

Date of Hearing: June 9, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 556 (Dodd) – As Amended May 4, 2021

SENATE VOTE: 31-2

SUBJECT: Street light poles, traffic signal poles: small wireless facilities attachments.

SUMMARY: Requires street light poles and traffic signal poles owned by a local government or local publicly owned electric utility (POU) to be made available for the placement of small wireless facilities, and outlines the rates and fees that may be imposed for this use of these poles. Specifically, **this bill:**

- 1) Prohibits a local government or POU from unreasonably denying the leasing or licensing of its street light poles or traffic signal poles to communications service providers for the purpose of placing small wireless facilities.
- 2) Requires street light poles and traffic signal poles to be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees, subject to the requirements in this bill governing compensation.
- 3) Allows access to street light poles or traffic signal poles to also be subject to other reasonable terms and conditions that may include, but are not limited to, reasonable aesthetic and safety standards.
- 4) Requires a POU or local government to respond to a request for placement of a small wireless facility by a communications service provider on a street light pole or traffic signal pole, or multiple poles, owned or controlled by the POU or local government within 45 days of the date of receipt of the request, or within 60 days if the request is to attach to over 300 poles.
- 5) Requires, if a request to place small wireless facilities is denied, the POU or local government to provide in the response the reason for the denial and the remedy to gain access to the street light poles or traffic signal poles.
- 6) Requires, if a request to attach small wireless facilities is accepted, the POU or local government, within 14 days after acceptance of the request, to provide a cost estimate, based on actual cost, for any necessary make-ready work required to accommodate the small wireless facility. The requesting party shall accept or reject the make-ready cost estimate within 14 days.
- 7) Requires, within 60 days of acceptance of the cost estimate for make-ready work, the POU or local government to notify any existing third-party attachers that make-ready work for a new attacher needs to be performed. The requesting party shall have the responsibility to coordinate with third-party existing attachers for make-ready work to be completed.

- 8) Requires all parties to complete all make-ready work within 60 days of notification, or within 105 days in the case of a request to attach to over 300 poles. The POU or local government may complete make-ready work without the consent of the existing attachers, if the existing attachers fail to move their attachments by the end of the make-ready timeline requirements specified in this bill.
- 9) Allows the timelines specified above to be extended under special circumstances upon agreement of the POU or local government and the communications service provider.
- 10) Allows a POU or local government to deny an application for use of a street light pole or traffic signal pole, as applicable, because of insufficient capacity or safety, reliability, or engineering concerns, subject to both of the following conditions:
 - a) The capacity, safety, and reliability concerns can be addressed through the replacement of the street light pole or traffic signal pole but the communication service provider is unable or unwilling to replace the pole or a replacement of the pole would not sufficiently mitigate the safety, engineering or capacity concerns.
 - b) The POU or local government identifies the concerns, provides the communication service provider with an opportunity to remedy the concerns, and the communication service provider declines to adopt the remedies.
- 11) Allows, in denying an application, a POU or local government to also take into account the manner in which a request from a communications service provider under this bill could impact an approved project for future use by the POU or the local government of its street light poles or traffic signal poles for delivery of the core service related to a street light pole or traffic signal pole, as applicable.
- 12) Specifies that this bill does not limit the authority of a POU or local government to ensure compliance with all applicable law in determining whether to approve or disapprove use of a street light pole or traffic signal pole, as applicable.
- 13) Provides that a local government or POU is entitled to fair and reasonable compensation that recovers a reasonable approximation of the direct and actual costs related to the communication service provider's placement of small wireless facilities on street light poles or traffic signal poles, consistent with the Federal Communications Commission's (FCC) Declaratory Ruling and Third Report and Order (September 26, 2018) FCC 18-133, In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 and WC Docket No. 17-84 (Small Cell Order).
- 14) Provides that compensation may include both of the following:
 - a) The local government or POU may assess an annual attachment rate per pole that is a reasonable approximation of the direct and actual costs and does not exceed an amount resulting from both of the following requirements:
 - i) The local government or POU shall calculate the rate by multiplying the percentage of the total usable space that would be occupied by the small wireless facility

