

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Inquiry Concerning the Deployment of Advanced)	
Telecommunications Capability to all Americans)	
in a Reasonable and Timely Fashion, and Possible)	GN Docket No. 15-191
Steps to Accelerate Such Deployment Pursuant)	
Section 706 of the Telecommunications Act of)	
1996, as Amended by the Broadband Data)	
Improvement Act)	

To: The Commission

**REPLY COMMENTS OF
PCIA – THE WIRELESS INFRASTRUCTURE ASSOCIATION**

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I. INTRODUCTION

PCIA – The Wireless Infrastructure Association (“PCIA”)¹ respectfully submits these reply comments in the above-captioned proceeding before the Federal Communications Commission (“FCC” or “Commission”) in response to the *Eleventh Broadband Progress Notice of Inquiry* (“NOI”).² PCIA commends the Commission for recognizing the integral role that mobile broadband plays in the lives of consumers. PCIA continuously supports efforts to promote and improve efficient broadband deployment. Like many commenters, PCIA agrees that wireless technology and mobile broadband should be considered in the overall representation of the deployment of “advanced telecommunications capability” to Americans. Consequently, these technologies should be included in the definition of “advanced telecommunications capability” under Section 706.³ Mobile broadband has become an inextricable part of how Americans live. It is impossible to ignore consumer reliance on this technology and its pervasiveness throughout the country.⁴ In fact, several reports demonstrate that many consumers are using mobile

¹ PCIA – The Wireless Infrastructure Association is the principal organization representing the companies that build, design, own and manage telecommunications facilities throughout the world. Its over 220 members include carriers, infrastructure providers, and professional services firms.

² *In the Matter of Inquiry Concerning the Deployment of Advanced Telecommunications Capability to all Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 15-191, Eleventh Broadband Progress Notice of Inquiry, FCC 15-101 (rel. Aug. 7, 2015) (“NOI”).

³ See Telecommunications Act of 1996, Pub. L. No. 104-104 § 706 (1996); Comments of Competitive Carriers Association, GN Docket No. 15-191, at 3 (filed Sept. 15, 2015); Comments of AT&T, GN Docket No. 15-191, at 6 (filed Sept. 15, 2015) (“AT&T Comments”); Comments of United States Cellular Corporation, GN Docket No. 15-191, at 3 (filed Sept. 15, 2015).

⁴ See Comments of CTIA—The Wireless Association, GN Docket No. 15-191, at 2-3 (filed Sept. 15, 2015) (“CTIA Comments”) (“As of December 2014, there were approximately 355.4 million wireless connections nationwide, equal to 110 percent of the US population. . . . Overall consumer usage continues to expand exponentially, with data usage on mobile networks

broadband exclusively.⁵ As the record demonstrates, mobile broadband is flourishing alongside its wired counterparts.⁶ The Commission should acknowledge in its assessment of advanced telecommunications capability that the United States is the world leader in the development and use of mobile broadband.⁷

The growth and adoption of mobile broadband has played a significant role in Americans' ability to receive advanced telecommunications capability; therefore, the Commission's inclusion of mobile broadband services in the definition of "advanced telecommunications capability" under Section 706 is long overdue. As commenters have urged, the Commission should be careful, however, in how it incorporates mobile services in its analysis of "advanced telecommunications capability." Because fixed and mobile broadband services meet different consumer needs, the FCC should not require that both fixed and mobile services be available for the Commission to reach a positive conclusion in its Section 706 inquiry.⁸ Based on the record, the Commission should find that the delivery of broadband is

increasing more than 25 percent in 2014 alone, and more than ten times the volume from four years ago.").

⁵ See CTIA Comments at 2 ("[S]ome 19 percent of American adults rely primarily or solely on their mobile devices for online access."); AT&T Comments at 10 ("[A]n increasing portion of Americans are cutting their wireline usage altogether, relying solely on mobile devices for broadband and voice services.").

⁶ See Comments of Verizon, GN Docket No. 15-191, at 4 (filed Sept. 15, 2015) ("Verizon Comments") ("Virtually all U.S. consumers not only enjoy mobile broadband access, but mobile broadband competition: 98.8 percent of the population has access to two or more mobile broadband options, and 93.4 percent has three or more mobile broadband options.").

⁷ See Verizon Comments at 5 ("LTE deployment in the U.S. far surpasses that in Europe, where only 63 percent of the population has access to LTE."); AT&T Comments at 6.

