



September 28, 2015

Greg Watson, Legislative Clerk
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Re: Jonathan Adelstein's response to the questions for the record

The Honorable Gus Bilirakis

- 1. Mr. Adelstein, I'm interested in your testimony about streamlining the siting process of wireless infrastructure on Federal Lands. You mention public safety as a benefit, and claim that facilities can be sited in an environmentally and historically responsible way. We've supported the buildout previously here in Congress and the Administration is on the record with their mandate for speeding deployment on federal lands. Why do you think the GSA and other federal agencies have been slow to expedite this process so far, and how detrimental has this pace been?**

Congress mandated GSA to further broadband access for Americans by making a number of improvements to the process of siting wireless infrastructure on Federal property, including requirements to set standard rates and complete common forms and applications for all Federal agencies to utilize. The goal, of course, was to provide clarity to agencies and the broadband industry. However, progress on meeting the congressionally-mandated requirements has been frustratingly slow. In fact, it is over three years after the law was enacted and GSA has still not finalized the standard fee structure nor completed the common forms and applications. Simply put, GSA has not properly implemented the intent of Congress. As members of the both the House and Senate have said, we cannot wait an additional three years for GSA to implement Congress's clear instructions. A streamlined and expedited process for siting on Federal property is needed now to improve public safety, increase buildout in rural and urban communities alike, spur economic growth, and provide much needed revenue to the Federal government. In fact, PCIA supports legislative efforts to streamline the process of siting communications infrastructure on Federal lands. Current legislation in the Senate would require agencies to implement standard fee schedules, common forms and contracts, and expectancy of lease renewals and regular progress reports to Congress. We look forward to working with this Committee on similar legislation in the House.

The Honorable Kevin Cramer

1. Permitting, historical preservation, and environmental protection issues often cause delays and frustration for companies – particularly small companies – attempting to deploy broadband.

A. What are the most common regulatory barriers to broadband deployment and what can be done to streamline the process for providers to obtain the necessary permitting and other approvals needed to build on federal and protected lands?

Currently, a number of barriers hamper broadband deployment, including unreasonable delays at the state and local level, state and Federal policies on pole attachment rates, and the byzantine process of siting infrastructure on Federal lands. The need for certainly is amplified when deploying broadband on Federal property, which often requires burdensome reviews, interagency activities and coordination. PCIA has been very active in working with agencies across the Federal government, Congress, and the White House to find ways to expedite the siting process. In 2012, Congress, propelled by the leadership of the Energy and Commerce Committee, put forward a framework to make it easier to site communications facilities on Federal lands and properties through standard applications and agreements. Also in 2012, President Obama issued an Executive Order to promote infrastructure buildout on Federal lands and created a cross-agency working group charged with meeting the mandate of speeding deployment on Federal lands and properties.

Unfortunately, the process to site wireless infrastructure on Federal lands has not sufficiently improved. New legislation will help agencies work with industry to bring broadband service to difficult-to-reach Federal lands and hard-to-access Federal buildings. PCIA is continuing to work with members of both the House and Senate on legislation to streamline and expedite the Federal siting process to require Federal leasing agencies to provide standard fee schedules, common forms and contracts, an expectancy of lease renewals, an ombudsman to oversee negotiation process, and regular reporting on progress to Congress.

B. How can the newly-created Broadband Opportunity Council help simplify the regulatory process?

As PCIA stated in its comments to the Broadband Opportunity Council (BOC), the BOC can help simplify the regulatory process by, at minimum, assisting in the creation of knowledgeable and trained points of contact within agencies. To ensure applications are moving forward and maximize efficiency, agencies should designate an expert agency staff member with appropriate

training and knowledge of the importance of broadband access on Federal lands to oversee application processing.

The BOC should also institute a standardized fee schedule, longer lease terms, and automated lease term renewals for broadband infrastructure deployments on Federal property. Adopting streamlined broadband facility siting application procedures and forms and encouraging deployment transparency and information sharing would also help simplify the regulatory process. Additionally, the BOC should encourage collaboration between industry and state, local, and tribal governments to address the needs and benefits of removing barriers to broadband deployment. PCIA also recommends that the BOC work to increase agency coordination with and amongst Tribal Nations to harmonize notification, consultation, fees, and review systems.

