Kenneth J. Simon, Crown Castle, to Marlene H. Dortch, FCC, WT Docket No. 17-79 (filed Aug. 10, 2018); Letter from Scott K. Bergmann, Senior Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Aug. 30, 2018) (CTIA Aug. 30, 2018 *Ex Parte* Letter).

⁴⁹ Crown Castle Comments at 7; *see also* Letter from Kenneth J. Simon, Senior Vice President and General Counsel, Crown Castle International Corp., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1-2 (filed Sept. 19, 2018) (“In Hillsborough, California, Crown Castle submitted applications covering 16 nodes, and was assessed \$60,000 in application fees. Not only did Hillsborough go on to deny these applications, following that denial it also then sent Crown Castle an invoice for an additional \$351,773 (attached as Exhibit A), most of which appears to be related to outside counsel fees—all for equipment that was not approved and has not yet been constructed.”).

⁵⁰ Letter from Henry Hultquist, Vice President, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Aug. 6, 2018) (AT&T Aug. 6, 2018 *Ex Parte* Letter).

⁵¹ AT&T Comments at 6-7.

⁵² T-Mobile Reply Comments at 7-9; *see also* CCA Reply Comments at 12; CTIA Reply Comments at 18; WIA Reply Comments at 22-23.

⁵³ *See* Verizon Comments at 7.

⁵⁴ *See* Verizon Comments at 35.

⁵⁵ *See, e.g.*, T-Mobile Comments at 8 (stating that “roughly 30% of all of its recently proposed sites (including small cells) involve cases where the locality failed to act in violation of the shot clocks.”). According to WIA, one of its members “reports that 70% of its applications to deploy Small Wireless Facilities in the public ROWs during a two-year period exceeded the 90-day shot clock for installation of Small Wireless Facilities on an existing utility pole, and 47% exceeded the 150-day shot clock for the construction of new towers.” WIA Comments at 7. A New Jersey locality took almost five years to deny a Sprint application. *See Sprint Spectrum L.P. v. Zoning Bd. of Adjustment of the Borough of Paramus, N.J.*, 21 F. Supp. 3d 381, 383, 387 (D.N.J. 2014), *aff’d*, 606 Fed. Appx. 669 (3d Cir. 2015). Another locality took almost three years to deny a Crown Castle application to install a DAS system. *See Crown Castle NG East, Inc. v. Town of Greenburgh*, 2013 WL 3357169, *6-8 (S.D.N.Y. 2013), *aff’d*, 552 Fed. Appx. 47 (2d Cir. 2014).

problematic.⁵⁶ Similarly, AT&T identified an instance in which it took a locality in California 800 days to process an application.⁵⁷ GCI provides an example in which it took an Alaska locality nine months to decide an application.⁵⁸ T-Mobile states that a community in Colorado and one in California have lengthy pre-application processes for all small cell installations that include notification to all nearby households, a public meeting, and the preparation of a report, none of which these jurisdictions view as triggering a shot clock.⁵⁹ Similarly, Lighttower provides examples of long delays in processing siting applications.⁶⁰ Finally, Crown Castle describes a case in which a “town took approximately two years and nearly twenty meetings, with constantly shifting demands, before it would even ‘deem complete’ Crown Castle’s application.”⁶¹

27. Our Declaratory Ruling and Third Report and Order are intended to address these issues and outlier conduct. Our conclusions are also informed by findings, reports, and recommendations from the FCC Broadband Deployment Advisory Committee (BDAC), including the Model Code for Municipalities, the Removal of State and Local Regulatory Barriers Working Group report, and the Rates and Fees Ad Hoc Working Group report, which the Commission created in 2017 to identify barriers to deployment of broadband infrastructure, many of which are addressed here.⁶² We also considered input from numerous state and local officials about their concerns, and how they have approached wireless deployment, much of which we took into account here. Our action is also consistent with congressional efforts to hasten deployment, including bi-partisan legislation pending in Congress like the STREAMLINE Small Cell Deployment Act and SPEED Act. The STREAMLINE Small Cell Deployment Act proposes to streamline wireless infrastructure deployments by requiring siting agencies to act on deployment requests within specified time frames and by limiting the imposition of onerous

⁵⁶ WIA Comments at 8. WIA states that one of its “member reports that the wireless siting approval process exceeds 90 days in more than 33% of jurisdictions it surveyed and exceeds 150 days in 25% of surveyed jurisdictions.” WIA Comments at 8. In some cases, WIA members have experienced delays ranging from one to three years in multiple jurisdictions—significantly longer than the 90- and 150-day time frames that the Commission established in 2009.

⁵⁷ See WIA Comments at 9 (citing and discussing AT&T’s Comments in the 2016 Streamlining Public Notice, WT Docket No. 16-421).

⁵⁸ GCI Comments at 5-6.

⁵⁹ T-Mobile Comments at 21.

⁶⁰ Lighttower submits that average processing timeframes have increased from 300 days in 2016 to approximately 570 days in 2017, much longer than the Commission’s shot clocks. Lighttower states that “forty-six separate jurisdictions in the last two years had taken longer than 150 days to consider applications, with twelve of those jurisdictions—representing 101 small wireless facilities—taking more than a year.” Lighttower Comments at 5-6. See also WIA Comments at 9 (citing and discussing Lighttower’s Comments in the 2016 Streamlining Public Notice, WT Docket No. 16-421).

⁶¹ WIA Comments at 8 (citing and discussing Crown Castle’s Comments in 2016 Streamlining Public Notice, WT Docket No. 16-421).

⁶² BDAC Report of the Removal of State and Local Regulatory Barriers Working Group, <https://www.fcc.gov/sites/default/files/bdac-regulatorybarriers-01232018.pdf> (approved by the BDAC on January 23, 2018) (BDAC Regulatory Barriers Report); Draft Final Report of the Ad Hoc Committee on Rates and Fees to the BDAC, <https://www.fcc.gov/sites/default/files/bdac-07-2627-2018-rates-fees-wg-report-07242018.pdf> (July 26, 2018) (Draft BDAC Rates and Fees Report); BDAC Model Municipal Code (Harmonized), <https://www.fcc.gov/sites/default/files/bdac-07-2627-2018-harmonization-wg-model-code-muni.pdf> (approved July 26, 2018) (BDAC Model Municipal Code). The Draft Final Report of the Ad Hoc Committee on Rates and Fees to the BDAC was presented to the BDAC on July 26, 2018 but has not been voted by the BDAC as of the adoption of this Declaratory Ruling. Certain members of the Removal of State and Local Barriers Working Group also submitted a minority report disagreeing with certain findings in the BDAC Regulatory Barriers Report. See Minority Report Submitted by McAllen, TX, San Jose, CA, and New York, NY, GN Docket No. 17-83 (Jan 23, 2018); Letter from Kevin Pagan, City Attorney of McAllen to Marlene Dortch, Secretary, FCC (filed September 14, 2018).

conditions and fees.⁶³ The SPEED Act would similarly streamline federal permitting processes.⁶⁴ In the same vein, the Model Code for Municipalities adopts streamlined infrastructure siting requirements while other BDAC reports and recommendations emphasize the negative impact of high fees on infrastructure deployments.⁶⁵

28. As do members of both parties of Congress and experts on the BDAC, we recognize the urgent need to streamline regulatory requirements to accelerate the deployment of wireless infrastructure for current needs and for the next generation of wireless service in 5G.⁶⁶ State government officials also have urged us to act to expedite the deployment of 5G technology, in particular, by streamlining overly burdensome regulatory processes to ensure that 5G technology will expand beyond just urban centers. These officials have expressed their belief that reducing high regulatory costs and delays in urban areas would leave more money and encourage development in rural areas.⁶⁷ “[G]etting [5G] infrastructure out in a timely manner can be a challenge that involves considerable time and financial resources. The solution is to streamline relevant policies—allowing more modern rules for modern infrastructure.”⁶⁸ State officials have acknowledged that current regulations are “outdated” and “could hinder the timely arrival of 5G throughout the country,” and urged the FCC “to push for more reforms that will streamline infrastructure rules from coast to coast.”⁶⁹ Although many states and localities support our efforts, we acknowledge that there are others who advocated for different approaches, arguing, among other points,

⁶³ See, e.g., STREAMLINE Small Cell Deployment Act, S.3157, 115th Congress (2017-2018).

⁶⁴ See, e.g., Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure Act of 2017 (SPEED Act), S. 1988, 115th Cong. (2017).

⁶⁵ See BDAC Model Municipal Code; Draft BDAC Rates and Fees Report; BDAC Regulatory Barriers Report.

⁶⁶ See, e.g., Letter from Patricia Paoletta, Counsel to Deloitte Consulting LLP, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1 (filed Sept. 20, 2018) (“Deloitte noted that, as with many technology standard evolutions, the value of being a first-mover in 5G will be significant. Being first to LTE afforded the United States macroeconomic benefits, as it became a test bed for innovative mobile, social, and streaming applications. Being first to 5G can have even greater and more sustained benefits to our national economy given the network effects associated with adding billions of devices to the 5G network, enabling machine-to-machine interactions that generates data for further utilization by vertical industries”).

⁶⁷ Letter from Montana State Senator Duane Ankney to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 31, 2018) (Duane Ankney July 31, 2018 *Ex Parte* Letter); Letter from Fred A. Lamphere, Butte County Sheriff, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1 (filed Sept. 11, 2018) (Fred A. Lamphere Sept. 11, 2018 *Ex Parte* Letter); Letter from Todd Nash, Susan Roberts, Paul Catstilleja, Wallowa County Board of Commissioners, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Aug. 20, 2018); Letter from Lonnie Gilbert, First Responder, National Black Growers Council Member, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79 at 1 (filed Sept. 12, 2018); Letter from Jason R. Saine, North Carolina House of Representatives, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 1 (filed Sept. 14, 2018) (Jason R. Saine Sept. 14, 2018 *Ex Parte* Letter) (minimal regulatory standard across the United States is critical to ensure that the United States wins the race to the 5G economy).

⁶⁸ Letter from LaWana Mayfield, City Council Member, Charlotte, NC, to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 31, 2018) (LaWana Mayfield July 31, 2018 *Ex Parte* Letter); see also Letter from South Carolina State Representative Terry Alexander to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed August 7, 2018) (“[P]olicymakers at all levels of government must streamline complex siting stipulations that will otherwise slow down 5G buildout for small cells in particular.”); Letter from Sal Pace, Pueblo County Commissioner, District 3, CO, to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 30, 2018) (Sal Pace July 30, 2018 *Ex Parte* Letter) (“[T]he FCC should ensure that localities are fully compensated for their costs . . . Such fees should be reasonable and non-discriminatory, and should ensure that localities are made whole. Lastly, the FCC should set reasonable and enforceable deadlines for localities to act on wireless permit applications. . . . The distinction between siting large macro-towers and small cells should be reflected in any rulemaking.”)

⁶⁹ Letter from Dr. Carolyn A. Prince, Chairwoman, Marlboro County Council, SC, to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79, at 1 (filed July 31, 2018) (Dr. Carolyn Prince July 31, 2018 *Ex Parte* Letter)

that the FCC lacks authority to take certain actions.⁷⁰ We have carefully considered these views, but nevertheless find our actions here necessary and fully supported.

29. Accordingly, in this Declaratory Ruling and Third Report and Order, we act to reduce regulatory barriers to the deployment of wireless infrastructure and to ensure that our nation remains the leader in advanced wireless services and wireless technology.

III. DECLARATORY RULING

30. In this Declaratory Ruling, we note that a number of appellate courts have articulated different and often conflicting views regarding the scope and nature of the limits Congress imposed on state and local governments through Sections 253 and 332. In light of these diverging views, Congress's vision for a consistent, national policy framework, and the need to ensure that our approach continues to make sense in light of the relatively new trend towards the large-scale deployment of Small Wireless Facilities, we take this opportunity to clarify and update the FCC's reading of the limits Congress imposed. We do so in three main respects.

31. First, in Part III.A, we express our agreement with the views already stated by the First, Second, and Tenth Circuits that the "materially inhibit" standard articulated in 1997 by the Clinton-era FCC's *California Payphone* decision is the appropriate standard for determining whether a state or local law operates as a prohibition or effective prohibition within the meaning of Sections 253 and 332.

32. Second, in Part III.B, we note, as numerous courts have recognized, that state and local fees and other charges associated with the deployment of wireless infrastructure can effectively prohibit the provision of service. At the same time, courts have articulated various approaches to determining the types of fees that run afoul of Congress's limits in Sections 253 and 332. We thus clarify the particular standard that governs the fees and charges that violate Sections 253 and 332 when it comes to the Small Wireless Facilities at issue in this decision. Namely, fees are only permitted to the extent that they represent a reasonable approximation of the local government's objectively reasonable costs, and are non-discriminatory.⁷¹ In this section, we also identify specific fee levels for the deployment of Small Wireless Facilities that presumptively comply with this standard. We do so to help avoid unnecessary litigation, while recognizing that it is the standard itself, not the particular, presumptive fee levels we articulate, that ultimately will govern whether a particular fee is allowed under Sections 253 and 332. So fees above

⁷⁰ See, e.g., *City of Manhattan*, KS Sept. 13, 2018 *Ex Parte* Letter at 1-2; Ronny Berdugo Sept. 18, 2018 *Ex Parte* Letter at 1-2; Damon Connolly Sept. 17, 2018 *Ex Parte* Letter at 1-2.

⁷¹ Fees charged by states or localities in connection with Small Wireless Facilities would be "compensation" for purposes of Section 253(c). This Declaratory Ruling interprets Section 253 and 332(c)(7) in the context of three categories of fees, one of which applies to all deployments of Small Wireless Facilities while the other two are specific to Small Wireless Facilities deployments inside the ROW. (1) "Event" or "one-time" fees are charges that providers pay on a non-recurring basis in connection with a one-time event, or series of events occurring within a finite period. The one-time fees addressed in this Declaratory Ruling are not specific to the ROW. For example, a provider may be required to pay fees during the application process to cover the costs related to processing an application building or construction permits, street closures, or a permitting fee, whether or not the deployment is in the ROW. (2) Recurring charges for a Small Wireless Facility's use of or attachment to property inside the ROW owned or controlled by a state or local government, such as a light pole or traffic light, is the second category of fees addressed here, and is typically paid on a per structure/per year basis. (3) Finally, ROW access fees are recurring charges that are assessed, in some instances, to compensate a state or locality for a Small Wireless Facility's access to the ROW, which includes the area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property (including when such property is government-owned). A ROW access fee may be charged even if the Small Wireless Facility is not using government owned property within the ROW. AT&T Comments at 18 (describing three categories of fees); Letter from Tamara Preiss, Vice President, Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Attach. at 11 (filed Aug. 10, 2018) (Verizon Aug. 10, 2018 *Ex Parte* Letter) (characterizing fees as recurring or non-recurring); see also Draft BDAC Rates and Fees Report at p. 15-16. Unless otherwise specified, a reference to "fee" or "fees" herein refers to any one of, or any combination of, these three categories of charges.

those levels would be permissible under Sections 253 and 332 to the extent a locality's actual, reasonable costs (as measured by the standard above) are higher.

33. Finally, in Part III.C, we focus on a subset of other, non-fee provisions of state and local law that could also operate as prohibitions on service. We do so in particular by addressing state and local consideration of aesthetic concerns in the deployment of Small Wireless Facilities. We note that the Small Wireless Facilities that are the subject of this Declaratory Ruling remain subject to the Commission's rules governing Radio Frequency (RF) emissions exposure.⁷²

A. Overview of the Section 253 and Section 332(c)(7) Framework Relevant to Small Wireless Facilities Deployment

34. In Sections 253(a) and 332(c)(7)(B) of the Act, Congress determined that state or local requirements that prohibit or have the effect of prohibiting the provision of service are unlawful and thus preempted.⁷³ Section 253(a) addresses "any interstate or intrastate telecommunications service," while Section 332(c)(7)(B)(i)(II) addresses "personal wireless services."⁷⁴ Although the provisions contain identical "effect of prohibiting" language, the Commission and different courts over the years have each employed inconsistent approaches to deciding what it means for a state or local legal requirement to have the "effect of prohibiting" services under these two sections of the Act. This has caused confusion among both providers and local governments about what legal requirements are permitted under Sections 253 and 332(c)(7). For example, despite Commission decisions to the contrary construing such language under Section 253, some courts have held that a denial of a wireless siting application will "prohibit or have the effect of prohibiting" the provision of a personal wireless service under Section 332(c)(7)(B)(i)(II) only if the provider can establish that it has a significant gap in service coverage in the

⁷² See 47 CFR §§ 1.1307, 1.1310. We disagree with commenters who oppose the Declaratory Ruling on the basis of concerns regarding RF emissions. See, e.g., Comments from Judy Aizuss, Comments from Jeffrey Arndt, Comments from Jeanice Barcelo, Comments from Kristin Beatty, Comments from James M. Benster, Comments from Terrie Burns, Comments from EMF Safety Network, Comments from Kate Reese Hurd, Comments from Marilynne Martin, Comments from Lisa Mayock, Comments from Kristen Moriarty Termunde, Comments from Sage Associates, Comments from Elizabeth Shapiro, Comments from Paul Silver, Comments from Natalie Ventrice. The Commission has authority to adopt and enforce RF exposure limits, and nothing in this Declaratory Ruling changes the applicability of the Commission's existing RF emissions exposure rules. See, e.g., Section 704(b) of the Telecommunications Act of 1996, Pub. L. No. 104-104 (directing Commission to "prescribe and make effective rules regarding the environmental effects of radio frequency emissions" upon completing action in then-pending rulemaking proceeding that included proposals for, *inter alia*, maximum exposure limits); 47 U.S.C. § 332(c)(7)(B)(iv) (recognizing legitimacy of FCC's existing regulations on environmental effects of RF emissions of personal wireless service facilities, by proscribing state and local regulation of such facilities on the basis of such effects, to the extent such facilities comply with Commission regulations concerning such RF emissions); 47 U.S.C. § 151 (creating the FCC "[f]or the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service, . . . for the purpose of [*inter alia*] promoting safety of life and property through the use of wire and radio communications"). See also H.R. Rep. No. 204(I), 104th Cong., 1st Sess. 94 (1995), reprinted in 1996 U.S.C.C.A.N. 10, 61 (1996) (in legislative history of Section 704 of 1996 Telecommunications Act, identifying "adequate safeguards of the public health and safety" as part of a framework of uniform, nationwide RF regulations); ; *Reassessment of FCC Radiofrequency Exposure Limits and Policies*, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, 28 FCC Rcd 3498, 3530-31, para. 103, n.176 (2013).

⁷³ 47 U.S.C. §§ 253(a), 332(c)(7)(B)(i)(II).

⁷⁴ *Id.* The actions in this proceeding update the FCC's approach to Sections 253 and 332 by addressing effective prohibitions that apply to the deployment of services covered by those provisions. Our interpretations in this proceeding do not provide any basis for increasing the regulation of services deployed consistent with Section 621 of the Cable Communications Policy Act of 1984.

area and a lack of feasible alternative locations for siting facilities.⁷⁵ Other courts have held that evidence of an already-occurring or complete inability to offer a telecommunications service is required to demonstrate an effective prohibition under Section 253(a).⁷⁶ Conversely, still other courts like the First, Second, and Tenth Circuits have endorsed prior Commission interpretations of what constitutes an effective prohibition under Section 253(a) and recognized that, under that analytical framework, a legal requirement can constitute an effective prohibition of services even if it is not an insurmountable barrier.⁷⁷

35. In this Declaratory Ruling, we first reaffirm, as our definitive interpretation of the effective prohibition standard, the test we set forth in *California Payphone*, namely, that a state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”⁷⁸ We then explain how this “material inhibition” standard applies in the context of state and local fees and aesthetic requirements. In doing so, we confirm the First, Second, and Tenth Circuits’ understanding that under this analytical framework, a legal requirement can “materially inhibit” the provision of services even if it is not an insurmountable barrier.⁷⁹ We also resolve the conflicting court interpretations of the

⁷⁵ Courts vary widely regarding the type of showing needed to satisfy the second part of that standard. The First, Fourth, and Seventh Circuits have imposed a “heavy burden” of proof on applicants to establish a lack of alternative feasible sites, requiring them to show “not just that *this* application has been rejected but that further reasonable efforts to find another solution are so likely to be fruitless that it is a waste of time even to try.” *Green Mountain Realty Corp. v. Leonard*, 750 F.3d 30, 40 (1st Cir. 2014); *accord New Cingular Wireless PCS, LLC v. Fairfax County*, 674 F.3d 270, 277 (4th Cir. 2012); *T-Mobile Northeast LLC v. Fairfax County*, 672 F.3d 259, 266-68 (4th Cir. 2012) (*en banc*); *Helcher v. Dearborn County*, 595 F.3d 710, 723 (7th Cir. 2010) (*Helcher*). The Second, Third, and Ninth Circuits have held that an applicant must show only that its proposed facilities are the “least intrusive means” for filling a coverage gap in light of the aesthetic or other values that the local authority seeks to serve. *Sprint Spectrum, LP v. Willoth*, 176 F.3d 630, 643 (2d Cir. 1999) (*Willoth*); *APT Pittsburgh Ltd. P’ship v. Penn Township*, 196 F.3d 469, 480 (3d Cir. 1999) (*APT*); *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056-57 (9th Cir. 2014); *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995-99 (9th Cir. 2009) (*City of Anacortes*).

⁷⁶ *See, e.g., County of San Diego*, 543 F.3d at 579-80; *Level 3 Commc’ns, LLC v. City of St. Louis*, 477 F.3d 528, 533-34 (8th Cir. 2007) (*City of St. Louis*).

⁷⁷ *See Puerto Rico Tel. Co. v. Municipality of Guayanilla*, 450 F.3d 9, 18 (1st Cir. 2006) (*Municipality of Guayanilla*); *TCG New York, Inc. v. City of White Plains*, 305 F.3d 67, 76 (2d Cir. 2002) (*City of White Plains*); *RT Communications v. FCC*, 201 F.3d 1264, 1268 (10th Cir. 2000) (“[Section] 253(a) forbids any statute which prohibits or has ‘the effect of prohibiting’ entry. Nowhere does the statute require that a bar to entry be insurmountable before the FCC must preempt it.”) (*RT Communications*) (*affirming Silver Star Tel. Co. Petition for Preemption and Declaratory Ruling*, 12 FCC Rcd 15639 (1997)).

⁷⁸ *California Payphone*, 12 FCC Rcd at 14206, para. 31. A number of circuit courts have cited *California Payphone* as the leading authority regarding the standard to be applied under Section 253(a). *See, e.g., County of San Diego*, 543 F.3d at 578; *City of St. Louis*, 477 F.3d at 533; *Municipality of Guayanilla*, 450 F.3d at 18; *Qwest Corp. v. City of Santa Fe*, 380 F.3d 1258, 1270 (10th Cir. 2004) (*City of Santa Fe*); *City of White Plains*, 305 F.3d at 76. Crown Castle argues that the Eighth and Ninth Circuit cited the FCC’s *California Payphone* decision, but read the standard in an overly narrow fashion. *See, e.g., Letter from Kenneth J. Simon, Senior Vice Pres. and Gen. Counsel, Crown Castle, et al., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 12* (filed June 7, 2018) (Crown Castle June 7, 2018 *Ex Parte* Letter); *see also Smart Communities Comments at 60-61* (describing circuit split). Some commenters cite selected dictionary definitions or otherwise argue for a narrow definition of “prohibit.” *See, e.g., Smart Communities Reply at 53*. But because they do not go on to dispute the validity of the *California Payphone* standard that has been employed not only by the Commission but also many courts, those arguments do not persuade us to depart from the *California Payphone* standard here.

⁷⁹ *See, e.g., City of White Plains*, 305 F.3d at 76; *Municipality of Guayanilla*, 450 F.3d at 18; *see also, e.g., Crown Castle June 7, 2018 Ex Parte Letter at 12*. Because the clarifications in this order should reduce uncertainty regarding the application of these provisions for state and local governments as well as stakeholders, we are not persuaded by some commenters’ arguments that an expedited complaint process is required. *See, e.g., AT&T Comments at 28; CTIA Reply at 21*. We do not address, at this time, recently-filed petitions for reconsideration of our August 2018 *Moratoria Declaratory Ruling*. *See, e.g., Smart Communities Petition for Reconsideration, WC*

‘effective prohibition’ language so that continuing confusion on the meaning of Sections 253 and 332(c)(7) does not materially inhibit the critical deployments of Small Wireless Facilities and our nation’s drive to deploy 5G.⁸⁰

36. As an initial matter, we note that our Declaratory Ruling applies with equal measure to the effective prohibition standard that appears in both Sections 253(a) and 332(c)(7).⁸¹ This ruling is consistent with the basic canon of statutory interpretation that identical words appearing in neighboring provisions of the same statute generally should be interpreted to have the same meaning.⁸² Moreover, both of these provisions apply to wireless telecommunications services⁸³ as well as to commingled services and facilities.⁸⁴

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Docket No. 17-84 & WT Docket No. 17-79 (filed Sept. 4, 2018); New York City Petition for Reconsideration, WC Docket No. 17-84 & WT Docket No. 17-79 (filed Sept. 4, 2018). Nor do we address requests for clarification and/or action on other issues raised in the record beyond those expressly discussed in this order. These other issues include arguments regarding other statutory interpretations that we do not address here. *See, e.g.*, CTIA Reply at 23 (raising broader questions about the precise interplay of Section 253 and Section 332(c)(7)); Crown Castle June 7, 2018 *Ex Parte* Letter at 16-17 (raising broader questions about the scope of “legal requirements” under Section 253(a)). Consequently, this order should not be read as impliedly taking a position on those issues.

⁸⁰ *See, e.g.*, Crown Castle June 7, 2018 *Ex Parte* Letter at 11-12 (arguing that “[d]espite the Commission’s efforts to define the boundaries of federal preemption under Section 253, courts have issued a number of conflicting decisions that have only served to confuse the preemption analysis under section 253” and that “the Commission should clarify that the *California Payphone* standard as interpreted by the First and Second Circuits is the appropriate standard going forward”); *see also* BDAC Regulatory Barriers Report at p. 9 (“The Commission should provide clarity on what actually constitutes an “excessive” fee for right-of-way access and use. The FCC should provide guidance on what constitutes a fee that is excessive and/or duplicative, and that therefore is not “fair and reasonable.” The Commission should specifically clarify that “fair and reasonable” compensation for right-of way access and use implies some relation to the burden of new equipment placed in the ROW or on the local asset, or some other objective standard.”). Because our decision provides clarity by addressing conflicting court decisions and reaffirming that the “materially inhibits” standard articulated in the Commission’s *California Payphone* decision is the appropriate standard for determining whether a state or local law operates as an effective prohibition within the meaning of Sections 253 and 332, we reject arguments that our action will increase conflicts and lead to more litigation. *See e.g.*, Letter from Michael Dylan Brennan, Mayor, City of University Heights, Ohio, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed Sept. 19, 2018) (stating that “. . . this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding”).

⁸¹ *See infra* Part III.A, B.

⁸² *See County of San Diego*, 543 F.3d at 579 (“We see nothing suggesting that Congress intended a different meaning of the text ‘prohibit or have the effect of prohibiting’ in the two statutory provisions, enacted at the same time, in the same statute. * * * * As we now hold, the legal standard is the same under either [Section 253 or 332(c)(7)].”); *see also, e.g., Puerto Rico v. Franklin Cal. Tax-Free Trust*, 136 S. Ct. 1938, 1946 (citing *Sullivan v. Stroup*, 496 U.S. 478, 484 (1990) (reading same term used in different parts of the same Act to have the same meaning); *Northcross v. Board of Ed. of Memphis City Schools*, 412 U.S. 427, 428 (1973) (per curiam) (“[S]imilarity of language . . . is . . . a strong indication that the two statutes should be interpreted *pari passu*”); Verizon Comments at 9-10; AT&T Reply at 3-4; Crown Castle June 7, 2018 *Ex Parte* Letter at 15.

⁸³ Common carrier wireless services meet the definition of “telecommunications services,” and thus are within the scope of Section 253(a) of the Act. *See, e.g., Moratoria Declaratory Ruling*, FCC 18-111, para 142 n.523; *see also, e.g., League of Minnesota Cities* Comments at 11; Verizon Reply at 9-10. While some commenters cite certain distinguishing factual characteristics between wireline and wireless services, the record does not reveal why those distinctions would be material to whether wireless telecommunications services are covered by Section 253 in the first instance. *See, e.g., City of San Antonio et al. Comments*, Exh. A at 13; Virginia Joint Commenters Comments at 5, Exh. A at 45-46. To the contrary, Section 253(e) expressly preserves “application of section 332(c)(3) of this title to commercial mobile service providers” notwithstanding Section 253—a provision that would be meaningless if wireless telecommunications services already fell outside the scope of Section 253. 47 U.S.C. § 253(e). For this same reason, we also reject claims that the existence of certain protections for personal wireless services in Section 332(c)(7), or the phrase “nothing in this chapter” in Section 332(c)(7)(A), demonstrate that states’ or localities’

37. As explained in *California Payphone* and reaffirmed here, a state or local legal requirement will have the effect of prohibiting wireless telecommunications services if it materially inhibits the provision of such services. We clarify that an effective prohibition occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service.⁸⁵ This test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service

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regulations affecting wireless telecommunications services must fall outside the scope of Section 253. *See, e.g.,* Virginia Joint Commenters Comments, Exh. A at iii, 45-46; Smart Communities Comments at 56. Even if, as some parties argue, the phrase "nothing in this chapter" could be construed as preserving state or local decisions on the placement, construction, or modification of personal wireless service facilities from preemption by other sections of the Communications Act, Section 332(c)(7)(A) goes on to make clear that such state or local decisions are *not* immune from preemption if they violate any of the standards set forth in Section 332(c)(7)(B)--including Section 332(c)(7)(B)(i)(II)'s ban of requirements that "prohibit or have the effect of prohibiting" the provision of service, which is identical to the preemption provision in Section 253(a). Thus, states and localities may charge fees and dispose of applications relating to the matters subject to Section 332(c)(7) in any manner they deem appropriate, so long as that conduct does not amount to a prohibition or effective prohibition, as interpreted in this Declaratory Ruling or otherwise run afoul of federal or state law; but because Sections 332(c)(7)(B)(i)(II) and 253(a) use identical "effective prohibition" language, the standard for what is saved and what is preempted is the same under both provisions.

⁸⁴ *See infra* para. 40 (discussing use of small cells to close coverage gaps, including voice gaps); *see also, e.g.,* *Moratoria Declaratory Ruling*, FCC 18-111, para 145 n.531; *Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, 33 FCC Red 311, 425, para. 190 (2018); Letter from Andre J. Lachance, Associate General Counsel, Verizon to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 3 (filed Sept. 19, 2018) (confirming that "telecommunications services can be provided over small cells and Verizon has deployed Small Wireless Facilities in its network that provide telecommunications services."); Letter from David M. Crawford, Senior Corporate Counsel, Fed. Reg. Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1 (filed Sept. 19, 2018) (stating that "small wireless facilities are a critical component of T-Mobile's network deployment plans to support both the 5G evolution of wireless services, as well as more traditional services such as mobile broadband and even voice calls. T-Mobile, for example, uses small wireless facilities to densify our network to provide better coverage and greater capacity, and to provide traditional services such as voice calls in areas where our macro site coverage is insufficient to meet demand."); Letter from Henry G. Hultquist, Vice President, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 1 (filed Sept. 20, 2018) ("AT&T has operated and continues to operate commercial mobile radio services as well as information services from small wireless facilities..."); *see also, e.g.,* *Coastal Communications Service v. City of New York*, 658 F. Supp. 2d 425, 441-42 (E.D.N.Y. 2009) (finding that a restriction on advertising on newly-installed payphones was subject to Section 253(a) where the advertising was a material factor in the provider's ability to provide the payphone service itself). The fact that facilities are sometimes deployed by third parties not themselves providing covered services also does not place such deployment beyond the purview of Section 253(a) or Section 332(c)(7)(B)(i) insofar as the facilities are used by wireless service providers on a wholesale basis to provide covered services (among other things). *See, e.g.,* T-Mobile Comments at 26. Given our conclusion that neither commingling of services nor the identity of the entity engaged in the deployment activity changes the applicability of Section 253(a) or Section 332(c)(7)(B)(i)(II) where the facilities are being used for the provisioning of services within the scope of the relevant statutory provisions, we reject claims to the contrary. *See, e.g.,* Colorado Communications and Utility Alliance *et al.* Comments at 15-16; City of San Antonio *et al.* Comments, Exh. A at 12; *id.*, Exh. C at 13-15. Because local jurisdictions do not have the authority to regulate these interstate services, there is no basis for local jurisdictions to conduct proceedings on the types of personal wireless services offered over particular wireless service facilities or the licensee's service area, which are matters within the Commission's licensing authority. Furthermore, local jurisdictions do not have the authority to require that providers offer certain types or levels of service, or to dictate the design of a provider's network. *See* 47 U.S.C. § 332(c)(3)(A); *see also* *Bastien v. AT&T Wireless Servs., Inc.*, 205 F.3d 983, 989 (7th Cir. 2000).

⁸⁵ By "covered service" we mean a telecommunications service or a personal wireless service for purposes of Section 253 and Section 332(c)(7), respectively.

capabilities.⁸⁶ Under the *California Payphone* standard, a state or local legal requirement could materially inhibit service in numerous ways—not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services. Thus, an effective prohibition includes materially inhibiting additional services or improving existing services.⁸⁷

38. Our reading of Section 253(a) and Section 332(c)(7)(B)(i)(II) reflects and supports a marketplace in which services can be offered in a multitude of ways with varied capabilities and performance characteristics consistent with the policy goals in the 1996 Act and the Communications Act. To limit Sections 253(a) and 332(c)(7)(B)(i)(II) to protecting only against coverage gaps or the like would be to ignore Congress’s contemporaneously-expressed goals of “promot[ing] competition[,] . . . secur[ing] . . . higher quality services for American telecommunications consumers and encourage[ing] the rapid deployment of new telecommunications technologies.”⁸⁸ In addition, as the Commission recently explained, the implementation of the Act “must factor in the fundamental objectives of the Act, including the deployment of a ‘rapid, efficient . . . wire and radio communication service with adequate facilities at reasonable charges’ and ‘the development and rapid deployment of new technologies, products and services for the benefit of the public . . . without administrative or judicial delays[, and] efficient and

⁸⁶ See, e.g., Crown Castle Comments at 54-55; Free State Foundation Comments at 12; T-Mobile Comments at 43-45; CTIA Reply at 14; WIA Reply at 26; Crown Castle June 7, 2018 *Ex Parte* Letter at 13-14; Letter from Kara Romagnino Graves, Director, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 8-9 (filed June 27, 2018) (CTIA June 27, 2018 *Ex Parte* Letter). As T-Mobile explains, for example, a provider might need to improve “signal strength or system capacity to allow it to provide reliable service to consumers in residential and commercial buildings.” T-Mobile Comments at 43; see also, e.g., *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, et al., Notice of Proposed Rulemaking, 28 FCC Rcd 14238, 14253, para. 38 (2013) (observing that “DAS and small cell facilities[] are critical to satisfying demand for ubiquitous mobile voice and broadband services”). The growing prevalence of smart phones has only accelerated the demand for wireless providers to take steps to improve their service offerings. See, e.g., *Twentieth Wireless Competition Report*, 32 FCC Rcd at 9011-13, paras. 62-65.

⁸⁷ Our conclusion finds further support in our broad understanding of the statutory term “service,” which, as we explained in our recent *Moratoria Declaratory Ruling*, means “any covered service a provider wishes to provide, incorporating the abilities and performance characteristics it wishes to employ, including to provide existing services more robustly, or at a higher level of quality—such as through filling a coverage gap, densification, or otherwise improving service capabilities.” *Moratoria Declaratory Ruling*, FCC 18-111, para. 162 n.594; see also *Public Utility Comm’n of Texas Petition for Declaratory Ruling and/or Preemption of Certain Provisions of the Texas Public Utility Regulatory Act of 1995*, Memorandum Opinion and Order, 13 FCC Rcd 3460, 3496, para. 74 (1997) (*Texas PUC Order*) (interpreting the scope of ‘telecommunications services’ covered by Section 253(a) and clarifying that it would be an unlawful prohibition for a state or locality to specify “the means or facilities” through which a service provider must offer service); Crown Castle June 7, 2018 *Ex Parte* Letter at 10-11 (discussing this precedent). We find this interpretation of “service” warranted not only under Section 253(a), but Section 332(c)(7)(B)(i)(II)’s reference to “services” as well.

⁸⁸ Preamble to the Telecommunications Act of 1996, Pub. Law. No. 104-104, § 202, 110 Stat. 56 (1996). Consequently, we reject arguments suggesting that the provision of some level of wireless service in the past necessarily demonstrates that there is no effective prohibition of service under the state or local legal requirements that applied during those periods or that an effective prohibition only is present if a provider can provide no covered service whatsoever. See, e.g., City and County of San Francisco Comments at 25-26; Virginia Joint Commenters Comments, Exh. A at 31-33. Nor, in light of these goals, do we find it reasonable to interpret the protections of these provisions as doing nothing more than guarding against a monopoly as some suggest. See, e.g., Smart Communities Comments, WC Docket No. 17-84, at 8-9 (filed June 15, 2017) cited in Smart Communities Comments at 57 n.141.

intensive use of the electromagnetic spectrum.”⁸⁹ These provisions demonstrate that our interpretation of Section 253 and Section 332(c)(7)(B)(i)(II) is in accordance with the broader goals of the various statutes that the Commission is entrusted to administer.

39. *California Payphone* further concluded that providers must be allowed to compete in a “fair and balanced regulatory environment.”⁹⁰ As reflected in decisions such as the Commission’s *Texas PUC Order*, a state or local legal requirement can function as an effective prohibition either because of the resulting “financial burden” in an absolute sense, or, independently, because of a resulting competitive disparity.⁹¹ We clarify that “[a] regulatory structure that gives an advantage to particular services or facilities has a prohibitory effect, even if there are no express barriers to entry in the state or local code; the greater the discriminatory effect, the more certain it is that entities providing service using the disfavored facilities will experience prohibition.”⁹² This conclusion is consistent with both Commission and judicial precedent recognizing the prohibitory effect that results from a competitor being treated materially differently than similarly-situated providers.⁹³ We provide our authoritative interpretation below of the circumstances in which a “financial burden,” as described in the *Texas PUC Order*, constitutes an effective prohibition in the context of certain state and local fees.

40. As we explained above, we reject alternative readings of the effective prohibition language that have been adopted by some courts and used to defend local requirements that have the effect of prohibiting densification of networks. Decisions that have applied solely a “coverage gap”-based approach under Section 332(c)(7)(B)(i)(II) reflect both an unduly narrow reading of the statute and an outdated view of the marketplace.⁹⁴ Those cases, including some that formed the foundation for

⁸⁹ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, FCC 18-30, para. 62 (rel. Mar. 30, 2018) (*Wireless Infrastructure Second R&O*) (quoting 47 U.S.C. §§ 151, 309(j)(3)(A), (D)).

⁹⁰ *California Payphone*, 12 FCC Rcd at 14206, para. 31.

⁹¹ *Texas PUC Order*, 13 FCC Rcd at 3466, 3498-500, paras. 13, 78-81; *see also, e.g.*, Crown Castle June 7, 2018 *Ex Parte* at 10-11, 13.

⁹² Crown Castle June 7, 2018 *Ex Parte* Letter at 13.

⁹³ *See, e.g., Texas PUC Order*, 13 FCC Rcd at 3466, 3498-500, paras. 13, 78-81; *Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities*, Declaratory Ruling, 15 FCC Rcd 15168, 15173, paras. 12-13 (2000) (*Western Wireless Order*); *Pittencrieff Communications, Inc. Petition for Declaratory Ruling Regarding Preemption of the Texas Public Utility Regulatory Act of 1995*, Memorandum Opinion and Order, 13 FCC Rcd 1735, 1751-52, para. 32 (1997) (*Pittencrieff*), *aff’d*, *Cellular Telecomm. Indus. Ass’n v. FCC*, 168 F.3d 1332 (5th Cir. 1999); *City of White Plains*, 305 F.3d at 80.

⁹⁴ Smart Communities seeks clarification of whether this Declaratory Ruling is meant to say that the “coverage gap” standard followed by a number of courts should include consideration of capacity as well as coverage issues. Letter from Gerard Lavery Lederer, Counsel, Smart Communities and Special Districts Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Att. at 17 (Sept. 19, 2018) (Smart Communities Sept. 19 *Ex Parte* Letter). We are not holding that prior “coverage gap” analyses are consistent with the standards we articulate here as long as they also take into account “capacity gaps”; rather, we are articulating here the effective prohibition standard that should apply while, at the same time, noting one way in which prior approaches erred by requiring coverage gaps. Accordingly, we reject both the version of the “coverage gap” test followed by the First, Fourth, and Seventh Circuits (requiring applicants to show “not just that *this* application has been rejected but that further reasonable efforts to find another solution are so likely to be fruitless that it is a waste of time even to try”) and the version endorsed by the Second, Third, and Ninth Circuits (requiring applicants to show that the proposed facilities are the “least intrusive means” for filling a coverage gap) *See supra* n. 75. We also note that some courts have expressed concern about alternative readings of the statute that would lead to extreme outcomes—either always requiring a grant under some interpretations, or never preventing a denial under other interpretations. *See, e.g., Willoth*, 176 F.3d at 639-41; *APT*, 196 F.3d at 478-79; *Town of Amherst v. Omnipoint Communications Enterprises, Inc.*, 173 F.3d 9, 14 (1st Cir. 1999); *AT&T Wireless PCS v. City Council of Virginia Beach*, 155 F.3d 423, 428 (4th Cir. 1998) (*City Council of Virginia Beach*); *see also, e.g.*, Greenling Comments at 2; City and County of San Francisco Reply

“coverage gap”-based analytical approaches, appear to view wireless service as if it were a single, monolithic offering provided only via traditional wireless towers.⁹⁵ By contrast, the current wireless marketplace is characterized by a wide variety of offerings with differing service characteristics and deployment strategies.⁹⁶ As Crown Castle explains, coverage gap-based approaches are “simply

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at 16. Our interpretation avoids those concerns while better reflecting the text and policy goals of the Communications Act and 1996 Act than coverage gap-based approaches ultimately adopted by those courts. Our approach ensures meaningful constraints on state and local conduct that otherwise would prohibit or have the effect of prohibiting the provision of personal wireless services. At the same time, our standard does not preclude all state and local denials of requests for the placement, construction, or modification of personal wireless service facilities, as explained below. *See infra* III.B, C.

⁹⁵ *See, e.g., Willoth*, 176 F.3d at 641-44; *360 Degrees Commc’ns Co. v. Board of Supervisors of Albemarle County*, 211 F.3d 79, 86-88 & n.1 (4th Cir. 2000) (*Albemarle County*); *see also, e.g.,* ExteNet Comments at 29; T-Mobile Comments at 42; Verizon Comments at 18; WIA Comments at 38-40. Even some cases that implicitly recognize the limitations of a gap-based test fail to account for those limitations in practice when applying Section 332(c)(7)(B)(i)(II). *See, e.g., Second Generation Properties v. Town of Pelham*, 313 F.3d 620, 633 n.14 (4th Cir. 2002) (discussing scenarios where a carrier has coverage but insufficient capacity to adequately handle the volume of calls or where new technology emerges and a carrier would like to use it in areas that already have coverage using prior-generation technology). Courts that have sought to identify limited set of characteristics of personal wireless services covered by the Act essentially allow actual or effective prohibition of many personal wireless services that providers wish to offer with additional or more advanced characteristics. *See, e.g., Willoth*, 176 F.3d at 641-43 (drawing upon certain statutory definitions); *Cellular Tel. Co. v. Zoning Bd. of Adjustment of the Borough of Ho-Ho-Kus*, 197 F.3d 64, 70 (3d Cir. 1999) (*Borough of Ho-Ho-Kus*) (concluding that it should be up to state or local authorities to assess and weigh the benefits of differing service qualities); *Albemarle County*, 211 F.3d at 87 (citing 47 CFR §§ 22.99, 22.911(b) as noting the possibility of some ‘dead spots’); *cf. USCOC of Greater Iowa, Inc. v. Zoning Bd. of Adjustment of the City of Des Moines*, 465 F.3d 817 (8th Cir. 2006) (describing as a “dubious proposition” the argument that a denial of a request to construct a tower resulting in “less than optimal” service quality could be an effective prohibition). An outcome that allows the actual or effective prohibition of some covered services is contrary to the Act. Section 253(a) applies to any state or local legal requirement that prohibits or has the effect of prohibiting any entity from providing “any” interstate or intrastate telecommunications service, 47 U.S.C. § 253(a). Similarly, Section 332(c)(7)(B)(i)(II) categorically precludes state or local regulation of the placement, construction, or modification of personal wireless service facilities that prohibits or has the effect of prohibiting the provision of personal wireless “services.” 47 U.S.C. § 332(c)(7)(B)(i)(II). We find the most natural interpretation of these sections is that any service that meets the definition of “telecommunications service” or “personal wireless service” is encompassed by the language of each provision, rather than only some subset of such services or service generally. The notion that such state or local regulation permissibly could prohibit some personal wireless services, so long as others are available, is at odds with that interpretation. In addition, as we explain above, a contrary approach would fail to advance important statutory goals as well as the interpretation we adopt. Further, the approach reflected in these court decisions could involve state or local authorities “inquir[ing] into and regulat[ing] the services offered—an inquiry for which they are ill-qualified to pursue and which could only delay infrastructure deployment.” Crown Castle June 7, 2018 *Ex Parte* Letter at 14. Instead, our effective prohibition analysis focuses on the service the provider wishes to provide, incorporating the capabilities and performance characteristics it wishes to employ, including facilities deployment to provide existing services more robustly, or at a better level of quality, all to offer a more robust and competitive wireless service for the benefit of the public.

⁹⁶ *See generally, e.g., Twentieth Wireless Competition Report*, 32 FCC Rcd at 8968; *see also, e.g.,* T-Mobile Comments at 42-43; AT&T Reply at 4-5; CTIA Reply at 13-14; WIA Reply at 23-24; Crown Castle June 7, 2018 *Ex Parte* Letter at 15. We do not suggest that viewing wireless service as if it were a single, monolithic offering provided only via traditional wireless towers would have reflected an accurate understanding of the marketplace in the past, even if it might have been somewhat more understandable that courts held such a simplified view at that time. Rather, the current marketplace conditions highlight even more starkly the shortcomings of coverage gap-based approaches, which do not account for other characteristics and deployment strategies. *See, e.g., Twentieth Wireless Competition Report*, 32 FCC Rcd at 8974-75, para. 12 (observing that “[p]roviders of mobile wireless services typically offer an array of mobile voice and data services,” including “interconnected mobile voice services”); *id.* at 8997-97, paras. 42-43 (discussing various types of wireless infrastructure deployment to, among

incompatible with a world where the vast majority of new wireless builds are going to be designed to add network capacity and take advantage of new technologies, rather than plug gaps in network coverage.”⁹⁷ Moreover, a critical feature of these new wireless builds is to accommodate increased in-building use of wireless services, necessitating deployment of small cells in order to ensure quality service to wireless callers within such buildings.⁹⁸

41. Likewise, we reject the suggestion of some courts like the Eighth and Ninth Circuits that evidence of an existing or complete inability to offer a telecommunications service is required under 253(a).⁹⁹ Such an approach is contrary to the material inhibition standard of *California Payphone* and the correct recognition by courts “that a prohibition does not have to be complete or ‘insurmountable’” to constitute an effective prohibition.¹⁰⁰ Commission precedent beginning with *California Payphone* itself makes clear that an insurmountable barrier is not required to find an effective prohibition under Section 253(a).¹⁰¹ The “effectively prohibit” language must have some meaning independent of the “prohibit”

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other things, “improve spectrum efficiency for 4G and future 5G services,” “to fill local coverage gaps, to densify networks and to increase local capacity”).

⁹⁷ Crown Castle June 7, 2018 *Ex Parte* Letter at 15; *see also id.* at 13 (“Densification of networks will be key for augmenting the capacity of existing networks and laying the groundwork for the deployment of 5G.”); *id.* at 15-16 (“When trying to maximize spectrum re-use and boost capacity, moving facilities by just a few hundred feet can mean the difference between excellent service and poor service. The FCC’s rules, therefore, must account for the effect siting decisions would have on every level of service, including increasing capacity and adding new spectrum bands. Practices and decisions that prevent carriers from doing either materially prohibit the provision of telecommunications service and thus should be considered impermissible under Section 332.”). Contrary approaches appear to occur in part when courts’ policy balancing places more importance on broadly preserving state and local authority than is justified. *See, e.g., APT*, 196 F.3d at 479; *Albemarle County*, 211 F.3d at 86; *City Council of Virginia Beach*, 155 F.3d at 429; *National Tower, LLC v. Plainville Zoning Bd. of Appeals*, 297 F.3d 14 (1st Cir. 2002); *see also, e.g., League of Arizona Cities et al. Joint Comments* at 45; *Smart Communities Reply* at 33. As explained above, our interpretation that “telecommunications services” in Section 253(a) and “personal wireless services” in Section 332(c)(7)(B)(i)(II) are focused on the covered services that providers seek to provide—including the relevant service characteristics they seek to incorporate—not only is consistent with the text of those provisions but better reflects the broader policy goals of the Communications Act and the 1996 Act.

⁹⁸ *See* WIA Comments at 39; T-Mobile Comments at 43-44.

⁹⁹ *See, e.g., County of San Diego*, 543 F.3d at 577, 579-80; *City of St. Louis*, 477 F.3d at 533-34; *see also, e.g., Virginia Joint Commenters Comments*, Exh. A at 39-41. Although the Ninth Circuit in *County of San Diego* found that “the unambiguous text of §253(a)” precluded a prior Ninth Circuit approach that found an effective prohibition based on broad governmental discretion and the “mere possibility of prohibition,” that holding is not implicated by our interpretations here. *County of San Diego*, 543 F.3d at 578; *cf. City of St. Louis*, 477 F.3d at 532. Consequently, those decisions do not preclude the Commission’s interpretations here, *see, e.g., Verizon Reply* at 7, and we reject claims to the contrary. *See, e.g., Smart Communities Comments* at 60.

¹⁰⁰ *City of White Plains*, 305 F.3d at 76 (citing *RT Commc’ns*, 201 F.3d at 1268); *see also, e.g., Municipality of Guayanilla*, 450 F.3d at 18 (quoting *City of White Plains*, 305 F.3d at 76 and citing *City of Santa Fe*, 380 F.3d at 1269); Crown Castle June 7, 2018 *Ex Parte* Letter at 12; Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach at 5. Indeed, the Eighth Circuit’s *City of St. Louis* decision acknowledges that under Section 253 “[t]he plaintiff need not show a complete or insurmountable prohibition,” even while other aspects of that decision suggest that an insurmountable barrier effectively would be required. *City of St. Louis*, 477 F.3d at 533 (citing *City of White Plains*, 305 F.3d at 76).

¹⁰¹ In *California Payphone*, the Commission concluded that the ordinance at issue “does not ‘prohibit’ the ability of any payphone service provider to provide payphone service in the Central Business District within the meaning of section 253(a),” but went on to evaluate the possibility of an effective prohibition by considering “whether the Ordinance materially inhibits or limits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.” *California Payphone*, 12 FCC Red at 14205, 14206, paras. 28, 31. In the *Texas PUC Order*, the Commission found that state law build-out requirements would require “substantial financial investment” and a “comparatively high cost per loop sold” in particular areas, interfering with the

language, and we find that the interpretation of the First, Second, and Tenth Circuits reflects that principle, while being more consistent with the *California Payphone* standard than the approach of the Eighth and Ninth Circuits.¹⁰² The reasonableness of our interpretation that ‘effective prohibition’ does not require a showing of an insurmountable barrier to entry is demonstrated not only by a number of circuit courts’ acceptance of that view, but in the Supreme Court’s own characterization of Section 253(a) as “prohibit[ing] state and local regulation that *impedes* the provision of ‘telecommunications service.’”¹⁰³

42. The Eighth and Ninth Circuits’ suggestion that a provider must show an insurmountable barrier to entry in the jurisdiction imposing the relevant regulation is at odds with relevant statutory purposes and goals, as well. Section 253(a) is designed to protect “any entity” seeking to provide telecommunications services from state and local barriers to entry, and Sections 253(b) and (c) emphasize the importance of “competitively neutral” and “nondiscriminatory” treatment of providers.¹⁰⁴ Yet focusing on whether the carrier seeking relief faces an insurmountable barrier to entry would lead to disparities in statutory protections among providers based merely on considerations such as their access to capital and the breadth or narrowness of their entry strategies.¹⁰⁵ In addition, the Commission has observed in connection with Section 253: “Each local government may believe it is simply protecting the

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“statewide entry” plans that new entrants “may reasonable contemplate” in violation of Section 253(a) notwithstanding claims that the specific new entrants at issue had “‘vast resources and access to capital’ sufficient to meet those added costs. *Texas PUC Order*, 13 FCC Rcd at 3498, para. 78. The Commission also has expressed “great concern” about an exclusive rights-of-way access agreement that “appear[ed] to have the potential to adversely affect the provision of telecommunications services by facilities-based providers, in violation of the provision of section 253(a).” *Minnesota Order*, 14 FCC Rcd at 21700, para. 3. As another example, in the *Western Wireless Order*, the Commission stated that a “universal service fund mechanism that provides funding only to ILECs” would likely violate Section 253(a) not because it was insurmountable but because it would “effectively lower the price of ILEC-provided service relative to competitor-provided service” and thus “give customers a strong incentive to choose service from ILECs rather than competitors.” *Western Wireless Order*, 15 FCC Rcd at 16231, para. 8.

¹⁰² We discuss specific applications of the *California Payphone* standard in the context of certain fees and non-fee regulations in the sections below; we leave others to be addressed case-by-case as they arise or otherwise are taken up by the Commission or courts in the future.

¹⁰³ *Verizon Communications, Inc. v. FCC*, 535 U.S. 467, 491 (2002) (emphasis added); *see also, e.g.*, Level 3 Communications, Petition for a Writ of Certiorari, *Level 3 Communications, LLC v. City of St. Louis*, No. 08-626, at 13 (filed Nov. 7, 2008) (“[T]he term ‘[p]rohibit’ commonly has a less absolute meaning than that adopted below, and properly refers to actions that ‘hold back,’ ‘hinder,’ or ‘obstruct.’” (quoting Random House Webster’s Unabridged Dictionary 1546 (2d ed. 1998))). We thus are not compelled to interpret ‘effective prohibition’ to set the high bar suggested by some commenters based on other dictionary definitions. Smart Communities Petition for Reconsideration, WC Docket No. 17-84, WT Docket No. 17-79 at 7 (filed Sept. 4, 2018). Because we are unpersuaded that the statutory terminology requires us to interpret an effective prohibition as satisfied only by an insurmountable barrier to entry, we likewise reject commenters’ attempts to argue that “effective prohibition” must be understood to set a higher bar by comparison to the “impairment” language in Section 251 of the Act and associated regulatory interpretations of network unbundling requirements taken from that context. *Id.* at 6. In addition, commenters do not demonstrate why the statutory framework and regulatory context of network unbundling under Section 251—and the specific concerns about access by non-facilities-based providers to competitive networks underlying the court precedent they cite—is sufficiently analogous to that of Section 253 and Section 332(c)(7)(B)(i)(II) that statements from that context should inform our interpretation here. *See, e.g., AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. at 392. In responding to these discrete arguments raised in a petition for reconsideration of the *Moratoria Declaratory Ruling* that bear on actions we take in this order we do not thereby resolve any of the petition’s arguments with respect to that order. The requests for relief raised in the petition remain pending in full.

¹⁰⁴ 47 U.S.C. § 253(a), (b), (c).

¹⁰⁵ *See, e.g., Texas PUC Order*, 13 FCC Rcd at 3498, para. 78 (rejecting claims that there should be a higher bar to find an effective prohibition for providers with significant financial resources and recognizing that the effects of the relevant state requirements on a given provider could differ depending on the planned geographic scope of entry).

interests of its constituents. The telecommunications interests of constituents, however, are not only local. They are statewide, national and international as well. We believe that Congress' recognition of this fact was the genesis of its grant of preemption authority to this Commission."¹⁰⁶ As illustrated by our consideration of effective prohibitions flowing from state and local fees, there also can be cases where a narrow focus on whether an insurmountable barrier can be shown within the jurisdiction imposing a particular legal requirement would neglect the serious effects that flow through in other jurisdictions as a result, including harms to regional or national deployment efforts.¹⁰⁷

B. State and Local Fees

43. Federal courts have long recognized that the fees charged by local governments for the deployment of communications infrastructure can run afoul of the limits Congress imposed in the effective prohibition standard embodied in Sections 253 and 332.¹⁰⁸ In *Municipality of Guayanilla*, for example, the First Circuit addressed whether a city could lawfully charge a 5 percent gross revenue fee. The court found that the "5% gross revenue fee would constitute a substantial increase in costs" for the provider, and that the ordinance consequently "will negatively affect [the provider's] profitability."¹⁰⁹ The fee, together with other requirements, thus "place a significant burden" on the provider.¹¹⁰ In light of this analysis, the First Circuit agreed that the fee "'materially inhibits or limits the ability'" of the provider "'to compete in a fair and balanced legal and regulatory environment.'"¹¹¹ The court thus held that the fee does not survive scrutiny under Section 253. In doing so, the First Circuit also noted that the inquiry is not limited to the impact that a fee would have on deployment in the jurisdiction that imposes the fee. Rather, the court noted the aggregate effect of fees when totaled across all relevant jurisdictions.¹¹² At the same time, the First Circuit did not decide whether the fair and reasonable compensation allowed under Section 253 must be limited to cost recovery or, at the very least, related to the actual use of the ROW.¹¹³

44. In *City of White Plains*, the Second Circuit likewise faced a 5 percent gross revenue fee, which it found to be "[t]he most significant provision" in a franchise agreement implementing an ordinance that the court concluded effectively prohibited service in violation of Section 253.¹¹⁴ While the court noted that "compensation is . . . sometimes used as a synonym for cost,"¹¹⁵ it ultimately did not resolve whether fair and reasonable compensation "is limited to cost recovery, or whether it also extends to a reasonable rent," relying instead on the fact that "White Plains has not attempted to charge Verizon

¹⁰⁶ *TCI Cablevision of Oakland County, Inc. Petition for Declaratory Ruling, Preemption and Other Relief Pursuant to 47 U.S.C. §§ 541, 544(e), and 253*, Memorandum Opinion and Order, 12 FCC Rcd 21396, 21442, para. 106 (1997) (*TCI Cablevision Order*).

¹⁰⁷ See *infra* Part III.B.

¹⁰⁸ The Commission also has recognized the potential for fees to result in an effective prohibition. See, e.g., *Pittencrieff*, 13 FCC Rcd at 1751-52, para. 37 (observing that "even a neutral [universal service] contribution requirement might under some circumstances effectively prohibit an entity from offering a service").

¹⁰⁹ *Municipality of Guayanilla*, 450 F.3d at 18-19.

¹¹⁰ *Id.* at 19.

¹¹¹ *Id.* (quoting *City of White Plains*, 305 F.3d at 76).

¹¹² *Municipality of Guayanilla*, 450 F.3d at 17 (looking at the aggregate cost of fees charged across jurisdictions given the interconnected nature of the service).

¹¹³ *Id.* at 22 ("We need not decide whether fees imposed on telecommunications providers by state and local governments must be limited to cost recovery. We agree with the district court's reasoning that fees should be, at the very least, related to the actual use of rights of way and that 'the costs [of maintaining those rights of way] are an essential part of the equation.'").

¹¹⁴ *City of White Plains*, 305 F.3d at 77.

¹¹⁵ *Id.* In this context, the court stated that the term "compensation" is "flexible" and capable of different meanings depending on the context in which it is used. *Id.*

the fee that it seeks to charge TCG,” thus failing Section 253’s “competitively neutral and nondiscriminatory” standard.¹¹⁶ But the court did observe that “Section 253(c) requires compensation to be reasonable essentially to prevent monopolist pricing by towns.”¹¹⁷

45. In another example, the Tenth Circuit in *City of Santa Fe* addressed a \$6,000 per foot fee set for Qwest’s use of the ROW.¹¹⁸ The court held “that the rental provisions are prohibitive because they create[d] a massive increase in cost” for Qwest.¹¹⁹ The court recognized that Section 253 allows the recovery of cost-based fees, though it ultimately did not decide whether to “measure ‘fair and reasonable’ by the City’s costs or by a ‘totality of circumstances test’” applied in other courts because it determined that the fees at issue were not cost-based and “fail[ed] even the totality of the circumstances test.”¹²⁰ Consequently, the fee was preempted under Section 253.

46. At the same time, the courts have adopted different approaches to analyzing whether fees run afoul of Section 253, at times failing even to articulate a particular test.¹²¹ Among other things, courts have expressed different views on whether Section 253 limits states’ and localities’ fees to recovery of their costs or allows fees set in excess of that level.¹²² We articulate below the Commission’s interpretation of Section 253(a) and the standards we adopt for evaluating when a fee for Small Wireless Facility deployment is preempted, regardless how the fee is challenged. We also clarify that the Commission interprets Section 332(c)(7)(B)(i)(II) to have the same substantive meaning as Section 253(a).

47. *Record Evidence on Costs Associated with Small Wireless Facilities.* Keeping pace with the demands on current 4G networks and upgrading our country’s wireless infrastructure to 5G require

¹¹⁶ *City of White Plains*, 305 F.3d at 79. In particular, the court concluded that “fees that exempt one competitor are inherently not ‘competitively neutral,’ regardless of how that competitor uses its resulting market advantage,” *id.* at 80, and thus “[a]llowing White Plains to strengthen the competitive position of the incumbent service provider would run directly contrary to the pro-competitive goals of the [1996 Act],” *id.* at 79.

¹¹⁷ *Id.*

¹¹⁸ *City of Santa Fe*, 380 F.3d at 1270-71.

¹¹⁹ *Id.* at 1271.

¹²⁰ *Id.* at 1272 (observing that “[t]he City acknowledges . . . that the rent required by the Ordinance is not limited to recovery of costs”).

¹²¹ *Compare, e.g., Municipality of Guayanilla*, 450 F.3d at 18-19 (finding that fees were significant and had the effect of prohibiting service); *City of Santa Fe*, 380 F.3d at 1271 (similar); *with, e.g., Qwest v. Elephant Butte Irrigation Dist.*, 616 F. Supp. 2d 1110, 1123-24 (D.N.M. 2008) (rejecting Qwest’s reliance on preceding finding of effective prohibition from quadrupled costs where the fee at issue was a penny per foot); *Qwest v. City of Portland*, 2006 WL 2679543, *15 (D. Or. 2006) (asserting with no explanation that “a registration fee of \$35 and a refundable deposit of \$2,000 towards processing expenses . . . could not possibly have the effect of prohibiting Qwest from providing telecommunications services”).

¹²² For example and as noted above, in *Municipality of Guayanilla* the First Circuit reserved judgment on whether the fair and reasonable compensation allowed under Section 253 must be limited to cost recovery or if it was sufficient if the compensation was related to the actual use of rights of way. *Municipality of Guayanilla*, 450 F.3d at 22. Other courts have found reasonable compensation to require cost-based fees. *XO Missouri v. City of Maryland Heights*, 256 F. Supp. 2d 987, 993-95 (E.D. Mo. 2003) (*City of Maryland Heights*); *Bell Atlantic–Maryland, Inc. v. Prince George’s County*, 49 F. Supp. 2d 805, 818 (D. Md. 1999) (*Prince George’s County*) vacated on other grounds, 212 F.3d 863 (4th Cir. 2000). Still other courts have applied a test that weighs a number of considerations when evaluating whether compensation is fair and reasonable. *TCG Detroit v. City of Dearborn*, 206 F.3d 618, 625 (6th Cir. 2000) (*City of Dearborn*) (considering “the amount of use contemplated . . . the amount that other providers would be willing to pay . . . and the fact that TCG had agreed in earlier negotiations to a fee almost identical to what it now was challenging as unfair”).

the deployment of many more Small Wireless Facilities.¹²³ For example, Verizon anticipates that network densification and the upgrade to 5G will require 10 to 100 times more antenna locations than currently exist. AT&T estimates that providers will deploy hundreds of thousands of wireless facilities in the next few years alone—equal to or more than the number providers have deployed in total over the last few decades.¹²⁴ Sprint, in turn, has announced plans to build at least 40,000 new small sites over the next few years.¹²⁵ A report from Accenture estimates that, overall, during the next three or four years, 300,000 small cells will need to be deployed—a total that it notes is “roughly double the number of macro cells built over the last 30 years.”¹²⁶

48. The many-fold increase in Small Wireless Facilities will magnify per-facility fees charged to providers. Per-facility fees that once may have been tolerable when providers built macro towers several miles apart now act as effective prohibitions when multiplied by each of the many Small Wireless Facilities to be deployed. Thus, a per-facility fee may affect a prohibition on 5G service or the densification needed to continue 4G service even if that same per-facility fee did not effectively prohibit previous generations of wireless service.

49. Cognizant of the changing technology and its interaction with regulations created for a previous generation of service, the *2017 Wireline Infrastructure NPRM/NOI* sought comment on whether government-imposed fees could act as a prohibition within the meaning of Section 253, and if so, what fees would qualify for 253(c)’s savings clause.¹²⁷ The *2017 Wireless Infrastructure NPRM/NOI* similarly sought comment on the scope of Sections 253 and 332(c)(7) and on any new or updated guidance the Commission should provide, potentially through a Declaratory Ruling.¹²⁸ In particular, the Commission sought comment on whether it should provide further guidance on how to interpret and apply the phrase “prohibit or have the effect of prohibiting.”¹²⁹

50. We conclude that ROW access fees, and fees for the use of government property in the ROW,¹³⁰ such as light poles, traffic lights, utility poles, and other similar property suitable for hosting

¹²³ See CTIA June 27, 2018 *Ex Parte* Letter at 6 (“[s]mall cell technology is needed to support 4G densification and 5G connectivity.”); see also *Accelerating Wireless Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, 32 FCC Rcd 9760, 9765, para. 12 (2017) (*2017 Pole Replacement Order*) (recognizing that Small Wireless Facilities will be increasingly necessary to support the rollout of next-generation services).

¹²⁴ See Verizon Comments at 3; AT&T Comments at 1.

¹²⁵ See Letter from Keith C. Buell, Senior Counsel, Sprint, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Feb. 21, 2018).

¹²⁶ *Accelerating Future Economic Value Report* at 6; see also Deloitte 5G Paper.

¹²⁷ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 3266, 3296-97, paras. 100 -101 and 3298-99, paras. 104-105 (2017).

¹²⁸ *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3360, para. 87. In addition, in 2016, the Wireless Telecommunications Bureau released a public notice seeking comment on ways to expedite the deployment of next generation wireless infrastructure, including providing guidance on application processing fees and charges for use of rights of way. See *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*, Public Notice, 31 FCC Rcd 13360 (WTB 2016).

¹²⁹ *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3362, para. 90.

¹³⁰ We do not find these fees to be taxes within the meaning of Section 601(c)(2) of the 1996 Act. See, e.g., Smart Communities Reply at 36 (quoting the savings clause for “State or local law pertaining to taxation” in Section 601(c)(2) of the 1996 Act). It is ambiguous whether a fee charged for access to ROWs should be viewed as a tax for purposes of Section 601(c)(2) of the 1996 Act. See, e.g., *City of Dallas v. FCC*, 118 F.3d 393, 397-98 (5th Cir. 1997) (distinguishing “the price paid to rent use of public right-of-ways” from a “tax” and citing similar precedent). Given that Congress clearly contemplated in Section 253(c) that states’ and localities’ fees for access to ROWs could be subject to preemption where they violate Section 253—or else the savings clause in that regard would be superfluous—we find the better view is that such fees do not represent a tax encompassed by Section 601(c)(2) of

Small Wireless Facilities, as well as application or review fees and similar fees imposed by a state or local government as part of their regulation of the deployment of Small Wireless Facilities inside and outside the ROW, violate Sections 253 or 332(c)(7) unless these conditions are met: (1) the fees are a reasonable approximation of the state or local government's costs,¹³¹ (2) only objectively reasonable costs are factored into those fees, and (3) the fees are no higher than the fees charged to similarly-situated competitors in similar situations.¹³²

51. We base our interpretation on several considerations, including the text and structure of the Act as informed by legislative history, the economics of capital expenditures in the context of Small Wireless Facilities (including the manner in which capital budgets are fixed *ex ante*), and the extensive record evidence that shows the actual effects that state and local fees have in deterring wireless providers from adding to, improving, or densifying their networks and consequently the service offered over them (including, but not limited to, introducing next-generation 5G wireless service). We address each of these considerations in turn.

52. *Text and Structure.* We start our analysis with a consideration of the text and structure of Section 253. That section contains several related provisions that operate in tandem to define the roles that Congress intended the federal government, states, and localities to play in regulating the provision of telecommunications services. Section 253(a) sets forth Congress's intent to preempt state or local legal requirements that "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."¹³³ Section 253(b), in turn, makes clear Congress's intent that state "requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights

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the 1996 Act. We do not address whether particular fees could be considered taxes under other statutes not administered by the FCC, but we reject the suggestion that tests courts use to determine what constitute "taxes" in the context of such other statutes should apply to the Commission's interpretation of Section 601(c)(2) here in light of the statutory context for Section 601(c)(2) in the 1996 Act and the Communications Act discussed above. *See, e.g., Qwest Corp. v. City of Surprise*, 434 F.3d 1176, 1183-84 & n.3 (9th Cir. 2006) (holding that particular fees at issue there were taxes for purposes of the Tax Injunction Act and stating in dicta that had the Tax Injunction Act not applied it would agree with the conclusion of the district court that it was covered by Section 601(c)(2) of the 1996 Act); *MCI Communications Services, Inc. v. City of Eugene*, 359 F. Appx. 692, 696 (9th Cir. 2009) (asserting without analysis that the same test would apply to determine if a fee constitutes a tax under both the Tax Injunction Act and Section 601(c)(2) of the 1996 Act).

¹³¹ By costs, we mean those costs specifically related to and caused by the deployment. These include, for instance, the costs of processing applications or permits, maintaining the ROW, and maintaining a structure within the ROW. *See Puerto Rico Tel. Co. v. Municipality of Guayanilla*, 354 F. Supp. 2d 107, 114 (D.P.R. 2005) (*Guayanilla District Ct. Opinion*), *aff'd*, 450 F.3d 9 (1st Cir. 2006) ("fees charged by a municipality need to be related to the degree of actual use of the public rights-of way" to constitute fair and reasonable compensation under Section 253(c)).

¹³² We explain above what we mean by "fees." *See supra* note 71. Contrary to some claims, we are not asserting a "general ratemaking authority." Virginia Joint Commenters Comments at 6. Our interpretations in this order bear on whether and when fees associated with Small Wireless Facility deployment have the effect of prohibiting wireless telecommunications service and thus are subject to preemption under Section 253(a), informed by the savings clause in Section 253(c). While that can implicate issues surrounding how those fees were established, it does so only to the extent needed to vindicate Congress's intent in Section 253. We do not interpret Section 253(a) or (c) to authorize the regulation or establishment of state and local fees as an exercise in itself. We likewise are not persuaded by undeveloped assertions that the Commission's interpretation of Section 253 in the context of fees would somehow violate constitutional separation of powers principles. *See, e.g., Virginia Joint Commenters Comments*, Exh. A at 52.

¹³³ 47 U.S.C. § 253(a).

of consumers” are not preempted.¹³⁴ Of particular importance in the fee context, Section 253(c) reflects a considered policy judgment that “[n]othing in this section” shall prevent states and localities from recovering certain carefully delineated fees. Specifically, Section 253(c) makes clear that fees are not preempted that are “fair and reasonable” and imposed on a “competitively neutral and nondiscriminatory basis,” for “use of public rights-of-way on a “nondiscriminatory basis,” so long as they are “publicly disclosed” by the government.¹³⁵ Section 253(d), in turn, provides one non-exclusive mechanism by which a party can obtain a determination from the Commission of whether a specific state or local requirement is preempted under Section 253(a)—namely, by filing a petition with the Commission.¹³⁶

53. In reviewing this statutory scheme, the Commission previously has construed Section 253(a) as “broadly limit[ing] the ability of state[s] to regulate,” while the remaining subsections set forth “defined areas in which states may regulate.”¹³⁷ We reaffirm this conclusion, consistent with the view of most courts to have considered the issue—namely, that Sections 253(b) and (c) make clear that certain state or local laws, regulations, and legal requirements are not preempted under the expansive scope of Section 253(a).¹³⁸ Our interpretation of Section 253(a) is informed by this statutory context,¹³⁹ and the observation of courts that when a preemption provision precedes a narrowly-tailored savings clause, it is reasonable to infer that Congress intended a broad preemptive scope.¹⁴⁰ We need not decide today whether Section 253(a) preempts all fees not expressly saved by Section 253(c) with respect to all types of deployments. Rather, we conclude, based on the record before us, that with respect to Small Wireless Facilities, even fees that might seem small in isolation have material and prohibitive effects on deployment,¹⁴¹ particularly when considered in the aggregate given the nature and volume of anticipated Small Wireless Facility deployment.¹⁴² Against this backdrop, and in light of significant evidence, set forth herein, that Congress intended Section 253 to preempt legal requirements that effectively prohibit service, including wireless infrastructure deployment, we view the substantive standards for fees that Congress sought to insulate from preemption in Section 253(c) as an appropriate ceiling for state and local fees that apply to the deployment of Small Wireless Facilities in public ROWs.¹⁴³

¹³⁴ 47 U.S.C. § 253(b).

¹³⁵ 47 U.S.C. § 253(c).

¹³⁶ 47 U.S.C. § 253(d).

¹³⁷ *Texas PUC Order*, 13 FCC Rcd at 3481, para. 44.

¹³⁸ *See, e.g., Connect America Fund; Sandwich Isles Communications, Inc.*, Memorandum Opinion and Order, 32 FCC Rcd 5878, 5881, 5885-87, paras. 8, 19-25 (2017) (*Sandwich Isles Section 253 Order*); *Texas PUC Order*, 13 FCC Rcd at 3480-81, paras. 41-44; *Global Network Commc 'ns, Inc. v. City of New York*, 562 F.3d 145, 150-51 (2d Cir. 2009); *Southwestern Bell Tel. Co. v. City of Houston*, 529 F.3d 257, 262 (5th Cir. 2008); *City of St. Louis*, 477 F.3d at 531-32 (8th Cir. 2007); *Municipality of Guayanilla*, 450 F.3d at 15-16; *City of Santa Fe*, 380 F.3d at 1269; *BellSouth Telecomm 's, Inc. v. Town of Palm Beach*, 252 F.3d 1169, 1187-89 (11th Cir. 2001). Some courts appear to have viewed Section 253(c) as an independent basis for preemption. *See, e.g., City of Dearborn*, 206 F.3d at 624 (after concluding that a franchise fee did not violate Section 253(a), going on to evaluate whether it was “fair and reasonable” under Section 253(c)). We find more persuasive the Commission and other court precedent to the contrary, which we find better adheres to the statutory language.

¹³⁹ *See, e.g., Utility Air Regulatory Group v. EPA*, 134 S. Ct. 2427, 2442 (2014).

¹⁴⁰ *See, e.g., Pilot Life Ins. Co. v. Dedeaux*, 481 U.S. 41, 44-45 (1987); *City of New York v. Permanent Mission of India to United Nations*, 618 F.3d 172, 189-90 (2d Cir. 2010); *Frank v. Delta Airlines, Inc.*, 314 F.3d 195, 199 (5th Cir. 2002); *cf. United States v. Kay*, 359 F.3d 738 (5th Cir. 2004) (justifying a broad reading of a statute given that Congress “narrowly defin[ed] exceptions and affirmative defenses against a backdrop of broad applicability”).

¹⁴¹ *See infra* paras. 62-63.

¹⁴² *See, e.g., Wireless Infrastructure Second R&O*, FCC 18-30, at para. 64.

¹⁴³ *See, e.g., Verizon Aug. 10, 2018 Ex Parte Letter*, Attach. at 9-10. We therefore reject the view of those courts that have concluded that Section 253(a) necessarily requires some additional showing beyond the fact that a particular fee is not cost-based. *See, e.g., Qwest v. City of Berkeley*, 433 F.3d 1253, 1257 (9th Cir. 2006) (“we

54. In addition, notwithstanding that Section 253(c) only expressly governs ROW fees, we find it appropriate to look to its substantive standards as a ceiling for other state and local fees addressed by this *Declaratory Ruling*.¹⁴⁴ For one, our evaluation of the material effects of fees on the deployment of Small Wireless Facilities does not differ whether the fees are for ROW access, use of government property within the ROW, or one-time application and review fees or the like—any of which drain limited capital resources that otherwise could be used for deployment—and we see no reason why the Act would tolerate a greater prohibitory effect in the case of application or review fees than for ROW fees.¹⁴⁵ In addition, elements of the substantive standards for ROW fees in Section 253(c) appear at least analogous to elements of the *California Payphone* standard for evaluating an effective prohibition under Section 253(a). In pertinent part, both incorporate principles focused on the legal requirements to which a provider may be fairly subject,¹⁴⁶ and seek to guard against competitive disparities.¹⁴⁷ Without resolving the precise interplay of those concepts in Section 253(c) and the *California Payphone* standard, their similarities support our use of the substantive standards of Section 253(c) to inform our evaluation of fees at issue here that are not directly governed by that provision.

55. From the foregoing analysis, we can derive the three principles that we articulate in this Declaratory Ruling about the types of fees that are preempted. As explained in more detail below, we also interpret Section 253(c)'s "fair and reasonable compensation" provision to refer to fees that represent a reasonable approximation of actual and direct costs incurred by the government, where the costs being passed on are themselves objectively reasonable.¹⁴⁸ Although there is precedent that "fair and reasonable" compensation could mean not only cost-based charges but also market-based charges in certain instances,¹⁴⁹ the statutory context persuades us to adopt a cost-based interpretation here. In particular, while the general purpose of Section 253(c) is to preserve certain state and local conduct from preemption, it includes qualifications and limitations to cabin state and local action under that savings clause in ways that ensure appropriate protections for service providers. The reasonableness of interpreting the qualifications and limitations in the Section 253(c) savings clause as designed to protect the interests of service providers is emphasized by the statutory language. The "competitively neutral and

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decline to read" prior Ninth Circuit precedent "to mean that all non-cost based fees are automatically preempted, but rather that courts must consider the substance of the particular regulation at issue"). At the same time, our interpretation does not take the broader view of the preemptive scope of Section 253 adopted by the Sixth Circuit, which interpreted Section 253(c) as an independent prohibition on conduct that is not itself prohibited by Section 253(a). *City of Dearborn*, 206 F.3d at 624.

¹⁴⁴ See *supra* note 71.

¹⁴⁵ Cf. *Cheney R. Co. v. ICC*, 902 F.2d 66, 69 (D.C. Cir. 1990) (observing that the *expressio unius* canon is a "feeble helper in an administrative setting, where Congress is presumed to have left to reasonable agency discretion questions that it has not directly resolved," and concluding there that "Congress's mandate in one context with its silence in another suggests not a prohibition but simply a decision not to mandate any solution in the second context, i.e., to leave the question to agency discretion").

¹⁴⁶ For ROW compensation to be saved under Section 253(c) it must be "fair and reasonable," while the *California Payphone* standard looks to whether a legal requirement "materially limits or inhibits" the ability to compete in a "fair" legal environment for a covered service. *California Payphone*, 12 FCC Rcd at 14206, para. 31.

¹⁴⁷ For ROW compensation to be saved under Section 253(c) it also must be "competitively neutral and nondiscriminatory," while the *California Payphone* standard also looks to whether a legal requirement "materially limits or inhibits" the ability to compete in a "balanced" legal environment for a covered service. *California Payphone*, 12 FCC Rcd at 14206, para. 31.

¹⁴⁸ See *infra* paras. 69-77; see also, e.g., *City of Maryland Heights*, 256 F. Supp. 2d at 993-95; *Bell Atlantic-Maryland*, 49 F. Supp. 2d at 818.

¹⁴⁹ See, e.g., *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010) (statute did not unambiguously require the SEC to interpret "fair and reasonable" to mean cost-based, and the SEC's reliance on market-based rates as "fair and reasonable" where there was competition was a reasonable interpretation).

nondiscriminatory” and public disclosure qualifications in Section 253(c) appear most naturally understood as protecting the interest of service providers from fees that otherwise would have been saved from preemption under Section 253(c) absent those qualifiers. Under the *noscitur a sociis* canon of statutory interpretation, that context persuades us that the “fair and reasonable” qualifier in Section 253(c) similarly should be understood as focused on protecting the interest of providers.¹⁵⁰ As discussed in greater detail below, while it might well be fair for providers to bear basic, reasonable costs of entry,¹⁵¹ the record does not reveal why it would be fair or reasonable from the standpoint of protecting providers to require them to bear costs beyond that level, particularly in the context of the deployment of Small Wireless Facilities. In addition, the text of Section 253(c) provides that ROW access fees must be imposed on a “competitively neutral and nondiscriminatory basis.” This means, for example, that fees charged to one provider cannot be materially higher than those charged to a competitor for similar uses.¹⁵²

56. Other considerations support our approach, as well. By its terms, Section 253(a) preempts state or local legal requirements that “prohibit” or have the “effect of prohibiting” the provision of services, and we agree with court precedent that “[m]erely allowing the [local government] to recoup its processing costs . . . cannot in and of itself prohibit the provision of services.”¹⁵³ The Commission has long understood that Section 253(a) is focused on state or local barriers to entry for the provision of service,¹⁵⁴ and we conclude that states and localities do not impose an unreasonable barrier to entry when they merely require providers to bear the direct and reasonable costs caused by their decision to enter the market.¹⁵⁵ We decline to interpret a government’s recoupment of such fundamental costs of entry as having the effect of prohibiting the provision of services, nor has any commenter argued that recovery of cost by a government would prohibit service in a manner restricted by Section 253(a).¹⁵⁶ Reasonable state and local regulation of facilities deployment is an important predicate for a viable marketplace for

¹⁵⁰ See, e.g., *Life Technologies Corp. v. Promega Corp.*, 137 S. Ct. 734 (2017) (“A word is given more precise content by the neighboring words with which it is associated.” (internal alteration and quotation marks omitted)).

¹⁵¹ See *infra* para. 56.

¹⁵² See, e.g., *City of White Plains*, 305 F.3d at 80.

¹⁵³ *City of Santa Fe*, 380 F.3d at 1269; see also Verizon Comments at 17.

¹⁵⁴ See, e.g., *Sandwich Isles Section 253 Order*, 32 FCC Rcd at 5878, 5882-83, paras. 1, 13; *Western Wireless Order*, 15 FCC Rcd at 16231, para. 8; *Petition of the State of Minnesota for a Declaratory Ruling regarding the Effect of Section 253 on an Agreement to Install Fiber Optic Wholesale Transport Capacity in State Freeway Rights of Way*, Memorandum Opinion and Order, 14 FCC Rcd 21697, 21707, para. 18 (*Minnesota Order*); *Hyperion Order*, 14 FCC Rcd at 11070, para. 13; *Texas PUC Order*, 13 FCC Rcd at 3480, para. 41; *TCI Cablevision Order*, 12 FCC Rcd at 21399, para. 7; *California Payphone*, 12 FCC Rcd at 14209, para. 38; see also, e.g., *AT&T Comm’ns of the Sw. v. City of Dallas*, 8 F. Supp. 2d 582, 593 (N.D. Tx. 1998) (*AT&T v. City of Dallas*) (“[A]ny fee that is not based on AT&T’s use of City rights-of-way violates § 253(a) of the FTA as an economic barrier to entry.”); Verizon Comments at 11-12; Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 7. Because we view the *California Payphone* standard as reflecting a focus on barriers to entry, we decline requests to adopt a distinct, additional standard with that as an explicit focus. See, e.g., T-Mobile Comments at 35.

¹⁵⁵ See, e.g., *Implementation of Section 224 of the Act*, Report and Order and Order on Reconsideration, 26 FCC Rcd 5240, 5301-03, paras. 142-45 (2011) (rejecting an approach to defining a lower bound rate for pole attachments that “would result in pole rental rates below incremental cost” as contrary to cost causation principles); *Investigation of Interstate Access Tariff Non-Recurring Charges*, Memorandum Opinion and Order, 2 FCC Rcd 3498, 3502, para. 34 (1987) (observing in the rate regulation context that “the public interest is best served, and a competitive marketplace is best encouraged, by policies that promote the recovery of costs from the cost-causer”). Our interpretation limiting states and localities to the recovery of a reasonable approximation of objectively reasonable cost also takes into account state and local governments’ exclusive control over access to the ROW.

¹⁵⁶ For example, Verizon states that “[a]lthough any fee could be said to raise the cost of providing service,” Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 9, “[t]he Commission should interpret . . . Section 253(a) to allow cost-based fees for access to public rights-of-way and structures within them, but to prohibit above-cost fees that generate revenue in excess of state and local governments’ actual costs.” *Id.*, Attach. at 6.

communications services by protecting property rights and guarding against conflicting deployments that could harm or otherwise interfere with others' use of property.¹⁵⁷ By contrast, fees that recover more than the state or local costs associated with facilities deployment—or that are based on unreasonable costs, such as exorbitant consultant fees or the like—go beyond such governmental recovery of fundamental costs of entry. In addition, interpreting Section 253(a) to prohibit states and localities from recovering a reasonable approximation of reasonable costs could interfere with the ability of states to exercise the police powers reserved to them under the Tenth Amendment.¹⁵⁸ We therefore conclude that Section 253(a) is circumscribed to permit states and localities to recover a reasonable approximation of their costs related to the deployment of Small Wireless Facilities.

57. *Commission Precedent.* We draw further confidence in our conclusions from the Commission's *California Payphone* decision, which we reaffirm here, finding that a state or local legal requirement would violate Section 253(a) if it “materially limits or inhibits” an entity’s ability to compete in a “balanced” legal environment for a covered service.¹⁵⁹ As explained above, fees charged by a state or locality that recover the reasonable approximation of reasonable costs do not “materially inhibit” a provider’s ability to compete in a “balanced” legal environment. To the contrary, those costs enable localities to recover their necessary expenditures to provide a stable and predictable framework in which market participants can enter and compete. On the other hand, in the *Texas PUC Order* interpreting *California Payphone*, the Commission concluded that state or local legal requirements such as fees that impose a “financial burden” on providers can be effectively prohibitive.¹⁶⁰ As the record shows, excessive state and local governments’ fees assessed on the deployment of Small Wireless Facilities in the ROW in fact materially inhibit the ability of many providers to compete in a balanced environment.¹⁶¹

58. *California Payphone* and *Texas PUC* separately support the conclusion that fees cannot be discriminatory or introduce competitive disparities, as such fees would be inconsistent with a “balanced” regulatory marketplace. Thus, fees that treat one competitor materially differently than other competitors in similar situations are themselves grounds for finding an effective prohibition—even in the case of fees that are a reasonable approximation of the actual and reasonable costs incurred by the state or locality. Indeed, the Commission has previously recognized the potential for subsidies provided to one

¹⁵⁷ See, e.g., *TCI Cablevision Order*, 12 FCC Rcd at 21441, para. 103; see also, e.g., Garrett Hardin, *The Tragedy of the Commons*, 162 SCI. 1243 (1968). States’ or localities’ regulation premised on addressing effects of deployment besides these costs caused by facilities deployment are distinct issues, which we discuss below. See *infra* Part III.C.

¹⁵⁸ The Supreme Court has recognized that land use regulation can involve an exercise of police powers. See, e.g., *Hodel v. Va. Surface Min. & Reclamation Ass’n, Inc.*, 452 U.S. 264, 289 (1981). As that Court observed, “[i]t would . . . be a radical departure from long-established precedent for this Court to hold that the Tenth Amendment prohibits Congress from displacing state police power laws regulating private activity.” *Id.* at 292. At the same time, the Court also has held that “historic police powers of the States” are not to be preempted by federal law “unless that was the clear and manifest purpose of Congress.” *Wisconsin Public Intervenor v. Mortier*, 501 U.S. 597, 605 (1991) (internal quotation marks omitted). As relevant here, we see no clear and manifest intent that Congress intended to preempt publicly disclosed, objectively reasonable cost-based fees imposed on a nondiscriminatory basis, particularly in light of Section 253(c).

¹⁵⁹ We disagree with suggestions that the Commission applied an additional and more stringent “commercial viability” test in *California Payphone*. See, e.g., Crown Castle June 7, 2018 *Ex Parte* Letter at 10. Instead, the Commission was simply evaluating the Section 253 petition on its own terms, see, e.g., *California Payphone*, 12 FCC Rcd at 14204, 14210, paras. 27, 41, and, without purporting to define the bounds of Section 253(a), explaining that the petitioner “ha[d] not sufficiently supported its allegation” that the provision of service at issue “would be ‘impractical and uneconomic.’” *Id.* at 14210, para. 41. Confirming that this language was simply the Commission’s short-hand reference to arguments put forward by the petitioner itself, and not a Commission-announced standard for applying Section 253, the Commission has not applied a “commercial viability” standard in other decisions, as these same commenters recognize. See, e.g., Crown Castle June 7, 2018 *Ex Parte* Letter at 10.

¹⁶⁰ *Texas PUC Order*, 13 FCC Rcd at 3466, 3498-500, paras. 13, 78-81.

¹⁶¹ See *infra* paras. 60-65.

competitor to distort the marketplace and create a barrier to entry in violation of Section 253(a).¹⁶² We reaffirm that conclusion here.

59. *Legislative History.* While our interpretation follows directly from the text and structure of the Act, our conclusion finds further support in the legislative history, which reflects Congress's focus on the ability of states and localities to recover the reasonable costs they incur in maintaining the rights of way.¹⁶³ Significantly, Senator Dianne Feinstein, during the floor debate on Section 253(c), "offered examples of the types of restrictions that Congress intended to permit under Section 253(c), including [to] 'require a company to pay fees to *recover an appropriate share of the increased street repair and paving costs* that result from repeated excavation.'"¹⁶⁴ Representative Bart Stupak, a sponsor of the legislation, similarly explained during the debate on Section 253 that "if a company plans to run 100 miles of trenching in our streets and wires to all parts of the cities, it *imposes a different burden* on the right-of-way than a company that just wants to string a wire across two streets to a couple of buildings," making clear that the compensation described in the statute is related to the burden, or cost, from a provider's use of the ROW.¹⁶⁵ These statements buttress our interpretation of the text and structure of Section 253 and confirm Congress's apparent intent to craft specific safe harbors for states and localities, and to permit recovery of reasonable costs related to the ROW as "fair and reasonable compensation," while preempting fees above a reasonable approximation of cost that improperly inhibit service.¹⁶⁶

60. *Capital Expenditures.* Apart from the text, structure, and legislative history of the 1996 Act, an additional, independent justification for our interpretation follows from the simple, logical premise, supported by the record, that state and local fees in one place of deployment necessarily have the effect of reducing the amount of capital that providers can use to deploy infrastructure elsewhere, whether the reduction takes place on a local, regional or national level.¹⁶⁷ We are persuaded that providers and infrastructure builders, like all economic actors, have a finite (though perhaps fluid)¹⁶⁸ amount of resources to use for the deployment of infrastructure. This does not mean that these resources are limitless, however. We conclude that fees imposed by localities, above and beyond the recovery of localities' reasonable costs, materially and improperly inhibit deployment that could have occurred elsewhere.¹⁶⁹ This and regulatory uncertainty created by such effectively prohibitive conduct¹⁷⁰ creates an

¹⁶² See, e.g., *Western Wireless Order*, 15 FCC Rcd at 16231, para. 8.

¹⁶³ See, e.g., WIA Comments, Attach. 2 at 70.

¹⁶⁴ WIA Comments, Attach. 2 at 70 (quoting 141 Cong. Rec. S8172 (daily ed. June 12, 1995) (statement of Sen. Feinstein, quoting letter from Office of City Attorney, City and County of San Francisco)) (emphasis added)); see also, e.g., Verizon Comments at 15 (similar); *City of Maryland Heights*, 256 F. Supp. 2d at 995-96.

¹⁶⁵ 141 Cong. Rec. H8460-01, H8460 (daily ed. Aug. 4, 1995).

¹⁶⁶ We reject other comments downplaying the relevance of legislative statements by some commenters as inconsistent with the text and structure of the Act. See, e.g., League of Arizona Cities *et al.* Joint Comments at 27-28; NATOA Comments, Exh. A at 26-28; Smart Communities Reply at 57-58; Cities of San Antonio *et al.* Reply at 20-21; see also, e.g., *City of Portland v. Electric Lightwave, Inc.*, 452 F. Supp. 2d 1049, 1071-72 (D. Or. 2005).

¹⁶⁷ At a minimum, this analysis complements and reinforces the justifications for our interpretation provided above. While the relevant language of Section 253(a) and Section 332(c)(7)(B)(i)(II) is not limited just to Small Wireless Facilities, we proceed incrementally in our Declaratory Ruling here and address the record before us, which indicates that our interpretation of the effective prohibition standard here is particularly reasonable in the context of Small Wireless Facility deployment.

¹⁶⁸ For example, the precise amount of these resources might shift as a service provider encounters unexpected costs, recovers costs passed on to subscribers, or earns a profit above those costs.

¹⁶⁹ As Verizon observes, "[a] number of states enacted infrastructure legislation because they determined that rate relief was necessary to ensure wireless deployment," and thus could be seen as having "acknowledged that excessive fees impose a substantial barrier to the provision of service." Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 7-8. In view of the evidence in the record regarding the effect of state and local fees on capital expenditures, see, e.g., Corning Sept. 5, 2018 *Ex Parte* Letter (noting that cost savings from reduced small cell attachment and application

appreciable impact on resources that materially limits plans to deploy service. This record evidence emphasizes the importance of evaluating the effect of fees on Small Wireless Facility deployment on an aggregate basis. Consistent with the First Circuit’s analysis in *Municipality of Guayanilla*, the record persuades us that fees associated with Small Wireless Facility deployment lead to “a substantial increase in costs”—particularly when considered in the aggregate—thereby “plac[ing] a significant burden” on carriers and materially inhibiting their provision of service contrary to Section 253 of the Act.¹⁷¹

61. The record is replete with evidence that providers have limited capital budgets that are constrained by state and local fees.¹⁷² As AT&T explains, “[a]ll providers have limited capital dollars to invest, funds that are quickly depleted when drained by excessive ROW fees.”¹⁷³ AT&T added that “[c]ompetitive demands will force carriers to deploy small cells in the largest cities. But, when those largest cities charge excessive fees to access ROWs and municipal ROW structures, carriers’ finite capital dollars are prematurely depleted, leaving less for investment in mid-level cities and smaller communities. Larger municipalities have little incentive to not overcharge, and mid-level cities and smaller

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fees could result in \$2.4 billion in capital expenditure and that 97% of this capital expenditure would go toward investments in rural and suburban areas), we disagree with arguments that fees do not affect the deployment of wireless facilities in rural and underserved areas. *See, e.g.*, Letter from Sam Liccardo, Mayor, City of San Jose, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 4 (filed Sept. 18, 2018) (City of San Jose Sept. 18, 2018 *Ex Parte* Letter) (stating that “whether or not a provider wishes to invest in a dense urban area, including underserved urban areas, or a rural area is fundamentally based on the size of the customer base and the market demand for service—not on the purported wiles of a ‘must-serve’ jurisdiction somehow forcing investment away from rural areas because a right of way or attachment fee is charged.”); Letter from Joanne Hovis, Chief Executive Officer, Coalition for Local Internet Choice, James Baller, President, Coalition for Local Internet Choice, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Attach. at 3 (filed Sept. 18, 2018) (“in lucrative areas, carriers will pay market fees for access to property just as they would any other cost of doing business. But they will not, as rational economic actors, necessarily apply new profits (created by FCC preemption) to deploying in otherwise unattractive areas.”).

¹⁷⁰ *See, e.g.*, CTIA Comments at 32 (identifying “disparate interpretations” regarding the fees that are preempted and seeking FCC clarification to “dispel the resulting uncertainty”); Verizon Comments at 10 (similar); Letter from Cathleen A. Massey, Vice Pres.-Fed. Regulatory Affairs, T-Mobile, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, Attach. at 7 (filed Sept. 21, 2017) (seeking clarification of Section 253); BDAC Regulatory Barriers Report, p. 9 (“The FCC should provide guidance on what constitutes a fee that is excessive and/or duplicative, and that therefore is not ‘fair and reasonable.’ The Commission should specifically clarify that ‘fair and reasonable’ compensation for right-of way access and use implies some relation to the burden of new equipment placed in the ROW or on the local asset, or some other objective standard.”).

¹⁷¹ *Municipality of Guayanilla*, 450 F.3d at 19.

¹⁷² *See, e.g.*, AT&T Comments at 2; Conterra Broadband et al. Comments at 6; Mobilitie Comments at 3; Sprint Comments at 17; Letter from Courtney Neville, Associate General Counsel, Competitive Carriers Association, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2-3 (filed July 16, 2018) (CCA July 16, 2018 *Ex Parte* Letter); Letter from Henry Hultquist, Vice President, Federal Regulatory, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed June 8, 2018) (AT&T June 8, 2018 *Ex Parte* Letter); Crown Castle June 7, 2018 *Ex Parte* Letter at 2; Letter from Katharine R. Saunders, Managing Associate General Counsel, Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed June 21, 2018) (Verizon June 21, 2018 *Ex Parte* Letter); Letter from Ronald W. Del Sesto, Jr., Counsel for Uniti Fiber, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 5 (filed Oct. 30, 2017); Verizon Aug. 10, 2018 *Ex Parte* Letter, Attach. at 2-4. When developing capital budgets, companies rationally would account for anticipated revenues associated with the services that can be provided by virtue of planned facilities deployment, and the record does not reveal—nor do we see any basis to assume—that such revenues would be so great as to eliminate constraints on providers’ capital budgets so as to enable full deployment notwithstanding the level of state and local fees.

¹⁷³ AT&T Aug. 6, 2018 *Ex Parte* Letter at 2.

municipalities have no ability to avoid this harm.¹⁷⁴ As to areas that might not be sufficiently crucial to deployment to overcome high fees, AT&T identified jurisdictions in Maryland, California, and Massachusetts where high fees have directly resulted in paused or decreased deployments.¹⁷⁵ Limiting localities to reasonable cost recovery will “allow[] AT&T and other providers to stretch finite capital dollars to additional communities.”¹⁷⁶ Verizon similarly explains that “[c]apital budgets are finite. When providers are forced to spend more to deploy infrastructure in one locality, there is less money to spend in others. The leverage that some cities have to extract high fees means that other localities will not enjoy next generation wireless broadband services as quickly, if at all.”¹⁷⁷ Sprint, too, affirms that, because “all carriers face limited capital budgets, they are forced to limit the number and pace of their deployment investments to areas where the delays and impediments are the least onerous, to the detriment of their customers and, ultimately and ironically, to the very jurisdictions that imposed obstacles in the first place.”¹⁷⁸ Sprint gives a specific example of its deployments in two adjacent jurisdictions—the City of Los Angeles and Los Angeles County—and describes how high fees in the county prevented Sprint from activating any small cells there, while more than 500 deployments occurred in the city, which had significantly lower fees.¹⁷⁹ Similarly, Conterra Broadband states that “[w]hen time and capital are diverted away from actual facility installation and instead devoted to clearing regulatory roadblocks, consumers and enterprises, including local small businesses, schools and healthcare centers, suffer.”¹⁸⁰ Based on the record, we find that fees charged by states and localities are causing *actual* delays and restrictions on deployments of Small Wireless Facilities in a number of places across the country in violation of Section 253(a).¹⁸¹

62. Our conclusion finds further support when one considers the aggregate effects of fees imposed by individual localities, including, but not limited to, the potential limiting implications for a nationwide wireless network that reaches all Americans, which is among the key objectives of the statutory provisions in the 1996 Act that we interpret here.¹⁸² When evaluating whether fees result in an effective prohibition of service due to financial burden, we must consider the marketplace regionally and nationally and thus must consider the cumulative effects of state or local fees on service in multiple geographic areas that providers serve or potentially would serve. Where providers seek to operate on a regional or national basis, they have constrained resources for entering new markets or introducing, expanding, or improving existing services, particularly given that a provider’s capital budget for a given

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* (pausing or delaying deployments in Citrus Heights, CA, Oakland, CA and three Maryland counties; decreasing deployments in Lowell, MA and decreasing deployments from 98 to 25 sites in Escondido, CA).

¹⁷⁶ *Id.*

¹⁷⁷ Verizon Aug. 10, 2018 *Ex Parte* Letter at 5, Attach. at 2-4.

¹⁷⁸ Sprint Comments at 17.

¹⁷⁹ Sprint Aug. 13, 2018 *Ex Parte* Letter at 1-2.

¹⁸⁰ Conterra Broadband *et al.* Comments at 6; *see also* Letter from John Scott, Counsel for Mobilitie, LLC to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (“high fees imposed by some cities hurt other cities that have reasonable fees, because they reduce capital resources that might have gone to those cities, and because they pressure other financially strapped cities not to turn away what appears to be a revenue opportunity”).

¹⁸¹ Letter from Kenneth J. Simon, Senior Vice President and General Counsel, Crown Castle, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 4 (filed August 10, 2018) (Crown Castle Aug. 10, 2018 *Ex Parte* Letter).

¹⁸² *New England Public Comms. Council Petition for Preemption Pursuant to Section 253*, Memorandum Opinion and Order, 11 FCC Rcd 19713, 19717, para. 9 (1996) (1996 Act intent of “accelerat[ing] deployment of advanced telecommunications services to all Americans by opening all telecommunications markets to competition.”); *see also* Crown Castle Aug. 10, 2018 *Ex Parte* Letter at 7.

period of time is often set in advance.¹⁸³ In such cases, the resources consumed in serving one geographic area are likely to deplete the resources available for serving other areas.¹⁸⁴ The text of Section 253(a) is not limited by its terms only to effective prohibitions within the geographic area targeted by the state or local fee. Where a fee in a geographic area affects service outside that geographic area, the statute is most naturally read to encompass consideration of all affected areas.

63. A contrary, geographically-restrictive interpretation of Section 253(a) would exacerbate the digital divide by giving dense or wealthy states and localities that might be most critical for a provider to serve the ability to leverage their unique position to extract fees for their own benefit at the expense of regional or national deployment by decreasing the deployment resources available for less wealthy or dense jurisdictions.¹⁸⁵ As a result, the areas likely to be hardest hit by excessive government fees are not necessarily jurisdictions that charge those fees, but rather areas where the case for new, expanded, or improved service was more marginal to start—and whose service may no longer be economically justifiable in the near-term given the resources demanded by the “must-serve” areas. To cite some examples of harmful aggregate effects, AT&T notes that high annual recurring fees are particularly harmful because of their “continuing and compounding nature.”¹⁸⁶ It also states that, “if, as S&P Global Market Intelligence estimates, small-cell deployments reach nearly 800,000 by 2026, a ROW fee of \$1000 per year . . . would result in nearly \$800 million annually in forgone investment.”¹⁸⁷ Yet another commenter notes that, “[f]or a deployment that requires a vast number of small cell facilities across a metropolitan area, these fees quickly mount up to hundreds of thousands of dollars, often making deployment economically infeasible,” and “far exceed[ing] any costs the locality incurs by orders of magnitude, while taking capital that would otherwise go to investment in new infrastructure.”¹⁸⁸ Endorsing such a result would thwart the purposes underlying Section 253(a). As Crown Castle observes, “[e]ven where the fees do not result in a direct lack of service in a high-demand area like a city or urban core, the high cost of building and operating facilities in these jurisdictions consume [sic] capital and revenue that could otherwise be used to expand wireless infrastructure in higher cost areas. This impact of egregious fees is prohibitory and should be taken into account in any prohibition analysis.”¹⁸⁹

64. Some municipal commenters endorse a cost-based approach to “ensure that localities are fully compensated for their costs [and that] fees should be reasonable and non-discriminatory, and should ensure that localities are made whole”¹⁹⁰ in recognition that “getting [5G] infrastructure out in a timely manner can be a challenge that involves considerable time and financial resources.”¹⁹¹ Commenters from smaller municipalities recognize that “thousands and thousands of small cells are needed for 5G. . . [and]

¹⁸³ See, e.g., AT&T June 8, 2018 *Ex Parte* Letter at 2; Crown Castle June 7, 2018 *Ex Parte* Letter at 2; Verizon June 21, 2018 *Ex Parte* Letter at 2.

¹⁸⁴ See, e.g., *Municipality of Guayanilla*, 450 F.3d at 17 (“Given the interconnected nature of utility services across communities and the strain that the enactment of gross revenue fees in multiple municipalities would have on PRTC’s provision of services, the Commonwealth-wide estimates are relevant to determining how the ordinance affects PRTC’s ‘ability . . . to provide any interstate or intrastate telecommunications service’” under Section 253(a)).

¹⁸⁵ See, e.g., Letter from Sam Liccardo, Mayor of San Jose, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, Attachment at 1-2 (filed Aug. 2, 2018) (describing payment by providers of \$24 million to a Digital Inclusion Fund in order to deploy small cells in San Jose on city owned light poles).

¹⁸⁶ AT&T Comments at 19.

¹⁸⁷ AT&T Comments at 19-20.

¹⁸⁸ Mobilite Comments at 3.

¹⁸⁹ Crown Castle Aug. 10, 2018 *Ex Parte* Letter at 2.

¹⁹⁰ Sal Pace July 30, 2018 *Ex Parte* Letter at 1.

¹⁹¹ LaWana Mayfield July 31, 2018 *Ex Parte* Letter at 1

old regulations could hinder the timely arrival of 5G throughout the country”¹⁹² and urge the Commission to “establish some common-sense standards insofar as it relates to fees associated with the deployment of small cells [due to] a cottage industry of consultants [] who have wrongly counseled communities to adopt excessive and arbitrary fees.”¹⁹³ Representatives from non-urban areas in particular caution that, “if the investment that goes into deploying 5G on the front end is consumed by big, urban areas, it will take longer for it to flow outwards in the direction of places like Florence, [SC].”¹⁹⁴ “[R]educing the high regulatory costs in urban areas would leave more dollars to development in rural areas [because] most of investment capital is spent in the larger urban areas [since] the cost recovery can be made in those areas. This leaves the rural areas out.”¹⁹⁵ We agree with these commenters, and we further agree with courts that have considered “the *cumulative effect* of future similar municipal [fees ordinances]” across a broad geographic area when evaluating the effect of a particular fee in the context of Section 253(a).¹⁹⁶ To the extent that other municipal commenters argue that our interpretation gives wireless providers preferential treatment compared to other users of the ROW, the record does not contain data about other users that would support such a conclusion.¹⁹⁷ In any event, Section 253 of the Communications Act expressly bars legal requirements that effectively prohibit telecommunications service without regard to whether it might result in preferential treatment for providers of that service.¹⁹⁸

65. Applying this approach here, the record reveals that fees above a reasonable approximation of cost, even when they may not be perceived as excessive or likely to prohibit service in isolation, will have the effect of prohibiting wireless service when the aggregate effects are considered, particularly given the nature and volume of anticipated Small Wireless Facility deployment.¹⁹⁹ The record reveals that these effects can take several forms. In some cases, the fees in a particular jurisdiction will lead to reduced or entirely forgone deployment of Small Wireless Facilities in the near term for that

¹⁹² Dr. Carolyn Prince July 31, 2018 *Ex Parte* Letter at 2.

¹⁹³ Letter from Ashton J. Hayward III, Mayor, Pensacola, FL to the Hon. Brendan Carr, Commissioner, WT Docket No. 17-79 at 1 (filed June 8, 2018).

¹⁹⁴ Representative Terry Alexander Aug. 7, 2018 *Ex Parte* Letter at 1.

¹⁹⁵ Senator Duane Ankney July 31, 2018 *Ex Parte* Letter at 1; *see also* Letter from Elder Alexis D. Pipkins, Sr. to the Hon. Brendan Carr, Commissioner, FCC at 1 (filed July 26, 2018) (“the race to 5G is global...instead of each city or state for itself, we should be working towards aligned, streamlined frameworks that benefit us all.”); Letter from Jeffrey Bohm, Chairman of the Board of Commissioners, County of St. Clair to Brendan Carr, Commissioner, FCC, WT Docket 17-79 at 1-2 (filed August 22, 2018) (“Smaller communities, such as those located in St. Clair County would benefit from having the Commissions reduce the costly and unnecessary fee’s that some larger communities place on small cells as a condition of deployment. These fees, wholly disproportionate to any cost, put communities like ours at an unfair disadvantage”); Letter from Scott Niesler, Mayor, City of Kings Mountain, to Brendan Carr, Commissioner, FCC, WT Docket 17-79 at 1-2 (filed June 4, 2018) (“the North Carolina General Assembly has enacted legislation to encourage the deployment of small cell technology to limit exorbitant fees which can siphon off capital from further expansion projects. I was encouraged to see the FCC taking similar steps to enact policies that help clear the way for the essential investment”).

¹⁹⁶ *Guayanilla District Ct. Opinion*, 354 F. Supp. 2d at 111-12; *but see, e.g.*, Letter from Nina Beety to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 at 5 (filed Sept. 17, 2018) (Nina Beety Sept. 17, 2018 *Ex Parte* Letter) (asserting that providers artificially under-capitalize their deployment budgets to build the case for poverty).

¹⁹⁷ Letter from Larry Hanson, Executive Director, Georgia Municipal Association to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 1-2 (filed Sept. 17, 2018) (Georgia Municipal Association Sept. 17, 2018 *Ex Parte* Letter).

¹⁹⁸ 47 U.S.C. § 253(a).

¹⁹⁹ *See, e.g., Wireless Infrastructure Second R&O*, FCC 18-30, at para. 64. In addition, although one could argue that, in theory, a sufficiently small departure from actual and reasonable costs might not have the effect of prohibiting service in a particular instance, the record does not reveal an alternative, administrable approach to evaluating fees without a cost-based focus.

jurisdiction.²⁰⁰ In other cases, where it is essential for a provider to deploy in a given area, the fees charged in that geographic area can deprive providers of capital needed to deploy elsewhere, and lead to reduced or forgone near-term deployment of Small Wireless Facilities in other geographic areas.²⁰¹ In both of those scenarios the bottom-line outcome on the national development of 5G networks is the same—diminished deployment of Small Wireless Facilities critical for wireless service and building out 5G networks.²⁰²

66. Some have argued that our decision today regarding Sections 253 and 332 should not be applied to preempt agreements (or provisions within agreements) entered into prior to this Declaratory Ruling.²⁰³ We note that courts have upheld the Commission’s preemption of the enforcement of provisions in private agreements that conflict with our decisions²⁰⁴ We therefore do not exempt existing agreements (or particular provisions contained therein) from the statutory requirements that we interpret here. That said, however, this Declaratory Ruling’s effect on any particular existing agreement will depend upon all the facts and circumstances of that specific case.²⁰⁵ Without examining the particular features of an agreement, including any exchanges of value that might not be reflected by looking at fee provisions alone, we cannot state that today’s decision does or does not impact any particular agreement entered into before this decision.

67. *Relationship to Section 332.* While the above analysis focuses on the text and structure of the Act, legislative history, Commission orders, and case law interpreting Section 253(a), we reiterate that in the fee context, as elsewhere, the statutory phrase “prohibit or have the effect of prohibiting” in Section 332(c)(7)(B)(i)(II) has the same meaning as the phrase “prohibits or has the effect of prohibiting” in Section 253(a). As noted in the prior section, there is no evidence to suggest that Congress intended for virtually identical language to have different meanings in the two provisions.²⁰⁶ Instead, we find it

²⁰⁰ See, e.g., AT&T June 8, 2018 *Ex Parte* Letter at 1-2; Crown Castle June 7, 2018 *Ex Parte* Letter at 2.

²⁰¹ AT&T June 8, 2018 *Ex Parte* Letter at 1-2; Crown Castle June 7, 2018 *Ex Parte* Letter at 2; Verizon June 21, 2018 *Ex Parte* Letter at 2; CCA July 16, 2018 *Ex Parte* Letter at 2-3.

²⁰² See, e.g., Letter from Thomas J. Navin, Counsel to Corning, Inc. to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Jan 25, 2018), Attach. at 6-7 (comparing different effects on deployment between a base case and a high fee case, and estimating that pole attachment fees nationwide assuming high fees would result in 28.2M fewer premises passed, or 31 percent of the 5G Base case results, and an associated \$37.9B in forgone network deployment).

²⁰³ City of San Jose Sept. 18, 2018 *Ex Parte* Letter at 1-2.

²⁰⁴ See, e.g., *Building Owners and Managers Ass’n Int’l v. FCC*, 254 F.3d 89 (D.C. Cir. 2001) (OTARD rules barring exclusivity provisions in lease agreements). As the D.C. Circuit has recognized, “[w]here the Commission has been instructed by Congress to prohibit restrictions on the provision of a regulated means of communication, it may assert jurisdiction over a party that directly furnishes those restrictions, and, in so doing, the Commission may alter property rights created under State law.” *Id.* at 96; see also *Lansdowne on the Potomac Homeowners Ass’n v. OpenBand at Lansdowne, LLC*, 713 F.3d 187 (4th Cir. 2013).

²⁰⁵ For example, the City of Los Angeles asserts that fee provisions in its agreements with providers are not prohibitory and must be examined in light of a broader exchange of value contemplated by the agreements in their entirety. Letter from Eric Garcetti, Mayor, City of Los Angeles to the Hon. Ajit Pai, Chairman, FCC, WT Docket No. 17-79 (filed Sept 18, 2018). We agree that agreements entered into before this decision will need to be examined in light of their potentially unique circumstances before a decision can be reached about whether those agreements or any particular provisions in those agreements are or are not impacted by today’s FCC decision.

²⁰⁶ We reject the claims of some commenters that Section 332(c)(7)(B)(i)(II) is limited exclusively to decisions on individual requests and therefore must be interpreted differently than Section 253(a). See, e.g., San Francisco Comments at 24-26. Section 332(c)(7)(B)(i) explicitly applies to “regulation of the placement, construction, and modification,” and it would be irrational to interpret “regulation” in that paragraph to mean something different from the term “regulation” as used in 253(a) or to find that it does not encompass generally applicable “regulations” as well as decisions on individual applications. Moreover, even assuming *arguendo* that San Francisco’s position reflects the appropriate interpretation of the scope of Section 332(c)(7)(B)(i)(II), the record does not reveal why a

more reasonable to conclude that the language in both sections generally should be interpreted to have the same meaning and to reflect the same standard, including with respect to preemption of fees that could “prohibit” or have “the effect of prohibiting” the provision of covered service. Both sections were enacted to address concerns about state and local government practices that undermined providers’ ability to provide covered services, and both bar state or local conduct that prohibits or has the effect of prohibiting service.

68. To be sure, Sections 253 and 332(c)(7) may relate to different categories of state and local fees. Ultimately, we need not resolve here the precise interplay between Sections 253 and 332(c)(7). It is enough for us to conclude that, collectively, Congress intended for the two provisions to cover the universe of fees charged by state and local governments in connection with the deployment of telecommunications infrastructure. Given the analogous purposes of both sections and the consistent language used by Congress, we find the phrase “prohibit or have the effect of prohibiting” in Section 332(c)(7)(B)(i)(II) should be construed as having the same meaning and governed by the same preemption standard as the identical language in Section 253(a).²⁰⁷

69. *Application of the Interpretations and Principles Established Here.* Consistent with the interpretations above, the requirement that compensation be limited to a reasonable approximation of objectively reasonable costs and be non-discriminatory applies to all state and local government fees paid in connection with a provider’s use of the ROW to deploy Small Wireless Facilities including, but not limited to, fees for access to the ROW itself, and fees for the attachment to or use of property within the ROW owned or controlled by the government (e.g., street lights, traffic lights, utility poles, and other infrastructure within the ROW suitable for the placement of Small Wireless Facilities). This interpretation applies with equal force to any fees reasonably related to the placement, construction, maintenance, repair, movement, modification, upgrade, replacement, or removal of Small Wireless Facilities within the ROW, including, but not limited to, application or permit fees such as siting applications, zoning variance applications, building permits, electrical permits, parking permits, or excavation permits.

70. Applying the principles established in this Declaratory Ruling, a variety of fees not reasonably tethered to costs appear to violate Sections 253(a) or 332(c)(7) in the context of Small Wireless Facility deployments.²⁰⁸ For example, we agree with courts that have recognized that gross

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distinction between broadly-applicable requirements and decisions on individual requests would call for a materially different analytical approach, even if it arguably could be relevant when evaluating the application of that analytical approach to a particular preemption claim. In addition, although some commenters assert that such an interpretation “would make it virtually impossible for local governments to enforce their zoning laws with regard to wireless facility siting,” they provide no meaningful explanation why that would be the case. *See, e.g.,* San Francisco Reply at 16. While some local commenters note that the savings clauses in Section 253(b) and (c) do not have express counterparts in the text of Section 332(c)(7)(B)(i), *see, e.g.,* San Francisco Comments at 26, we are not persuaded that this compels a different interpretation of the virtually identical language restricting actual or effective prohibitions of service in Section 253(a) and Section 332(c)(7)(B)(i)(II), particularly given our reliance on considerations in addition to the savings clauses themselves when interpreting the “effective prohibition” language. *See supra* paras. 57-65. We offer these interpretations both to respond to comments and in the event that some court decision could be viewed as supporting a different result.

²⁰⁷ Section 253(a) expressly addresses state or local activities that prohibit or have the effect of prohibiting “any entity” from providing a telecommunications service. 47 U.S.C. § 253(a). In the *2009 Declaratory Ruling*, the Commission likewise interpreted Section 332(c)(7)(B)(i)(II) as implicated where the state or local conduct prohibits or has the effect of prohibiting the provision of personal wireless service by one entity even if another entity already is providing such service. *See 2009 Declaratory Ruling*, 24 FCC Rcd at 14016-19, paras. 56-65.

²⁰⁸ We acknowledge that a fee not calculated by reference to costs might nonetheless happen to land at a level that is a reasonable approximation of objectively reasonable costs, and otherwise constitute fair and reasonable compensation as we describe herein. If all these criteria are met, the fee would not be preempted.

revenue fees generally are not based on the costs associated with an entity's use of the ROW,²⁰⁹ and where that is the case, are preempted under Section 253(a). In addition, although we reject calls to preclude a state or locality's use of third party contractors or consultants, or to find all associated compensation preempted,²¹⁰ we make clear that the principles discussed herein regarding the reasonableness of cost remain applicable. Thus, fees must not only be limited to a reasonable approximation of costs, but in order to be reflected in fees, the *costs themselves* must also be reasonable. Accordingly, any unreasonably high costs, such as excessive charges by third party contractors or consultants, may not be passed on through fees even though they are an actual "cost" to the government. If a locality opts to incur unreasonable costs, Sections 253 and 332(c)(7) do not permit it to pass those costs on to providers. Fees that depart from these principles are not saved by Section 253(c), as we discuss below.

71. *Interpretation of Section 253(c) in the Context of Fees.* In this section, we turn to the interpretation of several provisions in Section 253(c), which provides that state or local action that otherwise would be subject to preemption under Section 253(a) may be permissible if it meets specified criteria. Section 253(c) expressly provides that state or local governments may require telecommunications providers to pay "fair and reasonable compensation" for use of public ROWs but requires that the amounts of any such compensation be "competitively neutral and nondiscriminatory" and "publicly disclosed."²¹¹

72. We interpret the ambiguous phrase "fair and reasonable compensation," within the statutory framework we outlined for Section 253, to allow state or local governments to charge fees that recover a reasonable approximation of the state or local governments' actual and reasonable costs. We conclude that an appropriate yardstick for "fair and reasonable compensation," and therefore an indicator of whether a fee violates Section 253(c), is whether it recovers a reasonable approximation of a state or local government's objectively reasonable costs of, respectively, maintaining the ROW, maintaining a structure within the ROW, or processing an application or permit.²¹²

73. We disagree with arguments that "fair and reasonable compensation" in Section 253(c) should somehow be interpreted to allow state and local governments to charge "any compensation," and we give weight to BDAC comments that, "[a]s a policy matter, the Commission should recognize that local fees designed to maximize profit are barriers to deployment."²¹³ Several commenters argue, in

²⁰⁹ See, e.g., *Municipality of Guayanilla*, 450 F.3d at 21; *City of Maryland Heights*, 256 F. Supp. 2d at 993-96; *Prince George's County*, 49 F. Supp. 2d at 818; *AT&T v. City of Dallas*, 8 F. Supp. 2d at 593; see also, e.g., CTIA Comments at 30, 45; *id.* Attach. at 17; ExteNet Comments, Exh. 1 at 41; T-Mobile Comments at 7; WIA Comments at 52-53.

²¹⁰ See, e.g., CCA Comments at 17-21 (asking the Commission to declare franchise fees or percentage of revenue fees outside the scope of fair and reasonable compensation and to prohibit state and localities from requiring service providers to obtain business licenses for individual cell sites). For example, although fees imposed by a state or local government calculated as a percentage of a provider's revenue are unlikely to be a reasonable approximation of cost, if such a percentage-of-revenue fee were, in fact, ultimately shown to amount to a reasonable approximation of costs, the fee would not be preempted.

²¹¹ 47 U.S.C. § 253(c).

²¹² *Guayanilla District Ct. Opinion*, 354 F. Supp. 2d at 114 ("fees charged by a municipality need to be related to the degree of actual use of the public rights-of way" to constitute fair and reasonable compensation under Section 253(c)); *New Jersey Payphone Ass'n, Inc. v. Town of West New York*, 130 F. Supp. 2d 631, 638 (D.N.J. 2001), *aff'd* 299 F. 3d 235 (3d Cir. 2002) (*New Jersey Payphone*) ("Plainly, a fee that does more than make a municipality whole is not compensatory in the literal sense, and risks becoming an economic barrier to entry.")

²¹³ BDAC Regulatory Barriers Report, Appendix C, p. 3 (a "[ROW] burden-oriented [fee] standard is flexible enough to suit varied localities and network architectures, would ensure that fees are not providing additional

particular, that Section 253(c)'s language must be read as permitting localities latitude to charge any fee at all²¹⁴ or a "market-based rent."²¹⁵ Many of these arguments seem to suggest that Section 253 or 332 have not previously been read to impose limits on fees, but as noted above courts have long read these provisions as imposing such limits. Still others argue that limiting the fees state and local governments may charge amounts to requiring taxpayers to subsidize private companies' use of public resources.²¹⁶ We find little support in the record, legislative history, or case law for that position.²¹⁷ Indeed, our

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revenues for other localities purposes unrelated to providing and maintaining the ROW, and would provide some basis to challenge fees that, on their face, are so high as to suggest their sole intent is to maximize revenue.")

²¹⁴ See, e.g., Baltimore Comments at 15-16 (noting that local governments traditionally impose fees based on rent, and other ROW users pay market-based fees and arguing that citizens should not have to "subsidize" wireless deployments); Bellevue *et al.* Reply at 12-13 (stating that "the FCC should compensate municipalities at fair market value because any physical invasion is a taking under the Fifth Amendment, and just compensation is "typically" calculated using fair market value."); NLC Comments at 5 ("local governments, like private landlords, are entitled to collect rent for the use of their property and have a duty to their residents to assess appropriate compensation. This does not necessarily translate to restricting this compensation to just the cost of managing the asset—just as private property varies in value, so does municipal property."); Smart Communities Reply at 7-10 (stating that "fair and reasonable compensation (i.e., fair market value) is not, as some commenters contend, measured by the regulatory cost for use of a ROW or other property; rather it is measured by what it would cost the user of the ROW to purchase rights from a local property owner.").

²¹⁵ Draft BDAC Rates and Fees Report, p. 10 (listing "Local Government Perspectives").

²¹⁶ See, e.g., NLC Comments, Statement of the Hon. Gary Resnick, Mayor, Wilton Manors, FL Comments at 6-7 ("preemption of local fees or rent for use of government-owned light and traffic poles, or fees for use of the right-of-way amounts to a taxpayer subsidy of wireless providers and wireless infrastructure companies. There is no corresponding benefit for such taxpayers such as requiring the broadband industry to reduce consumer rates or offer advanced services to all communities within a certain time frame."); Letter from Rondella M. Hawkins, Officer, City of Austin—Telecommunications & Regulatory Affairs, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Aug. 7, 2018) at 1. These commenters do not explain why allowing recovery of a reasonable approximation of the state or locality's objectively reasonable costs would involve a taxpayer subsidy of service providers, and we are not persuaded that our interpretation would create a subsidy.

