

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Updating the Commission's Rule for Over-the-Air Reception Devices*, WT Docket No. 19-71

Small cells have taken on outsized importance in our discussions about wireless communications. There's good reason for that. Our 5G future will require massive network densification. By some estimates, we will need to deploy as many as 800,000 small cells for the United States to be competitive in the next generation of wireless service. Compare that to the roughly 280,000 traditional cell towers that were necessary to blanket the nation with the current generation of service and it is clear we have a real infrastructure challenge.

In large part, this is because small cells are typically deployed in public rights of way or on civic infrastructure. That means you need government approval for their installation. And last year my colleagues determined that the best way to expedite the deployment of these antenna devices was to insert the federal government into the negotiations between cities and private companies. This agency decided it would play the role of small cell rate-maker. Instead of working with our state and local partners to develop incentives to speed the way to 5G deployment, this agency cut them out. It told them that going forward Washington would make choices for them about what could be deployed and at what cost in their own backyard.

I think this is extraordinary federal overreach. I do not believe that the constitution or the Communications Act allows Washington to run roughshod over state and local authority like this. Moreover, I believe the lawsuits that followed in the wake of our decisions will not speed our 5G future, but instead slow it down.

That's why in September of last year, I offered a different idea. Instead of treating the challenge of small cell deployment through regulatory fiat in Washington, what if we developed more creative market-based solutions? What if instead of micromanaging municipalities across the country, we fostered competition that could bring down prices? As I suggested back then, one innovative way to do this involves dusting off our 20-year-old over-the-air reception-device rules, or OTARD rules.

OTARD rules provide users with the right to install communications equipment on property they control. By updating our OTARD rules, we could create more siting options for antennas, which could bring down fees through competition instead of government ratemaking. Moreover, this approach could create more opportunities for rural deployment by giving providers more siting and backhaul options.

We didn't explore this market-based alternative then, but I am pleased we begin to do so in today's rulemaking. While the bulk of this rulemaking focuses on fixed wireless infrastructure, it now also asks about small cell siting at my request. I thank my colleagues for making this change.

It's important for two reasons. First, it seems increasingly likely that the courts will return some part of our small cell infrastructure decisions back to this agency with a remand. This could send us right back to the starting line of the 5G race with respect to infrastructure reform—and should that happen, we will need new ideas that are ready to go. Second, despite lofty promises about how our infrastructure reforms will help close the digital divide, the data on small cell deployment to date suggests they have under-delivered. Today 5G deployment is concentrated in a few densely populated areas and has yet to reach rural communities. Again, we're going to need new ideas to ensure it reaches everywhere. Because today's rulemaking starts to explore these kind of opportunities, it has my support.