

CONNECTICUT SITING COUNCIL

CONNECTICUT SITING COUNSEL PETITION FOR A)	PETITION NO.1133
DECLARATORY RULING PURSUANT TO CONN. GEN.)	
STAT. §4-176 THAT CONN. GEN. STAT. §16-50K DOES)	
NOT APPLY TO ELIGIBLE FACILITIES REQUESTS)	
FOR EXISTING TELECOMMUNICATIONS FACILITIES)	February 10, 2015
SUBMITTED UNDER THE FEDERAL COMMUNICATIONS)	
COMMISSION (“FCC”) RULES ADOPTED PURSUANT)	
TO THE OCTOBER 21, 2014 FCC WIRELESS)	
INFRASTRUCTURE REPORT AND ORDER)	

COMMENTS OF CTIA - THE WIRELESS ASSOCIATION®

CTIA – The Wireless Association® (“CTIA”) hereby submits its comments in response to the Connecticut Siting Council’s (the “Council”) January 9, 2015 request in connection with the above-referenced petition for declaratory ruling.

I. INTRODUCTION

The Council initiated this proceeding in response to the rules established by the Federal Communications Commission’s (“FCC”) October 21, 2014 Infrastructure Report and Order (the “FCC Order”),¹ which adopts rules to implement Section 6409(a) of the Middle Class Tax Relief and Spectrum Act of 2012 (the “Act”).² The FCC Order is intended to promote the deployment of wireless infrastructure by eliminating unnecessary reviews during the environmental and historical impact evaluation process, thereby lowering costs and delays from the siting and construction of wireless facilities.³ CTIA appreciates the opportunity to comment on the Council’s Petition, which sets forth the Council’s contemplated process to bring the submission,

¹ See FCC, *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies et al.*, Report and Order, 29 FCC Rcd 12865 (Oct. 21, 2014), WT Docket Nos. 13-238, 13-32, WC Docket No. 11-59, available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-153A1.pdf (last accessed Feb. 5, 2015).

² Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 § 6409(a), 126 Stat. 156 (2012).

³ FCC Order at para. 1.

evaluation, and approval of eligible facilities requests (“EFRs”) into compliance with the FCC Order.

Expeditious infrastructure deployment is essential to satisfying consumers’ increasing demand for wireless broadband services. To that end, CTIA generally supports the Council’s collaborative efforts to implement the FCC Order in Connecticut. While CTIA respectfully reserves comment on the specific provisions of the Council’s petition, it asks the Council to ensure its proposed process is consistent with the provisions of the FCC’s rules and Section 6409(a) of the Act; particularly, the 60-day time period for states and localities to review eligible facilities applications submitted under Section 6409(a).⁴

Further, CTIA encourages the Council to work with Connecticut municipalities to help ensure the effective local implementation of, and compliance with, Section 6409(a) of the Act and the FCC’s new deployment rules. As noted in the FCC Order, CTIA is committed to working with municipal governments to provide information that will facilitate timely and consistent wireless facility modifications.

II. DISCUSSION

A. Policies That Expedite Infrastructure Deployment are Essential to Satisfy Connecticut Consumers’ Demand for Wireless Services

Efforts to expedite infrastructure deployment by implementing the FCC Order in Connecticut are vital because of the increasing consumer demand for wireless broadband services. There are nearly 3.5 million wireless subscriptions active in Connecticut which is a

⁴ FCC Order, at para. 228.
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penetration rate that is equivalent to over 97% of Connecticut’s population.⁵ These consumers are increasingly leveraging mobile broadband access to adopt new and innovative technologies. The vast increase in consumer data use reflects consumer adoption of these wireless applications: from 2012 to 2013, the amount of data used by wireless consumers nationwide more than doubled, from 1.47 trillion megabytes to 3.23 trillion megabytes.⁶ Further, consumer demand for mobile broadband only continues to rise. In North America there were 251 million mobile broadband connections, representing 63% of the region’s population, as of September 2014, and connections to LTE (which is the principal wireless technology to deliver wireless broadband services in the United States) have risen by 83% over the past twelve months.⁷

The wireless industry has made significant investments to meet this growing consumer demand – over \$33 billion nationally in capital investment in 2013 alone.⁸ The wireless industry continues to invest in Connecticut, both to meet demand for robust wireless services and technologies, and because competition in Connecticut is so strong, with over 89% of Connecticut consumers having access to 4 or more mobile providers.⁹

Policies that expedite the deployment of the wireless infrastructure needed to support advanced wireless broadband services are vital to the public interest. Those policies ensure that the wireless industry can keep pace with increasing consumer demand for wireless broadband by adding coverage and enhancing service quality.

⁵ FCC, “Local Telephone Competition: Status as of December 31, 2013” (Oct. 2014), available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-329975A1.pdf (last accessed Feb. 5, 2015); U.S. Census data.

⁶ *CTIA Wireless Industry Survey Report - 2014*, available at <http://www.ctia.org/your-wireless-life/how-wireless-works/annual-wireless-industry-survey> (last accessed Feb. 4, 2015).

⁷ 4G Americas, “3Q2014: 39% of Worldwide LTE Connections in North America” (Dec. 4, 2014), available at <http://www.4gamericas.org/en/newsroom/press-releases/3q2014-39-worldwide-lte-connections-north-america/> (last accessed Feb. 4, 2015)

⁸ *CTIA Wireless Industry Survey Report – 2014*.

