



January 31, 2020

The Honorable Curt Friesen
Chair, Transportation and Telecommunications Committee
Room #1110
P.O. Box 94604
Lincoln, NE 68509

RE: Support LB 898 With Amendments – Collocation of Certain Wireless Facilities

Chairperson Friesen,

On behalf of CTIA, the trade association for the wireless communications industry, I write to respectfully support LB 898 with amendments. LB 898 with amendments seeks to remove costly, unnecessary, and time-consuming outside consultant practices that impede wireless infrastructure deployment. It is important that policies are in place that encourage deployment of wireless facilities in order to ensure wireless providers can offer the best wireless experience possible to its customers. LB 898 with amendments furthers that goal.

To level-set the need for robust wireless infrastructure in Nebraska, the people of Nebraska continue to demand – at increasing levels – access to wireless products and services. This is demonstrated by the fact that there are as many wireless devices in Nebraska as there are people.¹ In addition, over half of Nebraska residents live in wireless-only households.² These demands from the wireless industry’s customers require that wireless networks be both updated to meet the existing demand and readied for the next generation of wireless networks.

Wireless infrastructure is critical to meet the public’s increasing demand for wireless services. Infrastructure is the first point of network contact for all of our smartphones, tablets and other wireless devices. Without adequate wireless facilities and the ability to expeditiously update existing infrastructure, wireless providers cannot meet demand for coverage or capacity, whether for citizens making 9-1-1 calls, public safety responding to emergencies, or consumers and businesses sharing data.

Just last year, Nebraska took an important step in recognizing the critical role that wireless infrastructure plays in our society. With the Legislature’s passage and Governor Rickett’s signature, Nebraska adopted legislation that modernizes processes and imposes reasonable fees for the deployment of small wireless

¹ FCC, Voice Telephone Services Report: Status as of December 31, 2017, at <https://www.fcc.gov/voice-telephone-services-report>, last accessed 1/29/2020.

² CDC, National Center for Health Statistics, https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf, last accessed 1/29/2020.



facilities (“small cells”).³ Small cells play an important role in accommodating today’s demands on wireless networks and will also be a key component for providing the next generation of wireless services, commonly referred to as 5G.

It is important to note, however, that larger wireless facilities (“macro sites”) continue to play a critical role in both providing enhanced wireless coverage in Nebraska, particularly in rural areas, as well as providing 5G in the near future. Macro sites provide wireless coverage broadly to larger geographic areas. They provide the baseline coverage umbrella that other network infrastructure operates within (i.e., small cells). The industry’s macro sites are continuously being updated to provide 4G LTE service to customers and, in fact, will also be upgraded to provide 5G services in the near future.

However, CTIA members have found that their ability to develop new – and upgrade existing – macro sites in Nebraska has been impeded by the use of outside siting consultants by jurisdictions. The excessive delays and costly fees imposed by the siting consultants on wireless providers have hindered providers’ ability to update macro sites in a timely manner. For example, in one Nebraska jurisdiction it can take up to 10 months for that jurisdiction to simply approve an application for a collocation, and in another jurisdiction, it is virtually impossible to erect a new macro site altogether. We have found these consultants are imposing egregious permitting fees on wireless providers for simple modifications as well as requiring wireless providers to establish “retainer” escrow accounts with them before even commencing deployment. These practices unnecessarily delay and inappropriately increase deployment costs without any real benefit to the jurisdiction or the application review process. Enclosed is a one-pager explaining these issues in more detail.

In closing, LB 898 is not a radical policy proposal. In fact, over a dozen states – including neighboring states Iowa, Missouri, Kansas and Colorado – have enacted similar legislation. Furthermore, it is important to note that LB 898 does not prohibit localities’ usage of outside siting consultants. LB 898 simply ensures that local government monies – taxpayer dollars – are used efficiently and effectively, ultimately ensuring timely deployment of wireless infrastructure to the benefit of Nebraskans.

For those reasons, we strongly and respectfully urge the passage of LB 898 with amendments.

Sincerely,

Gerard Keegan
Vice President, State Legislative Affairs

³ See Enacted LB 184, 2019: <https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB184.pdf>, last accessed 1/29/2020.