

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

In the Matter of)
)
Updating the Commission’s Rule for) WT Docket No. 19-71
Over-the-Air Reception Devices)

COMMENTS OF CTIA

CTIA¹ respectfully submits these comments in response to the *Notice of Proposed Rulemaking*² released by the Federal Communications Commission (“Commission”) that considers changes to the current rule governing Over-the-Air Reception Devices (“OTARD Rule”).³ CTIA appreciates the Commission’s commitment to re-examining legacy regulations, such as the OTARD Rule, that may impede wireless infrastructure deployment. Updating such rules to recognize the rapid evolution of wireless networks would enable the Commission to advance the public interest by lowering regulatory barriers that impede the infrastructure that is essential for consumers to receive the benefits of advanced wireless services.

I. EXPANDING AMERICA’S BROADBAND AND 5G INFRASTRUCTURE DELIVERS CLEAR PUBLIC POLICY BENEFITS.

A national policy fostering wireless network infrastructure deployment delivers multiple benefits to the nation: it eases and improves consumers’ lives, generates new jobs, strengthens the economy, and promotes America’s global technology leadership. As the Commission

¹ CTIA – The Wireless Association® (“CTIA”) (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

² *Updating the Commission’s Rule for Over-the-Air Reception Devices*, Notice of Proposed Rulemaking, WT Docket No. 19-71, FCC 19-36 (rel. Apr. 12, 2019) (“*Notice*”).

³ The OTARD Rule is codified at 47 C.F.R. § 1.4000.

observes, “The deployment of 5G wireless networks and other advanced wireless technologies holds the potential to bring enormous benefits to American consumers by delivering faster speeds and lower latency and by supporting the development of advanced applications like the Internet of Things, smart cities, and telehealth.”⁴

To accommodate the rapid expansion in wireless services, however, infrastructure must be densified. Hundreds of thousands of new antennas must be installed to accommodate not only the rapidly growing demand for wireless services, but also to supply capacity for 5G technologies to support connected cars, hospitals, factories, and other uses, many of which are as yet unknown. Densified and expanded facilities are critical to achieving the national priority for the rapid deployment of wireless networks, including 5G.

The Commission took substantial steps in 2018 to advance this national policy by removing federal, state, and local regulatory barriers that it determined, based on a full record, were impeding or slowing infrastructure deployment.⁵ These actions paralleled legislation that half of the states have enacted to limit regulatory obstacles to deploying small wireless facilities. By placing reasonable limits on siting regulation, while affirming the role of local governments in overseeing infrastructure deployment, the Commission’s actions served the public interest and the nation’s goal of promoting investment in broadband and 5G services across the country.

This rulemaking is an ideal opportunity for the Commission to continue to modernize its rules to match the fast-evolving wireless marketplace and ensure that wireless networks can be successfully densified to meet consumers’ evolving needs.

⁴ Notice ¶ 1.

⁵ See, e.g., *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, 33 FCC Rcd 3102 (2018); Third Report and Order and Declaratory Ruling, 33 FCC Rcd 7705 (2018); Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018).

II. THIS RULEMAKING ADVANCES THE NATIONAL POLICY TO PROMOTE INVESTMENT IN BROADBAND AND 5G INFRASTRUCTURE.

This new proceeding properly seeks to build on the Commission’s past efforts in promoting the deployment of wireless services. It asks how it can update the OTARD Rule to reflect the realities of today’s and tomorrow’s wireless networks. As Chairman Pai noted, “If adopted, the proposal would jumpstart the deployment of antennas that could be part of mesh networks – essentially, webs of wireless networks nodes. And it would also help providers develop and deliver more competitive broadband services in areas that are currently on the wrong side of the digital divide, including in lower-income urban areas.”⁶

The current OTARD Rule limiting state and local restrictions on certain wireless antennas helped to remove regulatory barriers that had impeded network deployment. But it was last substantively amended in 2000⁷—a virtual lifetime ago given the revolutionary pace of wireless technology developments. At that time, the industry was providing 2G services, 3G was several years away, and no millimeter wave bands were in use. Over the past two decades, wireless services and the spectrum they use have changed dramatically. Today, 4G and 5G are a reality, as is the use of millimeter wave bands—in addition to low- and mid-band spectrum—to support these offerings. While high-band spectrum holds tremendous promise because it can accommodate wide bandwidths that enable exceedingly fast and robust services, its high frequencies also mean more limited signal propagation. More densified networks and additional antennas are thus required to enable this spectrum to serve the public effectively.

⁶ Notice at Statement of Chairman Ajit Pai.

⁷ *Promotion of Competitive Networks in Local Telecommunications Markets*, First Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 2983, 23027-28 ¶¶ 97-100 (2000).

What's more, wireless facility densification is becoming more critical in low- and mid-band frequencies as well, which propagate farther than high-band spectrum but which also carry much of the capacity burden for providers' networks. As consumer and business data demands continue to skyrocket, many additional smaller antennas will be needed across spectrum bands to support the increased network capacity.

Another significant evolution since the OTARD Rule was last updated that is relevant to this proceeding is the rapid growth in consumers' reliance on commercial wireless services for video streaming, including in their homes. Programming is increasingly being delivered via the Internet over wireless networks. According to NTIA's latest Internet Use Survey:

Americans increasingly are moving away from cable and satellite pay-TV services and opting to stream online video offerings While most households still subscribe to cable or satellite television services, the survey shows the proportion of Internet users watching videos online has grown from 45 percent in 2013 to 70 percent in 2017. . . . The shift away from pay-TV services crosses all age groups, but younger Internet users have consistently been much more likely to watch video online than their older counterparts.⁸

These trends—driven by consumer choice as well as new technologies—mean that hub and relay antennas are an important part of wireless services, as networks must be increasingly densified, and often must include multiple antennas to provide reliable service to customers. Video streaming across wireless networks requires multiple antennas, not merely a single antenna to receive programming. And yet, the existing OTARD Rule does not expressly apply to antennas that connect to other antennas or serve other customer locations. Those connecting antennas, however, are becoming increasingly important to customers receiving service.

⁸ Edward Carlson, *Cutting the Cord: NTIA Data Show Shift to Streaming Video as Consumer Drop Pay-TV*, NTIA BLOG (May 21, 2019), <https://www.ntia.doc.gov/blog/2019/cutting-cord-ntia-data-show-shift-streaming-video-consumers-drop-pay-tv>.

Consumers' increasing reliance on wireless networks for Internet access, video programming, and other services warrants an examination of the OTARD Rule to explore the inclusion of connecting antennas. Such a step has the potential to promote the national policy priority of ubiquitous, robust broadband, video, and 5G services.

Modernizing the OTARD Rule also has the potential to promote the Commission's longstanding policy objective of promoting competition among broadband and video providers, because it would lower the regulatory barriers that impede competitors from installing necessary antennas. The result would be to provide consumers with more choices among wireless carriers, products, and services, which would in turn drive further competition.

III. CONCLUSION.

The Commission should explore whether to update its OTARD Rule to keep pace with the fast-changing wireless marketplace. Its objective should be to remove regulatory barriers and promote the deployment of the densified wireless networks that are needed to empower consumers everywhere and enable them to access advanced wireless services.

Respectfully submitted,

/s/ Kara Graves

Kara Graves
Director, Regulatory Affairs

Thomas C. Power
Senior Vice President and General Counsel

Scott K. Bergmann
Senior Vice President, Regulatory Affairs

CTIA
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036
(202) 785-0081

Dated: June 3, 2019