- attachment by the annual costs of ownership of the street light pole or traffic signal pole.
- ii) The local government or POU shall not levy a rate that exceeds the estimated amount required to provide use of the street light pole or traffic signal pole for which the annual recurring rate is levied. If the rate creates revenues in excess of actual costs, the local government or POU shall use those revenues to reduce the rate.
- b) The local government or POU may assess a one-time reimbursement fee for actual costs incurred by the local government or POU for rearrangements performed at the request of the communications service provider.
- 15) Provides that a POU or local government establishes a rebuttable presumption that its attachment fees comply with the requirements outlined in 13) and 14), above, if the attachment fees are equal to or less than the presumptively reasonable attachment fee set forth in the FCC's Small Cell Order, as specified.
- 16) Requires, if a POU or local government has not determined the appropriate annual attachment fee pursuant to 14) a), above, the POU or local government to charge an annual reasonable attachment fee not to exceed the presumptively reasonable attachment fee set forth in the FCC's Small Cell Order, pending its determination of the appropriate annual attachment fee pursuant to 14) a), above.
- 17) Allows, if a POU or local government adopts an annual attachment fee pursuant to 14) a), above, that is effective and is greater than the amount charged pursuant to 16), above, the POU or local government to collect from a communications service provider that has paid the annual attachment fee assessed pursuant to 16), above, the difference between the adopted annual attachment fee and the amount paid by the communication service provider during the pendency of the determination of the annual attachment fee pursuant to 14) a), above.
- 18) Requires, unless the communications service provider and local government otherwise agree, if existing contractual attachment rates exceed the presumptively reasonable attachment fee set forth in the FCC's Small Cell Order, the rates, terms, and conditions that are specified in a contract executed before January 14, 2019, to remain valid only for small wireless facilities already attached to a street light pole or traffic signal pole by a communications service provider before January 1, 2022, and only until the contract, rate, term, or condition expires or is terminated according to its terms by one of the parties.
- 19) Provides that this bill does not prohibit a POU or local government from requiring a one-time fee to process a request for attachment, if the one-time fee does not exceed the actual cost of processing the request.
- 20) Provides that this bill does not prohibit a communications service provider and a local government from mutually agreeing to a rate, charge, term, or condition that is different from that provided in this bill. Either party may withdraw from a negotiation for an agreement upon written notice to the other party.
- 21) Provides that, if the communications service provider requests a rearrangement of a street light pole or traffic signal pole, owned and controlled by a local government or POU, the

local government or POU may charge a one-time reimbursement fee for the actual costs incurred for the rearrangement.

- 22) Requires a POU to use its existing utility pole attachment fee authority to set street light and traffic signal fees specified by this bill unless the POU adopts the annual attachment fee that is presumed reasonable pursuant to the FCC's 2018 Small Cell Order, as specified.
- 23) Makes a number of findings and declarations regarding the purposes of this bill, including the demand for internet service and barriers to deployment of broadband infrastructure throughout the state.
- 24) Provides the following definitions:
- a) "Annual costs of ownership" means the annual capital costs and annual operating costs of a street light pole or traffic signal pole, which shall be the average costs of all similar street light poles and traffic signal poles owned or controlled by the local government or POU. The basis for the computation of annual capital costs shall be historical capital costs less depreciation. The accounting upon which the historical capital costs are determined shall include a credit for all reimbursed capital costs. Depreciation shall be based upon the average service life of the street light pole or traffic signal pole. Annual cost of ownership does not include costs for any property not necessary for use by the small wireless facility.
 - b) "Communications service provider" means a cable television corporation, video service provider, or telephone corporation.
 - c) "Governing body" means the governing body of a local government or POU, including, where applicable, a board appointed by a city council.
 - d) "Local government" means a city, including a charter city, county, or city and county.
 - e) "Small wireless facility" has the same definition as defined in subsection (l) of Section 1.6002 of Title 47 of the Code of Federal Regulations.
 - f) "Street light pole" means a pole, arm, or fixture used primarily for street, pedestrian, or security lighting.
 - g) "Traffic signal pole" means a pole, arm, or fixture used primarily for signaling traffic flow.
 - h) "Usable space" means the space above the minimum grade that can be used for the attachment of antennas and associated ancillary equipment.
- 25) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, as specified.

