

Before the
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
Washington, D.C. 20230

<i>In the Matter of</i>)	
)	
)	
The National Strategy to Secure 5G)	Docket No. 200521-0144
Implementation Plan)	RIN: 0660-XC047
)	

COMMENTS OF THE
WIRELESS INFRASTRUCTURE ASSOCIATION

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June 25, 2020

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COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

The Wireless Infrastructure Association (“WIA”)¹ hereby responds to the NTIA’s Request for Comments seeking public input on the National Strategy to Secure 5G Implementation Plan (“5G Plan”).² WIA appreciates the opportunity to comment on the 5G Plan. NTIA asks important questions about barriers to the deployment of next generation “5G” wireless networks, how the Federal Government can support deployments, and how to assess risks and vulnerabilities. WIA encourages the Administration to continue pursuing policies that streamline regulations and promote 5G deployments, so all Americans can benefit from greater connectivity.

I. INTRODUCTION AND SUMMARY.

When it comes to spurring development and deployment of 5G, there are three main facets that must be addressed: siting, spectrum, and workforce. There have been substantial steps taken at all levels of government to address these issues, but work remains to ensure American leadership in the race to 5G.

¹ WIA represents the businesses that build, own, and operate the nation’s wireless infrastructure. On the federal, state, and local levels, WIA advocates for the widespread, responsible deployment of wireless infrastructure to deliver mobile broadband access to all communities.

² The National Strategy to Secure 5G Implementation Plan, 85 Fed. Reg. 103, 32016 (May 28, 2020).

For the United States to excel in the race to 5G, there must be a regulatory environment that fosters innovation and does not erect unnecessary barriers to deployment. First, it is time to reexamine policies regarding infrastructure siting to ensure that they are not duplicative and redundant. Second, the Federal Government must reallocate spectrum where possible and make it available to the public to ensure the most productive uses. Finally, the Federal Government must also ensure that there is a wireless workforce that is well-trained to build the networks that connect all Americans. With these challenges in mind, WIA submits the following comments on areas where the Administration and other agencies can help industry achieve this common goal.

II. WIA COMMENDS EXISTING INITIATIVES THAT ARE EXPEDITING THE DEPLOYMENT OF 5G SERVICES.

Regarding siting policies, the Federal Communications Commission (FCC) has been a leader in facilitating the rollout of 5G, and WIA applauds all of the FCC's Commissioners and its hard-working staff who have helped to support a regulatory environment that encourages deployment. From Chairman Pai's commitments in his 5G FAST Plan³ to the recent *5G Upgrade Order*,⁴ the Commission has shown a strong dedication to ensuring that the United States wins the race to 5G. It is also appropriate to specifically recognize Commissioners Carr and O'Rielly who have been champions of workforce and wireless infrastructure.⁵

³ See *The FCC's 5G FAST Plan*, [https://www.fcc.gov/5G#:~:text=Under%20Chairman%20Pai%2C%20the%20FCC,\(3\)%20modernizing%20outdated%20regulations](https://www.fcc.gov/5G#:~:text=Under%20Chairman%20Pai%2C%20the%20FCC,(3)%20modernizing%20outdated%20regulations) (last visited June 18, 2020) ("Under Chairman Pai, the FCC is pursuing a comprehensive strategy to Facilitate America's Superiority in 5G Technology (the 5G FAST Plan). The Chairman's strategy includes three key components: (1) pushing more spectrum into the marketplace; (2) updating infrastructure policy; and (3) modernizing outdated regulations.").

⁴ *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250, Declaratory Ruling and Notice of Proposed Rulemaking (rel. June 10, 2020), <https://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.pdf> [hereinafter "5G Upgrade Order"].