⁸ See Verizon Comments at 7-10; Comments of the United States Telecom Association, GN Docket No. 15-191, at 6-7 (filed Sept. 15, 2015) ("US Telecom Association Comments"); Comments of the National Cable & Telecommunications Association, GN Docket No. 15-191, at 10-12 (filed Sept. 15, 2015) ("NCTA Comments").

reasonable and timely. The Commission should not add new benchmarks and criteria to its assessment of broadband deployment; rather the Commission should focus its efforts on further accelerating wireless broadband infrastructure deployment to support the growing data demands of consumers.

II. MOBILE BROADBAND IS BEING DEPLOYED IN A REASONABLE AND TIMELY FASHION

American consumers are receiving reasonable and timely delivery of mobile broadband.⁹ Mobile broadband continues to grow and expand at rapid rates in the absence of any further regulation by the Commission. Specifically, AT&T notes the billions of dollars providers have invested to deliver both new technology and faster service to consumers.¹⁰ Consumer demand for data is driving this increased level of investment. Consumer demand virtually requires companies to deliver adequate service in order to remain competitive in the market.¹¹

⁹ See AT&T Comments at 6 (“[P]ublicly available data amply confirm that U.S. mobile deployment far exceeds Section 706’s ‘reasonable and timely’ standard.”); Comments of Mobile Future, GN Docket No. 15-191, at 2 (filed Sept. 15, 2015) (“Mobile Future Comments”); Verizon Comments at 3-7; CTIA Comments at 6-7.

¹⁰ See AT&T Comments at 11. See also Comments of PCIA – The Wireless Infrastructure Association, *Wireless Telecommunication Bureau Seeks Comment on the State of Mobile Wireless Competition*, WT Docket No. 15-125, at 6 (filed June 29, 2015) (“Wireless carriers continued upward trends in non-spectrum capital expenditures, spending \$34.4 billion in 2013 to upgrade wireless infrastructure, nearly \$110 per American citizen”); ALAN PEARCE ET AL., *WIRELESS BROADBAND INFRASTRUCTURE: A CATALYST FOR GDP AND JOB GROWTH 2013-2017* (2013), available at http://www.pcia.com/images/IAE_Infrastructure_and_Economy_Fall_2013.PDF (finding that investment in wireless infrastructure of \$34 to 36 billion per year through 2017 would yield \$1.2 trillion in economic development and 1.3 million net new jobs); Roger Entner, *Every Way You Look at It: US Carriers Spend More In CAPEX than Their EU Peers*, RECON ANALYTICS (Jun. 9, 2014), <http://reconanalytics.com/2014/06/every-way-you-look-at-it-us-carriers-spend-more-in-capex-than-their-eu-peers>.

¹¹ See Mobile Future Comments at 4.

As the record supports, it is not necessary to find availability of both fixed and mobile services for the Commission to determine that advanced telecommunications capability is being deployed in a reasonable and timely fashion under Section 706.¹² Such a mandate would ignore that the Section 706 statute is technology-neutral.¹³ Further, consumer trends show that some users substitute mobile broadband services for fixed broadband services or use either platform exclusively.¹⁴ The FCC should refrain from requiring the availability of both fixed and mobile broadband services to meet the “reasonable and timely” threshold under Section 706.

Based on the rapid growth of the market and constantly evolving technology, any set of fixed standards for speed or quality of service would likely prove unworkable as they would be outpaced by advances in technology and a fast-moving market.¹⁵ Rather than setting a mobile broadband speed benchmark or establishing latency and consistency criteria suggested in the NOI,¹⁶ the Commission should focus on fostering the acceleration of broadband infrastructure as the newly-formed Broadband Opportunity Council has recommended.¹⁷ As commenters have

¹² US Telecom Association Comments at 6; Verizon Comments at 7-10; NCTA Comments at 10-11; Comments of Free State Foundation, GN Docket No. 15-191, at 10-11 (filed Sept. 15, 2015); Mobile Future Comments at 5.

¹³ Mobile Future Comments at 2 (“The proposed approach conflicts with the plain language of the statute, which directs that the inquiry be on the progress towards deployment and be conducted on a technology neutral basis, and therefore should be summarily rejected.”).

