

March 31, 2020

WIA Cites Problems in Deploying Infrastructure During Pandemic

The Wireless Infrastructure Association said companies are finding it difficult to complete the application and permitting process to site wireless infrastructure during the coronavirus pandemic due to disruptions in government operations, and it urged localities to allow documents to be filed electronically.

In an ex parte filing yesterday in WT dockets 17-79 and 19-250 and WC docket 17-84 reporting on a phone conversation with FCC Commissioner Brendan Carr and Will Adams, his wireless legal adviser, WIA said that its “members report that local governments have been helpful during the crisis, and, in most cases, applications are being accepted and issued by jurisdictions with few delays. However, most States and many local governments now have variations of ‘stay at home’ orders in place, so most municipal employees have not been able to be in their offices physically to conduct normal operations affecting wireless infrastructure like processing applications and performing reviews. As a result, members report experiencing delays in the processing of the various types of permits necessary for upgrading their networks. Some jurisdictions have halted nearly all construction activity or are no longer accepting applications for new builds. Furthermore, the inability of local zoning boards and commissions to meet in person or make attempts to conduct meetings via teleconference, severely limits the ability of infrastructure owners and carriers to deploy new facilities and provide services to meet increasing demand and to support public safety.”

WIA added that it “understands that some of these delays result from the fact that local jurisdictions and agencies are shorthanded in their offices and have reoriented resources to dealing with the coronavirus crisis. However, WIA hopes that telecom-related projects can be prioritized, so even in a shorthanded environment, local governments can meet their statutory obligations, and these applications can be received, reviewed, and processed in a timely manner.”

The filing added that “WIA members are working with local governments to find solutions, and the Commission's recent actions can serve as an example. The Commission has ceased requiring hand-delivered filing of documents and instead moved to online filing. Local governments should follow suit, and many already have. For example, the offices of the Town of Flower Mound, Texas are closed, but submittals can be made online. Similarly, though the offices of the City of Durham, North Carolina are closed, they encourage online filing, and the City of Woburn, Massachusetts will make arrangements for filing applications. When needed, the review and approval of such applications can also be performed remotely; in fact, a planning commission in Kansas recently approved an application to extend a tower to accommodate additional antennas via teleconference unanimously.” —Paul Kirby, paul.kirby@wolterskluwer.com

