

Councilwoman Mary M. Cheh
Chairperson
District of Columbia Committee on Transportation and the Environment
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Via e-mail

Dear Chairperson Cheh:

MediaFreedom* commends the District of Columbia for its patient and thoughtful examination of the issues surrounding the deployment of new wireless infrastructure, such as for 5G broadband services, within the city. MediaFreedom recognizes the important needs of the community to maintain its roads, facilities and other public spaces safely, efficiently and with proper visual aesthetics in mind. That said, as the District manages the shift to 5G, we urge it to adhere to an infrastructure siting process which keeps obstacles to entry low, expeditiously and transparently approves permits, and minimizes non-related fees or other requirements for those building-out the new and necessary infrastructure required by 5G.

As you may know, wireless broadband is not a fad. Over 70% of broadband connections are mobile connections, double that of fixed broadband. Yearly mobile growth is also double that of fixed wire services. Today, there are more than 400 million wireless connections in the U.S. Of these, more than 270 million are smartphones, with 80% of all U.S. adults having one.

Numerous studies show that smartphone access to the Internet is particularly important to disadvantaged and minority communities, representing, in many cases, the only way individuals from such communities gain access to the Internet for work, schooling, learning, civic engagement, and entertainment, among others uses. One such study from Pew reveals that while 95% of minority teens have access to a smartphone, only 77% of them have access the Internet at home via a fixed-wire, broadband line. Smartphones – driven by wireless broadband – are convenient, powerful and affordable, keeping Americans of all stripes connected to the Internet.

5G wireless broadband will deliver data at speeds of one gigabit per second and beyond, representing a 100-time increase over today's LTE experience. These services will animate the next generation of smartphone; "talk" with the Internet of Things, like our fridges or healthcare devices; meet us on the street as we move place to place through such technology as autonomous cars; make services like distance-learning more rich and immersive; and help us communicate more effectively with others via faster and more powerful, jitter-free apps.

5G will make our economy stronger, too. Over the next seven years, the wireless industry expects to invest roughly \$275 billion to deploy their 5G networks. According to an American Consumer Institute Center for Citizen Research study, this will bring about a \$532 billion GDP effect, create 3 million jobs, payout more than \$163 billion in employment earnings, and generate \$1.2 trillion in consumer welfare. As it relates to the District, it can expect companies to invest \$1.24 billion

to build-out 5G, spurring a \$1.37 billion GDP effect, 1,300 jobs, \$90 million in earnings, and \$5.6 billion in long-term consumer welfare.

But this will not occur by magic. 5G can't happen until the infrastructure to support it is in place. That architecture is different than your average cell tower, though. Because the signal characteristics of 5G mean they cannot travel as far as present technology, "small cells" about the size of pizza boxes are necessary to bring 5G closer to users. Instead of being miles away on towers or other structures, "small cells" will be placed on light and utility poles or other "street furniture" in cities and locales. And there will be lots of them, too. Industry puts that number conservatively at 800,000 nationwide. As for the District, some estimates show that approximately 2,700 such "small cells" will be needed to bring 5G properly into service for residents and businesses.

Like most other jurisdictions throughout America, the Draft Guidelines require private companies putting up wireless infrastructure to get permission to access rights-of-way and other public facilities – like streets, buildings and light poles – before construction can occur. For the most part, the Guidelines lay out a detailed roadmap for companies to accomplish this.

As an initial matter, however, MediaFreedom believes the limitations on the number of cell sites per block, as well as the number of carriers per block, seem rigid, and may not comport with the needs of carriers to successfully bring 5G to the District. We remain concerned that this government-created scarcity, among other limitations, will be used to impose mandates – such as for "hoteling" or "collocation" – which will limit carrier flexibility, boost costs, and ultimately, slow the rollout of 5G.

Perhaps of greater concern for MediaFreedom is the fact that the Guidelines are not a streamlined, one-stop shop to obtain approval for new 5G infrastructure. As revealed in the Guidelines, each carrier must reach a Master License Agreement (MLA) with the District, which establishes "conditions, requirements, and other limitations on MLA holders regarding infrastructure installed in the District." But, it adds, "In and of itself the MLA does not permit the installation of any Small Cell infrastructure. *It serves as a preliminary step in the process to an MLA holder submitting applications with DDOT for public space permits to install Small Cell infrastructure.*" (Emphasis added)

As to the *other steps*, the Guidelines continue:

"All Small Cell installations in the District of Columbia require a public space permit from the **District Department of Transportation (DDOT)**...[A]pplications will require review to ensure adherence both to these guidelines and all other applicable standards, regulations, and laws. Any applications that are not consistent with these guidelines require review and approval by the **Public Space Committee (PSC)** and will include review and comment by **Advisory Neighborhood Commissions (ANCs)** as well as by [the **National Capital Planning Commission**], [the **U.S. Commission of Fine Arts**], and [the **Historic Preservation Office**] as appropriate..." (Emphasis added)

MediaFreedom believes marketplace dynamics will dictate that "non-consistent" applications will be the rule, not the exception, in the buildout of 5G. To this end, MediaFreedom fears the litany

of groups and their needs will end up subjecting the carriers to arbitrary costs, time delays and other hold-ups, hamstringing their efforts to bring new infrastructure into service. Further, this “leverage” is ripe for abuse and could be employed at any step in the process by government officials or their proxies to extract policy or other concessions in order to “expedite” approvals. Consequently, it is not apparent that these aspects of the Guidelines, among others, can accord with FCC rules, the latter of which limit costs, delays and other obstacles localities can impose on builders before they rollout their new infrastructure. It would be especially disheartening if DC’s more affluent Wards – seemingly focused on limiting “small cell junk” in order to further their “historical preservation” and “tree health” agendas – could hold the siting process hostage, effectively nullifying FCC regulation and, worse, vetoing progress for the other Wards, which do not share the same superficial concerns.

Like the mobile technology before it, 5G will make our lives better. The District would do well to deliver on this promise by ensuring its Guidelines expeditiously, transparently, and reasonably enable mobile carriers to deliver the services your constituents need and demand to prosper in the 21st Century.

Respectfully submitted,

Mike Wendy
President, MediaFreedom.org
Alexandria, VA

**MediaFreedom is a 501(c)(3) non-profit organization sustained in part by contributions / support from the U.S. broadband industry. For more information, please see www.MediaFreedom.org.*