

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Inquiry Concerning Deployment of
Advanced Telecommunications Capability
to All Americans in a Reasonable and
Timely Fashion

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GN Docket No. 22-270

COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

The Wireless Infrastructure Association (“WIA”)¹ submits these Comments in response to the Seventeenth Section 706 Report Notice of Inquiry (“Notice” or “NOI”).² Broadband, over fixed and mobile networks, continues to be made available at a rapid rate across the United States. As noted in the NOI, over ninety percent of households currently have access to broadband service at 100 Mbps down and 20 Mbps up.³ In fact, the Commission found most offerings were well above the new proposed 100 Mbps down threshold.⁴ Mobile broadband has also followed this trend, with over ninety-five percent of Americans having access to 4G LTE services by two or more providers.⁵ These investments have also super charged the deployment of 5G networks, with 5G being deployed in over half the country nearly twice as quickly as 4G was—increasing from 200 million covered to over 300 million in a single year. This success did not happen by accident,

¹ The Wireless Infrastructure Association (“WIA”) represents the businesses that build, develop, own, and operate the nation’s wireless infrastructure. Members include infrastructure providers, wireless carriers, and professional services firms that are responsible for telecommunications facilities around the globe.

² *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Notice of Inquiry, GN Docket No. 22-270 (rel. Nov. 1, 2023) [hereinafter *Notice*].

³ *Notice* at para. 11.

⁴ *Id.*

⁵ *CensusNBM, Report 358, Percent of US Housing Units with Access to Multiple Wireless Broadband Providers* (last updated Dec. 2020),

<https://censusnbm.com/doc/CensusNBM%20358%20All%20Wireless%20Broadband%20Providers%20by%20State.pdf>.

it is the result of decades of intensive investment from the private sector paired with smart government policies.⁶

In its most recent review of the broadband landscape, the Commission should recognize the accomplishments of the U.S. wireless and broadband marketplace and continue its prevalent history of light-touch regulation which has allowed the broadband ecosystem to thrive. As the Commission examines the actions it should undertake to incentivize deployment in remaining unserved areas, it should seek first to reduce barriers to deployment by continuing to streamline the permitting process, while also boosting adoption by seeking ways to fund programs apart from its Section 706 evaluation that address affordability, such as the Affordable Connectivity Program (“ACP”). Finally, the Commission should work with other federal agencies to regularly make more spectrum available for licensed commercial uses. Without a predictable pipeline of future spectrum, investing in networks becomes a harder proposition which could delay the overall deployment of telecommunications infrastructure and services. WIA supports Congress acting quickly to restore the FCC’s auction authority and for the Commission to work with its federal partners to bring more spectrum to the market.

**I. ADVANCED TELECOMMUNICATIONS NETWORKS ARE BEING
 DEPLOYED IN A REASONABLE AND TIMELY FASHION.**

Thanks to sustained infrastructure investment, the majority of Americans currently enjoy access to high-speed broadband through both fixed and mobile networks, most often from multiple providers in their area. While consumer demand has continued to grow every year, networks have more than kept pace thanks to continued infrastructure deployment, with nearly \$12 billion of

⁶ See USTelecom, *2022 Broadband Capex Report* (Sept. 8, 2023), <https://ustelecom.org/research/2022-broadband-capex/> (“America’s broadband industry [fixed and mobile] invested a record \$102.4 billion in communications infrastructure in 2022. . . . The 2022 capital influx builds on decades of investment into world-class networks and connectivity infrastructure, a commitment that now totals nearly \$2.1 TRILLION since 1996.”).

investment in cellular network construction alone in 2022.⁷ Today’s networks rely on approximately 142,000 cell towers, 210,000 macrocell sites, and 452,000 small cell nodes.⁸ This investment, combined with \$46 billion in annual cellular network operation, has allowed providers to provide the coverage and capacity Americans demand.⁹ Yet despite the increasing number of connected devices and innovative, but data-intensive, uses of services relying on connectivity, communications providers are continually providing consumers with more connectivity for less cost.¹⁰

This rapid deployment is evidenced by more than just the investments made by industry. Last year, the Commission released its most detailed assessment of broadband availability through its Broadband Data Collection effort (“BDC Maps”).¹¹ By moving from a formula that only looked at the census block level to the more granular location fabric, the Commission now has a more precise view of where broadband is available and at what speeds. Through multiple rounds of challenges and community input, we now have more information about where broadband is available.¹² WIA encourages the Commission to continue relying on the BDC Maps, updated as necessary, to determine where deployment may be lacking.

