

July 14, 2017

The Honorable Ben Hueso
California State Senate, District 40
State Capitol Building, Room 4035
Sacramento, CA 95814
VIA FAX: 916-651-4940

RE: **SB 649 (Hueso). Wireless Telecommunications Facilities.**
Notice of Opposition *(As Amended 6/20/17)*

Dear Senator Hueso:

The Town of Ross **strongly opposes** your SB 649, which would represent a major shift in telecommunications policy and law by requiring local governments to lease out the public's property, cap how much cities can lease this space out for, eliminate the ability for cities and towns to negotiate public benefits, eliminate the public's input and full discretionary review in all communities of the state except for areas in coastal zones and historic districts, for the installation of "small cell" wireless equipment.

Despite the wireless industry's claim that the equipment would be "small" in their attempt to justify this special permitting and price arrangement solely for their industry, the bill would allow for antennas as large as six cubic feet, equipment boxes totaling 35 cubic feet (larger than a previous bill version of 21 cubic feet), with no size or quantity limitations for the following equipment: electric meters, pedestals, concealment elements, demarcation boxes, grounding equipment, power transfer switches, and cutoff switches.

The industry also claims that SB 649 retains local discretion, but by moving the bill into the ministerial process, also known as over-the-counter or check-the-box permitting, their "attempt" at giving locals discretion falls flat. Cities would have to live with the size parameters established by the bill for "small cells." Cities would be unable to impose any meaningful maintenance requirements for the industry's small cells and are limited to requiring building and encroachment permits confined to the bill's parameters written by the industry.

The ability for cities and towns to negotiate any public benefit would be eliminated by this bill. Benefits, such as network access for police, fire, libraries, and parks, negotiated lease agreements for the city general fund to pay for such services, or the ability to use pole space for public safety and/or energy efficiency measures are effectively stripped down or taken away entirely. The bill would also cap how much cities and towns can negotiate leases for use of public property and a city's ability to maximize public benefit at \$250 annually.

As amended, the bill is no longer limited to just "small cells." It now applies broadly to all telecommunications providers and the equipment they use from "micro-wireless" to "small cell" to "macro-towers." This latest version places a new ban on city/county regulation of placement or operation of "communication facilities" within and outside the public right of way far beyond "small cells." This new language would extend local preemption of regulation to any "provider authorized by state law to operate

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in the rights of way,” which can include communications facilities installed for services such as gas, electric, and water, leaving cities and counties with limited oversight only over “small cells.”

Cities, towns, and local governments recognize that the wireless industry offers many benefits in our growing economy, but a balance with community impacts must also be preserved. SB 649 is the wrong approach and benefits corporate bottom lines rather than communities. The bill undermines our ability to ensure our residents have a voice and get a fair return for any use of public infrastructure. Furthermore, this bill is no longer about small cells; instead, it is about all telecommunications regulation.

The Town of Ross **strongly opposes** SB 649.

Respectively,

Elizabeth Robbins
Mayor

cc: Senator McGuire
Assembly Member Levine
Nancy Hall Bennett, League of Cities
Meg Desmond, League of California Cities