



September 18, 2012

The Honorable Robert W. Godshall
House of Representatives
P.O. Box 202053
Harrisburg, PA 17120-2053

RE: SB 1345: Providing for Streamlined Procedures for Reviewing Applications for Modification/Collocation of Wireless Communications Facilities & Support Structures

Dear Chairman Godshall:

On behalf of Verizon Wireless, AT&T, T-Mobile, Sprint and the Pennsylvania State Association of Township Supervisors (PSATS), we jointly voice our support of SB 1345 which is scheduled to be voted on Tuesday, September 25, 2012 by the House Consumer Affairs Committee.

The legislation before you, which significantly and sensibly aids in the deployment of wireless facilities throughout the Commonwealth, is the result of both leadership by the House Committee on Consumer Affairs and the Senate Committee on Communications and Technology and the joint effort and agreement of industry and PSATS.

Demand for wireless service is growing exponentially. Estimates show that by 2014, wireless networks in the United States will carry forty (40) times the amount of traffic carried in 2009. New devices and technologies, such as smartphones, laptop computers, e-readers, iPads and other devices, consume more bandwidth and attract more wireless subscribers. In order to meet this growing demand, it is essential for wireless providers to build out and upgrade their existing networks in a manner which rationally and reasonably respects local government control. SB 1345 accomplishes this purpose.

The proposed legislation allows wireless carriers to install or to collocate their antennas and supporting equipment upon previously approved wireless support structures, such as existing towers, electrical transmission towers and water tanks, without the necessity of obtaining new zoning or land use approvals, while recognizing the interest of local governments in regulating facilities of a more invasive and substantial nature. For example, installations which "substantially change" the physical dimensions of the existing wireless support structure, such as an increase of more than ten (10%) of the height of the original structure or an increase in the size of the equipment compound, may require additional zoning and land use approvals by the municipality. In addition, the proposed legislation recognizes a local government's interest in protecting the health, safety and welfare of its residents by requiring a wireless provider to obtain a building permit for all installations including collocations upon existing wireless support structures. Most notably, local government regulation of entirely new wireless towers and support structures is preserved.

In addition to allowing certain installations without the necessity of significant, additional zoning approval, the proposed legislation requires the imposition of reasonable permit fees and otherwise prohibits a local government from requiring a wireless carrier to justify the need for a new collocation from either a radio frequency or business perspective. The proposed legislation likewise establishes a procedure for a local government's review of applications involving an installation upon an existing wireless support structure, including the imposition of certain time periods within which either the carrier or the local government must act.

Finally, should a wireless provider need to replace equipment already existing on a wireless support structure with equipment that is substantially similar in size, weight and height because of maintenance issues or as a result of technological advancement, it may do so without the necessity of obtaining building or zoning permits. This type of replacement, however, known in the industry as a "like for like" modification, is likewise qualified by the requirement that no substantial change in the physical dimensions of the wireless support structure occur.

As the Committee may be aware, the United States Congress recently passed the Middle Class Tax Relief and Job Creation Act of 2012. This Act mandates that local governments approve an eligible facilities request for the modification of an existing wireless tower or base station, such as a collocation, that does not substantially change the physical dimensions of the tower or base station. SB 1345 is not only consistent with Federal requirements, but also provides wireless carriers and local governments with additional guidance that is currently lacking under Federal law.

In summary, SB 1345 represents both sound policy mandated by Federal law and the product of the wireless industry and local governments working together. The proposed regulation would provide both wireless carriers and local governments with uniformity and predictability relating to the regulatory process for installations and collocations to existing structures not involving a substantial change. This predictability and uniformity of process is critical to the timely and efficient build out and upgrade of wireless networks demanded by Pennsylvania's businesses and residents.

We therefore respectfully request your vote in favor of SB 1345.

Sincerely,

Frank Buzydlowski
Verizon Wireless

David Kerr
AT&T

Jodie Stuck
T-Mobile

Elam Herr
PSATS

William Craigle
Sprint