²¹⁷ As discussed more fully above, Congress intended through Section 253 to preempt state and local governments from imposing barriers in the form of excessive fees, while also preserving state and local authority to protect specified interests through competitively neutral regulation consistent with the Act. Our interpretation of Section 253(c) is consistent with Congress's objectives. Our interpretation of "fair and reasonable compensation" in Section 253(c) is also consistent with prior Commission action limiting fees, and easing access, to other critical communications infrastructure. For example, in implementing the requirement in the Pole Attachment Act that utilities charge "just and reasonable" rates, the Commission adopted rules limiting the rates utilities can impose on cable companies for pole attachments. Based on the costs associated with building and operation of poles, the rates the Commission adopted were upheld by the Supreme Court, which found that the rates imposed were permissible and not "confiscatory" because they "provid[ed] for the recovery of fully allocated cost, including the actual cost of capital." See *FCC v. Florida Power Corp.*, 480 U.S. 245, 254 (1987). Here, based on the specific language in the separate provision of Section 253, we interpret the "effective prohibition" language, as applied to small cells, to permit state and local governments to recover only "fair and reasonable compensation" for their maintenance of ROW and government-owned structures within ROW used to host Small Wireless Facilities. Relatedly, Smart Communities errs in arguing that the Commission's Order "provides localities 60 days to provide access and sets the rate for access," making it a "classic taking." Smart Communities Sept. 19, 2018 *Ex Parte* Letter at 25. To the contrary, the Commission has not given providers any right to compel access to any particular state or local property. Cf. *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). There may well be legitimate reasons for states and localities to deny particular placement applications, and adjudication of whether such decisions amount to an effective prohibition must be resolved on a case-by-case basis. In this regard, we note that the record in this proceeding reflects that the vast majority of local jurisdictions voluntarily accept placement of wireless, utility, and other facilities in their rights-of-way. And in any event, cost-based recovery of the type we provide here has been approved as just compensation for takings purposes in the context of such facilities. See *Alabama Power Co. v. FCC*, 311 F.3d 1357, 1368, 1370-71 (11th Cir. 2002). See also *United States v. 564.54 Acres*

approach to compensation ensures that cities are not going into the red to support or subsidize the deployment of wireless infrastructure.

74. The existence of Section 253(c) makes clear that Congress anticipated that “effective prohibitions” could result from state or local government fees, and intended through that clause to provide protections in that respect, as discussed in greater detail herein.²¹⁸ Against that backdrop, we find it unlikely that Congress would have left providers entirely at the mercy of effectively unconstrained requirements of state or local governments.²¹⁹ Our interpretation of Section 253(c), in fact, is consistent with the views of many municipal commenters, at least with respect to one-time permit or application fees, and the members of the BDAC Ad Hoc Committee on Rates and Fees, who unanimously concurred that one-time fees for municipal applications and permits, such as an electrical inspection or a building permit, should be based on the cost to the government of processing that application.²²⁰ The Ad Hoc Committee noted that “[the] cost-based fee structure [for one-time fees] unanimously approved by the committee accommodates the different siting related costs that different localities may incur to review and process permit applications, while precluding excessive fees that impede deployment.²²¹ We find that the same reasoning should apply to other state and local government fees such as ROW access fees or fees for the use of government property within the ROW.²²²

75. We recognize that state and local governments incur a variety of direct and actual costs in connection with Small Wireless Facilities, such as the cost for staff to review the provider’s siting application, costs associated with a provider’s use of the ROW, and costs associated with maintaining the ROW itself or structures within the ROW to which Small Wireless Facilities are attached.²²³ We also recognize that direct and actual costs may vary by location, scope, and extent of providers’ planned deployments, such that different localities will have different fees under the interpretation set forth in this Declaratory Ruling.

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of *Land*, 441 U.S. 506, 513 (1979) (recognizing that alternative measure of compensation might be appropriate “with respect to public facilities such as roads or sewers”).

²¹⁸ See *supra* Parts III.A, B.

²¹⁹ See, e.g., *City of White Plains*, 305 F.3d at 78-79; *Guayanilla District Ct. Opinion*, 354 F. Supp. 2d at 114. We disagree with arguments that competition between municipalities, or competition from adjacent private landowners, would be sufficient to ensure reasonable pricing in the ROW. See e.g., Smart Communities Comments, Exh. 2, The Economics of Government Right of Way Fees, Declaration of Kevin Cahill, Ph.D at para. 15. We find this argument unpersuasive in view of the record evidence in this proceeding showing significant fees imposed on providers in localities across the country. See, e.g., AT&T Comments at 18; Verizon Comments at 6-7; see also BDAC Regulatory Barriers Report, Appendix. C, p. 2.

²²⁰ See, e.g., Smart Communities Comments Cahill 2A at 2-3 (noting that “... a common model is to charge a fee that covers the costs that a municipality incurs in conducting the inspections and proceedings required to allow entry, fees that cover ongoing costs associated with inspection or expansion of facilities ...”); Colorado Comm. and Utility All. *et al.* Comments at 19 (noting that “application fees are based upon recovery of costs incurred by localities.”); Draft BDAC Rates and Fees Report, p. 15-16.

²²¹ See also Draft BDAC Rates and Fees Report, p. 15-16. Although the BDAC Ad Hoc Rates and Fees Committee and municipal commenters only support a cost-based approach for one-time fees, we find no reason not to extend the same reasoning to ROW access fees or fees for the use of government property within the ROW, when all three types of fees are a legal requirement imposed by a government and pose an effective prohibition. The BDAC Rates and Fees Report did not provide a recommendation on fees for ROW access or fees for the use of government property within the ROW, and we disagree with suggestions that our ruling, which was consistent with the committee’s recommendation for one-time fees, circumvents the efforts of the Ad Hoc Rates and Fees Committee. See Georgia Municipal Association Sept. 17, 2018 *Ex Parte* Letter at 3.

²²² See *supra* para. 50.

²²³ See, e.g., Colorado Comm. and Utility All. *et al.* Comments at 18-19 (discussing range of costs that application fees cover).

76. Because we interpret fair and reasonable compensation as a *reasonable approximation* of costs, we do not suggest that localities must use any specific accounting method to document the costs they may incur when determining the fees they charge for Small Wireless Facilities within the ROW. Moreover, in order to simplify compliance, when a locality charges both types of recurring fees identified above (i.e., for access to the ROW and for use of or attachment to property in the ROW), we see no reason for concern with how it has allocated costs between those two types of fees. It is sufficient under the statute that the total of the two recurring fees reflects the total costs involved.²²⁴ Fees that cannot ultimately be shown by a state or locality to be a reasonable approximation of its costs, such as high fees designed to subsidize local government costs in another geographic area or accomplish some public policy objective beyond the providers' use of the ROW, are not "fair and reasonable compensation...for use of the public rights-of-way" under Section 253(c).²²⁵ Likewise, we agree with both industry and municipal commenters that excessive and arbitrary consulting fees or other costs should not be recoverable as "fair and reasonable compensation,"²²⁶ because they are not a function of the provider's "use" of the public ROW.

77. In addition to requiring that compensation be "fair and reasonable," Section 253(c) requires that it be "competitively neutral and nondiscriminatory." The Commission has previously interpreted this language to prohibit states and localities from charging fees on new entrants and not on incumbents.²²⁷ Courts have similarly found that states and localities may not impose a range of fees on one provider but not on another²²⁸ and even some municipal commenters acknowledge that governments should not discriminate as to the fees charged to different providers.²²⁹ The record reflects continuing concerns from providers, however, that they face discriminatory charges.²³⁰ We reiterate the Commission's previous determination that state and local governments may not impose fees on some providers that they do not impose on others. We would also be concerned about fees, whether one-time or recurring, related to Small Wireless Facilities, that exceed the fees for other wireless telecommunications infrastructure in similar situations, and to the extent that different fees are charged

²²⁴ See *supra* note 71 (identifying three categories of fees charged by states and localities).

²²⁵ 47 U.S.C. § 253(c) (emphasis added). Our interpretation is consistent with court decisions interpreting the "fair and reasonable" compensation language as requiring fees charged by municipalities relate to the degree of actual use of a public ROW. See, e.g., *Puerto Rico Tel. Co. v. Municipality of Guayanilla*, 283 F. Supp. 2d 534, 543-44 (D.P.R. 2003); see also *Municipality of Guayanilla*, 450 F.3d at 21-24; *City of Maryland Heights*, 256 F. Supp. 2d at 984.

²²⁶ See Letter from Ashton J. Hayward III, Mayor, Pensacola, FL to the Hon. Brendan Carr, Commissioner, WT Docket No. 17-79 at 1 (filed June 8, 2018); see also, Illinois Municipal League Comments at 2 (noting that proposed small cell legislation in Illinois allows municipalities to recover "reasonable costs incurred by the municipality in reviewing the application.").

²²⁷ *TCI Cablevision of Oakland County*, 12 FCC Rcd. at 21443, para. 108 (1997).

²²⁸ *City of White Plains*, 305 F.3d 80.

²²⁹ City of Baltimore Reply at 15 ("The City does agree that rates to access the right of way by similar entities must be nondiscriminatory."). Other commenters argue that nothing in Section 253 can apply to property in the ROW. City of San Francisco Reply at 2-3, 19 (denying that San Francisco is discriminatory to different providers but also asserting that "[l]ocal government fees for use of their poles are simply beyond the purview of section 253(c)").

²³⁰ See, e.g., CFP Comments at 31-33 (noting that the City of Baltimore charges incumbent Verizon "less than \$.07 per linear foot for the space that it leases in the public right-of-way" while it charges other providers "\$3.33 per linear foot to lease space in the City's conduit). Some municipal commenters argue that wireless infrastructure occupies more space in the ROW. See Smart Communities Reply Comments at 82 ("wireless providers are placing many of those permanent facilities in the public rights-of-way, in ways that require much larger deployments. It is not discrimination to treat such different facilities differently, and to focus on their impacts"). We recognize that different uses of the ROW may warrant charging different fees, and we only find fees to be discriminatory and not competitively neutral when different amounts are charged for similar uses of the ROW.

for similar use of the public ROW.²³¹

78. *Fee Levels Likely to Comply with Section 253.* Our interpretation of Section 253(a) and “fair and reasonable compensation” under Section 253(c) provides guidance for local and state fees charged with respect to one-time fees generally, and recurring fees for deployments in the ROW. Following suggestions for the Commission to “establish a presumptively reasonable ‘safe harbor’ for certain ROW and use fees,”²³² and to facilitate the deployment of specific types of infrastructure critical to the rollout of 5G in coming years, we identify in this section three particular types of fee scenarios and supply specific guidance on amounts that presumptively are not prohibited by Section 253. Informed by our review of information from a range of sources, we conclude that fees at or below these amounts presumptively do not constitute an effective prohibition under Section 253(a) or Section 332(c)(7), and are presumed to be “fair and reasonable compensation” under Section 253(c).

79. Based on our review of the Commission’s pole attachment rate formula, which would require fees below the levels described in this paragraph, as well as small cell legislation in twenty states, local legislation from certain municipalities in states that have not passed small cell legislation, and comments in the record, we presume that the following fees would not be prohibited by Section 253 or Section 332(c)(7): (a) \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each Small Wireless Facility beyond five, or \$1,000 for non-recurring fees for a new pole (*i.e.*, not a collocation) intended to support one or more Small Wireless Facilities; and (b) \$270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.²³³

80. By presuming that fees at or below the levels above comply with Section 253, we assume

²³¹ Our interpretation is consistent with principles described by the BDAC’s Ad Hoc Committee on Rates and Fees. Draft BDAC Rates and Fees Report at 5 (Jul. 24, 2018) (listing “neutral treatment and access of all technologies and communication providers based upon extent/nature of ROW use” as principle to guide evaluation of rates and fees).

²³² BDAC Regulatory Barriers Report, Appendix C, p. 3.

²³³ These presumptive fee limits are based on a number of different sources of data. Many different state small cell bills, in particular, adopt similar fee limits despite their diversity of population densities and costs of living, and we expect that these presumptive fee limits will allow for recovery in excess of costs in many cases. 47 CFR § 1.1409; National Conference of State Legislatures, *Mobile 5G and Small Cell Legislation*, (May 7, 2018), <http://www.ncsl.org/research/telecommunications-and-information-technology/mobile-5g-and-small-cell-legislation.aspx> (providing description of state small cell legislation); Little Rock, Ark. Ordinance No. 21,423 (June 6, 2017); NCTA August 20, 2018 *Ex Parte* Letter, Attachment; *see also* H.R. 2365, 2018 Leg. 2d Reg. Sess. (Ariz. 2018) (\$100 per facility for first 5 small cells in application; \$50 annual utility attachment rate, \$50 ROW access fee); H.R. 189 149th Gen. Assemb. Reg. Sess. (Del. 2017) (\$100 per small wireless facility on application; fees not to exceed actual, direct and reasonable cost); S. 21320th Gen. Assemb. Reg. Sess. (Ind. 2017) (\$100 per small wireless facility); H.R. 1991, 99th Gen. Assemb. 2nd Reg. Sess. (Missouri, 2018) (\$100 for each facility collocated on authority pole; \$150 annual fee per pole); H.R. 38 2018 Leg. Assemb. 2d Reg. Sess. (N.M. 2018) (\$100 for each of first 5 small facilities in an application; \$20 per pole annually; \$250 per facility annually for access to ROW); S. 189, 2018 Leg. Gen. Sess. (Utah 2018) (\$100 per facility to collocate on existing or replacement utility pole; \$250 annual ROW fee per facility for certain attachments). *See also* Letter from Kara R. Graves, Director, Regulatory Affairs, CTIA, and D. Zachary Champ, Director, Government Affairs, WIA to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Aug. 10, 2018) Attach. (listing fees in twenty state small cell legislations) (CTIA/WIA Aug. 10, 2018 *Ex Parte* Letter); Letter from Scott K. Bergmann, Sen. Vice President, Regulatory Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 4, 2018) at 3, Attach. (analyzing average and median recurring fee levels permitted under state legislation). These examples suggest that the fee levels we discuss above may be higher than what many states already allow and further support our finding that there should be only very limited circumstances in which localities can charge higher fees consistent with the requirements of Section 253. We recognize that certain fees in a minority of state small cell bills are above the levels we presume to be allowed under Section 253. Any party may still charge fees above the levels we identify by demonstrating that the fee is a reasonable approximation of cost that itself is objectively reasonable.

that there would be almost no litigation by providers over fees set at or below these levels. Likewise, our review of the record, including the many state small cell bills passed to date, indicate that there should be only very limited circumstances in which localities can charge higher fees consistent with the requirements of Section 253. In those limited circumstances, a locality could prevail in charging fees that are above this level by showing that such fees nonetheless comply with the limits imposed by Section 253—that is, that they are (1) a reasonable approximation of costs, (2) those costs themselves are reasonable, and (3) are non-discriminatory.²³⁴ Allowing localities to charge fees above these levels upon this showing recognizes local variances in costs.²³⁵

C. Other State and Local Requirements that Govern Small Facilities Deployment

81. There are also other types of state and local land-use or zoning requirements that may restrict Small Wireless Facility deployments to the degree that they have the effect of prohibiting service in violation of Sections 253 and 332. In this section, we discuss how those statutory provisions apply to requirements outside the fee context, both generally and with a particular focus on aesthetic and undergrounding requirements.

82. As discussed above, a state or local legal requirement constitutes an effective prohibition if it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”²³⁶ Our interpretation of that standard, as set forth above, applies equally to fees and to non-fee legal requirements. And as with fees, Section 253 contains certain safe harbors that permit some legal requirements that might otherwise be preempted by Section 253(a). Section 253(b) saves state “requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.”²³⁷ And Section 253(c) preserves state and local authority to manage the public rights-of-way.²³⁸

83. Given the wide variety of possible legal requirements, we do not attempt here to determine which of every possible non-fee legal requirements are preempted for having the effect of prohibiting service, although our discussion of fees above should prove instructive in evaluating specific requirements. Instead, we focus on some specific types of requirements raised in the record and provide guidance on when those particular types of requirements are preempted by the statute.

84. *Aesthetics.* The *Wireless Infrastructure NPRM/NOI* sought comment on whether deployment restrictions based on aesthetic or similar factors are widespread and, if so, how Sections 253 and 332(c)(7) should be applied to them.²³⁹ Parties describe a wide range of such requirements that allegedly restrict deployment of Small Wireless Facilities. For example, many providers criticize

²³⁴ Several state and local commenters express concern about the presumptively reasonable fee levels we establish, including concerns about the effect of the fee levels on existing fee-related provisions included in state and local legislation. *See e.g.*, Letter from Kent Scarlett, Exec. Director, Ohio Municipal League to Marlene H. Dortch, Secretary, FCC at 1 (filed Sept. 18, 2018); Letter from Liz Kniss, Mayor, City of Palo Alto to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, WC Docket No. 17-84 at 1 (filed Sept. 17, 2018). As stated above, while the fee levels we establish reflect our presumption regarding the level of fees that would be permissible under Section 253 and 332(c)(7), state or local fees that exceed these levels may be permissible if the fees are based on a reasonable approximation of costs and the costs themselves are objectively reasonable.

²³⁵ We emphasize that localities may charge fees to recover their objectively reasonable costs and thus reject arguments that our approach requires localities to bear the costs of small cell deployment or applies a one-size-fits-all standard. *See, e.g.*, Letter from Mike Posey, Mayor, City of Huntington Beach, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 1-2 (filed Sept. 11, 2018) (Mike Posey Sept. 11, 2018 *Ex Parte* Letter).

²³⁶ *California Payphone*, 12 FCC Rcd at 14206, para. 31; *see supra* paras. 34-42.

²³⁷ 47 U.S.C. § 253(b).

²³⁸ 47 U.S.C. § 253(c).

²³⁹ *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3362-66, paras. 90-92, 95, 97-99.

burdensome requirements to deploy facilities using “stealth” designs or other means of camouflage,²⁴⁰ as well as unduly stringent mandates regarding the size of equipment, colors of paint, and other details.²⁴¹ Providers also assert that the procedures some localities use to evaluate the appearance of proposed facilities and to decide whether they comply with applicable land-use requirements are overly restrictive.²⁴² Many providers are particularly critical of the use of unduly vague or subjective criteria that may apply inconsistently to different providers or are only fully revealed after application, making it impossible for providers to take these requirements into account in their planning and adding to the time necessary to deploy facilities.²⁴³ At the same time, we have heard concerns in the record about carriers deploying unsightly facilities that are significantly out of step with similar, surrounding deployments.

85. State and local governments add that many of their aesthetic restrictions are justified by factors that the providers fail to mention. They assert that their zoning requirements and their review and enforcement procedures are properly designed to, among other things, (1) ensure that the design, appearance, and other features of buildings and structures are compatible with nearby land uses; (2) manage ROW so as to ensure traffic safety and coordinate various uses; and (3) protect the integrity of

²⁴⁰ See, e.g., CCIA Comments at 14-15 (discussing regulations enacted by Village of Skokie, Illinois); WIA Reply Comments (WT Docket No. 16-421) at 9-10 (discussing restrictions imposed by Town of Hempstead, New York); see also AT&T Comments at 14-17; PTA-FLA Comments at 19; Verizon Comments at 19-20; AT&T Aug. 6, 2018 *ex parte* at 3.

²⁴¹ See, e.g., CCIA Comments at 13-14 (describing regulations established by Skokie, Illinois that prescribe in detail the permissible colors of paint and their potential for reflecting light); AT&T Aug. 6, 2018 *ex parte* at 3 (“Some municipalities require carriers to paint small cell cabinets a particular color when like requirements were not imposed on similar equipment placed in the ROW by electric incumbents, competitive telephone companies, or cable companies,” and asserts that it often “is highly burdensome to maintain non-factory paint schemes over years or decades, including changes to the municipal paint scheme,” due to “technical constraints as well such as manufacture warranty or operating parameters, such as heat dissipation, corrosion resistance, that are inconsistent with changes in color, or finish.”); AT&T Comments at 16-17 (contending that some localities “allow for a single size and configuration for small cell equipment while requiring case-by-case approval of any non-conforming equipment, even if smaller and upgraded in design and performance,” and thus effectively compel “providers [to] incur the added expense of conforming their equipment designs to the approved size and configuration, even if newer equipment is smaller, to avoid the delays associated with the approval of an alternative equipment design and the risk of rejection of that design.”); *id.* at 17 (some local governments “prohibit the placement of wireless facilities in and around historic properties and districts, regardless of the size of the equipment or the presence of existing more visually intrusive construction near the property or district”).

²⁴² See, e.g., Crown Castle Comments at 14-15 (criticizing San Francisco’s aesthetic review procedures that discriminate against providers and criteria and referring to extended litigation); CTIA Reply Comments at 17 (“San Francisco imposes discretionary aesthetic review for wireless ROW facilities.”); T-Mobile Comments at 40; *but see* San Francisco Comments at 3-7 (describing aesthetic review procedures). See also AT&T Comments at 13-17; Extenet Comments at 37; CTIA Comments at 21-22; Sprint Comments at 38-40; T-Mobile Comments at 8-12; Verizon Comments at 5-8.

²⁴³ See, e.g., AT&T Comments at 13-17; Sprint Comments at 38-40; T-Mobile Comments at 8-12; Verizon Comments at 5-8. WIA cites allegations that an unnamed city in California recently declined to support approval of a proposed small wireless installation, claiming that the installations do not meet “Planning and Zoning Protected Location Compatibility Standards,” even though the same equipment has been deployed elsewhere in the city dozens of times, and even though the “Protected Location” standards should not apply because the proposals are not on “protected view” streets). WIA Reply Comments, WT Docket No. 16-421 at 9-10; *id.* at 8 (noting that one city changed its aesthetic standards after a proposal was filed); AT&T Comments at 17 (noting that a design approval took over a year); Virginia Joint Commenters, WT Docket No. 16-421 (state law providing discretion for zoning authority to deny application because of “aesthetics” concerns without additional guidance); Extenet Reply Comments at 13 (noting that some “local governments impose aesthetic requirements based entirely on subjective considerations that effectively give local governments latitude to block a deployment for virtually any aesthetically-based reason”).

their historic, cultural, and scenic resources and their citizens' quality of life.²⁴⁴

86. Given these differing perspectives and the significant impact of aesthetic requirements on the ability to deploy infrastructure and provide service, we provide guidance on whether and in what circumstances aesthetic requirements violate the Act. This will help localities develop and implement lawful rules, enable providers to comply with these requirements, and facilitate the resolution of disputes. We conclude that aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.

87. Like fees, compliance with aesthetic requirements imposes costs on providers, and the impact on their ability to provide service is just the same as the impact of fees. We therefore draw on our analysis of fees to address aesthetic requirements. We have explained above that fees that merely require providers to bear the direct and reasonable costs that their deployments impose on states and localities should not be viewed as having the effect of prohibiting service and are permissible.²⁴⁵ Analogously, aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible. In assessing whether this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment. For example, a minimum spacing requirement that has the effect of materially inhibiting wireless service would be considered an effective prohibition of service.

88. Finally, in order to establish that they are reasonable and reasonably directed to avoiding aesthetic harms, aesthetic requirements must be objective—*i.e.*, they must incorporate clearly-defined and ascertainable standards, applied in a principled manner—and must be published in advance.²⁴⁶ “Secret” rules that require applicants to guess at what types of deployments will pass aesthetic muster substantially increase providers’ costs without providing any public benefit or addressing any public harm. Providers cannot design or implement rational plans for deploying Small Wireless Facilities if they cannot predict in advance what aesthetic requirements they will be obligated to satisfy to obtain permission to deploy a facility at any given site.²⁴⁷

²⁴⁴ See, e.g., NLC Comments, WT Docket No. 16-421 at 8-10; Smart Communities Comments, WT Docket No. 16-421 at 35-36; New York City Comments at 10-15; New Orleans Comments at 1-2, 5-8; San Francisco Comments at 3-12; CCUA Reply Comments at 5; Irvine (CA) Comments at 2; Oakland County (MI) Comments at 3-5; Florida Coalition of Local Gov’ts Reply Comments at 6-12 (justifications for undergrounding requirements); *id.* at 16-421 (justifications for municipal historic-preservation requirements); *id.* at 22-16 (justifications for aesthetics and design requirements).

²⁴⁵ See *supra* paras. 55-56.

²⁴⁶ Our decision to adopt this objective requirement is supported by the fact that many states have recently adopted limits on their localities’ aesthetic requirements that employ the term “objective.” See, e.g., Letter from Scott Bergmann, Senior Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 8 (filed Sept. 19, 2018) (noting requirements enacted in the states of Arizona, Delaware, Missouri, North Carolina, Ohio, and Oklahoma, that local siting requirements for small wireless facilities be “objective”); see also Letter from Kara R. Graves, Director, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 8 (filed Sept. 4, 2018)

²⁴⁷ Some local governments argue that, because different aesthetic concerns may apply to different neighborhoods, particularly those considered historic districts, it is not feasible for them to publish local aesthetic requirements in advance. See, e.g., Letter from Mark J. Schwartz, County Manager, Arlington County, VA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (Sept. 18, 2018) (Arlington County Sept. 18 *Ex Parte* Letter); Letter from Allison Silberberg, Mayor, City of Alexandria, VA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (Sept. 18, 2018). We believe this concern is unfounded. As noted above, the fact that our approach here (including the publication requirement) is consistent with that already enacted in many state-level small cell bills supports the feasibility of our decision. Moreover, the aesthetic requirements to be published in advance need not

89. We appreciate that at least some localities will require some time to establish and publish aesthetics standards that are consistent with this Declaratory Ruling. Based on our review and evaluation of commenters' concerns, we anticipate that such publication should take no longer than 180 days after publication of this decision in the Federal Register.

90. *Undergrounding Requirements.* We understand that some local jurisdictions have adopted undergrounding provisions that require infrastructure to be deployed below ground based, at least in some circumstances, on the locality's aesthetic concerns. A number of providers have complained that these types of requirements amount to an effective prohibition.²⁴⁸ In addressing this issue, we first reiterate that, while undergrounding requirements may well be permissible under state law as a general matter, any local authority to impose undergrounding requirements under state law does not remove such requirements from the provisions of Section 253. In this regard, we believe that a requirement that *all* wireless facilities be deployed underground would amount to an effective prohibition given the propagation characteristics of wireless signals. In this sense, we agree with the U.S. Court of Appeals for the Ninth Circuit when it observed that, “[i]f an ordinance required, for instance, that all facilities be underground and the plaintiff introduced evidence that, to operate, wireless facilities must be above ground, the ordinance would effectively prohibit it from providing services.”²⁴⁹ Further, a requirement that materially inhibits wireless service, even if it does not go so far as requiring that all wireless facilities be deployed underground, also would be considered an effective prohibition of service. Thus, the same criteria discussed above in the context of aesthetics generally would apply to state or local undergrounding requirements.

91. *Minimum Spacing Requirements.* Some parties complain of municipal requirements regarding the spacing of wireless installations—*i.e.*, mandating that facilities be sited at least 100, 500, or 1,000 feet, or some other minimum distance, away from other facilities, ostensibly to avoid excessive overhead “clutter” that would be visible from public areas.²⁵⁰ We acknowledge that while some such requirements may violate 253(a), others may be reasonable aesthetic requirements.²⁵¹ For example, under the principle that any such requirements be reasonable and publicly available in advance, it is difficult to envision any circumstances in which a municipality could reasonably promulgate a new minimum spacing requirement that, in effect, prevents a provider from replacing its preexisting facilities or collocating new equipment on a structure already in use. Such a rule change with retroactive effect would

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prescribe in detail every specification to be mandated for each type of structure in each individual neighborhood. Localities need only set forth the objective standards and criteria that will be applied in a principled manner at a sufficiently clear level of detail as to enable providers to design and propose their deployments in a manner that complies with those standards.

²⁴⁸ See, e.g., AT&T Comments at 14-15; Crown Castle Comments at 54-56; T-Mobile Comments at 38; Verizon Comments at 6-8; WIA Comments at 56; CTIA Reply at 16. *But see* Chicago Comments at 15; City of Claremont (CA) Comments at 1; City of Kenmore (WA) Comments at 1; City of Mukilteo (WA) Comments at 2; Florida Coalition of Local Gov'ts Comments at 6-12; Smart Communities Comments at 74.

²⁴⁹ *County of San Diego*, 543 F.3d at 580, *accord*, BDAC Model Municipal Code at 13, § 2.3.e (providing for municipal zoning authority to allow providers to deploy small wireless facilities on existing vertical structures where available in neighborhoods with undergrounding requirements, or if no technically feasible structures exist, to place vertical structures commensurate with other structures in the area).

²⁵⁰ See, e.g., Verizon Comments at 8 (describing requirements imposed by Buffalo Grove, Illinois); CCIA Comments at 14-15 (“These restrictions stifle technological innovation and unnecessarily burden the ability of a provider to use the best available technological to serve a particular area. For example, 5G technology will require higher band spectrum for greater network capacity, yet some millimeter wave spectrum simply cannot propagate long distances over a few thousand feet—let alone a few hundred. Therefore, a local requirement of, for example, a thousand-foot minimum separation distance between small cells would unnecessarily forestall any network provider seeking to use higher band spectrum with greater capacity when that provider needs to boost coverage in a specific area of a few hundred feet.”). See also AT&T Comments at 15; CTIA Reply at 17.

²⁵¹ 47 U.S.C. § 253(a).

almost certainly have the effect of prohibiting service under the standards we articulate here. Therefore, such requirements should be evaluated under the same standards for aesthetic requirements as those discussed above.²⁵²

D. States and Localities Act in Their Regulatory Capacities When Authorizing and Setting Terms for Wireless Infrastructure Deployment in Public Rights of Way

92. We confirm that our interpretations today extend to state and local governments' terms for access to public ROW that they own or control, including areas on, below, or above public roadways, highways, streets, sidewalks, or similar property, as well as their terms for use of or attachment to government-owned property within such ROW, such as new, existing and replacement light poles, traffic lights, utility poles, and similar property suitable for hosting Small Wireless Facilities.²⁵³ As explained below, for two alternative and independent reasons, we disagree with state and local government commenters who assert that, in providing or denying access to government-owned structures, these governmental entities function solely as "market participants" whose rights cannot be subject to federal preemption under Section 253(a) or Section 332(c)(7).²⁵⁴

93. First, this effort to differentiate between such governmental entities' "regulatory" and "proprietary" capacities in order to insulate the latter from preemption ignores a fundamental feature of the market participant doctrine.²⁵⁵ As the Ninth Circuit has observed, at its core, this doctrine is "a

²⁵² Another type of restriction that imposes substantial burdens on providers, but does not meaningfully advance any recognized public-interest objective, is an explicit or implicit *quid pro quo* in which a municipality makes clear that it will approve a proposed deployment only on condition that the provider supply an "in-kind" service or benefit to the municipality, such as installing a communications network dedicated to the municipality's exclusive use. *See, e.g.,* Comcast Comments at 9-10 Verizon Comments at 7, Crown Castle Comments at 55-56. Such requirements impose costs, but rarely, if ever, yield benefits directly related to the deployment. Additionally, where such restrictions are not cost-based, they inherently have "the effect of prohibiting" service, and thus are preempted by Section 253(a). *See also* BDAC Regulatory Barriers Report, Appendix E at 1 (describing "conditions imposed that are unrelated to the project for which they were seeking ROW access" as "inordinately burdensome"); BDAC Model Municipal Code at 19, § 2.5a.(v)(F) (providing that municipal zoning authority "may not require an Applicant to perform services . . . or in-kind contributions [unrelated] to the Communications Facility or Support Structure for which approval is sought").

²⁵³ *See supra* paras. 50-91. Some have argued that Section 224 of the Communications Act's exception of state-owned and cooperative-owned utilities from the definition of "utility," "[a]s used in this section," suggests that Congress did not intend for any other portion of the Act to apply to poles or other facilities owned by such entities. City of Mukilteo, et. al. Ex Parte Comments on the Draft Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018); Letter from James Bradford Ramsay, General Counsel, NARUC to Marlene H. Dortch, Secretary, FCC, WT Docket 17-79 at 7 (filed Sept. 19, 2018). We see no basis for such a reading. Nothing in Section 253 suggests such a limited reading, nor does Section 224 indicate that other provisions of the Act do not apply. We conclude that our interpretation of effective prohibition extends to fees for all government-owned property in the ROW, including utility poles. *Compare* 47 U.S.C. § 224 *with* 47 U.S.C. § 253. We are not addressing here how our interpretations apply to access or attachments to government-owned property located outside the public ROW.

²⁵⁴ *See, e.g.,* AASHTO Comments, Att. 1 (Del. DOT Comments) at 3-5; New York City Comments at 2-8; San Antonio et al. Comments at 14-15; Smart Communities Comments at 62-66; San Francisco Comments at 28-30; League of Arizona Cities et al. Comments, WT Docket No. 16-421 at 3-9; San Antonio et al. Comments, WT Docket No. 16-421 at 14-15. *See also* *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3364-65, para. 96 (seeking comment on this issue).

²⁵⁵ The market participant doctrine establishes that, unless otherwise specified by Congress, federal statutory provisions may be interpreted as preempting or superseding state and local governments' activities involving regulatory or public policy functions, but not their activities as "market participants" to serve their "purely proprietary interests," analogous to similar transactions of private parties. *Building & Construction Trades Council*

presumption about congressional intent,” which “may have a different scope under different federal statutes.”²⁵⁶ The Supreme Court has likewise made clear that the doctrine is applicable only “[i]n the absence of any express or implied indication by Congress.”²⁵⁷ In contrast, where state action conflicts with express or implied federal preemption, the market participant doctrine does not apply, whether or not the state or local government attempts to impose its authority over use of public rights-of-way by permit or by lease or contract.²⁵⁸ Here, both Sections 253(a) and Section 332(c)(7)(B)(i)(II) expressly address preemption, and neither carves out an exception for proprietary conduct.²⁵⁹

94. Specifically, Section 253(a) expressly preempts certain state and local “legal requirements” and makes no distinction between a state or locality’s regulatory and proprietary conduct. Indeed, as the Commission has long recognized, Section 253(a)’s sweeping reference to “State [and] local statute[s] [and] regulation[s]” and “other State [and] local legal requirement[s]” demonstrates Congress’s intent “to capture a broad range of state and local actions that prohibit or have the effect of prohibiting entities from providing telecommunications services.”²⁶⁰ Section 253(b) mentions “requirement[s],” a phrase that is even broader than that used in Section 253(a) but covers “universal service,” “public safety and welfare,” “continued quality of telecommunications,” and “safeguard[s] for the] rights of consumers.” The subsection does not recognize a distinction between regulatory and proprietary. Section 253(c), which expressly insulates from preemption certain state and local government activities, refers in relevant part to “manag[ing] the public rights-of-way” and “requir[ing] fair and reasonable compensation,” while eliding any distinction between regulatory and proprietary action in either context. The Commission has previously observed that Section 253(c) “makes explicit a local government’s continuing authority to issue construction permits regulating how and when construction is conducted on roads and other public

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v. Associated Builders & Contractors, 507 U.S. 218, 229, 231 (1993) (*Boston Harbor*); see also *Wisconsin Dept. of Industry, Labor, and Human Relations v. Gould, Inc.*, 475 U.S. 282, 289 (1986) (*Gould*).

²⁵⁶ See, e.g., *Engine Mfrs. Ass’n v. South Coast Air Quality Mgmt. Distr.*, 498 F.3d 1031, 1042 (9th Cir. 2007); *Johnson v. Rancho Santiago Comm. College*, 623 F.3d 1011, 1022 (9th Cir. 2010).

²⁵⁷ See *Boston Harbor*, 507 U.S. at 231.

²⁵⁸ See *American Trucking Ass’n v. City of Los Angeles*, 569 U.S. 641, 650 (2013) (*American Trucking*).

²⁵⁹ At a minimum, we conclude that Congress’s language has not unambiguously pointed to such a distinction. See Letter from Tamara Preiss, Vice President, Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed Aug. 23, 2018) (Verizon Aug. 23, 2018 *Ex Parte* Letter). Furthermore, we contrast these statutes with those that do not expressly or impliedly preempt proprietary conduct. Compare, e.g., *American Trucking*, 569 U.S. 641 (finding that FAA Authorization Act of 1994’s provision that “State [or local government] may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier . . . with respect to the transportation of property” expressly preempted the terms of a standard-form concession agreement drafted to govern the relationship between the Port of Los Angeles and any trucking company seeking to operate on the premises), and *Gould*, 475 U.S. at 289 (finding that NLRA preempted a state law barring state contracts with companies with disfavored labor practices because the state scheme was inconsistent with the federal scheme), with *Boston Harbor*, 507 U.S. at 224-32. In *Boston Harbor*, the Supreme Court observed that the NLRA contained no express preemption provision or implied preemption scheme and consequently held:

In the absence of any express or implied indication by Congress that a State may not manage its own property when it pursues its purely proprietary interests, and where analogous private conduct would be permitted, this Court will not infer such a restriction.

Id. (internal citations omitted).

²⁶⁰ See *Minnesota Order*, 14 FCC Rcd at 21707, para. 18. We find these principles to be equally applicable to our interpretation of the meaning of “regulation[s]” referred to under Section 332(c)(7)(B) insofar as such actions impermissibly “prohibit or have the effect of prohibiting the provision of personal wireless services.” *Supra* paras. 34-42.

rights-of-way.”²⁶¹ We conclude here that, as a general matter, “manage[ment]” of the ROW includes any conduct that bears on access to and use of those ROW, notwithstanding any attempts to characterize such conduct as proprietary.²⁶² This reading, coupled with Section 253(c)’s narrow scope, suggests that Congress’s omission of a blanket proprietary exception to preemption was intentional, and thus, that such conduct can be preempted under Section 253(a). We therefore construe Section 253(c)’s requirements, including the requirement that compensation be “fair and reasonable,” as applying equally to charges imposed via contracts and other arrangements between a state or local government and a party engaged in wireless facility deployment.²⁶³ This interpretation is consistent with Section 253(a)’s reference to “State or local legal requirement[s],” which the Commission has consistently construed to include such agreements.²⁶⁴ In light of the foregoing, whatever the force of the market participant doctrine in other contexts,²⁶⁵ we believe the language, legislative history, and purpose of Sections 253(a) and (c) are incompatible with the application of this doctrine in this context. We observe once more that “[o]ur conclusion that Congress intended this language to be interpreted broadly is reinforced by the scope of section 253(d),” which “directs the Commission to preempt any statute, regulation, or legal requirement *permitted* or imposed by a state or local government if it contravenes sections 253(a) or (b). A more restrictive interpretation of the term ‘other legal requirements’ easily could permit state and local restrictions on competition to escape preemption based solely on the way in which [state] action was structured. We do not believe that Congress intended this result.”²⁶⁶

95. Similarly, and as discussed elsewhere,²⁶⁷ we interpret Section 332(c)(7)(B)(ii)’s references to “any request[s] for authorization to place, construct, or modify personal wireless service facilities” broadly, consistent with Congressional intent. As described below, we find that “any” is unqualifiedly broad, and that “request” encompasses anything required to secure all authorizations necessary for the deployment of personal wireless services infrastructure. In particular, we find that Section 332(c)(7) includes authorizations relating to access to a ROW, including but not limited to the

²⁶¹ See *Minnesota Order*, 14 FCC Rcd at 21728-29, para. 60, quoting H. R. Rep. No. 104-204, U.S. Congressional & Administrative News, March 1996, vol.1, Legislative History section at 41 (1996).

²⁶² Indeed, to permit otherwise could limit the utility of ROW access for telecommunications service providers and thus conflict with the overarching preemption scheme set up by Section 253(a), for which 253(b) and 253(c) are exceptions. By construing “manage[ment]” of a ROW to include some proprietary behaviors, we mean to suggest that conduct taken in a proprietary capacity is likewise subject to 253(c)’s general limitations, including the requirement that any compensation charged in such capacity be “fair and reasonable.”

²⁶³ Cf. *Minnesota Order*, 14 FCC Rcd at 21729-30, para. 61-62 (internal citations omitted) (“Moreover, Minnesota has not shown that the compensation required for access to the right-of-way is ‘fair and reasonable.’ The compensation appears to reflect the value of the exclusivity inherent in the Agreement [which provides the developer with exclusive physical access, for at least ten years, to longitudinal rights-of-way along Minnesota’s interstate freeway system] rather than fair and reasonable charges for access to the right-of-way. Nor has Minnesota shown that the Agreement provides for ‘use of public rights-of-way on a nondiscriminatory basis.’”)

²⁶⁴ Cf. Crown Castle June 7, 2018 *Ex Parte* Letter at 17 n.83 (“Section 253(c), which carves out ROW management, would hardly be necessary if all ROW decisions were proprietary and shielded from the statute’s sweep.”).

²⁶⁵ We acknowledge that the Commission previously concluded that “Section 6409(a) applies only to State and local governments acting in their role as land use regulators” and found that “this conclusion is consistent with judicial decisions holding that Sections 253 and 332(c)(7) of the Communications Act do not preempt ‘non regulatory decisions[.]’” See *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12964-65, paras. 237-240. To the extent necessary, we clarify here that the actions and analysis there were limited in scope given the different statutory scheme and record in that proceeding, which did not, at the time, suggest a need to “further elaborate as to how this principle should apply to any particular circumstance” (there, in connection with application of Section 6409(a)). Here, in contrast, as described herein, we find that further elucidation by the Commission is needed.

²⁶⁶ *Minnesota Order*, 14 FCC Rcd at 21707, para. 18 (internal citations omitted) (emphasis omitted).

²⁶⁷ See *infra* Part IV.C.1 (Authorizations Subject to the “Reasonable Period of Time” Provision of Section 332(c)(7)(B)(ii)).

“place[ment], construct[ion], or modif[ication]” of facilities on government-owned property, for the purpose of providing “personal wireless service.” We observe that this result, too, is consistent with Commission precedent such as the *Minnesota Order*, which involved a contract that provided exclusive access to a ROW. As but one example, to have limited that holding to exclude government-owned property within the ROW even if the carrier needed access to that property would have the effect of diluting or completely defeating the purpose of Section 332(c)(7).²⁶⁸

96. Second, and in the alternative, even if Section 253(a) and Section 332(c)(7) were to permit leeway for states and localities acting in their proprietary role, the examples in the record would be excepted because they involve states and localities fulfilling regulatory objectives.²⁶⁹ In the proprietary context, “a State acts as a ‘market participant with no interest in setting policy.’”²⁷⁰ We contrast state and local governments’ purely proprietary actions with states and localities acting with respect to managing or controlling access to property within public ROW, or to decisions about where facilities that will provide personal wireless service to the public may be sited. As several commenters point out, courts have recognized that states and localities “hold the public streets and sidewalks in trust for the public” and “manage public ROW in their regulatory capacities.”²⁷¹ These decisions could be based on a number of regulatory objectives, such as aesthetics or public safety and welfare, some of which, as we note elsewhere, would fall within the preemption scheme envisioned by Congress. In these situations, the state or locality’s role seems to us to be indistinguishable from its function and objectives as a regulator.²⁷² To

²⁶⁸ See also *infra* para. 134-36 and cases cited therein. Precedent that may appear to reach a different result can be distinguished in that it resolves disputes arising under Section 332 and/or 253(a) without analyzing the scope of Section 253(c). Furthermore, those situations did not involve government-owned property or structures within a public ROW. See, e.g., *Sprint Spectrum L.P. v. Mills*, 283 F.3d 404, 420-21 (2d Cir. 2002) (declining to find preemption under Section 332 applicable to terms of a school rooftop lease); *Omnipoint Commc’ns, Inc. v. City of Huntington Beach*, 738 F.3d 192, 195-96, 200-01 (9th Cir. 2013) (declining to find preemption under Section 332 applicable to restrictions on lease of parkland).

²⁶⁹ In this regard, also relevant to our interpretations here is courts’ admonition that government activities that are characterized as transactions but in reality are “tantamount to regulation” are subject to preemption, *Gould*, 475 U.S. at 289, and that government action disguised as private action may not be relied on as a pretext to advance regulatory objectives. See, e.g., *Coastal Communications Service v. City of New York*, 658 F. Supp. 2d 425, 441-42 (E.D.N.Y. 2009) (finding that a restriction on advertising on newly-installed payphones was subject to section 253(a) where the advertising was a material factor in the provider’s ability to provide the payphone service itself).

²⁷⁰ See, e.g., *Chamber of Commerce of U.S. v. Brown*, 554 U.S. 60, 70 (2008).

²⁷¹ See Verizon Comments at 26-28 & n.85; T-Mobile Comments at 50 & n.210 and cases cited therein.

²⁷² Indeed, the Commission has long recognized that, in enacting Sections 253(c) and 332(c)(7), Congress affirmatively protected the ability of state and local governments to carry out their responsibilities for maintaining, managing, and regulating the use of ROW and structures therein for the benefit of the public. *TCI Cablevision Order*, 12 FCC Rcd at 21441, para. 103 (1997) (“We recognize that section 253(c) preserves the authority of state and local governments to manage public rights-of-way. Local governments must be allowed to perform the range of vital tasks necessary to preserve the physical integrity of streets and highways, to control the orderly flow of vehicles and pedestrians, to manage gas, water, cable (both electric and cable television), and telephone facilities that crisscross the streets and public rights-of-way.”); *Moratoria Declaratory Ruling*, FCC 18-111, para. 142 (same); *Classic Telephone, Inc. Petition for Preemption, Declaratory Ruling, and Injunctive Relief*, Memorandum Opinion and Order, 11 FCC Rcd 13082, 13103, para. 39 (1996) (same). We find these situations to be distinguishable from those where a state or locality might be engaged in a discrete, *bona fide* transaction involving sales or purchases of services that do not otherwise violate the law or interfere with a preemption scheme. Compare, e.g., *Cardinal Towing & Auto Repair, Inc., v. City of Bedford*, 180 F.3d 686, 691, 693-94 (5th Cir. 1999) (declining to find that the FAA Authorization Act of 1994, as amended by the ICC Termination Act of 1995, preempted an ordinance and contract specifications that were designed only to procure services that a municipality itself needed, not to regulate the conduct of others), with *NextG Networks of N.Y., Inc. v. City of New York*, 2004 WL 2884308 (N.D.N.Y., Dec. 10, 2004) (crediting allegations that a city’s actions, such as issuing a request for proposal and implementing a general franchising scheme, were not of a purely proprietary nature, but rather, were taken in pursuit of a regulatory objective or policy). This action could include, for example, procurement of services for the state or locality, or a

the extent that there is some distinction, the temptation to blend the two roles for purposes of insulating conduct from federal preemption cannot be underestimated in light of the overarching statutory objective that telecommunications service and personal wireless services be deployed without material impediments.

97. Our interpretation of both provisions finds ample support in the record of this proceeding. Specifically, commenters explain that public ROW and government-owned structures within such ROW are frequently relied upon to supply services for the benefit of the public, and are often the best-situated locations for the deployment of wireless facilities.²⁷³ However, the record is also replete with examples of states and localities refusing to allow access to such ROW or structures, or imposing onerous terms and conditions for such access.²⁷⁴ These examples extend far beyond governments' treatment of single structures;²⁷⁵ indeed, in some cases it has been suggested that states or localities are using their proprietary roles to effectuate a general municipal policy disfavoring wireless deployment in public ROW.²⁷⁶ We believe that Section 253(c) is properly construed to suggest that Congress did not intend to permit states and localities to rely on their ownership of property within the ROW as a pretext to advance regulatory objectives that prohibit or have the effect of prohibiting the provision of covered services, and thus that such conduct is preempted.²⁷⁷ Our interpretations here are intended to facilitate the implementation of the scheme Congress intended and to provide greater regulatory certainty to states, municipalities, and regulated parties about what conduct is preempted under Section 253(a). Should factual questions arise about whether a state or locality is engaged in such behavior, Section 253(d) affords state and local governments and private parties an avenue for specific preemption challenges.

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contract for employment services between a state or locality and one of its employees. We do not intend to reach these scenarios with our interpretations today.

²⁷³ See, e.g., Verizon Aug. 23, 2018 *Ex Parte* Letter at 4-5.

²⁷⁴ See *supra* para. 25.

²⁷⁵ Cf. *Sprint Spectrum L.P. v. Mills*, 283 F.3d 404.

²⁷⁶ See *NextG Networks of N.Y., Inc. v. City of New York*, 2004 WL 2884308; *Coastal Communications Service v. City of New York*, 658 F. Supp. 2d at 441-42.

²⁷⁷ We contrast this instance to others in which we either declined to act or responded to requests for action with respect to specific disputes. See, e.g., 2014 *Wireless Infrastructure Order*, 29 FCC Rcd at 12964-65, paras. 237-240; *Continental Airlines Petition for Declaratory Ruling Regarding the Over-the-Air Reception Devices (OTARD) Rules*, Memorandum Opinion and Order, 21 FCC Rcd 13201, 13220, para. 43 (2006) (observing, in the context of a different statutory and regulatory scheme, that “[g]iven that the Commission intended to preempt restrictions [regarding restrictions on Continental's use of its Wi-Fi antenna] in private lease agreements, however, Massport would be preempted even if it is acting in a private capacity with regard to its lease agreement with Continental.”); *Sandwich Isles Section 253 Order*, 32 FCC Rcd at 5883, para. 14 (rejecting argument that argument that Section 253(a) is inapplicable where it would affect the state's ability to “deal[] with its real estate interests . . . as it sees fit,” such as by granting access to “rights-of-way over land that it owns); *Minnesota Order*, 14 FCC Rcd at 21706-08, paras. 17-19; cf. *Amigo.Net Petition for Declaratory Ruling*, Memorandum Opinion and Order, 17 FCC Rcd 10964, 10967 (WCB 2002) (Section 253 did not apply to carrier's provision of network capacity to government entities exclusively for such entities' internal use); *T-Mobile West Corp. v. Crow*, 2009 WL 5128562 (D. Ariz., Dec. 17, 2009) (Section 332(c)(7) did not apply to contract for deployment of wireless facilities and services for use on state university campus). We clarify here that such prior instances are not to be construed as a concession that Congress did not make preemption available, or that the Commission lacked the authority to support parties' attempts to avail themselves of relief offered under preemption schemes, when confronted with instances in which a state or locality is relying on its proprietary role to skirt federal regulatory reach. Indeed, these instances demonstrate the opposite—that preemption is available to effectuate Congressional intent—and merely illustrate application of this principle. Also, we do not find it necessary to await specific disputes in the form of Section 253(d) petitions to offer these interpretations. In the alternative and as an independent means to support the interpretations here, we clarify that we intend for our views to guide how preemption should apply in fact-specific scenarios.

E. Responses to Challenges to Our Interpretive Authority and Other Arguments

98. We reject claims that we lack authority to issue authoritative interpretations of Sections 253 and 332(c)(7) in this Declaratory Ruling. As explained above, we act here pursuant to our broad authority to interpret key provisions of the Communications Act, consistent with our exercise of that interpretive authority in the past.²⁷⁸ In this instance, we find that issuing a Declaratory Ruling is necessary to remove what the record reveals is substantial uncertainty and to reduce the number and complexity of legal controversies regarding certain fee and non-fee state and local legal requirements in connection with Small Wireless Facility infrastructure. We thus exercise our authority in this Declaratory Ruling to interpret Section 253 and Section 332(c)(7) and explain how those provisions apply in the specific scenarios at issue here.²⁷⁹

99. Nothing in Sections 253 or 332(c)(7) purports to limit the exercise of our general interpretive authority.²⁸⁰ Congress's inclusion of preemption provisions in Section 253(d) and Section 332(c)(7)(B)(v) does not limit the Commission's ability pursuant to other sections of the Act to construe and provide its authoritative interpretation as to the meaning of those provisions.²⁸¹ Any preemption under Section 253 and/or Section 332(c)(7)(B) that subsequently occurs will proceed in accordance with the enforcement mechanisms available in each context. But whatever enforcement mechanisms may be available to preempt specific state and local requirements, nothing in Section 253 or Section 332(c)(7) prevents the Commission from declaring that a category of state or local laws is inconsistent with Section 253(a) or Section 332(c)(7)(B)(i)(II) because it prohibits or has the effect of prohibiting the relevant covered service.²⁸²

²⁷⁸ See, e.g., *Moratoria Declaratory Ruling*, FCC 18-111, paras. 161-68; *2009 Declaratory Ruling*, 24 FCC Rcd at 14001, para. 23.

²⁷⁹ Targeted interpretations of the statute like those we adopt here fall far short of a “federal regulatory program dictating the scope and policies involved in local land use” that some commenters fear. League of Minnesota Cities Comments at 9.

²⁸⁰ We also reject claims that Section 601(c)(1) of the 1996 Act constrains our interpretation of these provisions. See, e.g., NARUC Reply at 3; Smart Communities Reply at 33, 35-36. That provision guards against implied preemption, while Section 253 and Section 332(c)(7)(B) both expressly restrict state and local activities. See, e.g., *Texas PUC Order*, 13 FCC Rcd at 3485-86, para. 51. Courts also have read that provision narrowly. See, e.g., *In re FCC 11-161*, 753 F.3d 1015, 1120 (10th Cir. 2014); *Qwest Corp. v. Minnesota Pub. Utilities Comm'n*, 684 F.3d 721, 730-31 (8th Cir. 2012); *Farina v. Nokia Inc.*, 625 F.3d 97, 131 (3d Cir. 2010). Although the Ninth Circuit in *County of San Diego* asserted that there is a presumption that express preemption provisions should be read narrowly, and that the presumption would apply to the interpretation of Section 253(a), *County of San Diego*, 543 F.3d at 548, the cited precedent applies that presumption where “the State regulates in an area where there is no history of significant federal presence.” *Air Conditioning & Refrigeration Inst. v. Energy Res. Conservation & Dev. Comm'n*, 410 F.3d 492, 496 (9th Cir. 2005). Whatever the applicability of such a presumption more generally, there is a substantial history of federal involvement here, particularly insofar as interstate telecommunications services and wireless services are implicated. See, e.g., *Ting v. AT&T*, 319 F.3d 1126, 1136 (9th Cir. 2003); *Ivy Broadcasting Co. v. Am. Tel. & Tel. Co.*, 391 F.2d 486, 490-92 (2d Cir. 1968); 47 U.S.C., Title III.

²⁸¹ See, e.g., California PUC Comments at 11; Verizon Comments at 31-33; CTIA Reply at 22-23; WIA Reply at 16-18. We thus reject claims to the contrary. See, e.g., City of New York Comments at 8; Virginia Joint Commenters Comments, Exh. A at 41-44; City of New York Reply at 1-2; NATOA Reply at 9-10; Smart Communities Reply at 34. Indeed, the Fifth Circuit upheld just such an exercise of authority with respect to the interpretation of Section 332(c)(7) in the past. See generally *City of Arlington*, 668 F.3d at 249-54. While some commenters assert that the questions addressed by the Commission in the order underlying the Fifth Circuit's *City of Arlington* decision are somehow more straightforward than our interpretations here, they do not meaningfully explain why that is the case, instead seemingly contemplating that the Commission would address a wider, more general range of circumstances than we actually do here. See, e.g., Virginia Joint Commenters Comments, Exh. A at 44-45.

²⁸² Consequently, we reject claims that relying on our general interpretative authority to interpret Section 253 and Section 332(c)(7) would render any provisions of the Act mere surplusage, see, e.g., Smart Communities Reply at 34-35, or would somehow “usurp the role of the judiciary.” Washington State Cities Reply at 14. We likewise

100. Although some commenters contend in general terms that differences in judicial approaches to Section 253 are limited and thus there is little need for Commission guidance,²⁸³ the interpretations we offer in this Declaratory Ruling are intended to help address certain specific scenarios that have caused significant uncertainty and legal controversy, irrespective of the degree to which this uncertainty has been reflected in court decisions. We also reject claims that a Supreme Court brief joined by the Commission demonstrates that there is no need for the interpretations in this Declaratory Ruling.²⁸⁴ To the contrary, that brief observed that some potential interpretations of certain court decisions “would create a serious conflict with the Commission’s understanding of Section 253(a), and [] would undermine the federal competition policies that the provision seeks to advance.”²⁸⁵ The brief also noted that, if warranted, “the Commission can restore uniformity by issuing authoritative rulings on the application of Section 253(a) to particular types of state and local requirements.”²⁸⁶ Rather than cutting against the need for, or desirability of, the interpretations we offer in this Declaratory Ruling, the brief instead presaged them.²⁸⁷

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reject other arguments insofar as they purport to treat Section 253(d)’s provision for preemption as more specific than, or otherwise controlling over, other Communications Act provisions enabling the Commission to authoritatively interpret the Act. *See, e.g.*, Virginia Joint Commenters Comments, Exh. A at 43. To the contrary, “[t]he specific controls but only within its self-described scope.” *Nat’l Cable & Telecomm. Ass’n v. Gulf Power*, 534 U.S. 327, 336 (2002). In addition, concerns that the Commission might interpret Section 253(c) in a manner that would render it a nullity or in a manner divorced from relevant context—things we do not do here—bear on the reasonableness of a given interpretation and not on the existence of interpretive authority in the first instance, as some contend. *See, e.g.*, Virginia Joint Commenters Comments, Exh. A at 43-44.

²⁸³ *See, e.g.*, City of San Antonio *et al.* Comments, Exh. B at 26-27; Fairfax County Comments at 20; Smart Communities Comments at 61. Some commenters assert that there are reasonable, material reliance interests arising from past court interpretations that would counsel against our interpretations in this order because “localities and providers have adjusted to the tests within their circuits” and “reflected those standards in local law.” Smart Communities Comments, WT Docket No. 16-141 at 67 (filed Mar. 8, 2017) cited in City of Austin Comments at 2 n.3. Arguments such as these, however, merely underscore the regulatory patchwork that inhibits the development of a robust nationwide telecommunications and private wireless service as envisioned by Congress. By offering interpretations of the relevant statutes here, we intend, thereby, to eliminate potential regional regulatory disparities flowing from differing interpretations of those provisions. *See, e.g.*, WIA Reply at 19-20.

²⁸⁴ *See* City of San Antonio *et al.* Comments, Exh. B at 27 (citing Brief for the United States as Amicus Curiae, *Level 3 Commc’ns v. City of St. Louis*, Nos. 08-626, 08-759 at 9, 11 (filed May 28, 2009) (Amicus Brief)).

²⁸⁵ Amicus Brief at 12-13. The brief also identified other specific areas of concern with those cases. *See, e.g., id.* at 13 (“The court appears to have accorded inordinate significance to Level 3’s inability to ‘state with specificity what additional services it might have provided’ if it were not required to pay St. Louis’s license fee. That specific failure of proof—which the court of appeals seems to have regarded as emblematic of broader evidentiary deficiencies in Level 3’s case—is not central to a proper Section 253(a) inquiry.” (citation omitted)); *id.* at 14 (“Portions of the Ninth Circuit’s decision, moreover, could be read to suggest that a Section 253 plaintiff must show effective preclusion—rather than simply material interference—in order to prevail. As discussed above, limiting the preemptive reach of Section 253(a) to legal requirements that completely preclude entry would frustrate the policy of open competition that Section 253 was intended to promote.” (citation omitted)).

²⁸⁶ *Id.* at 18.

²⁸⁷ Contrary to some claims, the need for these clarifications also is not undercut by prior determinations that advanced telecommunications capability is being deployed in a reasonable and timely fashion to all Americans. *See, e.g.*, Letter from Nancy Werner, General Counsel, NATOA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed June 21, 2018) (NATOA June 21, 2018 *Ex Parte* Letter) (citing *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 33 FCC Rcd 1660, 1707-08, para. 94 (2018) (2018 *Broadband Deployment Report*)). These commenters do not explain why the distinct standard for evaluating deployment of advanced telecommunications capability, *see* 2018 *Broadband Deployment Report*, 33 FCC Rcd at 1663-76, paras. 9-39, should bear on the application of Section 253 or Section 332(c)(7). Further, as the Commission itself observed, “[a] finding that deployment of advanced

101. Our interpretations of Sections 253 and Section 332(c)(7) are likewise not at odds with the Tenth Amendment and constitutional precedent, as some commenters contend.²⁸⁸ In particular, our interpretations do not directly “compel the states to administer federal regulatory programs or pass legislation.”²⁸⁹ The outcome of violations of Section 253(a) or Section 332(c)(7)(B) of the Act are no more than a consequence of “the limits Congress already imposed on State and local governments” through its enactment of Section 332(c)(7).²⁹⁰

102. We also reject the suggestion that the limits Section 253 places on state and local ROW fees and management will unconstitutionally interfere with the relationship between a state and its political subdivisions.²⁹¹ As relevant to our interpretations here, it is not clear, at first blush, that such concerns would be implicated.²⁹² Because state and local legal requirements can be written and structured in myriad ways, and challenges to such state or local activities could be framed in broad or narrow terms, we decline to resolve such questions here, divorced from any specific context.

IV. THIRD REPORT AND ORDER

103. In this Third Report and Order, we address the application of shot clocks to state and local review of wireless infrastructure deployments. We do so by taking action in three main areas. First, we adopt a new set of shot clocks tailored to support the deployment Small Wireless Facilities. Second, we adopt a specific remedy that applies to violations of these new Small Wireless Facility shot clocks, which we expect will operate to significantly reduce the need for litigation over missed shot clocks. Third, we clarify a number of issues that are relevant to all of the FCC’s shot clocks, including the types of authorizations subject to these time periods.

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telecommunications capability is reasonable and timely in no way suggests that we should let up in our efforts to foster greater deployment.” *Id.* at 1664, para. 13.

²⁸⁸ See, e.g., City of San Antonio *et al.* Comments, Exh. A at 28; Smart Communities Comments at 77-78; Smart Communities Reply at 48-50; NATOA June 21, 2018 *Ex Parte* Letter at 3.

²⁸⁹ *Montgomery County*, 811 F.3d at 128; see *Printz v. United States*, 521 U.S. 898 (1997) (*Printz*); *New York v. United States*, 505 U.S. 144 (1992) (*New York*). These provisions preempting state law thus do not “compel the States to enact or administer a federal regulatory program,” *Printz*, 521 U.S. at 900, or “dictate what a state . . . may or may not do.” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 138 S. Ct. 1461, 1478 (2018) (*Murphy*).

²⁹⁰ *2009 Declaratory Ruling*, 24 FCC Rcd at 14002, para. 25. The Communications Act establishes its own framework for oversight of wireless facility deployment—one that is largely deregulatory, see, e.g., *Wireless Infrastructure Second R&O*, FCC 18-30, at para. 63; *Implementation of Sections 3(n) and 332 of the Communications Act*, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd 1411, 1480-81, para. 182 (1994)—and it is reasonable to expect state and local governments electing to act in that area to do so only in a manner consistent with the Act’s framework. See, e.g., *Murphy*, 138 S. Ct. at 1470-71, 1480. Thus, the application of Section 253 and Section 332(c)(7)(B) is clearly distinguishable from the statute the Supreme Court struck down in *Murphy*, which did not involve a preemption scheme but nonetheless prohibited state authorization of sports gambling. *Id.* at 1481. The application here is also clearly distinguishable from the statute in *Printz*, which mandated states to run background checks on handgun purchases, *Printz*, 521 U.S. at 904–05, and the statute in *New York*, which required states to enact state laws that provide for the disposal of radioactive waste or else take title to such waste. *New York*, 505 U.S. at 151–52.

²⁹¹ See, e.g., City of New York Comments at 9-10; Smart Communities Comments at 78.; see also, e.g., *Nixon v. Mo. Mun. League*, 541 U.S. 125, 134 (2004) (identifying Tenth Amendment issues with the application of Section 253 where that application would implicate “state or local governmental self-regulation (or regulation of political inferiors)”).

²⁹² For example, where a state or local law or other legal requirement simply sets forth particular fees to be paid, or where the legal requirement at issue is simply an exercise of discretion that governing law grants the state or local government, it is not clear that preemption would unconstitutionally interfere with the relationship between a state and its political subdivisions.

A. New Shot Clocks for Small Wireless Facility Deployments

104. In 2009, the Commission concluded that we should use shot clocks to define a presumptive “reasonable period of time” beyond which state or local inaction on wireless infrastructure siting applications would constitute a “failure to act” within the meaning of Section 332.²⁹³ We adopted a 90-day clock for reviewing collocation applications and a 150-day clock for reviewing siting applications other than collocations. The record here suggests that our two existing Section 332 shot clocks have increased the efficiency of deploying wireless infrastructure. Many localities already process wireless siting applications in less time than required by those shot clocks, and a number of states have enacted laws requiring that collocation applications be processed in 60 days or less.²⁹⁴ Some siting agencies acknowledge that they have worked to gain efficiencies in processing siting applications and welcome the addition of new shot clocks tailored to the deployment of small scale facilities.²⁹⁵ Given siting agencies’ increased experience with existing shot clocks, the greater need for rapid siting of Small Wireless Facilities nationwide, and the lower burden siting of these facilities places on siting agencies in many cases, we take this opportunity to update our approach to speed the deployment of Small Wireless Facilities.²⁹⁶

1. Two New Section 332 Shot Clocks for Deployment of Small Wireless Facilities

105. In this section, using authority confirmed in *City of Arlington*, we adopt two new Section 332 shot clocks for Small Wireless Facilities—60 days for review of an application for collocation of Small Wireless Facilities using a preexisting structure and 90 days for review of an application for attachment of Small Wireless Facilities using a new structure. These new Section 332 shot clocks carefully balance the well-established authority that states and local authorities have over review of wireless siting applications with the requirements of Section 332(c)(7)(ii) to exercise that authority “within a reasonable period of time... taking into account the nature and scope of the request.”²⁹⁷ Further, our decision is consistent with the BDAC’s Model Code for Municipalities’ recommended timeframes, which utilize this same 60-day and 90-day framework for collocation of Small Wireless Facilities and new structures²⁹⁸ and are similar to shot clocks enacted in state level small cell bills and the real world

²⁹³ 2009 Declaratory Ruling, 24 FCC Rcd at 13994.

²⁹⁴ See *infra* para. 106.

²⁹⁵ Chicago Comments at 7 (“[T]he City has worked to achieve efficient processing times even for applications where no federal deadline exists.”); New Orleans Comments at 3 (“City supports the concept proposed by the Commission . . . to establish . . . more narrowly defined classes of deployments, with distinct reasonable times frames for action within each class.”).

²⁹⁶ See LaWana Mayfield July 31, 2018 *Ex Parte* Letter at 2 (“However, getting this infrastructure out in a timely manner can be a challenge that involves considerable time and financial resources. The solution is to streamline relevant policies—allowing more modern rules for modern infrastructure.”); Letter from John Richard C. King, House of Representatives, South Carolina, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 1 (filed Aug. 27, 2018) (“A patchwork system of town-to-town, state-to-state rules slows the approval of small cell installations and delays the deployment of 5G. We need a national framework with guardrails to streamline the path forward to our wireless future”); Letter from Andy Thompson, State Representative, Ohio House District 95, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Aug. 24, 2018) (“In order for 5G to arrive as quickly and as effectively as possible, relevant infrastructure regulations must be streamlined. It makes very little sense for rules designed for 100-foot cell towers to govern the path to deployment for modern equipment called small cells that can fit into a pizza box.”); Letter from Todd Nash, Wallowa County Board of Commissioners, Oregon, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 2 (filed Sept. 10, 2018) (FCC should streamline regulatory processes by, for example, tightening the deadlines for states and localities to approve new network facilities).

²⁹⁷ 47 U.S.C. § 332(c)(7)(ii).

²⁹⁸ The BDAC Model Municipal Code recommended, for certain types of facilities, shot clocks of 60 days for collocations and 90 days for new constructions on applications for siting Small Wireless Facilities. BDAC Model

experience of many municipalities which further supports the reasonableness of our approach.²⁹⁹ Our actions will modernize the framework for wireless facility siting by taking into consideration that states and localities should be able to address the siting of Small Wireless Facilities in a more expedited review period than needed for larger facilities.³⁰⁰

106. We find compelling reasons to establish a new presumptively reasonable Section 332 shot clock of 60 days for collocations of Small Wireless Facilities on existing structures. The record demonstrates the need for, and reasonableness of, expediting the siting review of these collocations.³⁰¹ Notwithstanding the implementation of the current shot clocks, more streamlined procedures are both reasonable and necessary to provide greater predictability for siting applications nationwide for the deployment of Small Wireless Facilities. The two current Section 332 shot clocks do not reflect the evolution of the application review process and evidence that localities can complete reviews more quickly than was the case when the existing Section 332 shot clocks were adopted nine years ago. Since 2009, localities have gained significant experience processing wireless siting applications.³⁰² Indeed, many localities already process wireless siting applications in less than the required time³⁰³ and several

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_____ Municipal Code at §§ 2.2, 2.3, 3.2a(i)(B). Our approach utilizes the same timeframes set forth in the Model Municipal Code, and we disagree with comments that it is inconsistent with or ignores the work of the BDAC. GMA September 17 *Ex Parte* Letter at 4-5.

²⁹⁹ For instance, while the City of Chicago opposes the shot clocks adopted here, we note that the City has also stated that, “[d]espite th[e] complex review process, involving many utilities and other entities, CDOT on average processed small cell applications last year in 55 days.” Letter from Edward N. Siskel, Corp. Counsel, Dept. of Law, City of Chicago, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 2 (filed Sept. 19, 2018).

³⁰⁰ Just like the shot clocks originally established in 2009—later affirmed by the Fifth Circuit and the Supreme Court—the shot clocks framework in this Third Report and Order are no more than an interpretation of “the limits Congress already imposed on State and local governments” through its enactment of Section 332(c)(7). *2009 Declaratory Ruling*, 24 FCC Rcd at 14002, para. 25. *See also City of Arlington*, 668 F.3d at 259. As explained in the *2009 Declaratory Ruling*, the shot clocks derived from Section 332(c)(7) “will not preempt State or local governments from reviewing applications for personal wireless service facilities placement, construction, or modification,” and they “will continue to decide the outcome of personal wireless service facility siting applications pursuant to the authority Congress reserved to them in Section 332(c)(7)(A).” *2009 Declaratory Ruling*, 24 FCC Rcd at 14002, para. 25.

³⁰¹ CTIA Comments, WT Docket No. 16-421, at 33 (filed Mar. 8, 2017); Letter from Juan Huizar, City Manager of the City of Pleasanton, TX, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 1 (filed June 4, 2018) (describing the firsthand benefit of small cells and noting that communications infrastructure is a critical component of local growth); Letter from Sara Blackhurst, President, Action 22, to the Hon. Brendan Carr, Commissioner, FCC, WT Docket No. 17-79, at 2 (filed May 18, 2018) (*Action 22 Ex Parte*) (“While we understand the need for relevant federal rules and protections appropriate for larger wireless infrastructure, we feel these same rules are not well-suited for smaller wireless facilities and risk slowing deployment in communities that need connectivity now.”); Letter from Maurita Coley Flippin, President and CEO, MMTC, to the Hon. Ajit Pai, Chairman, FCC, WT Docket No. 17-79 at 2 (filed Sept. 5, 2018) (encourages the Commission to remove unnecessary barriers such as unreasonable delays so deployment can proceed expeditiously); Fred A. Lamphere Sept. 11, 2018 *Ex Parte* Letter at 1 (It is critical that the Commission continue to remove barriers to building new wireless infrastructure such as by setting reasonable timelines to review applications).

³⁰² T-Mobile Comments at 20; Crown Castle Reply at 5 (noting that the adoption of similar time frames by several states for small cell siting review confirms their reasonableness, and the Commission should apply these deadlines on a nationwide basis).

³⁰³ Alaska Dep’t of Natural Resources Comments at 2 (“[W]e are currently meeting or exceeding the proposed timeframe of the ‘Shot Clock.’”); *see also* CTIA Aug. 30, 2018 *Ex Parte* Letter at 5 (“Eleven states—Delaware, Florida, Indiana, Kansas, Missouri, North Carolina, Rhode Island, Tennessee, Texas, Utah, and Virginia—recently adopted small cell legislation that includes 45-day or 60-day shot clocks for small cell collocations.”); Jason R. Saine Sept. 14, 2018 *Ex Parte* Letter.

jurisdictions require by law that collocation applications be processed in 60 days or less.³⁰⁴ With the passage of time, siting agencies have become more efficient in processing siting applications.³⁰⁵ These facts demonstrate that a shorter, 60-day shot clock for processing collocation applications for Small Wireless Facilities is reasonable.³⁰⁶

107. As we found in 2009, collocation applications are generally easier to process than new construction because the community impact is likely to be smaller.³⁰⁷ In particular, the addition of an antenna to an existing tower or other structure is unlikely to have a significant visual impact on the community.³⁰⁸ The size of Small Wireless Facilities poses little or no risk of adverse effects on the environment or historic preservation.³⁰⁹ Indeed, many jurisdictions do not require public hearings for approval of such attachments, underscoring their belief that such attachments do not implicate complex issues requiring a more searching review.³¹⁰

108. Further, we find no reason to believe that applying a 60-day time frame for Small Wireless Facility collocations under Section 332 creates confusion with collocations that fall within the scope of “eligible facilities requests” under Section 6409 of the Spectrum Act, which are also subject to a 60-day review.³¹¹ The type of facilities at issue here are distinctly different and the definition of a Small Wireless Facility is clear. Further, siting authorities are required to process Section 6409 applications involving the swap out of certain equipment in 60 days, and we see no meaningful difference in processing these applications than processing Section 332 collocation applications in 60 days. There is

³⁰⁴ North Carolina requires its local governments to decide collocation applications within 45 days of submission of a complete application. N.C. Gen. Stat. Ann. § 153A-349.53(a2). The same 45-day shot clock applies to certain collocations in Florida. Fla. Stat. Ann. § 365.172(13)(a)(1), (d)(1). In New Hampshire, applications for collocation or modification of wireless facilities generally have to be decided within 45 days (subject to some exceptions under certain circumstances) or the application is deemed approved. N.H. Rev. Stat. Ann. § 12-K:10. Wisconsin requires local governments to decide within 45 days of receiving complete applications for collocation on existing support structure that does not involve substantial modification, or the application will be deemed approved, unless the local government and applicant agree to an extension. Wis. Stat. Ann. § 66.0404(3)(c). Local governments in Indiana have 45 days to decide complete collocation applications, unless an extension is allowed under the statute. Ind. Code Ann. § 8-1-32.3-22. Minnesota requires any zoning application, including both collocation and non-collocation applications, to be processed in 60 days. Minn. Stat. § 15.99, subd. 2(a). By not requiring hearings, collocation applications in these states can be processed in a timely manner.

³⁰⁵ Chicago Comments at 7 (“[T]he City has worked to achieve efficient processing times even for applications where no federal deadline exists.”); New Orleans Comments at 3 (“City supports the concept proposed by the Commission . . . to establish . . . more narrowly defined classes of deployments, with distinct reasonable times frames for action within each class.”); Action 22 *Ex Parte* at 2 (“While we understand the need for relevant federal rules and protections appropriate for larger wireless infrastructure, we feel these same rules are not well-suited for smaller wireless facilities and risk slowing deployment in communities that need connectivity now.”).

³⁰⁶ CCA Comments at 11-14; T-Mobile Comments at 20; Incompas Reply at 9; Sprint Comments at 45-47 (noting that Florida, Indiana, Kansas, Texas and Virginia all have passed small cell legislation that requires small cell application attachments to be acted upon in 60 days); T-Mobile Comments at 18 (arguing that the Commission should accelerate the Section 332 shot clocks for all sites to 60 days for collocations, including small cells).

³⁰⁷ 2009 *Declaratory Ruling*, 24 FCC Rcd at 14012, para. 40.

³⁰⁸ TIA Comments at 4.

³⁰⁹ *Wireless Infrastructure Second R&O*, FCC 18-30 at para. 42 (citing Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, 47 CFR Part 1, Appx. B, § VI (Collocation NPA)); *see also* 47 CFR § 1.1306(c)(1) (excluding certain wireless facilities from NEPA review).

³¹⁰ 2009 *Declaratory Ruling*, 24 FCC Rcd at 14012, para. 46.

³¹¹ DESHPO Comments at 2 (“opposes the application of separate time limits for review of facility deployments not covered by the Spectrum Act, as it would lead to confusion within the process for all parties involved (Applicants/Carrier, Consultants, SHPO)”).

no reason to apply different time periods (60 vs. 90 days) to what is essentially the same review: modification of an existing structure to accommodate new equipment.³¹² Finally, adopting a 60-day shot clock will encourage service providers to collocate rather than opting to build new siting structures which has numerous advantages.³¹³

109. Some municipalities argue that smaller facilities are neither objectively “small” nor less obtrusive than larger facilities.³¹⁴ Others contend that shorter shot clocks for a broad category of “smaller” facilities are too restrictive,³¹⁵ and would fail to take into account the varied and unique climate, historic architecture, infrastructure, and volume of siting applications that municipalities face.³¹⁶ We take those considerations into account by clearly defining the category of “Small Wireless Facility” in our rules and allowing siting agencies to rebut the presumptive reasonableness of the shot clocks based upon the actual circumstances they face. For similar reasons, we disagree that establishing shorter shot clocks for smaller facilities would impair states’ and localities’ authority to regulate local rights of way.³¹⁷

110. While some commenters argue that additional shot clock classifications would make the siting process needlessly more complex without any proven benefits,³¹⁸ any additional administrative burden from increasing the number of Section 332 shot clocks from two to four is outweighed by the likely significant benefit of regulatory certainty and the resulting streamlined deployment process.³¹⁹ We

³¹² CTIA Aug. 30, 2018 *Ex Parte* Letter at 6.

³¹³ Letter from Richard Rossi, Senior Vice President, General Counsel, American Tower, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79, at 3 (filed Aug. 10, 2018) (“The reason to encourage collocation is straightforward, it is faster, cheaper, more environmentally sound, and less disruptive than building new structures.”).

³¹⁴ League of Az Cities and Towns Comments at 13, 29 (arguing that many small cells or micro cells can be taller and more visually intrusive than macro cells).

³¹⁵ See, e.g., Letter from Geoffrey C. Beckwith, Executive Director & CEO, Mass. Municipal. Assoc., Boston, MA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, (filed Sept. 11, 2018) (Geoffrey C. Beckwith Sept. 11, 2018 *Ex Parte* Letter); Mike Posey Sept. 11, 2018 *Ex Parte* Letter; Letter from John A. Barbish, Mayor, City of Wickliffe, OH, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 13, 2018); Letter from Pauline Russo Cutter, Mayor, City of San Leandro, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 12, 2018); Letter from Ed Waage, Mayor, City of Pismo Beach, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018); Letter from Scott A. Hancock, Executive Director, MML, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed Sept. 18, 2018); Letter from Leon Towarnicki, City Manager, Martinsville, VA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018); Letter from Thomas Aujero Small, Mayor, City of Culver City, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1 (filed Sept. 18, 2018).

³¹⁶ Philadelphia Comments at 4-5 (arguing that shorter shot clocks should not be implemented because “cities are already resource constrained and any further attempt to further limit the current time periods for review of applications will seriously and adversely affect public safety as well as diminish the proper role, under our federalist system, of state and local governments in regulating local rights of way”); Smart Communities Comments, Docket 16-421, at 13 (filed Mar. 8, 2017) (included by reference by Austin’s Comments); Alaska Dept. of Trans. Comments at 2. See, e.g., TX Hist. Comm. Comments at 2 (current shot clocks are appropriate and that further shortening these shot clocks is not warranted); Arlington, TX Comments at 2; Letter from William Tomko, Mayor of Chagrin Falls, OH, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 1-2 (filed Sept. 17, 2018); Nina Beety Sept. 17, 2018 *Ex Parte* Letter; Georgia Municipal Association Sept. 17, 2018 *Ex Parte* Letter at 4.

³¹⁷ League of Az Cities and Towns *et al.* Comments at 26-27, 29-35; Cities of San Antonio *et. al* Comments at 8; Philadelphia Comments at 4.

³¹⁸ T-Mobile Comments at 22; Florida Coalition Comments at 9 (creating new shot clocks would result in “too many ‘shot clocks’ and both the industry and local governments would be confused as to which shot clock applied to what application”).

³¹⁹ While several parties proposed additional shot clock categories, we believe that the any benefit from a closer tailoring of categories to circumstances is not outweighed by the administrative burden on siting authorities and

also reject the assertion that revising the period of time to review siting decisions would amount to a nationwide land use code for wireless siting.³²⁰ Our approach is consistent with the Model Code for Municipalities that recognizes that the shot clocks that we are adopting for the review of Small Wireless Facility deployment applications correctly balance the needs of local siting agencies and wireless service providers.³²¹ Our balance of the relevant considerations is informed by our experience with the previously adopted shot clocks, the record in this proceeding, and our predictive judgment about the effectiveness of actions taken here to promote the provision of personal wireless services.

111. For similar reasons as set forth above, we also find it reasonable to establish a new 90 day Section 332 shot clock for new construction of Small Wireless Facilities. Ninety days is a presumptively reasonable period of time for localities to review such siting applications. Small Wireless Facilities have far less visual and other impact than the facilities we considered in 2009, and should accordingly require less time to review.³²² Indeed, some state and local governments have already adopted 60-day maximum reasonable periods of time for review of *all* small cell siting applications, and, even in the absence of such maximum requirements, several are already reviewing and approving small-cell siting applications within 60 days or less after filing.³²³ Numerous industry commenters advocated a 90-day shot clock for all non-collocation deployments.³²⁴ Based on this record, we find it reasonable to conclude that review of an application to deploy a Small Wireless Facility using a new structure warrants more review time than a mere collocation, but less than the construction of a macro tower.³²⁵ For the reasons explained below, we

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providers to manage these categories. *See* TX Hist. Comm. Comments at 2 (stating that it “could support a shorter review period for new structures less than fifty (50) feet tall, or where structures are located within or adjacent to existing utility rights-of-way (but not transportation rights-of-way) with existing utility structures taller than the proposed telecommunications structure”); Georgia Dept. of Trans. Comments at 2 (stating that time frames based on the zoning area are reasonable).

³²⁰ Cities of San Antonio *et. al* Comments, Exh. A at 17-18. In the same vein, the Florida Department of Transportation contends that “[p]ermit review times should comply with state statutes,” especially if the industry insists on being treated similarly as other utilities. AASHTO Comments, Attach. at 13 (Florida Dept. of Trans. Comments); *see also* Alaska Dept. of Trans. Comments at 2; TX Dept. of Trans. Comments at 2 (explaining that variations in topography, weather, government interests, and state and local political structure counsel against standardized nationwide shot clocks). The Maryland Department of Transportation is concerned about the shortened shot clocks proposed because they would conflict with a Maryland law that requires a 90-day comment period in considering wireless siting applications and because certain applications can be complex and necessitate longer review periods. AASHTO Comments, Attach. at 40 (MD Dept. of Trans. Comments).

³²¹ BDAC Model Municipal Code at § 3.2a(i)(B).

³²² CTIA Comments, Attach. 1 at 38.

³²³ T-Mobile Comments at 19-20 (stating that some states already have adopted more expedited time frames to lower siting barriers and speed deployment, which demonstrates the reasonableness of the proposed 60-day and 90-day revised shot clocks); Incompas Reply at 9 (stating that there is no basis for differing time-periods for similarly-situated small cell installation requests, and the lack of harmonization could discourage the use of a more efficient infrastructure); CCA Comments at 14 n.52 (citing CCA Streamlining Reply at 7-8 that in Houston, Texas, the review process for small cell deployments “usually takes 2 weeks, but no more than 30 days to process and complete the site review. In Kenton County, Kentucky, the maximum time permitted to act upon new facility siting requests is 60 days. Louisville, Kentucky generally processes small cell siting requests within 30 days, and Matthews, North Carolina generally processes wireless siting applications within 10 days”).

³²⁴ CTIA Reply at 3 (stating that the Commission should shorten the shot clocks to 90 days for new facilities); CTIA Comments at 11-12 (asserting that the existing 150-day review period for new wireless sites should be shortened to 90 days); Crown Castle Comments at 29 (stating that a 90-day shot clock for new facilities is appropriate for macro cells and small cells alike, to the extent such applications require review under Section 332 at all); ExteNet Comments at 8 (asserting that the Commission should accelerate the shot clock for all other non-collocation applications, including those for new DNS poles, from 150 days to 90 days); WIA Reply at 2.

³²⁵ CUA argues that the new shot clocks would force siting authorities to deny applications when they find that applications are incomplete. Letter from Kenneth S. Fellman, Counsel, CUA, to Marlene H. Dortch, Secretary,

also specify today a provision that will initially reset these two new shot clocks in the event that a locality receives a materially incomplete application.

112. Finally, we note that our 60- and 90-day approach is similar to that in pending legislation that has bipartisan congressional support, and is consistent with the Model Code for Municipalities. Specifically, the draft STREAMLINE Small Cell Deployment Act, would apply a 60-day shot clock to collocation of small personal wireless service facilities and a 90-day shot clock to any other action relating to small personal wireless service facilities.³²⁶ Further, the Model Code for Municipalities recommended by the FCC’s Broadband Deployment Advisory Committee also utilizes this same 60-day and 90-day framework for collocation of Small Wireless Facilities and new structures.³²⁷

2. Batched Applications for Small Wireless Facilities

113. Given the way in which Small Wireless Facilities are likely to be deployed, in large numbers as part of a system meant to cover a particular area, we anticipate that some applicants will submit “batched” applications: multiple separate applications filed at the same time, each for one or more sites *or* a single application covering multiple sites.³²⁸ In the *Wireless Infrastructure NPRM/NOI*, the Commission asked whether batched applications should be subject to either longer or shorter shot clocks than would apply if each component of the batch were submitted separately.³²⁹ Industry commenters contend that the shot clock applicable to a batch or a class of applications should be no longer than that applicable to an individual application of the same class.³³⁰ On the other hand, several commenters, contend that batched applications have often been proposed in historic districts and historic buildings (areas that require a more complex review process), and given the complexities associated with reviews of that type, they urge the Commission not to apply shorter shot clocks to batched applications.³³¹ Some localities also argue that a single, national shot clock for batched applications would fail to account for unique local circumstances.³³²

114. We see no reason why the shot clocks for batched applications to deploy Small Wireless Facilities should be longer than those that apply to individual applications because, in many cases, the batching of such applications has advantages in terms of administrative efficiency that could actually

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FCC, WT Docket No. 17-79 et al., at 3 (filed Sept. 18, 2018) (Kenneth S. Fellman Sept. 18, 2018 *Ex Parte* Letter). We disagree that this would be the outcome in such an instance because, as explained below, siting authorities can toll the shot clocks upon a finding of incompleteness.

³²⁶ STREAMLINE Small Cell Deployment Act, S. 3157, 115th Cong. (2018).

³²⁷ BDAC Model Municipal Code at § 3.2a(i)(B),

³²⁸ We define either scenario as “batching” for the purpose of our discussion here.

³²⁹ *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3338, para. 18; *see also* *Mobilitie PN*, 31 FCC Rcd at 13371.

³³⁰ *See, e.g.*, Extenet Comments at 10-11 (“The Commission should not adopt a longer shot clock for batches of multiple DNS applications.”); Sprint Comments, Docket No. 16-421, at 43-44 (filed Mar. 8, 2017); CCA Comments at 16 (“The FCC also should ensure that batch applications are not saddled with a longer shot clock than those afforded to individual siting applications”); Verizon Comments at 42 (“The same 60-day shot clock should apply to applications proposing multiple facilities—so called ‘batch applications.’”); Crown Castle Comments at 30 (“Crown Castle also does not support altering the deadline for ‘batches’ of requests.”); T-Mobile Comments at 22-23 (“[A]n application that batches together similar numbers of small cells of like character and in proximity to one another should also be able to be reviewed within the same time frame”); CTIA Comments at 17 (“There is, however, no need for the Commission to establish different shot clocks for batch processing of similar facilities”).

³³¹ San Antonio Comments, Exh. A at 17, 19-20; *see also* Smart Communities Comments, Docket No. 16-421, at 47 (filed Mar. 8, 2017) (referenced by Austin’s Comments).

³³² Cities of San Antonio *et al.* Comments, Exh. A at 17, 19-20; *see also* Smart Communities Comments, Docket 16-421, at 47 (filed Mar. 8, 2017) (referenced by Austin’s Comments).

make review easier.³³³ Our decision flows from our current Section 332 shot clock policy. Under our two existing Section 332 shot clocks, if an applicant files multiple siting applications on the same day for the same type of facilities, each application is subject to the same number of review days by the siting agency.³³⁴ These multiple siting applications are equivalent to a batched application and therefore the shot clocks for batching should follow the same rules as if the applications were filed separately. Accordingly, when applications to deploy Small Wireless Facilities are filed in batches, the shot clock that applies to the batch is the same one that would apply had the applicant submitted individual applications. Should an applicant file a single application for a batch that includes both collocated and new construction of Small Wireless Facilities, the longer 90-day shot clock will apply, to ensure that the siting authority has adequate time to review the new construction sites.

115. We recognize the concerns raised by parties arguing for a longer time period for at least some batched applications, but conclude that a separate rule is not necessary to address these concerns. Under our approach, in extraordinary cases, a siting authority, as discussed below, can rebut the presumption of reasonableness of the applicable shot clock period where a batch application causes legitimate overload on the siting authority's resources.³³⁵ Thus, contrary to some localities' arguments,³³⁶ our approach provides for a certain degree of flexibility to account for exceptional circumstances. In addition, consistent with, and for the same reasons as our conclusion below that Section 332 does not permit states and localities to prohibit applicants from requesting multiple types of approvals simultaneously,³³⁷ we find that Section 332(c)(7)(B)(ii) similarly does not allow states and localities to refuse to accept batches of applications to deploy Small Wireless Facilities.

B. New Remedy for Violations of the Small Wireless Facilities Shot Clocks

116. In adopting these new shot clocks for Small Wireless Facility applications, we also provide an additional remedy that we expect will substantially reduce the likelihood that applicants will need to pursue additional and costly relief in court at the expiration of those time periods.

117. At the outset, and for the reasons the Commission articulated when it adopted the 2009 shot clocks, we determine that the failure of a state or local government to issue a decision on a Small Wireless Facility siting application within the presumptively reasonable time periods above will constitute a "failure to act" within the meaning of Section 332(c)(7)(B)(v). Therefore, a provider is, at a minimum, entitled to the same process and remedies available for a failure to act within the new Small Wireless Facility shot clocks as they have been under the FCC's 2009 shot clocks. But we also add an additional remedy for our new Small Wireless Facility shot clocks.

118. State or local inaction by the end of the Small Wireless Facility shot clock will function not only as a Section 332(c)(7)(B)(v) failure to act but also amount to a presumptive prohibition on the provision of personal wireless services within the meaning of Section 332(c)(7)(B)(i)(II). Accordingly, we would expect the state or local government to issue all necessary permits without further delay. In cases where such action is not taken, we assume, for the reasons discussed below, that the applicant

³³³ See, e.g., Sprint Comments, Docket No. 16-421, at 43-44 (filed Mar. 8, 2017); Verizon Comments at 42; CTIA Comments at 17.

³³⁴ WIA Comments at 27 ("Merely bundling similar sites into a single batched application should not provide a locality with more time to review a single batched application than to process the same applications if submitted individually.").

³³⁵ See *infra* paras. 117, 119. See Letter from Nina Beety, to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 17, 2018); Letter from Dave Ruller, City Manager, City of Kent, OH, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 at 2 (filed Sept. 18, 2018).

³³⁶ Cities of San Antonio *et al.* Comments, Exh. A at 17, 19-20; see also Smart Communities Comments, Docket 16-421, at 47 (filed Mar. 8, 2017) (referenced by Austin's Comments).

³³⁷ See *infra* para. 144.

would have a straightforward case for obtaining expedited relief in court.³³⁸

119. As discussed in the Declaratory Ruling, a regulation under Section 332(c)(7)(B)(i)(II) constitutes an effective prohibition if it materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.³³⁹ Missing shot clock deadlines would thus presumptively have the effect of unlawfully prohibiting service in that such failure to act can be expected to materially limit or inhibit the introduction of new services or the improvement of existing services.³⁴⁰ Thus, when a siting authority misses the applicable shot clock deadline, the applicant may commence suit in a court of competent jurisdiction alleging a violation of Section 332(c)(7)(B)(i)(II), in addition to a violation of Section 332(c)(7)(B)(ii), as discussed above. The siting authority then will have an opportunity to rebut the presumption of effective prohibition by demonstrating that the failure to act was reasonable under the circumstances and, therefore, did not materially limit or inhibit the applicant from introducing new services or improving existing services.

120. Given the seriousness of failure to act within a reasonable period of time, we expect, as noted above, siting authorities to issue without any further delay all necessary authorizations when notified by the applicant that they have missed the shot clock deadline, absent extraordinary circumstances. Where the siting authority nevertheless fails to issue all necessary authorizations and litigation is commenced based on violations of Sections 332(c)(7)(B)(i)(II) and/or 332(c)(7)(B)(ii), we expect that applicants and other aggrieved parties will likely pursue equitable judicial remedies.³⁴¹ Given the relatively low burden on state and local authorities of simply acting—one way or the other—within the Small Wireless Facility shot clocks, we think that applicants would have a relatively low hurdle to clear in establishing a right to expedited judicial relief. Indeed, for violations of Section 332(c)(7)(B), courts commonly have based the decision whether to award preliminary and permanent injunctive relief on several factors. As courts have concluded, preliminary and permanent injunctions fulfill Congressional intent that action on applications be timely and that courts consider violations of Section 332(c)(7)(B) on an expedited basis.³⁴² In addition, courts have observed that “[a]lthough Congress in the Telecommunications Act left intact some of local zoning boards’ authority under state law,” they should not be owed deference on issues relating to Section 332(c)(7)(B)(ii), meaning that “in the majority of cases the proper remedy for a zoning board decision that violates the Act will be an order. . . instructing the board to authorize construction.”³⁴³ Such relief also is supported where few or no issues remain to be decided, and those that remain can be addressed by a court.³⁴⁴

121. Consistent with those sensible considerations reflected in prior precedent, we expect that

³³⁸ Where we discuss litigation here, we refer, for convenience, to “the applicant” or the like, since that is normally the party that pursues such litigation. But we reiterate that under the Act, “[a]ny person adversely affected by” the siting authority’s failure to act could pursue such litigation. 47 U.S.C. § 332(c)(7)(B)(v).

³³⁹ See *supra* paras. 34-42.

³⁴⁰ *Id.*

³⁴¹ See, e.g., *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12978, para. 284.

³⁴² See, e.g., *Green Mountain Realty Corp. v. Leonard*, 750 F.3d 30, 41 (1st Cir. 2014) (addressing claimed violation of Section 332(c)(7)(B)(i)(II) of the Act); *Nat’l Tower, LLC v. Plainville Zoning Bd. of Appeals*, 297 F.3d 14, 21-22 (1st Cir. 2002) (*Nat’l Tower*) (same); *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 497 (2d Cir. 1999) (addressing violation of Section 332(c)(7)(B)(v) of the Act); *AT&T Mobility Servs., LLC v. Vill. of Corrales*, 127 F. Supp. 3d 1169, 1175-76 (D.N.M. 2015) (addressing violation of Section 332(c)(7)(B)(i)(II)); *Bell Atl. Mobile of Rochester v. Town of Irondequoit*, 848 F. Supp. 2d 391, 403 (W.D.N.Y. 2012) (addressing violation of Section 332(c)(7)(B)(ii)); *New Cingular Wireless PCS, LLC v. City of Manchester*, 2014 WL 79932, *8 (D.N.H. Feb. 28, 2014) (addressing violation of Section 332(c)(7)(B)(i)(II)).

³⁴³ See, e.g., *Nat’l Tower*, 297 F.3d at 21-22; *AT&T Mobility*, 127 F. Supp. 3d at 1176.

³⁴⁴ See, e.g., *Green Mountain Realty*, 750 F.3d at 41-42; *Nat’l Tower*, 297 F.3d at 24-25; *Cellular Tel. Co.*, 166 F.3d at 497; *Bell Atl. Mobile*, 848 F. Supp. 2d at 403; *New Cingular Wireless PCS*, 2014 WL 79932, *8.

courts will typically find expedited and preliminary and permanent injunctive relief warranted for violations of Sections 332(c)(7)(B)(i)(II) and 332(c)(7)(B)(ii) of the Act when addressing the circumstances discussed in this Order. Prior findings that preliminary and permanent injunctive relief best advances Congress's intent in assuring speedy resolution of issues encompassed by Section 332(c)(7)(B) appear equally true in the case of deployments of Small Wireless Facilities covered by our interpretation of Section 332(c)(7)(B)(ii) in this Third Report and Order.³⁴⁵ Although some courts, in deciding whether an injunction is the appropriate form of relief, have considered whether a siting authority's delay resulted from bad faith or involved other abusive conduct,³⁴⁶ we do not read the trend in court precedent overall to treat such considerations as more than relevant (as opposed to indispensable) to an injunction. We believe that this approach is sensible because guarding against barriers to the deployment of personal wireless facilities not only advances the goal of Section 332(c)(7)(B) but also policies set out elsewhere in the Communications Act and 1996 Act, as the Commission recently has recognized in the case of Small Wireless Facilities.³⁴⁷ This is so whether or not these barriers stem from bad faith. Nor do we anticipate that there would be unresolved issues implicating the siting authority's expertise and therefore requiring remand in most instances.

122. In light of the more detailed interpretations that we adopt here regarding reasonable time frames for siting authority action on specific categories of requests—including guidance regarding circumstances in which longer time frames nonetheless can be reasonable—we expect that litigation generally will involve issues that can be resolved entirely by the relevant court. Thus, as the Commission has stated in the past, “in the case of a failure to act within the reasonable time frames set forth in our rules, and absent some compelling need for additional time to review the application, we believe that it would also be appropriate for the courts to treat such circumstances as significant factors weighing in favor of [injunctive] relief.”³⁴⁸ We therefore caution those involved in potential future disputes in this area against placing too much weight on the Commission's recognition that a siting authority's failure to act within the associated timeline might not always result in a preliminary or permanent injunction under the Section 332(c)(7)(B) framework while placing too little weight on the Commission's recognition that policies established by federal communications laws are advanced by streamlining the process for deploying wireless facilities.

123. We anticipate that the traditional requirements for awarding preliminary or permanent injunctive relief would likely be satisfied in most cases and in most jurisdictions where a violation of 332(c)(7)(B)(i)(II) and/or 332(c)(7)(B)(ii) is found. Typically, courts require movants to establish the following elements of preliminary or permanent injunctive relief: (1) actual success on the merits for permanent injunctive relief and likelihood of success on the merits for preliminary injunctive relief, (2) continuing irreparable injury, (3) the absence of an adequate remedy at law, (4) the injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party, and (5) award of injunctive relief would not be adverse to the public interest.³⁴⁹ Actual success on the merits would be

³⁴⁵ See *Green Mountain Realty Corp.*, 750 F.3d at 41 (reasoning that remand to the siting authority “would not be in accordance with the text or spirit of the Telecommunications Act”); *Cellular Tel. Co.*, 166 F.3d at 497 (noting “that injunctive relief best serves the TCA's stated goal of expediting resolution” of cases brought under 47 U.S.C. § 332(c)(7)(B)(v)).

³⁴⁶ See, e.g., *Nat'l Tower*, 297 F.3d at 23; *Up State Tower Co. v. Town of Kiantone*, 718 Fed. Appx. 29, 32 (2d Cir. 2017) (Summary Order).

³⁴⁷ See, e.g., *Wireless Infrastructure Second R&O*, FCC 18-30 at para. 62; *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3332, para. 5.

³⁴⁸ *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12978, para. 284.

³⁴⁹ *Pub. Serv. Tel. Co. v. Georgia Pub. Serv. Comm'n*, 755 F. Supp. 2d 1263, 1273 (N.D. Ga.), *aff'd*, 404 F. App'x 439 (11th Cir. 2010); *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1097 (11th Cir. 2004); *Nat. Res. Def. Council v. Texaco Ref. & Mktg., Inc.*, 906 F.2d 934, 941 (3d Cir. 1990); *Randolph v. Rodgers*, 170 F.3d 850, 857 (8th Cir. 1999); *Prairie Band Potawatomi Nation v. Wagnon*, 476 F.3d 818, 822 (10th Cir. 2007); *Walters v. Reno*, 145 F.3d 1032, 1048 (9th Cir. 1998); *K-Mart Corp. v. Oriental Plaza, Inc.*, 875 F.2d 907, 914–15 (1st Cir. 1989).

demonstrated when an applicant prevails in its failure-to-act or effective prohibition case; likelihood of success would be demonstrated because, as discussed, missing the shot clocks, depending on the type of deployment, presumptively prohibits the provision of personal wireless services and/or violates Section 332(c)(7)(B)(ii)'s requirement to act within a reasonable period of time.³⁵⁰ Continuing irreparable injury likely would be found because remand to the siting authority “would serve no useful purpose” and would further delay the applicant’s ability to provide personal wireless service to the public in the area where deployment is proposed, as some courts have previously determined.³⁵¹ There also would be no adequate remedy at law because applicants “have a federal statutory right to participate in a local [personal wireless services] market free from municipally-imposed barriers to entry,” and money damages cannot directly substitute for this right.³⁵² The public interest and the balance of harms also would likely favor the award of a preliminary or permanent injunction because the purpose of Section 332(c)(7) is to encourage the rapid deployment of personal wireless facilities while preserving, within bounds, the authority of states and localities to regulate the deployment of such facilities, and the public would benefit if further delays in the deployment of such facilities—which a remand would certainly cause—are prevented.³⁵³ We also expect that the harm to the siting authority would be minimal because the only right of which it would be deprived by a preliminary or permanent injunction is the right to act on the siting application beyond a reasonable time period,³⁵⁴ a right that “is not legally cognizable, because under [Sections 332(c)(7)(B)(i)(II) and 332(c)(7)(B)(ii)], the [siting authority] has no right to exercise this power.”³⁵⁵ Thus, in the context of Small Wireless Facilities, we expect that the most appropriate remedy in typical cases involving a violation of Sections 332(c)(7)(B)(i)(II) and/or 332(c)(7)(B)(ii) is the award of injunctive relief in the form of an order to issue all necessary authorizations.³⁵⁶

124. Our approach advances Section 332(c)(7)(B)(v)'s provision that certain siting disputes, including those involving a siting authority's failure to act, shall be heard and decided by a court of competent jurisdiction on an expedited basis. The framework reflected in this Order will provide the courts with substantive guiding principles in adjudicating Section 332(c)(7)(B)(v) cases, but it will not dictate the result or the remedy appropriate for any particular case; the determination of those issues will remain within the courts' domain.³⁵⁷ This accords with the Fifth Circuit's recognition in *City of Arlington*

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Note that the standards for permanent injunctive relief differ in some respects among the circuits and the states. For example, “most courts do not consider the public interest element in deciding whether to issue a permanent injunction, though the Third Circuit has held otherwise.” *Klay*, 376 F.3d at 1097. Courts in the Second Circuit consider only irreparable harm and success on the merits. *Omnipoint Commc'ns, Inc. v. Vill. of Tarrytown Planning Bd.*, 302 F. Supp. 2d 205, 225 (S.D.N.Y. 2004). The Third and Fifth Circuits have precedents holding that irreparable harm is not an essential element of a permanent injunction. See *Roe v. Operation Rescue*, 919 F.2d 857, 873 n. 8 (3d Cir. 1990); *Lewis v. S. S. Baune*, 534 F.2d 1115, 1123–24 (5th Cir. 1976). For the sake of completeness, our analysis discusses all of the elements that have been used in decided cases.

³⁵⁰ See *New Jersey Payphone*, 130 F. Supp. 2d at 640.

³⁵¹ See *Vill. of Tarrytown Planning Bd.*, 302 F. Supp. 2d at 225–26 (quoting *Nextel Partners, Inc. v. Town of Amherst, N.Y.*, 251 F. Supp. 2d 1187, 1201 (W.D.N.Y. 2003)); see *Upstate Cellular Network v. City of Auburn*, 257 F. Supp. 3d 309, 318 (N.D.N.Y. 2017).

³⁵² *New Jersey Payphone*, 130 F. Supp. 2d at 641.

³⁵³ *City of Arlington*, 668 F.3d at 234.

³⁵⁴ *Contra* 47 U.S.C. 332(c)(7)(B)(ii).

³⁵⁵ *New Jersey Payphone*, 130 F. Supp. 2d at 641.

³⁵⁶ See *Cellular Tel. Co.*, 166 F.3d at 496. While our discussion here focused on cases that apply the permanent injunction standard, we have the same view regarding relief under the preliminary injunction standard when a locality fails to act within the applicable shot clock periods. See, e.g., *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) (discussing the standard for preliminary injunctive relief).

³⁵⁷ Several commenters support this position, urging the Commission to reaffirm that adversely affected applicants must seek redress from the courts. See, e.g., *League of Ar Cities and Towns et al. Comments* at 14-21; Philadelphia

that the Act could be read “as establishing a framework in which a wireless service provider must seek a remedy for a state or local government’s unreasonable delay in ruling on a wireless siting application in a court of competent jurisdiction while simultaneously allowing the FCC to issue an interpretation of § 332(c)(7)(B)(ii) that would guide courts’ determinations of disputes under that provision.”³⁵⁸

125. The guidance provided here should reduce the need for, and complexity of, case-by-case litigation and reduce the likelihood of vastly different timing across various jurisdictions for the same type of deployment.³⁵⁹ This clarification, along with the other actions we take in this Third Report and Order, should streamline the courts’ decision-making process and reduce the possibility of inconsistent rulings. Consequently, we believe that our approach helps facilitate courts’ ability to “hear and decide such [lawsuits] on an expedited basis,” as the statute requires.³⁶⁰

126. Reducing the likelihood of litigation and expediting litigation where it cannot be avoided should significantly reduce the costs associated with wireless infrastructure deployment. For instance, WIA states that if one of its members were to challenge every shot clock violation it has encountered, it would be mired in lawsuits with forty-six localities.³⁶¹ And this issue is likely to be compounded given the expected densification of wireless networks. Estimates indicate that deployments of small cells could reach up to 150,000 in 2018 and nearly 800,000 by 2026.³⁶² If, for example, 30 percent (based on T-Mobile’s experience³⁶³) of these expected deployments are not acted upon within the applicable shot clock

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Comments at 2; Philadelphia Reply at 4-6; City of San Antonio *et al.* Comments, Exh. B at 14-15; San Francisco Comments at 16-17; Colorado Munis Comments at 7; CWA Reply at 5; Fairfax County Comments at 12-15; AASHTO Comments at 20-21, 23 (ID Dept. of Trans. Comments); NATOA Comments, Attach. 3 at 53-55; NLC Comments at 3-4; Smart Communities Comments at 39-43. Our interpretation thus preserves a meaningful role for courts under Section 332(c)(7)(B)(v), contrary to the concern some commenters expressed with particular focus on alternative proposals we do not adopt, such as a deemed granted remedy. *See, e.g.,* Colorado Comm. and Utility All. *et al.* Comments at 6-7; League of Az Cities and Towns *et al.* Comments at 14-23; Philadelphia Comments at 2; Baltimore Reply at 11; City of San Antonio *et al.* Reply at 2; San Francisco Reply at 6; League of Az Cities and Towns *et al.* Reply at 2-3. In addition, our interpretation of Section 332(c)(7)(B)(ii) does not result in a regime in which the Commission could be seen as implicitly issuing local land use permits, a concern that states and localities raised regarding an absolute deemed granted remedy, because applicants are still required to petition a court for relief, which may include an injunction directing siting authorities to grant the application. *See* Alexandria Comments at 2; Baltimore Reply at 10; Philadelphia Reply at 8; Smart Cities Coal Comments at ii, 4, 39.

³⁵⁸ *City of Arlington*, 668 F.3d at 250.

³⁵⁹ The likelihood of non-uniform or inconsistent rulings on what time frames are reasonable or what circumstances could rebut the presumptive reasonableness of the shot clock periods stems from the intrinsic ambiguity of the phrase “reasonable period of time,” which makes it susceptible of varying constructions. *See City of Arlington*, 668 F.3d at 255 (noting “that the phrase ‘a reasonable period of time,’ as it is used in § 332(c)(7)(B)(ii), is inherently ambiguous”); *Capital Network System, Inc. v. FCC*, 28 F.3d 201, 204 (D.C. Cir. 1994) (“Because ‘just,’ ‘unjust,’ ‘reasonable,’ and ‘unreasonable’ are ambiguous statutory terms, this court owes substantial deference to the interpretation the Commission accords them.”). *See also* Lighttower Comments at 3 (“The lack of consistent guidance regarding statutory interpretation is creating uncertainty at the state and local level, with many local jurisdictions seeming to simply make it up as they go. Differences in the federal courts are only exacerbating the patchwork of interpretations at the state and local level.”).

³⁶⁰ 47 U.S.C. § 332(c)(7)(B)(v).

³⁶¹ WIA Comments at 16.

³⁶² *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling*, Public Notice, 31 FCC Rcd 13360, 13363-64 (2016) (citing S&P Global Market Intelligence, John Fletcher, Small Cell and Tower Projections through 2026, SNL Kagan Wireless Investor (Sept. 27, 2016)).

³⁶³ T-Mobile Comments at 8.

period, that would translate to 45,000 violations in 2018 and 240,000 violations in 2026.³⁶⁴ These sheer numbers would render it practically impossible to commence Section 332(c)(7)(B)(v) cases for all violations, and litigation costs for such cases likely would be prohibitive and could virtually bar providers from deploying wireless facilities.³⁶⁵

127. Our updated interpretation of Section 332(c)(7) for Small Wireless Facilities effectively balances the interest of wireless service providers to have siting applications granted in a timely and streamlined manner³⁶⁶ and the interest of localities to protect public safety and welfare and preserve their authority over the permitting process.³⁶⁷ Our specialized deployment categories, in conjunction with the acknowledgement that in rare instances, it may legitimately take longer to act, recognize that the siting process is complex and handled in many different ways under various states' and localities' long-established codes. Further, our approach tempers localities' concerns about the inflexibility of the *Wireless Infrastructure NPRM/NOI*'s deemed granted proposal because the new remedy we adopt here accounts for the breadth of potentially unforeseen circumstances that individual localities may face and the possibility that additional review time may be needed in truly exceptional circumstances.³⁶⁸ We further find that our interpretive framework will not be unduly burdensome on localities because a number of states have already adopted even more stringent deemed granted remedies.³⁶⁹

128. At the same time, there may be merit in the argument made by some commenters that the FCC has the authority to adopt a deemed granted remedy.³⁷⁰ Nonetheless, we do not find it necessary to decide that issue today, as we are confident that the rules and interpretations adopted here will provide substantial relief, effectively avert unnecessary litigation, allow for expeditious resolution of siting applications, and strike the appropriate balance between relevant policy considerations and statutory

³⁶⁴ These numbers would escalate under WIA's estimate that 70 percent of small cell deployment applications exceed the applicable shot clock. WIA Comments at 7.

³⁶⁵ See CTIA Comments at 9 (explaining that, "[p]articularly for small cells, the expense of litigation can rarely be justified"); WIA Comments at 16 (quoting and discussing Lighttower's Comments in 2016 Streamlining Public Notice); T-Mobile Comment, Attach. A at 8.

³⁶⁶ See, e.g., AT&T Comments at 26; CCA Comments at 7, 9, 11-12; CCA Reply at 5-6, 8; Cityscape Consultants Comments at 1; CompTIA Comments at 3; CIC Comments at 17-18; Crown Castle Comments at 23-28; Crown Castle Reply at 3; CTIA Comments at 7-9, Attach. 1 at 5, 39-43, Attach. 2 at 3, 23-24; GCI Comments at 5-9; Lighttower Comments at 7, 18-19; Samsung Comments at 6; T-Mobile Comments at 13, 16, Attach. A at 25; WIA Comments at 15-17.

³⁶⁷ See, e.g., Arizona Munis Comments at 23; Arizona Munis Reply at 8-9; Baltimore Reply at 10; Lansing Comments at 2; Philadelphia Reply at 9-12; Torrance Comments at 1-2; CPUC Comments at 14; CWA Reply at 5; Minnesota Munis Comments at 9; but see CTIA Reply at 9.

³⁶⁸ See, e.g., Chicago Comments at 2 (contending that wireless facilities siting entails fact-specific scenarios); AASHTO Comments, Attach. at 40 (MD Dept. of Trans. SHA Comments) (describing the complexity of reviewing proposed deployments on rights-of-way); AASHTO Comments, Attach. at 51 (Wyoming DOT Comments); Baltimore Reply at 11; Philadelphia Comments at 4; Alexandria Comments at 6; Mukilteo Comments at 1; Alaska Dept. of Trans. Comments at 2; Alaska SHPO Reply at 1.

³⁶⁹ See Fla. Stat. Ann. § 365.172(13)(d)(3.b); Ariz. Rev. Stat. Ann. § 9-594(C) (3); 53 Pa. Stat. Ann. § 11702.4; Cal. Gov't Code § 65964.1; Va. Code Ann. § 15.2-2232; Va. Code Ann. § 15.2-2316.4; Va. Code Ann. § 56-484.29; Va. Code Ann. § 56-484.28; Ky. Rev. Stat. Ann. § 100.987; N.H. Rev. Stat. Ann. § 12-K:10; Wis. Stat. Ann. § 66.0404; Kan. Stat. Ann. § 66-2019(h)(3); Del. Code Ann. tit. 17, § 1609; Iowa Code Ann. § 8C.7A(3)(c)(2); Iowa Code Ann. § 8C.4(4)(5); Iowa Code Ann. § 8C.5; Mich. Comp. Laws Ann. § 125.3514. See also CCA Reply at 9.

³⁷⁰ See, e.g., CTIA Comments at 10-11; T-Mobile Comments at 15-18, Verizon Comments at 37, 39-41, WIA Comments at 17-20.

objectives³⁷¹ guiding our analysis.³⁷²

129. We expect that our decision here will result in localities addressing applications within the applicable shot clocks in a far greater number of cases. Moreover, we expect that the limited instances in which a locality does not issue a decision within that time period will result in an increase in cases where the locality then issues all needed permits. In what we expect would then be only a few cases where litigation commences, our decision makes clear the burden that localities would need to clear in those circumstances.³⁷³ Our updated interpretation of Section 332 for Small Wireless Facilities will help courts to decide failure-to-act cases expeditiously and avoid delays in reaching final dispositions.³⁷⁴ Placing this burden on the siting authority should address the concerns raised by supporters of a deemed granted remedy—that filing suit in court to resolve a siting dispute is burdensome and expensive on applicants, the judicial system, and citizens—because our interpretations should expedite the courts’

³⁷¹ *City of Arlington*, 668 F.3d at 234 (noting that the purpose of Section 332(c)(7) is to balance the competing interests to preserve the traditional role of state and local governments in land use and zoning regulation and the rapid development of new telecommunications technologies).

³⁷² See *supra* paras. 119-20 (explaining how the remedy strikes the proper balance between competing interests). Because our approach to shot clocks involves our interpretation of Section 332(c)(7)(B)(ii) and the consequences that flow from that—and does not rely on Section 253 of the Act—we need not, and thus do not, resolve disputes about the potential use of Section 253 in this specific context, such as whether it could serve as authority for a deemed granted or similar remedy. See, e.g., San Francisco Comments at 9-10; CPUC Comments at 10; Smart Communities Comments at 4-11, 21; Smart Communities Reply at 78-79; League of Az Cities and Towns *et al.* Reply at 4; Alexandria Comments at 5; Irvine Comments at 5; Minnesota Cities Comments at 11-13; Philadelphia Reply at 2, 7; Fairfax County Comments at 17; Greenlining Reply at 4; NRUC Reply at 3-5; NATOA June 21, 2018 *Ex Parte* Letter. To the extent that commenters raise arguments regarding the proper interpretation of “prohibit or have the effect of prohibiting” under Section 253 or the scope of Section 253, these issues are discussed in the Declaratory Ruling, see *supra* paras. 34-42.

³⁷³ See App Association Comments at 9; CCI Comments at 6-8; Conterra Comments at 14-17; ExteNet Comments at 13; T-Mobile Comments at 17; Quintillion Reply at 6; Verizon Comments at 8-18; WIA Comments at 9-10. WIA contends that adoption of a deemed granted remedy is needed because various courts faced with shot clock claims have failed to provide meaningful remedies, citing as an example a case in which the court held that the town failed to act within the shot clock period but then declined to issue an injunction directing the siting agency to grant the application. WIA Comments at 16-17. However, a number of cases involving violations of the “reasonable period of time” requirement of Section 332(c)(7)(B)(ii)—decided either before or after the promulgation of the Commission’s Section 332(c)(7)(B)(ii) shot clocks—have concluded with an award of injunctive relief. See, e.g., *Upstate Cellular Network*, 257 F. Supp. 3d at 318 (concluding that the siting authority’s failure to act within the 150-day shot clock was unreasonable and awarding a permanent injunction in favor of the applicant); *Am. Towers, Inc. v. Wilson County*, No. 3:10-CV-1196, 2014 WL 28953, at *13-14 (M.D. Tenn. Jan. 2, 2014) (finding that the county failed to act within a reasonable period of time, as required under Section 332(c)(7)(B)(ii), and granting an injunction directing the county to approve the applications and issue all necessary authorizations for the applicant to build and operate the proposed tower); *Cincinnati Bell Wireless, LLC v. Brown County*, Ohio, No. 1:04-CV-733, 2005 WL 1629824, at *4-5 (S.D. Ohio July 6, 2005) (finding that the county failed to act within a reasonable period of time under Section 332(c)(7)(B)(ii) and awarding injunctive relief). But see *Up State Tower Co. v. Town of Kiantone*, 718 Fed. Appx. 29 (2d Cir. 2017) (declining to reverse district court’s refusal to issue injunction compelling immediate grant of application). Courts have also held “that injunctive relief best serves the TCA’s stated goal of expediting resolution of” cases brought under Section 332(c)(7)(B)(v). *Cellular Tel. Co.*, 166 F.3d at 497; *Brehmer v. Planning Bd. of Town of Wellfleet*, 238 F.3d 117, 121 (1st Cir. 2001). Under these circumstances, we do not agree with WIA that courts have failed to provide meaningful remedies to such an extent as would require the adoption of a deemed granted remedy.

³⁷⁴ *Zoning Bd. of Adjustment of the Borough of Paramus, N.J.*, 21 F. Supp. 3d at 383, 387 (more than four-and-a-half years for Sprint to prevail in court), *aff’d*, 606 F. App’x 669 (3d Cir. 2015); *Vill. of Corrales*, 127 F. Supp. 3d 1169 (nineteen months from complaint to grant of summary judgment); *Orange County–Poughkeepsie Ltd. P’ship v. Town of E. Fishkill*, 84 F. Supp. 3d 274, 293 (S.D.N.Y.), *aff’d sub nom.*, *Orange County–County Poughkeepsie Ltd. P’ship v. Town of E. Fishkill*, 632 F. App’x 1 (2d Cir. 2015) (seventeen months from complaint to grant of summary judgment).

decision-making process.

130. We find that the more specific deployment categories and shot clocks, which presumptively represent the reasonable period within which to act, will prevent the outcome proponents of a deemed granted remedy seek to avoid: that siting agencies would be forced to reject applications because they would be unable to review the applications within the prescribed shot clock period.³⁷⁵ Because the more specific deployment categories and shot clocks inherently account for the nature and scope of a variety of deployment applications, our new approach should ensure that siting agencies have adequate time to process and decide applications and will minimize the risk that localities will fail to act within the established shot clock periods. Further, in cases where a siting authority misses the deadline, the opportunity to demonstrate exceptional circumstances provides an effective and flexible way for siting agencies to justify their inaction if genuinely warranted. Our overall framework, therefore, should prevent situations in which a siting authority would feel compelled to summarily deny an application instead of evaluating its merits within the applicable shot clock period.³⁷⁶ We also note that if the approach we take in this Order proves insufficient in addressing the issues it is intended to resolve, we may again consider adopting a deemed granted remedy in the future.

131. Some commenters also recommend that the Commission issue a list of “Best Practices” or “Recommended Practices.”³⁷⁷ The joint comments filed by NATOA and other government associations suggest the “development of an informal dispute resolution process to remove parties from an adversarial relationship to a partnership process designed to bring about the best result for all involved” and the development of “a mediation program which could help facilitate negotiations for deployments for parties who seem to have reached a point of intractability.”³⁷⁸ Although we do not at this time adopt these proposals, we note that the steps taken in this order are intended to facilitate cooperation between parties to reach mutually agreed upon solutions. For example, as explained below, mutual agreement between the parties will toll the running of the shot clock period, thereby allowing parties to resolve disagreements in a collaborative, instead of an adversarial, setting.³⁷⁹

C. Clarification of Issues Related to All Section 332 Shot Clocks

1. Authorizations Subject to the “Reasonable Period of Time” Provision of Section 332(c)(7)(B)(ii)

132. As indicated above, Section 332(c)(7)(B)(ii) requires state and local governments to act “within a reasonable period of time” on “any request for authorization to place, construct, or modify personal wireless service facilities.”³⁸⁰ Neither the *2009 Declaratory Ruling* nor the *2014 Wireless Infrastructure Order* addressed the specific types of authorizations subject to this requirement. Industry commenters contend that the shot clocks should apply to all authorizations a locality may require, and to all aspects of and steps in the siting process, including license or franchise agreements to access ROW, building permits, public notices and meetings, lease negotiations, electric permits, road closure permits, aesthetic approvals, and other authorizations needed for deployment.³⁸¹ Local siting authorities, on the other hand, argue that a broad application of Section 332 will harm public safety and welfare by not

³⁷⁵ Baltimore Reply at 12; Mukilteo Comments at 1; Cities of San Antonio *et al.* Reply at 10; Washington Munis Comments, Attach. 1 at 8-9; *but see* CTIA Reply at 9.

³⁷⁶ We also note that a summary denial of a deployment application is not permitted under Section 332(c)(7)(B)(iii), which requires the siting authority to base denials on “substantial evidence contained in a written record.”

³⁷⁷ KS Rep. Sloan Comments at 2; Nokia Comments at 10.

³⁷⁸ NATOA *et al.* Comments at 16-17.

³⁷⁹ *See infra* paras. 145-46.

³⁸⁰ *See* 47 U.S.C. § 332(c)(7)(B)(ii).

³⁸¹ *See, e.g.*, CTIA Comments at 15; CTIA Reply at 10; Mobilite Comments at 6-7; WIA Comments at 24; WIA Reply at 13; T-Mobile Comments at 21-22; CCA Reply at 9; Sprint June 18 *Ex Parte* at 3.

giving them enough time to evaluate whether a proposed deployment endangers the public.³⁸² They assert that building and encroachment permits should not be subsumed within the shot clocks because these permits incorporate essential health and safety reviews.³⁸³ After carefully considering these arguments, we find that “any request for authorization to place, construct, or modify personal wireless service facilities” under Section 332(c)(7)(B)(ii) means all authorizations necessary for the deployment of personal wireless services infrastructure. This interpretation finds support in the record and is consistent with the courts’ interpretation of this provision and the text and purpose of the Act.

133. The starting point for statutory interpretation is the text of the statute,³⁸⁴ and here, the statute is written broadly, applying to “any” request for authorization to place, construct, or modify personal wireless service facilities. The expansive modifier “any” typically has been interpreted to mean “one or some indiscriminately of whatever kind,” unless Congress “add[ed] any language limiting the breadth of that word.”³⁸⁵ The title of Section 332(c)(7) (“Preservation of local zoning authority”) does not restrict the applicability of this section to zoning permits in light of the clear text of Section 332(c)(7)(B)(ii).³⁸⁶ The text encompasses not only requests for authorization to *place* personal wireless service facilities, e.g., zoning requests, but also requests for authorization to *construct* or *modify* personal wireless service facilities. These activities typically require more than just zoning permits. For example, in many instances, localities require building permits, road closure permits, and the like to make construction or modification possible.³⁸⁷ Accordingly, the fact that the title standing alone could be read

³⁸² League of Az Cities and Towns *et al.* Reply at 21-22. *See also* Arlington County, Sept. 18 *Ex Parte* Letter at 1-2 (asserting that it is infeasible to have the shot clock encompass all steps related the small cell siting process because there is no single application to get ROW access, public notice, lease negotiations, road closures, etc.; because these are separate processes involving different departments; and because the timeline in some instances will depend on the applicant, or the required information may interrelate in a manner that makes doing them all at once infeasible); Letter from Robert McBain, Mayor, Piedmont, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 3 (filed Sept. 18, 2018).

³⁸³ League of Az Cities and Towns *et al.* Reply at 21-22.

³⁸⁴ *Implementation of Section 402(b)(1)(a) of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, 11 FCC Rcd 11233 (1996); *2002 Biennial Regulatory Review*, Report, 18 FCC Rcd 4726, 4731-32 (2003); *Perrin v. United States*, 444 U.S. 37, 42 (1979) (“A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.”); *Communications Assistance for Law Enf’t Act & Broadband Access & Servs.*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd. 14989, 14992-93, para. 9 (2005) (interpreting an ambiguous statute by considering the “structure and history of the relevant provisions, including Congress’s stated purposes” in order to “faithfully implement[] Congress’s intent”); *Cohen v. JP Morgan Chase & Co.*, 498 F.3d 111, 116 (2d Cir. 2007) (using legislative history “to identify Congress’s clear intent”); *Arnold v. United Parcel Serv., Inc.*, 136 F.3d 854, 858 (1st Cir. 1998) (same).

