PCIA: Pai Calls for Immediate Action on New DAS, Small Cell Rules

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ORLANDO, Fla. - FCC Commissioner Ajit Pai says it’s time to make it easier for carriers to deploy their networks, particularly small cells and DAS systems that increase capacity.

“Regulations can make it tough to deploy infrastructure,” Pai said, lamenting the fact that state and local municipalities decisions are often governed by antiquated one-size-fits-all rules and laws.

In a speech that was peppered with allusions to Bob Dylan songs, Pai noted that the times, they are a changin’ and proposed the FCC act quickly to reform its existing infrastructure regulations. He suggested it do so with the same kind of urgency it did with the spectrum auctions.

Pai said that existing historic preservation regulations don't account for DAS and small-cell technologies.

“These systems are barely visible, and they hardly impact the surrounding environment,” Pai said, and in keeping with his Dylan motif added that “neither DAS nor small cells belong on Maggie’s Farm no more.”

Pai outlined a proposal he put forth back in 2012, which included items to streamline the treatment of DAS and small cells; curb local moratoria; and improve the FCC’s shot-clock rules with a deemed-grant remedy that applies to all wireless technologies.”

The FCC has since sought comment and Pai says it’s now time to act.

“The time for submitting comments ended two months ago, which means the time for deciding is here,” Pai said. “So I think the time has come to put the FCC on its own shot clock. The Commission should commit to adopting rules within the next six months.”

To put a point on it, Pai said the Commission should also clarify that section 6409 of the Spectrum Act means what it says.

“As you may know, that law says that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions,” Pai said, noting that most DAS and small cell deployments would fit that description.

Pai said he'd heard of local municipalities dragging their heels and subjecting qualifying deployments to discretionary review.

"In my view, the law is clear: Denial of eligible requests is not an option," Pai said. "So establishing a deemed-grant remedy with a relatively short fuse—say, 30 days—should be effective at keeping everyone on track."

In closing, Pai went with a Johnny Cash reference when asking for opinions from those in the infrastructure community.

"With your wisdom, with Jonathan's advocacy, with decisive FCC action, we can put out the regulatory ring of fire and help the wireless industry walk the line."

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