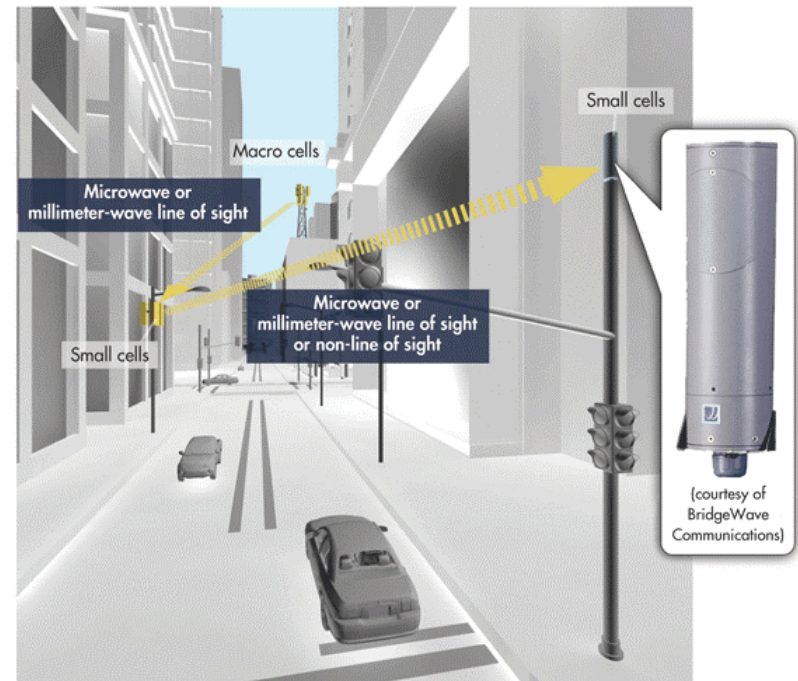

Program Alternative to Improve Section 106 Review of

Distributed Antenna Systems (DAS) and Small Cells



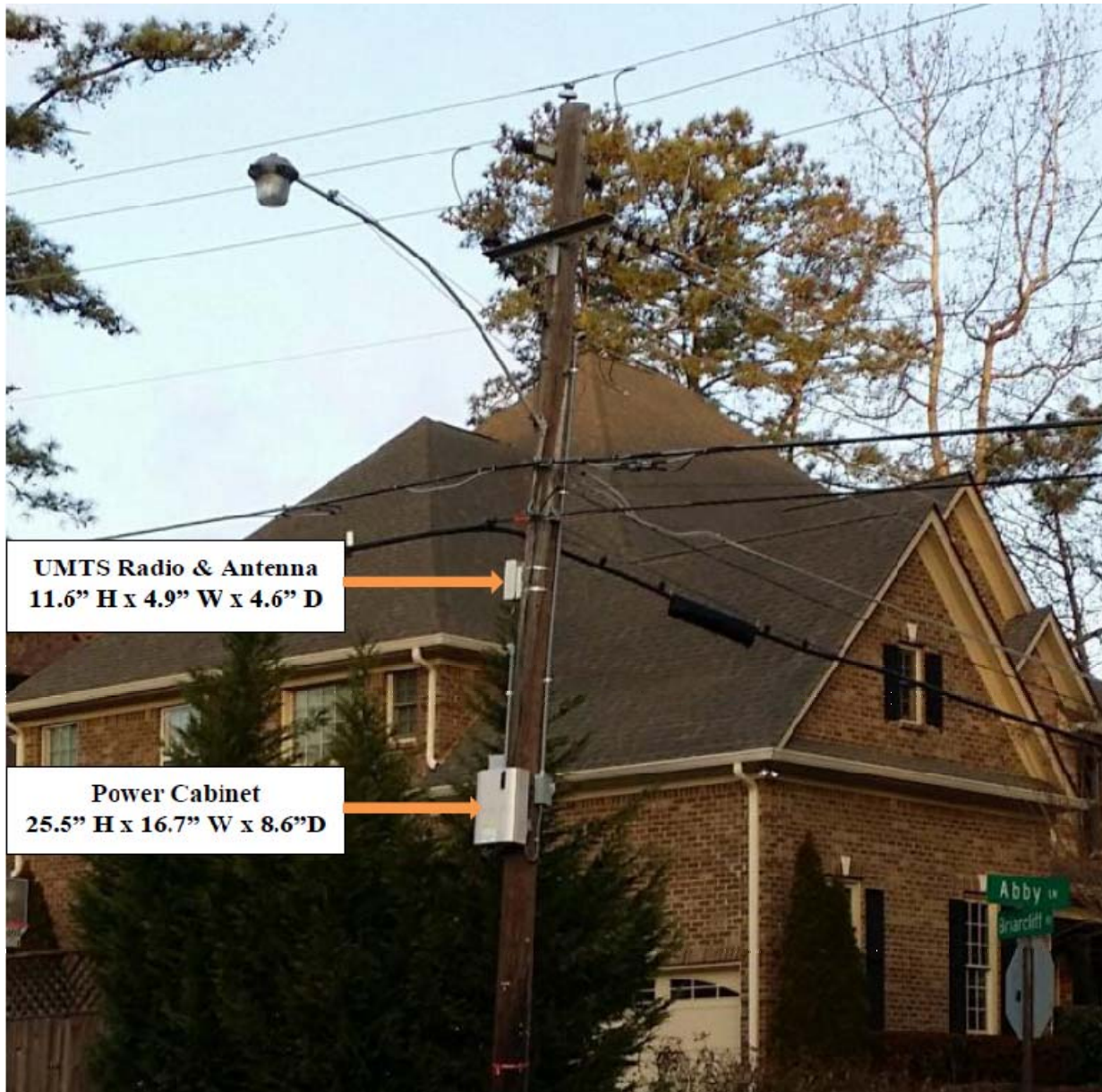
Program Alternative for National Historic Preservation Act Section 106 Review Process