³⁸⁵ *United States v. Gonzales*, 520 U.S. 1, 5 (1997) (quoting Webster’s Third New International Dictionary 97 (1976)); *HUD v. Rucker*, 535 U.S. 125, 131 (2002).

³⁸⁶ *See Bhd. of R. R. Trainmen v. Baltimore & O. R. Co.*, 331 U.S. 519, 528-29 (1947) (“[H]eadings and titles are not meant to take the place of the detailed provisions of the text.”). Our conclusion is also consistent with our interpretation that Sections 253 and 332(c)(7) apply to fees for all applications related to a Small Wireless Facility. *See supra* para. 50.

³⁸⁷ *See, e.g.*, Virginia Joint Commenters Comments at 21-22 (stating that deployment of personal wireless facilities generally requires excavation and building permits); San Francisco Comments at 4-7, 12, 20-22 (describing the permitting process in San Francisco, the layers of multi-departmental review involved, and the required authorizations before certain personal wireless facilities can be constructed); Smart Cities Coal. Comments at 33-34 (describing several authorizations necessary to deploy personal wireless facilities depending on the location, e.g., public rights-of-way and other public properties, of the proposed site and the size of the proposed facility).

to limit Section 332(c)(7) to zoning decisions does not overcome the specific language of Section 332(c)(7)(B)(ii), which explicitly applies to a variety of authorizations.³⁸⁸

134. The purpose of the statute also supports a broad interpretation. As noted above, the Supreme Court has stated that the 1996 Act was enacted “to promote competition and higher quality in American telecommunications services and to encourage the rapid deployment of new telecommunications technologies” by, *inter alia*, reducing “the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.”³⁸⁹ A narrow reading of the scope of Section 332 would frustrate that purpose by allowing local governments to erect impediments to the deployment of personal wireless services facilities by using or creating other forms of authorizations outside of the scope of Section 332(c)(7)(B)(ii).³⁹⁰ This is especially true in jurisdictions requiring multi-departmental siting review or multiple authorizations.³⁹¹

135. In addition, our interpretation remains faithful to the purpose of Section 332(c)(7) to balance Congress’s competing desires to preserve the traditional role of state and local governments in regulating land use and zoning, while encouraging the rapid development of new telecommunications technologies.³⁹² Under our interpretation, states and localities retain their authority over personal wireless facilities deployment. At the same time, deployment will be kept on track by ensuring that the entire approval process necessary for deployment is completed within a reasonable period of time, as defined by the shot clocks addressed in this Third Report and Order.

136. A number of courts have either explicitly or implicitly adopted the same view, that all necessary permits are subject to Section 332. For example, in *Cox Communications PCS, L.P. v. San Marcos*, the court considered an excavation permit application as falling within the parameters of Section 332.³⁹³ In *USCOC of Greater Missouri, LLC v. County of Franklin*, the Eighth Circuit reasoned that “[t]he issuance of the requisite building permits” for the construction of a personal wireless services facility arises under Section 332(c)(7).³⁹⁴ In *Ogden Fire Co. No. 1 v. Upper Chichester Township*, the Third Circuit affirmed the district court’s order compelling the township to issue a building permit for the

³⁸⁸ See *Bhd. of R. R. Trainmen v. Baltimore & O. R. Co.*, 331 U.S. 519, 528-29 (1947). If the title of Section 332(c)(7) were to control the interpretation of the text, it would render superfluous the provision of Section 332(c)(7)(B)(ii) that applies to “authorization to . . . construct, or modify personal wireless service facilities” and give effect only to the provision that applies to “authorization to place . . . personal wireless service facilities.” This result would “flout[] the rule that ‘a statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous.’” *Clark v. Rameker*, 134 S. Ct. 2242, 2248 (2014) (quoting *Corley v. United States*, 556 U.S. 303, 314 (2009)).

³⁸⁹ *City of Rancho Palos Verdes v. Abrams*, 544 U.S. at 115 (internal quotation marks and citations omitted).

³⁹⁰ For example, if we were to interpret Section 332(c)(7)(B)(ii) to cover only zoning permits, states and localities could delay their consideration of other permits (e.g., building, electrical, road closure or other permits) to thwart the proposed deployment.

³⁹¹ See, e.g., Virginia Joint Commenters Comments at 21-22; San Francisco Comments at 4-7, 12, 20-22; Smart Communities Comments at 33-34; CTIA Comments at 15 (stating that some jurisdictions “impose multiple, sequential stages of review”); WIA Comments at 24 (noting that “[m]any jurisdictions grant the application within the shot clock period only to stall on issuing the building permit”); Verizon Comments at 6 (stating that “[a] large Southwestern city requires applicants to obtain separate and sequential approvals from three different governmental bodies before it will consider issuing a temporary license agreement to access city rights-of-way”); Sprint June 18 *Ex Parte* at 3 (noting that “after a land-use permit or attachment permit is received, many localities still require electric permits, road closure permits, aesthetic approval, and other types of reviews that can extend the time required for final permission well beyond just the initial approval.”).

³⁹² *City of Arlington*, 668 F.3d at 234.

³⁹³ *Cox Commc’ns PCS, L.P. v. San Marcos*, 204 F. Supp. 2d 1272 (S.D. Cal. 2002).

³⁹⁴ *USCOC of Greater Mo., LLC v. County of Franklin*, 636 F.3d 927, 931-32 (8th Cir. 2011).

construction of a wireless facility after finding that the township had violated Section 332(c)(7).³⁹⁵ In *Upstate Cellular Network v. Auburn*, the court directed the city to approve the application, including site plan approval by the planning board, granting a variance by the zoning authority, and “any other municipal approval or permission required by the City of Auburn and its boards or officers, including but not limited to, a building permit.”³⁹⁶ And in *PI Telecom Infrastructure V, LLC v. Georgetown–Scott County Planning Commission*, the court ordered that the locality grant “any and all permits necessary for the construction of the proposed wireless facility.”³⁹⁷ Our interpretation is also consistent with judicial precedents involving challenges under Section 332(c)(7)(B) to denials by a wide variety of governmental entities, many of which involved variances,³⁹⁸ special use/conditional use permits,³⁹⁹ land disturbing activity and excavation permits,⁴⁰⁰ building permits,⁴⁰¹ and a state department of education permit to install an antenna at a high school.⁴⁰² Notably, a lot of cases have involved local agencies that are separate and distinct from the local zoning authority,⁴⁰³ confirming that Section 332(c)(7)(B) is not limited in application to decisions of zoning authorities. Our interpretation also reflects the examples in the record where providers are required to obtain other types of authorizations besides zoning permits before they can “place, construct, or modify personal wireless service facilities.”⁴⁰⁴

137. We reject the argument that this interpretation of Section 332 will harm the public because it would “mean that building and safety officials would have potentially only a few days to

³⁹⁵ *Ogden Fire Co. No. 1 v. Upper Chichester TP.*, 504 F.3d 370, 395-96 (3d Cir. 2007).

³⁹⁶ *Upstate Cellular Network*, 257 F. Supp. 3d at 319.

³⁹⁷ *PI Telecom Infrastructure V, LLC v. Georgetown–Scott County Planning Commission*, 234 F. Supp. 3d 856, 872 (E.D. Ky. 2017). *Accord T-Mobile Ne. LLC v. Lowell*, Civil Action No. 11–11551–NMG, 2012 WL 6681890, *6-7, *11 (D. Mass. Nov. 27, 2012) (directing the zoning board “to issue all permits and approvals necessary for the construction of the plaintiffs’ proposed telecommunications facility”); *New Par v. Franklin County Bd. of Zoning Appeals*, No. 2:09–cv–1048, 2010 WL 3603645, *4 (S.D. Ohio Sept. 10, 2010) (enjoining the zoning board to “grant the application and issue all permits required for the construction of the” proposed wireless facility).

³⁹⁸ See, e.g., *New Par v. City of Saginaw*, 161 F. Supp. 2d 759, 760 (E.D. Mich. 2001), *aff’d*, 301 F.3d 390 (6th Cir. 2002)

³⁹⁹ See, e.g., *Virginia Metronet, Inc. v. Bd. of Sup’rs of James City County*, 984 F. Supp. 966, 968 (E.D. Va. 1998); *Cellular Tel. Co.*, 166 F.3d at 491; *T-Mobile Cent., LLC v. Unified Gov’t of Wyandotte County*, 546 F.3d 1299, 1303 (10th Cir. 2008); *City of Anacortes*, 572 F.3d at 989; *Helcher*, 595 F.3d at 713-14; *AT&T Wireless Servs. of California LLC v. City of Carlsbad*, 308 F. Supp. 2d 1148, 1152 (S.D. Cal. 2003); *PrimeCo Pers. Commc’ns L.P. v. City of Mequon*, 242 F. Supp. 2d 567, 570 (E.D. Wis.), *aff’d*, 352 F.3d 1147 (7th Cir. 2003); *Preferred Sites, LLC v. Troup County*, 296 F.3d 1210, 1212 (11th Cir. 2002).

⁴⁰⁰ See, e.g., *Tennessee ex rel. Wireless Income Properties, LLC v. City of Chattanooga*, 403 F.3d 392, 394 (6th Cir. 2005); *Cox Commc’ns PCS, L.P. v. San Marcos*, 204 F. Supp. 2d 1272 (S.D. Cal. 2002).

⁴⁰¹ See, e.g., *Upstate Cellular Network*, 257 F. Supp. 3d at 319; *Ogden Fire Co. No. 1 v. Upper Chichester Twp.*, 504 F.3d 370, 395-96 (3rd Cir. 2007).

⁴⁰² *Sprint Spectrum, L.P. v. Mills*, 65 F. Supp. 2d 148, 150 (S.D.N.Y. 1999), *aff’d*, 283 F.3d 404 (2d Cir. 2002).

⁴⁰³ See, e.g., *Tennessee ex rel. Wireless Income Props., LLC v. City of Chattanooga*, 403 F.3d 392, 394 (6th Cir. 2005) (city public works department); *Sprint PCS Assets, L.L.C. v. City of Palos Verdes Estates*, 583 F.3d 716, 720 (9th Cir. 2009) (city public works director, city planning commission, and city council); *Sprint Spectrum, L.P. v. Mills*, 65 F. Supp. 2d at 150 (New York State Department of Education).

⁴⁰⁴ See, e.g., Virginia Joint Commenters Comments at 21-22 (stating that deployment of personal wireless facilities generally requires excavation and building permits); San Francisco Comments at 4-7, 12, 20-22 (describing the permitting process in San Francisco, the layers of multi-departmental review involved, and the required authorizations before certain personal wireless facilities can be constructed); Smart Communities Comments at 33-34 (describing several authorizations necessary to deploy personal wireless facilities depending on the location, e.g., public rights-of-way and other public properties, of the proposed site and the size of the proposed facility).

evaluate whether a proposed deployment endangers the public.”⁴⁰⁵ Building and safety officials will be subject to the same applicable shot clock as all other siting authorities involved in processing the siting application, with the amount of time allowed varying in the rare case where officials are unable to meet the shot clock because of exceptional circumstances.

2. Codification of Section 332 Shot Clocks

138. In addition to establishing two new Section 332 shot clocks for Small Wireless Facilities, we take this opportunity to codify our two existing Section 332 shot clocks for siting applications that do not involve Small Wireless Facilities. In the *2009 Declaratory Ruling*, the Commission found that 90 days is a reasonable time frame for processing collocation applications and 150 days is a reasonable time frame to process applications other than collocations.⁴⁰⁶ Since these Section 332 shot clocks were adopted as part of a declaratory ruling, they were not codified in our rules. In the *Wireless Infrastructure NPRM/NOI*, the Commission sought comment on whether to modify these shot clocks.⁴⁰⁷ We find no need to modify them here and will continue to use these shot clocks for processing Section 332 siting applications that do not involve Small Wireless Facilities.⁴⁰⁸ We do, though, codify these two existing shot clocks in our rules alongside the two newly-adopted shot clocks so that all interested parties can readily find the shot clock requirements in one place.⁴⁰⁹

139. While some commenters argue for a 60-day shot clock for all collocation categories,⁴¹⁰ we conclude that we should retain the existing 90-day shot clock for collocations not involving Small Wireless Facilities. Collocations that do not involve Small Wireless Facilities include deployments of

⁴⁰⁵ League of Az Cities and Towns *et al.* Reply at 21-22.

⁴⁰⁶ *2009 Declaratory Ruling*, 24 FCC Rcd at 14012-013, paras. 45, 48.

⁴⁰⁷ *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3332-33, 3334, 3337-38, paras. 6, 9, 17-19.

⁴⁰⁸ Chicago Comments at 2 (supporting maintaining existing shot clocks); Bellevue *et al.* Comments at 13-14 (supporting maintaining existing shot clocks).

⁴⁰⁹ We also adopt a non-substantive modification to our existing rules. We redesignate the rule adopted in 2014 to codify the Commission’s implementation of the 2012 Spectrum Act, formerly designated as section 1.40001, as section 1.6100, and we move the text of that rule from Part 1, Subpart CC, to the same Subpart as the new rules promulgated in this Third Report and Order (Part 1, Subpart U). This recognizes that both sets of requirements pertain to “State and local government regulation of the placement, construction, and modification of personal wireless service facilities” (the caption of new Subpart U). The reference in paragraph (a) of that preexisting rule to 47 U.S.C. § 1455 has been consolidated with new rule section 1.6001 to reflect that all rules in Subpart U, collectively, implement both § 332(c)(7) and § 1455. With those non-substantive exceptions, the text of the 2014 rule has not been changed in any way. Contrary to the suggestion submitted by the Washington Joint Counties, *see* Letter from W. Scott Snyder *et al.*, Counsel for the Washington Cities of Bremerton, Mountlake Terrace, Kirkland, Redmond, Issaquah, Lake Stevens, Richland, and Mukilteo, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 6-7 (filed June 19, 2018), this change is not substantive and does not require advance notice. We find that “we have good cause to reorganize and renumber our rules in this fashion without expressly seeking comment on this change, and we conclude that public comment is unnecessary because no substantive changes are being made. Moreover, the delay engendered by a round of comment would be contrary to the public interest.” *See 2017 Pole Replacement Order*, 32 FCC Rcd at 9770, para. 26; *see also* 5 U.S.C. §553(b)(B) (notice not required “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest”).

⁴¹⁰ CCIA Comments at 10; CCA Comments at 13-14; CCA Reply at 6 (arguing for 30-day shot clock for collocations and a 60-to-75-day shot clock for all other siting applications); WIA Reply at 21. *See also* Letter from Jill Canfield, NTCA Vice President Legal & Industry and Assistant General Counsel, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 2 (filed June 19, 2018) (stating that NTCA supports a revised interpretation of the phrase “reasonable period of time” as found in Section 332(c) (7)(B)(ii) of the Communications Act as applicable to small cell facilities and that sixty days for collocations and 90 days for all other small cell siting applications should provide local officials sufficient time for review of requests to install small cell facilities in public rights-of-way).

larger antennas and other equipment that may require additional time for localities to review and process.⁴¹¹ For similar reasons, we maintain the existing 150-day shot clock for new construction applications that are not for Small Wireless Facilities. While some industry commenters such as WIA, Samsung, and Crown Castle argue for a 90-day shot clock for macro cells and small cells alike, we agree with commenters such as the City of New Orleans that there is a significant difference between the review of applications for a single 175-foot tower versus the review of a Small Wireless Facility with much smaller dimensions.⁴¹²

3. Collocations on Structures Not Previously Zoned for Wireless Use

140. Wireless industry commenters assert that they should be able to take advantage of the Section 332 collocation shot clock even when collocating on structures that have not previously been approved for wireless use.⁴¹³ Siting agencies respond that the wireless industry is effectively seeking to have both the collocation definition and a reduced shot clock apply to sites that have never been approved by the local government as suitable for wireless facility deployment.⁴¹⁴ We take this opportunity to clarify that for purposes of the Section 332 shot clocks, attachment of facilities to existing structures constitutes collocation, regardless whether the structure or the location has previously been zoned for wireless facilities. As the Commission stated in the *2009 Declaratory Ruling*, “an application is a request for collocation if it does not involve a ‘substantial increase in the size of a tower’ as defined in the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas.”⁴¹⁵ The definition of “[c]ollocation” in the NPA provides for the “mounting or installation of an antenna on an existing tower, *building or structure* for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, *whether or not there is an existing antenna on the structure.*”⁴¹⁶ The NPA’s definition of collocation explicitly encompasses collocations on structures and buildings that have not yet been zoned for wireless use. To interpret the NPA any other way would be unduly narrow and there is no persuasive reason to accept a narrower interpretation. This is particularly true given that the NPA definition of collocation stands in direct contrast with the definition of collocation in the

⁴¹¹ *Wireless Infrastructure Second R&O*, FCC 18-30 at paras. 74-76.

⁴¹² New Orleans Comments at 2-3; Samsung Comments at 4-5 (arguing that the Commission should reduce the shot clock applicable to new construction from 150 days to 90 days); Crown Castle Comments at 29 (stating that a 90-day shot clock for new facilities is appropriate for macro cells and small cells alike, to the extent such applications require review under Section 332 at all); TX Hist. Comm. Comments at 2 (arguing that the reasonable periods of time that the FCC proposed in 2009, 90 days for collocation applications and 150 days for other applications appear to be appropriate); WIA Comments at 20-23; WIA Reply at 11 (arguing for a 90-day shot clock for applications involving substantial modifications, including tower extensions; and a 120-day shot clock for applications for all other facilities, including new macro sites); CTIA Reply at 3 (stating that the Commission should shorten the shot clocks to 90 days for new facilities).

⁴¹³ AT&T Comments at 10; AT&T Reply at 9; Verizon Reply at 32; WIA Comments at 22; ExteNet Comments at 9.

⁴¹⁴ Bellevue *et al.* Reply at 6-7 (arguing that the Commission has rejected this argument twice and instead determined that a collocation occurs when a wireless facility is attached to an existing infrastructure that houses wireless communications facilities; San Francisco Reply at 7-8 (arguing that under Commission definitions, a utility pole is neither an existing base station nor a tower; thus, the Commission simply cannot find that adding wireless facilities to utility pole that has not previously been used for wireless facilities is an eligible facilities request). *See, e.g.*, Letter from Bonnie Michael, City Council President, Worthington, OH, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 2 (filed Sept. 18, 2018); Letter from Jill Boudreau, Mayor, Mount Vernon, WA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al., at 2 (filed Sept. 18, 2018).

⁴¹⁵ *2009 Declaratory Ruling*, 24 FCC Rcd at 14012, para 46.

⁴¹⁶ 47 CFR Part 1, App. B, NPA, Subsection C, Definitions.

Spectrum Act, pursuant to which facilities only fall within the scope of an “eligible facilities request” if they are attached to towers or base stations that have already been zoned for wireless use.⁴¹⁷

4. When Shot Clocks Start and Incomplete Applications

141. In the *2014 Wireless Infrastructure Order*, the Commission clarified, among other things, that a shot clock begins to run when an application is first submitted, not when the application is deemed complete.⁴¹⁸ The clock can be paused, however, if the locality notifies the applicant within 30 days that the application is incomplete.⁴¹⁹ The locality may pause the clock again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.⁴²⁰ In the *Wireless Infrastructure NPRM/NOI*, the Commission sought comment on these determinations.⁴²¹ Localities contend that the shot clock period should not begin until the application is deemed complete.⁴²² Industry commenters argue that the review period for incompleteness should be decreased from 30 days to 15 days.⁴²³

142. With the limited exception described in the next paragraph, we find no cause or basis in the record to alter the Commission’s prior determinations, and we now codify them in our rules. Codified rules, easily accessible to applicants and localities alike, should provide helpful clarity. The complaints by states and localities about the sufficiency of some of the applications they receive are adequately addressed by our current policy, particularly as amended below, which preserves the states’ and localities’ ability to pause review when they find an application to be incomplete.⁴²⁴ We do not find it necessary at this point to shorten our 30-day initial review period for completeness because, as was the case when this review period was adopted in the *2009 Declaratory Ruling*, it remains consistent with review periods for completeness under existing state wireless infrastructure deployment statutes⁴²⁵ and still “gives State and local governments sufficient time for reviewing applications for completeness, while protecting applicants

⁴¹⁷ See 47 CFR § 1.40001(b)(3), (4), (5) (definitions of eligible facilities request, eligible support structure, and existing). Each of these definitions refers to facilities that have already been approved under local zoning or siting processes.

⁴¹⁸ *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12970, at para. 258.

⁴¹⁹ *2009 Declaratory Ruling*, 24 FCC Rcd at 14014, paras. 52-53 (providing that the “timeframes do not include the time that applicants take to respond to State and local governments’ requests for additional information”).

⁴²⁰ *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12970, para. 259.

⁴²¹ *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3338, para. 20.

⁴²² See, e.g., Maine DOT Comments at 2-3; Philadelphia Comments at 6; League of Az Cities and Towns *et al.* at 4, 8-9; Letter from Barbara Coler, Chair, Marin Telecommunications Agency, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 2 (filed Sept. 4, 2018) (Barbara Coler Sept. 4, 2018 *Ex Parte* Letter); Letter from Sam Liccardo, Mayor, San Jose, CA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 *et al.*, at 5 (filed Sept. 18, 2018).

⁴²³ Verizon Comments at 43. See Sprint June 18 *Ex Parte* at 2 (asserting that the shot clocks should begin to run when the application is complete and that a siting authority should review the application for completeness within the first 15 days of receipt or it would waive the right to object on that basis).

⁴²⁴ See, e.g., Barbara Coler Sept. 4, 2018 *Ex Parte* Letter at 2 (the pace of installation may be affected by incomplete applications); Kenneth S. Fellman Sept. 18, 2018 *Ex Parte* Letter at 3 (not uncommon to find documents not properly prepared and not in compliance with relevant regulations).

⁴²⁵ Most states have a 30-day review period for incompleteness. See, e.g., Colo. Rev. Stat. Ann. § 29-27-403; Ga. Code Ann. § 36-66B-5; Iowa Code Ann. § 8C.4; Kan. Stat. Ann. § 66-2019; Minn. Stat. Ann. § 237.163(3c)(b); 53 Pa. Stat. Ann. § 11702.4(b)(1); Cal. Gov’t Code § 65943. A minority of states have adopted either a longer or shorter review period for incompleteness, ranging from 5 days to 45 days. See N.C. Gen. Stat. Ann. § 153A-349.53 (45 days); Wash. Rev. Code Ann. § 36.70B.070 (28 days); N.H. Rev. Stat. Ann. § 12-K:10 (15 days); Del. Code Ann. tit. 17, § 1609 (14 days); Va. Code Ann. §§ 15.2-2316.4; 56-484.28; 56-484.29 (10 days); Wis. Stat. Ann. § 66.0404(3) (5 days).

from a last minute decision that an application should be denied as incomplete.⁴²⁶

143. However, for applications to deploy Small Wireless Facilities, we implement a modified tolling system designed to help ensure that providers are submitting complete applications on day one. This step accounts for the fact that the shot clocks applicable to such applications are shorter than those established in the *2009 Declaratory Ruling* and, because of which, there may instances where the prevailing tolling rules would further shorten the shot clocks to such an extent that it might be impossible for siting authorities to act on the application.⁴²⁷ For Small Wireless Facilities applications, the siting authority has 10 days from the submission of the application to determine whether the application is incomplete. The shot clock then resets once the applicant submits the supplemental information requested by the siting authority. Thus, for example, for an application to collocate Small Wireless Facilities, once the applicant submits the supplemental information in response to a siting authority's timely request, the shot clock resets, effectively giving the siting authority an additional 60 days to act on the Small Wireless Facilities collocation application. For subsequent determinations of incompleteness, the tolling rules that apply to non-Small Wireless Facilities would apply—that is, the shot clock would toll if the siting authority provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

144. As noted above, multiple authorizations may be required before a deployment is allowed to move forward. For instance, a locality may require a zoning permit, a building permit, an electrical permit, a road closure permit, and an architectural or engineering permit for an applicant to place, construct, or modify its proposed personal wireless service facilities.⁴²⁸ All of these permits are subject to Section 332's requirement to act within a reasonable period of time, and thus all are subject to the shot clocks we adopt or codify here.

145. We also find that mandatory pre-application procedures and requirements do not toll the shot clocks.⁴²⁹ Industry commenters claim that some localities impose burdensome pre-application requirements before they will start the shot clock.⁴³⁰ Localities counter that in many instances, applicants submit applications that are incomplete in material respects, that pre-application interactions smooth the application process, and that many of their pre-application requirements go to important health and safety matters.⁴³¹ We conclude that the ability to toll a shot clock when an application is found incomplete or by

⁴²⁶ *2009 Declaratory Ruling*, 24 FCC Rcd at 14014-15, para. 53.

⁴²⁷ See, e.g., Geoffrey C. Beckwith Sept. 11, 2018 *Ex Parte* Letter at 1; Letter from Brad Cole, Executive Director, Illinois Municipal League, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 et al. at 1 (filed Sept. 14, 2018); Ronny Berdugo Sept. 18, 2018 *Ex Parte* Letter at 2.

⁴²⁸ See Sprint June 18 *Ex Parte* at 3; cf. Virginia Joint Commenters Comments at 21-22; San Francisco Comments at 4-7, 12, 20-22; CTIA Comments at 15 (“The Commission should declare that the shot clocks apply to the entire local review process.”).

⁴²⁹ *Wireless Infrastructure NPRM/NOI*, 32 FCC Rcd at 3338, para. 20.

⁴³⁰ See, e.g., CCA Reply at 7 (noting also that some localities unreasonably request additional information after submission that is either already provided or of unreasonable scope); GCI Comments at 8-9; WIA Comments at 24; Crown Castle Comments at 21-22; CTIA Reply at 21; CIC Comments at 18; WIA Reply at 14; Conterra Comments at 2-3; Crown Castle Comments at 30-31; CTIA Comments at 15; ExteNet Comments at 4, 15-16; Mobilite Comments at 6; T-Mobile Comments at 21-22; Verizon Comment at 42-43; AT&T Comments at 26.

⁴³¹ See, e.g., Philadelphia Reply at 9 (arguing that shot clocks should not run until a complete application with a full set of engineering drawings showing the placement, size and weight of the equipment, and a fully detailed structural analysis is submitted, to assess the safety of proposed installations); Philadelphia Comments at 6; League of Az Cities and Towns *et al.* Comments at 4 (arguing that the shot clock should not begin until after an application has been “duly filed,” because “some applicants believe the shot clock commences to run no matter how they submit their request, or how inadequate their submittal may be”); Colorado Comm. and Utility All. *et al.* Comments at 14 (explaining that the pre-application meetings are intended “to give prospective applicants an opportunity to discuss code and regulatory provisions with local government staff, and gain a better understanding of the process that will be followed, in order to increase the probability that once an application is filed, it can proceed smoothly to final decision”); Smart

mutual agreement by the applicant and the siting authority should be adequate to address these concerns. Much like a requirement to file applications one after another, requiring pre-application review would allow for a complete circumvention of the shot clocks by significantly delaying their start date. An application is not ruled on within “a reasonable period of time after the request is duly filed” if the state or locality takes the full ordinary review period after having delayed the filing in the first instance due to required pre-application review. Indeed, requiring a pre-application review before an application may be filed is similar to imposing a moratorium, which the Commission has made clear does not stop the shot clocks from running.⁴³² Therefore, we conclude that if an applicant proffers an application, but a state or locality refuses to accept it until a pre-application review has been completed,⁴³³ the shot clock begins to run when the application is proffered. In other words, the request is “duly filed” at that time,⁴³⁴ notwithstanding the locality’s refusal to accept it.

146. That said, we encourage *voluntary* pre-application discussions, which may well be useful to both parties. The record indicates that such meetings can clarify key aspects of the application review process, especially with respect to large submissions or applicants new to a particular locality’s processes, and may speed the pace of review.⁴³⁵ To the extent that an applicant voluntarily engages in a pre-application review to smooth the way for its filing, the shot clock will begin when an application is filed, presumably after the pre-application review has concluded.

147. We also reiterate, consistent with the *2009 Declaratory Ruling*, that the remedies granted under Section 332(c)(7)(B)(v) are independent of, and in addition to, any remedies that may be available under state or local law.⁴³⁶ Thus, where a state or locality has established its own shot clocks, an applicant may pursue any remedies granted under state or local law in cases where the siting authority fails to act within those shot clocks.⁴³⁷ However, the applicant must wait until the Commission shot clock period has expired to bring suit for a “failure to act” under Section 332(c)(7)(B)(v).⁴³⁸

V. PROCEDURAL MATTERS

148. *Final Regulatory Flexibility Analysis*. With respect to this Third Report and Order, a Final Regulatory Flexibility Analysis (FRFA) is contained in Appendix C. As required by Section 603 of

(Continued from previous page)

Communities Comments at 15, 35 (pre-application procedures “may translate into faster consideration of individual applications over the longer term, as providers and communities alike, gain a better understanding of what is required of them, and providers submit applications that are tailored to community requirements”); UT Dept. of Trans. Comments at 5 (“The purpose of the pre-application access meeting is to help the entity or person with the application and provide information concerning the requirements contained in the rule.”); CCUA *at al.* Reply at 6 (“[Pre-application meetings] provide an opportunity for informal discussion between prospective applicants and the local jurisdiction. Pre-application meetings serve to educate, answer questions, clarify process issues, and ultimately result in a more efficient process from application filing to final action.”); AASHTO Comments, Attach. at 3 (GA Dept. of Trans. contending that pre-application procedures “should be encouraged and separated from an ‘official’ ‘application submittal’”); League of Az Cities and Towns *et al.* Comments at 5-7 (providing examples of incomplete applications).

⁴³² *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12971, at para. 265.

⁴³³ See, e.g., CCA Reply at 7; GCI Comments at 8-9; WIA Comments at 24; Crown Castle Comments at 21-22; CTIA Reply at 21; CIC Comments at 18; WIA Reply at 14; Conterra Comments at 2-3; Crown Castle Comments at 30-31; CTIA Comments at 15; ExteNet Comments at 4, 15-16; Mobilite Comments at 6; T-Mobile Comments at 21-22; Verizon Comment at 42-43; AT&T Comments at 26.

⁴³⁴ 47 U.S.C. § 332(c)(7)(B)(ii).

⁴³⁵ See CCUA *et al.* Comments at 14; Smart Communities Comments at 15, 35; UT Dept. of Trans. Comments at 5; CCUA *et al.* Reply at 6; Mukilteo Reply, Docket No. WC 17-84, at 1 (filed July 10, 2017).

⁴³⁶ *2009 Declaratory Ruling*, 24 FCC Rcd at 14013-14, para. 50.

⁴³⁷ *2009 Declaratory Ruling*, 24 FCC Rcd at 14013-14, para. 50.

⁴³⁸ 47 U.S.C. § 332(c)(7)(B)(v).

the Regulatory Flexibility Act, the Commission has prepared a FRFA of the expected impact on small entities of the requirements adopted in this Third Report and Order. The Commission will send a copy of the Third Report and Order, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

149. *Paperwork Reduction Act.* This Third Report and Order does not contain new or revised information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13.

150. *Congressional Review Act.* The Commission will send a copy of this Declaratory Ruling and Third Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), *see* 5 U.S.C. § 801(a)(1)(A).

VI. ORDERING CLAUSES

151. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i)-(j), 7, 201, 253, 301, 303, 309, 319, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 157, 201, 253, 301, 303, 309, 319, 332, that this Declaratory Ruling and Third Report and Order in WT Docket No. 17-79 IS hereby ADOPTED.

152. IT IS FURTHER ORDERED that Part 1 of the Commission's Rules is AMENDED as set forth in Appendix A, and that these changes SHALL BE EFFECTIVE 90 days after publication in the Federal Register.

153. IT IS FURTHER ORDERED that this Third Report and Order SHALL BE effective 90 days after its publication in the Federal Register. The Declaratory Ruling and the obligations set forth therein ARE EFFECTIVE on the same day that this Third Report and Order becomes effective. It is our intention in adopting the foregoing Declaratory Ruling and these rule changes that, if any provision of the Declaratory Ruling or the rules, or the application thereof to any person or circumstance, is held to be unlawful, the remaining portions of such Declaratory Ruling and the rules not deemed unlawful, and the application of such Declaratory Ruling and the rules to other person or circumstances, shall remain in effect to the fullest extent permitted by law.

154. IT IS FURTHER ORDERED that, pursuant to 47 CFR § 1.4(b)(1), the period for filing petitions for reconsideration or petitions for judicial review of this Declaratory Ruling and Third Report and Order will commence on the date that a summary of this Declaratory Ruling and Third Report and Order is published in the Federal Register.

155. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Declaratory Ruling and Third Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

156. IT IS FURTHER ORDERED that this Declaratory Ruling and Third Report and Order SHALL BE sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Final Rules

Streamlining State and Local Review of Wireless Facility Siting Applications

Part 1—Practice and Procedure

1. Add subpart U to Part 1 of Title 47 to read as follows:

Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities**§ 1.6001 Purpose.**

This subpart implements 47 U.S.C. 332(c)(7) and 1455.

§ 1.6002 Definitions.

Terms used in this subpart have the following meanings:

(a) *Action* or *to act* on a siting application means a siting authority's grant of a siting application or issuance of a written decision denying a siting application.

(b) *Antenna*, consistent with section 1.1320(d), means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of this title.

(c) *Antenna equipment*, consistent with section 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

(d) *Antenna facility* means an antenna and associated antenna equipment.

(e) *Applicant* means a person or entity that submits a siting application and the agents, employees, and contractors of such person or entity.

(f) *Authorization* means any approval that a siting authority must issue under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.

(g) *Collocation*, consistent with section 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, Appendix B of this part, section I.B, means—

- (1) Mounting or installing an antenna facility on a pre-existing structure, and/or
- (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- (3) The definition of “collocation” in paragraph (b)(2) of section 1.6100 applies to the term as used in that section.

- (h) *Deployment* means placement, construction, or modification of a personal wireless service facility.
- (i) *Facility* or *personal wireless service facility* means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
- (j) *Siting application* or *application* means a written submission to a siting authority requesting authorization for the deployment of a personal wireless service facility at a specified location.
- (k) *Siting authority* means a State government, local government, or instrumentality of a State government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities.
- (l) *Small wireless facilities*, consistent with section 1.1312(e)(2), are facilities that meet each of the following conditions:
- (1) The facilities—
 - (i) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
 - (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
 - (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume;
 - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
 - (4) The facilities do not require antenna structure registration under part 17 of this chapter;
 - (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
 - (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b).
- (m) *Structure* means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Terms not specifically defined in this section or elsewhere in this subpart have the meanings defined in Part 1 of Title 47 and the Communications Act of 1934, 47 U.S.C. 151 *et seq.*

§ 1.6003 Reasonable periods of time to act on siting applications

(a) *Timely action required.* A siting authority that fails to act on a siting application on or before the shot clock date for the application, as defined in paragraph (e) of this section, is presumed not to have acted within a reasonable period of time.

(b) *Shot clock period.* The shot clock period for a siting application is the sum of—

(1) the number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (c) of this section, plus

(2) the number of days of the tolling period, if any, pursuant to paragraph (d) of this section.

(c) *Presumptively reasonable periods of time.*

(1) The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth below:

(i) Review of an application to collocate a Small Wireless Facility using an existing structure: 60 days.

(ii) Review of an application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.

(iii) Review of an application to deploy a Small Wireless Facility using a new structure: 90 days.

(iv) Review of an application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.

(2) *Batching.*

(i) If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (c)(1)(i) or paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.

(ii) If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (c)(1)(i) and deployments that fall within paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.

(iii) Siting authorities may not refuse to accept applications under paragraphs (c)(2)(i) and (c)(2)(ii).

(d) *Tolling period.* Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth below.

(1) *For an initial application to deploy Small Wireless Facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.*

- (2) *For all other initial applications*, the tolling period shall be the number of days from –
- (i) The day after the date when the siting authority notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation, until
 - (ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete,
 - (iii) But only if the notice pursuant to paragraph (d)(2)(i) is effectuated on or before the 30th day after the date when the application was submitted; or
- (3) *For resubmitted applications following a notice of deficiency*, the tolling period shall be the number of days from—
- (i) The day after the date when the siting authority notifies the applicant in writing that the applicant’s supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the siting authority’s original request under paragraph (d)(1) or paragraph (d)(2) of this section, until
 - (ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete,
 - (iii) But only if the notice pursuant to paragraph (d)(3)(i) is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority’s request under paragraph (d)(1) or paragraph (d)(2) of this section.
- (e) *Shot clock date.* The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (b) of this section and including any pre-application period asserted by the siting authority; *provided*, that if the date calculated in this manner is a “holiday” as defined in section 1.4(e)(1) or a legal holiday within the relevant State or local jurisdiction, the shot clock date is the next business day after such date. The term “business day” means any day as defined in section 1.4(e)(2) and any day that is not a legal holiday as defined by the State or local jurisdiction.
3. Redesignate § 1.40001 as § 1.6100, remove and reserve paragraph (a) of newly redesignated § 1.6100, and revise paragraph (b)(7)(vi) of newly redesignated § 1.6100 by changing “1.40001(b)(7)(i)(iv)” to “1.6100(b)(7)(i)-(iv).”
4. Remove subpart CC.

APPENDIX B

Comments and Reply Comments

Comments

5G Americas
Aaron Rosenzweig
ACT | The App Association
Advisory Council on Historic Preservation
Advisors to the International EMF Scientist Appeal
African American Mayors Association
Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office
Alaska Department of Transportation & Public Facilities
Alaska Native Health Board
Alaska Office of History and Archaeology
Alexandra Ansell
American Association of State Highway and Transportation Officials
American Bird Conservancy
American Cable Association
American Petroleum Institute
American Public Power Association
Angela Fox
Arctic Slope Regional Corporation
Arizona State Parks & Trails, State Historic Preservation Office
Arkansas SHPO
Arnold A. McMahon
Association of American Railroads
AT&T
B. Golomb
Bad River Band of Lake Superior Tribe of Chippewa Indians
Benjamin L. Yousef
BioInitiative Working Group
Blue Lake Rancheria
Board of County Road Commissioners of the County of Oakland
Bristol Bay Area Health Corporation
Cahuilla Band of Indians
California Office of Historic Preservation, Department of Parks and Recreation
California Public Utilities Commission
Cape Cod Bird Club, Inc.
Catawba Indian Nation Tribal Historic Preservation Office
Charter Communications, Inc.
Cheyenne River Sioux Tribe Cultural Preservation Office
Chickasaw Nation
Chippewa Cree Tribe
Choctaw Nation of Oklahoma
Chuck Matzker
Cindy Li
Cindy Russell
Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee
Citizen Potawatomi Nation
Citizens Against Government Waste

Federal Communications Commission**FCC 18-133**

City and County of San Francisco
City of Alexandria, Virginia; Arlington County, Virginia; and Henrico County, Virginia
City of Arlington, Texas
City of Austin, Texas
City of Bellevue, City of Bothell, City of Burien, City of Ellensburg, City of Gig Harbor, City of Kirkland, City of Mountlake Terrace, City of Mukilteo, City of Normandy Park, City of Puyallup, City of Redmond, and City of Walla Walla
City of Chicago
City of Claremont (Tony Ramos, City Manager)
City of Eden Prairie, MN
City of Houston
City of Irvine, California
City of Kenmore, Washington, and David Baker, Vice-Chair, National League of Cities Information Technology and Communications Committee
City of Lansing, Michigan
City of Mukilteo
City of New Orleans, Louisiana
City of New York
City of Philadelphia
City of Springfield, Oregon
Cityscape Consultants, Inc.
Coalition for American Heritage, Society for American Archaeology, American Cultural Resources Association, Society for Historical Archaeology, and American Anthropological Association
Colorado Communications and Utility Alliance (CCUA), Rainier Communications Commission (RCC), City of Seattle, Washington, City of Tacoma, Washington, King County, Washington, Jersey Access Group (JAG), and Colorado Municipal League (CML)
Colorado River Indian Tribes
Colorado State Historic Preservation Office
Comcast Corporation
Commissioner Sal Pace, Pueblo Board of County Commissioners
Community Associations Institute
Competitive Carriers Association
CompTIA (The Computing Technology Industry Association)
Computer & Communications Industry Association (CCIA)
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program
Consumer Technology Association
Conterra Broadband Services, Southern Light, LLC, and Uniti Group, Inc.
Critical Infrastructure Coalition
Crow Creek Sioux Tribe
Crown Castle
CTIA
CTIA and Wireless Infrastructure Association
David Roetman, Minnehaha County GOP Chairman
Defenders of Wildlife
Department of Arkansas Heritage (Arkansas Historic Preservation Program)
DuPage Mayors and Managers Conference
East Bay Municipal Utility District
Eastern Shawnee Tribe of Oklahoma
Edward Czelada
Elijah Mondy
Elizabeth Doonan

Ellen Marks
EMF Safety Network, Ecological Options Network
Environmental Health Trust
ExteNet Systems, Inc.
Fairfax County, Virginia
FibAire Communications, LLC d/b/a AireBeam
Florida Coalition of Local Governments
Fond du Lac Band of Lake Superior Chippewa
Forest County Potawatomi Community of Wisconsin
Fort Belknap Indian Community
Free State Foundation
General Communication, Inc.
Georgia Department of Transportation
Georgia Historic Preservation Division
Georgia Municipal Association, Inc.
Gila River Indian Community
Greywale Advisors
History Colorado (Colorado State Historic Preservation Office)
Hongwei Dong
Hualapai Department of Cultural Resources
Illinois Department of Transportation
Illinois Municipal League
INCOMPAS
Information Technology and Innovation Foundation
International Telecommunications Users Group
Jack Li
Jackie Cale
Jerry Day
Joel M. Moskowitz, Ph.D.
Jonathan Mirin
Joyce Barrett
Karen Li
Karen Spencer
Karon Gubbrud
Kate Kheel
Kaw Nation
Kevin Mottus
Keweenaw Bay Indian Community
Kialegee Tribal Town
League of Arizona Cities and Towns, League of California Cities, and League of Oregon Cities
League of Minnesota Cities
Leo Cashman
Lower Brule Sioux Tribe
Li Sun
Lighttower Fiber Networks
Lisbeth Britt
Lower Brule Sioux Tribe
Maine Department of Transportation
Marty Feffer
Mary Whisenand, Iowa Governor's Commission on Community Action Agencies
Mashantucket (Western) Pequot Tribe
Mashpee Wampanoag Tribe

Matthew Goulet
Mayor Patrick Furey, City of Torrance, California
McLean Citizens Association
Miami Tribe of Oklahoma
Missouri State Historic Preservation Office
Mobile Future
Mobilitie, LLC
Mohegan Tribe of Indians of Connecticut
Montana State Historic Preservation Office
Monte R. Lee and Company
Muckleshoot Indian Tribe
Muscogee (Creek) Nation
National Association of Tower Erectors (NATE)
National Association of Tribal Historic Preservation Officers
National Black Caucus of State Legislators
National Conference of State Historic Preservation Officers
National Congress of American Indians
National Congress of American Indians, National Association of Tribal Historic Preservation Officers,
and United South and Eastern Tribes Sovereignty Protection Fund
National Congress of American Indians and United South and Eastern Tribes Sovereignty Protection
Fund
National League of Cities
National League of Cities, United States Conference of Mayors, International Municipal Lawyers
Association, Government Finance Officers Association, National Association of Counties,
National Association of Regional Councils, National Association of Towns and Townships, and
National Association of Telecommunications Officers and Advisors
National Tribal Telecommunications Association
National Trust for Historic Preservation
Native Public Media
NATOA
Natural Resources Defense Council
Navajo Nation and the Navajo Nation Telecommunications Regulatory Commission
Naveen Albert
NCTA—The Internet & Television Association
nepsa solutions LLC
New Mexico Department of Cultural Affairs, Historic Preservation Division
Nez Perce Tribe
Nina Beety
Nokia
North Carolina State Historic Preservation Office
Northern Cheyenne Tribal Historic Preservation Office
NTCA—The Rural Broadband Association
Office of Historic Preservation for the Mashantucket Pequot Tribal Nation of Connecticut
Ohio State Historic Preservation Office
Oklahoma History Center State Historic Preservation Office
Olemara Peters
Omaha Tribe of Nebraska
ONE Media, LLC
Oregon State Historic Preservation Office
Osage Nation
Otoe-Missouria Tribe
Pala Band of Mission Indians

Patrick Wronkiewicz
Pechanga Band of Luiseno Indians
Pennsylvania State Historic Preservation Office
Prairie Island Indian Community
PTA-FLA, Inc .
Pueblo of Laguna
Pueblo of Pojoaque
Pueblo of Tesuque
Puerto Rico State Historic Preservation Office
Quad Cities Cable Communications Commission
Quapaw Tribe of Oklahoma
R Street Institute
Rebecca Carol Smith
Red Cliff Band of Lake Superior Chippewa
Representative Tom Sloan, State of Kansas House of Representatives
Representatives Anna G. Eshoo, Frank Pallone, Jr., and Raul Ruiz, U.S. House of Representatives
Rhode Island Historical Preservation and Heritage Commission
Rosebud Sioux Tribe Tribal Historic Preservation Cultural Resource Management Office
Ronald M. Powell, Ph.D.
S. Quick
Sacred Wind Communications, Inc.
Samsung Electronics America, Inc.
Santa Clara Pueblo
Sault Ste. Marie Tribe of Chippewa Indians
SCAN NATOA, Inc.
Seminole Nation of Oklahoma
Seminole Tribe of Florida
Senator Duane Ankney, Montana State Senate
Shawnee Tribe
Sisseton Wahpeton Oyate
Skokomish Indian Tribe Tribal Historic Preservation Office
Skull Valley Band of Goshute
Smart Communities and Special Districts Coalition
Soula Culver
Sprint
Standing Rock Sioux Tribe
Starry, Inc.
State of Washington Department of Archaeology & Historic Preservation
Sue Present
Swinomish Indian Tribal Community
Table Mountain Rancheria Tribal Government Office
Tanana Chiefs Conference
Telecommunications Industry Association
Texas Department of Transportation
Texas Historical Commission
Thlopthlocco Tribal Town
T-Mobile USA, Inc.
Tonkawa Tribe of Oklahoma
Triangle Communication System, Inc.
Twenty-Nine Palms Band of Mission Indians
United Keetoowah Band of Cherokee Indians In Oklahoma
Utah Department of Transportation

Ute Mountain Ute Tribe
 Utilities Technology Council
 Verizon
 Wampanoag Tribe of Gay Head (Aquinnah)
 WEC Energy Group, Inc.
 Wei Shen
 Wei-Ching Lee, MD, California Medical Association Delegate of Los Angeles County
 Winnebago Tribe of Nebraska
 Wireless Infrastructure Association
 Wireless Internet Service Providers Association
 Xcel Energy Services Inc.

Reply Comments

Alaska State Historic Preservation Office
 American Cable Association
 American Public Power Association
 Association of American Railroads
 California Public Utilities Commission
 Catherine Kleiber
 Chippewa Cree Tribe
 Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee
 City of Baltimore, Maryland
 City of New York
 City of Philadelphia
 Colorado Communications and Utility Alliance (CCUA), Rainier Communications Commission (RCC), City of Seattle, Washington, City of Tacoma, Washington, King County, Washington, Jersey Access Group (JAG), and Colorado Municipal League (CML)
 Comcast Corporation
 Communications Workers of America
 Competitive Carriers Association
 Consumer Technology Association
 Conterra Broadband Services, Southern Light, LLC, and Uniti Group Inc.
 Critical Infrastructure Coalition
 CTIA
 Dan Kleiber
 Enterprise Wireless Alliance
 Environmental Health Trust
 ExteNet Systems, Inc.
 Florida Coalition of Local Governments
 Confederated Tribes of Grand Ronde Community of Oregon Historic Preservation Department
 INCOMPAS
 Irregularators
 League of Arizona Cities and Towns, League of California Cities, and League of Oregon Cities
 National Association of Regulatory Utility Commissioners
 National Association of Telecommunications Officers and Advisors, National League of Cities, National Association of Towns and Townships, National Association of Regional Councils, United States Conference of Mayors, and Government Finance Officers Association
 National Congress of American Indians, United South and Eastern Tribes Sovereignty Protection Fund, and National Association of Tribal Historic Preservation Officers
 National Organization of Black Elected Legislative (NOBEL) Women
 National Rural Electric Cooperative Association

Navajo Nation and the Navajo Nation Telecommunications Regulatory Commission
NCTA—The Internet & Television Association
Pueblo of Acoma
Puerto Rico Telephone Company, Inc., d/b/a Claro
Quintillion Networks, LLC, and Quintillion Subsea Operations, LLC
Rebecca Carol Smith
SDN Communications
Skyway Towers, LLC
SmallCellSite.Com
Smart Communities and Special Districts Coalition
Sue Present
The Greenlining Institute
T-Mobile USA, Inc.
Triangle Communication System, Inc.
United States Conference of Mayors
Verizon
Washington, D.C. Office of the Chief Technology Officer
Wireless Internet Service Providers Association
Xcel Energy Services Inc.

APPENDIX C

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA)¹ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rulemaking (NPRM)*, released in April 2017.² The Commission sought written public comment on the proposals in the *NPRM*, including comment on the IRFA. The comments received are addressed below in Section B. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.³

A. Need for and Objectives of the Rules

2. In the *Third Report and Order*, the Commission continues its efforts to promote the timely buildout of wireless infrastructure across the country by eliminating regulatory impediments that unnecessarily delay bringing personal wireless services to consumers. The record shows that lengthy delays in approving siting applications by siting agencies has been a persistent problem.⁴ With this in mind, the *Third Report and Order* establishes and codifies specific rules concerning the amount of time siting agencies may take to review and approve certain categories of wireless infrastructure siting applications. More specifically, the Commission addresses its Section 332 shot clock rules for infrastructure applications which will be presumed reasonable under the Communications Act. As an initial matter, the Commission establishes two new shot clocks for Small Wireless Facilities applications. For collocation of Small Wireless Facilities on preexisting structures, the Commission adopts a 60-day shot clock which applies to both individual and batched applications. For applications associated with Small Wireless Facilities new construction we adopt a 90-day shot clock for both individual and batched applications.⁵ The Commission also codifies two existing Section 332 shot clocks for all other Non-Small Wireless Facilities that were established in the *2009 Declaratory Ruling* without codification.⁶ These existing shot clocks require 90-days for processing of all other Non-Small Wireless Facilities collocation applications, and 150-days for processing of all other Non-Small Wireless Facilities applications other than collocations.

3. The *Third Report and Order* addresses other issues related to both the existing and new shot clocks. In particular we address the specific types of authorizations subject to the “Reasonable Period of Time” provisions of Section 332(c)(7)(B)(ii), finding that “any request for authorization to place, construct, or modify personal wireless service facilities” under Section 332(c)(7)(B)(ii) means all authorizations a locality may require, and to all aspects of and steps in the siting process, including license or franchise agreements to access ROW, building permits, public notices and meetings, lease negotiations, electric permits, road closure permits, aesthetic approvals, and other authorizations needed for deployment of personal wireless services infrastructure.⁷ The Commission also addresses collocation on structures not previously zoned for wireless use,⁸ when the four Section 332 shot clocks begin to run,⁹

¹ See 5 U.S.C. § 603. The RFA, see 5 U.S.C. §§ 601—612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment*, Notice of Proposed Rulemaking, 32 FCC Rcd 3330 (2017).

³ See 5 U.S.C. § 604.

⁴ See *supra* paras. 23-9.

⁵ See *supra* paras. 111-12.

⁶ See *supra* paras. 138-39; *2009 Declaratory Ruling*.

⁷ See *supra* paras. 132-37.

⁸ See *supra* para. 140.

the impact of incomplete applications on our Section 332 shot clocks,¹⁰ and how state imposed shot clocks remedies effect the Commission's Section 332 shot clocks remedies.¹¹

4. The Commission discusses the appropriate judicial remedy that applicants may pursue in cases where a siting authority fails to act within the applicable shot clock period.¹² In those situations, applicants may commence an action in a court of competent jurisdiction alleging a violation of Section 332(c)(7)(B)(i)(II) and seek injunctive relief granting the application. Notwithstanding the availability of a judicial remedy if a shot clock deadline is missed, the Commission recognizes that the Section 332 time frames might not be met in exceptional circumstances and has refined its interpretation of the circumstances when a period of time longer than the relevant shot clock would nonetheless be a reasonable period of time for action by a siting agency.¹³ In addition, a siting authority that is subject to a court action for missing an applicable shot clock deadline has the opportunity to demonstrate that the failure to act was reasonable under the circumstances and, therefore, did not materially limit or inhibit the applicant from introducing new services or improving existing services thereby rebutting the effective prohibition presumption.

5. The rules adopted in the *Third Report and Order* will accelerate the deployment of wireless infrastructure needed for the mobile wireless services of the future, while preserving the fundamental role of localities in this process. Under the Commission's new rules, localities will maintain control over the placement, construction and modification of personal wireless facilities, while at the same time the Commission's new process will streamline the review of wireless siting applications.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

6. Only one party—the Smart Communities and Special Districts Coalition—filed comments specifically addressing the rules and policies proposed in the IRFA. They argue that any shortening or alteration of the Commission's existing shot clocks or the adoption of a deemed granted remedy will adversely affect small local governments, special districts, property owners, small developers, and others by placing their siting applications behind wireless provider siting applications.¹⁴ Subsequently, NATOA filed comments concerning the draft FRFA.¹⁵ NATOA argues that the new shot clocks impose burdens on local governments and particularly those with limited resources. NATOA asserts that the new shot clocks will spur more deployment applications than localities currently process.

7. These arguments, however, fail to acknowledge that Section 332 shot clocks have been in place for years and reflect Congressional intent as seen in the statutory language of Section 332. The record in this proceeding demonstrates the need for, and reasonableness of, expediting the siting review of certain facility deployments.¹⁶ More streamlined procedures are both reasonable and necessary to provide greater predictability. The current shot clocks do not reflect the evolution of the application review process and evidence that localities can complete reviews more quickly than was the case when the original shot clocks were adopted nine years ago. Localities have gained significant experience processing wireless siting applications and several jurisdictions already have in place laws that require

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⁹ See *supra* paras. 141-46.

¹⁰ *Id.*

¹¹ See *supra* para. 147.

¹² See *supra* paras. **Error! Reference source not found.**-131.

¹³ See *supra* para. 127.

¹⁴ Smart Communities Comments at 81; see also Letter from Gerard Lavery Lederer, Counsel, Smart Communities, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, *Ex Parte* Submission at 33 (filed Sept. 19, 2018).

¹⁵ Letter from Nancy Werner, NATOA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 4-5 (filed Sept. 19, 2018).

¹⁶ See *supra* para. 106.

applications to be processed in less time than the Commission's new shot clocks. With the passage of time, sitting agencies have become more efficient in processing siting applications and this, in turn, should reduce any economic burden the Commission's new shot clock provisions have on them.

8. The Commission has carefully considered the impact of its new shot clocks on siting authorities and has established shot clocks that take into consideration the nature and scope of siting requests by establishing shot clocks of different lengths of time that depend on the nature of the siting request at issue.¹⁷ The length of these shot clocks is based in part on the need to ensure that local governments have ample time to take any steps needed to protect public safety and welfare and to process other pending utility applications.¹⁸ Since local siting authorities have gained experience in processing siting requests in an expedited fashion, they should be able to comply with the Commission's new shot clocks.

9. The Commission has taken into consideration the concerns of the Smart Communities and Special Districts Coalition and NATOA. It has established shot clocks that will not favor wireless providers over other applicants with pending siting applications. Further, instead of adopting a deemed granted remedy that would grant a siting application when a shot clock lapses without a decision on the merits, the Commission provides guidance as to the appropriate judicial remedy that applicants may pursue and examples of exceptional circumstance where a siting authority may be justified in needing additional time to review a siting application than the applicable shot clock allows.¹⁹ Under this approach, the applicant may seek injunctive relief as long as several minimum requirements are met. The siting authority, however, can rebut the presumptive reasonableness of the applicable shot clock under certain circumstances. The circumstances under which a sitting authority might have to do this will be rare. Under this carefully crafted approach, the interests of siting applicants, siting authorities, and citizens are protected.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

10. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.²⁰

11. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

12. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.²¹ The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."²² In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.²³ A "small business

¹⁷ See *supra* paras. 105-112.

¹⁸ *Id.*

¹⁹ See *supra* paras. 116-131.

²⁰ 5 U.S.C. § 604(a)(3).

²¹ See 5 U.S.C. § 604(a)(3).

²² 5 U.S.C. § 601(6).

²³ 5 U.S.C. § 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an

concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.²⁴

13. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.²⁵ First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA’s Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.²⁶ These types of small businesses represent 99.9 percent of all businesses in the United States which translates to 28.8 million businesses.²⁷

14. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”²⁸ Nationwide, as of August 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).²⁹

15. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”³⁰ U.S. Census Bureau data from the 2012 Census of Governments³¹ indicate that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.³² Of this number there were

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agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

²⁴ 15 U.S.C. § 632.

²⁵ See 5 U.S.C. § 601(3)-(6).

²⁶ See SBA, Office of Advocacy, “Frequently Asked Questions, Question 1—What is a small business?” https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf (June 2016).

²⁷ See SBA, Office of Advocacy, “Frequently Asked Questions, Question 2- How many small businesses are there in the U.S.?” https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf (June 2016).

²⁸ 5 U.S.C. § 601(4).

²⁹ Data from the Urban Institute, National Center for Charitable Statistics (NCCS) reporting on nonprofit organizations registered with the IRS was used to estimate the number of small organizations. Reports generated using the NCCS online database indicated that as of August 2016 there were 356,494 registered nonprofits with total revenues of less than \$100,000. Of this number 326,897 entities filed tax returns with 65,113 registered nonprofits reporting total revenues of \$50,000 or less on the IRS Form 990-N for Small Exempt Organizations and 261,784 nonprofits reporting total revenues of \$100,000 or less on some other version of the IRS Form 990 within 24 months of the August 2016 data release date. See <http://nccs.urban.org/sites/all/nccs-archive/html/tablewiz/tw.php> where the report showing this data can be generated by selecting the following data fields: Report: “The Number and Finances of All Registered 501(c) Nonprofits”; Show: “Registered Nonprofits”; By: “Total Revenue Level (years 1995, Aug to 2016, Aug)”; and For: “2016, Aug” then selecting “Show Results”.

³⁰ 5 U.S.C. § 601(5).

³¹ See 13 U.S.C. § 161. The Census of Government is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Program Description Census of Government <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=program&id=program.en.CO G#>.

³² See U.S. Census Bureau, 2012 Census of Governments, Local Governments by Type and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG02.US01>. Local governmental jurisdictions are classified in two categories - General purpose governments (county, municipal and town or township) and Special purpose governments (special districts and independent school districts).

37, 132 General purpose governments (county³³, municipal and town or township³⁴) with populations of less than 50,000 and 12,184 Special purpose governments (independent school districts³⁵ and special districts³⁶) with populations of less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category show that the majority of these governments have populations of less than 50,000.³⁷ Based on this data we estimate that at least 49,316 local government jurisdictions fall in the category of “small governmental jurisdictions.”³⁸

16. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless Internet access, and wireless video services.³⁹ The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.⁴⁰ For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.⁴¹ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.⁴² Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications

³³ See U.S. Census Bureau, 2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>. There were 2,114 county governments with populations less than 50,000.

³⁴ See U.S. Census Bureau, 2012 Census of Governments, Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States—States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>. There were 18,811 municipal and 16,207 town and township governments with populations less than 50,000.

³⁵ See U.S. Census Bureau, 2012 Census of Governments, Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. There were 12,184 independent school districts with enrollment populations less than 50,000.

³⁶ See U.S. Census Bureau, 2012 Census of Governments, Special District Governments by Function and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG09.US01>. The U.S. Census Bureau data did not provide a population breakout for special district governments.

³⁷ See U.S. Census Bureau, 2012 Census of Governments, County Governments by Population-Size Group and State: 2012 - United States-States - <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG06.US01>; Subcounty General-Purpose Governments by Population-Size Group and State: 2012 - United States—States - <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG07.US01>; and Elementary and Secondary School Systems by Enrollment-Size Group and State: 2012 - United States-States. <https://factfinder.census.gov/bkmk/table/1.0/en/COG/2012/ORG11.US01>. While U.S. Census Bureau data did not provide a population breakout for special district governments, if the population of less than 50,000 for this category of local government is consistent with the other types of local governments the majority of the 38, 266 special district governments have populations of less than 50,000.

³⁸ *Id.*

³⁹ U.S. Census Bureau, 2012 NAICS Definitions, “517210 Wireless Telecommunications Carriers (Except Satellite),” See <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&typib&id=ib.en./ECN.NAICS2012.517210>.

⁴⁰ 13 CFR § 121.201, NAICS Code 517210.

⁴¹ U.S. Census Bureau, 2012 *Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210.

⁴² *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with “1000 employees or more.”

carriers (except satellite) are small entities.

17. The Commission's own data—available in its Universal Licensing System—indicate that, as of May 17, 2018, there are 264 Cellular licensees that will be affected by our actions.⁴³ The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services.⁴⁴ Of this total, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees.⁴⁵ Thus, using available data, we estimate that the majority of wireless firms can be considered small.

18. *Personal Radio Services.* Personal radio services provide short-range, low-power radio for personal communications, radio signaling, and business communications not provided for in other services. Personal radio services include services operating in spectrum licensed under Part 95 of our rules.⁴⁶ These services include Citizen Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service.⁴⁷ There are a variety of methods used to license the spectrum in these rule parts, from licensing by rule, to conditioning operation on successful completion of a required test, to site-based licensing, to geographic area licensing. All such entities in this category are wireless, therefore we apply the definition of Wireless Telecommunications Carriers (except Satellite), pursuant to which the SBA's small entity size standard is defined as those entities employing 1,500 or fewer persons.⁴⁸ For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.⁴⁹ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.⁵⁰ Thus under this category and the associated size standard, the Commission estimates that the majority of firms can be considered small. We note however that many of the licensees in this category are individuals and not small entities. In addition, due to the mostly unlicensed and shared nature of the spectrum utilized in many of these services, the Commission lacks direct information upon which to base an estimation of the number of small entities that may be affected by our actions in this proceeding.

19. *Public Safety Radio Licensees.* Public Safety Radio Pool licensees as a general matter, include police, fire, local government, forestry conservation, highway maintenance, and emergency

⁴³ See <http://wireless.fcc.gov/uls>. For the purposes of this FRFA, consistent with Commission practice for wireless services, the Commission estimates the number of licensees based on the number of unique FCC Registration Numbers.

⁴⁴ See Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division, Trends in Telephone Service at Table 5.3 (Sept. 2010) (*Trends in Telephone Service*), https://apps.fcc.gov/edocs_public/attachmatch/DOC-301823A1.pdf.

⁴⁵ See *id.*

⁴⁶ 47 CFR Part 90.

⁴⁷ The Citizens Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service are governed by subpart D, subpart A, subpart C, subpart B, subpart H, subpart I, subpart G, and subpart J, respectively, of Part 95 of the Commission's rules. See generally 47 CFR Part 95.

⁴⁸ 13 CFR § 121.201, NAICS Code 517312.

⁴⁹ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5/naics-517210.

⁵⁰ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

medical services.⁵¹ Because of the vast array of public safety licensees, the Commission has not developed a small business size standard specifically applicable to public safety licensees. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engaged in radiotelephone communications. The appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees.⁵² For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.⁵³ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.⁵⁴ Thus under this category and the associated size standard, the Commission estimates that the majority of firms can be considered small. With respect to local governments, in particular, since many governmental entities comprise the licensees for these services, we include under public safety services the number of government entities affected. According to Commission records, there are a total of approximately 133,870 licenses within these services.⁵⁵ There are 3,121 licenses in the 4.9 GHz band, based on an FCC Universal Licensing System search of March 29, 2017.⁵⁶ We estimate that fewer than 2,442 public safety radio licensees hold these licenses because certain entities may have multiple licenses.

20. *Private Land Mobile Radio Licensees.* Private land mobile radio (PLMR) systems serve an essential role in a vast range of industrial, business, land transportation, and public safety activities. These radios are used by companies of all sizes operating in all U.S. business categories. Because of the vast array of PLMR users, the Commission has not developed a small business size standard specifically applicable to PLMR users. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engaged in radiotelephone communications.⁵⁷ The appropriate size standard for this category under SBA rules is that such a business

⁵¹ See subparts A and B of Part 90 of the Commission's Rules, 47 CFR §§ 90.1-90.22. Police licensees serve state, county, and municipal enforcement through telephony (voice), telegraphy (code), and teletype and facsimile (printed material). Fire licensees are comprised of private volunteer or professional fire companies, as well as units under governmental control. Public Safety Radio Pool licensees also include state, county, or municipal entities that use radio for official purposes. State departments of conservation and private forest organizations comprise forestry service licensees that set up communications networks among fire lookout towers and ground crews. State and local governments are highway maintenance licensees that provide emergency and routine communications to aid other public safety services to keep main roads safe for vehicular traffic. Emergency medical licensees use these channels for emergency medical service communications related to the delivery of emergency medical treatment. Additional licensees include medical services, rescue organizations, veterinarians, persons with disabilities, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities.

⁵² See 13 CFR § 121.201, NAICS Code 517210.

⁵³ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210*. https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210.

⁵⁴ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

⁵⁵ This figure was derived from Commission licensing records as of June 27, 2008. Licensing numbers change daily. We do not expect this number to be significantly smaller as of the date of this order. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of public safety licensees that have less than 1,500 employees.

⁵⁶ Based on an FCC Universal Licensing System search of March 29, 2017. Search parameters: Radio Service = PA—Public Safety 4940-4990 MHz Band; Authorization Type = Regular; Status = Active.

⁵⁷ U.S. Census Bureau, 2012 NAICS Definitions, "517210 Wireless Telecommunications Carriers (Except Satellite)," See <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=ib&id=ib.en/ECN.NAICS2012.517210> (last visited Mar. 6, 2018).

is small if it has 1,500 or fewer employees.⁵⁸ For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.⁵⁹ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.⁶⁰ Thus under this category and the associated size standard, the Commission estimates that the majority of PLMR Licensees are small entities.

21. According to the Commission's records, a total of approximately 400,622 licenses comprise PLMR users.⁶¹ Of this number there are a total of 3,374 licenses in the frequencies range 173.225 MHz to 173.375 MHz, which is the range affected by the *Third Report and Order*.⁶² The Commission does not require PLMR licensees to disclose information about number of employees, and does not have information that could be used to determine how many PLMR licensees constitute small entities under this definition. The Commission however believes that a substantial number of PLMR licensees may be small entities despite the lack of specific information.

22. *Multiple Address Systems*. Entities using Multiple Address Systems (MAS) spectrum, in general, fall into two categories: (1) those using the spectrum for profit-based uses, and (2) those using the spectrum for private internal uses. With respect to the first category, Profit-based Spectrum use, the size standards established by the Commission define "small entity" for MAS licensees as an entity that has average annual gross revenues of less than \$15 million over the three previous calendar years.⁶³ A "Very small business" is defined as an entity that, together with its affiliates, has average annual gross revenues of not more than \$3 million over the preceding three calendar years.⁶⁴ The SBA has approved these definitions.⁶⁵ The majority of MAS operators are licensed in bands where the Commission has implemented a geographic area licensing approach that requires the use of competitive bidding procedures to resolve mutually exclusive applications.

23. The Commission's licensing database indicates that, as of April 16, 2010, there were a total of 11,653 site-based MAS station authorizations. Of these, 58 authorizations were associated with common carrier service. In addition, the Commission's licensing database indicates that, as of April 16, 2010, there were a total of 3,330 Economic Area market area MAS authorizations. The Commission's licensing database also indicates that, as of April 16, 2010, of the 11,653 total MAS station authorizations, 10,773 authorizations were for private radio service. In 2001, an auction for 5,104 MAS

⁵⁸ See 13 CFR § 121.201, NAICS Code 517210.

⁵⁹ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210*. https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210.

⁶⁰ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

⁶¹ This figure was derived from Commission licensing records as of September 19, 2016. Licensing numbers change on a daily basis. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of PLMR licensees that have fewer than 1,500 employees.

⁶² This figure was derived from Commission licensing records as of August 16, 2013. Licensing numbers change daily. We do not expect this number to be significantly smaller as of the date of this order. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of licensees that have fewer than 1,500 employees.

⁶³ See *Amendment of the Commission's Rules Regarding Multiple Address Systems*, Report and Order, 15 FCC Rcd 11956, 12008 para. 123 (2000).

⁶⁴ *Id.*

⁶⁵ See Letter from Aida Alvarez, Administrator, Small Business Administration, to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, FCC (June 4, 1999).

licenses in 176 EAs was conducted.⁶⁶ Seven winning bidders claimed status as small or very small businesses and won 611 licenses. In 2005, the Commission completed an auction (Auction 59) of 4,226 MAS licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands. Twenty-six winning bidders won a total of 2,323 licenses. Of the 26 winning bidders in this auction, five claimed small business status and won 1,891 licenses.

24. With respect to the second category, Internal Private Spectrum use consists of entities that use, or seek to use, MAS spectrum to accommodate their own internal communications needs, MAS serves an essential role in a range of industrial, safety, business, and land transportation activities. MAS radios are used by companies of all sizes, operating in virtually all U.S. business categories, and by all types of public safety entities. For the majority of private internal users, the definition developed by the SBA would be more appropriate than the Commission's definition. The closest applicable definition of a small entity is the "Wireless Telecommunications Carriers (except Satellite)" definition under the SBA rules.⁶⁷ The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.⁶⁸ For this category, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.⁶⁹ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.⁷⁰ Thus under this category and the associated small business size standard, the Commission estimates that the majority of firms that may be affected by our action can be considered small.

25. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high-speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)).⁷¹

26. *BRS* - In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than \$40 million in the previous three calendar years.⁷² The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately there are approximately 86 incumbent BRS licensees that are considered small entities (18 incumbent

⁶⁶ See *Multiple Address Systems Spectrum Auction Closes*, Public Notice, 16 FCC Rcd 21011 (2001).

⁶⁷ 13 CFR § 121.201, NAICS Code 517210.

⁶⁸ *Id.*

⁶⁹ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210*, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517210.

⁷⁰ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

⁷¹ *Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding*, Report and Order, 10 FCC Rcd 9589, 9593, para. 7 (1995).

⁷² 47 CFR § 21.961(b)(1).

BRS licensees do not meet the small business size standard).⁷³ After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 133 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules.

27. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas.⁷⁴ The Commission offered three levels of bidding credits: (i) a bidder with attributed average annual gross revenues that exceed \$15 million and do not exceed \$40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed \$3 million and do not exceed \$15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed \$3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid.⁷⁵ Auction 86 concluded in 2009 with the sale of 61 licenses.⁷⁶ Of the ten winning bidders, two bidders that claimed small business status won 4 licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

28. *EBS* - The Educational Broadband Service has been included within the broad economic census category and SBA size standard for Wired Telecommunications Carriers since 2007. Wired Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.⁷⁷ The SBA's small business size standard for this category is all such firms having 1,500 or fewer employees.⁷⁸ U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year.⁷⁹ Of this total, 3,083 operated with fewer than 1,000 employees.⁸⁰ Thus, under this size standard, the majority of firms in this industry can be considered small. In addition to Census Bureau data, the Commission's Universal Licensing System indicates that as of October 2014, there are 2,206 active EBS licenses. The Commission estimates that of these 2,206 licenses, the majority are held by non-profit educational

⁷³ 47 U.S.C. § 309(j). Hundreds of stations were licensed to incumbent MDS licensees prior to implementation of Section 309(j) of the Communications Act of 1934, 47 U.S.C. § 309(j). For these pre-auction licenses, the applicable standard is SBA's small business size standard of 1500 or fewer employees.

⁷⁴ *Auction of Broadband Radio Service (BRS) Licenses, Scheduled for October 27, 2009, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 86*, Public Notice, 24 FCC Rcd 8277 (2009).

⁷⁵ *Id.* at 8296 para. 73.

⁷⁶ *Auction of Broadband Radio Service Licenses Closes, Winning Bidders Announced for Auction 86, Down Payments Due November 23, 2009, Final Payments Due December 8, 2009, Ten-Day Petition to Deny Period*, Public Notice, 24 FCC Rcd 13572 (2009).

⁷⁷ U.S. Census Bureau, 2017 NAICS Definitions, "517311 Wired Telecommunications Carriers," <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517110&search=2017>.

⁷⁸ See 13 CFR § 121.201. The Wired Telecommunications Carrier category formerly used the NAICS code of 517110. As of 2017 the U.S. Census Bureau definition shows the NAICS code as 517311 for Wired Telecommunications Carriers. See, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517311&search=2017>.

⁷⁹ See U.S. Census Bureau, *2012 Economic Census of the United States*, Table No. EC1251SSSZ5, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms: 2012* (517110 Wired Telecommunications Carriers). https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5//naics~517110.

⁸⁰ *Id.*

institutions and school districts, which are by statute defined as small businesses.⁸¹

29. *Location and Monitoring Service (LMS)*. LMS systems use non-voice radio techniques to determine the location and status of mobile radio units. For purposes of auctioning LMS licenses, the Commission has defined a “small business” as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed \$15 million.⁸² A “very small business” is defined as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed \$3 million.⁸³ These definitions have been approved by the SBA.⁸⁴ An auction for LMS licenses commenced on February 23, 1999 and closed on March 5, 1999. Of the 528 licenses auctioned, 289 licenses were sold to four small businesses.

30. *Television Broadcasting*. This Economic Census category “comprises establishments primarily engaged in broadcasting images together with sound.”⁸⁵ These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public.⁸⁶ These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: those having \$38.5 million or less in annual receipts.⁸⁷ The 2012 Economic Census reports that 751 firms in this category operated in that year.⁸⁸ Of that number, 656 had annual receipts of \$25,000,000 or less, 25 had annual receipts between \$25,000,000 and \$49,999,999 and 70 had annual receipts of \$50,000,000 or more.⁸⁹ Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

31. The Commission has estimated the number of licensed commercial television stations to be 1,377.⁹⁰ Of this total, 1,258 stations (or about 91 percent) had revenues of \$38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on November 16, 2017, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 384.⁹¹ Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how

⁸¹ The term “small entity” within SBREFA applies to small organizations (non-profits) and to small governmental jurisdictions (cities, counties, towns, townships, villages, school districts, and special districts with populations of less than 50,000). 5 U.S.C. §§ 601(4)-(6).

⁸² *Amendment of Part 90 of the Commission’s Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems*, Second Report and Order, 13 FCC Rcd 15182, 15192 para. 20 (1998); *see also* 47 CFR § 90.1103.

⁸³ *Id.*

⁸⁴ *See* Letter from Aida Alvarez, Administrator, Small Business Administration to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC (Feb. 22, 1999).

⁸⁵ U.S. Census Bureau, 2017 NAICS Definitions, “515120 Television Broadcasting,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515120&search=2017+NAICS+Search&search=2017>.

⁸⁶ *Id.*

⁸⁷ 13 CFR § 121.201; 2012 NAICS Code 515120.

⁸⁸ U.S. Census Bureau, Table No. EC1251SSSZ4, *Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* (515120 Television Broadcasting). https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~515120.

⁸⁹ *Id.*

⁹⁰ *Broadcast Station Totals as of June 30, 2018*, Press Release (MB, rel. Jul. 3, 2018) (June 30, 2018 Broadcast Station Totals Press Release), <https://docs.fcc.gov/public/attachments/DOC-352168A1.pdf>.

⁹¹ *Id.*

many such stations would qualify as small entities. There are also 2,300 low power television stations, including Class A stations (LPTV) and 3,681 TV translator stations.⁹² Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

32. We note, however, that in assessing whether a business concern qualifies as “small” under the above definition, business (control) affiliations must be included.⁹³ Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of “small business” requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive. Also, as noted above, an additional element of the definition of “small business” is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and its estimates of small businesses to which they apply may be over-inclusive to this extent.

33. *Radio Stations.* This Economic Census category “comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.”⁹⁴ The SBA has established a small business size standard for this category as firms having \$38.5 million or less in annual receipts.⁹⁵ Economic Census data for 2012 show that 2,849 radio station firms operated during that year.⁹⁶ Of that number, 2,806 operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more.⁹⁷ Therefore, based on the SBA’s size standard the majority of such entities are small entities.

34. According to Commission staff review of the BIA/Kelsey, LLC’s Publications, Inc. Media Access Pro Radio Database (BIA) as of January 2018, about 11,261 (or about 99.92 percent) of 11,270 commercial radio stations had revenues of \$38.5 million or less and thus qualify as small entities under the SBA definition.⁹⁸ The Commission has estimated the number of licensed commercial AM radio stations to be 4,633 stations and the number of commercial FM radio stations to be 6,738, for a total number of 11,371.⁹⁹ We note, that the Commission has also estimated the number of licensed NCE radio stations to be 4,128.¹⁰⁰ Nevertheless, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

⁹² *Id.*

⁹³ See 13 CFR § 21.103(a)(1) “[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.”

⁹⁴ U.S. Census Bureau, 2017 NAICS Definitions, “515112 Radio Stations,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515112&search=2017+NAICS+Search&search=2017>.

⁹⁵ 13 CFR § 121.201, NAICS Code 515112.

⁹⁶ U.S. Census Bureau, *2012 Economic Census of the United States*, Table No. EC1251SSSZ4, *Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* NAICS Code 515112, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~515112.

⁹⁷ *Id.*

⁹⁸ BIA/Kelsey, MEDIA Access Pro Database (viewed Jan. 26, 2018).

⁹⁹ Broadcast Station Totals as of June 30, 2018, Press Release (MB Jul. 3, 2018) (June 30, 2018 Broadcast Station Totals), <https://docs.fcc.gov/public/attachments/DOC-352168A1.pdf>.

¹⁰⁰ *Id.*

35. We also note, that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included.¹⁰¹ The Commission's estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, to be determined a "small business," an entity may not be dominant in its field of operation.¹⁰² We further note, that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these basis, thus our estimate of small businesses may therefore be over-inclusive. Also, as noted above, an additional element of the definition of "small business" is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

36. *FM Translator Stations and Low Power FM Stations.* FM translators and Low Power FM Stations are classified in the category of Radio Stations and are assigned the same NAICS Code as licensees of radio stations.¹⁰³ This U.S. industry, Radio Stations, comprises establishments primarily engaged in broadcasting aural programs by radio to the public.¹⁰⁴ Programming may originate in their own studio, from an affiliated network, or from external sources.¹⁰⁵ The SBA has established a small business size standard which consists of all radio stations whose annual receipts are \$38.5 million dollars or less.¹⁰⁶ U.S. Census Bureau data for 2012 indicate that 2,849 radio station firms operated during that year.¹⁰⁷ Of that number, 2,806 operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more.¹⁰⁸ Therefore, based on the SBA's size standard, we conclude that the majority of FM Translator Stations and Low Power FM Stations are small.

37. *Multichannel Video Distribution and Data Service (MVDDS).* MVDDS is a terrestrial fixed microwave service operating in the 12.2-12.7 GHz band. The Commission adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. It defined a very small business as an entity with average annual gross revenues not exceeding \$3 million for the preceding three years; a small business as an entity with average annual gross revenues not exceeding \$15 million for the preceding three years; and an entrepreneur as an entity with average annual gross revenues not exceeding \$40 million for the preceding three years.¹⁰⁹ These definitions were approved by the SBA.¹¹⁰ On January 27, 2004, the Commission

¹⁰¹ 13 CFR § 121.103(a)(1). "[Business concerns] are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has power to control both."

¹⁰² 13 CFR § 121.102(b).

¹⁰³ See, U.S. Census Bureau, 2017 NAICS Definitions, "515112 Radio Stations," <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515112&search=2017+NAICS+Search&search=2017>.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ 13 CFR § 121.201, NAICS code 515112.

¹⁰⁷ U.S. Census Bureau, *2012 Economic Census of the United States*, Table No. EC1251SSSZ4, *Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* NAICS Code 515112, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4/naics~515112.

¹⁰⁸ *Id.*

¹⁰⁹ *Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers,*

completed an auction of 214 MVDDS licenses (Auction No. 53). In this auction, ten winning bidders won a total of 192 MVDDS licenses.¹¹¹ Eight of the ten winning bidders claimed small business status and won 144 of the licenses. The Commission also held an auction of MVDDS licenses on December 7, 2005 (Auction 63). Of the three winning bidders who won 22 licenses, two winning bidders, winning 21 of the licenses, claimed small business status.¹¹²

38. *Satellite Telecommunications.* This category comprises firms “primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.”¹¹³ Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of \$32.5 million or less in average annual receipts, under SBA rules.¹¹⁴ For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year.¹¹⁵ Of this total, 299 firms had annual receipts of less than \$25 million.¹¹⁶ Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

39. *All Other Telecommunications.* The “All Other Telecommunications” category is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.¹¹⁷ This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.¹¹⁸ Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.¹¹⁹ The SBA has developed a small business size standard for “All Other Telecommunications,” which consists of all such firms with gross annual receipts of \$32.5 million or less.¹²⁰ For this category, U.S. Census data for 2012 show that there

(Continued from previous page) —————

Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band, Memorandum Opinion and Order and Second Report and Order, 17 FCC Rcd 9614, 9711, para. 252 (2002).

¹¹⁰ See Letter from Hector V. Barreto, Administrator, U.S. Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, FCC (Feb. 13, 2002).

¹¹¹ See “*Multichannel Video Distribution and Data Service Spectrum Auction Closes; Winning Bidders Announced*,” Public Notice, 19 FCC Rcd 1834 (2004).

¹¹² See “*Auction of Multichannel Video Distribution and Data Service Licenses Closes; Winning Bidders Announced for Auction No. 63*,” Public Notice, 20 FCC Rcd 19807 (2005).

¹¹³ U.S. Census Bureau, 2017 NAICS Definitions, “517410 Satellite Telecommunications,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517410&search=2017+NAICS+Search&search=2017>.

¹¹⁴ 13 CFR § 121.201, NAICS Code 517410.

¹¹⁵ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States: 2012*, NAICS Code 517410, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~517410.

¹¹⁶ *Id.*

¹¹⁷ See U.S. Census Bureau, 2017 NAICS Definitions, NAICS Code “517919 All Other Telecommunications”, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017>.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ 13 CFR § 121.201, NAICS Code 517919.

were 1,442 firms that operated for the entire year.¹²¹ Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million and 42 firms had annual receipts of \$25 million to \$49,999,999.¹²² Thus, a majority of “All Other Telecommunications” firms potentially affected by our action can be considered small.

40. *Fixed Microwave Services.* Microwave services include common carrier,¹²³ private-operational fixed,¹²⁴ and broadcast auxiliary radio services.¹²⁵ They also include the Local Multipoint Distribution Service (LMDS),¹²⁶ the Digital Electronic Message Service (DEMS),¹²⁷ the 39 GHz Service (39 GHz),¹²⁸ the 24 GHz Service,¹²⁹ and the Millimeter Wave Service¹³⁰ where licensees can choose between common carrier and non-common carrier status.¹³¹ At present, there are approximately 66,680 common carrier fixed licensees, 69,360 private and public safety operational-fixed licensees, 20,150 broadcast auxiliary radio licensees, 411 LMDS licenses, 33 24 GHz DEMS licenses, 777 39 GHz licenses, and five 24 GHz licenses, and 467 Millimeter Wave licenses in the microwave services.¹³² The Commission has not yet defined a small business size standard for microwave services. The closest applicable SBA category is Wireless Telecommunications Carriers (except Satellite) and the appropriate size standard for this category under SBA rules is that such a business is small if it has 1,500 or fewer employees.¹³³ U.S. Census Bureau data for 2012, show that there were 967 firms in this category that operated for the entire year.¹³⁴ Of this total, 955 had employment of 999 or fewer, and 12 firms had employment of 1,000 employees or more. Thus, under this category and the associated small business size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

41. The Commission notes that the number of firms does not necessarily track the number of

¹²¹ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States: 2012*, NAICS code 517919, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4/naics~517919.

¹²² *Id.*

¹²³ See 47 CFR Part 101, Subpart I.

¹²⁴ Persons eligible under parts 80 and 90 of the Commission’s rules can use Private-Operational Fixed Microwave services. See 47 CFR Parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee’s commercial, industrial, or safety operations.

¹²⁵ See 47 CFR Parts 74, 78 (governing Auxiliary Microwave Service) Available to licensees of broadcast stations, cable operators, and to broadcast and cable network entities. Auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes TV pickup and CARS pickup, which relay signals from a remote location back to the studio.

¹²⁶ See 47 CFR §§ 101, 1001-101, 1017.

¹²⁷ See 47 CFR §§ 101, 101.501-101.538.

¹²⁸ See 47 CFR Part 101, Subpart N (reserved for Competitive bidding procedures for the 38.6-40 GHz Band).

¹²⁹ See *id.*

¹³⁰ See 47 CFR §§ 101, 101.1501-101.1527.

¹³¹ See 47 CFR §§ 101.533, 101.1017.

¹³² These statistics are based on a review of the Universal Licensing System on September 22, 2015.

¹³³ 13 CFR § 121.201.

¹³⁴ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ5, *Information: Subject Series, “Estab and Firm Size: Employment Size of Firms for the U.S.: 2012* NAICS Code 517210, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ5/naics~517210.

licensees. The Commission also notes that it does not have data specifying the number of these licensees that have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of fixed microwave service licensees that would qualify as small business concerns under the SBA's small business size standard. The Commission estimates however, that virtually all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition.

42. *Non-Licensee Owners of Towers and Other Infrastructure.* Although at one time most communications towers were owned by the licensee using the tower to provide communications service, many towers are now owned by third-party businesses that do not provide communications services themselves but lease space on their towers to other companies that provide communications services. The Commission's rules require that any entity, including a non-licensee, proposing to construct a tower over 200 feet in height or within the glide slope of an airport must register the tower with the Commission's Antenna Structure Registration ("ASR") system and comply with applicable rules regarding review for impact on the environment and historic properties.

43. As of March 1, 2017, the ASR database includes approximately 122,157 registration records reflecting a "Constructed" status and 13,987 registration records reflecting a "Granted, Not Constructed" status. These figures include both towers registered to licensees and towers registered to non-licensee tower owners. The Commission does not keep information from which we can easily determine how many of these towers are registered to non-licensees or how many non-licensees have registered towers.¹³⁵ Regarding towers that do not require ASR registration, we do not collect information as to the number of such towers in use and therefore cannot estimate the number of tower owners that would be subject to the rules on which we seek comment. Moreover, the SBA has not developed a size standard for small businesses in the category "Tower Owners." Therefore, we are unable to determine the number of non-licensee tower owners that are small entities. We believe, however, that when all entities owning 10 or fewer towers and leasing space for collocation are included, non-licensee tower owners number in the thousands. In addition, there may be other non-licensee owners of other wireless infrastructure, including Distributed Antenna Systems (DAS) and small cells that might be affected by the measures on which we seek comment. We do not have any basis for estimating the number of such non-licensee owners that are small entities.

44. The closest applicable SBA category is All Other Telecommunications, and the appropriate size standard consists of all such firms with gross annual receipts of \$32.5 million or less.¹³⁶ For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year.¹³⁷ Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million and 15 firms had annual receipts of \$25 million to \$49, 999,999.¹³⁸ Thus, under this SBA size standard a majority of the firms potentially affected by our action can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

45. The *Third Report and Order* does not establish any reporting, recordkeeping, or other

¹³⁵ We note, however, that approximately 13,000 towers are registered to 10 cellular carriers with 1,000 or more employees.

¹³⁶ 13 CFR § 121.201, NAICS Code 517919.

¹³⁷ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ4, *Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States: 2012*, NAICS code 517919, https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/51SSSZ4//naics~517919.

¹³⁸ *Id.*

compliance requirements for companies involved in wireless infrastructure deployment.¹³⁹ In addition to not adopting any reporting, recordkeeping or other compliance requirements, the Commission takes significant steps to reduce regulatory impediments to infrastructure deployment and, therefore, to spur the growth of personal wireless services. Under the Commission's approach, small entities as well as large companies will be assured that their deployment requests will be acted upon within a reasonable period of time and, if their applications are not addressed within the established time frames, applicants may seek injunctive relief granting their siting applications. The Commission, therefore, has taken concrete steps to relieve companies of all sizes of uncertainty and has eliminated unnecessary delays.

46. The *Third Report and Order* also does not impose any reporting or recordkeeping requirements on state and local governments. While some commenters argue that additional shot clock classifications would make the siting process needlessly complex without any proven benefits, the Commission concludes that any additional administrative burden from increasing the number of Section 332 shot clocks from two to four is outweighed by the likely significant benefit of regulatory certainty and the resulting streamlined deployment process.¹⁴⁰ The Commission's actions are consistent with the statutory language of Section 332 and therefore reflect Congressional intent. Further, siting agencies have become more efficient in processing siting applications and will be able to take advantage of these efficiencies in meeting the new shot clocks. As a result, the additional shot clocks that the Commission adopts will foster the deployment of the latest wireless technology and serve consumer interests.

F. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

47. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”¹⁴¹

48. The steps taken by the Commission in the *Third Report and Order* eliminate regulatory burdens for small entities as well as large companies that are involved with the deployment of personal wireless services infrastructure. By establishing shot clocks and guidance on injunctive relief for personal wireless services infrastructure deployments, the Commission has standardized and streamlined the permitting process. These changes will significantly minimize the economic burden of the siting process on all entities, including small entities, involved in deploying personal wireless services infrastructure. The record shows that permitting delays imposes significant economic and financial burdens on companies with pending wireless infrastructure permits. Eliminating permitting delays will remove the associated cost burdens and enabling significant public interest benefits by speeding up the deployment of personal wireless services and infrastructure. In addition, siting agencies will be able to utilize the efficiencies that they have gained over the years processing siting applications to minimize financial impacts.

49. The Commission considered but did not adopt proposals by commenters to issue “Best Practices” or “Recommended Practices,”¹⁴² and to develop an informal dispute resolution process and

¹³⁹ See *supra* para. 144.

¹⁴⁰ See *supra* para. 110.

¹⁴¹ 5 U.S.C. § 603(c)(1)-(4).

¹⁴² KS Rep. Sloan Comments at 2; Nokia Comments at 10.

mediation program,¹⁴³ noting that the steps taken in the *Third Report and Order* address the concerns underlying these proposals to facilitate cooperation between parties to reach mutually agreed upon solutions.¹⁴⁴ The Commission anticipates that the changes it has made to the permitting process will provide significant efficiencies in the deployment of personal wireless services facilities and this in turn will benefit all companies, but particularly small entities, that may not have the resources and economies of scale of larger entities to navigate the permitting process. By adopting these changes, the Commission will continue to fulfill its statutory responsibilities, while reducing the burden on small entities by removing unnecessary impediments to the rapid deployment of personal wireless services facilities and infrastructure across the country.

Report to Congress

^{50.} The Commission will send a copy of the *Third Report and Order*, including this FRFA, in a report to Congress pursuant to the Congressional Review Act.¹⁴⁵ In addition, the Commission will send a copy of the *Third Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Third Report and Order* and FRFA (or summaries thereof) also will be published in the *Federal Register*.¹⁴⁶

¹⁴³ NATOA *et al.* Comments at 16-17.

¹⁴⁴ *See supra* para. 131.

¹⁴⁵ 5 U.S.C. § 801(a)(1)(A).

¹⁴⁶ 5 U.S.C. § 604(b).

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

Perhaps the defining characteristic of the communications sector over the past decade is that the world is going wireless. The smartphone's introduction in 2007 may have seemed an interesting novelty to some at the time, but it was a precursor of a transformative change in how consumers access and use the Internet. 4G LTE was a key driver in that change.

Today, a new transition is at hand as we enter the era of 5G. At the FCC, we're working hard to ensure that the United States leads the world in developing this next generation of wireless connectivity so that American consumers and our nation's economy enjoy the immense benefits that 5G will bring.

Spectrum policy of course features prominently in our 5G strategy. We're pushing a lot more spectrum into the commercial marketplace. On November 14, for example, our 28 GHz band spectrum auction will begin, and after it ends, our 24 GHz band spectrum auction will start. And in 2019, we plan to auction off three additional spectrum bands.

But all the spectrum in the world won't matter if we don't have the infrastructure needed to carry 5G traffic. New physical infrastructure is vital for success here. That's because 5G networks will depend less on a few large towers and more on numerous small cell deployments—deployments that for the most part don't exist today.

But installing small cells isn't easy, too often because of regulations. There are layers of (sometimes unnecessary and unreasonable) rules that can prevent widespread deployment. At the federal level, we acted earlier this year to modernize our regulations and make our own review process for wireless infrastructure 5G fast. And many states and localities have similarly taken positive steps to reform their own laws and increase the likelihood that their citizens will be able to benefit from 5G networks.

But as this *Order* makes clear, there are outliers that are unreasonably standing in the way of wireless infrastructure deployment. So today, we address regulatory barriers at the local level that are inconsistent with federal law. For instance, big-city taxes on 5G slow down deployment there and also jeopardize the construction of 5G networks in suburbs and rural America. So today, we find that all fees must be non-discriminatory and cost-based. And when a municipality fails to act promptly on applications, it can slow down deployment in many other localities. So we mandate shot clocks for local government review of small wireless infrastructure deployments.

I commend Commissioner Carr for his leadership in developing this *Order*. He worked closely with many state and local officials to understand their needs and to study the policies that have worked at the state and local level. It should therefore come as no surprise that this *Order* has won significant support from mayors, local officials, and state legislators.

To be sure, there are some local governments that don't like this *Order*. They would like to continue extracting as much money as possible in fees from the private sector and forcing companies to navigate a maze of regulatory hurdles in order to deploy wireless infrastructure. But these actions are not only unlawful, they're also short-sighted. They slow the construction of 5G networks and will delay if not prevent the benefits of 5G from reaching American consumers. And let's also be clear about one thing: When you raise the cost of deploying wireless infrastructure, it is those who live in areas where the

investment case is the most marginal—rural areas or lower-income urban areas—who are most at risk of losing out. And I don't want 5G to widen the digital divide; I want 5G to help close that divide.

In conclusion, I'd like to again thank Commissioner Carr for leading this effort and his staff for their diligent work. And I'm grateful to the hardworking staff across the agency who have put many hours into this *Order*. In particular, thanks to Jonathan Campbell, Stacy Ferraro, Garnet Hanly, Leon Jackler, Eli Johnson, Jonathan Lechter, Kate Matraves, Betsy McIntyre, Darrel Pae, Jennifer Salhus, Dana Shaffer, Jiaming Shang, David Sieradzki, Michael Smith, Don Stockdale, Cecilia Sulhoff, Patrick Sun, Suzanne Tetreault, and Joseph Wyer from the Wireless Telecommunications Bureau; Matt Collins, Adam Copeland, Dan Kahn, Deborah Salons, and John Visclosky from the Wireline Competition Bureau; Chana Wilkerson from the Office of Communications Business Opportunities; and Ashley Boizelle, David Horowitz, Tom Johnson, Marcus Maher, Bill Richardson, and Anjali Singh from the Office of General Counsel.

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

I enthusiastically support the intent of today's item and the vast majority of its content, as it will lower the barriers that some localities place to infrastructure siting. By tackling exorbitant fees, ridiculous practices, and prolonged delays, we are taking the necessary steps to expedite deployment and make it more cost efficient. Collectively, these provisions will help facilitate the deployment of 5G and enable providers to expand services throughout our nation, with ultimate beneficiaries being the American people.

While this is a tremendous step in the right direction, there are some things that could have been done to improve the situation further. For instance, the agreement reached by all parties in the 1996 Telecommunications Act was that states and localities would have no role over radio frequency emission issues, could not regulate based on the aesthetics of towers and antennas, and were prohibited from imposing any moratoriums on processing wireless siting applications. State and localities did not honor this agreement and the courts have sadly enabled their efforts via harmful and wrongly decided cases. Accordingly, I would have preferred that the aesthetics related provisions in the item be deleted, but I will have to swallow it recognizing that I can't get the rest without it. At the very least, I do appreciate that, at my request, it was clarified that the aesthetic requirements, which must be published in advance, must be objective.

I am also concerned that by setting application and recurring fees that are presumed to be reasonable, the Commission is inviting localities to adopt these rates, even if they are not cost based. Providers should be explicitly provided the right to challenge these rates if they believe they are not cost based. Even if not stated, I hope that providers will challenge unreasonable rates. I thank my colleagues for agreeing to my edits that the application fee presumption applies to all non-recurring costs, not just the application fee.

Further, I think there should be a process and standards in place if a locality decides that it needs more time to review batched applications. Objective criteria are needed regarding what are considered "exceptional circumstances" or "exceptional cases" warranting a longer review period for batch processing, when localities need to inform the applicant that they need more time, how this notification will occur, and how much time they will get. For instance, the item appears to excuse a locality that does not act within the shot clocks for any application if there are "extraordinary circumstances," but there are no parameters on what circumstances we are envisioning. Is a lack of adequate staff or having processing rules or policies in place a sufficient excuse? Such things should be determined upfront, as opposed to allowing courts to decide such matters. Without further clarity, I fear that we may be creating unnecessary loopholes, resulting in further delay.

Finally, I would have liked today's item to be broader and cover the remaining infrastructure issues in the record. First, the Commission's new interpretation of sections 253 and 332 applies beyond small cells. While our focus has been on these newer technologies, there needs to be a recognition that macro towers will continue to play a crucial role in wireless networks. One tower provider states that "[m]acro cell sites will continue to be a central component of wireless infrastructure . . .," because 80 [percent] of the population lives in suburban or rural areas where "macro sites are the most efficient way

to transmit wireless signals.”¹ Further, many of the interpretations in today’s item apply not only to these macro towers, but also to other telecommunications services, including those provided by traditional wireline carriers and potentially cable companies.

Second, the Commission needs to close loopholes in section 6409 that some localities have been exploiting. While these rules pertaining to the modification of existing structures are clear, some localities are trying to undermine Congress’s intent and our actions. For instance, localities are refusing ancillary permissions, such as building or highway permits, to slow down or prevent siting; using the localities’ concealment and aesthetic additions to increase the size of the facility or requiring that poles be replaced with stealth infrastructure for the purpose of excluding facilities from section 6409; placing improper conditions on permits; and forcing providers to sign agreements that waive their rights under section 6409. And, I have been told that some are claiming that section 6409 does not apply to their siting processes. This must stop. I appreciate the Chairman’s firm commitment to my request for an additional item to address such matters, and I expect that it will be coming in the very near future.

Third, there is a need to harmonize our rules regarding compound expansion. Currently, an entity seeking to replace a structure is allowed to expand the facility’s footprint by 30 feet, but if the same entity seeks to expand the tower area to hold new equipment associated with a collocation, a new review is needed. It doesn’t make sense that these situations are treated differently. And while we are at it, the Commission should also harmonize its shot clocks and remedies. These issues should also be added to any future item.

Lastly, the Commission also must finish its review of the comments filed in response to the twilight towers notice, make the revisions to the program comment, and submit it to Advisory Council on Historic Preservation for their review and vote. These towers are eligible, yet not permitted, to hold an estimated 6,500 collocations that will be needed for next-generation services and FirstNet. It is time to bring this embarrassment, which started in 2001, to an end.

Not only do I thank the Chairman for agreeing to additional infrastructure items, but I also thank the Chairman and Commissioner Carr for implementing several of my edits to the item today. Besides those already mentioned, they include applying the aesthetic criteria, including that any requirements must be reasonable, objective, and published in advance, to undergrounding; stating that undergrounding requirements that apply to some, but not all facilities, will be considered an effective prohibition if they materially inhibit wireless service; and adding similar language to the minimum spacing section of the item. Further, the minimum spacing requirements will not apply to replacement facilities or prevent collocations on existing structures. Additionally, localities claiming that an application is incomplete will need to specifically state what rule requires the submission of the missing information.

With this, I approve.

¹ American Tower Ex Parte Letter, WT Docket No. 17-79, n.6 (Aug. 10, 2018).

**STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

The United States is on the cusp of a major upgrade in wireless technology to 5G. The WALL STREET JOURNAL has called it transformative from a technological and economic perspective. And they're right. Winning the global race to 5G—seeing this new platform deployed in the U.S. first—is about economic leadership for the next decade. Those are the stakes, and here's how we know it.

Think back ten years ago when we were on the cusp of upgrading from 3G to 4G. Think about the largest stocks and some of the biggest drivers of our economy. It was big banks and big oil. Fast forward to today: U.S.-based technology companies, from FAANG (Facebook, Apple, Amazon, Netflix, and Google) down to the latest startup, have transformed our economy and our lives.

Think about your own life. A decade ago, catching a ride across town involved calling a phone number, waiting 20 minutes for a cab to arrive, and paying rates that were inaccessible to many people. Today, we have Lyft, Uber, Via, and other options.

A decade ago, sending money meant going to a brick-and-mortar bank, standing in that rope line, getting frustrated when that pen leashed to the table was out of ink (again!), and ultimately conducting your transaction with a teller. Now, with Square, Venmo, and other apps you can send money or deposit checks from anywhere, 24 hours a day.

A decade ago, taking a road trip across the country meant walking into your local AAA office, telling them the stops along your way, and waiting for them to print out a TripTik booklet filled with maps that you would unfold as you drove down the highway. Now, with Google Maps and other apps you get real-time updates and directions right on your smartphone.

American companies led the way in developing these 4G innovations. But it's not by chance or luck that the United States is the world's tech and innovation hub. We have the strongest wireless economy in the world because we won the race to 4G. No country had faster 4G deployment and more intense investment than we did. Winning the race to 4G added \$100 billion to our GDP. It led to \$125 billion in revenue for U.S. companies that could have gone abroad. It grew wireless jobs in the U.S. by 84 percent. And our world-leading 4G networks now support today's \$950 billion app economy. That history should remind policymakers at all levels of government exactly what is at stake. 5G is about our leadership for the next decade.

And being first matters. It determines whether capital will flow here, whether innovators will start their new businesses here, and whether the economy that benefits is the one here. Or as Deloitte put it: "First-adopter countries . . . could sustain more than a decade of competitive advantage."

We're not the only country that wants to be first to 5G. One of our biggest competitors is China. They view 5G as a chance to flip the script. They want to lead the tech sector for the next decade. And they are moving aggressively to deploy the infrastructure needed for 5G.

Since 2015, China has deployed 350,000 cell sites. We've built fewer than 30,000. Right now, China is deploying 460 cell sites a day. That is twelve times our pace. We have to be honest about this infrastructure challenge. The time for empty statements about carrots and sticks is over. We need a concrete plan to close the gap with China and win the race to 5G.

We take this challenge seriously at the FCC. And we are getting the government out of the way, so that the private sector can invest and compete.

In March, we held that small cells should be treated differently than large, 200-foot towers. And we're already seeing results. That decision cut \$1.5 billion in red tape, and one provider reports that it is now clearing small cells for construction at six times the pace as before.

So we're making progress in closing the infrastructure gap with China. But hurdles remain. We've heard from dozens of mayors, local officials, and state lawmakers who get what 5G means—they understand the economic opportunity that comes with it. But they worry that the billions in investment needed to deploy these networks will be consumed by the high fees and long delays imposed by big, “must-serve” cities. They worry that, without federal action, they may not see 5G. I'd like to read from a few of the many comments I've received over the last few months.

Duane Ankney is a retired coal miner from Montana with a handlebar mustache that would be the envy of nearly any hipster today. But more relevantly, he's a Member of the Montana State Legislature and chairs its Energy and Telecommunications Committee. He writes: “Where I see the problem is, that most of investment capital is spent in the larger urban areas. This is primarily due to the high regulatory cost and the cost recovery [that] can be made in those areas. This leaves the rural areas out.”

Mary Whisenand, an Iowa commissioner, writes: “With 99 counties in Iowa, we understand the need to streamline the network buildout process so it's not just the big cities that get 5G but also our small towns. If companies are tied up with delays and high fees, it's going to take that much longer for each and every Iowan to see the next generation of connectivity.”

Ashton Hayward, the Mayor of Pensacola, Florida, writes: “[E]xcessive and arbitrary fees . . . result[] in nothing more than telecom providers being required to spend limited investment dollars on fees as opposed to spending those limited resources on the type of high-speed infrastructure that is so important in our community.”

And the entire board of commissioners from a more rural area in Michigan writes: “Smaller communities such as those located in St. Clair County would benefit by having the [FCC] reduce the costly and unnecessary fees that some larger communities place on small cells as a condition of deployment. These fees, wholly disproportionate to any cost, put communities like ours at an unfair disadvantage. By making small cell deployment less expensive, the FCC will send a clear message that all communities, regardless of size, should share in the benefits of this crucial new technology.”

They're right. When I think about success—when I think about winning the race to 5G—the finish line is not the moment we see next-gen deployments in New York or San Francisco. Success can only be achieved when all Americans, no matter where they live, have a fair shot at fast, affordable broadband.

So today, we build on the smart infrastructure policies championed by state and local leaders. We ensure that no city is subsidizing 5G. We prevent excessive fees that would threaten 5G deployment. And we update our shot clocks to account for new small cell deployments. I want to thank Commissioner Rosenworcel for improving the new shot clocks with edits that protect municipalities from providers that submit incomplete applications and provide localities with more time to adjust their operations. Her ideas improved this portion of the order.

More broadly, our decision today has benefited from the diverse views expressed by a range of stakeholders. On the local government side, I met with mayors, city planners, and other officials in their home communities and learned from their perspectives. They pushed back on the proposed “deemed

granted” remedy, on regulating rents on their property outside of rights-of-way, and on limits to reasonable aesthetic reviews. They reminded me that they’re the ones that get pulled aside at the grocery store when an unsightly small cell goes up. Their views carried the day on all of those points. And our approach respects the compromises reached in state legislatures around the country by not preempting nearly any of the provisions in the 20 state level small cells bills.

This is a balanced approach that will help speed the deployment of 5G. Right now, there is a cottage industry of consultants spurring lawsuits and disputes in courtrooms and city halls around the country over the scope of Sections 253 and 332. With this decision, we provide clear and updated guidance, which will eliminate the uncertainty inspiring much of that litigation.

Some have also argued that we unduly limit local aesthetic reviews. But allowing reasonable aesthetic reviews—and thus only preventing unreasonable ones—does not strike me as a claim worth lodging.

And some have asked whether this reform will make a real difference in speeding 5G deployment and closing the digital divide. The answer is yes. It will cut \$2 billion in red tape. That’s about \$8,000 in savings per small cell. Cutting these costs changes the prospects for communities that might otherwise get left behind. It will stimulate \$2.4 billion in new small cell deployments. That will cover 1.8 million more homes and businesses—97% of which are in rural and suburban communities. That is more broadband for more Americans.

* * *

In closing, I want to thank my colleagues for working to put these ideas in place. I want to thank Chairman Pai for his leadership in removing these regulatory barriers. And I want to recognize the exceptionally hard-working team at the FCC that helped lead this effort, including, in the Wireless Telecommunications Bureau, Donald Stockdale, Suzanne Tetrault, Garnet Hanly, Jonathan Campbell, Stacy Ferraro, Leon Jackler, Eli Johnson, Jonathan Lechter, Marcus Maher, Betsy McIntyre, Darrel Pae, Jennifer Salhus, Jiaming Shang, and David Sieradzki. I also want to thank the team in the Office of General Counsel, including Tom Johnson, Ashley Boizelle, Bill Richardson, and Anjali Singh.

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL
APPROVING IN PART, DISSENTING IN PART**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

A few years ago, in a speech at a University of Colorado event, I called on the Federal Communications Commission to start a proceeding on wireless infrastructure reform. I suggested that if we want broad economic growth and widespread mobile opportunity, we need to avoid unnecessary delays in the state and local approval process. That's because they can slow deployment.

I believed that then. I still believe it now.

So when the FCC kicked off a rulemaking on wireless infrastructure last year, I had hopes. I hoped we could provide a way to encourage streamlined service deployment nationwide. I hoped we could acknowledge that we have a long tradition of local control in this country but also recognize more uniform policies across the country will help us in the global race to build the next generation of wireless service, known as 5G. Above all, I hoped we could speed infrastructure deployment by recognizing the best way to do so is to treat cities and states as our partners.

In one respect, today's order is consistent with that vision. We shorten the time frames permitted under the law for state and local review of the deployment of small cells—an essential part of 5G networks. I think this is the right thing to do because the shot clocks we have now were designed in an earlier era for much bigger wireless facilities. At the same time, we retain the right of state and local authorities to pursue court remedies under Section 332 of the Communications Act. This strikes an appropriate balance. I appreciate that my colleagues were willing to work with me to ensure that localities have time to update their processes to accommodate these new deadlines and that they are not unfairly prejudiced by incomplete applications. I support this aspect of today's order.

But in the remainder of this decision, my hopes did not pan out. Instead of working with our state and local partners to speed the way to 5G deployment, we cut them out. We tell them that going forward Washington will make choices for them—about which fees are permissible and which are not, about what aesthetic choices are viable and which are not, with complete disregard for the fact that these infrastructure decisions do not work the same in New York, New York and New York, Iowa. So it comes down to this: three unelected officials on this dais are telling state and local leaders all across the country what they can and cannot do in their own backyards. This is extraordinary federal overreach.

I do not believe the law permits Washington to run roughshod over state and local authority like this and I worry the litigation that follows will only slow our 5G future. For starters, the Tenth Amendment reserves powers to the states that are not expressly granted to the federal government. In other words, the constitution sets up a system of dual sovereignty that informs all of our laws. To this end, Section 253 balances the interests of state and local authorities with this agency's responsibility to expand the reach of communications service. While Section 253(a) is concerned with state and local requirements that may prohibit or effectively prohibit service, Section 253(d) permits preemption only on a case-by-case basis after notice and comment. We do not do that here. Moreover, the assertion that fees above cost or local aesthetic requirements in a single city are tantamount to a service prohibition elsewhere stretches the statute beyond what Congress intended and legal precedent affords.

In addition, this decision irresponsibly interferes with existing agreements and ongoing deployment across the country. There are thousands of cities and towns with agreements for infrastructure deployment—including 5G wireless facilities—that were negotiated in good faith. So

many of them could be torn apart by our actions here. If we want to encourage investment, upending commitments made in binding contracts is a curious way to go.

Take San Jose, California. Earlier this year it entered into agreements with three providers for the largest small cell-driven broadband deployment of any city in the United States. These partnerships would lead to 4,000 small cells on city-owned light poles and more than \$500 million of private sector investment. Or take Little Rock, Arkansas, where local reforms to the permitting process have put it on course to become one of the first cities to benefit from 5G service. Or take Troy, Ohio. This town of under 26,000 spent time and energy to develop streamlined procedures to govern the placement, installation, and maintenance of small cell facilities in the community. Or take Austin, Texas. It has been experimenting with smart city initiatives to improve transportation and housing availability. As part of this broader effort, it started a pilot project to deploy small cells and has secured agreements with multiple providers.

This declaratory ruling has the power to undermine these agreements—and countless more just like them. In fact, too many municipalities to count—from Omaha to Overland Park, Cincinnati to Chicago and Los Angeles to Louisville—have called on the FCC to halt this federal invasion of local authority. The National Governors Association and National Conference of State Legislatures have asked us to stop before doing this damage. This sentiment is shared by the United States Conference of Mayors, National League of Cities, National Association of Counties, and Government Finance Officers Association. In other words, every major state and municipal organization has expressed concern about how Washington is seeking to assert national control over local infrastructure choices and stripping local elected officials and the citizens they represent of a voice in the process.

Yet cities and states are told to not worry because with these national policies wireless providers will save as much as \$2 billion in costs which will spur deployment in rural areas. But comb through the text of this decision. You will not find a single commitment made to providing more service in remote communities. Look for any statements made to Wall Street. Not one wireless carrier has said that this action will result in a change in its capital expenditures in rural areas. As Ronald Reagan famously said, “trust but verify.” You can try to find it here, but there is no verification. That’s because the hard economics of rural deployment do not change with this decision. Moreover, the asserted \$2 billion in cost savings represents no more than 1 percent of investment needed for next-generation networks.

It didn’t have to be this way. So let me offer three ideas to consider going forward.

First, we need to acknowledge we have a history of local control in this country but also recognize that more uniform policies can help us be first to the future. Here’s an idea: Let’s flip the script and build a new framework. We can start with developing model codes for small cell and 5G deployment—but we need to make sure they are supported by a wide range of industry and state and local officials. Then we need to review every policy and program—from universal service to grants and low-cost loans at the Department of Commerce, Department of Agriculture, and Department of Transportation and build in incentives to use these models. In the process, we can create a more common set of practices nationwide. But to do so, we would use carrots instead of sticks.

Second, this agency needs to own up to the impact of our trade policies on 5G deployment. In this decision we go on at length about the cost of local review but are eerily silent when it comes to the consequences of new national tariffs on network deployment. As a result of our escalating trade war with China, by the end of this year we will have a 25 percent duty on antennas, switches, and routers—the essential network facilities needed for 5G deployment. That’s a real cost and there is no doubt it will diminish our ability to lead the world in the deployment of 5G.

Finally, in this decision the FCC treats the challenge of small cell deployment with a bias toward more regulation from Washington rather than more creative marketplace solutions. But what if instead we focused our efforts on correcting the market failure at issue? What if instead of micromanaging costs we fostered competition? One innovative way to do this involves dusting off our 20-year old over-the-air-reception-device rules, or OTARD rules.

Let me explain. The FCC's OTARD rules were designed to protect homeowners and renters from laws that restricted their ability to set up television and broadcast antennas on private property. In most cases they accomplished this by providing a right to install equipment on property you control—and this equipment for video reception was roughly the size of a pizza box.

Today OTARD rules do not contemplate 5G deployment and small cells. But we could change that by clarifying our rules. If we did, a lot of benefits would follow. By creating more siting options for small cells, we would put competitive pressure on public rights-of-way, which could bring down fees through competition instead of the government ratemaking my colleagues offer here. Moreover, this approach would create more opportunities for rural deployment by giving providers more siting and backhaul options and creating new use cases for signal boosters. Add this up and you get more competitive, more ubiquitous, and less costly 5G deployment.

We don't explore these market-based alternatives in today's decision. We don't say a thing about the real costs that tariffs impose on our efforts at 5G leadership. And we don't consider creative incentive-based systems to foster deployment, especially in rural areas.

But above all we neglect the opportunity to recognize what is fundamental: if we want to speed the way for 5G service we need to work with cities and states across the country because they are our partners. For this reason, in critical part, I dissent.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be filed electronically the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 10, 2019.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Sean A. Lev

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19-70145, 19-70146, 19-70147, 19-70326, 19-70339, 19-70341, and 19-70344

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SPRINT CORPORATION, *et al.*,
Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES OF AMERICA,
Respondents.

ON PETITIONS FOR REVIEW FROM AN ORDER
OF THE FEDERAL COMMUNICATIONS COMMISSION

**JOINT EXCERPTS OF RECORD FOR PETITIONERS
SPRINT CORPORATION; VERIZON COMMUNICATIONS INC.;
PUERTO RICO TELEPHONE COMPANY, INC.; AND AT&T SERVICES, INC.**

Volume II of II (ER 117-371)

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June 10, 2019

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(Case No. 19-70125)

EXCERPTS OF RECORD**TABLE OF CONTENTS**

Page

VOLUME I

Declaratory Ruling and Third Report and Order, <i>Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment</i> , 33 FCC Rcd 9088 (2018).....	ER 001
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------

VOLUME II

Certified Index of Items in the Record, <i>Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment</i> , WT Docket Nos. 17-79 & 17-84 (May 10, 2019).....	ER117
Notice of Proposed Rulemaking and Notice of Inquiry, <i>Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment</i> , 32 FCC Rcd 3330 (2017).....	ER214
Comments of AT&T, WT Docket No. 17-79 (June 15, 2017) (excerpt).....	ER274
Comments of CTIA – the Wireless Association, WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER285
Comments of ExteNet Systems, Inc., WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER304
Comments of General Communication, Inc., WT Docket No. 17-79 (June 15, 2017) (excerpt).....	ER314
Comments of Sprint Corp., WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER321
Comments of Verizon, WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....	ER333

Comments of Wireless Infrastructure Association,
WT Docket Nos. 17-79 & 17-84 (June 15, 2017) (excerpt).....ER339

Reply Comments of AT&T,
WT Docket Nos. 17-79 & 17-84 (July 17, 2017) (excerpt).....ER351

Reply Comments of Puerto Rico Telephone Co.,
WT Docket Nos. 17-79 & 17-84 (July 17, 2017) (excerpt).....ER353

Reply Comments of Verizon,
WT Docket No. 17-84 (July 17, 2017) (excerpt).....ER357

Ex Parte Letter from Henry G. Hultquist, AT&T, to Marlene H.
Dortch, Secretary, FCC, WC Docket No. 17-79 (Feb. 23, 2018).....ER360

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

No. 18-72689

CITY OF PORTLAND, Oregon,
Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,
Respondents.

No. 19-70123 (and consolidated cases)

SPRINT CORPORATION,
Petitioner,
CITY OF BOWIE, Maryland, *et al.,*
Intervenors,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,
Respondents.

On Petitions for Review of an Order of
the Federal Communications Commission

CERTIFIED INDEX OF ITEMS IN THE RECORD

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 2 of 97

The Federal Communications Commission herewith files a certified list of items constituting the record of Commission proceedings in the above captioned case. The filing consists of (1) a list of items constituting the record and (2) certificate of the Commission's Secretary.

May 10, 2019

Respectfully submitted,

s/ Sarah E. Citrin

Sarah E. Citrin
Counsel

FEDERAL COMMUNICATIONS
COMMISSION
WASHINGTON, D.C. 20554
(202) 418-1740

**IN THE UNITED STATES COURT OF APPEALS
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On Petitions for Review of an Order of
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**CERTIFICATE OF MARLENE H. DORTCH, SECRETARY
FEDERAL COMMUNICATIONS COMMISSION**

I, Marlene H. Dortch, Secretary, Federal Communications Commission, do hereby certify that the preceding list is a true and correct list of items in the record of the proceedings before the Federal Communications Commission pertinent to the above-captioned case.

Witness my hand and Seal of the Federal Communications Commission this 10th day of May 2019.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink that reads "Marlene H. Dortch". The signature is written in a cursive style with a large initial "M".

