

April 12, 2021

The Honorable Deborah Ruggiero
Chair, House Innovation, Internet and Technology Committee
82 Smith Street
Providence, RI 02903

The Honorable Arthur Handy
First Vice Chair, House Innovation, Internet and Technology Committee
82 Smith Street
Providence, RI 02903

The Honorable Lauren H. Carson
Second Vice Chair, House Innovation, Internet and Technology Committee
82 Smith Street
Providence, RI 02903

RE: Opposition to H6151 – Small Cell Statute Repeal

Dear Chair Ruggiero and Vice Chairs Handy and Carson,

On behalf of the undersigned, we write to respectfully oppose H6151. While perhaps well intentioned, H6151 would hamper the wireless industry's ability to continue to deploy wireless infrastructure at a time when connectivity is paramount. Rhode Island was one of the first states in the country to recognize that small wireless facilities, also known as small cells, are an important building block of 5G, the next generation of wireless service.¹ By creating a regulatory framework appropriately treating small cells differently from other, larger wireless infrastructure, the Ocean State has welcomed innovation and investment. However, as drafted, H6151 seeks to gut and undo the great work previously done by the General Assembly and threatens to put future investment in jeopardy.

The COVID-19 pandemic has been a powerful reminder of the importance of connectivity. COVID-19 prompted sudden and significant changes in how we live, work, and educate our kids. It's been one year since COVID-19 was declared a national emergency. America's wireless networks rose to the occasion, handling an unprecedented surge in mobile voice and data traffic almost overnight. In many other countries, wireless networks strained to maintain quality and speed as COVID-19 drove increased demand last spring, while U.S. networks kept pace quite capably.

The Rhode Island Small Cell Siting Act, R.I.G.L. Chapter 39-32, has been critical in helping wireless networks handle this demand. The statute was intended to encourage deployment of this cutting-

¹ See: 2017 Chapter 309, H5224, <http://webserver.rilin.state.ri.us/BillText/BillText17/HouseText17/H5224Baa.pdf>, last accessed 3/30/2021.

edge technology and the advanced services it supports by providing a standard, efficient and fair set of rules for siting small cells in the public right-of-ways, and it has been extremely successful so far. Verizon New England, which jointly owns the vast majority of utility poles in Rhode Island, reports that deployment of small cells on its poles has increased significantly since Chapter 39-32 was enacted in September of 2017. The company has issued more than 600 pole attachment licenses for small cells since that time and has another 530 applications currently pending, compared to fewer than 200 such licenses issued in the four years before enactment.

America's wireless success is no accident or stroke of luck. Our networks met the challenges presented by COVID-19 thanks to the billions of dollars the wireless industry invests annually to build some of the world's most resilient networks. Over the past year, we've continued to strengthen our networks: in 2020, the industry invested its highest national capex amount in four years – at \$29.1 billion.² As a result, median wireless speeds in the U.S. increased nearly 50%, which is even more remarkable when one considers that mobile usage increased approximately 40% in that time.³ As wireless providers plan their capital budgets and design their networks up to 5 years in advance, regulatory certainty ensures capital is invested in states and localities that welcome it.

However, H6151 puts that investment in jeopardy by seeking to rescind the Rhode Island Small Cell Siting Act, which, as discussed, has been working very well. Over the past four years, 31 states and Puerto Rico – including neighbors Connecticut and Vermont – have enacted comprehensive small cell legislation providing for streamlined and efficient processes for the deployment of small wireless facilities. Since their passage, no state has sought to repeal their statute as appropriate siting and land use regulation facilitates and encourages capital investment. Enactment of H6151 sends a signal that could place Rhode Island investment in jeopardy.

H6151 suffers from additional flaws as well. It conflates small cells with large communications towers and subjects them to zoning review, even though small cells are generally the size of backpacks and do not raise the kind of land-use concerns common to towers. It does not provide any time limits on consideration of applications to collocate small cells on existing poles and is in this way inconsistent with the Federal Communication Commission's rules, which generally require a decision within 60 days of application. (The "streamlined process" offered in the bill applies only to installations on "wireless support structures," not on regular utility poles or light poles.) The bill also allows municipalities to get into the business of regulating small cell attachments on privately owned utility poles, even though traditional landline attachments are not subject to such review. CTIA's members are not aware of any systemic problems with small cells attached to privately owned poles that might warrant such a change of law. These and other failings mean that H6151 would return Rhode Island

² CTIA 2020 Annual Survey Highlights, <https://www.ctia.org/news/report-2020-annual-survey-highlights>, last accessed 3/16/2021.

³ "How Wireless Kept Americans Connected During COVID-19," <https://www.ctia.org/news/report-how-wireless-kept-americans-connected-during-covid-19>, last accessed 3/16/2021.

to an era of confusing and inconsistent regulation of small cell siting designed for an older technology. It would be a giant step backward by impeding investment in future technology.

For all the reasons discussed herein, we respectfully request H6151 not advance.

Sincerely,



New England Cable & Telecommunications Association, Inc.