



July 1, 2021

The Honorable Bill Dodd
California State Senate
State Capitol, Room 2082
Sacramento, CA 95814

**Re: Senate Bill 556 (Dodd): Street light poles, traffic signal poles: small wireless facilities attachments
As amended on June 28, 2021 – Notice of Opposition
Set for hearing July 7, 2021 – Assembly Communications and Conveyance Committee**

Dear Senator Dodd,

On behalf of the California State Association of Counties (CSAC), the Rural County Representatives of California (RCRC), and the Urban Counties of California (UCC), we write to regretfully inform you that our organizations have taken an oppose position on Senate Bill 556, which would require local governments and publicly owned electric utilities to make infrastructure available to communication service providers for the placement of small wireless facilities, with limited allowable compensation to the public owners of that infrastructure.

The Federal Communications Commission (FCC) has promulgated regulations that aim to reduce market barriers and incentivize the deployment of wireless and cable communications facilities in all 50 states. FCC rules provide stringent time limits, or “shot clocks,” for the siting of wireless facilities by local governments and requires local governments to allow nondiscriminatory access to infrastructure in the public rights-of-way. Additionally, the 2018 FCC rule (Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 WC Docket No. 17-84) established a rebuttable presumption of reasonable fees associated with the use of publicly owned infrastructure based on, not a specific methodology, but on the local governments’ discretion utilizing specified criteria. In addition to federal law, state law establishes shot clocks for facility siting approval by local governments, and further allows permits to be “deemed approved” if the local government does not meet the time limitations established in law.

SB 556 does not merely conform state law to federal law, but imposes unreasonable application processing timelines, enacts an unnecessary and restrictive cost formula on publicly funded property, and significantly expands the reach of these provisions to infrastructure outside of the public rights-of-way, without any public benefit. Most concerning, however, are the provisions of the bill that prohibit local governments from denying an application for use of its infrastructure. SB 556 requires local governments or publicly owned electric utilities to provide, as part of an application denial for wireless facility attachment to a streetlight, traffic signal pole or other pole, the remediation necessary for the communication provider to move forward with placing the wireless facility– in essence, precluding any denial of attachment applications. Moreover, subdivisions (c) and (d) of Public Utilities Code section 5981 states that the local government or public utility may only take into consideration the impacts of its own “approved projects” for future use on the pole that relate to “core service” – therefore – barring use of a streetlight for anything

other than illuminations by anyone other than the communication provider and thereby removing the ability of the local government or public utility from utilizing its own infrastructure for the future deployment of telecommunication equipment. SB 556 allows for denial of a communication provider 's request for pole attachment only in cases of "...insufficient capacity or safety, reliability, or engineering concerns...which the communication provider may address..." though the remediation measures that are required to be set forth by the local government or public utility. The circular reasoning masks the outcome that no denials are allowed and only the communication provider can decide if they wish not to proceed with the use of the property.

As previously mentioned, state and federal law already outlines specific shot clocks for processing wireless facility attachment applications. SB 556 not only further expedites processing times from 60 -90 days down to 45 days, but also additionally restricts review time for application of more than 300 attachments to 60 days (federal law does not distinguish by the number of attachments). The timelines are wholly unreasonable, but ultimately unnecessary as the bill directly removes the ability of local jurisdictions and publicly owned utilities to deny an application.

Lastly, while local permitting is one part of wireless broadband deployment, SB 556 will not actually help close the digital divide. Removing the ability of local governments to negotiate fair and reasonable compensation, coupled with the mandatory use of taxpayer funded property, only hobbles the ability of local governments to bring quality internet connectivity to their respective communities. Moreover, nothing in this bill requires deployment through these measures in underserved and unserved areas – further incentivizing service providers to upgrade and deploy services in markets that will no longer be able to negotiate in-kind services, such as wifi connections in public parks, thereby maximizing the companies' rate of return.

Recognizing the importance of universal access to high-speed internet and closing the digital divide, counties throughout the state have made access to high-speed internet a priority, some funding projects with general fund monies and creating streamlined permitting processes. As such, we encourage the California State Legislature to develop incentives for telecommunications companies to serve areas that for too long have not had access to reliable and affordable internet. Unfortunately, SB 556 rewards service providers for continuing to focus on more lucrative population centers by allowing them unfettered access to public infrastructure in those areas, further disincentivizing broadband deployment in low-income urban and high-cost rural areas of the state that lack basic and affordable connectivity.

In order to bring equitable opportunities for education and financial growth and to all Californians, we must provide affordable access to reliable and robust internet connectivity. To that end, we are pleased to support the Governor's proposal for a one-time appropriation of \$7 billion to make a serious effort to help close the Digital Divide. With these funds and the additional financing sources they would leverage, California can once again be a leader in digital access. We call on the telecommunications industry to support this historic proposal as well, considering their many public statements in support of universal access to reliable, high-speed broadband.

Should you have any questions or concerns regarding our position, please contact Tracy Rhine (RCRC) at trhine@rcrcnet.org, Christopher Lee (CSAC) at clee@counties.org, or Kiana Valentine (UCC) at kiana@politicogroup.com.

Sincerely,



Christopher Lee
CSAC



Tracy Rhine
RCRC



Kiana Valentine
UCC

cc: The Honorable Miguel Santiago, Chair, Assembly Communications and Conveyance Committee
Members, Assembly Communications and Conveyance Committee
Consultant, Assembly Communications and Conveyance Committee
Consultant, Assembly Republican Caucus