EXISTING LAW:

Existing federal law:

- 1) Provides the FCC with broad regulatory authority over telecommunications services, including wireless facilities and service.
- 2) Establishes requirements to remove barriers to competitive telecommunications markets, including prohibiting state and local governments from adopting legal requirements that have the effect of prohibiting an entity from providing interstate and intrastate telecommunications services. Existing law protects state and local government authority to set certain legal and regulatory requirements for telecommunications services and facilities as long as those requirements are competitively neutral and nondiscriminatory. In the event that a state or local government establishes legal requirements that violate this framework, the FCC is required to preempt those local and state requirements.
- 3) Establishes general local government authority regarding zoning law and placement of wireless service facilities. Existing law specifies that, with certain limitations, nothing in federal law regarding wireless facility deployment shall limit the authority of a state or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.
- 4) Specifies limitations on state and local government regulatory authority over wireless facilities, including prohibiting state and local governments from adopting requirements that unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services. Limitations also prohibit state and local governments from regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that wireless facilities comply with the FCC's regulations concerning such emissions.

Existing state law:

- 1) Establishes a framework for the California Public Utilities Commission (CPUC) to adjudicate pole and line attachment disputes between cable television corporations and investor-owned utilities (IOUs). This framework defines the "annual cost of ownership" for IOU poles as the annual capital costs and annual operating costs and includes a method for calculating annual capital costs, accounting for depreciation of the of the capital costs based on the average service life of the pole.
- 2) Allows telegraph or telephone corporations to construct lines of telegraph or telephone lines along and upon any public rights of way and permits these corporations to erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, as long as they do so in a manner that does not restrict the public use of the roads and waters.
- 3) Requires POUs to make appropriate space and capacity on and in a utility pole and support structure owned or controlled by the POU available for use by a communications service provider pursuant to reasonable terms and conditions. Existing law establishes specified

timelines for responding to pole attachment requests and completing pole attachments and provides additional time for projects that include attachments to more than 300 poles.

- 4) Establishes requirements for fees charged by POU's for attachments by communications service providers, including specifying that the annual fee charged by the POU may not exceed the POU's annual costs of ownership, which is defined as the sum of the annual capital costs and annual operation costs.
- 5) Establishes a public process by which a POU may adopt or adjust fees or terms of access for pole attachments and procedures for disputing a POU's rates, terms, and conditions for pole attachments.
- 6) Prohibits a local government from charging a fee for the placement, installation, repair, or upgrading of authorized telecommunications facilities when that fee exceeds the reasonable costs of providing the service for which the fee is charged. Local governments may not levy these fees for general revenue purposes.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Background.** Two federal laws – the Telecommunications Act of 1996 (Telecom Act) and the Spectrum Act – regulate the siting and approval of wireless facilities, including small wireless facilities or “small cells.” The FCC is responsible for administering these laws.

The Telecom Act establishes several requirements to remove barriers to competitive telecommunications markets. State and local governments cannot adopt requirements that prohibit or have the effect of prohibiting an entity from providing interstate and intrastate telecommunications services. However, the Telecom Act protects state and local government authority to set certain legal and regulatory requirements for telecommunications services and facilities. State and local governments can manage the public right of way and require fair and reasonable compensation from carriers, as long as those requirements are competitively neutral and nondiscriminatory. If a state or local government establishes legal requirements that violate this framework, the FCC must preempt those state or local requirements.