Marlene H. Dortch
Secretary

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/27/2018	Wireline Competition Bureau	DECLARATORY RULING	https://www.fcc.gov/ecfs/filing/0927025585935
9/27/2018	Town of Middleburg	LETTER	https://www.fcc.gov/ecfs/filing/100470957004
9/27/2018	Village of Glenwillow	LETTER	https://www.fcc.gov/ecfs/filing/10040070230463
9/26/2018	Laura Basso	COMMENT	https://www.fcc.gov/ecfs/filing/109270127326030
9/26/2018	Pamela Wallace	COMMENT	https://www.fcc.gov/ecfs/filing/10926091508108
9/26/2018	wim ney	COMMENT	https://www.fcc.gov/ecfs/filing/109262905606086
9/26/2018	City of Benton, AR	LETTER	https://www.fcc.gov/ecfs/filing/109260394411399
9/26/2018	City of Hudson, Ohio	LETTER	https://www.fcc.gov/ecfs/filing/109260289311995
9/26/2018	Office of Media Relations	OTHER	https://www.fcc.gov/ecfs/filing/09261819619664
9/25/2018	C Barnes	COMMENT	https://www.fcc.gov/ecfs/filing/10925005615911
9/25/2018	caroline thrun	COMMENT	https://www.fcc.gov/ecfs/filing/1092679432003
9/25/2018	Cynthia Curtis	COMMENT	https://www.fcc.gov/ecfs/filing/10925824917630
9/25/2018	Dan Schoenberg	COMMENT	https://www.fcc.gov/ecfs/filing/10925029652014
9/25/2018	Dan Schoenberg	COMMENT	https://www.fcc.gov/ecfs/filing/10925129212969
9/25/2018	Kim E Levinsohn and Marla Levinsohn	COMMENT	https://www.fcc.gov/ecfs/filing/10926086672342
9/25/2018	Mark & Lorene Newood	COMMENT	https://www.fcc.gov/ecfs/filing/10925073153649
9/25/2018	Marla Levinsohn	COMMENT	https://www.fcc.gov/ecfs/filing/109261347516960
	National Governors Association, National Conference of State Legislatures	COMMENT	https://www.fcc.gov/ecfs/filing/10925081485126
9/25/2018	Nicholas LiCalzi	COMMENT	https://www.fcc.gov/ecfs/filing/10925715614502
9/25/2018	Sandra Betten	COMMENT	https://www.fcc.gov/ecfs/filing/10925260776430
		CONGRESSIONAL	
9/25/2018	The Honorable Billy Long, et al.	CORRESPONDENCE	https://www.fcc.gov/ecfs/filing/1092585347000
9/25/2018	Arkansas Municipal Power Association	LETTER	https://www.fcc.gov/ecfs/filing/10925292808657
9/25/2018	City of Bentonville, Arkansas	LETTER	https://www.fcc.gov/ecfs/filing/1092506860249
9/25/2018	City of North Little Rock	LETTER	https://www.fcc.gov/ecfs/filing/10925006646956
9/25/2018	City, Conway, Arkansas	LETTER	https://www.fcc.gov/ecfs/filing/10925671213298
9/25/2018	Clarksville Light & Water Company	LETTER	https://www.fcc.gov/ecfs/filing/10925665019722
9/25/2018	Catherine E. Pugh, Mayor, City of Baltimore	OPPOSITION	https://www.fcc.gov/ecfs/filing/10925290414482
9/24/2018	Randal Barrett	COMMENT	https://www.fcc.gov/ecfs/filing/109240977414768
9/24/2018	Cathy Murillo, City of Santa Barbara	LETTER	https://www.fcc.gov/ecfs/filing/109241131921310
9/24/2018	City of Gahanna	LETTER	https://www.fcc.gov/ecfs/filing/1002038924516
9/24/2018	Hope Water & Light	LETTER	https://www.fcc.gov/ecfs/filing/109242216109904
9/24/2018	Paul Smith	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109221684019364
9/24/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10921285507629
9/21/2018	City of Murrieta, California	COMMENT	https://www.fcc.gov/ecfs/filing/10921272058147
9/21/2018	Elizabeth Shapiro	COMMENT	https://www.fcc.gov/ecfs/filing/10921726312351
9/21/2018	Elizabeth Shapiro	COMMENT	https://www.fcc.gov/ecfs/filing/10921726312351

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/21/2018	Michael L. Beamish, Mayor, City of Troy, OH	COMMENT	https://www.fcc.gov/ecfs/filing/10921253100587
9/21/2018	Town of Middleburg, Virginia	LETTER	https://www.fcc.gov/ecfs/filing/1092166849166
9/20/2018	City of Lakewood, California	COMMENT	https://www.fcc.gov/ecfs/filing/1092009131472
9/20/2018	Karen Mitchoff	COMMENT	https://www.fcc.gov/ecfs/filing/1092018453620
9/20/2018	Kentucky Association of Counties	COMMENT	https://www.fcc.gov/ecfs/filing/1092058270600
9/20/2018	Kevin Watson	COMMENT	https://www.fcc.gov/ecfs/filing/10920173146463
9/20/2018	Stephen F. Owen	COMMENT	https://www.fcc.gov/ecfs/filing/1092008425193
9/20/2018	Village of Gates Mills	COMMENT	https://www.fcc.gov/ecfs/filing/109200674326734
9/20/2018	City of Whitehall	LETTER	https://www.fcc.gov/ecfs/filing/109272219007399
9/20/2018	RainbowPUSH	LETTER	https://www.fcc.gov/ecfs/filing/10920388125556
9/20/2018	AT&T	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109202453507383
9/20/2018	Computer & Communications Industry Association (CCIA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10920245738967
9/20/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1092018022862
9/20/2018	Deloitte Consulting LLP	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1092061903608
9/20/2018	NCTA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109201697409943
9/19/2018	American Tower Corporation	COMMENT	https://www.fcc.gov/ecfs/filing/10919177843629
9/19/2018	Andrew P. Fox	COMMENT	https://www.fcc.gov/ecfs/filing/10919250823413
9/19/2018	Ann Lindstrom	COMMENT	https://www.fcc.gov/ecfs/filing/10919429524114
9/19/2018	Association County Commissioners of Georgia	COMMENT	https://www.fcc.gov/ecfs/filing/109191360516070
9/19/2018	Association of Minnesota Counties	COMMENT	https://www.fcc.gov/ecfs/filing/10919573013122
9/19/2018	Baker County, William Harvey, Mark Bennett, Burce Nichols	COMMENT	https://www.fcc.gov/ecfs/filing/10919071767409
9/19/2018	Botetourt County, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/10920167715379
9/19/2018	California Emerging Technology Fund	COMMENT	https://www.fcc.gov/ecfs/filing/1092045808349
9/19/2018	Centre County Government (PA)	COMMENT	https://www.fcc.gov/ecfs/filing/1091982359935
9/19/2018	Charles Glass	COMMENT	https://www.fcc.gov/ecfs/filing/1091990144733
9/19/2018	Charles Iley	COMMENT	https://www.fcc.gov/ecfs/filing/109191771906246
9/19/2018	City of Anna	COMMENT	https://www.fcc.gov/ecfs/filing/109190885004928
9/19/2018	City of Brookville	COMMENT	https://www.fcc.gov/ecfs/filing/10919042205711
9/19/2018	City of Chicago	COMMENT	https://www.fcc.gov/ecfs/filing/10919756804686
9/19/2018	City of Chula Vista	COMMENT	https://www.fcc.gov/ecfs/filing/1091934155301
9/19/2018	City Of Cortland	COMMENT	https://www.fcc.gov/ecfs/filing/109191075614853
9/19/2018	City of Cuyahoga Falls	COMMENT	https://www.fcc.gov/ecfs/filing/109191486426676
9/19/2018	City of Kent	COMMENT	https://www.fcc.gov/ecfs/filing/10919086526015
9/19/2018	City of Medina, Ohio	COMMENT	https://www.fcc.gov/ecfs/filing/109192462330417
9/19/2018	City of Mount Vernon	COMMENT	https://www.fcc.gov/ecfs/filing/109192835511651
9/19/2018	City of Overland Park, Kansas	COMMENT	https://www.fcc.gov/ecfs/filing/109190549905790
9/19/2018	City of Rockville, Maryland	COMMENT	https://www.fcc.gov/ecfs/filing/109190999203047

In the Matter of
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WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/19/2018	City of Roseville, California	COMMENT	https://www.fcc.gov/ecfs/filing/109202537808947
9/19/2018	City of Yuma, Arizona	COMMENT	https://www.fcc.gov/ecfs/filing/1091932758263
9/19/2018	Commissioner Don Hodge, Judge Dan P. Joyce, Commissioner Larry Wilson, Malheur County	COMMENT	https://www.fcc.gov/ecfs/filing/10919624310681
9/19/2018	Cooke County, Texas	COMMENT	https://www.fcc.gov/ecfs/filing/1091967824895
9/19/2018	Councilman Bill Hollander	COMMENT	https://www.fcc.gov/ecfs/filing/10919309631921
9/19/2018	County Commissioners Association of Pennsylvania	COMMENT	https://www.fcc.gov/ecfs/filing/10919153585708
9/19/2018	County Legislator John Lightfoot	COMMENT	https://www.fcc.gov/ecfs/filing/1091951915636
9/19/2018	County of Augusta, VA	COMMENT	https://www.fcc.gov/ecfs/filing/10919914706931
9/19/2018	County of Cumberland	COMMENT	https://www.fcc.gov/ecfs/filing/10919167986612
9/19/2018	County of Imperial	COMMENT	https://www.fcc.gov/ecfs/filing/10919908116253
9/19/2018	County of Monterey, CA	COMMENT	https://www.fcc.gov/ecfs/filing/10919335500999
9/19/2018	County of Sacramento	COMMENT	https://www.fcc.gov/ecfs/filing/10920815418249
9/19/2018	County of San Diego	COMMENT	https://www.fcc.gov/ecfs/filing/10919647103556
9/19/2018	County of Warren, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/10919235846284
9/19/2018	City of San Antonio	COMMENT	https://www.fcc.gov/ecfs/filing/109202756204608
9/19/2018	Dane County	COMMENT	https://www.fcc.gov/ecfs/filing/10919111805711
9/19/2018	Dave Pine	COMMENT	https://www.fcc.gov/ecfs/filing/10919135714229
9/19/2018	Diane J. Martinez	COMMENT	https://www.fcc.gov/ecfs/filing/10919263913390
9/19/2018	Duchesne County	COMMENT	https://www.fcc.gov/ecfs/filing/10919168094217
9/19/2018	Eric Maxwell	COMMENT	https://www.fcc.gov/ecfs/filing/109190565619987
9/19/2018	Greater Bexar County Council of Cities	COMMENT	https://www.fcc.gov/ecfs/filing/10919417110800
9/19/2018	Harney County, Pete Runnels, Mark Owens, Patty Dorroh	COMMENT	https://www.fcc.gov/ecfs/filing/1091979091600
9/19/2018	Hennepin County	COMMENT	https://www.fcc.gov/ecfs/filing/10919060501161
9/19/2018	Howard County, Maryland	COMMENT	https://www.fcc.gov/ecfs/filing/1091967496576
9/19/2018	Hubert Beck	COMMENT	https://www.fcc.gov/ecfs/filing/10919399206165
9/19/2018	Humboldt County, CA	COMMENT	https://www.fcc.gov/ecfs/filing/10920707125469
9/19/2018	Jo Daviess County	COMMENT	https://www.fcc.gov/ecfs/filing/1091992148369
9/19/2018	Kimball County Nebraska	COMMENT	https://www.fcc.gov/ecfs/filing/10919671111048
9/19/2018	Kimball County Nebraska	COMMENT	https://www.fcc.gov/ecfs/filing/10919562528387
9/19/2018	Latah County Planning Department	COMMENT	https://www.fcc.gov/ecfs/filing/10919025549936
9/19/2018	Latinos in Information Sciences and Technology Association, Jose Marquez	COMMENT	https://www.fcc.gov/ecfs/filing/10919487317899
9/19/2018	Los Angeles County	COMMENT	https://www.fcc.gov/ecfs/filing/10919246717985
9/19/2018	Martin J. Bilek	COMMENT	https://www.fcc.gov/ecfs/filing/10919720616768
9/19/2018	Maryland Association of Counties (MACo)	COMMENT	https://www.fcc.gov/ecfs/filing/10919149008217
9/19/2018	Maureen Davey	COMMENT	https://www.fcc.gov/ecfs/filing/1091958735124
9/19/2018	Mayor Greg Fischer, Louisville Metro Government	COMMENT	https://www.fcc.gov/ecfs/filing/10919796409517

In the Matter of
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THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/19/2018	Mayor John Cranley, City of Cincinnati	COMMENT	https://www.fcc.gov/ecfs/filing/10919131524220
9/19/2018	Mayor Victoria Woodards	COMMENT	https://www.fcc.gov/ecfs/filing/109191117530402
9/19/2018	Michael Dylan Brennan	COMMENT	https://www.fcc.gov/ecfs/filing/10919486815220
9/19/2018	National Rural Health Association, American Telemedicine Association, National Association of Rural Health Clinics	COMMENT	https://www.fcc.gov/ecfs/filing/10919031725561
9/19/2018	Orange County, CA Board of Supervisors	COMMENT	https://www.fcc.gov/ecfs/filing/10919390216999
9/19/2018	Patrick Bloomingdale	COMMENT	https://www.fcc.gov/ecfs/filing/10919062311302
9/19/2018	Prince William County, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/109202851108466
9/19/2018	Ricardo Ramirez	COMMENT	https://www.fcc.gov/ecfs/filing/109190429901735
9/19/2018	Robert DeArmond, Scott Blain	COMMENT	https://www.fcc.gov/ecfs/filing/10919151083814
9/19/2018	Robert L. Hosack	COMMENT	https://www.fcc.gov/ecfs/filing/109190276614653
9/19/2018	Rural County Representatives of California	COMMENT	https://www.fcc.gov/ecfs/filing/10919689409608
9/19/2018	Sean Lanier, PE, CFM	COMMENT	https://www.fcc.gov/ecfs/filing/10919081376496
9/19/2018	Steve Willis	COMMENT	https://www.fcc.gov/ecfs/filing/109192607027779
9/19/2018	Steve Willis	COMMENT	https://www.fcc.gov/ecfs/filing/109190102107061
9/19/2018	The City of Philadelphia	COMMENT	https://www.fcc.gov/ecfs/filing/1091977459223
9/19/2018	The City of Philadelphia	COMMENT	https://www.fcc.gov/ecfs/filing/109192671202479
9/19/2018	Thomas C. Lamar, Commission Chair, David McGraw, Commissioner, Richard Walser, Commissioner	COMMENT	https://www.fcc.gov/ecfs/filing/10919233599955
9/19/2018	Town of Danville, California, City of Dublin, California, City of Livermore, California, City of Pleasanton, California, City of San Ramon, California	COMMENT	https://www.fcc.gov/ecfs/filing/1092088469705
9/19/2018	Town of Danville, California, City of Dublin, California, City of Livermore, California, City of Pleasanton, California, City of San Ramon, California	COMMENT	https://www.fcc.gov/ecfs/filing/1092072849388
9/19/2018	Village of Lake Success	COMMENT	https://www.fcc.gov/ecfs/filing/10919477416988
9/19/2018	Washington Association of Telecommunications Officers and Advisers (WATOA)	COMMENT	https://www.fcc.gov/ecfs/filing/1091967601406
9/19/2018	Washington Association of Telecommunications Officers and Advisers	COMMENT	https://www.fcc.gov/ecfs/filing/10919100452510
9/19/2018	Waukesha County	COMMENT	https://www.fcc.gov/ecfs/filing/10919254752595
9/19/2018	XG Communities, LLC	COMMENT	https://www.fcc.gov/ecfs/filing/1092030930452
9/19/2018	Yellowstone County, John Ostlund, Denis Pitman, Robyn Driscoll	COMMENT	https://www.fcc.gov/ecfs/filing/10919231529039
9/19/2018	Broward County, Florida	DECLARATORY RULING	https://www.fcc.gov/ecfs/filing/10919098025505
9/19/2018	City of Santa Maria, California	DECLARATORY RULING	https://www.fcc.gov/ecfs/filing/1092095095564
9/19/2018	Monroe County, Florida	DECLARATORY RULING	https://www.fcc.gov/ecfs/filing/10919133249084

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/19/2018	5G Americas	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/10919867226618
9/19/2018	Colorado Communications and Utility Alliance (CCUA)	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/1091966485794
9/19/2018	Board of County Commissioners, Sublette County, Wyoming	LETTER	https://www.fcc.gov/ecfs/filing/10919058769514
9/19/2018	Board of Supervisors of Montgomery County Virginia	LETTER	https://www.fcc.gov/ecfs/filing/1091977464598
9/19/2018	Board of Supervisors of Montgomery County Virginia	LETTER	https://www.fcc.gov/ecfs/filing/10919236758421
9/19/2018	Bob Kunau, Tim Darrington, Paul Christensen, Board of Cassia County Idaho Commissioners	LETTER	https://www.fcc.gov/ecfs/filing/109190920603172
9/19/2018	Butte County Board of Supervisors	LETTER	https://www.fcc.gov/ecfs/filing/10920234361299
9/19/2018	City of College Park, Georgia	LETTER	https://www.fcc.gov/ecfs/filing/1092789854729
9/19/2018	City of Fredericksburg, Virginia	LETTER	https://www.fcc.gov/ecfs/filing/1091979890429
9/19/2018	City of Las Vegas, NV	LETTER	https://www.fcc.gov/ecfs/filing/10919199282424
9/19/2018	City of Lincoln, Nebraska	LETTER	https://www.fcc.gov/ecfs/filing/10919058660458
9/19/2018	City of Palmdale	LETTER	https://www.fcc.gov/ecfs/filing/1092050227863
9/19/2018	City of Petaluma	LETTER	https://www.fcc.gov/ecfs/filing/1092052109816
9/19/2018	City of South St. Paul, Minnesota	LETTER	https://www.fcc.gov/ecfs/filing/10919078028111
9/19/2018	City Of Virginia Beach	LETTER	https://www.fcc.gov/ecfs/filing/109272103221094
9/19/2018	Dan Langshaw	LETTER	https://www.fcc.gov/ecfs/filing/10927202782725
9/19/2018	Gloucester County, Virginia	LETTER	https://www.fcc.gov/ecfs/filing/1092058190290
9/19/2018	James E. Baker, City Manager, City of Chesapeake	LETTER	https://www.fcc.gov/ecfs/filing/10919970615961
9/19/2018	Kurt Triplett, City Manager, City of Kirkland	LETTER	https://www.fcc.gov/ecfs/filing/109191802105422
9/19/2018	Loudoun County	LETTER	https://www.fcc.gov/ecfs/filing/10919931717650
9/19/2018	Mary B. Bunting, City Manager, City of Hampton, VA	LETTER	https://www.fcc.gov/ecfs/filing/109192639324006
9/19/2018	Morgan County Commission	LETTER	https://www.fcc.gov/ecfs/filing/109191063913927
9/19/2018	National Association of Telecommunications Officers and Advisors, National League of Cities, United States Conference of Mayors, National Association of Counties, National Association of Regional Councils	LETTER	https://www.fcc.gov/ecfs/filing/10919028495631
9/19/2018	National Association of Towns and Townships	LETTER	https://www.fcc.gov/ecfs/filing/109192612023425
9/19/2018	Prince George County, VA	LETTER	https://www.fcc.gov/ecfs/filing/1092731541703
9/19/2018	San Francisco, City and County	LETTER	https://www.fcc.gov/ecfs/filing/109192605411402
9/19/2018	Urban Counties of California	LETTER	https://www.fcc.gov/ecfs/filing/109192799617715
9/19/2018	Village of Hoffman Estates	LETTER	https://www.fcc.gov/ecfs/filing/1091999375214
9/19/2018	5G Americas	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10919278553404
9/19/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109192959226984

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/19/2018	Burnsville Mayor Elizabeth B. Kautz, City of Burnsville, Minn.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109191494020042
9/19/2018	City of Coon Rapids, Minnesota	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109191209423210
9/19/2018	City of Eugene, Oregon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10919094010886
9/19/2018	City of Los Angeles, California	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091933119375
9/19/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10920265430210
9/19/2018	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109190528109841
9/19/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109201209314771
9/19/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10920007086830
9/19/2018	National Association of Regulatory Utility Commissioners	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109193017613140
9/19/2018	NTCA-The Rural Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109200834905206
9/19/2018	Seattle City Light, Seattle Department of Transportation, City of Seattle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109191163507187
9/19/2018	Smart Communities and Special Districts Coalition	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10920230003833
9/19/2018	South Washington County Telecommunications Commission	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10919598922474
9/19/2018	Starry, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091939027342
9/19/2018	T-Mobile USA, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109201893527990
9/19/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091961328707
9/19/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091988229795
9/19/2018	City of Foster City	OPPOSITION	https://www.fcc.gov/ecfs/filing/109192018521139
9/19/2018	City of Hayward, CA	OPPOSITION	https://www.fcc.gov/ecfs/filing/10919241404693
9/19/2018	City of McKinney, Texas	OPPOSITION	https://www.fcc.gov/ecfs/filing/10919175504165
9/19/2018	City of Olmos Park	OPPOSITION	https://www.fcc.gov/ecfs/filing/10919409411372
9/19/2018	County of Fresno	OPPOSITION	https://www.fcc.gov/ecfs/filing/10919691705898
9/19/2018	Erie County NY	OPPOSITION	https://www.fcc.gov/ecfs/filing/109191556806555
9/19/2018	Kaley Schultze	OPPOSITION	https://www.fcc.gov/ecfs/filing/10919335902414
9/19/2018	Mayor Henry Wilson	OPPOSITION	https://www.fcc.gov/ecfs/filing/10919135208764
9/19/2018	Queen Anne's County Maryland Board of County Commissioners	OPPOSITION	https://www.fcc.gov/ecfs/filing/109192501630598
9/19/2018	Granville County, North Carolina	OTHER	https://www.fcc.gov/ecfs/filing/10919160096176
9/18/2018	I	COMMENT	https://www.fcc.gov/ecfs/filing/1091876557848
9/18/2018	Andrew Stone, Steve Patterson, City of Athens, OH	COMMENT	https://www.fcc.gov/ecfs/filing/10918302337549
9/18/2018	Andy Leon Harney	COMMENT	https://www.fcc.gov/ecfs/filing/10918743004128
9/18/2018	Bonnie Michael	COMMENT	https://www.fcc.gov/ecfs/filing/109180598309279
9/18/2018	Bonnie Michael	COMMENT	https://www.fcc.gov/ecfs/filing/1091871068085
9/18/2018	Brad J. Townsend	COMMENT	https://www.fcc.gov/ecfs/filing/1091891740389

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/18/2018	Brian Humphress, on behalf of the Miami Valley Communications Council	COMMENT	https://www.fcc.gov/ecfs/filing/10918717300261
9/18/2018	Cheriel Jensen	COMMENT	https://www.fcc.gov/ecfs/filing/10918383317370
9/18/2018	Chevy Chase Village	COMMENT	https://www.fcc.gov/ecfs/filing/10918323604670
9/18/2018	Chris Vitolins	COMMENT	https://www.fcc.gov/ecfs/filing/10918154205120
9/18/2018	Chris Vitolins	COMMENT	https://www.fcc.gov/ecfs/filing/1091831222665
9/18/2018	City of Beavercreek, Ohio	COMMENT	https://www.fcc.gov/ecfs/filing/10918899010606
9/18/2018	City of Brookville	COMMENT	https://www.fcc.gov/ecfs/filing/109192059811909
9/18/2018	City of Chardon	COMMENT	https://www.fcc.gov/ecfs/filing/10918573230336
9/18/2018	City of Culver City	COMMENT	https://www.fcc.gov/ecfs/filing/109180955611864
9/18/2018	City of Danville, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/1091807939762
9/18/2018	City of Gaithersburg	COMMENT	https://www.fcc.gov/ecfs/filing/1091880906436
9/18/2018	City of Inver Grove Heights, Minnesota	COMMENT	https://www.fcc.gov/ecfs/filing/1091875578853
9/18/2018	City of Lorain Ohio	COMMENT	https://www.fcc.gov/ecfs/filing/1091893395461
9/18/2018	City of Mukilteo, City of Bremerton, City of Mountlake Terrace, City of Kirkland, City of Redmond, City of Issaquah, City of Lake Stevens, City of Richland		
9/18/2018	City of Rochester New York	COMMENT	https://www.fcc.gov/ecfs/filing/109183078308187
9/18/2018	Clark County, NV	COMMENT	https://www.fcc.gov/ecfs/filing/10918434917028
9/18/2018	Consumers for Safe Cell Phones	COMMENT	https://www.fcc.gov/ecfs/filing/1091888567788
9/18/2018	County of Yolo, California	COMMENT	https://www.fcc.gov/ecfs/filing/1091857979484
9/18/2018	Debra March	COMMENT	https://www.fcc.gov/ecfs/filing/1091912829733
9/18/2018	Denise Capobianco	COMMENT	https://www.fcc.gov/ecfs/filing/10918476614018
9/18/2018	Denise Capobianco	COMMENT	https://www.fcc.gov/ecfs/filing/1091812390104
9/18/2018	Diane Barber	COMMENT	https://www.fcc.gov/ecfs/filing/10918144943421
9/18/2018	EMF Safety Network	COMMENT	https://www.fcc.gov/ecfs/filing/10918052322900
9/18/2018	Eric Holmes, City Manager, City of Vancouver, WA	COMMENT	https://www.fcc.gov/ecfs/filing/1091830079966
9/18/2018	Government of Stafford County Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/10918378924797
9/18/2018	James M. Benster	COMMENT	https://www.fcc.gov/ecfs/filing/1091873823526
9/18/2018	James M. Brown, Town of Poolesville	COMMENT	https://www.fcc.gov/ecfs/filing/109187273979
9/18/2018	Janet FitzGerald	COMMENT	https://www.fcc.gov/ecfs/filing/1091895090054
9/18/2018	Janet FitzGerald	COMMENT	https://www.fcc.gov/ecfs/filing/1091878003458
9/18/2018	Janine McNamara	COMMENT	https://www.fcc.gov/ecfs/filing/109181765819703
9/18/2018	Jeffrey Arndt	COMMENT	https://www.fcc.gov/ecfs/filing/10919960423410
9/18/2018	Jeffrey Arndt	COMMENT	https://www.fcc.gov/ecfs/filing/1091944823061
9/18/2018	Jennifer Perez	COMMENT	https://www.fcc.gov/ecfs/filing/1091964862387
9/18/2018	Jill Boudreau	COMMENT	https://www.fcc.gov/ecfs/filing/10918140119228
9/18/2018	John Duffy	COMMENT	https://www.fcc.gov/ecfs/filing/10918575527878

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/18/2018	Josh Cohn, Mayor	COMMENT	https://www.fcc.gov/ecfs/filing/1091876394914
9/18/2018	Kate Reese Hurd	COMMENT	https://www.fcc.gov/ecfs/filing/109181266422922
9/18/2018	Katie McAuliffe	COMMENT	https://www.fcc.gov/ecfs/filing/1091877950336
9/18/2018	Kristen Byrne	COMMENT	https://www.fcc.gov/ecfs/filing/109180100715722
9/18/2018	Kristin Moriarty-Termunde	COMMENT	https://www.fcc.gov/ecfs/filing/109180161422148
9/18/2018	Lamont G. McClure, Northampton County Executive	COMMENT	https://www.fcc.gov/ecfs/filing/10918299947818
9/18/2018	Leon Towarnicki, City of Martinsville, VA	COMMENT	https://www.fcc.gov/ecfs/filing/10918163720332
9/18/2018	Linda Dance	COMMENT	https://www.fcc.gov/ecfs/filing/10918172896723
9/18/2018	Linda Dance, Raymond Stalker	COMMENT	https://www.fcc.gov/ecfs/filing/10918146570272
9/18/2018	Ling Wang	COMMENT	https://www.fcc.gov/ecfs/filing/10918678413490
9/18/2018	Margo Warminski, Cincinnati Preservation Association	COMMENT	https://www.fcc.gov/ecfs/filing/10918035367648
9/18/2018	MARIN TELECOMMUNICATIONS AGENCY (MTA)	COMMENT	https://www.fcc.gov/ecfs/filing/10918964413670
9/18/2018	Mary Beth Brangan, EON	COMMENT	https://www.fcc.gov/ecfs/filing/10918261393121
9/18/2018	Maryland Municipal League	COMMENT	https://www.fcc.gov/ecfs/filing/10918268723794
9/18/2018	Max Ventura	COMMENT	https://www.fcc.gov/ecfs/filing/1091842595075
9/18/2018	Max Ventura	COMMENT	https://www.fcc.gov/ecfs/filing/10918177236910
9/18/2018	Mayor Allison Silberberg, City of Alexandria, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/10918601603989
9/18/2018	Mayor Tom Barrett, Ashanti Hamilton, Robert Bauman, Michael Murphy, Jose Perez, Terry Witkowski	COMMENT	https://www.fcc.gov/ecfs/filing/109181161424056
9/18/2018	Montgomery County Chapter of the Maryland Municipal League	COMMENT	https://www.fcc.gov/ecfs/filing/1091841909409
9/18/2018	Nan Whaley, Mayor of Dayton, Ohio	COMMENT	https://www.fcc.gov/ecfs/filing/10918397519290
9/18/2018	Nancy Joseph, John Joseph, brittany Joseph, alivia joseph, Nolan Joseph, Barb Bresson, Linda Kurz, Denise Pickett, Chantal Woods	COMMENT	https://www.fcc.gov/ecfs/filing/1091875067115
9/18/2018	Natalie Ventrice	COMMENT	https://www.fcc.gov/ecfs/filing/10918796510864
9/18/2018	Natalie Ventrice	COMMENT	https://www.fcc.gov/ecfs/filing/109182224103874
9/18/2018	Nevada League of Cities and Municipalities	COMMENT	https://www.fcc.gov/ecfs/filing/109182484001351
9/18/2018	New York State Conference of Mayors and Municipal Officials	COMMENT	https://www.fcc.gov/ecfs/filing/10918351622225
9/18/2018	North Dakota Association of Counties	COMMENT	https://www.fcc.gov/ecfs/filing/1091873501366
9/18/2018	Norton City Council	COMMENT	https://www.fcc.gov/ecfs/filing/10918967122464
9/18/2018	Ohio Municipal League	COMMENT	https://www.fcc.gov/ecfs/filing/1091841732958
9/18/2018	paska gionaj	COMMENT	https://www.fcc.gov/ecfs/filing/1091885898022
9/18/2018	Paul Silver	COMMENT	https://www.fcc.gov/ecfs/filing/10918295566037
9/18/2018	Peggy Heglund	COMMENT	https://www.fcc.gov/ecfs/filing/109181287004276
9/18/2018	Pennsylvanians Against Smart Meters	COMMENT	https://www.fcc.gov/ecfs/filing/1091970274808
9/18/2018	Peter T Beaudry, II, Pierre Beaudry	COMMENT	https://www.fcc.gov/ecfs/filing/1091805418396

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/18/2018	Peter Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/1091818135596811
9/18/2018	R Blake Crosby	COMMENT	https://www.fcc.gov/ecfs/filing/10918006426994
9/18/2018	Rachael Arndt	COMMENT	https://www.fcc.gov/ecfs/filing/1091892704315
9/18/2018	Rachael Arndt	COMMENT	https://www.fcc.gov/ecfs/filing/10918065678546
9/18/2018	Rebecca Carol Smith	COMMENT	https://www.fcc.gov/ecfs/filing/10918281421169
9/18/2018	Rebecca Carol Smith	COMMENT	https://www.fcc.gov/ecfs/filing/10918028586050
9/18/2018	REBECCA CAROL SMITH	COMMENT	https://www.fcc.gov/ecfs/filing/10918445124182
9/18/2018	Renville County	COMMENT	https://www.fcc.gov/ecfs/filing/10918085330735
9/18/2018	Sarah Reilly	COMMENT	https://www.fcc.gov/ecfs/filing/10918028917580
9/18/2018	Scott J Compton	COMMENT	https://www.fcc.gov/ecfs/filing/109190164425295
9/18/2018	Scott J Compton	COMMENT	https://www.fcc.gov/ecfs/filing/109192855630795
9/18/2018	Sharon Schrader	COMMENT	https://www.fcc.gov/ecfs/filing/10918806602953
9/18/2018	Sheila Hemphill	COMMENT	https://www.fcc.gov/ecfs/filing/1091831496113
9/18/2018	Sheila Pomaranski	COMMENT	https://www.fcc.gov/ecfs/filing/109193012913542
9/18/2018	Sheila Pomaranski	COMMENT	https://www.fcc.gov/ecfs/filing/10919241890431
9/18/2018	Southeast Council of Governments	COMMENT	https://www.fcc.gov/ecfs/filing/10918162642523
9/18/2018	Terrie Burns	COMMENT	https://www.fcc.gov/ecfs/filing/1091896211794
9/18/2018	The Ohio Mayors Alliance,Mayor John Cranley,Mayor Tim DeGeeter,Mayor Andrew Ginther,Mayor Don Patterson,Mayor Lydia Mihalik,Mayor Larry Mulligan Jr.,Mayor Nan Whaley	COMMENT	https://www.fcc.gov/ecfs/filing/10918304953038
9/18/2018	Village of Elk Grove Village, IL	COMMENT	https://www.fcc.gov/ecfs/filing/1091864270016
9/18/2018	Wendi Sue	COMMENT	https://www.fcc.gov/ecfs/filing/109182066634206
9/18/2018	West Valley City, Utah	COMMENT	https://www.fcc.gov/ecfs/filing/10919902707967
9/18/2018	Winifred Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/10918674117105
9/18/2018	John V. Cunard, Director	COMPLAINT	https://www.fcc.gov/ecfs/filing/1091832677627
9/18/2018	Arlington County Virginia government	DECLARATORY RULING	https://www.fcc.gov/ecfs/filing/109181189029671
9/18/2018	City of Pismo Beach, California	DECLARATORY RULING	https://www.fcc.gov/ecfs/filing/1091896919825
9/18/2018	St. Lucie County, Florida	DECLARATORY RULING	https://www.fcc.gov/ecfs/filing/10918008515510
9/18/2018	City of Akron	LETTER	https://www.fcc.gov/ecfs/filing/1091811886255
9/18/2018	City of Delaware	LETTER	https://www.fcc.gov/ecfs/filing/10918279388213
9/18/2018	City of Hilliard, Ohio	LETTER	https://www.fcc.gov/ecfs/filing/10918732919802
9/18/2018	City of Oberlin	LETTER	https://www.fcc.gov/ecfs/filing/1091804758676
9/18/2018	City Of Pendleton, Oregon	LETTER	https://www.fcc.gov/ecfs/filing/10926088539553
9/18/2018	Coalition of Local Internet Choice	LETTER	https://www.fcc.gov/ecfs/filing/1091888884850
9/18/2018	Colorado Communications and Utility Alliance (CCUA)	LETTER	https://www.fcc.gov/ecfs/filing/1091806715499
9/18/2018	Mayor Andrew J. Ginther	LETTER	https://www.fcc.gov/ecfs/filing/10918117640267
9/18/2018	SmartWorks Partners,Angela Stacy	LETTER	https://www.fcc.gov/ecfs/filing/1091941692836

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 12 of 97

Date Received	Filers(s)	Filing Type	Link
9/18/2018	Steven V. Ponto, Mayor City of Brookfield	LETTER	https://www.fcc.gov/ecfs/filing/10918559509826
9/18/2018	City of Newport, Minnesota	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091860405146
9/18/2018	City of San Jose	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10918161513154
9/18/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091924138490
9/18/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109181129416342
9/18/2018	Kate Kheel for Maryland Smart Meter Awareness	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109181518883853
9/18/2018	North Metro Telecommunications Commission	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10918339911030
9/18/2018	Northwest Suburbs Cable Communications Commission	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091808789180
9/18/2018	NYC Department of Information Technology and Telecommunications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091989140436
9/18/2018	Board of Stevens County Commissioners	OPPOSITION	https://www.fcc.gov/ecfs/filing/10918290000607
9/18/2018	Brian Lazor, City of Mason	OPPOSITION	https://www.fcc.gov/ecfs/filing/1091841047969
9/18/2018	Cindy Jones Mills	OPPOSITION	https://www.fcc.gov/ecfs/filing/1091829401090
9/18/2018	City of Beachwood	OPPOSITION	https://www.fcc.gov/ecfs/filing/10918787922599
9/18/2018	City of Braidwood	OPPOSITION	https://www.fcc.gov/ecfs/filing/1091849462795
9/18/2018	City of Kent, Ohio	OPPOSITION	https://www.fcc.gov/ecfs/filing/1091810619242
9/18/2018	City of Piedmont	OPPOSITION	https://www.fcc.gov/ecfs/filing/10918097503031
9/18/2018	County of Louisa, Virginia, Jeffrey Ferrel, Christian Goodwin	OPPOSITION	https://www.fcc.gov/ecfs/filing/1091872800549
9/18/2018	John V. Cunard, Director	OPPOSITION	https://www.fcc.gov/ecfs/filing/10918491321280
9/18/2018	Todd Levent	OPPOSITION	https://www.fcc.gov/ecfs/filing/109180673630106
9/18/2018	Town of Cortland Illinois	OPPOSITION	https://www.fcc.gov/ecfs/filing/10918140248078
9/18/2018	IRREGULATORS, New Networks Institute	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1091879852059
9/18/2018	IRREGULATORS, New Networks Institute	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/109180323113314
9/17/2018	17-84	COMMENT	https://www.fcc.gov/ecfs/filing/109170145247
9/17/2018	17-84	COMMENT	https://www.fcc.gov/ecfs/filing/109170240324244
9/17/2018	Adam T. Van Dyke	COMMENT	https://www.fcc.gov/ecfs/filing/1091713416466
9/17/2018	Adam T. Van Dyke	COMMENT	https://www.fcc.gov/ecfs/filing/1091783040228
9/17/2018	Alan Jones	COMMENT	https://www.fcc.gov/ecfs/filing/10918051420367
9/17/2018	Alan Jones	COMMENT	https://www.fcc.gov/ecfs/filing/10918803118305
9/17/2018	Alan/Joanne Herren	COMMENT	https://www.fcc.gov/ecfs/filing/10916220186074
9/17/2018	Alan/Joanne Herren	COMMENT	https://www.fcc.gov/ecfs/filing/1091619729043
9/17/2018	Ann H Mallek	COMMENT	https://www.fcc.gov/ecfs/filing/109180816704803
9/17/2018	April Blake	COMMENT	https://www.fcc.gov/ecfs/filing/1091798651375
9/17/2018	Arlene F.	COMMENT	https://www.fcc.gov/ecfs/filing/10917240143591
9/17/2018	Barry Lerner	COMMENT	https://www.fcc.gov/ecfs/filing/109181092725471
9/17/2018	Bart Balmer	COMMENT	https://www.fcc.gov/ecfs/filing/10918885324951
9/17/2018	Battista Adamo	COMMENT	https://www.fcc.gov/ecfs/filing/10917035259230

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/17/2018	Battista Adamo	COMMENT	https://www.fcc.gov/ecfs/filing/10917292326794
9/17/2018	Bert J. Goodrich	COMMENT	https://www.fcc.gov/ecfs/filing/10917273653088
9/17/2018	Bonnie E MCMURRY	COMMENT	https://www.fcc.gov/ecfs/filing/10917284967112
9/17/2018	Bonnie E MCMURRY	COMMENT	https://www.fcc.gov/ecfs/filing/109172846928658
9/17/2018	Bonnie e MCMurru	COMMENT	https://www.fcc.gov/ecfs/filing/10917090171206
9/17/2018	Bonnie e MCMurru	COMMENT	https://www.fcc.gov/ecfs/filing/10917073664463
9/17/2018	Bonnie e MCMurru	COMMENT	https://www.fcc.gov/ecfs/filing/10917815420590
9/17/2018	Brett Bucher	COMMENT	https://www.fcc.gov/ecfs/filing/1091790408754
9/17/2018	BRIAN V JARVIS	COMMENT	https://www.fcc.gov/ecfs/filing/109160096718963
9/17/2018	Bridey Matheny	COMMENT	https://www.fcc.gov/ecfs/filing/10917511226469
9/17/2018	C.L. Carlile	COMMENT	https://www.fcc.gov/ecfs/filing/109171302123883
9/17/2018	C.L. Carlile	COMMENT	https://www.fcc.gov/ecfs/filing/1091704394075
9/17/2018	Carol Caywood	COMMENT	https://www.fcc.gov/ecfs/filing/10916158966914
9/17/2018	Carol Kuzdenyi, Tony Keppelman	COMMENT	https://www.fcc.gov/ecfs/filing/10916501023550
9/17/2018	Cate Leger	COMMENT	https://www.fcc.gov/ecfs/filing/109172272919826
9/17/2018	Cecile Leneman	COMMENT	https://www.fcc.gov/ecfs/filing/1091707889929
9/17/2018	City of Clayton	COMMENT	https://www.fcc.gov/ecfs/filing/109170857803427
9/17/2018	City of Everett WA	COMMENT	https://www.fcc.gov/ecfs/filing/109150513901262
9/17/2018	Constance Anderson	COMMENT	https://www.fcc.gov/ecfs/filing/10918020123466
9/17/2018	Constance Anderson	COMMENT	https://www.fcc.gov/ecfs/filing/109180088429317
9/17/2018	Corinne Ashley Mayock Van Dyke	COMMENT	https://www.fcc.gov/ecfs/filing/109181702919287
9/17/2018	Corinne Ashley Mayock Van Dyke	COMMENT	https://www.fcc.gov/ecfs/filing/109182420808693
9/17/2018	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/1091629399558
9/17/2018	Damon Connolly, President, Marin County (CA) Board of Supervisors	COMMENT	https://www.fcc.gov/ecfs/filing/109170053526020
9/17/2018	Damon Connolly, President, Marin County (CA) Board of Supervisors	COMMENT	https://www.fcc.gov/ecfs/filing/1091755359161
9/17/2018	Dan Newell	COMMENT	https://www.fcc.gov/ecfs/filing/109170510423676
9/17/2018	David Adams	COMMENT	https://www.fcc.gov/ecfs/filing/10917058769061
9/17/2018	David Scheffler, Mayor	COMMENT	https://www.fcc.gov/ecfs/filing/10917633729061
9/17/2018	Debra Albus	COMMENT	https://www.fcc.gov/ecfs/filing/1091702158379
9/17/2018	Debra Albus	COMMENT	https://www.fcc.gov/ecfs/filing/109171578316289
9/17/2018	Debra DeKam	COMMENT	https://www.fcc.gov/ecfs/filing/1091714838406
9/17/2018	Dr. Mary Jane Ingui	COMMENT	https://www.fcc.gov/ecfs/filing/10917137340217
9/17/2018	Dr. Sandra Ross	COMMENT	https://www.fcc.gov/ecfs/filing/10918846609669
9/17/2018	DUANE PETERSON	COMMENT	https://www.fcc.gov/ecfs/filing/1091800507684
9/17/2018	E. Sandra Nixon	COMMENT	https://www.fcc.gov/ecfs/filing/10917272609327

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(\$)	Filing Type	Link
9/17/2018	E. Sandra Nixon	COMMENT	https://www.fcc.gov/ecfs/filing/10917687525395
9/17/2018	Eleanor Lyman	COMMENT	https://www.fcc.gov/ecfs/filing/1091636415936
9/17/2018	Ethan Pollack	COMMENT	https://www.fcc.gov/ecfs/filing/10917792914577
9/17/2018	Ford Greene	COMMENT	https://www.fcc.gov/ecfs/filing/1091759576296
9/17/2018	Ford Greene	COMMENT	https://www.fcc.gov/ecfs/filing/10917074179912
9/17/2018	Frank Gonzales Jr.	COMMENT	https://www.fcc.gov/ecfs/filing/1091707798403
9/17/2018	Garril Page	COMMENT	https://www.fcc.gov/ecfs/filing/10915212701124
9/17/2018	Georgia Municipal Association, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10917182210085
9/17/2018	Heather Dauler	COMMENT	https://www.fcc.gov/ecfs/filing/10917130618864
9/17/2018	Helene Robertson	COMMENT	https://www.fcc.gov/ecfs/filing/10917757013434
9/17/2018	Helene Robertson	COMMENT	https://www.fcc.gov/ecfs/filing/1091706631006968
9/17/2018	Jan Flanzer	COMMENT	https://www.fcc.gov/ecfs/filing/10917295609245
9/17/2018	Jeanine Deal	COMMENT	https://www.fcc.gov/ecfs/filing/10917742709970
9/17/2018	Jeffrey Palm	COMMENT	https://www.fcc.gov/ecfs/filing/10917145011304
9/17/2018	Jeffrey R. Palm	COMMENT	https://www.fcc.gov/ecfs/filing/10917194922117
9/17/2018	jessica bucher	COMMENT	https://www.fcc.gov/ecfs/filing/109172331017034
9/17/2018	jessica bucher	COMMENT	https://www.fcc.gov/ecfs/filing/1091790330546
9/17/2018	Jessica Lerner	COMMENT	https://www.fcc.gov/ecfs/filing/1091826135852
9/17/2018	Joan Capozzoli	COMMENT	https://www.fcc.gov/ecfs/filing/1091753064320
9/17/2018	Joan Kaul	COMMENT	https://www.fcc.gov/ecfs/filing/1091824648827
9/17/2018	Joan Kaul	COMMENT	https://www.fcc.gov/ecfs/filing/109181168215987
9/17/2018	Joe Jensen	COMMENT	https://www.fcc.gov/ecfs/filing/109171907903523
9/17/2018	Johanna Finney	COMMENT	https://www.fcc.gov/ecfs/filing/1091701133738
9/17/2018	Johnson County, Iowa Planning, Development, and Sustainability Department	COMMENT	https://www.fcc.gov/ecfs/filing/10917580712774
9/17/2018	Judy Aizuss	COMMENT	https://www.fcc.gov/ecfs/filing/1091896729463
9/17/2018	Judy Aizuss	COMMENT	https://www.fcc.gov/ecfs/filing/10918193008622
9/17/2018	Julie Van Balen	COMMENT	https://www.fcc.gov/ecfs/filing/10917945425267
9/17/2018	Kate Kheel for Maryland Smart Meter Awareness	COMMENT	https://www.fcc.gov/ecfs/filing/10918245556709
9/17/2018	Kathleen M. Sundmark,R. Paul Sundmark	COMMENT	https://www.fcc.gov/ecfs/filing/10917507509335
9/17/2018	Ken Albert	COMMENT	https://www.fcc.gov/ecfs/filing/1091775538535
9/17/2018	Kiah Bosy	COMMENT	https://www.fcc.gov/ecfs/filing/10918079426494
9/17/2018	kim Burggraf,Paul Harris	COMMENT	https://www.fcc.gov/ecfs/filing/109180281016261
9/17/2018	Kim Hahn	COMMENT	https://www.fcc.gov/ecfs/filing/10917382521921
9/17/2018	Kim Hahn	COMMENT	https://www.fcc.gov/ecfs/filing/10917616728399
9/17/2018	Kip J. Hudson	COMMENT	https://www.fcc.gov/ecfs/filing/1091665765801
9/17/2018	Kristen Byrne	COMMENT	https://www.fcc.gov/ecfs/filing/109170503519883
9/17/2018	Kristin Dotterer,Daniel Dotterer	COMMENT	https://www.fcc.gov/ecfs/filing/10916054753407

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/17/2018	Leah Spitzer	COMMENT	https://www.fcc.gov/ecfs/filing/109172198013084
9/17/2018	Leslie Rosenfeld	COMMENT	https://www.fcc.gov/ecfs/filing/10916988520688
9/17/2018	Lisa Mayoock	COMMENT	https://www.fcc.gov/ecfs/filing/10918304552746
9/17/2018	m thurman	COMMENT	https://www.fcc.gov/ecfs/filing/10917285216619
9/17/2018	Margaret Hall	COMMENT	https://www.fcc.gov/ecfs/filing/109162246827092
9/17/2018	Marin Lipowitz	COMMENT	https://www.fcc.gov/ecfs/filing/109172116212781
9/17/2018	Mark Graham	COMMENT	https://www.fcc.gov/ecfs/filing/109170285026377
9/17/2018	Mark Graham	COMMENT	https://www.fcc.gov/ecfs/filing/10917580717306
9/17/2018	Mark Schwieterman,Donald Patterson	COMMENT	https://www.fcc.gov/ecfs/filing/1091771794321
9/17/2018	McKinley County New Mexico	COMMENT	https://www.fcc.gov/ecfs/filing/1091782076806
9/17/2018	Mike Mayoock	COMMENT	https://www.fcc.gov/ecfs/filing/109180330003224
9/17/2018	Ms. Anahaar	COMMENT	https://www.fcc.gov/ecfs/filing/10917292703072
9/17/2018	Nancy Scheidt	COMMENT	https://www.fcc.gov/ecfs/filing/1091537392109
9/17/2018	Nicholas Ciappetta, Huntington Town Attorney	COMMENT	https://www.fcc.gov/ecfs/filing/109170457210303
9/17/2018	Nina Beety	COMMENT	https://www.fcc.gov/ecfs/filing/1091787835748
9/17/2018	Nina Beety	COMMENT	https://www.fcc.gov/ecfs/filing/109171162407331
9/17/2018	Nina Beety	COMMENT	https://www.fcc.gov/ecfs/filing/109170784130750
9/17/2018	Olemara Peters	COMMENT	https://www.fcc.gov/ecfs/filing/109180369715910
9/17/2018	Olemara Peters	COMMENT	https://www.fcc.gov/ecfs/filing/10918651007672
9/17/2018	Paige Clarke	COMMENT	https://www.fcc.gov/ecfs/filing/1091798615583
9/17/2018	Pamela A Ruth	COMMENT	https://www.fcc.gov/ecfs/filing/109170044430323
9/17/2018	Pamela Menke	COMMENT	https://www.fcc.gov/ecfs/filing/1091732573833
9/17/2018	Patricia Lesavoy, Ed.D.	COMMENT	https://www.fcc.gov/ecfs/filing/109180173307617
9/17/2018	Patricia Lesavoy, Ed.D.	COMMENT	https://www.fcc.gov/ecfs/filing/10918197977855
9/17/2018	Patricia R. Venza	COMMENT	https://www.fcc.gov/ecfs/filing/1091693648414
9/17/2018	Peter Donovan	COMMENT	https://www.fcc.gov/ecfs/filing/1091896056969
9/17/2018	Phyllis Kirson	COMMENT	https://www.fcc.gov/ecfs/filing/10917230520171
9/17/2018	Phyllis Kirson	COMMENT	https://www.fcc.gov/ecfs/filing/1091718578494
9/17/2018	Phyllis Kirson	COMMENT	https://www.fcc.gov/ecfs/filing/109172654107097
9/17/2018	Rachel Gaunt	COMMENT	https://www.fcc.gov/ecfs/filing/109171292906938
9/17/2018	Rachel Gaunt	COMMENT	https://www.fcc.gov/ecfs/filing/109172855802986
9/17/2018	Ray Meyers	COMMENT	https://www.fcc.gov/ecfs/filing/10917289137824
9/17/2018	Reinette Senum	COMMENT	https://www.fcc.gov/ecfs/filing/1091781695611
9/17/2018	Richard Cristdahl	COMMENT	https://www.fcc.gov/ecfs/filing/10917193401400
9/17/2018	Rick Gordon	COMMENT	https://www.fcc.gov/ecfs/filing/1091677313498
9/17/2018	Robert Ernst	COMMENT	https://www.fcc.gov/ecfs/filing/109170568223127
9/17/2018	Robert Ernst	COMMENT	https://www.fcc.gov/ecfs/filing/1091728313154
9/17/2018	Roberta Anthes	COMMENT	https://www.fcc.gov/ecfs/filing/10918628314543

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/17/2018	Roberta Anthes	COMMENT	https://www.fcc.gov/ecfs/filing/1091858665295
9/17/2018	S. Gregory	COMMENT	https://www.fcc.gov/ecfs/filing/109172975926753
9/17/2018	S.B. Straus	COMMENT	https://www.fcc.gov/ecfs/filing/10918984018003
9/17/2018	Samuel Case	COMMENT	https://www.fcc.gov/ecfs/filing/1091873442538
9/17/2018	Sarah Aminoff, California Alliance for Safer Technology	COMMENT	https://www.fcc.gov/ecfs/filing/1091715005886
9/17/2018	sharon Hamilton	COMMENT	https://www.fcc.gov/ecfs/filing/10916198894841
9/17/2018	Stephanie Falcone	COMMENT	https://www.fcc.gov/ecfs/filing/10918029722777
9/17/2018	Stephanie Falcone	COMMENT	https://www.fcc.gov/ecfs/filing/109181508521273
9/17/2018	Stephanie K. Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/10917197729578
9/17/2018	Stephanie K. Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/10917122607629
9/17/2018	Stephen Phillip Romine	COMMENT	https://www.fcc.gov/ecfs/filing/10917761210920
9/17/2018	Steven L. Schainker	COMMENT	https://www.fcc.gov/ecfs/filing/10917212012369
9/17/2018	Steven Wasserman	COMMENT	https://www.fcc.gov/ecfs/filing/109172655905959
9/17/2018	Steven Wasserman	COMMENT	https://www.fcc.gov/ecfs/filing/10917234355057
9/17/2018	Susan Gage	COMMENT	https://www.fcc.gov/ecfs/filing/10917211799932
9/17/2018	Susan Nine	COMMENT	https://www.fcc.gov/ecfs/filing/10915161218259
9/17/2018	Taras Lumiere	COMMENT	https://www.fcc.gov/ecfs/filing/10917843124369
9/17/2018	thomas schmaidt	COMMENT	https://www.fcc.gov/ecfs/filing/10917885330165
9/17/2018	Tina Chow	COMMENT	https://www.fcc.gov/ecfs/filing/1091719326762
9/17/2018	Toby Stover	COMMENT	https://www.fcc.gov/ecfs/filing/10917597424848
9/17/2018	Vicki Gold	COMMENT	https://www.fcc.gov/ecfs/filing/10917282746499
9/17/2018	Victoria Sievers	COMMENT	https://www.fcc.gov/ecfs/filing/1091616804532
9/17/2018	Wyoming Association of Municipalities	COMMENT	https://www.fcc.gov/ecfs/filing/1091705276336
9/17/2018	you	COMMENT	https://www.fcc.gov/ecfs/filing/109182007102799
9/17/2018	you	COMMENT	https://www.fcc.gov/ecfs/filing/1091870110858
9/17/2018	Zack Pelzel	COMMENT	https://www.fcc.gov/ecfs/filing/1091856690205
9/17/2018	Chris C. Foulke	COMPLAINT	https://www.fcc.gov/ecfs/filing/1091765460021
9/17/2018	Apex Towers	LETTER	https://www.fcc.gov/ecfs/filing/10917403725583
9/17/2018	Delegate Kathy Byron	LETTER	https://www.fcc.gov/ecfs/filing/10917610706528
9/17/2018	League of California Cities	LETTER	https://www.fcc.gov/ecfs/filing/10917531330502
9/17/2018	Cincinnati Bell Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109170897007271
9/17/2018	Deloitte Consulting LLP	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10917691803972
9/17/2018	Donna DeSanto Ott	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10918180014576
9/17/2018	Pennsylvanians for Safe Technology	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10917277109407
9/17/2018	Brian Riblet	OPPOSITION	https://www.fcc.gov/ecfs/filing/10917038597024
9/17/2018	City of Dublin, Ohio	OPPOSITION	https://www.fcc.gov/ecfs/filing/1091720491755
9/17/2018	Harrison Township	OPPOSITION	https://www.fcc.gov/ecfs/filing/10917945803380
9/17/2018	New Networks Institute,Irregularators	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10918690818478

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 17 of 97

Date Received	Filers(s)	Filing Type	Link
9/17/2018	National Association of Telecommunications Officers and Advisors	REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/109147465316626
9/14/2018	Alison Fox Mazzola	COMMENT	https://www.fcc.gov/ecfs/filing/10914229595112
9/14/2018	Collins L. Owens, Jr.	COMMENT	https://www.fcc.gov/ecfs/filing/109142692017503
9/14/2018	David Meyer	COMMENT	https://www.fcc.gov/ecfs/filing/109142247815877
9/14/2018	Jean R Rasch	COMMENT	https://www.fcc.gov/ecfs/filing/10914671816071
9/14/2018	Kentucky League of Cities	COMMENT	https://www.fcc.gov/ecfs/filing/1091406763815
9/14/2018	Mark Farina	COMMENT	https://www.fcc.gov/ecfs/filing/10914175157705
9/14/2018	Mark Wahl	COMMENT	https://www.fcc.gov/ecfs/filing/10914452717939
9/14/2018	Mary Burton	COMMENT	https://www.fcc.gov/ecfs/filing/10914712721430
9/14/2018	Mayor Mary Ann Lefker	COMMENT	https://www.fcc.gov/ecfs/filing/109142540700335
9/14/2018	Mayor Pauline Russo Cutter, City of San Leandro	COMMENT	https://www.fcc.gov/ecfs/filing/109142791916008
9/14/2018	Paul Iaura	COMMENT	https://www.fcc.gov/ecfs/filing/10914216702289
9/14/2018	Paul R Albrecht	COMMENT	https://www.fcc.gov/ecfs/filing/109142585810129
9/14/2018	Rep. Jason Saine	COMMENT	https://www.fcc.gov/ecfs/filing/109141963801467
9/14/2018	Richard J. Schuetzler, Executive Director, PA Municipal League	COMMENT	https://www.fcc.gov/ecfs/filing/10914085228943
9/14/2018	Soula Culver	COMMENT	https://www.fcc.gov/ecfs/filing/1091481564246
9/14/2018	Stephanie Austin	COMMENT	https://www.fcc.gov/ecfs/filing/109140834613444
9/14/2018	Town of Ashland, VA	COMMENT	https://www.fcc.gov/ecfs/filing/1091423580569
9/14/2018	Town of Culpeper, VA	COMMENT	https://www.fcc.gov/ecfs/filing/10914537421004
9/14/2018	William Murdock, Mid-Ohio Regional Planning Commission	COMMENT	https://www.fcc.gov/ecfs/filing/109140369829775
9/14/2018	City of McAllen, Texas	LETTER	https://www.fcc.gov/ecfs/filing/10914587204491
9/14/2018	City of Virginia Beach, Virginia	LETTER	https://www.fcc.gov/ecfs/filing/1091401886241
9/14/2018	The Honorable Joe McComb	LETTER	https://www.fcc.gov/ecfs/filing/1091499825036
9/14/2018	Village of Mariemont	LETTER	https://www.fcc.gov/ecfs/filing/10914012406784
9/14/2018	TracFone Wireless, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109140137818978
9/14/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091440207880
9/14/2018	Illinois Municipal League	OPPOSITION	https://www.fcc.gov/ecfs/filing/109141386713461
9/14/2018	Jean Rasch	OPPOSITION	https://www.fcc.gov/ecfs/filing/109182870815497
9/14/2018	Lynn Stull, Lead Organizer for Oconomoc for Safe Technology, UA	OPPOSITION	https://www.fcc.gov/ecfs/filing/109141704015320
9/13/2018	Charles Martin	COMMENT	https://www.fcc.gov/ecfs/filing/109131147510232
9/13/2018	City Attorney's Office, Casper, Wyoming	COMMENT	https://www.fcc.gov/ecfs/filing/109130321721302
9/13/2018	City of Coshocton	COMMENT	https://www.fcc.gov/ecfs/filing/1091328495462
9/13/2018	city of north port	COMMENT	https://www.fcc.gov/ecfs/filing/10913068970864
9/13/2018	City of Wickliffe, Ohio	COMMENT	https://www.fcc.gov/ecfs/filing/10913108759087

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/13/2018	Dave Molitor	COMMENT	https://www.fcc.gov/ecfs/filing/109130143207895
9/13/2018	Genna Biddix	COMMENT	https://www.fcc.gov/ecfs/filing/109132680024793
9/13/2018	Jeanice Barcelo	COMMENT	https://www.fcc.gov/ecfs/filing/10914046724667
9/13/2018	Julie Conrad	COMMENT	https://www.fcc.gov/ecfs/filing/1091398910618
9/13/2018	Keith Mays	COMMENT	https://www.fcc.gov/ecfs/filing/1091388006311
9/13/2018	Kiel Mangus, City of Manhattan	COMMENT	https://www.fcc.gov/ecfs/filing/10913776904233
9/13/2018	Kirstin Beatty	COMMENT	https://www.fcc.gov/ecfs/filing/109132083118760
9/13/2018	LOIS HANSEN	COMMENT	https://www.fcc.gov/ecfs/filing/1091305019409
9/13/2018	LOIS HANSEN	COMMENT	https://www.fcc.gov/ecfs/filing/109131379814346
9/13/2018	Marilyne Martin	COMMENT	https://www.fcc.gov/ecfs/filing/1091306834579
9/13/2018	Mark Graham	COMMENT	https://www.fcc.gov/ecfs/filing/1091356675313
9/13/2018	Mark Graham	COMMENT	https://www.fcc.gov/ecfs/filing/1091317920434
9/13/2018	North Royalton Ward 3 City Councilman Dan Langshaw	COMMENT	https://www.fcc.gov/ecfs/filing/109132922823558
9/13/2018	Richard A. Edwards, Mayor	COMMENT	https://www.fcc.gov/ecfs/filing/10913949116785
9/13/2018	Richard K. Mavis, Mayor	COMMENT	https://www.fcc.gov/ecfs/filing/10913393015823
9/13/2018	Susan Nine	COMMENT	https://www.fcc.gov/ecfs/filing/10913074430733
9/13/2018	Tony Tollner	COMMENT	https://www.fcc.gov/ecfs/filing/1091358142474
9/13/2018	Condux International, Inc.	LETTER	https://www.fcc.gov/ecfs/filing/10913052283969
9/13/2018	American Tower Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10913130903242
9/13/2018	Cindy Sage, MA, Sage Associates	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10913417829818
9/13/2018	County of Prince George, Virginia	OPPOSITION	https://www.fcc.gov/ecfs/filing/10913181280369
9/13/2018	Village of Bremen, Ohio	OPPOSITION	https://www.fcc.gov/ecfs/filing/10913306959215
9/13/2018	Village of New Concord, Ohio	OPPOSITION	https://www.fcc.gov/ecfs/filing/1091383797707
9/12/2018	City of College Park, Mayor Patrick Wojahn	COMMENT	https://www.fcc.gov/ecfs/filing/109121797010716
9/12/2018	Elaine Unger, John Unger	COMMENT	https://www.fcc.gov/ecfs/filing/10913026262618
9/12/2018	H davis	COMMENT	https://www.fcc.gov/ecfs/filing/1091370882185
9/12/2018	H davis	COMMENT	https://www.fcc.gov/ecfs/filing/10913034198758
9/12/2018	Jean Rasch	COMMENT	https://www.fcc.gov/ecfs/filing/10912802712480
9/12/2018	Kristi Lentz	COMMENT	https://www.fcc.gov/ecfs/filing/109132355309239
9/12/2018	Lonnie Gilbert	COMMENT	https://www.fcc.gov/ecfs/filing/1091391748532
9/12/2018	Mike Posey, City of Huntington Beach	COMMENT	https://www.fcc.gov/ecfs/filing/1091224380285
9/12/2018	Noah A. Simon	COMMENT	https://www.fcc.gov/ecfs/filing/10912505921335
9/12/2018	Noah A. Simon	COMMENT	https://www.fcc.gov/ecfs/filing/10912443205763
9/12/2018	Robert Brunson	COMMENT	https://www.fcc.gov/ecfs/filing/1091211518071
9/12/2018	Steven, Wade	COMMENT	https://www.fcc.gov/ecfs/filing/1091266384982
9/12/2018	Town of Culppeper, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/1091263539922
9/12/2018	Mobilitie, LLC	COMMENT	https://www.fcc.gov/ecfs/filing/10912394120932
9/12/2018	NTCA-The Rural Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10912284299091

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/11/2018	Fred. A Lamphere, Butte County Sheriff	COMMENT	https://www.fcc.gov/ecfs/filing/10911976528715
9/11/2018	Massachusetts Municipal Association	COMMENT	https://www.fcc.gov/ecfs/filing/10911732627893
9/11/2018	American Tower Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10911205646147
9/11/2018	Wireless Internet Service Providers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091159287620
9/10/2018	Dan Shaul	COMMENT	https://www.fcc.gov/ecfs/filing/10910035431765
9/10/2018	LOIS HANSEN	COMMENT	https://www.fcc.gov/ecfs/filing/10910560125092
9/10/2018	LOIS HANSEN	COMMENT	https://www.fcc.gov/ecfs/filing/10910261430352
9/10/2018	Wallowa County Board of Commissioners	COMMENT	https://www.fcc.gov/ecfs/filing/109102299418558
9/10/2018	American Tower Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091087755014
9/10/2018	NCTA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109102404924504
9/10/2018	Smart Communities and Special Districts Coalition	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109100401318205
9/10/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10911494304791
9/10/2018	Wireless Internet Service Providers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109100680518364
9/10/2018	Wireline Competition Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/0910235611003
9/10/2018	Scottsville Magisterial District of Albemarle County	STATEMENT FOR THE RECORD	https://www.fcc.gov/ecfs/filing/109100508625895
9/7/2018	City of Lincoln, Nebraska	LETTER	https://www.fcc.gov/ecfs/filing/10907831811895
9/7/2018	The Village of Greendale, WI	OPPOSITION	https://www.fcc.gov/ecfs/filing/109072339701081
9/6/2018	Candace Waterman, Women Impacting Public Policy	COMMENT	https://www.fcc.gov/ecfs/filing/10906146386745
9/6/2018	City of Lake Forest	COMMENT	https://www.fcc.gov/ecfs/filing/10906122815390
9/6/2018	Jean Rasch	COMMENT	https://www.fcc.gov/ecfs/filing/1090667360935
9/6/2018	Smart Communities and Special Districts Coalition	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/10906119432986
9/6/2018	NTCA-The Rural Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090618571908
9/6/2018	Smart Communities Coalition, National Association of Telecommunications Officers and Advisors, National League of Cities, U.S. Conference of Mayors	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10906149012775
9/6/2018	CTIA	OPPOSITION	https://www.fcc.gov/ecfs/filing/1090610768719
9/6/2018	Sprint	OPPOSITION TO PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10906010428904
9/5/2018	LGBT Technology Partnership	COMMENT	https://www.fcc.gov/ecfs/filing/10905072215911
9/5/2018	National Hispanic Council on Aging	COMMENT	https://www.fcc.gov/ecfs/filing/10905899708505
9/5/2018	United Spinal Association	COMMENT	https://www.fcc.gov/ecfs/filing/10905130766650
9/5/2018	Vericom	LETTER	https://www.fcc.gov/ecfs/filing/109053070717503
9/5/2018	Corning Incorporated	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10905352013311
9/5/2018	Marcella Gadson	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090687144517
9/5/2018	Office of the Chairman	PUBLIC DRAFT - THIRD REPORT AND ORDER AND DECLARATORY RULING	https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/4/2018	American Council of the blind	COMMENT	https://www.fcc.gov/ecfs/filing/109041635307239
9/4/2018	david roetman;	COMMENT	https://www.fcc.gov/ecfs/filing/10904518300320
9/4/2018	National Caucus and Center on Black Aging	COMMENT	https://www.fcc.gov/ecfs/filing/10904097802078
9/4/2018	Niraj Antani	COMMENT	https://www.fcc.gov/ecfs/filing/1090414176472
9/4/2018	City of San Jose, California	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090486618420
9/4/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10904166307418
9/4/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090486871515
9/4/2018	Marin Telecommunications Agency	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090625319752
9/4/2018	Smart Communities,Special Districts Coalition	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10904323720005
9/4/2018	The City of New York - DoITT	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10904196886754
9/4/2018	Consumer and Governmental Affairs Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/0904173198781
9/4/2018	Michael C. Levine	REQUEST	https://www.fcc.gov/ecfs/filing/1090447719071
8/31/2018	Brian Hill	COMMENT	https://www.fcc.gov/ecfs/filing/1083114849253
8/31/2018	National Coalition on Black Civic Participation	LETTER	https://www.fcc.gov/ecfs/filing/108312889422413
8/30/2018	City of St. Louis Park, Minnesota	COMMENT	https://www.fcc.gov/ecfs/filing/10830111857503
8/30/2018	Kimberly Dudik,Jody Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/1083025005914
8/30/2018	Mark Gorman	COMMENT	https://www.fcc.gov/ecfs/filing/108302206313216
8/30/2018	Mark Gorman	COMMENT	https://www.fcc.gov/ecfs/filing/108300171902717
8/30/2018	Mark Gorman	COMMENT	https://www.fcc.gov/ecfs/filing/10830640427462
8/30/2018	Michael C. Taylor	LETTER	https://www.fcc.gov/ecfs/filing/10830132734077
8/30/2018	Skyway Towers	LETTER	https://www.fcc.gov/ecfs/filing/108301086805673
8/30/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10831104660066
8/30/2018	Nokia	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10830228301910
8/30/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108300290817489
8/30/2018	City of Lincoln, Nebraska	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1083065780631
8/29/2018	Cheryl Weisheit	COMMENT	https://www.fcc.gov/ecfs/filing/1082926310151
8/29/2018	Corning Incorporated	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10829149623610
8/28/2018	Jason Kaiman	COMMENT	https://www.fcc.gov/ecfs/filing/10828142445623
8/28/2018	Vermeer Corporation	LETTER	https://www.fcc.gov/ecfs/filing/10829248354634
8/27/2018	John King	LETTER	https://www.fcc.gov/ecfs/filing/108270595820025
8/27/2018	Prysmian Group	LETTER	https://www.fcc.gov/ecfs/filing/10825634717632
8/27/2018	Wireless Internet Service Providers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10827118627616
8/24/2018	Andrew Thompson	COMMENT	https://www.fcc.gov/ecfs/filing/1082492178054
8/24/2018	Douglas County, Colorado	LETTER	https://www.fcc.gov/ecfs/filing/1082416288870
8/23/2018	City of Bloomington, Minnesota	COMMENT	https://www.fcc.gov/ecfs/filing/1082333657951
8/23/2018	Mayor and Council of Rockville	COMMENT	https://www.fcc.gov/ecfs/filing/1082300946978
8/23/2018	Verizon	LETTER	https://www.fcc.gov/ecfs/filing/108231242818450
8/22/2018	Jeff Bohm	LETTER	https://www.fcc.gov/ecfs/filing/10822015184963

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
8/22/2018	Unifi Fiber	LETTER	https://www.fcc.gov/ecfs/filing/1082222913714761
8/22/2018	City of Portland, Oregon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108222136229600
8/22/2018	City of San Jose, California	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1082221650207848
8/21/2018	City of Mukilteo	COMMENT	https://www.fcc.gov/ecfs/filing/1082161533759
8/21/2018	Frank Scammell	COMMENT	https://www.fcc.gov/ecfs/filing/108212969027478
8/21/2018	Southwest Suburban Cable Commission	COMMENT	https://www.fcc.gov/ecfs/filing/10821943716239
8/21/2018	Diamond Communications LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10821216037970
8/20/2018	Benjamin L. Yousef	COMMENT	https://www.fcc.gov/ecfs/filing/108200039605529
8/20/2018	Northern Dakota County Cable Communications Commission	COMMENT	https://www.fcc.gov/ecfs/filing/10820019832278
8/20/2018	NCTA - The Internet & Television Association	LETTER	https://www.fcc.gov/ecfs/filing/108202002411328
8/20/2018	City of Palo Alto, California	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108200187221825
8/17/2018	INCOMPAS	COMMENT	https://www.fcc.gov/ecfs/filing/1081710079256
8/17/2018	tester	COMMENT	https://www.fcc.gov/ecfs/filing/108171783901988
8/17/2018	Office of General Counsel	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/081718591571
8/13/2018	Commissioner Sal Pace	COMMENT	https://www.fcc.gov/ecfs/filing/1081323736598
8/13/2018	Karon Gubbrud	COMMENT	https://www.fcc.gov/ecfs/filing/10812212018992
8/13/2018	Senator Duane Ankney	COMMENT	https://www.fcc.gov/ecfs/filing/10813638017316
8/13/2018	Stratus Networks	LETTER	https://www.fcc.gov/ecfs/filing/1082282509043
8/13/2018	American Tower Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10813699626528
8/13/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1081301353921
8/13/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108130888126150
8/10/2018	Angela Fox	COMMENT	https://www.fcc.gov/ecfs/filing/108102593520654
8/10/2018	Crown Castle	LETTER	https://www.fcc.gov/ecfs/filing/10810312521593
8/10/2018	American Tower Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1081010935734
8/10/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10810886708363
8/10/2018	CTIA and Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10810298508690
8/10/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10810285875669
8/10/2018	Public Knowledge	OTHER	https://www.fcc.gov/ecfs/filing/10810250879708
8/9/2018	Lawana Mayfield	LETTER	https://www.fcc.gov/ecfs/filing/10810152514196
8/9/2018	Public Knowledge	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10809269611247
8/8/2018	Girard Moore	COMMENT	https://www.fcc.gov/ecfs/filing/108080700704484
8/8/2018	Jonathan Daniels	COMMENT	https://www.fcc.gov/ecfs/filing/1080802329749
8/8/2018	Shannon Palmer	COMMENT	https://www.fcc.gov/ecfs/filing/108082890812211
8/8/2018	Association of American Railroads	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10808116114407
8/7/2018	Terry Alexander	LETTER	https://www.fcc.gov/ecfs/filing/108071369724733
8/7/2018	City of Austin	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10807670805455
8/6/2018	Ben King	COMMENT	https://www.fcc.gov/ecfs/filing/1080471508038

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
8/6/2018	David Roetman	COMMENT	https://www.fcc.gov/ecfs/filing/108061356213194
8/6/2018	Paul Grohman	COMMENT	https://www.fcc.gov/ecfs/filing/1080469937753
8/6/2018	Timothy Leslie	COMMENT	https://www.fcc.gov/ecfs/filing/10805064135720
8/6/2018	Carolyn A. Prince	LETTER	https://www.fcc.gov/ecfs/filing/10806464901215
8/6/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10806085432193
8/3/2018	Anthony Trapchak	COMMENT	https://www.fcc.gov/ecfs/filing/10803205926787
8/3/2018	Braden Pace	COMMENT	https://www.fcc.gov/ecfs/filing/1080365199517
8/3/2018	brett marsh	COMMENT	https://www.fcc.gov/ecfs/filing/1080334825948
8/3/2018	Cara Pace	COMMENT	https://www.fcc.gov/ecfs/filing/10803931011736
8/3/2018	Charles Hannah	COMMENT	https://www.fcc.gov/ecfs/filing/10803157116635
8/3/2018	Chris O'Shea	COMMENT	https://www.fcc.gov/ecfs/filing/10803438107784
8/3/2018	Christopher Beattie	COMMENT	https://www.fcc.gov/ecfs/filing/108031983508576
8/3/2018	Christopher Seal	COMMENT	https://www.fcc.gov/ecfs/filing/108031099505919
8/3/2018	Daniel Akins	COMMENT	https://www.fcc.gov/ecfs/filing/108031824607095
8/3/2018	Dean Robitaille	COMMENT	https://www.fcc.gov/ecfs/filing/108031264211605
8/3/2018	Doris Hudson	COMMENT	https://www.fcc.gov/ecfs/filing/10803018822823
8/3/2018	Doug Tanner	COMMENT	https://www.fcc.gov/ecfs/filing/10803022857856
8/3/2018	Dwayne Williams	COMMENT	https://www.fcc.gov/ecfs/filing/10803922418089
8/3/2018	Eric Henry	COMMENT	https://www.fcc.gov/ecfs/filing/1080391233659
8/3/2018	Esther bishop	COMMENT	https://www.fcc.gov/ecfs/filing/10803148419547
8/3/2018	Grant Welch	COMMENT	https://www.fcc.gov/ecfs/filing/108032027809202
8/3/2018	Ian Brown	COMMENT	https://www.fcc.gov/ecfs/filing/10803277919958
8/3/2018	James DANIELS	COMMENT	https://www.fcc.gov/ecfs/filing/10803258618968
8/3/2018	Jasok Guilloite	COMMENT	https://www.fcc.gov/ecfs/filing/10803878018364
8/3/2018	Jason McGrath	COMMENT	https://www.fcc.gov/ecfs/filing/10803084401035
8/3/2018	JEROME WESTER	COMMENT	https://www.fcc.gov/ecfs/filing/10803087045073
8/3/2018	Jessica Baldwin	COMMENT	https://www.fcc.gov/ecfs/filing/10803251910284
8/3/2018	Joseph Ward	COMMENT	https://www.fcc.gov/ecfs/filing/1080381549267
8/3/2018	Keith Hunter	COMMENT	https://www.fcc.gov/ecfs/filing/10803019182391
8/3/2018	Lawrence Smith	COMMENT	https://www.fcc.gov/ecfs/filing/108032405906177
8/3/2018	Mao Mooney	COMMENT	https://www.fcc.gov/ecfs/filing/10803900405208
8/3/2018	Mary Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/1080348921101
8/3/2018	Mike Koenig	COMMENT	https://www.fcc.gov/ecfs/filing/1080386719609
8/3/2018	Mitchell Henderson	COMMENT	https://www.fcc.gov/ecfs/filing/1080345657016
8/3/2018	Oscar Cardenas	COMMENT	https://www.fcc.gov/ecfs/filing/10803112045619
8/3/2018	paul merrill	COMMENT	https://www.fcc.gov/ecfs/filing/1080383582972
8/3/2018	Robby Pace	COMMENT	https://www.fcc.gov/ecfs/filing/10803515229126
8/3/2018	Robert Lamoureux	COMMENT	https://www.fcc.gov/ecfs/filing/10803628107336

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
8/3/2018	Robert Pollock	COMMENT	https://www.fcc.gov/ecfs/filing/10803738312982
8/3/2018	Samuel Choc	COMMENT	https://www.fcc.gov/ecfs/filing/1080393027033
8/3/2018	Tamar Hernandez	COMMENT	https://www.fcc.gov/ecfs/filing/1080342234626
8/3/2018	Terry Dugan	COMMENT	https://www.fcc.gov/ecfs/filing/1080346606351
8/3/2018	Tim Childres	COMMENT	https://www.fcc.gov/ecfs/filing/10803289421517
8/3/2018	Tom Koumnas	COMMENT	https://www.fcc.gov/ecfs/filing/1080303812056
8/3/2018	Venson Smith	COMMENT	https://www.fcc.gov/ecfs/filing/108032283004118
8/3/2018	Virginia Massey	COMMENT	https://www.fcc.gov/ecfs/filing/10803529017452
8/3/2018	Wade Kilgore	COMMENT	https://www.fcc.gov/ecfs/filing/10803109806023
8/3/2018	William White	COMMENT	https://www.fcc.gov/ecfs/filing/10803134647297
8/3/2018	Alexis Pipkins	LETTER	https://www.fcc.gov/ecfs/filing/108031036606166
8/3/2018	Wireline Competition Bureau	REPORT AND ORDER	https://www.fcc.gov/ecfs/filing/08031128928102
7/26/2018	Victor Fuentes	COMMENT	https://www.fcc.gov/ecfs/filing/10727960423252
7/26/2018	Barbara Jones	COMMENT	https://www.fcc.gov/ecfs/filing/107271133023924
7/26/2018	Carla Pearce	COMMENT	https://www.fcc.gov/ecfs/filing/10726070270800
7/26/2018	adam mccarthy	COMMENT	https://www.fcc.gov/ecfs/filing/10726380030069
7/26/2018	Alexis Nolan	COMMENT	https://www.fcc.gov/ecfs/filing/1072790043665
7/26/2018	Amy Potsko	COMMENT	https://www.fcc.gov/ecfs/filing/10726279009444
7/26/2018	Andrew Thompson	COMMENT	https://www.fcc.gov/ecfs/filing/10727074933224
7/26/2018	Anita Capshaw	COMMENT	https://www.fcc.gov/ecfs/filing/10727075839090
7/26/2018	Anthony Boles	COMMENT	https://www.fcc.gov/ecfs/filing/107270090215734
7/26/2018	Anthony Cisneros	COMMENT	https://www.fcc.gov/ecfs/filing/1072794809297
7/26/2018	Arthur Plas	COMMENT	https://www.fcc.gov/ecfs/filing/107262472928369
7/26/2018	Ashley Snider	COMMENT	https://www.fcc.gov/ecfs/filing/107261465906628
7/26/2018	Avery Grizzle	COMMENT	https://www.fcc.gov/ecfs/filing/10726277816015
7/26/2018	benedito junior	COMMENT	https://www.fcc.gov/ecfs/filing/1072798459560
7/26/2018	Benjamin Doherty	COMMENT	https://www.fcc.gov/ecfs/filing/1072667162294
7/26/2018	Bill Henry	COMMENT	https://www.fcc.gov/ecfs/filing/10726722103756
7/26/2018	Bill Miller	COMMENT	https://www.fcc.gov/ecfs/filing/10726115235897
7/26/2018	BILLIE JONES	COMMENT	https://www.fcc.gov/ecfs/filing/10727221453838
7/26/2018	Billy Cook	COMMENT	https://www.fcc.gov/ecfs/filing/107260523819524
7/26/2018	Billy Whitsell	COMMENT	https://www.fcc.gov/ecfs/filing/10727935111586
7/26/2018	Bo Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/10726184770055
7/26/2018	Bobby Whitsell	COMMENT	https://www.fcc.gov/ecfs/filing/1072662485888
7/26/2018	Brad Lakin	COMMENT	https://www.fcc.gov/ecfs/filing/10727003511376
7/26/2018	Brandon Stephenson	COMMENT	https://www.fcc.gov/ecfs/filing/10726516717786
7/26/2018	Brett Matz	COMMENT	https://www.fcc.gov/ecfs/filing/107262092627413
7/26/2018	Brian Marynowitz	COMMENT	https://www.fcc.gov/ecfs/filing/1072693922407

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/26/2018	Bricks Avalon	COMMENT	https://www.fcc.gov/ecfs/filing/107262466729021
7/26/2018	Brittany Price	COMMENT	https://www.fcc.gov/ecfs/filing/10726178648755
7/26/2018	Carolyn Sorensen	COMMENT	https://www.fcc.gov/ecfs/filing/107272508008012
7/26/2018	Charles Taggart	COMMENT	https://www.fcc.gov/ecfs/filing/1072687633251
7/26/2018	cheryl vann	COMMENT	https://www.fcc.gov/ecfs/filing/107262045016414
7/26/2018	Chris Holmes	COMMENT	https://www.fcc.gov/ecfs/filing/107261142808898
7/26/2018	Chris Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/10727257130769
7/26/2018	Chrissalyn Sharp	COMMENT	https://www.fcc.gov/ecfs/filing/1072739006432
7/26/2018	christopher downs	COMMENT	https://www.fcc.gov/ecfs/filing/10726224505423
7/26/2018	Cody Moore	COMMENT	https://www.fcc.gov/ecfs/filing/107261881818636
7/26/2018	Corbett Kroehler	COMMENT	https://www.fcc.gov/ecfs/filing/1072715997974
7/26/2018	Craig Evers	COMMENT	https://www.fcc.gov/ecfs/filing/1072741402445
7/26/2018	Curtis McNeil	COMMENT	https://www.fcc.gov/ecfs/filing/10726502808424
7/26/2018	D. Ramos	COMMENT	https://www.fcc.gov/ecfs/filing/10726221568362
7/26/2018	david barton	COMMENT	https://www.fcc.gov/ecfs/filing/10727091287609
7/26/2018	David Frantz	COMMENT	https://www.fcc.gov/ecfs/filing/1072610619996
7/26/2018	David Iskowitz	COMMENT	https://www.fcc.gov/ecfs/filing/10727009033050
7/26/2018	david mason	COMMENT	https://www.fcc.gov/ecfs/filing/107271965020975
7/26/2018	David Randazzo	COMMENT	https://www.fcc.gov/ecfs/filing/10726283677486
7/26/2018	David Richards	COMMENT	https://www.fcc.gov/ecfs/filing/10726115907135
7/26/2018	Deborah Neatherlin	COMMENT	https://www.fcc.gov/ecfs/filing/1072683971495
7/26/2018	Devin Weiss	COMMENT	https://www.fcc.gov/ecfs/filing/107271583829301
7/26/2018	Diana Goddard	COMMENT	https://www.fcc.gov/ecfs/filing/10726145428030
7/26/2018	Don Carroll	COMMENT	https://www.fcc.gov/ecfs/filing/10726100406895
7/26/2018	Donald Luke	COMMENT	https://www.fcc.gov/ecfs/filing/107262323407782
7/26/2018	Ed Barlow	COMMENT	https://www.fcc.gov/ecfs/filing/1072680062706
7/26/2018	Ed Gimelli	COMMENT	https://www.fcc.gov/ecfs/filing/107262382026024
7/26/2018	Edgar Henriquez	COMMENT	https://www.fcc.gov/ecfs/filing/107262646108532
7/26/2018	Edward Sullivan	COMMENT	https://www.fcc.gov/ecfs/filing/107274254886
7/26/2018	EDWARD WIITALA	COMMENT	https://www.fcc.gov/ecfs/filing/10726085954781
7/26/2018	Elizabeth Butler	COMMENT	https://www.fcc.gov/ecfs/filing/10726000898223
7/26/2018	Emanuel Belcher	COMMENT	https://www.fcc.gov/ecfs/filing/10727449020890
7/26/2018	Eric Richardson	COMMENT	https://www.fcc.gov/ecfs/filing/1072761516724
7/26/2018	ERIC GOSNELL	COMMENT	https://www.fcc.gov/ecfs/filing/107262533813463
7/26/2018	Erika Bruce	COMMENT	https://www.fcc.gov/ecfs/filing/10726751125851
7/26/2018	Esteban Diaz	COMMENT	https://www.fcc.gov/ecfs/filing/10726097580058
7/26/2018	Eugene Sferazza	COMMENT	https://www.fcc.gov/ecfs/filing/1072700206392
7/26/2018	F. Robert Wesley	COMMENT	https://www.fcc.gov/ecfs/filing/107261383702775

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/26/2018	FirstLight Fiber	COMMENT	https://www.fcc.gov/ecfs/filing/107271391011020
7/26/2018	floyd green	COMMENT	https://www.fcc.gov/ecfs/filing/1072665217440
7/26/2018	Frank Calisi	COMMENT	https://www.fcc.gov/ecfs/filing/10726119701014
7/26/2018	Frederick Croon	COMMENT	https://www.fcc.gov/ecfs/filing/107260379924244
7/26/2018	Gary Gatti	COMMENT	https://www.fcc.gov/ecfs/filing/10726472614020
7/26/2018	George Potsko	COMMENT	https://www.fcc.gov/ecfs/filing/10726267430301
7/26/2018	Glenda Nolan	COMMENT	https://www.fcc.gov/ecfs/filing/10727073502550
7/26/2018	Glenn Crecelius	COMMENT	https://www.fcc.gov/ecfs/filing/1072690607662
7/26/2018	Greg Rayhill	COMMENT	https://www.fcc.gov/ecfs/filing/1072611558549
7/26/2018	Gregory Esposito	COMMENT	https://www.fcc.gov/ecfs/filing/10727750406674
7/26/2018	Gregory Howarth	COMMENT	https://www.fcc.gov/ecfs/filing/10726250432920
7/26/2018	Howard Welch	COMMENT	https://www.fcc.gov/ecfs/filing/107260282128675
7/26/2018	Isael Garcia	COMMENT	https://www.fcc.gov/ecfs/filing/107272726170752
7/26/2018	J ASTOR	COMMENT	https://www.fcc.gov/ecfs/filing/10726165591773
7/26/2018	J Haemmerle	COMMENT	https://www.fcc.gov/ecfs/filing/10727213631697
7/26/2018	Jacob Dubravski	COMMENT	https://www.fcc.gov/ecfs/filing/107262130128840
7/26/2018	Jacob Ross	COMMENT	https://www.fcc.gov/ecfs/filing/10726459211858
7/26/2018	James DeWeese	COMMENT	https://www.fcc.gov/ecfs/filing/1072614251975
7/26/2018	James Martin	COMMENT	https://www.fcc.gov/ecfs/filing/10726075702209
7/26/2018	James Phelan	COMMENT	https://www.fcc.gov/ecfs/filing/10726283860631
7/26/2018	Janice Turner	COMMENT	https://www.fcc.gov/ecfs/filing/1072693684532
7/26/2018	Jason Kopp	COMMENT	https://www.fcc.gov/ecfs/filing/1072724573922
7/26/2018	Jason Sherman	COMMENT	https://www.fcc.gov/ecfs/filing/10726056530698
7/26/2018	Jay Dennis	COMMENT	https://www.fcc.gov/ecfs/filing/10726303468633
7/26/2018	Jeffrey Wenzler	COMMENT	https://www.fcc.gov/ecfs/filing/10726164356651
7/26/2018	Jeremy Morris	COMMENT	https://www.fcc.gov/ecfs/filing/10726196743638
7/26/2018	Jerry Matthews	COMMENT	https://www.fcc.gov/ecfs/filing/1072644557051
7/26/2018	Jerry Schutte	COMMENT	https://www.fcc.gov/ecfs/filing/10726058917901
7/26/2018	Jim Brown	COMMENT	https://www.fcc.gov/ecfs/filing/1072787693081
7/26/2018	John Burke	COMMENT	https://www.fcc.gov/ecfs/filing/1072715005256
7/26/2018	John Coleman	COMMENT	https://www.fcc.gov/ecfs/filing/1072740229338
7/26/2018	john ferrante	COMMENT	https://www.fcc.gov/ecfs/filing/1072691543113
7/26/2018	John Helsley	COMMENT	https://www.fcc.gov/ecfs/filing/107262517511213
7/26/2018	john kolimaga	COMMENT	https://www.fcc.gov/ecfs/filing/10726423613716
7/26/2018	John Masterson	COMMENT	https://www.fcc.gov/ecfs/filing/10726006612197
7/26/2018	John Negris	COMMENT	https://www.fcc.gov/ecfs/filing/1072694781717
7/26/2018	John Pusloskie	COMMENT	https://www.fcc.gov/ecfs/filing/107261945425577
7/26/2018	Jon Wells	COMMENT	https://www.fcc.gov/ecfs/filing/1072651500832

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/26/2018	Jonathan Gibbs	COMMENT	https://www.fcc.gov/ecfs/filing/10727275516132
7/26/2018	Jonathon Guzicki	COMMENT	https://www.fcc.gov/ecfs/filing/10726210717676
7/26/2018	Joseph Schimina	COMMENT	https://www.fcc.gov/ecfs/filing/1072658726820
7/26/2018	Joseph Konieczny	COMMENT	https://www.fcc.gov/ecfs/filing/1072639931161
7/26/2018	joseph molinaro	COMMENT	https://www.fcc.gov/ecfs/filing/1072687128345
7/26/2018	Joseph Molloy	COMMENT	https://www.fcc.gov/ecfs/filing/107262449506915
7/26/2018	Josh Mumma	COMMENT	https://www.fcc.gov/ecfs/filing/10726154320047
7/26/2018	Joshua McGrath	COMMENT	https://www.fcc.gov/ecfs/filing/10727262725389
7/26/2018	Joshua Saslovsky	COMMENT	https://www.fcc.gov/ecfs/filing/10727888805686
7/26/2018	Juan Quesada	COMMENT	https://www.fcc.gov/ecfs/filing/10726288019946
7/26/2018	Justice Bailey	COMMENT	https://www.fcc.gov/ecfs/filing/10727040054356
7/26/2018	Justin Herkey	COMMENT	https://www.fcc.gov/ecfs/filing/107262416112682
7/26/2018	Kareem Kharleed	COMMENT	https://www.fcc.gov/ecfs/filing/10726145490317
7/26/2018	Karen Martinecz	COMMENT	https://www.fcc.gov/ecfs/filing/1072661927825
7/26/2018	Karen Steinhau	COMMENT	https://www.fcc.gov/ecfs/filing/10726013878369
7/26/2018	Karen Vaiano	COMMENT	https://www.fcc.gov/ecfs/filing/107261458424440
7/26/2018	Kathrine Cargo	COMMENT	https://www.fcc.gov/ecfs/filing/1072670667388
7/26/2018	Kathryn Lane	COMMENT	https://www.fcc.gov/ecfs/filing/10727170534073
7/26/2018	Kenneth Morse	COMMENT	https://www.fcc.gov/ecfs/filing/107270126626158
7/26/2018	Kenneth Waller	COMMENT	https://www.fcc.gov/ecfs/filing/107260776523813
7/26/2018	Kenny Stole	COMMENT	https://www.fcc.gov/ecfs/filing/107262742408116
7/26/2018	Kevin Niemann	COMMENT	https://www.fcc.gov/ecfs/filing/10726610114106
7/26/2018	Kyle Koteles	COMMENT	https://www.fcc.gov/ecfs/filing/10726321517368
7/26/2018	Lakesha Brisbane	COMMENT	https://www.fcc.gov/ecfs/filing/1072728210622
7/26/2018	Lawrence Smith	COMMENT	https://www.fcc.gov/ecfs/filing/1072647430339
7/26/2018	Lawrence Tekverk	COMMENT	https://www.fcc.gov/ecfs/filing/1072700502438
7/26/2018	Lecanne Hayes	COMMENT	https://www.fcc.gov/ecfs/filing/107261312215606
7/26/2018	LEWIS M JONES	COMMENT	https://www.fcc.gov/ecfs/filing/10727785714209
7/26/2018	Lisa Garcia	COMMENT	https://www.fcc.gov/ecfs/filing/10726447206748
7/26/2018	Lori Mulvey	COMMENT	https://www.fcc.gov/ecfs/filing/10726185768863
7/26/2018	Lynn Wright	COMMENT	https://www.fcc.gov/ecfs/filing/10726175619637
7/26/2018	M Clouden	COMMENT	https://www.fcc.gov/ecfs/filing/107260106627686
7/26/2018	M Guido	COMMENT	https://www.fcc.gov/ecfs/filing/10726687110671
7/26/2018	Mara Musgrave	COMMENT	https://www.fcc.gov/ecfs/filing/10727009320840
7/26/2018	Mario Barragan	COMMENT	https://www.fcc.gov/ecfs/filing/107262032327216
7/26/2018	Marion McBride	COMMENT	https://www.fcc.gov/ecfs/filing/10727091587047
7/26/2018	Mark Corey	COMMENT	https://www.fcc.gov/ecfs/filing/10727282101263
7/26/2018	mark Ferguson	COMMENT	https://www.fcc.gov/ecfs/filing/10726084973463

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/26/2018	Mark LaRoche	COMMENT	https://www.fcc.gov/ecfs/filing/1072664875201
7/26/2018	Marsha Eason	COMMENT	https://www.fcc.gov/ecfs/filing/10726156988319
7/26/2018	MARSHALL CHANDLER	COMMENT	https://www.fcc.gov/ecfs/filing/1072688368301
7/26/2018	Mary Cato	COMMENT	https://www.fcc.gov/ecfs/filing/10726220129195
7/26/2018	Mary Derengowski	COMMENT	https://www.fcc.gov/ecfs/filing/10727108226456
7/26/2018	Mary Jo Rigney	COMMENT	https://www.fcc.gov/ecfs/filing/107260396213791
7/26/2018	Mary Murphy	COMMENT	https://www.fcc.gov/ecfs/filing/107260730609969
7/26/2018	Matt Buchanan	COMMENT	https://www.fcc.gov/ecfs/filing/107260535416275
7/26/2018	Matthew King	COMMENT	https://www.fcc.gov/ecfs/filing/10726729721265
7/26/2018	Melanie Gaynor	COMMENT	https://www.fcc.gov/ecfs/filing/10727220148333
7/26/2018	Melody Robinsky	COMMENT	https://www.fcc.gov/ecfs/filing/10726254215583
7/26/2018	Merelyn Dolins	COMMENT	https://www.fcc.gov/ecfs/filing/1072602658611
7/26/2018	Michael Guynn	COMMENT	https://www.fcc.gov/ecfs/filing/1072601050824
7/26/2018	Michael Lavrovsky	COMMENT	https://www.fcc.gov/ecfs/filing/10727118623549
7/26/2018	Michael Lewing	COMMENT	https://www.fcc.gov/ecfs/filing/10726074826244
7/26/2018	Michael Lombardi	COMMENT	https://www.fcc.gov/ecfs/filing/10727855524960
7/26/2018	Michael Maurice	COMMENT	https://www.fcc.gov/ecfs/filing/107260278400789
7/26/2018	Michelle Morgan	COMMENT	https://www.fcc.gov/ecfs/filing/107272337218641
7/26/2018	Mike Fox	COMMENT	https://www.fcc.gov/ecfs/filing/1072733302821
7/26/2018	Mora McCreary	COMMENT	https://www.fcc.gov/ecfs/filing/107262563313412
7/26/2018	Nancy Esposito	COMMENT	https://www.fcc.gov/ecfs/filing/107271712421883
7/26/2018	Nat Halterman	COMMENT	https://www.fcc.gov/ecfs/filing/10726073630326
7/26/2018	Natalie Bullo	COMMENT	https://www.fcc.gov/ecfs/filing/10726474227327
7/26/2018	Nicholas Ogurick	COMMENT	https://www.fcc.gov/ecfs/filing/107260291227239
7/26/2018	Nicholas Psillos	COMMENT	https://www.fcc.gov/ecfs/filing/107260424224888
7/26/2018	Nile Arena	COMMENT	https://www.fcc.gov/ecfs/filing/1072632766362
7/26/2018	Norm Conrad	COMMENT	https://www.fcc.gov/ecfs/filing/1072642289423
7/26/2018	Olympia Striplin	COMMENT	https://www.fcc.gov/ecfs/filing/107260259621537
7/26/2018	Pamylle Greinke	COMMENT	https://www.fcc.gov/ecfs/filing/10726267000279
7/26/2018	Patrick Stransky	COMMENT	https://www.fcc.gov/ecfs/filing/1072793309908
7/26/2018	Paul Schmitt	COMMENT	https://www.fcc.gov/ecfs/filing/107262358324462
7/26/2018	Paula Dunlap	COMMENT	https://www.fcc.gov/ecfs/filing/10726075953103
7/26/2018	Perry Cohn	COMMENT	https://www.fcc.gov/ecfs/filing/10727923001068
7/26/2018	Power and Communication Contractors Association	COMMENT	https://www.fcc.gov/ecfs/filing/107272747327074
7/26/2018	R Short	COMMENT	https://www.fcc.gov/ecfs/filing/10726294993442
7/26/2018	Rafael Augusto	COMMENT	https://www.fcc.gov/ecfs/filing/1072691988547
7/26/2018	Ralph Olmedo	COMMENT	https://www.fcc.gov/ecfs/filing/10726255858106
7/26/2018	Randy Brase	COMMENT	https://www.fcc.gov/ecfs/filing/10726100671187

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/26/2018	Randy Nugent	COMMENT	https://www.fcc.gov/ecfs/filing/1072270522418952
7/26/2018	Raymond Ellison	COMMENT	https://www.fcc.gov/ecfs/filing/1072272100509016
7/26/2018	reginald gilchrist	COMMENT	https://www.fcc.gov/ecfs/filing/1072717712436
7/26/2018	Richard Brickley	COMMENT	https://www.fcc.gov/ecfs/filing/1072602006781
7/26/2018	Richard Champagne	COMMENT	https://www.fcc.gov/ecfs/filing/10726507911320
7/26/2018	Richard Erik Burns	COMMENT	https://www.fcc.gov/ecfs/filing/1072690998335
7/26/2018	Richard Lynn	COMMENT	https://www.fcc.gov/ecfs/filing/10726848705833
7/26/2018	Richard Marvel	COMMENT	https://www.fcc.gov/ecfs/filing/1072630081626
7/26/2018	Ricky Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/107263032502561
7/26/2018	Robert Beggs	COMMENT	https://www.fcc.gov/ecfs/filing/10726069445173
7/26/2018	Robert Council	COMMENT	https://www.fcc.gov/ecfs/filing/10726286321158
7/26/2018	Robert Haslag	COMMENT	https://www.fcc.gov/ecfs/filing/107262351701919
7/26/2018	Robert Kimmel	COMMENT	https://www.fcc.gov/ecfs/filing/10727005916113
7/26/2018	Robert Niehaus	COMMENT	https://www.fcc.gov/ecfs/filing/107260946629406
7/26/2018	Robert Recekia	COMMENT	https://www.fcc.gov/ecfs/filing/1072681858620
7/26/2018	Robin McPherson-Schollenberger	COMMENT	https://www.fcc.gov/ecfs/filing/107261350310919
7/26/2018	Rodrick Jones	COMMENT	https://www.fcc.gov/ecfs/filing/107260943905441
7/26/2018	Ronald Potter II	COMMENT	https://www.fcc.gov/ecfs/filing/107262887801366
7/26/2018	Ross Avery	COMMENT	https://www.fcc.gov/ecfs/filing/10726128117571
7/26/2018	Roy Davis	COMMENT	https://www.fcc.gov/ecfs/filing/107262669701445
7/26/2018	Royce Todd	COMMENT	https://www.fcc.gov/ecfs/filing/10726736202096
7/26/2018	Sarah Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/107271178004748
7/26/2018	Scott despain	COMMENT	https://www.fcc.gov/ecfs/filing/107227277460147
7/26/2018	Scott Marquardt	COMMENT	https://www.fcc.gov/ecfs/filing/10726502227900
7/26/2018	Shawn Duke	COMMENT	https://www.fcc.gov/ecfs/filing/10726746404133
7/26/2018	Sheila Corso	COMMENT	https://www.fcc.gov/ecfs/filing/107262004326743
7/26/2018	Stephen Dale	COMMENT	https://www.fcc.gov/ecfs/filing/10726029628930
7/26/2018	STEPHEN SMITH	COMMENT	https://www.fcc.gov/ecfs/filing/10726934321605
7/26/2018	Thomas Roulley	COMMENT	https://www.fcc.gov/ecfs/filing/10726122906502
7/26/2018	THOMAS BOHTE	COMMENT	https://www.fcc.gov/ecfs/filing/10726055163738
7/26/2018	Thomas Nolan	COMMENT	https://www.fcc.gov/ecfs/filing/10727757615823
7/26/2018	Thomas Pisculli	COMMENT	https://www.fcc.gov/ecfs/filing/10727814201250
7/26/2018	thomasina byrd	COMMENT	https://www.fcc.gov/ecfs/filing/1072615278500
7/26/2018	TIM TREGLOWN	COMMENT	https://www.fcc.gov/ecfs/filing/1072670379895
7/26/2018	Timothy Parker	COMMENT	https://www.fcc.gov/ecfs/filing/10726065911055
7/26/2018	Timothy McGoldrick	COMMENT	https://www.fcc.gov/ecfs/filing/10727122211678
7/26/2018	Tom Gannon	COMMENT	https://www.fcc.gov/ecfs/filing/1072628702983
7/26/2018	Tommy Nolan	COMMENT	https://www.fcc.gov/ecfs/filing/10726663927486

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/26/2018	Wesley Kirby	COMMENT	https://www.fcc.gov/ecfs/filing/10726156008451
7/26/2018	Wesley Kirby	COMMENT	https://www.fcc.gov/ecfs/filing/10726253995943
7/26/2018	william bowser	COMMENT	https://www.fcc.gov/ecfs/filing/10726238320444
7/26/2018	William Irwin	COMMENT	https://www.fcc.gov/ecfs/filing/10726310611397
7/26/2018	William McElhany	COMMENT	https://www.fcc.gov/ecfs/filing/107262042706127
7/26/2018	William Rehak Jr	COMMENT	https://www.fcc.gov/ecfs/filing/107261009300708
7/26/2018	City of Corvallis	LETTER	https://www.fcc.gov/ecfs/filing/107261574326785
7/26/2018	Xcel Energy Services Inc. and Alliant Energy Corporation American Electric Power Service Corporation,Southern Company,Oncor Electric,Duke Energy	LETTER	https://www.fcc.gov/ecfs/filing/107263105325154
7/26/2018	Coalition of Concerned Utilities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1072692509295
7/26/2018	Comcast Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726160352026
7/26/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726250204408
7/26/2018	Computer & Communications Industry Association (CCIA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726459506625
7/26/2018	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726016449000
7/26/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726515613717
7/26/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726233804484
7/26/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1072688216705
7/26/2018	T-Mobile USA, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1072632086844
7/26/2018	USTelecom Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726233992787
7/26/2018	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10727194847434
7/26/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726360022387
7/26/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726040149386
7/26/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726008096422
7/25/2018	Aaron Lumpkin	COMMENT	https://www.fcc.gov/ecfs/filing/1072660051790
7/25/2018	Adelaide Stegemann	COMMENT	https://www.fcc.gov/ecfs/filing/10726277435220
7/25/2018	Alan Jackson	COMMENT	https://www.fcc.gov/ecfs/filing/1072572759739
7/25/2018	Alex Diaz-Infante	COMMENT	https://www.fcc.gov/ecfs/filing/10725049609857
7/25/2018	Amanda McCubbins	COMMENT	https://www.fcc.gov/ecfs/filing/10725788218291
7/25/2018	Angelo Schinina	COMMENT	https://www.fcc.gov/ecfs/filing/10725057447802
7/25/2018	Andrea Watson	COMMENT	https://www.fcc.gov/ecfs/filing/10725270389434
7/25/2018	Ann Claire McKeehan	COMMENT	https://www.fcc.gov/ecfs/filing/1072597118421
7/25/2018	Anthony Hicks	COMMENT	https://www.fcc.gov/ecfs/filing/10725986830559
7/25/2018	Antoinette Rose	COMMENT	https://www.fcc.gov/ecfs/filing/107252720713844
7/25/2018	ANTONIO JIMENEZ	COMMENT	https://www.fcc.gov/ecfs/filing/1072672125263
7/25/2018	Aren Best	COMMENT	https://www.fcc.gov/ecfs/filing/1072574387014
7/25/2018	Austin Flanagan	COMMENT	https://www.fcc.gov/ecfs/filing/107261626318826
7/25/2018		COMMENT	https://www.fcc.gov/ecfs/filing/10725812210811

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	Barrington Clarke	COMMENT	https://www.fcc.gov/ecfs/filing/10725735625585
7/25/2018	Bill Loring	COMMENT	https://www.fcc.gov/ecfs/filing/10725680604675
7/25/2018	Bob Garner	COMMENT	https://www.fcc.gov/ecfs/filing/1072512657989
7/25/2018	Bob Schwartz	COMMENT	https://www.fcc.gov/ecfs/filing/10725629704608
7/25/2018	Bobby Anderson	COMMENT	https://www.fcc.gov/ecfs/filing/10725040087034
7/25/2018	Bonnie Atkins	COMMENT	https://www.fcc.gov/ecfs/filing/10725031518020
7/25/2018	Bradley Bone	COMMENT	https://www.fcc.gov/ecfs/filing/1072581450022
7/25/2018	Brandi Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/10725207207611
7/25/2018	Brandon Harris	COMMENT	https://www.fcc.gov/ecfs/filing/1072666379596
7/25/2018	Brandon Mccarthy	COMMENT	https://www.fcc.gov/ecfs/filing/107250027202198
7/25/2018	Brenda Lee	COMMENT	https://www.fcc.gov/ecfs/filing/10725257118490
7/25/2018	Brent Robinson	COMMENT	https://www.fcc.gov/ecfs/filing/107251111328533
7/25/2018	Brian Simpson	COMMENT	https://www.fcc.gov/ecfs/filing/107262895233533
7/25/2018	Bruce Clay	COMMENT	https://www.fcc.gov/ecfs/filing/10725514703151
7/25/2018	bryan key	COMMENT	https://www.fcc.gov/ecfs/filing/10725167313445
7/25/2018	Bryan Matheson	COMMENT	https://www.fcc.gov/ecfs/filing/1072575757885
7/25/2018	Busby Courson	COMMENT	https://www.fcc.gov/ecfs/filing/10725171885987
7/25/2018	carl gentile	COMMENT	https://www.fcc.gov/ecfs/filing/1072519331893
7/25/2018	Carlos Gonzalez	COMMENT	https://www.fcc.gov/ecfs/filing/10726733730303
7/25/2018	Casey Jones	COMMENT	https://www.fcc.gov/ecfs/filing/10725117978394
7/25/2018	Casey Spillers	COMMENT	https://www.fcc.gov/ecfs/filing/10726082322484
7/25/2018	Chad Catlett	COMMENT	https://www.fcc.gov/ecfs/filing/107252393103051
7/25/2018	chad byars	COMMENT	https://www.fcc.gov/ecfs/filing/10726264394786
7/25/2018	Chad Karnes	COMMENT	https://www.fcc.gov/ecfs/filing/10726124550126
7/25/2018	Chad Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/10726290816179
7/25/2018	Chad Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/107252789017969
7/25/2018	Charlene Sharrard	COMMENT	https://www.fcc.gov/ecfs/filing/107252991925784
7/25/2018	Charles LaChapelle	COMMENT	https://www.fcc.gov/ecfs/filing/107252759330771
7/25/2018	Charles Cronin	COMMENT	https://www.fcc.gov/ecfs/filing/107251666626295
7/25/2018	Charles Fuller	COMMENT	https://www.fcc.gov/ecfs/filing/10725016633411
7/25/2018	Charles Herndon	COMMENT	https://www.fcc.gov/ecfs/filing/10725021807043
7/25/2018	Charles Schilling	COMMENT	https://www.fcc.gov/ecfs/filing/10726800618432
7/25/2018	Chris Maynard	COMMENT	https://www.fcc.gov/ecfs/filing/107250925125493
7/25/2018	Chris Formato	COMMENT	https://www.fcc.gov/ecfs/filing/10725812106309
7/25/2018	chris tucker	COMMENT	https://www.fcc.gov/ecfs/filing/1072575207110
7/25/2018	Christina Eaton	COMMENT	https://www.fcc.gov/ecfs/filing/10725957613635
7/25/2018	Christine Lange	COMMENT	https://www.fcc.gov/ecfs/filing/1072611921285
7/25/2018	Christopher Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/107252978416158

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	Christopher Haughton	COMMENT	https://www.fcc.gov/ecfs/filing/10725610820952
7/25/2018	Christopher Mullen	COMMENT	https://www.fcc.gov/ecfs/filing/10726296887380
7/25/2018	Christopher Waits	COMMENT	https://www.fcc.gov/ecfs/filing/10726089924168
7/25/2018	Christopher Winslow	COMMENT	https://www.fcc.gov/ecfs/filing/1072580508114
7/25/2018	Christy Smelser	COMMENT	https://www.fcc.gov/ecfs/filing/107250116201232
7/25/2018	Cliff Fields	COMMENT	https://www.fcc.gov/ecfs/filing/107251262825438
7/25/2018	Clifford Travis	COMMENT	https://www.fcc.gov/ecfs/filing/107251478313238
7/25/2018	Clint Estein	COMMENT	https://www.fcc.gov/ecfs/filing/1072674749501
7/25/2018	Colleen Kiezulas	COMMENT	https://www.fcc.gov/ecfs/filing/1072566528713
7/25/2018	Colton Long	COMMENT	https://www.fcc.gov/ecfs/filing/1072533219389
7/25/2018	Courtney Terpening	COMMENT	https://www.fcc.gov/ecfs/filing/1072588972831
7/25/2018	Craig Griffith	COMMENT	https://www.fcc.gov/ecfs/filing/107253003117213
7/25/2018	Craig Griffith	COMMENT	https://www.fcc.gov/ecfs/filing/10725112811379
7/25/2018	Crown Castle	COMMENT	https://www.fcc.gov/ecfs/filing/10725180601706
7/25/2018	Crystal Hammonds	COMMENT	https://www.fcc.gov/ecfs/filing/10725423629550
7/25/2018	Dan Hoffman	COMMENT	https://www.fcc.gov/ecfs/filing/10726171086562
7/25/2018	Daniel Everett	COMMENT	https://www.fcc.gov/ecfs/filing/10725603800491
7/25/2018	Daniel Swan	COMMENT	https://www.fcc.gov/ecfs/filing/10725724329637
7/25/2018	Daniel Buffington	COMMENT	https://www.fcc.gov/ecfs/filing/107250235801637
7/25/2018	Danielle Daniels	COMMENT	https://www.fcc.gov/ecfs/filing/10726104551535
7/25/2018	Danielle Keeton	COMMENT	https://www.fcc.gov/ecfs/filing/10725015667926
7/25/2018	Danny King	COMMENT	https://www.fcc.gov/ecfs/filing/10725025824321
7/25/2018	Darius Grimes	COMMENT	https://www.fcc.gov/ecfs/filing/1072515500984
7/25/2018	Dave Dalleva	COMMENT	https://www.fcc.gov/ecfs/filing/10725764516589
7/25/2018	David Rader	COMMENT	https://www.fcc.gov/ecfs/filing/1072594616970
7/25/2018	David Robinson	COMMENT	https://www.fcc.gov/ecfs/filing/10725286233379
7/25/2018	David Colson	COMMENT	https://www.fcc.gov/ecfs/filing/107251364623086
7/25/2018	David Davis	COMMENT	https://www.fcc.gov/ecfs/filing/107251485910311
7/25/2018	David Dellisola	COMMENT	https://www.fcc.gov/ecfs/filing/1072587164762
7/25/2018	David Gaddie	COMMENT	https://www.fcc.gov/ecfs/filing/1072524883422
7/25/2018	David Kestner	COMMENT	https://www.fcc.gov/ecfs/filing/10725118223653
7/25/2018	David Kill	COMMENT	https://www.fcc.gov/ecfs/filing/107251049816619
7/25/2018	David Young	COMMENT	https://www.fcc.gov/ecfs/filing/10725034250392
7/25/2018	Deb Fancher	COMMENT	https://www.fcc.gov/ecfs/filing/107260876702200
7/25/2018	Debbie Todd	COMMENT	https://www.fcc.gov/ecfs/filing/107252481220661
7/25/2018	Dennis Walking	COMMENT	https://www.fcc.gov/ecfs/filing/1072547365127
7/25/2018	Derek Williamson	COMMENT	https://www.fcc.gov/ecfs/filing/10726021391454
7/25/2018	Derick Newell	COMMENT	https://www.fcc.gov/ecfs/filing/10725200597173

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	Desmond Jenkins	COMMENT	https://www.fcc.gov/ecfs/filing/1072543582138
7/25/2018	Dianne Patterson	COMMENT	https://www.fcc.gov/ecfs/filing/10725209078228
7/25/2018	Donald Kloss	COMMENT	https://www.fcc.gov/ecfs/filing/10725232032253
7/25/2018	Donald W. Hollar	COMMENT	https://www.fcc.gov/ecfs/filing/107260247107369
7/25/2018	Dondre Banks	COMMENT	https://www.fcc.gov/ecfs/filing/10725134797327
7/25/2018	Donna Hughes	COMMENT	https://www.fcc.gov/ecfs/filing/107251667424470
7/25/2018	Edward Yost	COMMENT	https://www.fcc.gov/ecfs/filing/10725555012162
7/25/2018	Elaine Savaiki	COMMENT	https://www.fcc.gov/ecfs/filing/10725031495253
7/25/2018	Elizabeth VanDerWoude	COMMENT	https://www.fcc.gov/ecfs/filing/1072568764033
7/25/2018	Elliott Strickland	COMMENT	https://www.fcc.gov/ecfs/filing/10725169589357
7/25/2018	Eric Campbell	COMMENT	https://www.fcc.gov/ecfs/filing/1072590709332
7/25/2018	Eric Niblett	COMMENT	https://www.fcc.gov/ecfs/filing/1072591567586
7/25/2018	Eric Pauley	COMMENT	https://www.fcc.gov/ecfs/filing/107252236621507
7/25/2018	Eugene Bartee	COMMENT	https://www.fcc.gov/ecfs/filing/1072505423681
7/25/2018	Francis Conmy	COMMENT	https://www.fcc.gov/ecfs/filing/10725021624107
7/25/2018	Frank Connolly	COMMENT	https://www.fcc.gov/ecfs/filing/107261573513700
7/25/2018	Fred Brown	COMMENT	https://www.fcc.gov/ecfs/filing/107252208804163
7/25/2018	Garrett Hall	COMMENT	https://www.fcc.gov/ecfs/filing/1072529326782
7/25/2018	Gary Sloss	COMMENT	https://www.fcc.gov/ecfs/filing/10725204823040
7/25/2018	George Petticree	COMMENT	https://www.fcc.gov/ecfs/filing/10725061556845
7/25/2018	Georgia Turner	COMMENT	https://www.fcc.gov/ecfs/filing/107251081308112
7/25/2018	Glenda Abicht	COMMENT	https://www.fcc.gov/ecfs/filing/1072516852672
7/25/2018	Glenn Sullivan	COMMENT	https://www.fcc.gov/ecfs/filing/10725025130534
7/25/2018	Gordon Stansberry	COMMENT	https://www.fcc.gov/ecfs/filing/10725183778796
7/25/2018	Greg Gancarcik	COMMENT	https://www.fcc.gov/ecfs/filing/10725269351232
7/25/2018	Gregg Keough	COMMENT	https://www.fcc.gov/ecfs/filing/10725635222605
7/25/2018	H Randall	COMMENT	https://www.fcc.gov/ecfs/filing/10725220021023
7/25/2018	Harvey Coplin	COMMENT	https://www.fcc.gov/ecfs/filing/107250066910545
7/25/2018	Hawaiian Electric Company, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10725713311535
7/25/2018	Haya Luftig	COMMENT	https://www.fcc.gov/ecfs/filing/10726056726388
7/25/2018	Hollie Lanphear	COMMENT	https://www.fcc.gov/ecfs/filing/1072527733455
7/25/2018	Irene Abraham	COMMENT	https://www.fcc.gov/ecfs/filing/10725112136777
7/25/2018	Jack Rogers	COMMENT	https://www.fcc.gov/ecfs/filing/1072555722295
7/25/2018	Jacob Young	COMMENT	https://www.fcc.gov/ecfs/filing/107252384115377
7/25/2018	James Cooper	COMMENT	https://www.fcc.gov/ecfs/filing/1072575325793
7/25/2018	James Evreniadis	COMMENT	https://www.fcc.gov/ecfs/filing/1072559134507
7/25/2018	James Goltz	COMMENT	https://www.fcc.gov/ecfs/filing/107252466201355
7/25/2018	James KANE	COMMENT	https://www.fcc.gov/ecfs/filing/10726843812003

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	James Avis	COMMENT	https://www.fcc.gov/ecfs/filing/1072573299344
7/25/2018	James Buffaloe	COMMENT	https://www.fcc.gov/ecfs/filing/10725535108270
7/25/2018	James Davidson	COMMENT	https://www.fcc.gov/ecfs/filing/107253048218841
7/25/2018	James Gore	COMMENT	https://www.fcc.gov/ecfs/filing/1072569650735
7/25/2018	James LaFleur	COMMENT	https://www.fcc.gov/ecfs/filing/1072590246742
7/25/2018	James McClain	COMMENT	https://www.fcc.gov/ecfs/filing/10726838427369
7/25/2018	James Munson	COMMENT	https://www.fcc.gov/ecfs/filing/10725066062261
7/25/2018	James Wiley	COMMENT	https://www.fcc.gov/ecfs/filing/1072505980723
7/25/2018	Jamie White	COMMENT	https://www.fcc.gov/ecfs/filing/107250408329272
7/25/2018	Jamishad Ali	COMMENT	https://www.fcc.gov/ecfs/filing/1072565491434
7/25/2018	jane Souza	COMMENT	https://www.fcc.gov/ecfs/filing/10725565310688
7/25/2018	Janice Smithson	COMMENT	https://www.fcc.gov/ecfs/filing/107262908623360
7/25/2018	Jared Parrish	COMMENT	https://www.fcc.gov/ecfs/filing/107251275802307
7/25/2018	Jason Beauregard	COMMENT	https://www.fcc.gov/ecfs/filing/107250844421293
7/25/2018	Jason Jackson	COMMENT	https://www.fcc.gov/ecfs/filing/10725102412098
7/25/2018	Jason Blanton	COMMENT	https://www.fcc.gov/ecfs/filing/1072500212041
7/25/2018	Jason Brown	COMMENT	https://www.fcc.gov/ecfs/filing/1072589850735
7/25/2018	Jason Dulaney	COMMENT	https://www.fcc.gov/ecfs/filing/10725113809980
7/25/2018	Jason Jollie	COMMENT	https://www.fcc.gov/ecfs/filing/107250848708290
7/25/2018	Jason Molpuz	COMMENT	https://www.fcc.gov/ecfs/filing/1072593658381
7/25/2018	JC Oliver	COMMENT	https://www.fcc.gov/ecfs/filing/10725006788674
7/25/2018	Jeames Clay	COMMENT	https://www.fcc.gov/ecfs/filing/1072558162900
7/25/2018	Jeff Turner	COMMENT	https://www.fcc.gov/ecfs/filing/10726738601611
7/25/2018	Jeffery McCormick	COMMENT	https://www.fcc.gov/ecfs/filing/107252726810408
7/25/2018	Jeremy Greenway	COMMENT	https://www.fcc.gov/ecfs/filing/1072566236413
7/25/2018	Jeremy Eason	COMMENT	https://www.fcc.gov/ecfs/filing/107260111725862
7/25/2018	Jeremy Marowelli	COMMENT	https://www.fcc.gov/ecfs/filing/10725683813739
7/25/2018	Jeremy Thompson	COMMENT	https://www.fcc.gov/ecfs/filing/1072567195584
7/25/2018	Jeremy Williamson	COMMENT	https://www.fcc.gov/ecfs/filing/10725218548453
7/25/2018	Jerry "ClapSo" Avissato	COMMENT	https://www.fcc.gov/ecfs/filing/10725724926342
7/25/2018	Jesse Huggins	COMMENT	https://www.fcc.gov/ecfs/filing/1072570547981
7/25/2018	Jesse Huggins	COMMENT	https://www.fcc.gov/ecfs/filing/107252265912149
7/25/2018	Jevon Carter	COMMENT	https://www.fcc.gov/ecfs/filing/107252384123924
7/25/2018	Jody Fuller	COMMENT	https://www.fcc.gov/ecfs/filing/1072527489840
7/25/2018	Joe Counts	COMMENT	https://www.fcc.gov/ecfs/filing/1072507711353
7/25/2018	John Best	COMMENT	https://www.fcc.gov/ecfs/filing/107262404923586
7/25/2018	John Boudreau	COMMENT	https://www.fcc.gov/ecfs/filing/107252721012732
7/25/2018	John Jonathan	COMMENT	https://www.fcc.gov/ecfs/filing/1072500475240

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	John Wooten	COMMENT	https://www.fcc.gov/ecfs/filing/10725158500244
7/25/2018	Jonathan Taylor	COMMENT	https://www.fcc.gov/ecfs/filing/107250309600058
7/25/2018	Joseph Foster	COMMENT	https://www.fcc.gov/ecfs/filing/1072547134909
7/25/2018	Joseph Hancock	COMMENT	https://www.fcc.gov/ecfs/filing/10725584612419
7/25/2018	Joseph Hancock	COMMENT	https://www.fcc.gov/ecfs/filing/10725278009074
7/25/2018	joseph nolley	COMMENT	https://www.fcc.gov/ecfs/filing/1072629588892
7/25/2018	Joshua Love	COMMENT	https://www.fcc.gov/ecfs/filing/107252312517898
7/25/2018	Joshua Rife	COMMENT	https://www.fcc.gov/ecfs/filing/1072571584606
7/25/2018	Joshua Williams	COMMENT	https://www.fcc.gov/ecfs/filing/10725774030376
7/25/2018	Julio Moreno	COMMENT	https://www.fcc.gov/ecfs/filing/1072521409725
7/25/2018	Justin Shackleton	COMMENT	https://www.fcc.gov/ecfs/filing/10725784226972
7/25/2018	Justin Vance	COMMENT	https://www.fcc.gov/ecfs/filing/10726285478017
7/25/2018	Karen Rilet	COMMENT	https://www.fcc.gov/ecfs/filing/107250970802552
7/25/2018	Karen Riley	COMMENT	https://www.fcc.gov/ecfs/filing/107252514909392
7/25/2018	Karen Schaeffer	COMMENT	https://www.fcc.gov/ecfs/filing/10725022214147
7/25/2018	Kathryn Vigliotti	COMMENT	https://www.fcc.gov/ecfs/filing/10725227700937
7/25/2018	Katie Watters	COMMENT	https://www.fcc.gov/ecfs/filing/107251119625084
7/25/2018	Keith Valko	COMMENT	https://www.fcc.gov/ecfs/filing/1072619471790
7/25/2018	Keith King	COMMENT	https://www.fcc.gov/ecfs/filing/10725128472909
7/25/2018	Kelly Murray	COMMENT	https://www.fcc.gov/ecfs/filing/1072560250679
7/25/2018	Kenneth Hamilton Sr	COMMENT	https://www.fcc.gov/ecfs/filing/10725175645694
7/25/2018	Kevin Liew	COMMENT	https://www.fcc.gov/ecfs/filing/107252810929894
7/25/2018	Kevin Mcdivitt	COMMENT	https://www.fcc.gov/ecfs/filing/1072500364848
7/25/2018	Kevin Polk	COMMENT	https://www.fcc.gov/ecfs/filing/107250624816125
7/25/2018	Kirk Lowery	COMMENT	https://www.fcc.gov/ecfs/filing/1072588696318
7/25/2018	kristopher hardwick	COMMENT	https://www.fcc.gov/ecfs/filing/10725008120116
7/25/2018	Kyle Bauer	COMMENT	https://www.fcc.gov/ecfs/filing/10725298328355
7/25/2018	Landon Ledbetter	COMMENT	https://www.fcc.gov/ecfs/filing/10725023824346
7/25/2018	Landon Ligggett	COMMENT	https://www.fcc.gov/ecfs/filing/1072559203901
7/25/2018	LaNell Piercy	COMMENT	https://www.fcc.gov/ecfs/filing/10725107941178
7/25/2018	Larry Williams	COMMENT	https://www.fcc.gov/ecfs/filing/107252629528401
7/25/2018	Lee Cochran	COMMENT	https://www.fcc.gov/ecfs/filing/10725908009611
7/25/2018	Lillian Byrne	COMMENT	https://www.fcc.gov/ecfs/filing/10725649522842
7/25/2018	Lisa Lefebvre-barr	COMMENT	https://www.fcc.gov/ecfs/filing/1072622821281
7/25/2018	Lisa Wright	COMMENT	https://www.fcc.gov/ecfs/filing/10725159745386
7/25/2018	Lori Peterson	COMMENT	https://www.fcc.gov/ecfs/filing/1072505615689
7/25/2018	Lucas Frank	COMMENT	https://www.fcc.gov/ecfs/filing/107250692524643
7/25/2018	Maivys Cuevillas	COMMENT	https://www.fcc.gov/ecfs/filing/10725243743972

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	Marie Lucas	COMMENT	https://www.fcc.gov/ecfs/filing/10726258463003
7/25/2018	Marilyn Colhouer	COMMENT	https://www.fcc.gov/ecfs/filing/10725011255797
7/25/2018	Mark Blair	COMMENT	https://www.fcc.gov/ecfs/filing/10725196957309
7/25/2018	Mark Maxey	COMMENT	https://www.fcc.gov/ecfs/filing/107251408925338
7/25/2018	Mark Taylor	COMMENT	https://www.fcc.gov/ecfs/filing/10725531223646
7/25/2018	Mark Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/1072583981484
7/25/2018	Marques Haynes	COMMENT	https://www.fcc.gov/ecfs/filing/10725202079267
7/25/2018	Marshall Boswell	COMMENT	https://www.fcc.gov/ecfs/filing/1072526997251
7/25/2018	Mary Layton	COMMENT	https://www.fcc.gov/ecfs/filing/10725197105144
7/25/2018	Matt Hopper	COMMENT	https://www.fcc.gov/ecfs/filing/1072547008563
7/25/2018	Matthew Howell	COMMENT	https://www.fcc.gov/ecfs/filing/1072553017602066
7/25/2018	Matthew Parker	COMMENT	https://www.fcc.gov/ecfs/filing/1072664345912
7/25/2018	Matthew Spear	COMMENT	https://www.fcc.gov/ecfs/filing/1072504098441
7/25/2018	matthew viglas	COMMENT	https://www.fcc.gov/ecfs/filing/10725626715736
7/25/2018	Melanie Kipfer	COMMENT	https://www.fcc.gov/ecfs/filing/10725252630961
7/25/2018	McNitreis Holman	COMMENT	https://www.fcc.gov/ecfs/filing/1072584155277
7/25/2018	Micah Defibaugh	COMMENT	https://www.fcc.gov/ecfs/filing/10725214129008
7/25/2018	Michael Dolan	COMMENT	https://www.fcc.gov/ecfs/filing/10725991203511
7/25/2018	Michael Harrington	COMMENT	https://www.fcc.gov/ecfs/filing/107252524012914
7/25/2018	Michael Hill	COMMENT	https://www.fcc.gov/ecfs/filing/10726474002899
7/25/2018	Michael Clark	COMMENT	https://www.fcc.gov/ecfs/filing/1072520748346
7/25/2018	Michael Cleveland	COMMENT	https://www.fcc.gov/ecfs/filing/10725163805761
7/25/2018	Michael Henson	COMMENT	https://www.fcc.gov/ecfs/filing/107250884714494
7/25/2018	Michael Marrero	COMMENT	https://www.fcc.gov/ecfs/filing/107252855101296
7/25/2018	michael myrick	COMMENT	https://www.fcc.gov/ecfs/filing/10725174579250
7/25/2018	Michael Tharp	COMMENT	https://www.fcc.gov/ecfs/filing/1072548812154
7/25/2018	MICHAEL WILLIAMS	COMMENT	https://www.fcc.gov/ecfs/filing/107251348109595
7/25/2018	Mike Kuhlbeck	COMMENT	https://www.fcc.gov/ecfs/filing/10726294180612
7/25/2018	Mike Reader	COMMENT	https://www.fcc.gov/ecfs/filing/10725109225730
7/25/2018	Mike West	COMMENT	https://www.fcc.gov/ecfs/filing/1072577681342
7/25/2018	Misty Robertson	COMMENT	https://www.fcc.gov/ecfs/filing/1072507646278
7/25/2018	Nathan Conner	COMMENT	https://www.fcc.gov/ecfs/filing/10725706430700
7/25/2018	Nuri Ronaghy	COMMENT	https://www.fcc.gov/ecfs/filing/1072589047963
7/25/2018	Olin Kennedy	COMMENT	https://www.fcc.gov/ecfs/filing/10725136586844
7/25/2018	Patricia Sochacki	COMMENT	https://www.fcc.gov/ecfs/filing/107253082828778
7/25/2018	Patricia Barnes	COMMENT	https://www.fcc.gov/ecfs/filing/10725252596875
7/25/2018	Patricia Ford	COMMENT	https://www.fcc.gov/ecfs/filing/1072681672535
7/25/2018	Patrick Westmoreland	COMMENT	https://www.fcc.gov/ecfs/filing/10725470513453