- Commission Staff working on program alternative for FCC's review of small communications facility deployments under National Historic Preservation Act.
- Scoping Document was released on July 28, 2015 and seeks your input on how to improve and facilitate the Commission's historic preservation review process for the deployment of small wireless facilities.
- Public Comments due on September 28, 2015.

Limited Potential for Effects on Historic Properties

- Fraction of the size of traditional macrocell deployments on communications towers.
- Most are collocated on utility poles, buildings, and other structures.
- The Commission has previously determined that Distributed Antenna Systems (DAS) and similar small communications facilities typically have little or no potential for adverse effects on historic properties.

Small Cell Deployment



DAS Deployment



Small low power Omni
Antennas LTE ready

Small amplifier casing to
carry RF

Small battery cabinet

Small Facilities – Meeting Increased Demand for Wireless Service

Where additional infrastructure is needed, small facilities can be deployed to improve wireless services in a number of ways:

- Deployment where traditional towers are not feasible – utility poles, light posts, rooftops, other small structures.
- Filling in small coverage gaps (indoor and outdoor).
- Increasing capacity to serve areas with high demand.
- Stealth measures such as concealment enclosures possible.

Small Facilities – Patterns of Use

- DAS and small cells are more likely to be deployed in areas with high population density.
 - Outside of urban areas small facilities are most likely to be deployed in areas with high usage such as hospitals and large venues for sporting or performance events.
- A substantial number of nodes may be required to achieve the coverage of a single macrocell.
 - While macrocells have a radius of up to 35 kilometers, outdoor small cells have a radius of 10 meters to 2 kilometers.

Projected DAS/Small Cell Growth Estimates

- More than 37 million small cells will be deployed by 2017.
- 16 million DAS nodes will be deployed by 2018.
- One study projects that aggregate small-cell capacity will overtake macrocell capacity by 2016-2017.

Scoping Document Seeks Input on Revising Section 106 Process

- Scoping Document released last month solicits input on potentially amending the Collocation Agreement to improve the historic preservation review process for collocations of small wireless communications facilities.
- Seeks comment on potential exclusions from historic preservation review process for small facility deployments in cases where they are unlikely to have adverse effects on historic properties.

No Impact on Authority of Tribal Governments to Regulate Use on Tribal Lands

- Options under consideration only affect the Commission's review process under Section 106 of the NHPA
- Program Alternative will have no effects on Tribal Governments' authority to enforce their own historic preservation requirements.
- By its terms, the Collocation Agreement does not apply on Tribal or Federal lands.
 - Amendments to the Collocation Agreement will apply only to deployments off Tribal Lands, including areas in which Tribal Nations may have an interest.

Background – Collocation Agreement

- Collocation Agreement excludes most collocations on towers, buildings, and other non-tower structures from Section 106 review process.
- For collocations on towers, tower must have completed Section 106 review or have been built before March 2001.

