

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

In the Matter of

In Re: Delete, Delete, Delete

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WT Docket No. 25-133

REPLY COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

The Wireless Infrastructure Association (“WIA”)¹ submits these Reply Comments in response to comments in the record in the above-captioned proceeding.² The Federal Communications Commission (“FCC” or “Commission”) has before it a unique opportunity to right-size many existing regulations and improve the deployment landscape for the industries it regulates. However, while many commentors provide thoughtful suggestions which WIA supports, several commentors urge the Commission to move backwards by removing rules that have been instrumental in achieving the robust communications ecosystem that Americans rely on every day.³ WIA strongly urges the Commission to reject these calls to undo rules that have been carefully developed, and adopted during both Republican and Democratic leadership, which would imperil America’s leadership in wireless connectivity.

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 *In Re: Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219 (rel. Mar. 12, 2025) [“In Re: Delete Public Notice”].

³ See generally *Comments of National Association of Counties, National League of Cities, and The United States Conference of Mayors* (Apr. 11, 2025) [“Municipality Comments”]; *Comments of Wired Broadband, Inc., et al.*, GN Docket No. 25-133 (Apr. 11, 2025) (recommending the Commission remove its existing siting rules).

I. FCC Orders Protecting Wireless Siting are Key to Maintaining the U.S. Wireless Ecosystem.

The Commission’s rules interpreting siting provisions have been instrumental in the rollout of ubiquitous mobile services since Congress passed the 1996 Telecommunications Act. More recently, the Commission has adopted a series of orders targeting infrastructure deployment which have ensured that the wireless industry is able to quickly and efficiently bring services to communities across the country by creating a consistent national permitting framework that is predictable, proportionate, and transparent.⁴

These rules have unleashed the U.S. wireless economy in significant and noticeable ways. For example, in the two years after the 2018 Small Cell Order, more cell sites were deployed than in the previous seven years combined.⁵ The wireless industry is now supported by a broad array of infrastructure, including macro and small cell sites along with in-building deployments,⁶ which is why 99% of Americans currently have access 4G services from two or more providers and 5G

⁴ 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*, Declaratory Ruling and Notice of Proposed Rulemaking, 35 FCC Rcd. 5977 (2020) (providing clarifications on state and local government’s obligations to approve certain insubstantial wireless modifications) [“5G Upgrade Order”]; *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, 35 FCC Rcd. 13188 (2020) (ruling that modifications can expand an existing compound by up to 30 feet) [“Compound Expansion Order”]; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Third Report and Order and Declaratory Ruling, 33 FCC Rcd. 7705 (2018) (streamlining review for certain small wireless deployments) [“Small Cell Order”]; *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12865 (2014) (implementing Section 6409 of the 2012 Spectrum Act to improve siting for Eligible Facilities Requests) [collectively, “Infrastructure Orders”].

⁵ CTIA, *2021 Annual Survey Highlights*, at 5 (July 17, 2021), <https://www.ctia.org/news/2021-annual-survey-highlights>.

⁶ WIA, *Wireless Infrastructure by the Numbers; 2023 Key Statistics*, (rel. Q1 2024), https://go.wia.org/wp_2023 (detailing the hundreds of thousands of cellular towers, microcell sites, and indoor and outdoor small cell nodes that power the wireless ecosystem).

services already cover over three hundred million Americans.⁷ The Commission’s siting rules have also been key in unleashing Fixed Wireless Access (“FWA”) broadband. This home broadband solution has become a consumer favorite for new and existing subscribers, capturing the majority of net broadband additions consistently for the last two years.⁸

The deployment spurred by the Commission’s rules has also been an investment in the U.S. economy and workforce. In each of the past two years the wireless industry has invested nearly \$12 billion in additional cellular network capacity and coverage.⁹ These dollars translate into real investments in communities, with the 5G economy contributing trillions of dollars to U.S. GDP and creating millions of jobs.¹⁰ WIA urges the Commission to maintain its deployments rules to continue to support this investment and bring needed wireless services to all Americans.

The Commission’s guidance on siting rules over the last two decades have directly contributed to the robust communications landscape that Americans rely on every day.¹¹ While WIA recognizes that some of the Commission’s rules will be ripe for deletion as part of this proceeding, we caution the Commission against actions that would set this critical industry back and delay bridging the digital divide.

⁷ CTIA, *5G in America*, <https://www.ctia.org/the-wireless-industry/5g-in-america#:~:text=5G%20Rollout,networks%2042%25%20faster%20than%204G>, (last visited April 28, 2025).

⁸ See 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>.

⁹ *Wireless Infrastructure by the Numbers; 2023 Key Statistics*, *supra* note 6 at 2; WIA, *Wireless Infrastructure by the Numbers; 2022 Key Statistics* (Mar. 15, 2023), <https://wia.org/wireless-infrastructure-by-the-numbers-2022-key-statistics/>.

¹⁰ *5G Promises Massive Job and GDP Growth in the US*, BOSTON CONSULTING GROUP (Feb. 2021), https://api.ctia.org/wp-content/uploads/2021/01/5G-Promises-Massive-Job-and-GDP-Growth-in-the-US_Feb-2021.pdf (“5G deployment will contribute \$1.4 trillion to \$1.7 trillion to US GDP and create 3.8 million to 4.6 million jobs in the next decade.”).