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	Paul Enzor	COMMENT	https://www.fcc.gov/ecfs/filing/10725307316012
7/25/2018	Paul Pollard	COMMENT	https://www.fcc.gov/ecfs/filing/107252633821059
7/25/2018	Paul Schatz	COMMENT	https://www.fcc.gov/ecfs/filing/107261413901469
7/25/2018	Paula Grimes	COMMENT	https://www.fcc.gov/ecfs/filing/107250459410118
7/25/2018	peggy ward	COMMENT	https://www.fcc.gov/ecfs/filing/10725588604539
7/25/2018	Peter Busacca	COMMENT	https://www.fcc.gov/ecfs/filing/107251673000369
7/25/2018	Phillip Boulnois	COMMENT	https://www.fcc.gov/ecfs/filing/10725245338259
7/25/2018	Pierre Smallwood	COMMENT	https://www.fcc.gov/ecfs/filing/10725194098968
7/25/2018	Preston Smith	COMMENT	https://www.fcc.gov/ecfs/filing/10726033179381
7/25/2018	Randy Thackston	COMMENT	https://www.fcc.gov/ecfs/filing/1072511113237
7/25/2018	Randy Wood	COMMENT	https://www.fcc.gov/ecfs/filing/10725232011171
7/25/2018	Raul Sanchez	COMMENT	https://www.fcc.gov/ecfs/filing/10725251524749
7/25/2018	Ray Cain	COMMENT	https://www.fcc.gov/ecfs/filing/1072547858450
7/25/2018	Rebecca Locke	COMMENT	https://www.fcc.gov/ecfs/filing/10725199867781
7/25/2018	Renella Mitchell	COMMENT	https://www.fcc.gov/ecfs/filing/107253095402787
7/25/2018	Ricardo Hernandez	COMMENT	https://www.fcc.gov/ecfs/filing/1072521541961
7/25/2018	Rich Granato	COMMENT	https://www.fcc.gov/ecfs/filing/10725226256445
7/25/2018	Richard Collymore	COMMENT	https://www.fcc.gov/ecfs/filing/10725232223723
7/25/2018	Rick Feinstein	COMMENT	https://www.fcc.gov/ecfs/filing/10725123030545
7/25/2018	Rick Sanders	COMMENT	https://www.fcc.gov/ecfs/filing/1072593427078
7/25/2018	Ricky King	COMMENT	https://www.fcc.gov/ecfs/filing/1072571856204
7/25/2018	Rigoberto Alonzo	COMMENT	https://www.fcc.gov/ecfs/filing/10725230467273
7/25/2018	Rob Tucker	COMMENT	https://www.fcc.gov/ecfs/filing/1072597749530
7/25/2018	Robert Bauer	COMMENT	https://www.fcc.gov/ecfs/filing/10725308946065
7/25/2018	Robert Crawford	COMMENT	https://www.fcc.gov/ecfs/filing/1072582110123
7/25/2018	Robert Hamilton	COMMENT	https://www.fcc.gov/ecfs/filing/10726830700276
7/25/2018	Robert Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/10725267419989
7/25/2018	Robert Oshesky	COMMENT	https://www.fcc.gov/ecfs/filing/10725257000228
7/25/2018	Robin King	COMMENT	https://www.fcc.gov/ecfs/filing/1072540896762
7/25/2018	Rod Peoples	COMMENT	https://www.fcc.gov/ecfs/filing/10725591915538
7/25/2018	roman williams	COMMENT	https://www.fcc.gov/ecfs/filing/1072564402990
7/25/2018	Ronald Alcorn	COMMENT	https://www.fcc.gov/ecfs/filing/10725212611268
7/25/2018	Ronald Harris	COMMENT	https://www.fcc.gov/ecfs/filing/1072586399617
7/25/2018	Royce Ulibarri	COMMENT	https://www.fcc.gov/ecfs/filing/10725468603532
7/25/2018	Sara Hall	COMMENT	https://www.fcc.gov/ecfs/filing/10726146332979
7/25/2018	Sarah Donovan	COMMENT	https://www.fcc.gov/ecfs/filing/1072586008291
7/25/2018	Sarah Jayson	COMMENT	https://www.fcc.gov/ecfs/filing/10725682817081
7/25/2018	Scott Bush	COMMENT	https://www.fcc.gov/ecfs/filing/10726002313322

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/25/2018	Scott Lariosa	COMMENT	https://www.fcc.gov/ecfs/filing/1072562343912
7/25/2018	Scotty Skidmore	COMMENT	https://www.fcc.gov/ecfs/filing/1072549652152
7/25/2018	Sean Houston	COMMENT	https://www.fcc.gov/ecfs/filing/1072589456124
7/25/2018	Shane Peterson	COMMENT	https://www.fcc.gov/ecfs/filing/107250430303965
7/25/2018	Sharon Garey	COMMENT	https://www.fcc.gov/ecfs/filing/10725351028348
7/25/2018	Shaun Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/10725798022295
7/25/2018	SLOAN SIMMONS	COMMENT	https://www.fcc.gov/ecfs/filing/1072545933082
7/25/2018	sonya houston	COMMENT	https://www.fcc.gov/ecfs/filing/1072567758825
7/25/2018	stanley long	COMMENT	https://www.fcc.gov/ecfs/filing/107250484330166
7/25/2018	Stephanie Knorr	COMMENT	https://www.fcc.gov/ecfs/filing/10725161980691
7/25/2018	stephen searcy	COMMENT	https://www.fcc.gov/ecfs/filing/10726242324158
7/25/2018	Stephen Smith	COMMENT	https://www.fcc.gov/ecfs/filing/1072520439682
7/25/2018	Steve Macon	COMMENT	https://www.fcc.gov/ecfs/filing/10725010342783
7/25/2018	Steven Luftig	COMMENT	https://www.fcc.gov/ecfs/filing/107250365305341
7/25/2018	Steven Anderson	COMMENT	https://www.fcc.gov/ecfs/filing/10725727115423
7/25/2018	Susan Tegtmeyer	COMMENT	https://www.fcc.gov/ecfs/filing/10725413707873
7/25/2018	Teretha Jiles	COMMENT	https://www.fcc.gov/ecfs/filing/1072578542040
7/25/2018	Theresa McDermott	COMMENT	https://www.fcc.gov/ecfs/filing/10725053395070
7/25/2018	Theresa Shaver	COMMENT	https://www.fcc.gov/ecfs/filing/107252528390716
7/25/2018	Thomas Peterson	COMMENT	https://www.fcc.gov/ecfs/filing/1072584006868
7/25/2018	Thomas Hirst	COMMENT	https://www.fcc.gov/ecfs/filing/10725058424097
7/25/2018	Thomas Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/107260985702816
7/25/2018	Tim Rogers	COMMENT	https://www.fcc.gov/ecfs/filing/10725239502067
7/25/2018	Timothy Andrews	COMMENT	https://www.fcc.gov/ecfs/filing/10725969201194
7/25/2018	Timothy Lowery	COMMENT	https://www.fcc.gov/ecfs/filing/107252004724409
7/25/2018	Todd Bernier	COMMENT	https://www.fcc.gov/ecfs/filing/10726984807213
7/25/2018	Todd Kipfer	COMMENT	https://www.fcc.gov/ecfs/filing/107252257608021
7/25/2018	Todd Lanphear	COMMENT	https://www.fcc.gov/ecfs/filing/107251600403110
7/25/2018	Tracy Watts	COMMENT	https://www.fcc.gov/ecfs/filing/107260159616131
7/25/2018	Traian Cainaru	COMMENT	https://www.fcc.gov/ecfs/filing/107251789520586
7/25/2018	Travis Adkins	COMMENT	https://www.fcc.gov/ecfs/filing/1072596514277
7/25/2018	Trey Jones	COMMENT	https://www.fcc.gov/ecfs/filing/1072668935557
7/25/2018	Tyler Maust	COMMENT	https://www.fcc.gov/ecfs/filing/107252918527423
7/25/2018	Veronica Brady	COMMENT	https://www.fcc.gov/ecfs/filing/1072536121548
7/25/2018	Vickie Anderson	COMMENT	https://www.fcc.gov/ecfs/filing/10725328009894
7/25/2018	Victor Macaya	COMMENT	https://www.fcc.gov/ecfs/filing/10726125056290
7/25/2018	Victor Goldberg	COMMENT	https://www.fcc.gov/ecfs/filing/10725401300880
7/25/2018	Victoria Brown	COMMENT	https://www.fcc.gov/ecfs/filing/10725326217007

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 38 of 97

Date Received	Filers(s)	Filing Type	Link
7/25/2018	Wayne Krieger	COMMENT	https://www.fcc.gov/ecfs/filing/1072522851503833
7/25/2018	Will Anderson	COMMENT	https://www.fcc.gov/ecfs/filing/107262581119558
7/25/2018	William Cousins	COMMENT	https://www.fcc.gov/ecfs/filing/10725461016234
7/25/2018	William Sedor	COMMENT	https://www.fcc.gov/ecfs/filing/1072564266124
7/25/2018	William Buck	COMMENT	https://www.fcc.gov/ecfs/filing/107251709400904
7/25/2018	William Duffly	COMMENT	https://www.fcc.gov/ecfs/filing/107252237200567
7/25/2018	William Norris	COMMENT	https://www.fcc.gov/ecfs/filing/1072568160603
7/25/2018	William Rosson	COMMENT	https://www.fcc.gov/ecfs/filing/10726301137614
7/25/2018	Willie Thompson	COMMENT	https://www.fcc.gov/ecfs/filing/10725589521945
7/25/2018	Yesmeen Jiles	COMMENT	https://www.fcc.gov/ecfs/filing/107252198016495
7/25/2018	Zachary Taylor	COMMENT	https://www.fcc.gov/ecfs/filing/107252897827877
7/25/2018	zachary franko	COMMENT	https://www.fcc.gov/ecfs/filing/10725533827448
7/25/2018	Zack Hardin	COMMENT	https://www.fcc.gov/ecfs/filing/1072579456869
7/25/2018	Zola Huggins	COMMENT	https://www.fcc.gov/ecfs/filing/107250351629694
7/25/2018	Zoreta Harris	COMMENT	https://www.fcc.gov/ecfs/filing/10725320012386
7/25/2018	American Cable Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10726220229047
7/25/2018	Charter Communications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10725172960719
7/25/2018	Coalition of Concerned Utilities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10725169709770
7/25/2018	Computer & Communications Industry Association (CCIA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10725199614048
7/25/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107250928303258
7/25/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10725412428375
7/25/2018	Puget Sound Energy	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107251049128793
7/25/2018	USTelecom Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1072692955454
7/25/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1072549649754
7/25/2018	Western Skies Strategies	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10725235621221
7/25/2018	Windstream	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10725075563076
7/24/2018	Martin Moss	COMMENT	https://www.fcc.gov/ecfs/filing/1072404973604
7/24/2018	+ Freddy Placencia	COMMENT	https://www.fcc.gov/ecfs/filing/1072580485266
7/24/2018	Adam Styles	COMMENT	https://www.fcc.gov/ecfs/filing/10725001366239
7/24/2018	Adam Travers	COMMENT	https://www.fcc.gov/ecfs/filing/10725207658401
7/24/2018	Al Kutka	COMMENT	https://www.fcc.gov/ecfs/filing/1072417334077
7/24/2018	Alan Blouin	COMMENT	https://www.fcc.gov/ecfs/filing/10725200183857
7/24/2018	Alan Siegel	COMMENT	https://www.fcc.gov/ecfs/filing/10725551812444
7/24/2018	Albert Cates	COMMENT	https://www.fcc.gov/ecfs/filing/10725244065916
7/24/2018	Alek Aqleh	COMMENT	https://www.fcc.gov/ecfs/filing/10725072508896
7/24/2018	Alfonso Ochoa	COMMENT	https://www.fcc.gov/ecfs/filing/10725264759329
7/24/2018	Alfred Guillory	COMMENT	https://www.fcc.gov/ecfs/filing/107252433624665

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Alfred Guillory	COMMENT	https://www.fcc.gov/ecfs/filing/107240998805204
7/24/2018	Allan Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/107252858704423
7/24/2018	Allen Lancing	COMMENT	https://www.fcc.gov/ecfs/filing/1072515801075
7/24/2018	Amanda Bratcher	COMMENT	https://www.fcc.gov/ecfs/filing/10725281624750
7/24/2018	Amanda Shelton	COMMENT	https://www.fcc.gov/ecfs/filing/10725610921922
7/24/2018	Anastasios Katechis	COMMENT	https://www.fcc.gov/ecfs/filing/107240868427049
7/24/2018	Andres Ferreira	COMMENT	https://www.fcc.gov/ecfs/filing/1072511262273
7/24/2018	Andrew Engelman	COMMENT	https://www.fcc.gov/ecfs/filing/107250146106790
7/24/2018	Andrew Huffman	COMMENT	https://www.fcc.gov/ecfs/filing/107252003506034
7/24/2018	Andrew Daniel	COMMENT	https://www.fcc.gov/ecfs/filing/107252307418107
7/24/2018	Andrew Hicks	COMMENT	https://www.fcc.gov/ecfs/filing/107250824007086
7/24/2018	Angela Hill	COMMENT	https://www.fcc.gov/ecfs/filing/10725790114095
7/24/2018	anthony stelmack	COMMENT	https://www.fcc.gov/ecfs/filing/1072537722657
7/24/2018	anthony stelmack	COMMENT	https://www.fcc.gov/ecfs/filing/10724028409185
7/24/2018	Anthony Tilley	COMMENT	https://www.fcc.gov/ecfs/filing/1072493268851
7/24/2018	Anthony Zema	COMMENT	https://www.fcc.gov/ecfs/filing/10724281693804
7/24/2018	ARITA HARBER	COMMENT	https://www.fcc.gov/ecfs/filing/10725168905149
7/24/2018	Ash Artman	COMMENT	https://www.fcc.gov/ecfs/filing/107242904504505
7/24/2018	Ashley Nickerson	COMMENT	https://www.fcc.gov/ecfs/filing/1072541006445
7/24/2018	Bailey Smith	COMMENT	https://www.fcc.gov/ecfs/filing/1072520218454
7/24/2018	Barbara Devalcourt	COMMENT	https://www.fcc.gov/ecfs/filing/1072577965577
7/24/2018	Barbara Zelanin	COMMENT	https://www.fcc.gov/ecfs/filing/1072502665433
7/24/2018	Beau Easter	COMMENT	https://www.fcc.gov/ecfs/filing/10724197626086
7/24/2018	Benjamin Kleg	COMMENT	https://www.fcc.gov/ecfs/filing/10725692223731
7/24/2018	Benjamin Reed	COMMENT	https://www.fcc.gov/ecfs/filing/10725113025757
7/24/2018	BENJAMIN REED	COMMENT	https://www.fcc.gov/ecfs/filing/10725179228150
7/24/2018	Beth Thorpe	COMMENT	https://www.fcc.gov/ecfs/filing/1072575397726
7/24/2018	Bethany Sanders	COMMENT	https://www.fcc.gov/ecfs/filing/107251923328447
7/24/2018	Bill Brock	COMMENT	https://www.fcc.gov/ecfs/filing/1072512426275
7/24/2018	Billy Sherman	COMMENT	https://www.fcc.gov/ecfs/filing/1072594576895
7/24/2018	Bobby Smith	COMMENT	https://www.fcc.gov/ecfs/filing/10724203496335
7/24/2018	Bobby Smith	COMMENT	https://www.fcc.gov/ecfs/filing/10725119176873
7/24/2018	Bobby Stancil	COMMENT	https://www.fcc.gov/ecfs/filing/107252519322363
7/24/2018	Bradley Back	COMMENT	https://www.fcc.gov/ecfs/filing/10725831112874
7/24/2018	Brandon Jenkins	COMMENT	https://www.fcc.gov/ecfs/filing/107251125304747
7/24/2018	Brian Aaron	COMMENT	https://www.fcc.gov/ecfs/filing/1072598200026
7/24/2018	Brian Best	COMMENT	https://www.fcc.gov/ecfs/filing/10724197079212
7/24/2018	Brian Dietz	COMMENT	https://www.fcc.gov/ecfs/filing/10724197079212

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Brian Gamble	COMMENT	https://www.fcc.gov/ecfs/filing/10725036001072
7/24/2018	Bruce Dewey	COMMENT	https://www.fcc.gov/ecfs/filing/1072555249586
7/24/2018	Bryan Hughes	COMMENT	https://www.fcc.gov/ecfs/filing/1072513996108
7/24/2018	Burt Villalba	COMMENT	https://www.fcc.gov/ecfs/filing/10725058036861
7/24/2018	C Chambers	COMMENT	https://www.fcc.gov/ecfs/filing/1072540300333
7/24/2018	C Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/10724297368634
7/24/2018	Carin G. Seward	COMMENT	https://www.fcc.gov/ecfs/filing/10724428904930
7/24/2018	Carolyn Cain	COMMENT	https://www.fcc.gov/ecfs/filing/1072506830304
7/24/2018	Cecil Davis	COMMENT	https://www.fcc.gov/ecfs/filing/10725245881299
7/24/2018	Cecil Davis	COMMENT	https://www.fcc.gov/ecfs/filing/10725176259588
7/24/2018	Cedric Baker	COMMENT	https://www.fcc.gov/ecfs/filing/1072505018490
7/24/2018	Chad Gragg	COMMENT	https://www.fcc.gov/ecfs/filing/10725527517241
7/24/2018	Charles Runyon	COMMENT	https://www.fcc.gov/ecfs/filing/10725262398992
7/24/2018	Charles Booker	COMMENT	https://www.fcc.gov/ecfs/filing/10725177845719
7/24/2018	Charles Morris	COMMENT	https://www.fcc.gov/ecfs/filing/107250973418988
7/24/2018	Charles Ogletree	COMMENT	https://www.fcc.gov/ecfs/filing/1072488910678
7/24/2018	Charles Robinson	COMMENT	https://www.fcc.gov/ecfs/filing/107252946305336
7/24/2018	Cheryl Evans	COMMENT	https://www.fcc.gov/ecfs/filing/1072402320441
7/24/2018	Chris Bonnema	COMMENT	https://www.fcc.gov/ecfs/filing/10725022738931
7/24/2018	Chris Fears	COMMENT	https://www.fcc.gov/ecfs/filing/10725049649539
7/24/2018	Chris Vollrath	COMMENT	https://www.fcc.gov/ecfs/filing/10725732908840
7/24/2018	Chris Weber	COMMENT	https://www.fcc.gov/ecfs/filing/1072584791754
7/24/2018	Christopher Beal	COMMENT	https://www.fcc.gov/ecfs/filing/10724709730936
7/24/2018	Christopher Martinez	COMMENT	https://www.fcc.gov/ecfs/filing/107250148307728
7/24/2018	Cindy Morris	COMMENT	https://www.fcc.gov/ecfs/filing/1072592536193
7/24/2018	City of Bothell, City of Burien, City of Ellensburg, City of Gig Harbor, City of Mukilteo, City of Normandy Park, City of Redmond, City of Walla Walla, City of Bellevue, City of Kirkland, City of Mountlake Terrace	COMMENT	https://www.fcc.gov/ecfs/filing/10724447730833
7/24/2018	Cliff Mauras	COMMENT	https://www.fcc.gov/ecfs/filing/107252003228783
7/24/2018	Colin Moody	COMMENT	https://www.fcc.gov/ecfs/filing/10725071709752
7/24/2018	Colleen Moody	COMMENT	https://www.fcc.gov/ecfs/filing/1072568000270
7/24/2018	cordell abney	COMMENT	https://www.fcc.gov/ecfs/filing/1072568212699
7/24/2018	Corey Copley	COMMENT	https://www.fcc.gov/ecfs/filing/1072568306619
7/24/2018	Crystal Hart	COMMENT	https://www.fcc.gov/ecfs/filing/1072552961715
7/24/2018	Dale Rascoe	COMMENT	https://www.fcc.gov/ecfs/filing/1072539479827
7/24/2018	Dameond Jones	COMMENT	https://www.fcc.gov/ecfs/filing/1072561280615
7/24/2018	Daniel Devine	COMMENT	https://www.fcc.gov/ecfs/filing/1072480296230

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Daniel Glasco	COMMENT	https://www.fcc.gov/ecfs/filing/10725269983309
7/24/2018	Daniel Jones	COMMENT	https://www.fcc.gov/ecfs/filing/10725286918824
7/24/2018	Daniel Moore	COMMENT	https://www.fcc.gov/ecfs/filing/10724050030551
7/24/2018	Danny Bearden	COMMENT	https://www.fcc.gov/ecfs/filing/10725123506032
7/24/2018	Danny Cheung	COMMENT	https://www.fcc.gov/ecfs/filing/107252837715090
7/24/2018	Danny Chumley	COMMENT	https://www.fcc.gov/ecfs/filing/10725338406505
7/24/2018	Danny Glasco	COMMENT	https://www.fcc.gov/ecfs/filing/10725042210644
7/24/2018	Danny Glasco	COMMENT	https://www.fcc.gov/ecfs/filing/10725234721515
7/24/2018	Darlene Stone	COMMENT	https://www.fcc.gov/ecfs/filing/107252893711792
7/24/2018	David Holliday	COMMENT	https://www.fcc.gov/ecfs/filing/10724079334431
7/24/2018	David Press Jr	COMMENT	https://www.fcc.gov/ecfs/filing/10725161915120
7/24/2018	David Cook	COMMENT	https://www.fcc.gov/ecfs/filing/107252840728192
7/24/2018	David Drasser	COMMENT	https://www.fcc.gov/ecfs/filing/10725560219137
7/24/2018	David Drews	COMMENT	https://www.fcc.gov/ecfs/filing/1072566750374
7/24/2018	David Frye	COMMENT	https://www.fcc.gov/ecfs/filing/10725979720628
7/24/2018	david hogan	COMMENT	https://www.fcc.gov/ecfs/filing/10725070717590
7/24/2018	david pence	COMMENT	https://www.fcc.gov/ecfs/filing/10725961900454
7/24/2018	David Stidham	COMMENT	https://www.fcc.gov/ecfs/filing/10725645604895
7/24/2018	David Wallis	COMMENT	https://www.fcc.gov/ecfs/filing/10725045557094
7/24/2018	Debbie Moore	COMMENT	https://www.fcc.gov/ecfs/filing/10724146668475
7/24/2018	Debra Young	COMMENT	https://www.fcc.gov/ecfs/filing/10724551105422
7/24/2018	Deena Leary	COMMENT	https://www.fcc.gov/ecfs/filing/10725382701639
7/24/2018	Derek Hahn	COMMENT	https://www.fcc.gov/ecfs/filing/1072550953951
7/24/2018	Derrick Burke	COMMENT	https://www.fcc.gov/ecfs/filing/107251411004053
7/24/2018	Dominick Moore	COMMENT	https://www.fcc.gov/ecfs/filing/107250407802971
7/24/2018	Don Schaumburg	COMMENT	https://www.fcc.gov/ecfs/filing/107240237306223
7/24/2018	Donald Boice	COMMENT	https://www.fcc.gov/ecfs/filing/10724127307454
7/24/2018	Donna Smith	COMMENT	https://www.fcc.gov/ecfs/filing/107250610724496
7/24/2018	Donovan Casteel	COMMENT	https://www.fcc.gov/ecfs/filing/107251016721084
7/24/2018	Dwight Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/107252934420390
7/24/2018	Edgar Allen	COMMENT	https://www.fcc.gov/ecfs/filing/10725129146781
7/24/2018	Edward Maresca	COMMENT	https://www.fcc.gov/ecfs/filing/10725237206450
7/24/2018	Edwin Roberts	COMMENT	https://www.fcc.gov/ecfs/filing/107252673809244
7/24/2018	Eileen Andros	COMMENT	https://www.fcc.gov/ecfs/filing/10724372617106
7/24/2018	Elaine Patterson	COMMENT	https://www.fcc.gov/ecfs/filing/10725071416142
7/24/2018	Elizabeth Harrell	COMMENT	https://www.fcc.gov/ecfs/filing/107250160027806
7/24/2018	Eric Brunke	COMMENT	https://www.fcc.gov/ecfs/filing/1072590301949
7/24/2018	Eric Lukowski	COMMENT	https://www.fcc.gov/ecfs/filing/1072424601869

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Eric Parnell	COMMENT	https://www.fcc.gov/ecfs/filing/107250237713701
7/24/2018	Eric Partin	COMMENT	https://www.fcc.gov/ecfs/filing/107252773420089
7/24/2018	Eric Ryan	COMMENT	https://www.fcc.gov/ecfs/filing/10725055930279
7/24/2018	Eric Smith	COMMENT	https://www.fcc.gov/ecfs/filing/107250676926485
7/24/2018	Eric Wrighter	COMMENT	https://www.fcc.gov/ecfs/filing/1072558234238
7/24/2018	Evelyn Martin	COMMENT	https://www.fcc.gov/ecfs/filing/1072521333201
7/24/2018	Evelyn Roberts	COMMENT	https://www.fcc.gov/ecfs/filing/107251910805689
7/24/2018	Fawn Hann	COMMENT	https://www.fcc.gov/ecfs/filing/10725156463866
7/24/2018	Federico Vogiatzis	COMMENT	https://www.fcc.gov/ecfs/filing/107252988220302
7/24/2018	Flora PETERSON	COMMENT	https://www.fcc.gov/ecfs/filing/10725170730491
7/24/2018	Frank Clark	COMMENT	https://www.fcc.gov/ecfs/filing/1072505318017
7/24/2018	Frankie Lewis	COMMENT	https://www.fcc.gov/ecfs/filing/10725108339341
7/24/2018	Fred Kapala	COMMENT	https://www.fcc.gov/ecfs/filing/1072490036771
7/24/2018	Freddie McDuffee	COMMENT	https://www.fcc.gov/ecfs/filing/10724980524749
7/24/2018	Frederick Croon	COMMENT	https://www.fcc.gov/ecfs/filing/10724233127752
7/24/2018	Fritz Martelly	COMMENT	https://www.fcc.gov/ecfs/filing/10725000139033
7/24/2018	Garrett Hall	COMMENT	https://www.fcc.gov/ecfs/filing/10725259519651
7/24/2018	Gary Barned	COMMENT	https://www.fcc.gov/ecfs/filing/10724094080215
7/24/2018	Gary Byars	COMMENT	https://www.fcc.gov/ecfs/filing/10725054900459
7/24/2018	GARY DODSON	COMMENT	https://www.fcc.gov/ecfs/filing/10724055864433
7/24/2018	Geoffrey Harrington	COMMENT	https://www.fcc.gov/ecfs/filing/10724264598402
7/24/2018	Gerald Brown	COMMENT	https://www.fcc.gov/ecfs/filing/107240143508246
7/24/2018	Gerald Fivecoat	COMMENT	https://www.fcc.gov/ecfs/filing/1072492621596
7/24/2018	Geraldine Credeur	COMMENT	https://www.fcc.gov/ecfs/filing/10725273696736
7/24/2018	Gerard Murphy	COMMENT	https://www.fcc.gov/ecfs/filing/1072491485292
7/24/2018	Glen Derabertis	COMMENT	https://www.fcc.gov/ecfs/filing/10725295479192
7/24/2018	Glenda Ward	COMMENT	https://www.fcc.gov/ecfs/filing/107251214122304
7/24/2018	Glenda Wilbanks	COMMENT	https://www.fcc.gov/ecfs/filing/107250355916216
7/24/2018	Gregory Fair	COMMENT	https://www.fcc.gov/ecfs/filing/107250407112120
7/24/2018	Guillermo Gutierrez	COMMENT	https://www.fcc.gov/ecfs/filing/1072532897903
7/24/2018	Gw Horine	COMMENT	https://www.fcc.gov/ecfs/filing/107251930516280
7/24/2018	Harold Black	COMMENT	https://www.fcc.gov/ecfs/filing/10725149229935
7/24/2018	Harold Black	COMMENT	https://www.fcc.gov/ecfs/filing/1072554330007
7/24/2018	Heather Hall	COMMENT	https://www.fcc.gov/ecfs/filing/107252729013619
7/24/2018	Heather haycraft	COMMENT	https://www.fcc.gov/ecfs/filing/10725152510296
7/24/2018	Heather Locklear	COMMENT	https://www.fcc.gov/ecfs/filing/107252542904694
7/24/2018	Herman Junkin	COMMENT	https://www.fcc.gov/ecfs/filing/10725489604395
7/24/2018	HORACE WHIDDEN	COMMENT	https://www.fcc.gov/ecfs/filing/10725544025675

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 43 of 97

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Hugh Groce	COMMENT	https://www.fcc.gov/ecfs/filing/107251822624470
7/24/2018	J Centers	COMMENT	https://www.fcc.gov/ecfs/filing/10725225200791
7/24/2018	Jack Whitehead	COMMENT	https://www.fcc.gov/ecfs/filing/10724675003181
7/24/2018	Jackie Frymire	COMMENT	https://www.fcc.gov/ecfs/filing/10725625420052
7/24/2018	Jacob Greene	COMMENT	https://www.fcc.gov/ecfs/filing/10725386223171
7/24/2018	James Maxwell	COMMENT	https://www.fcc.gov/ecfs/filing/10724587222664
7/24/2018	James Smith	COMMENT	https://www.fcc.gov/ecfs/filing/107243357528996
7/24/2018	James Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/107242344806378
7/24/2018	James Ely	COMMENT	https://www.fcc.gov/ecfs/filing/10725032880336
7/24/2018	James Hunter	COMMENT	https://www.fcc.gov/ecfs/filing/10724010963326
7/24/2018	James Jones	COMMENT	https://www.fcc.gov/ecfs/filing/107250378417507
7/24/2018	James Luti	COMMENT	https://www.fcc.gov/ecfs/filing/107250153015421
7/24/2018	James Norton	COMMENT	https://www.fcc.gov/ecfs/filing/10725414211811
7/24/2018	James Ruzicka	COMMENT	https://www.fcc.gov/ecfs/filing/10725608428079
7/24/2018	Jason Cavett	COMMENT	https://www.fcc.gov/ecfs/filing/1072573723641
7/24/2018	Jason Devaldivielso	COMMENT	https://www.fcc.gov/ecfs/filing/10725311303143
7/24/2018	Jason Guilloitte's	COMMENT	https://www.fcc.gov/ecfs/filing/10725167045293
7/24/2018	Jason Lawrence	COMMENT	https://www.fcc.gov/ecfs/filing/1072591914616
7/24/2018	Jason Warren	COMMENT	https://www.fcc.gov/ecfs/filing/10725022305291
7/24/2018	Jeanette Ford	COMMENT	https://www.fcc.gov/ecfs/filing/10725028501884
7/24/2018	Jeff McCranie	COMMENT	https://www.fcc.gov/ecfs/filing/10725223928248
7/24/2018	Jeff Werkeheiser	COMMENT	https://www.fcc.gov/ecfs/filing/1072562527635
7/24/2018	Jeffrey Hunt	COMMENT	https://www.fcc.gov/ecfs/filing/10725088314061
7/24/2018	Jen Fernandes	COMMENT	https://www.fcc.gov/ecfs/filing/10724316823175
7/24/2018	Jennifer Hite	COMMENT	https://www.fcc.gov/ecfs/filing/10725047999458
7/24/2018	Jennifer Keith	COMMENT	https://www.fcc.gov/ecfs/filing/10725909521815
7/24/2018	Jenny Hidenrite	COMMENT	https://www.fcc.gov/ecfs/filing/10725131710060
7/24/2018	Jeremie Bray	COMMENT	https://www.fcc.gov/ecfs/filing/107250359803769
7/24/2018	Jeremy Bearden	COMMENT	https://www.fcc.gov/ecfs/filing/1072508931134
7/24/2018	Jeremy Chandler	COMMENT	https://www.fcc.gov/ecfs/filing/107252215528390
7/24/2018	Jeromy Hatfield	COMMENT	https://www.fcc.gov/ecfs/filing/107252144325529
7/24/2018	Jesse Carbajal	COMMENT	https://www.fcc.gov/ecfs/filing/1072559729992
7/24/2018	Jesse Moss	COMMENT	https://www.fcc.gov/ecfs/filing/1072547585123
7/24/2018	Jillian Gallerani	COMMENT	https://www.fcc.gov/ecfs/filing/1072581122821
7/24/2018	Joan Bailey Swinehart	COMMENT	https://www.fcc.gov/ecfs/filing/10724048267917
7/24/2018	Joe Calby	COMMENT	https://www.fcc.gov/ecfs/filing/107252590215587
7/24/2018	Joe Christian	COMMENT	https://www.fcc.gov/ecfs/filing/10725600604187
7/24/2018	John Schroeder	COMMENT	https://www.fcc.gov/ecfs/filing/10725204991613

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	John Boudreau	COMMENT	https://www.fcc.gov/ecfs/filing/10724592915788
7/24/2018	John Carlino	COMMENT	https://www.fcc.gov/ecfs/filing/10725256135199
7/24/2018	John Copas	COMMENT	https://www.fcc.gov/ecfs/filing/1072586998511
7/24/2018	John Hoffpauir	COMMENT	https://www.fcc.gov/ecfs/filing/10725764202933
7/24/2018	John Nestor	COMMENT	https://www.fcc.gov/ecfs/filing/10725087419636
7/24/2018	John Whitehead	COMMENT	https://www.fcc.gov/ecfs/filing/10725103860907
7/24/2018	Johnny Hall	COMMENT	https://www.fcc.gov/ecfs/filing/10724087324714
7/24/2018	Johnny Hernandez	COMMENT	https://www.fcc.gov/ecfs/filing/10725257811183
7/24/2018	Jonathan Duncan	COMMENT	https://www.fcc.gov/ecfs/filing/10725549429990
7/24/2018	Jonathan Dahmer	COMMENT	https://www.fcc.gov/ecfs/filing/1072591137250
7/24/2018	Jonathan Daniels	COMMENT	https://www.fcc.gov/ecfs/filing/10725150362957
7/24/2018	Jonathan Dobbs	COMMENT	https://www.fcc.gov/ecfs/filing/10725025206278
7/24/2018	Jonathan Ravelo	COMMENT	https://www.fcc.gov/ecfs/filing/10725105476848
7/24/2018	Jordan Demonbreun	COMMENT	https://www.fcc.gov/ecfs/filing/10725541123316
7/24/2018	Jose Zuniga	COMMENT	https://www.fcc.gov/ecfs/filing/10725046553724
7/24/2018	Joseph Antonelli	COMMENT	https://www.fcc.gov/ecfs/filing/10725220320282
7/24/2018	Joseph Klingbiel	COMMENT	https://www.fcc.gov/ecfs/filing/10725206889850
7/24/2018	Joseph Orban	COMMENT	https://www.fcc.gov/ecfs/filing/107252221214400
7/24/2018	Josh Lade	COMMENT	https://www.fcc.gov/ecfs/filing/1072565930154
7/24/2018	Josh Lade	COMMENT	https://www.fcc.gov/ecfs/filing/107251472407930
7/24/2018	Josh Pierce	COMMENT	https://www.fcc.gov/ecfs/filing/10725269475423
7/24/2018	Joshua Denmark	COMMENT	https://www.fcc.gov/ecfs/filing/1072551893955
7/24/2018	Joshua Denmark	COMMENT	https://www.fcc.gov/ecfs/filing/107252554626788
7/24/2018	Joshua Gallerani	COMMENT	https://www.fcc.gov/ecfs/filing/10725211271618
7/24/2018	Joshua Moses	COMMENT	https://www.fcc.gov/ecfs/filing/10725703226322
7/24/2018	Junior Husband	COMMENT	https://www.fcc.gov/ecfs/filing/1072579974380
7/24/2018	Justin McPherson	COMMENT	https://www.fcc.gov/ecfs/filing/10725305385302
7/24/2018	Justin Notaro	COMMENT	https://www.fcc.gov/ecfs/filing/1072539754416
7/24/2018	Justin Barker	COMMENT	https://www.fcc.gov/ecfs/filing/107251409907289
7/24/2018	Justin McCown	COMMENT	https://www.fcc.gov/ecfs/filing/10724692325655
7/24/2018	Justin Warner	COMMENT	https://www.fcc.gov/ecfs/filing/10725015120224
7/24/2018	Kaehlyn Saxton	COMMENT	https://www.fcc.gov/ecfs/filing/10725154611000
7/24/2018	Kalissa Bearden	COMMENT	https://www.fcc.gov/ecfs/filing/10725205584250
7/24/2018	Karen Tucker	COMMENT	https://www.fcc.gov/ecfs/filing/1072495689684
7/24/2018	Kat Littel	COMMENT	https://www.fcc.gov/ecfs/filing/107252991107936
7/24/2018	Kathryn Burgess	COMMENT	https://www.fcc.gov/ecfs/filing/10724929210329
7/24/2018	Kayla Parnell	COMMENT	https://www.fcc.gov/ecfs/filing/10725183203434
7/24/2018	Kerth Bohlinger	COMMENT	https://www.fcc.gov/ecfs/filing/10724109832506

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Kent Balliett	COMMENT	https://www.fcc.gov/ecfs/filing/107251722513992
7/24/2018	Kevin heath	COMMENT	https://www.fcc.gov/ecfs/filing/107250960430609
7/24/2018	Kevin McCarthy	COMMENT	https://www.fcc.gov/ecfs/filing/1072589821514
7/24/2018	Kevin Ross	COMMENT	https://www.fcc.gov/ecfs/filing/1072588205819
7/24/2018	Kevin Wallace	COMMENT	https://www.fcc.gov/ecfs/filing/10725110631646
7/24/2018	Kreissa Reed	COMMENT	https://www.fcc.gov/ecfs/filing/1072593455965
7/24/2018	kristopher hardwick	COMMENT	https://www.fcc.gov/ecfs/filing/10724055056702
7/24/2018	Kurt Steudlein	COMMENT	https://www.fcc.gov/ecfs/filing/1072539130988
7/24/2018	Kyle Artis	COMMENT	https://www.fcc.gov/ecfs/filing/1072539702221
7/24/2018	Kyle Pittman	COMMENT	https://www.fcc.gov/ecfs/filing/10725181087751
7/24/2018	Lacy Haddock	COMMENT	https://www.fcc.gov/ecfs/filing/107240375220437
7/24/2018	Laquesha Smith	COMMENT	https://www.fcc.gov/ecfs/filing/10724089042699
7/24/2018	Larry Gardner	COMMENT	https://www.fcc.gov/ecfs/filing/10725382518189
7/24/2018	Leah Cartwright	COMMENT	https://www.fcc.gov/ecfs/filing/107251793704643
7/24/2018	Leonard Rowe	COMMENT	https://www.fcc.gov/ecfs/filing/10724006785682
7/24/2018	Lesley Wallis	COMMENT	https://www.fcc.gov/ecfs/filing/10725955306019
7/24/2018	Lester Stewart	COMMENT	https://www.fcc.gov/ecfs/filing/1072493836924
7/24/2018	Lindsey Lumpkin	COMMENT	https://www.fcc.gov/ecfs/filing/10725061030505
7/24/2018	Lisa Gresham	COMMENT	https://www.fcc.gov/ecfs/filing/1072553506140
7/24/2018	Lonnie Rousselle	COMMENT	https://www.fcc.gov/ecfs/filing/10725291160772
7/24/2018	Lori Bachman-Oot	COMMENT	https://www.fcc.gov/ecfs/filing/107240228320651
7/24/2018	Mandy Durham	COMMENT	https://www.fcc.gov/ecfs/filing/1072598517285
7/24/2018	Manuel Hartman	COMMENT	https://www.fcc.gov/ecfs/filing/10725090271331
7/24/2018	Mark Conner	COMMENT	https://www.fcc.gov/ecfs/filing/107251906523878
7/24/2018	Mark Bigham	COMMENT	https://www.fcc.gov/ecfs/filing/10725129467319
7/24/2018	Mark Gubinski	COMMENT	https://www.fcc.gov/ecfs/filing/1072462859401
7/24/2018	Mark Salling	COMMENT	https://www.fcc.gov/ecfs/filing/10725956919756
7/24/2018	Marvin Black	COMMENT	https://www.fcc.gov/ecfs/filing/10725250289018
7/24/2018	Marvin Gulley	COMMENT	https://www.fcc.gov/ecfs/filing/1072578211361
7/24/2018	Mary Bevis	COMMENT	https://www.fcc.gov/ecfs/filing/10725821312028
7/24/2018	Matt Hurley	COMMENT	https://www.fcc.gov/ecfs/filing/10725075697213
7/24/2018	Matt Stegemann	COMMENT	https://www.fcc.gov/ecfs/filing/1072564997900
7/24/2018	Matthew Alcorn	COMMENT	https://www.fcc.gov/ecfs/filing/10725008633580
7/24/2018	Matthew Booth	COMMENT	https://www.fcc.gov/ecfs/filing/10725475616081
7/24/2018	Matthew Greer	COMMENT	https://www.fcc.gov/ecfs/filing/10725021445674
7/24/2018	Matthew Greer	COMMENT	https://www.fcc.gov/ecfs/filing/107250132024842
7/24/2018	MAURINE BUCKLEY	COMMENT	https://www.fcc.gov/ecfs/filing/10725766811321
7/24/2018	Melinda Maynard-Thompson	COMMENT	https://www.fcc.gov/ecfs/filing/10725676828967

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Melissa Robey	COMMENT	https://www.fcc.gov/ecfs/filing/10725285756261
7/24/2018	Michael McLaughlin	COMMENT	https://www.fcc.gov/ecfs/filing/10725252699415
7/24/2018	Michael Russell	COMMENT	https://www.fcc.gov/ecfs/filing/10725170019029
7/24/2018	Michael Sims	COMMENT	https://www.fcc.gov/ecfs/filing/10725170821360
7/24/2018	Michael Charpinsky	COMMENT	https://www.fcc.gov/ecfs/filing/10725770324746
7/24/2018	Michael Costantine	COMMENT	https://www.fcc.gov/ecfs/filing/1072511937861
7/24/2018	Michael Kayrouz	COMMENT	https://www.fcc.gov/ecfs/filing/107250454829109
7/24/2018	Michael Keaton	COMMENT	https://www.fcc.gov/ecfs/filing/1072511880343
7/24/2018	Michael Moore	COMMENT	https://www.fcc.gov/ecfs/filing/107252566912717
7/24/2018	Michael Richardson	COMMENT	https://www.fcc.gov/ecfs/filing/10725299713629
7/24/2018	Michael Rousselle	COMMENT	https://www.fcc.gov/ecfs/filing/10725205284490
7/24/2018	Michael Sabatino	COMMENT	https://www.fcc.gov/ecfs/filing/10724758421790
7/24/2018	Michael Shipley	COMMENT	https://www.fcc.gov/ecfs/filing/10725802418631
7/24/2018	Michael Simmonds	COMMENT	https://www.fcc.gov/ecfs/filing/1072419805343
7/24/2018	Michael VanScoyk	COMMENT	https://www.fcc.gov/ecfs/filing/10725031022976
7/24/2018	Michael Windell	COMMENT	https://www.fcc.gov/ecfs/filing/10724080400688
7/24/2018	Mike Davis	COMMENT	https://www.fcc.gov/ecfs/filing/10725275178587
7/24/2018	Mike Harwood	COMMENT	https://www.fcc.gov/ecfs/filing/10725792527857
7/24/2018	Mike Haviland	COMMENT	https://www.fcc.gov/ecfs/filing/107251160205838
7/24/2018	Misael Gutierrez	COMMENT	https://www.fcc.gov/ecfs/filing/10725751403623
7/24/2018	Misbah Din	COMMENT	https://www.fcc.gov/ecfs/filing/107251528809691
7/24/2018	Mitzi Robinson	COMMENT	https://www.fcc.gov/ecfs/filing/1072531588465
7/24/2018	Myron Raby	COMMENT	https://www.fcc.gov/ecfs/filing/1072573681518
7/24/2018	Nancy Gorniewicz	COMMENT	https://www.fcc.gov/ecfs/filing/1072567926287
7/24/2018	Natasha Smith	COMMENT	https://www.fcc.gov/ecfs/filing/107251715717880
7/24/2018	Neusvaldo Costa	COMMENT	https://www.fcc.gov/ecfs/filing/107251747616916
7/24/2018	Nicholas Brandl	COMMENT	https://www.fcc.gov/ecfs/filing/107251823611700
7/24/2018	Nicholas Degueyter	COMMENT	https://www.fcc.gov/ecfs/filing/10724435718059
7/24/2018	Nicholas White	COMMENT	https://www.fcc.gov/ecfs/filing/10725114411589
7/24/2018	Noah Bass	COMMENT	https://www.fcc.gov/ecfs/filing/1072585966393
7/24/2018	Norman Means	COMMENT	https://www.fcc.gov/ecfs/filing/10724251771356
7/24/2018	Opeteia Samoata	COMMENT	https://www.fcc.gov/ecfs/filing/1072559514847
7/24/2018	Pam Donnaud	COMMENT	https://www.fcc.gov/ecfs/filing/1072474046630
7/24/2018	Pat Stolz	COMMENT	https://www.fcc.gov/ecfs/filing/10725200412626
7/24/2018	Patricia Dubberly	COMMENT	https://www.fcc.gov/ecfs/filing/107250437310914
7/24/2018	Patrick Gordy	COMMENT	https://www.fcc.gov/ecfs/filing/107253037326258
7/24/2018	Patrick Locklear	COMMENT	https://www.fcc.gov/ecfs/filing/10725689320014
7/24/2018	Paul English	COMMENT	https://www.fcc.gov/ecfs/filing/1072599762186

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 47 of 97

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Paul Parker	COMMENT	https://www.fcc.gov/ecfs/filing/10725597015316
7/24/2018	Paul Funers	COMMENT	https://www.fcc.gov/ecfs/filing/1072434202623
7/24/2018	Paul Radwanski	COMMENT	https://www.fcc.gov/ecfs/filing/1072507951235
7/24/2018	Paul Schmitt	COMMENT	https://www.fcc.gov/ecfs/filing/107241753817431
7/24/2018	Payton Turner	COMMENT	https://www.fcc.gov/ecfs/filing/107252784024301
7/24/2018	Peggy Glassco	COMMENT	https://www.fcc.gov/ecfs/filing/10725739224236
7/24/2018	Philip Farruggio	COMMENT	https://www.fcc.gov/ecfs/filing/1072559187654
7/24/2018	Ra-Amon Ta-Neter	COMMENT	https://www.fcc.gov/ecfs/filing/10725288040240
7/24/2018	Randall Threet	COMMENT	https://www.fcc.gov/ecfs/filing/107252168916086
7/24/2018	Randi Durkin	COMMENT	https://www.fcc.gov/ecfs/filing/10725691225314
7/24/2018	Ray Mowery	COMMENT	https://www.fcc.gov/ecfs/filing/10724216516612
7/24/2018	Ray Mehafeff	COMMENT	https://www.fcc.gov/ecfs/filing/10725847229507
7/24/2018	Raymond Benson	COMMENT	https://www.fcc.gov/ecfs/filing/10725240108897
7/24/2018	Rhett Butler	COMMENT	https://www.fcc.gov/ecfs/filing/10725261699247
7/24/2018	Richard Ellis	COMMENT	https://www.fcc.gov/ecfs/filing/107255541523539
7/24/2018	Richard Grinspun	COMMENT	https://www.fcc.gov/ecfs/filing/10725940109503
7/24/2018	Richard Nalley	COMMENT	https://www.fcc.gov/ecfs/filing/1072595416455
7/24/2018	Richard Taylor	COMMENT	https://www.fcc.gov/ecfs/filing/10724292224731
7/24/2018	Rick kenn	COMMENT	https://www.fcc.gov/ecfs/filing/1072468139894
7/24/2018	Rick Martini	COMMENT	https://www.fcc.gov/ecfs/filing/107251423302019
7/24/2018	Rick StPierre	COMMENT	https://www.fcc.gov/ecfs/filing/107242668018155
7/24/2018	Rob Pinto	COMMENT	https://www.fcc.gov/ecfs/filing/107251313025168
7/24/2018	Robert Ammons	COMMENT	https://www.fcc.gov/ecfs/filing/107251307108320
7/24/2018	Robert Davis	COMMENT	https://www.fcc.gov/ecfs/filing/10725127602134
7/24/2018	Robert Fitzpatrick	COMMENT	https://www.fcc.gov/ecfs/filing/107250903721356
7/24/2018	Robert Flemings	COMMENT	https://www.fcc.gov/ecfs/filing/10725141338360
7/24/2018	Robert Fortenberry	COMMENT	https://www.fcc.gov/ecfs/filing/10724039633335
7/24/2018	Robert Johnston	COMMENT	https://www.fcc.gov/ecfs/filing/10725288520466
7/24/2018	Robert Nichols	COMMENT	https://www.fcc.gov/ecfs/filing/10725649315884
7/24/2018	Robert Shea	COMMENT	https://www.fcc.gov/ecfs/filing/10724065266252
7/24/2018	Robert Turner	COMMENT	https://www.fcc.gov/ecfs/filing/1072412697027
7/24/2018	Rodney Reedy	COMMENT	https://www.fcc.gov/ecfs/filing/107251765524918
7/24/2018	Romaine Knight	COMMENT	https://www.fcc.gov/ecfs/filing/10725305018634
7/24/2018	Roy Jones	COMMENT	https://www.fcc.gov/ecfs/filing/10725748507677
7/24/2018	Ryan Hidenrite	COMMENT	https://www.fcc.gov/ecfs/filing/10725033216628
7/24/2018	Ryan Belval	COMMENT	https://www.fcc.gov/ecfs/filing/10725211607673
7/24/2018	Ryan Marcengill	COMMENT	https://www.fcc.gov/ecfs/filing/10725211607673
7/24/2018	Samantha Wolfe	COMMENT	https://www.fcc.gov/ecfs/filing/10725866006016

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Sammy Hall	COMMENT	https://www.fcc.gov/ecfs/filing/1072502538274
7/24/2018	Sandra Medeiros	COMMENT	https://www.fcc.gov/ecfs/filing/1072569827079
7/24/2018	Scott Dayringer	COMMENT	https://www.fcc.gov/ecfs/filing/10725987709220
7/24/2018	Scott Hutchison	COMMENT	https://www.fcc.gov/ecfs/filing/10725420620995
7/24/2018	Scott Richardson	COMMENT	https://www.fcc.gov/ecfs/filing/1072511806745
7/24/2018	Scott Scensy	COMMENT	https://www.fcc.gov/ecfs/filing/1072574027789
7/24/2018	Sean Bartley	COMMENT	https://www.fcc.gov/ecfs/filing/1072517567179
7/24/2018	Sean McKeon	COMMENT	https://www.fcc.gov/ecfs/filing/10725557610311
7/24/2018	Shane Roman	COMMENT	https://www.fcc.gov/ecfs/filing/1072597897627
7/24/2018	Shannon Bradley	COMMENT	https://www.fcc.gov/ecfs/filing/10725930024883
7/24/2018	Shannon Molbert	COMMENT	https://www.fcc.gov/ecfs/filing/107251115330864
7/24/2018	Shannon Thompson	COMMENT	https://www.fcc.gov/ecfs/filing/10725142105666
7/24/2018	Shayne Scruggs	COMMENT	https://www.fcc.gov/ecfs/filing/1072596654367
7/24/2018	Sheldon Kirby	COMMENT	https://www.fcc.gov/ecfs/filing/10725021171025
7/24/2018	Shelley Glassco	COMMENT	https://www.fcc.gov/ecfs/filing/10725348208076
7/24/2018	Sherita Yelder	COMMENT	https://www.fcc.gov/ecfs/filing/107251090530573
7/24/2018	Sheryl Bearden	COMMENT	https://www.fcc.gov/ecfs/filing/1072589202835
7/24/2018	Stephen McCormick	COMMENT	https://www.fcc.gov/ecfs/filing/10725096165246
7/24/2018	Steve Madrid	COMMENT	https://www.fcc.gov/ecfs/filing/10725118907456
7/24/2018	Steve Brown	COMMENT	https://www.fcc.gov/ecfs/filing/10725209496167
7/24/2018	Steven Bennett	COMMENT	https://www.fcc.gov/ecfs/filing/107251804717177
7/24/2018	Steven Himes	COMMENT	https://www.fcc.gov/ecfs/filing/10725292097813
7/24/2018	Steven McCormick	COMMENT	https://www.fcc.gov/ecfs/filing/10725115676144
7/24/2018	Steven Robey	COMMENT	https://www.fcc.gov/ecfs/filing/107251459125428
7/24/2018	Steven Ward	COMMENT	https://www.fcc.gov/ecfs/filing/10724001915295
7/24/2018	Taffee Kedgley	COMMENT	https://www.fcc.gov/ecfs/filing/1072542308598
7/24/2018	Taffee Kedgley	COMMENT	https://www.fcc.gov/ecfs/filing/107251652525206
7/24/2018	Tamarind Jewett-Hazelwood	COMMENT	https://www.fcc.gov/ecfs/filing/10725067777688
7/24/2018	tamika Doyle	COMMENT	https://www.fcc.gov/ecfs/filing/10725100095108
7/24/2018	Thomas Duke	COMMENT	https://www.fcc.gov/ecfs/filing/107251899100095
7/24/2018	Thomas MacLeod	COMMENT	https://www.fcc.gov/ecfs/filing/10724085704634
7/24/2018	Tim Hinson	COMMENT	https://www.fcc.gov/ecfs/filing/107252452814430
7/24/2018	Tim Horine	COMMENT	https://www.fcc.gov/ecfs/filing/1072571315311
7/24/2018	Timothy Morris	COMMENT	https://www.fcc.gov/ecfs/filing/10725033112404
7/24/2018	Timothy Crisp	COMMENT	https://www.fcc.gov/ecfs/filing/10725080146223
7/24/2018	Tom Cejka	COMMENT	https://www.fcc.gov/ecfs/filing/107251958529976
7/24/2018	Tony Barlow	COMMENT	https://www.fcc.gov/ecfs/filing/107240895208725
7/24/2018	Troy Parla	COMMENT	https://www.fcc.gov/ecfs/filing/10725155742860

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 49 of 97

Date Received	Filers(s)	Filing Type	Link
7/24/2018	Tylonia Fleming	COMMENT	https://www.fcc.gov/ecfs/filing/107251396101476
7/24/2018	Valda Porter	COMMENT	https://www.fcc.gov/ecfs/filing/107242898117334
7/24/2018	Vance Gilbert	COMMENT	https://www.fcc.gov/ecfs/filing/10725710804059
7/24/2018	Victor vigueras	COMMENT	https://www.fcc.gov/ecfs/filing/10724639329742
7/24/2018	Vincent Nicaud	COMMENT	https://www.fcc.gov/ecfs/filing/1072523198675
7/24/2018	Vivian Reed	COMMENT	https://www.fcc.gov/ecfs/filing/1072599133858
7/24/2018	Walter Smith	COMMENT	https://www.fcc.gov/ecfs/filing/1072580703739
7/24/2018	Wayne Parnell	COMMENT	https://www.fcc.gov/ecfs/filing/107250119612041
7/24/2018	Wendell Finch	COMMENT	https://www.fcc.gov/ecfs/filing/1072518455765
7/24/2018	Wendy Parnell	COMMENT	https://www.fcc.gov/ecfs/filing/10725404607933
7/24/2018	Wes Worrell	COMMENT	https://www.fcc.gov/ecfs/filing/10725532205575
7/24/2018	Wesley Matthews	COMMENT	https://www.fcc.gov/ecfs/filing/10725003579391
7/24/2018	William Adams	COMMENT	https://www.fcc.gov/ecfs/filing/10725202184769
7/24/2018	William Brown	COMMENT	https://www.fcc.gov/ecfs/filing/10725237553646
7/24/2018	William C. Allen	COMMENT	https://www.fcc.gov/ecfs/filing/107240040017109
7/24/2018	William Johnston	COMMENT	https://www.fcc.gov/ecfs/filing/10725303249189
7/24/2018	William Norris	COMMENT	https://www.fcc.gov/ecfs/filing/107240593614979
7/24/2018	William O'Dell	COMMENT	https://www.fcc.gov/ecfs/filing/10724031391684
7/24/2018	William Pabon	COMMENT	https://www.fcc.gov/ecfs/filing/10725892523670
7/24/2018	William Rosson	COMMENT	https://www.fcc.gov/ecfs/filing/10725166821491
7/24/2018	William Smith	COMMENT	https://www.fcc.gov/ecfs/filing/1072522523393
7/24/2018	Yancy estrada	COMMENT	https://www.fcc.gov/ecfs/filing/1072472124035
7/24/2018	Campus Communications Group, Inc.	LETTER	https://www.fcc.gov/ecfs/filing/10807065622263
7/24/2018	Washington Association of Telecommunications Officers & Advisors (WATOA)	LETTER	https://www.fcc.gov/ecfs/filing/1072477122417
7/24/2018	Consumer and Governmental Affairs Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/0724220507598
7/23/2018	Kasey Mckeral	COMMENT	https://www.fcc.gov/ecfs/filing/107232770630623
7/23/2018	American Agri-Women, Intertribal Ag Council, Livestock Marketing Association, National Black Growers Council, National Farmers Union, Rural & Agriculture Council of America, Women Involved in Farm Economies, United States Cattlemen's Association, National Latino Farmers & Ranchers Trade Association	LETTER	https://www.fcc.gov/ecfs/filing/10723015710629
7/23/2018	American Cable Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107231256729703
7/23/2018	American Electric Power Service Corporation, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107232325708061
7/23/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10723300151885

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/23/2018	CenturyLink	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107231231927423
7/23/2018	Comcast Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107232650419018
7/23/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107232031415641
7/23/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10723182625725
7/23/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10723556708855
7/23/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10723972706069
7/20/2018	FirstEnergy Corp.	LETTER	https://www.fcc.gov/ecfs/filing/10720274716665
7/20/2018	Fiber Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10720043751986
7/19/2018	National Telecommunications and Information Administration	LETTER	https://www.fcc.gov/ecfs/filing/10719966416025
7/19/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10719049775997
7/18/2018	Clear Wave	LETTER	https://www.fcc.gov/ecfs/filing/108060400503020
7/18/2018	Edward B. Myers	MOTION	https://www.fcc.gov/ecfs/filing/1071806066812
7/18/2018	National League of Cities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1071858630290
7/18/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107182844609845
7/18/2018	Smart Communities and Special Districts	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107181439710088
7/18/2018	Apache Tribe of Oklahoma	WITHDRAWAL	https://www.fcc.gov/ecfs/filing/1071822943085
7/18/2018	Edward B. Myers	WITHDRAWAL	https://www.fcc.gov/ecfs/filing/1071831914312
7/18/2018	Environmental Health Trust	WITHDRAWAL	https://www.fcc.gov/ecfs/filing/1071877199353
7/17/2018	Marcus Spectrum Solutions LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107170207513275
7/16/2018	Erin McCabe	COMMENT	https://www.fcc.gov/ecfs/filing/10714110950371
7/16/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10716418110096
7/16/2018	Smart Communities and Special Districts Coalition	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10716074527003
7/13/2018	SkyRider Communications, Inc.	LETTER	https://www.fcc.gov/ecfs/filing/10803315328955
7/12/2018	Ms. Dion Dion	COMMENT	https://www.fcc.gov/ecfs/filing/1071274947855
7/12/2018	Patricia Bell	COMMENT	https://www.fcc.gov/ecfs/filing/107121459705734
7/12/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107122096909762
7/12/2018	Office of the Chairman	PUBLIC DRAFT - THIRD REPORT AND ORDER AND DECLARATORY RULING	https://docs.fcc.gov/public/attachments/DOC-352544A1.pdf
7/11/2018	Ann Adler	COMMENT	https://www.fcc.gov/ecfs/filing/10711006313627
7/11/2018	Denis Graves	COMMENT	https://www.fcc.gov/ecfs/filing/107112978122519
7/11/2018	Jill Blevins	COMMENT	https://www.fcc.gov/ecfs/filing/107112463710617
7/11/2018	Jonathan D. Rubin	COMMENT	https://www.fcc.gov/ecfs/filing/107111117704154
7/11/2018	Kathleen Toomey	COMMENT	https://www.fcc.gov/ecfs/filing/10711172058910
7/11/2018	Lisa oIdoski	COMMENT	https://www.fcc.gov/ecfs/filing/107121541911425
7/11/2018	Mackenzie Wilson	COMMENT	https://www.fcc.gov/ecfs/filing/107110353427925
7/11/2018	Tricia Knoll	COMMENT	https://www.fcc.gov/ecfs/filing/10711024290953

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/3/2018	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10703182094376
7/3/2018	Paul D'Ari, Designated Federal Officer, Broadband Deployment Advisory Committee	SUBMISSION FOR THE RECORD	https://www.fcc.gov/ecfs/filing/107030255502405
7/2/2018	Crow Creek Tribe of South Dakota; The Omaha Tribe of Nebraska	MOTION	https://www.fcc.gov/ecfs/filing/10702166179148
7/2/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1070259554066
7/2/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10702285407152
7/2/2018	Wireless Telecommunications Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/0702256079152
6/29/2018	American Tower Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1062976791784
6/29/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/106290656225884
6/29/2018	City of Ann Arbor, Michigan, City of Gaithersburg, Maryland, City of Los Angeles, California	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10629125197168
6/28/2018	SBA Communications Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10628172513755
6/27/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10627017206357
6/27/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10627034412813
6/25/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10625269004828
6/22/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1062202337516
6/22/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/106221901411085
6/21/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10621141277591
6/21/2018	National Association of Telecommunications Officers and Advisors	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1062194009350
6/21/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/106210968024698
6/21/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/106212049723787
6/21/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1062190756784
6/20/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10620230696930
6/20/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1062071758300
6/20/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1062080324086
6/19/2018	NTCA-The Rural Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10619005085708
6/19/2018	FiberLight, LLC	OTHER	https://www.fcc.gov/ecfs/filing/106252871807252
6/18/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1061863669168
6/18/2018	T-Mobile USA, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1061867864030
6/18/2018	T-Mobile USA, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10618728117281
6/15/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1061552485584
6/14/2018	National Association of Telecommunications Officers and Advisors, National League of Cities, National Association of Regional Councils, National Association of Counties, National Association of Towns and Townships	LETTER	https://www.fcc.gov/ecfs/filing/106141506716895
6/14/2018	American Tower Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10614196551325

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 52 of 97

Date Received	Filers(s)	Filing Type	Link
6/14/2018	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/106140261016219
6/14/2018	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10614516024528
6/11/2018	NCTA - The Internet & Television Association	LETTER	https://www.fcc.gov/ecfs/filing/10611913521153
6/11/2018	B Golomb	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/106111979224137
6/8/2018	Mayor Ashton Hayward	LETTER	https://www.fcc.gov/ecfs/filing/1060879401801
6/8/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10608034610410
6/8/2018	Wireline Competition Bureau	REPORT AND ORDER	https://www.fcc.gov/ecfs/filing/0608012729824
6/7/2018	City of Eagle Pass, TX	LETTER	https://www.fcc.gov/ecfs/filing/10607186785602
6/7/2018	City of Pleasanton, Texas	LETTER	https://www.fcc.gov/ecfs/filing/1060720728955
6/7/2018	Crown Castle	LETTER	https://www.fcc.gov/ecfs/filing/10608266164184
6/7/2018	American Tower Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1060785131245
6/7/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1060710581910
6/7/2018	Wireline Competition Bureau	OTHER	https://www.fcc.gov/ecfs/filing/060786154993
6/6/2018	USTelecom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10607445018573
6/4/2018	G. Scott Neisler	LETTER	https://www.fcc.gov/ecfs/filing/10604070544738
6/4/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1060482405208
6/4/2018	Smart Communities and Special Districts Coalition	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1060419770256
6/4/2018	Becky Huck	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10602113019121
6/4/2018	Eric Gribbin	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10604313916236
6/4/2018	Matt Huck, Truth & Facts Never Lie	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060296437368
6/4/2018	National Association of Telecommunications Officers and Advisors (NATOA)	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/106041542901690
6/4/2018	Olemara Peters	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/106020867903182
6/4/2018	PTA-FLA, Inc.	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/106040585205068
6/1/2018	Crown Castle	COMMENT	https://www.fcc.gov/ecfs/filing/10601296124250
6/1/2018	T-Mobile USA, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10601493027969
6/1/2018	Allan D Sikorski	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060155643199
6/1/2018	Donna Desanto Ott PT, DPT, MS, FMCHC	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601132955192
6/1/2018	Evelyn Savarin	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060104175224
6/1/2018	Jaclyn and David Kraemer	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601092243850
6/1/2018	Jonathan Mirrin	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10602047349056
6/1/2018	Lucy Hackett, Andrew Hackett	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601014965258
6/1/2018	Michael Kendall	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601119828366
6/1/2018	Naveen Albert	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601851422818
6/1/2018	Pacia J. Harper, Ronald A. Fisher	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601457820534
6/1/2018	Sarah Kendall	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060184227026
6/1/2018	Susan Riedeman	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10602124223068
6/1/2018	Thomas Maslar	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060192638142

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/1/2018	Alexandra Ansell	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060173025011
6/1/2018	Catherine Kleiber	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/106012762403078
6/1/2018	Cynthia Franklin	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060153198489
6/1/2018	Daniel Kleiber	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601787514723
6/1/2018	Debra Albus	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601133645665
6/1/2018	Kate Kheel	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10602236616790
6/1/2018	Michael Lipa,Rita Lipa	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601020530944
6/1/2018	Michele Hertz	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601036499840
6/1/2018	Molly Perkins Hauck	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/106012159924026
6/1/2018	Sarah Strain,Edward B Myers	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601927116166
6/1/2018	Suan B. Fleming	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060152539923
6/1/2018	Susan L. Benson	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060181750915
6/1/2018	Pamela J Ericson	REQUEST	https://www.fcc.gov/ecfs/filing/10602128016809
5/31/2018	B. Golomb	COMMENT	https://www.fcc.gov/ecfs/filing/10531923529367
5/31/2018	Center for Rural Strategies,Greenlimg Institute,Institute for Local Self Reliance,Kentucky Resources Council,National Digital Inclusion Alliance,public knowledge	LETTER	https://www.fcc.gov/ecfs/filing/10531189914256
5/31/2018	Public Knowledge,Common Cause	LETTER	https://www.fcc.gov/ecfs/filing/10531231238483
5/31/2018	The Leadership Conference on Civil and Human Rights	LETTER	https://www.fcc.gov/ecfs/filing/105311382303197
5/31/2018	Alarm Industry Communications Committee	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10531156011557
5/31/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10531741013202
5/31/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105311727320462
5/31/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10531087835963
5/31/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10531747323388
5/31/2018	Robert Bitonte MD, MA, JD, LL.M. California Medical Association Board of Trustee,Michelle Gutierrez Harris, MHS	OPPOSITION	https://www.fcc.gov/ecfs/filing/1053161703790
5/31/2018	chuck matzker	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1053193457586
5/31/2018	Edward B. Myers	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10531845105070
5/31/2018	Gary Swittel,Mary Kay Swittel	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1060128892037
5/31/2018	Leah Spitzer	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601058437258
5/31/2018	Friends of Merrymeeting Bay	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10531904003538
5/31/2018	Susan Gage	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1053145505570
5/31/2018	Victoria Sievers	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601123710998
5/31/2018	Wei-Ching Lee, MD, California Medical Association Delegate of Los Angeles County	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10601150172123
5/31/2018	William Kenneth Now	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10531231025003

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
5/31/2018	Environmental Health Trust	REPLY TO PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10531586230040
5/31/2018	joann fox	REPLY TO PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10531631512378
5/31/2018	Laura Allred	REQUEST	https://www.fcc.gov/ecfs/filing/105310269315091
5/30/2018	Elizabeth Kelley	COMMENT	https://www.fcc.gov/ecfs/filing/10530200164120
5/30/2018	Ellen Marks	COMMENT	https://www.fcc.gov/ecfs/filing/10530227920256
5/30/2018	Jerry Day	COMMENT	https://www.fcc.gov/ecfs/filing/10530770325079
5/30/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1053093450285
5/30/2018	Cynthia Baughman	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1053073450384
5/30/2018	Edward B. Myers	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/105300022804285
5/30/2018	Jacqueline J Shrontz	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1053117651005
5/30/2018	John dankowski	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/105310183101323
5/30/2018	John M. Unger	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10531400021081
5/30/2018	Lisa Cline	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10530221674264
5/30/2018	REBECCA CAROL SMITH	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10530115136619
5/30/2018	Sue Present	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/105312084728364
5/30/2018	Elaine R Unger	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10530465721222
5/30/2018	Mary Beth Brangan	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/10531648614265
5/30/2018	Molly P Hauck	RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1053131585635
5/30/2018	Jeff and Stephanie Austin	REPLY TO PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/1053064423666
5/29/2018	Cindy Li	COMMENT	https://www.fcc.gov/ecfs/filing/105272837422838
5/29/2018	Elizabeth A Kelley	COMMENT	https://www.fcc.gov/ecfs/filing/1053014521878
5/29/2018	Jack Li	COMMENT	https://www.fcc.gov/ecfs/filing/10527274600991
5/29/2018	Karen Li	COMMENT	https://www.fcc.gov/ecfs/filing/10527820612060
5/29/2018	Karen Li	COMMENT	https://www.fcc.gov/ecfs/filing/10527249331111
5/29/2018	Karen Li	COMMENT	https://www.fcc.gov/ecfs/filing/105270829516909
5/29/2018	Karen Li	COMMENT	https://www.fcc.gov/ecfs/filing/105270581214986
5/29/2018	Karen Li	COMMENT	https://www.fcc.gov/ecfs/filing/105270031720764
5/29/2018	Li Sun	COMMENT	https://www.fcc.gov/ecfs/filing/10527156471206
5/29/2018	Matthew Goulet	COMMENT	https://www.fcc.gov/ecfs/filing/105292859501982
5/29/2018	Wei-Ching Lee, MD, California Medical Association Delegate of Los Angeles county	COMMENT	https://www.fcc.gov/ecfs/filing/105300668701615
5/29/2018	National Association of Regulatory Utility Commissioners	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105290400628441
5/29/2018	Wei-Ching Lee, MD, California Medical Association Delegate of Los Angeles County	OPPOSITION	https://www.fcc.gov/ecfs/filing/105302349908809
5/29/2018	Edward B. Myers	PETITION FOR RECONSIDERATION	https://www.fcc.gov/ecfs/filing/105290967214389

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
5/29/2018	Rebecca Carol Smith	REQUEST	https://www.fcc.gov/ecfs/filing/1053003929344
5/25/2018	ADT Security Services	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10525876320115
5/25/2018	CenterPoint Energy, Dominion Energy, Florida Power & Light Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105251291519083
5/24/2018	Arnold A. McMahon	COMMENT	https://www.fcc.gov/ecfs/filing/10525258399631
5/24/2018	Action 22	LETTER	https://www.fcc.gov/ecfs/filing/10524125721506
5/24/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10524273793176
5/24/2018	InSite Wireless Group, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1052456880287
5/24/2018	Vertical Bridge Holdings, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10524266532528
5/23/2018	ADT Security Services	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10523091423288
5/23/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105232106008826
5/23/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10523120789627
5/23/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10523380240948
5/23/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10523874421613
5/23/2018	InSite Wireless Group, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105231907104245
5/23/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105232851917348
5/22/2018	Nokia	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1052267429439
5/18/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10518032006810
5/18/2018	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105182789424962
5/18/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10518050213805
5/17/2018	Alice USA, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10517040812427
5/17/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10517667008167
5/17/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10518165004652
5/16/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1051622251000632
5/16/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10516106415285
5/15/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10515017866693
5/11/2018	City of Mission, Kansas	LETTER	https://www.fcc.gov/ecfs/filing/10511110717227
5/10/2018	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1051077835541
5/9/2018	Little Rock Mayor Mark Stodola	LETTER	https://www.fcc.gov/ecfs/filing/1050928921202
5/9/2018	Mike Fina	LETTER	https://www.fcc.gov/ecfs/filing/1050946549646
5/8/2018	Jenn Daniels	LETTER	https://www.fcc.gov/ecfs/filing/10508224913303
5/8/2018	Marcus Spectrum Solutions LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105081475012731
5/4/2018	Joel M. Moskowitz, Ph.D.	COMMENT	https://www.fcc.gov/ecfs/filing/10504194916475
5/4/2018	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105040920204347
5/4/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10504086701447
5/4/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10504264096192
5/4/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10504555917003
5/3/2018	Office of Communications Business Opportunities	OTHER	https://www.fcc.gov/ecfs/filing/05092747205742

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
5/2/2018	Coalition for Local Internet Choice	SUBMISSION FOR THE RECORD	https://www.fcc.gov/ecfs/filing/105022239406207
4/30/2018	American Electric Power Service Corporation,Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104302932623798
4/30/2018	American Electric Power Service Corporation,Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10430253507697
4/30/2018	American Electric Power Service Corporation,Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1043049625706
4/30/2018	American Electric Power Service Corporation,Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104302561930813
4/30/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10430026996650
4/30/2018	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104300792711158
4/27/2018	ACT The App Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10428195978648
4/27/2018	ACT The App Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10428131538755
4/27/2018	ACT The App Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10428246711381
4/27/2018	ACT The App Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1042887733190
4/27/2018	ACT The App Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10427170619699
4/26/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10426248563909
4/24/2018	Ameren Services Company,American Electric Power Service Corporation,Duke Energy Corporation,Energy Corporation,Oncor Electric Delivery Company LLC,Southern Company,Tampa Electric Company,Westar Energy, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10424206488724
4/20/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10420121148873
4/20/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10420295026199
4/19/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10419654707069
4/17/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10417297412623
4/17/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10417556600122
4/16/2018	CTIA and Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104162610624764
4/13/2018	Corning Incorporated	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10413713315117
4/12/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1041227813335
4/11/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10411043926242
4/10/2018	Shohreh Harris	COMMENT	https://www.fcc.gov/ecfs/filing/1041133936822
4/10/2018	Susan Cassidy	COMMENT	https://www.fcc.gov/ecfs/filing/10410148927736
4/10/2018	Fiber Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10410292413160
4/9/2018	Linda Chastain	COMMENT	https://www.fcc.gov/ecfs/filing/10409283212471
4/9/2018	News merger	COMMENT	https://www.fcc.gov/ecfs/filing/10409265982745
4/9/2018	Ruth Nichols	COMMENT	https://www.fcc.gov/ecfs/filing/10409211434656
4/9/2018	Traci Quigg Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/104092748315430

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
4/9/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10409935122005
4/9/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1040969488219
4/6/2018	Wireless Telecommunications Bureau	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/04060286903484
4/6/2018	CenturyLink	LETTER	https://www.fcc.gov/ecfs/filing/104060958518370
4/6/2018	Debbie Dingell, Member of Congress	LETTER	https://www.fcc.gov/ecfs/filing/10406681118335
4/4/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104040983204295
4/4/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104043063127494
4/4/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104043091115247
4/3/2018	FCC Wireless Telecommunications Bureau	OTHER	https://www.fcc.gov/ecfs/filing/10403302155895
	United Keetoowah Band of Cherokee Indians In Oklahoma, corrected filing, original filing was placed in the 17-108 comments.		
3/30/2018		COMMENT	https://www.fcc.gov/ecfs/filing/10330077445966
3/29/2018	Wireless Telecommunications Bureau	REPORT AND ORDER	https://www.fcc.gov/ecfs/filing/033033113547
3/27/2018	Pueblo of Tesuque	COMMENT	https://www.fcc.gov/ecfs/filing/10327025148100
3/27/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10327892510746
3/26/2018	American Cable Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1032633296362
3/23/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1032332630374
3/22/2018	Lac Courte Oreilles Band of Lake Superior Chippewa Indians	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1032216285371
3/22/2018	USTelecom - The Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1032291019336
3/22/2018	Wireless Telecommunications Bureau	OTHER	https://www.fcc.gov/ecfs/filing/032209835809
3/21/2018	Lower Brule Sioux Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10321288454266
3/21/2018	Osage Nation	COMMENT	https://www.fcc.gov/ecfs/filing/10321609200394
3/21/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103212443307654
3/21/2018	Muscogee (Creek) Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103221780303417
3/21/2018	Osage Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1032169785456
3/21/2018	SHENTEL	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10321035937708
3/21/2018	Elin Swanson Katz	STATEMENT	https://www.fcc.gov/ecfs/filing/103210132711616
3/20/2018	Randy Teboe	COMMENT	https://www.fcc.gov/ecfs/filing/1032066752352
3/20/2018	Reps. Eshoo, Pallone, and Ruiz	COMMENT	https://www.fcc.gov/ecfs/filing/10320223615265
3/20/2018	Standing Rock Sioux Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10320164161441
3/20/2018	Seminole Nation of Oklahoma	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10320127050206
3/19/2018	Ameren Services Company, Tampa Electric Company, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10319002168926
3/19/2018	Ameren Services Company, Tampa Electric Company, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103190980717955

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
3/19/2018	Ameren Services Company, Tampa Electric Company, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10319483807058
3/19/2018	Ameren Services Company, Tampa Electric Company, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103192967107754
3/19/2018	Charter Communications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031987487404
3/19/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1032096367795
3/19/2018	Susanville Indian Rancheria	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10319250433037
3/16/2018	Charter Communications	COMMENT	https://www.fcc.gov/ecfs/filing/10316063497114
3/16/2018	National Trust for Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/10316124993644
3/16/2018	City of Myrtle Beach, South Carolina	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316113329892
3/16/2018	City of Myrtle Beach, South Carolina	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316075705644
3/16/2018	Comcast Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031649143843
3/16/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316177847985
3/16/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316262324452
3/16/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316932920792
3/16/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031629839390
3/16/2018	Cox Enterprises	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031655155981
3/16/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316506413726
3/16/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316286627005
3/16/2018	Tampa Electric Company, Ameren Services Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316942017989
3/16/2018	TechFreedom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316156171424
3/16/2018	TechFreedom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316303905265
3/16/2018	Thlopthlocco Tribal Town	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316318802913
3/15/2018	Advisory Council on Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/10315097970527
3/15/2018	Arkansas SHPO	COMMENT	https://www.fcc.gov/ecfs/filing/103151777008837
3/15/2018	Bad River Band of Lake Superior Tribe of Chippewa Indians	COMMENT	https://www.fcc.gov/ecfs/filing/10315271583361
3/15/2018	Chairman Dairrell Mike, Anthony Madrigal, Jr.	COMMENT	https://www.fcc.gov/ecfs/filing/1031528458193
3/15/2018	Chairman Harlan Baker	COMMENT	https://www.fcc.gov/ecfs/filing/10315152904185
3/15/2018	David Weeden	COMMENT	https://www.fcc.gov/ecfs/filing/10315100179003
3/15/2018	Forest County Potawatomi Community	COMMENT	https://www.fcc.gov/ecfs/filing/1031535178248
3/15/2018	Fort Belknap Indian Community	COMMENT	https://www.fcc.gov/ecfs/filing/10315245707030
3/15/2018	Fort Belknap Tribal Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/10315543610406
3/15/2018	GA Historic Preservation Division	COMMENT	https://www.fcc.gov/ecfs/filing/1031561459124
3/15/2018	History Colorado/Colorado State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/1031592086869
3/15/2018	History Colorado/Colorado State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/1031588759414

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
3/15/2018	National Conference of State Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/103151982819361
3/15/2018	Natural Resources Defense Council	COMMENT	https://www.fcc.gov/ecfs/filing/10315153913298
3/15/2018	Navajo Nation and the Navajo Nation Telecommunications Regulatory Commission	COMMENT	https://www.fcc.gov/ecfs/filing/10315280511257
3/15/2018	Northern Cheyenne Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10316016924297
3/15/2018	Pechanga Band of Luiseno Indians	COMMENT	https://www.fcc.gov/ecfs/filing/103152303423829
3/15/2018	Texas Historical Commission	COMMENT	https://www.fcc.gov/ecfs/filing/10315145279790
3/15/2018	The Mohegan Tribe of Indians of Connecticut	COMMENT	https://www.fcc.gov/ecfs/filing/10315203677848
3/15/2018	The National Congress of American Indians, United South and Eastern Tribes- Sovereignty Protection Fund	COMMENT	https://www.fcc.gov/ecfs/filing/10315077372027
	National Association of Telecommunications Officers and Advisors, National League of Cities, National Association of Regional Councils, National Association of Counties	LETTER	https://www.fcc.gov/ecfs/filing/1031572083281
3/15/2018	Avista Utilities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103151993716716
3/15/2018	Cherokee Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315437417636
3/15/2018	Cheyenne and Arapaho Tribes	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103151690221927
3/15/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315147539965
3/15/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103150380501044
3/15/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316217272448
3/15/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031616399852
3/15/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316901616960
3/15/2018	Computer & Communications Industry Association (CCIA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103150032301038
3/15/2018	Coushatta Tribe of Louisiana	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031606988157
3/15/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315137510046
3/15/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031546242308
3/15/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315149705355
3/15/2018	Horry Telephone Cooperative, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316107541469
3/15/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315188538892
3/15/2018	Jamul Indian Village of California	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315231730821
3/15/2018	Jena Band of Choctaw Indians THPO	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316344430561
3/15/2018	Katie McAuliffe	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031593400382
3/15/2018	Kaw Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031512436261
3/15/2018	Mobilitie, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103150193303330
3/15/2018	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103151829417687
3/15/2018	Nex-Tech Wireless	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10316644308283

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
3/15/2018	Nokia	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103150660921542
3/15/2018	Notice of Ex Parte Filing	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103152282314986
3/15/2018	Ottawa Tribe of Oklahoma	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103150213411049
3/15/2018	Patrick Baird	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031545352462
3/15/2018	Richard A. Peterson, Tribal Chairman, Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103152110305143
3/15/2018	Sac and Fox Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315102216779
3/15/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315946424096
3/15/2018	T-Mobile	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031534416897
3/15/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315033629821
3/15/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10315220985260
3/15/2018	Yankton Sioux Tribe	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103150038215344
3/14/2018	bettina washington	COMMENT	https://www.fcc.gov/ecfs/filing/10315105836100
3/14/2018	Confederated Tribes of the Colville Reservation	COMMENT	https://www.fcc.gov/ecfs/filing/1031438339198
3/14/2018	Dawn Hubbs, Hualapai Tribal Historic Preservation Officer	COMMENT	https://www.fcc.gov/ecfs/filing/103142971803865
3/14/2018	Fort Belknap Indian Community	COMMENT	https://www.fcc.gov/ecfs/filing/10314742003425
3/14/2018	Keweenaw Bay Indian Community	COMMENT	https://www.fcc.gov/ecfs/filing/10314667803120
3/14/2018	Ieanne walker-Grant	COMMENT	https://www.fcc.gov/ecfs/filing/10315308804021
3/14/2018	Marissa Turnbull, Office of Historic Preservation for the Mashantucket Pequot Tribal Nation of Connecticut	COMMENT	https://www.fcc.gov/ecfs/filing/10314699503898
3/14/2018	Missouri State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/10314148408602
3/14/2018	Muckleshoot Indian Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/1031462010969
3/14/2018	Native Public Media	COMMENT	https://www.fcc.gov/ecfs/filing/1031409665388
3/14/2018	Pueblo of Pojoaque	COMMENT	https://www.fcc.gov/ecfs/filing/10314890424324
3/14/2018	Santa Clara Pueblo	COMMENT	https://www.fcc.gov/ecfs/filing/1031487011099
3/14/2018	Santa Clara Pueblo	COMMENT	https://www.fcc.gov/ecfs/filing/10314662002236
3/14/2018	Sault Ste. Marie Tribe of Chippewa Indians Chairperson Payment	COMMENT	https://www.fcc.gov/ecfs/filing/1031495024617
3/14/2018	Seminole Tribe of Florida	COMMENT	https://www.fcc.gov/ecfs/filing/10314052003359
3/14/2018	Shelley Buck	COMMENT	https://www.fcc.gov/ecfs/filing/10314152985232
3/14/2018	Tanana Chiefs Conference	COMMENT	https://www.fcc.gov/ecfs/filing/1031519587571
3/14/2018	Ute Mountain Ute Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10314993119366
3/14/2018	Virgil Stow	COMMENT	https://www.fcc.gov/ecfs/filing/1031482097048
3/14/2018	Wampanoag Tribe of Gay Head (Aquinnah)	COMMENT	https://www.fcc.gov/ecfs/filing/1031400728905
3/14/2018	City of Rye, New York	LETTER	https://www.fcc.gov/ecfs/filing/10315294918879
3/14/2018	Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community	LETTER	https://www.fcc.gov/ecfs/filing/1031430642805

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
3/14/2018	The City of Boston, Massachusetts, The City of Portland, Oregon, TCCFUI	LETTER	https://www.fcc.gov/ecfs/filing/103142254023800
3/14/2018	Unifi Fiber	LETTER	https://www.fcc.gov/ecfs/filing/103142253320479
3/14/2018	Dianne Desrosiers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031413276725
3/14/2018	Eastern Shawnee Tribe of Oklahoma	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10314832114923
3/14/2018	Iowa Tribe of Kansas and Nebraska	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031495337701
3/14/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10314174856090
3/14/2018	Pawnee Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10314518807554
3/14/2018	Quapaw Tribe of Oklahoma	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103142692721929
3/14/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031568353581
3/14/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10314237222416
3/14/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10314494529789
3/13/2018	Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/1031389514853
3/13/2018	Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program	COMMENT	https://www.fcc.gov/ecfs/filing/10313044546717
3/13/2018	Kris Miller	COMMENT	https://www.fcc.gov/ecfs/filing/10313203253861
3/13/2018	The Shawnee Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/1031369944862
3/13/2018	Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/1031307959083
3/13/2018	Blackfeet Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10313046721871
3/13/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10313451806005
3/13/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103130864300574
3/13/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103132189610464
3/13/2018	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103130719823948
3/13/2018	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103132988627233
3/13/2018	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031375556303
3/13/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103132436125317
3/12/2018	Consumer and Governmental Affairs Bureau	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103121238015623
3/12/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031289326676
3/12/2018	General Communication, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10312109807262
3/12/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103121384229241
3/12/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031226157826
3/9/2018	Council on Environmental Quality	LETTER	https://www.fcc.gov/ecfs/filing/1031365066055
3/9/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030981237849
3/9/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10310913215476

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 61 of 97

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 62 of 97

Date Received	Filers(s)	Filing Type	Link
3/9/2018	Nokia	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10309417826962
3/8/2018	Delaware Tribe of Indians, Dr. Brice Obermeyer	COMMENT	https://www.fcc.gov/ecfs/filing/103092601006702
3/8/2018	William Kindle, Ben Rhodd, Lloyd Guy	COMMENT	https://www.fcc.gov/ecfs/filing/103082644715218
3/8/2018	American Cable Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030877313032
3/8/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10308177949203
3/8/2018	Marcus Spectrum Solutions LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030898795348
3/8/2018	National Association of Towns and Townships	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030934771952
3/8/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10308025794697
3/8/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10308794608377
3/7/2018	Benita, Shea, Delaware, Tribe, of, Indians, Council	COMMENT	https://www.fcc.gov/ecfs/filing/10307690225668
3/7/2018	Bonnie, Jo, Griffith, Assistant, Chief	COMMENT	https://www.fcc.gov/ecfs/filing/10307003300491
3/7/2018	Chief Brooks	COMPLAINT	https://www.fcc.gov/ecfs/filing/10307419215908
3/6/2018	FCC Wireless Bureau	LETTER	https://www.fcc.gov/ecfs/filing/103061251223001
3/5/2018	ACT The App Association	LETTER	https://www.fcc.gov/ecfs/filing/10305164689552
3/5/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030543413312
3/5/2018	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103051637522324
3/1/2018	CPS Energy	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10301598111345
3/1/2018	CPS Energy	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10301244404055
3/1/2018	CPS Energy	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030170766842
3/1/2018	CPS Energy	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/103011884602973
3/1/2018	CPS Energy	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10301159650495
3/1/2018	Uniti Fiber	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10302892501429
2/28/2018	Kaw Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102280084304340
2/28/2018	NTCA-The Rural Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102281011206040
2/27/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102272667209056
2/27/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10227759330144
2/27/2018	Marcus Spectrum Solutions LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102270335914766
2/27/2018	Non-Nationwide Carriers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10227131701059
2/27/2018	PTA-FLA, INC.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1022749765121
2/26/2018	CTIA, Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/1022627348764
2/26/2018	Ohio State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/103051863217480
2/26/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10227251511020
2/26/2018	Corning Incorporated	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1022610861176
2/26/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10226219719241
2/26/2018	T-Mobile	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1022613442936
2/26/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10226135458372
2/26/2018	AT&T Services Inc.	REPLY	https://www.fcc.gov/ecfs/filing/10227044703271

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
2/26/2018	National Association of Tribal Historic Preservation Officers ("NATHPO")	REPLY	https://www.fcc.gov/ecfs/filing/1022752819209
2/26/2018	T-Mobile USA, Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1022260871720441
2/26/2018	Verizon	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10226288228066
2/23/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1022359695070
2/23/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102231335528775
2/22/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102220356728792
2/22/2018	Kaw Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10223097475518
2/22/2018	PP 1 Through 50	TRANSCRIPT	https://www.fcc.gov/ecfs/filing/10227741318000
2/21/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102212028618382
2/21/2018	Kaw Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1022152608810
2/21/2018	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102210446124029
2/20/2018	Comcast Corporation, Charter Communications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102201337208114
2/16/2018	CenterPoint Energy Houston Electric, LLC, Florida Power & Light Company	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/1021648556210
2/16/2018	Ad Hoc Telecommunications Users Committee	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216984524318
2/16/2018	Alarm Industry Communications Committee	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216070311189
2/16/2018	Ameren Services Company, American Electric Power Service Corporation, Duke Energy Corporation, Energy Corporation, Oncor Electric Delivery Company LLC, Southern Company, Tampa Electric Company, Westar Energy, Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216222655610
2/16/2018	American Cable Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216855007607
2/16/2018	AT&T Services, Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216114919122
2/16/2018	CenterPoint Energy Houston Electric, Dominion Energy	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102162646624570
2/16/2018	Comcast Corporation	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1021606422392
2/16/2018	CPS Energy	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102160046801051
2/16/2018	Crown Castle International Corp.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216525008395
2/16/2018	CTIA	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216166067401
2/16/2018	Fiber Broadband Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102161398015059
2/16/2018	ITTA	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102161696815768
2/16/2018	National Association of State Utility Consumer Advocates	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102160520801261
2/16/2018	National Rural Electric Cooperative Association (NRECA)	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216931629596
2/16/2018	NCTA - The Internet & Television Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1021630505543
2/16/2018	New Networks Institute, IRREGULATORS	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10217253553652
2/16/2018	Pennsylvania Public Utility Commission	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1021684984876
2/16/2018	Telecommunications for the Deaf and Hard of Hearing, Inc. (TDDI), et al.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102171495014279

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 64 of 97

Date Received	Filers(s)	Filing Type	Link
2/16/2018	US Telecom	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216619617928
2/16/2018	Utilities Technology Council	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102172619207217
2/16/2018	Utility Coalition on Overlashing	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10216774412418
2/16/2018	Verizon	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/102161255408398
2/15/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1021510640293
2/15/2018	Illinois Electric Cooperative	REPLY	https://www.fcc.gov/ecfs/filing/1021525957481
2/13/2018	Alaska Office of History and Archaeology	COMMENT	https://www.fcc.gov/ecfs/filing/1021327548816
2/13/2018	CenterPoint Energy Houston Electric, LLC, Florida Power & Light Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102143022701934
2/13/2018	CenterPoint Energy Houston Electric, LLC, Florida Power & Light Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102142348803647
2/13/2018	National League of Cities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1021398626511
2/12/2018	National Trust for Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/102101165719016
2/12/2018	CenterPoint Energy Houston Electric, LLC, Florida Power & Light Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1021395503428
2/9/2018	AT&T Services, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/102092250014142
2/9/2018	Competitive Carriers Association	COMMENT	https://www.fcc.gov/ecfs/filing/10210027057004
2/9/2018	CTIA and Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/10209619223884
2/9/2018	Mobile Future	COMMENT	https://www.fcc.gov/ecfs/filing/102102757709721
2/9/2018	Muscoogee (Creek) Nation	COMMENT	https://www.fcc.gov/ecfs/filing/102090615706612
2/9/2018	National Association of Tribal Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/10209137855122
2/9/2018	National Conference of State Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/10209047233574
2/9/2018	New Mexico SHIPO	COMMENT	https://www.fcc.gov/ecfs/filing/102091388218663
2/9/2018	NTCA - The Rural Broadband Association	COMMENT	https://www.fcc.gov/ecfs/filing/1020960561247
2/9/2018	Ohio's State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/1020912584458
2/9/2018	T-Mobile USA, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10210604906493
2/9/2018	Verizon	COMMENT	https://www.fcc.gov/ecfs/filing/102090846101427
2/9/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10209178667313
2/9/2018	Sprint Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020953001573
2/8/2018	Choctaw Nation of Oklahoma	COMMENT	https://www.fcc.gov/ecfs/filing/10208244055873
2/8/2018	Missouri State Historic Preservation office	COMMENT	https://www.fcc.gov/ecfs/filing/102082057829203
2/8/2018	Nez Perce Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10208135242826
2/8/2018	Sprint Corporation	LETTER	https://www.fcc.gov/ecfs/filing/10208123208766
2/8/2018	National Trust for Historic Preservation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020826382218
2/8/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020874067886

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
2/7/2018	Department of Arkansas Heritage (Arkansas Historic Preservation Program)	COMMENT	https://www.fcc.gov/ecfs/filing/1020704027736
2/6/2018	Steve Vance	COMMENT	https://www.fcc.gov/ecfs/filing/1020685768131
2/6/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10206703216337
2/6/2018	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020615268686
2/5/2018	Charter Communications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102052830120272
2/5/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020639584412
2/5/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10206238201233
2/5/2018	Nokia	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020523116982
2/5/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10205092707670
2/2/2018	GA State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/10202406922701
2/2/2018	INCOMPAS	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10202193157025
2/1/2018	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10201903319494
2/1/2018	Sprint Corporatioan	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10201239887371
1/31/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1013195628459
1/30/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10130018192118
1/29/2018	Terry Clouthier	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10130162392400
1/29/2018	landline	COMMENT	https://www.fcc.gov/ecfs/filing/10130012103510
1/29/2018	Sprint Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101291779322562
1/26/2018	Crow Creek Sioux Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10126078491070
1/26/2018	Omaha Tribe Of Nebraska	COMMENT	https://www.fcc.gov/ecfs/filing/10126136520913
1/26/2018	Skull Valley Band Of Goshute	COMMENT	https://www.fcc.gov/ecfs/filing/1012675736912
1/25/2018	Skull Valley Band Of Goshute	COMMENT	https://www.fcc.gov/ecfs/filing/101252444008250
1/25/2018	Corning Incorporated	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101250882210964
1/22/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10122510001660
1/22/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10122738721581
1/22/2018	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101222843913698
1/19/2018	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1011989076329
1/18/2018	National Association of Tower Erectors (NATE)	COMMENT	https://www.fcc.gov/ecfs/filing/10118980016493
1/17/2018	ADTRAN, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10117176491100
1/17/2018	Ameren Services Company,American Electric Power Service Corporation,Duke Energy Corporation,Energy Corporation,Oncor Electric Delivery Company LLC,Southern Company,Tampa Electric Company,Westar Energy, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1011894648766
1/17/2018	American Cable Association	COMMENT	https://www.fcc.gov/ecfs/filing/1011891753267
1/17/2018	AT&T Services, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1011724428280

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 65 of 97

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 66 of 97

Date Received	Filers(s)	Filing Type	Link
1/17/2018	Austin Martinetti	COMMENT	https://www.fcc.gov/ecfs/filing/10118121109650
1/17/2018	CenterPoint Energy Houston Electric, LLC, Virginia Electric and Power Company d/b/a Dominion Energy Virginia and d/b/a Dominion Energy North Carolina	COMMENT	https://www.fcc.gov/ecfs/filing/101180266408523
1/17/2018	CenturyLink	COMMENT	https://www.fcc.gov/ecfs/filing/101182079400746
1/17/2018	City of New York	COMMENT	https://www.fcc.gov/ecfs/filing/10117262340010
1/17/2018	Comcast Corporation	COMMENT	https://www.fcc.gov/ecfs/filing/1011895315934
1/17/2018	Communications Workers of America	COMMENT	https://www.fcc.gov/ecfs/filing/10118289437384
1/17/2018	CPS Energy	COMMENT	https://www.fcc.gov/ecfs/filing/1011740417844
1/17/2018	Crown Castle International Corp.	COMMENT	https://www.fcc.gov/ecfs/filing/10117098312247
1/17/2018	Edison Electric Institute	COMMENT	https://www.fcc.gov/ecfs/filing/1011716399456
1/17/2018	Fiber Broadband Association	COMMENT	https://www.fcc.gov/ecfs/filing/1011868002178
1/17/2018	Harry V. Lehmann, Esq.	COMMENT	https://www.fcc.gov/ecfs/filing/10118026998972
1/17/2018	Illinois Electric Cooperative	COMMENT	https://www.fcc.gov/ecfs/filing/10117306146275
1/17/2018	INCOMPAS	COMMENT	https://www.fcc.gov/ecfs/filing/1011793775060
1/17/2018	IRREGULATORS, New Networks Institute	COMMENT	https://www.fcc.gov/ecfs/filing/1011882036536
1/17/2018	ITTA	COMMENT	https://www.fcc.gov/ecfs/filing/10118462127960
1/17/2018	National Rural Electric Cooperative Association ("NRECA")	COMMENT	https://www.fcc.gov/ecfs/filing/10117324825421
1/17/2018	NCTA - The Internet & Television Association	COMMENT	https://www.fcc.gov/ecfs/filing/101172067810886
1/17/2018	NTCA-The Rural Broadband Association	COMMENT	https://www.fcc.gov/ecfs/filing/10117158253112
1/17/2018	Paul McGavin	COMMENT	https://www.fcc.gov/ecfs/filing/10118244114835
1/17/2018	Public Knowledge, Center for Rural Strategies	COMMENT	https://www.fcc.gov/ecfs/filing/101182769125005
1/17/2018	Telecommunications for the Deaf and Hard of Hearing, Inc. (TDJ), et al.	COMMENT	https://www.fcc.gov/ecfs/filing/101182219417047
1/17/2018	The Greenlining Institute	COMMENT	https://www.fcc.gov/ecfs/filing/10118041351042
1/17/2018	Uniti Fiber LLC	COMMENT	https://www.fcc.gov/ecfs/filing/1011722312253
1/17/2018	Utilities Technology Council	COMMENT	https://www.fcc.gov/ecfs/filing/1011707605581
1/17/2018	Utility Coalition on Overlapping	COMMENT	https://www.fcc.gov/ecfs/filing/10118110666052
1/17/2018	Verizon	COMMENT	https://www.fcc.gov/ecfs/filing/1011794119879
1/17/2018	Windstream Services, LLC	COMMENT	https://www.fcc.gov/ecfs/filing/1011792366885
1/17/2018	Xcel Energy Services Inc	COMMENT	https://www.fcc.gov/ecfs/filing/10117175581698
1/17/2018	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1011812428543
1/16/2018	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101162176107553
1/16/2018	Gila River Telecommunications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10116306980511
1/9/2018	Forest County Potawatomi Community of Wisconsin	COMMENT	https://www.fcc.gov/ecfs/filing/10109253339740
1/8/2018	Charter Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10109023802004
1/8/2018	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1010800931084

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
1/8/2018	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10108152939831
1/3/2018	Communications Workers of America, Utility Workers Union of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1010370463246
12/21/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/12211689808595
12/20/2017	INCOMPAS	LETTER	https://www.fcc.gov/ecfs/filing/122008971461
12/19/2017	City of Eugene, Oregon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1219759807323
12/14/2017	Wireless Telecommunications Bureau	OTHER	https://www.fcc.gov/ecfs/filing/1214187365652
12/14/2017	Wireless Telecommunications Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/1214005795959
12/13/2017	The Confederated Tribes of the Umatilla Indian Reservation	COMMENT	https://www.fcc.gov/ecfs/filing/121300656903
12/11/2017	Cultural Resources Protection Program	COMMENT	https://www.fcc.gov/ecfs/filing/1219108346732
12/8/2017	Oklahoma Historical Society	COMMENT	https://www.fcc.gov/ecfs/filing/120828139794
12/8/2017	Harlan Baker	COMMENT	https://www.fcc.gov/ecfs/filing/120828139794
12/8/2017	Thlopthlocco Tribal Town Tribal Historic Preservation Office	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1209567511433
12/8/2017	USTelecom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/120892377339
12/8/2017	Public Knowledge, The Greenlining Institute, The Utility Reform Network, National Association of State Utility Advocates	PETITION FOR REVIEW	https://www.fcc.gov/ecfs/filing/12081381728180
12/7/2017	Krissy Davis	COMMENT	https://www.fcc.gov/ecfs/filing/120890512052
12/7/2017	National Conference of State Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/120711117040
12/7/2017	National Trust for Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/120824945647
12/7/2017	CTIA and Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/120763469583
12/7/2017	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/120885275365
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/120768101234
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/12071335112370
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1207965921437
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1207273863024
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/120728756650
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1207223164140
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/12070380908206
12/7/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/12072981429661
12/6/2017	Colorado State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/120610687241
12/6/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/12072903804737
12/6/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/120648668312
12/5/2017	CTIA and Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1205124710751
12/5/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1205007173727

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
12/4/2017	facebook/illegal censor	COMMENT	https://www.fcc.gov/ecfs/filing/1203387501552
12/4/2017	GA State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/120453144037
12/4/2017	Oklahoma State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/1204272598494
12/4/2017	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1204177176952
12/4/2017	Bt Americas	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/12042899100286
12/4/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/12041404221476
12/1/2017	Power and Communication Contractors Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1202390103534
11/30/2017	Naveen Albert	COMMENT	https://www.fcc.gov/ecfs/filing/1130271486211
11/30/2017	Google Fiber, Inc.	LETTER	https://www.fcc.gov/ecfs/filing/1130006455897
11/30/2017	T-Mobile USA, Inc.	LETTER	https://www.fcc.gov/ecfs/filing/1130115839104
11/29/2017	Montana SHPO	COMMENT	https://www.fcc.gov/ecfs/filing/1129128880957
11/29/2017	Wireline Competition Bureau	REPORT AND ORDER	https://www.fcc.gov/ecfs/filing/112953288236
11/21/2017	USTelecom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/112130065680
11/21/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/112102077258
11/20/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/112090260553
11/20/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/112013712318
11/17/2017	The Red Cliff Band of Lake Superior Chippewa, Joseph Montano, Marvin DeFoe	COMMENT	https://www.fcc.gov/ecfs/filing/1117989209399
11/17/2017	Charter Communications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11171494430771
11/17/2017	Wireless Telecommunications Bureau	REPORT AND ORDER	https://www.fcc.gov/ecfs/filing/111766605895
11/16/2017	Wireless Telecommunications Bureau	OTHER	https://www.fcc.gov/ecfs/filing/11171403106911
11/16/2017	Wireline Competition Bureau	OTHER	https://www.fcc.gov/ecfs/filing/11171841818593
11/15/2017	Forest County Potawatomi Community	COMMENT	https://www.fcc.gov/ecfs/filing/11151986230355
11/15/2017	Fort Belknap Indian Community	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1115817202376
11/15/2017	Kaw Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/111522890333
11/14/2017	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11140835609732
11/13/2017	Ronald Janora	COMMENT	https://www.fcc.gov/ecfs/filing/1111528605772
11/13/2017	Ameren,Oncor Electric	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/111006693693
11/13/2017	American Electric Power Service Corporation,Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110772026087
11/13/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110611400620
11/13/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110226657475
11/13/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11101894807008
11/13/2017	Melinda J. Young	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1113212146815
11/13/2017	Mobilitie, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1113109038907
11/13/2017	T-Mobile USA, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1113279943191
11/13/2017	USTelecom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/111306399271
11/13/2017	USTelecom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/111337223873

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
11/13/2017	USTelecom	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/111341337737
11/13/2017	USTelecom Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1113262970684
11/13/2017	USTelecom Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110160876452
11/13/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110027811338
11/13/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11132512128951
11/13/2017	Windstream Services, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/111306796542
11/9/2017	Geraldine Bell	COMMENT	https://www.fcc.gov/ecfs/filing/110948566999
11/9/2017	National Conference of State Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/11090577618719
11/9/2017	Public Knowledge, Communications Workers of America, AARP	COMMENT	https://www.fcc.gov/ecfs/filing/11091088207884
11/9/2017	INCOMPAS	LETTER	https://www.fcc.gov/ecfs/filing/11092708712413
11/9/2017	INCOMPAS	LETTER	https://www.fcc.gov/ecfs/filing/11091913710053
11/9/2017	INCOMPAS	LETTER	https://www.fcc.gov/ecfs/filing/110929197122
11/9/2017	Public Knowledge, Communications Workers of America, National Digital Inclusion Alliance, Institute for Local Self-Reliance, National Hispanic Media Coalition, TURN, Kentucky Resources Council	LETTER	https://www.fcc.gov/ecfs/filing/1109150326461
11/9/2017	Alarm Industry Communications Committee	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11090903203249
11/9/2017	Ameren, Oncor Electric	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1109253106329
11/9/2017	American Electric Power Service Corporation, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1109559118638
11/9/2017	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110904698456
11/9/2017	Communications Workers of America et al	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11090039324560
11/9/2017	Communications Workers of America et al	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1109576606028
11/9/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110991864013
11/9/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11091770223243
11/9/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110938265601
11/9/2017	Eagle 1 Resources, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1109377813529
11/9/2017	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1109429308980
11/9/2017	Maryland Office of People's Counsel	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11090358824647
11/9/2017	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110287146826
11/9/2017	Public Knowledge, Communications Workers of America, AARP	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1109025092396
11/9/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110613129354
11/9/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110128711993
11/9/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1110003945906

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
11/9/2017	Windstream Services, LLC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1109159698830
11/8/2017	Kate Kheel	COMMENT	https://www.fcc.gov/ecfs/filing/1109251477635
11/8/2017	Association of American Railroads	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1108299627586
11/8/2017	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1108646006126
11/8/2017	Comcast Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110808439347
11/8/2017	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1108229808966
11/8/2017	Pennsylvania Public Utility Commission	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110853617534
11/8/2017	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110896795118
11/8/2017	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110833287139
11/8/2017	Thlopthlocco Tribal Town Tribal Historic Preservation Office	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1108076601601
11/8/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1108120017829
11/8/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110875107371
11/8/2017	WEC Energy Group, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11083038011316
11/7/2017	Jeff Pappas, New Mexico State Historic Preservation Officer	COMMENT	https://www.fcc.gov/ecfs/filing/1107148719562
11/7/2017	National Association of Regulatory Utility Commissioners	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/1107344004262
11/7/2017	ADT Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11071489218553
11/7/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/110711196326
11/7/2017	Kaw Nation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1107217521677
11/7/2017	National League of Cities, National Association of Counties, The United States Conference of Mayors	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1107949222338
11/7/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1107345102758
11/6/2017	Missouri State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/1106287300050
11/6/2017	American Cable Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11061560806271
11/6/2017	CTIA and Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11060749106658
11/6/2017	Public Knowledge	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1107057608870
11/6/2017	Sprint Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1106081735571
11/6/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1106046145624
11/3/2017	Coalition of Concerned Utilities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1103058687597
11/3/2017	Comcast Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1103965507409
11/3/2017	National Association of Regulatory Utility Commissioners	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1104027613827
11/3/2017	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1103412602387
11/2/2017	Telecommunications Industry Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1102104407360
11/2/2017	Telecommunications Industry Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/11020967502070
11/1/2017	California Association of Competitive Telecommunications Companies (CALTEL)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1101617604967

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
10/30/2017	william hancock brainerd	COMMENT	https://www.fcc.gov/ecfs/filing/103027665136
10/30/2017	Coalition of Concerned Utilities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030261018200
10/30/2017	Coalition of Concerned Utilities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030131869299
10/30/2017	Unit Fiber	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030001627427
10/30/2017	Uniti Fiber	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1031303146731
10/30/2017	Uniti Fiber	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1030289369136
10/27/2017	National Telecommunications and Information Administration	COMMENT	https://www.fcc.gov/ecfs/filing/1027783422501
10/26/2017	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10262109729238
10/26/2017	Sprint Corporation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102685058889
10/24/2017	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1024945515089
10/23/2017	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1023676215388
10/23/2017	Charles Small	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10212045023074
10/23/2017	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1023204695019
10/20/2017	CenturyLink	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10202071522003
10/20/2017	Corning Incorporated	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020823627435
10/20/2017	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1020113877115
10/20/2017	NCTA - The Internet & Television Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/102081321605
10/20/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1021567507642
10/20/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1021973316219
10/20/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10211869010222
10/19/2017	Colorado Communications and Utility Alliance (CCUA) (Colorado Chapter of NATOA), Rainier Communications Commission (RCC), The Cities of Seattle and Tacoma, Washington, King County, Washington, Jersey Access Group (JAG) (New Jersey Chapter of NATOA), Colorado Municipal League (CML)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101911471869
10/19/2017	National Association of Counties, National League of Cities, The United States Conference of Mayors	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1019184665608
10/19/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10192514908619
10/18/2017	Haliwa-Saponi Indian Tribe	LETTER	https://www.fcc.gov/ecfs/filing/1106210665921
10/18/2017	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1018295235789
10/18/2017	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10181895222399
10/18/2017	National Rural Electric Cooperative Association (NRECA)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1018082313405
10/17/2017	Stockbridge-Munsee Community	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1017977901212
10/16/2017	Charter Communications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101673710807

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
10/16/2017	Rainier Communications Commission ("RCC"), Cities of Seattle and Tacoma, Washington, King County, Washington, Jersey Access Group (New Jersey Chapter of NATOA) ("JAG"), Colorado Municipal League ("CML"), Colorado Communications and Utility Alliance (Colorado Chapter of NATOA) ("CCUA")	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1016690516564
10/13/2017	American Public Power Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1013305096756
10/13/2017	American Public Power Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101335224062
10/13/2017	Ultratec, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1013588509090
10/12/2017	Deaf/Hard of Hearing Technology RERC, Universal Interfaces and IT Access RERC	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1012376711631
10/12/2017	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/101295041726
10/12/2017	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1012005147846
10/12/2017	Harlan Baker	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1012697423547
10/6/2017	National Association of Tribal Historic Preservation Officers	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1006012520170
10/6/2017	R Street Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10062170125397
10/5/2017	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1005443627313
10/5/2017	U.S. Chamber of Commerce	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1005204554684
10/4/2017	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1004034526542
10/4/2017	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1004216578119
10/3/2017	BT Americas	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10030307227379
10/3/2017	National Railroad Passenger Corporation (Amtrak)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1003021577333
10/2/2017	NATOA, NLC, NACo, USCM	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/100252268811
9/28/2017	AT&T Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10928833422783
9/28/2017	AT&T Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10928292485471
9/28/2017	AT&T Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10928194554853
9/28/2017	AT&T Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10928265229329
9/28/2017	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10928265040014
9/27/2017	NTCA-The Rural Broadband Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10927467926946
9/27/2017	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109272858412142
9/26/2017	Communications Workers of America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1092611371354
9/26/2017	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10926266157457
9/25/2017	General Communication, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109260954922013
9/25/2017	Unifi Fiber	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109251626613803
9/21/2017	American Public Power Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10921085141685
9/21/2017	American Public Power Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10921463811060
9/21/2017	T-Mobile	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10921285791752

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
9/20/2017	American Public Power Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109202098317113
9/20/2017	General Communication, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1092089276289
9/19/2017	Hannah Schmidt	COMMENT	https://www.fcc.gov/ecfs/filing/109192746920627
9/19/2017	American Public Power Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10920266515967
9/19/2017	American Public Power Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1092075343221
9/15/2017	American Electric Power Service Corporation, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091534131851
9/15/2017	American Electric Power Service Corporation, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10915231747034
9/15/2017	National Railroad Passenger Corporation (Amtrak)	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109151846915602
9/14/2017	American Cable Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091494000844
9/14/2017	American Electric Power Service Corporation, Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091493045649
9/14/2017	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091474453936
9/14/2017	Samsung Electronics America	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10914042070992
9/13/2017	Public Knowledge	COMMENT	https://www.fcc.gov/ecfs/filing/10913526410476
9/12/2017	BT Americas	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10912260457466
9/11/2017	Bristol Bay Area Health Corporation	COMMENT	https://www.fcc.gov/ecfs/filing/10911028522789
9/11/2017	City of Boston, Massachusetts	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109110775310397
9/11/2017	City of Boston, Massachusetts	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109112458214395
9/11/2017	City of Boston, Massachusetts	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109110283108218
9/11/2017	City of Boston, Massachusetts	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109110653218868
9/11/2017	City of Boston, Massachusetts	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1091116605488
9/11/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10911001404566
9/8/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090895277031
9/8/2017	Public Knowledge	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10908278450937
9/8/2017	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090865182895
9/7/2017	kristin rene	COMMENT	https://www.fcc.gov/ecfs/filing/109072832724096
9/5/2017	Blue Lake Rancheria	COMMENT	https://www.fcc.gov/ecfs/filing/10905155012921
9/5/2017	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090589549251
9/5/2017	BT Americas	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090558480861
9/5/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10905265651824
9/5/2017	Ralph Caruso	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/109180274813846
9/1/2017	Jeremy Brown	COMMENT	https://www.fcc.gov/ecfs/filing/10901146021241
9/1/2017	BT Americas Inc	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10901194112070
9/1/2017	BT Americas Inc	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1090141846883

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
8/31/2017	Public Knowledge, Communications Workers of America, National Association of State Utility Consumer Advocates	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/10831035607021
8/30/2017	Public Knowledge, Communications Workers of America, National Association of State Utility Advocates	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1083140314948
8/29/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108291190006494
8/28/2017	Alaska Native Health Board	COMMENT	https://www.fcc.gov/ecfs/filing/108280834100993
8/28/2017	Steve Williams	COMMENT	https://www.fcc.gov/ecfs/filing/10829233115930
8/28/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108291958805420
8/28/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1082815082737
8/28/2017	ITTA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10828195103984
8/25/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10825541613855
8/25/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10825121932963
8/24/2017	Ultratec, inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1082448992754
8/24/2017	Verizon	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108240626725528
8/23/2017	Frontier Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10824239378731
8/21/2017	AT&T	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1082127369499
8/18/2017	Google Fiber, Inc.	LETTER	https://www.fcc.gov/ecfs/filing/108182879805130
8/17/2017	AT&T Services, Inc	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108171337612244
8/14/2017	Crown Castle	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10814403327448
8/11/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1081141991206
8/10/2017	Edison Electric Institute	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/108102261621305
8/10/2017	Edison Electric Institute	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/10810061387633
8/9/2017	Edison Electric Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/108092942121016
8/7/2017	AT&T Services, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1080719588483
8/3/2017	American Cable Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10803259037275
8/3/2017	Communications Workers of America, Public Knowledge	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10803257302651
8/1/2017	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1080151047659
7/31/2017	Virginia Richey	COMMENT	https://www.fcc.gov/ecfs/filing/10731033271420
7/28/2017	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107283021325163
7/28/2017	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10728622511076
7/27/2017	GeoLinks	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10728115721593
7/24/2017	Representatives from eleven counties in Ohio, Public Knowledge	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/107242447027468
7/24/2017	Southern Company	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10724663623762
7/21/2017	Competitive Carriers Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10721064651568

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 74 of 97

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/21/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1072183350127
7/20/2017	NATOA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10720282214081
7/20/2017	Representatives of eleven counties in Ohio,Public Knowledge	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107202155401703
7/20/2017	Representatives of seven West Virginia counties,Public Knowledge	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1072028938157
7/19/2017	Greywale Advisors	COMMENT	https://www.fcc.gov/ecfs/filing/107191590318785
7/19/2017	Brandon Davis	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10719231051329
7/18/2017	Chippewa Cree Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10718955416014
7/18/2017	Kaw Nation	COMMENT	https://www.fcc.gov/ecfs/filing/10718167418743
7/18/2017	Stephanie K. Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/10718058686876
7/18/2017	Chippewa Cree Tribe	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071849966441
7/18/2017	Sue Present	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718778129203
7/18/2017	Sue Present	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107180878800077
7/17/2017	Aaron Rosenzweig	COMMENT	https://www.fcc.gov/ecfs/filing/1071695523641
7/17/2017	Ad Hoc Telecom Users Committee	COMMENT	https://www.fcc.gov/ecfs/filing/1071792510504
7/17/2017	Bettina Washington, THPO Wampanoag Tribe of Gay Head Aquinnah	COMMENT	https://www.fcc.gov/ecfs/filing/1071796418958
7/17/2017	Chippewa Cree Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/1071726863712
7/17/2017	City and County of San Francisco	COMMENT	https://www.fcc.gov/ecfs/filing/1071751294347
7/17/2017	Crown Castle International Corp.	COMMENT	https://www.fcc.gov/ecfs/filing/107170529202143
7/17/2017	CTIA and Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/10717295600573
7/17/2017	Eileen and Mark Johnson	COMMENT	https://www.fcc.gov/ecfs/filing/107162950409763
7/17/2017	Elizabeth G. Frick	COMMENT	https://www.fcc.gov/ecfs/filing/10716130732811
7/17/2017	GARY RESNICK	COMMENT	https://www.fcc.gov/ecfs/filing/107170669916726
7/17/2017	GARY RESNICK	COMMENT	https://www.fcc.gov/ecfs/filing/1071768774178
7/17/2017	GARY RESNICK	COMMENT	https://www.fcc.gov/ecfs/filing/107171758512365
7/17/2017	GARY RESNICK	COMMENT	https://www.fcc.gov/ecfs/filing/10717098670446
7/17/2017	GARY RESNICK	COMMENT	https://www.fcc.gov/ecfs/filing/10717093223538
7/17/2017	GARY RESNICK	COMMENT	https://www.fcc.gov/ecfs/filing/10717367511022
7/17/2017	Gary Resnick	COMMENT	https://www.fcc.gov/ecfs/filing/10717011399963
7/17/2017	GARY RESNICK	COMMENT	https://www.fcc.gov/ecfs/filing/10717382813829
7/17/2017	Illinois Electric Cooperative	COMMENT	https://www.fcc.gov/ecfs/filing/10717848911391
7/17/2017	Intelliwave LLC	COMMENT	https://www.fcc.gov/ecfs/filing/1071723626526
7/17/2017	Karen Spencer	COMMENT	https://www.fcc.gov/ecfs/filing/10715505418126
7/17/2017	Karen Spencer	COMMENT	https://www.fcc.gov/ecfs/filing/107150830614146
7/17/2017	National Association of Tribal Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/107171044205772

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/17/2017	Pala Band of Mission Indians	COMMENT	https://www.fcc.gov/ecfs/filing/107172054700577
7/17/2017	Patti Page	COMMENT	https://www.fcc.gov/ecfs/filing/10715155078902
7/17/2017	PD Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/1071795671914
7/17/2017	Soula Culver	COMMENT	https://www.fcc.gov/ecfs/filing/10717485725789
7/17/2017	Tara Schell	COMMENT	https://www.fcc.gov/ecfs/filing/107182652312025
7/17/2017	Telecommunications Industry Association	COMMENT	https://www.fcc.gov/ecfs/filing/107171589508026
7/17/2017	The Chickasaw Nation	COMMENT	https://www.fcc.gov/ecfs/filing/107171369617073
7/17/2017	U.S. Chamber of Commerce	COMMENT	https://www.fcc.gov/ecfs/filing/1071767285449
7/17/2017	Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/1071714339188
7/17/2017	AT&T	REPLY	https://www.fcc.gov/ecfs/filing/10717096155825
7/17/2017	Betsy Ann Kane, Chairman, DC PSC	REPLY	https://www.fcc.gov/ecfs/filing/10717247964495
7/17/2017	CenturyLink	REPLY	https://www.fcc.gov/ecfs/filing/1071722729574
7/17/2017	Communications Workers of America	REPLY	https://www.fcc.gov/ecfs/filing/107170501211946
7/17/2017	Edison Electric Institute	REPLY	https://www.fcc.gov/ecfs/filing/107173037903245
7/17/2017	FAIRFAX COUNTY, VIRGINIA	REPLY	https://www.fcc.gov/ecfs/filing/10717161609911
7/17/2017	Georgia Municipal Association, Inc.	REPLY	https://www.fcc.gov/ecfs/filing/107170976315974
7/17/2017	Steven D. Hughey	REPLY	https://www.fcc.gov/ecfs/filing/10717956404113
7/17/2017	Texas Municipal League	REPLY	https://www.fcc.gov/ecfs/filing/1071752095525
7/17/2017	Verizon	REPLY	https://www.fcc.gov/ecfs/filing/10717475626687
7/17/2017	Windstream	REPLY	https://www.fcc.gov/ecfs/filing/10717094661882
7/17/2017	AARP	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717100047033
7/17/2017	Alarm Industry Communications Committee	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717727521966
7/17/2017	Alliant Energy Corporation, WEC Energy Group, Inc., Xcel Energy Services Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107170724519553
7/17/2017	Alliant Energy Corporation, Xcel Energy Services Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107170469328506
7/17/2017	Ameren Corporation, American Electric Power Service Corporation, Duke Energy Corporation, Entergy Corporation, Oncor Electric Delivery Company LLC, Southern Company, Tampa Electric Company	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107173070822546
7/17/2017	American Cable Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071779759313
7/17/2017	American Public Power Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071786879499
7/17/2017	Association of American Railroads	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107181767603546
7/17/2017	AT&T Services, Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071798746646
7/17/2017	Austin Martinetti	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107172719623579
7/17/2017	BT Americas Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717191833169
7/17/2017	California Public Utilities Commission	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107171256329404

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/17/2017	CenterPoint Energy Houston Electric, LLC, Florida Power & Light Company, Virginia Electric and Power Company d/b/a Dominion Energy Virginia	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718908507556
7/17/2017	Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717220403410
7/17/2017	Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107170011607922
7/17/2017	City of Baltimore, Maryland	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071768266400
7/17/2017	City of New York	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717333405715
7/17/2017	City of Philadelphia	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107181102404679
7/17/2017	City of Philadelphia	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718386812889
7/17/2017	Coalition of Concerned Utilities	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071786751135
7/17/2017	Colorado Communications and Utility Alliance (CCUA), Rainier Communications Commission (RCC), City of Seattle, Washington, City of Tacoma, Washington, King County, Washington, Jersey Access Group (JAG), Colorado Municipal League (CML)	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717758525735
7/17/2017	Comcast Corporation	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107172337500722
7/17/2017	Communications Workers of America	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071724519182
7/17/2017	Communications Workers of America	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107172934818285
7/17/2017	Competitive Carriers Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718154918014
7/17/2017	Consumer Technology Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071775757074
7/17/2017	Conterra Broadband Services, Southern Light, LLC, Uniti Group Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717100811431
7/17/2017	CPS Energy	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717298368988
7/17/2017	Critical Infrastructure Coalition	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717884103702
7/17/2017	Crown Castle International Corp.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717923521853
7/17/2017	CTIA	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717879818374
7/17/2017	Enterprise Wireless Alliance	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717430522047
7/17/2017	ExteNet Systems, Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717234220510
7/17/2017	Fiber Broadband Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717105000871
7/17/2017	Florida Coalition of Local Governments	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071803526576
7/17/2017	Frontier Communications	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717280965877
7/17/2017	Google Fiber Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717649707961
7/17/2017	Historic Preservation Office - Confederated Tribes of Grand Ronde	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107172240802738
7/17/2017	INCOMPAS	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717257366753
7/17/2017	Irregulators	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071888613875

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/17/2017	League of Arizona Cities and Towns, League of California Cities, League of Oregon Cities	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718061127369
7/17/2017	Lumos Networks Inc., Lumos Networks of West Virginia Inc., Lumos Networks LLC	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717148144297
7/17/2017	Lumos Networks Inc., Lumos Networks of West Virginia Inc., Lumos Networks LLC	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717013048985
7/17/2017	MACTA	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717510927570
7/17/2017	NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071720239634
7/17/2017	National Association of Regulatory Utility Commissioners	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717205297221
7/17/2017	National Association of State Utility Consumer Advocates, Maine Office of Public Advocate, Maryland Office of People's Counsel, New Jersey Division of Rate Counsel, Office of the Ohio Consumer's Counsel, Pennsylvania Office of Consumer Advocate, The Utility Reform Network	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071839739345
7/17/2017	National Association of Telecommunications Officers and Advisors, National League of Cities, National Association of Towns and Townships, National Association of Regional Councils, United States Conference of Mayors, Government Finance Officers Association	REPLY TO COMMENTS	
7/17/2017	National Congress of American Indians, United South and Eastern Tribes- Sovereignty Protection Fund, National Association of Tribal Historic Preservation Officers	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071865105917
7/17/2017	National Rural Electric Cooperative Association ("NRECA")	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717283588789
7/17/2017	Navajo Nation and the Navajo Nation Telecommunications Regulatory Commission	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071764918758
7/17/2017	NCTA - The Internet & Television Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717319024990
7/17/2017	Office of the Illinois Attorney General- Lisa Madigan	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717239511821
7/17/2017	Public Knowledge	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717145917003
7/17/2017	PUERTO RICO TELEPHONE COMPANY, INC., D/B/A CLARO	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717317125947
7/17/2017	Quintillion Networks, LLC, Quintillion Subsea Operations, LLC	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717154501345
7/17/2017	SDN Communications	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071737334362
7/17/2017	Skyway Towers, LLC	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717109077776
7/17/2017	Skyway Towers, LLC	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718111696202
7/17/2017	Skyway Towers, LLC	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071791068206

