

Senator Fischer's Questions for the Record
For
The Honorable Gary Resnick

Question 1. Earlier this year Senator Klobuchar and I introduced the Rural Spectrum Accessibility Act, which would incentivize wireless carriers to lease unused spectrum to smaller rural carriers. Have any of the witnesses had an opportunity to review this proposal or others to incentivize spectrum sharing? Do you believe this would help expand access?

I have not had an opportunity to review this proposed legislation and do not currently have a position on it.

Senator Daines' Questions for the Record For The Honorable Gary Resnick

Question 1. Mr. Resnick, you mention in your testimony that local leaders are managing many infrastructure needs and that sometimes there are delays to deployment. Can you expand on that and tell us what the sticking points are and what you, as local leaders, are up against that cause difficulty in moving the deployment process forward?

Thank you for this question. As an initial matter, it is important to note that the industry has reduced, voluntarily, the number of wireless infrastructure sites between December 2013 and December 2014. (Source: <http://www.ctia.org/your-wireless-life/how-wireless-works/annual-wireless-industry-survey>.) Moreover, according to information provided to me, the industry is not seeking to add a significant number of new sites in 2016. Thus, there is not a crisis in terms of the industry looking to add new wireless infrastructure sites and not being able to do so. Quite the contrary, largely because of how many sites have been successfully processed by local governments and constructed, the industry is not seeking to add as many sites as it has in prior years. There are certainly no issues created by local governments with respect to deploying new facilities.

To expand on challenges faced by local leaders, we have many challenges to provide services with limited government resources. The vast majority of local governments nationwide do not have a large number of staff members to process applications, and these staff members review, provide comments, inspect and manage a wide variety of activities in response to applications and inquiries from the private sector, in addition to handling government initiated projects to improve the quality of life for citizens and economic development activities. These functions are in addition to processing applications for deployment of communications facilities that may be filed. Local leaders and staff manage infrastructure deployment both in the rights-of-way and on government and private property. These management responsibilities include public works and utilities staff and land use and planning staff. Such activities range from engineering work for utilities and roads, land use planning and zoning compliance, drainage impacts, parks planning, development impacts on groundwater, hazardous materials, legal issues and other issues as well.

I am not suggesting that there are deployment delays *because* these are communications facilities. Rather, I was referring to the need to address *all* of our staffs' obligations in due course, given limited staff and resource constraints. The industry as well has challenges and does not have unlimited resources to pursue the deployment of wireless facilities.

Perhaps the best way to address the question is to provide an example using my City, Wilton Manors, FL, as an example. We have a population of approximately 12,000, but are fortunate to be able to budget significant resources to be able to pursue and respond to land use and planning activities than many local governments our size. During our budgeting process for our 2015-16 fiscal year, we identified several large-scale private development and infrastructure projects expected to be submitted, as well as government initiated land use and planning activities we determined to address. For example, we have two fairly large private developments that will be submitting applications for approvals this year that will have significant government resources in terms of plans review, comments, public hearings, permitting and inspection. IN addition, our private electric utility will be applying for permits for significant infrastructure utility pole

replacements in our ROW. Further, the private railroad that bisects my city will be expanding its ROW and seeking permits for construction and blocking roadways. The staff resources for these projects are expected to be over 4,000 hours. We are aware of these projects because the corporations involved, smartly, met with my City leaders to give us a “heads up” so we can plan accordingly. In addition to these private-initiated projects, for economic development purposes we decided to rezone a significant portion of an area of our City. We have also budgeted to undertake major water and sewer system improvements. Further, we have obtained grants in excess of \$3 million for significant roadway improvements that are in various stages of design, engineering and construction. Like any business, we budget to ensure we have sufficient and appropriate staff or contractors engaged to handle this work, but of course, will not waste taxpayer dollars by hiring staff and engaging contractors that may not be needed. Because of the level of activity for our 2015-16 fiscal year, we decided to hire an additional full-time planner at a cost to our taxpayers of approximately \$120,000 and pursued an RFP to engage an outside planning firm and expanded the contracts for our City engineering firm and building officials.

We also recognize that in addition to these known projects, there will be hundreds of other projects and applications that arise that cannot be anticipated. My City staff generally process 40 permit applications per month.

The wireless industry generally does not alert local governments to applications they anticipate filing, prior to actually submitting an application. We are unsure if we can require pre-application filing meetings as we do with other development projects, or if such process would commence the shot clock. If a wireless infrastructure application is filed, we will process it in due course. Actually, because of the FL shot clock (which pre-dated the FCC’s and actually affords less time), such application will force our staff to delay processing other applications, delaying the railroad, utility infrastructure and private development projects, as well as government initiated water and sewer and economic development. However, the FCC determined that such applications are more important than any other projects the City may be addressing. Thus, to comply with federal requirements and avoid a lawsuit, we will move such wireless application to the head of the pack. What is further frustrating, is that often after submitting applications, the wireless communications industry will revise its needs and plans and seek to place applications on hold, or delay providing information needed to move applications forward. That has been the experience with the last three applications submitted by the industry. We understand that this industry is in constant flux with mergers, acquisitions, changed business plans and new technologies. But starting and stopping government processing is not an efficient use of limited resources.

Of course, time is money for all these projects. If the railroad, electric utility or private developers complain about delays, frankly it’s easy for local leaders to blame Congress and the FCC in deciding that instead of a first come, first serve, process, the wireless communications industry gets special treatment.

I hope this elaborates sufficiently on what I meant that local leaders face many challenges.