¹¹ See Comments of INCOMPAS, GN Docket No. 25-133 at 7 (Apr. 11, 2025) (“In recent years, the FCC has taken steps to promote broadband adoption by addressing these barriers to entry . . . to encourage wider deployment”) [“INCOMPAS Comments”].

II. The Commission Should Consider Industry Recommendations to Improve the Deployment Landscape.

WIA agrees with many of the recommendations of the industry commentors, including the Comments of AT&T,¹² CTIA,¹³ Chamber of Commerce,¹⁴ Verizon,¹⁵ and others. While these commentors provide many potentially impactful suggestions, WIA directs the Commission to two important recommendations raised by multiple commentors that will have outsized impacts in improving the deployment landscape; specifically, recommendations related to improving the Commission's systems and databases and reviews of the Commission's enforcement procedures in light of recent Supreme Court guidance.

The Commission's systems and databases, generally accessed through the Universal Licensing System ("ULS"), have been a persistent barrier to timely deployment for the wireless industry. As WIA highlighted in our comments ahead of the 2024 Section 706 Report, our members frequently report that the systems are regularly inoperable due to the systems being unable to handle the volume of requests or issues with legacy hardware.¹⁶ These concerns were also raised in CTIA's comments in this proceeding.¹⁷ CTIA's comments provide similar issues still being regularly experienced by many users.¹⁸ Particularly in light of recent Executive Orders directing federal agencies to use modern information technology, with a focus on improving the

¹² Comments of AT&T, GN Docket No. 25-133 (Apr. 11, 2025) ["AT&T Comments"].

¹³ Comments of CTIA, GN Docket No. 25-133 (Apr. 11, 2025) ["CTIA Comments"].

¹⁴ Comments of the U.S. Chamber of Commerce, GN Docket No. 25-133 (Apr. 11, 2025) ["Chamber Comments"].

¹⁵ Comments of Verizon, GN Docket No. 25-133 (Apr. 11, 2025) ["Verizon Comments"].

¹⁶ See Comments of WIA, GN Dock No. 24-214 at 7, (Oct. 7, 2024).

¹⁷ CTIA Comments at 10, A-11.

¹⁸ *Id.*

permitting process,¹⁹ the time is particularly ripe for the Commission to work to fix these systems. Ensuring that applicants can timely and reliably access the databases needed to proceed with deployments will have significant benefits in reducing delay and unnecessary costs from wireless communications builds.

Further, as raised by many commentators,²⁰ recent Supreme Court decisions on the legality of certain enforcement actions requires the Commission to review its enforcement procedures.²¹ While WIA does not provide an opinion at this time on the long-term legality of the FCC's enforcement procedures, it is clear that justification previously relied upon may no longer be applicable in light of the Court's decision. WIA encourages the Commission to take up this recommendation to open a proceeding to seek comment and review its procedures to ensure compliance with the most recent jurisprudence.

Finally, several commentators note that the FCC's NEPA and NHPA rules can create unnecessary delays and provide various recommendations for how the Commission could improve its processes.²² WIA strongly supports commonsense modifications to the FCC's rules that would ensure timely environmental and historic reviews. Outdated requirements, like those mandating publication in a local newspaper,²³ should be deleted in favor of modern solutions that can eliminate waste and delay.

¹⁹ See *Updating Permitting Technology for the 21st Century*, Presidential Memorandum (Apr. 15, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/updating-permitting-technology-for-the-21st-century/>.

²⁰ See, e.g., Chamber Comments at 12-13 (Apr. 11, 2025); AT&T Comments at 16-19; CTIA Comments at A-22 (citing the Supreme Court decision in *SEC v. Jarkesy* as requiring the Commission to review its enforcement procedures and providing recommendations).

²¹ *SEC v. Jarkesy*, 144 S. Ct. 2117 (2024).

²² See, e.g., CTIA Comments at 9, A-8; Chamber Comments at 4-5; Verizon Comments at 3-4.

²³ 47 C.F.R. 17.4(c)(2).

III. Conclusion

WIA appreciates the Commission taking this opportunity to review its rules and regulations to remove unnecessary or overly burdensome procedures. This review is particularly salient in light of the guidance provided by the Trump Administration to right-size regulations across the federal government.²⁴ The Commission has before it many helpful recommendations to reduce delay and streamline deployment that WIA would be pleased to see it take up—including improvements to the ULS system. However, WIA also notes that there are several unhelpful recommendations that would set the industry back and delay the timely deployment of communications services to all Americans. We ask that the Commission reject these calls and maintain its siting rules that have been proven effective.

Respectfully Submitted,

/s/ Stephen Keegan

Stephen Keegan

Senior Counsel, Government and Legal Affairs

WIA – The Wireless Infrastructure Association

2111 Wilson Blvd., Suite 210

Arlington, VA 22201

(703) 621-0525

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²⁴ See *Executive Order 14219 of February 19, 2025, Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative*, 90 Fed. Reg. 10583, § 2 (Feb. 25, 2025) [“EO 14219”]; *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 24 Fed. Reg. 9065, § 1 (Feb. 6, 2025) [“EO 14192”].