



Meredith Attwell Baker

March 21, 2017

The Honorable Marsha Blackburn
United States House of Representatives
Washington, DC 20515

The Honorable Mike Doyle
United States House of Representatives
Washington, DC, 20515

Dear Chairman Blackburn and Ranking Member Doyle,

As the Communications and Technology Subcommittee holds its hearing entitled "Broadband: Deploying America's 21st Century Infrastructure," CTIA wants to applaud the Committee's focus on wireless infrastructure and share for the record specific legislative concepts that will help drive the migration to next-generation wireless networks called 5G, solidifying our international leadership in global wireless services.

IMPORTANCE OF 5G. To meet the demand for everything wireless, we are enhancing today's 4G networks and preparing for 5G. 5G will unlock substantial innovation and investment, transforming every sector of our economy. Specifically, 5G will provide a network that will be five times more responsive, 10 times as fast, and will connect 100 times more devices. Thanks to 5G, wireless providers will make our lives safer, enabling breakthrough innovations around remote health care delivery/surgery, connected vehicles, as well as energy, education and other key parts of our lives. Deloitte has found that 5G will save over 20,000 lives every year on the roads, and save hundreds of billions in health care savings alone every year.

5G will also fuel significant economic growth in the U.S. In fact, Accenture estimates that with 5G comes more than 3 million new jobs, wireless industry investment of \$275 billion, and \$500 billion to our economy over the next decade (see attached infographic). The network deployment build of 5G will involve 10 to 100 times more antenna locations than 4G. These cells are small – the size of a pizza box – and over 300,000 small cells will have to be sited around the country in the next few years.

CONGRESS' KEY ROLE. The rules and regulations for wireless infrastructure are typically decades old, put in place when 200-foot tall cell towers miles apart were the norm. These regulations serve as barriers to 5G innovation. In detailing the great promise of 5G, Accenture noted the need for government siting reform to ensure we lead the world in 5G. Accenture rightly concluded that the "cities and towns which are first to

facilitate the wireless infrastructure evolution will see the greatest benefit." Legislators in Ohio, Kansas, and Virginia (on the Governor's desk) have jumpstarted significant investment in their states with new rules for wireless networks.

Congress also has an important role to play as our nation's wireless siting rules are a mix of national and local requirements. Key legislative reforms—most recently the Middle Class Tax Relief and Job Creation Act—helped unlock the massive investments the wireless industry has made to improve and expand broadband networks. In only seven years, wireless carriers have invested \$200 billion to roll out 4G services to over 99 percent of our nation's population. The realization of 5G networks will require new infrastructure rules for new networks. We are hopeful this Committee will act in a bipartisan way to modernize our nation's siting laws for tomorrow's networks.

KEY REFORMS. We need to update the rules for tomorrow's challenges by addressing the access, cost and process issues that face us today in towns as well as on federal lands. The best part is Congress can help create 3 million new jobs without any new federal funding outlays. All Congress needs to do is update its access rules to reflect tomorrow's technologies and opportunities. CTIA recommends the following changes to (1) provide greater access for next-generation investment, (2) reduce the costs of tomorrow's new networks, and (3) modernizing the siting process to reflect our new network design.

1. PROVIDE GREATER ACCESS

Enhance Access to Municipally Owned Poles & ROW. 5G will allow wireless carriers to utilize street lights, telephone poles and other existing infrastructure. Today, wireless carriers do not have the same access to municipally owned facilities as they do "investor-owned utilities," including poles, ducts, conduits, and rights of way.

Legislative Remedy. Remove the exemption for access to municipally owned poles and rights of way and define "pole" more broadly to include street lamps and light poles. Specify that shot clocks apply to requests to municipal sites.

Improve Federal Siting. The Federal government controls 46% of the land in 11 western states. It's important to standardize and modernize the process and timelines for obtaining rights-of-way to federal lands to expand service to rural America.