Background – Collocation Agreement

- Does not exclude from Section 106 review collocations on buildings and non-tower structures that are:
 - Historic properties or in or near historic districts;
 - More than 45 years old.
- Collocation Agreement was written to address deployments of traditional macrocells.

Infrastructure Report and Order: Utility Structure Exclusion

In September 2014, Commission adopted exclusion for small facilities on utility structures more than 45 years old that meet a number of conditions:

- No new ground disturbance;
- Meets specified size limitations;
- Not located on a historic property or in or near historic district;
- No pending complaint alleging adverse effects on historic properties.

Infrastructure Report and Order: Non-Tower Structure Exclusion

Commission also excluded collocations on buildings and non-tower structures more than 45 years old if:

- Existing antenna on the building or structure;
- New antenna is located within required proximity to existing antenna(s), depending on the visibility and size of new deployment;
- Meets specified size limitations;
- No new ground disturbance.

Infrastructure Report and Order: Non-Tower Structure Exclusion

- Other conditions:
 - Deployment is not on a historic property or in or near historic district.
 - Not the subject of a pending complaint alleging adverse effect on historic properties.
 - Complies with zoning and historic preservation conditions applicable to existing antennas in the vicinity.

Consideration of Additional Exclusions

- Infrastructure Report and Order noted that there is room for additional improvements.
- Commission determined broader exclusions for small facilities would require further consultations and a new program alternative.
- Directed staff to work with ACHP and other stakeholders to develop a program alternative.
- Process expected to take about 18 to 24 months.

Scoping Document Proposes to Amend Collocation Agreement

- Scoping Document seeks comment on amending the Collocation Agreement to limit Section 106 review of small wireless communications facility deployments that are unlikely to have adverse effects on historic properties.
- The amendment of the Collocation Agreement would require the concurrence of the original signatories to the agreement – ACHP, NCSHPO, and the FCC.
- In developing amendments to this agreement, the FCC is committed to consulting with Tribal Nations.

Scoping Document Seeks Input on Potential Exclusions in Three Areas

- Broader exclusion of small deployments on buildings or structures more than 45 years old, but not on historic properties or in or near historic districts.
- Exclusion of minimally visible small deployments on historic properties and in or near historic districts.
- Exclusion of additional small deployments on historic properties or in or near historic districts, regardless of visibility, under limited circumstances.

Possibility #1:

Small Deployments in Non-Historic Areas

Scoping Document seeks input on excluding small facility deployments on any buildings or non-tower structures that are more than 45 years old, provided that:

- Antenna and associated equipment meet specified volume limitations;
- Deployment involves no new ground disturbance;
- Antenna is not on a historic property or in or near a historic district.

Possibility #2:

Minimally Visible Deployments in Historic Areas

Seeks comment on excluding small deployments located on historic properties or in or near historic districts, provided that such deployments:

- Meet specified size or volume limits;
- Cause no new ground disturbance;
- Meet visibility restrictions.

Possibility #2: Minimally Visible Deployments in Historic Areas

Seeks comment on whether this approach should require compliance with:

- Secretary of the Interior's *Standards and Guidelines for Historic Preservation*.
- Conditions imposed on any existing deployments located within the “vicinity” of the new deployment in order to directly mitigate or prevent the facility's effects on historic properties.

Possibility #3: Visible Deployments in Historic Areas

Seeks input on whether to exclude small facilities on historic properties or in or near historic districts, regardless of visibility, in limited circumstances, such as:

- Deployments on utility poles, light posts, and traffic lights.
- Deployments in utility or communications rights-of-way;
- Replacements or modifications of existing small facilities meeting volume/size limits.

Next Steps

- Public comments due September 28.
- FCC reviews comments.
- Release the text of a proposed amendment to the Collocation Agreement and seek comment on the proposal.
- Engage in ongoing consultation with Federally-recognized Tribal Nations under the Section 106 process.
- Work with the original signatories to the Collocation Agreement and obtain their concurrence.

Conclusion

- Committed to working with Tribal Nations on this program alternative to improve and facilitate the review process for deployment of small wireless communications.
- Your input is critical to our consideration of all options.
- Consider submitting written comments during the formal comment period ending on September 28, 2015.
- Contact any of the FCC staff members so you can discuss your thoughts, suggestions or concerns with them.

Contact Information

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- Paul D'Ari, Special Counsel, Competition and Infrastructure Policy Division, at Paul.Dari@fcc.gov or 202-418-1550;
- Steve DelSordo, Federal Preservation Officer, at Stephen.Delsordo@fcc.gov or 202-418-1986.