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 79 of 97

Date Received	Filers(s)	Filing Type	Link
7/17/2017	SmallCellSite.Com	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718095401643
7/17/2017	Smart Communities and Special Districts Coalition	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718221383967
7/17/2017	Telecommunications for the Deaf and Hard of Hearing, Inc. (TDDI), et al.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718113803773
7/17/2017	The Greenlining Institute	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717231719899
7/17/2017	T-Mobile USA, Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071789506630
7/17/2017	Triangle Communication System, Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071791678773
7/17/2017	U.S. TelePacific Corp. d/b/a TPx Communications	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718782324260
7/17/2017	USTelecom	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071751948642
7/17/2017	Utilities Technology Council	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071856737146
7/17/2017	Verizon	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717180069395
7/17/2017	Washington, D.C. Office of the Chief Technology Officer	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717509927712
7/17/2017	Wireless Internet Service Providers Association	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10717957103023
7/17/2017	Xcel Energy Services Inc.	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071782398413
7/17/2017	Zayo Group, LLC	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10718301104235
7/14/2017	Alan Tickle	COMMENT	https://www.fcc.gov/ecfs/filing/10714338802407
7/14/2017	Bradford Masoni	COMMENT	https://www.fcc.gov/ecfs/filing/10715125218099
7/14/2017	City of Mukilteo	COMMENT	https://www.fcc.gov/ecfs/filing/107141758104232
7/14/2017	Dennis Winslow	COMMENT	https://www.fcc.gov/ecfs/filing/107141090121505
7/14/2017	Jane Alessandra	COMMENT	https://www.fcc.gov/ecfs/filing/10714993325788
7/14/2017	Jordan Van Voast	COMMENT	https://www.fcc.gov/ecfs/filing/10715462511265
7/14/2017	Linda Hillyer	COMMENT	https://www.fcc.gov/ecfs/filing/10715382925815
7/14/2017	Sue Present	COMMENT	https://www.fcc.gov/ecfs/filing/1071466993086
7/14/2017	U.S. Conference of Mayors	COMMENT	https://www.fcc.gov/ecfs/filing/107140648513532
7/14/2017	Cheyenne River Sioux Tribe	LETTER	https://www.fcc.gov/ecfs/filing/10714093416082
7/14/2017	Dawn Hubbs, Hualapai Tribal Historic Preservation Officer	LETTER	https://www.fcc.gov/ecfs/filing/1071488893484
7/14/2017	Pechanga Band of Luiseno Mission Indiana	LETTER	https://www.fcc.gov/ecfs/filing/10714175731726
7/14/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10715041946945
7/14/2017	Utilities Technology Council	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1071545904126
7/14/2017	Olemara Peters	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107142424114190
7/14/2017	United States Conference of Mayors	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10714930210965
7/13/2017	Andrea M. Metz	COMMENT	https://www.fcc.gov/ecfs/filing/107130645327944
7/13/2017	David Crestfield	COMMENT	https://www.fcc.gov/ecfs/filing/107132438726537
7/13/2017	Dorothy Hunter	COMMENT	https://www.fcc.gov/ecfs/filing/10713001767220
7/13/2017	GREGORY N MATZ	COMMENT	https://www.fcc.gov/ecfs/filing/107131668414454
7/13/2017	GREGORY N MATZ	COMMENT	https://www.fcc.gov/ecfs/filing/1071377751545
7/13/2017	Lucy Hackett	COMMENT	https://www.fcc.gov/ecfs/filing/10713161786542
7/13/2017	Wireless Telecommunications Bureau	ORDER	https://www.fcc.gov/ecfs/filing/0713197906225

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
7/13/2017	Jennifer Wood	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/107132254419366
7/12/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/10712798115969
7/12/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/107122183702251
7/12/2017	Debra Phelan	COMMENT	https://www.fcc.gov/ecfs/filing/1071286635471
7/12/2017	Dorothy Hunter	COMMENT	https://www.fcc.gov/ecfs/filing/1071312057248
7/12/2017	Lloyd W. Vaught	COMMENT	https://www.fcc.gov/ecfs/filing/10712151311126
7/12/2017	Naveen Albert	COMMENT	https://www.fcc.gov/ecfs/filing/10713736618696
7/12/2017	stacey finnerty	COMMENT	https://www.fcc.gov/ecfs/filing/10712452613821
7/12/2017	Metropolitan Area Communications Commission	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10712210335988
7/11/2017	Alan Trullinger	COMMENT	https://www.fcc.gov/ecfs/filing/1071291716279
7/11/2017	Cecelia Doucette	COMMENT	https://www.fcc.gov/ecfs/filing/1071194857376
7/11/2017	Cecelia Doucette	COMMENT	https://www.fcc.gov/ecfs/filing/10711345203991
7/11/2017	City of Mukilteo	COMMENT	https://www.fcc.gov/ecfs/filing/1071190071734
7/11/2017	David Hubert,Nancy Hubert	COMMENT	https://www.fcc.gov/ecfs/filing/1071186042552
7/11/2017	Holly Ellen Manion	COMMENT	https://www.fcc.gov/ecfs/filing/1071157677252
7/11/2017	Michael Fannin	COMMENT	https://www.fcc.gov/ecfs/filing/1071108641590
7/11/2017	Austin Martinetti	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071194533798
7/11/2017	Dan Kleiber	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10711308728860
7/11/2017	Environmental Health Trust	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10711815002508
7/11/2017	Rebecca Carol Smith	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/1071225918785
7/11/2017	Rebecca Carol Smith	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10711005409930
7/10/2017	City Of Claremont	LETTER	https://www.fcc.gov/ecfs/filing/10814053999493
7/10/2017	Deloitte LLP	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10710258933033
7/10/2017	Wireless Infrastructure Association	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10711063199860
7/10/2017	Catherine Kleiber	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10710025682963
7/7/2017	Miami Tribe of Oklahoma	COMMENT	https://www.fcc.gov/ecfs/filing/10707172235706
7/7/2017	National League of Cities,United States Conference of Mayors,International Municipal Lawyers Association,Government Finance Officers Association,National Association of Counties,National Association of Regional Councils,National Association of Towns and Townships,National Association of Telecommunications Officers and Advisors	COMMENT	https://www.fcc.gov/ecfs/filing/10707083204364
7/7/2017	Sault Ste. Marie Tribe of Chippewa Indians	COMMENT	https://www.fcc.gov/ecfs/filing/1070728797165
7/7/2017	Bobbie Mason	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/107071559012307
7/7/2017	Pueblo of Acoma	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10707267427161
7/5/2017	Anthony Madrigal, Jr., THPO	COMMENT	https://www.fcc.gov/ecfs/filing/107051245720217
7/5/2017	City of Claremont (Tony Ramos, City Manager)	COMMENT	https://www.fcc.gov/ecfs/filing/107051381215232

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 81 of 97

Date Received	Filers(s)	Filing Type	Link
7/5/2017	Dianne Dickerson	COMMENT	https://www.fcc.gov/ecfs/filing/107051908606110
7/4/2017	Margaret J. Phillips	COMMENT	https://www.fcc.gov/ecfs/filing/1070539323707
7/3/2017	Google Fiber Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1070349656063
6/30/2017	African American Mayors Association	COMMENT	https://www.fcc.gov/ecfs/filing/10630864927729
6/30/2017	African American Mayors Association	COMMENT	https://www.fcc.gov/ecfs/filing/10630009689997
6/30/2017	African American Mayors Association	COMMENT	https://www.fcc.gov/ecfs/filing/10630263800817
6/30/2017	African American Mayors Association	COMMENT	https://www.fcc.gov/ecfs/filing/1063089411508
6/30/2017	FibAire Communications, LLC d/b/a AireBeam	COMMENT	https://www.fcc.gov/ecfs/filing/10630940921083
6/30/2017	Loudoun County, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/1063083129825
6/30/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1063033808073
6/30/2017	Frontier Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10630274843382
6/29/2017	Environmental Health Trust	COMMENT	https://www.fcc.gov/ecfs/filing/106292067109730
6/26/2017	Enterprise Wireless Alliance	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1062604808410
6/26/2017	Office of Chairman Pai	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10626867020250
6/23/2017	National Organization of Black Elected Legislative (NOBEL) Women	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10623734815079
6/22/2017	HARRIS CORPORATION	COMMENT	https://www.fcc.gov/ecfs/filing/1062201343301
6/20/2017	Wireless Cell Towers, Home Rule, 5g	COMMENT	https://www.fcc.gov/ecfs/filing/10620640022530
6/19/2017	American Association of State Highway and Transportation Officials	COMMENT	https://www.fcc.gov/ecfs/filing/1061985303129
6/19/2017	Illinois Department of Transportation	COMMENT	https://www.fcc.gov/ecfs/filing/10622266679967
6/16/2017	Alaska Department of Transportation & Public Facilities	COMMENT	https://www.fcc.gov/ecfs/filing/1061634378993
6/16/2017	Cindy Russell	COMMENT	https://www.fcc.gov/ecfs/filing/106160237307312
6/16/2017	Georgia Department of Transportation	COMMENT	https://www.fcc.gov/ecfs/filing/10616036079378
6/16/2017	IRREGULATORS	COMMENT	https://www.fcc.gov/ecfs/filing/10616303935344
6/16/2017	National Black Caucus of State Legislators	COMMENT	https://www.fcc.gov/ecfs/filing/1061689234920
6/16/2017	Nina Beety	COMMENT	https://www.fcc.gov/ecfs/filing/10617931603124
6/16/2017	Nina Beety	COMMENT	https://www.fcc.gov/ecfs/filing/1061632021798
6/16/2017	Nina Beety	COMMENT	https://www.fcc.gov/ecfs/filing/106160763316800
6/16/2017	Power and Communication Contractors Association	COMMENT	https://www.fcc.gov/ecfs/filing/10616089141556
6/16/2017	Smart Communities and Special Districts Coalition	COMMENT	https://www.fcc.gov/ecfs/filing/106161997424723
6/16/2017	Charlene Dwin Vaughn, Advisory Council on Historic Preservation	ERRATA, ERRATUM OR ADDENDUM	https://www.fcc.gov/ecfs/filing/1061698835089
6/16/2017	Matt Evansburg	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10616787114725
6/15/2017	AARP	COMMENT	https://www.fcc.gov/ecfs/filing/10615190338491
6/15/2017	ACT The App Association	COMMENT	https://www.fcc.gov/ecfs/filing/10616042326086
6/15/2017	ADTRAN, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10615581719131
6/15/2017	Alarm Industry Communications Committee	COMMENT	https://www.fcc.gov/ecfs/filing/1061589743765

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/15/2017	Alliant Energy Corporation, WEC Energy Group, Inc., Xcel Energy Services Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/106152679911580
6/15/2017	Ameren, American Electric Power, Duke Energy, Entergy Corporations, Oncor Electric Delivery, Southern Company, Tampa Electric Company	COMMENT	https://www.fcc.gov/ecfs/filing/1061577313311
6/15/2017	American Cable Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061666240361
6/15/2017	American Petroleum Institute	COMMENT	https://www.fcc.gov/ecfs/filing/10615136179504
6/15/2017	Arctic Slope Regional Corporation	COMMENT	https://www.fcc.gov/ecfs/filing/10616660906383
6/15/2017	Association of American Railroads	COMMENT	https://www.fcc.gov/ecfs/filing/10616003482840
6/15/2017	AT&T	COMMENT	https://www.fcc.gov/ecfs/filing/106150868022220
6/15/2017	AT&T Services, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061582659451
6/15/2017	Bad River Band of the Lake Superior Tribe of Chippewa	COMMENT	https://www.fcc.gov/ecfs/filing/106152682802309
6/15/2017	Board of County Road Commissioners of the County of Oakland	COMMENT	https://www.fcc.gov/ecfs/filing/1061565102401
6/15/2017	Cahuilla Band of Indians	COMMENT	https://www.fcc.gov/ecfs/filing/10615004930864
6/15/2017	California Association of Competitive Telecommunications Companies (CALTEL)	COMMENT	https://www.fcc.gov/ecfs/filing/106151833117875
6/15/2017	California Public Utilities Commission	COMMENT	https://www.fcc.gov/ecfs/filing/10616232699616
6/15/2017	Catawba Indian Nation Tribal Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/1061599453433
6/15/2017	CenterPoint Energy Houston Electric, LLC, Virginia Electric and Power Company d/b/a Dominion Energy Virginia, Florida Power & Light Company	COMMENT	https://www.fcc.gov/ecfs/filing/1061584285456
6/15/2017	CenturyLink	COMMENT	https://www.fcc.gov/ecfs/filing/10615433421021
6/15/2017	CenturyLink	COMMENT	https://www.fcc.gov/ecfs/filing/10621222985836
6/15/2017	Charter Communications, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061538343230
6/15/2017	Chippewa Cree THPO	COMMENT	https://www.fcc.gov/ecfs/filing/10616225229263
6/15/2017	Choctaw Nation of Oklahoma	COMMENT	https://www.fcc.gov/ecfs/filing/10615094713785
6/15/2017	Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee	COMMENT	https://www.fcc.gov/ecfs/filing/10615094628917
6/15/2017	Cities of San Antonio, Texas; Eugene, Oregon; Bowie, Maryland; Huntsville, Alabama; and Knoxville, Tennessee	COMMENT	https://www.fcc.gov/ecfs/filing/106151115918910
6/15/2017	Citizen Potawatomi Nation	COMMENT	https://www.fcc.gov/ecfs/filing/106151843030808
6/15/2017	City and County of San Francisco	COMMENT	https://www.fcc.gov/ecfs/filing/10616185543193
6/15/2017	City and County of San Francisco	COMMENT	https://www.fcc.gov/ecfs/filing/10616115179298
6/15/2017	City of Alexandria, Virginia; Arlington County, Virginia; and Henrico County, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/10615012817253
6/15/2017	City of Alexandria, Virginia; Arlington County, Virginia; and Henrico County, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/10615334444946

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 82 of 97

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/15/2017	City of Alexandria, Virginia; Arlington County, Virginia;	COMMENT	https://www.fcc.gov/ecfs/filing/1061575605462
6/15/2017	Henrico County, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/106153058428004
6/15/2017	City of Arlington, Texas	COMMENT	https://www.fcc.gov/ecfs/filing/106151617806830
6/15/2017	City of Austin, Texas	COMMENT	https://www.fcc.gov/ecfs/filing/10616299240761
6/15/2017	City of Chicago	COMMENT	https://www.fcc.gov/ecfs/filing/10616194492066
6/15/2017	City of Irvine, California	COMMENT	https://www.fcc.gov/ecfs/filing/106152958705183
6/15/2017	City of Lansing, Michigan	COMMENT	https://www.fcc.gov/ecfs/filing/10615067261673
6/15/2017	City of New Orleans, Louisiana	COMMENT	https://www.fcc.gov/ecfs/filing/106160986116674
6/15/2017	City of New York	COMMENT	https://www.fcc.gov/ecfs/filing/10615657606760
6/15/2017	City of New York	COMMENT	https://www.fcc.gov/ecfs/filing/106151633230435
6/15/2017	City of Norfolk, Virginia	COMMENT	https://www.fcc.gov/ecfs/filing/1061565224908
6/15/2017	City of Philadelphia	COMMENT	https://www.fcc.gov/ecfs/filing/10615712507150
6/15/2017	City of Philadelphia	COMMENT	https://www.fcc.gov/ecfs/filing/10615262395540
6/15/2017	Cityscape Consultants, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061596367616
6/15/2017	Coalition for American Heritage	COMMENT	https://www.fcc.gov/ecfs/filing/10615021601469
6/15/2017	COALITION OF CONCERNED UTILITIES	COMMENT	https://www.fcc.gov/ecfs/filing/10615559004106
6/15/2017	Comcast Corporation	COMMENT	https://www.fcc.gov/ecfs/filing/1061566816529
6/15/2017	Communications Workers of America	COMMENT	https://www.fcc.gov/ecfs/filing/106150280026438
6/15/2017	Competitive Carriers Association	COMMENT	https://www.fcc.gov/ecfs/filing/10615018716770
6/15/2017	CompTIA (The Computing Technology Industry Association)	COMMENT	https://www.fcc.gov/ecfs/filing/10616293053070
6/15/2017	CompTIA (The Computing Technology Industry Association)	COMMENT	https://www.fcc.gov/ecfs/filing/10615609415809
6/15/2017	Computer & Communications Industry Association (CCIA)	COMMENT	https://www.fcc.gov/ecfs/filing/106151744311974
6/15/2017	Consumer Technology Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061554414203
6/15/2017	Conterra Broadband Services,Southern Light, LLC,Uniti Group, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10615577716702
6/15/2017	Corning Incorporated	COMMENT	https://www.fcc.gov/ecfs/filing/106151419705353
6/15/2017	CPS Energy	COMMENT	https://www.fcc.gov/ecfs/filing/10615083725720
6/15/2017	Critical Infrastructure Coalition	COMMENT	https://www.fcc.gov/ecfs/filing/106160666323687
6/15/2017	Crown Castle International Corp.	COMMENT	https://www.fcc.gov/ecfs/filing/10615486622139
6/15/2017	Crown Castle International Corp.	COMMENT	https://www.fcc.gov/ecfs/filing/10615250146984
6/15/2017	CTIA	COMMENT	https://www.fcc.gov/ecfs/filing/10615027601699
6/15/2017	CTIA and Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/10615613123176
6/15/2017	Dr. Andrea A. Hunter	COMMENT	https://www.fcc.gov/ecfs/filing/10615052112473
6/15/2017	DuPage Mayors and Managers Conference	COMMENT	https://www.fcc.gov/ecfs/filing/106151448802588

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 84 of 97

Date Received	Filers(s)	Filing Type	Link
6/15/2017	Edison Electric Institute	COMMENT	https://www.fcc.gov/ecfs/filing/106151114568607
6/15/2017	Edison Electric Institute	COMMENT	https://www.fcc.gov/ecfs/filing/1061526267115329
6/15/2017	ExteNet Systems, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061531764776
6/15/2017	Fiber Broadband Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061532676235
6/15/2017	Fond du Lac Band of Lake Superior Chippewa	COMMENT	https://www.fcc.gov/ecfs/filing/1061529897220
6/15/2017	Frederick E. Ellrod III	COMMENT	https://www.fcc.gov/ecfs/filing/10615845720236
6/15/2017	Frontier Communications	COMMENT	https://www.fcc.gov/ecfs/filing/1061504075308
6/15/2017	General Communication, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/106153062601389
6/15/2017	Georgia Municipal Association, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10615844812399
6/15/2017	Gila River Indian Community	COMMENT	https://www.fcc.gov/ecfs/filing/10615223854652
6/15/2017	Google Fiber Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10615900816151
6/15/2017	Greg Mcaffrey	COMMENT	https://www.fcc.gov/ecfs/filing/10616083401867
6/15/2017	Illinois Municipal League	COMMENT	https://www.fcc.gov/ecfs/filing/1061587857080
6/15/2017	INCOMPAS	COMMENT	https://www.fcc.gov/ecfs/filing/1061529908380
6/15/2017	Information Technology and Innovation Foundation	COMMENT	https://www.fcc.gov/ecfs/filing/1061520987817
6/15/2017	ITTA	COMMENT	https://www.fcc.gov/ecfs/filing/10615044908910
6/15/2017	Joyce Barrett	COMMENT	https://www.fcc.gov/ecfs/filing/106152287812782
6/15/2017	Joyce Barrett	COMMENT	https://www.fcc.gov/ecfs/filing/1061547874519
6/15/2017	Julianne Polanco, State Historic Preservation Officer, California-OHP	COMMENT	https://www.fcc.gov/ecfs/filing/1061682398877
6/15/2017	Kara Briggs	COMMENT	https://www.fcc.gov/ecfs/filing/10615554822918
6/15/2017	Kara Briggs	COMMENT	https://www.fcc.gov/ecfs/filing/1061529263571
6/15/2017	Leadership Conference on Civil and Human Rights	COMMENT	https://www.fcc.gov/ecfs/filing/1061509268724
6/15/2017	League of Arizona Cities and Towns, League of California Cities, League of Oregon Cities	COMMENT	https://www.fcc.gov/ecfs/filing/106161617549647
6/15/2017	League of Arizona Cities and Towns, League of California Cities, League of Oregon Cities	COMMENT	https://www.fcc.gov/ecfs/filing/10616785802234
6/15/2017	Leslie E. Eisenberg, Ph.D., Compliance Reviewer (Archaeology)	COMMENT	https://www.fcc.gov/ecfs/filing/10615064009725
6/15/2017	Level 3 Communications, LLC	COMMENT	https://www.fcc.gov/ecfs/filing/10615095018250
6/15/2017	Liberty Cablevision of Puerto Rico LLC	COMMENT	https://www.fcc.gov/ecfs/filing/10615648915570
6/15/2017	Lightower Fiber Networks	COMMENT	https://www.fcc.gov/ecfs/filing/106162593114324
6/15/2017	Lightower Fiber Networks	COMMENT	https://www.fcc.gov/ecfs/filing/1061503963682
6/15/2017	Louise Kiehl Stanphill	COMMENT	https://www.fcc.gov/ecfs/filing/10616198325354
6/15/2017	Lower Brule Sioux Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10615937627381
6/15/2017	Lumos Networks Inc., Lumos Networks of West Virginia Inc., Lumos Networks LLC	COMMENT	https://www.fcc.gov/ecfs/filing/10615102484029
6/15/2017	McLean Citizens Association	COMMENT	https://www.fcc.gov/ecfs/filing/10615561311935

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/15/2017	Merry Callahan	COMMENT	https://www.fcc.gov/ecfs/filing/10615392318377
6/15/2017	MICHAEL H HAIN,NITTANY MEDIA, INC.	COMMENT	https://www.fcc.gov/ecfs/filing/1061500435076
6/15/2017	Minnesota Cities Coalition	COMMENT	https://www.fcc.gov/ecfs/filing/1061585354437
6/15/2017	Minnesota Telecom Alliance	COMMENT	https://www.fcc.gov/ecfs/filing/106152184101245
6/15/2017	Mobile Future	COMMENT	https://www.fcc.gov/ecfs/filing/10615640623716
6/15/2017	Mobilitie, LLC	COMMENT	https://www.fcc.gov/ecfs/filing/10615299503672
6/15/2017	Multicultural Media, Telecom and Internet Council (MMTIC), et al., League of United Latin American Citizens (LULAC), Hispanic Technology and Telecommunications Partnership (HTTP), National Black Caucus of State Legislators (NBCSL), National Foundation for Women Legislators (NFWL), National Organization of Black Elected Legislative Women (NOBEL Women), National Organization of Black County Officials (NOBCO), National Association of Black County Officials (NABCO)	COMMENT	https://www.fcc.gov/ecfs/filing/1061660439588
6/15/2017	National Association of Regulatory Utility Commissioners	COMMENT	https://www.fcc.gov/ecfs/filing/106151758516325
6/15/2017	National Association of State Utility Consumer Advocates, Ohio Consumers Counsel, New Jersey Division of Rate Counsel, Maine Office of the Public Advocate, Maryland Office of People's Counsel, Pennsylvania Office of Consumer Advocate, The Utility Reform Network	COMMENT	https://www.fcc.gov/ecfs/filing/10616923709147
6/15/2017	National Association of Tribal Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/10615136916587
6/15/2017	National Congress of American Indians	COMMENT	https://www.fcc.gov/ecfs/filing/106160326120816
6/15/2017	National League of Cities	COMMENT	https://www.fcc.gov/ecfs/filing/10615559100805
6/15/2017	National Rural Electric Cooperative Association ("NRECA")	COMMENT	https://www.fcc.gov/ecfs/filing/10615675300231
6/15/2017	National Tribal Telecommunications Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061587584884
6/15/2017	National Trust for Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/106161554024500
6/15/2017	NATO A	COMMENT	https://www.fcc.gov/ecfs/filing/10615000897161
6/15/2017	Navajo Nation President Russell Begaye and the Navajo Nation Telecommunications Regulatory Commission (NNTRC)	COMMENT	https://www.fcc.gov/ecfs/filing/10615276276183
6/15/2017	NCTA - The Internet & Television Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061588903176
6/15/2017	Nokia	COMMENT	https://www.fcc.gov/ecfs/filing/106151148325299
6/15/2017	North Carolina State Historic Preservation Office, Deputy State Historic Preservation Officer Ramona Bartos	COMMENT	https://www.fcc.gov/ecfs/filing/106152561519701

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 86 of 97

Date Received	Filers(s)	Filing Type	Link
6/15/2017	Northern Cheyenne Tribal Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/10615054508853
6/15/2017	Northern Cheyenne Tribal Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/106151665223699
6/15/2017	Northern Cheyenne Tribal Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/106150174106676
6/15/2017	Northern Cheyenne Tribal Historic Preservation	COMMENT	https://www.fcc.gov/ecfs/filing/106150812822443
6/15/2017	NTCA-The Rural Broadband Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061536143567
6/15/2017	ONE Media, LLC	COMMENT	https://www.fcc.gov/ecfs/filing/10615463327535
6/15/2017	Oregon Telecommunications Association	COMMENT	https://www.fcc.gov/ecfs/filing/106150698603053
6/15/2017	Pennsylvania Public Utility Commission	COMMENT	https://www.fcc.gov/ecfs/filing/1061578473575
6/15/2017	Phoebe Sorgen	COMMENT	https://www.fcc.gov/ecfs/filing/106151048427439
6/15/2017	Phoebe Sorgen	COMMENT	https://www.fcc.gov/ecfs/filing/106150838911111
6/15/2017	PTA-FLA, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10615863520156
6/15/2017	Public Knowledge	COMMENT	https://www.fcc.gov/ecfs/filing/10616127206816
6/15/2017	Puerto Rico State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/10615297920660
6/15/2017	Puget Sound Energy, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061533370203
6/15/2017	Quapaw Tribe of Oklahoma	COMMENT	https://www.fcc.gov/ecfs/filing/106152925308068
6/15/2017	R Street Institute	COMMENT	https://www.fcc.gov/ecfs/filing/1061588156917
6/15/2017	R Street Institute	COMMENT	https://www.fcc.gov/ecfs/filing/1061581381852
6/15/2017	Robert J. V. Vose	COMMENT	https://www.fcc.gov/ecfs/filing/10615981318598
6/15/2017	Russell L. Martin	COMMENT	https://www.fcc.gov/ecfs/filing/1061580447646
6/15/2017	S. Gregory	COMMENT	https://www.fcc.gov/ecfs/filing/1061522892291
6/15/2017	Sacred Wind Communications, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10616709329723
6/15/2017	Samsung Electronics America, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061531816739
6/15/2017	Santa Clara Pueblo	COMMENT	https://www.fcc.gov/ecfs/filing/1061537897376
6/15/2017	Seminole Nation of Oklahoma	COMMENT	https://www.fcc.gov/ecfs/filing/1061565466520
6/15/2017	Seminole Tribe of Florida	COMMENT	https://www.fcc.gov/ecfs/filing/106151708308819
6/15/2017	Sisseton Wahpeton Oyate	COMMENT	https://www.fcc.gov/ecfs/filing/1061548233416
6/15/2017	Sisseton Wahpeton Oyate	COMMENT	https://www.fcc.gov/ecfs/filing/10615179401940
6/15/2017	SMART COMMUNITIES AND SPECIAL DISTRICTS COALITION	COMMENT	https://www.fcc.gov/ecfs/filing/10616128416291
6/15/2017	Soula Culver	COMMENT	https://www.fcc.gov/ecfs/filing/10616042716151
6/15/2017	Soula Culver	COMMENT	https://www.fcc.gov/ecfs/filing/106152019228256
6/15/2017	Southern Company Services, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061536743097
6/15/2017	Sprint	COMMENT	https://www.fcc.gov/ecfs/filing/10615159927158
6/15/2017	Starry, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061504362142

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 87 of 97

Date Received	Filers(s)	Filing Type	Link
6/15/2017	Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Communication Service for the Deaf, Inc. (CSD), Hearing Loss Association of America (HLAA), Cerebral Palsy and Deaf Organization (CPADO), Deaf Seniors of America (DSA), Association of Late-Deafened Adults (ALDA), Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing (DHH-RERC), Gallaudet University, Trace Research & Development Center	COMMENT	https://www.fcc.gov/ecfs/filing/10616180869368
6/15/2017	Telecommunications Industry Association	COMMENT	https://www.fcc.gov/ecfs/filing/10615127817283
6/15/2017	Texas Department of Transportation	COMMENT	https://www.fcc.gov/ecfs/filing/106151597402284
6/15/2017	Texas Department of Transportation	COMMENT	https://www.fcc.gov/ecfs/filing/10615234367470
6/15/2017	TEXAS OFFICE OF PUBLIC UTILITY COUNSEL	COMMENT	https://www.fcc.gov/ecfs/filing/1061528319068
6/15/2017	The American Public Power Association	COMMENT	https://www.fcc.gov/ecfs/filing/10615217095979
6/15/2017	The Free State Foundation	COMMENT	https://www.fcc.gov/ecfs/filing/1061589503265
6/15/2017	The Greenlining Institute	COMMENT	https://www.fcc.gov/ecfs/filing/10615102418340
6/15/2017	The Mohegan Tribe of Indians of Connecticut	COMMENT	https://www.fcc.gov/ecfs/filing/10615051303337
6/15/2017	The Muscogee (Creek) Nation	COMMENT	https://www.fcc.gov/ecfs/filing/10615807118855
6/15/2017	T-Mobile USA, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10615855700044
6/15/2017	Tonkawa Tribe of Oklahoma	COMMENT	https://www.fcc.gov/ecfs/filing/1061542315012
6/15/2017	Triangle Communication System, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/106150708520440
6/15/2017	USTelecom Association	COMMENT	https://www.fcc.gov/ecfs/filing/10615740512530
6/15/2017	Utilities Technology Council	COMMENT	https://www.fcc.gov/ecfs/filing/10616582128172
6/15/2017	Utilities Technology Council	COMMENT	https://www.fcc.gov/ecfs/filing/10616792101846
6/15/2017	Verizon	COMMENT	https://www.fcc.gov/ecfs/filing/106151194825065
6/15/2017	Verizon	COMMENT	https://www.fcc.gov/ecfs/filing/1061587481134
6/15/2017	Washington Independent Telecommunications Association	COMMENT	https://www.fcc.gov/ecfs/filing/106150919314835
6/15/2017	Washington State Cities Coalition	COMMENT	https://www.fcc.gov/ecfs/filing/10615043103432
6/15/2017	WEC Energy Group, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/1061548558514
6/15/2017	Windstream	COMMENT	https://www.fcc.gov/ecfs/filing/106152386205216
6/15/2017	Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/106152034130422
6/15/2017	Wireless Internet Service Providers Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061530823190
6/15/2017	Wireless Internet Service Providers Association	COMMENT	https://www.fcc.gov/ecfs/filing/1061580309505
6/15/2017	WTA - Advocates for Rural Broadband	COMMENT	https://www.fcc.gov/ecfs/filing/1061563797741
6/15/2017	Xcel Energy Services Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/106152503430646
6/15/2017	Upper Sioux Community	LETTER	https://www.fcc.gov/ecfs/filing/1061589667552

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/15/2017	Charlene Dwin Vaughn, Advisory Council on Historic Preservation	NOTICE OF PROPOSED RULEMAKING	https://www.fcc.gov/ecfs/filing/106160436909255
6/15/2017	Shoshone-Bannock Tribes	NOTICE OF PROPOSED RULEMAKING	https://www.fcc.gov/ecfs/filing/106161965430117
6/15/2017	Dawn Hubbs, Hualapai Tribal Historic Preservation Officer	PROPOSED RULEMAKING	https://www.fcc.gov/ecfs/filing/1061615400081
6/15/2017	Sylvia H. Elliott, on behalf of Judith E. Bittner Paul-André Schabracq	REPLY TO COMMENTS	https://www.fcc.gov/ecfs/filing/10615224445177
6/15/2017	City of Bellevue, City of Bothell, City of Burien, City of Ellensburg, City of Gig Harbor, City of Kirkland, City of Mountlake Terrace, City of Mukilteo, City of Normandy Park, City of Puyallup, City of Redmond, City of Walla Walla City of Springfield, Oregon	REQUEST	https://www.fcc.gov/ecfs/filing/1061513277418
6/14/2017	Colorado Communications and Utility Alliance (CCUA), Rainier Communications Commission (RCC), City of Seattle, Washington, City of Tacoma, Washington, King County, Washington, Jersey Access Group (JAG), Colorado Municipal League (CML)	COMMENT	https://www.fcc.gov/ecfs/filing/10614632422553
6/14/2017	Dianne Desrosiers	COMMENT	https://www.fcc.gov/ecfs/filing/106142139004865
6/14/2017	Eastern Shawnee Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/10614753730093
6/14/2017	EMF Safety Network and Ecological Options Network	COMMENT	https://www.fcc.gov/ecfs/filing/106141496924813
6/14/2017	JEA	COMMENT	https://www.fcc.gov/ecfs/filing/1061467966791
6/14/2017	Joyce Lombardi	COMMENT	https://www.fcc.gov/ecfs/filing/10614245813580
6/14/2017	Lucy Heil	COMMENT	https://www.fcc.gov/ecfs/filing/10614048307345
6/14/2017	Montana SHPO	COMMENT	https://www.fcc.gov/ecfs/filing/10614908414708
6/14/2017	National Conference of State Historic Preservation Officers	COMMENT	https://www.fcc.gov/ecfs/filing/1061420241432
6/14/2017	nepsa solutions LLC	COMMENT	https://www.fcc.gov/ecfs/filing/10614303961413
6/14/2017	Public Utilities Commission of Ohio	COMMENT	https://www.fcc.gov/ecfs/filing/106140692122944
6/14/2017	San Diego County	LETTER	https://www.fcc.gov/ecfs/filing/1061462026744
6/14/2017	Texas Historical Commission	LETTER	https://www.fcc.gov/ecfs/filing/10620392129874
6/13/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/10613169923077
6/13/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/10613046715267
6/13/2017	Karin Nance	COMMENT	https://www.fcc.gov/ecfs/filing/106132034416039
6/13/2017	Kathryn Leonard	COMMENT	https://www.fcc.gov/ecfs/filing/10613386615082
6/13/2017	League of Minnesota Cities	COMMENT	https://www.fcc.gov/ecfs/filing/1061374585721
6/13/2017	League of Minnesota Cities	COMMENT	https://www.fcc.gov/ecfs/filing/10613546530568
6/13/2017	Martin Blank, Henry Lai, Magda Havas, Joel Moskowitz, Elizabeth Kelley	COMMENT	https://www.fcc.gov/ecfs/filing/10613782416006

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/13/2017	Oregon SHPO, Ian Johnson - Associate Deputy	COMMENT	https://www.fcc.gov/ecfs/filing/1061460914590
6/13/2017	Pennsylvania State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/10613199758894
6/13/2017	Standing Rock Sioux Tribe	COMMENT	https://www.fcc.gov/ecfs/filing/106131525507515
6/13/2017	Utah Department of Transportation	COMMENT	https://www.fcc.gov/ecfs/filing/1061397968719
6/13/2017	Midcontinent Communications	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10614155664302
6/12/2017	5G Americas	COMMENT	https://www.fcc.gov/ecfs/filing/106121460104012
6/12/2017	Bill Grannis	COMMENT	https://www.fcc.gov/ecfs/filing/10610039025449
6/12/2017	chuck matzker	COMMENT	https://www.fcc.gov/ecfs/filing/106101018400019
6/12/2017	Community Associations Institute	COMMENT	https://www.fcc.gov/ecfs/filing/1061271138459
6/12/2017	County Of Cumberland	COMMENT	https://www.fcc.gov/ecfs/filing/1061910970392
6/12/2017	Diana Welling	COMMENT	https://www.fcc.gov/ecfs/filing/10612209506061
6/12/2017	Gayle Mills	COMMENT	https://www.fcc.gov/ecfs/filing/10610081700925
6/12/2017	Gloria Frank	COMMENT	https://www.fcc.gov/ecfs/filing/106100966402536
6/12/2017	Illinois Department of Transportation	COMMENT	https://www.fcc.gov/ecfs/filing/10612100519426
6/12/2017	Lisbeth Britt	COMMENT	https://www.fcc.gov/ecfs/filing/1061931752135
6/12/2017	Marty Feffer	COMMENT	https://www.fcc.gov/ecfs/filing/106102509520297
6/12/2017	Next Century Cities	COMMENT	https://www.fcc.gov/ecfs/filing/106131728009966
6/12/2017	Power and Communication Contractors Association	COMMENT	https://www.fcc.gov/ecfs/filing/10613123342354
6/9/2017	I	COMMENT	https://www.fcc.gov/ecfs/filing/10609188627771
6/9/2017	I	COMMENT	https://www.fcc.gov/ecfs/filing/10609116157667
6/9/2017	A. H. Davis	COMMENT	https://www.fcc.gov/ecfs/filing/10610466404251
6/9/2017	A.H.Davis	COMMENT	https://www.fcc.gov/ecfs/filing/10610132976817
6/9/2017	Bob Dudney, MD	COMMENT	https://www.fcc.gov/ecfs/filing/106090721921370
6/9/2017	Cindy Sage, MA Lennart Hardell, MD, PhD David O. Carpenter, MD on behalf of the BioInitiative Working Group	COMMENT	https://www.fcc.gov/ecfs/filing/10609151845642
6/9/2017	Cindy Sage, MA Lennart Hardell, MD, PhD David O. Carpenter, MD,BioInitiative Working Group	COMMENT	https://www.fcc.gov/ecfs/filing/1060947697961
6/9/2017	Colorado River Indian Tribes	COMMENT	https://www.fcc.gov/ecfs/filing/1061090542754
6/9/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/106092557918983
6/9/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/106091540401753
6/9/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/1060907670965
6/9/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/106091594329055
6/9/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/10609297537897
6/9/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/10609688629836
6/9/2017	Cynthia Price	COMMENT	https://www.fcc.gov/ecfs/filing/10609208727474
6/9/2017	David Walker	COMMENT	https://www.fcc.gov/ecfs/filing/106101801410556
6/9/2017	Dawn Bauman,Community Associations Institute	COMMENT	https://www.fcc.gov/ecfs/filing/10609222816962

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/9/2017	Dr. Richard Tongg	COMMENT	https://www.fcc.gov/ecfs/filing/10609136112469
6/9/2017	East Bay Municipal Utility District	COMMENT	https://www.fcc.gov/ecfs/filing/10609342330128
6/9/2017	EMF Safety Network, Ecological Options Network	COMMENT	https://www.fcc.gov/ecfs/filing/106092268520845
6/9/2017	Federal Communications Commission	COMMENT	https://www.fcc.gov/ecfs/filing/10609042603130
6/9/2017	Folender	COMMENT	https://www.fcc.gov/ecfs/filing/10609909427526
6/9/2017	Ila Jhaveri	COMMENT	https://www.fcc.gov/ecfs/filing/106092164906273
6/9/2017	Illinois Electric Cooperative	COMMENT	https://www.fcc.gov/ecfs/filing/1060921196505
6/9/2017	Jennifer Wood	COMMENT	https://www.fcc.gov/ecfs/filing/106091632700776
6/9/2017	Jennifer Wood, Tara Schell	COMMENT	https://www.fcc.gov/ecfs/filing/1060983826170
6/9/2017	John C. Provost	COMMENT	https://www.fcc.gov/ecfs/filing/1060995972230
6/9/2017	Jonathan Mirin	COMMENT	https://www.fcc.gov/ecfs/filing/10610067958643
6/9/2017	Kathleen Sundmark, Ronald P. Sundmark	COMMENT	https://www.fcc.gov/ecfs/filing/10610068629169
6/9/2017	Lauren Ayers	COMMENT	https://www.fcc.gov/ecfs/filing/10609261000233
6/9/2017	Maine Department of Transportation	COMMENT	https://www.fcc.gov/ecfs/filing/10609124169295
6/9/2017	Mark N Salvo	COMMENT	https://www.fcc.gov/ecfs/filing/10610001623810
6/9/2017	Mark N Salvo	COMMENT	https://www.fcc.gov/ecfs/filing/10610347620921
6/9/2017	Martin Blank, Henry Lai, Magda Havas, Joel Moskowitz, Elizabeth Kelley, Advisors to the International EMF Scientist Appeal	COMMENT	https://www.fcc.gov/ecfs/filing/10609244479013
6/9/2017	Mary Larkin	COMMENT	https://www.fcc.gov/ecfs/filing/106090766912028
6/9/2017	Mayor Pat Furey	COMMENT	https://www.fcc.gov/ecfs/filing/10609091202819
6/9/2017	Meredith Wecker	COMMENT	https://www.fcc.gov/ecfs/filing/10609980111473
6/9/2017	Nina Kapfer	COMMENT	https://www.fcc.gov/ecfs/filing/106102386316578
6/9/2017	Pat Furey	COMMENT	https://www.fcc.gov/ecfs/filing/10609021444798
6/9/2017	Paul Stanley	COMMENT	https://www.fcc.gov/ecfs/filing/10609287078876
6/9/2017	Rebecca Carol Smith	COMMENT	https://www.fcc.gov/ecfs/filing/1060927842647
6/9/2017	S. Quick	COMMENT	https://www.fcc.gov/ecfs/filing/10613142210799
6/9/2017	SCAN NATOA, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10609190610452
6/9/2017	Sharon Goldberg	COMMENT	https://www.fcc.gov/ecfs/filing/10609018154229
6/9/2017	Sharon Goldberg	COMMENT	https://www.fcc.gov/ecfs/filing/1060987408047
6/9/2017	Soula Culver	COMMENT	https://www.fcc.gov/ecfs/filing/10609252830903
6/9/2017	Stephanie K Thomas	COMMENT	https://www.fcc.gov/ecfs/filing/106101790502001
6/9/2017	Stuart Moody	COMMENT	https://www.fcc.gov/ecfs/filing/10610266789124
6/9/2017	Tekify Fiber	COMMENT	https://www.fcc.gov/ecfs/filing/10609859914336
6/9/2017	Thomas A. Schatz	COMMENT	https://www.fcc.gov/ecfs/filing/10609715814432
6/9/2017	Thomas A. Schatz	COMMENT	https://www.fcc.gov/ecfs/filing/10609458922621
6/9/2017	Victoria Sievers	COMMENT	https://www.fcc.gov/ecfs/filing/10609015877134
6/9/2017	Victoria Sievers	COMMENT	https://www.fcc.gov/ecfs/filing/10609151419177

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 91 of 97

Date Received	Filers(s)	Filing Type	Link
6/9/2017	Victoria Sievers, EMF Safety Network	COMMENT	https://www.fcc.gov/ecfs/filing/10609157804134
6/9/2017	Virginia Farver,Craig Farver	COMMENT	https://www.fcc.gov/ecfs/filing/10609231527948
6/9/2017	Delaware Department of Transportation	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10609680315962
6/8/2017	Scott Eberle	APPEAL	https://www.fcc.gov/ecfs/filing/1060814671909
6/8/2017	American Bird Conservancy	COMMENT	https://www.fcc.gov/ecfs/filing/1060872435536
6/8/2017	Brian Cladoosby, Chairman, Swinomish Indian Tribal Community	COMMENT	https://www.fcc.gov/ecfs/filing/106082563715375
6/8/2017	Carol Oliveira	COMMENT	https://www.fcc.gov/ecfs/filing/1060808508931
6/8/2017	Cheri H.	COMMENT	https://www.fcc.gov/ecfs/filing/10608646526499
6/8/2017	Elizabeth Ann Kelley	COMMENT	https://www.fcc.gov/ecfs/filing/10608931200436
6/8/2017	Jeanine Deal	COMMENT	https://www.fcc.gov/ecfs/filing/106090534025511
6/8/2017	Kelly Peet	COMMENT	https://www.fcc.gov/ecfs/filing/10609489310512
6/8/2017	Leo Cashman	COMMENT	https://www.fcc.gov/ecfs/filing/10609037684172
6/8/2017	Margaret J. Phillips	COMMENT	https://www.fcc.gov/ecfs/filing/106082216230471
6/8/2017	Naveen Albert	COMMENT	https://www.fcc.gov/ecfs/filing/1060860312819
6/8/2017	Olemara Peters	COMMENT	https://www.fcc.gov/ecfs/filing/106080380205883
6/8/2017	Patricia Burke	COMMENT	https://www.fcc.gov/ecfs/filing/106082760729456
6/8/2017	CTIA	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10608102319239
6/8/2017	Competitive Carriers Association	OTHER	https://www.fcc.gov/ecfs/filing/106080432917134
6/7/2017	Alexandra Ansell	COMMENT	https://www.fcc.gov/ecfs/filing/10608322613029
6/7/2017	Anne Mills	COMMENT	https://www.fcc.gov/ecfs/filing/106081108203486
6/7/2017	chuck matzker	COMMENT	https://www.fcc.gov/ecfs/filing/1060753221429
6/7/2017	Elizabeth Doonan	COMMENT	https://www.fcc.gov/ecfs/filing/1060814410120
6/7/2017	Environmental Health Trust	COMMENT	https://www.fcc.gov/ecfs/filing/10607967426295
6/7/2017	Environmental Health Trust	COMMENT	https://www.fcc.gov/ecfs/filing/106070048305926
6/7/2017	Jeff Pappas, New Mexico SHPO	COMMENT	https://www.fcc.gov/ecfs/filing/10607054323990
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/106071198124748
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/1060717337813
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/10607119307027
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/1060731900367
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/10607072530886
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/10607345800327
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/10607125832171
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/1060741089480
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/106071963913872
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/10607891121783
6/7/2017	Kevin Mottus	COMMENT	https://www.fcc.gov/ecfs/filing/10607140111557
6/7/2017	Lynn Beiber	COMMENT	https://www.fcc.gov/ecfs/filing/106070733627779

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
6/7/2017	Ronald M. Powell, Ph.D.	COMMENT	https://www.fcc.gov/ecfs/filing/106070135325603
6/7/2017	Ronald M. Powell, Ph.D.	COMMENT	https://www.fcc.gov/ecfs/filing/10607113213692
6/7/2017	Ronald M. Powell, Ph.D.	COMMENT	https://www.fcc.gov/ecfs/filing/106071361613489
6/6/2017	Cape Cod Bird Club, Inc.	COMMENT	https://www.fcc.gov/ecfs/filing/10606157376981
6/6/2017	Cindy Russell	COMMENT	https://www.fcc.gov/ecfs/filing/1060662929978
6/6/2017	DuPage Mayors and Managers Conference	COMMENT	https://www.fcc.gov/ecfs/filing/10606211753905
6/6/2017	Edward Czelada	COMMENT	https://www.fcc.gov/ecfs/filing/10606055990593
6/6/2017	Elijah Mondy	COMMENT	https://www.fcc.gov/ecfs/filing/10606047305947
6/6/2017	Jamilah Vittor	COMMENT	https://www.fcc.gov/ecfs/filing/1060631722385
6/6/2017	Kate Kheel	COMMENT	https://www.fcc.gov/ecfs/filing/1060645802036
6/6/2017	Kate Kheel	COMMENT	https://www.fcc.gov/ecfs/filing/106060877925167
6/6/2017	Lisa Betty Cline	COMMENT	https://www.fcc.gov/ecfs/filing/10606607700297
6/6/2017	Naveen Albert	COMMENT	https://www.fcc.gov/ecfs/filing/106079794811
6/6/2017	Central California Yokuts Nagra Coalition	LETTER	https://www.fcc.gov/ecfs/filing/10607080820937
6/6/2017	Consumer and Governmental Affairs Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/0606287764495
6/5/2017	Carl Como Tutera	COMMENT	https://www.fcc.gov/ecfs/filing/10603518115796
6/5/2017	GA Historic Preservation Division	COMMENT	https://www.fcc.gov/ecfs/filing/10605199642925
6/5/2017	Hongwei dong	COMMENT	https://www.fcc.gov/ecfs/filing/106052097717442
6/5/2017	Hongwei Dong	COMMENT	https://www.fcc.gov/ecfs/filing/1060556123289
6/5/2017	Wei Shen	COMMENT	https://www.fcc.gov/ecfs/filing/106051431004774
6/5/2017	Wei Shen	COMMENT	https://www.fcc.gov/ecfs/filing/106050600515796
6/5/2017	Wireless Infrastructure Association	COMMENT	https://www.fcc.gov/ecfs/filing/10605687216781
6/5/2017	Thlophlocco Tribal Town	STATEMENT	https://www.fcc.gov/ecfs/filing/1060628892187
6/2/2017	City of Eden Prairie, MN	COMMENT	https://www.fcc.gov/ecfs/filing/1060286667299
6/2/2017	City of Eden Prairie, MN	COMMENT	https://www.fcc.gov/ecfs/filing/1060277753234
6/2/2017	Missouri State Historic Preservation Office	COMMENT	https://www.fcc.gov/ecfs/filing/10602261731475
6/2/2017	Texas Historical Commission	COMMENT	https://www.fcc.gov/ecfs/filing/10602224419363
6/2/2017	Picayune Rancheria of the Chukchansi Indians, Table Mountain Rancheria of California, Santa Rosa Indian Community of the Santa Rosa Rancheria, California, Tule River Reservation	LETTER	https://www.fcc.gov/ecfs/filing/10602023412958
6/1/2017	City of New York	COMMENT	https://www.fcc.gov/ecfs/filing/10601091334882
6/1/2017	Starry, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10601571795115
5/31/2017	NATOA, USCM, NLC, NACo, GFOA, IMLA, NATaT, NARC	COMMENT	https://www.fcc.gov/ecfs/filing/1053158773519
5/31/2017	Rhode Island Historical Preservation and Heritage Commission (SHIPO)	COMMENT	https://www.fcc.gov/ecfs/filing/10531995825066
5/31/2017	Ronald Di Giovanna	COMMENT	https://www.fcc.gov/ecfs/filing/10531001039026
5/26/2017	Allyson Brooks	COMMENT	https://www.fcc.gov/ecfs/filing/105260595007387

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 93 of 97

Date Received	Filers(\$)	Filing Type	Link
5/26/2017	Public Knowledge, The Greenlining Institute, National Association of the Deaf, Center for Rural Strategies, Kentucky Resources Council, National Consumer Law Center, Telecommunications for the Deaf and Hard of Hearing, DHH-RERC, United Church of Christ	MOTION FOR EXTENSION OF TIME	https://www.fcc.gov/ecfs/filing/10526208512235
5/26/2017	Unknown	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/106052146417026
5/26/2017	Wireless Telecommunications Bureau	ORDER	https://www.fcc.gov/ecfs/filing/0526136584910
5/25/2017	Thlophlocco Tribal Town	COMMENT	https://www.fcc.gov/ecfs/filing/1052513840658
5/25/2017	Wireless Telecommunications Bureau	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10525151317807
5/24/2017	CTIA, Wireless Infrastructure Association, Competitive Carriers Association	MOTION	https://www.fcc.gov/ecfs/filing/105240439006780
5/23/2017	Jennifer Brens	COMMENT	https://www.fcc.gov/ecfs/filing/1052350490391
5/23/2017	Melvna Heisch	COMMENT	https://www.fcc.gov/ecfs/filing/1052381204178
5/22/2017	Francis J Marrano	COMMENT	https://www.fcc.gov/ecfs/filing/1052190883438
5/19/2017	Gary Beikmann	COMMENT	https://www.fcc.gov/ecfs/filing/105192561927496
5/19/2017	National League of Cities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10519947406489
5/19/2017	National League of Cities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10519117469760
5/19/2017	National League of Cities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10519269612717
5/18/2017	National League of Cities	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105191581624847
5/17/2017	Sprint	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1051728259995
5/16/2017	City of Kenmore, Washington and David Baker, Vice-Chair, National League of Cities Information Technology and Communications Committee	COMMENT	https://www.fcc.gov/ecfs/filing/1051685532325
5/16/2017	Wireline Competition Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/05310284030770
5/15/2017	International Telecommunications Users Group	COMMENT	https://www.fcc.gov/ecfs/filing/10515567803059
5/15/2017	Wampanoag Tribe of Gay Head (Aquinnah)	COMMENT	https://www.fcc.gov/ecfs/filing/10515789022423
5/15/2017	British Embassy, Washington	LETTER	https://www.fcc.gov/ecfs/filing/105150601207220
5/15/2017	R Street Institute	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105152914815358
5/15/2017	Southern Light, LLC, Uniti Group Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1051573352688
5/12/2017	City of Houston	COMMENT	https://www.fcc.gov/ecfs/filing/105121946810802
5/12/2017	Montgomery County, Maryland	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1051295202999
5/12/2017	Montgomery County, Maryland	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105120986803483
5/12/2017	Montgomery County, Maryland	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10512278328322
5/11/2017	Representative Sloan	COMMENT	https://www.fcc.gov/ecfs/filing/10511170722500
5/11/2017	Wireless Telecommunications Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/0615025456596
5/11/2017	Wireless Telecommunications Bureau	PUBLIC NOTICE	https://www.fcc.gov/ecfs/filing/061424966407
5/10/2017	james mc Murray	COMMENT	https://www.fcc.gov/ecfs/filing/10510463203884
5/10/2017	Charter Communications, Inc.	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/105111804417537

In the Matter of
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Date Received	Filers(s)	Filing Type	Link
4/28/2017	kelly hickey	COMMENT	https://www.fcc.gov/ecfs/filing/104280478302581
4/28/2017	Kerry Born	COMMENT	https://www.fcc.gov/ecfs/filing/10428296032801
4/28/2017	Marc Schwedelson	COMMENT	https://www.fcc.gov/ecfs/filing/104282074523798
4/28/2017	ACT The App Association,Southern DNA, TM Technologies,Alchemy Security,FMS, Inc., Cosmic Innovations,Dogtown Media,1564B,Remine,NeuEon,Colorado Technology Consultants	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104280818100983
4/28/2017	ACT The App Association,Southern DNA, TM Technologies,Alchemy Security,FMS, Inc., Cosmic Innovations,Dogtown Media,1564B,Remine,NeuEon,Colorado Technology Consultants	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10428945028420
4/28/2017	ACT The App Association,Southern DNA, TM Technologies,Alchemy Security,FMS, Inc., Cosmic Innovations,Dogtown Media,1564B,Remine,NeuEon,Colorado Technology Consultants	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10428170090377
4/28/2017	ACT The App Association,Southern DNA, TM Technologies,Alchemy Security,FMS, Inc., Cosmic Innovations,Dogtown Media,1564B,Remine,NeuEon,Colorado Technology Consultants	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10428004897433
4/28/2017	ACT The App Association,Southern DNA, TM Technologies,Alchemy Security,FMS, Inc., Cosmic Innovations,Remine,NeuEon,Alchemy Security,Colorado Technology Consultants	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104283093502179
4/28/2017	ACT The App Association, TM Technologies, Cosmic Innovations, Remine, NeuEon, Alchemy Security, Colorado Technology Consultants	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/10428002214273
4/27/2017	Bridget Born	COMMENT	https://www.fcc.gov/ecfs/filing/1042785345052
4/27/2017	Texas Historical Commission	LETTER	https://www.fcc.gov/ecfs/filing/10502958305000
4/27/2017	Iowa City Area Chamber of Commerce	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/104271829116008
4/26/2017	City of Columbia, South Carolina, United States Conference of Mayors	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1042688801712
4/26/2017	Columbia, South Carolina, United States Conference of Mayors	NOTICE OF EXPARTE	https://www.fcc.gov/ecfs/filing/1042661704501
4/25/2017	Texas Historical Commission	LETTER	https://www.fcc.gov/ecfs/filing/1050248966443
4/24/2017	17-79	RULEMAKING	https://www.fcc.gov/ecfs/filing/1042485654600

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 94 of 97

In the Matter of
 Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment
 Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment
 WC Docket No. 17-84 & WT Docket No. 17-79

THIRD REPORT AND ORDER AND DECLARATORY RULING

Case: 19-70123, 05/10/2019, ID: 11293536, DktEntry: 67, Page 95 of 97

Date Received	Filers(s)	Filing Type	Link
4/21/2017	Wireless Telecommunications Bureau	NOTICE OF PROPOSED RULEMAKING	https://www.fcc.gov/ecfs/filing/0421294395880
4/21/2017	Wireline Competition Bureau	NOTICE OF PROPOSED RULEMAKING	https://www.fcc.gov/ecfs/filing/0421885402163
4/20/2017	City Of Kenmore, Washington	OTHER	https://www.fcc.gov/ecfs/filing/1050191887425
4/20/2017	Wireless Telecommunications Bureau	OTHER	https://www.fcc.gov/ecfs/filing/0420177508133
4/20/2017	Wireline Competition Bureau	OTHER	https://www.fcc.gov/ecfs/filing/04201139109158

Federal Communications Commission

FCC 17-38

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Accelerating Wireless Broadband Deployment by) WT Docket No. 17-79
Removing Barriers to Infrastructure Investment)

NOTICE OF PROPOSED RULEMAKING AND NOTICE OF INQUIRY

Adopted: April 20, 2017

Released: April 21, 2017

Comment Date: (30 days after date of publication in the Federal Register)

Reply Comment Date: (60 days after date of publication in the Federal Register)

By the Commission: Chairman Pai and Commissioner O’Rielly issuing separate statements;
Commissioner Clyburn concurring and issuing a statement.

TABLE OF CONTENTS

Heading Paragraph #
I. INTRODUCTION..... 1
II. NOTICE OF PROPOSED RULEMAKING 4
A. Streamlining State and Local Review 4
1. “Deemed Granted” Remedy for Missing Shot Clock Deadlines..... 8
2. Reasonable Period of Time to Act on Applications 17
3. Moratoria 22
B. Reexamining National Historic Preservation Act and National Environmental Policy Act
Review 23
1. Background 25
2. Updating Our Approach to the NHPA and NEPA 32
a. Need for Action 32
b. Process Reforms 42
(i) Tribal Fees..... 42
(ii) Other NHPA Process Issues 60
(iii) NEPA Process 65
c. NHPA Exclusions for Small Facilities 66
(i) Pole Replacements 67
(ii) Rights of Way..... 69
(iii) Collocations..... 72
d. Scope of Undertaking and Action..... 76
3. Collocations on Twilight Towers 78
4. Collocations on Other Non-Compliant Towers..... 86
III. NOTICE OF INQUIRY 87
A. Intersection of Sections 253(a) and 332(c)(7)..... 88
B. “Prohibit or Have the Effect of Prohibiting” 90
C. “Regulations” and “Other Legal Requirements” 95
D. Unreasonable Discrimination..... 97
IV. PROCEDURAL MATTERS..... 100

A. Initial Regulatory Flexibility Analysis..... 100

B. Initial Paperwork Reduction Act Analysis..... 101

C. Other Procedural Matters..... 102

 1. Ex Parte Rules – Permit-but-Disclose 102

 2. Comment Filing Procedures..... 104

V. ORDERING CLAUSES..... 108

APPENDIX – Initial Regulatory Flexibility Analysis

I. INTRODUCTION

1. The deployment of next-generation wireless broadband has the potential to bring enormous benefits to the Nation’s communities. By one assessment, the next generation of wireless broadband is expected to directly involve \$275 billion in new investment, and could help create 3 million new jobs and boost annual GDP by \$500 billion.¹ Reflecting these benefits, use of wireless broadband service and capacity has been growing dramatically, and such growth is widely expected to continue due to the increasing use of high-bandwidth applications like mobile streaming, the greater expected capacity of 5G connections, and the deployment of the Internet of Things (IoT).² Continuing to meet this demand and realizing the potential benefits of next-generation broadband will depend, however, on having an updated regulatory framework that promotes and facilitates next generation network infrastructure facility deployment.

2. This Notice of Proposed Rulemaking and Notice of Inquiry (NPRM and NOI, respectively) commences an examination of the regulatory impediments to wireless network infrastructure investment and deployment, and how we may remove or reduce such impediments consistent with the law and the public interest, in order to promote the rapid deployment of advanced wireless broadband service to all Americans. Because providers will need to deploy large numbers of wireless cell sites to meet the country’s wireless broadband needs and implement next generation technologies, there is an urgent need to remove any unnecessary barriers to such deployment, whether caused by Federal law, Commission processes, local and State reviews, or otherwise.

3. We expect the measures on which we seek comment to be only a part of our efforts to expedite wireless infrastructure deployment. We invite commenters to propose other innovative approaches to expediting deployment. Further, our process for implementing Section 106 of the National Historic Preservation Act is governed by certain Nationwide Programmatic Agreements and affects States as well as federally recognized Tribal Nations. We look forward to working with these partners on

¹ See accenturestrategy, “Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities,” <http://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf> (“Smart Cities Paper”).

² See Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2016-2021, at 15 (100 Mbps 5G connections are expected to drive high traffic volumes). Cisco estimates that a 5G connection will generate 4.7 times more traffic than the average 4G connection. See *id.* at 3. Another estimate projects that peak period bandwidth demand will increase at a compounded annual rate of 52 percent. See Information Technology & Innovation Foundation, “5G and Next Generation Wireless: Implications for Policy and Competition,” June 2016, at 1, <http://www2.itif.org/2016-5g-next-generation.pdf>. Overall, it is estimated that, by 2019, mobile data traffic in the United States will have grown by nearly six times over the traffic level that existed in 2014, when the Commission last addressed wireless facility siting issues in a rulemaking. See CTIA-The Wireless Association®, “Mobile Data Demand: Growth Forecasts Met,” Thomas K. Sawanobori, Dr. Robert Roche, June 22, 2015, at 1, <http://www.ctia.org/docs/default-source/default-document-library/062115mobile-data-demands-white-paper-new.pdf>.

proposals involving the Section 106 review process that require amendments or supplements to these agreements.³

II. NOTICE OF PROPOSED RULEMAKING

A. Streamlining State and Local Review

4. This NPRM examines regulatory impediments to wireless infrastructure investment and deployment and seeks comment on measures to help remove or reduce such impediments. In this section, we address the process for reviewing and deciding on wireless facility deployment applications conducted by State and local regulatory agencies. We seek comment on several potential measures or clarifications intended to expedite such review pursuant to our authority under Section 332 of the Communications Act.

5. Congress enacted the Telecommunications Act of 1996 as a “pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans”⁴ One provision of that enactment, Section 332(c)(7), strikes a balance between “preserv[ing] the traditional authority of state and local governments to regulate the location, construction, and modification of wireless communications facilities like cell phone towers” and “reduc[ing] . . . the impediments imposed by local governments upon the installation of facilities for wireless communications.”⁵ Thus, Section 332(c)(7)(A) preserves “the authority of a State or local government . . . over decisions regarding the placement, construction, and modification of personal wireless service facilities,” subject to significant limitations – including Section 332(c)(7)(B)(ii), which requires States and local governments to “act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with [the relevant] government or instrumentality, taking into account the nature and scope of such request.”⁶ The purpose of the latter provision is to counteract delays in State and local governments’ consideration of wireless facility siting applications, which thwart timely rollout and deployment of wireless service. Congress took further action to streamline this process in 2012 by enacting Section 6409(a) of the Spectrum Act, which provides that “a State or local government may not deny, and shall approve,” applications to deploy or modify certain types of wireless facilities.⁷

6. The Commission has taken a number of important actions to date implementing Section 332(c)(7) of the Communications Act (Act) and Section 6409(a) of the Spectrum Act, each of which has been upheld by federal courts.⁸ We seek to assess the impact of the Commission’s actions to date, in

³ See Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, 47 CFR Part 1, App’x B (Collocation NPA); Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, 47 CFR Part 1, App’x C (NPA). See also *Wireless Telecommunications Bureau Announces Execution of First Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, Public Notice, 31 FCC Rcd 8824 (WTB 2016).

⁴ Telecommunications Act of 1996, S. Rep. 104-230, at 1 (Feb. 1, 1996) (Conf. Report).

⁵ *T-Mobile South, LLC v. City of Roswell*, 135 S. Ct. 808, 814 (2015); *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115 (2005).

⁶ See 47 U.S.C. § 332(c)(7)(B)(ii). Such decisions must be “in writing and supported by substantial evidence contained in a written record.” *Id.* § 332(c)(7)(B)(iii).

⁷ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, § 6409(a) (2012) (Spectrum Act), *codified at* 47 U.S.C. § 1455(a).

⁸ See, e.g., *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*), *aff’d*, *City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012), *aff’d*, 133 S. Ct. 1863 (2013); *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865 (2014) (*2014 Infrastructure Order*), erratum, 30 FCC Rcd 31 (2015), *aff’d*, *Montgomery County v. FCC*, 811 F.3d 121 (4th Cir. 2015).

order to evaluate the measures we discuss in the NPRM, as well as other possible actions, and to determine whether those measures are likely to be effective in further reducing unnecessary and potentially impermissible delays and burdens on wireless infrastructure deployment associated with State and local siting review processes. Thus, we ask parties to submit facts and evidence on the issues discussed below and on any other matters relevant to the policy proposals set forth here. We seek information on the prevalence of barriers, costs thereof, and impacts on investment in and deployment of wireless services, including how such costs compare to the overall costs of deployment. We seek information on the specific steps that various regulatory authorities employ at each stage in the process of reviewing applications, and which steps have been most effective in efficiently resolving tensions among competing priorities of network deployment and other public interest goals. In addition, parties should detail the extent to which the Commission's existing rules and policies have or have not been successful in addressing local siting review challenges, including effects or developments since the *2014 Infrastructure Order*, the Commission's most recent major decision addressing these issues.⁹

7. Further, in seeking comment on new or modified measures to expedite local review, we invite commenters to discuss what siting applicants can or should be required to do to help expedite or streamline the siting review process. Are there ways in which applicants are causing or contributing to unnecessary delay in the processing of their siting applications? If so, we seek comment on how we should address or incorporate this consideration in any action we take in this proceeding. For example, to what extent have delays been the result of incomplete applications or failures to properly respond to requests to the applicant for additional information, and how should measures we adopt or revise to streamline application review ensure that applicants are responsible for supplying complete and accurate filings and information? Further, are there steps the industry can take outside the formal application review process that may facilitate or streamline such review? Are there siting practices that applicants can or should adopt that will facilitate faster local review while still achieving the deployment of infrastructure necessary to support advanced wireless broadband services?

1. “Deemed Granted” Remedy for Missing Shot Clock Deadlines

8. The Commission has previously considered, but not adopted, proposals to establish a “deemed granted” remedy for violations of Section 332(c)(7)(B)(ii) in the context of applications outside the scope of the Spectrum Act.¹⁰ That is, the Commission has declined to establish that a non-Spectrum Act siting application would be “deemed granted” if a State or local agency responsible for land-use decisions fails to act on it by the applicable shot clock deadline. The Commission's existing policy for non-Spectrum Act siting applications provides that State or local agencies are obligated to act within a presumptively “reasonable period of time” – *i.e.*, the 90-day shot clock for collocation applications and the 150-day shot clock for other applications – and, upon the agency's “failure to act” by the pertinent deadline, the applicant may sue the agency pursuant to Section 332(c)(7)(B)(v) within 30 days after the date of that deadline.¹¹ In such litigation, the agency may attempt to “rebut the presumption that the established timeframes are reasonable” – for example, by demonstrating that slower review in a particular

⁹ To the extent that parties have submitted information in response to the Wireless Telecommunications Bureau's *Streamlining PN* that is relevant to these questions, we invite them to submit such data in the present docket. See *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition For Declaratory Ruling*, Public Notice, 31 FCC Rcd 13360, 13368 (WTB 2016) (*Streamlining PN*); comment period extended by *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition For Declaratory Ruling*, Order, 32 FCC Rcd 335 (WTB 2017). In addition, to the extent parties discuss the conduct or practices of government bodies or wireless facility siting applicants, we strongly urge them to identify the particular entities that they assert engaged in such conduct or practices.

¹⁰ *2009 Shot Clock Declaratory Ruling*, 24 FCC Rcd at 14009, para. 39. The Commission reaffirmed this ruling as to applications not subject to the Spectrum Act in the *2014 Infrastructure Order*. See 29 FCC Rcd at 12961, para. 226.

¹¹ *2009 Shot Clock Declaratory Ruling*, 24 FCC Rcd at 14008-10, 14013-14, paras. 37-42, 49-50.

case was reasonable in light of the “nature and scope of the request,” or for other reasons.¹² If the agency fails to make such a showing, it may face “issuance of an injunction granting the application.”¹³ By contrast, for applications subject to Section 6409(a) of the Spectrum Act, the Commission adopted a “deemed granted” remedy: if a State or local agency fails to act on such an application by the 60-day deadline, the application will be “deemed granted.”¹⁴

9. We now take a fresh look and seek comment on a “deemed granted” remedy for State and local agencies’ failure to satisfy their obligations under Section 332(c)(7)(B)(ii) to act on applications outside the context of the Spectrum Act. We invite commenters to address whether we should adopt one or more of the three options discussed below regarding the mechanism for implementing a “deemed granted” remedy. We describe each of these options below and explain our analysis of the Commission’s legal authority to adopt each of them. We seek comment on the benefits and detriments of each option and invite parties to discuss our legal analysis. We also seek comment on whether there are other options for implementing a “deemed granted” remedy.

10. *Irrebuttable Presumption.* In the *2009 Shot Clock Declaratory Ruling*, the Commission created a “rebuttable presumption” that the shot clock deadlines established by the Commission were reasonable. The Commission anticipated that this would give State and local regulatory agencies “a strong incentive to resolve each application within the time frame defined as reasonable.”¹⁵ Thus, when an applicant sues pursuant to Section 332(c)(7)(B)(v) to challenge an agency’s failure to act on an application by the applicable deadline, the agency would face the burden of “rebut[ting] the presumption that the established timeframes are reasonable,”¹⁶ and if it fails to satisfy this burden, the court could “issu[e] . . . an injunction granting the application.”¹⁷ We believe one option for establishing a “deemed granted” remedy for a State or local agency’s failure to act by the applicable deadline would be to convert this *rebuttable presumption* into an *irrebuttable* presumption. Thus, our determination of the reasonable time frame for action (*i.e.*, the applicable shot clock deadline) would “set an absolute limit that – in the event of a failure to act – results in a deemed grant.”¹⁸

11. We believe we have legal authority to adopt this approach, for the following reasons. First, we see no reason to continue adhering to the cautious approach articulated in the *2009 Shot Clock Declaratory Ruling* – *i.e.*, that Section 332(c)(7) “indicates Congressional intent that courts should have

¹² *Id.* at 14010-11, paras. 42, 44.

¹³ *Id.* at 14009, para. 38; *see also City of Rancho Palos Verdes*, 504 U.S. 116 (proper remedies for Section 332(c)(7) violations include injunctions but not constitutional-tort damages).

¹⁴ *2014 Infrastructure Order*, 29 FCC Rcd at 12957, para. 216. In such cases, applicants may sue and seek a declaratory judgment confirming that an application was “deemed granted” due to the State or local agency’s failure to act within the 60-day shot clock deadline status, while an agency could sue to challenge an applicant’s claim that an application was “deemed granted.” *Id.* at 12963-64, paras. 234-36. *See also id.* at 12961, para. 226 (“deemed grant” status takes effect only after applicant notifies the reviewing jurisdiction in writing); *id.* at 12962, para. 231 (listing issues a locality could raise in litigation to challenge an applicant’s claimed “deemed grant”). The Commission clarified that, prior to the 60-day deadline, State and local agencies may review applications to determine whether they constitute covered requests” and may “continue to enforce and condition approval [of such applications] on compliance with non-discretionary codes reasonably related to health and safety, including building and structural codes.” *Id.* at 12955, para. 211; *see also id.* at 12951, 12956, paras. 202, 214 n.595.

¹⁵ *2009 Shot Clock Declaratory Ruling*, 24 FCC Rcd at 14009, para. 38.

¹⁶ For example, the locality could rebut the presumption that the established deadlines are reasonable” by showing that, in light of the “nature and scope of the request” in a particular case, it “reasonably require[d] additional time” to negotiate a settlement or to prepare a written explanation of its decision. *Id.* at 14011, para. 44.

¹⁷ *Id.* at 14008-09, para. 38.

¹⁸ *2014 Infrastructure Order*, at 12991, para. 226 (describing impact of irrebuttable presumption in context of applications subject to the Spectrum Act).

the [sole] responsibility to fashion . . . remedies” on a “case-specific” basis.¹⁹ The Commission advanced that theory without citing any legislative history or other sources, and the Fifth Circuit, in its decision upholding the *2009 Shot Clock Declaratory Ruling*, apparently declined to rely on it. Instead, the Fifth Circuit found *no* indication in the statute and its legislative history of any clear Congressional intent on whether the Commission could “issue an interpretation of § 332(c)(7)(B)(v) that would guide courts’ determinations of disputes under that section,” and went on to affirm that the Commission has broad authority to render definitive interpretations of ambiguous provisions such as this one in Section 332(c)(7).²⁰ The Fifth Circuit further found – and the Supreme Court affirmed – that courts must follow such Commission interpretations.²¹

12. We thus believe we have authority to adopt irrebuttable presumptions establishing as a matter of rule the maximum reasonable amount of time available to review a wireless facilities application, and seek comment on this conclusion. As the Fifth Circuit found, the inherent ambiguity in “the phrase ‘reasonable period of time,’ as it is used in § 332(c)(7)(B)(ii),” leaves ample “room for agency guidance on the amount of time state and local governments have to act on wireless facility zoning applications.”²² We see nothing in the statute that explicitly compels a case-by-case assessment of the relevant circumstances for each individual application, nor any provision specifically requiring that those time frames be indefinitely adjustable on an individualized basis, rather than subject to dispositive maximums that may be deemed reasonable as applied to specified categories of applications.²³ While Section 332(c)(7)(B)(ii) provides that a locality must act on each application “within a reasonable time, taking into account the nature and scope of such request,”²⁴ this does not necessarily mean that a reviewing court “must consider the specific facts of individual applications”²⁵ to determine whether the locality acted within a reasonable time frame; the Commission is well-positioned to take into account the “nature and scope” of particular categories of applications in determining the maximum reasonable amount of time for localities to address each type.

13. Moreover, the Fourth Circuit, in affirming the *2014 Infrastructure Order*, held that the “deemed granted” remedy adopted in the context of the Spectrum Act was permissible under the Tenth Amendment, was consistent with the statutory purpose (*i.e.*, ensuring that deployment “applications are not mired in the type of protracted approval processes that the Spectrum Act was designed to avoid”),²⁶ and was well within the Commission’s authority. We do not view Sections 332(c)(7)(B)(ii) and (v) as materially different from the Spectrum Act in this regard, and we therefore believe that the same “deemed granted” remedy is within the Commission’s authority under those statutory provisions as well, where the Commission exercises its statutory authority in accordance with *City of Arlington* to establish standards,

¹⁹ *2009 Shot Clock Declaratory Ruling*, 24 FCC Rcd at 14009, para. 39.

²⁰ *City of Arlington v. FCC*, 668 F.3d at 251. See also *id.* at 250-51 (“Had Congress intended to insulate § 332(c)(7)(B)’s limitations from the FCC’s jurisdiction, one would expect it to have done so explicitly[.] * * * Here, however, Congress did not clearly remove the FCC’s ability to implement the limitations set forth in § 332(c)(7)(B) . . .”).

²¹ *City of Arlington v. FCC*, 668 F.3d at 249-50; 133 S. Ct. at 1871-73. See also *National Cable & Telecomm. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 985 (2005) (Commission’s interpretation of an ambiguous statutory provision overrides earlier court decisions interpreting the same provision).

²² *City of Arlington*, 668 F.3d at 255.

²³ *2009 Shot Clock Declaratory Ruling*, 24 FCC Rcd at 14009, para. 39.

²⁴ 47 U.S.C. § 332(c)(7)(B)(ii).

²⁵ *2009 Shot Clock Declaratory Ruling*, 24 FCC Rcd at 14009, para. 39.

²⁶ *Montgomery County*, 811 F.3d 121, 128.

in specific contexts, for what constitutes “a reasonable period of time after the request is duly filed.”²⁷ We seek comment on this analysis.

14. *Lapse of State and Local Governments’ Authority.* In the alternative (or in addition) to the irrebuttable presumption approach discussed above, we believe we may implement a “deemed granted” remedy for State and local agencies’ failure to act within a reasonable time based on the following interpretation of ambiguous provisions in the statute. Section 332(c)(7)(A) assures these agencies that their “authority over decisions concerning the placement, construction, and modification of personal wireless service facilities” is preserved—but significantly, qualifies that assurance with the provision “*except as provided*” elsewhere in Section 332(c)(7). We seek comment on whether we should interpret this phrase as meaning that if a locality fails to meet its obligation under Section 332(c)(7)(B)(ii) to “act on [a] request for authorization to place, construct, or modify personal wireless facilities within a reasonable period of time,” then its “authority over decisions concerning” that request lapses and is no longer preserved. Under this interpretation, by failing to act on an application within a reasonable period of time, the agency would have defaulted its authority over such applications (*i.e.*, lost the protection of Section 332(c)(7)(A), which otherwise would have preserved such authority), and at that point no local land-use regulator would have authority to approve or deny an application. Arguably, we could establish that in those circumstances, there is no need for an applicant to seek such approval. We seek comment on this interpretation and on the desirability of taking this approach.

15. *Preemption Rule.* A third approach to establish a “deemed granted” remedy—standing alone or in tandem with one or both of the approaches outlined above—would be to promulgate a rule to implement the policies set forth in Section 332(c)(7). Sections 201(b) and 303(r), as well as other statutory provisions, generally authorize the Commission to adopt rules or issue other orders to carry out the substantive provisions of the Communications Act.²⁸ Further, the Fifth Circuit affirmed the determination in the *2009 Shot Clock Declaratory Ruling* that the Commission’s “general authority to make rules and regulations to carry out the Communications Act includes the power to implement § 332(c)(7)(B)(ii) and (v).”²⁹ Accordingly, we seek comment on whether we could promulgate a “deemed granted” rule to implement Section 332(c)(7). We also seek comment on whether Section 253, standing alone or in conjunction with Section 332(c)(7) or other provisions of the Act, provides the authority for the Commission to promulgate a “deemed granted” rule.³⁰

²⁷ See *City of Arlington*, 133 S. Ct. at 1868; 47 U.S.C. § 332(c)(7)(B)(ii).

²⁸ See 47 U.S.C. §§ 201(b) (“The Commission may prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act.”), 303(r) (directing the Commission to “[m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act”). See also 47 U.S.C. § 154(i); *AT&T Corp. v. Iowa Utilities Board*, 525 U.S. 366, 380 (1999) (“§ 201(b) explicitly gives the FCC jurisdiction to make rules governing matters to which the 1996 Act applies.”) (emphasis in original); *City of Arlington*, 133 S. Ct. at 1866 (in specific context of Section 332(c)(7), stating: “Section 201(b) . . . empowers the . . . Commission to ‘prescribe such rules and regulations as may be necessary in the public interest to carry out [its] provisions.’ Of course, that rulemaking authority extends to the subsequently added portions of the Act.”) (quoting § 201(b) and citing *Brand X*).

²⁹ *City of Arlington*, 668 F.3d at 249; see also *id.* at 252-54 (finding that the Commission’s interpretation was a permissible construction of the ambiguous provisions in § 332(c)(7), and the interpretation was entitled to deference); *id.* at 247 & n.83 (summarizing Commission’s analysis and citing 47 U.S.C. §§ 151, 154(i), 201(b), and 303(r) as basis for the Commission’s general authority to adopt rules and orders to implement the Act), *aff’d in pertinent part*, 133 S. Ct. at 1866. See also *2009 Shot Clock Declaratory Ruling*, 24 FCC Rcd at 14001-03, paras. 23-26 (legal analysis interpreting Sections 332(c)(7), 201(b), and 303(r)).

³⁰ State or local governments’ failures to act within reasonable time frames arguably could violate Section 253(a) if they have the “effect of prohibiting” wireless carriers’ provision of service; and this might justify our addressing this problem by adopting a rule to implement the policies of Section 253(a) as well as Section 332(c)(7). See *infra* Sections III.A and C (discussing implications of the overlapping provisions in Sections 253(a) and

(continued...)

16. In considering adoption of rules implementing Section 332(c)(7)(B)(i), (ii), and (iii), we are aware of a statement in the Conference Report issued in connection with the Telecommunications Act of 1996 that “[i]t is the intent of the conferees that other than under Section 332(c)(7)(B)(iv) . . . the courts shall have exclusive jurisdiction over all . . . disputes arising under this section.”³¹ Does this statement, standing alone, affect our authority to adopt rules governing disputes about localities’ failure to comply with their obligations under Section 332(c)(7)(B)(ii) to act on siting applications within a reasonable time? Or is a generic rule distinguishable from a proceeding addressing a dispute between a particular applicant and a particular State or local regulator? Can a statement in legislative history foreclose us from complying with an explicit mandate elsewhere in the Communications Act? Does it prevent us from exercising the rulemaking authority explicitly granted by Sections 201(b) and 303(r)?³² We are mindful of the D.C. Circuit’s admonition that “a plain reading of an unambiguous statute cannot be eschewed in favor of a contrary reading, suggested only by the legislative history and not by the text itself,” and that “[w]e will not permit a committee report to trump clear and unambiguous statutory language.”³³ We invite commenters to address these issues.

2. Reasonable Period of Time to Act on Applications

17. In 2009, the Commission determined that, for purposes of determining what is a “reasonable period of time” under Section 332(c)(7)(B)(ii), 90 days should be sufficient for localities to review and act on (either by approving or denying) complete collocation applications, and that 150 days is a reasonable time frame for them to review and act on other types of complete applications to place, construct, or modify wireless facilities.³⁴ In its *2014 Infrastructure Order*, the Commission implemented Section 6409(a) of the Spectrum Act (enacted by Congress in 2012)³⁵ by, among other things, creating a new 60-day shot clock within which localities must act on complete applications subject to the definitions in the Spectrum Act.³⁶

18. We ask commenters to discuss whether the Commission should consider adopting different time frames for review of facility deployments not covered by the Spectrum Act. For example, we seek comment on whether we should harmonize the shot clocks for applications that are not subject to the Spectrum Act with those that are, so that, for instance, the time period deemed reasonable for non-Spectrum Act collocation applications would change from 90 days to 60 days.³⁷ Alternatively, should we establish a 60-day shot clock for some subset of collocation applications that are not subject to the

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253(c)(7)(B)(i)(II) banning State or local legal requirements that “prohibit or have the effect of prohibiting” the provision of wireless telecommunications service).

³¹ S. Rep. No. 104-230, at 207-08 (1996) (Conf. Rep.).

³² *See supra*.

³³ *ACLU v. FCC*, 823 F.2d 1554, 1568 (D.C. Cir. 1987). *See also United States v. Gonzales*, 520 U.S. 1, 6 (1997) (rejecting “resort to legislative history” to interpret a “straightforward statutory command,” where “the legislative history only muddies the waters.”); *Ratzlaf v. United States*, 510 U.S. 135, 147-48 (1994) (even where there are “contrary indications in the statute’s legislative history[.] . . . we do not resort to legislative history to cloud a statutory text that is clear.”).

³⁴ *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd 13994, 14004, 14012-13, paras. 32, 45-48 (2009) (*2009 Shot Clock Declaratory Ruling*), *aff’d*, *City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012), *aff’d*, 133 S. Ct. 1863 (2013).

³⁵ Section 6409(a) of the Spectrum Act, 47 U.S.C. § 1455(a), mandates that State and local land-use regulators “must approve, and may not deny” applications to deploy wireless facilities within a specified, narrow category.

³⁶ *2014 Infrastructure Order*, 29 FCC Rcd at 12956-57, para. 215. The Commission also defined each of the terms used in the Spectrum Act to specify the types of facilities subject to mandatory approval. *See id.* at 12926-51, paras. 145-204; 47 CFR § 1.40001(b).

³⁷ *2014 Infrastructure Order*, 29 FCC Rcd at 12957, para. 215; 47 CFR § 1.40001(c)(2).

Spectrum Act, for example, applications that meet the relevant dimensional limits but are nevertheless not subject to the Spectrum Act because they seek to collocate equipment on non-tower structures that do not have any existing antennas?³⁸ Should we adopt different presumptively reasonable time frames for resolving applications for more narrowly defined classes of deployments such as (a) construction of new structures of varying heights (e.g., 50 feet tall or less, versus 50 to 200 feet tall, versus taller than 200 feet); (b) construction of new structures in or near major utility or transportation rights of way, or that are in or near established clusters of similar structures, versus those that are not; (c) deployments in areas that are zoned for residential, commercial, or industrial use, or in areas where zoning or planning ordinances contemplate little or no additional development; or (d) replacements or removals that do not fall within the scope of Section 6409(a) of the Spectrum Act (for example, because they exceed the dimensional limits for requests covered by that provision)? We also request comment on whether to establish different time frames for (i) deployment of small cell or Distributed Antenna System (DAS) antennas or other small equipment versus more traditional, larger types of equipment or (ii) requests that include multiple proposed deployments or, equivalently, “batches” of requests submitted by a single provider to deploy multiple related facilities in different locations, versus proposals to deploy one facility.³⁹ Should we align our definitions of categories of deployments for which we specify reasonable time frames for local siting review with our definitions of the categories of deployments that are categorically excluded from environmental or historic preservation review?⁴⁰

19. We seek comment on what time periods would be reasonable (outside the Spectrum Act context) for any new categories of applications, and on what factors we should consider in making such a decision. For what types or categories of wireless siting applications may shorter time periods be reasonable than those established in the *2009 Shot Clock Declaratory Ruling*? We invite commenters to submit information to help guide our development of appropriate time frames for various categories of deployment. We ask commenters to submit any available data on whether localities already recognize different categories of deployment in their processes, and on the actual amounts of time that localities have taken under particular circumstances.

20. We also seek comment on whether the Commission should provide further guidance to address situations in which it is not clear when the shot clock should start running, or in which States and localities on one hand, and industry on the other, disagree on when the time for processing an application begins. For instance, we have heard anecdotally that some jurisdictions impose a “pre-application” review process, during which they do not consider that a request for authorization has been filed. We seek comment on how the shot clocks should apply when there are such pre-application procedures; at what point should the clock begin to run? Are there other instances in which there is a lack of clarity or disagreement about when the clock begins to run? We ask parties to address whether and how the Commission should provide clarification of how our rules apply in those circumstances.

21. Finally, we seek comment on whether there are additional steps that should be considered to ensure that a deemed granted remedy achieves its purpose of expediting review. For example, to what extent can the attachment of conditions to approvals of local zoning applications slow the deployment of infrastructure? Are applicants encountering requirements to comply with codes that are not reasonably

³⁸ See *2014 Infrastructure Order*, 29 FCC Rcd at 12935, para. 168 (finding that the term “existing . . . base station” in Section 6409(a)(2) covers only structures that, at the time of the application, supports or houses base station equipment); 47 CFR § 1.40001(b)(1)(iv).

³⁹ The Wireless Telecommunications Bureau also sought comment on these issues in the *Streamlining PN*. See 31 FCC Rcd at 13370-71.

⁴⁰ See 47 CFR §§ 1.1306, 1.1307.

related to health and safety?⁴¹ To the extent these conditions present challenges to deployment, are there steps the Commission can and should take to address such challenges?

3. Moratoria

22. Another concern relating to the “reasonable periods of time” for State and local agencies to act on siting applications is that some agencies may be continuing to impose “moratoria” on processing such applications, which inhibit the deployment of the infrastructure needed to provide robust wireless services. If so, such moratoria might contravene the *2014 Infrastructure Order*, which clearly stated that the shot clock deadlines for applications continue to “run[] regardless of any moratorium.”⁴² The Commission explained that this conclusion was “consistent with a plain reading of the *2009 Declaratory Ruling*, which specifies the conditions for tolling and makes no provision for moratoria,” and concluded that this means that “applicants can challenge moratoria in court when the shot clock expires without State or local government action.”⁴³ We see no reason to depart from this conclusion. We ask commenters to submit specific information about whether some localities are continuing to impose moratoria or other restrictions on the filing or processing of wireless siting applications, including refusing to accept applications due to resource constraints or due to the pendency of state or local legislation on siting issues, or insisting that applicants agree to tolling arrangements. Commenters should identify the specific entities engaging in such actions and describe the effect of such restrictions on parties’ ability to deploy or upgrade network facilities and provide service to consumers. We propose to take any additional actions necessary, such as issuing an order or declaratory ruling providing more specific clarifications of the moratorium ban or preempting specific State or local moratoria. Commenters should discuss the benefits and detriments of any such additional measures and our legal authority to adopt them.

B. Reexamining National Historic Preservation Act and National Environmental Policy Act Review

23. In the following sections, we undertake a comprehensive fresh look at our rules and procedures implementing the National Environmental Policy Act (NEPA)⁴⁴ and the National Historic Preservation Act (NHPA)⁴⁵ as they relate to our implementation of Title III of the Act in the context of wireless infrastructure deployment, given the ongoing evolution in wireless infrastructure deployment towards smaller antennas and supporting structures as well as more frequent collocation on existing structures.

24. We note that any revisions to our rules or procedures implementing NEPA require consultation with the Council for Environmental Quality (CEQ).⁴⁶ In addition, any changes to the programmatic agreements governing our review under the NHPA would require the agreement of the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO), and other revisions to our rules governing NHPA review may benefit

⁴¹ In the context of the deemed granted remedy under the Spectrum Act, the Commission clarified that localities could “continue to enforce and condition approval [of such applications] on compliance with non-discretionary codes reasonably related to health and safety, including building and structural codes.” See *2014 Infrastructure Order*, 29 FCC Rcd at 12955, para. 211.

⁴² *2014 Infrastructure Order*, 29 FCC Rcd at 12971, para. 265; see generally *id.* at 12971-72, paras. 263-67.

⁴³ *Id.* at 12971, para. 265.

⁴⁴ 42 U.S.C. § 4321 *et seq.*

⁴⁵ 54 U.S.C. § 300101 *et seq.*

⁴⁶ 40 CFR § 1507.3(a) (“Each agency shall consult with [CEQ] while developing its procedures and before publishing them in the Federal Register for comment. ... The procedures shall be adopted only after an opportunity for public review and after review by [CEQ] for conformity with [NEPA] and [CEQ’s] regulations.”).

from their perspectives.⁴⁷ Furthermore, some of the changes discussed below might significantly or uniquely affect Tribal governments and their land and resources. The ACHP, in a filing in this proceeding, has stressed that the expertise and experience of these and other stakeholders is crucial to understanding the issues raised herein, and we emphasize that we intend to continue to work closely with ACHP and others.⁴⁸ We direct the Wireless Telecommunications Bureau (WTB), in coordination with the Consumer and Governmental Affairs Bureau, Office of Intergovernmental Affairs, and other Bureaus and Offices as appropriate, to consult with other agencies and organizations, including the CEQ, ACHP, and NCSHPO, as warranted to develop the record and obtain their perspectives on the issues herein. We further direct the Office of Native Affairs and Policy (ONAP), in coordination with WTB and other Bureaus and Offices as appropriate, to conduct government-to-government consultation as appropriate with Tribal Nations. Tribal Nations may notify ONAP of their desire for consultation via email to tribalinfrastucture@fcc.gov.

1. Background

25. *NEPA and the NHPA.* NEPA requires agencies of the Federal Government to identify and evaluate the environmental effects of proposed “major Federal actions significantly affecting the quality of the human environment”⁴⁹ In turn, Section 106 of the NHPA states that “prior to the issuance of any license,” the head of a Federal agency “shall take into account the effect of the undertaking on any historic property” and “shall afford the [ACHP] a reasonable opportunity to comment with regard to the undertaking.”⁵⁰ Similar to a “major Federal action,” an “undertaking” includes, among other things, projects, activities, or programs that “requir[e] a Federal permit, license, or approval[.]”⁵¹ Courts have generally treated Federal actions under NEPA as closely analogous to undertakings under the NHPA.⁵²

26. *Commission Precedent: Scope of Obligations.* The Commission has assumed responsibility for NEPA and NHPA review of wireless communications facilities construction based on the Commission’s actions in two areas: licensing and antenna structure registration (ASR). As a historical matter, the Commission’s initial focus on antenna sites made sense, reflecting the relatively more involved role the Commission played in the space. For instance, in 1974, when the Commission first promulgated rules implementing NEPA,⁵³ all licenses conferred authority to operate from a specific site, and the Commission was required to issue a construction permit for that site before granting the license.⁵⁴ In 1982, however, Congress amended the Communications Act to eliminate construction permits by default in some services and to authorize the Commission to waive the construction permit

⁴⁷ Agency implementation of Section 106 of the NHPA is governed by the rules of the ACHP, which specify the process under which Federal agencies shall perform their historic preservation reviews. 36 CFR § 800.2(a).

⁴⁸ See Letter from Milford Wayne Donaldson, FAIA, Chairman, Advisory Council on Historic Preservation, to the Honorable Ajit Pai, Chairman, FCC, WT Docket Nos. 17-79, 15-180 (filed Apr. 13, 2017) at 1.

⁴⁹ 42 U.S.C. § 4332(2)(C).

⁵⁰ 54 U.S.C. § 306108.

⁵¹ 54 U.S.C. § 300320(3). See also 40 CFR § 1508.18(b).

⁵² See, e.g., *Karst Env’tl Educ. and Prot., Inc. v. EPA*, 475 F.3d 1291, 1295-96 (D.C. Cir. 2007); *Sac & Fox Nation of Missouri v. Norton*, 240 F.3d 1250, 1263 (10th Cir. 2001). But see *Indiana Coal Council, Inc. v. Lujan*, 774 F. Supp. 1385, 1401 (D.D.C. 1991) (“Congress appears to have established different thresholds in the NHPA and in NEPA for determining whether an activity triggers the obligation . . .”).

⁵³ *Implementation of the National Environmental Policy Act*, Report and Order, 49 FCC 2d 1313, 1333, para. 46 (1974).

⁵⁴ See 47 U.S.C. § 319 (a) (“[n]o license shall be issued . . . for the operation of any station unless a permit for its construction has been granted . . .”).

requirement in the public interest in other services.⁵⁵ Currently, the Commission requires construction permits only in the broadcast services. Furthermore, licenses in many services, including most licenses in the commercial wireless services, now authorize transmissions over a particular band of spectrum within a wide geographic area without further limitation as to transmitter locations. In 1990, the Commission amended Section 1.1312 of the rules to specify that where construction of a Commission-regulated radio communications facility is permitted without prior Commission authorization (*i.e.*, without a construction permit), the licensee or applicant determines prior to construction whether the facility may have a significant environmental effect.⁵⁶ The D.C. Circuit subsequently found that the Commission's retention of limited approval authority over tower construction in Section 1.1312 to the extent necessary to ensure this review was not arbitrary and capricious.⁵⁷

27. *The Commission's Rules.* The Commission's rules require an applicant to prepare and file an environmental assessment (EA)⁵⁸ if its proposed construction meets any of several environmentally sensitive conditions specified in the rules.⁵⁹ If an EA is required, the application will not be processed and the applicant may not proceed with construction until environmental processing is completed.⁶⁰ All other constructions are categorically excluded from environmental processing unless the processing bureau determines, in response to a petition or on its own motion, that the action may nonetheless have a significant environmental impact.⁶¹

⁵⁵ 47 U.S.C. § 319(d); *see* Pub.L. 97-259, 96 Stat. 1087, § 119 (1982).

⁵⁶ 47 CFR § 1.1312(a); *see Amendment of Environmental Rules*, Report and Order, 5 FCC Rcd 2942 (1990) (*Pre-Construction Review Order*).

⁵⁷ *CTIA – The Wireless Ass'n v. FCC*, 466 F.3d 105, 114 (D.C. Cir. 2006). In the underlying Report and Order, the Commission had declined to revisit whether it should treat tower construction as an undertaking under the NHPA, while noting its belief that under Section 319 and Federal environmental statutes, it “has sufficient approval authority to trigger the requirements of section 106.” *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, Report and Order, 20 FCC Rcd 1073, 1093 para. 24 (2004) (*NPA Order*). Two Commissioners dissented in part, expressing the view that in the absence of a construction permit or a site-by-site license, the Commission's retention of jurisdiction to require historic preservation review exceeded its statutory authority. *See id.* at 1230 (Statement of Commissioner Kathleen Q. Abernathy), 1233 (Statement of Commissioner Kevin J. Martin).

⁵⁸ Under CEQ rules, an EA is to be prepared for actions that ordinarily may have a significant environmental impact. *See* 40 CFR §§ 1501.4(b), 1507.3(b)(2)(iii). If an EA shows that a proposed action will have no significant environmental impact, then the agency issues a Finding Of No Significant Impact, 40 CFR § 1508.13, and the proposed action can proceed. However, if an EA indicates that the action will have a significant environmental impact, the action cannot proceed unless the agency prepares an environmental impact statement (EIS). *See* 40 CFR § 1501.4 (requiring an EIS for actions that normally have a significant environmental impact).

⁵⁹ *See* 47 CFR §§ 1.1307(a), 1.1308(a), 1.1312(b). These are facilities that are to be located in an officially designated wilderness area, an officially designated wildlife preserve, or a flood plain; that may affect listed threatened or endangered species or their critical habitats, or are likely to jeopardize proposed threatened or endangered species or destroy or adversely modify proposed critical habitats; that may affect districts, sites, buildings, structures or objects that are listed, or eligible for listing, in the National Register of Historic Places; that may affect Native American religious sites; that will involve significant change in surface features (*e.g.*, wetland fill or deforestation); that will be located in residential neighborhoods and equipped with high intensity white lights; that will cause human exposure to radiofrequency emissions that exceed specified levels; or that will exceed 450 feet in height. *See* 47 CFR § 1.1307(a), (b), (d) Note.

⁶⁰ 47 CFR §§ 1.1308(d), 1.1312(b).

⁶¹ *See* 47 CFR § 1.1307 (c), (d). An agency may establish categorical exclusions to cover actions “which do not individually or cumulatively have a significant effect on the human environment” and thus require no EA or EIS. *See* 40 CFR §§ 1508.4, 1507.3(b)(2)(ii). CEQ regulations require that an agency that chooses to establish categorical exclusions must also provide for “extraordinary circumstances,” 40 CFR § 1508.4, under which a normally excluded action may have a significant effect.

Federal Communications Commission

FCC 17-38

28. The Commission fulfills its obligations under the NHPA with respect to radio spectrum licensees through Section 1.1307(a)(4) of the rules, which requires an EA if the proposed construction may affect historic properties.⁶² In particular, Section 1.1307(a)(4) directs licensees and applicants, when determining whether a proposed action may affect historic properties, to follow the procedures in the ACHP's rules as modified by the Collocation NPA and the NPA, two programmatic agreements that took effect in 2001 and 2005, respectively.⁶³ These programmatic agreements, which were executed pursuant to Section 800.14(b) of the ACHP's rules, substitute for the procedures that Federal agencies must ordinarily follow in performing their historic preservation reviews.⁶⁴

29. Under the Collocation NPA, most antenna collocations on existing structures are excluded from Section 106 historic preservation review, with a few exceptions to address potentially problematic situations. The NPA establishes detailed processes for reviewing new towers and those collocations that remain subject to review. Among other efficiencies, in cases where the applicant has not found that the proposed construction will have an adverse effect, the NPA permits the applicant's determination to become final if the State Historic Preservation Officer (SHPO) does not respond to the applicant's submission within 30 days without any affirmative action by the Commission.⁶⁵

30. In addition, the NPA requires applicants to use reasonable and good faith efforts to identify and contact any Tribal Nation or Native Hawaiian Organization (NHO) that may attach religious and cultural significance to historic properties that may be affected by an undertaking.⁶⁶ To facilitate this process, the Commission developed the Tower Construction Notification System (TCNS), which automatically notifies Tribal Nations and NHOs of proposed constructions within geographic areas that they have confidentially identified as potentially containing historic properties of religious and cultural significance to them. The NPA provides that use of the TCNS constitutes a reasonable and good faith effort to identify potentially interested Tribal Nations and NHOs.⁶⁷

31. While Tribal Nations and NHOs, like SHPOs, are subject to a 30-day guideline for responses,⁶⁸ applicants are required to seek guidance from the Commission if a Tribal Nation or NHO

⁶² 47 CFR § 1.1307(a)(4).

⁶³ See Collocation NPA; NPA. The Collocation NPA was amended in 2016 to establish further exclusions from review for small antennas. See *Wireless Telecommunications Bureau Announces Execution of First Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, Public Notice, 31 FCC Rcd 4617 (WTB 2016).

⁶⁴ 36 CFR § 800.14(b)(2). See generally 36 CFR Part 800, Subpart B (historic preservation review procedures that Federal agencies must follow in the absence of an approved program alternative under Section 800.14(b)).

⁶⁵ NPA, §§ VII.B.2, VII.C.2 (providing that if the applicant determines that no historic properties exist within the Area of Potential Effect (APE) or that the undertaking will have no effect on historic properties, that determination is deemed final unless the SHPO objects within 30 days; if the applicant determines that the project will have no adverse effect, after 30 days it may provide a copy of its submission to the Commission, which has 15 days to notify the applicant of any concerns or else the process is complete). Another efficiency is that within the APE for visual effects, and with the exception of resources significant to Tribal Nations and Native Hawaiian Organizations, applicants are only required to consider effects on resources that are listed on the National Register of Historic Places or that have been previously identified as eligible for listing, rather than making affirmative efforts to identify unidentified eligible resources. *Id.*, § VI.D.1.a.

⁶⁶ NPA, §§ IV.B, IV.C. See also 54 U.S.C. § 302706(b).

⁶⁷ NPA, § IV.B.

⁶⁸ *Id.*, § IV.F.4 (“[o]rdinarily, 30 days from the time the relevant tribal or NHO representative may reasonably be expected to have received an inquiry shall be considered a reasonable time”).

does not respond to the applicant's inquiries.⁶⁹ In 2005, the Commission issued a Declaratory Ruling establishing a process that enables an applicant to proceed toward construction when a Tribal Nation or NHO does not timely respond to a TCNS notification.⁷⁰ The Commission staff, in collaboration with industry, has subsequently developed a similar process (the "Good Faith Protocol") to address situations where a Tribal Nation or NHO expresses initial interest in a project, but then fails to communicate further with the Applicant after having been provided any additional information or fees that it has requested.

2. Updating Our Approach to the NHPA and NEPA

a. Need for Action

32. Improving spectrum efficiency for future 4G and 5G services by providing end users with higher quality connections, more bandwidth and lower latency will require significant densification of DAS and small cell facilities.⁷¹ To achieve this anticipated level of service, wireless providers will need flexibility to strategically place thousands of DAS and small cell facilities throughout the country within the next few years. Yet, they face challenges in their efforts to obtain authorizations for deploying this necessary infrastructure, not only from local governments but also in completing the Commission's environmental and historic preservation review processes under NEPA and Section 106 of the NHPA.

33. Many wireless providers have raised concerns about the Commission's environmental and historic preservation review processes because, they say, these reviews increase the costs of deployment and pose lengthy and often unnecessary delays, particularly for small facility deployments.⁷²

34. The historic preservation review process under Section 106 of the NHPA has raised particular concerns among wireless providers. This process not only requires that providers make their own determinations as to whether a project will have effects on historic properties, but also requires obtaining input from SHPOs and Tribal Nations, and wireless providers argue that this process results in significant delays in the execution of their deployment plans.⁷³

35. A large number of wireless providers complain that the Tribal component of the Section 106 review process is particularly cumbersome and costly.⁷⁴ Providers have argued that Tribal Nation

⁶⁹ *Id.*, § IV.G; *see also id.*, § IV.H (providing that TCNS contact is only an initial effort to contact the Tribal Nation or NHO, and does not in itself fully satisfy the applicant's obligations or substitute for government-to-government consultation unless the Tribal Nation or NHO affirmatively disclaims further interest).

⁷⁰ *See Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement*, Declaratory Ruling, 20 FCC Rcd 16092 (2005) (2005 Declaratory Ruling).

⁷¹ *See, e.g.*, Joint Venture Publications, Bridging the Gap: 21st Century Wireless Telecommunications Handbook at 12-15 (Sept. 2016), <http://www.jointventure.org/publications/joint-venture-publications/1473-bridging-the-gap-21stcentury-wireless-telecommunications-handbook> (Bridging the Gap Report); Ixia, Small Cells, Big Challenge: A Definitive Guide to Designing and Deploying HetNets at 41 (Nov. 2013), <https://www.ixiacom.com/resources/small-cells-big-challenge>.

⁷² *See, e.g.*, Sprint Comments, WT Docket No. 16-421, at 44-48; Verizon Comments, WT Docket No. 16-421, at 34-39.

⁷³ *See, e.g.*, Competitive Carrier Association Comments, WT Docket No. 16-421, at 35-36; Crown Castle Comments, WT Docket No. 15-180, at 3-4; Verizon Comments, WT Docket No. 16-421, at 37; Verizon Comments, WT Docket No. 15-180, at 4-5.

⁷⁴ *See, e.g.*, Competitive Carrier Association Comments, WT Docket No. 16-421, at 35-36; Crown Castle Comments, WT Docket No. 15-180, at 3-4; CTIA Comments, WT Docket No. 16-421, at 5; NTCH, WT Docket No. 16-421, Comments at 7-9; Sprint Comments, WT Docket No. 16-421, at 45. Verizon Comments, WT Docket No. 16-421, at 37; Verizon Comments, WT Docket No. 15-180, at 4-5.

review has caused substantial delays⁷⁵ that significantly exceed those attributable to the SHPO review process,⁷⁶ and Tribal compensation in connection with the review of submissions to TCNS has become a highly contentious subject. These Tribal reviews do not relate to Tribal lands, but to areas of Tribal interest, which include Tribal burial grounds and other sites that Tribes regard as sacred off Tribal lands.⁷⁷ We observe that TCNS data reveals that, in recent years, the areas of interest claimed by Tribal Nations have increased. TCNS data reveals that the average number of Tribal Nations notified per tower project increased from eight in 2008 to 13 in August 2016 and 14 in March 2017. Six of the 19 Tribal Nations claiming ten or more full States within their geographic area of interest in March 2017 had increased that number since August 2016, with three Tribal Nations claiming 20 or more full States in addition to select counties. In 2015, 50 Tribal Nations noted fees associated with their review process in TCNS; by March 2017, Commission staff was aware of at least 95 Tribal Nations routinely charging fees, including 85 with fees noted in TCNS and 10 that staff was aware of from other sources. This data further suggests that the average cost per Tribal Nation charging fees increased by 30% and the average fee for collocations increased by almost 50% between 2015 and August 2016.

36. Many wireless providers argue that, as a result, the cumulative Tribal fees that they pay both per site and for their overall deployment programs have increased precipitously. According to Sprint, its costs associated with Tribal participation “have become prohibitive and are unnecessarily diverting capital from deployment” as its per site costs have “increased 14-fold in the last six years, from less than \$500 per site in 2011 to more than \$6,300 today.”⁷⁸ Furthermore, the progression toward smaller and more numerous cell sites is likely increasing the number of submissions that are subject to fee requests. Moreover, Verizon notes that the total fees it pays for Tribal participation “increased from just over \$300,000 in 2012 to almost \$4 million in 2015. And the average spend per site is now \$2,344.”⁷⁹ Further, Competitive Carriers Association (CCA) contends that one of its members “reports that rooftop macrocell collocations in Chicago have generated between \$11,000 -12,000 per site in Tribal fees, and that does not even account for the necessary expenses to collocate on a site,” though CCA recognizes “a duty to protect Tribal ancestral lands and properties,” and states a desire to “work collaboratively with Tribes to more clearly define the pre-consultation process and cost.”⁸⁰

37. Wireless providers and facility owners argue that these developments have combined to increase the urgency of reexamining the Commission’s rules and policies to ensure that they are clear on licensees’ and applicants’ obligations, and that these rules and policies at present are effectively requiring that applicants pay fees that are not legally required by law. We seek concrete information on the amount of time it takes for Tribal Nations to complete the Section 106 review process and on the costs that Tribal participation imposes on facilities deployment and on the provision of service. We also seek comment and specific information on the extent of benefits attributable to Tribal participation under the

⁷⁵ See, e.g., Crown Castle Comments, WT Docket No. 15-180, at 3-4; Verizon Comments, WT Docket No. 15-180, at 4-5.

⁷⁶ Verizon Comments, WT Docket No. 16-421, at 36-40. Verizon states that in July 2016 it had 2,450 pending requests for Tribal review, and that “more than half had been pending for more than 90 days, almost a third had been pending for more than six months, and 20 had been pending for more than a year.”

⁷⁷ See *infra* para. 50-51.

⁷⁸ Sprint Comments, WT Docket No. 16-421, at 45.

⁷⁹ Verizon Comments, WT Docket No. 16-421, at 35.

⁸⁰ Tim Donovan, SVP of Legislative Affairs, CCA, and Rebecca Murphy Thompson, EVP & General Counsel, CCA, A Game of Monopoly: Mobility Fund II & Infrastructure (Feb. 24, 2017), <http://ccablog.tumblr.com/post/157659003646/a-game-of-monopoly-mobility-fund-ii>.

Commission's Section 106 procedures, particularly in terms of preventing damage to historic and culturally significant properties.⁸¹

38. In addition, in May 2016, PTA-FLA filed a Petition for Declaratory Ruling arguing that "Tribal fees have become so exorbitant in some cases to approach or even *exceed* the cost of actually erecting the tower."⁸² PTA-FLA states that the Commission should "prohibit the payment of fees to Tribal Nations" because the payment of such fees "has demonstrably contributed to the expansion of required reviews and attendant delays."⁸³ In the alternative, PTA-FLA states that "the reviewing fees should be limited to no more than \$50" unless a Tribal Nation "demonstrates that the review is exceptionally complex," and that the total fee should never exceed \$200.⁸⁴ In addition, PTA-FLA argues that Tribal Nations "should be required to identify under objective, independently verifiable criteria the areas where construction could reasonably be deemed to have an impact" on an area in which Tribal Nations "actually resided or habituated" so that tower constructors can have a better idea of what sites to avoid before tower planning even begins.⁸⁵ In cases where Tribal Nations "need to preserve secrecy of particular sacred sites to avoid unwanted intrusions," PTA-FLA states that "such sites should be identified to the Commission in confidence" so that the Commission can "advise prospective constructors in the area that a site" will require consultation with a Tribal Nation.⁸⁶ Finally, PTA-FLA argues that the NPA and Collocation Agreement "should be amended to exempt from review sites that will obviously have no effects" on a Tribal Nation's sacred burial grounds.⁸⁷ We incorporate PTA-FLA's petition into this proceeding, and we seek comment below on its proposals.

39. Some wireless providers contend that the SHPO review process also results in significant delays in deployment. We seek comment on the costs associated with SHPO review under the Commission's historic preservation review process, including direct financial costs; costs that delay imposes on carriers, tower owners, and the public; and any other costs. What are the costs associated with SHPO review of typical small facility deployments, and how do these compare with the costs for tower construction projects? Does the SHPO review process duplicate historic preservation review at the local level, particularly when local review is conducted by a Certified Local Government or a governmental authority that issues a Certificate of Appropriateness?⁸⁸ In addition, we seek comment on how often SHPO review results in changes to a construction project due to a SHPO's identification of potential harm to historic properties or confers other public benefits.

40. Some argue that NEPA compliance imposes extraordinarily high costs on wireless providers and results in significant delays.⁸⁹ Sprint notes that it has spent "tens of millions of dollars" to investigate pursuant to NEPA requirements deployments which, it alleges, present "minimal likelihood of

⁸¹ See, e.g., Letter from Gary D. Batton, Chief, Choctaw Nation of Oklahoma, to Ajit Pai, Chairman, FCC, WT Docket No. 17-79, at 1-2 (filed Mar. 30, 2017).

⁸² Petition for Declaratory Ruling, PTA-FLA, Inc., WT Docket No. 15-180, at 8 (filed May 3, 2016) (PTA-FLA Petition for Declaratory Ruling) (emphasis in original).

⁸³ *Id.* at 14.

⁸⁴ *Id.*

⁸⁵ *Id.* at 14-15.

⁸⁶ *Id.* at 15.

⁸⁷ *Id.* at 16.

⁸⁸ A "Certified Local Government" is a local government whose local historic preservation program is certified under Chapter 3025 of the National Historic Preservation Act. See 54 U.S.C. §§ 300302, 302501 *et seq.* A "Certificate of Appropriateness" is an authorization from a local government allowing construction or modification of buildings or structures in a historic district.

⁸⁹ See, e.g., Verizon Comments, WT Docket 16-421, at 34-39; Sprint Comments, WT Docket 16-421, at 44-48.

harm.”⁹⁰ It states that the Commission’s NEPA rules impose huge network costs with little or nothing in the way of corresponding benefits to the environment.⁹¹ More specifically, some commenters complain about delays associated with EAs – which T-Mobile states may “languish for an extended period of time—sometimes years,”⁹² partly because when EAs are required, the Commission is not subject to any processing timelines or dispute resolution procedures.⁹³ T-Mobile also complains that in cases where an EA is not filed, parties may file environmental objections under the Commission’s rules with respect to a planned facility, and such cases are not subject to timelines for resolution.⁹⁴ A number of commenters propose that EAs for deployments on flood plains should be eliminated if a site will be built at least one foot above the base flood elevation and a local building permit has been obtained.⁹⁵ We seek comment on the costs and relative benefits of the Commission’s NEPA rules. What are the costs associated with NEPA compliance, other than costs associated with historic preservation review? How do the costs of NEPA compliance for tower construction compare to such costs for small facilities, and what specific benefits does the review confer?

41. Finally, some note that facilities requiring Federal review must also undergo pre-construction review by local governmental authorities, and assert that the inability to engage in these dual reviews simultaneously can add significant time to the process. Verizon states that local siting and Federal historic preservation “reviews cannot and do not run concurrently, because the local reviews may result in changes to the location or parameters (height, width, and size) of the facility which must be established before the historic preservation review process can begin.”⁹⁶ Verizon also states that providers cannot commence construction of their facilities until after completion of the historic preservation review process, which they state typically takes several months.⁹⁷ We seek comment on whether local permitting, NEPA review, and Section 106 review processes can feasibly be conducted simultaneously, and on whether there are barriers preventing simultaneous review to the extent it is feasible. To what extent do significant siting changes or the potential for such changes during the local process make simultaneous review impractical or inefficient? Alternatively, have reviewing or consulting parties in the Commission’s NEPA or Section 106 review processes declined to process an application until a local permitting process is complete? We seek comment on whether and under what circumstances simultaneous review would, on the whole, minimize delays and provide for a more efficient process and what steps, if any, the Commission should take to facilitate or enable such simultaneous review.

b. Process Reforms

(i) Tribal Fees

42. In this section, we identify and seek comment on several issues relevant to fees paid to Tribal Nations in the Section 106 process. In addition to commenting on the legal framework and on potential resolutions to the issues, we encourage commenters to provide specific factual information on current Tribal and industry practices and on the impacts of those practices on licensees/tower owners, Tribal Nations, and timely deployment of advanced broadband services to all Americans. We further welcome information on the practices of other Federal agencies for our consideration.

⁹⁰ Sprint Comments, WT Docket No. 16-421, at 47-48.

⁹¹ See, e.g., T-Mobile Comments, WT Docket No. 16-421, at 39.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ See, e.g., Verizon Comments, WT Docket No. 16-241, at 38-39.

⁹⁶ Verizon Comments, WT Docket No. 15-180, at 4-5.

⁹⁷ *Id.*

43. Neither the NHPA nor the ACHP's implementing regulations address whether and under what circumstances Tribal Nations and NHOs may seek compensation in connection with their participation in the Section 106 process. The ACHP has, however, issued guidance on the subject in the form of a memorandum in 2001 and as part of a handbook last issued in 2012. The ACHP 2001 Fee Guidance explains that "the agency or applicant is not required to pay the tribe for providing its views."⁹⁸ Further, "[i]f the agency or applicant has made a reasonable and good faith effort to consult with an Indian tribe and the tribe refuses to respond without receiving payment, the agency has met its obligation to consult and is free to move to the next step in the Section 106 process."⁹⁹ The guidance also states, however, that when a Tribal Nation "fulfills the role of a consultant or contractor" when conducting reviews, "the tribe would seem to be justified in requiring payment for its services, just as any other contractor," and the company or agency "should expect to pay for the work product."¹⁰⁰ As we explain below, we seek comment on how the ACHP's guidance can be applied in the context of our existing procedures and the proposals in this proceeding. Moreover, we seek comment on practices or procedures of other Federal agencies with respect to addressing the various roles a Tribal Nation may play in the Section 106 process and how to identify those services for which a Tribal Nation would be justified in seeking fees.

44. *Circumstances When Fees Are Requested.* The NPA requires applicants to make a reasonable and good faith effort to identify Tribal Nations and NHOs that may attach religious and cultural significance to historic properties affected by an undertaking, and this effort is commonly accomplished through the TCNS. Some Tribal Nations require the payment of a fee prior to performing even preliminary review of all or nearly all projects submitted to them via the TCNS.

45. The ACHP Handbook clearly states that no "portion of the NHPA or the ACHP's regulations require[s] an agency or an applicant to pay for any form of tribal involvement."¹⁰¹ We note that ACHP guidance permits payments to a Tribal Nation when it fulfills a role similar to any other consultant or contractor. At what point in the TCNS process, if any, might a Tribal Nation act as a contractor or consultant?¹⁰² We seek comment on any facts that might affect the answer to that question. Does the particular request of the applicant determine whether a Tribal Nation is acting as a contractor or

⁹⁸ See ACHP, Fees in the Section 106 Review Process (2001), <http://www.achp.gov/regs-fees.html> (ACHP 2001 Fee Guidance).

⁹⁹ *Id.*

¹⁰⁰ *Id.* See also ACHP, Consultation with Indian Tribes in the Section 106 Review Process: A Handbook, at 13 (2012), <http://www.achp.gov/pdfs/consultation-with-indian-tribes-handbook-june-2012.pdf> (ACHP 2012 Handbook) ("[No] portion of the NHPA or the ACHP's regulations require[s] an agency or an applicant to pay for any form of tribal involvement. However, during the identification and evaluation phase of the Section 106 process when the agency or applicant is carrying out its duty to identify historic properties that may be significant to an Indian tribe, it may ask a tribe for specific information and documentation regarding the location, nature, and condition of individual sites, or even request that a survey be conducted by the tribe. In doing so, the agency or applicant is essentially asking the tribe to fulfill the duties of the agency in a role similar to that of a consultant or contractor. In such cases, the tribe would be justified in requesting payment for its services, just as is appropriate for any other contractor. Since Indian tribes are a recognized source of information regarding historic properties of religious and cultural significance to them, federal agencies should reasonably expect to pay for work carried out by tribes. The agency or applicant is free to refuse just as it may refuse to pay for an archaeological consultant, but the agency still retains the duties of obtaining the necessary information for the identification of historic properties, the evaluation of their National Register eligibility, and the assessment of effects on those historic properties, through reasonable methods.") The ACHP 2012 Handbook also indicates that with respect to properties where the agency concludes that no historic properties are affected, Tribal concurrence in that decision is not required, though Tribal Nations and NHOs can state any objections to the ACHP, which if it agrees may provide its opinion to the agency. See *id.* at 23.

¹⁰¹ ACHP 2012 Handbook at 13.

¹⁰² See PTA-FLA Petition at 14 (asserting that the payment of fees for Tribal review should be prohibited).

consultant? For example, the ACHP Handbook notes that if an applicant asks for “specific information and documentation” from a Tribal Nation, then the Tribal Nation is being treated as a contractor or consultant.¹⁰³ Should we infer if the applicant does not ask explicitly for such information and documentation, then no payment is necessary? We also seek comment on whether Tribal review for some types of deployment is less in the nature of a contractor or consultant. For example, would collocations or applications to site poles in rights of way be less likely to require services outside of the Tribal Nation’s statutory role? In reviewing TCNS submissions for collocations or for siting poles in rights of way, under what circumstances might a Tribal Nation incur research costs for which it or another contractor might reasonably expect compensation?

46. Once a Tribal Nation or NHO has been notified of a project, an applicant must provide “all information reasonably necessary for the Indian tribe or NHO to evaluate whether Historic Properties of religious and cultural significance may be affected” and provide the Tribal Nation or NHO with a reasonable opportunity to respond.¹⁰⁴ We seek comment on this requirement and on any modifications the Commission can and should make. In particular, we seek comment on whether the information in FCC Form 620 or FCC Form 621 is sufficient to meet the requirement that “all information reasonably necessary...” has been provided to the Tribal Nation. If not, are there modifications to these forms that would enable the Commission to meet this requirement? For example, should the FCC Form 620 and FCC Form 621 be amended to address the cultural resources report that an applicant prepares after completing a Field Survey?¹⁰⁵ Additionally, we seek comment on whether a Tribal Nation’s or NHO’s review of the materials an applicant provides under NPA Section VII is ever, and if so under what circumstances, the equivalent of asking the Tribal Nation or NHO to provide “specific information and documentation” like a contractor or consultant would, thereby entitling the Tribal Nation to seek compensation under ACHP guidance and the NPA. If a Tribal Nation chooses to conduct research, surveying, site visits or monitoring absent a request of the applicant, would such efforts require payment from the applicant? If an archaeological consultant conducted research, surveying, site visits, or monitoring absent a request of the applicant, would the applicant normally be required to pay that contractor or consultant? We seek comment on how the ACHP Handbook’s statement that an “applicant is free to refuse [payment] just as it may refuse to pay for an archaeological consultant,” as well as its statement that “the agency still retains the duties of obtaining the necessary information [to fulfill its Section 106 obligations] through reasonable methods,” impacts our analysis of payments for Tribal participation.¹⁰⁶

47. We note that some Tribal Nations have indicated that they assess a flat upfront fee for all applications as a way to recover costs for their review of all TCNS applications, thereby eliminating the administrative burden of calculating actual costs for each case. We seek comment on this manner of cost recovery and whether such cost recovery is consistent with ACHP’s fee guidance in its 2012 Handbook.¹⁰⁷ Tribal Nations have also indicated that they have experienced difficulties in collecting compensation after providing service as a reason for upfront fee requests. We seek comment on whether this concern could be alleviated if we clarify when a Tribal Nation is acting under its statutory role and when it is being hired as a contractor or consultant under our process. We also seek comment on whether there might be a more appropriate way to address this concern.

48. What steps, if any, can the Commission take to issue our own guidance on the circumstances in our process when the Tribal Nation is expressing its views and no compensation by the

¹⁰³ ACHP 2012 Handbook at 13.

¹⁰⁴ NPA, § IV.F.

¹⁰⁵ *See id.* at § VI.D.2.

¹⁰⁶ ACHP 2012 Handbook at 13.

¹⁰⁷ *See id.*

agency or the applicant is required under ACHP guidance, and the circumstances where the Tribal Nation is acting in the role of a consultant or contractor and would be entitled to seek compensation? We seek comment on what bright-line test, if any, could be used. How does the reasonable and good faith standard for identification factor, if at all, into when a Tribal request for fees must be fulfilled in order to meet the standard? We seek comment on how disputes between the parties might be resolved when a Tribal Nation asserts that compensable effort is required to initiate or conclude Section 106 review. We seek comment on whether there are other mechanisms to reduce the need for case-by-case analysis of fee disputes. While we seek comment generally on our process, we also seek comment particularly in the context of deployment of infrastructure for advanced communications networks.

49. To the extent that supplementing current ACHP guidance would help clarify when Tribal fees may be appropriate while both facilitating efficient deployment and recognizing Tribal interests, what input, if any, should the Commission provide to the ACHP on potential modifications to ACHP guidance?

50. *Amount of Fees Requested.* One factor that appears to be driving tower owners and licensees to seek Commission guidance in the fee area is not the mere existence of fees, but instead the amount of compensation sought by some Tribal Nations. How, if at all, does the “reasonable and good faith” standard for identification factor into or temper the amount of fees a Tribal Nation may seek in compensation? Are there any extant fee rates or schedules that might be of particular use to applicants and Tribal Nations in avoiding or resolving disputes regarding the amount of fees?

51. One party has requested in a petition that the Commission establish a fee schedule or otherwise resolve fee disputes.¹⁰⁸ We seek comment on the legal framework applicable to this request. How might the impact of fee disputes on the deployment of infrastructure for advanced communications networks provide a basis for establishing a fee schedule in this context using the Communications Act as authority? Do the NHPA or other statutes limit our ability to establish such a fee schedule, and if so, how? How might the Miscellaneous Receipts Act (MRA)¹⁰⁹ and General Accountability Office (GAO) precedent on improper augmentation temper the parameters of our actions in the area?¹¹⁰ We seek comment on whether other Federal agencies have established fee schedules or addressed the matter in any way, *e.g.*, either formally or informally or with respect to particular projects. How does due regard for Tribal sovereignty and the Government’s treaty obligations affect our latitude for action in this area?

52. If we were to establish a fee schedule, we seek comment on what weight or impact it might have on our process. For example, to what extent would fees at or below the level established by a fee schedule be considered presumptively reasonable? We further seek comment on what legal framework would be relevant to resolution of disputes concerning an upward or downward departure from the fee schedule.¹¹¹ Should the fees specified in such a schedule serve as the presumptive maximum

¹⁰⁸ See, PTA-FLA Petition at 14 (contending that “reviewing fees should be no more than \$50 unless the tribe demonstrates that the review is exceptionally complex. In no event should the fee exceed \$200”).

¹⁰⁹ 31 U.S.C. § 3302(b).

¹¹⁰ While a fee schedule or direction to make certain payments to a Tribal Nation would not directly involve money being received by the Commission, the GAO has explained both in the MRA context and in the context of improper augmentation that control over funds (who receives, who pays) is a significant part of its analysis. For example, directing a party to pay a fee that an agency might itself properly pay out of its appropriation can raise questions relating to both the MRA and improper augmentation of the agency’s appropriation. See B-300248 (January 15, 2004) (Small Business Administration both violated the MRA and improperly augmented its appropriation by having parties pay fees to a third party instead of using its appropriation to fund the activity).