C. Will the size of the BOC – 25 federal agencies and departments – hinder or help the effort to promote deployment through regulatory reform?

PCIA has advocated for several agencies to work together to harmonize deployment procedures and create consistency across Federal agencies. It is useful to have as many of the relevant agencies as possible working together with a common goal -- promoting broadband deployment. With the right level of organization, having these agencies cooperate would be helpful, rather than a hindrance. At the same time, PCIA has long advocated for escalating points of contact within each agency. Ensuring there are positions and individuals within each agency with an ongoing understanding of the need for wireless broadband deployment and the ability to move applications forward will help ensure missions are not confused and the work is performed efficiently.

The BOC recently developed good recommendations that we hope the necessary agencies can successfully implement. PCIA is glad to see that the BOC embraced commenters' recommendation to seek advice from the FCC; however, the Council should have gone further and ensured that the FCC was one of the members of the BOC.

2. The Bureau of Indian Affairs has had a proceeding open for more than a year, looking at how to streamline the BIA grant process for rights-of-way on Indian lands. This proceeding is driven out of recognition that existing rules, which were last updated in 1980, are burdensome and outdated. What is your sense of how the process is going? Are you hopeful it will make it easier for your members to build new wireless facilities so our tribal populations have greater broadband access?

I grew up in South Dakota and deployment of broadband to unserved or underserved communities, including tribal lands, was one of my areas of focus at the FCC and the Rural Utilities Service, where I served as Administrator. At PCIA, we have worked to try and promote

the business case for broadband in rural America, including tribal lands.

At the same time, the solution has to be one of partnership. My members also speak of trouble siting wireless infrastructure due to escalating tribal consultation fees and tribes who, after demonstrating interest in a project, later become unresponsive. This only halts shovel-ready projects and drains capital from projects that could ultimately reach rural parts of America. We have to reset this conversation and address this issue from a holistic approach.

3. I am told leases to place new sites on lands regulated by the Bureau of Land Management or the National Park Service can take two or three years to negotiate depending on the site, with even simple lease renewals routinely taking 12 to 18 months. Would you support requiring BLM and the Park Service to agree to a streamlined, more predictable process for managing these applications, and would adoption of such a process be likely to expand consumers' access to wireless coverage in rural areas?

As I mentioned in my testimony, predictability and consistency are vital to network planning and investment in any arena. This is especially true when it comes to building broadband infrastructure. Many companies seeking to deploy wireless broadband infrastructure avoid Federal properties altogether and instead work with nearby private property owners -- sometimes across the street -- because negotiations with the Federal government take on average about four years compared to about 22 months with private owners. By facilitating access, the Federal government can increase revenues through lease payments to the Treasury while at the same time improving broadband access for its citizens.

Wireless network providers are looking for certainty when deciding where to invest in building broadband networks. Congress can play a very helpful and constructive role in providing certainty and consistency across agencies. PCIA will continue to work with Members on legislative and regulatory fixes to encourage greater investment in broadband deployment.

4. How does the Forest Service compare to BLM and the National Park Service in timely processing of siting applications? Does the Forest Service also need a streamlined process for considering siting requests?

Consistency and predictability across the entire Federal government is critical. Each of these agencies could benefit from greater accountability regarding escalation points of contact and communication regarding national broadband policy goals out to the field, in regional offices across the country. USFS and BLM have done a good job in creating an ongoing dialog with industry and amongst themselves to work to bring best practices to the siting conversation. NPS, with its upcoming Centennial celebration and Go Digital campaign, is engaging with industry to

identify issues and rapidly seek solutions. However, there remain systemic issues with respect to how these agencies deal with siting applications. Not all agencies have the ability to retain fees for the issuance of leases or easements. Still others lack the appropriate command and control to escalate an application that has languished far too long. PCIA and our members would like to see a standard process that cuts across all Federal agencies, including standardize fee schedules. This commonality throughout the Federal government would provide much needed predictability for broadband investment. PCIA believes Senator Rubio's Wireless Innovation Act would provide the proper framework for predictability and accountability in this space.