⁵ See, e.g., *Carr Applauds New Community College Program That Expands America's 5G Workforce*, FED. COMM'NS COMM'N (Feb. 20, 2020), <https://docs.fcc.gov/public/attachments/DOC-362595A1.pdf>; *Statement of Commissioner Michael O'Rielly in Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-

The FCC should be commended for its innovative approach to infrastructure reforms, particularly its actions pursuant to public comment in the *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* docket.⁶ This proceeding has sought to update Federal regulations to accurately reflect the minimal burden that small cell reviews put on local jurisdictions by setting a presumptively reasonable fee for applications and providing a time limit for the review of applications.⁷ Forward-thinking policies like these have helped to spur the deployment of critical 5G infrastructure across the United States.

WIA recognizes NTIA's leadership in identifying spectrum held by the Federal Government and making it available for the American people. Last year's "Annual Report on the Status of Spectrum Repurposing" detailed nearly 6 GHz of spectrum as viable for 5G technologies across the low, mid, and high bands.⁸ The report further identifies another 7.25 GHz of spectrum under active consideration to be made available for commercial licensed and unlicensed activity.⁹ WIA eagerly awaits the determinations on the additional spectrum identified, and supports making as much spectrum available as possible.

The White House has also been a leader on one of the most important facets of the race to 5G: the wireless workforce. By some estimates, the industry will need another 100,000 workers

250, FED. COMM'NS COMM'N (June 9, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-75A3.pdf> (describing a longstanding commitment to modernizing rules for wireless infrastructure).

⁶ See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Declaratory Ruling and Third Report and Order, FCC Rcd. 9088 (Sept. 27, 2018), https://ecfsapi.fcc.gov/file/0927025585935/FCC-18-133A1_Rcd.pdf.

⁷ *Id.* at 9141 (implementing a presumptively reasonable fee of \$270 per small cell application and providing a 90-day "shot clock" to act on those applications).

⁸ DEP'T OF COMMERCE, ANNUAL REPORT ON THE STATUS OF SPECTRUM REPURPOSING, at 3 (August 2019), https://www.ntia.doc.gov/files/ntia/publications/spectrum_repurposing_report_august_2019.pdf [hereinafter NTIA SPECTRUM REPURPOSING REPORT].

⁹ *Id.* at 6.

to deploy 5G networks across America.¹⁰ Earlier this year, President Trump stood before Congress and the American people and reaffirmed his commitment to strengthening the U.S. workforce, especially the “cutting-edge areas” of 5G.¹¹ The Department of Labor has supported apprenticeship programs, awarding six million dollars this year¹² to support WIA’s Telecommunications Industry Registered Apprenticeship Program (“TIRAP”).¹³ By supporting programs like TIRAP, the Administration can facilitate the rollout of 5G while lifting up communities and increasing economic opportunity for all.

The race to 5G enjoys bipartisan support on Capitol Hill as well. Landmark legislation like the Middle Class Tax Relief and Job Creation Act of 2012,¹⁴ the Consolidated Appropriations Act of 2018,¹⁵ and the FAA Reauthorization Act of 2018¹⁶ contained key provisions that have helped to spur network deployments across the nation.¹⁷ The Spectrum Act has been a catalyst for 5G infrastructure deployment by removing local barriers and encouraging

¹⁰ See John Hendel, *The Big Barrier to Trump’s 5G America*, POLITICO (Dec. 29, 2019), <https://www.politico.com/news/2019/12/29/big-barrier-trump-5g-america-089883> (quoting FCC Commissioner Brendan Carr that one barrier to 5G is the need for as many as 100,000 new workers); see also Remarks at WIA Connect(X) of Niklas Heuvel dop, President and CEO Ericsson NA, (May 19, 2020) (stating a need for 100,000 workers to deploy the 5G network).

¹¹ *President Donald J. Trump’s Unwavering Commitment To American Workers And Their Families*, WHITE HOUSE (Feb 4, 2020), <https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-unwavering-commitment-american-workers-families/> (describing President Trump’s commitment to encouraging private sector investment to create jobs).

¹² *WIA Award \$6 Million DOL Grant to Train 5G Workforce*, WIA (Feb. 19, 2020), <https://wia.org/wia-awarded-6-million-dol-grant-to-train-5g-workforce/>.