¹⁴ Verizon Comments at 9 (“In short, the Commission must account for deployment overall, including the ways in which mobile broadband supplements and substitutes for fixed broadband.”).

¹⁵ See CTIA Comments at 8; AT&T Comments at 14-15.

¹⁶ NOI at ¶¶ 30, 39, 45-46.

¹⁷ See U.S. DEP’T OF AGRIC. AND U.S. DEP’T OF COMMERCE, BROADBAND OPPORTUNITY COUNCIL REPORT AND RECOMMENDATIONS 10 (2015), *available at* https://www.whitehouse.gov/sites/default/files/broadband_opportunity_council_report_final.pdf (“BROADBAND OPPORTUNITY COUNCIL REPORT”) (“It shall be the policy of the Federal government for executive departments and Agencies having statutory authorities applicable to

noted, new speed benchmarks or latency and quality of service criteria will not accelerate mobile broadband deployment.¹⁸ The Commission should center its efforts on removing barriers to infrastructure deployment to further facilitate the deployment of broadband to all Americans as doing so “can drive down price, increase speeds, and improve service and adoption across all markets.”¹⁹

III. THE COMMISSION SHOULD FOCUS ON FACILITATING WIRELESS INFRASTRUCTURE DEPLOYMENT TO PROMOTE INCREASED MOBILE BROADBAND DEPLOYMENT

Wireless service and infrastructure providers continue to invest billions to expand and improve mobile broadband;²⁰ however, industry continues to face significant challenges when attempting to deploy new infrastructure and utilize existing infrastructure for new or improved purposes.²¹ The Commission should focus on removing barriers to deploying wireless infrastructure to meet the growing broadband needs of consumers. The Commission’s adoption of its 2014 Broadband Acceleration Report and Order (“Infrastructure Report and Order”) was

broadband deployment (Agencies) to use all available and appropriate authorities to: Identify and address regulatory barriers that may unduly impede either wired broadband deployment or the infrastructure to augment wireless broadband deployment . . .”).

¹⁸ See CTIA Comments at 7; Verizon Comments at 10-13.

¹⁹ BROADBAND OPPORTUNITY COUNCIL REPORT at 6.

²⁰ ALAN PEARCE ET AL., WIRELESS BROADBAND INFRASTRUCTURE: A CATALYST FOR GDP AND JOB GROWTH 2013-2017 (2013), *available at* http://www.pcia.com/images/IAE_Infrastructure_and_Economy_Fall_2013.PDF; Verizon Comments at 1.

²¹ Comments of PCIA – The Wireless Infrastructure Association on *The Deliberations of the Broadband Opportunity Council in the Matter of Broadband Opportunity Council Notice and Request for Comment*, Docket No. 1540414365-5365-01 (filed June 10, 2015) at 7 (“PCIA Broadband Opportunity Council Comments”); Comments of PCIA – The Wireless Infrastructure Association on *The GSA Wireless Telecommunications Company Application in the Matter of Information Collection; Wireless Telecommunications Industry Application*, OMB Control No. 3030-00XX (filed May 11, 2015) at 2 (“PCIA Comments on GSA Application”); BROADBAND OPPORTUNITY COUNCIL REPORT at 5-6; CTIA Comments at 13-15.

an important step forward in streamlining the deployment of wireless infrastructure.²² PCIA is encouraged that the FCC plans to build on successes in its Infrastructure Report and Order by proposing streamlined review of distributed antenna systems (“DAS”) and small cell facilities under Section 106 of the National Historic Preservation Act (“Section 106”).²³ The Commission should review the record on the Section 106 streamlined review process and expand its proposed exclusions from review to reflect the “minimal, if any, effects small facility deployments have on historic resources.”²⁴ Additionally, the Commission should continue to work with industry and other interested parties to find a timely solution to “Twilight Towers”²⁵ that hold the potential for increased broadband deployment through collocations on existing structures.

²² *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd 12865 (2014) (“*Infrastructure Report and Order*”).

²³ *Wireless Telecommunications Bureau Seeks Comment on Revising the Historic Preservation Review Process for Small Facility Deployments*, Public Notice, WT Docket No. 15-180, DA 15-865 (rel. July 28, 2015) (“*FCC Small Facility Deployments Scoping Document*”). While the exclusions adopted in the *Infrastructure Report and Order* “have helped to streamline the deployment process for some small facility installations, others remain needlessly subject to cumbersome review procedures even though they are recognized as having little or no impact on historic resources.” Comments of PCIA – The Wireless Infrastructure Association on *FCC Small Facility Deployments Scoping Document* at 3 (filed Sept. 28, 2015) (“PCIA FCC Small Facility Deployments Scoping Document Comments”).