Under the Telecom Act, state and local governments also cannot adopt requirements that unreasonably discriminate among providers of functionally equivalent wireless services or prohibit or have the effect of prohibiting the provision of wireless service. Local governments must also act within a reasonable period of time after an application for a wireless permit is submitted. Otherwise, state and local governments can regulate the placement, construction, and modification of wireless facilities. The Spectrum Act further requires state and local governments to allow “eligible facilities requests,” which are requests for collocation, removal, or replacement of new transmission equipment on a structure with an existing wireless installation.

Federal regulations spell out the types of wireless installations that are considered “small wireless facilities” or small cells. Specifically, small cells:

- a) Can occupy up to 31 cubic feet, including antennas and all other wireless equipment.
 - b) Are mounted on structures up to 50 feet tall or 10% taller than other adjacent structures.
 - c) Are not located on Tribal lands.
 - d) Meet other technical requirements.
- 2) **State Law Governing Access to POU Infrastructure.** Recognizing the increasing need to deploy broadband infrastructure, AB 1027 (Buchanan), Chapter 580, Statutes of 2011, established a framework for POU's to make available appropriate space and capacity on and in their utility poles and support structures for use by a communications service provider. The measure established timelines by which a POU must respond to a request for use of a pole or support structure and provide a cost estimate for attachments, and for completion of make-ready work. It also allowed a POU to deny a request for use due to insufficient capacity or safety, reliability, or engineering concerns, and specified the fees POU's could impose for the use of their poles or support structures.
- 3) **FCC's 2018 Small Cell Order.** Since the enactment of the Telecom Act, the FCC has adopted several orders designed to reduce market barriers and encourage the deployment of cable and wireless facilities. In 2018, the FCC adopted the Small Cell Order, the Moratoria Order, and the One Touch Make-Ready Order. The first two orders spelled out the limits on local governments' authority to regulate telecommunications providers. The third order was intended to prevent owners and operators of utility poles from discriminatorily denying or delaying 5G and broadband service providers access to the poles.

The Small Cell Order and Moratoria Order limit the fees that local governments can charge for the use of space on utility poles and the time frame for reviewing a communication service provider's request to attach a small wireless facility to a utility pole. As part of these orders, the FCC asserted that the Telecom Act gave the FCC the authority to preempt local rules that restrict the attachment of small wireless facilities when those local rules are discriminatory or have the effect of prohibiting a provider from providing a telecommunications service.

- 4) **Fee Limitations.** The FCC's 2018 orders found that some state and local governments charge excessive fees for wireless facility deployments, which have the cumulative effect of prohibiting deployment in other parts of the country. The FCC orders limited fees for accessing the right of way, or fees for the use of government property in the right of way (such as light poles and traffic signal poles) for deployment of small cells. Fees violate the Telecom Act unless they: are a reasonable approximation of the state or local government's costs; only factor in objectively reasonable costs; and, are no higher than the fees charged to similarly-situated competitors in similar situations.

However, the order also established a "safe harbor" level of fees presumed to be a reasonable approximation of a local government's costs for attachments. The FCC set these amounts at \$270 per small cell per year, plus a one-time fee of \$500 per application for small cell deployment (plus some additional costs). The order, recognizing that local costs vary, did not prohibit local governments from charging a fee above the \$270 threshold. If a state or local government sets fees above this amount that a carrier challenges, the state or local

government must demonstrate that its fee is a reasonable approximation of the cost, objectively reasonable, and non-discriminatory.