¹³ See TELECOMMUNICATIONS INDUSTRY REGISTERED APPRENTICESHIP PROGRAM (TIRAP), <https://www.tirap.org/> (last visited June 18, 2020).

¹⁴ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012).

¹⁵ Consolidated Appropriations Act of 2018, Pub. L. 115-141, 132 Stat. 348 (Mar. 23, 2018).

¹⁶ FAA Reauthorization Act of 2018, Pub. L. No. 115-254, 132 Stat. 3186 (Oct. 05, 2018).

¹⁷ See Middle Class Tax Relief and Job Creation Act of 2012 at Title VI (providing streamlined guidance for collocation) [hereinafter “Spectrum Act”]; Consolidated Appropriations Act of 2018 at Div. P (directing NTIA and the FCC to identify spectrum for mobile and fixed wireless broadband use) [hereinafter “RAY BAUM’s Act”]; FAA Reauthorization Act of 2018 at § 576 (eliminating tower marking requirements for telecommunication towers of a certain height).

the usage of existing infrastructure for collocation.¹⁸ The RAY BAUM’s Act encouraged the largest auction of millimeter wave spectrum in the nation’s history.¹⁹ This prime spectrum will be key to realizing the benefits of 5G. The FAA Reauthorization Act removed burdensome requirements that did not contribute to pilot safety but merely increased the cost to deploying necessary infrastructure.²⁰ While these have all been great strides in the race to 5G, more work remains to be done.

III. THE FEDERAL GOVERNMENT SHOULD PURSUE ADDITIONAL REFORMS TO PROMOTE 5G NETWORK DEPLOYMENT.

The wireless ecosystem falls under the purview of many regulators; these agencies and the Administration should work in harmony to ensure U.S. superiority in the race to 5G. While substantial efforts have been taken across the Federal Government to facilitate the rollout of 5G, the Federal Government can pursue additional steps to further encourage deployment. The Administration should seek to modernize outdated and outmoded regulations that present unnecessary barriers to the deployment of 5G, such as the implementation of rules under the National Historic Preservation Act (“NHPA”)²¹ and the National Environmental Policy Act (“NEPA”).²² The Administration can foster a regulatory environment that encourages innovation by streamlining siting regulations, increasing access to spectrum, and growing the wireless workforce. Importantly, the Federal Government must also remain cognizant of the challenges faced by rural providers while securing the new 5G network. These providers would be

¹⁸ See Spectrum Act at § 6409 (codified at 47 U.S.C. § 1455) (streamlining regulations and ensuring expedited reviews for insubstantial modifications to existing towers).

¹⁹ See RAY BAUM’s Act at § 603 - 05 (codified at 47 U.S.C. § 1503) (directing the FCC to identify certain bands of spectrum to be made available for commercial licensed and unlicensed use).

²⁰ FAA Reauthorization Act of 2018 at § 576 (codified at 49 U.S.C. § 44718).

²¹ 16 U.S.C. Ch 1A, Subch. II (2018).

²² 42 U.S.C. Ch. 55 (2018).

disproportionately impacted by policies like “Rip and Replace”²³ and should be adequately supported by the government as they transition to secure their networks.

A. The Administration Should Review Rules and Regulations Regarding Wireless Siting.

In January 2020, the Council on Environmental Quality (CEQ) proposed updates to its regulations for implementing the procedural provisions of NEPA.²⁴ WIA commented in support of many of the proposed changes in that *NPRM*.²⁵ NEPA reviews have a significant effect on the telecommunications industry and broadband deployment. Though the FCC has made significant efforts over the years to implement workable rules and to update its regulations to pursue other means of ensuring that NEPA’s goals are met without undue burdens, uncertainty remains regarding how NEPA should be applied in the context of new technology. To that end, the Administration should encourage the adoption of time limits and shot clocks for NEPA reviews, facilitate the use of Categorical Exclusions (CEs), and implement a single NEPA review when multiple agencies are involved.²⁶