²⁴ See PCIA *FCC Small Facility Deployments Scoping Document* Comments at 3. The 2001 Collocation Agreement should be amended to 1. “exclude from Section 106 review small facility deployments on any building or non-tower structure that is more than 45 years of age where the antenna and associated equipment” meet certain criteria; 2. “exclude from Section 106 review small, minimally visible facility deployments located on historic properties or in a historic district, subject to volumetric limits and other appropriately-tailored safeguards”; and 3. “adopt several additional exclusions from Section 106 review based on the location or type of structure at issue.” *Id.* at i-ii.

²⁵ See CTIA Comments at 14, n.47 (“The term ‘twilight towers’ refers to towers that (a) were constructed after March 16, 2001 (the effective date of the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas) and before March 7, 2005 (the effective date of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process), and (b) cannot be shown to have gone through the requisite historic preservation review process under Section 106 of the National Historic Preservation Act and

Alongside Commission infrastructure policy changes, the FCC should educate state and local governments as well as Tribal Nations on how they can remove barriers to broadband deployment and best practices to implement.²⁶ The FCC has facility siting expertise that would serve these jurisdictions well to promote the timely approval of tower and small wireless facilities siting applications and review.²⁷ The FCC should also lend its expertise to federal agencies attempting to open up federal lands and properties for wireless infrastructure siting. The FCC should encourage these agencies to adopt streamlined facility siting application procedures and forms;²⁸ institute a standardized fee schedule, longer lease terms, and automated lease term renewals;²⁹ and increase deployment transparency and information sharing³⁰ as they implement broadband infrastructure procedures.

PCIA urges the FCC to utilize every means in its authority to implement policies that promote the removal of barriers to broadband infrastructure deployment. PCIA commends the FCC on working with the Administration's Broadband Opportunity Council on a number of

Section 1.1307(a)(4) and (5) of the FCC's rules. The term covers towers that never went through the process as well as towers that may have gone through it (or commenced it), but for which the tower owner is unable to document compliance.”).

²⁶ See Comments of PCIA – The Wireless Infrastructure Association and the DAS Forum on *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 12-228, at 4-5 (filed Sept. 20, 2012). BROADBAND OPPORTUNITY COUNCIL REPORT at 8.

²⁷ See CTIA Comments at 15.

²⁸ See PCIA Broadband Opportunity Council Comments at 4; BROADBAND OPPORTUNITY COUNCIL REPORT at 3 (stating that one of the goals of the Broadband Opportunity Council is to “streamline the applications for programs and broadband permitting processes to support broadband deployment and foster competition”); PCIA Comments on GSA Application at 4.

²⁹ PCIA Broadband Opportunity Council Comments at 4-5.

³⁰ *Id.* at 5-7.

recommendations to increase broadband deployment.³¹ These, among other recommendations, will help remove barriers to foster growth in broadband access and adoption in even some of the most difficult areas to reach in the country,³² ultimately increasing deployment of advanced telecommunications capabilities to all Americans.

³¹ See BROADBAND OPPORTUNITY COUNCIL REPORT at 17, 20.

³² PCIA Broadband Opportunity Council Comments at 11-12; Comments of Deere & Company, GN Docket No. 15-191, at 14 (filed Sept. 15, 2015) (encouraging the Commission “to consider specific, real-world needs of rural Americans and economies in its review of broadband deployment, especially wireless broadband”).

IV. CONCLUSION

The marketplace has demonstrated that industry's investment in mobile broadband continues to rise, and consumers are increasingly utilizing mobile services as a viable option for fulfilling their broadband needs. The Commission should, therefore, recognize and incorporate mobile broadband service into its assessment of "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion" under Section 706.³³ The data provided in the record supports a Commission finding that the delivery of mobile services is both reasonable and timely. As such, the Commission should refrain from employing benchmarks and criteria for wireless services that could hinder deployment, and instead concentrate its efforts on enhancing wireless infrastructure deployment to ultimately provide more Americans with access to broadband.

Respectfully submitted,

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³³ 47 U.S.C. § 1302(b).