- 5) **City of Portland v. United States.** Following the FCC's adoption of its 2018 Small Cell Order, the City of Portland joined a number of local governments in a legal challenge to the FCC's order. In August 2020, the Ninth Circuit Federal Court of Appeals issued a decision that largely upheld the FCC's 2018 Small Cell Order. However, the court's decision reversed the FCC's limitation on local authority to establish aesthetic requirements for small cell attachments. The City of Portland and other plaintiffs have petitioned the United States Supreme Court for a review of the federal circuit court's decision.
- 6) **Author's Statement.** According to the author, "California can take immediate steps to close the digital divide by passing this proposal. For too long, telecommunication projects have been delayed by confusing regulations, entrenched in excessive bureaucracy. These processes have had a severe impact on bringing high-speed internet to many communities across California. As employers and schools across our state have shifted to virtual participation, highlighting disparities of access faced by low-income families and people of color, it is now time to ensure a better access to internet for all."
- 7) **Bill Summary.** This bill outlines requirements for access to street light and traffic signal poles owned by local governments and POUs for the purpose of placing wireless facilities, sets timelines for this process, and specifies fees that may be imposed for this access.

Access and Timelines. This bill requires street light and traffic signal poles of local governments and POUs to be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees. Access may also be subject to other reasonable terms and conditions that may include, but are not limited to, reasonable aesthetic and safety standards.

A local government or POU must respond to a request for placement of a small wireless facility within 45 days, or 60 days if the request is to attach to more than 300 poles. The bill establishes additional timelines for cost estimates and make-ready work. These timelines may be extended upon mutual agreement of the local agency and the communications service provider.

Local agencies cannot unreasonably deny leasing or licensing of their street light or traffic poles, and must provide a reason for denial and a remedy to gain access. A local government or POU may deny an application for a pole attachment due to insufficient capacity or safety, reliability, or engineering concerns, subject to the following conditions:

- a) The capacity, safety, and reliability concerns can be addressed through the replacement of the street light pole or traffic signal pole, but the communication service provider is unable or unwilling to replace the pole or a replacement of the pole would not sufficiently mitigate the safety, engineering, or capacity concerns.
- b) The POU or local government identifies the concerns, provides the communication service provider with an opportunity to remedy the concerns, and the communication service provider declines to adopt the remedies.

In denying an application, a POU or local government may also take into account the manner in which a request could impact an approved project for future use by the POU or local government of its street light poles or traffic signal poles for delivery of the core service related to the pole.

Fees. This bill limits the fees that local governments and POU's can charge for small wireless facility attachments to street light and traffic signal poles. Local governments and POU's may establish compensation that is a reasonable approximation of the direct and actual costs, consistent with the FCC small cell order. Fees can include:

- a) An annual attachment rate per pole that is based on the percentage of usable space taken up by the small wireless facility and the total annual cost of ownership of the street light or traffic signal pole, similar to the methodology used for calculating the cost of using a utility pole pursuant to AB 1027. If the local government or municipal utility charges a rate that exceeds its actual costs, it must use those fees to reduce the rate.
- b) A one-time fee to reimburse the local government or municipal utility for the costs of rearranging existing attachments on the pole.
- c) A one-time fee to process a request for attachment, if the fee does not exceed the actual cost of processing the request.

This bill establishes a rebuttable presumption that a local government's or POU's annual attachment fees are reasonable if those fees are equal to or less than the annual \$270 fee for each small wireless attachment included in the FCC's 2018 small cell order. The bill also requires a local government or POU to offer this \$270 annual fee until it adopts an annual attachment fee that meets the bill's requirements. If a local government or POU offers this \$270 fee before adopting a reasonable attachment fee that exceeds the \$270 safe harbor, the local government or POU may collect from the communications service provider the difference between the \$270 and the adopted fee.

Any agreement on rates, terms, and conditions for small wireless facility attachments to street light and traffic signal poles that occurred before the January 14, 2019, enactment of the FCC's 2018 Small Cell Order remain valid for attachments installed by January 1, 2022, until the contract expires.

This bill requires a POU to use its existing utility pole attachment fee authority pursuant to AB 1027 to set fees specified by this bill unless the POU adopts the \$270 annual fee that is presumed reasonable pursuant to the FCC's 2018 Small Cell Order.

This bill is sponsored by the author.