As mentioned in the CEQ’s *NPRM*, the average time for the rate of completion of an Environmental Impact Survey is over four and a half years.²⁷ These reviews can seriously impede the deployment of networks. The Administration should take proactive steps on NEPA enforcement through presumptive time limits and shot clocks for application reviews. Further,

²³ See John Celentano, *What ‘Rip and Replace’ Really Means*, INSIDE TOWERS (Mar. 31, 2020, 5:58am), <https://insidetowers.com/cell-tower-news-what-rip-and-replace-really-means/#:~:text=Testifying%20before%20Congress%2C%20Berry%20cited,shortage%20of%20skilled%20technicians%20to> (describing how the policy of removing unsecure equipment from the telecommunications supply chain will impact rural providers).

²⁴ Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 85 Fed. Reg. 7 at 1684 (Jan 10, 2020), (“CEQ NPRM”).

²⁵ Comments of WIA in CEQ NPRM (Mar. 11, 2020), <https://www.regulations.gov/document?D=CEQ-2019-0003-172002>.

²⁶ See *generally id.* (describing various policy changes the CEQ should adopt).

²⁷ CEQ NPRM at 1687.

CEs “achieve enormous efficiencies in the review processes for classes of actions or undertakings anticipated to have minimal or no adverse cultural or environmental effects.”²⁸ The Administration should encourage the use of CEs and allow agencies to import CEs determined by other agencies. Finally, the Administration should minimize duplicative NEPA reviews by allowing one review to be used across various agencies that require such reviews.

B. The Administration Should Make More Spectrum Available for Commercial Use.

To truly recognize the benefits promised of 5G, including high throughput and low latency, more spectrum will need to be made available. Both NTIA and the FCC have taken substantial steps to make spectrum available,²⁹ but now is not the time to let up off the gas. Prime mid-band spectrum, like that being made available through the CBRS auction, will allow for more flexible deployments, particularly in hard to reach areas like inside buildings.³⁰ While historic amounts of spectrum have already been made available, NTIA and the FCC should both critically examine existing spectrum licenses and allocations to determine areas where spectrum can be made available for commercial deployments.

C. The Administration Should Support the Development and Growth of the Wireless Workforce.

A persistent barrier to 5G deployment is an understaffed wireless workforce. It is estimated that the industry needs to train 20,000 more tower climbers to install the equipment

²⁸ See *United Keetowah Band of Cherokee Indians v. Federal Communications Commission*, U.S.C.A. No. 18-1129 (D.C. Cir. 2019).

²⁹ See, e.g., *Auction of Priority Access Licenses for the 3550-3650 MHz Band; Comment Sought on Competitive Bidding Procedures for Auction 105; Bidding in Auction 105 Scheduled to Begin June 25, 2020*, 34 FCC Rcd 9215 (Sep. 26, 2019), <https://www.fcc.gov/document/fcc-seeks-comment-bidding-procedures-pals-35-ghz-auction> (FCC); NTIA SPECTRUM REPURPOSING REPORT, *supra* note 8.

³⁰ See CBRS Alliance, *Why Does This Matter?*, <https://www.cbrcsalliance.org/why-ongo/> (last visited June 18, 2020) (“The three-tiered paradigm puts the power of the network in the hands of the user. This means that networks based in the CBRS band have nearly limitless options for enhanced customizability, effectively allowing users to tailor their network to a specific set of needs, such as IIoT or security.”).

necessary to enable 5G.³¹ That number balloons to an estimated 100,000 more workers when accounting for critical jobs like radiofrequency (RF) engineers, site surveyors, and radio tuners.³² The reality is that China can more quickly deploy labor at lower costs. If the U.S. wants to remain competitive in the race to 5G, the Federal Government must invest in programs that will train this critical workforce.