¹¹¹ We observe that around the time the NPA was completed, the Commission and the United South and Eastern Tribes (USET) agreed to Voluntary Best Practices to promote cooperation between the Commission’s applicants and USET’s members. USET appended to the Best Practices a model cost recovery schedule that it stated was intended solely to cover Tribal costs. Voluntary Best Practices for Expediting the Process of Communications Tower and Antenna Siting Review Pursuant to Section 106 of the National Historic Preservation Act (Oct. 25, 2004). The cost (continued....)

an applicant would be expected to pay, and under what circumstances might an upward departure from the fee schedule be appropriate? In addition to the concepts cited in the prior paragraph, are there other legal principles at play in the resolution of a dispute over a fee that might not arise in the context of merely setting a fee schedule? Have any other Federal agencies formally or informally resolved fee disputes between applicants and Tribal Nations, and if so, under what legal parameters? We also seek comment on what categories of services should be included, and whether the categories should be general or more specific. How would we establish the appropriate level for fees? How could a fee schedule take into account both regional differences and changes in costs over time, *i.e.*, inflation?¹¹² We also seek comment on whether the Commission should only establish a model fee schedule and whether that would be consistent with the Tribal engagement requirements contemplated by Section 106.

53. *Geographic Areas of Interest.* Tribal Nations have increased their areas of interest within the TCNS as they have improved their understanding of their history and cultural heritage. As a result, applicants must sometimes contact upwards of 30 different Tribal Nations and complete the Section 106 process with each of them before being able to build their project. We seek comment on whether there are actions the Commission can and should take to mitigate this burden while complying with our obligation under the NHPA and promoting the interests of all stakeholders. For example, the TCNS allows Tribal Nations and NHOs to select areas of interest at either a State or county level, but many Tribal Nations have asked to be notified of any project within entire States, and in a few instances, at least 20 different States. We seek comment on whether we could and should encourage, or require, the specification of areas of interest by county. We also seek comment on whether we should require some form of certification for areas of interest, and if so, what would be the default if a Tribal Nation fails to provide such certification.¹¹³

54. We seek comment on whether TCNS should be modified to retain information on areas where concerns were raised and reviews conducted, so that the next filer knows whether there is a concern about cultural resources in that area or not. To what extent should applicants be able to rely on prior clearances, given that resources may continue to be added to the lists of historic properties? To the extent we consider allowing applicants to rely on prior clearances, how should we accommodate Tribal Nations' changes to their areas of interest? We further seek comment on how the Commission can protect information connected to prior site reviews, especially those areas where a tower was not cleared because there may be artifacts. We also seek comment on whether the Commission can make any other changes to TCNS or our procedures to improve the Tribal review process.

55. In addition, applicants routinely receive similar requests for compensation or compensable services from multiple Tribal Nations. While we recognize that each Tribal Nation is sovereign and may have different concerns, we seek comment on when it is necessary for an applicant to compensate multiple Tribal Nations for the same project or for the same activity related to that project, in particular site monitoring during construction. We also seek comment on whether, when multiple Tribal Nations request compensation to participate in the identification of Tribal historic properties of religious and cultural significance, whether there are mechanisms to gain efficiencies to ensure that duplicative

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recovery schedule indicated that there should be no charge for identification of potentially interested Tribal Nations and for the initial contact, but that charges for review of survey material and site visitation would range between \$300 and \$500, as appropriate to recover the Tribal Nation's costs and accounting for regional differences. *See id.* at Attachment, "USET Model Explanatory Cost Recovery Schedule." We are unaware that any USET Member Tribe (or other Tribal Nation) ever formally adopted the model cost recovery schedule.

¹¹² We note that the fee ranges found in the Cost Recovery Schedule associated with the USET Voluntary Best Practices are now 13 years old.

¹¹³ *See, e.g.*, PTA-FLA Petition at 14-15 (proposing a requirement for Tribal Nations to "identify under objective, independently verifiable criteria the areas where construction could reasonably be deemed to have an impact on tribal grounds").

review is not conducted by each Tribal Nation. Is it always necessary to obtain such services from all responding Tribal Nations that request to provide the service, and if so, why? Might one Tribal Nation when functioning in the role of a contractor perform certain services and share the work product with other Tribal Nations, *e.g.*, site monitoring? Could an applicant hire a qualified independent site monitor and share its work product with all Tribal Nations that are interested? How would we ensure that such a monitor is qualified so that other Tribal Nations' interests will be adequately considered? Should we require that such a monitor meet some established minimum standards? We also seek comment on whether monitors should be required to prepare a written report and provide a copy to applicants.

56. *Remedies and Dispute Resolution.* While the ACHP has indicated that Tribal concurrence is not necessary to find that no historic properties of religious and cultural significance to Tribal Nations or NHOs would be affected by an undertaking,¹¹⁴ the agency is responsible for getting the information necessary to make that determination.¹¹⁵ We seek comment on how these two directives interact. The ACHP 2001 Fee Guidance states that “if an agency or applicant attempts to consult with an Indian tribe and the tribe demands payment, the agency or applicant may refuse and move forward.”¹¹⁶ We seek comment on whether and under what circumstances the Commission should authorize a project to proceed when a Tribal Nation refuses to respond to a Section 106 submittal without payment.

57. Under the NPA, when a Tribal Nation or NHO refuses to comment on the presence or absence of effects to historic properties without compensation, the applicant can refer the procedural disagreement to the Commission.¹¹⁷ We seek comment on whether the Commission can adjudicate these referrals by evaluating whether the threshold of “reasonable and good faith effort” to identify historic properties has been met, given that the Tribal Nation can always request government-to-government consultation in the event of disagreement.

58. We seek comment on when the Commission must engage in government-to-government consultation to resolve fee disputes, including when the compensation level for an identification activity has been established by a Tribal government.

59. *Negotiated Alternative.* We note that since September 2016, the Commission has been facilitating meetings among Tribal and industry stakeholders with the goal of resolving challenges to Tribal requirements in the Section 106 review process, including disagreements over Tribal fees.¹¹⁸ We seek comment on whether the Commission should continue seeking to develop consensus principles and, if so, how those principles should be reflected in practice. For example, we seek comment on whether we should seek to enter into agreements regarding best practices with Tribal Nations and their representatives.

(ii) Other NHPA Process Issues

60. *Lack of Response.* As discussed above, while both SHPOs and Tribal Nations/NHOs are expected ordinarily to respond to contacts within 30 days, the NPA and the Commission's practice establish different processes to be followed when responses are not timely.¹¹⁹ We seek comment on what measures, if any, we should take to further speed either of these review processes, either by amending the NPA or otherwise, while assuring that potential effects on historic preservation are fully evaluated. What

¹¹⁴ See ACHP 2012 Handbook at 23. See also 36 CFR § 800.4.

¹¹⁵ See 36 CFR § 800.4 (imposing the requirement to identify historic properties on “the agency”).

¹¹⁶ See ACHP 2001 Fee Guidance.

¹¹⁷ See NPA, § IV.G.

¹¹⁸ See *id.* at § IV.J (“the Commission will use its best efforts to arrive at agreements regarding best practices with Indian tribes and NHOs and their representatives”).

¹¹⁹ See Section II.B.1, *supra*.

effect would such proposals have on addressing Section 106-associated delays to deployment? Should different time limits apply to different categories of construction, such as new towers, DAS and small cells, and collocations? Have advances in communications during the past decade, particularly with respect to communications via the Internet, changed reasonable expectations as to timeliness of responses and reasonable efforts to follow up?

61. With respect to Tribal Nations and NHOs, we seek comment on whether the processes established by the *2005 Declaratory Ruling* and the Good Faith Protocol adequately ensure the completion of Section 106 review when a Tribal Nation or NHO is non-responsive.¹²⁰ We seek comment on whether the process can be revised in a manner that would permit applicants to self-certify their compliance with our Section 106 process and therefore proceed once they meet our notification requirements, without requiring Commission involvement, in a manner analogous to the “deemed granted” remedy for local governments.¹²¹ Would such an approach be consistent with the NPA and with the Commission’s legal obligations? We note that Commission staff has discovered on numerous occasions that applicants have failed to perform their Tribal notifications as our processes require. If we were to permit applicants to self-certify that they have completed their Tribal notification obligations, we seek comment on how we could ensure that the certifications are truthful and well-founded.

62. *Batching.* In the PTC Program Comment,¹²² the ACHP established a streamlined process for certain facilities associated with building out the Positive Train Control (PTC) railroad safety system. Among other aspects of the PTC Program Comment, eligible facilities may be submitted to SHPOs and through TCNS in batches.¹²³

63. We seek comment on whether we should adopt either a voluntary or mandatory batched submission process for non-PTC facilities. What benefits could be realized through the use of batching? What lessons can be learned from the experience with PTC batching? What guidelines should we provide, if any, regarding the number of facilities to be included in a batch, their geographic proximity, or the size of eligible facilities? Should there be other conditions on eligibility, such as the nature of the location or the extent of ground disturbance? Should different time limits or fee guidelines, if any are adopted, apply to batched submissions? What changes to our current TCNS and E-106 forms and processes might facilitate batching? We seek comment on these and any other policy or operational issues associated with batching of proposed constructions.

64. *Other NHPA Process Reforms.* We seek comment on whether there are additional procedural changes that we should consider to improve the Section 106 review process in a manner that does not compromise its integrity.

(iii) NEPA Process

65. We seek comment on ways to improve and further streamline our environmental compliance regulations while ensuring we meet our NEPA obligations. For example, should we consider new categorical exclusions for small cells and DAS facilities? If so, under what conditions and on what basis? Should we revise the Commission’s rules so that an EA is not required for siting in a floodplain¹²⁴

¹²⁰ *See id.*

¹²¹ *See* Section II.A.1, *supra*.

¹²² *See Wireless Telecommunications Bureau Announces Adoption of Program Comment to Govern Review of Positive Train Control Wayside Facilities*, WT Docket 13-240, Public Notice, 29 FCC Rcd 5340, Attachment (WTB 2014) (PTC Program Comment).

¹²³ *See id.* at § VII.A. *See also* *Batching Guidance for TCNS and E106 Submissions Under the Positive Train Control Program Comment* (rev. Dec. 19, 2014), http://wireless.fcc.gov/ptc/Batching_Guidance_121914.pdf.

¹²⁴ For more information on floodplain definitions and management, see Executive Order 11988 as amended by Executive Order 13690 and accompanying guidance, *Guidelines for Implementing Executive Order 11988*,

(continued...)

when appropriate engineering or mitigation requirements have been met?¹²⁵ Are there other measures we could take to reduce unnecessary processing burdens consistent with NEPA?

c. NHPA Exclusions for Small Facilities

66. As part of our effort to expedite further the process for deployment of wireless facilities, including small facility deployments in particular, we seek comment below on whether we should expand the categories of undertakings that are excluded from Section 106 review. With respect to each of the potential exclusions discussed below, we seek comment on the alternatives of adopting additional exclusions directly in our rules, or incorporating into our rules a program alternative pursuant to the ACHP rules. The Commission may exclude activities from Section 106 review through rulemaking upon determining that they have no potential to cause effects to historic properties, assuming such properties are present.¹²⁶ Where potential effects are foreseeable and likely to be minimal or not adverse, a program alternative under the ACHP's rules may be used to exclude activities from Section 106 review.¹²⁷ We seek comment about whether the exclusions discussed below meet the test for an exclusion in 36 CFR § 800.3(a)(1) or whether they would require a program alternative. To the extent that a program alternative would be necessary, we seek comment on which of the program alternatives authorized under the ACHP's rules would be appropriate.¹²⁸ Particularly, for those potential exclusions where a program alternative would be required, commenters should discuss whether a new program alternative is necessary or whether an amendment to the NPA or a second amendment to the Collocation NPA would be the appropriate procedural mechanism.

(i) Pole Replacements

67. We seek comment on whether the Commission should take further measures to tailor Section 106 review for pole replacements. As noted above, wireless companies are increasingly deploying new infrastructure using smaller antennas and supporting structures, including poles. Under the existing NPA, pole replacements are excluded from Section 106 review if the pole being replaced meets the definition of a "tower" under the NPA (constructed for the sole or primary purpose of supporting Commission-authorized antennas), provided that the pole being replaced went through Section 106 review.¹²⁹ The NPA also more generally excludes construction in or near communications or utility rights of way, including pole replacements, with certain limitations. In particular, the construction is excluded if the facility does not constitute a substantial increase in size over nearby structures and it is not within the boundaries of a historic property. However, proposed facilities subject to this exclusion must complete the process of Tribal and NHO participation pursuant to the NPA.¹³⁰

68. We seek comment on whether additional steps to tailor Section 106 review for pole replacements would help serve our objective of facilitating wireless facility siting, while creating no or foreseeably minimal potential for adverse impacts to historic properties. For example, should the

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Floodplain Management, and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (October 8, 2015).

¹²⁵ See, e.g., Verizon Comments, WT Docket No. 16-241, at 38-39.

¹²⁶ 36 CFR § 800.3(a)(1). Based on its authority under Section 800.3(a)(1), the Commission has established targeted unilateral exclusions from historic preservation review requirements for certain small facility collocations on utility structures and on buildings and other non-tower structures, provided they meet certain specified criteria. *2014 Infrastructure Order*, 29 FCC Rcd at 12901-12, paras. 76-103.

¹²⁷ 36 CFR § 800.14(c).

¹²⁸ 36 CFR § 800.14.

¹²⁹ NPA, § III.B; see also § II.A.14 (definition of "Tower").

¹³⁰ NPA § III.E. "Substantial increase in size" is defined by reference to Section I.E of the Collocation NPA.

replacement of poles be excluded from Section 106 review, regardless of whether a pole is located in a historic district, provided that the replacement pole is not “substantially larger” than the pole it is replacing (as defined in the NPA)? We envision that this proposed exclusion could address replacements for poles that were constructed for a purpose other than supporting antennas, and thus are not “towers” within the NPA definition, but that also have (or will have) an antenna attached to them. This exclusion would also apply to pole replacements within rights of way, regardless of whether such replacements are in historic districts. We seek comment on this proposal and on whether any additional conditions would be appropriate. For example, consistent with the existing exclusion for replacement towers, commenters should discuss whether the exclusion should be limited to projects for which construction and excavation do not expand the boundaries of the leased or owned property surrounding the tower by more than 30 feet in any direction. How would the “leased or owned property” be defined within a utility right of way that may extend in a linear manner for miles?

(ii) Rights of Way

69. We seek comment on whether to expand the NPA exemption from Section 106 review for construction of wireless facilities in rights of way. First, as noted above, current provisions of the NPA exclude from Section 106 review construction in utility and communications rights of way subject to certain limitations.¹³¹ We seek comment on whether to adopt a similar exclusion from Section 106 review for construction or collocation of communications infrastructure in transportation rights of way and whether such an exclusion would be warranted under 36 CFR § 800.3(a)(1). We recognize the Commission’s previous determination in the *NPA Order* that, given the concentration of historic properties near many highways and railroads, it was not feasible to draft an exclusion for transportation corridors that would both significantly ease the burdens of the Section 106 process and sufficiently protect historic properties.¹³² The Commission also recognized, however, that transportation corridors are among the areas where customer demand for wireless service is highest, and thus where the need for new facilities is greatest.¹³³

70. In addition, since the *NPA Order*, wireless technologies have evolved and many wireless providers now deploy networks that use smaller antennas and compact radio equipment, including DAS and small cell systems. In view of the changed circumstances that are present today, we find that it is appropriate to reconsider whether we can exclude construction of wireless facilities in transportation rights of way in a manner that guards against potential effects on historic properties. We seek comment on whether such an exclusion should be adopted, subject to certain conditions that would protect historic properties, and, if so, what those conditions should be. For example, should we require that poles be installed by auguring or that cable or fiber be installed by plow or by directional drilling? What stipulations are needed if a deployment may be adjacent to or on National Register-eligible or listed buildings or structures, or in or near a historic district? Would it be appropriate to have any limitation on height, in addition to the requirement in the current rights of way exclusion that the structures not constitute a substantial increase in size over existing nearby structures? How should any new exclusion address Tribal and NHO participation, especially for historic properties with archaeological components?¹³⁴ We also seek comment on how to define the boundaries of a transportation right of way for these purposes.

71. In addition to considering whether to adopt an exclusion for construction in transportation rights of way, we also seek comment on whether to amend the current right of way exclusion to apply

¹³¹ NPA, § III.E.

¹³² *NPA Order*, 20 FCC Rcd at 1097, para. 62.

¹³³ *Id.*

¹³⁴ In its Petition for Declaratory Ruling, PTA-FLA argues that sites falling within designated utility or highway rights of way should be excluded from Tribal review. See PTA-FLA Petition at 16.

regardless of whether the right of way is located on a historic property. As noted above, the current right of way exclusion applies only if (1) the construction does not involve a substantial increase in size over nearby structures and (2) the deployment would not be located within the boundaries of a historic property.¹³⁵ We seek comment on whether this provision should be amended to exclude from Section 106 review construction of a wireless facility in a utility or communications right of way located on a historic property, provided that the facility would not constitute a substantial increase in size over existing structures. To the extent that utility and communications rights of way on historic properties already are lined with utility poles and other infrastructure, would allowing additional infrastructure have the potential to create effects? Commenters should discuss whether, if the exclusion is extended to historic properties, any additional conditions would be appropriate to address concerns about potential effects, for example any further limitation on ground disturbance.¹³⁶ If so, how should ground disturbance be defined?¹³⁷ We also seek comment about whether Tribal and NHO participation should continue to be required if an exclusion is adopted for facilities constructed in utility or communications rights of way on historic properties.

(iii) Collocations

72. Next, we seek comment on options to further tailor our review of collocations of wireless antennas and associated equipment. The Commission's rules have long excluded most collocations of antennas from Section 106 review, recognizing the benefits to historic properties that accrue from using existing support structures rather than building new structures. The Commission has also recently expanded these exclusions in the First Amendment to the Collocation NPA to account for the smaller infrastructure associated with new technologies. We seek comment now on whether additional measures to further streamline review of collocations are appropriate, whether as a matter of 36 CFR § 800.3(a)(1) or under program alternatives, including those discussed below and any other alternatives.

73. First, we seek comment on whether some or all collocations located between 50 and 250 feet from historic districts should be excluded from Section 106 review. Under current provisions in the Collocation NPA, Section 106 review continues to be required for collocations on buildings and other non-tower structures located within 250 feet of the boundary of a historic district to the extent those collocations do not meet the criteria established for small wireless antennas.¹³⁸ We seek comment on whether this provision should be revised to exclude from Section 106 review collocations located up to 50 feet from the boundary of a historic district. We seek comment on this proposal and on whether any additional criteria should apply to an exclusion under these circumstances.

74. Next, we seek comment on the participation of Tribal Nations and NHOs in the review of collocations on historic properties or in or near historic districts. Although, as stated above, the Collocation NPA excludes most antenna collocations from routine historic preservation review under Section 106, collocations on historic properties or in or near historic districts are generally not excluded,¹³⁹ and in these cases, the NPA provisions for Tribal and NHO participation continue to apply.

¹³⁵ NPA, § III.E.

¹³⁶ The existing definition of "substantial increase in size" prevents excavation outside the current tower site. Collocation NPA, § I.E.

¹³⁷ See, e.g., Collocation NPA, § VI.A.6 (limiting application of small antenna exclusion to where the "depth and width of any proposed collocation does not exceeds the depth and width of any previous ground disturbance (including footings and other anchoring mechanisms)," with an exception for up to four lightning rods).

¹³⁸ Collocation NPA, § V.A.2.

¹³⁹ Collocations on structures located on historic properties or in historic districts are excluded from Section 106 review in certain circumstances. The 2016 Amendments to the Collocation Agreement created exclusions from Section 106 review for small or minimally visible wireless antennas and associated equipment on structures in historic districts or on historic properties and replacements of small wireless antennas and associated equipment. Collocation NPA, §§ VII.A, B, C, VIII.

Consistent with our effort in this NPRM to take a fresh look at ways to improve and facilitate the review process for wireless facility deployments, we seek comment on whether to exclude from the NPA procedures for Tribal and NHO participation collocations that are subject to Section 106 review solely because they are on historic properties or in or near historic districts, other than properties or districts identified in the National Register listing or determination of eligibility as having Tribal significance. For instance, should we exclude from review non-substantial collocations on existing structures involving no ground disturbance or no new ground disturbance, or non-substantial collocations on new structures in urban rights of way or indoors? Should we exclude from the NPA provisions for Tribal and NHO participation collocations of facilities on new structures in municipal rights of way in urban areas that involve no new ground disturbance and no substantial increase in size over other structures in the right of way? Should we exclude collocations of facilities on new structures in industrial zones or facilities on new structures in or within 50 feet of existing utility rights of way? Commenters should discuss whether collocations in these circumstances have the potential to cause effects on properties significant to Tribal history or culture. If so, are any effects likely to be minimal or not adverse? Does the likelihood of adverse effects depend on the circumstances of the collocation, for example whether it will cause new ground disturbance?¹⁴⁰ We also seek comment on alternatives to streamline procedures for Tribal and NHO participation in these cases, for example different guidance on fees or deeming a Tribal Nation or NHO to have no interest if it does not respond to a notification within a specified period of time.

75. Finally, we seek comment on whether we can or should exclude from routine historic preservation review certain collocations that have received local approval. In particular, one possibility would be to exclude a collocation from Section 106 review, regardless of whether it is located on a historic property or in or near a historic district, provided that: (1) the proposed collocation has been reviewed and approved by a Certified Local Government¹⁴¹ that has jurisdiction over the project; or (2) the collocation has received approval, in the form of a Certificate of Appropriateness¹⁴² or other similar formal approval, from a local historic preservation review body that has reviewed the project pursuant to the standards set forth in a local preservation ordinance and has found that the proposed work is appropriate for the historic structure or district. By eliminating the need to go through historic preservation review at both local and Federal levels, creating an exclusion for collocations under these circumstances might create significant efficiencies in the historic preservation review process. We seek comment on this option and on any alternatives, including whether any additional conditions should apply and whether the process for engaging Tribal Nations and NHOs for these collocations should continue to be required.

d. Scope of Undertaking and Action

76. We also invite comment on whether we should revisit the Commission's interpretation of the scope of our responsibility to review the effects of wireless facility construction under the NHPA and NEPA. In the *Pre-Construction Review Order*, the Commission retained a limited approval authority over facility construction to ensure environmental compliance in services that no longer generally require construction permits.¹⁴³ In light of the evolution of technology in the last 27 years and the corresponding changes in the nature and extent of wireless infrastructure deployment, we seek comment on whether this

¹⁴⁰ For example, in its Petition for Declaratory Ruling, PTA-FLA contends that constructions on sites that will have no effect on Tribal burial grounds, including sites which have been previously disturbed, should be exempted from Tribal review. See PTA-FLA Petition at 16.

¹⁴¹ A "Certified Local Government" is a local government whose local historic preservation program is certified under Chapter 3025 of the National Historic Preservation Act. See 54 U.S.C. §§ 300302, 302501 *et seq.*

¹⁴² A "Certificate of Appropriateness" is an authorization from a local government allowing construction or modification of buildings or structures in a historic district.

¹⁴³ *Pre-Construction Review Order*, 5 FCC Rcd at 2943, paras. 9-11; see also *CTIA – The Wireless Association v. FCC*, 446 F.3d at 115 (holding that this interpretation was not arbitrary and capricious).

retention of authority is required and, if not, whether and how it should be adjusted. Commenters should address the costs of NEPA and NHPA compliance and its utility for environmental protection and historic preservation for different classes of facilities, as well as the extent of the Commission's responsibility to consider the effects of construction associated with the provision of licensed services under governing regulations and judicial precedent.¹⁴⁴ For example, should facilities constructed under site-specific licenses be distinguished from those constructed under geographic area licenses? Can we distinguish DAS and small cell facilities from larger structures for purposes of defining what constitutes the Commission's action or undertaking, and on what basis?¹⁴⁵ Should review be required only when an EA triggering condition is met, as PTA-FLA suggests, and if so how would the licensee or applicant determine whether an EA is required in the absence of mandatory review?¹⁴⁶ To the extent there is a policy basis for distinguishing among different types of facilities, would exclusions from or modifications to the NEPA and/or NHPA review processes be a more appropriate tool to reflect these differences? Are the standards for defining the scope of our undertaking or major Federal action different under the NHPA than under NEPA? We also invite comment on whether to revisit the Commission's determination that registration of antenna structures constitutes the Commission's Federal action and undertaking so as to require environmental and historic preservation review of the registered towers' construction.¹⁴⁷

77. In addition, since our environmental rules were adopted, an industry has grown of non-licensees that are in the business of owning and managing communications sites, so that most commercial wireless towers and even smaller communications support structures are now owned from the time of their construction by non-licensees. We seek comment on how this business model affects our environmental and historic preservation compliance regime. For example, how does the requirement to perform environmental and historic preservation review prior to construction apply when the licensee is not the tower owner? If the tower is built pursuant to a contract or other understanding with a collocater, what marketplace or other effects would result from interpreting the environmental obligation to apply to the licensee? What about cases where there is no such agreement or understanding? Does the requirement in the Collocation NPA to perform review for collocations on towers that did not themselves complete Section 106 review create problems in administration or market distortions where the owner of the underlying tower may not have been subject to our rules at the time of construction?¹⁴⁸ We invite comment on these and any related questions.

¹⁴⁴ See, e.g., 40 CFR § 1508.8 (providing that "significant effects" under NEPA include indirect effects that are "caused by the action and are later in time or [more distant but] still reasonably foreseeable"); 36 CFR § 800.5(a)(1) (providing that under the NHPA, effects to be considered include "reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative"); 40 CFR § 1502.4(a) (forbidding segmentation of an action into its component parts to obviate NEPA review).

¹⁴⁵ See CTIA Comments, WT Docket No. 16-421, at 47; but see *2014 Infrastructure Order*, 29 FCC Rcd at 12903-4, para. 83 (finding no basis to draw this distinction with respect to NHPA undertakings).

¹⁴⁶ See PTA-FLA Petition at 13 (requesting ruling "that site construction by non-licensees and/or licensees where neither FCC registration nor a Section 1.1308 environmental assessment by the Commission is required do not constitute a federal undertaking and therefore are not subject to the Section 106 process"); *id.* at 9-13 (argument supporting this interpretation).

¹⁴⁷ *Streamlining the Commission's Antenna Structure Clearance Procedure; Revision of Part 17 of the Commission's Rules Concerning Construction, Marking, and Lighting of Antenna Structures*, Report and Order, 11 FCC Rcd 4272, 4289, para. 41 (1995); see, e.g., *Sugarloaf Citizens Ass'n v. Federal Energy Regulatory Comm'n*, 959 F.2d 508 (4th Cir. 1992) (finding that FERC's certification of an incinerator was a ministerial action and not a major Federal action or undertaking where FERC had no discretion to deny certification or to consider environmental values).

¹⁴⁸ Collocation NPA, § IV.A.1.

3. Collocations on Twilight Towers

78. Section 1.1307(a)(4) of the Commission's rules directs licensees and applicants, when determining whether a proposed action may affect historic properties, to follow the procedures in the ACHP's rules as modified by the Collocation NPA and the NPA, two programmatic agreements that took effect in 2001 and 2005 respectively.¹⁴⁹ Under the Collocation NPA, collocations on towers constructed on or before March 16, 2001 are generally excluded from routine historic preservation review regardless of whether the underlying tower has undergone Section 106 review.¹⁵⁰ The Collocation NPA provides that collocations on towers constructed after March 16, 2001, by contrast, are excluded from historic preservation review only if the Section 106 review process for the underlying tower and any associated environmental reviews has been completed.¹⁵¹ The NPA, which became effective on March 7, 2005, establishes detailed procedures for reviewing the effects of communications towers on historic properties.

79. There are a large number of towers that were built between the adoption of the Collocation NPA in 2001 and when the NPA became effective in 2005 that either did not complete Section 106 review or for which documentation of Section 106 review is unavailable. These towers are often referred to as "Twilight Towers." Although during this time the Commission's environmental rules required licensees and applicants to evaluate whether proposed facilities may affect historic properties,¹⁵² the text of the rule did not at that time require parties to perform this evaluation by following the ACHP's rules or any other particular process. Thus, some in the industry have argued that, prior to the NPA, it was unclear whether the Commission's rules required consultation with the relevant SHPO and/or THPO, Tribal engagement, or any other procedures, and that this uncertainty was the reason why many towers built during this period did not go through the clearance process.¹⁵³ Because the successful completion of the Section 106 process is a predicate to the exclusion from review of collocations on towers completed after March 16, 2001, licensees cannot collocate on these Twilight Towers unless either each collocation completes Section 106 review or the underlying tower goes through an individual post-construction review process.

80. The Commission has worked with stakeholders in an effort to develop a programmatic solution that would allow Twilight Towers more readily to be used for collocations.¹⁵⁴ Most recently, in

¹⁴⁹ See 47 CFR § 1.1307(a)(4).

¹⁵⁰ Collocation NPA, § III. Collocations on towers constructed on or before March 16, 2001 are excluded from Section 106 review unless (1) the mounting of the antenna will result in a substantial increase in size of the tower; or (2) the tower has been determined by the Commission to have an adverse effect on one or more historic properties; or (3) the tower is the subject of a pending environmental review or related proceeding before the Commission involving compliance with Section 106 of the National Historic Preservation Act; or (4) the collocation licensee or the owner of the tower has received written or electronic notification that the Commission is in receipt of a complaint from a member of the public, a Tribal Nation, a SHPO or the ACHP, that the collocation has an adverse effect on one or more historic properties.

¹⁵¹ Collocation NPA, § IV.

¹⁵² See 47 CFR 1.1307(a)(4) (2004) (requiring EA if facility may affect property listed or eligible for listing in the National Register of Historic Places).

¹⁵³ See, e.g., Letter from Brian M. Josef, Ass't Vice Pres. Reg. Affairs, CTIA and D. Zachary Champ, Dir. Gov't Affairs, PCIA-The Wireless Infrastructure Assoc. to Chad Breckinridge, Assoc. Chief, Wireless Telecommunications Bureau (filed Feb. 19, 2016) at 3-4 (CTIA/PCIA Feb. 19th Letter); but see "Fact Sheet, Antenna Collocation Programmatic Agreement," Public Notice, 17 FCC Rcd 508, 511 (2002) ("this evaluation process includes consultation with the relevant [SHPO] and/or [THPO], as well as compliance with other procedures set out in the ACHP rules, 36 C.F.R. Part 800, Subpart B").

¹⁵⁴ See, e.g., CTIA/PCIA Feb. 19th Letter; Email from Jennifer Sigler, Tribal Archaeologist, Eastern Shawnee Tribe of Oklahoma, to January2016TowerMtg@fcc.gov (Feb. 12, 2016); Email from Jan Biella, Pilar Cannizzaro, and Andy Wakefield, New Mexico Historic Preservation Division, to January2016TowerMtg@fcc.gov (Feb. 18, 2016).

Federal Communications Commission

FCC 17-38

August 2016, WTB circulated for discussion a draft term sheet (2016 Twilight Towers Draft Term Sheet) outlining a potential streamlined process for Twilight Towers to complete individual review.¹⁵⁵

81. We seek comment on steps the Commission should take to develop a definitive solution for the Twilight Towers issue. As we undertake this process, our goal remains to develop a solution that will allow Twilight Towers to be used for collocations while respecting the integrity of the Section 106 process. Facilitating collocations on these towers will serve the public interest by making additional infrastructure available for wireless broadband services and the FirstNet public safety broadband network.¹⁵⁶ Moreover, facilitating collocations on existing towers will reduce the need for new towers, lessening the impact of new construction on the environment and on locations with historical and cultural significance.

82. In particular, we seek comment on whether to treat collocations on towers built between March 16, 2001 and March 7, 2005 that did not go through Section 106 historic preservation review in the same manner as collocations on towers built prior to March 16, 2001 that did not go through review. Under this approach, collocations on such towers would generally be excluded from Section 106 historic preservation review, subject to the same exceptions that currently apply for collocations on towers built on or prior to March 16, 2001, *i.e.*, collocations would be excluded from Section 106 review unless (1) the mounting of the antenna will result in a substantial increase in size of the tower; (2) the tower has been determined by the Commission to have an adverse effect on one or more historic properties; (3) the tower is the subject of a pending environmental review or related proceeding before the Commission involving compliance with Section 106 of the National Historic Preservation Act; or (4) the collocation licensee or the owner of the tower has received written or electronic notification that the Commission is in receipt of a complaint from a member of the public, a Tribal Nation, a SHPO or the ACHP that the collocation has an adverse effect on one or more historic properties.¹⁵⁷ We seek comment on whether allowing collocations without individual Section 106 review in these circumstances would rapidly make available a significant amount of additional infrastructure to support wireless broadband deployment without adverse impacts. In particular, we note that the vast majority of towers that have been reviewed under the NPA have had no adverse effects on historic properties, and we are aware of no reason to believe that Twilight Towers are any different in that regard. Moreover, these towers have been standing for 12 years or more and, in the vast majority of cases, no adverse effects have been brought to our attention.

83. Although we seek comment on such an approach, we are mindful of the concerns that have been expressed by Tribal Nations and SHPOs throughout the discussions on this matter that simply allowing collocations to proceed would not permit review in those cases where an underlying tower may have undetermined adverse effects. In particular, Tribal Nations have expressed concern that some of the towers that were constructed between 2001 and 2005 may have effects on properties of religious and cultural significance that have not been noticed because their people are far removed from their traditional homelands. We seek comment on these concerns. As an initial matter, we seek comment on our underlying assumption regarding the likelihood that Twilight Towers had in their construction or continue to have adverse effects that have not been noted. To the extent such effects exist, what is the likelihood

¹⁵⁵ See National Association of Tribal Historic Preservation Officers, <http://nathpo.org/wp/wp-content/uploads/2016/08/Twilight-Towers-Discussion-Draft-Term-Sheet-081916.pdf>. The term sheet proposed for discussion a process that would include identification of Twilight Towers by their owners, limits on the number of towers each owner may submit for review per month, deadlines for submission to be set by the Commission, review fees consistent with customary practices subject to adjustment to reflect the circumstances of Twilight Tower review, a 60-day review deadline, and a dispute resolution process.

¹⁵⁶ See 47 U.S.C. § 1426(c)(3) (providing that “the First Responder Network Authority shall enter into agreements to utilize, to the maximum extent economically desirable, existing (A) commercial or other communications infrastructure; and (B) Federal, state, tribal, or local infrastructure”).

¹⁵⁷ Collocation NPA, § III.

that they could be mitigated, and what is the likelihood that a new collocation would exacerbate those effects?¹⁵⁸

84. We further seek comment on any alternative approaches. For example, should we consider a tower-by-tower process under which proposed collocations on Twilight Towers would trigger a streamlined, time-limited individual review, along the lines of the process discussed in the 2016 Twilight Towers draft term sheet?¹⁵⁹ If the Commission were to adopt such an approach, what elements should be included? For example, some in the industry have recommended a tower-by-tower approach that is voluntary and allows tower owners to submit a tower for review as market conditions justify, involves same processes and systems that are used for new and modified towers, asks ACHP to direct SHPOs and THPOs to submit prompt comments on such towers, and imposes no monetary penalty on tower owners.¹⁶⁰ We seek comment on whether to adopt this approach. Should towers be categorized, such that, for example, public safety towers receive priority for streamlined review? Alternatively, to what extent are there existing processes that function efficiently to allow collocations on Twilight Towers? Generally, given what we say above about the text of our rule, we do not anticipate taking any enforcement action or imposing any penalties based on good faith deployment during the Twilight Tower period.

85. We also seek comment on the procedural vehicle through which any solution should be implemented. Would permitting collocation on Twilight Towers require either an amendment to the Collocation NPA or another program alternative under 36 CFR § 800.14(b)? Is one form of program alternative preferable to another, and if so, why? If we were to pursue a streamlined or other alternative review procedure, would that require an amendment to the Collocation NPA or other program alternative?¹⁶¹

4. Collocations on Other Non-Compliant Towers

86. Finally, we invite comment on whether we should take any measures, and if so what, to facilitate collocations on non-compliant towers constructed after March 7, 2005. We note that unlike in the case of the Twilight Towers, the rules in effect when these towers were constructed explicitly required compliance with the review procedures set forth in the NPA. We invite commenters to propose procedures, including review processes, time frames, criteria for eligibility, and other measures, to address any or all of these towers.

III. NOTICE OF INQUIRY

87. In Sections 253 and 332(c)(7) of the Act, Congress codified its intent to streamline regulations that might otherwise slow down the deployment of broadband facilities, while balancing this goal against the long-standing and important role that State and local authorities play with respect to land-use decisions. In this section, we examine and seek comment on the scope of these statutory provisions and any new or updated guidance or determinations the Commission should provide pursuant to its authority under those provisions, including through the issuance of a Declaratory Ruling.

¹⁵⁸ The premise of the Collocation NPA is that collocations falling within its terms are unlikely to adversely affect historic properties. See Collocation NPA, para. 8 (“Whereas, the parties hereto agree that the effects on historic properties of collocations of antennas on towers, buildings and structures are likely to be minimal and not adverse . . .”).

¹⁵⁹ See National Association of Tribal Historic Preservation Officers, <http://nathpo.org/wp/wp-content/uploads/2016/08/Twilight-Towers-Discussion-Draft-Term-Sheet-081916.pdf>.

¹⁶⁰ CTIA/PCIA Feb. 19th Letter at 6-7.

¹⁶¹ See 36 CFR § 800.2(a) (requiring Federal agencies to perform Section 106 review pursuant to either Subpart B of the ACHP’s rules or a valid program alternative).

A. Intersection of Sections 253(a) and 332(c)(7)

88. We start our examination with the relevant statutory terms. Sections 253 and 332(c)(7) of the Act contain very similar language addressing State and local regulations. Section 253(a) says that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”¹⁶² Section 332(c)(7) generally preserves State and local governments’ “authority . . . over decisions regarding the placement, construction, and modification of personal wireless service facilities,”¹⁶³ but provides that their “regulation of [such activities] . . . shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”¹⁶⁴ Section 332(c)(7) imposes additional limitations as well, stating that State or local regulation of facility siting “shall not unreasonably discriminate among providers of functionally equivalent services”;¹⁶⁵ that State and local governments must act on siting requests “within a reasonable period of time”;¹⁶⁶ that any decision to deny a siting request “shall be in writing and supported by substantial evidence contained in a written record”;¹⁶⁷ and that State and local governments may not regulate wireless facility siting based on the environmental effects of radiofrequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.¹⁶⁸

89. Both Section 253(a) and Section 332(c)(7) ban State or local regulations that “prohibit or have the effect of prohibiting” service.¹⁶⁹ Both sections also proscribe State and local restrictions that unreasonably discriminate among service providers.¹⁷⁰ These sections thus appear to impose the same substantive obligations on State and local governments, though the remedies provided under each are different. There are court decisions holding that “the legal standard is the same under either [Section 253 or 332(c)(7)],” and that there is “nothing suggesting that Congress intended a different meaning of the text ‘prohibit or have the effect of prohibiting’ in the two statutory provisions, enacted at the same time, in the same statute.”¹⁷¹ We seek comment on whether there is any reason to conclude that the substantive obligations of these two provisions differ, and if so in what way. Do they apply the same standards in the same or similar situations? Do they impose different standards in different situations? We invite commenters to explain how and why. We also seek comment on the interaction between Sections 253 and 332(c)(7). For instance, if a locality exceeds its authority over access to rights of way by denying (or failing to act on) a wireless facility siting application in a manner that effectively prohibits the provision of wireless telecommunications service, does the locality violate not only Sections 253(a) and (c), but also Section 332(c)(7)? Similarly, does a locality that violates Section 332(c)(7) by failing to act within a reasonable time also violate Section 253(a) if its failure to act effectively prohibits the provision of telecommunications service?

¹⁶² 47 U.S.C. § 332(c)(7)(B)(i)(II).

¹⁶³ *Id.* § 332(c)(7)(A).

¹⁶⁴ *Id.* § 332(c)(7)(B)(i)(II).

¹⁶⁵ *Id.* § 332(c)(7)(B)(i)(I).

¹⁶⁶ *Id.* § 332(c)(7)(B)(ii).

¹⁶⁷ *Id.* § 332(c)(7)(B)(iii).

¹⁶⁸ *Id.* § 332(c)(7)(B)(iv).

¹⁶⁹ *Id.* §§ 253(a), 332(c)(7)(B)(i)(II).

¹⁷⁰ Compare 47 U.S.C. § 332(c)(7)(B)(i)(I) with 47 U.S.C. § 253(b) & (c) (specifying categories of State and local legal requirements that may be preempted unless they are “competitively neutral” and “nondiscriminatory”).

¹⁷¹ *Sprint Telephony PCS, L.P. v. County of San Diego*, 543 F.3d 571, 579 (9th Cir. 2008) (en banc); see also *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 991-93 (9th Cir. 2009).

B. “Prohibit or Have the Effect of Prohibiting”

90. In interpreting the phrase “prohibit or have the effect of prohibiting,” the Commission has made clear that Section 253(a) “proscribes State and local legal requirements that prohibit all but one entity from providing telecommunications services in a particular State or locality,”¹⁷² and, similarly, that under Section 332(c)(7), State or local government decisions to deny a siting application on the basis that one or more carriers other than the applicant already provides wireless service in the geographic area have “the effect of prohibiting” the provision of wireless service, in violation of Section 332(c)(7)(B)(i)(II).¹⁷³ The Commission has also indicated that the relevant question in interpreting the phrase “prohibit or have the effect of prohibiting” is whether an action “materially inhibits or limits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”¹⁷⁴ We seek comment on whether the Commission should provide further guidance on how to interpret and apply this statutory language, and on what interpretations it should consider.

91. A number of courts have interpreted the phrase “prohibit or have the effect of prohibiting,” as it appears in both Sections 253(a) and 332(c)(7), but they have not been consistent in their views. Under Section 253(a), the First, Second, and Tenth Circuits have held that a State or local legal requirement would be subject to preemption if it *may* have the effect of prohibiting the ability of an entity to provide telecommunications services,¹⁷⁵ while the Eighth and Ninth Circuits have erected a higher burden and insisted that “a plaintiff suing a municipality under Section 253(a) must show actual or effective prohibition, rather than the mere possibility of prohibition.”¹⁷⁶ By the same token, different courts have imposed inconsistent burdens of proof to establish that localities violated Section 332(c)(7) by improperly denying siting application. The First, Fourth, and Seventh Circuits have imposed a “heavy burden” of proof on applicants to establish a lack of alternative feasible sites, requiring them to show “not just that *this* application has been rejected but that further reasonable efforts to find another solution are so likely to be fruitless that it is a waste of time even to try.”¹⁷⁷ By contrast, the Second, Third, and Ninth Circuits have held that an applicant must show only that its proposed facilities are the “least intrusive means” for filling a coverage gap in light of the aesthetic or other values that the local authority seeks to serve.¹⁷⁸ We invite commenters to address these issues of statutory interpretation so we may have the benefit of a full range of views from the interested parties as we determine what action, if any, we should

¹⁷² See *Classic Telephone, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 13082, 13095, para. 25 (1996).

¹⁷³ See *2009 Declaratory Ruling*, 24 FCC Rcd at 14016-19, paras. 56-65.

¹⁷⁴ *California Payphone Association Petition for Preemption of Ordinance No. 576 NS of the City of Huntington Park, Calif.*, 12 FCC Rcd 14191, 14206, para. 31 (1997).

¹⁷⁵ *Puerto Rico Tel. Co. v. Municipality of Guayanilla*, 450 F.3d 9, 18 (1st Cir. 2006); *TCG New York, Inc. v. City of White Plains*, 305 F.3d 67, 76 (2d Cir. 2002); *Qwest Corp. v. City of Santa Fe*, 380 F.3d 1258, 1270 & n.9 (10th Cir. 2004).

¹⁷⁶ *Sprint Telephony PCS, L.P. v. County of San Diego*, 543 F.3d 571, 578 (9th Cir. 2008) (en banc); *Level 3 Commc’ns, L.L.C. v. City of St. Louis*, 477 F.3d 528, 532-33 (8th Cir. 2007). *But see* Letter from Michael Pastor, General Counsel, New York City Dept. of Information Technology and Telecommunications, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79, at 1-3 (filed Apr. 12, 2017) (offering alternative interpretation).

¹⁷⁷ *Green Mountain Realty Corp. v. Leonard*, 750 F.3d 30, 40 (1st Cir. 2014); *accord New Cingular Wireless PCS, LLC v. Fairfax County*, 674 F.3d 270, 277 (4th Cir. 2012); *T-Mobile Northeast LLC v. Fairfax County*, 672 F.3d 259, 266-68 (4th Cir. 2012) (en banc); *Helcher v. Dearborn County*, 595 F.3d 710, 723 (7th Cir. 2010).

¹⁷⁸ *Sprint Spectrum, LP v. Willoth*, 176 F.3d 630, 643 (2d Cir. 1999); *APT Pittsburgh Ltd. P’ship v. Penn Township*, 196 F.3d 469, 480 (3d Cir. 1999); *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056-57 (9th Cir. 2014); *City of Anacortes*, 572 F.3d at 995-99.

take to resolve them.¹⁷⁹ We also invite parties to address whether there is some new theory altogether that we should consider.

92. We also seek comment on the proper role of aesthetic considerations in the local approval process. The use of aesthetic considerations is not inherently improper; many courts have held that municipalities may, without necessarily violating Section 332(c)(7), deny siting applications on the grounds that the proposed facilities would adversely affect an area's aesthetic qualities, *provided* that such decisions are not founded merely on “generalized concerns” about aesthetics but are supported by “substantial evidence contained in a written record”¹⁸⁰ about the impact of specific facilities on particular geographic areas or communities.¹⁸¹ We seek comment on whether we should provide more specific guidance on how to distinguish legitimate denials based on evidence of specific aesthetic impacts of proposed facilities, on the one hand, from mere “generalized concerns,” on the other.

93. Finally, we note that WTB's *Streamlining PN* sought comment on application processing fees and charges for the use of rights of way.¹⁸² We invite parties to comment on similar issues relating to the application of section 332(c)(7)'s “prohibit or have the effect of prohibiting” language on infrastructure siting on properties beyond rights of way. For instance, we seek comment on the up-front application fees that State or local government agencies impose on parties submitting applications for authority to construct or modify wireless facilities in locations other than rights of way. Can those fees, in some instances, “prohibit or have the effect of prohibiting” service? For instance, are those fees cost based? If commenters believe a particular State or locality's application fees are excessive, we invite them to provide detailed explanations for that view and to explain how such fees might be inconsistent with section 332 of the Act. Relatedly, do wireless siting applicants pay fees comparable to those paid by other parties for similar applications, and if not, are there instances in which such fees violate section

¹⁷⁹ *Brand X*, 545 U.S. at 982-83 (when “Congress has delegated to an agency the authority to interpret a statute,” any “ambiguity [is to] be resolved . . . by the agency,” and a contrary “judicial precedent [does not] foreclose the agency from an interpreting an ambiguous statute.”).

¹⁸⁰ 47 U.S.C. § 332(c)(7)(B)(iii) (“Any decision . . . to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.”). “In a number of cases, courts have overturned denials of permits [for lack of ‘substantial evidence’], finding (for example) that safety concerns and aesthetic objections rested upon hollow generalities and empty records.” *Town of Amherst v. Omnipoint Communic'ns Enterprises, Inc.*, 173 F.3d 9, 16 (1st Cir. 1999) (dictum).

¹⁸¹ See, e.g., *Sprint PCS Assets LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 725-26 (9th Cir. 2009); *City of Anacortes*, 572 F.3d at 994-95; *T-Mobile Central, LLC v. Unified Gov't of Wyandotte County*, 546 F.3d 1299, 1312 (10th Cir. 2008); *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 494 (2d Cir. 1999); *AT&T Wireless PCS, Inc. v. City of Virginia Beach*, 155 F.3d 423, 427, 430-31 (4th Cir. 1998). It is also indicative – although not dispositive – that the legislative history of the Telecommunications Act of 1996 refers to giving “localities the flexibility to treat facilities that create different *visual, aesthetic*, or safety concerns differently to the extent permitted under generally applicable zoning requirements” S. Rep. No. 104-230, at 208 (1996) (Conf. Rep.). Notably, NEPA requires Federal agencies to consider the aesthetic effects of Federal actions, and in some cases may warrant an agency's requiring an applicant to modify a proposed project so as to avoid or mitigate adverse aesthetic impacts, see 42 U.S.C. § 4331(b) (“it is the continuing responsibility of the Federal Government to use all practicable means . . . [to] assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings”); 40 CFR § 1508.8(b); *Maryland-National Capital Park and Planning Commission v. U.S. Postal Service*, 487 F.2d 1029 (D.C. Cir. 1973); and the Commission itself has applied aesthetic considerations in some cases involving NEPA review. See, e.g., *SBA Towers III, LLC Petitions to Deny and Requests for Environmental Review, Copper Harbor, Mich.*, 31 FCC Rcd 1755, 1765-67, paras. 38-42 (WTB/CIPD 2016); *AT&T Mobile Services, Inc. Construction of Tower at Fort Ransom, N.D.*, 30 FCC Rcd 11023, 11032, para. 28 (WTB/CIPD 2015).

¹⁸² See *Streamlining PN*, 31 FCC Rcd at 13371-73 (Section II.B.3). The Public Notice also sought comment on local governments' practices that may “prohibit or have the effect of prohibiting” the provision of wireless service, see *id.* at 13369-70 (Section II.B.1), and raised questions about the reasonable period of time for State and local governments to process siting applications. 31 FCC Rcd at 13370-71 (Section II.B.2); cf. *supra*, Section II.A.1 & 2.

332's prohibition of regulations that "unreasonably discriminate among providers of functionally equivalent services"?

94. We also seek similar information about the recurring charges – as well as the other terms, conditions, or restrictions – that State or local government agencies impose for the siting of wireless facilities on publicly owned or controlled lands, structures such as light poles or water towers, or other resources other than rights of way. Do such fees or practices "prohibit or have the effect of prohibiting" service, or do they "unreasonably discriminate among providers of functionally equivalent services? Are there disparities between the charges or other restrictions imposed on some parties by comparison with those imposed on others? Do any agencies impose charges or other requirements that commenting parties believe to be particularly burdensome, such as franchise fees based on a percentage of revenues? Are other aspects of the process for obtaining approval particularly burdensome? Commenters should explain their concerns in sufficient detail to allow State and local governments to respond and to allow the Commission to determine whether it should provide guidance on these issues.¹⁸³

C. "Regulations" and "Other Legal Requirements"

95. The terms of Section 253(a) specify that a "statute," "regulation," or "other legal requirement" may be preempted,¹⁸⁴ while the terms of Section 332(c)(7) refer to "decisions" concerning wireless facility siting and the "regulation" of siting.¹⁸⁵ We seek comment on how those terms should be interpreted. For instance, do the terms "statute," "regulation," and "legal requirement" in Section 253(a) have essentially the same meaning as the parallel terms "regulation" and "decisions" in Section 332(c)(7)? The Commission has held in the past that the terminology in Section 253(a) quoted above "recognizes that State and local barriers to entry could come from sources other than statutes and regulations" and "was meant to capture a broad range of state and local actions" that could pose barriers to entry—including agreements with a single party that result in depriving other parties of access to rights of way.¹⁸⁶ We believe there is a reasonable basis for concluding that the same broad interpretation should apply to the language of Section 332, and we seek comment on this analysis.

96. We also seek comment on the extent to which these statutory provisions apply to States and localities acting in a proprietary versus regulatory capacity, and on what constitutes a proprietary capacity. In the *2014 Infrastructure Order*, the Commission opined that the Spectrum Act and the rules and policies implementing it apply to localities' actions on siting applications when acting in their capacities as land-use *regulators*, but not when acting as managers of land or property that they own and operate primarily in their *proprietary* roles.¹⁸⁷ The Order cited cases indicating that "Sections 253 and 332(c)(7) do not preempt non-regulatory decisions of a State or locality acting in its proprietary capacity."¹⁸⁸ We seek comment on whether we should reaffirm or modify the *2014 Infrastructure*

¹⁸³ Cf. *infra* Section III.C (discussing State and local government agencies' roles as "proprietors" versus "regulators" of public resources including, but not limited to, rights of way).

¹⁸⁴ See 47 U.S.C. § 253(a) ("No State or local *statute* or *regulation*, or *other* State or local *legal requirement*, may prohibit or have the effect of prohibiting the ability of any entity to provide any . . . telecommunications service") (emphases added).

¹⁸⁵ See 47 U.S.C. §§ 332(c)(7)(A) ("Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over *decisions* regarding the placement, construction, and modification of personal wireless service facilities.") (emphasis added), 332(c)(7)(B)(i)(II) ("The *regulation* of the placement, construction, and modification of personal wireless service facilities . . . shall not prohibit or have the effect of prohibiting the provision of personal wireless services") (emphasis added).

¹⁸⁶ See *Petition of the State of Minnesota for a Declaratory Ruling Regarding the Effect of Section 253 on an Agreement to Install Fiber Optic Wholesale Transmission Capacity in State Freeway Rights-of-Way*, Memorandum Opinion and Order, 14 FCC Rcd 21697, 21704, para. 11 (1999) (*Minnesota Preemption Order*).

¹⁸⁷ *2014 Infrastructure Order*, 29 FCC Rcd at 12964-65, paras. 239-40.

¹⁸⁸ *Id.* at 12965, para. 239 & n.646 (citations omitted).

Order's characterization of the distinction between State and local governments' regulatory roles versus their proprietary roles as "owners" of public resources. How should the line be drawn in the context of properties such as public rights of way (*e.g.*, highways and city streets), municipally-owned lampposts or water towers, or utility conduits? Should a distinction between regulatory and proprietary be drawn on the basis of whether State or local actions advance those government entities' interests as participants in a particular sphere of economic activity (proprietary),¹⁸⁹ by contrast with their interests in overseeing the use of public resources (regulatory)?¹⁹⁰ What about requests for proposals (RFPs) or contracts involving state or local entities? We invite commenters to identify any States or local governments that have imposed restrictions on the installation of new facilities or the upgrading of existing facilities in public rights of way, and describe those restrictions and their impacts. Do such restrictions have characteristics or effects that are comparable to moratoria on processing applications?¹⁹¹

D. Unreasonable Discrimination

97. We seek comment on whether certain types of facially neutral criteria that some localities may be applying when reviewing and evaluating wireless siting applications could run afoul of Section 253, Section 332(c)(7), or another provision of the Act.¹⁹² For instance, we ask commenters to identify any State or local regulations that single out telecom-related deployment for more burdensome treatment than non-telecom deployments that have the same or similar impacts on land use, to explain how, and to address whether this type of asymmetric treatment violates Federal law.

98. We also seek comment on the extent to which localities may be seeking to restrict the deployment of utility or communications facilities above ground and attempt to relocate electric, wireline telephone, and other utility lines in that area to underground conduits. Obviously, it is impossible to operate wireless network facilities underground.¹⁹³ Undergrounding of utility lines seems to place a premium on access to those facilities that remain above ground, such as municipally-owned street lights. Is there a particular way that Section 253 or 332(c)(7) should apply in that circumstance? More generally, we seek comment on parties' experience with undergrounding requirements, including how wireless facilities have been treated in communities that require undergrounding of utilities. We also seek comment on whether and how the Communications Act applies in such instances. For instance, may localities deny applications to construct new above-ground wireless structures in such areas, or deny applications to install collocated equipment on structures that may eventually be dismantled? Could

¹⁸⁹ See *Building & Construction Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc.*, 507 U.S. 218 (1993) (finding State agency acted in proprietary capacity, and not as a regulator, when establishing requirements for prospective subcontractors in context of procuring services for construction of a wastewater treatment project, because the actions under review were "analogous [to] private conduct" of non-governmental parties overseeing large construction projects).

¹⁹⁰ *Minnesota Preemption Order*, 14 FCC Rcd at 21707-08, para. 18 (finding preemption appropriate because, "[i]n this case, Minnesota is not merely acquiring fiber optic capacity for its own use; it is providing a private party with exclusive physical access to the freeway rights-of-way[.] . . . [which] has the potential to adversely affect competitors that do not have similar access. *This situation is very different from a traditional government procurement of telecommunications facilities or services.*") (emphasis added).

¹⁹¹ Cf. *supra* Section II.A.3.

¹⁹² See, *e.g.*, 47 U.S.C. § 253(a), (c); 47 U.S.C. § 332(c)(7)(B)(i)(I).

¹⁹³ Cf. *Sprint Telephony PCS, L.P. v. County of San Diego*, 543 F.3d at 580 ("If an ordinance required, for instance, that all facilities be underground and the plaintiff introduced evidence that, to operate, wireless facilities must be above ground, the ordinance would effectively prohibit it from providing services."); *Cox Communic'ns PCS, L.P. v. City of San Marcos*, 204 F. Supp. 2d 1260, 1269 (S.D. Cal. 2002) (holding that alleged discrimination caused by city ordinance that treated gas utility more favorably than wireless carrier was not *unreasonable*, because "the gas company installs most of its facilities underground, which impacts the City's zoning and visual concerns differently than above-ground facilities").

“undergrounding” plans “prohibit or have the effect of prohibiting” service by causing suitable sites for wireless antennas to become scarce? We seek comment on parties’ experiences with undergrounding generally.

99. Section 332(c)(7)(B)(i)(I) prohibits States and localities from unreasonably discriminating among providers of “functionally equivalent services.”¹⁹⁴ We seek comment on whether parties have encountered such discrimination, and ask that they provide specific examples. We also seek comment on what constitutes “functionally equivalent services” for this purpose. For instance, should entities that are considered to be utilities be viewed as an appropriate comparison? For the limited purpose of applying Section 332(c)(7)(B)(i)(I), can wireless and wireline services be considered “functionally equivalent” in some circumstances? Which types of discrimination are reasonable and which are unreasonable?

IV. PROCEDURAL MATTERS

A. Initial Regulatory Flexibility Analysis

100. Pursuant to the Regulatory Flexibility Act (RFA),¹⁹⁵ the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and actions considered in this NPRM. The IRFA is set forth in the Appendix. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM. The Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).¹⁹⁶

B. Initial Paperwork Reduction Act Analysis

101. This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995.¹⁹⁷ In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.¹⁹⁸

C. Other Procedural Matters

1. Ex Parte Rules – Permit-but-Disclose

102. Except to the limited extent described in the next paragraph, this proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁹⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda

¹⁹⁴ 47 U.S.C. § 332(c)(7)(B)(i)(I).

¹⁹⁵ See 5 U.S.C. § 603.

¹⁹⁶ See 5 U.S.C. § 603(a).

¹⁹⁷ See Paperwork Reduction Act of 1995, Public Law 104-13.

¹⁹⁸ See 44 U.S.C. § 3506(c)(4).

¹⁹⁹ 47 CFR § 1.1200 *et seq.*

or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Rule 1.1206(b). In proceedings governed by Rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

103. In light of the Commission's trust relationship with Tribal Nations and Native Hawaiian Organizations (NHOs), and our obligation to engage in government-to-government consultation with them, we find that the public interest requires a limited modification of the *ex parte* rules in this proceeding.²⁰⁰ Tribal Nations and NHOs, like other interested parties, should file comments, reply comments, and *ex parte* presentations in the record in order to put facts and arguments before the Commission in a manner such that they may be relied upon in the decision-making process. But we will exempt *ex parte* presentations involving elected and appointed leaders and duly appointed representatives of federally-recognized Tribal Nations and NHOs from the disclosure requirements in permit-but-disclose proceedings²⁰¹ and the prohibitions during the Sunshine Agenda period.²⁰² Specifically, presentations from elected and appointed leaders or duly appointed representatives of federally-recognized Tribal Nations or NHOs to Commission decision makers shall be exempt from disclosure. To be clear, while the Commission recognizes that consultation is critically important, we emphasize that the Commission will rely in its decision-making only on those presentations that are placed in the public record for this proceeding.

2. Comment Filing Procedures

104. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). **All filings related to this NPRM and NOI shall refer to WT Docket No. 17-79.**

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

105. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325,

²⁰⁰ See, *e.g.*, *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, Policy Statement, 16 FCC Rcd 4078 (2000) ("The Commission will endeavor to identify innovative mechanisms to facilitate Tribal consultation in agency regulatory processes that uniquely affect telecommunications compliance activities, radio spectrum policies, and other telecommunications service-related issues on Tribal lands.").

²⁰¹ 47 CFR 1.1206.

²⁰² 47 CFR 1.1203.

Federal Communications Commission**FCC 17-38**

Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

106. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

107. *Additional Information.* For additional information on this proceeding, contact Aaron Goldschmidt, Aaron.Goldschmidt@fcc.gov, of the Wireless Telecommunications Bureau, Competition & Infrastructure Policy Division, (202) 418-7146, or David Sieradzki, David.Sieradzki@fcc.gov, of the Wireless Telecommunications Bureau, Competition & Infrastructure Policy Division, (202) 418-1368.

V. ORDERING CLAUSES

108. Accordingly, IT IS ORDERED, pursuant to Sections 1, 2, 4(i), 7, 201, 253, 301, 303, 309, and 332 of the Communications Act of 1934, as amended 47 U.S.C. §§ 151, 152, 154(i), 157, 201, 253, 301, 303, 309, and 332, Section 102(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. § 4332(C), and Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108, that this Notice of Proposed Rulemaking and Notice of Inquiry IS hereby ADOPTED.

109. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX**Initial Regulatory Flexibility Analysis**

1. As required by the Regulatory Flexibility Act of 1980, as amended (“RFA”),²⁰³ the Commission has prepared an Initial Regulatory Flexibility Analysis (“IRFA”) concerning the possible significant economic impact on small entities of the policies and rules proposed in this Notice of Proposed Rulemaking (“Notice”). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the Notice. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (“SBA”).²⁰⁴ In addition, the Notice and IRFA (or summaries thereof) will be published in the *Federal Register*.²⁰⁵

A. Need for, and Objectives of, the Proposed Rules

2. In this Notice, we examine how we may further remove or reduce regulatory impediments to wireless infrastructure investment and deployment in order to promote the rapid deployment of advanced mobile broadband service to all Americans. First, the Notice seeks comment on certain measures or clarifications to expedite State and local processing of wireless facility siting applications pursuant to our authority under 332 of the Communications Act, including a “deemed granted” remedy in cases of unreasonable delay. Next, we undertake a comprehensive fresh look at our rules and procedures implementing the National Environmental Policy Act (“NEPA”) and Section 106 of the National Historic Preservation Act (“Section 106”). As part of this review, we seek comment on potential measures to improve or clarify the Commission’s Section 106 process, including in the area of fees paid to Tribal Nations in connection with their participation in the process, cases involving lack of response by relevant parties including affected Tribal Nations, and batched processing. We also seek comment on possible additional exclusions from Section 106 review, and we reexamine the scope of our responsibility to review the effects of wireless facility construction under the NHPA and NEPA. Finally, the Notice seeks comment on so-called “Twilight Towers,” wireless towers that were constructed during a time when the process for Section 106 review was unclear, that may not have completed Section 106 review as a result, and that are therefore not currently available for collocation without first undergoing review. We seek comment on various options addressing Twilight Towers, including whether to exclude collocations on such towers from Section 106 historic preservation review, subject to certain exceptions, or alternatively subjecting collocations on Twilight Towers to a streamlined, time-limited review. We expect the measures on which we seek comment in this Notice to be only a part of our efforts to expedite wireless infrastructure deployment and we invite commenters to propose other innovative approaches to expediting deployment.

B. Legal Basis

3. The authority for the actions taken in this Notice is contained in Sections 1, 2, 4(i), 7, 201, 253, 301, 303, 309, and 332 of the Communications Act of 1934, as amended 47 U.S.C. §§ 151, 152, 154(i), 157, 201, 253, 301, 303, 309, and 332, Section 102(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. § 4332(C), and Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108.

²⁰³ See 5 U.S.C. § 603. The RFA, see 5 U.S.C. §§ 601 – 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (“SBREFA”), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

²⁰⁴ See 5 U.S.C. § 603(a).

²⁰⁵ See *id.*

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

4. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.²⁰⁶ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”²⁰⁷ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.²⁰⁸ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.²⁰⁹ Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

5. The Notice seeks comment on potential rule changes regarding State, local, and Federal regulation of the siting and deployment of communications towers and other wireless facilities. Due to the number and diversity of owners of such infrastructure and other responsible parties, particularly small entities that are Commission licensees as well as non-licensees, we classify and quantify them in the remainder of this section. The Notice seeks comment on our description and estimate of the number of small entities that may be affected by our actions in this proceeding.

6. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive small entity size standards that could be directly affected herein.²¹⁰ First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA’s Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.²¹¹ These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses.²¹² Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”²¹³ Nationwide, as of 2007, there were approximately 1,621,215 small organizations.²¹⁴ Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”²¹⁵ U.S. Census Bureau

²⁰⁶ 5 U.S.C. § 603(b)(3).

²⁰⁷ 5 U.S.C. § 601(6).

²⁰⁸ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

²⁰⁹ 15 U.S.C. § 632. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission’s statistical account of television stations may be over-inclusive.

²¹⁰ See 5 U.S.C. § 601(3)-(6).

²¹¹ See SBA, Office of Advocacy, “Frequently Asked Questions, Question 1 – What is a small business?” https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf (June 2016).

²¹² See SBA, Office of Advocacy, “Frequently Asked Questions, Question 2- How many small business are there in the U.S.?” https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf (June 2016).

²¹³ 5 U.S.C. § 601(4).

²¹⁴ Independent Sector, *The New Nonprofit Almanac & Desk Reference* (2010).

²¹⁵ 5 U.S.C. § 601(5).

data published in 2012 indicate that there were 89,476 local governmental jurisdictions in the United States.²¹⁶ We estimate that, of this total, as many as 88,761 entities may qualify as “small governmental jurisdictions.”²¹⁷ Thus, we estimate that most governmental jurisdictions are small.

7. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services.²¹⁸ The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.²¹⁹ For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.²²⁰ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.²²¹ Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

8. The Commission’s own data—available in its Universal Licensing System—indicate that, as of October 25, 2016, there are 280 Cellular licensees that will be affected by our actions today.²²² The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services.²²³ Of this total, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees.²²⁴ Thus, using available data, we estimate that the majority of wireless firms can be considered small.

9. *Personal Radio Services*. Personal radio services provide short-range, low-power radio for personal communications, radio signaling, and business communications not provided for in other services. Personal radio services include services operating in spectrum licensed under Part 95 of our

²¹⁶ U.S. Census Bureau, Statistical Abstract of the United States: 2012 at 267, Table 429 (2011), <http://www2.census.gov/library/publications/2011/compendia/statab/131ed/2012-statab.pdf> (citing data from 2007).

²¹⁷ The 2012 U.S. Census data for small governmental organizations are not presented based on the size of the population in each organization. There were 89,476 local governmental organizations in the Census Bureau data for 2012, which is based on 2007 data. As a basis of estimating how many of these 89,476 local government organizations were small, we note that there were a total of 715 cities and towns (incorporated places and minor civil divisions) with populations over 50,000 in 2011. See U.S. Census Bureau, City and Town Totals Vintage: 2011, <http://www.census.gov/popest/data/cities/totals/2011/index.html>. If we subtract the 715 cities and towns that meet or exceed the 50,000 population threshold, we conclude that approximately 88,761 are small.

²¹⁸ NAICS Code 517210. See <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=ib&id=ib.en./ECN.NAICS2012.517210>.

²¹⁹ 13 CFR § 121.201, NAICS Code 517210.

²²⁰ U.S. Census Bureau, Subject Series: Information, tbl. 5, “Establishment and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210.”

²²¹ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with “100 employees or more.”

²²² See <http://wireless.fcc.gov/uls>. For the purposes of this IRFA, consistent with Commission practice for wireless services, the Commission estimates the number of licensees based on the number of unique FCC Registration Numbers.

²²³ See *Trends in Telephone Service* at tbl. 5.3.

²²⁴ See *id.*

rules.²²⁵ These services include Citizen Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service.²²⁶ There are a variety of methods used to license the spectrum in these rule parts, from licensing by rule, to conditioning operation on successful completion of a required test, to site-based licensing, to geographic area licensing. All such entities in this category are wireless, therefore we apply the definition of Wireless Telecommunications Carriers (except Satellite), pursuant to which the SBA's small entity size standard is defined as those entities employing 1,500 or fewer persons.²²⁷ For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.²²⁸ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.²²⁹ Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. We note that many of the licensees in this category are individuals and not small entities. In addition, due to the mostly unlicensed and shared nature of the spectrum utilized in many of these services, the Commission lacks direct information upon which to base an estimation of the number of small entities that may be affected by our actions in this proceeding.

10. *Public Safety Radio Licensees.* Public Safety Radio Pool licensees as a general matter, include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services.²³⁰ Because of the vast array of public safety licensees, the Commission has not developed a small business size standard specifically applicable to public safety licensees. For this category we apply the SBA's definition for Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engaged in radiotelephone communications and for which the small entity size standard is defined as those entities employing 1,500 or fewer persons.²³¹ For this industry,

²²⁵ 47 CFR Part 90.

²²⁶ The Citizens Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service are governed by subpart D, subpart A, subpart C, subpart B, subpart H, subpart I, subpart G, and subpart J, respectively, of Part 95 of the Commission's rules. See generally 47 CFR Part 95.

²²⁷ 13 CFR § 121.201, NAICS Code 517210.

²²⁸ U.S. Census Bureau, Subject Series: Information, Table 5, "Establishment and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210," http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ2&prodType=table.

²²⁹ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

²³⁰ See subparts A and B of Part 90 of the Commission's Rules, 47 CFR §§ 90.1-90.22. Police licensees serve state, county, and municipal enforcement through telephony (voice), telegraphy (code), and teletype and facsimile (printed material). Fire licensees are comprised of private volunteer or professional fire companies, as well as units under governmental control. Public Safety Radio Pool licensees also include state, county, or municipal entities that use radio for official purposes. State departments of conservation and private forest organizations comprise forestry service licensees that set up communications networks among fire lookout towers and ground crews. State and local governments are highway maintenance licensees that provide emergency and routine communications to aid other public safety services to keep main roads safe for vehicular traffic. Emergency medical licensees use these channels for emergency medical service communications related to the delivery of emergency medical treatment. Additional licensees include medical services, rescue organizations, veterinarians, persons with disabilities, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities.

²³¹ See 13 CFR § 121.201, NAICS Code 517210.

U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.²³² Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.²³³ Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. With respect to local governments, in particular, since many governmental entities comprise the licensees for these services, we include under public safety services the number of government entities affected. According to Commission records, there are a total of approximately 133,870 licenses within these services.²³⁴ There are 3,121 licenses in the 4.9 GHz band, based on an FCC Universal Licensing System search of March 29, 2017.²³⁵ We estimate that fewer than 2,442 public safety radio licensees hold these licenses because certain entities may have multiple licenses.

11. *Private Land Mobile Radio Licensees.* Private land mobile radio (PLMR) systems serve an essential role in a vast range of industrial, business, land transportation, and public safety activities. These radios are used by companies of all sizes operating in all U.S. business categories. Because of the vast array of PLMR users, the Commission has not developed a small business size standard specifically applicable to PLMR users. The SBA's definition for Wireless Telecommunications Carriers (except Satellite) which encompasses business entities engaged in radiotelephone communications and for which the small entity size standard is defined as those entities employing 1,500 or fewer persons.²³⁶ For this industry, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.²³⁷ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more.²³⁸ Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. According to the Commission's records, there are a total of 3,374 licenses in the frequencies range 173.225 MHz to 173.375 MHz, which is the range affected by this Notice.²³⁹ The Commission does not require PLMR licensees to disclose information about number of employees, and does not have information that could be used to determine how many PLMR licensees constitute small entities under

²³² U.S. Census Bureau, Subject Series: Information, Table 5, "Establishment and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210," http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ2&prodTtype=table.

²³³ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

²³⁴ This figure was derived from Commission licensing records as of June 27, 2008. Licensing numbers change on a daily basis. We do not expect this number to be significantly smaller today. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of public safety licensees that have less than 1,500 employees.

²³⁵ Based on an FCC Universal Licensing System search of March 29, 2017. Search parameters: Radio Service = PA – Public Safety 4940-4990 MHz Band; Authorization Type = Regular; Status = Active.

²³⁶ See 13 CFR § 121.201, NAICS Code 517210.

²³⁷ U.S. Census Bureau, Subject Series: Information, Table 5, "Establishment and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210," http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ2&prodTtype=table.

²³⁸ *Id.* Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with "1000 employees or more."

²³⁹ This figure was derived from Commission licensing records as of August 16, 2013. Licensing numbers change on a daily basis. We do not expect this number to be significantly smaller today. This does not indicate the number of licensees, as licensees may hold multiple licenses. There is no information currently available about the number of licensees that have fewer than 1,500 employees.

this definition. The Commission however believes that a substantial number of PLMR licensees may be small entities despite the lack of specific information.

12. *Multiple Address Systems.* Entities using Multiple Address Systems (MAS) spectrum, in general, fall into two categories: (1) those using the spectrum for profit-based uses, and (2) those using the spectrum for private internal uses.

13. With respect to the first category, Profit-based Spectrum use, the size standards established by the Commission define “small entity” for MAS licensees as an entity that has average annual gross revenues of less than \$15 million over the three previous calendar years.²⁴⁰ A “Very small business” is defined as an entity that, together with its affiliates, has average annual gross revenues of not more than \$3 million over the preceding three calendar years.²⁴¹ The SBA has approved these definitions.²⁴² The majority of MAS operators are licensed in bands where the Commission has implemented a geographic area licensing approach that requires the use of competitive bidding procedures to resolve mutually exclusive applications. The Commission’s licensing database indicates that, as of April 16, 2010, there were a total of 11,653 site-based MAS station authorizations. Of these, 58 authorizations were associated with common carrier service. In addition, the Commission’s licensing database indicates that, as of April 16, 2010, there were a total of 3,330 Economic Area market area MAS authorizations. The Commission’s licensing database also indicates that, as of April 16, 2010, of the 11,653 total MAS station authorizations, 10,773 authorizations were for private radio service. In 2001, an auction for 5,104 MAS licenses in 176 EAs was conducted.²⁴³ Seven winning bidders claimed status as small or very small businesses and won 611 licenses. In 2005, the Commission completed an auction (Auction 59) of 4,226 MAS licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands. Twenty-six winning bidders won a total of 2,323 licenses. Of the 26 winning bidders in this auction, five claimed small business status and won 1,891 licenses.

14. With respect to the second category, Internal Private Spectrum use consists of entities that use, or seek to use, MAS spectrum to accommodate their own internal communications needs, MAS serves an essential role in a range of industrial, safety, business, and land transportation activities. MAS radios are used by companies of all sizes, operating in virtually all U.S. business categories, and by all types of public safety entities. For the majority of private internal users, the definition developed by the SBA would be more appropriate than the Commission’s definition. The applicable definition of small entity is the “Wireless Telecommunications Carriers (except satellite)” definition under the SBA rules.²⁴⁴ Under that SBA category, a business is small if it has 1,500 or fewer employees.²⁴⁵ For this category, U.S. Census data for 2012 show that there were 967 firms that operated for the entire year.²⁴⁶ Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees

²⁴⁰ See Amendment of the Commission’s Rules Regarding Multiple Address Systems, *Report and Order*, 15 FCC Rcd 11956, 12008 para. 123 (2000).

²⁴¹ *Id.*

²⁴² See Letter from Aida Alvarez, Administrator, Small Business Administration, to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, FCC (June 4, 1999).

²⁴³ See “Multiple Address Systems Spectrum Auction Closes,” Public Notice, 16 FCC Rcd 21011 (2001).

²⁴⁴ 13 CFR § 121.201, NAICS Code 517210.

²⁴⁵ *Id.*

²⁴⁶ U.S. Census Bureau, Subject Series: Information, Table 5, “Establishment and Firm Size: Employment Size of Firms for the United States: 2007 NAICS Code 517210,” https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.

or more.²⁴⁷ Thus under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities that may be affected by our action.²⁴⁸

15. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and “wireless cable,” transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)).²⁴⁹

16. *BRS* - In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than \$40 million in the previous three calendar years.²⁵⁰ The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities.²⁵¹ After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission’s rules.

17. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas.²⁵² The Commission offered three levels of bidding credits: (i) a bidder with attributed average annual gross revenues that exceed \$15 million and do not exceed \$40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed \$3 million and do not exceed \$15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed \$3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid.²⁵³ Auction 86 concluded in 2009 with the sale of 61 licenses.²⁵⁴ Of the ten winning bidders, two bidders that claimed small business status won

²⁴⁷ Available census data do not provide a more precise estimate of the number of firms that have employment of 1,500 or fewer employees; the largest category provided is for firms with “1000 employees or more.”

²⁴⁸ *See id.*

²⁴⁹ *Amendment of Parts 21 and 74 of the Commission’s Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding*, Report and Order, 10 FCC Rcd 9589, 9593, para. 7 (1995).

²⁵⁰ 47 CFR § 21.961(b)(1).

²⁵¹ 47 U.S.C. § 309(j). Hundreds of stations were licensed to incumbent MDS licensees prior to implementation of Section 309(j) of the Communications Act of 1934, 47 U.S.C. § 309(j). For these pre-auction licenses, the applicable standard is SBA’s small business size standard of 1500 or fewer employees.

²⁵² *Auction of Broadband Radio Service (BRS) Licenses, Scheduled for October 27, 2009, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 86*, Public Notice, 24 FCC Rcd 8277 (2009).

²⁵³ *Id.* at 8296 para. 73.

²⁵⁴ *Auction of Broadband Radio Service Licenses Closes, Winning Bidders Announced for Auction 86, Down Payments Due November 23, 2009, Final Payments Due December 8, 2009, Ten-Day Petition to Deny Period*, Public Notice, 24 FCC Rcd 13572 (2009).

4 licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

18. *EBS* - The SBA's Cable Television Distribution Services small business size standard is applicable to EBS. There are presently 2,436 EBS licensees. All but 100 of these licenses are held by educational institutions. Educational institutions are included in this analysis as small entities.²⁵⁵ Thus, we estimate that at least 2,336 licensees are small businesses. Since 2007, Cable Television Distribution Services have been defined within the broad economic census category of Wired Telecommunications Carriers. Wired Telecommunications Carriers are comprised of establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.²⁵⁶ The SBA's small business size standard for this category is all such firms having 1,500 or fewer employees. U.S. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small. To gauge small business prevalence for these cable services we must, however, use the most current census data for the previous category of Cable and Other Program Distribution and its associated size standard which was all such firms having \$13.5 million or less in annual receipts.²⁵⁷ According to U.S. Census Bureau data for 2007, there were a total of 996 firms in this category that operated for the entire year.²⁵⁸ Of this total, 948 firms had annual receipts of under \$10 million, and 48 firms had receipts of \$10 million or more but less than \$25 million.²⁵⁹ Thus, the majority of these firms can be considered small.

19. *Location and Monitoring Service (LMS)*. LMS systems use non-voice radio techniques to determine the location and status of mobile radio units. For purposes of auctioning LMS licenses, the Commission has defined a "small business" as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed \$15 million.²⁶⁰ A "very small business" is defined as an entity that, together with controlling interests and affiliates, has average annual gross revenues for the preceding three years not to exceed \$3 million.²⁶¹ These definitions have been approved by the SBA.²⁶² An auction for LMS licenses commenced on February 23, 1999 and closed on March 5, 1999. Of the 528 licenses auctioned, 289 licenses were sold to four small businesses.

²⁵⁵ The term "small entity" within SBREFA applies to small organizations (nonprofits) and to small governmental jurisdictions (cities, counties, towns, townships, villages, school districts, and special districts with populations of less than 50,000). 5 U.S.C. §§ 601(4)-(6). We do not collect annual revenue data on EBS licensees.

²⁵⁶ U.S. Census Bureau, 2012 NAICS Definitions, "517110 Wired Telecommunications Carriers," (partial definition), <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517110&search=2012>.

²⁵⁷ 13 CFR § 121.201, NAICS Code 517110.

²⁵⁸ U.S. Census Bureau, 2007 Economic Census, Subject Series: Information, Receipts by Enterprise Employment Size for the United States: 2007, NAICS Code 517510 (rel. Nov. 19, 2010).

²⁵⁹ *Id.*

²⁶⁰ Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, PR Docket No. 93-61, *Second Report and Order*, 13 FCC Rcd 15182, 15192 para. 20 (1998); *see also* 47 CFR § 90.1103.

²⁶¹ *Id.*

²⁶² *See* Letter from Aida Alvarez, Administrator, Small Business Administration to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC (Feb. 22, 1999).

20. *Television Broadcasting.* This Economic Census category “comprises establishments primarily engaged in broadcasting images together with sound.”²⁶³ These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public.²⁶⁴ These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: those having \$38.5 million or less in annual receipts.²⁶⁵ The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of \$25,000,000 or less, 25 had annual receipts between \$25,000,000 and \$49,999,999 and 70 had annual receipts of \$50,000,000 or more.²⁶⁶ Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

21. The Commission has estimated the number of licensed commercial television stations to be 1,384.²⁶⁷ Of this total, 1,264 stations (or about 91 percent) had revenues of \$38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on February 24, 2017, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 394.²⁶⁸ Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

22. We note, however, that in assessing whether a business concern qualifies as “small” under the above definition, business (control) affiliations²⁶⁹ must be included. Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of “small business” requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive.²⁷⁰

²⁶³ U.S. Census Bureau, 2012 NAICS Definitions, “515120 Television Broadcasting,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515120&search=2017+NAICS+Search&search=2017>.

²⁶⁴ U.S. Census Bureau, 2012 NAICS Definitions, “515120 Television Broadcasting,” <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515120&search=2017+NAICS+Search&search=2017>.

²⁶⁵ 13 CFR § 121.201; 2012 NAICS Code 515120.

²⁶⁶ U.S. Census Bureau, Table No. EC1251SSSZ4, “Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012 (515120 Television Broadcasting),” https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.

²⁶⁷ *Broadcast Station Totals as of December 31, 2016*, Press Release (MB, rel. January 5, 2017) (*January 5, 2017 Broadcast Station Totals Press Release*), <https://www.fcc.gov/document/broadcast-station-totals-december-31-2016>.

²⁶⁸ *January 5, 2017 Broadcast Station Totals Press Release*.

²⁶⁹ “[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.” 13 CFR § 21.103(a)(1).

²⁷⁰ There are also 2,344 LPTV stations, including Class A stations, and 3689 TV translator stations. Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

23. *Radio Stations.* This Economic Census category “comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.”²⁷¹ The SBA has established a small business size standard for this category as firms having \$38.5 million or less in annual receipts.²⁷² Economic Census data for 2012 shows that 2,849 radio station firms operated during that year.²⁷³ Of that number, 2,806 operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more.²⁷⁴ Therefore, based on the SBA’s size standard the majority of such entities are small entities.

24. According to Commission staff review of the BIA Publications, Inc. Master Access Radio Analyzer Database as of June 2, 2016, about 11,386 (or about 99.9 percent) of 11,395 commercial radio stations had revenues of \$38.5 million or less and thus qualify as small entities under the SBA definition. The Commission has estimated the number of licensed commercial radio stations to be 11,415.²⁷⁵ We note, that the Commission has also estimated the number of licensed NCE radio stations to be 4,101.²⁷⁶ Nevertheless, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

25. We also note, that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included.²⁷⁷ The Commission’s estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, to be determined a “small business,” an entity may not be dominant in its field of operation.²⁷⁸ We further note, that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these basis, thus our estimate of small businesses may therefore be over-inclusive.

26. *FM Translator Stations and Low Power FM Stations.* FM translators and Low Power FM Stations are classified in the category of Radio Stations and are assigned the same NAICS Code as licensees of radio stations.²⁷⁹ This U.S. industry, Radio Stations, comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.²⁸⁰ The SBA has established a small business size standard which consists of all radio stations whose annual receipts are \$38.5 million dollars or less.²⁸¹

²⁷¹ <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=515112&search=2017+NAICS+Search&search=2017>.

²⁷² 13 CFR § 121.201, NAICS Code 515112 Radio Stations.

²⁷³ U.S. Census Bureau, Table No. EC1251SSSZ4, “Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012 (515112 Radio Stations),” https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.

²⁷⁴ *Id.*

²⁷⁵ *January 5, 2017 Broadcast Station Totals Press Release.*

²⁷⁶ *January 5, 2017 Broadcast Station Totals Press Release.*

²⁷⁷ “[Business concerns] are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has power to control both.” 13 CFR § 121.103(a)(1).

²⁷⁸ 13 CFR § 121.102(b).

²⁷⁹ NAICS Code 515112.

²⁸⁰ <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=515112&search=2007 NAICS Search>.

²⁸¹ 13 CFR 121.201.

U.S. Census data for 2012 indicate that 2,849 radio station firms operated during that year.²⁸² Of that number, 2,806 operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 million and 26 with annual receipts of \$50 million or more.²⁸³ Based on U.S. Census data, we conclude that the majority of FM Translator Stations and Low Power FM Stations are small.

27. *Multichannel Video Distribution and Data Service (MVDDS)*. MVDDS is a terrestrial fixed microwave service operating in the 12.2-12.7 GHz band. The Commission adopted criteria for defining three groups of small businesses for purposes of determining their eligibility for special provisions such as bidding credits. It defined a very small business as an entity with average annual gross revenues not exceeding \$3 million for the preceding three years; a small business as an entity with average annual gross revenues not exceeding \$15 million for the preceding three years; and an entrepreneur as an entity with average annual gross revenues not exceeding \$40 million for the preceding three years.²⁸⁴ These definitions were approved by the SBA.²⁸⁵ On January 27, 2004, the Commission completed an auction of 214 MVDDS licenses (Auction No. 53). In this auction, ten winning bidders won a total of 192 MVDDS licenses.²⁸⁶ Eight of the ten winning bidders claimed small business status and won 144 of the licenses. The Commission also held an auction of MVDDS licenses on December 7, 2005 (Auction 63). Of the three winning bidders who won 22 licenses, two winning bidders, winning 21 of the licenses, claimed small business status.²⁸⁷

28. *Satellite Telecommunications*. This category comprises firms “primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.”²⁸⁸ The category has a small business size standard of \$32.5 million or less in average annual receipts, under SBA rules.²⁸⁹ For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year.²⁹⁰ Of this total, 299

²⁸² U.S. Census Bureau, Table No. EC1251SSSZ4, “Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012 (515112 Radio Stations),” https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.

²⁸³ *Id.*

²⁸⁴ Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range; Amendment of the Commission’s Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band, *Memorandum Opinion and Order and Second Report and Order*, 17 FCC Rcd 9614, 9711, para. 252 (2002).

²⁸⁵ See Letter from Hector V. Barreto, Administrator, U.S. Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, FCC (Feb. 13, 2002).

²⁸⁶ See “Multichannel Video Distribution and Data Service Spectrum Auction Closes,” *Public Notice*, 19 FCC Rcd 1834 (2004).

²⁸⁷ See “Auction of Multichannel Video Distribution and Data Service Licenses Closes; Winning Bidders Announced for Auction No. 63,” *Public Notice*, 20 FCC Rcd 19807 (2005).

²⁸⁸ U.S. Census Bureau, 2012 NAICS Definitions, “517410 Satellite Telecommunications,” <http://www.census.gov/naics/2012/def/ND517410.HTM>.

²⁸⁹ 13 CFR § 121.201, NAICS Code 517410.

²⁹⁰ U.S. Census Bureau, *2012 Economic Census of the United States*, Table EC1251SSSZ4, “Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the United States: 2012, NAICS Code 517410,” https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.

firms had annual receipts of less than \$25 million.²⁹¹ Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

29. *All Other Telecommunications.* The “All Other Telecommunications” category is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.²⁹² The SBA has developed a small business size standard for “All Other Telecommunications,” which consists of all such firms with gross annual receipts of \$32.5 million or less.²⁹³ For this category, U.S. Census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million.²⁹⁴ Thus, a majority of “All Other Telecommunications” firms potentially affected by our action can be considered small.

30. *Fixed Microwave Services.* Microwave services include common carrier,²⁹⁵ private-operational fixed,²⁹⁶ and broadcast auxiliary radio services.²⁹⁷ They also include the Local Multipoint Distribution Service (LMDS),²⁹⁸ the Digital Electronic Message Service (DEMS),²⁹⁹ the 39 GHz Service (39 GHz),³⁰⁰ the 24 GHz Service,³⁰¹ and the Millimeter Wave Service³⁰² where licensees can choose between common carrier and non-common carrier status.³⁰³ The SBA nor the Commission has defined a small business size standard for microwave services. For purposes of this IRFA, the Commission will use the SBA’s definition applicable to Wireless Telecommunications Carriers (except satellite)—i.e., an

²⁹¹ *Id.*

²⁹² <https://factfinder.census.gov/faces/affhelp/jsf/pages/metadata.xhtml?lang=en&type=ib&id=ib.en./ECN.NAICS.2012.517919>.

²⁹³ 13 CFR § 121.201, NAICS Code 517919.

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https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.

²⁹⁵ See 47 CFR Part 10, Subpart I.

²⁹⁶ Persons eligible under Parts 80 and 90 of the Commission’s rules can use Private-Operational Fixed Microwave services. See 47 CFR Parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee’s commercial, industrial, or safety operations.

²⁹⁷ Auxiliary Microwave Service is governed by Part 74 and Part 78 of Title 47 of the Commission’s rules. Available to licensees of broadcast stations, cable operators, and to broadcast and cable network entities. Auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes TV pickup and CARS pickup, which relay signals from a remote location back to the studio.

²⁹⁸ See 47 CFR Part 101, Subpart L.

²⁹⁹ See 47 CFR Part 101, Subpart G.

³⁰⁰ See 47 CFR Part 101, Subpart N.

³⁰¹ See *id.*

³⁰² See 47 CFR Part 101, Subpart Q.

³⁰³ See 47 CFR §§ 101.533, 101.1017.

entity with no more than 1,500 persons is considered small.³⁰⁴ Under that size standard, such a business is small if it has 1,500 or fewer employees.³⁰⁵ U. S. Census Bureau data for 2012, show that there were 967 firms in this category that operated for the entire year. Of this total, 955 had employment of 999 or fewer, and 12 firms had employment of 1,000 employees or more. Thus under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities that may be affected by our proposed action.³⁰⁶

31. According to Commission data in the Universal Licensing System (ULS) as of September 22, 2015 there were approximately 61,970 common carrier fixed licensees, 62,909 private and public safety operational-fixed licensees, 20,349 broadcast auxiliary radio licensees, 412 LMDS licenses, 35 DEMS licenses, 870 39 GHz licenses, and five 24 GHz licenses, and 408 Millimeter Wave licenses in the microwave services. The Commission notes that the number of firms does not necessarily track the number of licensees. The Commission estimates that virtually all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition.

32. *Non-Licensee Owners of Towers and Other Infrastructure.* Although at one time most communications towers were owned by the licensee using the tower to provide communications service, many towers are now owned by third-party businesses that do not provide communications services themselves but lease space on their towers to other companies that provide communications services. The Commission's rules require that any entity, including a non-licensee, proposing to construct a tower over 200 feet in height or within the glide slope of an airport must register the tower with the Commission's Antenna Structure Registration ("ASR") system and comply with applicable rules regarding review for impact on the environment and historic properties.

33. As of March 1, 2017, the ASR database includes approximately 122,157 registration records reflecting a "Constructed" status and 13,987 registration records reflecting a "Granted, Not Constructed" status. These figures include both towers registered to licensees and towers registered to non-licensee tower owners. The Commission does not keep information from which we can easily determine how many of these towers are registered to non-licensees or how many non-licensees have registered towers.³⁰⁷ Regarding towers that do not require ASR registration, we do not collect information as to the number of such towers in use and therefore cannot estimate the number of tower owners that would be subject to the rules on which we seek comment. Moreover, the SBA has not developed a size standard for small businesses in the category "Tower Owners." Therefore, we are unable to determine the number of non-licensee tower owners that are small entities. We believe, however, that when all entities owning 10 or fewer towers and leasing space for collocation are included, non-licensee tower owners number in the thousands, and that nearly all of these qualify as small businesses under the SBA's definition for "All Other Telecommunications."³⁰⁸ The SBA has developed a small business size standard for "All Other Telecommunications," which consists of all such firms with gross annual receipts of \$32.5 million or less.³⁰⁹ For this category, U.S. Census data for 2012 show that

³⁰⁴ 13 CFR § 121.201, NAICS Code 517210.

³⁰⁵ 13 CFR § 121.201, NAICS Code 517210.

³⁰⁶ See U.S. Census Bureau, Subject Series: Information, Table 5, "Establishment and Firm Size: Employment Size of Firms for the U.S.: 2012 NAICS Code 517210,"

http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ2&prodType=table.

³⁰⁷ We note, however, that approximately 13,000 towers are registered to 10 cellular carriers with 1,000 or more employees.

³⁰⁸ 13 CFR § 121.201, NAICS Code 517919. Under this category, a business is small if it has \$32.5 million or less in annual receipts.

³⁰⁹ 13 CFR § 121.201, NAICS Code 517919.

there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million.³¹⁰ Thus, a majority of “All Other Telecommunications” firms potentially affected by our action can be considered small. In addition, there may be other non-licensee owners of other wireless infrastructure, including Distributed Antenna Systems (DAS) and small cells, that might be affected by the measures on which we seek comment. We do not have any basis for estimating the number of such non-licensee owners that are small entities.

D. Description of Projected Reporting, Recordkeeping, and other Compliance Requirements for Small Entities

34. The Notice seeks comment on potential rule changes that may affect reporting, recordkeeping and other compliance requirements. Specifically the Notice seeks comment on a specific NHPA submission process known as batching. Currently, a streamlined process for certain facilities associated with building out the Positive Train Control (PTC) railroad safety system is in effect whereby eligible facilities may be submitted to State Historic Preservation Officers (SHPOs) and through the Tower Construction Notification System (TCNS) in batches instead of individually. The Notice seeks comment on whether we should require SHPOs and Tribal Historic Preservation Officers (THPOs) to review non-PTC facilities in batched submissions as well. If adopted, this may require modifications to reporting or other compliance requirements for small entities and or jurisdictions to enable such submissions. We anticipate that batch rather than individual submissions will add no additional burden to small entities and may reduce the cost and delay associated with the deployment of wireless infrastructure. In addition, the Notice seeks comment on whether the current Section 106 process can be revised in a manner that would permit applicants to self-certify their compliance with our Section 106 process and therefore proceed once they meet our notification requirements, without requiring Commission involvement. This self-certifying process may also require additional reporting or other compliance requirements for small entities. Similarly, we anticipate that a self-certification process will reduce the cost and delay associated with the deployment of wireless infrastructure for small entities by expediting the current Section 106 process.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

35. The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.³¹¹

36. In this proceeding, the Commission seeks to examine regulatory impediments to wireless infrastructure investment and deployment, and how we may remove or reduce such impediments consistent with the law and the public interest. We anticipate that the steps on which the Notice seeks comment will help reduce burdens on small entities that may need to deploy wireless infrastructure by reducing the cost and delay associated with the deployment of such infrastructure. As discussed below, however, certain proposals may impose regulatory compliance costs on small jurisdictions.

37. The Notice seeks comment on potential ways to expedite wireless facility deployment. First, it seeks comment on certain measures or clarifications to expedite State and local processing of wireless facility siting applications pursuant to our authority under Section 332 of the Communications

³¹⁰

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.

³¹¹ See 5 U.S.C. § 603(c).

Act. Specifically, the Notice proposes to adopt one or more of three mechanisms for implementing a “deemed granted” remedy for State and local agencies’ failure to satisfy their obligations under Section 332(c)(7)(B)(ii) to act on applications outside the context of the Spectrum Act, including irrebuttable presumption, lapse of State and local governments’ authority, and a preemption rule. The Notice also seeks comment on how to quantify a “reasonable period of time” within which to act on siting applications. Specifically, the Notice asks commenters to discuss whether the Commission should consider adopting different time frames for review of facility deployments not covered by Section 6409 of the Spectrum Act, by identifying more narrowly defined classes of deployments and distinct reasonable time frames to govern such classes. The Notice also seeks comment on what time periods would be reasonable (outside the Spectrum Act context) for any new categories of applications, and on what factors the Commission should consider in making such a decision. The Notice also seeks comment on whether the Commission should provide further guidance to address situations in which it is not clear when the shot clock should start running, or in which States and localities on one hand, and industry on the other, disagree on when the time for processing an application begins, and on whether there are additional steps that should be considered to ensure that a deemed granted remedy achieves its purpose of expediting review.

38. In addition, the Notice seeks comment on Moratoria. The Commission clarified in the *2014 Infrastructure Order* that the shot clock deadline applicable to each application “runs regardless of any moratorium.”³¹² The Notice asks commenters to submit specific information about whether some localities are continuing to impose moratoria or other restrictions on the filing or processing of wireless siting applications, including identification of the specific entities engaging in such actions and description of the effect of such restrictions on parties’ ability to deploy network facilities and provide service to consumers. The Notice also proposes to take any additional actions necessary, such as issuing an order or declaratory ruling providing more specific clarifications of the moratorium ban or preempting specific State or local moratoria. The proposed measures should reduce existing regulatory costs for small entities that construct or deploy wireless infrastructure. We invite commenters to discuss the economic impact of any of these proposed measures on small entities, including small jurisdictions, and on any alternatives that would reduce the economic impact on such entities.

39. Second, the Notice undertakes a fresh look at our rules and procedures implementing NEPA and the NHPA as they relate to our implementation of Title III of the Act in the context of wireless infrastructure deployment. The Notice seeks comment on potential measures in several areas that could improve the efficiency of our review under the NHPA and NEPA, including in the areas of fees, addressing delays, and batched processing. Specifically, the Notice seeks comment on the costs, benefits, and time requirements associated with the historic preservation review process under Section 106 of the NHPA, including SHPO and Tribal Nation review, as well as on the costs and relative benefits of the Commission’s NEPA rules. The Notice also seeks comment on potential process reforms regarding Tribal Fees, including fee amounts, when fees are requested, the legal framework of potential fee schedules, the delineation of Tribal Nation’s geographic area of interest, and on potential remedies, dispute resolution, and possible negotiated alternatives.

40. The Notice then seeks comment on other possible reforms to our NHPA process that may make it faster, including time limits and self-certification when no response to a Section 106 submission is provided, on whether we should require SHPOs and THPOs to review non-PTC facilities in batched submissions, and if so, how such a process should work and what sort of facilities would be eligible, and finally, whether there are additional procedural changes that we should consider to improve the Section 106 review process in a manner that does not compromise its integrity.

41. Further, the Notice seeks comment on ways to improve and further streamline our environmental compliance regulations while ensuring we meet our NEPA obligations. Toward that end,

³¹² *2014 Infrastructure Order*, 29 FCC Rcd at 12971, para. 265.

the Notice seeks comment on whether to revise the Commission's rules so that an EA is not required for siting in a floodplain when appropriate engineering or mitigation requirements have been met and on whether to expand the categories of undertakings that are excluded from Section 106 review, to include pole replacements, deployments in rights-of-way, and collocations based on their minimal potential to adversely affect historic properties. The Notice also seeks comment on whether we should revisit the Commission's interpretation of the scope of our responsibility to review the effects of wireless facility construction under the NHPA and NEPA. These potential changes to our rules and procedures implementing NEPA and the NHPA would reduce environmental compliance costs on entities that construct or deploy wireless infrastructure. These potential revisions are likely to provide an even greater benefit for small entities that may not have the compliance resources and economies of scale of larger entities. We invite comment on ways in which the Commission can achieve its goals, but at the same time further reduce the burdens on small entities.

42. Third, the Notice seeks comment on steps the Commission should take to develop a definitive solution for the Twilight Towers issue that will allow Twilight Towers to be used for collocations while respecting the integrity of the Section 106 process. Facilitating collocations on these towers will serve the public interest by making additional infrastructure available for wireless broadband services and the FirstNet public safety broadband network³¹³, as well as reduce the need for new towers, lessening the impact of new construction on the environment and on locations with historical and cultural significance, thereby reducing the associated regulatory burden, particularly the burden on small entities.

43. In particular, the Notice seeks comment on whether to treat collocations on towers built between March 16, 2001 and March 7, 2005 that did not go through Section 106 historic preservation review in the same manner as collocations on towers built prior to March 16, 2001 that did not go through review. Under this approach, collocations on such towers would generally be excluded from Section 106 historic preservation review, subject to the same exceptions that currently apply for collocations on towers built on or prior to March 16, 2001. We seek comment on whether allowing collocations without individual Section 106 review in these circumstances would rapidly make available a significant amount of additional infrastructure to support wireless broadband deployment without adverse impacts. The Notice also seeks comment on any alternative approaches and on the procedural vehicle through which any solution should be implemented. Finally, the Notice invites comment on what measures, if any, should be taken to facilitate collocations on non-compliant towers constructed after March 7, 2005, including whether we should pursue an alternative review process, or any other alternative approach, for any or all of these towers. These proposals would reduce the environmental compliance costs associated with collocations, especially for small entities that have limited financial resources. We invite commenters to discuss the economic impact of any of the proposals for the solution to the Twilight Towers issue on small entities, including small jurisdictions, and on any alternatives that would reduce the economic impact on such entities.

44. For the options discussed in this Notice, we seek comment on the effect or burden of the prospective regulation on small entities, including small jurisdictions, the extent to which the regulation would relieve burdens on small entities, and whether there are any alternatives the Commission could implement that could achieve the Commission's goals while at the same time minimizing or further reducing the burdens on small entities.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

45. None.

³¹³ See Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act), 47 U.S.C. § 1426 (c)(3) (providing that "the First Responder Network Authority shall enter into agreements to utilize, to the maximum extent economically desirable, existing (A) commercial or other communications infrastructure; and (B) Federal, state, tribal, or local infrastructure.").

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket 17-79

As a football fan, I'm still shaking my head at the Atlanta Falcons' epic collapse in the Super Bowl against the New England Patriots. As a regulator, what concerns me even more are the stories I've heard about the roadblocks to deploying wireless infrastructure that companies encountered leading up to the big game.

Tens of thousands of fans flooded Houston's NRG Stadium in February to send many terabytes of data in the form of texts, pictures, and videos. In order to handle this massive increase in network traffic, wireless carriers knew in advance they'd have to upgrade their infrastructure in order to boost network capacity in and around the stadium.

But meeting this commitment was much harder than it should've been. For instance, one company ended up paying thousands of dollars per utility pole for purposes of meeting historic preservation requirements. Now, it's hard to imagine that there is much to preserve, historically speaking, in the parking lot of NRG Stadium. After all, initial construction started in the early 2000s. Yet this company was forced to pay hundreds of thousands of dollars in total to complete this review—excessive costs that both delayed construction and were ultimately passed on to consumers.

This case isn't unique. I have heard time and time again how current rules and procedures impede the timely, cost-effective deployment of wireless infrastructure.

This will only become a bigger problem as our wireless networks evolve. A key feature of the transition from 4G to 5G is a change in network architecture. The future of wireless will evolve from large, macro-cell towers to include thousands of densely-deployed small cells, operating at lower power.

As networks evolve, our rules should too. Historic preservation and environmental review regulations designed for large macro-cell towers just don't make sense for small cells that can be the size of a pizza box. And cities shouldn't impose unreasonable demands or moratoria on wireless siting requests. This simply penalizes their own constituents who want better mobile service. To address these issues, we are seeking ideas for updating state, local, and Tribal infrastructure review to meet the realities of the modern marketplace.

If we do our job—if we can make the deployment of wireless infrastructure easier, consistent with the public interest—then we can help close the digital divide in our country. This is especially true for low-income and minority communities, which disproportionately rely on wireless service as their primary or sole on-ramp to the Internet. Working with our partners at the federal, state, local, and Tribal levels, I hope we can take another meaningful step towards bringing high-speed Internet access to all Americans and maintaining our nation's global leadership in the wireless space.

I'd like to thank the dedicated staff of the Wireless Telecommunications Bureau, including Paul D'Ari, Steve DelSordo, Angela DeMahy, Chas Eberle, Aaron Goldschmidt, Garnet Hanly, Leon Jackler, Don Johnson, Erica Rosenberg, Hilary Rosenthal, Jennifer Salhus, David Sieradzki, Michael Smith, Jill Springer, Jeff Steinberg, Joel Taubenblatt, Suzanne Tetreault, Peter Trachtenberg, and Mary Claire York. I would also like to thank David Horowitz, Andrea Kelly, Marcus Maher, Lee Martin, Linda Oliver, and Anjali Singh from the Office of General Counsel; Lyle Ishida and Dan Margolis from the Office of Native Affairs and Policy; and Michael Wagner from the Media Bureau. All of your efforts are much appreciated.

**CONCURRING STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket 17-79

We have all seen the statistics and read the headlines about the predicted explosive growth when it comes to the demand for wireless services. We are also very aware that consumers expect us to take our policy role seriously, when it comes to ensuring that the nation is prepared to meet this demand. Part of that preparation is ensuring that we can readily deploy the necessary infrastructure to support current, and future wireless offerings. 5G and IoT are just around the corner, and we are all eager to see how innovative wireless technologies will improve the way we live, work and play.

I have yet to come across a single community that wants to be left behind or overlooked as we embark on this new frontier. With that in mind, it is noteworthy that we all support efforts to streamline infrastructure deployment. But we must do so in a way that allows all sides to come to the table with a willingness to negotiate and work together.

As I have said before, approving applications to site antennas and other infrastructure, are difficult policy challenges for local governments. Many are overwhelmed by the increased volume of siting and permitting applications in a 4G and 5G world. Indeed, the localities considering siting applications vary immensely from geographic and demographic differences, to financial considerations, to differences in local law. They are on the front lines addressing the challenges of cost, complexity, and time faced by siting applicants, while answering and addressing the never ending questions, concerns and needs, of their communities.

We cannot afford to deal with any of these elements in a vacuum. Local officials and industry must work together to identify challenges, engage in coordinated efforts to update outdated regulations, and brainstorm deployment plans that are minimally disruptive to communities, and they must do so in an efficient and timely way. A collaborative local process and open dialogue between the public and private sector will minimize conflict, introduce predictability, and create incentives for information sharing and transparency.

I have met with industry representatives, as well as those from local governments, and I understand each of their grievances. Some localities charge fees that applicants view as excessive for permit applications, access to rights-of-way, and public structures, while others find themselves economically underwater after the negotiations are complete. And while it is important that municipalities are properly compensated for use of their rights-of-way and public structures, a balanced and equitable system would ensure that those fees paid by the companies are both fair and reasonable.

Siting applicants have themselves been criticized for submitting incomplete applications, which some localities point to as a source of delay in processing permits. That must be appropriately addressed. Some applications lack field engineering expertise, propose locations that are clearly not viable, or are submitted by entities that lack clear legal authority to do so. That cannot be ignored. Review of incomplete or inadequate applications, adds to the costs, burdens, and time imposed on local governments, and impacts the ability of localities to timely review properly completed applications. This cannot be denied. Applicants could help speed the review process by ensuring that their submissions are complete and reflect all necessary underlying work and municipalities must recognize that infrastructure builds enable, empower and improve their communities.

Federal Communications Commission**FCC 17-38**

I think it is important to acknowledge that there are actions that can be taken on both sides of the aisle, and I thank my colleagues for agreeing to my requests to seek comment on actions applicants can take to help streamline the process, as well as to seek comment on the “deemed granted” approach, rather than proposing it outright.

The *NPRM* also proposes to take a “fresh” look at our rules implementing the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA), and while I am not opposed to reviewing our rules, we must be careful not to subvert statutory intent, as we update our rules to reflect the evolving wireless landscape.

I encourage all parties to fully participate in this proceeding, and propose creative solutions that will allow us all to work together towards our common goal. In the end, it is the American consumer who will benefit from our efforts. They are ever most in mind when I make decisions, as they should be in yours.

Many thanks to the hard-working staff of the Wireless Telecommunications Bureau for your work on this item.

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket 17-79

I am pleased to support today's notice of proposed rulemaking and notice of inquiry seeking comment on potential ways to overcome some of the barriers being put in front of wireless infrastructure siting. Since I joined the Commission, I have engaged on this topic with many interested parties and discussed the importance of facilitating network deployments in many fora. The Commission can continue to release spectrum into the marketplace, but wireless services only become a reality if the infrastructure is in place to deliver them to the American consumer. While today's notice is narrower in scope than I would have liked, I recognize that stakeholders commented on several issues in response to last December's Wireless Telecommunications Bureau public notice.¹ Hopefully, the Commission will also consider those ideas expeditiously.

I have heard some argue that there should be more outreach to stakeholders before taking today's step, but I must respectfully disagree. While conversations can be productive, the Commission, in an open and transparent fashion, should obtain all the facts and ask the difficult questions to holistically consider any barriers placed before wireless infrastructure siting. The Commission cannot continuously hear accounts of deployment hurdles and sit idly by. If this generates the need for preemption, I have no hesitation to use authority provided by Congress to get new wireless services deployed.

Take, for instance, the tortured history of twilight towers, the resolution of which I have been urging since I came to the Commission and which has been outstanding since 2005. Twelve years later, there has been a lot of talk, but no action. It makes no sense to have towers upon which no collocations can occur. Facilities are needed as industry participants build out newly available bands and densify their systems. This issue must be resolved once and for all, and immediately.

I have also met with many people about the delays and expense of seeking the necessary local permitting and tribal approvals. This has been especially problematic for small cell systems, which should not require the same review and fees as a macro tower. Many localities and tribes are, undoubtedly, acting in good faith, and I thank them for their cooperation in approving the deployments necessary to provide Americans with the wireless services they demand, but bad actors are ruining it for everyone. Infrastructure siting is not a means to increase revenues; and delaying application reviews, imposing de facto moratoria, preventing densification and upgrades of networks, among other tactics, is not acceptable.

As we go forward, I am interested in hearing the suggestions of all interested parties and, as always, I will consider all views before making a final decision. I will review with particular interest submissions regarding our statutory authority to impose a deemed granted remedy under section 332. While I like the idea, the wording of the statute may complicate our ability to bypass the judicial system. Further, I have concerns about one petitioner's suggestion that the Commission set a fee schedule or resolve disputes with tribes. I generally do not believe this is the Commission's role.

I appreciate that the Chairman incorporated my requested edits, such as providing additional information about alternative twilight tower solutions, adding a statement that twilight towers should not

¹ *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling*, WT Docket No. 16-421, Public Notice, 31 FCC Red 13360 (WTB 2016).

be subject to any type of enforcement action or penalties, discussing potential improvements that we can make to the Commission's Tower Construction Notification System and our internal processes, seeking comment on whether the current Commission forms are sufficient to provide all the required upfront information for tribal review, and exploring whether specific types of collocations, such as those on existing structures with no ground disturbance or indoors, should be exempt from historic preservation and environmental reviews, amongst others.

Finally, I thank the staff for their efforts on this item and for all the work to come on what is one of the most important proceedings before the Commission.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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Accelerating Wireless Broadband Deployment) WT Docket No. 17-79
by Removing Barriers to Infrastructure)
Investment)
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June 15, 2017

TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY	1
II.	THE COMMISSION SHOULD TAKE STEPS TO PROMOTE THE DEPLOYMENT OF NEXT-GENERATION WIRELESS BROADBAND.....	4
III.	THE COMMISSION HAS THE AUTHORITY TO PREEMPT ARTIFICIAL BARRIERS TO WIRELESS FACILITY DEPLOYMENTS.....	7
IV.	TO REDUCE STATE AND LOCAL BARRIERS TO SMALL CELL DEPLOYMENTS, THE COMMISSION SHOULD DECLARE THAT SECTIONS 253 AND 332 PROHIBIT CERTAIN ACTIONS AND PRACTICES.....	12
	A. Direct Prohibitions on Wireless Small Cell Placement Violate Sections 253 and 332.....	13
	B. Unreasonable Aesthetic Restrictions on Wireless Small Cell Facilities in the ROW Violate Sections 253 and 332.	16
	C. ROW and Municipal Pole Access Fees That Are Not Cost-Based Violate Section 253.....	17
	D. Burdensome Permitting Processes Violate Section 253 by Injecting Unnecessary Costs and Delays into the Wireless Siting Process.	21
	E. The Commission Should Preempt Local Regulations That Would Inhibit Small Cell Deployments in Particular.....	22
	F. Section 253(c) Requires Local Governments to Unilaterally Disclose ROW Compensation to the Public.....	24
V.	THE COMMISSION SHOULD ADOPT REMEDIES AND PROCEDURES TO PROVIDE GREATER PREDICTABILITY FOR SITING APPLICANTS.....	25
	A. The Commission Should Adopt a “Deemed Granted” Remedy Under Section 332.....	25
	B. The Commission Should Establish a Streamlined Complaint Process for Violations of Section 253.....	27
VI.	THE COMMISSION SHOULD UPDATE ITS APPROACH TO THE NHPA AND NEPA TO REMOVE CHALLENGES TO DEPLOYING NECESSARY WIRELESS INFRASTRUCTURE.....	29

A. The Commission Should Eliminate Inconsistencies in Application of its Section 106 Categorical Exclusions and Further Streamline NHPA Review. 29

B. The Commission Should Refine its NEPA Review Policies to Foster Infrastructure Deployment. 35

VII. THE COMMISSION SHOULD REFORM THE TRIBAL REVIEW PROCESS TO ELIMINATE EXCESSIVE FEES AND DELAYS. 35

VIII. THE COMMISSION SHOULD EXEMPT TWILIGHT TOWERS FROM THE SECTION 106 HISTORIC PRESERVATION REVIEW PROCESS. 39

IX. CONCLUSION..... 41

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Accelerating Wireless Broadband Deployment)	WT Docket No. 17-79
by Removing Barriers to Infrastructure)	
Investment)	
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COMMENTS OF AT&T

I. INTRODUCTION AND SUMMARY

AT&T Services Inc. (“AT&T”), on behalf of the subsidiaries and affiliates of AT&T Inc. (collectively, “AT&T”), submits these comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) Notice of Proposed Rulemaking and Notice of Inquiry.¹ Over the next few years, providers will need to deploy hundreds of thousands of wireless facilities—equal to or more than they have deployed over the last few decades—to meet the country’s exponentially growing wireless broadband needs and provide the infrastructure necessary for soon to be deployed 5G networks. AT&T therefore welcomes this initiative by the Commission to reduce regulatory obstacles to the deployment of wireless infrastructure.

AT&T’s wireless data traffic has grown by 250,000% since 2007 and is expected to grow 10x more by 2020.² Massive small cell deployments will be essential for carriers to meet this growing demand. They also are necessary to the deployment of 5G networks, which will revolutionize the way consumers and businesses use mobile broadband services, and of the

¹ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 3330 (2017) (“*NPRM*”).

² AT&T Investor Update, 2nd Quarter Earnings Conference Call at 13 (2016), *available at* https://www.att.com/Investor/Earnings/2q16/slides_2q16.pdf.

deployments, as small cells are, by definition, small and unobtrusive. The Commission should resolve inefficiencies in the NHPA Tribal review process, which today can involve excessive fees and burdensome delays. Finally, the Commission should take this opportunity to address longstanding ambiguities associated with so-called “Twilight Towers,” which have had the effect of limiting collocations on thousands of existing structures. Resolving these inefficiencies will speed and simplify the wireless infrastructure deployment process and help providers deliver increased capacity and coverage to consumers and advance the United States’ status as a leader in wireless.

II. THE COMMISSION SHOULD TAKE STEPS TO PROMOTE THE DEPLOYMENT OF NEXT-GENERATION WIRELESS BROADBAND.

As evidenced by a recent Senate Committee on Commerce, Science, and Transportation hearing, improving the nation’s wireless infrastructure and delivering robust wireless broadband to consumers is a national priority.⁶ Chairman Thune noted that “[A] major part of our continuing discussion on improving the nation’s infrastructure should include solutions to reducing any unnecessary hurdles to broadband deployment. As we look at potential solutions, we must be mindful of the tremendous investment made to deploy these services and look for opportunities to cut through red tape.”⁷ Commissioner O’Rielly noted that the wireless industry “is still experiencing excessive delays and moratoria when filing siting applications” which in some cases

⁶ See *Investing in America’s Broadband Infrastructure: Exploring Ways to Reduce Barriers to Deployment*, 115th Cong. (May 3, 2017) (statement of Sen. Bill Nelson, Ranking Member, U.S. Senate Committee on Commerce, Science, and Transportation) (“Everyone – from those of us in the Senate to our mayors and local officials around the country – want Americans to benefit from the availability of robust wireless broadband.”); *Id.* (statement of Brian M. Hendricks, Head of Technology Policy and Public Affairs for the Americas Region, Nokia Corp.) (“[B]roadband providers of all kinds . . . stand ready to invest significantly in broadband infrastructure to support” a connected society.”).

⁷ *Id.* (statement of Sen. John Thune, Chairman, U.S. Senate Committee on Commerce, Science, and Transportation).

are “blatantly illegal.”⁸ Chairman Pai has acknowledged the toll that unreasonable siting barriers impose on consumers, remarking that “cities shouldn’t impose unreasonable demands or moratoria on wireless siting requests. This simply penalizes their own constituents who want better mobile service.”⁹

Facilitating faster broadband deployment and avoiding unnecessary delays will help carriers provide exciting and innovative next generation wireless services to consumers and drive economic growth. Fueled by the American public’s insatiable demand for data and connected devices, service providers are shifting to denser, more efficient networks by reusing spectrum in smaller cells, closer to the customer. These denser networks will set the foundation for 5G wireless technologies, which will offer ultra-high data rates and reliability with low latency and power demands, revolutionizing mobile broadband service, and enabling groundbreaking IoT applications such as wearables, connected healthcare devices, and autonomous vehicles. Indeed, 5G networks are expected to create 3 million new jobs and boost annual U.S. gross domestic product by \$500 billion, driven by a projected \$275 billion investment from telecom operators.¹⁰

To deliver these benefits, wireless carriers still need to deploy and upgrade traditional macro facilities, but they must also install “hundreds of thousands of new small cells” around the country over the next few years.¹¹ For example, AT&T has announced plans to install over 1,000

⁸ Remarks of Michael O’Rielly, FCC Commissioner, 2017 Wireless Infrastructure Show, 4 (May 23, 2017) *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-345021A1.pdf (“O’Rielly Wireless Infrastructure Show Remarks”).

⁹ *NPRM*, 32 FCC Rcd at 3385 (Statement of Chairman Ajit Pai).

¹⁰ Accenture Strategy, *Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities*, 1 (2017) <https://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf> (“Accenture Strategy Report”).

¹¹ Comments of CTIA, WT Docket No. 16-421 at 2 (filed Mar. 8, 2017).

small cell antennas across the Bay Area alone in 2017,¹² with many other small cell projects underway or planned across the country. CTIA estimates about 300,000 small cells will be needed in just the next 3-4 years to support the evolution to 5G.¹³ Indeed, the industry's 5G network deployment build is expected to involve 10 to 100 times more antenna locations than 4G or 3G.¹⁴ With small cell deployments by the thousands, an extended review of each application has the potential to create massive backlogs and delay deployments.

Yet, despite Commission efforts to streamline federal, state, and local siting processes, some local governments continue to place obstacles in the way of wireless facility expansion, even for unobtrusive small cell equipment. AT&T's contrasting experiences trying to deploy state-of-the-art showcase small cell networks in Indianapolis and a Texas city provide an excellent example. Indianapolis worked cooperatively with AT&T from day one to facilitate small cell placement in the ROW, which has allowed AT&T, in about 18 months, to construct an expected 43 of approximately 105 planned small cell nodes as of the end of June 2017, with the remainder on track for timely deployment by year end 2017. In contrast, the Texas city refused to allow small cell placement on any structures in the ROW and allowed only a limited deployment after adoption of a Master License Agreement in February 2017. Since that date, AT&T has worked closely with the city and its contractor to develop procedures to file for and obtain permit approval, but, more than two years after initially approaching the City, has not yet received any permits to begin construction of 100+ planned nodes. Even so, the Master License Agreement and related rules

¹² Doug Irwin, *AT&T Deploys Network of Small Cells in San Francisco*, Radio Magazine (Feb. 21, 2017), available at <http://www.radiomagonline.com/mobile/0022/att-deploys-network-of-small-cells-in-san-francisco/38638>.

¹³ *Ex Parte*, CTIA, WT Docket No. 16-421 at Attachment, 4 (filed Apr. 13, 2017).

¹⁴ Accenture Strategy Report at 1.

continue to limit small cell deployment to traffic signal poles (no light poles), prohibit placement beyond the downtown area for an undetermined time—projected to be up to two years—limit any carrier to 25 nodes in that downtown area, and prohibit all deployment in parks. This type of regulation can only result in delays to delivering 5G services.¹⁵

There is no sound reason for any municipality to subject small cell deployments to the same review processes that apply to macro cells. Because of their unobtrusive size, small cells simply do not pose similar considerations as to environment or aesthetic impacts. But these measures threaten to significantly slow down the deployment of advanced wireless infrastructure that holds so much promise for consumers, businesses, and our economy at large. As Chairman Pai has stated, “[w]ithout a paradigm shift in our nation’s approach to wireless siting and broadband deployment, our creaky regulatory approach is going to be the bottleneck that holds American consumers and businesses back.”¹⁶

III. THE COMMISSION HAS THE AUTHORITY TO PREEMPT ARTIFICIAL BARRIERS TO WIRELESS FACILITY DEPLOYMENTS.

The Commission has clear authority under Sections 253 and 332(c)(7) of the Communications Act to foster the critical national policy goal of promoting broadband services.¹⁷ These two sections contain almost identical language barring state and local actions that “prohibit or have the effect of prohibiting” service¹⁸ and they should be read in harmony. Courts have

¹⁵ Tex. S.B. 1004, signed by the Governor on June 9, 2017 over the strong opposition of cities, resolves many, but not all, of the barriers to small cell deployment that cities in Texas have previously imposed.

¹⁶ Chairman Ajit Pai, Remarks at the Brandery: A Digital Empowerment Agenda, at 7 (Sept. 13, 2016) *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-341210A1.pdf.

¹⁷ 47 U.S.C. §§ 253, 332(c)(7).

¹⁸ *Compare* 47 U.S.C. § 253(a) (“No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”) *with* 47 U.S.C. § 332(c)(7)(B) (“The

V. THE COMMISSION SHOULD ADOPT REMEDIES AND PROCEDURES TO PROVIDE GREATER PREDICTABILITY FOR SITING APPLICANTS.

While the Commission should provide as much clarity and specificity as possible in establishing rules and guidelines to govern the site approval process, substantive rules alone are not sufficient. The Commission must also ensure that site applications are addressed in a timely manner. To that end, the Commission should rule that any wireless siting application that is not acted upon with the Section 332(c)(7) shot clock is “deemed granted.” In addition, the Commission should establish a streamlined complaint process to ensure expeditious handling of section 332(c)(7)(B)(ii) complaints.

A. The Commission Should Adopt a “Deemed Granted” Remedy Under Section 332.

Although establishment of the Commission’s shot clocks have brought more structure to the wireless siting application process,⁵⁰ some municipalities continue to find ways to sidestep the shot clock deadlines. For example, many of them announce moratoria on new applications that effectively delay their processing; others establish procedures to prevent or delay shot clock countdowns from ever beginning (*e.g.*, “pre-application” meetings). Further, for applications not covered by Section 6409,⁵¹ applicants must resort to judicial action to obtain relief, an expensive and time-consuming process that gives local governments considerable leverage. Applicants will often agree to tolling or other demands from local officials due to their wariness of the uncertainty, delay, and expense of litigation. This wariness is compounded in cases where applicants are deploying multiple small cells projects with dozens, if not hundreds, of nodes requiring approval.

⁵⁰ See *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd 13994, ¶ 4 (2009) (“2009 Declaratory Ruling”).

⁵¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, § 6409 (2012) (“Spectrum Act”) *codified at* 47 U.S.C. § 1455(a).

To address this problem, the Commission should rule that wireless infrastructure applications not covered by Section 6409 should be “deemed granted” if a jurisdiction fails to act on the application within the time limits of the Section 332(c)(7) shot clock, allowing construction to proceed. In addition, the Commission should specify that the shot clock begins running when an application is filed. As with Section 6409, to avail itself of this remedy an applicant would inform the local jurisdiction by letter that the deadline has passed. A “deemed granted” remedy would add greater consequence to violations of the shot clock and relieve applicants of the uncertainty, delay, and expense of bringing litigation against a municipality to enforce their rights.

Deeming site applications granted after a specified period of time is a better approach than merely specifying that the shot clocks constitute an “irrebuttably” reasonable period of time for municipal action on siting applications.⁵² Under the latter, alternative approach, applicants would still have to file suit in court seeking relief from the local government’s inaction, inevitably leading to delays, expense, and uncertainty. In contrast, a “deemed granted” remedy like the one adopted for Section 6409 and by a number of states⁵³ would enable applicants to avoid most litigation.

