

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

In the Matter of)
)
FCC Seeks Comment on Report on Process) GN Docket No. 14-25
Reform)
)

COMMENTS OF PCIA – THE WIRELESS INFRASTRUCTURE ASSOCIATION

PCIA—The Wireless Infrastructure Association (“PCIA”)¹ hereby submits these comments on behalf of its members in response to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice seeking comment on its Report on FCC Process Reform (“Report”).² PCIA applauds the Commission’s action to improve agency process and thanks the Commission for the opportunity to comment. PCIA supports the Commission’s efforts to increase transparency, reduce backlogs, and improve the rulemaking process. Further, PCIA urges the FCC to update its Part 17 rules concerning tower marking and lighting requirements. Additionally, PCIA supports improving the Commission’s licensing procedures by leveraging third party resources for more licensing functions, as the Commission has done with frequency coordination.

¹ PCIA is the national trade association representing the wireless infrastructure industry. PCIA’s members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, telecommunications, and broadcasting services. PCIA and its members partner with communities across the nation to affect solutions for wireless infrastructure deployment that are responsive to the unique sensitivities and concerns of each community.

² *FCC Seeks Public Comment on Report on Process Reform*, Public Notice, DA 14-199 (rel. Feb. 14, 2014) (“Report”).

I. THE FCC SHOULD IMPLEMENT PROCESSES TO INCREASE TRANSPARENCY, REDUCE BACKLOGS, AND IMPROVE THE RULEMAKING PROCESS.

A. The FCC Should Take Steps to Increase Transparency, Set Timelines for Review, and Reduce Backlogs.

The steps the Commission has laid out in its Report will create a more transparent, open process. Specifically, delineated timeframes for Commission review and increased availability of information regarding open dockets and circulation items will improve the process for all stakeholders with business before the Commission, freeing up both federal and private resources.³

Further, PCIA supports efforts by the Commission to identify where items are backlogged and take steps to speed that process.⁴ Tracking backlogs and reducing associated delays can help wireless providers achieve the important policy goal of speeding broadband deployment. To the extent that existing backlogs center around a particular issue or rule, we urge the FCC to reach out to stakeholders and work proactively on how best to resolve the bottleneck.

B. Improved Rulemaking Procedures Will Lead to a More Predictable Process for All Parties.

PCIA generally supports efforts by the Commission to make the rulemaking process more predictable and transparent.⁵ Commonsense reforms, such as including draft rules in NPRMs, minimum comment periods, performance measures, and specific questions listed in each NPRM will allow all relevant parties to contribute in a meaningful and informed way

³ See, e.g., Report, Recommendations 1.1, 1.4, 1.5.

⁴ See Report, Recommendations 1.20-1.25.

⁵ See, e.g., Report, Recommendations 3.8-3.14.

toward beneficial FCC rules. Further, a more rapid publication of documents in the Federal Register would improve the rulemaking process.⁶

PCIA also supports efforts to explore alternative rulemaking structures, processes, and remedies, including Multi-Stakeholder Processes (“MSP”),⁷ negotiated rulemakings,⁸ and mediation.⁹ At the outset, it is important to ensure any MSP group includes diverse representation. Further, while these alternatives may be explored and employed where appropriate, PCIA stresses that currently available remedies should be preserved.

C. Greater Travel Flexibility by Commission Staff Benefits all Stakeholders Through Increased Outreach and Education.

PCIA supports the Commission’s recommendation to improve planning and coordination for travel needs.¹⁰ Outside events can provide Commission leadership and staff the opportunity to directly address and better understand stakeholder positions. For example, PCIA frequently hosts guests from the public sector—including the Commission—at its annual show and other educational events, fostering dialogue among a diverse array of interested parties. As such, PCIA supports bureau and office-managed travel budgets for increased flexibility.

II. THE FCC SHOULD UPDATE TOWER MARKING AND LIGHTING REQUIREMENTS IN PART 17 TO ADDRESS CHANGED CIRCUMSTANCES.

PCIA applauds the Commission for acknowledging that “existing tower and lighting obligations,” as set forth in Part 17 of the FCC’s rules, are “outdated” and “have not kept pace with changes implemented by the FAA or with technology advances in the remote monitoring of

⁶ Report, Recommendations 2.31-2.36. Publication of a document in the Federal Register often triggers comment dates, effective dates, and ability to seek judicial review. *Id.*

⁷ Report, Recommendations 3.1-3.2.

⁸ Report, Recommendation 3.3.

⁹ Report, Recommendation 3.4.

¹⁰ Report, Recommendation 4.10.

tower lighting.”¹¹ PCIA has long stressed the need to update Part 17 through petitions for rulemaking,¹² comments in rulemaking proceedings,¹³ and support of individual waivers of Part 17 rules.¹⁴ The FCC developed a comprehensive record in its 2010 Notice of Proposed Rulemaking to update and modernize the Part 17 rules and should swiftly amend these rules.¹⁵ Part 17 currently imposes outdated, inefficient compliance burdens on wireless providers. By reforming its Part 17 rules, the FCC will remove burdens to wireless deployment, reduce unnecessary costs, and encourage providers to deploy advanced systems that facilitate safety. The time is ripe for the FCC to take a hard look at these regulations and revise and/or eliminate them to reflect changed technological and regulatory circumstances.