The Department of Labor has already been a great ally of the wireless workforce,³³ but more work remains to be done. By investing in programs like TIRAP, the Administration can empower individuals and bring quality jobs to communities that are not contingent on costly four-year degrees. This program partners with local high schools, community colleges, and technical colleges to provide classroom training and education, along with on the job training needed to build up the wireless workforce.³⁴ TIRAP's apprenticeships provide opportunities for underrepresented communities like veterans, military spouses, persons of color, and the un- and underemployed.³⁵ The FCC has been proactive on this issue, especially Commissioner Carr,³⁶

³¹ John Hendel, *The Big Barrier to Trump's 5G America*, POLITICO (Dec. 29, 2019, 6:41am), <https://www.politico.com/news/2019/12/29/big-barrier-trump-5g-america-089883.1>.

³² *Id.*

³³ News Release, DEP'T OF LABOR, *U.S. Department of Labor Announces Nearly \$100 Million in Apprenticeship Grants to Close the Skills Gap* (Feb. 18, 2020), <https://www.dol.gov/newsroom/releases/eta/eta20200218>.

³⁴ See *Telecommunications Consortium Teaming with DoL, FCC on Public-Private Workforce Training Initiative*, TIRAP (Oct. 14, 2014), <https://tirap.org/wp-content/uploads/2014/10/TIRAP-Press-Release-10-13-14.pdf> (describing the objectives and methodology of the TIRAP program).

³⁵ See *WIA Award \$6 Million DOL Grant to Train 5G Workforce*, WIA (Feb. 19, 2020), <https://wia.org/wia-awarded-6-million-dol-grant-to-train-5g-workforce/> (describing target demographics of the TIRAP program).

³⁶ See, e.g., *Presentation of Broadband Infrastructure Deployment Job Skills and Training Opportunities Working Group*, BROADBAND DEPLOYMENT ADVISORY COMM. (Mar. 27, 2020), <https://www.fcc.gov/sites/default/files/bdac-job-skills-training-opportunities-03272020.pdf>; *FCC and DOL Workshop on Tower Climber Safety and Apprenticeship Program* (Feb 11, 2016), <https://www.fcc.gov/news-events/events/2016/02/fcc-and-dol-workshop-tower-climber-safety-and-apprenticeship-program>.

who has been a vocal advocate of the wireless workforce behind the dais,³⁷ on Capitol Hill,³⁸ and across the country's infrastructure.³⁹ In his words, "[t]he training offered at technical schools and through apprenticeships gives students a path up towers and into the middle class with only a couple of months in the classroom. These careers support families and our nation's critical infrastructure."⁴⁰ Continued funding is needed for programs to design curricula and deliver training to develop qualified applicants for placement in middle- to high-skilled jobs nationwide that will accelerate 5G deployment.

D. The Administration Should Continue Working to Ensure that Barriers to 5G Deployment are Eliminated Across the Federal Government.

i. The Administration Should Support the Streamlined Review of "Twilight Towers" to Make them Available for Collocation.

Twilight Towers were constructed during a four-year period when the FCC's rules implementing Section 106 of NHPA did not require consultation with representatives from Tribal Nations or State Historic Preservation Officers ("SHPO").⁴¹ Wireless providers are now precluded from collocating on these towers until they receive a determination from the FCC on an *ad hoc*, tower-by-tower basis.⁴² It is estimated that these towers can hold an additional 6,500 antennas but are sitting underutilized.⁴³

³⁷ See, e.g., *Carr Recognizes Veteran and Tower Climber Jessica Reich with '5G Ready' Hard Hat Presentation* (May 6, 2020), <https://docs.fcc.gov/public/attachments/DOC-364193A1.pdf>.

³⁸ See *Testimony of Brendan Carr Before the United States Senate Committee on Commerce, Science, and Transportation* (Jan. 22, 2020), <https://docs.fcc.gov/public/attachments/DOC-362042A1.pdf> ("Since I joined the Commission in 2017, 5G jobs have been a leading priority for me.").

³⁹ @BrendanCarrFCC, TWITTER (June 3, 2020 3:28pm), <https://twitter.com/BrendanCarrFCC/status/1268263380420354053>.

⁴⁰ *WIA Award \$6 Million DOL Grant to Train 5G Workforce*, WIA (Feb. 19, 2020), <https://wia.org/wia-awarded-6-million-dol-grant-to-train-5g-workforce/>.