The BDC maps also demonstrate that the market for broadband services has never been more competitive. In particular, the proliferation of fixed broadband offerings over wireless networks (“Fixed Wireless Access” or “FWA”) has added new, and rapidly growing, competitors

⁷ WIA, *Wireless Infrastructure by the Numbers; 2022 Key Statistics*, (Mar. 15, 2023), <https://wia.org/wireless-infrastructure-by-the-numbers-2022-key-statistics/> (demonstrating nearly \$12b in mobile network capacity investments in 2022) (“*Wireless Infrastructure by the Numbers*”).

⁸ *Id.*

⁹ *Id.*

¹⁰ See, e.g., CTIA, Industry Data, <https://www.ctia.org/the-wireless-industry/infographics-library?topic=129> (noting a 40% price decline in unlimited data plans since 2010) (last visited Dec. 1, 2023).

¹¹ See, Chairwoman Jessica Rosenworcel, *The New Broadband Maps Are Finally Here* (Nov. 18, 2022), <https://www.fcc.gov/news-events/notes/2022/11/18/new-broadband-maps-are-finally-here>.

¹² See, Leslie Stimson, *FCC Unveils Improved Broadband Maps*, INSIDE TOWERS (Nov. 27, 2023), <https://insidetowers.com/fcc-unveils-improved-broadband-maps/>.

to the market.¹³ While FWA was historically viewed as an acceptable, if not preferred, alternative to wired access, recent innovations in spectrum management and network efficiencies have allowed wireless providers to deliver broadband access at speeds comparable to wireline in a growing portion of the country.¹⁴ Consumers have responded very positively to these advancements, with FWA providers reporting nearly one million net new subscribers every quarter for the past five quarters. This represents 90 percent of net broadband adds in 2022,¹⁵ clearly setting FWA as the fastest growing broadband technology this year.

In addition to expanding offerings in home broadband, U.S. mobile networks continue to provide advanced services to millions of Americans every day. As consumer trends in mobile data use have continued to rise,¹⁶ the wireless industry has been hard at work expanding networks and adding needed capacity.¹⁷ The industry has been able to achieve these results, in part, due to actions taken by Congress and the FCC to reduce barriers to deployment.¹⁸ Indeed, small cell deployment increased nearly fifty percent each year in the two years following the 2018 Small Cell Order.¹⁹

¹³ Linda Hardesty, *Fixed Wireless Expands the Overall Broadband Market*, FIERCE WIRELESS (Nov. 21, 2023), <https://www.fiercewireless.com/wireless/fixed-wireless-expands-overall-broadband-market>.

¹⁴ Press Release, *About 3,500,000 Added Broadband From Top Providers in 2022*, LIECHTMAN RESEARCH GROUP (Mar. 2, 2023), <https://www.leichtmanresearch.com/about-3500000-added-broadband-from-top-providers-in-2022/> (“Top broadband providers added about 3.5 million subscribers in 2022. Fixed wireless services accounted for 90% of the net broadband additions in 2022, compared to 20% of the net adds in 2021.”).

¹⁵ See, *Fixed Wireless Expands the Overall Broadband Market*, *supra* note 13.

¹⁶ See, e.g., *Ericson Mobility Report* at 3 (June 2023), <https://www.ericsson.com/49dd9d/assets/local/reports-papers/mobility-report/documents/2023/ericsson-mobility-report-june-2023.pdf> (predicting monthly global average usage per smartphone to exceed 20 GB per month by the end of 2023); CTIA, *2023 Annual Survey Highlights* (Jul. 25, 2023), <https://www.ctia.org/news/2023-annual-survey-highlights> (showing a 38% increase in mobile traffic from 2021 to 2022 to over 73 trillion MB of traffic).

¹⁷ See generally *Wireless Infrastructure by the Numbers*, *supra* note 7.

¹⁸ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 30 FCC Rcd 9088 (2018) (“*Small Cell Order*”).

¹⁹ *A Brief History of U.S. Outdoor Small Cell Deployments*, WIA INDUSTRY INSIGHTS, at 3 (pub. Q3 2023), https://wia.org/wp-content/uploads/2023/12/WIA_WP_SmallCellDeployment.pdf (showing a 1,300% increase in small cell nodes between 2014 and 2019 with 50% growth in 2018 and 2019).

II. THE COMMISSION SHOULD CONTINUE TO ENCOURAGE CONNECTIVITY BY REMOVING BARRIERS TO DEPLOYMENT.

A. THE COMMISSION SHOULD ENCOURAGE THE RAPID DEPLOYMENT OF BROADBAND THROUGH STREAMLINING PERMITTING AND MAKING MORE SPECTRUM AVAILABLE.