2) **Policy Considerations.** The Committee may wish to consider the following:

- a) **Ongoing Court Proceedings.** As noted above, the FCC's 2018 Small Cell Order is still being litigated. The Committee may wish to consider if it is premature to enact state legislation before the outcome of this court action is determined.

- b) **Consistency with the FCC's Small Cell Order.** A number of stakeholders have noted that some of the provisions of this bill are inconsistent with the FCC's Small Cell Order. For example, the FCC's order governs access to poles in the right of way, while this bill's provisions are not limited to poles in the right of way. As another example, this bill requires a local agency to identify a remedy when denying access to poles, whereas the FCC order does not. The Committee may wish to consider if these inconsistencies are appropriate for this state and its policy goals for broadband deployment.
- c) **Improving Access for Unserved and Underserved Areas.** Bridging the digital divide has been, and continues to be, a challenge in California. This bill contains no specific language or requirements for communications service providers to deploy in unserved or underserved areas. The Committee may wish to consider to what degree this bill will actually increase access in these areas and help close the digital divide.
- 3) **Related Legislation.** AB 14 (Aguiar-Curry) makes permanent the California Advanced Services Fund (CASF) program to expand broadband service and makes significant modifications to the program. AB 14 is pending in the Senate.

AB 537 (Quirk) makes several changes to existing law that requires an application for a wireless telecommunications facility to be deemed approved. AB 537 is pending in the Senate.

SB 378 (Gonzalez) enacts the Broadband Deployment Acceleration Best Practices Act of 2021 and requires local governments to allow microtrenching for the installation of underground fiber optic equipment. SB 378 is currently pending in this Committee.

- 4) **Previous Legislation.** SB 649 (Hueso, 2017) would have established requirements for local government permitting of small cell facilities in the public rights of way. SB 649 was vetoed.

AB 2788 (Gatto, 2016) would have established requirements for local government permitting of small cell facilities, including fee limitations, exemptions to certain local permitting requirements, and timelines for approving small cell placement permits. AB 2788 was held in the Senate.

AB 57 (Quirk), Chapter 685, Statutes of 2015, specified that a wireless telecommunications collocation or siting application is deemed approved if the city or county fails to approve or deny the application within the time periods specified in applicable FCC decisions, all required public notices have been provided regarding application, and the applicant has provided a notice to the city or county that the time period has lapsed.

AB 162 (Holden, 2013) would have prohibited a local government from denying certain requests for modifying an existing wireless telecommunications facility or structure that does not substantially change the physical dimensions of the wireless facility or structure. The bill also would have required a local government to act on a request within 90 days of receipt. AB 162 was held in the Assembly.

SB 1027 (Buchanan) Chapter 580, Statutes of 2011, required electric POUs to make appropriate space and capacity on and in their utility poles and support structures available for use by cable television corporations, video service providers, and telephone corporations.

The bill established requirements for fees for accessing POU's infrastructure, terms and conditions of access, and a mechanism for challenging fees and access terms.

- 5) **Arguments in Support.** Verizon writes, "This bill would bring California into compliance with FCC regulations by making clear that localities must provide reasonable, nondiscriminatory and cost-based access to their street light poles and traffic signal poles for wireless 'small cell' attachment. It would establish a uniform cost methodology for determining attachment rates, consistent with existing California law and CPUC regulations that currently apply to similar wireless telecommunications attachments to Publicly Owned Utility (POU) and Investor Owned Utility (IOU) poles and telephone poles.

"Consumer demand for reliable, high-speed broadband connectivity continues to grow rapidly every year, and the COVID-19 pandemic has only highlighted the extent to which access to broadband has become essential for participating in virtually every aspect of modern society. While industry must step up—and is— so, too, must state and local governments, which control critical aspects of the broadband deployment process—from pole access to pricing to permitting—and can grind deployment to a halt merely by inaction. But Californians cannot afford to wait any longer for these vital broadband services; the time to build is now.