⁴¹ *Comment Sought On Draft Program Comment For The Federal Communications Commission's Review Of Collocations On Certain Towers Constructed Without Documentation Of Section 106 Review*, Public Notice and Draft Public Comment, WT Docket No. 17-79 (rel. Dec. 14, 2017).

⁴² *Id.*

⁴³ *Statement of Commissioner Michael O'Rielly*, Public Notice, FED. COMM'NS COMM'N, FCC Rcd at 10722 (Dec. 14, 2017), https://ecfsapi.fcc.gov/file/1214005795959/FCC-17-165A1_Rcd.pdf.

It is an appropriate time to bring these towers back into the fold by eliminating *ad hoc* reviews and creating a uniform approach which recognizes the minimal impact the majority of these towers have had since they were constructed almost two decades ago. The FCC proposed an alternate to Section 106 review as the “Draft Program Comment” almost two years ago, but has yet to finalize the Order.⁴⁴ The Draft Program Comment enjoyed broad support when it was released for public comment and would jump start 5G deployment by making thousands of collocation sites available.

ii. The Administration Should Support Novel Solutions in the Wireless Ecosystem.

Innovators are making strides every day in developing dynamic solutions to many of the above-mentioned issues. The Administration should support these innovators through its ability to provide guidance to agencies. Congress is considering these issues and legislation that would encourage federal support of solutions like open source software and virtualization.⁴⁵ The Administration should support these programs whenever possible and contribute to the diversity of ideas that makes for a robust and productive marketplace. Additionally, the Administration should support alternatives to equipment made by Huawei and ZTE. There are alternatives both domestically and abroad that can help fill in the gap left behind after at-risk equipment is removed. Similar to solar panels and electric cars, the Administration should support these purchases through tax incentives to aid broader adoption.

⁴⁴ *Comment Sought On Draft Program Comment For The Federal Communications Commission’s Review Of Collocations On Certain Towers Constructed Without Documentation Of Section 106 Review*, Public Notice and Draft Public Comment, FED. COMM’NS COMM’N, WT Docket No. 17-79 (rel. Dec. 14, 2017).

⁴⁵ *See, e.g.*, S. 3189, 116th Cong. (2020) (encouraging use of open-source technology recipients of federal grants); USA Telecommunications Act, H.R. 6634, 116th Cong. (2020) (directing the creation of grants which support industries applying open-source technology).

E. The Administration Must Make Sure that Rural America is not Left on the Wrong Side of the Digital Divide.

Finally, the Administration must ensure that, through its efforts to secure the 5G supply chain, rural customers are not left behind. Any monies spent should ensure that they support players in traditionally disadvantaged areas such as through the “Opportunity Zones” outlined in the Tax Cuts and Jobs Act.⁴⁶ WIA supports “rip and replace” policies, but deployment must be methodical to make sure that citizens are not left disconnected while deployment is underway. To that end, the Administration should invest in better connectivity maps, particularly in rural America, so consumers, industry, and the government know the actual state of connectivity. Further, deployment funds must not handcuff providers from upgrading their networks. Specifically, funds should not be limited to only capital expenditures. While encouraging capital expenditures makes sense in theory, in practicality collocations are often seen as operational expenditures. The Administration should work to ensure that recipients of funds are provided with the flexibility to use them as they see fit to provide higher quality and extended coverage.

IV. CONCLUSION.

The Administration asks critical questions with this Request for Comment, and WIA and its members support the goals of deploying 5G more efficiently to all Americans. Many delays still exist in the regulatory process that must be addressed. These include streamlining applications and siting of new infrastructure, including collocations; making more spectrum available; and supporting the wireless workforce. By taking the steps described above, the Administration can bring the regulatory process into the 21st century and ensure that the U.S. remains the prime contender in the race to 5G. WIA appreciates this opportunity to contribute to the discourse and stands ready to provide more information as needed.

⁴⁶ 26 U.S.C. § 1400Z (2018) (“opportunity zones”).

Respectfully submitted,

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