

[FCC Technical Advisory Council Recommends New Broadband Infrastructure Deployment Policies](#)

by [KC Halm](#)

April 27, 2011

The FCC's Technical Advisory Council ("TAC") recently released eight new policy proposals intended to expedite broadband infrastructure deployment and a migration to IP networks. A copy of the recommendations is available [here](#). Several proposals, if adopted, would have a direct (and potentially meaningful) impact on providers deploying next generation broadband network equipment, primarily by reducing federal and municipal delays in broadband network infrastructure deployment. However, the TAC also suggests opening dialogues on standardized metrics for measuring broadband performance other than speed, creating protected spectrum on which to offload wireless broadband data; and on the need to replace embedded legacy equipment that is not designed for IP.

The recommendations are the TAC's top ideas for embracing "near term" opportunities for promoting private sector innovation and job creation *without* working through traditional regulatory processes. Thus, these proposals are notable as those which the TAC believes that the FCC can quickly adopt and implement without first undertaking the often long and rigorous rulemaking process.

- 1. Incent municipalities to expedite permitting and approval** – FCC should publicize municipal best practices for broadband infrastructure and deployment, with a "race to the top" contest and public rankings of cities with the most broadband-friendly infrastructure approval processes.
- 2. Executive order to streamline broadband deployment on federal property** – President should issue an Executive Order mandating a streamlined, single-agency, 60-day review and approval process for deployment of broadband infrastructure on federal property, in particular for Federal rights-of-way and antenna siting approvals.
- 3. Advocate rapid tower siting processes** – FCC should signal states and municipalities to permit co-location "by right" and employ a shortened "shot clock" for co-locations on existing structure — or the FCC will do so.
- 4. Best practices for new broadband deployment technologies** – FCC should educate States and municipalities about proven new broadband deployment

technologies like distributed antenna systems (DAS), micro-trenching, and directional boring.

5. Model an online deployment coordination system – FCC should develop a web-based communication tool that municipalities can adopt to provide advance notice of planned infrastructure projects.

6. Adopt new metrics to measure broadband network quality – FCC should develop broadband “extended” service quality metrics (beyond throughput speed) to assist providers, consumers and policymakers in evaluating broadband capabilities for applications such as healthcare monitoring or emergency services.

7. Highlight stranded PSTN investments – FCC should initiate a public dialogue about the need to replace legacy PSTN equipment, including auto-dialers, alarm systems, ATMs, PoS terminals, etc., that are not designed for IP networks.

8. Promote “small cell” deployment – FCC should convene an industry-led forum to accelerate deployment of small cell wireless devices (i.e., DAS, femtocells, Wi-Fi) in commercial and government buildings and other high teledensity venues. TAC recommends the development of “universal architectures” for single devices to support multiple providers and a new a small cell band spectrum allocation to offload broadband network data with assurances of interference protection.

Chaired by Tom Wheeler, former head of the NCTA and CTIA (and now with Core Capital Partners), the TAC is a federal advisory council charged with identifying “important areas of innovation” and “informed technology policies” that support competitiveness and job creation. Its proposals do not have the force of law, and are not binding on the FCC. However, these recommendations are predicated upon the assumption that changes can occur through intergovernmental dialogue and collaboration, and that there are executive or administrative actions that can occur immediately, without formal rulemaking. The TAC’s recommendations will likely play a role in the FCC’s recent right-of-way and tower siting Notice of Inquiry proceeding, see [DWT Alert](#), and other related proceedings.

For more information, please contact [KC Halm](#), [Scott Thompson](#), [Paul Glist](#), or [Maria Browne](#).

This advisory is a publication of Davis Wright Tremain LLP. Our purpose in publishing this advisory is to inform our clients and friends of recent legal developments. It is not intended, nor should it be used, as a substitute for specific legal advice as legal counsel may only be given in response to inquiries regarding particular situations.