As PCIA noted in the 2010 NPRM proceeding, the FCC should reexamine Part 17 to delete unnecessary rules, clarify ambiguities, and modernize the rules to reflect technological and operational advances.¹⁶ In that docket, PCIA and others proposed changes that would: “(1) streamline the antenna structure registration process; (2) clarify compliance with lighting and marking specifications for individual antenna structures; (3) modernize the rules governing the

¹¹ Report, Recommendation 5.32.

¹² See PCIA Petition for Rulemaking, RM-11349 (filed Sept. 12, 2006).

¹³ See Comments of PCIA – The Wireless Infrastructure Association, WT Docket No. 10-88, RM-11349, at iv (filed July 20, 2010) (“PCIA 2010 NPRM Comments”) (“[T]he FCC should delete unnecessary provisions, clarify ambiguous rules, modernize standards to reflect technological advances, and harmonize with FAA rules.”).

¹⁴ See Comments of PCIA – The Wireless Infrastructure Association, WT Docket No. 10-88 (filed Feb. 14, 2014) (supporting American Tower Corporation’s request to eliminate its annual inspection requirement).

¹⁵ *In re Streamlining and Other Revisions of the Commission’s Rules Governing Construction, Marking and Lighting of Antenna Structures*, Notice of Proposed Rulemaking, 25 FCC Rcd 3982 (2010).

¹⁶ See PCIA 2010 NPRM Comments at 3.

maintenance of antenna structures; and (4) otherwise update the Part 17 rules, including harmonizing the rules with FAA practices.”¹⁷

In particular, the quarterly lighting inspection rule (“QLI Rule”)¹⁸ no longer serves the public interest due to advances in technology that allow continuous remote monitoring of lighting systems. PCIA members have collected important data that supports the removal of this rule. For instance, since American Tower Corporation (“ATC”) received its waiver of the QLI Rule in 2007, allowing for annual tower inspections, it has performed over 39,000 inspections at an estimated cost of \$9.8 million—none of which indicated a malfunction not previously discovered by ATC’s on-site monitoring system.¹⁹ The FCC should replace the current piecemeal individual waiver regime with consistent, industry-wide regulations, which will incentivize wireless providers to deploy these advanced monitoring systems and further invest in upgrading network technology.

III. THE FCC SHOULD TAKE STEPS TO IMPROVE LICENSING PROCEDURES.

PCIA agrees with many of the recommendations put forth in Chapter 2, Section B concerning licensing activities.²⁰ These practical suggestions, such as communicating electronically with licensees and the public, standardizing license formats and fee structures, and allowing for more auto-processing for applications, amendments, and renewals, will greatly improve access to important information and make the licensing process more efficient. As an FCC-appointed frequency coordinator, PCIA is committed to enabling the efficient use of

¹⁷ *See id.*

¹⁸ *See* 47 C.F.R. § 17.47(b).

¹⁹ *In re American Tower Corporation Request for Waiver of 47 C.F.R. § 17.47*, Comments of American Tower Corporation, WT Docket 10-88, at 6 (filed Sept. 17, 2013).

²⁰ *See* Report, Recommendations 2.6-2.13.

spectrum in support of our customers' goals. Since the inception of frequency advisor committees in 1986, PCIA has processed hundreds of thousands of applications for licenses and coordinated more of the nation's spectrum than virtually any other coordinating committee. The success of the frequency advisor committees demonstrates that the Commission can meet its goals of increased efficiency by leveraging third party resources. As such, PCIA supports Commission efforts to utilize third party resources for more licensing functions.²¹

²¹ Report, Recommendation 2.13. PCIA also supports expanding the use of third party resources into new areas outside of licensing and frequency coordination, such as assisting in investigative efforts for interference enforcement—especially in an environment where more spectrum will be shared. *See, e.g.*, COMMERCE SPECTRUM MANAGEMENT ADVISORY COMMITTEE, ENFORCEMENT WORKING GROUP REPORT (Mar. 28, 2014), *available at* http://www.ntia.doc.gov/files/ntia/publications/csmac_enforcement_wg_report_032814.pdf (discussing the new concerns shared spectrum raises with respect to enforcement issues); J. PIERRE DE VRIES & PHILIP J. WEISER, UNLOCKING SPECTRUM VALUE THROUGH IMPROVED ALLOCATION, ASSIGNMENT, AND ADJUDICATION OF SPECTRUM RIGHTS 13-14 (2014), *available at* http://www.hamiltonproject.org/files/downloads_and_links/THP_DeVries-WeiserDiscPaper.pdf (suggesting solutions to the “inefficient” and “ad hoc” state of spectrum dispute adjudication).

CONCLUSION

By making certain Commission processes more efficient and transparent and reforming outdated rules, the FCC will take significant strides toward a regulatory regime that moves at the speed of innovation. PCIA supports the Commission's efforts and looks forward to working with the FCC throughout this process.

Respectfully submitted,



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