The telecommunications ecosystem has flourished under a light-touch regulatory regime, including the FCC’s orders that streamlined permitting, adding proportionality, predictability and transparency to the deployment of wireless infrastructure. Quickly deploying telecommunications services in areas without service today will require additional removal of barriers that have historically delayed infrastructure buildouts. Indeed, one of the principal prescriptions Congress gave the Commission in Section 706 to accelerate deployment of broadband is “by removing barriers to infrastructure investment.”²⁰ These barriers often include unpredictable or significantly lengthy permitting applications and reviews. The Commission has taken many laudable steps to improve the permitting landscape,²¹ but more can be done to further spur deployment to more quickly close the digital divide. Creating a uniform baseline for permitting requirements can help ensure a predictable process, particularly in areas that may see few applications for telecommunications deployments in an average year.

Further, the FCC should seek to streamline reviews under the National Environmental Protection Act (“NEPA”) and the National Historic Preservation Act (“NHPA”). WIA’s members frequently report issues with processing applications under these acts, despite applications often returning with findings of no impact. The Commission should seek to streamline its review under these acts, particularly recognizing where a site or area has already been cleared for environmental

²⁰ 47 U.S.C. § 1302(b).

²¹ See, e.g., *Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, Report and Order, FED. COM’NS. COMM’S. (Oct. 27, 2020) (removing duplicative reviews for existing infrastructure).

and historic impact, additional reviews are not needed for further improvements to those locations. This streamlining would be particularly helpful for infrastructure providers seeking to deploy equipment in the public right of way, such as collocating small cells and antennas on existing street furniture and utility poles, which is needed to improve capacity and coverage of networks. Reducing the duplicative and lengthy review process could significantly reduce the cost and time associated with telecommunications deployment, bringing connectivity to communities quicker and cheaper.

Achieving truly ubiquitous service will also require the Commission to make more spectrum available. The Commission should work with other federal stakeholders to identify and make available a regular pipeline of spectrum for commercial uses. Spectrum continues to be the lifeblood of connectivity and, in order to keep up with consumer demands, the Commission will have to make more available. WIA was encouraged by the recently released National Spectrum Strategy;²² however concrete steps must be taken to make this spectrum available to consumers. Accordingly, WIA supports the rapid reauthorization of the Commission's spectrum auction authority by Congress and, once the authority is granted, working quickly to initiate further spectrum auctions.

B. THE COMMISSION CAN ENCOURAGE BROADBAND ADOPTION THROUGH ADDRESSING AFFORDABILITY.

Reducing barriers to deployment will help reduce the overall cost to consumers for these needed services, however FCC programs, like the ACP, are also key to ensuring low-income Americans have equitable access to these services. For many Americans on the wrong side of the digital divide the biggest barrier is not the availability of service but the lack of resources to

²² *National Spectrum Strategy*, NTIA (Nov. 13, 2023), https://www.ntia.gov/sites/default/files/publications/national_spectrum_strategy_final.pdf.

connect.²³ Following historic federal funding to expand broadband networks, affordability will likely continue to be a major reason why Americans remain unconnected. Indeed, while not incorporating adoption into the section 706 mandate, Congress considered this in the Broadband Equity Access and Deployment (“BEAD”) program by requiring states to address affordability in their plans for broadband deployment; expressly using participation in the ACP program as evidence of an affordable offering. This is why programs focused on bridging this affordability gap, like the Universal Service Fund historically and the ACP recently, are so critical to ensuring all Americans have the opportunity to remain fully connected, and why Congress should authorize additional funding for the ACP.

III. CONCLUSION

Telecommunications networks continue to be rapidly deployed across the United States, with the average American having access to high-speed internet access through multiple providers over both fixed and mobile networks. The Commission is right to continually review the status of deployment and challenge the industry to strive for greater successes. However, the Commission should recognize the impressive work the industry has already done and continues to accomplish under a light-touch regulatory framework. With this in mind, the Commission should work to remove remaining barriers to deployment and to make more spectrum available for commercial uses to ensure every American has access to these services.

²³ See, Jessica Dine, *Enabling Equity: Why Universal Broadband Access Rates Matter*, ITIF, (Aug. 14, 2023) <https://itif.org/publications/2023/08/14/enabling-equity-why-universal-broadband-access-rates-matter/>.

Respectfully submitted,

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