



October 29, 2019

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

**Re: WIA Petition for Rulemaking, WIA Petition for Declaratory Ruling, and CTIA  
Petition for Declaratory Ruling, WT Docket No. 19-250; WC Docket No. 17-84;  
RM-11849**

Dear Ms. Dortch,

The Communications Workers of America (CWA) submits these comments in the above referenced matter in response to the Petition for Rulemaking and Petition for Declaratory Ruling filed by the Wireless Infrastructure Association (WIA) and the Petition for Declaratory Ruling filed by CTIA. Many changes proposed in the Petitions would unnecessarily endanger public and worker safety.

CWA is a labor union representing 700,000 workers in telecommunications, customer service, media, airlines, public service, and manufacturing. CWA members are workers who build and service our telecommunications networks, consumers who rely on fair and fast internet and wireless service, and citizens who demand sensible and equitable telecommunications policy.

The Petitions seek *inter alia* to change the requirements around localities' processing of eligible facilities requests, including expanding the reach of the Section 6409(a) shot clock and deemed granted remedies, and changing the definition of when a shot clock would begin. Petitioners seek a reading of Section 6409(a) that is overly broad and that would put public and worker safety at risk.

**Applying the proposed Section 6409(a) shot clock and deemed granted remedies to all authorizations would endanger public and worker safety.** Modifications to wireless equipment and infrastructure often involve complex and technical work. While Section 6409(a) may describe the physical dimensions of eligible modifications as insubstantial, the safety concerns implicated in these modifications are considerable. Work done without appropriate

procedures and with inadequate oversight can lead to dangerous conditions. For example, unsafe work can create electrocution risk; overloading that risks structures falling into the right-of-way or private property; damage to gas lines that can cause fire or explosion; and damage to other utility lines.

Recent tragedies emphasize the importance of safety in installations of telecommunications equipment in the public rights-of-way. For example, in April 2019, a contractor for Crown Castle in North Carolina hit a gas line and caused an explosion that killed two people, injured another twenty-five, and destroyed a building including two businesses.<sup>1</sup> In February 2019, a contractor for Verizon in San Francisco caused an explosion and a fire with over 50-foot flames that burned for hours.<sup>2</sup> In July 2018, a contractor for Verizon in Sun Prairie, Wisconsin hit a gas main, causing an explosion that leveled half a city block and killed a volunteer firefighter.<sup>3</sup>

Although these examples were not modifications under Section 6409(a), they present similar safety concerns and demonstrate the need to coordinate with local officials and utilities to ensure safety in the permitting of excavation work. Pole attachment work involves safety concerns as well, including electrocution risk and risk of overloading structures. Local permitting provisions are necessary to ensure that this highly sensitive and technical work is done safely. Permitting can include review of issues like coordination with existing utilities, electrical issues, engineering and structural review, traffic safety and line of sight considerations, road closure permits, and building permits.

Although the Declaratory Ruling and Third Report and Order of the Federal Communications Commission, *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, FCC 18-133, WT No. 17-79, 85 FR 51867 (“2018 Order”), applied to all authorizations, it did not incorporate a deemed granted remedy, noting that the choice not to incorporate a deemed granted remedy considered “the breadth of potentially unforeseen circumstances that individual localities may face.” *Id.* at ¶ 127. The combination of a deemed granted remedy with a requirement that all authorizations be subject to the remedy creates substantial safety risks. Localities must be able to properly address public safety in the rights-of-way and otherwise. For these same reasons, modifications should be required to comply with current safety requirements, and not only those in place at the original time of installation.

**It would similarly be a risk to public and worker safety to permit the shot clock to begin to run upon a “good faith attempt” to seek government approvals.** WIA Petition for Declaratory Ruling, pg. 7-8. Such a standard would place an unreasonable burden on local governments. Many local governments, particularly smaller municipalities, have limited capacity to process applications. “Good faith attempt” is vague and risks scenarios where requests never reach the appropriate individuals. It defies logic to propose a scenario where a city official has never reviewed an application, but a company would nonetheless be able to conduct sensitive

and potentially dangerous work, potentially in the right-of-way and interacting with underground utilities. When combined with the deemed granted remedies requested, allowing the shot clock to begin upon a good faith attempt risks unsafe installation and modification work that puts the public and workers at risk. The 2018 Order does not incorporate a subjective “good faith” standard, and it is similarly inappropriate here.

Sincerely,



Debbie Goldman  
Telecommunications Policy Director  
Communications Workers of America

---

<sup>1</sup> Joe Johnson and Anna Johnson, “Deadly Durham gas explosion ruled accident, report says,” The News & Observer, August 9, 2019, available at

<https://www.newsobserver.com/news/local/counties/durham-county/article233713942.html>

<sup>2</sup> KTVU, “Contractor identified in massive, fiery San Francisco gas rupture,” February 7, 2019, available at <http://www.ktvu.com/news/contractor-identified-in-massive-fiery-san-francisco-gas-rupture>; Ted Goldberg, KQED, “Contractor Tied to San Francisco Pipeline Explosion Didn’t Have a License,” February 15, 2019, available at

<https://www.kqed.org/news/11725622/contractor-tied-to-san-francisco-pipeline-explosion-didnt-have-a-license>; National Transportation Safety Board, “Preliminary Report PLD19MR001”, February 27, 2019, available at

<https://ntsb.gov/investigations/AccidentReports/Pages/PLD19MR001-Preliminary.aspx>.

<sup>3</sup> Jessica Arp, Channel 3000 News, “City of Sun Prairie releases construction permits for downtown area near explosion,” July 17, 2018, available at

<https://www.channel3000.com/news/city-of-sun-prairie-releases-construction-permits-for-downtown-area-near-explosion/769418541>; Bridgit Bowden, WPR, “OSHA cites 2 contractors in Sun Prairie Explosion,” January 10, 2019, available at <https://www.wpr.org/osha-cites-2-contractors-sun-prairie-explosion>;

City of Sun Prairie, “Downtown Investigation Update,” December 20, 2018, available at <https://www.cityofsunprairie.com/1017/Downtown-Investigation-Update-122018>.