



To: New York State Legislature

From: Gerard Keegan, CTIA

Date: February 6, 2020

RE: Support for Part BB of the Transportation and Economic Development (TED) Article VII Budget Bill, S.7508/A.9508

On behalf of CTIA, the trade association for the wireless communications industry, I write to support Part BB of the Transportation and Economic Development (TED) Article VII Bill. This section of the budget creates a critical framework to promote job creation, economic investment and opportunity throughout New York, and we strongly support its passage.

The people of New York continue to demand – at increasing levels – access to wireless products and services. This is demonstrated by the fact that there are more wireless devices than there are people in New York.¹ Additionally, according to the Centers for Disease Control and Prevention, over one third of New Yorkers live in wireless-only households.² These demands from the wireless industry’s customers – your constituents – require that wireless networks be both updated to meet the existing demand and readied for the next generation of wireless networks.

Specifically, the existing rules governing wireless networks are designed for wireless facilities that can be up to 200 feet tall or more. Tomorrow’s networks will rely on new small cell technology, which will be placed on structures such as utility poles and streetlights. These new networks need new rules and TED Article VII Part BB establishes an updated common sense framework to facilitate billions of dollars in new investment in New York.

Small cells will provide needed additional capacity to accommodate growing consumer demands and help connect 100 times more devices. In a few short years, nearly everything will be connected to ubiquitous wireless networks at speeds up to 100 times faster than today, thanks to the framework established by TED Article VII Part BB. Small cells will help unlock new 5G services from remote healthcare solutions to autonomous cars. New York communities will be smarter and more connected, and entire sectors, from public safety to tourism, to transportation, will be transformed.

Accenture has found that 5G and small cell deployments will provide tremendous economic benefits. Specifically, Accenture estimates that wireless operators will invest as much as \$275 billion nationwide over seven years creating up to three million jobs and adding approximately \$500 billion

¹ FCC, Voice Telephone Services Report: Status as of June 30, 2017, at <https://www.fcc.gov/voice-telephone-services-report>, last accessed 1/29/2020.

² CDC, National Center for Health Statistics, https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless_state_201712.pdf, last accessed 1/29/2020.



to the U.S. GDP through direct and indirect potential benefits.³ In New York, 5G deployment in a city like New York City may create over 78,000 jobs and increase GDP by over \$12.7 billion, and a community like Syracuse may create over 1,300 jobs and increase GDP by over \$200 million.⁴

In 2018, the Federal Communications Commission (FCC) recognized the importance of winning the global race to 5G and the need to expedite the deployment of small wireless infrastructure to help reach that goal. With its issuance of the State and Local Wireless Infrastructure Declaratory Ruling and Third Report and Order (Order), the FCC set guardrails – including clear timelines and cost-based fees – around state and local siting practices.⁵ These reforms are timely and necessary, and they provide clarity to both communities and applicants while respecting the important role that states and localities continue to play in the siting process.

While the FCC’s leadership and others is critical, there is a key area the Order does not address that TED Article VII Part BB does, notably “permitted use” and deemed granted. The “permitted use” construct ensures that a zoning hearing is not required for every submitted small cell application. A zoning hearing for every small cell application would drain local resources and treat small cells like 200-foot tall macro cell towers, thereby delaying deployment, and more importantly, delaying the benefits of enhanced wireless services and 5G for the citizens of New York. Additionally, TED Article VII Part BB includes provisions providing that a permit application is deemed granted if the local authority does not approve or deny the request within a certain time. This provision ensures that inaction on an application does not delay deployment of small wireless infrastructure.

In closing, over the past three years, 28 states and Puerto Rico – including neighbors Connecticut and Rhode Island – have enacted comprehensive small cell legislation providing for streamlined and efficient processes for the deployment of small wireless facilities. Furthermore, small cell legislation is pending in the surrounding states of New Jersey and Pennsylvania. Appropriate siting and land use regulation will facilitate and encourage capital investment. Enactment of TED Article VII Part BB will send a signal that New York is ready for these investments.

CTIA strongly supports passage of TED Article VII Part BB.

³ “How 5G Can Help Municipalities Become Vibrant Smart Cities,” Accenture Strategy, Jan 12, 2017, https://newsroom.accenture.com/content/1101/files/Accenture_5G-Municipalities-Become-Smart-Cities.pdf, last accessed 1/29/2020.

⁴ *Ibid.*

⁵ See <https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>; last accessed 1/29/2020.

