

Preface

When acquiring and permitting cell site real estate entitlements, wireless communications companies are not allowed the right to take private property through eminent domain for the essential services they offer the public. Meanwhile, other essential services such as road transportation, power lines, and water service can be developed with the legal aid of condemnation. To develop antenna sites, we must negotiate for real estate rights and we must apply for and comply with local regulations to obtain building permits.

Active competition exists among wireless operators for customers. Oversight of competitive forces is a fundamental aspect driving government policy of wireless communications, justified by allocations of the frequency spectrum¹ from the government to qualified wireless operators.² Within the context of their licenses, wireless competitors strive to differentiate their hand-held products, service plans, system capacity, and coverage areas. It is beneficial for those involved in developing antenna cell sites to exercise care in project development and

relationships with local property owners³ and jurisdiction authorities. Unfortunately, this is not always the case. We do no service to the wireless industry by being anything less than professional in the process of securing local permits and lease rights.

The purpose of this book is to elevate the understanding of processes and practices employed in the wireless industry to secure property rights and local permits. These practices are essential for enabling continued growth of commercial mobile services to keep pace with consumer demand. My hope is to lend my perspective to the mission of developing cell site facilities, convey an understanding of conflicts that inevitably arise in this process, and provide enough insight to assist you in your endeavor to find and apply creative win-win solutions. A reason this is important was recently spoken of by FCC Commissioner Mignon Clyburn when she discussed how problems we have might be resolved with broadband connectivity.⁴

You ask, “Why should I listen to what you have to say?” This book provides a rare opportunity to learn about wireless facility real estate development from an industry veteran. During the past thirty-five years, I’ve performed communication site acquisition and local permitting in forty-five of fifty states and recruited, hired, managed, and trained crews of others to do the same. I’ve developed communication sites for all major wireless carriers and for large and small communication site ownership and management firms. My master’s thesis in graduate school in 1983 was about developing communications towers for point-to-point long-distance telephone service.⁵

In addition to traditional antenna cell sites (at all stages of evolution) my experience includes acquisition and permitting of real estate entitlements for switching centers, fiber-optic building entrances, fiber-optic rights-of-way, and broadcast, microwave, mobile data, paging, Wi-Fi, and satellite communications with all forms of property owner entity, including special district, city, county, state, and federal governments—such as the Department of Agriculture’s Forest Service (USFS) and the Department of the Interior’s Bureau of Land Management (BLM). I’ve acquired local permits from Massachusetts to San Diego and from Florida to Washington.

My personal mantra is “fast-tracked and quality-controlled” site acquisition and permitting. What wireless facility developers want most of site acquisition and local permitting agents is for them to represent the client interests, whether the client be a wireless carrier, a site owner and manager, or an infrastructure builder or consulting firm. That is, wireless site developers want agents who move projects to completion as swiftly as possible without sacrificing quality real estate entitlements. One might liken the role of a wireless site acquisition consultant to that of an expediter or an air traffic controller because of the need to coordinate information inputs, precise processes, and anticipated outputs with members of the project team involved in site development. Competence in developing wireless sites can lead to opportunities in operations management, project management, site ownership and management, construction, public affairs, regulatory compliance, or careers in related fields.

While this book is not about spectrum auctions, environmental compliance, or wireless technology, it does touch on the relationship of wireless site acquisition and local permitting to each. This book is about wireless site search, due diligence, and site selection, as well as the disciplines that influence these processes. Though it is true that site acquisition and local permitting involve a basic understanding of real estate contracts, construction drawings, and land-use concepts, this is not a treatment of real estate law, architecture, engineering, or community land-use planning.

Wireless site development is an interdisciplinary pursuit that provides and depends on inputs among site developers, property owners, and local communities. You won't learn real estate investing here but you will come to understand prerequisites for developing quality cell site assets and favorable contracts, and speaking the language of the industry.

Alex Gellman, chief executive officer of Vertical Bridge, confirmed at the Wireless Infrastructure Show in Dallas on May 24, 2016, while speaking with executives of five large tower owner companies at a session named “A View from the Top,” that the wireless infrastructure business is basically about obtaining real estate entitlements and their consequences.⁶ If you want to know about wireless real estate in the context of site acquisition and permitting, you came to the right place.

This book is an accumulation of trade secrets you'll find nowhere else.

In Section I, you'll get a glimpse of how wireless carriers interface with their vendors and companies that own and manage antenna structures (sometimes called towercos). I explain the language of the wireless landscape and the fifteen essential functions of site acquisition, including the skills required to perform wireless site acquisition. To complete Section I, understanding is provided about how search areas are designed. Receipt of a search area request starts the site acquisition process.

Section II delves into the process of evaluating search area work assignments and how application of client criteria can be translated into great wireless sites. Methodology to search for qualified locations is presented the way it's done in practice. Insights into performing detailed analysis of a property's zone-ability, constructability, and lease-ability are highlighted. The section concludes by elaborating on initial conversations with prospective property owners.

Section III completes Part One of the text, leading to the development stage for each new wireless facility. This section details how the search area report (SAR) allows the project team to make an informed site selection decision about which prospective candidate location to develop. Upon selecting a site, the site candidate information package (SCIP) is prepared by the site acquisition consultant to provide the project team with greater depth of detail for the site to be developed.

Part Two starts in Section IV where a description of the process to prepare a selected site for construction begins. I discuss initial preparations to kick off the project, title reports, and site design drawings. Some attention is given to making applications for collocation on existing structures at this stage. Completion of Section IV preparations tee up the project for realization of the two types of real estate entitlement that the site acquisition function is responsible for securing: property or space rights and local permit rights.

Section V focuses on aspects of space rights relevant to wireless site acquisition. The leasing process is addressed from a conceptual perspective, and with emphasis on typical provisions found in wireless leases, such as non-negotiables for wireless developers. Alternative and

supplemental agreements are often necessary to address conditions that a lease might not, including the purchase of property. Collocation agreements are given special attention. I complete the space rights discussion by covering the process to finalize leases.

Local permitting is the topic examined in Section VI. I start with thoughts related to making complete and timely permit applications. This section discusses application review by the local jurisdiction and typical due diligence questions that are raised by the community with suggestions and resources for addressing community concerns. The final approval process is covered regarding public hearings, governing bodies, and verification documentation.

Section VII reviews the project at the real estate entitlements complete milestone. In regard to Essential Function 13, I provide a summary regarding project management concepts to consider in the wireless site selection and development process. Documentation to close out the project is summarized in reference to Essential Function 14. Essential Function 15 establishes the basis for a discussion about post-project inquiries that may reach a site acquisition consultant and some concluding perspective regarding the completed project. Section VII completes Part Two of this book.

Overall, the goal of this book is to provide you a good perspective to prepare wireless sites for construction with a thoughtful approach. That approach may take a different tack from one project to another. The point is that your perspective is on the end goal of achieving the space rights and local permit entitlements as quickly and efficiently as possible without incident. I hope to help you know the questions to ask and suggest ways to approach each task. Every possible situation cannot be addressed in Parts One and Two, which are only a survey of this field of study. Nevertheless, this book provides a framework for more in-depth education and training for the many disciplines of wireless site acquisition and permitting. Please feel free to contact me at JRowe@TelecomBirdDogs.com or PO Box 2523, Littleton, CO 80161, to ask questions or share your comments about the text that follows. As we say in the business, “happy hunting.”