

**Testimony of  
Jackie McCarthy  
Director, State Regulatory Affairs  
CTIA-THE WIRELESS ASSOCIATION®  
In Support of Pennsylvania House Bill 2061**

**March 29, 2012**

Before the **Pennsylvania House Consumer Affairs Committee**

Chairman **Godshall** and members of the Committee, I am Jackie **McCarthy**, Director of State Regulatory Affairs for **CTIA-The Wireless Association®**. **CTIA** is the **international** trade association **representing wireless carriers, device manufacturers** and Internet service providers. I am here today to speak **in support** of **House Bill 2061**, which would **promote** mobile broadband deployment by expediting and clarifying the **local review** process **for** improvements to existing **cell towers** and **other wireless** facilities.

Demand for **wireless** broadband is growing **exponentially** as new **applications**, devices and **technologies consume** more bandwidth and **attract more** subscribers. **Wireless providers** continue to invest in, build out and **upgrade** networks to compete on network quality. By mid-year 2011, U.S. wireless carriers' **cumulative capital expenditures totaled** more than \$322 billion, an increase of **more** than \$27 billion over the **preceding 12-month period despite the challenging economic climate.**<sup>1</sup> From energy usage to **telecommuting** to **educational** and **governmental access**, wireless broadband promises to increase **efficiency**, connectivity and information **sharing**. The economic and societal **benefits brought about** by wireless broadband require a **robust infrastructure** backbone, which in turn requires the ability to deploy **wireless facilities** where they are needed.

---

<sup>1</sup> CTIA—The Wireless Association®, *Mid-Year Data Survey Results Revised* (Nov. 11, 2011), available at [http://files.ctia.org/pdf/CTIA\\_Survey\\_MY\\_2011\\_Graphics.pdf](http://files.ctia.org/pdf/CTIA_Survey_MY_2011_Graphics.pdf).



**Wireless** communications are also a key component of the nation's "9-1-1" **emergency** response system. **CTIA** estimates that there are almost 300,000 wireless **9-1-1** calls made **every** single day. **Emergency** communications networks are updating public **safety** systems to "Next-Generation **9-1-1**" technologies that will allow for new services and devices to complete **calls** to our nation's 9-1-1 centers while also providing accurate location **information** to assist first responders. Like all broadband-based technologies, next-generation 9-1-1 requires comprehensive **infrastructure** deployment.

Recent federal **recognition** of the importance of wireless **infrastructure** bears consideration by the Committee. In its National Broadband Plan, the Federal Communications Commission ("**FCC**") acknowledges that wireless **infrastructure** is critical for broadband deployment. The FCC's National Broadband Plan states that wireless networks rely on site deployment, and that securing rights to **infrastructure** deployment "is often a difficult and **time-consuming** process that discourages private investment."<sup>2</sup> To expedite this process, the FCC established a "shot **clock**" requiring local **governments** to make ~~final~~ decisions on proposed wireless facilities on existing structures within ninety (90) days, and on new tower proposals within one hundred fifty (150) days of receipt of a complete **application**.<sup>3</sup> **FCC Chairman Julius Genachowski** pointed to the red tape and delays entailed in the wireless siting process, and observed that expediting wireless siting could unleash \$11.5 billion in new **broadband infrastructure** investment in 2011-2012.<sup>4</sup>

---

<sup>2</sup> Connecting America: The *National Broadband Plan* at 127 (March 17, 2010), available at: <http://www.broadband.gov/plan/>.

<sup>3</sup> See Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance (Nov. 18, 2009), available at: <http://apps.fcc.gov/ecfs/document/view?id=7020393456>.

<sup>4</sup> Prepared Remarks of FCC Chairman Julius Genachowski at the Broadband Acceleration Conference, Washington, D.C., at 3 (Feb. 9, 2011), available at [http://fallfoss.fcc.gov/edocs\\_public/attachmatch/DOC-304571A1.pdf](http://fallfoss.fcc.gov/edocs_public/attachmatch/DOC-304571A1.pdf).



**Earlier** this year, Congress acknowledged the critical role of timely wireless facilities deployment by requiring streamlined local government approval for such facilities on existing structures.'

House Bill 2061 is consistent with ~~these~~ national policies. By reforming local regulation and restrictions of wireless facilities on existing **structures**, House Bill 2061 will **streamline approval** processes at the municipal level while still allowing local control of **conformance** with relevant zoning and building code provisions. House Bill 2061 also clarifies federal preemption of local **government** consideration of radio **frequency** issues, and of local regulations that prohibit or have the **effect** of prohibiting wireless **service**.<sup>6</sup> The federal **government's** exclusive **jurisdiction over** radio communications is predicated on a **finding** that national regulation is not only appropriate, but essential to the operation of a seamless, nationwide **telecommunications network**. Finally, House Bill 2061 provides a "**shot clock**" for local review of proposed wireless facilities; similar to the **federal "shot clock,"** this **provision** imparts certainty to both local governments and wireless service providers. We respectfully submit that, given consumer demand for and federal recognition of wireless service as critical **21<sup>st</sup> century infrastructure**, House Bill 2061 furthers a compelling public purpose.

**As** wireless providers deploy 4G high-speed **mobile broadband** services to address exploding **consumer** demand, they need the option to consider siting wireless facilities on existing structures whenever possible. These facilities **are** increasingly critical to network **performance as** users demand these high-speed services, both in the home and on the go. By **streamlining approval** processes for these facilities **across** Pennsylvania, House Bill 2061 would significantly enable the deployment of mobile broadband.

---

<sup>5</sup> See **Middle Class Tax Relief and Job Creation Act of 2012 5 6409(a)** (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 of the tower or base station**"), *available at* <http://docs.house.gov/billsthisweek/20120213/CRPT-112hprt-HR3630.pdf>.

<sup>6</sup> See 47 U.S.C. § 253, 332(c)(7)(B)(i)(II).



**Thank you for the opportunity to testify in support of this bill.**