Legislative Remedy. Modernize Federal siting applications and processes, including reasonable shot clocks and deemed granted remedies.

2. REDUCE COSTS

Set Reasonable Application Fees & Right of Way (ROW) Management Rates. As small cells are installed around the country to deploy 5G, there is a need to ensure municipalities are not charging discriminatory monopoly rents that will significantly slow the speed of deployment. All rates and fees should be related to the actual, direct, and reasonable costs incurred by a municipality.

Legislative Remedy. Require application fees and management rates to be limited to the actual, direct, and reasonable costs incurred by a municipality relating to the granting, processing or management of the ROW.

3. MODERNIZE PROCEDURES

Reduce and Harmonize Existing Shot Clocks. Today's existing shot clocks were established in 2009 to site large 200-foot cell towers. Today, with small cells having less visual and physical impacts on a community, shot clocks should be modernized to reflect this new reality. Specifically, shot clocks should be harmonized for all non-substantial requests to 60 days, regardless of whether an antenna has already been approved. Additionally, shot clocks for substantial new build requests should be reduced to 90 days.

Legislative Remedy. Harmonize the Section 332 shot clocks to match the existing 60-day shot clock in Section 6409(a) for non-substantial collocations and reduce the existing 150-day shot clock for substantial new build requests to 90 days.

Expand "Deemed Granted" Remedies. To prevent long, multi-year delays, enacting "deemed granted" remedies, following the expiration of a reasonable shot clock, allows the rapid deployment of 5G infrastructure and services. There have been many instances where a jurisdiction fails to act on a pending application, leaving the provider with no existing remedy but lengthy litigation.

Legislative Remedy. Provide a "deemed granted" remedy as a backstop to judicial relief in Section 332 to avoid delays and costs when a jurisdiction fails to make a timely decision.

Right Size Small Cell Obligations. Pizza box-sized small cells do not pose the same visual or physical concerns as large cell towers. The FCC has already taken steps to modernize environmental and historical reviews of small cells, but statutory changes are also needed. Existing rules are based on 200-foot macro towers, so even nonintrusive small cells are considered a "federal undertaking" for historic review, and a "major federal action" under environmental review. That process is misplaced given form factor of small cells.

Legislative Remedy. Exclude small cells from what is considered a "federal undertaking" for historic review under NHPA, or a "major federal action" for environmental review under NEPA to speed deployment of broadband and reduce deployment costs.

Common Forms. In 2012, Congress required the GSA to develop standard forms, fee schedules, and master contracts for the siting of wireless facilities. These forms and master contracts should be adopted by Federal agencies for siting wireless facilities on federal property.

Legislative Remedy. Require federal agencies to use common forms for siting wireless facilities on federal property.

Dig Once. "Dig once" helps lower the cost of laying new fiber by making it unnecessary to tear up the streets every time a company wants to reach new facilities. Dig once would require that broadband conduits be installed on federally funded highway construction projects. According to the Federal Highway Administration, this can cut broadband costs by up to 90%.

Legislative Remedy. Institute dig-once proposals that can help create efficiencies in laying new fiber.

* * *

We look forward to working with this Committee on a broad infrastructure agenda to create new 5G jobs and economic opportunity.

Regards,

A handwritten signature in black ink, appearing to read 'MABaker', with a long horizontal flourish extending to the right.

Meredith Attwell Baker
President and CEO

5G NEXT GENERATION WIRELESS WILL

IMPROVE COMMUNITIES ACROSS AMERICA.

\$275B
NEW WIRELESS
INVESTMENT

3M
NEW
AMERICAN
JOBS

\$500B
CONTRIBUTION
TO GDP



..... FROM SMALL TOWNS TO BIG CITIES,
ALL COMMUNITIES WILL BENEFIT FROM 5G

5G-powered Smart City
solutions will produce

\$160B

in **benefits and savings**
for Americans by.....



Reducing
Energy Usage



Decreasing
Traffic Congestion



Lowering Fuel Costs