⁹ Data from <http://www.BroadbandMap.gov> (last accessed Feb. 5, 2015).

Efficient deployment of wireless infrastructure also benefits public safety in Connecticut. An increasing majority of calls to 9-1-1 are made from wireless handsets. In addition, wireless has become an increasingly important communications platform as one out of every four households in Connecticut is “wireless-only.”¹⁰ By adopting policies which promote efficient wireless infrastructure deployment, the Council helps to ensure that wireless consumers can continue to utilize wireless services to access critical emergency communications.

By taking steps to implement and ensure compliance with the FCC Order in Connecticut and its localities, the Council can adopt an efficient, streamlined wireless infrastructure siting process that encourages investment and helps ensure that wireless providers can meet the needs of consumers.

B. CTIA Supports the Council’s Collaborative Efforts to Implement and Ensure Compliance with the FCC Order

To reduce regulatory obstacles and bring efficiency to wireless siting and construction, the FCC Order:

- i. adopts rules to clarify and implement statutory requirements related to State and local government review of infrastructure siting applications;
- ii. adopts an exemption from the FCC’s environmental public notification process for towers in place for only a short period of time (the “temporary towers” exemption); and
- iii. adopts rules to implement Section 6409 of the Spectrum Act:
 1. it provides that “a State or local government may not deny, and shall approve, any “eligible facility” request for a modification of an existing wireless tower or base

¹⁰ Centers for Disease Control, “Wireless Substitution: State Level Estimates from the National Health Interview Survey, 2013” (Dec. 16, 2014), available at http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless_state_201412.pdf (last accessed Feb. 5, 2015). AM 45825367.1 4

station that does not substantially change the physical dimensions of such tower or base station;” and

2. it establishes a eligible facilities request (“EFR”) as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.¹¹

CTIA was an active participant in the proceeding that culminated in the FCC Order.¹²

State and local implementation of the FCC Order is an important step towards faster and more efficient wireless infrastructure deployment that will enable wireless providers to meet increasing consumer demand.

For that reason, CTIA generally supports the Council’s efforts to implement and ensure compliance with the FCC Order. Council efforts to streamline the wireless infrastructure deployment process benefit not only Connecticut’s consumers, as described above, but also businesses, community institutions, and public safety, which all reap the benefits of increased wireless capability and coverage. While CTIA respectfully reserves comment on the specific provisions of the Council’s petition at this time, CTIA asks that the Council ensure its proposed process is consistent with the provisions of the FCC’s rules and Section 6409(a) of the Act; particularly, the 60-day time period for states and localities to review eligible facilities applications submitted under Section 6409(a).

CTIA also appreciates that the Council has solicited comments from stakeholders, helping to ensure a collaborative effort toward faster and more efficient infrastructure

¹¹ *Id.* at para. 18-22.

¹² *See, e.g., Comments of CTIA – The Wireless Association*® (Feb. 3, 2014), available at <http://apps.fcc.gov/ecfs/document/view?id=7521070838> (last accessed Feb. 5, 2015) and *Reply Comments of CTIA – The Wireless Association*® (Mar. 5, 2014), available at <http://apps.fcc.gov/ecfs/document/view?id=7521088518> (last accessed Feb. 5, 2015), WT Docket No. 13-238 *et al.*

deployment in Connecticut. CTIA respectfully reserves the right to offer further feedback as the Council continues its efforts to streamline the wireless infrastructure deployment process in Connecticut.

C. CTIA Believes the Council Should Work with Industry and Municipalities to Implement the FCC Order at the Local Level in Connecticut

While state implementation of the FCC Order is important, it is also important that municipalities, who may face greater resource challenges, work to bring their local statutes and rules into compliance with the FCC Order; particularly, the 60-day timeline for eligible facilities application review (as previously mentioned). CTIA believes the Council is well-positioned to work with industry and municipalities to assist in implementing the FCC Order at the local level in Connecticut. Any Council efforts to provide information and support to municipalities to streamline their siting laws and regulations to comply with the FCC Order will benefit the state's wireless consumers.

As noted in the FCC Order¹³, CTIA, working in conjunction with PCIA – The Wireless Infrastructure Association (“PCIA”), has pledged support to local implementation efforts. In particular, CTIA and PCIA are working towards the following goals:

- i. Informing resource-constrained municipalities of best practices used by other jurisdictions that are able to review and approve applications in fewer than 60 days;
- ii. Providing assistance in drafting a model ordinance and application for reviewing eligible facilities requests under Section 6409(a);
- iii. Creating a checklist that local government officials can use to help streamline review processes; and

¹³ FCC Order, at para. 141.
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- iv. Providing webinars and contacts to provide education and assistance to resource-constrained municipalities regarding the application process.

CTIA similarly offers to provide the Council with this information as these goals are met, to help ensure the efficient implementation of the FCC Order in Connecticut municipalities.

III. CONCLUSION

CTIA appreciates the opportunity to provide these comments, and looks forward to working with the Council as it implements and ensures compliance with the FCC Order. CTIA respectfully reserves the right to submit future comment as the Council continues to streamline its policies to promote efficient wireless infrastructure deployment for the benefit of Connecticut's wireless consumers.

CTIA – THE WIRELESS ASSOCIATION®



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