The Commission has ample legal authority to establish a “deemed granted” remedy. First, as the Commission notes, the Fourth Circuit upheld the “deemed granted” remedy adopted in the Spectrum Act,⁵⁴ finding that the remedy was permissible under the Tenth Amendment, consistent with the Spectrum Act’s statutory purpose, and well within the Commission’s authority.⁵⁵ Second,

⁵² *NPRM*, 32 FCC Rcd at 3334, ¶ 10.

⁵³ *See, e.g.* Cal. A.B. 57 (2015); Iowa H.F. 655 (2015); Ind. H.B. 1318 § 23 (2015).

⁵⁴ *NPRM*, 32 FCC Rcd at 3335-36, ¶ 13 (discussing *Montgomery Cty., Md. v. FCC*, 811 F.3d 121, 128 (4th Cir. 2015)).

⁵⁵ *Id.*

a deemed granted remedy would not contravene the language in Section 332(c)(7)(B)(v), which permits aggrieved parties to pursue judicial relief but does not preclude other remedies.

Nor does the legislative history foreclose a deemed granted remedy. Although there is language in the legislative history stating that courts shall have exclusive jurisdiction over all disputes arising under this section,⁵⁶ that language is not inconsistent with remedies focused on avoiding delays in decision-making so that applicants can avail themselves of their judicial remedies in a timely fashion. And in all events, the D.C. Circuit has affirmed that “a plain reading of an unambiguous statute cannot be eschewed in favor of a contrary reading, suggested only by the legislative history and not by the text itself,”⁵⁷ and that “[w]e will not permit a committee report to trump clear and unambiguous statutory language.”⁵⁸ In this case, Section 332(c)(7)(B)(v) does not rest exclusive jurisdiction in the courts. Moreover, the Commission has broad authority to render definitive interpretations of ambiguous provisions such as Section 332(c)(7) and there is no clear Congressional intent that the Commission could not exercise that authority and “issue an interpretation of § 332(c)(7)(B)(v) that would guide courts’ determinations of disputes under that section[.]”⁵⁹ Accordingly, it is appropriate for the Commission to adopt a “deemed granted” remedy.

B. The Commission Should Establish a Streamlined Complaint Process for

⁵⁶ S. Rep. No. 104-230, at 207-08 (1996) (Conf. Rep.) (“It is the intent of the conferees that other than under Section 332(c)(7)(B)(iv) . . . the courts shall have exclusive jurisdiction over all . . . disputes arising under this section.”).

⁵⁷ *ACLU v. FCC*, 823 F.2d 1554, 1568 (D.C. Cir. 1987) (quoting *Beacon Looms, Inc. v. S. Lichtenberg & Co.*, 552 F. Supp. 1305, 1310 (S.D.N.Y. 1982)).

⁵⁸ *ACLU*, 823 F.2d at 1569.

⁵⁹ *City of Arlington v. FCC*, 668 F.3d 229, 251 (5th Cir. 2012). *See also id.* at 250-51 (“Had Congress intended to insulate § 332(c)(7)(B)’s limitations from the FCC’s jurisdiction, one would expect it to have done so explicitly[.] * * * Here, however, Congress did not clearly remove the FCC’s ability to implement the limitations set forth in § 332(c)(7)(B) . . .”).

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment)	WT Docket No. 17-79
)	
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment)	WC Docket No. 17-84
)	

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TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY.	1
II.	WIRELESS BROADBAND HAS A SIGNIFICANT IMPACT ON OUR ECONOMY AND COMMUNITIES TODAY, AND 5G WILL UNLEASH FURTHER INNOVATION AND GROWTH.	4
III.	LOCALITIES ARE IMPOSING BARRIERS THAT THREATEN THE RAPID DEPLOYMENT OF BROADBAND AND 5G.	6
IV.	THE COMMISSION SHOULD TAKE MULTIPLE ACTIONS TO STRENGTHEN ITS SHOT CLOCKS TO PREVENT DELAYS.	7
A.	The Commission Should Adopt a “Deemed Granted” Remedy When Localities Fail to Act on Siting Applications Within Reasonable Times.	8
B.	The Commission Should Shorten and Align the Shot Clocks Between Section 332(c)(7) and Section 6409(a).	11
C.	The Commission Should Clarify that Its Shot Clocks Apply to Municipal Poles and Rights of Way.	13
D.	The Commission Should Clarify that the Shot Clocks Apply to the Entire Local Review Process.	15
E.	The Commission Should Allow Providers to Submit Applications for A Group of Similar Facilities.	16
V.	THE COMMISSION SHOULD INVOKE ITS AUTHORITY TO INTERPRET SECTIONS 253 AND 332 TO REMOVE BARRIERS TO BROADBAND DEPLOYMENT.	18
A.	A Declaratory Ruling Will Provide All Parties With Needed Guidance and Speed Needed New Facilities.	18
B.	The Commission Should Resolve Conflicting Caselaw and Confirm that Section 253(a) Prohibits Laws and Practices that Impose Substantial or Discriminatory Barriers That Thereby Limit Providers From Competing in a Fair and Balanced Regulatory Environment.	19
C.	The Commission Should Resolve Conflicting Caselaw and Rule that Section 332(c)(7) Bars Localities from Requiring a Showing of a Gap in Coverage or Other Business Need for a Particular Site or Technology.	21
D.	The Commission Should Build on the Above Interpretations to Prohibit Specific Actions or Practices That Impede Deployment or that Discriminate Against Wireless Providers.	22
VI.	THE COMMISSION SHOULD PROHIBIT SITING FEES THAT ARE UNREASONABLE OR THAT DISCRIMINATE AMONG PROVIDERS.	29
A.	The Commission Should Clarify That “Fair and Reasonable” ROW Fees Under Section 253(c) Must Be Cost-Based.	31

- B. The Commission Should Declare that Several Specific Types of ROW Fees are Unlawful Under Section 253(c). 33
- C. The Commission Should Confirm that Section 253(c) Applies to Fees Imposed for Access to Municipal-Owned Poles in ROWs. 34
- D. The Commission Should Confirm that Sections 253(a) and 332(c)(7) Likewise Require Cost-Based Fees for Facilities Outside of the ROW..... 34
- VII. THE COMMISSION SHOULD STREAMLINE ITS NEPA AND NHPA PROCESSES. 35**
 - A. The Commission Should Exclude Support Structures for Small Cell and DAS Facilities from NEPA Review and Modify its Rule for All Facilities in Floodplains..... 36
 - B. The Commission Should Exclude Five Types of Wireless Facilities from NHPA Review. 37
- VIII. THE COMMISSION SHOULD ADOPT ADDITIONAL MEASURES TO ENSURE TIMELY ACCESS TO POLES AT REASONABLE RATES, TERMS, AND CONDITIONS..... 40**
 - A. The Commission Has Authority to Regulate Poles Owned by Municipalities..... 40
 - B. The Commission Should Amend its Regulations to Cover Poles Owned by Municipalities. 45
- IX. CONCLUSION. 46**

timelines for pole access under its current rules to conform to the 60-day timeline for other facilities.

II. WIRELESS BROADBAND HAS A SIGNIFICANT IMPACT ON OUR ECONOMY AND COMMUNITIES TODAY, AND 5G WILL UNLEASH FURTHER INNOVATION AND GROWTH.

Wireless broadband is transforming how we live, work, and communicate, and is unlocking opportunities for all Americans, including low-income individuals, people with disabilities, and those living in rural areas. It also contributes substantially to the U.S. economy. Today, more than 4.6 million Americans have jobs that depend directly or indirectly on the wireless industry,⁴ and employing one person in the wireless industry results in 6.5 more people finding employment.⁵ All told, the wireless industry generates more than \$400 billion in total U.S. spending.⁶

With the introduction of 5G networks and technologies, these benefits will continue to grow. A study by Accenture, released in January, estimates that wireless providers will invest \$275 billion dollars over the next decade to deploy 5G to consumers,⁷ which is expected to create three million new jobs in communities across the country and boost the U.S. GDP by half a trillion dollars.⁸ Furthermore, smart grid adoption could add \$1.8 trillion in revenue to the

⁴ Roger Entner, *The Wireless Industry: Revisiting Spectrum, the Essential Engine of US Economic Growth*, RECON ANALYTICS, at 18 (Apr. 2016), <http://www.ctia.org/docs/default-source/default-document-library/entner-revisiting-spectrum-final.pdf>.

⁵ Coleman Bazelon & Giulia McHenry, *Mobile Broadband Spectrum: A Vital Resource for the American Economy*, THE BRATTLE GROUP, at 2, 20 (May 11, 2015), http://www.ctia.org/docs/default-source/default-document-library/brattle_spectrum_051115.pdf.

⁶ *Id.* at 10.

⁷ Accenture Report at 1.

⁸ *Id.*

economy.⁹ Connected devices enabled by 5G technologies could result in \$305 billion in savings for the health sector, and self-driving cars could save almost 22,000 lives and \$447 billion each year.¹⁰

Building the network infrastructure needed to support the broadband services that can deliver these benefits to consumers and the economy cannot wait, because the public's demand for those services is not waiting. In fact, it is growing exponentially. Wireless providers are ready to make the massive additional investment required to upgrade broadband networks and deploy next-generation 5G services because they know those investments are vital for them to compete and to ensure their customers continue to receive high-quality, reliable service. The encouragement of investment in broadband facilities and the elimination of any barriers to that investment is at the center of the Commission's mandate in numerous provisions of the Act. The decisions the Commission makes in these proceedings will profoundly affect tens of millions of Americans, both those who have broadband access now and those who should be provided that access in the future.

The Commission has repeatedly found that broadband is already delivering important economic, social, and other benefits to the public, and 5G will expand and enhance those benefits. Chairman Pai, Commissioner Clyburn, and Commissioner O'Rielly have all recognized the urgent need to build densified broadband networks and the critical importance of removing regulatory barriers.¹¹ By modernizing the infrastructure deployment process, the

⁹ *Wireless Connectivity Fuels Industry Growth and Innovation in Energy, Health, Public Safety, and Transportation*, DELOITTE, at 3 (Jan. 2017), http://www.ctia.org/docs/default-source/default-document-library/deloitte_20170119.pdf.

¹⁰ *Id.*

¹¹ Statement of Chairman Ajit Pai, *Wireless NPRM/NOI* at 3385 ("A key feature of the transition from 4G to 5G is a change in network architecture. The future of wireless will evolve from large, macro-cell

Commission will foster broadband investment, promote its availability to all Americans, and advance the United States' leadership in 5G.

III. LOCALITIES ARE IMPOSING BARRIERS THAT THREATEN THE RAPID DEPLOYMENT OF BROADBAND AND 5G.

Many localities are partnering with the wireless industry to enable needed enhanced network infrastructure to be built. They have modified their wireless siting review procedures to accommodate the transition from cell towers to numerous, closely spaced small cells. However, despite the clear national interest in promoting wireless broadband and 5G, some localities are erecting multiple barriers to new and upgraded wireless deployment. These barriers frustrate and deter investment in wireless networks and can suppress new competition and the benefits it brings by deterring new entrants.

Laws, regulations, and practices that impede deployment warrant immediate Commission action because they threaten the deployment of broadband and, soon, 5G networks that are needed to provide advanced services. In its prior comments and reply comments in WT Docket No. 16-421,¹² which are attached hereto and incorporated by reference, CTIA submitted numerous examples of these barriers. Other parties submitted dozens more. The record demonstrates that these barriers have been erected in jurisdictions across the country, and take many forms. Some directly block new service through moratoria, outright prohibitions on

towers to include thousands of densely-deployed small cells, operating at lower power.”); Statement of Commissioner Mignon Clyburn, *Wireline NPRM/NOI* at 3328 (“The time is ripe for opening up pole attachment reform, for taking a look at how we can work with local governments to remove barriers to deployment, and for generally evaluating how we can further streamline processes for rolling out new services.”); Statement of Commissioner Michael O’Rielly, *Wireless NPRM/NOI* at 3388 (“The Commission can continue to release spectrum into the marketplace, but wireless services only become a reality if the infrastructure is in place to deliver them to the American consumer.”).

¹² *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies, Mobilitie, LLC Petition for Declaratory Ruling*, Public Notice, 31 FCC Rcd 13360 (2016); Comments of CTIA, WT Docket No. 16-421 (filed Mar. 8, 2017) (“CTIA PN Comments”); Reply Comments of CTIA, WT Docket No. 16-421 (filed Apr. 7, 2017) (“CTIA PN Reply Comments”).

facilities, failures to act on permit applications, and interminable delays that can extend more than a year. Other barriers take the form of onerous conditions and restrictions that make deployment far more difficult and costly, such as detailed site design requirements, location restrictions, minimum site separation rules, and burdensome showings of the need for each facility, type of facility, or technology. Many jurisdictions impose exceedingly high charges in the form of upfront application fees, annual rental fees, or both, that make deployment cost-prohibitive. And frequently, these barriers and requirements were not imposed on other ROW users, thus discriminating against wireless providers and new entrants. Since CTIA filed its previous comments, its members have seen no lessening of these barriers.

IV. THE COMMISSION SHOULD TAKE MULTIPLE ACTIONS TO STRENGTHEN ITS SHOT CLOCKS TO PREVENT DELAYS.

As a first step toward updating its infrastructure siting processes, the Commission should (1) adopt a “deemed granted” remedy for applications that are not processed within the time periods set by the siting review “shot clocks,”¹³ and (2) modify and strengthen its current shot clocks to make them more effective in preventing unreasonable siting delays, as proposed in the *Wireless NPRM/NOI*.¹⁴

Adoption of the Section 332(c)(7) shot clocks in 2009 helped expedite wireless deployment,¹⁵ but the shot clocks do not reflect the evolution of the industry toward small cells, which warrants modifying the timelines that are now more than seven years old. Moreover, the wireless industry’s experience with the shot clocks has demonstrated that they often fail to

¹³ *Wireless NPRM/NOI* ¶ 9

¹⁴ *Id.* ¶ 18.

¹⁵ *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd 13994 (2009), *aff’d sub nom. City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012), *aff’d*, 133 S. Ct. 1863 (2013) (“Shot Clock Declaratory Ruling”).

achieve their objective of streamlining siting, and should be modified to make them more effective.¹⁶

Given the continuing delays that afflict the siting process and impair broadband deployment, the Commission should take several actions in addition to those it identifies. It should also (1) clarify that the shot clocks apply to wireless facilities in ROWs and to the use of municipal facilities in ROWs; (2) clarify that the shot clocks are reasonable time periods for the entire local review process; and (3) adopt a procedure to allow providers to apply for multiple facilities that are similar in nature through a single application and confirm that the same shot clocks apply to reviewing such “batch” applications. These actions will streamline siting reviews and are fully within the Commission’s legal authority.

A. The Commission Should Adopt a “Deemed Granted” Remedy When Localities Fail to Act on Siting Applications Within Reasonable Times.

The Commission should interpret Section 332(c)(7) of the Act as including a deemed granted remedy, similar to that provided in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

Section 332(c)(7) requires that localities act on applications for personal wireless service facilities “within a reasonable period of time.”¹⁷ For a subset of facilities, Section 6409(a) provides that a state or local government “may not deny, and shall approve” any request for collocation, removal, or replacement of equipment on an existing wireless tower or base station that does not substantially change the dimensions of the tower or base station. The Commission has adopted rules requiring that governments “shall approve” siting applications covered by

¹⁶ CTIA PN Comments at 17-18.

¹⁷ 47 U.S.C. § 332(c)(7)(B)(ii).

Section 6409(a) within 60 days; if a locality fails to act within that timeframe, the application is deemed granted.¹⁸ The Commission also has adopted shot clocks containing different time periods to implement Section 332(c)(7), but, in contrast to the remedy under Section 6409(a), the Section 332(c)(7) shot clocks require only that applications be acted on within the established presumptively reasonable time frames and provide that the applicant may go to court if the locality fails to act. The Commission should remove this disparity and apply the deemed granted remedy to all failures to act within the applicable shot clock periods.

The record in WT Docket No. 16-421 shows that some localities run the time out and fail to act, which forces wireless providers to expend time and money on litigation to challenge that failure to act.¹⁹ Some courts have issued injunctive relief after localities fail to act within the shot clock, but others have required applicants to go back to the locality and wait yet again for it to act, vitiating the shot clocks' effectiveness.²⁰ Even if litigation is successful in securing a grant, the delays and costs it imposes deter deployment. Particularly for small cells, the expense of litigation can rarely be justified. Chairman Pai aptly described this problem and the solution: "If a city doesn't process the application in that timeframe, the company's only remedy is to file a lawsuit. We should give our shot clock some teeth by adopting a 'deemed grant' remedy, so that a city's inaction lets the company proceed."²¹ By applying its deemed granted remedy to all

¹⁸ 47 C.F.R. § 1.40001(c)(2).

¹⁹ See, e.g., CTIA PN Comments at 18.

²⁰ See, e.g., CTIA PN Comments at 44 (citing *NextG Networks of N.Y., Inc. v. City of New York*, 2004 U.S. Dist. LEXIS 25063 at *28-*30 (S.D.N.Y. 2004)); CTIA Reply Comments at 23; Comments of the Wireless Infrastructure Association, WT Docket No. 16-421, at 61-62 (filed Mar. 8, 2017) ("WIA PN Comments"); Comments of ExteNet Systems, Inc., WT Docket No. 16-421, at 19 (filed Mar. 8, 2017) ("ExteNet PN Comments").

²¹ Remarks of FCC Commissioner Ajit Pai at the Competitive Carriers Association 2016 Annual Convention, at 2 (Sept. 21, 2016), https://apps.fcc.gov/edocs_public/attachmatch/DOC-341365A1.pdf.

siting reviews, the Commission will make the shot clocks far more effective in achieving its goal to streamline siting.

The Commission correctly notes that it has ample legal authority to adopt a deemed granted rule when jurisdictions fail to make siting decisions subject to Section 332(c)(7).²² It identifies three bases for such authority; each independently supports adopting a deemed granted remedy. First, the Commission has broad authority to adopt a rule implementing Section 332(c)(7), including one that may have the effect of superseding local or state law, which was squarely confirmed in *City of Arlington*.²³ It also can adopt an order converting the current rebuttable presumption that the shot clocks set reasonable time periods for jurisdictions to act to an irrebuttable presumption, which, by the express language of the statute, would result in the application being deemed granted if a decision is not made within those periods.²⁴ Finally, it can rule that when a locality fails to meet its obligations reserved for it under Section 332(c)(7) to act on an application within a reasonable time as specified by the shot clocks, the locality's authority over such decisions is waived and the application will thus be deemed granted.²⁵

Section 332(c)(7) supports each of these interpretations because, while it provides a judicial remedy for state or local inaction, it does not make that remedy exclusive—it states that a provider “may” initiate litigation, not that it “must” do so. And, as CTIA explained, the Commission has adopted a “deemed granted” remedy under Section 621(a)(1) of the Act, which prohibits localities from unreasonably refusing to act on cable franchises.²⁶ That section, like

²² See generally *Wireless NPRM/NOI* ¶¶ 8-16.

²³ *City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012), *aff'd*, 133 S. Ct. 1863 (2013).

²⁴ *Wireless NPRM/NOI* ¶ 10.

²⁵ *Id.* ¶ 14.

²⁶ CTIA PN Comments at 42-43.

Section 332(c)(7)(B), provides that a franchise applicant “may” appeal that refusal to court. The Commission ruled that the locality will be deemed to have granted the franchise on an interim basis until it issues a final decision. The Commission’s rationale is directly applicable to the siting delays wireless providers face: “[W]e seek to provide a meaningful incentive for local franchising authorities to abide by the deadline contained in the Order while at the same time maintaining [local] authority to manage rights of way.”²⁷ The Commission should also rule that the Enforcement Bureau has delegated authority to issue an order confirming that the application has been deemed granted, or alternatively the applicant can seek an order in federal district court compelling the municipality, as a matter of federal law, to grant the application forthwith.

B. The Commission Should Shorten and Align the Shot Clocks Between Section 332(c)(7) and Section 6409(a).

The Commission should also exercise its authority to determine what is a reasonable period of time for localities to act under Section 332(c)(7). It should adjust the existing shot clocks to reflect localities’ increased experience in reviewing all facility applications, and also the reality that wireless deployment is increasingly relying on small cells, which localities can and should review and approve far more quickly. Specifically, the existing 150-day review period for new wireless sites should be shortened to **90 days**, and the existing 90-day review period for collocations should be shortened to **60 days**.

Shorter 90-day and 60-day shot clocks establish reasonable time periods.²⁸ Some states have adopted similar or even shorter periods to remove infrastructure siting barriers and facilitate

²⁷ *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 5101, 5138 ¶ 76 (2007).

²⁸ CTIA PN Reply Comments at 20-21.

Attachment

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

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TABLE OF CONTENTS

I. INTRODUCTION AND SUMMARY 2

II. WIRELESS BROADBAND HAS A SIGNIFICANT IMPACT ON OUR ECONOMY AND COMMUNITIES TODAY, AND 5G WILL UNLEASH FURTHER INNOVATION AND GROWTH..... 6

III. BARRIERS AT THE LOCAL LEVEL THREATEN THE RAPID DEPLOYMENT OF BROADBAND AND 5G..... 10

IV. THE COMMISSION SHOULD INVOKE ITS AUTHORITY TO INTERPRET SECTION 253 AND REMOVE BARRIERS TO BROADBAND DEPLOYMENT..... 19

 A. A Declaratory Ruling Will Provide All Parties With Needed Guidance That Will Speed New Broadband Facilities.....19

 B. Laws Effectively Prohibit Service if They Limit Providers From Competing in a Fair and Balanced Regulatory Environment.....22

 C. Moratoria Unlawfully Prohibit Deployment.....25

 D. Undergrounding Ordinances and Laws That Restrict Upgrades Also Unlawfully Prohibit Deployment.....26

 E. Section 253(c) Does Not Permit Rights-of-Way Charges That Exceed a Locality’s Incremental Costs to Issue Permits and Manage Rights-of-Way and/or That Discriminate Among Providers.....28

V. THE COMMISSION SHOULD FURTHER INTERPRET SECTION 332 TO ADDRESS UNREASONABLE SITING DELAYS AND MORE EFFECTIVELY STREAMLINE SITING..... 33

 A. The Commission Should Interpret Section 332 to Include a 60-Day Shot Clock for Collocations Not Covered by Section 6409(a).....34

 B. The Commission Should Tighten and True Up the Shot Clocks Between Section 332(c)(7) and Section 6409(a).....36

 C. The Commission Should Adopt a “Deemed Granted” Remedy for its 332(c)(7) Shot Clocks.....39

 D. The Commission Should Clarify That Its Shot Clocks Apply to Municipal Poles and Rights-of-Way.....43

VI. THE COMMISSION SHOULD DECLARE THAT THE DEPLOYMENT OF SMALL CELLS DOES NOT CONSTITUTE A MAJOR FEDERAL ACTION OR AN UNDERTAKING..... 47

VII. CONCLUSION..... 49

II. WIRELESS BROADBAND HAS A SIGNIFICANT IMPACT ON OUR ECONOMY AND COMMUNITIES TODAY, AND 5G WILL UNLEASH FURTHER INNOVATION AND GROWTH.

In communities across the country and in nearly every sector of the economy, wireless broadband is transforming how we live, work, and communicate. In just seven years, wireless providers spent \$200 billion in network improvements to deliver 4G LTE mobile broadband nationwide.⁶ Today, 99.7 percent of Americans have access to 4G LTE service, and 95.9 percent can choose from three or more 4G LTE providers.⁷

This nationwide mobile broadband deployment has unlocked opportunities for all Americans, including low-income individuals, people with disabilities, and those living in rural areas. Communities across the country, and industries including agriculture, automobiles, healthcare, appliance manufacturing, and energy, are harnessing the power of wireless connectivity. For example, through wireless technology, farmers can prevent the over- and under-watering of crops and preserve resources during droughts.⁸ Wireless technologies are also helping break down barriers for consumers with disabilities, enabling people with vision-, hearing-, dexterity- and cognition-related conditions to participate meaningfully in our fast-paced

⁶ See CTIA Press Release, Americans' Data Usage More than Doubled in 2015 (May 23, 2016), <http://www.ctia.org/industry-data/press-releases-details/press-releases/americans-data-usage-more-than-doubled-in-2015> ("CTIA May 23 Press Release").

⁷ *Implementation of Section 6002(b) of the Omnibus Reconciliation Act of 1993*, Nineteenth Report, 31 FCC Rcd 10534, ¶ 39, Chart III.A.2 (2016).

⁸ David L. Sunding, Martha Rogers & Coleman D. Bazelon, *The Farmer And The Data: How Wireless Technology Is Transforming Water Use In Agriculture* (Apr. 27, 2016), <http://www.mondaq.com/unitedstates/x/487024/Telecommunications+Mobile+Cable+Communications/The+Farmer+And+The+Data+How+Wireless+Technology+Is+Transforming+Water+Use+In+Agriculture>.

society.⁹ And medical researchers are using wireless technologies to make substantial advancements in how we monitor and treat a variety of medical conditions, including by using wearables and movement sensors to monitor and improve the progression of diseases such as Parkinson's.¹⁰

Mobile broadband also contributes substantially to the U.S. economy. Today, more than 4.6 million Americans have jobs that depend directly or indirectly on the wireless industry,¹¹ and employing one person in the wireless industry results in 6.5 more people finding employment.¹² All told, the wireless industry as a whole generates more than \$400 billion in total U.S. spending.¹³

With the introduction of 5G networks and technologies, these benefits will only continue to grow. Next-generation 5G networks will be ten times faster and five times more responsive than today's networks, and they will be able to support 100 times more devices. One recent study estimates that wireless operators will invest \$275 billion dollars over the next decade to deploy 5G to consumers. As a result of that investment, 5G is expected to create three million

⁹ See, e.g., PN Comments of CTIA – Accessibility of Communications Technologies, CG Docket No. 10-213 (filed June 22, 2016) (describing the various service plans, devices, and applications that benefit the accessibility community).

¹⁰ See Intel, *Using Wearable Technology to Advance Parkinson's Research* (2015), <http://www.intel.com/content/dam/www/public/us/en/documents/white-papers/using-wearable-technology-mjff.pdf>.

¹¹ See Roger Entner, *The Wireless Industry: Revisiting Spectrum, the Essential Engine of US Economic Growth*, RECON ANALYTICS, at 18 (Apr. 2016), <http://www.ctia.org/docs/default-source/default-document-library/entner-revisiting-spectrum-final.pdf>.

¹² Coleman Bazelon & Giulia McHenry, *Mobile Broadband Spectrum: A Vital Resource for the American Economy*, THE BRATTLE GROUP, at 2, 20 (May 11, 2015), http://www.ctia.org/docs/default-source/default-document-library/brattle_spectrum_051115.pdf.

¹³ *Id.* at 10.

new jobs in communities of all sizes across the country and boost the U.S. GDP by half a trillion dollars.¹⁴

5G will unlock the Internet of Things, enable a new generation of smart communities, and unleash innovation for industries across the country. With 5G, integrated technologies that assist in the management of vehicle traffic and electrical grids will produce \$160 billion in benefits and savings through reductions in energy usage, traffic congestion, and fuel costs.¹⁵ And wireless-enabled smart grids could create \$1.8 trillion for the U.S. economy, saving consumers hundreds of dollars per year.¹⁶ Improvements made by advanced wireless connectivity could also save lives. One recent study showed that a one-minute improvement in emergency response time as a result of wireless connectivity translates to a reduction of eight percent in mortality, and wireless-powered self-driving cars could translate to 21,700 lives saved.¹⁷

Construction of the network infrastructure needed to support wireless broadband cannot wait, because the public's use of mobile broadband is not waiting; in fact it is growing exponentially. The amount of data flowing over U.S. wireless networks more than doubled in

¹⁴ See *How 5G Can Help Municipalities Become Vibrant Smart Cities*, ACCENTURE STRATEGY, at 1 (Jan. 12, 2017), <http://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf>.

¹⁵ See *id.* at 1.

¹⁶ See *Wireless Connectivity Fuels Industry Growth and Innovation in Energy, Health, Public Safety, and Transportation*, DELOITTE, (Jan. 2017), http://www.ctia.org/docs/default-source/default-document-library/deloitte_20170119.pdf.

¹⁷ *Id.*

2015¹⁸ to a level 25 times greater than in 2010.¹⁹ And there is no end in sight when it comes to growth in mobile demand. The most recent Cisco study of mobile data, for example, predicted that mobile data traffic worldwide will grow seven-fold from 2016 to 2021, and will in 2021 be 122 times the level of traffic just ten years before that, in 2011. Mobile video, which requires fast speeds and substantial network capacity, is expected to increase nearly nine times from 2016 to 2021 and will represent 78 percent of all mobile traffic by 2021.²⁰

Wireless providers are ready to make the major investments required to expand broadband networks because they know those investments are vital for them to compete and to ensure their customers continue to receive high-quality, reliable service. And the benefits of infrastructure investment in creating jobs and strengthening the U.S. economy are unquestionable.

Indeed, Chairman Pai, Commissioner Clyburn, and Commissioner O’Rielly have all recognized the urgent need to build densified broadband networks and the critical importance of removing regulatory barriers obstructing that deployment:

- **Chairman Pai:** “Future 5G technologies will require ‘densification’ of wireless networks. That means providers are going to deploy hundreds of thousands of new antennas and cell sites, and they are going to deploy many more miles of fiber to carry all of this traffic. Without a paradigm shift in our nation’s approach to wireless siting and broadband deployment, our creaky regulatory approach is going to be the bottleneck that holds American consumers and businesses back.”²¹

¹⁸ CTIA May 23 Press Release.

¹⁹ *Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2016-2021 White Paper*, CISCO (Feb. 9, 2017), <http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/mobile-white-paper-c11-520862.html>.

²⁰ *Id.*

²¹ Remarks of FCC Commissioner Ajit Pai, Remarks at the Brandery: A Digital Empowerment Agenda Cincinnati, OH, at 2 (Sept. 13, 2016), https://apps.fcc.gov/edocs_public/attachmatch/DOC-341210A1.pdf; see also Remarks of FCC Chairman Ajit Pai at the Mobile World Congress, Barcelona, Spain, at 2 (Feb. 28, 2017), http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0228/DOC-343646A1.pdf

- **Commissioner Clyburn:** “Lack of affordability remains one of the larger barriers to connected communities in this country. . . . Streamlining deployment is central to this effort. We must ensure that all providers are able to deploy and upgrade their infrastructure at the lowest cost and quickest pace.”²²
- **Commissioner O’Rielly:** “Standing in the way of progress . . . are some localities, Tribal governments and states seeking to extract enormous fees from providers and operating siting review processes that are not conducive to a quick and successful deployment schedule. At some point, the Commission may need to exert authority provided by Congress to preempt the activities of those delaying 5G deployment without justifiable reasons.”²³

By clarifying and modernizing the federal, state, local, and tribal infrastructure deployment requirements, the Commission can enable wireless providers to invest resources more quickly, thereby expediting connectivity, providing jobs to more Americans, and advancing the United States’ wireless leadership.

III. BARRIERS AT THE LOCAL LEVEL THREATEN THE RAPID DEPLOYMENT OF BROADBAND AND 5G.

Congress and the Commission have both sought to promote investment in broadband services because that investment clearly serves the public interest. In 2009, Congress directed

(stating “our 5G future will require a lot of infrastructure, given the ‘densification’ of 5G networks” and that “the key to realizing our 5G future is to set rules that will maximize investment in broadband. For if we don’t, the price could be steep. After all, networks don’t have to be built. Risks don’t have to be taken. Capital doesn’t have to be spent in the communications sector. And the more difficult government makes the business case for deployment, the less likely it is that broadband providers big and small will invest the billions of dollars needed to connect consumers with digital opportunity.”).

²² FCC Commissioner Mignon L. Clyburn, Keynote Remarks at the #Solutions2020 Policy Forum, Georgetown University Law Center, at 4 (Oct. 19, 2016), https://apps.fcc.gov/edocs_public/attachmatch/DOC-341824A1.pdf.

²³ FCC Commissioner Michael O’Rielly, Statement Before the Senate Committee on Commerce, Science, and Transportation, Oversight of the Federal Communications Commission, at 1-2 (Sept. 15, 2016), https://apps.fcc.gov/edocs_public/attachmatch/DOC-341263A1.pdf.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	WT Docket No. 17-79
Accelerating Wireless Broadband Deployment)	
by Removing Barriers to Infrastructure)	
Investment)	
)	WC Docket No. 17-84
Accelerating Wireline Broadband Deployment)	
by Removing Barriers to Infrastructure)	
Investment)	

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EXECUTIVE SUMMARY

ExteNet strongly supports the Commission's efforts to implement comprehensive, long-term infrastructure deployment reform. For providers of Distributed Network Systems ("DNS"), including small cells and DAS facilities, such reform is needed now: regulatory impediments have substantially delayed or in some cases foreclosed DNS deployments that are essential to delivery of advanced wireless services, including 5G. ExteNet agrees with the Commission that "there is an urgent need to remove any unnecessary barriers to such deployment[s], whether caused by Federal law, Commission processes, local or State reviews or otherwise."

ExteNet has extensive first-hand experience with barriers to deployment. Since 2002, ExteNet has worked with State and local officials to obtain approval of hundreds of DNS deployments and thousands of individual antenna locations through which it provides telecommunications services to wireless carriers. Time and again, local governments have denied ExteNet timely access to poles in public rights-of-way. ExteNet has frequently endured permit application processing delays of at least six months to a year, with some delays lasting more than two years. Conversely, similar permits for wireline providers and utilities are usually granted in a matter of days, or weeks at most.

To address these DNS deployment delays, the Commission should modify its shot clocks that apply to applications for DNS collocations and support structures in public rights-of-way. Among other things, the Commission should shorten its shot clock applicable to DNS collocations (not otherwise covered by the Spectrum Act) from 90 to 60 days, and shorten its shot clock applicable to DNS new poles from 150 to 90 days. Equally important, the Commission should adopt a "deemed granted" remedy where a local government fails to act on applications outside the context of the Spectrum Act.

Delay, however, is not the only serious impediment to DNS deployment. DNS providers also are routinely subject to discriminatory treatment by local governments. A substantial number of communities require ExteNet to follow application processes and deployment standards different than those of similarly-situated wireline providers and utilities, even though ExteNet's pole attachments impose no greater burden on the public rights-of-way. Indeed, ExteNet's facilities must often go through discretionary, lengthy and burdensome zoning processes, but wireline and utility attachers do not.

Moreover, local governments impose restrictions on DNS providers that have nothing to do with management of public rights-of-way. For example, local governments often slow the permitting process down by inquiring as to matters such as finances, ownership, system design, coverage and technical need, none of which relate to rights-of-way management. In other cases, local governments impose aesthetic requirements on DNS providers based on subjective considerations (*e.g.*, "character of the neighborhood"). Local governments have also demanded that ExteNet pay excessive fees for access to public rights-of-way.

To address these DNS deployment barriers, the Commission should issue a declaratory ruling interpreting the protections in Sections 253 and 332(c)(7) of the Communications Act. First, the Commission should define Section 253(a)'s "prohibit or have the effect of prohibiting" standard in accordance with the Commission's *California Payphone* ruling and the Ninth

Circuit's *City of Auburn* decision. The Commission should declare that Section 253(a) prohibits any process that gives jurisdictions excessive discretion over whether to grant or deny a DNS application or imposes onerous application requirements. The Commission should reaffirm that a DNS provider does not have to demonstrate that a restriction is insurmountable in order to succeed with a Section 253 claim. Also, the Commission should clarify that the Section 253(a) "prohibit or have the effect of prohibiting" standard is not the same as the judicially-crafted Section 332(c)(7) "effective prohibition" standard.

Second, the Commission should define a local government's right to "manage public rights-of-way" under Section 253(c) narrowly, consistent with precedent. That right should include only those tasks necessary to preserve the physical integrity of the rights-of-way, control the orderly flow of vehicles and pedestrians, and otherwise protect the health, safety, and welfare of the public. The Commission should also declare that restrictions imposed on a DNS provider but not on other public rights-of-way users are discriminatory and thus contrary to both Section 253(a) and Section 253(c).

Third, the Commission should clarify that the Section 253(c) requirement that public rights-of-way fees be "fair and reasonable" means that State or local governments cannot treat rights-of-way as revenue-generating private property. Again consistent with precedent, the Commission should declare that a State or local government may not impose a public rights-of-way fee on a DNS provider that exceeds its direct cost of managing the provider's use of the public rights-of-way. The Commission should reaffirm that rights-of-way fees must be "competitively neutral and nondiscriminatory" and "publicly disclosed," as required by Section 253(c).

In addition, the Commission should further streamline environmental, historic preservation, and Tribal reviews to accelerate DNS deployments. DNS facilities should be categorically excluded from NEPA review, and the Commission should revise its NHPA categorical exclusions to provide greater clarity and maximize the exclusions applicable to minimally impactful DNS facilities. ExteNet also supports the joint CTIA/WIA comments on Tribal review issues being submitted on this date in WT Docket 17-79.

Finally, the Commission should reform its pole attachment rules and procedures by, *inter alia*, shortening its current pole attachment timeline, publishing a "safe harbor" uniform attachment agreement, modifying its rules relating to the make-ready process, and adopting a shot clock for pole attachment complaints. By taking these steps and the others recommended above, the Commission will help speed the deployment of 5G-enabling DNS facilities, to the benefit of consumers.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
I. INTRODUCTION.....	1
II. THE COMMISSION SHOULD ADDRESS EXCESSIVE DELAYS IN THE PROCESSING OF DNS REQUESTS TO DEPLOY IN PUBLIC ROWS.	4
A. DNS Providers Continue to Encounter Significant Deployment Delays.	5
B. The FCC Should Accelerate Its Shot Clocks for DNS Collocations and Support Structures in Public ROWs.....	8
C. A “Deemed Granted” Remedy Should Be Imposed Where a Local Government Fails to Act within the Relevant Shot Clock.	11
D. Any Pre-Application Negotiation Period Should Be Limited to 60 Days.....	15
III. THE COMMISSION SHOULD ISSUE A DECLARATORY RULING INTERPRETING SECTIONS 253 AND 332 TO ADDRESS DNS DEPLOYMENT BARRIERS.....	16
A. DNS Providers Face Discriminatory Treatment, Deployment Barriers, and Excessive Fees.....	16
1. Local Governments Discriminate Against DNS Facilities.	17
2. Localities Impose Restrictions on DNS Deployments that Have Nothing to Do with ROW Management.	19
3. Localities Charge Arbitrary or Excessive ROW Fees.	21
B. The FCC Should Clarify the Meaning of “Prohibit or Have the Effect of Prohibiting” in Section 253(a).....	22
1. Section 253(a) Prohibits Actions that Materially Inhibit Competition or Impede Telecommunications, Including DNS.....	23
2. The Section 253(a) Standard Is Not the Same as the Judge-Made Section 332(c)(7) Standard, Which Should Not Apply to DNS Deployments.....	28
3. The Section 253(a) Standard Prohibits Excessive Discretion and Onerous Application Requirements.	30
4. The Section 253(a) Standard Does Not Require a Showing of Insurmountability.....	31
5. Any Commission Actions Taken in These Proceedings Should Supersede Existing Franchises, Licenses and Similar ROW Access Agreements.....	33
C. The FCC Should Clarify the Meaning of “Manage the Public Rights-of-way” in Section 253(c).....	33
1. ROW Management Authority under Section 253(c) Is Limited.....	34
2. Local Regulations that Are Not Related to ROW Management and Inhibit DNS Deployments Should Be Prohibited.....	36

- D. The FCC Should Clarify that Requirements Imposed on DNS but Not Other ROW Users Violate Section 253(a) and Are Not Saved by Section 253(c)..... 37
- E. The FCC Should Address Arbitrary and Excessive ROW Fees..... 40
 - 1. The FCC Should Declare that ROW Fees Charged to a DNS Provider May Not Exceed a Locality’s Direct Management Costs. 40
 - 2. ROW Fees Must Be Competitively Neutral and Nondiscriminatory. 43
 - 3. ROW Fees Must Be Publicly Disclosed. 44
- F. The FCC Has the Legal Authority to Clarify by Declaratory Ruling the Types of Conduct Prohibited Under Sections 253 and 332(c)(7). 45
- IV. THE COMMISSION SHOULD FURTHER STREAMLINE ENVIRONMENTAL REVIEWS TO SPEED DNS DEPLOYMENT..... 46
 - A. The FCC Should Streamline NEPA Reviews. 47
 - B. The FCC Should Streamline NHPA Reviews..... 48
 - C. The FCC Should Streamline Tribal Reviews and Address Tribal Fees. 50
- V. THE COMMISSION SHOULD REFORM ITS POLE ATTACHMENT RULES AND PROCEDURES..... 50
 - A. The Pole Attachment Process Should Be Streamlined..... 50
 - 1. The FCC Should Shorten Its Pole Attachment Timeline..... 50
 - 2. The FCC Should Adopt Processes to Accelerate Make-Ready Work..... 53
 - 3. The FCC Should Clarify that a DNS “Attachment” Includes the Antenna and All Appurtenances..... 55
 - B. Make-Ready Charges Must Be Limited to Actual Costs. 55
 - C. The FCC Should Adopt a Shot Clock for Pole Attachment Complaints. 56
- VI. CONCLUSION. 58

ExteNet's wireless carrier customers to satisfy skyrocketing consumer demand for mobile broadband.

Accordingly, for the reasons set forth below, the Commission should take the following steps to remove State and local barriers to DNS deployment:

- ***Address DNS deployment delays.*** To address DNS deployment delays, the Commission should: (i) accelerate its shot clocks applicable to DNS collocations to 60 days and new DNS poles to 90 days; (ii) adopt a “deemed granted” remedy for shot clock violations; and (iii) limit any pre-application period for negotiations between a DNS provider and a local government to 60 days;
- ***Address DNS deployment barriers.*** To address DNS deployment barriers, the Commission should: (i) clarify the meaning of “prohibit or have the effect of prohibiting” and “manage the public rights-of-way” in Sections 253(a) and 253(c) of the Communications Act (the “Act”), respectively; (ii) affirm that requirements imposed on DNS providers but not on other public ROW users violate Section 253(a) and are not “saved” by Section 253(c); and (iii) clarify that ROW fees must not exceed a locality’s direct management costs, must be competitively neutral and nondiscriminatory, and must be publicly disclosed;
- ***Further streamline environmental reviews.*** To speed DNS deployments, the Commission should take steps to further streamline its National Environmental Policy Act (“NEPA”) reviews, National Historic Preservation Act (“NHPA”) reviews, and Tribal reviews; and
- ***Reform its pole attachment rules.*** To ensure timely DNS access to poles, the Commission should: (i) accelerate its pole attachment timeline; (ii) accelerate make-ready work processes; (iii) clarify that a DNS “attachment” includes the antenna and all attached appurtenances; (iv) limit make-ready charges to actual costs; and (v) adopt a 75-day shot clock to resolve pole attachment complaints.

II. THE COMMISSION SHOULD ADDRESS EXCESSIVE DELAYS IN THE PROCESSING OF DNS REQUESTS TO DEPLOY IN PUBLIC ROWS.

ExteNet's experience confirms that local approval processes are substantially delaying DNS deployments. While the FCC's Section 332(c)(7) shot clocks were a step in the right direction, they often have not prompted local authorities to act expeditiously on DNS applications. The absence of a “deemed granted” remedy where a local government does not act within the Section 332(c)(7) shot clocks, combined with the absence of a limitation on pre-

application negotiation periods, has only exacerbated the problem. The Commission should therefore act now to accelerate its Section 332(c)(7) shot clocks applicable to DNS deployments, adopt a “deemed granted” remedy for Section 332(c)(7) shot clock violations, and limit pre-application negotiation periods to 60 days.

A. DNS Providers Continue to Encounter Significant Deployment Delays.

Evidence compiled by ExteNet confirms that local permitting processes have significantly delayed DNS deployments, and that Commission action to address these delays is necessary.⁷

ExteNet studied a total of 100 communities where it deployed DNS facilities in 2015 and 2016. In 30% of these communities, the permitting process took between six and twelve months. In 17% of the deployments, the process took more than 12 months, with some taking more than two years. Thus, even after applying the longest possible “reasonable” time under the Commission’s Section 332(c)(7) shot clock, *i.e.*, 150 days (the time limit applied to non-collocations, including new poles), ExteNet could have filed a complaint for a shot clock violation in 47 communities.⁸ This means that *nearly half of all surveyed communities failed to*

⁷ See *Wireless NPRM/NOI* ¶ 6 (asking commenting parties to submit “facts and evidence” relevant to proposals to address delays in the local permitting process); ExteNet Public Notice Comments at 5-10.

⁸ See *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, Declaratory Ruling, 24 FCC Rcd 13994, 14005 ¶ 32 (2009) (“2009 Shot Clock Declaratory Ruling”), *aff’d*, *City of Arlington v. FCC*, 668 F.3d 229 (5th Cir. 2012), *aff’d*, 133 S. Ct. 1863 (2013). In its *2009 Shot Clock Declaratory Ruling*, the Commission determined that a “reasonable period of time” to act under Section 332(c)(7)(B)(ii) is 90 days for collocation applications and 150 days for all other types of applications. In 2014, the Commission clarified that a DNS deployment involving a new pole would trigger the 150-day shot clock, and that a DNS attachment to an existing pole or structure would be subject to the 90-day shot clock. See *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865, 12974 ¶ 272 (2014) (“2014 Wireless Infrastructure Order”) (noting that “DAS and small-cell

act within the longest possible “reasonable” period of time allowed by the Section 332(c)(7) shot clock. That is a conservative estimate, because most of ExteNet’s applications were collocations on existing utility poles that would have been subject to a 90-day shot clock.⁹ Thus, the number of communities in ExteNet’s survey that violated the shot clock is actually higher. Moreover, these statistics do not include communities where ExteNet decided not to deploy due to time-consuming and burdensome local requirements.¹⁰

Many of the delays cited above are attributable to the fact that local governments frequently require requests to deploy DNS facilities to go through formal zoning procedures that are more appropriate for “macro” towers. In 2015 and 2016, 41 of the communities surveyed by ExteNet demanded that ExteNet’s applications be subject to some form of discretionary review, with 36 of the 41 communities requiring ExteNet to go through formal zoning procedures, which are lengthy, expensive and discretionary.¹¹ For example, zoning applications typically require ExteNet to produce and submit detailed, complex plans and materials. Local governments, often

deployments that involve installation of new poles will trigger the 150-day time period for new construction”), *aff’d*, *Montgomery County v. FCC*, 811 F.3d 121 (4th Cir. 2015).

⁹ In its *2014 Wireless Infrastructure Order* the Commission implemented Section 6409(a) of the Spectrum Act, creating a new 60-day shot clock within which local authorities must act on a narrower category of “eligible” collocations on a tower or on a non-tower structure with an existing approved antenna. *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12956-57 ¶ 215. Many of the ROW poles on which ExteNet deploys DNS attachments lack an existing antenna, however, and therefore the 90-day collocation shot clock – and not the Section 6409(a) 60-day shot clock – applies.

¹⁰ *See, e.g.*, Comments of the Wireless Infrastructure Association, WT Docket No. 16-421, at 6 (filed Mar. 8, 2017) (“WIA Public Notice Comments”) (“WIA members have uniformly reported on the epidemic of significant delays experienced in jurisdictions throughout the country when seeking to deploy small wireless facilities in the public right-of-way.”); Comments of T-Mobile USA, Inc., WT Docket No. 16-421, at 6 (filed Mar. 8, 2017) (“If the city has a working small cell review process in place, the application can be approved in a matter of weeks – but if the city uses a traditional macrocell approach . . . , half a year or more is the norm.”).

¹¹ *See* WIA Public Notice Comments at 12 (describing delays created by imposition of zoning requirements on small cell facilities).

at the urging of consultants, require extensive engineering studies and photos of the surrounding area and proposed installation; information regarding all surrounding wireless facilities for distances up to a mile or more; and detailed radiofrequency (“RF”) studies. Applications are repeatedly rejected or returned, either for “missing” information or because the local government demands more information than originally requested.

Once they are finally accepted, applications are often subject to multiple layers of review and public comment. Each layer of the process can take weeks or months, and at any juncture a motivated member of the public or staff member can effectively stop a deployment.

Applications face at least one and frequently multiple public hearings. At those hearings, local residents can and do object to and oppose applications, often on purely “not in my back yard” grounds. Moreover, zoning codes almost always vest the local government with essentially unfettered discretion to deny an application for virtually any reason, including subjective criteria such as “compatibility” with the character of the area. When applying those criteria, local governments often ignore the fact that the installation is in a public right-of-way that is already a corridor for utility use.

Other factors cause delay as well. In 43% of the communities surveyed by ExteNet, the local government had no clear process for applications to install DNS facilities on poles in the public ROW. These communities often make up the rules as they go (usually leaning in the direction of formal zoning review), with antipathy towards the prospect of allowing RF emitting devices in the public ROW. In addition, local governments often demand that ExteNet enter into an agreement to occupy the public rights-of-way (whether called a franchise, license, access agreement, or some other name). Fifty-three percent of the surveyed communities demanded such an agreement from ExteNet, but 60% of those communities did not even have a form

agreement. Again, wireline telecommunications providers and other utilities with equipment in the ROW were not required to enter into any kind of agreement to access the ROW.

B. The FCC Should Accelerate Its Shot Clocks for DNS Collocations and Support Structures in Public ROWs.

To help remediate the delay problem, the Commission should accelerate its Section 332(c)(7) shot clocks in two ways. First, the Commission should adopt its proposal to reduce the shot clock applicable to collocations, including DNS attachments, from 90 to 60 days. As the Commission notes, this would “harmonize the shot clocks for applications that are not subject to [Section 6409(a) of] the Spectrum Act with those that are, so that . . . the time period deemed reasonable for non-Spectrum Act collocation applications would change from 90 to 60 days.”¹² Second, the Commission should accelerate the shot clock for all other non-collocation applications, including those for new DNS poles, from 150 days to 90 days.¹³

These timeframes are reasonable, especially in comparison to processing timelines for other similarly-situated ROW users. For example, wireline ROW applications are usually processed in a matter of a few days, or a few weeks at most, involving dozens or hundreds of poles.¹⁴ DNS attachments are often the same size as or smaller than wireline and utility

¹² *Wireless NPRM/NOI* ¶ 18 (citation omitted); *see also Wireline NPRM/NOI* ¶ 103.

¹³ ExteNet generally seeks to deploy its DNS facilities using existing pole infrastructure. Nonetheless, there are various circumstances beyond ExteNet’s control. ExteNet often is required to set replacement poles, which some jurisdictions treat as essentially new poles. Other times the issue is driven by utility pole owners. In one state where pole attachments are not within the FCC’s jurisdiction, the dominant utility has simply refused to allow wireless attachments. In many other instances, although the utility does not explicitly prohibit wireless facilities, it will impose so many conditions and limitations that many individual poles are effectively unusable. As a result, ExteNet may be forced to propose to install its own pole. Sometimes, the need for new poles is driven by the local government itself. But, there may be different opinions within the local government about whether existing poles or new poles are preferable, leaving ExteNet caught in the middle, unable to deploy.

¹⁴ *See ExteNet Public Notice Comments* at 8-9.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

)	
In the Matter of)	
)	
Accelerating Wireless Broadband)	WT Docket No. 17-79
Deployment by Removing Barriers to)	
Infrastructure Investment)	
)	

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TABLE OF CONTENTS

	Page
I. INTRODUCTION AND SUMMARY	1
II. GCI SUPPORTS THE COMMISSION’S GOAL TO REDUCE UNNECESSARY DELAYS REGARDING THE REVIEW OF WIRELESS INFRASTRUCTURE APPLICATIONS	4
A. Shot Clock & “Deemed Granted” Remedies	5
B. “(In)Complete” Applications.....	8
III. THE IMPOSITION OF SET BACK REQUIREMENTS ON WIRELESS INFRASTRUCTURE IS UNREASONABLY DISCRIMINATORY	9
IV. THE FCC MUST TAKE ADDITIONAL STEPS TO CLOSE UNINTENDED GAPS IN THE SECTION 106 TRIBAL REVIEW PROCESS.....	10
V. CONCLUSION	14

critical is providing additional timing and planning certainty regarding the construction of sites, so that carriers like GCI can plan their networks upgrades in connection with a more concrete timeline. Accordingly, GCI encourages the Commission to move forward with a number of its proposals to accelerate wireless broadband deployment. Specifically, the current shot clocks surrounding siting application review cause unnecessary delays and create extensive construction uncertainty, and GCI supports adopting shorter shot clocks along with a “deemed granted” finding once the shot clock expires. GCI also agrees that the Commission should provide guidance regarding the proper trigger for the beginning of the shot clocks, as the lack of clarity has been used by certain localities to garner additional time outside of the already-established shot clocks. Further, GCI provides insight into the significant issues it faces surrounding the imposition of “set back” requirements on wireless infrastructure - which single out wireless deployments and hinder proper infrastructure development and deployment. Finally, GCI offers comments to better ensure that Section 106 Tribal notification and review is resolved in a timely manner. This is an issue that is particularly important in Alaska, which is home to approximately 229 Federally Recognized Tribes.⁶

II. GCI SUPPORTS THE COMMISSION’S GOAL TO REDUCE UNNECESSARY DELAYS REGARDING THE REVIEW OF WIRELESS INFRASTRUCTURE APPLICATIONS

GCI generally supports the Commission’s proposals to reduce unnecessary delays regarding the deployment of wireless infrastructure, and specifically offers comments on the following proposals surrounding the timing of infrastructure application review by localities:

⁶ US Department of The Interior, Indian Affairs, Alaska Region Overview (last visited June 14, 2017) <https://www.bia.gov/WhoWeAre/RegionalOffices/Alaska/index.htm>; *see also* Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs, 68 Fed. Reg. 68,180, 68,183 (listing the Alaskan Native Entities within Alaska recognized and eligible to receive services from the United State Bureau of Indian Affairs).

A. Shot Clock & “Deemed Granted” Remedies

In GCI’s experience, the current 90 and 150 day shot clocks imposed for states and local entities to review siting applications cause delays that oftentimes have drastic impacts on GCI’s planned buildouts.⁷ For example, an 150 day shot clock can cause GCI to miss an entire Alaskan construction season (which generally lasts approximately 3-4 months, from approximately June to September depending on weather and barge schedules). The uncertainty surrounding the shot clocks, including when they begin and end, materially affect GCI’s ability to plan its network buildout. Accordingly, GCI recommends that the Commission (1) shorten its existing shot clocks to 60 days for collocations and 90 days for all other siting applications and (2) establish a “deemed granted” remedy to ensure that wireless providers can adequately plan construction according to established hard deadlines.⁸

A real world example – representative of what often occurs at the local level with regarding to siting applications – demonstrates the uncertainty and expense associated with the current siting application process. On January 4, 2016, GCI filed an application with a local commission in an effort to permit a wireless site in a particularly remote location in Alaska. The application was slated for hearing at the February commission meeting, but which was continued for lack of quorum. Local commission staff also requested additional information from GCI (information that was not required based on municipal code), and further pushed the public hearing to April 2016. In April, the commission for the first time actually reviewed the application and GCI’s responses, and then elected to continue the public hearing for an additional two months – to June – in order to seek additional non-material responses. In June,

⁷ NPRM ¶ 17.

⁸ *Id.* ¶¶ 8-16.

the Commission again did not have a quorum, and the public hearing was continued to July, which exceeded the 150-day shot clock that had expired on June 2.

While current policy allowed GCI to sue the state or local agency for failure to act within the shot clock,⁹ GCI was concerned that a federal court proceeding would be more lengthy and cumbersome than waiting another month for the hearing, so it elected not to seek resolution via that route at that time. The permit was denied in July. GCI appealed, and the permit was granted in September, *nine months after filing its initial site permit application*. Unfortunately, at this time, GCI was unable to commence buildout since it had missed its construction season, which as noted above only lasts until sometime in September, despite filing its application well before the Alaskan construction season had begun. This process therefore meaningfully delayed GCI's deployment of needed wireless infrastructure, beyond the nine months it took the locality to grant the application, to the detriment of GCI customers who would otherwise have received new or improved service sooner.

This example demonstrates the very real consequences that result from localities' ability to circumvent the shot clock regulations. Indeed, the established process allows localities to let the relevant shot clocks lapse at their discretion, as the burden and expense associated with an appeal falls directly on the siting applicant. This process puts the incentives in the wrong place. Therefore, GCI recommends that the FCC not only adopt shorter shot clocks, but also strongly supports the Commission's proposal to impose a "deemed granted" finding once the applicable shot clock expires. Specifically, GCI supports reducing the shot clocks for wireless siting applications, including collocations and applications that are not applicable to the Spectrum Act,

⁹ *Id.* ¶ 8.

to 60 days for all collocations, and 90 days for all other siting applications days.¹⁰ In addition, GCI suggests that the FCC clarify that any time allocated to an appeals process set forth by the applicable state or locality is a part of the relevant shot clock. Localities should not be able to reject applications as a matter of course pending a local appeals process that exploits a potential loophole in the Commission's rules. Alternatively, if the locality substantively objects to an application, then the Commission should establish a separate, shorter shot clock of 20 days to apply for the applicable appeals process outside of the original 60- or 90- day shot clock time period.

Revising the timing of the shot clocks will not have a significant impact on wireless deployment unless the FCC provides additional opportunities for resolution of infrastructure applications. The FCC should impose checks and balances over the localities in order to incite them to act on an application. As explained in the example above, while the ability to sue the locality for inaction is helpful, that often is not a realistic remedy since the process can tack on additional months or even years, cost a great deal of resources, and simply may not be as efficient as waiting for the locality to act in its own process, which may exceed the shot clock, effectively nullifying the value of the shot clock. In order for the process to be effective, there must be a strong incentive for the particular locality to act.

As then-Commissioner Pai remarked in connection with the introduction of his Digital Empowerment Agenda, “[w]e should give our shot clock some teeth by adopting a ‘deemed grant’ remedy. That way, if a local government does not act on a wireless facilities application by the end of the FCC’s shot clock, that application would be considered approved and an ISP

¹⁰ *Id.* ¶¶ 17-18.

could start building right away.”¹¹ GCI strongly supports the Commission’s proposal to adopt a “deemed granted” remedy if state and local authorities fail to meet their shot clock review windows. GCI believes that the Commission has significant existing authority to ensure that wireless infrastructure applicants have greater certainty when it comes to the application review process through a “deemed granted” finding.

B. “(In)Complete” Applications

Relatedly, the Commission should insert additional “teeth” into its siting regulations: clarifying the start date of the shot clock. Localities currently have the ability to unnecessarily delay the processing of wireless infrastructure applications by claiming that a shot clock does not begin until the application is deemed “complete” by its own standards (of which are often unbeknownst to the applicant and may be arbitrary to the actual merits of whether the application provides all needed information). Indeed, GCI has encountered delays due to such localities finding that a submitted application is “incomplete” – despite the lack of material concerns expressed by the locality. In such instances, localities will request additional information and in most cases, much of the information requested to make the application “complete” is already contained in the original application, or is contained in the application in a slightly different form than is being requested upon review.¹²

The FCC should clarify that the various shot clocks begin when applications are filed, so long as such applications provide all information detailed in and/or required by the state or

¹¹ Ajit Pai, Former Commissioner, FCC, Remarks at the Brandery; A Digital Empowerment Agenda, Cincinnati, Ohio, (Sept. 13, 2016).

¹² For instance, one locality issued GCI a notice of incomplete application, claiming the application lacked certain “additional information” which included page numbers, information that despite already being submitted in narrative form would only be acceptable in table format, and also included requests for numerous items that were already provided by GCI in the original application. For these reasons, the application was deemed incomplete.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matters of

Accelerating Wireless Broadband)	WT Docket No. 17-79
Deployment by Removing Barriers to)	
Infrastructure Investment)	
)	
Accelerating Wireline Broadband)	WC Docket No. 17-84
Deployment by Removing Barriers to)	
Infrastructure Investment)	

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Executive Summary

Sprint has activated small cell sites across the nation and is in the process of deploying tens of thousands of additional small cells to further densify its network. This massive network densification will deliver jobs to the American economy and vastly improved services to consumers and businesses that depend on mobile communications. Unfortunately, antiquated regulatory and bureaucratic hurdles are slowing the pace of this deployment and diverting millions of dollars away from critical infrastructure investment. Lack of access to right-of-way structures, excessive fees, and untenable processes and delays from local governments for permitting and installing small cells have become a major barrier to investment in the mobile economy.

The historic review process, including tribal historic review, imposes massive costs and delays for little to no benefit. In the 13 years since the current process was established, Sprint has submitted thousands of tribal historic review requests and paid millions of dollars in review fees, but has not experienced a single site where a tribe has identified a potentially affected Historic Property.¹ Other users of the public rights of way—such as electric companies, wireline communications providers, sewer and water authorities, and even Wi-Fi network providers—have no obligation under federal law to conduct historic review for their infrastructure

¹ The FCC's Nationwide Programmatic Agreement defines Historic Property: "Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or NHO that meet the National Register criteria." Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission ("NPA") § II.A.9.

construction. Unless the rules and practices are changed, Sprint could pay tens of millions for reviews for small cell historic reviews rather than spending that money on network upgrades.

Sprint proposes an amendment to the Nationwide Programmatic Agreement to exclude tribal review for small cells in rights of way just as they are already excluded from state historic preservation review. Sprint also proposes confirming the Advisory Council on Historic Preservation's current guidance that fees are not required for initial identification of affected sites but that a small, reasonable fee may be appropriate when a tribe has made a good-faith determination that a project may affect an identified eligible Historic Property. Additionally, the Commission should exempt all collocations from tribal review as experience has shown that there is no adverse impact on tribal Historic Properties from collocations. The Commission should limit the review period to 30 days with a firm deadline. These steps—along with the retention of the opportunity to review macro cell sites outside of rights of way with new ground disturbance and the requirement that carriers stop work and notify tribes when excavation discovers human remains or an undiscovered potential Historic Property—limits the burden on tribes and allows them and carriers to focus their efforts where eligible Historic Properties are more likely to be located.

Similarly, the environmental review process is well-intentioned, but despite the expenditure of significant resources to determine the need to prepare environmental assessments, not a single Sprint antenna or tower project has resulted in the need for an environmental impact statement, let alone remedial or preventative action under the National Environmental Protection Act (“NEPA”). This extensive, unvaried experience shows that antenna construction has minimal environmental effect, particularly for small cells. Sprint proposes simple regulatory relief: The FirstNet network has NEPA exclusions much broader than those granted private carriers when

deploying their networks. Sprint proposes that the FCC's exclusions be modified to match those of FirstNet as micro cells present insignificant environmental effects as shown by the FCC's own review of environmental assessments over the years.

Barriers imposed by local governments also have the effect of preventing mobile carriers from providing service. Lack of access to public rights of way, excessive fees, and long delays prevent carriers from upgrading and densifying their networks. Because demand for network coverage and throughput is ever increasing, these barriers leave areas without adequate coverage for wireless customers. Sprint proposes reforms that guarantee access to public rights of way, imposes meaningful time limits with "deemed granted" remedies, and fee structures that allow municipalities to recover their direct and actual costs of allowing access but disallowing excessive profiteering from wireless carriers.

So long as these costly regulatory procedures described above remain in place, the pace of broadband deployment will be slowed and resources diverted. In some cases these permitting and review fees exceed the costs of the small cell hardware, support structure, installation, backhaul, and power combined. In these comments, Sprint presents real world examples and data from its ongoing network build. The Commission need not rely on hypotheticals and projections; Sprint will show how burdensome regulations and fees are having a direct impact on small cell deployment and urges the FCC to act quickly to remove these barriers.

Table of Contents

I.	Introduction	1
II.	Background.....	8
A.	Data Usage is Exploding.....	9
B.	The Only Solution to Exploding Growth in Data Demand is Densification	10
C.	Three-Legged Stool	10
D.	Small Cell Technology Primer	11
III.	The Current Burdensome and Ineffective Tribal Historic Review Process Can and Must Be Rationalized 13	
A.	Overview.....	13
B.	Legal Background on Tribal Historic Review Process.....	18
C.	Current Situation.....	19
1.	Fees	20
2.	Delays	21
3.	Overbroad Geographic Designations.....	23
4.	Tribal Requests for Ethnographic Studies and Site Monitoring.....	25
5.	The NPA’s purpose is to protect only sites eligible for listing on the National Register. 26	
6.	Current Process Diverges from Statute and Rules.....	27
D.	Sprint Supports Federal Government Efforts to Protect Tribal Nations’ Cultural Heritage, But it Must Be Done Rationally.....	30
E.	Sprint’s Proposal.....	31
IV.	NEPA Rules Impose Unnecessary Burdens on Wireless Antenna Deployment.....	34
V.	The Commission Has an Obligation to Preempt Local Barriers That Have the Effect of Preventing Carriers From Providing Service.....	36
A.	Congress Has Already Made Clear that the Obligation and Authority to Act to Accelerate Infrastructure Deployment.....	36
B.	Specific Deployment Hurdles and Barriers That Wireless Carriers Face	37
1.	Access to Rights of Way	38
2.	Total Exclusions	38
3.	Moratoria	41
4.	Discrimination	43
5.	Siting Requirements that Question Network Design.....	43
C.	Excessive Delays	44
VI.	Sprint’s Proposed Solution to Excessive Infrastructure Fees, Delays, and Inability to Access	

Public Rights of Way 45

 A. Nationwide Standards Under 332 45

VII. Changes to Pole Attachment Rules Will Promote Broadband Deployment 48

VIII. Copper Retirement and Discontinuance Notifications 51

IX. Conclusion 53

1) access to public rights of way to place new poles and attach to existing structures; 2) reasonable fees for both applications and usage of the rights of way from both local governments and tribes that demand payment for historic review; and 3) timely action on access agreements and individual site permits, as well as prompt action by tribes that require historic review.

Without removal of all three barriers, rapid, economical infrastructure deployment is threatened.

Many of these regulations and fees were created when carriers were deploying voice-centric networks that entailed establishing large macro cells that cost hundreds of thousands of dollars, and carriers could more readily justify waiting through the process, litigating adverse decisions, and, if required, paying fees that were a much smaller share of the total cost of each site. The new infrastructure is radically different, however, and the old siting paradigm no longer applies. The cost per cell has dropped to the low tens of thousands of dollars and the number of sites needed has multiplied. Most importantly, the physical size and visual effect of deploying a small cell is dramatically less than traditional towers. In this environment, carriers cannot engage in a protracted regulatory struggle for each individual site. Given that all carriers face limited capital budgets, they are forced to limit the number and pace of their deployment investments to areas where the delays and impediments are the least onerous, to the detriment of their customers and, ultimately and ironically, to the very jurisdictions that imposed obstacles in the first place.

D. Small Cell Technology Primer

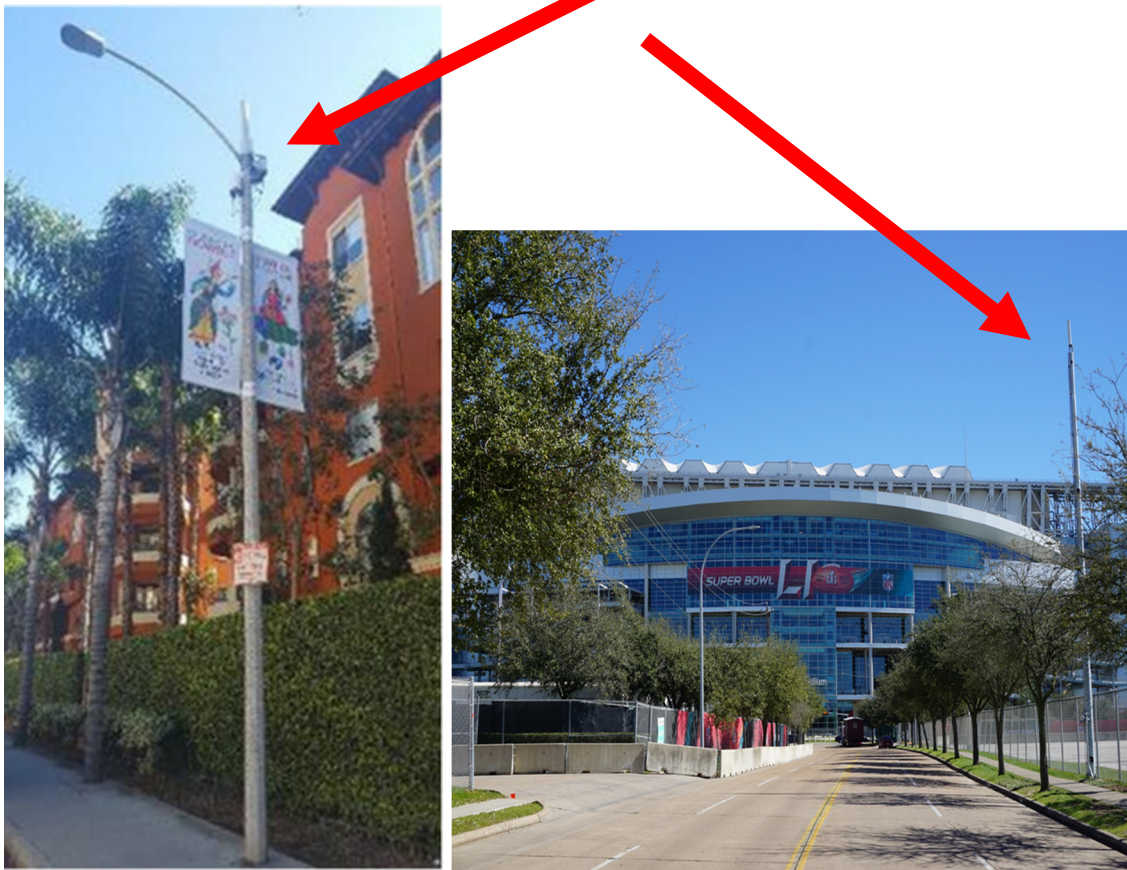
Small cells are wireless base stations that have the same basic functionality as the familiar macro cells, but are much smaller physically and cover smaller geographic areas. They cover a radius of approximately $\frac{1}{4}$ mile or less, compared to the multi-mile radius of traditional macro cells. A traditional macro site consists of a tall support tower with numerous separate antennas mounted on top. The ground area is often fenced and contains one or more equipment

cabinets.

In contrast, Sprint's small cells are small, prepackaged units approximately the size of a shoe box to a fire extinguisher that mount on a traditional utility pole, streetlight, traffic signal, or building with no additional equipment installed on the ground. Although FCC rules define a small cell as a pole-mounted antenna of no more than six cubic feet and other equipment no more than 21 cubic feet for a single installation,¹¹ in practice, Sprint's small cells are much smaller. A typical small cell radio unit used by Sprint is approximately 20"x10"x10", or in other words smaller than the ubiquitous power transformers mounted on electric poles nationwide and similar in size to pole-mounted junction boxes for telecommunications. There is an omnidirectional antenna and one or two additional smaller pieces of equipment mounted on the pole to provide backhaul, as well as an electric meter.

Pictured below are two typical small cells, one mounted on a streetlight and the other on a new steel utility pole outside NRG Stadium in Houston, Texas (indicated by the red arrow):

¹¹ 47 C.F.R. § 1.1307(a)(4). Amended Collocation Agreement § VI.5.b.ii.



III. The Current Burdensome and Ineffective Tribal Historic Review Process Can and Must Be Rationalized

A. Overview

While there are many costs facing carriers during deployment, the costs imposed on carriers from fee demands in the Section 106 Process for tribal historic review under the National Historic Preservation Act have risen precipitously over the last few years. Sprint supports the efforts of the federal government and the FCC to preserve sites of religious, historic, and cultural significance to Indian tribes. Unfortunately, good intentions to protect important sites have given way to a spiraling imposition of fees at sites with essentially no chance of having an adverse impact on a site that meets the criteria under the FCC's Nationwide Programmatic Agreement of eligibility for inclusion on the National Register of Historic Places.

3. Moratoria

The Commission has stated that moratoria on infrastructure deployment by local governments are “presumptively unreasonable” if they result in delays of more than 150 days for new sites or 90 days for collocations.⁴⁷ Additionally, moratoria do not affect the running of the shot clock.⁴⁸ The Commission found that these shot clock timeframes also apply to the siting of small cells.⁴⁹ The Commission asks again for evidence of moratoria and the impact on deployment that they have.⁵⁰

There are two types of moratoria that interfere with small cell deployment. The first is a refusal to consider the use of the public rights-of-way and vertical structures in the rights of way for small cell deployment. The second is a refusal to act on permit applications for use of right-of-way structures for small cell deployment. The Commission’s shot clock order addressed the second issue, but did not directly address the first type of moratorium that is currently a larger barrier to deployment. Some municipalities stop short of an outright refusal to allow access to the public rights of way, but have dragged their feet for such a long time in establishing a process that their actions have imposed a de facto moratorium on the use of the rights of way.

Despite the presumptive ban on moratoria, they continue. One southern city, for example, has imposed a moratorium on new builds in the downtown area until it revises its standards for fees, designs, and deployment in underserved areas. This moratorium has continued for 18

⁴⁷ 2014 Infrastructure Order ¶ 267.

⁴⁸ *Id.* ¶ 266.

⁴⁹ *Id.* ¶¶ 270-272.

⁵⁰ NPRM ¶ 22.

months. In such a circumstance, the Commission's shot clock rules are wholly ineffective because that city has continued to discuss small cell siting but has not implemented a uniform policy and process under which actual applications can be submitted. The alternative for a carrier wanting to deploy there is to drop out of negotiations and sue the city in federal court to enforce the shot clock rules. Litigation in federal court, however, directly undermines the ability of carriers to engage in negotiation of a reasonable policy.

In July 2016, a state department of transportation adopted a regulation that flatly prohibited new poles, towers, and monopoles in the rights of way controlled by the state DOT. The industry became aware of the regulation only after it had been adopted. Subsequently, members of the industry entered into discussions with the state DOT, and as of this writing, the parties are hopeful that the state DOT will ultimately adopt a compromise regulation that allows for the construction of new wireless infrastructure in rights-of-way controlled by the DOT.

The Commission should strengthen its ban on moratoria by clarifying that if a local government is not accepting applications, whether for use of the public rights of way or merely to obtain permits to place sites on municipally owned poles or other structures, the shot clock nevertheless begins to run when the applicant submits the basic information about the proposed site, including proof of delivery, that is consistent with other jurisdictions that are accepting applications or previous submissions prior to the moratorium. Furthermore, as discussed elsewhere in these comments, a deemed granted remedy must be available to enforce the Commission's ban on moratoriums, whether official or de facto. Absent a strong remedy, the judicial process merely constitutes an extension of the moratorium, and if there is not even a process in place for the submission of applications to use the public rights of way, there is no way for a court to validate the rationale—or lack thereof—underlying a municipality's decision

on an application.

4. Discrimination

Local governments have also discriminated against some carriers in contravention of Section 253. One eastern city has an exclusive contract with one infrastructure provider that prohibits the city from approving installation of new poles from other carriers or infrastructure providers, as well as attachments to city-owned infrastructure. Other carriers are limited to attaching to existing infrastructure owned by third-parties. The Commission must clarify that terms and access made available to any telecommunications provider, whether telephone, cable, or wireless, must be available to all and, at a minimum, on the same terms. Anything short of this is a direct violation of the nondiscriminatory requirements of Section 253(c).

5. Siting Requirements that Question Network Design

Another problematic action by local governments is the imposition of siting requirements that question a carrier's network design. Such actions violate Section 253 because any local government action that prevents a technology upgrade has the effect of prohibiting the provision of service.

Different technological standards and spectrum allocations require different antenna locations, heights, and spacing for different carriers. What worked for 2G may not work for 3G, 4G or 5G. What works for 800 MHz may not work at 2.5 GHz, and what works at 2.5 GHz may not work at the higher frequencies the Commission approved for mobile broadband use last year. If a carrier's antenna locations are frozen based on earlier network architectures, it cannot effectively provide service as technology changes.

Section 6409 is unhelpful in this circumstance. While it allows for antenna or equipment upgrades at a particular location where there already are wireless facilities, it does not make it

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)	
Accelerating Wireline Broadband Deployment by)	WC Docket No. 17-84
Removing Barriers to Infrastructure Investment)	

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TABLE OF CONTENTS

I. INTRODUCTION AND SUMMARY.....	1
II. SMALL WIRELESS FACILITIES ARE CRITICAL TO MEET GROWING DEMAND FOR BROADBAND SERVICES, ADD JOBS, AND IMPROVE THE ECONOMY.	3
III. THE COMMISSION SHOULD CLARIFY THAT THE COMMUNICATIONS ACT BARS STATE AND LOCAL ACTION THAT ERECT SUBSTANTIAL BARRIERS TO WIRELESS FACILITIES DEPLOYMENT.	5
A. State and Local Requirements and Fees Effectively Prohibit Providing Advanced Broadband Service to Customers.	5
B. The Commission Should Find that “Prohibit or Have the Effect of Prohibiting” Has the Same Meaning in Sections 253 and 332.	8
1. An Action “Prohibits or Ha[s] the Effect of Prohibiting” the Provision of Service Where It Erects a “Substantial Barrier” to Service	11
2. Denying Applications for Aesthetic Reasons Is Proper Only Where the Record Contains Specific and Detailed Evidence of the Aesthetic Impact of the Proposed Facility.....	19
C. The Commission Should Find that Sections 253 and 332 Apply Broadly to State and Local Actions.....	21
D. State and Local Actions Pertaining to Access to Rights-of-Way, Other Public Lands, and Structures Within Them Are Subject to Sections 253 and 332.	25
IV. THE COMMISSION SHOULD ADOPT RULES BARRING STATE AND LOCAL ACTIONS THAT PROHIBIT THE PROVISION OF TELECOMMUNICATIONS SERVICES.....	29
A. The Commission Has Authority to Adopt Rules Under Section 253.....	29
B. The Commission Should Adopt Rules Preempting Requirements and Fees that Effectively Prohibit Providing Broadband Services to Customers.	33
C. The Commission Should Use Its Section 253 Authority to Regulate Access to Municipally-Owned Poles and to Require Baseline Standards in States that Regulate Pole Attachments.	34
V. THE COMMISSION SHOULD ADOPT RULES UNDER SECTION 332(C) TO PROMOTE WIRELESS INFRASTRUCTURE DEPLOYMENT.	35
A. The Commission Should Adopt a Deemed Granted Remedy for the Section 332(c) Shot Clocks.	35
1. Carriers Continue to Experience Delays Getting Approvals for Small Cells.....	35
2. The Commission Has Authority to Adopt a Deemed Granted Remedy.....	36
B. The Commission Should Adopt a 60-day Shot Clock for Certain Small Cells.....	41

VI. THE COMMISSION SHOULD STREAMLINE HISTORIC PRESERVATION AND ENVIRONMENTAL REVIEWS..... 44

A. The Commission Should Modernize the Tribal Consultation and Review Process. 44

1. The Commission Should Exclude Tribal Reviews for Certain Small Cell Facility Types. 46

2. The Commission Should Preclude Tribal Fees for Initial Consultations..... 47

3. The Commission Should Take Steps to Curb the Unreasonable Expansion of Tribal Areas of Interest. 49

4. The Commission Should Require Tribal Responses in 30 Days. 50

B. The commission should adopt reasonable exclusions from historic preservation review. 53

1. The Commission Should Exclude Pole Replacements that Meet Certain Conditions..... 54

2. The Commission Should Exclude Construction in Rights-of-Way and Industrial Zones that Meets Certain Conditions. 56

3. The Commission Should Exclude Collocations Not Closer than 50 Feet to a Historic District..... 57

C. The Commission Should find that mounting small cells on existing structures is not a federal undertaking..... 58

D. The Commission should exclude twilight towers from historic preservation reviews..... 62

E. The Commission should Eliminate Redundant Environmental Reviews for Certain New Towers in Flood Plains..... 63

VII. CONCLUSION 64

quarter in 2016 and the end of the first quarter in 2017.¹⁰ Wireless smartphone data consumption in North America is expected to reach 6.9 gigabytes per device per month by the end of 2017 and 26 gigabytes per month by 2022.¹¹ Video is the largest contributor to mobile traffic volumes.¹² Globally, video traffic will be 82 percent of all IP traffic by 2021, and it would take more than five million years to watch the amount of video that will cross IP networks each month in 2021.¹³ Accenture estimates that United States telecommunications operators will invest approximately \$275 billion in the next seven years to deploy next-generation technology. That investment will enable new wireless capabilities, create about three million new jobs, and grow the gross domestic product (“GDP”) by \$500 billion.¹⁴

To meet this demand and unlock the economic promise of more advanced 4G and 5G, carriers’ networks will require an estimated 10 to 100 times more antenna locations than today’s 3G or 4G networks.¹⁵ Many 5G networks also are likely to incorporate millimeter wave spectrum that the Commission recently made available.¹⁶ Millimeter wave spectrum, unlike lower band spectrum traditionally used for wireless service, generally supports service over

¹⁰ Ericsson Mobility Report, (Jun., 2017), <https://www.ericsson.com/assets/local/mobility-report/documents/2017/ericsson-mobility-report-june-2017.pdf>, at 2 (“Ericsson Mobility Report”).

¹¹ *Id.* at 14.

¹² *Id.* at 13.

¹³ Cisco Trends and Analysis at 2.

¹⁴ See Majed Al Amine et al., Accenture Strategy, Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities 3 (2017), <http://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf> (“Accenture Smart Cities Paper”).

¹⁵ *Id.* at 1.

¹⁶ See *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 8014 (2016) (“*Above 24 GHz Order*”).

shorter distances and with direct lines-of-sight.¹⁷ Thus carriers using millimeter wave bands will need to deploy small facilities in many more locations that are both closer to the ground (30-50 feet in height) and closer to the customer than traditional wireless cell sites. Existing poles (including utility poles, light poles, traffic control poles, and street signs) in rights-of-way are ideal locations for 5G antennas. These facilities are significantly smaller than traditional “macro” antennas and blend more easily into the environment. Yet, as discussed below, many local ordinances and officials (or their consultants) do not take into account these significant differences, and instead burden the small cell siting process with requirements at least if not more cumbersome than those that apply to much larger facilities.

III. THE COMMISSION SHOULD CLARIFY THAT THE COMMUNICATIONS ACT BARS STATE AND LOCAL ACTION THAT ERECT SUBSTANTIAL BARRIERS TO WIRELESS FACILITIES DEPLOYMENT.

A. State and Local Requirements and Fees Effectively Prohibit Providing Advanced Broadband Service to Customers.

Even in the early stages of small cell deployment, Verizon has encountered a variety of practices that have the effect of delaying or preventing small cell deployment. These include barriers in gaining access to state and local rights-of-way, and municipally owned poles within them, and outdated local zoning requirements. These practices are already slowing the deployment of 4G small cells, and costs and delays will only grow as providers transition to more advanced 5G networks. Federal law, most notably Sections 253 and 332 of the Act, exists to block local actions and requirements that threaten important federal interests such as broadband and 5G deployment.¹⁸ The Commission has authority to address these local obstacles to deployment, and it should do so expeditiously.

¹⁷ *Id.* at 8020, ¶ 6.

¹⁸ 47 U.S.C. §§ 253, 332(c)(7).

Section 253 applies and allows it to assert jurisdiction over access to poles owned by railroads, cooperatives, and states (including municipalities) in those instances.

More generally, the Commission should use its Section 253 authority to ensure that reverse-preemption states are effectively regulating the rates, terms, and conditions of pole attachments. Under Section 224(c)(1), the Commission does not have jurisdiction over pole attachments in the states that have certified that they regulate pole attachments. But if a state's pole attachment regulations allow utilities or others to set rates, terms, and conditions that prohibit or effectively prohibit the provision of telecommunications service, then the Commission should stand ready to act on a case-by-case basis.

V. THE COMMISSION SHOULD ADOPT RULES UNDER SECTION 332(c) TO PROMOTE WIRELESS INFRASTRUCTURE DEPLOYMENT.

A. The Commission Should Adopt a Deemed Granted Remedy for the Section 332(c) Shot Clocks.

1. Carriers Continue to Experience Delays Getting Approvals for Small Cells.

Wireless carriers continue to experience delays in deploying small cells primarily because local zoning processes developed for larger, “macro” towers have not been updated to account for the smaller profile and limited effects of small cells. For example, many localities, such as Duluth, Minnesota, Amherst, New York, and Pasco, Washington, require special use permits involving multiple layers of approval to locate small cells in some or all zoning districts. Many others require site-by-site approval for small facilities, even after reaching agreement to place facilities in public rights-of-way.¹¹⁰ The ordinances in many localities impose requirements that are either not suited for small cells or are overly restrictive. These include multiple layers of review for each site, overly broad property owner notification requirements,

¹¹⁰ See Verizon Small Facility Comments at 18-19.

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June 15, 2017

EXECUTIVE SUMMARY

The Wireless Infrastructure Association (“WIA”) recognizes and appreciates the Commission’s continuing commitment to create a regulatory environment that promotes wireless infrastructure deployment and the collocation of communications facilities on existing structures. Today, that commitment is more urgent than ever, as market developments converge to require densified networks able to keep up with demand and support new advanced wireless services. Our future includes the Internet of Things, and the Internet of Things requires a network of reality.

To achieve these networks, WIA is actively working at the federal, state, and local levels to remove deployment barriers, and applauds the positive efforts already undertaken in some states and communities. But consistent approaches are needed, or the innovation and competitiveness of the wireless industry will suffer. The record compiled in response to the *2016 Streamlining Public Notice* confirms that America’s wireless carriers and infrastructure providers continue to face significant delays and other barriers to deployment—including the deployment of small cells in rights-of-way (“ROW”) and collocations on existing macro sites. Regulatory reform is needed to clear these roadblocks and cut the red tape that unnecessarily increases costs and slows the rollout of wireless broadband services to consumers.

WIA thus supports forward thinking policies that encourage infrastructure investment while eliminating excessive reviews and burdensome and discriminatory requirements—policies Congress had in mind when it added Sections 253 and 332(c)(7) to the Communications Act. To clarify and bolster its previous orders interpreting these sections and other statutory mandates, and to facilitate the speedy deployment of needed wireless infrastructure, the Commission should take the following actions:

First, the Commission should reduce delays associated with the deployment of wireless facilities by implementing a deemed granted remedy for shot clock violations, and by adopting streamlined shot clocks as follows: a 60-day shot clock for all applications involving small wireless facilities located on an existing or replacement pole in a public ROW, applications for non-Spectrum Act facilities, applications involving like-for-like replacements of existing facilities, and applications for compound expansions; a 90-day shot clock for applications involving substantial modifications, including tower extensions; and a 120-day shot clock for applications for all other facilities, including new macro sites. In addition, the Commission should clarify that the shot clocks apply to all aspects of the wireless siting process, and that fee disputes, “batched” applications, and moratoria do not extend shot clock deadlines. And the Commission should declare that state and local regulations subjecting wireless deployments to longer or more onerous siting processes than non-wireless deployments violate Sections 253 and 332.

Second, the Commission should issue a declaratory ruling interpreting Sections 253 and 332(c)(7). In particular, the Commission should clarify that (i) Section 253 applies broadly to any “telecommunications service” (including wireless) and any “legal requirement” (including contracts); (ii) Section 253 bars regulations that materially inhibit or impede telecommunications, and local requirements need not be insurmountable to violate Section 253; (iii) the judicially-created substantial gap test under Section 332 is not workable in the context of small wireless facilities that add capacity; (iv) all fees charged by localities with regard to

wireless siting (*e.g.*, recurring, non-recurring, ROW access, municipal attachment, and application fees) must be nondiscriminatory and cost-based; (v) moratoria, requirements imposed on ROW applicants not related to ROW management, and other onerous conditions are prohibited; (vi) aesthetics should not play a role for wireless ROW deployments if not applicable to wireline, cable, and utility deployments; and (vii) management of and access to ROWs and associated poles implicate local authorities' regulatory authority and are subject to Sections 253 and 332.

Third, the Commission should continue to streamline and expedite environmental reviews. With respect to the National Environmental Policy Act ("NEPA"), the Commission should eliminate the need for most floodplain Environmental Assessments ("EAs"), expand the exclusion for small wireless support structures, and establish shot clocks to resolve environmental delays and disputes. It similarly should expand existing National Historic Preservation Act ("NHPA") exclusions for pole replacements, ROW facilities, collocations, small indoor deployments, small installations on traffic/light poles, and industrial park deployments. The Commission should also reform the Tribal review process and resolve the treatment of Twilight Towers, consistent with joint comments WIA has filed separately in WT Docket No. 17-79 with CTIA.

Fourth, the Commission should address pole attachment problems by adopting a 180-day shot clock to handle complaints. The Commission should also clarify that utility-owned light poles fall within the definition of "pole" as that term is used in Section 224 of the Act.

Finally, the Commission should continue to support efforts to remove barriers to wireless deployments on federal lands. While progress has been made, more work is needed to achieve streamlined access to federal lands for wireless infrastructure siting.

By taking these steps now, the Commission will help set a path for wireless infrastructure deployment that enables the U.S. to continue to be the global leader in mobile communications, including 5G.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION	2
DISCUSSION.....	7
I. EVIDENCE BEFORE THE COMMISSION DEMONSTRATES THAT LOCAL REGULATIONS AND ACTIONS THWART DEPLOYMENT.	7
A. Municipal Delay Is Widespread and Significant.	7
B. Localities Continue to Impose Moratoria.	10
C. Requirements Imposed on Small Wireless ROW Deployments Are Discriminatory.	12
D. Unreasonable Conditions Often Are Imposed on Small Wireless ROW Deployments.	13
E. Fees Are Discriminatory, Excessive, and Exceed Costs.....	14
II. THE COMMISSION SHOULD TAKE ACTION TO REDUCE DELAYS ASSOCIATED WITH THE DEPLOYMENT OF WIRELESS FACILITIES.	15
A. The Commission Should Adopt a Deemed Granted Remedy for Shot Clock Violations.	15
B. The Commission Should Adopt a 60-Day Shot Clock for Applications Involving Small Wireless Facilities.	20
C. The Commission Should Shorten the Existing Shot Clocks for Certain Facilities.....	22
D. The Commission Should Clarify the Scope of the Shot Clocks and Identify Actions that Do Not or Extend Their Operation.	24
E. The Timelines and Permitting Processes Applicable to Small Wireless ROW Installations Should Not Exceed the Utility Siting Process.	26
III. THE COMMISSION SHOULD ISSUE A DECLARATORY RULING INTERPETING SECTIONS 253 AND 332(C)(7).....	27
A. The FCC Has Authority Under Sections 253 and 332 to Issue a Declaratory Ruling.....	29
B. The Commission Should Clarify the Scope and Breadth of Sections 253 and 332.....	30
C. The Effective Prohibition Test Under Section 253 Is Different than the Judicially-Crafted Test Under Section 332(c)(7).....	32
D. The Commission Should Address Excessive ROW and Non-ROW Fees and Charges That Impede Wireless Deployments.	40
E. The Commission Should Define Other Actions That Effectively Prohibit or Discriminate Against Wireless Deployments.....	55

- F. The Commission Should Clarify That Access to Public Poles and ROWs Implicates Regulatory Functions Subject to Sections 253/332. 59
- IV. THE COMMISSION SHOULD CONTINUE TO EXPEDITE AND ELIMINATE UNNECESSARY ENVIRONMENTAL REVIEWS..... 62
 - A. The Commission Should Further Streamline the NEPA Review Process..... 62
 - B. The Commission Should Further Streamline the NHPA Review Process. 65
- V. THE COMMISSION SHOULD ADDRESS IMPEDIMENTS CREATED BY POLE ATTACHMENT PROBLEMS..... 73
- VI. THE COMMISSION SHOULD CONTINUE TO SUPPORT EFFORTS TO STREAMLINE WIRELESS FACILITY SITING ON FEDERAL LANDS. 74
- CONCLUSION..... 76

in a competitively neutral and nondiscriminatory manner consistent with the Telecommunications Act of 1996 (“1996 Act”).¹⁹

By taking the steps identified below, the FCC will lay the groundwork to help ensure the U.S. continues to be the global leader in mobile communications, supported by world class networks that deliver a growing mobile economy today and for generations to come.

DISCUSSION

I. EVIDENCE BEFORE THE COMMISSION DEMONSTRATES THAT LOCAL REGULATIONS AND ACTIONS THWART DEPLOYMENT.

While the Commission has made important strides toward lowering barriers to wireless infrastructure deployment, WIA members report that they are facing more local delay and burdensome regulation than ever before. The record in response to the *2016 Streamlining Public Notice*²⁰ confirms the experience of WIA’s members: companies seeking to deploy wireless facilities face significant obstacles that effectively thwart the deployment of wireless facilities, including small wireless facilities in public ROWs that are critical to support 5G.

A. Municipal Delay Is Widespread and Significant.

WIA’s members continue to report that significant municipal delay is a primary barrier to deployment that effectively prohibits the provision of telecommunications service via small wireless facilities. One member reports that 70% of its applications to deploy small wireless facilities in the public ROWs during a two-year period exceeded the 90-day shot clock for installation of small wireless facilities on an existing utility pole, and 47% exceeded the 150-day shot clock for the construction of new towers.²¹ Another member reports that the wireless siting

¹⁹ Pub. L. No. 104-104, 110 Stat. 56 (1996).

²⁰ *2016 Streamlining Public Notice*, 31 FCC Rcd 13360.

²¹ *See, e.g., 2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12973-74 ¶¶ 270-272.

approval process exceeds 90 days in more than 33% of jurisdictions it surveyed, and exceeds 150 days in 25% of surveyed jurisdictions.

These member experiences are not unique, and reflect only the amount of time to gain *approval* of applications. The metrics do not include all of the applications that have been pending with local governments for months and even years, with no time certain for gaining approval. Indeed, one member reports an application that has been pending with a New Jersey township for nearly a year, and applications pending in municipalities in New Hampshire and Maine for more than two years. Another member reports applications in five different jurisdictions that have been pending for nearly *three years*. It is common for members to have multiple jurisdictions where application processing delays have reached two years or more.

The record in response to the *2016 Streamlining Public Notice* further confirms that the wireless siting approval process injects significant and unnecessary delay into the infrastructure deployment process. For example:

- Crown Castle described how many cities are causing delay by requiring lengthy “pre-application” processes in which municipal staff gives feedback requiring changes that create a cycle of delay.²² Indeed, in *Crown Castle NG East, Inc. v. Town of Greenburgh*, the town took approximately two years and nearly twenty meetings, with constantly shifting demands, before it would even “deem complete” Crown Castle’s application.²³
- ExteNet provided the Commission with specific data revealing that 47% of its applications had taken longer than even the longest reasonable shot clock applicable to

²² Comments of Crown Castle International Corp., at 21-22 (filed Mar. 8, 2017) (“Crown Castle Comments”).

²³ *Crown Castle NG East, Inc. v. Town of Greenburgh*, 2013 U.S. Dist. LEXIS 93699 (S.D.N.Y. July 3, 2013), *aff’d*, 552 F. App’x 47 (2d Cir. 2014).

installation of small wireless facilities on existing utility poles.²⁴ It also included an example of a two-year-long ordeal where the city repeatedly changed the requirements.²⁵

- Lightower disclosed that forty-six separate jurisdictions in the last two years had taken longer than 150 days to consider applications, with twelve of those jurisdictions—representing 101 small wireless facilities—taking more than a year.²⁶
- T-Mobile reported that “roughly thirty percent of all recently proposed T-Mobile sites (including small cells) involve cases where the locality simply fails to act, in violation of the shot clocks.”²⁷ It also noted that cities sometimes refuse to consider siting applications until a Master License Agreement for ROW access has been negotiated, but merely negotiating the agreement takes longer than six months.²⁸
- AT&T likewise identified numerous local siting delays, including one locality in California where the application process took over 800 days.²⁹
- Verizon provided a six-page Appendix listing numerous delays.³⁰

Delays in processing are not due to a lack of staff or ROW management issues. Local government delays frequently are driven by excessive regulation, a lack of clarity, or inconsistent application of regulations. Companies deploying small wireless facilities report multi-year delays driven by cities micromanaging every element of the technology and deployment. Companies also experience delay where local governments constantly change their demands and requirements—even after providers have worked with the local government over extended periods to develop a deployment that meets the local government’s desires. For example, in one

²⁴ Comments of ExteNet Systems, Inc., at 5 (filed Mar. 8, 2017) (“ExteNet Comments”). As ExteNet explained, under the *2014 Infrastructure Order*, the longer 150-day shot clock is applicable to small wireless facility deployments involving installation of *new* poles, whereas attachments to existing utilities poles should be subject to the 90-day shot clock. *Id.* at 5-6.

²⁵ *Id.* at 11-15.

²⁶ Comments of Lightower Fiber Networks, at 4 (filed Mar. 8, 2017) (“Lightower Comments”).

²⁷ Comments of T-Mobile USA, Inc., at 8 (filed Mar. 8, 2017) (“T-Mobile Comments”).

²⁸ *Id.* at 6.

²⁹ Comments of AT&T, at 23 (filed Mar. 8, 2017) (“AT&T Comments”).

³⁰ Comments of Verizon, at App. A (filed Mar. 8, 2017) (“Verizon Comments”).

California city, staff insisted on “scrutiniz[ing] the design and operational details of each node, including issues such as whether a macro site or DAS node would best cover an area, antenna designs, RF exposure, property values analyses, stealthing, equipment placement (above or below ground level), acoustic noise studies, screening, placement away from intersections, and network performance.”³¹ Members report that similar experiences are commonplace throughout California and other jurisdictions across the country.

B. Localities Continue to Impose Moratoria.

Many localities continue to adopt moratoria and rely on them as a basis for refusing to act on wireless siting applications. The record in response to the *2016 Streamlining Public Notice* demonstrates that moratoria on the deployment of small wireless facilities are rampant and only becoming more prevalent, as indicated by the selected examples below:

- Many localities and State DOTs have implemented moratoria governing ROW access.³²
- Localities in California, Iowa, and Minnesota issued indefinite moratoria in August 2016 prohibiting new wireless and/or small cell facilities.³³

³¹ AT&T Comments at 23.

³² Comments of WIA, at 16-17 (filed Mar. 8, 2017) (“WIA Comments”); AT&T Comments at 7-8; Crown Castle Comments at 15-16; Comments of Mobilitie, LLC, at 10-11 (filed Mar. 8, 2017) (“Mobilitie Comments”); *see, e.g.*, Marc Benjamin, *Fresno County to cellphone tower companies: Stay off our land, at least for now*, THE FRESNO BEE (Nov. 20, 2016), <http://www.fresnobee.com/news/local/article116012318.html>; Noel Brinkerhoff, *American Canyon halts effort to add wireless antennas to streetlights*, THE AMERICAN CANYON EAGLE (Aug. 31, 2016), http://napavalleyregister.com/eagle/news/local/american-canyon-halts-effort-to-add-wireless-antennas-to-streetlights/article_1258e1e4-a625-5b48-b6b8-a848b57e5b11.html; Alexandra Seltzer, *City issues moratorium on new cell towers*, MyPALMBEACHPOST, (Nov. 21, 2016), <http://www.mypalmbeachpost.com/news/local/city-issues-moratorium-new-cell-towers/bQCOW0PXcaPQRUo2SlxvUN>.

³³ Mobilitie Comments at 11.

621(a)(1)” and “the statutory silence in Section 621(a)(1) regarding the agency’s rulemaking power does not divest the agency of its express authority to prescribe rules interpreting that provision.”⁶²

Finally, the adoption of a deemed granted remedy does not obviate the judicial remedy that exists in Section 332(c)(7)(B)(v), which will continue to provide a vehicle for resolving specific local siting disputes and allow localities to challenge a deemed grant. In that regard, the Commission should adopt the same procedures it adopted for the deemed granted remedy implementing Section 6409(a) of the Spectrum Act,⁶³ namely:

- If an application is not acted upon within the applicable shot clock, it is deemed granted;
- The deemed granted remedy becomes effective once the applicant notifies the relevant authority via a letter that the period for review has expired and the application is therefore deemed granted;
- Upon receipt of the letter, the authority may challenge the deemed granted determination in any court of competent jurisdiction; and
- If an applicant whose application has been deemed granted seeks some form of judicial imprimatur for the grant, it may file with a court of competent jurisdiction a request for declaratory judgment or other relief that a court may find appropriate.⁶⁴

B. The Commission Should Adopt a 60-Day Shot Clock for Applications Involving Small Wireless Facilities.

The Commission should adopt a 60-day shot clock for all applications involving small wireless facilities located on an existing or replacement pole in a public ROW.⁶⁵ As discussed,

⁶² *Id.* at 774.

⁶³ See Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), Pub. L. No. 112-96, 126 Stat. 156, 232-33 § 6409(a) (2012) (“Spectrum Act”) (codified at 47 U.S.C. § 1455(a)).

⁶⁴ See *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12957 ¶ 216, 12961 ¶ 226, 12962 ¶ 231, 12963 ¶ 236.

⁶⁵ See *supra* note 16 (defining size limits for small wireless facilities, including support poles); see also *Wireless NPRM* ¶¶ 18-19 (seeking comment on whether to adopt shorter shot clocks to accelerate wireless infrastructure deployment).

the size and appearance of small wireless facility equipment generally is no different (and sometimes smaller) than the wireline, cable, or utility equipment already deployed on utility poles throughout public ROWs. Given these similarities, there is no basis for local authorities to process non-wireless permitting applications “over the counter” in a matter of days, yet subject small wireless facility deployments to a much more lengthy and burdensome process.

Declaring that 60 days is the maximum reasonable time period for a local government to act on a small wireless facility application is consistent with the Commission’s holding in its *2014 Wireless Infrastructure Order*, which adopted a 60-day shot clock for certain collocations on a tower or structure with an existing antenna. Although a new small wireless facility installation on an existing utility pole may not qualify as an “eligible facility request” if there is no previous wireless attachment, it is fundamentally similar to a collocation under Section 6409(a). In both cases, the largest intrusion into the ROW is the utility pole, which is already in place and has already been approved for telecommunications and utility attachments. There is nothing about the small wireless facility attachment that warrants special treatment—except the emission of radio frequencies, and Congress has clearly prohibited jurisdictions from regulating based on concerns about radio frequencies.⁶⁶

Indeed, in the *2014 Wireless Infrastructure Order*, the Commission repeatedly recognized that small wireless facilities can be installed “with little or no impact.”⁶⁷ As the Commission correctly concluded, small wireless facility deployments are a “fraction of the size” of traditional macro sites and are “far less obtrusive.”⁶⁸ The reduced profile, less obtrusiveness,

⁶⁶ 47 U.S.C. § 332(c)(7)(B)(iv).

⁶⁷ *2014 Wireless Infrastructure Order*, 29 FCC Rcd at 12866-67 ¶ 3.

⁶⁸ *Id.*

and shorter height of these smaller facilities should not trigger a lengthy permitting review process.

C. The Commission Should Shorten the Existing Shot Clocks for Certain Facilities.

Consistent with its proposal in the NPRM, the FCC should harmonize the applicable time frames for non-Spectrum Act collocations from 90 days to 60 days.⁶⁹ Shortening the applicable time frame for a broader range of collocations on existing structures will encourage those types of deployments and help realize the benefits of the neutral-host infrastructure model. Reducing the need for new support structures has aesthetic and efficiency advantages; as such, collocation facilitates competitive market entrants and is preferred by historic and environmental preservation interests and local jurisdictions. Accordingly, the FCC should promote efficient collocation of sites on existing structures by harmonizing these shot clock timeframes.

The Commission should also include replacement of the existing underlying structure with a like structure in the expedited 60-day shot clock. Colloquially called a “drop-and-swap,” replacing a like structure with a like structure (for example, monopole for monopole) should be deemed an “eligible facilities request” under Section 6409(a) so long as the new structure does not represent a substantial change in the physical dimensions of the replaced structure.⁷⁰ These support structure replacements are minimally impactful, remain consistent with the original zoning approval, and allow for economically and environmentally efficient use of existing wireless facility sites.⁷¹

⁶⁹ *Wireless NPRM* ¶ 18.

⁷⁰ *See* Comments of PCIA – The Wireless Infrastructure Association & the HetNet Forum, WT Docket No. 13-238 et al., at 36-37 (Feb. 3, 2014) (“PCIA 2014 Infrastructure Order Comments”).

⁷¹ *See id.*

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment)	WT Docket No. 17-79
)	
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment)	WC Docket No. 17-84
)	

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July 17, 2017

TABLE OF CONTENTS

- I. INTRODUCTION AND SUMMARY 1
- I. THE COMMISSION SHOULD PREEMPT STATE AND LOCAL BARRIERS TO WIRELESS FACILITY DEPLOYMENTS. 3
 - A. The Commission Has the Authority to Preempt Local Actions that Prohibit or Effectively Prohibit Wireless Deployment. 3
 - B. The Commission Should Prohibit Excessive Municipal Fees. 7
- II. THE COMMISSION SHOULD STREAMLINE MUNICIPAL, HISTORICAL, AND ENVIRONMENTAL REVIEW..... 9
 - A. The Commission Should Ensure Timely and Fair Municipal Review. 9
 - B. The Commission Should Adopt Broader Categorical Exclusions to Streamline Section 106 Review. 12
 - C. The Commission Should Exempt Twilight Towers from the Section 106 Review Process. 14
 - D. The Commission Should Reform the Environmental Review Process. 15
- III. THE COMMISSION SHOULD REFORM THE TRIBAL REVIEW PROCESS. 15
- IV. CONCLUSION..... 17

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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Accelerating Wireline Broadband Deployment)	WC Docket No. 17-84
By Removing Barriers to Infrastructure Investment)	
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by Removing Barriers to Infrastructure Investment)	

**REPLY COMMENTS OF
PUERTO RICO TELEPHONE COMPANY, INC. D/B/A CLARO**

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Dated: July 17, 2017

SUMMARY

Puerto Rico Telephone Company, Inc. d/b/a Claro is the largest provider of telecommunications services in Puerto Rico, and one that wears different hats as it relates to access to rights-of-way: Claro is the owner of poles that other providers use to provide broadband service, but it is also an attacher to the poles of others for both its wireline and wireless broadband services. In that capacity Claro welcomes the Commission's efforts to remove barriers to the deployment of infrastructure that supports wireless and wireline service, and is sensitive to particularities of the Puerto Rico market that should inform the Commission's policy-making. In the instant reply comments, Claro focuses specifically on the comments filed by Liberty Cablevision of Puerto Rico LLC, the sole cable television service provider in Puerto Rico.

Claro disagrees with Liberty's proposal to dramatically upend the make-ready work involved in pole attachments by giving the new attacher the right to conduct all make-ready work for the pole owner and the existing attachers even when the latter are willing to perform and finish the work in a timely manner. Liberty's proposal goes much further than what fellow cable television service providers have proposed, pays little consideration to the Commission's stated concern with striking a balance between safety and the need for expediency, and tilts even more the extreme by suggesting that under no circumstances should a new attacher that undertakes the make-ready work be expected to indemnify pole owners and existing attachers. Moreover, the proposal appears to be motivated by vague and inapposite accusations towards Claro that find their roots in Liberty's behavior—and not any deficiency in the Commission's rules—and unsupported speculation about the future of the telecommunications market. Neither Liberty's proposals nor its rationale are good federal policy.

Liberty makes two proposals that the Commission should seriously consider, and which Claro largely supports. First, Claro agrees with Liberty's proposal to preempt state and local regulations that unreasonably delay and serve as a barrier to the deployment of broadband infrastructure. In this regard, Claro agrees with Liberty's observations regarding the prevalence in Puerto Rico of excessive fees, unreasonable delays, and discriminatory burdens and obligations, and sets forth in the instant reply comments its own recommendations as to measures that the Commission should adopt relying on Section 253.

Second, Claro agrees with Liberty's argument that the Commission should rely on its authority under Section 253 of the Communications Act to regulate attachments to poles that belong to government-owned entities. The need for this measure is especially salient in a jurisdiction like Puerto Rico, where the sole electric utility is government-owned, the electric utility has delegated all responsibility over access to its pole attachments to a wholly-owned subsidiary that offers telecommunications services in Puerto Rico in competition with other broadband providers, and where providers like Claro and Liberty already have felt the negative effects of this combination of factors. The solution to this problem lies in regulatory parity as it relates to pole attachments, a concept that the Commission should embrace and apply to also eliminate the disparate treatment of ILECs under Sections 224 and 251(b)(4) when it comes to their ability to attach to the poles of electric utilities, local exchange carriers, and cable television service providers.

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	DISCUSSION	4
	A. Liberty’s Resort to Vague, Passing Accusations Against Claro Are Misguided and Inapposite	4
	B. The Commission Should Reject Liberty’s Radical Proposal.....	7
	C. The Commission Should Take Steps to Regulate the Rates, Terms and Conditions for Poles Owned by Government-Owned Utilities	10
	D. The Commission Should Prevent States and Municipalities from Imposing Barriers to the Deployment of Broadband Infrastructure	14
	E. Regulatory Parity Is Key to Securing and Promoting Next Generation Infrastructure Deployment	18
	1. The Modified Telecommunications Rate Should Be Considered Presumptively Just and Reasonable Under §224(b) for ILEC Attachers	19
	2. Similar to Cable and Other Companies, ILECs Should Enjoy Nondiscriminatory Reciprocal Access to Poles	20
III.	CONCLUSION.....	22

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment)	WT Docket No. 17-79
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Dated: July 17, 2017

TABLE OF CONTENTS

	Page
I. INTRODUCTION AND SUMMARY.	1
II. THE COMMISSION HAS AMPLE AUTHORITY TO CONSTRUE THE PHRASE “PROHIBIT OR HAS THE EFFECT OF PROHIBITING” IN SECTIONS 253 AND 332 OF THE COMMUNICATIONS ACT.....	4
A. THE COMMISSION SHOULD HARMONIZE THE CONSTRUCTION OF SECTIONS 253 AND 332.	9
1. NO DIFFERENCES BETWEEN SECTIONS 253 AND 332 SUGGEST THAT THEIR IDENTICAL TERMS SHOULD BE INTERPRETED DIFFERENTLY	9
2. THE COMMISSION SHOULD ADOPT A “SUBSTANTIAL BARRIER” STANDARD UNDER SECTION 332(C)(7).	14
3. SECTIONS 253(B) AND (C) DO NOT LIMIT THE COMMISSION’S AUTHORITY TO INTERPRET SECTION 253(A).....	15
B. RIGHTS-OF-WAY AND THE MUNICIPALLY-OWNED POLES WITHIN THEM ARE SUBJECT TO SECTIONS 253 AND 332 OF THE COMMUNICATIONS ACT.	16
C. REQUIRING PLACEMENT OF WIRELESS FACILITIES UNDERGROUND IN A MANNER THAT EFFECTIVELY PROHIBITS SERVICE VIOLATES THE COMMUNICATIONS ACT.....	21
D. THE COMMISSION CAN AND SHOULD PROVIDE A FRAMEWORK FOR CONSIDERING AESTHETIC CONCERNS.	23
III. THE COMMISSION HAS AUTHORITY TO ADOPT RULES UNDER SECTION 253 TO PREEMPT LEGAL REQUIREMENTS THAT EFFECTIVELY PROHIBIT SERVICE.....	25
IV. THE COMMISSION SHOULD ADOPT RULES UNDER SECTION 332(C)(7) TO PROMOTE WIRELESS INFRASTRUCTURE DEPLOYMENT.	28
A. THE COMMISSION HAS AUTHORITY TO ADOPT A DEEMED GRANTED REMEDY UNDER SECTION 332(C)(7).	28
B. THE TERM “COLLOCATION” AS USED IN SECTION 332 IS NOT LIMITED TO PLACEMENTS ON STRUCTURES THAT ALREADY HOUSE WIRELESS FACILITIES.	32

**TABLE OF CONTENTS
(continued)**

	Page
V. THE COMMISSION SHOULD MAKE CLEAR THAT SECTIONS 253 AND 332 APPLY TO WIRELESS FACILITIES EVEN IF WIRELESS INTERNET ACCESS SERVICE IS RECLASSIFIED AS AN INFORMATION SERVICE.....	34
VI. THE COMMISSION HAS AUTHORITY TO STREAMLINE ITS HISTORIC PRESERVATION RULES.....	37



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February 23, 2018

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
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Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to
Infrastructure Investment*, WT Docket No. 17-79

Dear Ms. Dortch:

AT&T is pleased with the Federal Communications Commission's continuing focus on removing regulatory barriers to wireless infrastructure investment. To meet sky rocketing consumer demand for fast, reliable broadband service, carriers must quickly and efficiently deploy wireless infrastructure without outdated and counterproductive regulations. The Commission's efforts in this docket to modernize National Environmental Policy Act ("NEPA") and National Historic Preservation Act ("NHPA") reviews of small cell facilities are an example of how the Commission can promote broadband build out and pave the way for the United States to become the world leader in 5G deployment. This letter and the attached presentation are filed in this docket in support of those Commission efforts.

Modernizing NEPA and NHPA regulations—originally designed for large macrocell towers—to eliminate review of small cell equipment and support structures that minimally impact the environment and to streamline processes when review is required, would reduce the time it takes to deploy small cell facilities, reduce the cost of deploying small cell facilities, and facilitate an increase in small cell investment. With each antenna comprising only about 3 cubic feet in volume, small cells indeed are unobtrusive and in harmony with the poles, street furniture, and other structures on which they are typically deployed. Moreover, the vast majority of small cell antennas are placed at a height of less than 60 feet on structures located near similarly sized structures in previously disturbed rights-of-way, greatly reducing the likelihood of adversely impacting the surrounding environment. Thus, small cell deployments have at worst minimal potential to disturb historic properties or tribal resources.

Yet, under existing processes, AT&T will spend millions needlessly conducting NEPA and NHPA review on thousands of small cell facilities. In fact, 17% of AT&T costs to deploy each small cell node are directed to NEPA and NHPA compliance, an astonishingly high

AT&T

percentage. And, because small cell projects can include hundreds of nodes, compliance costs can rise into the millions for each project. In 2018, AT&T predicts combined NEPA and NHPA compliance costs of about \$45 million, a figure that would likely increase in future years as small cell projects increase. These resources would otherwise be redirected to expand existing small cell projects over a larger geographic area or to add new small projects in other cities and towns. Simply put, NEPA and NHPA compliance costs have a direct effect on broadband deployment initiatives.

The tribal review process is a significant contributor to those costs. Standard fees charged by Tribal Nations have increased by 1400% in the Northeast and by 2500% in the Southeast in just the last 7 years. Many projects that implicate no tribal interests, such as collocations on existing structures, nevertheless generate significant tribal fees. For example, 36 tribes assessed AT&T \$13,525 to review a collocation on a Marriott hotel in Hannepin, Minnesota, 13 tribes assessed \$8,000 in fees to review a collocation on the Civic Center in Denver, Colorado and another \$8,000 to review a collocation on a 10-story apartment building in the same city, and 14 tribes assessed \$7,750 to review a collocation on the County Court House in Suak, Wisconsin. Partly as a result of these needless reviews, over the last three years AT&T has spent over \$13 million in tribal fees and up to \$8 million in one year alone. And, current regulations would allow tribal fees to rise exponentially for the placement of small cell poles and facilities due to the density of those build plans. For example, a 200-node project in Atlanta, Georgia generated \$1.1 million in fees from 12 tribes (with no finding of adverse effect) and the initial 23 nodes of a project in Arkansas generated fees of \$125,000 from 23 tribes (with tribal review ongoing). Based upon these and similar experiences from other small projects to date, AT&T expects to spend up to \$29 million in tribal fees alone for small cells in 2018, equivalent to the cost of multiple 100+ node projects.

And, this is just the beginning. Two tribes recently stopped accepting batched applications. As a result, every node, even if on the same block in a right-of-way, requires a separate number in the Tower Construction Notification System (“TCNS”) and thus, generates a separate fee, just as would a macrocell tower. Unnecessary NHPA reviews, and especially tribal reviews, which are consistently the longest part of any review, also significantly delay broadband deployment. CTIA and WIA have explained that tribal review takes, on average, about 110 days,¹ 80 days more than the presumptively reasonable 30-day response time contemplated by the Section 106 Nationwide Programmatic Agreement. Moreover, a 110-day average means that some tribes take much longer than 110 days to respond. For example, some tribes routinely delay for 180 days before responding. Another tribe, evidently facing workforce shortages, currently responds only upon Commission escalation and even then, only to express its intention to eventually review the deployment at an unstated future date.

These examples, along with the abundant record in this docket, clearly justify reform of the tribal review process. The Commission can reform the process and accelerate broadband

¹ Joint Comments of CTIA and WIA, WT Docket No. 17-79 at 6 (filed June 15, 2017).

deployment by (1) excluding from NEPA and NHPA review the placement of small cell facilities (i.e., antennas up to 3 cubic feet in volume plus associated equipment) and poles installed at up to 60 feet in height that support those facilities, which would reduce deployment timelines by around 60-90 days, (2) clarifying that tribes do not act as a contractor or consultant (and are not owed fees) when performing their statutory duty of review in the NHPA process, (3) imposing a “shot clock” for completion of tribal review of a project; (4) requiring tribes to declare with specificity why contractor review is needed for any small cell project, even if disclosed solely to the Commission, and (5) performing other streamlining efforts supported by the record. These steps would allow AT&T (and other wireless providers) to focus on small cell deployment and redirect a significant portion of the \$45+ million in expected annual NEPA and NHPA compliance costs over the next few years to expanded broadband build-out.

Pursuant to Section 1.1206 of the Commission’s rules, an electronic copy of this letter is being filed for inclusion in this docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry G. Hultquist". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henry G. Hultquist

CC:
Will Adams

AT&T

What is a Small Cell?

February 23, 2018



Regulatory Treatment

NEPA/NHPA Exclusion

- New or replacement poles up to 60 feet AGL installed to support wireless facilities and other existing structures increased in height up to 10 feet.
- Alternatively, new poles up to 60 feet AGL and replacement poles and other existing structures increased in height by greater of 10% or 5 feet.

Small Cell Definition

A wireless facility where each antenna, excluding associated equipment, comprises no more than three cubic feet in volume.

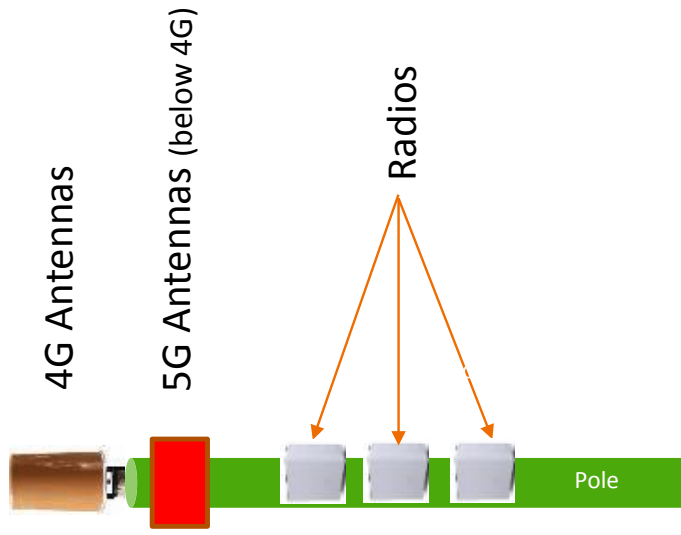


Small Cell Antennas

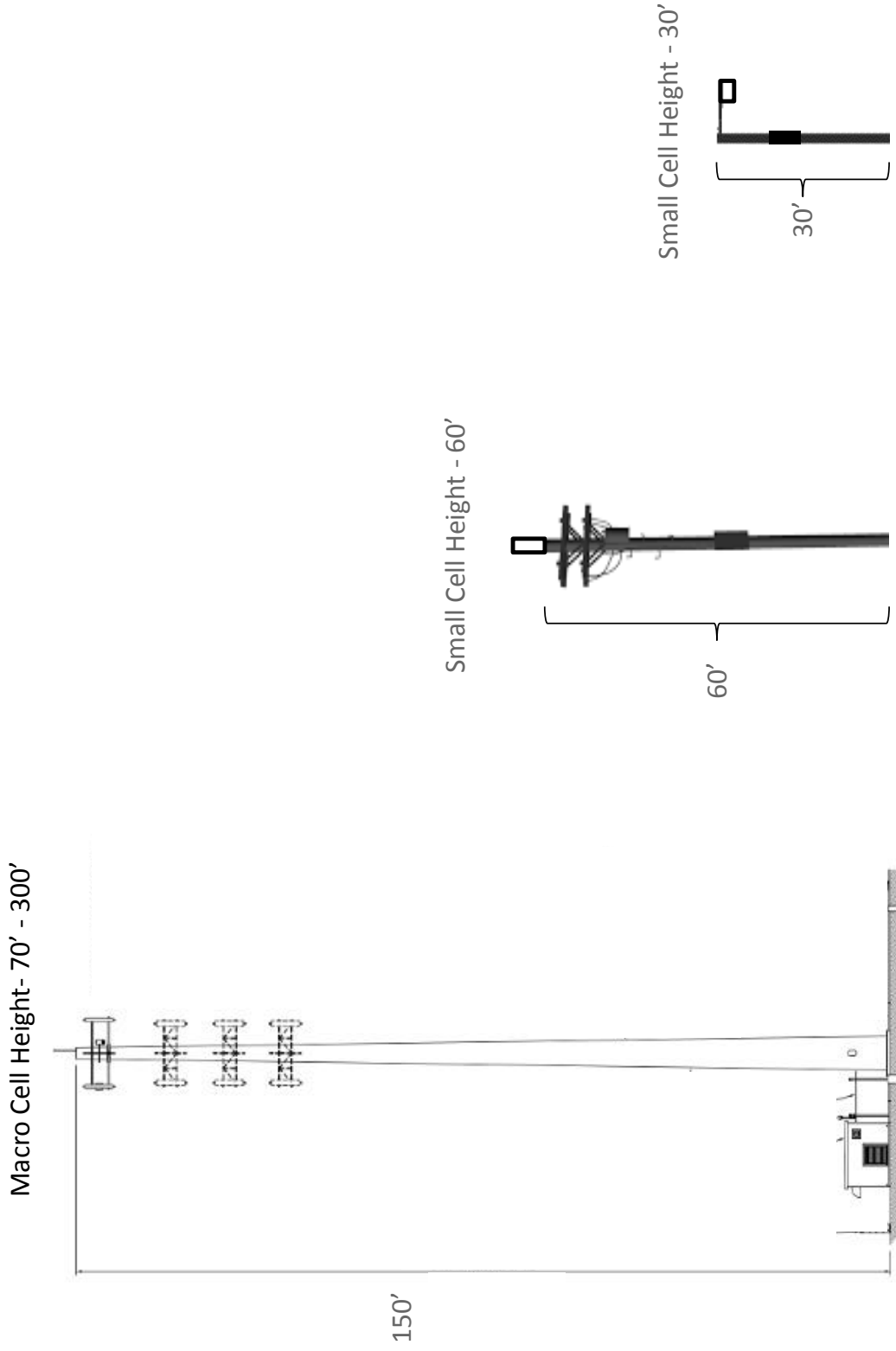
Typical Urban Deployment

4G Antennas: $\approx 3 \text{ ft}^3/\text{ea}$

5G Antennas: $< 3 \text{ ft}^3/\text{ea}$



Comparisons- Macro cell vs. 30' & 60' Small Cell (approximately scaled)



Small Cell Examples

Boston



Dallas



Small Cell Examples

Los Angeles



Atlanta



Small Cell Examples

Baltimore (Crown)



Indianapolis

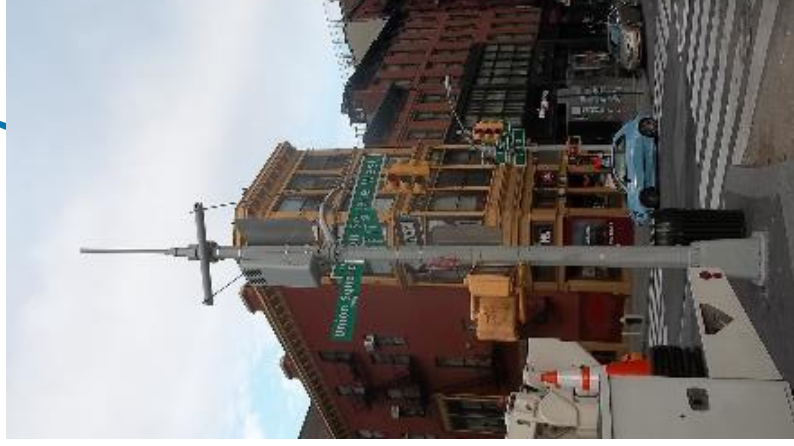


Small Cell Examples

Indianapolis



New York City



Small Cell Examples

San Francisco



**New Jersey Shore
(Bldg Side)**



CERTIFICATE OF SERVICE

I hereby certify that I caused to be filed electronically the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 10, 2019.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Sean A. Lev _____

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