July 6, 2020

VIA ELECTRONIC FILING

Director, Lands Staff
1400 Independence Avenue, SW
Washington, DC 20250-1124

Re: CTIA Comments, Special Uses; Processing of Applications, Issuance of Authorizations, and Communications Site Management, Proposed Directives

Dear Director:

CTIA\(^1\) appreciates the continuing efforts by the Forest Service ("FS") and other federal land managing agencies to identify efficiencies to facilitate the siting of infrastructure on federal lands and properties. In furtherance of those efforts, CTIA supports adoption of the directives proposed in the Notice,\(^2\) and commends the FS in particular for its proposed directive to encourage the use of co-locations on existing FS facilities.

*FS properties play an important role in the delivery of next-generation wireless services.* America’s wireless industry has invested billions of dollars to build state-of-the-art networks since 4G networks were launched in 2010.\(^3\) To meet the demand for everything wireless, providers are enhancing today’s 4G networks and rolling out 5G connectivity. 5G will be faster, more responsive, and able to connect more devices—unlocking innovation and

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\(^1\) CTIA – The Wireless Association\(^\text{®}\) ("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 and 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, DC.


investment and transforming every sector of our economy. But to make these next-generation
networks a reality, providers must deploy, upgrade, and densify network configurations
nationwide, including on federally owned and managed lands, which comprise nearly 30
percent of the land in the U.S.\textsuperscript{4} The FS can support these efforts, particularly in rural areas
where many National Forest System (“NFS”) properties are located, by continuing to modernize
the agency’s siting processes. As the President has recognized, federal agencies should “use all
viable tools to accelerate the deployment and adoption of affordable, reliable, modern high-
speed broadband connectivity to rural America.”\textsuperscript{5}

The FS took an important step by amending its special use regulations to streamline
procedures for evaluating applications to locate or modify communications facilities on NFS
properties.\textsuperscript{6} CTIA commends the FS for those actions and for advancing the directives proposed
in the Notice, which would work in conjunction with the special use regulations to further
streamline deployments—including co-locations—on FS properties. As stated by the
Agriculture and Rural Prosperity Task Force, “[b]y streamlining the deployment process,
allowing access to existing infrastructure, and reducing barriers to buildout, … providers can
be encouraged to expand networks throughout rural America.”\textsuperscript{7} The proposed directives will
do just that.

\textbf{The FS should adopt the proposed directives to implement new FS rules for
communications use applications.} In large part, the proposed directives would implement
many of the beneficial streamlining regulations the FS adopted in April pursuant to statutory

\textsuperscript{4} See American Broadband Initiative Milestones Report, at 11 (Feb. 2019),

\textsuperscript{5} Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America, E.O. 13821

\textsuperscript{6} See Land Uses; Special Uses; Streamlining Processing of Communications Use Applications, Final Rule,
85 Fed. Reg. 19660 (Apr. 8, 2020) (“Final Rule”); 36 C.F.R. § 251.54(g)(4)-(5); see also CTIA Comments,
Land Uses; Special Uses; Streamlining Processing of Communications Use Applications, Proposed Rule,

\textsuperscript{7} See Report to the President of the United States from the Task Force on Agriculture and Rural
Prosperity, United States Department of Agriculture (Oct. 21, 2017),
directives, including Section 8705 of the Agriculture Improvement Act of 2018 (“Farm Bill”). Among other things, those regulations require the FS to act on a communications use application within 270 days; establish a tracking process for communications use applications in the FS directive system; and provide a minimum term for communications use authorizations of 30 years. Those regulations will help ensure that infrastructure needed to support wireless connectivity can be rapidly deployed while also managing and conserving natural resources on NFS lands.

To implement these regulations, the proposed directives would, among others things, add a cross-reference to Section 8705 of the Farm Bill (§ 90.1); provide direction on a term for communications use authorizations of 30 years (§ 90.3); establish responsibility for the tracking system for communications use applications (§ 90.4); provide for a 30-day review period by holders of communications use authorizations of new or modified communications site management plans (§ 92); and establish procedures for recording data needed to maintain the tracking system for communications use applications (§ 94.3). CTIA supports these proposed directives, which would further streamline and clarify the process for considering applications to locate or modify communications facilities on NFS properties.

The FS should adopt its proposed directives to expedite the co-location of communications uses. When it adopted its communications use streamlining rules in April, the FS committed to separately seek comment on proposed directives to expedite requests to co-locate communications uses. The proposed directives fulfill that commitment in proposed Section 94.1 by setting up a process to “[e]ncourage proponents of a new communications use

8 See Agriculture Improvement Act of 2018, Pub. L. No. 115-334, Title VIII, Subtitle G § 8705, 132 Stat. 4490, 4878-80 (2018) (“Farm Bill”) (requiring, among other things, that the FS issue regulations that streamline the process for evaluating applications to locate or modify communications facilities on NFS lands). The regulations also implemented Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, as amended by the Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act Pub. L. No. 115-141, Division P, Title VI § 606(a), 132 Stat. 348, 1101-04 (2018) (“MOBILE NOW Act”) (requiring, among other things, the FS to grant or deny an application for a communications facility within 270 days of receipt, and to notify the applicant of the grant or denial).

9 See 36 C.F.R. § 251.54(g)(4)-(5).


at a communications site to co-locate in or on existing authorized communications facilities if the proposed communications use is allowed at that site.”

That process would encourage co-locations by expediting the co-location process in three important ways:

- First, within five business days of receipt, a reviewing FS officer would be required to complete an initial review of a co-location request, submitted on Form FS-2700-10, to determine if the proposed use is consistent with the applicable communications site management plan;
- Second, if the use is consistent with the applicable communications site management plan, the reviewing FS officer would be required to provide the Form FS-2700-10 to other authorization holders at the site, and give them five business days to document any harmful interference that the proposed use would cause; and
- Third, if no such documentation is received, the reviewing officer would be required to notify the applicant within five business days after the conclusion of the other holders’ documentation period “that the co-location may proceed.”

CTIA strongly supports the co-location provisions of the proposed directives, which would provide for the processing and approval of co-location requests within a total of 15 business days, as long as they are consistent with the applicable communications site management plan and there are no harmful interference concerns. By taking this important step, the FS will encourage use of co-locations, which are often preferable to the construction of new facilities.

The proposed directives would likewise help to maximize use of existing facilities, including buildings, towers, and other structures able to support communications equipment. As the FS has recognized, recent technological advancements, including the switch to digital technologies, enables many existing communications facilities on NFS lands to accommodate additional communications equipment.

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13 Proposed Directive § 94.1.2.
14 The Federal Communications Commission, for example, has stated that “[t]he use of existing buildings, towers or corridors is an environmentally desirable alternative to the construction of new facilities and is encouraged.” See 47 C.F.R. § 1.1306 note 1.
15 The FS defines “co-location” as the “[i]ntallation of telecommunications equipment in or on an existing communications facility or other structure.” FSH 2709.11, Ch. 90, § 90.5. In turn, a “facility” is defined to include “[a] building, equipment shelter, or other structure designed to house communications equipment or a tower, mast, or other structure that supports a communications antenna.” Id.; see also Final Rule, 85 Fed. Reg. at 19660 (indicating that “communications facilities” include “buildings, towers and ancillary improvements”).
CTIA recommends that the FS adopt the proposed directives, which will help to expedite the responsible deployment of wireless infrastructure on FS properties to meet the rapidly growing demand for high-quality wireless broadband.

Respectfully Submitted,

/s/ Kara Graves
Kara Graves
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