



September 21, 2017

The Honorable Paul Pernerewski, Jr.
President, Board of Aldermen
98 Stoddard Road
Waterbury, CT 06708

Re: Opposition to Proposed Ordinance imposing a temporary moratorium on all applications related to the installation, alteration & relocation of wireless communications facilities within the City's public rights-of-way

Dear President Pernerewski, Jr.,

On behalf of CTIA, the trade association for the wireless communications industry, I am writing to respectfully oppose the proposed ordinance on all applications related to the installation, alteration & relocation of wireless communications facilities within the City's public rights-of-way ("Proposed Ordinance" hereafter). We have concerns that the Proposed Ordinance will severely hamper industry's ability to provide superior wireless service and deploy the latest technology to the citizens of Waterbury. In addition, the Proposed Ordinance conflicts with federal law. For all the reasons outlined herein, we would respectfully ask you reject the Proposed Ordinance.

Consumers' demands for wireless connectivity is exploding as new devices, technologies and services are continuously coming online. In 2016, wireless data traffic reached yet another record high. In all, traffic totaled 13.72 trillion MBs – the equivalent of 1.58 million years of streaming HD video – an increase of 4.07 trillion megabytes over 2015. Over the past two years, data use has increased 238 percent.¹

In order to accommodate this demand, today's wireless networks need to be densified and updated in preparation for the rollout of the next generation of wireless networks, referred to as 5G. While traditional macro towers will always remain an important component of wireless technology, small cells will provide the densification needed for 5G.

¹CTIA's Wireless Industry Summary Report, Year-End 2016 Results, 2017, <https://www.ctia.org/docs/default-source/default-document-library/annual-year-end-2016-top-line-survey-results-final.pdf?sfvrsn=2>, last accessed 9/20/2017.



Small cells are wireless antennas that are being installed on existing structures like utility poles, street lights and traffic signal poles. Small cells enhance capacity on existing 4G LTE wireless networks by efficiently using scarce spectrum and will be required for higher-frequency 5G spectrum. Adoption of policy that outright prohibits the installation, alteration and relocation of wireless communications facilities – similar to that found within the Proposed Ordinance – not only conflicts with federal law but carries the very real possibility of creating areas of inadequate wireless coverage in Waterbury.

To prohibit and implement a moratorium on the installation, relocation and/or alteration of wireless communications facilities will hurt the City's ability to attract investment and realize the benefits of 5G. 5G networks will provide increased capacity to accommodate growing consumer demands and will connect 100 times more devices. Towns and cities will be able to leverage wireless technology and the Internet of Things to enable smart cities, allowing them to monitor public infrastructure and conditions and operate more cleanly and efficiently. Global smart city economic benefits are estimated to range from \$644 billion to \$1.2 trillion by 2025.²

Enactment of policies comparable to those within the Proposed Ordinance will hinder Waterbury's ability to realize these benefits. In addition to depriving the City and its citizens with enhanced network capacity and the benefits of 5G, enactment of a moratorium conflicts with federal law. Section 253(a) of the Telecommunications Act of 1996 provides that "no State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."³ Similarly, Section 332 of the Communications Act states, in part, that "no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service."⁴ Courts have made clear that "entry" includes the placement of wireless facilities, and, therefore, state and local agencies lack the jurisdiction to prohibit wireless infrastructure deployment. By imposing a blanket ban on new wireless infrastructure, the Proposed Ordinance would violate the Communications Act's limitations on state jurisdiction over entry for mobile services and the Telecommunications Act's ban on prohibiting entities from offering telecommunications service, and are, therefore, unlawful.

² Sawanobori, Thomas K. "5G: The Next Generation of Wireless: 5G Leadership in the U.S." (February 9, 2016), https://www.ctia.org/docs/default-source/default-document-library/5g_white_paper_web2.pdf, last accessed 9/20/2017.

³ 47 U.S.C. § 253(a).

⁴ 47 U.S.C. § 332(c)(3)(A).



In closing, it is important to note that the wireless industry wants to meet the needs of its customers – who are also your constituents. Significant investments have been made in infrastructure to ensure that the industry can meet this robust, growing consumer demand for wireless service and broadband.⁵ However, in order to ensure that the wireless industry can continue to meet this demand in Waterbury, the industry's investment must be met with forward-looking infrastructure regulations that promote rapid and efficient deployment. The Proposed Ordinance does not reflect such forward-looking regulation. As such, we would respectfully ask that you reject the Proposed Ordinance implementing a temporary moratorium on the installation, relocation and/or alteration of wireless communications facilities.

Sincerely,

Bethanne Cooley
Director, State Legislative Affairs
CTIA

⁵ CTIA Wireless Industry Survey, Since January 2010, wireless carriers have invested more than \$203 billion to improve their coverage and capacity and better serve Americans, with \$26.34 billion invested in 2016 alone.