"This legislation is critical to increasing broadband access for consumers, students, small businesses, and communities whose broadband options are in many cases limited or unavailable. Expanding wireless infrastructure deployment will also have a positive impact on revenues as state and local governments enjoy the benefits of job and GDP growth and smart city savings. In California alone, experts estimate that widespread 5G deployment will create 736,000 jobs and contribute \$316.3 billion to GDP growth. California cannot afford to be left behind in the digital space as the state pursues economic recovery. Wireless providers are ready to invest in and expand California's communications networks that make innovation possible and help transform communities and industries."

- 6) **Arguments in Opposition.** The League of California Cities states, "SB 556 seeks to implement the Federal Communication Commission's (FCC) regulations around wireless broadband deployment into state law. This is unnecessary, as cities and counties across the nation are already obligated to comply with the federal laws and are actively implementing these regulations. Additionally, efforts are underway to contest these regulations in the Supreme Court, which could lead to changes in the regulations beneficial to local governments. Enshrining these federal regulations into state law now, while they continue to be disputed, could undermine local governments' ability to be fairly compensated for access to their infrastructure.

"While we appreciate the recognition of local authority to manage the public-right-of-way in the most recent amendments, SB 556 now requires local governments to allow telecommunications providers the opportunity to provide remedies if an application for a pole attachment is denied. Per existing FCC decisions, local governments are afforded the authority to deny an application based on 'safety, engineering, and insufficient capacity concerns.' Local governments should not be required to allow applicants to provide remedies when public health and safety are at risk, as that is inconsistent with what has been agreed upon at the federal level.

“SB 556 is an attempt by the telecommunications industry to undermine local authority in broadband permitting while making no meaningful progress towards closing the digital divide in California's unserved and underserved communities. If California is to close the digital divide, legislative efforts should focus on encouraging and incentivizing telecommunications companies to service areas that for too long have not had access to reliable and affordable internet. Therefore, SB 556 fails to address the needs of these communities that need broadband deployment the most.”

- 7) **Double-Referral.** This bill is double-referred to the Communications and Conveyance Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Bay Area Council
California Retailers Association
Californiahealth+ Advocates
Contra Costa County Office of Education
Crown Castle
CTIA
East Bay Leadership Council
Individuals in Support (17,110)
Inland Empire Economic Partnership
LeadingAge California
LGBT Center Long Beach
LGBT Technology Partnership & Institute
LGBTQ Community Center of The Desert
Los Angeles County Business Federation
Napa County Office of Education
Orange County Business Council
Pasadena Chamber of Commerce and Civic Association
Sacramento Hispanic Chamber of Commerce
Sacramento LGBT Community Center
Santa Monica Chamber of Commerce
Sf.citi
Silicon Valley Leadership Group
Sonoma County Office of Education
TechNet
T-Mobile
Valley Industry & Commerce Association
Verizon

Opposition

5g Free California
5GFree Marin
Americans for Responsible Technology
California Alliance of Nurses for Healthy Environments

California Brain Tumor Association
California Municipal Utilities Association (unless amended)
Californians for Safe Technology
City of Los Altos
City of Rancho Cucamonga
City of Redwood City
City of Santa Clarita
City of Simi Valley
Communications Workers of America, District 9
Consumers for Safe Cell Phones
East Bay Neighborhoods for Responsible Technology
Ecological Options Network
City of El Centro
City of Elk Grove
EMF Safety Network
Families Advocating for Chemical and Toxics Safety
Greater Stockton Chamber of Commerce
City of La Cañada Flintridge
City of Lakewood
League of California Cities
City of Palmdale
Physicians for Safe Technology
City of Rancho Cordova
Safe Technology for Santa Rosa
Safetech4santarosa.org
Salmon Protection and Watershed Network
Santa Barbara Green Sisters
The Utility Reform Network
City of Thousand Oaks
City of Torrance
Towards an Internet of Living Beings
Two Heads Tutoring

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