



September 13, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Senate Bill 556 (Dodd) – REQUEST FOR VETO

The Rural County Representatives of California (RCRC) respectfully urge your veto of Senate Bill 556, authored by Senator Bill Dodd, 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,

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subdivisions (c) 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 to 90 days down to 45 days, but also additionally restricts review time for applications 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 wi-fi 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. Additionally, this year the Legislature and your administration have made historic investments in ensuring all Californians have access to reliable high-quality broadband services. SB 556 is inconsistent with those efforts and 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.

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In order to bring equitable opportunities for education and financial growth to all parts of California, we must provide affordable access to reliable and robust internet connectivity. We applaud all of the work done this year to finally bridge the digital divide. Signing SB 556 into law would be a step backwards.

For these reasons, RCRC respectfully requests your veto of SB 556.

Sincerely,



TRACY RHINE
Senior Legislative Advocate

cc: The Honorable Bill Dodd, Member of the State Senate