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June 10, 2016

VIA ELECTRONIC MAIL

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**Re: WT Docket No. 15-180
Ex Parte Comments**

Dear Ms. Dortch:

On May 3, 2016, PTA-FLA, Inc. (“PTA”) filed a Petition for Declaratory Ruling (“Petition”) regarding the application of Section 106 of the National Historic Preservation Act (“NHPA”) and the National Programmatic Agreement (“NPA”) to antenna facilities used in FCC-authorized systems. The Petition was also filed in the above-identified rulemaking proceeding, as it recommends certain changes to the NPA that could be implemented by the Federal Communications Commission (“FCC”) in conjunction with this proceeding.

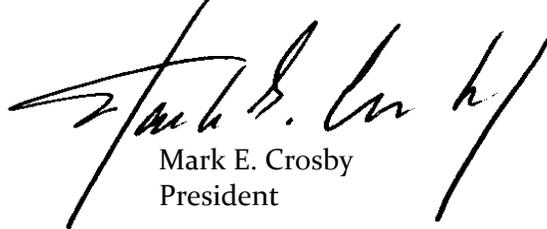
The Enterprise Wireless Alliance (“EWA”) represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers. A number of its members install and operate antenna structures that are subject to FCC Rule Section 1.1301 *et seq.* and to Section 106 NHPA requirements as currently interpreted by the FCC. Their ability to deploy antenna facilities quickly and efficiently, consistent with the obligation to protect the environment, locations of historical significance, and sites of specific historic interest to Tribal Nations, will assist in promoting the deployment of wireless services generally and broadband services in particular. For this reason, EWA urges the FCC to give consideration to the issues raised in the Petition.

The Petition asks the FCC to limit by Declaratory Ruling the type of communications facilities it deems subject to Section 106 requirements, consistent with PTA’s interpretation of the Court’s decision in *CTIA-The Wireless Association v. FCC*, 466 F.3d 105. If the PTA interpretation is correct, Section 106 obligations would not apply to antenna facilities deployed pursuant to a geographic authorization where no affirmative Federal action is required prior to construction of the site or initiation of service at it, or those authorized by rule, unless the facility independently requires FCC registration. EWA takes no position on whether the Court’s decision supports the requested ruling, but the significance of such an interpretation in terms of the scope of Section 106 justifies a careful review of the matter.

The Petition also describes in detail the challenges that can be encountered during the Tribal Nation review of proposed construction submitted through the FCC's Tower Construction Notification System ("TCNS"). TCNS has greatly streamlined the process of notifying the appropriate parties and has established timelines that prevent what in some instances had been extraordinarily lengthy periods of inaction while awaiting responses from the Tribal Nations notified. However, the Petition also raises serious questions about whether improvements are needed in the permissible parameters by which a Tribal Nation may identify an area as having historic interest to it, in the identification of those areas in advance of receiving a notification of proposed construction, and in the processing, determination and assessment of administrative fees that may be assessed when a Tribal Nation reviews such requests.

It should be possible to strike an appropriate balance between the entirely legitimate interests of Tribal Nations in protecting locations of meaningful historic significance to them and the public interest in facilitating deployment of antenna facilities that are used in delivering public safety, public service, broadband and other wireless communications. The changes proposed in the Petition may not achieve that optimal balance, but the issues raised are substantive and should be addressed in the instant proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark E. Crosby
President

Your submission has been accepted

ECFS Filing Receipt - Confirmation number: 2016610548203		
<div style="border: 1px solid black; display: inline-block; padding: 2px;">Proceeding</div>		
	Name	Subject
	15-180	WTB Seeks Comment On Revising The Historic Preservation Revises Process for Small Facility Deployments
<div style="border: 1px solid black; display: inline-block; padding: 2px;">Contact Info</div>		
Name of Filer: Enterprise Wireless Alliance Email Address: mark.crosby@enterprisewireless.org Attorney/Author Name: Mark E. Crosby		
<div style="border: 1px solid black; display: inline-block; padding: 2px;">Address</div>		
Address For: Filer Address Line 1: 2121 Cooperative Way Address Line 2: Ste. 225 City: Herndon State: VIRGINIA Zip: 20171		
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	File Name	Custom Description
	EWA Ex Parte WT 15-180.pdf	70 KB
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